

JAN 20 2012

S.B. NO. 2527

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# A BILL FOR AN ACT

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RELATING TO EDUCATION.

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

SECTION 1. Section 302A-1151.5, Hawaii Revised Statutes,  
is amended to read as follows:

"~~[§]302A-1151.5[§]~~ **Use of vacant public school facilities**  
~~[by charter schools]~~. (a) When the department considers  
whether to close any particular public school, it shall  
~~[simultaneously give reasonable consideration to making all or~~  
~~portions of the facilities of the public school available for~~  
~~the exclusive occupancy and use by a charter school or joint~~  
~~occupancy and use by the charter school and the department;~~  
~~provided that the department may elect to use the facilities for~~  
~~the support of public education programs, with preference given~~  
~~to instructional uses over administrative uses.]~~ give the right  
of first refusal to use all or portions of the public school's  
facilities to charter schools and pre-plus programs. In the  
event that no charter school or pre-plus program accepts an  
offer to use the public school's facilities, the facilities may  
be used for any other purpose the board deems appropriate.



1       ~~[(b) The department shall submit a notice of possible~~  
2       ~~availability of a public school to the charter school review~~  
3       ~~panel as early as possible; provided that if a vacancy is~~  
4       ~~established, a notice of vacancy shall be submitted to the~~  
5       ~~charter school review panel no later than thirty days after the~~  
6       ~~establishment of the vacancy.~~

7       ~~(c) Pursuant to section 302B-3.6 and upon receipt of a~~  
8       ~~notice pursuant to subsection (b), the charter school review~~  
9       ~~panel shall solicit applications from charter schools interested~~  
10      ~~in using and occupying all or portions of the facilities of the~~  
11      ~~public school and submit a prioritized list of charter schools~~  
12      ~~to the department for final determination of which charter~~  
13      ~~school, if any, shall be authorized to use and occupy the public~~  
14      ~~school facilities.~~

15      ~~(d) Upon the selection of a charter school to use a vacant~~  
16      ~~school facility or portion of a school facility, the department~~  
17      ~~and the charter school review panel shall enter into necessary~~  
18      ~~agreements within ninety days of the selection to carry out the~~  
19      ~~purposes of this section.~~

20      ~~(e) After receipt by the charter school review panel of a~~  
21      ~~notice pursuant to subsection (b), if the charter school review~~  
22      ~~panel does not provide a prioritized list of charter schools~~



~~because no charter school has requested to use the facilities of the public school, or if the department receives the prioritized list but determines that no charter school on the list is an appropriate candidate to occupy and use the facilities, the department shall give reasonable consideration to making all or portions of the facilities of the public school, if closed, available for occupancy and use for other educational purposes.]~~

(b) The department shall identify unused public school facilities that may be appropriate for:

(1) Charter schools;

(2) Early learning programs; and

(3) Any other purpose the board deems appropriate.

Suitable empty classrooms, as determined by the department, shall be inventoried for potential use by charter schools, early learning programs, or for any other purpose the board deems appropriate. Priority shall be given to facilities on sites with sufficient space for three or more classrooms.

~~[(f)]~~ (c) The department shall adopt rules necessary to carry out the purposes of this section.

~~[(g)]~~ (d) For purposes of this section, "public school" means any school that falls within the definition of public schools in section 302A-101, except for charter schools."



SECTION 2. Section 302A-1506.5, Hawaii Revised Statutes,  
is repealed.

~~["§302A-1506.5 Early learning facilities; identifying  
sites. (a) The department of education shall identify unused  
public school facilities to be used for early learning programs  
and services. Suitable empty classrooms, as determined by the  
department, shall be inventoried for potential use for early  
learning programs and services. Priority shall be given to  
facilities on sites with sufficient space for three or more  
classrooms to be renovated or constructed.~~

~~(b) The department shall assist in the identification of  
possible construction sites for private providers to build early  
learning facilities.~~

~~(c) The department shall submit an annual report to the  
legislature and the early learning council no later than twenty  
days prior to the convening of each regular session on:~~

~~(1) The number of classrooms that would be suitable for  
programs and services in the early learning system  
established by chapter 302L; and~~

~~(2) The cost of renovating these classrooms to meet the  
standards of programs and services in the early  
learning system." ]~~



