
A BILL FOR AN ACT

RELATING TO HAWAIIAN EDUCATION.

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

1 SECTION 1. The legislature finds that compared to Hawaii's
2 other ethnic groups, native Hawaiians have the worst educational
3 statistics. In each socio-economic setting, Hawaii's native
4 public school students have higher rates of absences, retention
5 at grade level, and dropouts, than their non-Hawaiian
6 counterparts. Furthermore, from sixth grade on, Hawaiians far
7 exceed all other major ethnic groups in retention at each grade
8 level. This high level of grade retention among Hawaiian
9 students accounts for the large number of students who reach age
10 eighteen and drop out without completing school. Standardized
11 achievement tests also consistently show Hawaiian students
12 scoring lower than Hawaii's other major ethnic groups, as well
13 as lower than the national norms.

14 While Hawaiians are underrepresented in gifted and talented
15 programs and at Hawaii's colleges and universities, Hawaiians
16 are drastically over represented among Hawaii's special
17 education population. Approximately thirty-six per cent of all
18 public school students of Hawaiian ancestry are currently



1 classified as special education students. Over half of these
2 special education students are classified as learning disabled
3 or severely emotionally disturbed, for whom the data reflects
4 that most are initially labeled learning disabled. They
5 experienced such frustration with school that they ended up as
6 severely emotionally disturbed cases, when the core problem may
7 originally have been the inability to integrate into a system,
8 not just different but diametrically opposed to the student's
9 culture, values, traditions, and practices. This educational
10 failure of Hawaii's native population is directly related to the
11 fact that native Hawaiians have the highest percentage of
12 welfare recipients and un- or under-employed; the highest amount
13 of incarcerated men, women, and youth; the highest drug, alcohol
14 and physical abuse rates; the most homeless families; and the
15 worst health statistics in the State.

16 The legislature further finds that as an indigenous people,
17 the native people of Hawaii have a right to all levels and forms
18 of education, including access to education in their own
19 language, and the right to establish their educational systems
20 and institutions according to their own customs and traditions.
21 Furthermore, according to Article 1.7.1 of the Coolangatta
22 Statement, ratified by thousands of indigenous educators at the



1 1999 World Indigenous Peoples Conference on Education in Hilo,
2 "meaningful, empowering and culturally sustainable education for
3 indigenous people will be possible only when indigenous people
4 have the control (a fundamental right) and the resources (an
5 inarguable responsibility of states/governments) to develop
6 educational theories, curriculum, and practices that are
7 indigenous and determine the environment within which this
8 education can best occur."

9 The legislature further finds that according to section 4
10 of article X of the state constitution, the State shall promote
11 the study of Hawaiian culture, history, and language and provide
12 for a Hawaiian education program consisting of language,
13 culture, and history in public schools, and that the use of
14 community expertise shall be encouraged as a suitable and
15 essential means in furtherance of the Hawaiian education
16 program. Data indicates minimal compliance in some instances
17 and outright violation in others by the department of education
18 regarding the constitutional mandate.

19 The legislature further finds that there is overwhelming
20 evidence that the Hawaiian knowledge structure differs
21 significantly from the western system of education and that the
22 lower educational achievement of native Hawaiians from



1 kindergarten to the university level is a direct reflection of
2 their cultural and educational incompatibility with the current
3 educational system. Data also shows that when Hawaiian
4 language, culture, and values are incorporated into the
5 pedagogical process at all levels, education suddenly has
6 relevance and meaning for Hawaiian children. As a result,
7 Hawaiian students are able to learn, grow, and excel, both in
8 academic settings, and in life thereafter.

9 Since the passage of Act 62, Session Laws of Hawaii 1999,
10 which allowed for start-up charter schools, a dozen Hawaiian
11 communities stretching from Kauai to Hawaii came together to
12 utilize Hawaii's charter school law to create successful models
13 of Hawaiian education, which demonstrate that Hawaiian
14 communities are able to design and control quality models of
15 education. This Native Hawaiian Charter School Alliance, called
16 Na Lei Na'auao, has already procured millions of federal
17 education dollars to collaborate on gifted and talented
18 programs, curriculum development, a teacher certification cohort
19 and a comprehensive action research project. Data relating to
20 these Hawaiian-designed and controlled public schools confirms
21 that culturally driven education significantly improves the
22 educational achievement of Hawaiians. During the 2000-2001



1 school year, Kanu o ka Aina, a New Century Public Charter
2 School, had the highest attendance in the State, with a student
3 population that is over eighty-five per cent Hawaiian. Other
4 data such as increases in grade point averages, parent and
5 student satisfaction, success in college, and mainstreaming of
6 special education students further support the notion that
7 native Hawaiian students prefer a culturally driven approach to
8 education. The vast majority of Na Lei Na'auao schools are
9 located in rural communities with high concentrations of native
10 Hawaiians, all of which also have high percentages of welfare
11 recipients, adult prisoners, and incarcerated juveniles.
12 Although resources are especially limited in these areas,
13 Hawaiian educators and parents have taken on the tremendous
14 challenge of starting these culturally driven charter schools
15 because of the direct and profound needs of Hawaiian public
16 school students in these areas.

