
A BILL FOR AN ACT

RELATING TO CHARTER SCHOOLS.

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

1 SECTION 1. Chapter 302B, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§302B-A Virtual charter schools; establishment. (a) New
5 virtual charter schools may be established pursuant to this
6 section.

7 (b) Any community, group of teachers, group of teachers
8 and administrators, or nonprofit organization may submit a
9 letter of intent to the office to form a charter school,
10 establish an interim local school board as its governing body,
11 and develop a detailed implementation plan pursuant to
12 subsection (d).

13 (c) The virtual charter school application process and
14 schedule shall be determined by the panel, and shall provide for
15 and include the following elements:

16 (1) The submission of a letter of intent to operate a
17 virtual charter school;



- 1 (2) The timely transmittal of the application form and
2 completion guidelines to the interim local school
3 board;
- 4 (3) The timely submission to the panel of a completed
5 application;
- 6 (4) The timely review of the application by the panel for
7 completeness, and notification of the interim local
8 school board if the application is complete or, if the
9 application is insufficient, a written statement of
10 the elements of the application that require
11 completion;
- 12 (5) The timely resubmission of the application;
- 13 (6) Upon receipt of a completed application, the convening
14 of the panel by the panel chairperson to begin review
15 of the application;
- 16 (7) The timely notification of the applicant of any
17 revisions the panel requests as necessary for a
18 recommendation of approval;
- 19 (8) Following the submission of an application, issuance
20 of a charter or denial of the application by the panel
21 by majority vote; provided that if the panel does not



- 1 approve the application and issue a charter,
2 provisions requiring the panel to:
- 3 (A) Clearly identify in writing its reasons for not
4 issuing the charter, which may be used as
5 guidelines for an amended plan; and
- 6 (B) Allow the interim local school board to revise
7 its plan in accordance with the panel's
8 guidelines, and resubmit an amended plan within
9 ten calendar days;
- 10 (9) A provision for a final date on which a decision must
11 be made, upon receipt of an amended plan; and
- 12 (10) A provision that no virtual charter school may begin
13 operation before obtaining panel approval of its
14 charter.
- 15 (d) An application to become a virtual charter school
16 shall include a detailed implementation plan that meets the
17 requirements of this subsection and section 302B-9. The plan
18 shall include the following:
- 19 (1) A description of employee rights and management issues
20 and a framework for addressing those issues that
21 protects the rights of employees;



- 1 (2) A plan for identifying, recruiting, and retaining
2 highly-qualified instructional faculty;
- 3 (3) A plan for identifying, recruiting, and selecting
4 students that is not exclusive, elitist, or
5 segregationist;
- 6 (4) The curriculum and instructional framework to be used
7 to achieve student outcomes, including an assessment
8 plan;
- 9 (5) A plan for the assessment of student, administrative
10 support, and teaching personnel performance that:
 - 11 (A) Recognizes the interests of the general public;
 - 12 (B) Incorporates or exceeds the educational content
13 and performance standards developed by the
14 department for the public school system;
 - 15 (C) Includes a system of faculty and staff
16 accountability that holds faculty and staff both
17 individually and collectively accountable for
18 their performance, and that is at least
19 equivalent to the average system of
20 accountability in public schools throughout the
21 State; and



- 1 (D) Provides for program audits and annual financial
- 2 audits;
- 3 (6) A governance structure for the charter school that
- 4 incorporates a conflict of interest policy and a plan
- 5 for periodic training to carry out the duties of local
- 6 school board members;
- 7 (7) A financial plan based on the most recent fiscal
- 8 year's per-pupil charter school allocation that
- 9 demonstrates the ability to meet the financial
- 10 obligations of one-time, start-up costs and ongoing
- 11 costs such as monthly payrolls, faculty recruitment,
- 12 professional development, and facilities costs; and
- 13 (8) A facilities plan."

14 SECTION 2. Section 302B-1, Hawaii Revised Statutes, is

15 amended by amending the definition of "charter school" and

16 adding a new definition for "virtual charter school" to be

17 appropriately inserted and to read as follows:

18 "**§302B-1 Definitions.** Whenever used in this chapter,

19 unless the context otherwise requires:

20 "Board" means the board of education.

