

JAN 25 2010

A BILL FOR AN ACT

RELATING TO CHARTER SCHOOLS.

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

1 SECTION 1. The purpose of this Act is to clarify certain
2 statutory provisions vis-a-vis the education laboratory school,
3 which is a charter school within the meaning of chapter 302B,
4 Hawaii Revised Statutes, whose charter was approved by the board
5 of education on August 16, 2001. These sections regarding the
6 education laboratory school which are being clarified by this
7 Act exist in chapter 304A, Hawaii Revised Statutes. Other
8 clarifications in those sections are needed in order to:

9 (1) Ensure that the State complies with the donative
10 intent of the Castle family of Kaneohe when they
11 donated certain buildings to the University of Hawaii
12 with the explicit understanding that the donated
13 buildings be utilized for elementary and secondary
14 school educational purposes only; and

15 (2) Exempt the current provision in section 304A-2266,
16 Hawaii Revised Statutes, which allows the education
17 laboratory school to charge tuition for summer school
18 from the general statutory provision in section 302B-



1 12(f), Hawaii Revised Statutes, which prohibits
2 charter schools from charging tuition. This is in
3 line with the current public school policy of charging
4 tuition for summer school classes while not charging
5 tuition for classes that are conducted during the
6 regular school year.

7 SECTION 2. Section 304A-1006, Hawaii Revised Statutes, is
8 amended to read as follows:

9 " ~~[+]~~ §304A-1006 ~~[+]~~ **Compensation of education laboratory**
10 **school cafeteria personnel.** The compensation of all cafeteria
11 workers and the cafeteria manager at the education laboratory
12 school cafeteria, or any successor organization or unit, shall
13 be paid out of the general fund of the State. The university
14 shall include, in its budgetary request for each upcoming fiscal
15 period, the amounts necessary to carry out the purposes of this
16 section. For purposes of this section, "education laboratory
17 school" mean the same school as in section 304A-2266. As used
18 in this section, the education laboratory school cafeteria means
19 the cafeteria that prepares meals for the students of the
20 educational laboratory school, with that cafeteria being located
21 in the multi-purpose building, which is located in the mauka-ewa
22 corner of the intersection of Dole street and University avenue,



1 and which is just makai of the concrete two-story building which
2 houses part of the education laboratory school. The cafeteria
3 and multi-purpose building, along with the adjacent portable
4 classroom building, some of which are located directly mauka of
5 the multi-purpose building and others of which are located
6 mauka-ewa of the multi-purpose building, Castle Memorial Hall
7 which is located ewa of the multi-purpose building, the athletic
8 field and concomitant locker room, and the two instructional
9 staff offices/classroom buildings which are located mauka-ewa of
10 the multi-purpose building, or the replacement structures for
11 all of the foregoing buildings, which when built shall be
12 located on the same footprint of the current buildings or in
13 close proximity thereto, shall be used exclusively by the
14 education laboratory school for its educational purposes, which
15 shall include but not be limited to physically and academically
16 nourishing the educational laboratory school students."

17 SECTION 3. Section 304A-2266, Hawaii Revised Statutes, is
18 amended to read as follows:

19 "[+] §304A-2266 [+] Education laboratory school summer
20 programs revolving fund. There is established the education
21 laboratory school summer programs revolving fund, from which
22 shall be paid the cost of operations of the education laboratory



1 school summer programs. The education laboratory school may
2 establish appropriate charges for activities related to its
3 summer programs, the proceeds from which shall be deposited into
4 this revolving fund. As used in this section, the education
5 laboratory school is the chapter 302A charter school that is
6 recognized by that name by the department of education, and
7 whose charter was approved by the board of education on August
8 16, 2001. Notwithstanding any provision of law, including
9 section 302B-12(f), prohibition against charter schools charging
10 tuition, Hawaii administrative rules, or the provisions,
11 memoranda, documents, policies, or writings of any part of the
12 state government, the education laboratory school:

- 13 (1) Shall have the authority to charge tuition for summer
14 programs only; and
- 15 (2) Shall have a local school board, within the meaning of
16 chapter 302B, which shall consist of members who are
17 only within the categories stated in section 302A-7;
18 provided that no member of that local school board who
19 is either directly or indirectly affiliated with any
20 part of the University of Hawaii, including but not
21 limited to university employees, shall be a voting
22 member of that local school board."



1 SECTION 4. In implementing the provisions in section 3 of
2 this Act, the individuals who are education laboratory school
3 local school board members and barred from holding positions on
4 that local school board for three years, with the education
5 laboratory school's then current by-laws being repealed and the
6 initial by-laws of the education laboratory school being
7 reinstated in its place, and with the individual who was the
8 initial chair of that local school board being placed in that
9 position of chair for a period of three years. Thereafter that
10 initial chair shall appoint individuals to fill all of the
11 vacancies on that local school board except for those vacant
12 positions whose position holders must be selected by their
13 constituent groups pursuant to section 302B-7, Hawaii Revised
14 Statutes, with those replacements being selected pursuant to the
15 selection process in section 302B-7, Hawaii Revised Statutes;
16 provided that after the initial appointment of that local school
17 board's members who hold appointed positions, whenever a vacancy
18 in an appointed local school board member position occurs, the
19 individual who is the chair of that local school board at the
20 time the vacancy occurs shall appoint the individual to fill
21 that vacancy.



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1 SECTION 5. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 6. This Act shall take effect upon its approval.
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Report Title:

Charter Schools; Education Laboratory

Description:

Clarifies certain statutory provisions relating to the education laboratory charter school.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