17 The legislature acknowledges that Hawaii's public school
18 system is too large and that decentralization has been
19 recommended by various studies for over a decade. In an effort
20 to initiate more community-based models of education, Act 62,
21 Session Laws of Hawaii 1999, allowed for the establishment of
22 twenty-five start-up charter schools. The purpose of these



1 schools is to provide alternative frameworks with regard to
2 curriculum, facilities management, instructional approach,
3 length of the school day, week, or year, and personnel
4 management, in order to meet the needs of our diverse student
5 population. While the existing law resulted in the chartering
6 of a total of twenty-five charter schools, revisions to the law
7 are necessary in order to further its intended success.
8 According to Report No. 4, 2002 authored by the Legislative
9 Reference Bureau in response to Senate Concurrent Resolution 113
10 (2001), the current charter school law needs clarification
11 pertaining to resources (for example, impact on the department
12 of education budget, paying for facilities and utilities,
13 withdrawing school funds directly), governance (including giving
14 schools more independence, the legal status of schools, the
15 employment status of staff, and legal representation for
16 schools), compliance (for example, assistance without
17 compliance, special education issues and monitoring schools for
18 compliance), and start-up/shut-down (including appealing the
19 denial of a charter, revoking a school's charter, and converting
20 existing schools). Clarifications are also necessary regarding
21 funding methodologies, allocations and procurement, and defining



1 the relationship between charters, the State, the board of
2 education and the department of education.

3 The legislature further finds that the Hawaiian system of
4 public education has been one of the worst in the nation for
5 decades and is in desperate need of bold synergistic solutions,
6 out-of-the-box thinking, and greatly enhanced public-private
7 partnerships. In spite of abiding concerns regarding a wide
8 variety of issues, charter schools offer one promising means of
9 educational reform. As they permanently reside at the bottom of
10 all indices of socio-economic welfare, few sectors within
11 Hawaiian society could benefit as much from enhanced educational
12 opportunities as the host culture of these islands - Hawaiians,
13 as defined in section 10-2, Hawaii Revised Statutes. A Hawaiian
14 charter school district, with adequate autonomy, could be a
15 vehicle to help the Hawaiians and other people to help
16 themselves by achieving self-determination of their own
17 educational future.

18 The legislature supports a separate Hawaiian charter school
19 district, which establishes and maintains schools that operate
20 independently from the existing school district structure, as a
21 method to accomplish all of the following:

22 (1) Improve native pupil learning;



- 1 (2) Increase learning opportunities for all pupils, with
2 special emphasis on expanded cultural learning
3 experiences for all pupils who are interested and
4 responsive to culturally driven methods of teaching;
- 5 (3) Encourage use of different and innovative teaching
6 methods based on indigenous educational paradigms;
- 7 (4) Provide parents and pupils with expanded choices in
8 the types of educational opportunities that are
9 available within the public school system; and
- 10 (5) Provide vigorous competition to stimulate continual
11 improvements in Hawaii's public school system.

12 Finally, the legislature finds that the federal government
13 strongly supports charter schools. However, due to the
14 restriction in the existing charter school law which caps the
15 number of start-up charter schools at twenty-five, a capacity
16 which has already been reached, the existence of only one
17 charter agency, and the fact that Hawaii has only one local
18 educational agency, the State of Hawaii is consequently
19 ineligible for millions of dollars of federal charter school
20 funding.

21 The purpose of this Act is to create a noncontiguous
22 Hawaiian charter school district of education under a Hawaiian



1 charter school council that focuses on the establishment of
2 twenty-five culturally-driven, family-oriented, and community-
3 based public schools in all areas with high concentrations of
4 native Hawaiians. This Act will potentially double Hawaii's
5 existing start-up charter schools, thereby assuring additional
6 federal funding. At the same time, it will provide communities
7 that have already submitted letters of intent to the board of
8 education the opportunity to begin the process of becoming
9 charter schools.

