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## A BILL FOR AN ACT.

RELATING TO PUBLIC SCHOOL FACILITIES.

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

1           SECTION 1. Chapter 302A, Hawaii Revised Statutes, is  
2 amended by adding a new section to subpart C of part IV to be  
3 appropriately designated and to read as follows:

4           "§302A-           Use of department school athletic facilities.

5           (a) In accordance with this section, a department school  
6 principal shall make the athletic facilities of the department  
7 school available for use by a public charter school whenever it  
8 would be feasible without interference with the activities of  
9 the department school.

10           (b) Notwithstanding any other law to the contrary, all  
11 public charter schools shall have the right of first refusal for  
12 the use of a department school's athletic facilities within the  
13 complex area in which the public charter school is located;  
14 provided that the right of first refusal shall apply only with  
15 regard to the times and dates of availability provided pursuant  
16 to subsection (c). A public charter school's application for  
17 the use of department school athletic facilities shall be



1 submitted in writing to the appropriate department school  
2 principal in the manner prescribed by the department.

3 (c) No later than ten days prior to the commencement of  
4 each school semester, every department school principal shall  
5 distribute to each public charter school located within the  
6 complex area of the department school, a schedule that sets  
7 forth the available times and dates for the use of athletic  
8 facilities of the department school. In preparing the  
9 schedules, department school principals shall include every  
10 available time and date feasible under the policies of the  
11 department. Department school principals shall update the  
12 schedules throughout the school semester as necessary and  
13 immediately following the department school principal's approval  
14 of an activity to which an update applies.

15 (d) If more than one public charter school applies for the  
16 use of department school athletic facilities for the same time  
17 and date, priority shall be given among the applications in the  
18 order of their submission.

19 (e) Nothing in this section shall be construed to affect:

20 (1) The discretion of department school principals to  
21 approve or deny applications for the use of department



1           school athletic facilities in accordance with  
2           applicable procedures and criteria of the department  
3           that are consistent with this section; provided that  
4           no department school principal shall unreasonably  
5           withhold approval for public charter school uses of  
6           department school athletic facilities for times and  
7           dates of availability provided pursuant to subsection  
8           (c); and

9           (2) The application of any standard terms or conditions  
10           imposed by the department for the use of department  
11           school athletic facilities.

12           (f) A public charter school may appeal a department school  
13 principal's denial of an application under this section to the  
14 appropriate complex area superintendent, who shall, to the  
15 extent possible, render a final decision on the matter prior to  
16 the planned date of the activity."

17           SECTION 2. Section 302A-1148, Hawaii Revised Statutes, is  
18 amended by amending subsection (a) to read as follows:

19           "(a) All public school buildings, facilities, and grounds  
20 shall be available for general recreational purposes, and for  
21 public and community use, whenever these activities do not



1 interfere with the normal and usual activities of the school and  
2 its pupils. Any other law to the contrary notwithstanding, but  
3 subject to section 302A- , the department shall adopt rules  
4 under chapter 91 as are deemed necessary to carry out the  
5 purposes of this section and may issue licenses, revocable  
6 permits, concessions, or rights of entry to school buildings and  
7 grounds for such periods of use as deemed appropriate by the  
8 department. All such dispositions, including those in excess of  
9 fourteen days, need not be approved by the board of land and  
10 natural resources; provided that approval by the board of land  
11 and natural resources shall be required when the dispositions  
12 are for periods in excess of a year. The department may assess  
13 and collect fees and charges from the users of school buildings,  
14 facilities, grounds, and equipment, which include fees and  
15 charges assessed and collected by the department for parking on  
16 roadways and in parking areas under the jurisdiction of the  
17 department, pursuant to section 302A-1151.6. The fees and  
18 charges shall be deposited into a separate fund and expended by  
19 the department under rules as may be adopted by the board;  
20 provided that any parking fees assessed and collected by a



1 school shall be deposited to the credit of that school's  
2 nonappropriated local school fund account."

3 SECTION 3. New statutory material is underscored.

4 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY: Cindy Evans

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JAN 21 2016



# H.B. NO. 1744

**Report Title:**

DOE Athletic Facilities; Charter Schools

**Description:**

Provides public charter schools with the right of first refusal for the use of DOE athletic facilities within the school complex area and on available dates. Requires DOE school principals to provide public charter schools with schedules of available dates for the use of athletic facilities.

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

