
A BILL FOR AN ACT

RELATING TO CHARTER SCHOOLS.

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

1 SECTION 1. Section 89-6, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) All employees throughout the State within any of the
4 following categories shall constitute an appropriate bargaining
5 unit:

- 6 (1) Nonsupervisory employees in blue collar positions;
- 7 (2) Supervisory employees in blue collar positions;
- 8 (3) Nonsupervisory employees in white collar positions;
- 9 (4) Supervisory employees in white collar positions;
- 10 (5) Teachers and other personnel of the department of
11 education under the same pay schedule, including part-
12 time employees working less than twenty hours a week
13 who are equal to one-half of a full-time
14 equivalent[~~+~~], except for charter school employees who
15 shall be exempt from coverage under this chapter;
- 16 (6) Educational officers and other personnel of the
17 department of education under the same pay



1 schedule[+], except for charter school employees who
2 shall be exempt from coverage under this chapter;

3 (7) Faculty of the University of Hawaii and the community
4 college system;

5 (8) Personnel of the University of Hawaii and the
6 community college system, other than faculty;

7 (9) Registered professional nurses;

8 (10) Institutional, health, and correctional workers;

9 (11) Firefighters;

10 (12) Police officers; and

11 (13) Professional and scientific employees, who cannot be
12 included in any of the other bargaining units."

13 SECTION 2. Section 302D-1, Hawaii Revised Statutes, is
14 amended by amending the definition of "governing board" to read
15 as follows:

16 "'Governing board" means the independent board of a public
17 charter school that is party to the charter contract with the
18 authorizer that:

19 (1) Is responsible for the financial, organizational, and
20 academic viability of the charter school and
21 implementation of the charter;



- 1 (2) Possesses the independent authority to determine the
2 organization and management of the school, the
3 curriculum, and virtual education;
- 4 (3) Has the power to negotiate supplemental collective
5 bargaining agreements with exclusive representatives
6 of [~~their~~] conversion charter school employees and is
7 considered the employer of conversion charter school
8 employees for purposes of chapters 76, 78, and 89; and
- 9 (4) Ensures compliance with applicable state and federal
10 laws."

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

13 "(c) The governing board shall be the independent
14 governing body of its charter school and shall have oversight
15 over and be responsible for the financial, organizational, and
16 academic viability of the charter school, implementation of the
17 charter, and the independent authority to determine the
18 organization and management of the school, the curriculum,
19 virtual education, and compliance with applicable federal and
20 state laws. The governing board shall ensure its school
21 complies with the terms of the charter contract between the
22 authorizer and the school. The governing board of a conversion



1 charter school shall have the power to negotiate supplemental
2 collective bargaining agreements with the exclusive
3 representatives of their employees."

4 SECTION 4. Section 302D-13, Hawaii Revised Statutes, is
5 amended by amending subsection (d) to read as follows:

6 "(d) A charter application to become a start-up charter
7 school shall meet the requirements of this subsection and
8 section 302D-25. The charter application shall include the
9 following:

- 10 (1) A description of employee rights and management issues
11 and a framework for addressing those issues that
12 protects the rights of employees[+], including that,
13 while all charter school employees are employees of
14 the governing board and are not employees of the
15 State, charter school employees may elect to receive
16 benefits for which state employees are eligible;
- 17 (2) A plan for identifying, recruiting, and retaining
18 highly qualified instructional faculty;
- 19 (3) A plan for identifying, recruiting, and selecting
20 students that is not exclusive, elitist, or
21 segregationist;



- 1 (4) The curriculum and instructional framework to be used
2 to achieve student outcomes, including an assessment
3 plan;
- 4 (5) A plan for the assessment of student, administrative
5 support, and teaching personnel performance that:
- 6 (A) Recognizes the interests of the general public;
- 7 (B) Incorporates or exceeds the educational content
8 and performance standards developed by the
9 department for the public school system;
- 10 (C) Includes a system of faculty and staff
11 accountability that holds faculty and staff
12 individually and collectively accountable for
13 their performance, and that is at least
14 equivalent to the average system of
15 accountability in public schools throughout the
16 State; and
- 17 (D) Provides for program audits and annual financial
18 audits;
- 19 (6) A governance structure for the charter school that
20 incorporates a conflict of interest policy and a plan
21 for periodic training to carry out the duties of
22 governing board members;



1 (7) A description of the constitution of the governing
 2 board, terms of governing board members, and the
 3 process by which governing board members were
 4 selected;

5 (8) A financial plan based on the most recent fiscal
 6 year's per-pupil charter school allocation that
 7 demonstrates the ability to meet the financial
 8 obligations of one-time, start-up costs and ongoing
 9 costs such as monthly payrolls, faculty recruitment,
 10 professional development, and facilities costs; and

11 (9) A facilities plan."

12 SECTION 5. Section 302D-25, Hawaii Revised Statutes, is
 13 amended by amending subsection (a) to read as follows:

14 "(a) Charter schools shall be exempt from chapters 89, 91,
 15 and 92 and all other state laws in conflict with this chapter,
 16 except those regarding:

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

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



Report Title:

Charter Schools; Collective Bargaining; Union

Description:

Exempts charter school employees from collective bargaining. Specifies that charter school employees are employees of the public charter school governing board and are not state employees, but may opt to receive state benefits.

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

