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# 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 two new sections to be appropriately  
3 designated and to read as follows:  
4           "§302B-A Charter school review panel members; appointment;  
5 terms; quorum and meetings; compensation. (a) The panel shall  
6 consist of ten members as follows:  
7           (1) Nine voting members who shall represent and reside in  
8 the specified geographic areas as follows:  
9           (A) One member from the county of Hawaii;  
10           (B) One member from the county of Maui;  
11           (C) One member from the county of Kauai; and  
12           (D) Six members from the city and county of Honolulu;  
13           and  
14           (2) One nonvoting member who shall be a charter school  
15 student at the time of the initial appointment.  
16 The members shall be appointed by the governor, with the advice  
17 and consent of the senate, and may be removed by the governor.



1       Except as otherwise provided by law, state officers shall  
2 be eligible for appointment and membership.

3       (b) Except for the student member, the governor shall set  
4 the terms of those initially appointed under this section to  
5 each seat on the panel as follows:

6       (1) Three members shall serve one-year terms;

7       (2) Three members shall serve two-year terms; and

8       (3) Three members, including the chairperson of the panel,  
9 shall serve three-year terms.

10       (c) Except for the student member:

11       (1) The term of each member shall be three years, except  
12 as provided for the initial appointment in subsection  
13 (b); and

14       (2) Members shall serve no more than two consecutive  
15 three-year terms; provided that the members who are  
16 initially appointed to terms of two years or less  
17 pursuant to subsection (b) may be reappointed to two  
18 ensuing, consecutive three-year terms. If a member is  
19 to be appointed to a second consecutive term of three  
20 years, the senate shall consider the question of  
21 whether to reconfirm the member at least one hundred  
22 twenty days prior to the expiration of a member's



1           first three-year term; provided that if the senate is  
2           not in session after the member's reappointment and  
3           prior to the one-hundred-twenty-day deadline by which  
4           the senate shall have considered the question of  
5           reconfirmation, the member shall continue to serve  
6           until the senate takes final action on the  
7           reconfirmation when it convenes for the next regular  
8           session or the next special session during which the  
9           senate is authorized to consider the question of  
10          reconfirmation.

11          (d) The term of the student member shall be two years.

12          The student member may be reappointed for one additional  
13          consecutive term even though the member is no longer a student  
14          at the time of reappointment; provided that the senate shall  
15          consider the question of whether to reconfirm the member at  
16          least one hundred twenty days prior to the expiration of the  
17          member's first term; provided further that if the senate is not  
18          in session after the member's reappointment and prior to the  
19          one-hundred-twenty-day deadline by which the senate shall have  
20          considered the question of reconfirmation, the member shall  
21          continue to serve until the senate takes final action on the  
22          reconfirmation when it convenes for the next regular session or



1 the next special session during which the senate is authorized  
2 to consider the question of reconfirmation.

3 (e) Every member may serve beyond the expiration date of  
4 the member's term of appointment until the member's successor  
5 has been appointed by the governor and confirmed by the senate.

6 (f) The panel shall select a chairperson from among its  
7 voting members.

8 The panel shall select a vice chairperson from among its  
9 voting members, who shall serve as interim chairperson if the  
10 chairperson's seat becomes vacant.

11 (g) A majority of all the voting members to which the  
12 panel is entitled shall constitute a quorum to conduct  
13 business. At any time the panel has fewer than six voting  
14 members, three voting members of the panel shall constitute a  
15 quorum to conduct business and the concurrence of three voting  
16 members shall be necessary to make any action of the panel  
17 valid.

18 Notwithstanding chapter 92, from the convening of the  
19 legislature in regular session to adjournment sine die of each  
20 regular session, and during each special session of the  
21 legislature, the panel may file any notice that specifies only



1 legislation or legislation-related agenda items, no fewer than  
2 two calendar days before the meeting.

3 (h) The governor shall notify the charter school review  
4 panel selection advisory council in writing within ten days of:

5 (1) Removing a member of the panel; or

6 (2) Receiving notification that a member of the panel is  
7 resigning or has died.

