
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 Center for
2 Education Reform has noted that the creation of multiple charter
3 school authorizers is one of the most important components of a
4 strong charter school law. Approximately seventy-eight per cent
5 of the nation's charter schools are located in states with
6 multiple charter school authorizers. These states are also home
7 to the highest quality charter schools, as evidenced by test
8 scores, numerous credible research studies, and continuous
9 observation.

10 The purpose of this Act is to require the legislature,
11 should the board of education grant chartering authority to
12 authorizers other than the state public charter school
13 commission, to appropriate funds to the commission and all other
14 authorizers based on a per-pupil allocation.

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



1 "§302D- Multiple authorizers; funding. (a) If the
2 board, pursuant to section 302D-4, grants chartering authority
3 to an authorizer other than the commission, the legislature
4 shall appropriate funds to each authorizer based on a per-pupil
5 allocation and in the same manner as allocations are made to the
6 charter schools pursuant to section 302D-28.

7 (b) Beginning with the 2020-2021 fiscal year, the
8 legislature shall make an appropriation to each authorizer that
9 is separate from and in addition to any appropriation made to
10 charter schools pursuant to sections 302D-28 and 302D-29.5.

11 (c) The board shall adopt rules pursuant to chapter 91 to
12 implement this section.

13 (d) As used in this section, "authorizer" means an entity
14 to whom the board has granted chartering authority pursuant to
15 section 302D-4."

16 SECTION 3. Section 302D-20, Hawaii Revised Statutes, is
17 amended by amending subsection (a) to read as follows:

18 "(a) Transfer of a charter contract, and of oversight of
19 that public charter school, from one authorizer to another
20 before the expiration of the charter term shall not be permitted
21 except by special petition to the board by a public charter



1 school or its authorizer. The board shall review such petitions
2 on a case-by-case basis and may grant transfer requests in
3 response to special circumstances and evidence that such a
4 transfer would serve the best interests of the public charter
5 school's students. If the board grants the transfer request,
6 the board shall manage the timely and orderly transfer of the
7 charter contract and all applicable funding from the former
8 authorizer to the new authorizer within ten calendar days of its
9 granting of the transfer request."

10 SECTION 4. Section 302D-29.5, Hawaii Revised Statutes, is
11 amended as follows:

12 1. By amending subsection (a) to read:

13 "(a) Beginning with the 2016-2017 fiscal year, and each
14 fiscal year thereafter, the legislature shall consider making an
15 appropriation and bond authorization to [~~the commission~~] each
16 authorizer for the design, planning, construction, repair, and
17 maintenance of public charter school improvements to address
18 issues of health, safety, and legal compliance; expand or
19 improve instructional space; provide for food services; or
20 provide restroom facilities. The appropriation and bond
21 authorization for charter schools shall be separate from, and in



1 addition to, any appropriation made to charter schools pursuant
2 to this section and section 302D-28. These amounts shall be
3 prioritized for allocation by the charter school facilities
4 funding working group."

5 2. By amending subsections (d) and (e) to read:

6 "(d) There is established a charter school facilities
7 funding working group within the department of education, which
8 shall consist of the following members, or their designees:

9 (1) The chairperson of [~~the commission,~~] each authorizer;

10 (2) The executive director of [~~the commission,~~] each
11 authorizer, as applicable;

12 (3) The director of finance;

13 (4) The comptroller;

14 (5) The superintendent of education;

15 (6) An individual with expertise in real estate, to be
16 appointed by the chairperson of the [~~commission,~~]
17 board; and

18 (7) An individual with expertise in finance, to be
19 appointed by the chairperson of the [~~commission,~~]
20 board.



1 The [~~commission~~] board shall develop criteria to determine
2 the distribution of funds appropriated pursuant to subsection
3 (a) to the charter schools. The criteria shall include
4 distribution based on the need and performance of the charter
5 schools, overall benefit to the surrounding community, amount of
6 risk and availability of recourse to the State, and whether a
7 particular charter school received facilities funding through
8 other state funding, including grants-in-aid or a separate
9 appropriation.

10 The charter school facilities funding working group shall
11 be exempt from chapter 92 and shall act in an advisory capacity
12 to prioritize the allocation of general fund appropriations and
13 bond proceeds for public charter schools to expend based on the
14 criteria established by the [~~commission-~~] board.

15 (e) Nothing in this section shall be construed as
16 restricting the authority of [~~the commission~~] each authorizer to
17 support the facilities needs of the charter schools through
18 other means."

19 SECTION 5. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.



1 SECTION 6. This Act shall take effect upon its approval.

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INTRODUCED BY:

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JAN 22 2020



H.B. NO. 2427

Report Title:

Charter Schools; Multiple Authorizers; Funding; Transfers

Description:

Provides that if BOE grants chartering authority to an authorizer other than the State Public Charter School Commission, the Legislature must appropriate funds to the Commission and any other authorizer based on a per-pupil allocation. Beginning with FY2020-2021, requires the Legislature to make an appropriation to the Commission and any other authorizer that is separate from and in addition to any appropriation made to charter schools pursuant to sections 302D-28 and 302D-29.5, HRS. Requires the transfer of the charter contract and all applicable funding from a former authorizer to a new authorizer within 10 calendar days of board approval. Makes conforming amendments.

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