10 SECTION 2. Chapter 302A, Hawaii Revised Statutes, is
11 amended by adding a new subpart to part IV to be appropriately
12 designated and to read as follows:

13 " . HAWAIIAN-FOCUSED CHARTER SCHOOLS

14 §302A-A Hawaiian charter school district; established.

15 (a) There is established a noncontiguous Hawaiian charter
16 school district that may consist of existing Hawaiian-focused
17 charter schools established pursuant to subpart D, as well as
18 other Hawaiian-focused charter schools, within all counties of
19 the State.

20 (b) This noncontiguous Hawaiian charter school district
21 shall have local educational agency status, in order to qualify
22 for federal funding.



1 (c) The Hawaiian charter school district shall be exempt
2 from the provisions of chapter 103D, but shall develop rules for
3 the procurement of goods, services, and construction, consistent
4 with the goals of public accountability and public procurement
5 practices. The Hawaiian charter school district shall account
6 for funds expended for the procurement of goods and services,
7 and its records shall be subject to chapter 92F.

8 (d) The Hawaiian charter school district, the schools
9 contained within, and the Hawaiian charter school council shall
10 be independent of and shall not be subject to the authority or
11 control of the department of education, the board of education,
12 and the superintendent of education pursuant to sections
13 302A-1101 and 302A-1102.

14 **§302A-B Hawaiian charter school council; established.**

15 (a) The noncontiguous Hawaiian charter school district shall be
16 monitored by an eight member Hawaiian charter school council
17 whose members initially shall be appointed by the governor. The
18 council's voting members shall be subject to section 26-34;
19 provided that the governor shall appoint members as follows:

20 (1) Two members from a list of not less than five
21 educators submitted by the Hawaiian Studies and
22 Language section of the department of education;



1 (2) Four members from a list of not less than nine names
2 submitted by existing Hawaiian-focused charter
3 schools;

4 (3) One kupuna from a list of not less than four names
5 submitted by existing Hawaiian-focused charter
6 schools; and

7 (4) One non-voting student representative elected by the
8 students of the existing Hawaiian-focused charter
9 schools.

10 For purposes of this subsection, "kupuna" means a person with
11 in-depth knowledge of the Hawaiian culture and history who can
12 articulate that knowledge through stories, song, and dance.

13 (b) Once constituted, the Hawaiian charter school council
14 shall elect its own chairperson from among its members and
15 develop rules by which successor council members are to be
16 appointed, elected, or removed.

17 (c) The Hawaiian charter school council shall be attached
18 to the department for administrative purposes only, and shall
19 constitute a second chartering agency under the board of
20 education. All powers heretofore exercised by the board of
21 education with regard to the chartering of Hawaiian-focused
22 charter schools shall be transferred to the Hawaiian charter



1 school council. All charter schools contained within this
2 noncontiguous Hawaiian charter school district shall meet both
3 statewide and cultural student performance standards as
4 developed and adopted by the Hawaiian charter school council.

5 (d) The Hawaiian charter school council may hire staff to
6 assist in its purpose and to carry out administrative functions
7 as it deems appropriate. To the extent practicable, the
8 Hawaiian charter school council shall utilize the staff and
9 resources of the board of education to carry out its intended
10 purpose.

11 **§302A-C Funding for the Hawaiian charter school district.**

12 (a) The Hawaiian charter school district shall receive a flat
13 per-pupil allocation set by statute to be provided in a separate
14 appropriation; provided that:

15 (1) Beginning in fiscal year 2005-2006, and every year
16 thereafter, the allocation shall be based on the
17 department of education's previous year financial
18 report, and include general funds, federal funds,
19 special funds, and trust funds; provided further that
20 the per-pupil allocation to the Hawaiian charter
21 school district shall be at least equal to, and no



1 less than, the average per-pupil expenditure for all
2 public school children; and

3 (2) Upon receipt of the allocation, the Hawaiian charter
4 school district shall retain no more than ten per cent
5 of each Hawaiian-focused charter school's allocation
6 for administrative functions and forward the remainder
7 in lumpsum payments to each Hawaiian-focused charter
8 school.

9 (b) Prior to the start of each school year, the department
10 of accounting and general services shall:

11 (1) Provide fifty per cent of a Hawaiian-focused charter
12 school's per-pupil allocation based on the Hawaiian-
13 focused charter school's projected student enrollment
14 no later than July 15 of each year; provided that the
15 Hawaiian-focused charter schools shall submit to the
16 department of accounting and general services a
17 projected student enrollment no later than May 15 of
18 each year; and

19 (2) Provide the remaining per-pupil allocation based on
20 the Hawaiian-focused charter schools' verified student
21 enrollment no later than October 15 of each year;
22 provided that the Hawaiian-focused charter schools

1 shall submit to the department a verified student
2 enrollment no later than September 15 of each year.

