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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:**

1       SECTION 1. Section 302A-1151, Hawaii Revised Statutes, is  
2 amended to read as follows:

3       "**§302A-1151 Sale of school lands unnecessary for school**  
4 **purposes.** The chairperson of the board of land and natural  
5 resources is hereby requested, upon the recommendation and  
6 approval of the superintendent, to sell any state lands,  
7 including the buildings thereon, once used but no longer  
8 necessary for school purposes; provided that no school facility  
9 or portion of a school facility shall be sold before that  
10 facility or portion of the facility is made available for use by  
11 the department ~~[or]~~, charter schools, or pre-plus programs  
12 pursuant to ~~[sections]~~ section 302A-1151.5 ~~[and 302B-3.6]~~."

13       SECTION 2. Section 302A-1151.5, Hawaii Revised Statutes,  
14 is amended to read as follows:

15       "**[+]§302A-1151.5[+]** **Use of vacant public school facilities**  
16 **~~[by charter schools]~~.** (a) When the department considers  
17 whether to close any particular public school, it shall  
18 simultaneously give reasonable consideration to making all or



1 portions of the facilities of the public school available [~~for~~  
2 ~~the exclusive occupancy and use by a charter school or joint~~  
3 ~~occupancy and use by the charter school and the department;~~  
4 ~~provided that the department may elect to use the facilities for~~  
5 ~~the support of public education programs, with preference given~~  
6 ~~to instructional uses over administrative uses.] to charter  
7 schools and pre-plus programs; provided that the facilities may  
8 be used for any other purpose the board deems appropriate.~~

9 [~~(b) The department shall submit a notice of possible~~  
10 ~~availability of a public school to the charter school review~~  
11 ~~panel as early as possible; provided that if a vacancy is~~  
12 ~~established, a notice of vacancy shall be submitted to the~~  
13 ~~charter school review panel no later than thirty days after the~~  
14 ~~establishment of the vacancy.~~

15 [~~(c) Pursuant to section 302B-3.6 and upon receipt of a~~  
16 ~~notice pursuant to subsection (b), the charter school review~~  
17 ~~panel shall solicit applications from charter schools interested~~  
18 ~~in using and occupying all or portions of the facilities of the~~  
19 ~~public school and submit a prioritized list of charter schools~~  
20 ~~to the department for final determination of which charter~~  
21 ~~school, if any, shall be authorized to use and occupy the public~~  
22 ~~school facilities.~~



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

~~(e) After receipt by the charter school review panel of a notice pursuant to subsection (b), if the charter school review 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, such as the pre-plus program;

and

(3) Any other purpose the board deems appropriate.



1 Suitable empty classrooms, as determined by the department,  
2 shall be inventoried for potential use by charter schools, early  
3 learning programs, such as the pre-plus program, or for any  
4 other purpose the board deems appropriate. Priority shall be  
5 given to facilities on sites with sufficient space for three or  
6 more classrooms.

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

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

12 SECTION 3. Section 302B-3, Hawaii Revised Statutes, is  
13 amended by amending subsection (i) to read as follows:

14 "(i) The powers and duties of the panel shall be to:

15 (1) Appoint and evaluate the executive director and  
16 approve staff and salary levels for the charter school  
17 administrative office;

18 (2) Review, approve, or deny charter applications for new  
19 charter schools in accordance with section 302B-5 for  
20 the issuance of new charters; provided that applicants  
21 that are denied a charter may appeal to the board for  
22 a final decision pursuant to section 302B-3.5;



(3) Review, approve, or deny significant amendments to detailed implementation plans to maximize the school's financial and academic success, long-term organizational viability, and accountability. Charter schools that are denied a significant amendment to their detailed implementation plan may appeal to the board for a final decision pursuant to section 302B-3.5;

~~[(4)] Pursuant to section 302B-3.6, compile and submit prioritized lists of charter schools to the department and enter into necessary agreements with the department to authorize charter schools to use and occupy vacant public school facilities or portions of school facilities;~~

~~[(5)]~~ (4) Adopt reporting requirements for charter schools;

~~[(6)]~~ (5) Review annual self-evaluation reports from charter schools and take appropriate action;

~~[(7)]~~ (6) Adopt a clear process and rigorous organizational and educational criteria, including student achievement as a significant factor, for the authorization and reauthorization of school charters;



1       ~~[(8)]~~ (7) Evaluate each school charter, for the purpose of  
2           determining reauthorization, no later than four years  
3           following the initial issue of a charter and every six  
4           years thereafter; provided that charter schools that  
5           are denied reauthorization may appeal to the board for  
6           a final decision pursuant to section 302B-3.5;

7       ~~[(9)]~~ (8) Evaluate any aspect of a charter school that the  
8           panel may have concerns with and take appropriate  
9           action, which may include special monitoring,  
10          temporary withholding of an allocation for  
11          noncompliance issues, probation, or charter  
12          revocation; provided that charter schools that have  
13          their charter revoked may appeal to the board for a  
14          final decision pursuant to section 302B-3.5;

15      ~~[(10)]~~ (9) Periodically adopt improvements in the panel's  
16          monitoring and oversight of charter schools;

17      ~~[(11)]~~ (10) Periodically adopt improvements in the office's  
18          support of charter schools and management of the  
19          charter school system;

20      ~~[(12)]~~ (11) Review, modify, and approve charter schools' all  
21          means of finance budget, based upon criteria and an  
22          approval process established by the panel;



1       ~~[(13)]~~ (12) Survey all charter school facilities prior to,  
2                   and in preparation for, determining recommendations to  
3                   allocate non-per-pupil facilities funds to charter  
4                   schools with facilities needs. The survey shall  
5                   include, at minimum, for each charter school facility:

6                   (A) The current status of the facility;

7                   (B) Facilities costs, including all rents, leases,  
8                   purchases, and repair and maintenance for lands  
9                   and buildings;

10                  (C) A prioritized list of facilities needs;

11                  (D) Any capital improvement projects underway or  
12                   scheduled; and

13                  (E) Whether the facility is a conversion or start-up  
14                   charter school, and current and projected  
15                   enrollment;

16       ~~[(14)]~~ (13) Evaluate and investigate charter schools when  
17                   concerns arise that necessitate the resolution or  
18                   assistance with the resolution of legal, fiscal,  
19                   health, safety, and other serious issues; and

20       ~~[(15)]~~ (14) Ensure that local school boards are fulfilling  
21                   their oversight responsibilities pursuant to section  
22                   302B-7."



SECTION 4. 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 5. 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       ~~(1) Provide a written response to each charter school's~~  
2       ~~application after each application has been fully~~  
3       ~~considered; and~~

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

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

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



1       ~~(1) Procedures for charter schools to apply in writing to~~  
2       ~~use vacant school facilities;~~

3       ~~(2) Criteria for the panel to use in determining which~~  
4       ~~charter schools to include on the prioritized list to~~  
5       ~~be submitted to the department; and~~

6       ~~(3) Procedures for the panel to notify charter school~~  
7       ~~applicants that are granted or denied the use of~~  
8       ~~vacant school facilities.~~

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

12       SECTION 6. Statutory material to be repealed is bracketed  
13      and stricken. New statutory material is underscored.

14       SECTION 7. This Act shall take effect on July 1, 2050.



**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 consider allowing charter schools and pre-plus programs to occupy all or a portion of public school facilities the department is considering for closure; provided that the department may consider using the facilities for any other purpose the board of education deems appropriate. Requires the department of education 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. Effective 7/1/2050. (SD2)

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

