
A BILL FOR AN ACT

RELATING TO CHARTER SCHOOLS.

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

- 1 SECTION 1. Section 302B-3, Hawaii Revised Statutes, is
2 amended by amending subsection (i) to read as follows:
- 3 "(i) The powers and duties of the panel shall be to:
- 4 (1) Appoint and evaluate the executive director and
5 approve staff and salary levels for the charter school
6 administrative office;
- 7 (2) Review, approve, or deny charter applications for new
8 charter schools in accordance with section 302B-5 for
9 the issuance of new charters; provided that applicants
10 that are denied a charter may appeal to the board for
11 a final decision pursuant to section 302B-3.5;
- 12 (3) Review, approve, or deny significant amendments to
13 detailed implementation plans to maximize the school's
14 financial and academic success, long-term
15 organizational viability, and accountability. Charter
16 schools that are denied a significant amendment to
17 their detailed implementation plan may appeal to the



1 board for a final decision pursuant to section 302B-
2 3.5;

3 (4) Pursuant to section 302B-3.6, compile and submit
4 prioritized lists of charter schools to the department
5 and enter into necessary agreements with the
6 department to authorize charter schools to use and
7 occupy vacant public school facilities or portions of
8 school facilities;

9 (5) Adopt reporting requirements for charter schools;

10 (6) Review annual self-evaluation reports from charter
11 schools and take appropriate action;

12 (7) Adopt a clear process and rigorous organizational and
13 educational criteria, including student achievement as
14 a significant factor, for the authorization and
15 reauthorization of school charters;

16 (8) Evaluate each school charter, for the purpose of
17 determining reauthorization, no later than four years
18 following the initial issue of a charter and every six
19 years thereafter; provided that charter schools that
20 are denied reauthorization may appeal to the board for
21 a final decision pursuant to section 302B-3.5;



- 1 (9) Evaluate any aspect of a charter school that the panel
2 may have concerns with and take appropriate action,
3 which may include probation or revocation; provided
4 that charter schools that have their charter revoked
5 may appeal to the board for a final decision pursuant
6 to section 302B-3.5;
- 7 (10) Periodically adopt improvements in the panel's
8 monitoring and oversight of charter schools;
- 9 (11) Periodically adopt improvements in the office's
10 support of charter schools and management of the
11 charter school system;
- 12 (12) Review, modify, and approve charter schools' all means
13 of finance budget, based upon criteria and an approval
14 process established by the panel;
- 15 (13) Survey all charter school facilities prior to, and in
16 preparation for, determining recommendations to
17 allocate non-per-pupil facilities funds to charter
18 schools with facilities needs. The survey shall
19 include, at minimum, for each charter school facility:
20 (A) The current status of the facility;



1 (B) Facilities costs, including all rents, leases,
2 purchases, and repair and maintenance for lands
3 and buildings;

4 (C) A prioritized list of facilities needs;

5 (D) Any capital improvement projects underway or
6 scheduled; and

7 (E) Whether the facility is a conversion or start-up
8 charter school, and current and projected
9 enrollment; and

10 (14) Evaluate and investigate charter schools when concerns
11 arise that necessitate the resolution or assistance
12 with the resolution of legal, fiscal, health, safety,
13 and other serious issues."

14 SECTION 2. Section 302B-3.5, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "[+]§302B-3.5[+] Appeals; charter school applications,
17 revocations, or detailed implementation plan amendments. The
18 board shall have the power to decide appeals from decisions of
19 the panel to deny the approval of a charter school application,
20 deny reauthorization of a charter school, revoke a charter
21 school's charter, or deny the approval of an amendment to a
22 charter school's detailed implementation plan. An appeal shall



1 be filed with the board within twenty-one calendar days of the
2 receipt of the notification of denial or revocation. Only a
3 party whose charter school application has been denied, whose
4 charter has been revoked, or whose amendment to a detailed
5 implementation plan has been denied may initiate an appeal under
6 this section for cause. The board shall review an appeal and
7 issue a final decision within sixty calendar days of the filing
8 of the appeal. The board may adopt applicable rules and
9 procedures pursuant to chapter 91 for implementing the appeals
10 process."

11 SECTION 3. Section 302B-7, Hawaii Revised Statutes, is
12 amended as follows:

13 **"§302B-7 Charter school local school boards; powers and**
14 **duties.** (a) All local school boards, with the exception of
15 those of conversion charter schools that are managed and
16 operated by a nonprofit organization pursuant to section
17 302B-6(e), shall be composed of, at a minimum, one
18 representative from each of the following participant groups:

- 19 (1) Principals;
20 (2) Instructional staff members selected by the school
21 instructional staff;



1 (3) Support staff selected by the support staff of the
2 school;

3 (4) Parents of students attending the school selected by
4 the parents of the school;

5 (5) Student body representatives selected by the students
6 of the school; and

7 (6) The community at large.