3 (c) In accordance with the federal law, the Hawaiian
4 charter school district shall receive a separate, equitable
5 allocation from the department's program identification EDN 150
6 and other special education funding, for special education
7 students attending a Hawaiian-focused charter school and for
8 students from the community with special education needs who do
9 not attend a Hawaiian-focused charter school; provided that any
10 increment to the per-pupil allocation made pursuant to this
11 paragraph shall not exceed the increment available to all other
12 public schools. This allocation shall be provided to the
13 Hawaiian charter school district no later than July 1 of each
14 year.

15 (d) All federal financial support for Hawaiian-focused
16 charter schools allocated to the Hawaiian charter school
17 district shall be no less than all other school districts;
18 provided that if administrative services are provided to the
19 Hawaiian charter school district by the department, the Hawaiian
20 charter school district shall reimburse the department for the
21 actual costs of the administrative services in an amount that



1 does not exceed six and one-half per cent of the Hawaiian
2 charter school districts allocation.

3 (e) As a local educational agency, the Hawaiian charter
4 school district shall be eligible to receive any supplementary
5 financial grant or award for which any other local educational
6 agency may submit a proposal, or any supplemental federal grants
7 earmarked for local educational agencies.

8 (f) All additional funds that are generated by the
9 Hawaiian charter school district, except funds from a
10 supplementary grant, shall be separate and apart from allotted
11 funds and may be expended at the discretion of the Hawaiian
12 charter school district.

13 (g) If, at any time, the Hawaiian charter school district
14 dissolves or is denied continuation, the State of Hawaii shall
15 have first right, at no cost to the State, to all the assets and
16 facilities of the Hawaiian charter school district.

17 **§302A-D Hawaiian-focused charter schools; establishment.**

18 (a) Up to a total of twenty-five new schools may be established
19 as Hawaiian-focused charter schools. Hawaiian-focused charter
20 schools may be established by:

21 (1) The creation of a new school pursuant to subsection

22 (d);



1 (2) An existing public school pursuant to subsection (c);
2 or

3 (3) The creation of a new school, comprising programs or
4 sections of existing public school populations and
5 using existing public school facilities pursuant to
6 subsection (d).

7 (b) As a prerequisite to the establishment or conversion
8 to a Hawaiian-focused charter school under subsection (a),
9 applicants for Hawaiian-focused charter school status shall
10 assert in writing, in addition to any other requirements of this
11 section, that the curriculum is based on culturally-driven
12 approaches to education.

13 (c) Any public school or schools may submit a letter of
14 intent to the Hawaiian charter school council to form a
15 Hawaiian-focused charter school, establish a local school board
16 as its governing body, and develop a detailed implementation
17 plan pursuant to subsection (e); provided that:

18 (1) The local school board as its governing body shall be
19 composed of, at a minimum, one representative from
20 each of the following participant groups:

21 (A) Administration;



- 1 (B) Instructional staff members selected by the
- 2 school instructional staff;
- 3 (C) Support staff selected by the support staff of
- 4 the school;
- 5 (D) Parents of students attending the school selected
- 6 by the parents of the school;
- 7 (E) Student body representatives selected by the
- 8 students of the school; and
- 9 (F) The community at-large; and
- 10 (2) The detailed implementation plan shall be approved by
- 11 sixty per cent of the school's existing
- 12 administrative, support, and teaching personnel, and
- 13 parents; provided that the school personnel may
- 14 request their bargaining unit representative to
- 15 certify and conduct the elections for their respective
- 16 bargaining units.
- 17 (d) As an alternative to subsection (c), any community,
- 18 group of teachers, group of teachers and administrators, entity
- 19 recognized as a nonprofit organization under section 501(c)(3)
- 20 of the Internal Revenue Code of 1986, as amended, or any program
- 21 within an existing school may submit a letter of intent to the
- 22 Hawaiian charter school council to form a Hawaiian-focused by



1 charter school, establish a local school board as its governing
2 body, and develop a detailed implementation plan pursuant to
3 subsection (e).

