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# A BILL FOR AN ACT

RELATING TO EDUCATION.

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

1           SECTION 1. Chapter 302D, Hawaii Revised Statutes, is  
2 amended by adding five new sections to be appropriately  
3 designated and to read as follows:

4           "**§302D-A Annual audit.** Each charter school shall annually  
5 complete an independent financial audit that complies with the  
6 requirements of its authorizer and the department.

7           **§302D-B Criminal history record checks.** (a) The  
8 commission shall develop procedures for obtaining verifiable  
9 information regarding the criminal history of persons who are  
10 employed or seeking employment in any position, including  
11 teacher trainees, that places them in close proximity to  
12 children. These procedures shall include criminal history  
13 record checks in accordance with section 846-2.7. Information  
14 obtained pursuant to this subsection shall be used exclusively  
15 by the employer or prospective employer for the purpose of  
16 determining whether a person is suitable for working in close  
17 proximity to children. All such decisions shall be subject to  
18 applicable federal laws and regulations.



1        (b) The employer or prospective employer may:  
2        (1) Refuse to allow or continue to allow teacher training;  
3        (2) Terminate the employment of any employee; or  
4        (3) Deny employment to an applicant,  
5        if the person has committed a crime, and if the employer or  
6        prospective employer finds by reason of the nature and  
7        circumstances of the crime, that the person poses a risk to the  
8        health, safety, or well-being of children. Refusal,  
9        termination, or denial may occur only after appropriate  
10       investigation and notification to the employee or applicant of  
11       the results and planned action and after the employee or  
12       applicant is given an opportunity to meet and rebut the  
13       findings. Nothing in this subsection shall abrogate any  
14       applicable rights under chapter 76 or 89, or any administrative  
15       rule of the commission.

16       (c) Notwithstanding any other law to the contrary, for  
17       purposes of this section, the commission shall be exempt from  
18       section 831-3.1 and shall not be required to conduct  
19       investigations, notifications, or hearings in accordance with  
20       chapter 91.

21       **§302D-C Enrollment.** (a) A public charter school shall  
22       not discriminate against any student or limit admission based on



1 race, color, ethnicity, national origin, religion, gender,  
2 sexual orientation, income level, disability, level of  
3 proficiency in the English language, need for special education  
4 services, or academic or athletic ability.

5 (b) A start-up charter school:

6 (1) Shall be open to any student residing in the State;

7 (2) Shall enroll all students who submit an application,  
8 unless the number of students who submit an  
9 application exceeds the capacity of a program, class,  
10 grade level, or building;

11 (3) Shall select students through a public lottery if, as  
12 described in paragraph (2), capacity is insufficient  
13 to enroll all students who have submitted a timely  
14 application;

15 (4) May give an enrollment preference to students within a  
16 given age group or grade level and may be organized  
17 around a special emphasis, theme, or concept as stated  
18 in the charter school's application and as approved by  
19 the charter school's authorizer;

20 (5) May give an enrollment preference to students enrolled  
21 in the charter school during the previous school year



1           and to siblings of students already enrolled at the  
2           charter school; and  
3           (6) May give any other enrollment preference permitted by  
4           the charter school's authorizer, on an individual  
5           charter school basis, if consistent with law;  
6           provided that nothing in this subsection shall preclude the  
7           formation of a start-up charter school whose mission is focused  
8           on serving students with disabilities, who are of the same  
9           gender, who pose such severe disciplinary problems that they  
10           warrant a specific educational program, or who are at a risk of  
11           academic failure.

12           (c) A conversion charter school shall:

13           (1) Enroll any student who resides within the school's  
14           former geographic service area pursuant to section  
15           302A-1143, for the grades that were in place when the  
16           public school converted to a charter school; provided  
17           that the department may consult with a conversion  
18           charter school every three years to determine whether  
19           realignment of the charter school's service area is  
20           appropriate given population shifts and the  
21           department's overall service area reviews;



1       (2) Follow the department's procedures regarding  
2       enrollment, including but not limited to geographic  
3       exceptions and enrollment preferences; and

4       (3) Be subject to subsection (b) for grades that were not  
5       in place when the school converted to a public charter  
6       school.

7       **§302D-D Rules.** Unless otherwise provided for in this  
8       chapter or chapter 302A, the commission may adopt rules pursuant  
9       to chapter 91 to administer and implement this chapter; provided  
10      that the board shall maintain exclusive rule-making authority  
11      over state educational policy.

12      **§302D-E Facilities funding.** (a) Beginning with fiscal  
13      year 2014-2015 and each fiscal year thereafter, the commission  
14      may request facilities funding for charter schools as part of  
15      its annual budget request to the director of finance.

16      (b) The legislature may make an appropriation based upon  
17      the facilities funding request pursuant to subsection (a).

18      (c) The governor, pursuant to chapter 37, may impose  
19      restrictions or reductions on appropriations for charter schools  
20      similar to those imposed on other public schools.



1        (d) This section shall not limit the ability of the  
2 director of finance to modify or amend any allotment pursuant to  
3 chapter 37.

4        (e) The commission shall develop criteria to determine the  
5 distribution of funds appropriated pursuant to subsection (b) to  
6 the charter schools. The criteria shall include but not be  
7 limited to distribution based on the need and performance of the  
8 charter schools."

9        SECTION 2. Section 84-3, Hawaii Revised Statutes, is  
10 amended by amending the definition of "employee" to read as  
11 follows:

12        "Employee" means any nominated, appointed, or elected  
13 officer or employee of the State, including members of boards,  
14 commissions, and committees[~~, and~~]; employees under contract to  
15 the State or of the constitutional convention[~~, but excluding~~];  
16 and any person under an employment contract to serve as the  
17 chief executive officer, chief administrative officer, executive  
18 director, or designated head of a charter school. "Employee"  
19 shall not include legislators, delegates to the constitutional  
20 convention, justices, and judges."



1 SECTION 3. Section 302A-101, Hawaii Revised Statutes, is  
2 amended by amending the definition of "public schools" to read  
3 as follows:

4 "Public schools" means all academic and noncollege type  
5 schools established and maintained by the department and charter  
6 schools [~~chartered by the board of education, in accordance with~~  
7 ~~law.~~] governed by chapter 302D."

