

Honolulu, Hawaii

March 30, 2010

RE: H.C.R. No. 38  
H.D. 1

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Fifth State Legislature  
Regular Session of 2010  
State of Hawaii

Sir:

Your Committee on Education, to which was referred H.C.R. No. 38 entitled:

"HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF EDUCATION TO ALLOW VACANT CLASSROOMS TO BE USED BY CHARTER SCHOOLS,"

begs leave to report as follows:

The purpose of this concurrent resolution is to require the Department of Education (DOE) to prioritize a portion of the available vacant classrooms for use by public charter schools, and require DOE and the Charter School Administrative Office (CSAO) to:

- 1) Coordinate and allow the use of vacant school classrooms by charter schools; and
- 2) Prepare a list of vacant classrooms to be set aside for public charter schools to submit to the Legislature before it adjourns its 2010 Session.

The Office of the Governor, Office of Hawaiian Affairs, CSAO, Hawaii Charter School Network, and Kamehameha Schools testified in support of this measure. DOE opposed this measure.

Your Committee has amended this concurrent resolution by:



- (1) Removing the request to DOE to allow the use of vacant classrooms by charter schools;
- (2) Recognizing that BOE has the power to formulate statewide educational policy pursuant to HRS 302A-1101, and that DOE is restricted in efforts to consolidate schools pursuant to the Hawaii Administrative Rules, Title 8, Chapter 38;
- (3) Stating that DOE has established task forces to explore school consolidations on Hawaii, Maui, Molokai, and Oahu, with future plans to research school consolidation in five different areas on Oahu, and that schools closed due to consolidation, such as Wailupe School, are at risk of being removed from DOE authority;
- (4) Requesting BOE to develop policies to allot a portion of the existing eighty vacant classrooms for use by charter schools, and also develop policies that allow public schools that are closed to remain as facilities available for use by charter schools or for other educational purposes;
- (5) Changing the title of the concurrent resolution to read: "REQUESTING THE BOARD OF EDUCATION TO CREATE POLICIES ALLOWING CHARTER SCHOOLS TO USE VACANT CLASSROOMS AND SCHOOLS THAT WILL BE CLOSED"; and
- (6) Changing the submittal deadline of the list of vacant classrooms and schools due to the Legislature to April 29, 2010 and including in that list schools that have recently been closed or are to be closed;
- (6) Requiring that BOE submit a report summarizing the policies they develop in accordance to this concurrent resolution to the Legislature no later than twenty days prior to the convening of the Regular Session of 2011;
- (8) Specifying that certified copies of this concurrent resolution be transmitted to:
  - (A) The Chairperson of the BOE;
  - (B) The Superintendent of Education;
  - (C) The Executive Director of the CSAO; and



- (9) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 38, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.C.R. No. 38, H.D. 1.

Respectfully submitted on  
behalf of the members of the  
Committee on Education,



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ROY TAKUMI, Chair



