

JAN 23 2009

A BILL FOR AN ACT

RELATING TO EDUCATION.

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

1 SECTION 1. The legislature finds that the purposes of Act
2 115, Session Laws of Hawaii 2007, include clarifying the
3 significant role of the board of education in policymaking for
4 charter schools, and delegating certain responsibilities,
5 including charter school authorization and oversight, to the
6 charter school review panel.

7 Act 115, Session Laws of Hawaii 2007, also states that it
8 is not the legislature's intent that Act 115 alter or affect the
9 board of education's role as the state education agency for the
10 State.

11 The legislature further finds that article X, section 3 of
12 the state constitution provides that the board of education
13 shall have the power, as provided by law, to formulate statewide
14 educational policy.

15 The purpose of this Act is to make clarifying amendments to
16 laws affecting the charter schools.



1 SECTION 2. Section 302A-1101, Hawaii Revised Statutes, is
2 amended by amending subsection (d) to read as follows:

3 "(d) The board shall appoint the charter school review
4 panel, which shall serve as the charter authorizer for charter
5 schools, with the power and duty to issue charters, oversee and
6 monitor charter schools, hold charter schools accountable for
7 their performance, and revoke charters[-]; provided that the
8 board shall have the authority to remove any member of the panel
9 for cause."

10 SECTION 3. Section 302B-1, Hawaii Revised Statutes, is
11 amended by amending the definition of "organizational viability"
12 to read as follows:

13 "Organizational viability" means that a charter school:

- 14 (1) Has been duly constituted in accordance with its
15 charter;
- 16 (2) Has a local school board established in accordance
17 with law and the charter school's charter;
- 18 (3) Employs sufficient faculty and staff to provide the
19 necessary educational program and support services to
20 operate the facility in accordance with its charter;
- 21 (4) Maintains accurate and comprehensive records regarding
22 students and employees as determined by the office;



- 1 (5) Meets appropriate standards of student achievement;
- 2 (6) Cooperates with board, panel, and office requirements
- 3 in conducting its functions;
- 4 (7) Complies with applicable federal, state, and county
- 5 laws and requirements;
- 6 (8) In accordance with office guidelines and procedures,
- 7 is financially sound and fiscally responsible in its
- 8 use of public funds, maintains accurate and
- 9 comprehensive financial records, operates in
- 10 accordance with generally accepted accounting
- 11 practices, and maintains a sound financial plan;
- 12 (9) Operates within the scope of its charter and fulfills
- 13 obligations and commitments of its charter;
- 14 (10) Complies with all health and safety laws and
- 15 requirements; [~~and~~]
- 16 (11) Complies with all panel directives, policies, and
- 17 procedures[-];
- 18 (12) Complies with board policies; and
- 19 (13) Complies with department directives."

20 SECTION 4. Section 302B-3, Hawaii Revised Statutes, is
21 amended by amending subsection (c) to read as follows:



1 "(c) The board shall appoint the remaining members of the
2 panel other than the chair of the board[-]; provided that the
3 board shall have the authority to remove any member of the panel
4 for cause."

5 SECTION 5. Section 302B-14, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "**§302B-14 Accountability; probationary status; revocation**
8 **of charter.** (a) Every charter school shall conduct annual
9 self-evaluations that shall be submitted to the panel within
10 sixty working days after the completion of the school year, or
11 in accordance with reporting requirements adopted by the panel.
12 The self-evaluation process shall include but not be limited to:
13 (1) The identification and adoption of benchmarks to
14 measure and evaluate administrative and instructional
15 programs;
16 (2) The identification of any innovations or research that
17 may assist other public schools;
18 (3) The identification of any administrative and legal
19 barriers to meeting the adopted benchmarks, and
20 recommendations for improvements and modifications to
21 address the barriers;