8 SECTION 4. Section 302D-1, Hawaii Revised Statutes, is  
9 amended as follows:

10 1. By amending the definitions of "authorizer", "charter  
11 school" or "public charter school", and "organizational  
12 viability" to read:

13 "Authorizer" means an entity established under this  
14 chapter with chartering authority to review charter  
15 applications, decide whether to approve or [~~reject~~] deny charter  
16 applications, enter into charter contracts with applicants,  
17 oversee public charter schools, and decide whether to authorize,  
18 [~~reauthorize,~~] renew, deny renewal of, or [~~reject~~] revoke  
19 charter contracts. The term may include the commission when  
20 appropriate.

21 "Charter school" or "public charter school" refers to those  
22 public schools and their respective governing boards, as defined



1 in this section, that are holding [~~charters~~] charter contracts  
2 to operate as charter schools under this chapter, including  
3 start-up and conversion charter schools, and that have the  
4 flexibility and independent authority to implement alternative  
5 frameworks with regard to curriculum, facilities management,  
6 instructional approach, virtual education, length of the school  
7 day, week, or year, and personnel management.

8 "Organizational viability" means that a charter school:

- 9 (1) Has been duly constituted and operates in accordance  
10 with its charter;
- 11 (2) Has a governing board established in accordance with  
12 law and the charter school's charter;
- 13 (3) Employs sufficient faculty and staff to provide the  
14 necessary educational program and support services to  
15 operate the facility in accordance with its charter;
- 16 (4) Maintains accurate and comprehensive records regarding  
17 students and employees as determined by its  
18 authorizer;
- 19 (5) Meets appropriate standards of student achievement as  
20 defined by the board pursuant to its duties under  
21 article X, section 3, of the constitution of the State  
22 of Hawaii;





- 1 (6) Cooperates with board and authorizer requirements in
- 2 conducting its functions;
- 3 (7) Complies with applicable federal, state, and county
- 4 laws and requirements;
- 5 (8) In accordance with authorizer guidelines and
- 6 procedures, is financially sound and fiscally
- 7 responsible in its use of public funds, maintains
- 8 accurate and comprehensive financial records, operates
- 9 in accordance with generally accepted accounting
- 10 practices, and maintains a sound financial plan;
- 11 (9) Operates within the scope of its charter contract and
- 12 fulfills obligations and commitments of its charter;
- 13 (10) Complies with all health and safety laws and
- 14 requirements;
- 15 (11) Complies with all authorizer directives, policies, and
- 16 procedures; and
- 17 (12) Complies with all board policies deemed applicable to
- 18 charter schools by the board."
- 19 2. By deleting the definition of "executive director".
- 20 [~~"Executive director" means the executive director of the~~
- 21 ~~state public charter school commission."~~]



1 SECTION 5. Section 302D-3, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 " ~~[+]§302D-3[+]~~ **State public charter school commission;**  
4 **establishment; appointment.** (a) There is established the state  
5 public charter school commission with statewide chartering  
6 jurisdiction and authority. The commission shall be placed  
7 within the department for administrative purposes only.  
8 Notwithstanding section 302D-25 and any law to the contrary, the  
9 commission shall be subject to chapter 92.

10 (b) The mission of the commission shall be to authorize  
11 high-quality public charter schools throughout the State.

12 (c) The commission shall consist of nine members to be  
13 appointed by the board. The board shall appoint members who  
14 will be tasked with authorizing public charter schools that  
15 serve the unique and diverse needs of public school students.  
16 The chair of the commission shall be designated by the members  
17 of the commission for each school year beginning July 1, and  
18 whenever there is a vacancy. The board shall consider the  
19 combination of abilities, breadth of experiences, and  
20 characteristics of the commission, including but not limited to  
21 reflecting the diversity of the student population, geographical



1 representation, and a broad representation of education-related  
2 stakeholders.

3 (d) Understanding that the role of the commission is to  
4 ensure a long-term strategic vision for Hawaii's public charter  
5 schools, each nominee to the commission shall meet the following  
6 minimum qualifications:

7 (1) Commitment to education. Each nominee's record should  
8 demonstrate a deep and abiding interest in education,  
9 and a dedication to the social, academic, and  
10 character development of young people through the  
11 administration of a high performing charter school  
12 system;

13 (2) Record of integrity, civic virtue, and high ethical  
14 standards. Each nominee shall demonstrate integrity,  
15 civic virtue, and high ethical standards and be  
16 willing to hold fellow commission members to the same;

17 (3) Availability for constructive engagement. Each  
18 nominee shall commit to being a conscientious and  
19 attentive commission member; and

20 (4) Knowledge of best practices. Each nominee shall have  
21 an understanding of best practices in charter school



1 educational governance or shall be willing to be  
2 trained in such.

3 (e) Each nominee to the commission shall ideally meet the  
4 following recommended qualifications:

- 5 (1) Experience governing complex organizations. Each  
6 nominee should possess experience with complex  
7 organizations, including but not limited to  
8 performance contract management, and a proven ability  
9 to function productively within them; and
- 10 (2) Collaborative leadership ability. Each nominee should  
11 have substantial leadership experience that ideally  
12 illustrates the nominee's ability to function among  
13 diverse colleagues as an effective team member, with  
14 the ability to articulate, understand, and help shape  
15 consensus surrounding commission policies.

16 (f) Five members of the commission shall constitute a  
17 quorum to conduct business and a concurrence of at least five  
18 members shall be necessary to make any action of the commission  
19 valid.

20 (g) Commission members shall serve not more than three  
21 consecutive three-year terms, with each term beginning on



1 July 1; provided that the initial terms that commence after  
2 June 30, 2012, shall be staggered as follows:

3 (1) Three members, including the chairperson, to serve  
4 three-year terms;

5 (2) Three members to serve two-year terms; and

6 (3) Three members to serve one-year terms.

7 (h) Notwithstanding the terms of the members, the board  
8 may fill vacancies in the commission at any time when a vacancy  
9 occurs due to resignation, non-participation, the request of a  
10 majority of the commission members, or termination by the board  
11 for cause.

12 (i) Commission members shall receive no compensation.

13 When commission duties require that a commission member take  
14 leave of the member's duties as a state employee, the  
15 appropriate state department shall allow the commission member  
16 to be placed on administrative leave with pay and shall provide  
17 substitutes, when necessary, to fulfill that member's  
18 departmental duties. Members shall be reimbursed for necessary  
19 travel expenses incurred in the conduct of official commission  
20 business.

21 ~~(j) [The commission shall establish operating procedures~~  
22 ~~that shall include conflict of interest procedures for any~~



1 ~~member whose school of employment or governing board is before~~  
2 ~~the commission.]~~ Commission members shall disclose to the  
3 commission a list of all charter schools in which the member is  
4 an employee, governing board member, vendor, contractor, agent,  
5 or representative. Any member having such a relationship to a  
6 charter school that comes before the commission shall be  
7 disqualified from voting on or participating in the discussion  
8 on that charter school.

