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## HOUSE RESOLUTION

URGING THE STATE PUBLIC CHARTER SCHOOL COMMISSION TO WORK WITH  
STAKEHOLDERS TO DEVELOP AND ADOPT ADMINISTRATIVE 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 regarding unfair negotiating practices by the Commission; and  
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29           WHEREAS, in Honolulu Civil Beat's article, *Hawaii Charter*  
30 *Schools Say Test Scores Don't Tell The Whole Story*, the 2023  
31 Interim Executive Director of the Commission stated that "the



1 Commission...has the responsibility of holding charter schools  
2 accountable to their governing contracts," however, "[i]n a 2021  
3 review, the Board of Education called on commissioners to  
4 provide more clarity about their expectations for schools'  
5 academic performances"; and

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7 WHEREAS, according to the Honolulu Civil Beat article,  
8 *Charter School Oversight Is Still A Source of Contention In*  
9 *Hawaii*, behind the scenes, many charter schools continue to have  
10 a contentious relationship with the Commission, and charter  
11 schools and advocacy organizations believe that the Commission's  
12 control over the budget of charter schools and the Commission's  
13 lack of willingness to negotiate backs charter schools into a  
14 corner; and

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16 WHEREAS, additionally, the Honolulu Civil Beat article  
17 includes a statement from one charter school director that "the  
18 rigidity of the Commission's current contract also stifles  
19 innovation by requiring 37 unique schools to sign a one-size-  
20 fits-all contract and discouraging negotiation"; and

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22 WHEREAS, the Honolulu Civil Beat article also discussed a  
23 note by a Deputy Attorney General for Hawaii Public Charter  
24 Schools that "[one] contract states that the commission is not  
25 required to allow a school to remedy a problem before revoking  
26 its charter...[and] appeared to violate charter schools' right  
27 to due process"; and

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29 WHEREAS, given the significant milestone of the 30th  
30 anniversary since the first public charter school law was  
31 passed, it is long overdue for charter schools to be provided a  
32 more defined system of negotiating with the Commission; now,  
33 therefore,

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35 BE IT RESOLVED by the House of Representatives of the  
36 Thirty-second Legislature of the State of Hawaii, Regular  
37 Session of 2024, that the State Public Charter School Commission  
38 is urged to work with the Board of Education, public charter  
39 schools, and advocacy organizations, including the Hawaii Public  
40 Charter Schools Network, to develop and adopt administrative  
41 rules, including rules governing negotiations between the  
42 Commission and public charter schools; and



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2 BE IT FURTHER RESOLVED that in developing the  
3 administrative rules, the Public Charter School Commission  
4 consider:

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- 6 (1) Providing more clarity about the Commission's
- 7 expectations for a public charter school's academic
- 8 performance;
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- 10 (2) Providing clarity on how the evaluation of academic
- 11 and other standards will affect funding decisions;
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- 13 (3) All factors on how funding allocations will be
- 14 decided;
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- 16 (4) How communication and the exchange of proposals in the
- 17 negotiating process will be carried out;
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- 19 (5) The extent to which the Commission shall adhere to the
- 20 data, arguments, and proposals presented by public
- 21 charter schools; and
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- 23 (6) Providing an appeals process before the Board of
- 24 Education for addressing complaints regarding the
- 25 Commission's execution of administrative rules,
- 26 including rules governing negotiations; and
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28 BE IT FURTHER RESOLVED that certified copies of this  
29 Resolution be transmitted to the Chairperson of the Board of  
30 Education; Executive Director of the State Public Charter School  
31 Commission; and Chair of the Board of Directors of the Hawaii  
32 Public Charter Schools Network.

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35 OFFERED BY:



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