

MINUTES OF THE CHARTER SCHOOL GOVERNANCE, ACCOUNTABILITY, AND
AUTHORITY TASK FORCE (ACT 130, SESSION LAWS OF HAWAII 2011)

August 10, 2011

Conference Room 225, State Capitol

I. Members Present

Senator Jill Tokuda, Hawaii State Senate
Representative Della Au Belatti, Hawaii House of Representatives
Tammi Chun, Office of the Governor
Robert Campbell, Department of Education (Superintendent of Education's Designee)
Roger McKeague, Charter School Administrative Office
Ruth Tschumy, Charter School Review Panel
Lisa Okinaga, Kamehameha Schools
Megan McCorriston, Ho'okako'o Corporation
Gene Zarro, Hawaii Charter Schools Network
Steve Sullivan, Hawaii Charter Schools Network

II. Remarks by Congresswoman Mazie Hirono

Congresswoman Mazie Hirono thanked the Task Force members for their work. She reported that the issue of charter schools is a matter of interest at the federal level. Congresswoman Hirono mentioned that the House Committee on Education and Work Force recently reported out a bill that authorized \$300 million in grants to states to assist with issues of transparency, encouraging community and parental involvement, and facilities.

Congresswoman Hirono also reported on waivers for states from the more punitive aspects of No Child Left Behind. Congresswoman Hirono supports waivers and believes that Hawaii may receive waivers in light of the Race to the Top grant program.

III. Adoption of Minutes

Mr. McKeague moved that the minutes of the Charter School Governance, Accountability, and Authority Task Force (Task Force) be approved. Ms. Tschumy seconded the motion.

The Task Force unanimously adopted the motion and the minutes were adopted.

IV. Report of Working Group #1

Senator Tokuda thanked everyone for their continued hard work. She reported that Working Group #1 was tasked with examining Objective #1, which required the Task Force to:

Develop legislation or administrative rules that clearly and definitively designate the governance structure and authority between and among key

charter school organizations and the Department of Education, the Board of Education, and the Office of the Governor;

Senator Tokuda reported that Working Group #1 examined the following:

(A) Whether the current roles and lines of authority are clearly defined for the following entities: Charter School Review Panel (CSRP), Charter School Administrative Office (CSAO), Hawaii Charter School Network (HCSN), local school boards, Department of Education (DOE), Board of Education (BOE), and the Office of the Governor.

Working Group #1 determined that this is an area of ongoing discussion and clarity will be achieved through the continued work of the Task Force and others. One recommendation of the Working Group was to remove the existing organizational chart from the CSAO/CSRP website as it may cause confusion as to the various roles and duties.

(B) What is the role of the Detailed Implementation Plan (DIP) in both statute and in serving as an official contract between local schools boards and the CSRP?

In looking at clarifying the role/form/function of an authorizer (which includes the CSRP) and the establishment of a charter school contract and monitoring conditions, Working Group #1 evaluated sections 5 and 7 of the Charter School Model Law (Model Law).

Senator Tokuda presented the Working Group's questions and recommendations based on the Working Group's evaluation of sections 5 and 7 of the Model Law. The Task Force as a whole provided input, asked additional questions, and decided which sections of the Model Law should be incorporated into the Hawaii Revised Statutes (HRS). Detailed notes of the Task Force's discussion on this issue are attached hereto as Attachment "A".

(C) Whether the possibility of multiple authorizers should be considered?

Working Group #1 concluded that multiple authorizers should be allowed.

(D) Should consideration be given to a structure that involved Charter Schools having their own Superintendent?

Working Group #1 concluded that Charter Schools should not have their own Superintendent; however there is a need for Charter Schools to have a clear voice and a clear point of contact. There is a need to outline and understand who oversees certain functions and responsibilities within the system.

V. Working Group #2

Working Group #2 was tasked with examining how the governance structure connects and relates to the State Education Agency and Local Education Agency. Specifically, Working Group #2 was asked to look at:

- (1) The need to delineate administrative functions;
- (2) How to better define the role/responsibilities of the SEA and LEA (establish accountability plan);
- (3) Whether it likes the per pupil funding aspect that currently exists;
- (4) The need to clarify what federal requirements come with federal funding and who is responsible for required data;
- (5) Special education considerations related to the SEA and LEA discussion;
- (6) Clarify the role/inclusion of charter schools when the State receives federal grants (e.g., Race to the Top);
- (7) A system of accountability and a mechanism for communication between the SEA and charter schools on funds;
- (8) The impact of waivers from No Child Left Behind and how to proceed;
- (9) A statutory definition/authority of the SEA and LEA and the relationship to schools;
- (10) Race to the Top Funding.