8 (i) The members of the panel shall serve without pay but  
9 shall be entitled to their travel expenses within the State when  
10 attending meetings of the panel or when actually engaged in  
11 business relating to the work of the panel.

12 §302B-B Charter school review panel selection advisory  
13 council. (a) There is established the charter school review  
14 panel selection advisory council to present to the governor  
15 lists of qualified candidates from which the members of the  
16 panel shall be nominated and, with the advice and consent of the  
17 senate, appointed by the governor. The council shall be  
18 attached to the department for administrative purposes.

19 (b) The council shall present a list of qualified  
20 candidates to the governor for each vacant seat on the panel as  
21 provided by law, with no fewer than two and no more than four  
22 qualified candidates for each seat on the panel:



- 1        (1) Within thirty days of convening its first meeting; and
- 2        (2) For all subsequent presentations to the governor:
- 3            (A) Within sixty days of a vacancy that arises by
- 4            resignation, death, or removal by the governor;
- 5            or
- 6            (B) Within one hundred fifty days prior to the
- 7            expiration of a panel member's term.

8        The council shall be deemed to have fulfilled its obligation  
9        under this section upon presentation of the names of the minimum  
10       number of candidates required to be presented for each seat on  
11       the panel.

12       (c) In selecting the candidates to be presented to the  
13       governor, the council shall:

- 14       (1) Establish the criteria for qualifying, screening, and
- 15       presenting to the governor candidates for membership
- 16       on the panel;
- 17       (2) Develop a statement that includes the selection
- 18       criteria to be applied and a description of the
- 19       responsibilities and duties of a member of the panel
- 20       and distribute this statement to potential candidates;
- 21       (3) Screen and qualify candidates for membership on the
- 22       panel based on their background, experience, and



1           potential for discharging the responsibilities of a  
2           member of the panel;

3           (4) Publicly advertise pending vacancies and actively  
4           solicit and accept applications from potential  
5           candidates;

6           (5) Develop and implement a fair, independent, and  
7           nonpartisan procedure for selecting candidates to  
8           serve on the panel; and

9           (6) Require each candidate to disclose any existing or  
10           anticipated contracts with the department or any  
11           existing or anticipated financial transactions with  
12           the department.

13           No council member shall qualify to be a candidate.

14           Upon submission of the names of candidates to the governor,  
15           the council shall make available the names of candidates to the  
16           public through the department.

17           (d) For each panel seat to be filled, the governor shall  
18           select one appointee from among the candidates submitted by the  
19           council. The appointee selected by the governor shall serve as  
20           an interim panel member until the appointee has been confirmed  
21           by the senate; provided that the members initially appointed to



1 the panel shall not serve until five voting members are  
2 appointed.

3 (e) The council shall consist of seven members to be  
4 appointed without regard to section 26-34 as follows:

5 (1) One member of the community appointed by the governor;

6 (2) One member of the community appointed by the president  
7 of the senate;

8 (3) One member of the community appointed by the speaker  
9 of the house of representatives; and

10 (4) Four members appointed by the Hawaii P-20 Council, of  
11 which:

12 (A) Two members shall be parents, one of whom shall  
13 be a currently-serving school community council  
14 parent representative;

15 (B) One member shall be from the business or  
16 nonprofit community; and

17 (C) One member shall be an educator.

18 Individuals who are or have served as members of the Hawaii P-20  
19 Council within the last two years immediately preceding the  
20 establishment of or a vacancy on the charter school review panel  
21 selection advisory council shall not be eligible to serve as





1 members of the charter school review panel selection advisory  
2 council.

3 The charter school review panel selection advisory council  
4 shall be selected in a nonpartisan manner. Appointees to the  
5 council shall have a general understanding of the purposes of  
6 public education, the mission of the department, and the  
7 responsibilities of the panel. Appointees shall be individuals  
8 who are widely viewed as having placed the broad public interest  
9 ahead of special interests, having achieved a high level of  
10 prominence in their respective professions, and being respected  
11 members of the community.