4 (e) The local school board, with the support and guidance
5 of the superintendent, shall formulate and develop a detailed
6 implementation plan that meets the requirements of this
7 subsection and of section 302A-F. The plan shall include but
8 not be limited to the following:

- 9 (1) A description of employee rights and management issues
10 and a framework for addressing those issues that
11 protect the rights of employees;
- 12 (2) A plan for identifying, recruiting, and selecting
13 students that is not exclusive, elitist, or
14 segregationist;
- 15 (3) The curriculum and instructional framework to be used
16 to achieve educational standards, including an
17 assessment plan;
- 18 (4) A comprehensive plan for the assessment of student,
19 administrative support, and teaching personnel
20 performance, that:
- 21 (A) Recognizes the interests of the general public;



- 1 (B) Incorporates or exceeds state educational content
- 2 and performance standards;
- 3 (C) Includes a system of faculty and staff
- 4 accountability that holds faculty and staff both
- 5 individually and collectively accountable for
- 6 their performance, and that is at least
- 7 equivalent to the average system of
- 8 accountability in public schools throughout the
- 9 State; and
- 10 (D) Provides for program audits and annual financial
- 11 audits;
- 12 (5) The governance structure of the school; and
- 13 (6) A plan for any necessary design, construction,
- 14 renovation, and management of facilities that is
- 15 consistent with the state facilities plan; provided
- 16 that if the facilities management plan includes use of
- 17 existing school facilities, the Hawaiian-focused
- 18 charter school shall receive authorization from the
- 19 administrator responsible for the facilities;
- 20 provided further that the final determination of use
- 21 shall fall within the board's discretion.



1 (f) The detailed implementation plan shall be submitted to
2 the Hawaiian charter school council. Review procedures shall be
3 as provided in this section. The Hawaiian charter school
4 council may adopt rules pursuant to chapter 91 to further guide
5 the review process.

6 (g) The Hawaiian charter school council shall have sixty
7 working days to review the completed implementation plan for a
8 proposed Hawaiian-focused charter school to ensure that it meets
9 the requirements of subsection (e) and section 302A-F. Within
10 forty-five working days, the Hawaiian charter school council
11 shall issue a report of its preliminary findings to the local
12 school board. If the Hawaiian charter school council
13 subsequently determines that the implementation plan:

14 (1) Meets the requirements of subsection (e) and section
15 302A-F, the Hawaiian charter school council, by the
16 sixtieth working day, shall issue a charter and the
17 implementation plan shall be converted to a written
18 performance contract between the school and the
19 Hawaiian charter school council; or

20 (2) Fails to meet the requirements of subsection (e) or
21 section 302A-F, the Hawaiian charter school council:

1 (A) Shall notify the local school board of the
2 finding in writing to enable the local school
3 board to appropriately amend the plan to resolve
4 the conflict; and

5 (B) May issue a provisional approval for a charter if
6 the Hawaiian charter school council determines
7 that the applicant may reasonably be expected to
8 expeditiously resolve any remaining conflict or
9 conflicts impeding the issuance of a charter.
10 The provisional approval shall be effective for
11 one year. The Hawaiian charter school council
12 may extend the provisional approval beyond a
13 period of one year. If a charter is subsequently
14 issued, the amended implementation plan shall be
15 converted to a written performance contract
16 between the school and the Hawaiian charter
17 school council.

18 (h) An amended implementation plan shall be submitted
19 within thirty working days of notification pursuant to
20 subsection (g) (2) (A). The Hawaiian charter school council shall
21 deny the issuance of a charter if the local school board does
22 not submit an amended implementation plan within the thirty



1 working day period. The Hawaiian charter school council shall
2 have thirty working days to review the amended implementation
3 plan. If the amended implementation plan:

4 (1) Meets the requirements of subsection (e) and section
5 302A-F, the Hawaiian charter school council, by the
6 thirtieth working day, shall issue a charter to the
7 proposed Hawaiian-focused charter school. If a
8 charter is issued, the amended implementation plan
9 shall be converted to a written performance contract
10 between the school and the Hawaiian charter school
11 council; or

12 (2) Fails to resolve any conflicts to the Hawaiian charter
13 school council's satisfaction or involves new and
14 different issues of conflict with subsection (e) or
15 section 302A-F, the panel shall deny issuance of a
16 charter.

17 (i) A local school board may file an appeal of the denial
18 of an application for a charter with the Hawaiian charter school
19 council. Within thirty working days, the Hawaiian charter
20 school council shall issue a report of its findings and final
21 determination to the local school board. If the implementation
22 plan is approved, the Hawaiian charter school council shall



1 issue a charter and the implementation plan shall be converted
2 to a written performance contract between the school and the
3 Hawaiian charter school council.

