

HAWAII ADMINISTRATIVE RULES

TITLE 8

DEPARTMENT OF EDUCATION

SUBTITLE 5

CHARTER SCHOOLS

CHAPTER 505

APPLICATIONS, RENEWALS OR NONRENEWALS,  
AND REVOCATIONS

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SUBCHAPTER 1

GENERAL PROVISIONS

§8-505-1 Purpose. This chapter governs the application process to become a charter school, renewal or nonrenewal of charter contracts, and revocation of charter contracts pursuant to chapter 302D, Hawaii Revised Statutes. [Eff NOV 30, 2014] (Auth: HRS §302D-3.5) (Imp: HRS §§302D-13, 302D-14, 302D-15, 302D-18)

§8-505-2 Definitions. As used in this chapter, unless a different meaning clearly appears in the context:

"Applicant" means the applicant who submits a charter application to the commission.

"Board" means the board of education.

"Commission" means the state public charter school commission established pursuant to section 302D-3, Hawaii Revised Statutes, as a statewide authorizer. [Eff NOV 30, 2014] (Auth: HRS §302D-3.5) (Imp: HRS §§302D-1, 302D-13, 302D-14)

§§8-505-3 to 8-505-4 (Reserved).

## SUBCHAPTER 2

## APPLICATIONS

§8-505-5 Applications for start-up charter schools. (a) The commission shall develop an application form, process, and processing schedule for applying to become a start-up charter school pursuant to section 302D-13, Hawaii Revised Statutes. The application form shall include a description of the application process and the application processing schedule. The application form shall be made available to any person interested in establishing a start-up charter school.

(b) The commission shall develop policies, criteria, or guidelines for evaluating applications for start-up charter schools. The policies, criteria, or guidelines shall be adopted, and may be amended from time to time, by a majority vote of the commission at a meeting held in accordance with chapter 92, Hawaii Revised Statutes.

(c) If an application is denied, the commission shall notify the applicant in writing, served by registered or certified mail with return receipt requested, stating the reason therefor, with specific references to the adopted policies, criteria, or guidelines. The notification of denial shall also include a statement that the applicant may file an appeal with the board within twenty-one calendar days of receipt of the written notification of denial. [Eff NOV 30, 2014] (Auth: HRS §302D-3.5) (Imp: §§302D-13, 302D-15)

§8-505-6 Applications for conversion charter schools. (a) The commission shall develop an application form, process, and processing schedule for applying to become a conversion charter school pursuant to section 302D-14, Hawaii Revised Statutes. The application form shall include a description of the application process and the application processing

schedule. The application form shall be made available to any person interested in establishing a conversion charter school.

(b) The commission shall develop policies, criteria, or guidelines for evaluating applications for conversion charter schools. The policies, criteria, or guidelines shall be adopted, and may be amended from time to time, by a majority vote of the commission at a meeting held in accordance with chapter 92, Hawaii Revised Statutes.

(c) If an application is denied, the commission shall notify the applicant in writing, served by registered or certified mail with return receipt requested, stating the reason therefor, with specific references to the adopted policies, criteria, or guidelines. The notification of denial shall also include a statement that the applicant may file an appeal with the board within twenty-one calendar days of receipt of the written notification of denial. [Eff NOV 30, 2014] (Auth: HRS §302D-3.5) (Imp: §§302D-14, 302D-15)

§§8-505-7 to 8-505-9 (Reserved).

### SUBCHAPTER 3

#### RENEWAL OR NONRENEWAL OF CHARTER CONTRACT

§8-505-10 Reasons for nonrenewal. A charter contract may be not renewed for any of the reasons set forth in section 302D-18(g), Hawaii Revised Statutes. [Eff NOV 30, 2014] (Auth: HRS §302D-3.5) (Imp: §302D-18)

§8-505-11 Application for contract renewal. (a) The commission shall develop a charter contract renewal application form, which shall be made available to each charter school whose charter

contract will expire the following year. The renewal application form shall also include a description of the renewal application process, the renewal application processing schedule, and the policies, criteria, or guidelines described in subsection (b).

(b) The commission shall develop policies, criteria, or guidelines for evaluating charter contract renewal applications; provided that evaluation criteria shall be based on the charter contract and consistent with chapter 302D, Hawaii Revised Statutes. The policies, criteria, or guidelines shall be adopted, and may be amended from time to time, by a majority vote of the commission at a meeting held in accordance with chapter 92, Hawaii Revised Statutes.

(c) A charter school seeking renewal shall submit a renewal application to the commission pursuant to the renewal policies, criteria, or guidelines adopted by the commission. [Eff NOV 30, 2014] (Auth: HRS §302D-3.5) (Imp: HRS §302D-18]

§8-505-12 Performance report; notification of the prospect of nonrenewal. (a) The commission shall prepare a charter school performance report for each charter school whose charter contract will expire the following year. The performance report shall summarize the charter school's performance record to date, shall be in writing, and shall be served upon the charter contract holder by registered or certified mail.