12 If any member has not been appointed within one hundred  
13 eighty days of a vacancy on the council, the other members on  
14 the council shall make an interim appointment to fill the vacant  
15 seat. The interim appointee shall satisfy the requirements for  
16 appointment provided in this subsection and shall serve until  
17 the time when the appropriate appointing authority makes an  
18 appointment for the vacant seat as provided in this subsection.

19 (f) Members of the council shall serve four-year terms;  
20 provided that the three members initially appointed by the  
21 governor, president of the senate, and speaker of the house of  
22 representatives shall each serve for an initial term of two



1 years; provided further that members shall serve no more than  
2 two consecutive four-year terms.

3 (g) If a vacancy occurs on the council, a successor shall  
4 be appointed in the same manner and subject to the same  
5 qualifications as the person's predecessor. The person  
6 appointed to fill a vacancy shall serve for the remainder of the  
7 term of the person's predecessor.

8 (h) The council shall operate in a nonpartisan manner. No  
9 individual, while a member of the council, shall run for or hold  
10 any elected office under the United States or the State or any  
11 of its political subdivisions.

12 (i) The council shall convene its first meeting when a  
13 majority of its members have been appointed and as early as  
14 practicable. The members of the council shall select a  
15 chairperson from among themselves. A majority of all the  
16 members to which the council is entitled shall constitute a  
17 quorum to conduct business. The concurrence of a majority of  
18 all the members to which the council is entitled shall be  
19 necessary to make any action of the council valid. The council  
20 shall meet annually and at other times as necessary. The  
21 council shall be exempt from part I of chapter 92.



1        (j) Members of the council shall serve without  
2 compensation but shall be entitled to reimbursement for  
3 expenses, including travel expenses, necessary for the  
4 performance of their duties.

5        (k) Notwithstanding chapter 92F or any other law to the  
6 contrary, all information required by the council shall be  
7 confidential, including all council information obtained,  
8 reviewed, or considered before and after a council decision  
9 making meeting. Confidential council information shall include  
10 documents, data, or other information that is not of public  
11 record, including:

- 12        (1) Personal financial information;
- 13        (2) The names of candidates;
- 14        (3) Applications and the personal, financial, and other  
15        information contained therein submitted by the  
16        candidates to the council;
- 17        (4) Interviews;
- 18        (5) Schedules;
- 19        (6) Reports;
- 20        (7) Studies;
- 21        (8) Background checks;
- 22        (9) Credit reports;

- 1        (10) Surveys and reports prepared for or on the council's
- 2                behalf;
- 3        (11) The results of any evaluations or assessments
- 4                conducted by the council;
- 5        (12) The substance and details of any discussions with
- 6                council members; and
- 7        (13) The substance and details of discussions and
- 8                deliberations of the council and any of its committees
- 9                during meetings."

10            SECTION 2. Section 302B-3, Hawaii Revised Statutes, is  
 11 amended to read as follows:

12            "§302B-3 Charter school review panel; establishment;  
 13 powers and duties. (a) There is established the charter school  
 14 review panel [7] that shall be placed within the department for  
 15 administrative purposes only. The panel shall be accountable to  
 16 the charter schools and the board. Notwithstanding section  
 17 302B-9 and any other law to the contrary, the panel shall be  
 18 subject to [chapter] chapters 91 and 92.

19            [~~(b)~~] ~~The panel shall consist of twelve members, and shall~~  
 20 ~~include:~~

21            ~~(1) Two licensed teachers regularly engaged in teaching,~~  
 22            ~~provided that one teacher is employed at a start up~~



