
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 some public charter
2 schools face daunting obstacles, including the high cost of rent
3 and less-than-desirable locations for their facilities, while
4 the department of education is considering the closure of
5 certain school that are not charter schools due to financial
6 constraints.

7 The purpose of this Act is to require the department of
8 education to consider making available vacant school facilities
9 or portions of those 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) When the department considers whether to
15 close any particular public school, it shall simultaneously give
16 reasonable consideration to making all or portions of the
17 facilities of the public school available for the exclusive
18 occupancy and use by a charter school, or joint occupancy and



1 use by the charter school and the department; provided that the
2 department may elect to use the facilities for the support of
3 public education programs.

4 (b) The department shall submit a notice of possible
5 availability of a public school to the charter school review
6 panel as early as possible; provided that if a vacancy is
7 established, a notice of vacancy shall be submitted to the
8 charter school review panel no later than days after the
9 establishment of the vacancy.

10 (c) Pursuant to section 302B- and upon receipt of a
11 notice pursuant to subsection (b), the charter school review
12 panel shall solicit applications from charter schools interested
13 in using and occupying all or portions of the facilities of the
14 public school and submit a prioritized list of charter schools
15 to the department for final determination of which charter
16 school, if any, shall be authorized to use and occupy the public
17 school facilities.

18 (d) Upon the selection of a charter school to use a vacant
19 school facility or portion of a school facility, the department
20 and the charter school review panel shall enter into necessary
21 agreements within days of the selection to carry out the
22 purposes of this section.



1 (e) After receipt by the charter school review panel of a
2 notice pursuant to subsection (b), if the charter school review
3 panel does not provide a prioritized list of charter schools
4 because no charter school has requested to use the facilities of
5 the public school, or if the department receives the prioritized
6 list but determines that no charter school on the list is an
7 appropriate candidate to occupy and use the facilities, the
8 department shall give reasonable consideration to making all or
9 portions of the facilities of the public school, if closed,
10 available for occupancy and use for other educational purposes.

11 (f) The department shall adopt rules necessary to carry
12 out the purposes of this section.

13 (g) For purposes of this section, "public school" means
14 any school that falls within the definition of public schools in
15 section 302A-101, except for charter schools."

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

19 "§302B- Occupancy and use of facilities of public
20 schools. (a) When the department considers whether to close
21 any particular public school, the department shall submit a
22 notice of possible availability of a public school or notice of



1 vacancy of a public school to the panel pursuant to section
2 302A- (b); provided that the public school is not to be used by
3 the department to support public education programs.

4 (b) Upon receipt of a notice pursuant to section
5 302A- (b), the panel shall solicit applications from charter
6 schools interested in using and occupying all or portions of the
7 facilities of the public school by:

8 (1) Promptly notifying all charter schools that the public
9 school is being considered for closure; and

10 (2) Affording each charter school an opportunity to submit
11 an application with a written explanation and
12 justification of why the charter school should be
13 considered for possible occupancy and use of the
14 facilities of the public school.

15 (c) After fully considering each charter school's
16 application and based on the applications received and on other
17 considerations, the panel shall:

18 (1) Provide a written response to each charter school's
19 application after each application has been fully
20 considered; and

21 (2) Compile a prioritized list of charter schools and
22 submit the list to the department for final



1 determination of which charter school, if any, shall
2 be authorized to use and occupy the public school
3 facilities.

4 (d) Upon the selection of a charter school to use a vacant
5 school facility or portion of a school facility, the department
6 and the panel shall enter into necessary agreements within
7 _____ days of the selection to carry out the purposes of this
8 section; provided that any agreement between the panel and the
9 department shall stipulate that a charter school that uses and
10 occupies a public school facility or portion of a public school
11 facility shall be responsible for the full or pro rata share of
12 the repair and maintenance costs for that facility or portion of
13 the facility, as the case may be.

14 (e) The panel shall adopt policies and procedures
15 necessary to carry out the purposes of this section, including:

16 (1) Procedures for charter schools to apply in writing to
17 use vacant school facilities;

18 (2) Criteria for the panel to use in determining which
19 charter schools to include on the prioritized list to
20 be submitted to the department; and



1 (3) Procedures for the panel to notify charter school
2 applicants that are granted or denied the use of
3 vacant school facilities.

4 (f) For purposes of this section, "public school" means
5 any school that falls within the definition of public schools in
6 section 302A-101, except for charter schools."

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

9 "[+]§302A-1151[+] Sale of school lands unnecessary for
10 school purposes. The chairperson of the board of land and
11 natural resources [~~is hereby requested,~~] may upon the
12 recommendation and approval of the superintendent, [~~to~~] sell any
13 state lands, including the buildings thereon, once used but no
14 longer necessary for school purposes[-]; provided that no school
15 facility or portion of a school facility shall be sold before
16 that facility or portion of the facility is made available for
17 use by the department or charter schools, pursuant to sections
18 302A- and 302B- ."

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

21 "(i) The powers and duties of the panel shall be to:



- 1 (1) Appoint and evaluate the executive director and
2 approve staff and salary levels for the charter school
3 administrative office;
- 4 (2) Review, approve, or deny charter applications for new
5 charter schools in accordance with section 302B-5 for
6 the issuance of new charters; provided that applicants
7 that are denied a charter may appeal to the board for
8 a final decision pursuant to section 302B-3.5;
- 9 (3) Review, approve, or deny significant amendments to
10 detailed implementation plans to maximize the school's
11 financial and academic success, long-term
12 organizational viability, and accountability. Charter
13 schools that are denied a significant amendment to
14 their detailed implementation plan may appeal to the
15 board for a final decision pursuant to section
16 302B-3.5;
- 17 (4) Pursuant to section 302B- , compile and submit
18 prioritized lists of charter schools to the department
19 and enter into necessary agreements with the
20 department to authorize charter schools to use and
21 occupy all or portions of the facilities of a vacant
22 public school;



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

1 (B) Facilities costs, including all rents, leases,
2 purchases, and repair and maintenance for lands
3 and buildings;

4 (C) A prioritized list of facilities needs;

5 (D) Any capital improvement projects underway or
6 scheduled; and

7 (E) Whether the facility is a conversion or start-up
8 charter school, and current and projected
9 enrollment."

10 SECTION 6. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 7. This Act shall take effect on July 1, 2050.



Report Title:

Charter Schools; Vacant School Facilities

Description:

Requires the Department of Education (DOE) to consider making available vacant school facilities or portions of those facilities for use by charter schools. Requires the Charter School Review Panel to compile and submit to DOE a prioritized list of charter schools that wish to use these facilities. Effective July 1, 2050. (SB2589 HD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