- 1 (4) An evaluation of student achievement within the
- 2 charter school;
- 3 (5) A profile of the charter school's enrollment and the
- 4 community it serves, including a breakdown of regular
- 5 education and special education students; and
- 6 (6) An evaluation of the school's organizational
- 7 viability.
- 8 (b) The panel shall conduct multi-year evaluations of
- 9 charter schools that have been chartered for four or more years.
- 10 (c) The panel may conduct special evaluations of charter
- 11 schools at any time.
- 12 (d) The panel may place a charter school on probationary
- 13 status; provided that:
- 14 (1) The panel evaluates the charter school or reviews an
- 15 evaluation of the charter school;
- 16 (2) The panel and the office are involved in substantive
- 17 discussions with the charter school regarding the
- 18 areas of deficiencies;
- 19 (3) The notice of probation is delivered to the charter
- 20 school and specifies the deficiencies requiring
- 21 correction, the probation period, and monitoring and
- 22 reporting requirements;

1 (4) For deficiencies related to student performance, a
2 charter school shall be allowed two years to improve
3 student performance;

4 (5) For deficiencies related to financial plans, a charter
5 school shall be allowed one year to develop a sound
6 financial plan; and

7 (6) For deficiencies related to organizational viability,
8 a charter school may be allowed one year to improve
9 administrative compliance.

10 The charter school shall remain on probationary status
11 until the panel votes either to remove the charter school from
12 probationary status or revoke its charter.

13 (e) If a charter school fails to resolve deficiencies by
14 the end of the probation period, the panel may revoke the
15 charter; provided that the vote of two-thirds of all the members
16 to which the panel is entitled shall be required to revoke the
17 charter.

18 (f) The panel may place a charter school on probationary
19 status or revoke the charter for serious student or employee
20 health or safety deficiencies; provided that:



- 1 (1) The charter school is given notice of specific health
2 or safety deficiencies and is afforded an opportunity
3 to present its case to the panel;
- 4 (2) The panel chair appoints a task group, which may be an
5 investigative task group or the office, to visit the
6 charter school and conduct meetings with its local
7 school board and its school community to gather input;
- 8 (3) Based on its findings, the task group shall recommend
9 to the panel to revoke the charter, place the charter
10 school on probation, or continue the charter;
- 11 (4) The vote of two-thirds of all the members to which the
12 panel is entitled shall be required to revoke the
13 charter;
- 14 (5) The best interest of the school's students guide all
15 decisions; and
- 16 (6) After a decision to revoke a charter, the charter
17 school shall be allowed to remain open until a plan
18 for an orderly shutdown or transfer of students and
19 assets is developed and executed, or until the school
20 year ends, whichever comes first.
- 21 (g) If there is an immediate concern for student or
22 employee health or safety at a charter school, the panel, in



1 consultation with the office, may adopt an interim restructuring
 2 plan that may include the appointment of an interim local school
 3 board, an interim local school board chairperson, or a principal
 4 to temporarily assume operations of the school; provided that if
 5 possible without further jeopardizing the health or safety of
 6 students and employees, the charter school's stakeholders and
 7 community are first given the opportunity to elect a new local
 8 school board which shall appoint a new interim principal.

9 ~~[(h) The board shall adopt rules pursuant to chapter 91~~
 10 ~~for placing charter schools on probation and for revoking a~~
 11 ~~charter.~~

12 ~~(i)]~~ (h) If, at any time, a charter school dissolves or
 13 the charter is revoked, the State shall have first right, at no
 14 cost to the State, to all the assets and facilities of the
 15 charter school, except as otherwise provided by law."

16 SECTION 6. Statutory material to be repealed is bracketed
 17 and stricken. New statutory material is underscored.

18 SECTION 7. This Act shall take effect upon its approval.

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Report Title:

Education; Charter Schools

Description:

Authorizes the board of education to remove for cause a member of the charter school review panel; requires a charter school to comply with board and department of education policies and directives; deletes the requirement that the board adopt rules for placing a charter school on probation or revoking a charter.