- 1 ~~charter school, and one teacher is employed at a~~
- 2 ~~conversion charter school;~~
- 3 ~~(2) Two educational officers; provided that one~~
- 4 ~~educational officer is employed at a start-up charter~~
- 5 ~~school, and one educational officer is employed at a~~
- 6 ~~conversion charter school;~~
- 7 ~~(3) One member or former member of a charter school local~~
- 8 ~~school board;~~
- 9 ~~(4) The chair of the board of education or the chair's~~
- 10 ~~designee;~~
- 11 ~~(5) A representative of Hawaiian culture focused charter~~
- 12 ~~schools;~~
- 13 ~~(6) Two representatives of the University of Hawaii who~~
- 14 ~~are not affiliated with charter schools;~~
- 15 ~~(7) One member with a background in business or accounting~~
- 16 ~~who is not affiliated with charter schools;~~
- 17 ~~(8) One member with a background in the building trades or~~
- 18 ~~real estate who is not affiliated with charter~~
- 19 ~~schools; and~~
- 20 ~~(9) A representative from the Hawaii Association of~~
- 21 ~~Independent Schools;~~



1 ~~provided that the initial appointments for representatives in~~  
2 ~~paragraphs (7) to (9) shall be made by September 1, 2007. From~~  
3 ~~June 1, 2007, until such time that the panel has twelve members,~~  
4 ~~five members of the panel shall constitute a quorum to conduct~~  
5 ~~business and a concurrence of at least five members shall be~~  
6 ~~necessary to make any action of the panel valid; provided that,~~  
7 ~~upon filling the twelve seats as required under this subsection,~~  
8 ~~a majority of the panel shall constitute a quorum to conduct~~  
9 ~~business, and the concurrence of a majority of all the members~~  
10 ~~to which the panel is entitled shall be necessary to make any~~  
11 ~~action of the panel valid.~~

12 ~~(c) The board shall appoint the remaining members of the~~  
13 ~~panel other than the chair of the board.~~

14 ~~(d) Appointed panel members shall serve not more than~~  
15 ~~three consecutive three year terms, with each term beginning on~~  
16 ~~July 1; provided that the initial terms of the appointed members~~  
17 ~~that commence after June 30, 2006, shall be staggered as~~  
18 ~~follows:~~

- 19 ~~(1) Four members to serve three year terms;~~
- 20 ~~(2) Four members to serve two year terms; and~~
- 21 ~~(3) Three members to serve a one year term.~~



1       ~~(e) Notwithstanding the terms of members, the board may~~  
2       ~~add panel members at any time and replace panel members at any~~  
3       ~~time when their positions become vacant through resignation,~~  
4       ~~through non participation, upon request of a majority of panel~~  
5       ~~members, or upon termination by the board for cause.~~

6       ~~(f) Panel members shall receive no compensation. When~~  
7       ~~panel duties require that a panel member take leave of the panel~~  
8       ~~member's duties as a state employee, the appropriate state~~  
9       ~~department shall allow the panel member to be placed on~~  
10       ~~administrative leave with pay and shall provide substitutes,~~  
11       ~~when necessary, to perform that panel member's duties. Panel~~  
12       ~~members shall be reimbursed for necessary travel expenses~~  
13       ~~incurred in the conduct of official panel business.~~

14       ~~(g) The panel shall establish operating procedures that~~  
15       ~~shall include conflict of interest provisions for any member~~  
16       ~~whose school of employment or local school board membership is~~  
17       ~~before the panel.~~

18       ~~(h) The chair of the panel shall be designated by the~~  
19       ~~members of the panel for each school year beginning July 1 and~~  
20       ~~whenever there is a vacancy. If the panel does not designate~~  
21       ~~its chair for the next school year by July 1, the board shall~~  
22       ~~designate the panel chair. When the panel chair is vacant, the~~



1 ~~board shall designate an interim chair to serve until the panel~~  
2 ~~designates its chair.]~~

3 (b) The members of the panel shall be appointed pursuant  
4 to section 302B-A.