1       SECTION 3.   Section 302B-3.6, Hawaii Revised Statutes, is  
2   repealed.

3       ~~["§302B-3.6] Occupancy and use of facilities of public~~  
4   ~~schools. (a) When the department considers whether to close~~  
5   ~~any particular public school, the department shall submit a~~  
6   ~~notice of possible availability of a public school or notice of~~  
7   ~~vacancy of a public school to the charter school review panel~~  
8   ~~pursuant to section 302A-1151.5(b); provided that the department~~  
9   ~~has not elected to use the public school to support education~~  
10   ~~programs.~~

11       ~~(b) If a charter school exclusively or jointly occupies or~~  
12   ~~uses buildings or facilities of a public school immediately~~  
13   ~~prior to converting to a charter school, upon conversion that~~  
14   ~~charter school shall be given continued exclusive or joint use~~  
15   ~~of the buildings or facilities; provided that:~~

16       ~~(1) The State may reclaim some or all of the buildings or~~  
17       ~~facilities if it demonstrates a tangible and~~  
18       ~~imperative need for such reclamation;~~

19       ~~(2) The State and the conversion charter school~~  
20       ~~voluntarily enter into an agreement detailing the~~  
21       ~~portion of those buildings or facilities that shall be~~  
22       ~~reclaimed by the State and a timetable for the~~



1           ~~reclamation. If a timetable cannot be reached, the~~  
2           ~~State may petition the panel for the reclamation, and~~  
3           ~~the panel may grant the petition only to the extent~~  
4           ~~that is not possible for the conversion charter school~~  
5           ~~and the department to jointly occupy or use the~~  
6           ~~buildings or facilities.~~

7           ~~(c) Upon receipt of a notice pursuant to section 302A-~~  
8           ~~1151.5(b), the panel shall solicit applications from charter~~  
9           ~~schools interested in using and occupying all or portions of the~~  
10          ~~facilities of the public school by:~~

11          ~~(1) Promptly notifying all charter schools that the public~~  
12          ~~school is being considered for closure; and~~

13          ~~(2) Affording each charter school an opportunity to submit~~  
14          ~~an application with a written explanation and~~  
15          ~~justification of why the charter school should be~~  
16          ~~considered for possible occupancy and use of the~~  
17          ~~facilities of the public school.~~

18          ~~(d) After fully considering each charter school's~~  
19          ~~application and based on the applications received and on other~~  
20          ~~considerations, the panel shall:~~



~~(1) Provide a written response to each charter school's application after each application has been fully considered; and~~

~~(2) Compile a prioritized list of charter schools and submit the list to the department for final determination of which charter school, if any, shall be authorized to use and occupy the public school facilities.~~

~~(c) Upon the selection of a charter school to use a vacant school facility or portion of a school facility, the department and the panel shall enter into necessary agreements within ninety days of the selection to carry out the purposes of this section; provided that any agreement between the panel and the department shall stipulate that a charter school that uses and occupies a public school facility or portion of a public school facility shall be responsible for the full or pro rata share of the repair and maintenance costs for that facility or portion of the facility, as the case may be.~~

~~(f) The panel shall adopt policies and procedures necessary to carry out the purposes of this section, including but not limited to:~~



- ~~(1) Procedures for charter schools to apply in writing to use vacant school facilities;~~
- ~~(2) Criteria for the panel to use in determining which charter schools to include on the prioritized list to be submitted to the department; and~~
- ~~(3) Procedures for the panel to notify charter school applicants that are granted or denied the use of vacant school facilities.~~

~~(g) For purposes of this section, "public school" means any school that falls within the definition of public schools in section 302A-101, except for charter schools."~~

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval.

INTRODUCED BY:

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# S.B. NO. 2527

**Report Title:**

Education; Facilities; Pre-plus Programs; Charter Schools

**Description:**

Amends section 302A-1151.5, Hawaii Revised Statutes, to require the department of education to give charter schools and pre-plus programs the right of first refusal to occupy all or a portion of public school facilities the department is considering for closure. In the event that no charter school or pre-plus program accepts an offer to use the public school's facilities, the facilities may be used for any other purpose the board of education deems appropriate. Requires the department to identify unused public schools facilities for possible use by charter schools, early learning programs, or for any other purpose the board of education deems appropriate. Repeals sections 302A-1506.5 and 302B-3.6, Hawaii Revised Statutes.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

