
HOUSE CONCURRENT RESOLUTION

URGING THE STATE PUBLIC CHARTER SCHOOL COMMISSION TO WORK WITH
STAKEHOLDERS TO DEVELOP AND ADOPT ADMINISTRATIVE RULES
GOVERNING THE NEGOTIATION PROCESS BETWEEN THE COMMISSION
AND PUBLIC CHARTER SCHOOLS.

1 WHEREAS, charter schools were created as catalysts of
2 change and to offer more choices in education for Hawaii's
3 unique communities; and
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5 WHEREAS, the Legislature passed Act 62, Session Laws of
6 Hawaii 1999, which increased flexibility and autonomy at the
7 school level by allowing existing public schools and new schools
8 to be designated as new century charter schools; and
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10 WHEREAS, 2024 marks the 25th anniversary of Act 62, Session
11 Laws of Hawaii 1999, which paved the way for the establishment
12 of charter schools in the State; and
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14 WHEREAS, existing state law allows the State Public Charter
15 School Commission (Commission) to adopt rules to administer and
16 implement state laws regarding public charter schools; and
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18 WHEREAS, existing state law requires the Commission to
19 negotiate and execute sound charter contracts with each approved
20 charter applicant and with existing public charter schools; and
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22 WHEREAS, although existing state law provides the Board of
23 Education with the power to decide appeals of decisions by the
24 Commission to deny the approval of a charter application, deny
25 renewal of a charter contract, or revoke a charter school's
26 charter contract, there is no appeals process for a complaint
27 regarding unfair negotiating practices by the Commission; and
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1 WHEREAS, in Honolulu Civil Beat's article, *Hawaii Charter*
2 *Schools Say Test Scores Don't Tell The Whole Story*, the 2023
3 Interim Executive Director of the Commission stated that "the
4 Commission...has the responsibility of holding charter schools
5 accountable to their governing contracts," however, "[i]n a 2021
6 review, the Board of Education called on commissioners to
7 provide more clarity about their expectations for schools'
8 academic performances"; and
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10 WHEREAS, according to the Honolulu Civil Beat article,
11 *Charter School Oversight Is Still A Source of Contention In*
12 *Hawaii*, behind the scenes, many charter schools continue to have
13 a contentious relationship with the Commission, and charter
14 schools and advocacy organizations believe that the Commission's
15 control over the budget of charter schools and the Commission's
16 lack of willingness to negotiate backs charter schools into a
17 corner; and
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19 WHEREAS, additionally, the Honolulu Civil Beat article
20 includes a statement from one charter school director that "the
21 rigidity of the Commission's current contract also stifles
22 innovation by requiring 37 unique schools to sign a one-size-
23 fits-all contract and discouraging negotiation"; and
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25 WHEREAS, the Honolulu Civil Beat article also discussed a
26 note by a Deputy Attorney General for Hawaii Public Charter
27 Schools that "[one] contract states that the commission is not
28 required to allow a school to remedy a problem before revoking
29 its charter...[and] appeared to violate charter schools' right
30 to due process"; and
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32 WHEREAS, given the significant milestone of the 30th
33 anniversary since the first public charter school law was
34 passed, it is long overdue for charter schools to be provided a
35 more defined system of negotiating with the Commission; now,
36 therefore,
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38 BE IT RESOLVED by the House of Representatives of the
39 Thirty-second Legislature of the State of Hawaii, Regular
40 Session of 2024, the Senate concurring, that the State Public
41 Charter School Commission is urged to work with the Board of
42 Education, public charter schools, and advocacy organizations,



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1 including the Hawaii Public Charter Schools Network, to develop
2 and adopt administrative rules, including rules governing
3 negotiations between the Commission and public charter schools;
4 and

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6 BE IT FURTHER RESOLVED that in developing the
7 administrative rules, the Public Charter School Commission
8 consider:

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- 10 (1) Providing more clarity about the Commission's
11 expectations for a public charter school's academic
12 performance;
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14 (2) Providing clarity on how the evaluation of academic
15 and other standards will affect funding decisions;
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17 (3) All factors on how funding allocations will be
18 decided;
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20 (4) How communication and the exchange of proposals in the
21 negotiating process will be carried out;
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23 (5) The extent to which the Commission shall adhere to the
24 data, arguments, and proposals presented by public
25 charter schools; and
 - 26
27 (6) Providing an appeals process before the Board of
28 Education for addressing complaints regarding the
29 Commission's execution of administrative rules,
30 including rules governing negotiations; and

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32 BE IT FURTHER RESOLVED that certified copies of this
33 Concurrent Resolution be transmitted to the Chairperson of the
34 Board of Education; Executive Director of the State Public
35 Charter School Commission; and Chair of the Board of Directors
36 of the Hawaii Public Charter Schools Network.

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39 OFFERED BY: _____



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