5 ~~[(i)]~~ (c) The powers and duties of the panel shall be to:

- 6 (1) Appoint and evaluate the executive director and  
7 approve staff and salary levels for the charter school  
8 administrative office;
- 9 (2) Review, approve, or deny charter applications for new  
10 charter schools in accordance with section 302B-5 for  
11 the issuance of new charters; provided that applicants  
12 that are denied a charter may appeal to the board for  
13 a final decision pursuant to section 302B-3.5;
- 14 (3) Review, approve, or deny significant amendments to  
15 detailed implementation plans to maximize the school's  
16 financial and academic success, long-term  
17 organizational viability, and accountability. Charter  
18 schools that are denied a significant amendment to  
19 their detailed implementation plan may appeal to the  
20 board for a final decision pursuant to section 302B-  
21 3.5;





- 1           (4) Pursuant to section 302B-3.6, compile and submit  
2           prioritized lists of charter schools to the department  
3           and enter into necessary agreements with the  
4           department to authorize charter schools to use and  
5           occupy vacant public school facilities or portions of  
6           school facilities;
- 7           (5) Adopt reporting requirements for charter schools;
- 8           (6) Review annual self-evaluation reports from charter  
9           schools and take appropriate action;
- 10          (7) Adopt a clear process and rigorous organizational and  
11          educational criteria, including student achievement as  
12          a significant factor, for the authorization and  
13          reauthorization of school charters;
- 14          (8) Evaluate each school charter, for the purpose of  
15          determining reauthorization, no later than four years  
16          following the initial issue of a charter and every six  
17          years thereafter;
- 18          (9) Evaluate any aspect of a charter school that the panel  
19          may have concerns with and take appropriate action,  
20          which may include probation or revocation;
- 21          (10) Periodically adopt improvements in the panel's  
22          monitoring and oversight of charter schools;



- 1       (11) Periodically adopt improvements in the office's
- 2             support of charter schools and management of the
- 3             charter school system;
- 4       (12) Review, modify, and approve charter schools' all means
- 5             of finance budget, based upon criteria and an approval
- 6             process established by the panel;
- 7       (13) Survey all charter school facilities prior to, and in
- 8             preparation for, determining recommendations to
- 9             allocate non-per-pupil facilities funds to charter
- 10            schools with facilities needs. The survey shall
- 11            include, at minimum, for each charter school facility:
- 12            (A) The current status of the facility;
- 13            (B) Facilities costs, including all rents, leases,
- 14            purchases, and repair and maintenance for lands
- 15            and buildings;
- 16            (C) A prioritized list of facilities needs;
- 17            (D) Any capital improvement projects underway or
- 18            scheduled; and
- 19            (E) Whether the facility is a conversion or start-up
- 20            charter school, and current and projected
- 21            enrollment; and

1           (14) Evaluate and investigate charter schools when concerns  
2                    arise that necessitate the resolution or assistance  
3                    with the resolution of legal, fiscal, health, safety,  
4                    and other serious issues.

5           ~~[(j)]~~ (d) In the case that the panel decides not to issue  
6 a new charter, or to approve significant amendments to detailed  
7 implementation plans, the board may adopt rules for an appeals  
8 process pursuant to section 302B-3.5.

9           ~~[(k)]~~ (e) The office shall provide for the staff support  
10 and expenses of the panel."

11           SECTION 3. Section 302B-9, Hawaii Revised Statutes, is  
12 amended by amending subsection (a) to read as follows:

13           "(a) Charter schools shall be ~~[exempt from]~~ subject to  
14 chapters 91 and 92 ~~[and]~~, but shall be exempt from all other  
15 state laws in conflict with this chapter, except those  
16 regarding:

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

18                   (A) The exclusive representatives as defined in  
19                    chapter 89 and the local school board of the  
20                    charter school may enter into supplemental  
21                    agreements that contain cost and noncost items to  
22                    facilitate decentralized decision-making;



1 (B) The agreements shall be funded from the current  
 2 allocation or other sources of revenue received  
 3 by the charter school; provided that collective  
 4 bargaining increases for employees shall be  
 5 allocated by the department of budget and finance  
 6 to the charter school administrative office for  
 7 distribution to charter schools; and

8 (C) These supplemental agreements may differ from the  
 9 master contracts negotiated with the department;

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

11 (3) Health and safety requirements."