8 (b) No chief executive officer, chief administrative
9 officer, executive director, [~~or~~] otherwise designated head of a
10 school, relative of a designated head of a school, or employee
11 of a school may serve as the chair of the local school board.

12 (c) The local school board shall be the autonomous
13 governing body of its charter school and shall be responsible
14 for the financial and academic viability of the charter school,
15 implementation of the charter, and the independent authority to
16 determine the organization and management of the school, the
17 curriculum, virtual education, and compliance with applicable
18 federal and state laws. The local school board shall have the
19 power to negotiate supplemental collective bargaining agreements
20 with the exclusive representatives of their employees.

21 (d) Local school boards shall be exempt from chapter 103D,
22 but shall develop internal policies and procedures for the



1 procurement of goods, services, and construction, consistent
2 with the goals of public accountability and public procurement
3 practices. Charter schools are encouraged to use the provisions
4 of chapter 103D wherever possible; provided that the use of one
5 or more provisions of chapter 103D shall not constitute a waiver
6 of the exemption from chapter 103D and shall not subject the
7 charter school to any other provision of chapter 103D.

8 (e) Charter schools and their local school boards shall be
9 exempt from the requirements of chapters 91 and 92. The local
10 school boards shall:

11 (1) Make available the notices and agendas of public
12 meetings:

13 (A) At a publicly accessible area in the local school
14 board's office or the charter school
15 administrative office so as to be available for
16 review during regular business hours;

17 (B) On the local school board's or charter school's
18 internet website not less than six calendar days
19 prior to the public meeting, unless a waiver is
20 granted by the executive director in the case of
21 an emergency; and



1 (2) Make available the minutes from public meetings on a
2 timely basis in:

3 (A) The local school board's office or the charter
4 school administrative office so as to be
5 available for review during regular business
6 hours; and

7 (B) On the local school board's or charter school's
8 internet website.

9 (f) Charter schools and their local school boards shall
10 develop internal policies and procedures consistent with ethical
11 standards of conduct, pursuant to chapter 84.

12 [~~f~~] (g) The State shall afford the local school board of
13 any charter school the same protections as the State affords the
14 board."

15 SECTION 4. Section 302B-14, Hawaii Revised Statutes, is
16 amended by amending subsection (b) to read as follows:

17 "(b) The panel shall conduct a multi-year evaluation of
18 each charter school on its fourth anniversary year and every
19 [~~five~~] six years thereafter. The panel may from time to time
20 establish a schedule to stagger the multi-year evaluations."

21 SECTION 5. (a) There is established within the department
22 of education for administrative purposes only, a task force on



1 charter school governance, accountability, and authority. The
2 purpose of the task force shall be to provide clarity to the
3 relationships, responsibilities, and lines of accountability and
4 authority among stakeholders of the charter school system.

5 (b) The task force shall consist of the following members:

- 6 (1) The chair of the senate committee on education;
- 7 (2) The chair of the house of representatives committee on
8 education;
- 9 (3) A representative from the office of the governor;
- 10 (4) The state ethics commissioner, or the commissioner's
11 designee;
- 12 (5) A member of the board of education;
- 13 (6) The superintendent of education, or the
14 superintendent's designee;
- 15 (7) The executive director of the charter school
16 administrative office, or the executive director's
17 designee;
- 18 (8) The chair of the charter school review panel, or the
19 chair's designee;
- 20 (9) A representative from Kamehameha Schools;
- 21 (10) A representative from the Ho'okako'o Corporation; and
- 22 (11) A representative from a start-up charter school.



- 1 (c) The task force shall:
- 2 (1) Develop legislation or administrative rules that
- 3 clearly and definitively designate the governance
- 4 structure and authority between and among key charter
- 5 school organizations and the department of education,
- 6 the board of education, and the office of the
- 7 governor; and
- 8 (2) Identify how the governance structure connects and
- 9 relates to the state education agency and local
- 10 education agency.

11 (d) The charter school administrative office shall be

12 designated to provide administrative support, if necessary, to

13 the task force.

14 (e) The task force shall submit a report of its findings

15 and recommendations, including any proposed legislation, to the

16 legislature no later than twenty days prior to the convening of

17 the regular session of 2012.

18 SECTION 6. Statutory material to be repealed is bracketed

19 and stricken. New statutory material is underscored.

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

21



Report Title:

Charter Schools; Task Force

Description:

Clarifies that charter schools that have their charter revoked or reauthorization denied may appeal to the board of education for a final decision. Prohibits a relative of a designated head of a school or employee of a school from serving as the chair of the local school board. Requires charter schools and their local school boards to develop internal policies and procedures consistent with ethical standards of conduct, pursuant to chapter 84, Hawaii Revised Statutes. Clarifies that the charter school review panel shall conduct a multi-year evaluation of each charter school every 6 years after the first evaluation. Creates a task force on charter school governance, accountability, and authority and requires the task force to report to the legislature no later than 20 days prior to the convening of the regular session of 2012. (SD1)

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