
A BILL FOR AN ACT

RELATING TO CHARTER SCHOOLS.

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

1 SECTION 1. The legislature finds that charter schools have
2 been one of the fastest growing areas of public school reform.
3 Since their inception in 1994, Hawaii's charter schools have
4 provided a viable choice within the public school system for
5 parents, teachers, and community leaders, while accommodating
6 the individual needs of students. In addition to promoting
7 choice, charter schools have greatly encouraged innovation in
8 their curriculum, administration, and management.

9 The number of students enrolled in Hawaii's twenty-seven
10 charter schools grew more than eight per cent in 2005, while
11 total enrollment in Hawaii's traditional public school system
12 continued a slow decline. There were 5,596 students enrolled in
13 charter schools for the 2005-2006 school year, a gain of 8.3 per
14 cent, according to the department of education. Moreover, the
15 academic performance of charter school students have kept pace
16 with traditional schools under the federal No Child Left Behind
17 Act..



1 The legislature finds that despite the popularity of
2 charter schools, there is a limited number of new start-up
3 schools allowed, even though there are waiting lists for parents
4 who want to send their children to charter schools. The purpose
5 of this Act is to repeal the cap on the number of new century
6 charter schools and new century conversion charter schools that
7 may be established in the State.

8 SECTION 2. Section 302A-1182, Hawaii Revised Statutes, is
9 amended by amending subsection (a) to read as follows:

10 "(a) [~~Up to a total of twenty-three schools may be~~
11 ~~established as new century charter schools. These new]~~ New
12 century charter schools may be established by:

- 13 (1) The creation of a new school; or
14 (2) The creation of a new school, comprising programs or
15 sections of existing public school populations and
16 using existing public school facilities, pursuant to
17 subsection (b)."

18 SECTION 3. Section 302A-1191, Hawaii Revised Statutes, is
19 amended to read as follows:

20 "**§302A-1191 New century conversion charter schools;**
21 **conversion schools.** (a) As used in this section:

22 "New century conversion charter school" means:



1 (1) Any existing department school that is managed and
2 operated in accordance with subsection (d); or

3 (2) Any existing department school that is managed and
4 operated by a nonprofit organization in accordance
5 with this section, excluding subsection (d).

6 "Nonprofit organization" means a private, nonprofit, tax-
7 exempt entity that:

8 (1) Is recognized as a tax exempt organization under
9 section 501(c)(3) of the Internal Revenue Code of
10 1986, as amended;

11 (2) Is domiciled in this State; and

12 (3) Makes a minimum annual contribution of \$1 per pupil
13 toward the operation of a new century conversion
14 charter school for every \$4 per pupil allocated by the
15 charter school administrative office for the operation
16 of the charter school.

17 (b) A nonprofit organization may submit a letter of intent
18 to the board of education to operate and manage an existing
19 public school as a new century conversion charter school,
20 establish a local school board as its governing body, and
21 develop a detailed implementation plan pursuant to section 302A-
22 1182(c); provided that:



- 1 (1) The local school board as the governing body of the
2 new century conversion charter school shall be
3 composed of the board of directors of the nonprofit
4 organization and not the participants specified in
5 subsection (d)(1). The nonprofit organization may
6 also appoint advisory panels of community
7 representatives for each school managed by the
8 organization, with whom the organization may consult;
9 provided that these panels shall not have governing
10 authority over the school and shall serve only in an
11 advisory capacity to the nonprofit organization;
- 12 (2) The detailed implementation plan for each new century
13 conversion charter school to be operated by the
14 nonprofit organization shall be formulated, developed,
15 and submitted by the local school board. The detailed
16 implementation plan shall be approved by a majority of
17 the votes cast by existing administrative, support,
18 and teaching personnel, and parents; provided that the
19 school personnel may request their bargaining unit
20 representative to certify and conduct the elections
21 for their respective bargaining units;