12 SECTION 4. Section 302B-13, Hawaii Revised Statutes, is  
 13 amended to read as follows:

14 "§302B-13 Weighted student formula. [~~a~~]

15 Notwithstanding section [~~302B-12~~] and beginning September 1,  
 16 [~~2006~~] 2011, charter schools shall [~~elect whether to~~] receive  
 17 allocations according to the department's weighted student  
 18 formula adopted pursuant to section 302A-1303.6 [~~provided that:~~

19 ~~(1) All charter schools, as a group, with each local~~  
 20 ~~school board being accorded one vote, shall elect, by~~  
 21 ~~greater than two thirds agreement among the local~~  
 22 ~~school boards, whether to receive allocations through~~



1 ~~the department's weighted student formula; provided~~  
2 ~~that the nonprofit that governs more than one~~  
3 ~~conversion charter school may cast one vote~~  
4 ~~representing each school it governs;~~

5 ~~(2) Any election by charter schools to receive department~~  
6 ~~allocations, or not to receive allocations, through~~  
7 ~~the department's weighted student formula shall be~~  
8 ~~made by September 1 of each even-numbered year, and~~  
9 ~~the election shall apply to the fiscal biennium~~  
10 ~~beginning July 1 of the following year; provided that~~  
11 ~~the appropriate funds shall be transferred by the~~  
12 ~~department to the charter school administrative office~~  
13 ~~for distribution to the charter schools; and~~

14 ~~(3) The election to receive allocations, or not to receive~~  
15 ~~allocations, through the department's weighted student~~  
16 ~~formula shall be communicated to the department~~  
17 ~~through the office.~~

18 ~~(b) The charter schools, through the office, may propose~~  
19 ~~to the board an alternative weighted student formula, approved~~  
20 ~~of by more than two thirds of the local school boards, with each~~  
21 ~~local school board being accorded one vote, to be administered~~



1 ~~by the office and to apply to the per pupil allocation for~~  
2 ~~charter schools]."~~

3 SECTION 5. (a) Notwithstanding any law to the contrary,  
4 the members of the charter school review panel serving on the  
5 day of the effective date of this Act shall continue to serve  
6 until the appointment of five voting interim members of the  
7 charter school review panel, at which time the members are  
8 discharged from office; provided that any vacancy occurring  
9 between the effective date of this Act and the discharge from  
10 office of all the members of the charter school review panel,  
11 shall not be filled.

12 (b) Notwithstanding any provision in section 302B-B,  
13 Hawaii Revised Statutes, each member of the charter school  
14 review panel serving on the day of the effective date of this  
15 Act, if the member accepts, shall be included in the list of  
16 candidates to be presented to the governor for the initial  
17 appointment of the members of the panel, in addition to those  
18 candidates selected pursuant to section 302B-B, Hawaii Revised  
19 Statutes; provided that:

20 (1) A member of the panel serving on the day of the  
21 effective date of this Act shall only be a candidate  
22 for the seat in the geographic area in which the



1 member resides, as provided in 302B-A(a), Hawaii  
 2 Revised Statutes, except in the case of the student  
 3 member of the panel serving on the day of the  
 4 effective date of this Act; and

5 (2) The student member serving on the day of the effective  
 6 date of this Act shall only be a candidate for the  
 7 student member seat established in section 302B-A(a),  
 8 Hawaii Revised Statutes.

9 (c) Terms for members initially appointed to the charter  
 10 school review panel selection advisory council shall be deemed  
 11 to begin on the day of the effective date of this Act,  
 12 regardless of the actual date of appointment.

13 SECTION 6. In codifying the new sections added by section  
 14 1 of this Act, the revisor of statutes shall substitute  
 15 appropriate section numbers for the letters used in designating  
 16 the new sections in this Act.

17 SECTION 7. Statutory material to be repealed is bracketed  
 18 and stricken. New statutory material is underscored.

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

20

INTRODUCED BY:

*Sam Wo*  
*Hickshim*



**Report Title:**

Charter School Review Panel; Appointment; Selection Advisory Council

**Description:**

Requires the members of the charter school review panel to be nominated, and with the advice and consent of the senate, appointed by the governor from lists of qualified candidates presented to the governor by the charter school review panel selection advisory council. Establishes the advisory council.

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

