
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-3, Hawaii Revised Statutes, is
2 amended by amending subsection (c) to read as follows:
3 "(c) The commission shall consist of nine members to be
4 appointed by the board. The board shall appoint members who
5 will be tasked with authorizing public charter schools that
6 serve the unique and diverse needs of public school students.
7 The chair of the commission shall be designated by the members
8 of the commission for each school year beginning July 1, and
9 whenever there is a vacancy. The board shall consider the
10 combination of abilities, breadth of experiences, and
11 characteristics of the commission, including but not limited to
12 reflecting the diversity of the student population, geographical
13 representation, and a broad representation of education-related
14 stakeholders. Members of the commission shall collectively
15 possess strong experience and expertise in public and nonprofit
16 governance; management and finance; public school leadership;
17 assessment; curriculum and instruction; and public education



1 law. The commission shall be exempt from sections 26-34
2 and 26-36."

3 SECTION 2. Section 302D-5, Hawaii Revised Statutes, is
4 amended by amending subsection (g) to read as follows:

5 "(g) An authorizer shall not provide technical support to
6 a prospective charter school applicant, an applicant governing
7 board, or a charter school it authorizes in cases in which the
8 technical support will directly and substantially impact any
9 authorizer decision related to the approval or denial of the
10 charter application or the renewal, revocation, or nonrenewal of
11 the charter contract~~[-]~~; provided that an authorizer's staff may
12 provide technical support to a prospective charter school
13 applicant or an applicant governing board up until the completed
14 charter application is submitted to the authorizer. This
15 subsection shall not apply to technical support that an
16 authorizer is required to provide to a charter school pursuant
17 to federal law."

18 SECTION 3. Section 302D-13, Hawaii Revised Statutes, is
19 amended to read as follows:



1 **"§302D-13 Start-up and conversion charter schools;**
2 **establishment.** (a) New start-up and conversion charter schools
3 may be established pursuant to this section.

4 (b) Any community, department school, school community
5 council, group of teachers, group of teachers and
6 administrators, or nonprofit organization may submit a letter of
7 intent to an authorizer to form a charter school and establish
8 an applicant governing board. The letter of intent shall serve
9 merely as a notice provided by the applicant to the authorizer
10 to advise the authorizer that the applicant intends to complete
11 an application. All applicants who submit a letter of intent
12 may later submit an application. An applicant governing board
13 may develop a charter application pursuant to this section;
14 provided that:

- 15 (1) An applicant governing board established by a
16 community may develop a charter application for a
17 start-up charter school;
- 18 (2) An applicant governing board established by a
19 department school or a school community council may
20 develop a charter application for a conversion charter
21 school;



- 1 (3) An applicant governing board established by a group of
- 2 teachers or a group of administrators may develop a
- 3 charter application for a start-up or conversion
- 4 charter school; and
- 5 (4) A nonprofit organization may:
 - 6 (A) Establish an applicant governing board that is
 - 7 separate from the nonprofit organization and
 - 8 develop a charter application for a start-up or
 - 9 conversion charter school; or
 - 10 (B) Establish an applicant governing board that shall
 - 11 be the board of directors of the nonprofit
 - 12 organization and may develop a charter
 - 13 application for a conversion charter school;
 - 14 provided that any nonprofit organization that
 - 15 seeks to manage and operate a conversion charter
 - 16 school shall:
 - 17 (i) Submit to the authorizer at the time of the
 - 18 charter application bylaws or policies that
 - 19 describe the manner in which business is
 - 20 conducted and policies that relate to the



1 management of potential conflict of interest
2 situations;

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

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

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

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

19 (1) The issuance and publication of [~~a request for~~
20 ~~proposals~~] an application process by the authorizer on
21 the authorizer's internet website that, at a minimum:



- 1 (A) Solicits charter applications and presents the
- 2 authorizer's strategic vision for chartering;
- 3 (B) Includes or directs applicant governing boards to
- 4 the performance framework developed by the
- 5 authorizer in accordance with section 302D-16;
- 6 (C) Includes criteria that will guide the
- 7 authorizer's decision to approve or deny a
- 8 charter application;
- 9 (D) States clear, appropriately detailed questions
- 10 and provides guidelines concerning the format and
- 11 content essential for applicant governing boards
- 12 to demonstrate the capacities necessary to
- 13 establish and operate a successful charter
- 14 school; and
- 15 (E) Requires charter applications to provide or
- 16 describe all essential elements, as determined by
- 17 the authorizer, of proposed school plans;
- 18 (2) The submission of a letter of intent to notify the
- 19 authorizer of the applicant's intent to open and
- 20 operate a start-up charter school or to convert a
- 21 department school to a conversion charter school;



1 provided that a letter of intent may not be utilized
2 as a basis for the denial of the right to submit an
3 application;

4 (3) 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) The timely review of the charter application by the
9 authorizer for completeness, and notification by the
10 authorizer to the applicant governing board that the
11 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, providing a detailed listing of any
16 missing elements of the application, and providing a
17 reasonable opportunity for the applicant governing
18 board to cure any deficiency by providing any missing
19 elements to the authorizer; provided that the
20 authorizer's staff may provide technical assistance in
21 the completion of the incomplete application;



- 1 (5) Upon receipt of a completed charter application, the
- 2 review and evaluation of the charter application by
- 3 qualified persons including but not limited to:
- 4 (A) An in-person interview with representatives from
- 5 the applicant governing board; and
- 6 (B) An opportunity in a public forum for the public
- 7 to provide input on each charter application;
- 8 (6) Following the review and evaluation of a charter
- 9 application, approval or denial of the charter
- 10 application by the authorizer in a meeting open to the
- 11 public[+] and subsequent written notice to the
- 12 applicant; provided that in the event of a denial, the
- 13 notice shall provide specific information to the
- 14 applicant on its right to appeal the decision to the
- 15 board, including but not limited to the number of days
- 16 by which the applicant shall file an appeal with the
- 17 board and where to file an appeal;
- 18 (7) A provision for a final date by which a written
- 19 decision to approve or deny a charter application
- 20 [~~must~~] shall be made by the authorizer[+] to the



- 1 applicant, upon receipt of a complete charter
2 application; and
- 3 (8) A provision that no charter school may begin operation
4 before obtaining authorizer approval of its charter
5 application and charter contract and fulfilling pre-
6 opening requirements that may be imposed by the
7 authorizer, pursuant to section 302D-14.5.
- 8 (d) A charter application to become a start-up or
9 conversion charter school shall meet the requirements of this
10 subsection, section 302D-25, and any other requirements set by
11 the authorizer. The charter application shall, at a minimum:
- 12 (1) Include plans for a charter school that are likely to
13 satisfactorily meet the academic, financial,
14 organizational, and operational performance
15 indicators, measures, and metrics set forth in the
16 authorizer's performance framework, pursuant to
17 section 302D-16;
- 18 (2) Include plans for a charter school that is in
19 compliance with applicable laws; and
- 20 (3) [+]Recognize[+] the interests of the general public.



1 (e) In reviewing a charter application under this section,
2 an authorizer shall take into consideration the constitution of
3 the applicant governing board, terms of applicant governing
4 board members, and the process by which applicant governing
5 board members were selected.

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

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

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



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

3 SECTION 5. This Act shall take effect on July 1, 2050.



Report Title:

Charter School Commission Members; Letter of Intent;
Authorization Applications; Appeal

Description:

Requires members of the charter school commission to collectively possess strong experience and expertise in various fields. Allows the authorizer's staff to provide technical support up until the completed charter application is submitted. Clarifies charter application notice requirements. Clarifies authorizer compliance requirements in cases of an appeal. Effective 7/1/2050. (HD2)

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

