
A BILL FOR AN ACT

RELATING TO CHARTER SCHOOLS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that the department of
2 education is considering the closure of certain non-charter
3 public schools due to departmental financial constraints. At
4 the same time, some public charter schools face daunting
5 obstacles such as the high cost of rent and less-than-desirable
6 location of their facilities.

7 The purpose of this Act is to require the department of
8 education to make available vacant school facilities or portions
9 of school facilities for use by charter schools.

10 SECTION 2. Chapter 302A, Hawaii Revised Statutes, is
11 amended by adding a new section to be appropriately designated
12 and to read as follows:

13 "§302A- Use of vacant public school facilities by
14 charter schools. (a) The department shall submit a notice of
15 vacancy of a school facility or portion of a school facility to
16 the charter school review panel within days of the
17 establishment of the vacancy.

1 (b) The charter school review panel shall thereafter
2 solicit applications from charter schools interested in using
3 and occupying all or portions of the facilities of the public
4 school, if closed, by:

5 (1) Promptly notifying all charter schools that the public
6 school is being considered for closure;

7 (2) Affording each charter school an opportunity to submit
8 a written explanation and justification of why the
9 charter school should be considered for possible
10 occupancy and use of the facilities of the public
11 school if it is closed;

12 (3) Fully considering the charter school's submission
13 materials; and

14 (4) Providing a written response to each charter school's
15 submission after the submission has been fully
16 considered.

17 (c) Based on the submission materials and on other
18 considerations, the charter school review panel shall compile a
19 prioritized list of charter schools and submit the list to the
20 department for final determination of which, if any, charter
21 school shall be authorized to use and occupy the public school
22 facilities.

1 (d) Upon the selection of a charter school to use a vacant
2 school facility or portion of a school facility, the department
3 and the charter school review panel shall enter into necessary
4 agreements within days to carry out the purposes of this
5 section.

6 (e) The department shall adopt rules, pursuant to chapter
7 91, necessary to carry out the purposes of this section."

8 SECTION 3. Chapter 302B, Hawaii Revised Statutes, is
9 amended by adding a new section to be appropriately designated
10 and to read as follows:

11 **"§302B- Use of vacant public school facilities. (a)**
12 When a school facility or portion of a school facility becomes
13 vacant, the department shall submit to the panel a notice of
14 vacancy pursuant to section 302A- .

15 (b) The charter school review panel shall thereafter
16 solicit applications from charter schools interested in using
17 and occupying all or portions of the facilities of the public
18 school by:

19 (1) Promptly notifying all charter schools that the public
20 school is being considered for closure;

21 (2) Affording each charter school an opportunity to submit
22 a written explanation and justification of why the

1 charter school should be considered for possible
2 occupancy and use of the facilities of the public
3 school if it is closed;

4 (3) Fully considering the charter school's submission
5 materials; and

6 (4) Providing a written response to each charter school's
7 submission after the submission has been fully
8 considered.

9 (c) Based on the submission materials and on other
10 considerations, the charter school review panel shall compile a
11 prioritized list of charter schools and submit the list to the
12 department for final determination of which, if any, charter
13 school shall be authorized to use and occupy the public school
14 facilities.

15 (d) Upon selection of a charter school to use a vacant
16 school facility or portion of a school facility, the panel shall
17 notify the department and enter into necessary agreements with
18 the department within days to carry out the purposes of this
19 section.

20 (e) The panel shall adopt rules, pursuant to chapter 91,
21 necessary to carry out the purposes of this section, including
22 but not limited to:

- 1 (1) Procedures for charter schools to apply in writing to
- 2 use vacant school facilities;
- 3 (2) Criteria for the panel to use in determining which
- 4 charter schools to be included on the prioritized list
- 5 to be submitted to the department; and
- 6 (3) Procedures for the panel to notify charter school
- 7 applicants that are granted and not granted the use of
- 8 vacant school facilities."

9 SECTION 4. Section 302A-1151, Hawaii Revised Statutes, is
 10 amended to read as follows:

11 "[~~§~~302A-1151~~]~~ **Sale of school lands unnecessary for**
 12 **school purposes.** The chairperson of the board of land and
 13 natural resources is hereby requested, upon the recommendation
 14 and approval of the superintendent, to sell any state lands,
 15 including the buildings thereon, once used but no longer
 16 necessary for school purposes~~[-]~~; provided that no school
 17 facility or portion of a school facility shall be sold before
 18 that facility or portion of the facility is made available for
 19 use by charter schools, pursuant to sections 302A- and
 20 302B- ."

21 SECTION 5. Section 302B-3, Hawaii Revised Statutes, is
 22 amended by amending subsection (i) to read as follows:

- 1 "(i) The powers and duties of the panel shall be to:
- 2 (1) Appoint and evaluate the executive director and
- 3 approve staff and salary levels for the charter school
- 4 administrative office;
- 5 (2) Review, approve, or deny charter applications for new
- 6 charter schools in accordance with section 302B-5 for
- 7 the issuance of new charters; provided that applicants
- 8 that are denied a charter may appeal to the board for
- 9 a final decision pursuant to section 302B-3.5;
- 10 (3) Review, approve, or deny significant amendments to
- 11 detailed implementation plans to maximize the school's
- 12 financial and academic success, long-term
- 13 organizational viability, and accountability. Charter
- 14 schools that are denied a significant amendment to
- 15 their detailed implementation plan may appeal to the
- 16 board for a final decision pursuant to section
- 17 302B-3.5;
- 18 (4) Review and approve or deny applications for the use of
- 19 vacant school facilities or portions of school
- 20 facilities by charter schools, pursuant to sections
- 21 302A- and 302B- ;
- 22 [~~4~~] (5) Adopt reporting requirements for charter schools;

- 1 ~~[(+5)]~~ (6) Review annual self-evaluation reports from
2 charter schools and take appropriate action;
- 3 ~~[(+6)]~~ (7) Evaluate any aspect of a charter school that the
4 panel may have concerns with and take appropriate
5 action, which may include probation or revocation;
- 6 ~~[(+7)]~~ (8) Periodically adopt improvements in the panel's
7 monitoring and oversight of charter schools;
- 8 ~~[(+8)]~~ (9) Periodically adopt improvements in the office's
9 support of charter schools and management of the
10 charter school system;
- 11 ~~[(+9)]~~ (10) Review, modify, and approve charter schools' all
12 means of finance budget, based upon criteria and an
13 approval process established by the panel; and
- 14 ~~[(+10)]~~ (11) Survey all charter school facilities prior to,
15 and in preparation for, determining recommendations to
16 allocate non-per-pupil facilities funds to charter
17 schools with facilities needs. The survey shall
18 include, at minimum, for each charter school facility:
19 (A) The current status of the facility;
20 (B) Facilities costs, including all rents, leases,
21 purchases, and repair and maintenance for lands
22 and buildings;

- 1 (C) A prioritized list of facilities needs;
- 2 (D) Any capital improvement projects underway or
- 3 scheduled; and
- 4 (E) Whether the facility is a conversion or start-up
- 5 charter school, and current and projected
- 6 enrollment."

7 SECTION 6. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 7. This Act shall take effect upon its approval.

10

Report Title:

Charter Schools; Vacant School Facilities

Description:

Requires the department of education to make available vacant school facilities or portions of school facilities for use by charter schools. Requires the charter school review panel to compile a prioritized list of charter schools that wish to use vacant school facilities or portions of school facilities.

(SD1)

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