
A BILL FOR AN ACT

RELATING TO CHARTER SCHOOLS.

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

1 SECTION 1. Section 302D-13, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§302D-13 Start-up and conversion charter schools;**
4 **establishment.** (a) New start-up and conversion charter schools
5 may be established pursuant to this section.

6 (b) Any community, department school, school community
7 council, group of teachers, group of teachers and
8 administrators, or nonprofit organization may [~~submit a letter~~
9 ~~of intent to an authorizer to form a charter school and]~~
10 establish an applicant governing board[~~. An applicant governing~~
11 ~~board may~~] and develop a charter application pursuant to this
12 section; provided that:

13 (1) An applicant governing board established by a
14 community may develop a charter application for a
15 start-up charter school;

16 (2) An applicant governing board established by a
17 department school or a school community council may



1 develop a charter application for a conversion charter
2 school;

3 (3) An applicant governing board established by a group of
4 teachers or a group of administrators may develop a
5 charter application for a start-up or conversion
6 charter school; and

7 (4) A nonprofit organization may:

8 (A) Establish an applicant governing board that is
9 separate from the nonprofit organization and
10 develop a charter application for a start-up or
11 conversion charter school; or

12 (B) Establish an applicant governing board that shall
13 be the board of directors of the nonprofit
14 organization and may develop a charter
15 application for a conversion charter school;
16 provided that any nonprofit organization that
17 seeks to manage and operate a conversion charter
18 school shall:

19 (i) Submit to the authorizer at the time of the
20 charter application bylaws or policies that
21 describe the manner in which business is



1 conducted and policies that relate to the
2 management of potential conflict of interest
3 situations;

4 (ii) Have experience in the management and
5 operation of public or private schools or,
6 to the extent necessary, agree to obtain
7 appropriate services from another entity or
8 entities possessing such experience;

9 (iii) Not interfere in the operations of the
10 department school to be converted until
11 otherwise authorized by the authorizer in
12 consultation with the department; and

13 (iv) Have the same protections that are afforded
14 to all other governing boards in its role as
15 the conversion charter school governing
16 board.

17 (c) The charter school application process and schedule
18 shall be determined by the authorizer, and shall provide for and
19 include, at a minimum, the following elements:



- 1 (1) The issuance and publication of [~~a request for~~
2 ~~proposals~~] an application process by the authorizer on
3 the authorizer's internet website that, at a minimum:
- 4 (A) Solicits charter applications and presents the
5 authorizer's strategic vision for chartering;
- 6 (B) Includes or directs applicant governing boards to
7 the performance framework developed by the
8 authorizer in accordance with section 302D-16;
- 9 (C) Includes statutory criteria that will guide the
10 authorizer's decision to approve or deny a
11 charter application;
- 12 (D) States clear, appropriately detailed questions
13 and provides guidelines concerning the format and
14 content essential for applicant governing boards
15 to demonstrate the capacities necessary to
16 establish and operate a successful charter
17 school; and
- 18 (E) Requires charter applications to provide or
19 describe all essential elements, as determined by
20 the authorizer, of proposed school plans;



1 ~~[-(2) The submission of a letter of intent to open and~~
2 ~~operate a start up charter school or to convert a~~
3 ~~department school to a conversion charter school;~~
4 +(3)] (2) The timely submission of a completed charter
5 application to the authorizer; provided that a charter
6 application for a conversion charter school shall
7 include certification and documentation that the
8 charter application was approved by a majority of the
9 votes cast by existing administrative, support, and
10 teacher personnel, and parents of students at the
11 existing department school; provided that:
12 (A) This vote shall be considered by the authorizer
13 to be the primary indication of the existing
14 administrative, support, and teaching personnel,
15 and parents' approval to convert to a charter
16 school;
17 (B) The balance of stakeholders represented in the
18 vote and the extent of support received in
19 support of the conversion shall be key factors,
20 along with the applicant's proposed plans, to be



1 considered by the authorizer when deciding
2 whether to award a charter; and

3 (C) A breakdown of the number of administrative,
4 support, and teaching personnel, and parents of
5 students who constitute the existing department
6 school and the number who actually participated
7 in the vote shall be provided to the authorizer;

8 ~~[-(4)]~~ (3) The timely review of the charter application by
9 the authorizer for completeness, and notification by
10 the authorizer to the applicant governing board that
11 the charter application is complete~~[-]~~ or if the
12 authorizer determines that the application is
13 incomplete, notification by the authorizer to the
14 applicant governing board that the application is
15 incomplete, which provides a detailed listing of any
16 missing elements of the application and reasonable
17 opportunity for the applicant governing board to cure
18 any deficiency;

19 ~~[-(5)]~~ (4) Upon receipt of a completed charter application,
20 the review and evaluation of the charter application
21 by qualified persons including but not limited to:



