

Date of Hearing: Wednesday, March 17, 2010

Committee: House Committee on Education

Board: Education

Person Testifying: Garrett Toguchi, Chairperson, Board of Education

Title of Resolution: H.C.R. No. 222, Urging the Board of Education to Hasten Its Efforts to Adopt Administrative Rules to Enable the Implementation of the Law Governing Charter Schools

Purpose of Resolution: Urges the Board of Education (Board) to accelerate its efforts to adopt administrative rules to enable the implementation of the Charter School Law, including the procedure relating to revoking the charter of a public charter school. Urges the Board and the Charter School Review Panel, after the adoption of administrative rules, to take action to hold Waters of Life Public Charter School accountable for the school's expenditures of state funds and the quality of education offered by the school, including the procedures relating to revoking the charter of a public charter school.

Board's Position: Chairperson Takumi, Vice Chairperson Berg, and members of the House Committee on Education, thank you for the opportunity to testify on H.C.R. No. 222.

On August 20, 2009, the Board approved for public hearings, proposed administrative rules regarding public charter schools probation and revocation procedures. Proposed Chapter 500,

Hawaii Administrative Rules, Hawaii Public Charter Schools Probation and Revocation Procedures (Chapter 500), was subsequently sent to the Attorney General for approval to form.

Since then, proposed Chapter 500 has been approved by the Governor to go to public hearings. The Board will be holding public hearings tomorrow, March 18, 2010, at 9 a.m. in the Board Room on several proposed administrative rules, one of which is proposed Chapter 500.

Under the Public Charter Schools Law (Chapter 302B, Hawaii Revised Statutes), the Charter School Review Panel has the powers and duties, among other things, to issue and revoke charters. Under the law, the Board serves in an "appeals capacity" with respect to charter schools. The Board has the power to decide appeals from the decisions of the Charter School Review Panel to: (1) deny the approval of a charter school application; (2) revoke a charter schools charter; or (3) deny the approval of an amendment to a charter school's Detailed Implementation Plan. There is a delineation of the powers and duties of the Board and Charter School Review Panel under the law.

Regarding actions related to the revocation of a charter school, the Board's role is an appeals body for applicants who are appealing to the Board, the decisions of the Charter School Review Panel, which include the panel's decision to revoke a charter school's charter.

Lastly, the Board will make every effort to expedite the promulgation of Chapter 500 regarding public charter schools probation and revocation procedures. As such, we do not believe H.C.R. No. 222 is necessary.

Thank you for the opportunity to testify on this measure.