
A BILL FOR AN ACT

RELATING TO PUBLIC CHARTER SCHOOLS.

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

1 SECTION 1. The legislature finds that public charter
2 schools and their authorizers play a vital role in Hawaii's
3 public education system.

4 The purpose of this Act is to:

- 5 (1) Clarify the grounds for an appeal of non-renewal or
6 revocation of a charter contract; and
7 (2) Authorize public charter schools to appeal directly to
8 the board of education on matters that materially
9 affect the school's operation, governance, or funding.

10 SECTION 2. Section 302D-15, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "**§302D-15 Appeals; charter applications, renewals, or**
13 **revocations.** (a) The board [~~shall have the power to~~] may
14 decide appeals of decisions by an authorizer to deny the
15 approval of a charter application, deny renewal of a charter
16 contract, or revoke a charter school's charter contract. An
17 appeal shall be filed with the board within twenty-one calendar



1 days of the receipt of the notification of denial or revocation.
2 Only a party whose charter application has been denied, whose
3 charter contract renewal has been denied, or whose charter
4 contract has been revoked may initiate an appeal under this
5 section for cause. Grounds for an appeal of non-renewal of a
6 charter contract or revocation of a charter contract may include
7 the authorizer's allegation of procedural errors, statutory
8 violations, or lack of compliance with contractual obligations
9 by the charter school. The board shall review an appeal and
10 issue a final decision within sixty calendar days of the filing
11 of the appeal.

12 (b) The board may decide appeals of an adverse decision by
13 an authorizer regarding a charter school's operation,
14 governance, or funding; provided that matters regarding negative
15 performance reviews are not subject to appeal to the board. An
16 appeal of an adverse decision under this section shall be filed
17 with the board within twenty-one calendar days of the receipt of
18 the notification of the adverse decision. Only a charter school
19 that is subject to the adverse decision may initiate an appeal
20 under this section for cause. The board shall review an appeal



1 of an adverse decision and issue a final decision within sixty
2 calendar days of the filing of the appeal.

3 ~~[(b)]~~ (c) The board shall serve as the final arbitrator of
4 appeals authorized by ~~[subsection]~~ subsections (a) ~~[-]~~ and (b).

5 ~~[(e)]~~ (d) [A] Except as otherwise provided in subsection
6 (b), a party shall not be entitled to a hearing before the board
7 under this section until it has exhausted all available
8 administrative remedies.

9 ~~[(d)]~~ (e) The board shall adopt rules pursuant to chapter
10 91 to implement this section."

11 SECTION 3. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

13 SECTION 4. This Act shall take effect on July 1, 3000.



H.B. NO. 901 H.D. 2

Report Title:

Charter Schools; BOE; Appeals

Description:

Clarifies the grounds for an appeal of non-renewal or revocation of a charter contract. Authorizes public charters schools to appeal directly to the Board of Education on matters regarding the schools' operations, governance, or funding, with certain exceptions. Effective 7/1/3000. (HD2)

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