
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 on July 1, 2050.



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. (HB1744 HD1)

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