9 (k) The commission shall operate with dedicated resources  
10 and staff qualified to execute the day-to-day responsibilities  
11 of the commission pursuant to this chapter.

12 (1) The commission shall have the power to hire staff  
13 without regard to chapters 76 and 89."

14 SECTION 6. Section 302D-5, Hawaii Revised Statutes, is  
15 amended by amending subsection (b) to read as follows:

16 "(b) An authorizer shall:

17 (1) Act as the point of contact between the department and  
18 a public charter school it authorizes and be  
19 responsible for the administration of all applicable  
20 state and federal laws;

21 (2) Be responsible for and ensure the compliance of a  
22 public charter school it authorizes with all



1 applicable state and federal laws, including reporting  
2 requirements;

3 (3) Be responsible for the receipt of applicable federal  
4 funds from the department and the distribution of  
5 funds to the public charter school it authorizes; and

6 (4) Be responsible for the receipt of per-pupil funding  
7 from the department of budget and finance and  
8 distribution of the funding to the public charter  
9 school it authorizes[-]; provided that funds  
10 distributed to public charter schools shall be  
11 considered expended."

12 SECTION 7. Section 302D-6, Hawaii Revised Statutes, is  
13 amended to read as follows:

14 "[~~+~~]**\$302D-6**[~~+~~] **Principles and standards for charter**  
15 **authorizing.** All authorizers shall be required to [~~develop and~~  
16 ~~maintain chartering policies and practices consistent with~~]  
17 follow nationally recognized principles and standards for  
18 quality charter authorizing in all major areas of authorizing  
19 responsibility, including:

- 20 (1) Organizational capacity and infrastructure;
- 21 (2) Soliciting and evaluating charter applications;
- 22 (3) Performance contracting;



1 (4) Ongoing public charter school oversight and  
2 evaluation; and

3 (5) Charter and charter contract renewal decision-making.

4 Authorizers shall carry out all their duties under this  
5 chapter in a manner consistent with nationally recognized  
6 principles and standards and with the spirit and intent of this  
7 chapter. Evidence of material or persistent failure to do so  
8 shall constitute grounds for losing charter authorizing powers."

9 SECTION 8. Section 302D-12, Hawaii Revised Statutes, is  
10 amended as follows:

11 1. By amending subsection (a) to read:

12 "(a) No more than [~~thirty per cent~~] one-third of the  
13 voting members of a governing board shall be employees of a  
14 school or relatives of employees of a school under the  
15 jurisdiction of that governing [~~board; provided that the chief~~  
16 ~~executive officer, chief administrative officer, executive~~  
17 ~~director, or otherwise designated head of a charter school may~~  
18 ~~serve as an ex officio, non voting member of the governing]~~  
19 board. In selecting members, consideration shall be given to  
20 persons who:

21 (1) Provide the governing board with a diversity of  
22 perspective and a level of objectivity that accurately





1 represent the interests of the charter school students  
2 and the surrounding community;

3 (2) Demonstrate an understanding of best practices of non-  
4 profit governance; and

5 (3) Possess strong financial and academic management and  
6 oversight abilities, as well as human resource and  
7 fundraising experience."

8 2. By amending subsection (d) to read:

9 "(d) Governing boards and charter schools shall be exempt  
10 from chapter 103D, but shall develop internal policies and  
11 procedures for the procurement of goods, services, and  
12 construction, consistent with the goals of public accountability  
13 and public procurement practices. Governing boards and charter  
14 schools are encouraged to use the provisions of chapter 103D  
15 wherever possible; provided that the use of one or more  
16 provisions of chapter 103D shall not constitute a waiver of the  
17 exemption from chapter 103D and shall not subject the charter  
18 school to any other provision of chapter 103D."

19 3. By amending subsection (h) to read:

20 "(h) For purposes of this section[~~7, "employees" shall~~]:

21 "Employees shall include but not be limited to the chief  
22 executive officer, chief administrative officer, executive



1 director, or otherwise designated head of a charter school[-]  
2 and shall include any person under an employment contract to  
3 serve as the chief executive officer, chief administrative  
4 officer, executive director, or designated head of a charter  
5 school.

6 "Relative" means a spouse, fiancé, or fiancée of the  
7 employee; any person who is related to the employee within four  
8 degrees of consanguinity; or the spouse, fiancé, or fiancée of  
9 such person."

10 SECTION 9. Section 302D-13, Hawaii Revised Statutes, is  
11 amended by amending subsections (c) and (d) to read as follows:

12 "(c) The start-up charter school charter application  
13 process and schedule shall be determined by the authorizer, and  
14 shall provide for and include, at a minimum, the following  
15 elements:

16 (1) The submission of a letter of intent to operate a  
17 start-up charter school;

18 (2) The [~~timely transmittal~~] availability of the charter  
19 application form and completion guidelines [~~to~~] on the  
20 [~~governing board,~~] authorizer's website;

21 (3) The timely submission of a completed charter  
22 application to the authorizer;



- 1 (4) The timely review of the charter application by the  
2 authorizer for completeness, and notification by the  
3 authorizer to the governing board that the charter  
4 application is complete;
- 5 (5) Upon receipt of a completed charter application, the  
6 ~~[convening of the commission, if applicable, by the~~  
7 ~~commission chairperson to begin]~~ review and evaluation  
8 of the charter application~~[+]~~ by qualified persons;
- 9 (6) Following the ~~[submission]~~ review and evaluation of a  
10 charter application, ~~[issuance of a charter or]~~  
11 approval or denial of the charter application by the  
12 authorizer ~~[or if submitted to the commission, by~~  
13 ~~majority vote]~~;
- 14 (7) A provision for a final date by which a decision to  
15 approve or deny a charter application must be made~~[+]~~  
16 by the authorizer, upon receipt of a complete charter  
17 application; and
- 18 (8) A provision that no start-up charter school may begin  
19 operation before obtaining authorizer approval of its  
20 charter application and charter contract~~[+]~~ and  
21 fulfilling pre-opening requirements that may be  
22 imposed by the authorizer.