Working Group #2 will meet on Wednesday, August 17, 2011 at 1:00 p.m. at the Capitol in conference room 225.

VI. Adjournment

The meeting was adjourned. The next Task Force meeting is scheduled for August 31, 2011 at 10:00 a.m. at the Capitol in conference room 225.

**SECTIONS V AND VII OF THE CHARTER SCHOOL MODEL LAW
Proposed Additions to Hawaii Revised Statutes (HRS)
Task Force Recommendations**

SECTION FIVE: AUTHORIZERS	COMMENTS
<p>(1) Eligible Authorizing Entities</p> <p>(a) The Charter School Review Panel (CSRP) may authorize public charter schools anywhere in the state, provided that the CSRP fulfills requirements of all public charter school authorizers under this Act.</p> <p>(b) Governing boards of accredited public or private postsecondary institutions, including community colleges, technical colleges, tribal colleges, and four-year colleges and universities, may apply to the BOE, pursuant to Section V, (4) of this Act, for statewide, regional, or local chartering authority, in accordance with each institution’s regular operating jurisdiction.</p> <p>(c) A county or governmental agency may apply to the BOE, pursuant to Section V, (4) of this Act, for chartering authority within the county’s or agency’s jurisdiction.</p> <p>(d) Governing boards of non-profit or charitable organizations, which are exempt from federal taxes under sections 501(c)(3) or 501(c)(6) of the Internal Revenue Code, may apply to the BOE, pursuant to Section V, (4) of this Act, and may be granted statewide, regional, or local chartering authority. Nonpublic sectarian or religious organizations, and any other charitable organization which in their federal IRS Form 1023, Part IV, describe activities indicating a religious purpose, are not eligible to apply to become an authorizer."</p>	<p>-In this section of the model law, it references a State Public Charter School Commission which has the authority to authorize charters statewide. This term has been replaced by the CSRP to make it applicable to Hawaii-some discussion was given to whether or not a name change would add clarity to the function/role of panel. CHANGE NAME TO HAWAII PUBLIC CHARTER SCHOOL COMMISSION</p> <p>-Reference throughout this section of the model law is also made to a State’s Authorizer Oversight Body. The working group felt that for the time being, this role should be filled by the BOE. OK FOR NOW, NEED TO DISCUSS MORE GOING FORWARD.</p> <p>-Question: If other governmental entities were allowed to be authorizers, would this impact how federal funds were handled & received? Need to possibly address in terms of SEA/LEA jurisdiction & responsibilities. NOTE CONCERNS; INVESTIGATE FURTHER</p>

	<p>-Question: Need to look at nonprofit LSB vs. nonprofit authorizer issue (per-capita funding question) NOTE CONCERN; INVESTIGATE FURTHER</p>
<p>(2) State Public Charter School Commission (CSRP)</p> <p>(d) Members appointed to the CSRP shall collectively possess strong experience and expertise in public and nonprofit governance, management and finance, public school leadership, assessment, and curriculum and instruction, and public education law. All members of the CSRP shall have demonstrated understanding of and commitment to charter schooling as a strategy for strengthening public education.</p> <p>(e) (Include language to ensure that terms are always staggered going forward)</p> <p>(f) The CSRP shall operate with dedicated resources and staff qualified to execute the day-to-day responsibilities of public charter school authorizing in accordance with this Act."</p>	<p>-This will be added to existing HRS to establish qualifications for CSRP members.</p> <p>-Question: Should we re-examine the makeup of the CSRP, and address the potential for conflicts of interest and overall duties of members? WOULD LIKE TO LOOK AT CSRP MEMBERSHIP THAT IS LESS STAKEHOLDER ORIENTED & BASED MORE ON (D). COULD BE SIMILAR TO BOE COMPOSITION.</p> <p>-Need to include language to ensure that all terms are staggered going forward to ensure continuity; avoid quorum issues. WORKING GROUP #3</p> <p>-Question: Should CSAO be staff to the CSRP? WORKING GROUP #4</p> <p>WORKING GROUP #3 ALSO TO LOOK AT SELECTION/APPOINTMENT PROCESS. MAY WANT TO CONFER WITH NAPCSA.</p>
<p>(4) Chartering Authority Application for Eligible Entities</p>	