1 (A) An in-person interview with representatives from
 2 the applicant governing board; and
 3 (B) An opportunity in a public forum for the public
 4 to provide input on each charter application;
 5 [~~(6)~~] (5) Following the review and evaluation of a charter
 6 application, approval or denial of the charter
 7 application by the authorizer in a meeting open to the
 8 public~~[7]~~ and subsequent written notice to the
 9 applicant and in the event of a denial, the notice
 10 must provide specific information to the applicant on
 11 its appeal rights to the board, including without
 12 limitation, the number of days by which the applicant
 13 must file an appeal with the board and where the
 14 applicant should file the appeal;
 15 [~~(7)~~] (6) A provision for a final date by which a written
 16 decision to approve or deny a charter application must
 17 be made by the authorizer, upon receipt of a complete
 18 charter application~~[7; and]~~ from the applicant;
 19 provided that if no written decision is provided by
 20 that date, the application shall be deemed approved;
 21 and



1 ~~[(8)]~~ (7) A provision that no charter school may begin
2 operation before obtaining authorizer approval of its
3 charter application and charter contract and
4 fulfilling pre-opening requirements that may be
5 imposed by the authorizer, pursuant to section
6 302D-14.5.

7 (d) A charter application to become a start-up or
8 conversion charter school shall meet the requirements of this
9 subsection, section 302D-25, and any other requirements set by
10 the authorizer. The charter application shall, at a minimum:

11 (1) Include plans for a charter school that are likely to
12 satisfactorily meet the academic, financial,
13 organizational, and operational performance
14 indicators, measures, and metrics set forth in the
15 authorizer's performance framework, pursuant to
16 section 302D-16;

17 (2) Include plans for a charter school that is in
18 compliance with applicable laws; and

19 (3) ~~[+]Recognize[+]~~ the interests of the general public.

20 (e) In reviewing a charter application under this section,
21 an authorizer shall take into consideration the constitution of



1 the applicant governing board, terms of applicant governing
2 board members, and the process by which applicant governing
3 board members were selected.

4 (f) In reviewing charter applications under this section,
5 an authorizer shall develop a schedule to approve or deny a
6 charter application by the end of the calendar year prior to the
7 opening year of the proposed charter school for purposes of
8 meeting any deadlines to request funding from the legislature;
9 provided that nothing in this section shall be construed as
10 requiring an authorizer to accept and review charter
11 applications annually.

12 (g) If a conflict between the provisions in this section
13 and other provisions in this chapter occurs, this section shall
14 control.

15 (h) If an authorizer takes any action that prohibits an
16 applicant from proceeding with an application for any reason,
17 that action shall be deemed a denial and subject to appeal
18 pursuant to section 302D-15."

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



1 "§302D-15 Appeals; charter applications, renewals, or
2 revocations. (a) The board shall have the power to decide
3 appeals of decisions by an authorizer to deny the approval of a
4 charter application, deny renewal of a charter contract, or
5 revoke a charter school's charter contract. An appeal shall be
6 filed with the board within twenty-one calendar days of the
7 receipt of the notification of denial or revocation. Only a
8 party whose charter application has been denied, whose charter
9 contract renewal has been denied, or whose charter contract has
10 been revoked may initiate an appeal under this section for
11 cause. The board shall review an appeal and issue a final
12 decision within sixty calendar days of the filing of the appeal.

13 (b) The board shall serve as the final arbitrator of
14 appeals authorized by subsection (a) [-] and the authorizer shall
15 act in accordance with the board's decision within the timeframe
16 stated by the board or in the absence of a timeframe, the
17 reasonable amount of time needed to comply. If an authorizer
18 fails to timely comply with the final decision of the board, the
19 board may impose a penalty on the authorizer, including without
20 limitation, fining the authorizer for every day the authorizer
21 is not in compliance, implementing the decision and binding the



1 authorizer to the final decision, or revoking the authorizer's
2 charter authority consistent with section 302D-11(e).

3 (c) A party shall not be entitled to a hearing before the
4 board under this section until it has exhausted all available
5 administrative remedies.

6 (d) The board shall adopt rules pursuant to chapter 91 to
7 implement this section.

8 (e) If the board overrules a denial or revocation by an
9 authorizer, at the option of the charter school, another
10 eligible authorizer may be designated as the authorizer for
11 ongoing operations of the charter school; provided that the new
12 authorizer accepts the charter school."

13 SECTION 3. This Act does not affect rights and duties that
14 matured, penalties that were incurred, and proceedings that were
15 begun before its effective date.

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

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



Report Title:

Charter Schools; Application; Appeals; Board of Education

Description:

Clarifies the process for applicants to apply to open and operate a charter school. Provides for penalties for authorizers who fail to timely comply with board decisions.
(SD1)

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