- 1 (3) After the detailed implementation plan for a new
2 century conversion charter school operated and managed
3 by the nonprofit organization has been approved by the
4 new century charter school review panel and the board
5 of education as provided in section 302A-1182(d) to
6 (g), the board of education shall issue a charter, and
7 the implementation plan shall be converted to a
8 written performance contract between the nonprofit
9 organization and the board of education, under which
10 the new century conversion charter school shall be
11 managed and operated as a division of the nonprofit
12 organization;
- 13 (4) The board of directors of the nonprofit organization,
14 as the governing body for the new century conversion
15 charter school that it operates and manages, shall
16 have the same protections that are afforded to the
17 state board of education;
- 18 (5) Any new century conversion charter school that is
19 managed and operated by a nonprofit organization shall
20 be eligible for the same federal and state funding as
21 other public schools; provided that the nonprofit
22 organization may allocate federal and state funds



1 among two or more of the new century conversion
2 charter schools that it operates and manages to the
3 extent permitted by law; and

4 (6) If, at any time, the new century conversion charter
5 school dissolves or the charter is revoked, the State
6 of Hawaii shall have first right, at no cost to the
7 State, to all the assets and facilities of the new
8 century conversion charter school, except as provided
9 in the detailed implementation plan.

10 (c) Any nonprofit organization that seeks to manage or
11 operate a new century conversion charter school as provided in
12 subsection (b) shall comply with the following at the time of
13 application:

14 (1) Have bylaws or policies that describe the manner in
15 which business is conducted and policies that relate
16 to the management of potential conflict of interest
17 situations;

18 (2) Have experience in the management and operation of
19 public or private schools, or, to the extent
20 necessary, agree to obtain appropriate services from
21 another entity or entities possessing such experience;



1 (3) Comply with all applicable federal, state, and county
2 laws, including being licensed and accredited, as
3 applicable, in accordance with the requirements of
4 federal, state, and county governments; and

5 (4) Comply with any other requirements prescribed by the
6 department to ensure adherence with applicable
7 federal, state, and county laws and the purposes of
8 this chapter.

9 (d) As an alternative to subsection (b), any public school
10 or schools may submit a letter of intent to the board of
11 education to form a new century conversion charter school,
12 establish a local school board as its governing body, and
13 develop a detailed implementation plan pursuant to section 302A-
14 1182(c); provided that:

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

18 (A) Principals;

19 (B) Instructional staff members selected by the
20 school instructional staff;

21 (C) Support staff selected by the support staff of
22 the school;



1 (D) Parents of students attending the school selected
2 by the parents of the school;

3 (E) Student body representatives selected by the
4 students of the school; and

5 (F) The community at-large; and

6 (2) The detailed implementation plan shall be approved by
7 a majority of the votes cast by existing
8 administrative, support, and teaching personnel, and
9 parents; provided that the school personnel may
10 request their bargaining unit representative to
11 certify and conduct the elections for their respective
12 bargaining units.

13 ~~[(e) Up to a total of twenty-five schools may be
14 established as new century conversion charter schools. Any new
15 century conversion charter school may, prior to the beginning of
16 the school year, enter into an annual contract with the
17 department of education for centralized services to be provided
18 by the department.~~

19 ~~(f)]~~ (e) This section does not affect rights and duties
20 that matured, penalties that were incurred, and proceedings that
21 were begun, before April 4, 2002.



1 [~~(g)~~] (f) Unless otherwise provided in this section, the
2 provisions in this subpart, as they relate to new century
3 charter schools, shall apply to new century conversion charter
4 schools. In the event of a conflict between the provisions in
5 this section, as they relate to new century conversion charter
6 schools, and the provisions in this subpart, this section shall
7 control."

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

10 SECTION 5. This Act shall take effect upon its approval.

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JAN 20 2006



HB 2087

Report Title:

Education; Charter Schools; Cap

Description:

Repeals the cap on the number of new century charter schools and new century conversion charter schools that may be established.