- (a) The BOE shall establish the annual application and approval process, including cycles and deadlines during the fiscal year, for all entities eligible to apply for chartering authority, as set forth in Section V, (1) of this Act. By [INSERT DATE] of each year, the BOE shall make available information and guidelines for all eligible entities concerning the opportunity to apply for chartering authority under this Act. The application process shall require each interested eligible entity to submit an application that clearly explains or presents the following elements:
- (i) Written notification of intent to serve as a charter authorizer in accordance with this Act;
 - (ii) The applicant entity's strategic vision for chartering;
 - (iii) A plan to support the vision presented, including explanation and evidence of the applicant entity's budget and personnel capacity and commitment to execute the responsibilities of quality charter authorizing, in accordance with this Act;
 - (iv) A draft or preliminary outline of the request for proposals that the applicant entity would, if approved as a charter authorizer, issue to solicit public charter school applicants, consistent with Section VI, (1) of this Act;
 - (v) A draft of the performance framework that the applicant entity would, if approved as a charter authorizer, use to guide the establishment of a charter contract and for ongoing oversight and evaluation of public charter schools, consistent with the requirements of this Act;
 - (vi) A draft of the applicant entity's renewal, revocation, and non-renewal processes, consistent with Section VII, (3) of this Act;
 - (vii) A statement of assurance that the applicant entity seeks to serve as a charter authorizer in fulfillment of the expectations, spirit, and intent of this Act, and that if approved as a charter authorizer, the entity will fully participate in any authorizer training provided or required by the state; and
 - (viii) A statement of assurance that the applicant will ensure public accountability and transparency in all matters concerning their charter-authorizing

<p>practices, decisions, and expenditures.</p> <p>(b) By [INSERT DATE] of each year, the BOE shall decide whether to grant or deny chartering authority to each applicant. The BOE shall make its decisions on the merits of each applicant’s proposal and plans.</p> <p>(c) Within [INSERT NUMBER OF DAYS] of the BOE’s decision, the BOE shall execute a renewable authorizing contract with each entity it has approved for chartering authority. The initial term of each authorizing contract shall be six years. The authorizing contract shall specify each approved entity’s agreement to serve as a charter authorizer in accordance with the expectations of this Act, and shall specify additional performance terms based on the applicant’s proposal and plan for chartering. No approved entity shall commence charter authorizing without an authorizing contract in effect."</p>	
<p>(5) Authorizer Powers, Duties, and Liabilities</p> <p>(a) Authorizers are responsible for executing, in accordance with this Act, the following essential powers and duties:</p> <ul style="list-style-type: none"> (i) Soliciting and evaluating charter applications; (ii) Approving quality charter applications that meet identified educational needs and promote a diversity of educational choices; (iii) Declining to approve weak or inadequate charter applications; (iv) Negotiating and executing sound charter contracts with each approved public charter school; (v) Monitoring, in accordance with charter contract terms, the performance and legal compliance of public charter schools; and (vi) Determining whether each charter contract merits renewal, nonrenewal, or revocation. <p>(b) An authorizing entity may delegate its duties to offices, employees, and contractors.</p> <p>(c) Regulation by authorizers shall be limited to these powers and duties, and consistent with the spirit and intent of this Act.</p>	<p>-CONSIDER LANGUAGE CHANGE IN (5)a iii, iv. (WEAK, SOUND)</p>