1 (d) A charter application to become a start-up charter  
2 school shall meet the requirements of this subsection and  
3 section 302D-25. The charter application shall, at a minimum,  
4 include the following:

5 (1) A description of employee rights and management issues  
6 and a framework for addressing those issues that  
7 protects the rights of employees;

8 (2) A plan for identifying, recruiting, and retaining  
9 highly qualified instructional faculty[+], as defined  
10 by the department;

11 (3) A plan for identifying, recruiting, and selecting  
12 students that is not exclusive, elitist, or  
13 segregationist[+], and complies with this chapter;

14 (4) The curriculum and instructional framework to be used  
15 to achieve student outcomes, including an assessment  
16 plan;

17 (5) A plan for the assessment of student, administrative  
18 support, and teaching personnel performance that:

19 (A) Recognizes the interests of the general public;

20 (B) Incorporates or exceeds the educational content  
21 and performance standards developed by the  
22 department for the public school system;



- 1 (C) Includes a system of faculty and staff
- 2 accountability that holds faculty and staff
- 3 individually and collectively accountable for
- 4 their performance, and that is at least
- 5 equivalent to the average system of
- 6 accountability in public schools throughout the
- 7 State; and
- 8 (D) Provides for program audits and annual financial
- 9 audits;
- 10 (6) A governance structure for the charter school that
- 11 incorporates a conflict of interest policy and a plan
- 12 for periodic training to carry out the duties of
- 13 governing board members;
- 14 (7) A description of the constitution of the governing
- 15 board, terms of governing board members, and the
- 16 process by which governing board members were
- 17 selected;
- 18 (8) A financial plan based on the most recent fiscal
- 19 year's per-pupil charter school allocation that
- 20 demonstrates the ability to meet the financial
- 21 obligations of one-time, start-up costs and ongoing



1 costs such as monthly payrolls, faculty recruitment,  
2 professional development, and facilities costs; and

3 (9) A facilities plan."

4 SECTION 10. Section 302D-14, Hawaii Revised Statutes, is  
5 amended to read as follows:

6 "[+]§302D-14[+] **Conversion charter schools; establishment.**

7 (a) A conversion charter school may be established pursuant to  
8 this section.

9 (b) Any department school, school community council, group  
10 of teachers, group of teachers and administrators, or nonprofit  
11 organization may submit a letter of intent to an authorizer to  
12 convert a department school to a charter school, establish a  
13 governing board as its governing body, and develop a charter  
14 application pursuant to subsection (d).

15 (c) The conversion charter school charter application  
16 process and schedule shall be determined by the authorizer, and  
17 shall provide for and include the following elements:

18 (1) The submission of a letter of intent to convert to a  
19 charter school;

20 (2) The ~~[timely transmittal]~~ availability of the charter  
21 application form and completion guidelines ~~[to]~~ on the  
22 ~~[governing board,]~~ authorizer's website;



1           (3) The timely submission of a completed charter  
2           application to the authorizer; provided that the  
3           charter application shall include certification and  
4           documentation that the charter application was  
5           approved by a majority of the votes cast by existing  
6           administrative, support, and teaching personnel, and  
7           parents of students at the existing department school;  
8           provided that:

9           (A) This vote shall be considered by the authorizer  
10           to be the primary indication of the existing  
11           administrative, support, and teaching personnel,  
12           and parents' approval to convert to a charter  
13           school;

14           (B) The balance of stakeholders represented in the  
15           vote and the [~~bread~~] extent of support received  
16           in support of the conversion shall be [a] key  
17           [~~factor in an authorizer's decision~~] factors,  
18           along with the applicant's proposed plans, to be  
19           considered by the authorizer when deciding  
20           whether to award a charter; and

21           (C) A breakdown of the number of administrative,  
22           support, and [~~teacher~~] teaching personnel, and



1                    parents of students who constitute the existing  
2                    department school and the number [that] who  
3                    actually participated in the vote shall be  
4                    provided to the authorizer;

5            (4) The timely review of the charter application by the  
6            authorizer for completeness, and notification by the  
7            authorizer to the governing board that the charter  
8            application is complete;

9            (5) Upon receipt of a completed charter application, the  
10           ~~[convening of the commission, if applicable, by the~~  
11           ~~commission chairperson to begin]~~ review and evaluation  
12           of the charter application[+] by qualified persons;

13           (6) Following the [~~submission~~] review and evaluation of a  
14           charter application, [~~issuance of a charter~~] approval  
15           or denial of the charter application by the authorizer  
16           [~~or if submitted to the commission, by majority vote];~~

17           (7) A provision for a final date by which a decision of  
18           whether to approve or deny a charter application must  
19           be made by the authorizer, upon receipt of a complete  
20           charter application; and

21           (8) A provision that no conversion charter school may  
22           begin operation before obtaining authorizer approval





1 of its charter and charter contract[-] and fulfilling  
2 pre-opening requirements that may be imposed by the  
3 authorizer.

4 (d) A charter application to become a conversion charter  
5 school shall meet the requirements of this subsection and  
6 section 302D-25. The charter application shall include, at a  
7 minimum, the following:

8 (1) A description of employee rights and management issues  
9 and a framework for addressing those issues that  
10 protects the rights of employees;

11 (2) A plan for identifying, recruiting, and retaining  
12 highly qualified instructional faculty[+], as defined  
13 by the department;

14 (3) A plan for identifying, recruiting, and selecting  
15 students that is not exclusive, elitist, or  
16 segregationist[+], and complies with this chapter;

17 (4) The curriculum and instructional framework to be used  
18 to achieve student outcomes, including an assessment  
19 plan;

20 (5) A plan for the assessment of student, administrative  
21 support, and teaching personnel performance that:

22 (A) Recognizes the interests of the general public;



- 1 (B) Incorporates or exceeds the educational content
- 2 and performance standards developed by the
- 3 department for the public school system;
- 4 (C) Includes a system of faculty and staff
- 5 accountability that holds faculty and staff
- 6 individually and collectively accountable for
- 7 their performance, and that is at least
- 8 equivalent to the average system of
- 9 accountability in public schools throughout the
- 10 State; and
- 11 (D) Provides for program audits and annual financial
- 12 audits;
- 13 (6) A governance structure for the charter school that
- 14 incorporates a conflict of interest policy and a plan
- 15 for periodic training to carry out the duties of
- 16 governing board members;
- 17 (7) A description of the constitution of the governing
- 18 board, terms of governing board members, and the
- 19 process by which governing board members were
- 20 selected;
- 21 (8) A financial plan based on the most recent fiscal
- 22 year's per-pupil charter school allocation that



1 demonstrates the ability to meet the financial  
2 obligations of one-time, start-up costs and ongoing  
3 costs such as monthly payrolls, faculty recruitment,  
4 professional development, and facilities costs; and

5 (9) A facilities plan.