(b) If applicable, the performance report shall notify the charter contract holder of any weaknesses, deficiencies, or concerns which may result in nonrenewal of the contract and shall include but not be limited to the following:

- (1) A clear and specific statement of the charter school's weaknesses or deficiencies, with references to the applicable contract terms or performance standards that have not been met; and

(2) A statement that the charter contract holder, in its response, may request a hearing conducted in accordance with section 8-505-20 and may request legal representation subject to section 28-8.3, Hawaii Revised Statutes.

(c) The charter school shall have thirty days from the date of mailing of the performance report to submit a renewal application, to respond to the performance report and any identified weaknesses, deficiencies, or concerns, to submit any corrections or clarifications for the report, and to request a hearing.

(d) If the charter contract holder disputes the commission's assessment or claim of weaknesses or deficiencies, the commission, after considering the charter contract holder's response, shall reaffirm, modify, or retract its earlier notification of weaknesses or deficiencies, and shall so notify the charter contract holder in writing served by registered or certified mail. [Eff NOV 30, 2014] (Auth: HRS §302D-3.5) (Imp: HRS §302D-18)

§8-505-13 Nonrenewal decision by the commission.

(a) The commission shall make a final decision on whether or not to renew the charter contract within forty-five days following receipt of the application for contract renewal and after the hearing, if held.

(b) Within fifteen days of making its decision to renew or not renew the charter contract, the commission shall issue its decision in writing, served upon the charter contract holder by registered or certified mail with return receipt requested. The decision shall set forth, with reasonable specificity, the reason for its decision. The decision shall also include a statement that the charter contract holder may file an appeal with the board within twenty-one calendar days of receipt of the written decision of nonrenewal. The written decision shall be simultaneously transmitted to the board. [Eff NOV 30,

2014] (Auth: HRS §302D-3.5) (Imp: HRS §§302D-15, 302D-18)

§8-505-14 (Reserved).

#### SUBCHAPTER 4

#### REVOCATION OF CHARTER CONTRACT

§8-505-15 Reasons for revocation. A charter contract may be revoked at any time for any of the reasons set forth in section 302D-18(g), Hawaii Revised Statutes. [Eff NOV 30, 2014] (Auth: HRS §302D-3.5) (Imp: §302D-18)

§8-505-16 Notification of prospect of revocation. Whenever the commission has reason to believe that a charter contract should be revoked, the commission shall notify the charter contract holder in writing of the prospect of revocation. The notification shall be served by registered or certified mail with return receipt requested and shall include the following:

- (1) The reason why revocation is contemplated;
- (2) The date by which the charter contract holder shall respond, which date shall be not less than thirty days from the date of notification;
- (3) A statement that the charter contract holder may, in its response, request a hearing conducted in accordance with section 8-505-20; and
- (4) A statement that the charter contract holder may request legal representation subject to section 28-8.3, Hawaii Revised Statutes. [Eff NOV 30, 2014] (Auth: HRS §302D-3.5) (Imp: HRS §302D-18]

§8-505-17 Revocation decision by the commission.

(a) The commission shall make a final decision on whether or not to revoke the charter contract:

- (1) Within thirty days following receipt of the response from the charter school of the notice of prospect of revocation if no hearing is held; or
- (2) Within thirty days of the close of the hearing if a hearing is held.

(b) Within fifteen days of making its decision on whether or not to revoke the charter contract, the commission shall issue a report notifying the charter contract holder in writing, served by registered or certified mail with return receipt requested, of its final decision. The report shall set forth with reasonable specificity, the reason for its decision. If the decision is to revoke the charter contract, the report shall also include a statement that the charter contract holder may file an appeal with the board within twenty-one calendar days of receipt of the written notification of revocation. The report shall be simultaneously transmitted to the board. [Eff NOV 30, 2014] (Auth: HRS §302D-3.5) (Imp: HRS §§91-2, 302D-15, 302D-18]

§§8-505-18 to 8-505-19 (Reserved).

SUBCHAPTER 5

HEARINGS

§8-505-20 Hearing. (a) If requested by the charter contract holder pursuant to section 8-505-12(b)(2) or 8-505-16(3), or if deemed advisable by the commission, the commission shall hold a hearing prior to taking action on the revocation or nonrenewal of a charter contract.

(b) The commission shall notify the charter contract holder in writing, served by registered or



certified mail with return receipt requested, of the date, time, and place of a hearing; provided that the hearing shall take place no less than fifteen days from the date of the written notification.

- (c) At the hearing, the charter contract holder:
  - (1) Shall have the opportunity to submit documents and give testimony challenging the rationale for revocation or nonrenewal and supporting the continuation of the charter school;
  - (2) May be represented by counsel in accordance with section 28-8.3, Hawaii Revised Statutes; and
  - (3) May present evidence and call witnesses on its behalf; provided, however, that the commission may exclude irrelevant or unduly repetitious evidence.

The hearing shall be recorded. [Eff NOV 30, 2014]  
(Auth: HRS §302D-3.5) (Imp: HRS §302D-18)