
A BILL FOR AN ACT

RELATING TO EDUCATION.

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 closing certain non-charter public
3 schools due to departmental financial constraints. At the same
4 time, some public charter schools face daunting obstacles such
5 as the high cost of rent and less-than-desirable location of
6 their facilities. The purpose of this Act is to require the
7 department of education to incorporate into its school-closing
8 process an opportunity for public charter schools to relocate
9 into the facilities formerly occupied by any non-charter public
10 school that is being closed, or allowing such facilities to be
11 used for educational purposes, if no charter school requests
12 such use or if no charter school is an appropriate candidate for
13 such use.

14 SECTION 2. Chapter 302B, Hawaii Revised Statutes, is
15 amended by adding a new section to be appropriately designated
16 and to read as follows:



1 "§302B- Occupancy and use of facilities of public
2 schools. (a) When the department considers whether to close
3 any particular public school that is not a charter school, it
4 shall simultaneously give reasonable consideration to making all
5 or portions of the facilities of the public school, if closed,
6 available for occupancy and use by a charter school. The
7 department shall submit a notice of a possible opportunity of
8 availability of the public school to the charter school review
9 panel.

10 (b) The charter school review panel shall thereafter
11 solicit applications from charter schools interested in using
12 and occupying all or portions of the facilities of the public
13 school, if closed, by:

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

16 (2) Affording each charter school an opportunity to submit
17 a written explanation and justification of why the
18 charter school should be considered for possible
19 occupancy and use of the facilities of the public
20 school if it is closed;

21 (3) Fully considering the charter school's submission
22 materials; and



1 (4) Providing a written response to each charter school's
2 submission after the submission has been fully
3 considered.

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

10 (d) If, after giving the charter school review panel the
11 notice in subsection (a), the charter school review panel does
12 not provide a prioritized list of charter schools because no
13 charter school has requested to use the facilities of the public
14 school or the department receives the prioritized list but
15 determines that no charter school on the list is an appropriate
16 candidate to occupy and use the facilities, then the department
17 shall give reasonable consideration into making all or portions
18 of the facilities of the public school, if closed, available for
19 occupancy and use for other educational purposes. The
20 department shall adopt rules pursuant to chapter 91 to create a
21 priority list for evaluating the order in which the facilities
22 of the public school may be offered for use and occupancy for



Report Title:

Education; Facilities; Charter Schools; Educational Purposes

Description:

Requires the department of education to consider making public school facilities available to charter schools, when public schools are closed. Requires the charter school review panel to compile a prioritized list of charter schools who wish to use and occupy the facilities. Provides that, if no charter school requests such use or no charter school is appropriate, then the department of education shall consider making the public school facilities available for other educational purposes. Requires the department to adopt rules to determine a priority list and criteria to evaluate use for other educational purposes. (SD1)

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