<p>(d) An authorizing entity, members of the board of an authorizer in their official capacity, and employees of an authorizer are immune from civil and criminal liability with respect to all activities related to a public charter school they authorize."</p>	
<p>(6) Principles and Standards for Charter Authorizing</p> <p>(a) All authorizers shall be required to develop and maintain chartering policies and practices consistent with nationally recognized principles and standards for quality charter authorizing in all major areas of authorizing responsibility including: organizational capacity and infrastructure; soliciting and evaluating charter applications; performance contracting; ongoing public charter school oversight and evaluation; and charter renewal decision-making. Authorizers shall carry out all their duties under this Act in a manner consistent with such nationally recognized principles and standards and with the spirit and intent of this Act. Evidence of material or persistent failure to do so shall constitute grounds for losing charter authorizing powers."</p>	<p>KEEP</p>
<p>(7) Authorizer Reporting</p> <p>(a) Every authorizer shall be required to submit to the BOE and the LEGISLATURE an annual report summarizing:</p> <ul style="list-style-type: none"> (i) The authorizer’s strategic vision for chartering and progress toward achieving that vision; (ii) The academic and financial performance of all operating public charter schools overseen by the authorizer, according to the performance expectations for public charter schools set forth in this Act; (iii) The status of the authorizer’s public charter school portfolio, 	<p>-Question: Should we change the financial audit requirement to allow for reviews between audits if a school has an unqualified initial audit? (unqualified meaning no findings) Need to better understand what BOE/DOE needs to comply with federal requirements.</p> <p>- Add in (iii) pending application (define what this means). Consider whether or not schools need to be specifically names (Look at national models).</p>

<p>identifying all public charter schools in each of the following categories: approved (but not yet open), operating, renewed, transferred, revoked, not renewed, voluntarily closed, or never opened;</p> <p>(iv) The authorizing functions provided by the authorizer to the public charter schools under its purview, including the authorizer’s operating costs and expenses detailed in annual audited financial statements that conform with Generally Accepted Accounting Principles; and</p> <p>(v) The services purchased from the authorizer by the public charter schools under its purview, including an itemized accounting of the actual costs of these services, as required in Section V, (11)." Concerns raised on this issue.</p>	<p>- Allow BOE to include additional reporting requirements</p>
<p>(9) Conflicts of Interest</p> <p>(a) No employee, trustee, agent, or representative of an authorizer may simultaneously serve as an employee, trustee, agent, representative, vendor, or contractor of a public charter school authorized by that entity."</p>	<p>Question: If we were to adopt this statement, how would that impact current makeup or potentially amended makeup of CSRP? Have working group #3 look at this.</p>
<p>(10) Exclusivity of Authorizing Functions and Rights</p> <p>(a) No governmental or other entity, other than those expressly granted chartering authority as set forth in this Act, may assume any charter authorizing function or duty in any form, unless expressly allowed by law."</p>	<p>KEEP</p>
<p>(11) Services Purchased from Authorizer – Itemized Accounting</p> <p>(a) With the exception of oversight services as required by Section IV, (8), no public charter school shall be required to purchase services from its</p>	<p>KEEP</p>

<p>authorizer as a condition of charter approval or of executing a charter contract, nor may any such condition be implied.</p> <p>(b) A public charter school may, at its discretion, choose to purchase services from its authorizer. In such event, the public charter school and authorizer shall execute an annual service contract, separate from the charter contract, stating the parties' mutual agreement concerning any services to be provided by the authorizer and any service fees to be charged to the public charter school. An authorizer may not charge more than market rates for services provided to a public charter school.</p> <p>(c) Within [INSERT NUMBER OF DAYS] after the end of each fiscal year, each authorizer shall provide to each public charter school it oversees an itemized accounting of the actual costs of services purchased by the public charter school from the authorizer. Any difference between the amount initially charged to the public charter school and the actual cost shall be reconciled and paid to the owed party. If either party disputes the itemized accounting, any charges included in such accounting, or charges to either party, the disputing party is entitled to request a third-party review at its own expense. The review shall be conducted by BOE whose determination shall be final."</p>	
<p>(12) Oversight of Public Charter School Authorizers</p> <p>(a) The BOE shall be responsible for overseeing the performance and effectiveness of all authorizers established under this Act.</p> <p>(b) In accordance with Section V, (7), every authorizer shall be required to submit to the BOE and the LEGISLATURE an annual report. The BOE shall, by [INSERT DATE] of each year, communicate to every authorizer the requirements for the format, content, and submission of the annual report.</p> <p>(c) Persistently unsatisfactory performance of an authorizer's portfolio of public charter schools, a pattern of well-founded complaints about the authorizer or its public charter schools, or other objective circumstances may trigger a special review by the BOE. In reviewing or evaluating the performance of</p>	<p>-BOE needs to be involved in the drafting of this sub-section; would be responsible for establishing the framework, process and procedures for carrying out this sub-section.</p>