21 "Charter school" refers to those public schools holding

22 charters to operate as charter schools under this chapter,



1 including start-up [~~and~~], conversion, and virtual charter
2 schools, and that have the flexibility and independent authority
3 to implement alternative frameworks with regard to curriculum,
4 facilities management, instructional approach, virtual
5 education, length of the school day, week, or year, and
6 personnel management.

7 "Charter school review panel" or "panel" means the panel
8 established pursuant to section 302B-3 with the powers and
9 duties to issue and revoke charters, approve detailed
10 implementation plan revisions, and conduct charter school
11 evaluations.

12 "Conversion charter school" means:

13 (1) Any existing department school that converts to a
14 charter school and is managed and operated in
15 accordance with section 302B-6;

16 (2) Any existing department school that converts to a
17 charter school and is managed and operated by a
18 nonprofit organization in accordance with section
19 302B-6; or

20 (3) A newly created school, consisting of programs or
21 sections of existing public school populations that
22 are funded and governed independently and may include



1 part of a separate Hawaiian language immersion program
2 using existing public school facilities.

3 "Department" means the department of education.

4 "Detailed implementation plan" means the document that
5 details the charter school's purpose, focus, operations,
6 organization, finances, and accountability, and becomes the
7 basis for a performance contract between the panel and the
8 charter school.

9 "Executive director" means the executive director of the
10 charter school administrative office.

11 "Local school board" means the autonomous governing body of
12 a charter school that receives the charter and is responsible
13 for the financial and academic viability of the charter school
14 and implementation of the charter, possesses the independent
15 authority to determine the organization and management of the
16 school, the curriculum, virtual education, and compliance with
17 applicable federal and state laws, [and] has the power to
18 negotiate supplemental collective bargaining agreements with
19 exclusive representatives of their employees.

20 "Nonprofit organization" means a private, nonprofit, tax-
21 exempt entity that:



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

4 (2) Is domiciled in this State.

5 "Office" means the charter school administrative office.

6 "Organizational viability" means that a charter school:

7 (1) Has been duly constituted in accordance with its
8 charter;

9 (2) Has a local school board established in accordance
10 with law and the charter school's charter;

11 (3) Employs sufficient faculty and staff to provide the
12 necessary educational program and support services to
13 operate the facility in accordance with its charter;

14 (4) Maintains accurate and comprehensive records regarding
15 students and employees as determined by the office;

16 (5) Meets appropriate standards of student achievement;

17 (6) Cooperates with board, panel, and office requirements
18 in conducting its functions;

19 (7) Complies with applicable federal, state, and county
20 laws and requirements;

21 (8) In accordance with office guidelines and procedures,
22 is financially sound and fiscally responsible in its



- 1 use of public funds, maintains accurate and
2 comprehensive financial records, operates in
3 accordance with generally accepted accounting
4 practices, and maintains a sound financial plan;
- 5 (9) Operates within the scope of its charter and fulfills
6 obligations and commitments of its charter;
- 7 (10) Complies with all health and safety laws and
8 requirements; and
- 9 (11) Complies with all panel directives, policies, and
10 procedures.

11 "Start-up charter school" means a new school established
12 under section 302B-5.

13 "Virtual charter school" means a new school established
14 under section 302B-A, which delivers coursework via computer."

15 SECTION 3. Section 302B-4, Hawaii Revised Statutes, is
16 repealed.

17 ~~" [§302B-4 Limits on charter schools. The panel may~~
18 ~~authorize one new start up charter school for each existing~~
19 ~~start up charter school that has received a three year or longer~~
20 ~~accreditation from the Western Association of Schools and~~
21 ~~Colleges or a comparable accreditation authority as determined~~
22 ~~by the panel, or for each start up charter school whose charter~~



1 ~~is revoked. The total number of conversion charter schools~~
2 ~~authorized by the panel shall not exceed twenty five.]"~~

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, 2008.
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INTRODUCED BY:

~~Alungin~~
Kene Ouel

~~Am~~
~~Ken~~
Mark R.

~~CA~~
David Smith ~~Z R~~

Tom Brown

Callie May

John Karaman

Karen Chavana

Yell

[Signature]

Christine N. King

Barbara Mamamoto

[Signature]

[Signature]

Cindy Evans



Report Title:

Charter schools

Description:

Eliminates cap on charter schools. Authorizes the establishment of virtual charter schools.

