
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 and
2 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 during the application
14 process and review process for the prospective charter school
15 applicant or applicant governing board if the application is
16 deemed incomplete. This subsection shall not apply to technical
17 support that an authorizer is required to provide to a charter
18 school pursuant to federal law."

19 SECTION 3. Section 302D-13, Hawaii Revised Statutes, is
20 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~~
8 operates separately from, but may have similar
9 members with, its nonprofit organization, and
10 develop a charter application for a start-up or
11 conversion charter school; [~~or~~] provided that the
12 members of the applicant governing board shall
13 not constitute the majority of members from the
14 nonprofit organization; or
- 15 (B) Establish an applicant governing board that shall
16 be the board of directors of the nonprofit
17 organization and may develop a charter
18 application for a conversion charter school;
19 provided that any nonprofit organization that
20 seeks to manage and operate a conversion charter
21 school shall:



- 1 (i) Submit to the authorizer at the time of the
2 charter application bylaws or policies that
3 describe the manner in which business is
4 conducted and policies that relate to the
5 management of potential conflict of interest
6 situations;
- 7 (ii) Have experience in the management and
8 operation of public or private schools or,
9 to the extent necessary, agree to obtain
10 appropriate services from another entity or
11 entities possessing such experience;
- 12 (iii) Not interfere in the operations of the
13 department school to be converted until
14 otherwise authorized by the authorizer in
15 consultation with the department; and
- 16 (iv) Have the same protections that are afforded
17 to all other governing boards in its role as
18 the conversion charter school governing
19 board.



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

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

7 (A) Solicits charter applications and presents the
8 authorizer's strategic vision for chartering;

9 (B) Includes or directs applicant governing boards to
10 the performance framework developed by the
11 authorizer in accordance with section 302D-16;

12 (C) Includes criteria that will guide the
13 authorizer's decision to approve or deny a
14 charter application;

15 (D) States clear, appropriately detailed questions
16 and provides guidelines concerning the format and
17 content essential for applicant governing boards
18 to demonstrate the capacities necessary to
19 establish and operate a successful charter
20 school; and



- 1 (E) Requires charter applications to provide or
2 describe all essential elements, as determined by
3 the authorizer, of proposed school plans;
- 4 (2) The submission of a letter of intent to notify the
5 authorizer of the applicant's intent to open and
6 operate a start-up charter school or to convert a
7 department school to a conversion charter school;
8 provided that a letter of intent may not be utilized
9 as a basis for the denial of the right to submit an
10 application;
- 11 (3) The timely submission of a completed charter
12 application to the authorizer; provided that a charter
13 application for a conversion charter school shall
14 include certification and documentation that the
15 charter application was approved by a majority of the
16 votes cast by existing administrative, support, and
17 teacher personnel, and parents of students at the
18 existing department school; provided that:
- 19 (A) This vote shall be considered by the authorizer
20 to be the primary indication of the existing
21 administrative, support, and teaching personnel,



1 and parents' approval to convert to a charter
2 school;

3 (B) The balance of stakeholders represented in the
4 vote and the extent of support received in
5 support of the conversion shall be key factors,
6 along with the applicant's proposed plans, to be
7 considered by the authorizer when deciding
8 whether to award a charter; and

9 (C) A breakdown of the number of administrative,
10 support, and teaching personnel, and parents of
11 students who constitute the existing department
12 school and the number who actually participated
13 in the vote shall be provided to the authorizer;

14 (4) The timely review of the charter application by the
15 authorizer for completeness, and notification by the
16 authorizer to the applicant governing board that the
17 charter application is complete[+] or, if the
18 authorizer determines that the application is
19 incomplete, notification by the authorizer to the
20 applicant governing board that the application is
21 incomplete, providing a detailed listing of any

1 missing elements of the application, and providing a
2 reasonable opportunity for the applicant governing
3 board to cure any deficiency by providing any missing
4 elements to the authorizer; provided that the
5 authorizer's staff may provide technical assistance in
6 the completion of the incomplete application;

7 (5) Upon receipt of a completed charter application, the
8 review and evaluation of the charter application by
9 qualified persons including but not limited to:

10 (A) An in-person interview with representatives from
11 the applicant governing board; and

12 (B) An opportunity in a public forum for the public
13 to provide input on each charter application;

14 (6) Following the review and evaluation of a charter
15 application, approval or denial of the charter
16 application by the authorizer in a meeting open to the
17 public[+] and subsequent written notice to the
18 applicant; provided that in the event of a denial,
19 such notice must provide specific information to the
20 applicant on its right to appeal the decision to the
21 board, including but not limited to the number of days



1 by which the applicant must file an appeal with the
2 board and where to file such an appeal;

3 (7) A provision for a final date by which a written
4 decision to approve or deny a charter application must
5 be made by the authorizer[7] to the applicant, upon
6 receipt of a complete charter application; and

7 (8) A provision that no charter school may begin operation
8 before obtaining authorizer approval of its charter
9 application and charter contract and fulfilling pre-
10 opening requirements that may be imposed by the
11 authorizer, pursuant to section 302D-14.5.

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

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



- 1 (2) Include plans for a charter school that is in
2 compliance with applicable laws; and
- 3 (3) ~~[+]Recognize[+]~~ the interests of the general public.
- 4 (e) In reviewing a charter application under this section,
5 an authorizer shall take into consideration the constitution of
6 the applicant governing board, terms of applicant governing
7 board members, and the process by which applicant governing
8 board members were selected.
- 9 (f) In reviewing charter applications under this section,
10 an authorizer shall develop a schedule to approve or deny a
11 charter application by the end of the calendar year prior to the
12 opening year of the proposed charter school for purposes of
13 meeting any deadlines to request funding from the legislature;
14 provided that nothing in this section shall be construed as
15 requiring an authorizer to accept and review charter
16 applications annually.
- 17 (g) If a conflict between the provisions in this section
18 and other provisions in this chapter occurs, this section shall
19 control.
- 20 (h) If an authorizer takes any action that prohibits any
21 applicant from proceeding with an application for any reason,



1 such action shall be deemed a denial and subject to appeal
2 pursuant to section 302D-15."

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

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



H.B. NO. 1220 H.D. 1

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 staff of an authorizer to assist in the application and review process and completion of an incomplete application. Clarifies charter application notice requirements. Clarifies authorizer compliance requirements in cases of an appeal. Effective 7/1/2050. (HD1)

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