<p>authorizers BOE shall apply nationally recognized principles and standards for quality charter authorizing. If at any time the BOE finds that an authorizer is not in compliance with an existing charter contract, its authorizing contract charter application with the BOE, or the requirements of all authorizers under this Act, the BOE shall notify the authorizer in writing of the identified problems, and the authorizer shall have reasonable opportunity to respond and remedy the problems.</p> <p>(d) If an authorizer granted chartering authority under Section V, (4) of this Act persists, after due notice from the BOE, in violating a material provision of a charter contract or its authorizing contract with the BOE, or fails to remedy other identified authorizing problems, the BOE shall notify the authorizer, within a reasonable amount of time under the circumstances, that it intends to revoke the authorizer’s chartering authority unless the authorizer demonstrates a timely and satisfactory remedy for the violation or deficiencies.</p> <p>(f) In the event of revocation of any authorizer’s chartering authority, the BOE shall manage the timely and orderly transfer of each charter contract held by that authorizer to another authorizer in the state, with the mutual agreement of each affected public charter school and proposed new authorizer. The new authorizer shall assume the existing charter contract for the remainder of the charter term."</p>	
<p>SECTION SEVEN: ACCOUNTABILITY</p>	<p>COMMENTS</p>
<p>(1) Performance Framework</p> <p>(a) The performance provisions within the charter contract shall be based on a performance framework that clearly sets forth the academic and operational performance indicators, measures and metrics that will guide the authorizer’s evaluations of each public charter school. The performance framework shall include indicators, measures and metrics for, at a minimum:</p> <ul style="list-style-type: none"> (i) Student academic proficiency; (ii) Student academic growth; 	<p>-Need to replace Detailed Implementation Plan (DIP) with Charter Application in HRS.</p> <p>-Insert definition of charter contract (model law) into HRS.</p> <p>- Include verbage relating to secondary readiness (Roger to come up with)</p> <p>- Consider inclusion of student learner</p>

<p>(iii) Achievement gaps in both proficiency and growth between major student subgroups;</p> <p>(iv) Attendance;</p> <p>(v) Recurrent enrollment from year to year;</p> <p>(vi) Postsecondary readiness (for high schools);</p> <p>(vii) Financial performance and sustainability; and</p> <p>(viii) Board performance and stewardship, including compliance with all applicable laws, regulations, and terms of the charter contract.</p> <p>(b) Annual performance targets shall be set by each public charter school in conjunction with its authorizer, and shall be designed to help each school meet applicable federal, state, and authorizer expectations.</p> <p>(c) The performance framework shall allow the inclusion of additional rigorous, valid, and reliable indicators proposed by a public charter school to augment external evaluations of its performance, provided that the authorizer approves the quality and rigor of such school-proposed indicators, and they are consistent with the purposes of this Act.</p> <p>(d) The performance framework shall require the disaggregation of all student performance data by major student subgroups (gender, race, poverty status, special education status, English Learner status, and gifted status).</p> <p>(e) For each public charter school it oversees, the authorizer shall be responsible for collecting, analyzing, and reporting all data from state assessments in accordance with the performance framework.</p> <p>(f) Multiple schools operating under a single charter contract or overseen by a single governing board shall be required to report their performance as separate, individual schools, and each school shall be held independently accountable for its performance."</p>	<p>outcomes (WASC)</p> <p>- Consider inclusion in appropriate areas the need/requirement to innovate and document; need to replicate best practices.</p> <p>- Look at teacher aspect</p> <p>- (e) discuss in working group #2</p>
<p>(2) Ongoing Oversight and Corrective Actions</p> <p>(a) An authorizer shall continually monitor the performance and legal</p>	<p>-Need to cross check if any existing HRS must be kept if this language replaces existing statute.</p> <p>CS/Advocates to go back and talk to</p>