6 (e) A nonprofit organization may submit a letter of intent  
7 to an authorizer to convert a department school to a conversion  
8 charter school, operate and manage the school, establish a  
9 governing board as its governing body, and develop a charter  
10 application pursuant to subsection (d); provided that:

11 (1) As the governing body of the conversion charter  
12 school, the governing board shall be the board of  
13 directors of the nonprofit organization and shall not  
14 be selected pursuant to section 302D-12. The  
15 nonprofit organization may also appoint advisory  
16 groups of community representatives for each school  
17 managed by the nonprofit organization; provided that  
18 these groups shall not have governing authority over  
19 the school and shall serve only in an advisory  
20 capacity to the nonprofit organization;

21 (2) The charter application for each conversion charter  
22 school to be operated by the nonprofit organization



1 shall be formulated, developed, and submitted by the  
2 nonprofit organization, and shall be approved by a  
3 majority of the votes cast by existing administrative,  
4 support, and teaching personnel, and parents of [~~the~~]  
5 students of the existing department school; provided  
6 that:

7 (A) This vote shall be considered by the authorizer  
8 to be the primary indication of the existing  
9 administrative, support, and teaching personnel,  
10 and parents' approval to convert to a charter  
11 school;

12 (B) The balance of stakeholders represented in the  
13 vote and the [~~bread~~] extent of support received  
14 in support of the conversion shall be a key  
15 factor, along with the applicant's proposed  
16 plans, in an authorizer's decision to award a  
17 charter; and

18 (C) A breakdown of the number of administrative,  
19 support, and [~~teacher~~] teaching personnel, and  
20 parents of students who constitute the existing  
21 department school and the number [~~that~~] who



1            actually participated in the vote shall be  
2            provided to the authorizer;

3            (3) The board of directors of the nonprofit organization,  
4            as the governing body for the conversion charter  
5            school that it operates and manages, shall have the  
6            same protections that are afforded to the board in its  
7            role as the conversion charter school governing body;

8            (4) Any conversion charter school that is managed and  
9            operated by a nonprofit organization shall be eligible  
10           for the same federal and state funding as other public  
11           schools; provided that ~~[the nonprofit organization~~  
12           ~~makes a minimum annual]~~ nothing in this section shall  
13           prohibit a nonprofit organization from making a  
14           contribution ~~[of \$1 per pupil]~~ toward the operation of  
15           a conversion charter school ~~[for every \$4 per pupil~~  
16           ~~allocated by the department of budget and finance for~~  
17           ~~the operation of the conversion charter school;~~  
18           ~~provided further that in no event shall the nonprofit~~  
19           ~~organization be required to contribute more than the~~  
20           ~~total required contribution per pupil per year. As~~  
21           ~~used in this paragraph, "total required contribution"~~  
22           means:

1           ~~(A) \$1,650 for school years 2012-2013 through 2015-~~  
2                           ~~2016; and~~

3           ~~(B) \$1,815 for school years 2016-2017 through 2020-~~  
4                           ~~2021]; and~~

5           (5) If, at any time, the board of directors of the  
6                           nonprofit organization governing the conversion  
7                           charter school votes to discontinue its relationship  
8                           with the charter school, the charter school may submit  
9                           a revised charter application to the authorizer to  
10                          continue as a conversion charter school without the  
11                          participation of the nonprofit organization.

12           (f) Any nonprofit organization that seeks to manage or  
13                          operate a conversion charter school as provided in subsection  
14           (e) shall comply with the following at the time of charter  
15           application:

16           (1) Have bylaws or policies that describe the manner in  
17                          which business is conducted and policies that relate  
18                          to the management of potential conflict of interest  
19                          situations;

20           (2) Have experience in the management and operation of  
21                          public or private schools or, to the extent necessary,



- 1           agree to obtain appropriate services from another  
2           entity or entities possessing such experience;
- 3           (3) Comply with all applicable federal, state, and county  
4           laws, including licensure or accreditation, as  
5           applicable; and
- 6           (4) Comply with any other requirements prescribed by the  
7           department to ensure adherence with applicable  
8           federal, state, and county laws, and the purposes of  
9           this chapter.
- 10          (g) Any public school or schools, programs, or sections of  
11 existing public school populations that are part of a separate  
12 Hawaiian language immersion program using existing public school  
13 facilities may submit a letter of intent to an authorizer to  
14 form a conversion charter school pursuant to this section.
- 15          (h) In reviewing a charter application for a charter under  
16 this section, an authorizer shall take into consideration the  
17 constitution of the applicant's governing board, terms of  
18 governing board members, and the process by which governing  
19 board members were selected.
- 20          (i) In the event of a conflict between the provisions in  
21 this section and other provisions in this chapter, this section  
22 shall control.



1       ~~[(j) Any applicant whose charter application is denied by~~  
2 ~~the authorizer shall not be allowed to amend or resubmit the~~  
3 ~~charter application to the authorizer during a given cycle, as~~  
4 ~~defined by the authorizer, except as provided in subsection~~  
5 ~~(e)(5); provided that an applicant shall have the right to~~  
6 ~~appeal the authorizer's denial of its charter application~~  
7 ~~pursuant to section 302D-15.~~

8       ~~(k)]~~ (j) In reviewing charter applications for a charter  
9 under this section, an authorizer shall develop a schedule to  
10 approve or deny a charter application by the end of the calendar  
11 year for purposes of meeting any deadlines to request funding  
12 from the legislature."

13       SECTION 11. Section 302D-15, Hawaii Revised Statutes, is  
14 amended to read as follows:

15       "~~[+]§302D-15[+]~~ **Appeals; charter applications,**  
16 ~~[reauthorizations,]~~ **renewals, or revocations.** (a) The board  
17 shall have the power to decide appeals of decisions by an  
18 authorizer to deny the approval of a charter application, deny  
19 ~~[reauthorization]~~ **renewal** of a charter ~~[school,]~~ **contract,** or  
20 revoke a charter school's charter~~[-]~~ **contract.** An appeal shall  
21 be filed with the board within twenty-one calendar days of the  
22 receipt of the notification of denial or revocation. Only a





1 party whose charter application has been denied, whose  
2 ~~[reauthorization]~~ charter contract renewal has been denied, or  
3 whose charter contract has been revoked may initiate an appeal  
4 under this section for cause. The board shall review an appeal  
5 and issue a final decision within sixty calendar days of the  
6 filing of the appeal. ~~[The board may adopt applicable rules and  
7 procedures pursuant to chapter 91 for implementing the appeals  
8 process.]~~

9 (b) The board shall serve as the final arbitrator of  
10 appeals authorized by subsection (a).