4 (j) Hawaiian-focused charter schools shall not charge
5 tuition.

6 **§302A-E Funding for the Hawaiian charter school district**
7 **schools.** (a) Hawaiian-focused charter schools shall receive a
8 flat per-pupil allocation set by statute, excluding Hawaiian
9 charter school district administrative withholdings of no more
10 than ten per cent. This allocation shall be disbursed by the
11 Hawaiian charter school district to the Hawaiian-focused charter
12 schools within fifteen working days of receipt of the funds from
13 the department of accounting and general services.

14 (b) Any additional funding for special education or
15 funding for any other purposes received by the Hawaiian charter
16 school district shall be disbursed to the Hawaiian-focused
17 charter schools, excluding, if applicable, no more than ten per
18 cent of administrative costs, within 15 working days of receipt
19 of the funds.

20 (c) All federal financial support for Hawaiian-focused
21 charter schools allocated to the Hawaiian-focused charter
22 schools shall be no less than all other public schools; provided



1 that if administrative services are provided by the Hawaiian
2 charter school district, the Hawaiian-focused charter schools
3 shall reimburse the Hawaiian charter school district for the
4 actual costs of the administrative services in an amount not to
5 exceed ten per cent of the Hawaiian charter school district's
6 allocation.

7 (d) All additional funds that are generated by the
8 Hawaiian-focused charter schools, not from a supplementary
9 grant, shall be separate and apart from allotted funds and may
10 be expended at the discretion of the Hawaiian-focused charter
11 schools.

12 (e) If, at any time, the Hawaiian-focused charter school
13 dissolves or is denied continuation, the State shall have first
14 right, at no cost to the State, to all the assets and facilities
15 of the Hawaiian charter school district.

16 (f) Facilities subsidies shall be made available to
17 Hawaiian-focused charter schools on the basis of equity and
18 equality; provided that:

19 (1) Hawaiian-focused charter schools that pay rental fees
20 shall receive facilities subsidies to pay their actual
21 rental fees. Except as provided in paragraph (2),
22 Hawaiian-focused charter schools that do not pay



1 rental fees shall not receive facilities subsidies;
2 and

3 (2) Notwithstanding paragraph (1), facilities subsidies
4 may be applied to mortgage payments if Hawaiian-
5 focused charter schools build their own facilities or
6 substantially renovate rental facilities. Hawaiian-
7 focused charter schools that build their own
8 facilities or that substantially renovate rented
9 facilities shall receive facilities subsidies to pay
10 their actual mortgage payment.

11 (g) Hawaiian-focused charter schools shall be eligible for
12 capital improvement funds using the same process as other public
13 schools.

14 (h) Hawaiian-focused charter schools shall be eligible to
15 participate in tax-exempt bond programs.

16 **§302A-F Hawaiian district charter schools; exemptions.**

17 Schools designated as Hawaiian-focused charter schools shall be
18 exempt from all applicable state laws, except those regarding:

19 (1) Collective bargaining under chapter 89; provided that:

20 (A) The exclusive representatives defined in chapter
21 89 may enter into agreements that contain cost

1 and noncost items to facilitate decentralized
2 decisionmaking;

3 (B) The exclusive representatives and the local
4 school board of the Hawaiian-focused charter
5 school may enter into agreements that contain
6 cost and noncost items;

7 (C) The agreements shall be funded from the current
8 allocation or other sources of revenue received
9 by the Hawaiian-focused charter school; and

10 (D) These agreements may differ from the master
11 contracts;

12 (2) Discriminatory practices under section 378-2; and

13 (3) Health and safety requirements.

14 Hawaiian-focused charter schools shall be exempt from chapter
15 103D, but shall develop rules pursuant to chapter 91 for the
16 procurement of goods, services, and construction, consistent
17 with the goals of public accountability and public procurement
18 practices. Where possible, however, the Hawaiian-focused
19 charter school is encouraged to use the provisions of chapter
20 103D; provided that the use of one or more provisions of chapter
21 103D shall not constitute a waiver of the exemption of chapter
22 103D and shall not subject the Hawaiian-focused charter school

1 to any other provision of chapter 103D. Hawaiian-focused
2 charter schools shall account for funds expended for the
3 procurement of goods and services, and its records shall be
4 subject to chapter 92F.