<p>compliance of the public charter schools it oversees, including collecting and analyzing data to support ongoing evaluation according to the charter contract. Every authorizer shall have the authority to conduct or require oversight activities that enable the authorizer to fulfill its responsibilities under this Act, including conducting appropriate inquiries and investigations, so long as those activities are consistent with the intent of this Act, adhere to the terms of the charter contract, and do not unduly inhibit the autonomy granted to public charter schools.</p> <p>(b) Each authorizer shall annually publish and provide, as part of its annual report to the BOE and the LEGISLATURE, a performance report for each public charter school it oversees, in accordance with the performance framework set forth in the charter contract and Section V, (7) of this Act. The authorizer may require each public charter school it oversees to submit an annual report to assist the authorizer in gathering complete information about each school, consistent with the performance framework.</p> <p>(c) In the event that a public charter school's performance or legal compliance appears unsatisfactory, the authorizer shall promptly notify the public charter school of the perceived problem and provide reasonable opportunity for the school to remedy the problem, unless the problem warrants revocation in which case the revocation timeframes will apply.</p> <p>(d) Every authorizer shall have the authority to take appropriate corrective actions or exercise sanctions short of revocation in response to apparent deficiencies in public charter school performance or legal compliance. Such actions or sanctions may include, if warranted, requiring a school to develop and execute a corrective action plan within a specified timeframe."</p>	<p>schools and report back to TF</p> <p>- Concerns about burden on authorizer</p>
<p>(3) Renewals, Revocations, and Non-renewals</p> <p>(a) A charter may be renewed for than successive five-year terms of duration, although the authorizer may vary the term based on the performance, demonstrated capacities, and particular circumstances of each public charter school. An authorizer may grant renewal with specific conditions for necessary improvements to a public charter school.</p>	<p>-Question: HRS has renewal every 6 yrs to align with accreditation timeframes. Do we want to keep at 6 or go with 5 yr terms as proposed by the model law? Make clear that no longer than a 6 year term.</p> <p>-CS/Advocates take back to schools for feedback</p>

<p>(b) No later than [INSERT DATE], the authorizer shall issue a public charter school performance report and charter renewal application guidance to any public charter school whose charter will expire the following year. The performance report shall summarize the public charter school's performance record to date, based on the data required by this Act and the charter contract, and shall provide notice of any weaknesses or concerns perceived by the authorizer concerning the public charter school that may jeopardize its position in seeking renewal if not timely rectified. The public charter school shall have [INSERT NUMBER OF DAYS] to respond to the performance report and submit any corrections or clarifications for the report.</p> <p>(c) The renewal application guidance shall, at a minimum, provide an opportunity for the public charter school to:</p> <ul style="list-style-type: none">(i) Present additional evidence, beyond the data contained in the performance report, supporting its case for charter renewal;(ii) Describe improvements undertaken or planned for the school; and(iii) Detail the school's plans for the next charter term. <p>(d) The renewal application guidance shall include or refer explicitly to the criteria that will guide the authorizer's renewal decisions, which shall be based on the performance framework set forth in the charter contract and consistent with this Act.</p> <p>(e) No later than [INSERT DATE], the governing board of a public charter school seeking renewal shall submit a renewal application to the charter authorizer pursuant to the renewal application guidance issued by the authorizer. The authorizer shall rule by resolution on the renewal application no later than [INSERT NUMBER OF DAYS] after the filing of the renewal application.</p> <p>(f) In making charter renewal decisions, every authorizer shall:</p> <ul style="list-style-type: none">(i) Ground its decisions in evidence of the school's performance over the term of the charter contract in accordance with the performance framework set forth in the charter contract;	
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<p>(ii) Ensure that data used in making renewal decisions are available to the school and the public; and</p> <p>(iii) Provide a public report summarizing the evidence basis for each decision.</p> <p>(g) A charter contract may be revoked at any time or not renewed if the authorizer determines that the public charter school did any of the following or otherwise failed to comply with the provisions of this Act:</p> <p>(i) Commits a material and substantial violation of any of the terms, conditions, standards, or procedures required under this Act or the charter contract;</p> <p>(ii) Fails to meet or make sufficient progress toward the performance expectations set forth in the charter contract;</p> <p>(iii) Fails to meet generally accepted standards of fiscal management; or</p> <p>(iv) Substantially violates any material provision of law from which the public charter school was not exempted.</p> <p>(h) An authorizer must develop revocation and non-renewal processes that:</p> <p>(i) Provide the charter holders with a timely notification of the prospect of revocation or non-renewal and of the reasons for such possible closure;</p> <p>(ii) Allow the charter holders a reasonable amount of time in which to prepare a response;</p> <p>(iii) Provide the charter holders with an opportunity to submit documents and give testimony challenging the rationale for closure and in support of the continuation of the school at an orderly proceeding held for that purpose;</p> <p>(iv) Allow the charter holders access to representation by counsel and to call witnesses on their behalf;</p> <p>(v) Permit the recording of such proceedings; and</p> <p>(vi) After a reasonable period for deliberation, require a final determination be made and conveyed in writing to the charter holders.</p>	
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<p>(i) If an authorizer revokes or does not renew a charter, the authorizer shall clearly state, in a resolution of its governing board, the reasons for the revocation or nonrenewal.</p> <p>(j) Within [INSERT NUMBER OF DAYS] of taking action to renew, not renew, or revoke a charter, the authorizer shall report to the BOE the action taken, and shall provide a copy of the report to the public charter school at the same time that the report is submitted to the BOE. The report shall include a copy of the authorizer governing board’s resolution setting forth the action taken and reasons for the decision and assurances as to compliance with all of the requirements set forth in this Act."</p>	
<p>(4) School Closure and Dissolution</p> <p>(a) Prior to any public charter school closure decision, an authorizer shall have developed a public charter school closure protocol to ensure timely notification to parents, orderly transition of students and student records to new schools, and proper disposition of school funds, property, and assets in accordance with the requirements of this Act. The protocol shall specify tasks, timelines, and responsible parties, including delineating the respective duties of the school and the authorizer. In the event of a public charter school closure for any reason, the authorizer shall oversee and work with the closing school to ensure a smooth and orderly closure and transition for students and parents, as guided by the closure protocol.</p> <p>(b) In the event of a public charter school closure for any reason, the assets of the school shall be distributed first to satisfy outstanding payroll obligations for employees of the school, then to creditors of the school, and then to the state treasury to the credit of the general revenue fund. If the assets of the school are insufficient to pay all parties to whom the school owes compensation, the prioritization of the distribution of assets may be determined by decree of a court of law."</p>	<p>-Ruth to review existing CSRP procedures and determine if any additional language should be added to mitigate potential problems for future authorizers. (Look at language to reference CSRP language)</p> <p>-In subsection (b), include appropriate language to make clear that any facilities would revert back to the state, with first rights of refusal going to a charter school, then the Department of Education.</p> <p>- Consider language change for (b) that denotes publically funded facilities.</p> <p>- CS/Advocates to take back to schools for feedback</p>
<p>(5) Charter Transfers</p>	<p>KEEP</p>