11 (c) A party shall not be entitled to a hearing before the  
12 board under this section until it has exhausted all available  
13 administrative remedies.

14 (d) The board shall adopt rules pursuant to chapter 91 to  
15 implement this section."

16 SECTION 12. Section 302D-16, Hawaii Revised Statutes, is  
17 amended as follows:

18 1. By amending subsection (a) to read:

19 "(a) The performance provisions within the charter  
20 contract shall be based on a performance framework that clearly  
21 sets forth the academic and operational performance indicators,  
22 measures, and metrics that will guide the authorizer's



1 evaluations of each public charter school. The performance  
2 framework, as established by the authorizer, shall include  
3 indicators, measures, and metrics for, at a minimum:

- 4 (1) Student academic proficiency;
- 5 (2) Student academic growth;
- 6 (3) Achievement gaps in proficiency and growth between  
7 major student subgroups;
- 8 (4) Attendance;
- 9 (5) [~~Recurrent enrollment from year to year;~~] Enrollment  
10 variance;
- 11 (6) Postsecondary readiness, as applicable for high  
12 schools;
- 13 (7) Financial performance and sustainability;
- 14 (8) Performance and stewardship, including compliance with  
15 all applicable laws, rules, and terms of the charter  
16 contract; and
- 17 (9) Organizational viability."

18 2. By amending subsection (d) to read:

19 "(d) The performance framework shall require the  
20 disaggregation of all student performance data by major student  
21 subgroups, [~~including gender, race, poverty status, special~~



1 ~~education status, English as a second language status, and~~  
2 ~~gifted and talented status.]~~ as determined by the board."

3 SECTION 13. Section 302D-18, Hawaii Revised Statutes, is  
4 amended as follows:

5 1. By amending subsections (b) and (c) to read:

6 "(b) [~~No later than September 1, the~~] The authorizer shall  
7 issue a charter school performance report and charter contract  
8 renewal application guidance to any charter school whose charter  
9 contract will expire the following year. The performance report  
10 shall summarize the charter school's performance record to date,  
11 based on the data required by this chapter and the charter  
12 contract, and shall provide notice of any weaknesses or concerns  
13 perceived by the authorizer concerning the charter school that  
14 may jeopardize its position in seeking renewal [~~if not timely~~  
15 ~~rectified. The charter school shall have thirty days to respond~~  
16 ~~to the performance report and submit any corrections or~~  
17 ~~clarifications for the report].~~

18 (c) The renewal application guidance shall, at a minimum,  
19 provide an opportunity for the public charter school to:

20 (1) Submit any corrections or clarifications to the  
21 performance report;



- 1        [~~(1)~~] (2) Present additional evidence, beyond the data  
2                            contained in the performance report, supporting its  
3                            case for charter renewal;
- 4        [~~(2)~~] (3) Describe improvements undertaken or planned for  
5                            the school; and
- 6        [~~(3)~~] (4) Detail the charter school's plans for the next  
7                            charter term."

8            2. By amending subsection (e) to read:

9            "(e) No later than [~~March 1,~~] thirty days after the  
10 issuance of the performance report, the governing board of a  
11 charter school seeking renewal shall submit a renewal  
12 application to the authorizer pursuant to the renewal guidance  
13 issued by the authorizer. The authorizer shall decide whether  
14 or not to renew the charter no later than forty-five days after  
15 the filing of the renewal application."

16           3. By amending subsections (h), (i), and (j) to read:

17           "(h) An authorizer shall develop revocation and non-  
18 renewal processes that:

- 19           (1) Provide [~~the~~] charter contract holders with a timely  
20 notification of the prospect of revocation or non-  
21 renewal and the reasons for such possible closure;



- 1 (2) Allow [~~the~~] charter contract holders a reasonable  
2 amount of time in which to prepare a response;
- 3 (3) Provide [~~the~~] charter contract holders with an  
4 opportunity to submit documents and give testimony  
5 challenging the rationale for closure and supporting  
6 the continuation of the school at an orderly  
7 proceeding held for that purpose;
- 8 (4) Allow charter contract holders access to  
9 representation by counsel, subject to section 28-8.3,  
10 and to call witnesses on their behalf;
- 11 (5) Permit the recording of proceedings described in  
12 paragraph (3); and
- 13 (6) After a reasonable period for deliberation, require a  
14 final determination to be made and conveyed in writing  
15 to the charter contract holders.
- 16 (i) If an authorizer revokes or does not renew a  
17 charter[~~7~~] contract, the authorizer shall clearly state in  
18 writing the reasons for the revocation or nonrenewal.
- 19 (j) Within fifteen days of taking action to renew, not to  
20 renew, or to revoke a charter[~~7~~] contract, the authorizer shall  
21 report to the board the action taken, and shall simultaneously  
22 provide a copy of the report to the charter school. The report



1 shall set forth the action taken and reasons for the decision  
2 and assurances as to compliance with all the requirements set  
3 forth in this chapter."

4 SECTION 14. Section 302D-21, Hawaii Revised Statutes, is  
5 amended to read as follows:

6 "[~~§~~302D-21] **Annual board report.** No later than twenty  
7 days prior to the convening of each regular session of the  
8 legislature, the board shall issue to the governor, the  
9 legislature, and the public, an annual report on the State's  
10 public charter schools, drawing from the annual reports  
11 submitted by every authorizer, as well as any additional  
12 relevant data compiled by the board, for the school year ending  
13 in the preceding calendar year. The annual report shall  
14 include:

15 (1) A comparison of the performance of public charter  
16 school students with the performance of [~~academically,~~  
17 ~~ethnically, geographically, and economically~~  
18 ~~comparable groups~~] comparable subgroups of students in  
19 public schools governed by chapter 302A;

20 (2) The board's assessment of the successes, challenges,  
21 and areas for improvement in meeting the purposes of  
22 this chapter, including the board's assessment of the



- 1           sufficiency of funding for public charter schools, and  
2           any suggested changes in state law or policy necessary  
3           to strengthen the State's public charter schools;
- 4           (3) A line-item breakdown of all federal funds received by  
5           the department and distributed to authorizers;
- 6           (4) Any concerns regarding equity and recommendations to  
7           improve access to and distribution of federal funds to  
8           public charter schools; and
- 9           (5) A discussion of all board policies adopted in the  
10          previous year, including a detailed explanation as to  
11          whether each policy is or is not applicable to charter  
12          schools."

