
HOUSE CONCURRENT RESOLUTION

URGING THE STATE PUBLIC CHARTER SCHOOL COMMISSION TO WORK WITH
STAKEHOLDERS TO DEVELOP AND ADOPT ADMINISTRATIVE RULES,
INCLUDING RULES GOVERNING THE NEGOTIATION PROCESS BETWEEN
THE COMMISSION AND PUBLIC CHARTER SCHOOLS.

1 WHEREAS, charter schools were created as catalysts of
2 change and to offer more choices in education for Hawaii's
3 unique communities; and
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5 WHEREAS, the Legislature passed Act 62, Session Laws of
6 Hawaii 1999, which increased flexibility and autonomy at the
7 school level by allowing existing public schools and new schools
8 to be designated as new century charter schools; and
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10 WHEREAS, 2024 marks the 25th anniversary of Act 62, Session
11 Laws of Hawaii 1999, which paved the way for the establishment
12 of charter schools in the State; and
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14 WHEREAS, existing state law allows the State Public Charter
15 School Commission (Commission) to adopt rules to administer and
16 implement state laws regarding public charter schools; and
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18 WHEREAS, existing state law requires the Commission to
19 negotiate and execute sound charter contracts with each approved
20 charter applicant and with existing public charter schools; and
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22 WHEREAS, although existing state law provides the Board of
23 Education with the power to decide appeals of decisions by the
24 Commission to deny the approval of a charter application, deny
25 renewal of a charter contract, or revoke a charter school's
26 charter contract, there is no appeals process for a complaint;
27 and
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1 WHEREAS, in Honolulu Civil Beat's article, *Hawaii Charter*
2 *Schools Say Test Scores Don't Tell The Whole Story*, the 2023
3 Interim Executive Director of the Commission stated that "the
4 Commission...has the responsibility of holding charter schools
5 accountable to their governing contracts," however, "[i]n a 2021
6 review, the Board of Education called on commissioners to
7 provide more clarity about their expectations for schools'
8 academic performances"; and

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10 WHEREAS, the Honolulu Civil Beat article, *Charter School*
11 *Oversight Is Still A Source of Contention In Hawaii*, discussed a
12 note by a Deputy Attorney General for Hawaii Public Charter
13 Schools that "[one] contract states that the commission is not
14 required to allow a school to remedy a problem before revoking
15 its charter...[and] appeared to violate charter schools' right
16 to due process"; and

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18 WHEREAS, given the significant milestone of the 25th
19 anniversary since Act 62, Session Laws of Hawaii 1999, was
20 passed, it is long overdue for charter schools to be provided a
21 more defined system of negotiating with the Commission; now,
22 therefore,

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24 BE IT RESOLVED by the House of Representatives of the
25 Thirty-second Legislature of the State of Hawaii, Regular
26 Session of 2024, the Senate concurring, that the State Public
27 Charter School Commission is urged to work with the Board of
28 Education, public charter schools, and advocacy organizations,
29 including the Hawaii Public Charter Schools Network, to develop
30 and adopt administrative rules, including rules governing
31 negotiations between the Commission and public charter schools;
32 and

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34 BE IT FURTHER RESOLVED that in developing the
35 administrative rules, the State Public Charter School Commission
36 consider providing an appeals process before the Board of
37 Education for addressing complaints regarding the Commission's
38 execution of administrative rules, including rules governing
39 negotiations; and

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41 BE IT FURTHER RESOLVED that certified copies of this
42 Concurrent Resolution be transmitted to the Chairperson of the
43 Board of Education; Executive Director of the State Public



- 1 Charter School Commission; and Chair of the Board of Directors
- 2 of the Hawaii Public Charter Schools Network.