5 **§302A-G Hawaiian-focused charter schools; accountability.**

6 (a) Each Hawaiian-focused charter school shall conduct self-
7 evaluations annually. The self-evaluation process shall include
8 but not be limited to:

9 (1) The identification and adoption of benchmarks to
10 measure and evaluate administrative and instructional
11 programs as provided in this section;

12 (2) The identification of any administrative and legal
13 barriers to meeting the benchmarks, as adopted, and
14 recommendations for improvements and modifications to
15 address the barriers;

16 (3) The impact of any changes made upon the students of
17 the Hawaiian-focused charter school; and

18 (4) A profile of the charter school's enrollment and
19 community it serves.

20 Each Hawaiian-focused charter school shall submit a report of
21 its self-evaluation to the Hawaiian charter school council
22 within sixty working days after the completion of the school



1 year; provided that the Hawaiian charter school council shall
2 have thirty working days to respond to any recommendation
3 regarding improvements and modifications that would directly
4 impact the Hawaiian charter school council.

5 (b) Every five years, the Hawaiian charter school council
6 shall conduct an evaluation of the effectiveness of the
7 Hawaiian-focused charter approach authorized under this section.
8 Based on this evaluation, the Hawaiian charter school council
9 shall directly report to the legislature and the governor with
10 recommendations to modify, expand, or terminate the Hawaiian-
11 focused charter school approach. The evaluation of the
12 effectiveness of the Hawaiian-focused charter school approach
13 shall include the following factors:

- 14 (1) If available, the pre- and post Hawaiian-focused
15 charter school test scores of pupils attending charter
16 schools and other pupil assessment tools;
- 17 (2) The level of parental satisfaction with the charter
18 school approach compared with schools within the
19 district in which the charter school is located;
- 20 (3) The impact of required parental involvement;
- 21 (4) The fiscal structure and practices of charter schools,
22 as well as the relationship of these structures and



- 1 practices to school districts including the amount of
2 revenue received from various public sources;
- 3 (5) An assessment of whether or not the charter school
4 approach has resulted in increased innovation and
5 creativity;
- 6 (6) Opportunities for teachers under the charter school
7 approach;
- 8 (7) Whether or not there is an increased focus on low-
9 achieving and gifted pupils;
- 10 (8) Any discrimination and segregation in charter schools;
- 11 (9) The governance, fiscal, liability, and accountability
12 practices and related issues between charter schools
13 and the board of education;
- 14 (10) The manner in which compliance with the conditions,
15 standards, and procedures entered into under a charter
16 are monitored;
- 17 (11) The assessment of how the exemption from laws
18 governing schools allows charter schools to operate
19 differently than schools operating under those laws;
20 and
- 21 (12) The role and impact of collective bargaining on
22 charter schools.



1 (c) Upon a determination by the Hawaiian charter school
2 council that student achievement within a Hawaiian-focused
3 charter school does not meet student performance standards, or
4 that the Hawaiian-focused charter school is not fiscally
5 responsible, a Hawaiian-focused charter school shall be placed
6 on probationary status and shall have one year to bring student
7 performance into compliance with statewide standards and improve
8 the school's fiscal accountability. If a Hawaiian-focused
9 charter school fails to meet its probationary requirements, or
10 fails to comply with any of the requirements of this section,
11 the Hawaiian charter school council, upon a two-thirds majority
12 vote, may then deny the continuation of the Hawaiian-focused
13 charter school.

14 (d) The Hawaiian charter school council may adopt
15 guidelines to supplement accountability measures incorporated in
16 the written performance contracts required under section
17 302A-D(i).

18 **§302A-H Hawaiian-focused charter schools; administrative**
19 **supervision.** Whenever any Hawaiian-focused charter school is
20 established under section 302A-D, the following provisions shall
21 apply except as otherwise specifically provided by this chapter:



- 1 (1) Following consultation with the Hawaiian-focused
2 charter school, the Hawaiian charter school council
3 shall represent the Hawaiian-focused charter school in
4 communications with the governor and with the
5 legislature;
- 6 (2) The financial requirements for state funds of the
7 Hawaiian-focused charter school shall be submitted
8 through the Hawaiian charter school council and
9 included in a budget request separate from the
10 department;
- 11 (3) The approval of all policies and rules adopted by the
12 Hawaiian-focused charter school shall be preceded by
13 an open public meeting pursuant to chapter 91;
- 14 (4) The employment, appointment, promotion, transfer,
15 demotion, discharge, and job descriptions of all
16 officers and employees of or under the jurisdiction of
17 the Hawaiian-focused charter school shall be
18 determined by the Hawaiian-focused charter school and
19 applicable personnel laws and collective bargaining
20 agreements;
- 21 (5) Except as set forth in this section, the board of
22 education, the superintendent of education, or the



1 Hawaiian charter school council shall not have the
 2 power to supervise or control the Hawaiian-focused
 3 charter school in the exercise of its functions,
 4 duties, and powers; and

5 (6) Local school boards may enter into an annual business
 6 contract for centralized services to be provided by
 7 the department prior to the beginning of each school
 8 year.