<p>(a) Transfer of a charter contract, and of oversight of that public charter school, from one authorizer to another before the expiration of the charter term shall not be permitted except by special petition to the BOE by a public charter school or its authorizer. The BOE shall review such petitions on a case-by-case basis and may grant transfer requests in response to special circumstances and evidence that such a transfer would serve the best interests of the public charter school’s students."</p>	
<p>(6) Annual Report</p> <p>(a) On or before [INSERT DATE] of each year beginning in the first year after the state will have had public charter schools operating for a full school year, the BOE shall issue to the governor, the LEGISLATURE, and the public at large, an annual report on the state’s public charter schools, drawing from the annual reports submitted by every authorizer as well as any additional relevant data compiled by the BOE, for the school year ending in the preceding calendar year. The annual report shall include a comparison of the performance of public charter school students with the performance of academically, ethnically, and economically comparable groups of students in non-charter public schools. In addition, the annual report shall include the BOE’s assessment of the successes, challenges, and areas for improvement in meeting the purposes of this Act, including the BOE’s assessment of the sufficiency of funding for public charter schools, the efficacy of the state formula for authorizer funding, and any suggested changes in state law or policy necessary to strengthen the state’s public charter schools."</p>	<p>Discuss with BOE. Concern with BOE staffing; Role of BOE. Consider a biennium report?</p>
<p>SECTION THREE: DEFINITIONS</p>	<p>COMMENTS</p>

(5) "Authorizer" is an entity authorized under this Act to review applications, decide whether to approve or reject applications, enter into charter contracts with applicants, oversee public charter schools, and decide whether to renew, not renew, or revoke charter contracts.

"Charter Contract" means a fixed-term, renewable contract between a public charter school and an authorizer that outlines the roles, powers, responsibilities, and performance expectations for each party to the contract.

-Amending definition of Detailed Implementation Plan (DIP) in HRS to read: "Charter application" means the document that details the charter school's purpose, focus, operations, organization, finances, and accountability.

-Need to review all definitions to align with amendments being made. All references to the DIP in HRS need to be adjusted.

- Would AG need to review and sign off on every charter contract?

DRAFT