13           SECTION 15. Section 302D-31, Hawaii Revised Statutes, is  
14          amended to read as follows:

15           "~~[§]302D-31[§]—Sports.~~ **Athletics.** The department shall  
16          provide students at charter schools, including students enrolled  
17          at charter schools whose curriculum incorporates virtual  
18          education, with the same opportunity to participate in athletics  
19          as is provided to students at other public schools. If a  
20          student at [a] any charter school wishes to participate in a  
21          sport for which there is no program at the charter school, the  
22          department shall allow that student to participate in a



1 comparable program of any public school in the complex in which  
2 the charter school is located[-] or at the public school in the  
3 service area in which the student resides. All charter school  
4 students participating in athletics shall abide by all rules,  
5 regulations, and policies of the athletic league, association,  
6 and program applicable to the public school in whose athletic  
7 program the student is participating."

8 SECTION 16. Section 378-2.5, Hawaii Revised Statutes, is  
9 amended by amending subsection (d) to read as follows:

10 "(d) Notwithstanding subsections (b) and (c), the  
11 requirement that inquiry into and consideration of a prospective  
12 employee's conviction record may take place only after the  
13 individual has received a conditional job offer, and the  
14 limitation to the most recent ten-year period, excluding the  
15 period of incarceration, shall not apply to employers who are  
16 expressly permitted to inquire into an individual's criminal  
17 history for employment purposes pursuant to any federal or state  
18 law other than subsection (a), including:

19 (1) The State or any of its branches, political  
20 subdivisions, or agencies pursuant to sections 78-2.7  
21 and 831-3.1;





- 1 (2) The department of education pursuant to section 302A-  
2 601.5;
- 3 (3) The department of health with respect to employees,  
4 providers, or subcontractors in positions that place  
5 them in direct contact with clients when providing  
6 non-witnessed direct mental health services pursuant  
7 to section 321-171.5;
- 8 (4) The judiciary pursuant to section 571-34;
- 9 (5) The counties pursuant to section 846-2.7(b)(5),  
10 [~~32~~], (33), (34), [~~and~~] (35)[~~+~~], and (36);
- 11 (6) Armed security services pursuant to section 261-17(b);
- 12 (7) Providers of a developmental disabilities domiciliary  
13 home pursuant to section 333F-22;
- 14 (8) Private schools pursuant to sections 302C-1 and 378-  
15 3(8);
- 16 (9) Financial institutions in which deposits are insured  
17 by a federal agency having jurisdiction over the  
18 financial institution pursuant to section 378-3(9);
- 19 (10) Detective agencies and security guard agencies  
20 pursuant to sections 463-6(b) and 463-8(b);
- 21 (11) Employers in the business of insurance pursuant to  
22 section 431:2-201.3;



- 1 (12) Employers of individuals or supervisors of individuals  
2 responsible for screening passengers or property under  
3 Title 49 United States Code section 44901 or  
4 individuals with unescorted access to an aircraft of  
5 an air carrier or foreign carrier or in a secured area  
6 of an airport in the United States pursuant to Title  
7 49 United States Code section 44936(a);
- 8 (13) The department of human services pursuant to sections  
9 346-97 and 352-5.5;
- 10 (14) The public library system pursuant to section 302A-  
11 601.5;
- 12 (15) The department of public safety pursuant to section  
13 353C-5;
- 14 (16) The board of directors of a cooperative housing  
15 corporation or the manager of a cooperative housing  
16 project pursuant to section 421I-12;
- 17 (17) The board of directors of an association of owners  
18 under chapter 514A or 514B, or the manager of a  
19 condominium project pursuant to section 514A-82.1 or  
20 514B-133; and
- 21 (18) The department of health pursuant to section 321-  
22 15.2."



1 SECTION 17. Section 846-2.7, Hawaii Revised Statutes, is  
2 amended by amending subsection (b) to read as follows:

3 "(b) Criminal history record checks may be conducted by:

4 (1) The department of health or the department's designee  
5 on operators of adult foster homes or developmental  
6 disabilities domiciliary homes and their employees, as  
7 provided by section 333F-22;

8 (2) The department of health or the department's designee  
9 on prospective employees, persons seeking to serve as  
10 providers, or subcontractors in positions that place  
11 them in direct contact with clients when providing  
12 non-witnessed direct mental health services as  
13 provided by section 321-171.5;

14 (3) The department of health or the department's designee  
15 on all applicants for licensure for, operators for,  
16 prospective employees, and volunteers at one or more  
17 of the following: skilled nursing facility,  
18 intermediate care facility, adult residential care  
19 home, expanded adult residential care home, assisted  
20 living facility, home health agency, hospice, adult  
21 day health center, special treatment facility,  
22 therapeutic living program, intermediate care facility



1 for individuals with intellectual disabilities,  
2 hospital, rural health center and rehabilitation  
3 agency, and, in the case of any of the above  
4 facilities operating in a private residence, on any  
5 adult living in the facility other than the client as  
6 provided by section 321-15.2;

7 (4) The department of education on employees, prospective  
8 employees, and teacher trainees in any public school  
9 in positions that necessitate close proximity to  
10 children as provided by section 302A-601.5;

11 (5) The counties on employees and prospective employees  
12 who may be in positions that place them in close  
13 proximity to children in recreation or child care  
14 programs and services;

15 (6) The county liquor commissions on applicants for liquor  
16 licenses as provided by section 281-53.5;

17 (7) The county liquor commissions on employees and  
18 prospective employees involved in liquor  
19 administration, law enforcement, and liquor control  
20 investigations;

21 (8) The department of human services on operators and  
22 employees of child caring institutions, child placing



- 1 organizations, and foster boarding homes as provided  
2 by section 346-17;
- 3 (9) The department of human services on prospective  
4 adoptive parents as established under section  
5 346-19.7;
- 6 (10) The department of human services on applicants to  
7 operate child care facilities, prospective employees  
8 of the applicant, and new employees of the provider  
9 after registration or licensure as provided by section  
10 346-154;
- 11 (11) The department of human services on persons exempt  
12 pursuant to section 346-152 to be eligible to provide  
13 child care and receive child care subsidies as  
14 provided by section 346-152.5;
- 15 (12) The department of human services on operators and  
16 employees of home and community-based case management  
17 agencies and operators and other adults, except for  
18 adults in care, residing in foster family homes as  
19 provided by section 346-335;
- 20 (13) The department of human services on staff members of  
21 the Hawaii youth correctional facility as provided by  
22 section 352-5.5;