9 **§302A-I Representation by attorney general.** The Hawaiian
 10 charter school council, Hawaiian charter school district, and
 11 Hawaiian-focused charter schools are entitled to legal services
 12 and representation from the attorney general in state and
 13 federal courts. The attorney general, upon request, shall
 14 provide legal services and representation in the same manner and
 15 to the same extent as provided to public schools, the
 16 department, and the board of education.

17 **§302A-J Hawaiian-focused charter schools; mandate to**
 18 **support.** The chair of the board of education charter school
 19 committee, the superintendent of education, the key
 20 representatives of the major divisions in the department, and
 21 representatives from other departments providing related
 22 services, including but not limited to the department of health,



1 department of accounting and general services, and
2 representative from the unions, as well as individuals from the
3 Hawaiian charter school district and Hawaiian-focused charter
4 schools shall collaborate together on a system of technical
5 assistance that will provide a baseline for success of each
6 Hawaiian-focused charter school. In addition, the department,
7 through the board of education and its superintendent, shall
8 provide any other information and technical assistance upon
9 request necessary to support the establishment and expansion of
10 Hawaiian-focused charter schools and the Hawaiian charter school
11 district."

12 SECTION 3. Section 26-35.5, Hawaii Revised Statutes, is
13 amended by amending subsection (a) to read as follows:

14 "(a) For purposes of this section, "member" means any
15 person who is appointed, in accordance with the law, to serve on
16 a temporary or permanent state board, including members of the
17 Hawaiian charter school council, local school board of any new
18 century charter school established under section 302A-1182, or
19 new century conversion charter school established under section
20 302A-1191, council, authority, committee, or commission,
21 established by law or elected to the board of education or the
22 board of trustees of the employees' retirement system under



1 section 88-24; provided that "member" shall not include any
2 person elected to serve on a board or commission in accordance
3 with chapter 11 other than a person elected to serve on the
4 board of education."

5 SECTION 4. There is appropriated out of the general
6 revenues of the State of Hawaii the sum of \$, or so
7 much thereof as may be necessary for fiscal year 2006-2007, for
8 the purpose of funding the establishment of a noncontiguous
9 Hawaiian school district, a Hawaii charter school council, and
10 necessary staff for the Hawaiian charter school district and
11 council.

12 SECTION 5. The sum appropriated shall be expended by the
13 department of education for the purposes of this Act.

14 SECTION 6. In codifying the new sections added by
15 section 2 of this Act, the revisor of statutes shall substitute
16 appropriate section numbers for the letters used in designating
17 the new sections in this Act.

18 SECTION 7. New statutory material is underscored.

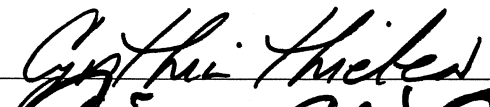

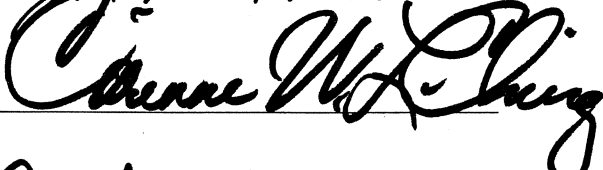

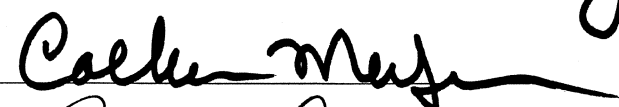
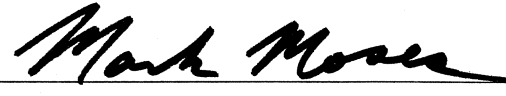
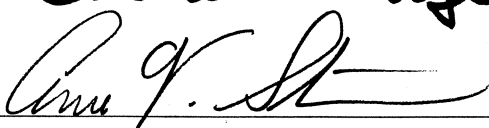

19 SECTION 8. This Act shall take effect upon its approval;



1 provided that sections 4 and 5 shall take effect on July 1,
2 2006.

3
4

INTRODUCED BY:

JAN 20 2006



HB 2023

Report Title:

Hawaiian Focused Charter Schools

Description:

Establishes a noncontiguous Hawaiian charter school district under the board of education to be monitored by a Hawaiian charter school council.