- 1       (14) The department of human services on employees,  
2           prospective employees, and volunteers of contracted  
3           providers and subcontractors in positions that place  
4           them in close proximity to youth when providing  
5           services on behalf of the office or the Hawaii youth  
6           correctional facility as provided by section 352D-4.3;
- 7       (15) The judiciary on employees and applicants at detention  
8           and shelter facilities as provided by section 571-34;
- 9       (16) The department of public safety on employees and  
10          prospective employees who are directly involved with  
11          the treatment and care of persons committed to a  
12          correctional facility or who possess police powers  
13          including the power of arrest as provided by section  
14          353C-5;
- 15       (17) The board of private detectives and guards on  
16          applicants for private detective or private guard  
17          licensure as provided by section 463-9;
- 18       (18) Private schools and designated organizations on  
19          employees and prospective employees who may be in  
20          positions that necessitate close proximity to  
21          children; provided that private schools and designated  
22          organizations receive only indications of the states



- 1 from which the national criminal history record  
2 information was provided pursuant to section 302C-1;
- 3 (19) The public library system on employees and prospective  
4 employees whose positions place them in close  
5 proximity to children as provided by section  
6 302A-601.5;
- 7 (20) The State or any of its branches, political  
8 subdivisions, or agencies on applicants and employees  
9 holding a position that has the same type of contact  
10 with children, vulnerable adults, or persons committed  
11 to a correctional facility as other public employees  
12 who hold positions that are authorized by law to  
13 require criminal history record checks as a condition  
14 of employment as provided by section 78-2.7;
- 15 (21) The department of human services on licensed adult day  
16 care center operators, employees, new employees,  
17 subcontracted service providers and their employees,  
18 and adult volunteers as provided by section 346-97;
- 19 (22) The department of human services on purchase of  
20 service contracted and subcontracted service providers  
21 and their employees serving clients of the adult and



1 community care services branch, as provided by section  
2 346-97;

3 (23) The department of human services on foster grandparent  
4 program, retired and senior volunteer program, senior  
5 companion program, and respite companion program  
6 participants as provided by section 346-97;

7 (24) The department of human services on contracted and  
8 subcontracted service providers and their current and  
9 prospective employees that provide home and community-  
10 based services under section 1915(c) of the Social  
11 Security Act, Title 42 United States Code section  
12 1396n(c), or under any other applicable section or  
13 sections of the Social Security Act for the purposes  
14 of providing home and community-based services, as  
15 provided by section 346-97;

16 (25) The department of commerce and consumer affairs on  
17 proposed directors and executive officers of a bank,  
18 savings bank, savings and loan association, trust  
19 company, and depository financial services loan  
20 company as provided by section 412:3-201;

21 (26) The department of commerce and consumer affairs on  
22 proposed directors and executive officers of a





1           nondepository financial services loan company as  
2           provided by section 412:3-301;

3           (27) The department of commerce and consumer affairs on the  
4           original chartering applicants and proposed executive  
5           officers of a credit union as provided by section  
6           412:10-103;

7           (28) The department of commerce and consumer affairs on:

8           (A) Each principal of every non-corporate applicant  
9           for a money transmitter license; and

10          (B) The executive officers, key shareholders, and  
11          managers in charge of a money transmitter's  
12          activities of every corporate applicant for a  
13          money transmitter license,

14          as provided by section 489D-9;

15          (29) The department of commerce and consumer affairs on  
16          applicants for licensure and persons licensed under  
17          title 24;

18          (30) The Hawaii health systems corporation on:

19          (A) Employees;

20          (B) Applicants seeking employment;

21          (C) Current or prospective members of the corporation  
22          board or regional system board; or



1 (D) Current or prospective volunteers, providers, or  
2 contractors,  
3 in any of the corporation's health facilities as  
4 provided by section 323F-5.5;

5 (31) The department of commerce and consumer affairs on:

6 (A) An applicant for a mortgage loan originator  
7 license; and

8 (B) Each control person, executive officer, director,  
9 general partner, and manager of an applicant for  
10 a mortgage loan originator company license,  
11 as provided by chapter 454F;

12 (32) The state public charter school commission or public  
13 charter schools on employees, teacher trainees,  
14 prospective employees, and prospective teacher  
15 trainees in any public charter school for any position  
16 that places them in close proximity to children, as  
17 provided in section 302D-B;

18 [~~32~~] (33) The counties on prospective employees who work  
19 with vulnerable adults or senior citizens in  
20 community-based programs;



1     ~~[+33+]~~ (34) The counties on prospective employees for fire  
2             department positions which involve contact with  
3             children or dependent adults;

4     ~~[+34+]~~ (35) The counties on prospective employees for  
5             emergency medical services positions which involve  
6             contact with children or dependent adults;

7     ~~[+35+]~~ (36) The counties on prospective employees for  
8             emergency management positions and community  
9             volunteers whose responsibilities involve planning and  
10            executing homeland security measures including  
11            viewing, handling, and engaging in law enforcement or  
12            classified meetings and assisting vulnerable and  
13            disabled citizens during emergencies or crises; and

14     ~~[+36+]~~ (37) Any other organization, entity, or the State,  
15             its branches, political subdivisions, or agencies as  
16             may be authorized by state law."

17            SECTION 18. Section 302D-22, Hawaii Revised Statutes, is  
18     repealed.

19            ~~["~~§302D-22~~ Board as final arbitrator. (a) The board~~  
20     ~~shall serve as the final arbitrator of those appeals listed in~~  
21     ~~section 302D-15.~~

1       ~~(b) A party shall not be entitled to a hearing before the~~  
2 ~~board under this section until it has exhausted all available~~  
3 ~~administrative remedies.~~

4       ~~(c) The board shall adopt applicable rules and procedures~~  
5 ~~pursuant to chapter 91 for implementing this section." ]~~

6       SECTION 19. In codifying the new sections added by section  
7 1 of this Act, the revisor of statutes shall substitute  
8 appropriate section numbers for the letters used in designating  
9 the new sections in this Act.

10       SECTION 20. Statutory material to be repealed is bracketed  
11 and stricken. New statutory material is underscored.

12       SECTION 21. This Act shall take effect on July 1, 2050.



**Report Title:**

Education; Charter Schools

**Description:**

Establishes provisions for charter schools relating to annual independent financial audits, criminal history record checks, enrollment, conflicts of interest and disclosure, facilities funding, and hiring. Makes amendments to the State's Charter School Law for clarity and consistency. Effective July 1, 2050. (SB244 HD1)

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

