

---

---

# A BILL FOR AN ACT

RELATING TO EDUCATION.

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

1           SECTION 1. Chapter 37, Hawaii Revised Statutes, is amended  
2 by adding a new section to be appropriately designated and to  
3 read as follows:

4           "§37- Charter schools; carryover of funds. (a) Charter  
5 schools may carry over up to           per cent of any appropriation,  
6 except for appropriations to fund financing agreements entered  
7 into in accordance with chapter 37D, at the close of a fiscal  
8 year and the funds retained shall not lapse until June 30 of the  
9 first fiscal year of the next fiscal biennium. Each authorizer  
10 of a charter school shall submit:

11           (1) A report to the director of finance ninety days after  
12 the close of each fiscal year, which shall be prepared  
13 in the form prescribed by the director of finance and  
14 shall identify the total amount of funds that will  
15 carry over to the next fiscal year for each charter  
16 school under the authorizer's jurisdiction; and



1       (2) A copy of the report required by paragraph (1) to the  
2       legislature no later than twenty days prior to the  
3       convening of the next regular session.

4       (b) Appropriations allocated to the charter schools shall  
5       remain within the budget of the charter school to which they  
6       were originally appropriated; provided that the retention of an  
7       appropriation shall not be used as a basis for reducing a  
8       charter school's future budget requirements."

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

12       "§302D-A Annual audit. Charter schools shall annually  
13      complete an independent financial audit that complies with the  
14      requirements of its authorizer and the department.

15       §302D-B Criminal history record checks. (a) The  
16      commission shall develop procedures for obtaining verifiable  
17      information regarding the criminal history of persons who are  
18      employed or seeking employment in any position, including  
19      teacher trainees, that places them in close proximity to  
20      children. These procedures shall include criminal history  
21      record checks in accordance with section 846-2.7. Information  
22      obtained pursuant to this subsection shall be used exclusively



1 by the employer or prospective employer for the purpose of  
2 determining whether a person is suitable for working in close  
3 proximity to children. All such decisions shall be subject to  
4 applicable federal laws and regulations.

5 (b) The employer or prospective employer may:

6 (1) Refuse to allow or continue to allow teacher training;

7 (2) Terminate the employment of any employee; or

8 (3) Deny employment to an applicant,

9 if the person has committed a crime, and if the employer or

10 prospective employer finds by reason of the nature and

11 circumstances of the crime, that the person poses a risk to the

12 health, safety, or well-being of children. Refusal or

13 termination may occur only after appropriate investigation and

14 notification to the employee or applicant of the results and

15 planned action and after the employee or applicant is given an

16 opportunity to meet and rebut the findings. Nothing in this

17 subsection shall abrogate any applicable rights under chapter 76

18 or 89, or any administrative rule of the commission.

19 (c) This section shall not be used by the commission or

20 any public charter school to secure criminal history record

21 checks of persons who were hired prior to July 1, 1990, and have



1 been continuously employed by a charter school on a salaried  
2 basis since that date.

3 (d) Notwithstanding any other law to the contrary, for  
4 purposes of this section, the commission shall be exempt from  
5 section 831-3.1 and shall not be required to conduct  
6 investigations, notifications, or hearings in accordance with  
7 chapter 91.

8 §302D-C Enrollment. (a) A public charter school shall  
9 not discriminate against any student or limit admission based on  
10 race, color, ethnicity, national origin, religion, gender,  
11 sexual orientation, income level, disability, level of  
12 proficiency in the English language, need for special education  
13 services, or academic or athletic ability.

14 (b) A start-up charter school:

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

16 (2) Shall enroll all students who submit an application,

17 unless the number of students who submit an

18 application exceeds the capacity of a program, class,

19 grade level, or building;

20 (3) Shall select students through a public lottery if, as

21 described in paragraph (2), capacity is insufficient



1           to enroll all students who have submitted a timely  
2           application;

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

8           (5) May give an enrollment preference to students enrolled  
9           in the charter school during the previous school year  
10           and to siblings of students already enrolled at the  
11           charter school; and

12           (6) May give any other enrollment preference permitted by  
13           the charter school's authorizer, on an individual  
14           charter school basis, if consistent with law;

15 provided that nothing in this subsection shall preclude the  
16 formation of a start-up charter school whose mission is focused  
17 on serving students with disabilities, who are of the same  
18 gender, who pose such severe disciplinary problems that they  
19 warrant a specific educational program, or who are at a risk of  
20 academic failure.

21           (c) A conversion charter school shall:

- 1       (1) Enroll any student who resides within the school's  
2       former geographic service area pursuant to section  
3       302A-1143, for the grades that were in place when the  
4       public school converted to a charter school; provided  
5       that the department may consult with a conversion  
6       charter school every three years to determine whether  
7       realignment of the charter school's service area is  
8       appropriate given population shifts and the  
9       department's overall service area reviews;
- 10       (2) Follow the department's procedures regarding  
11       enrollment, including but not limited to geographic  
12       exceptions and enrollment preferences; and
- 13       (3) Be subject to subsection (b) for grades that were not  
14       in place when the school converted to a public charter  
15       school.

16       §302D-D Rules. Unless otherwise provided for in this  
17       chapter or chapter 302A, the commission may adopt rules under  
18       chapter 91 to administer and implement this chapter; provided  
19       that the board shall maintain exclusive rule making authority  
20       over state educational policy.

21       §302D-E Facilities funding. (a) Beginning with fiscal  
22       year 2014-2015 and each fiscal year thereafter, the commission



1 may request facilities funding for charter schools as part of  
2 its annual budget request to the director of finance.

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

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

8 (d) This section shall not limit the ability of the  
9 director of finance to modify or amend any allotment pursuant to  
10 chapter 37.

11 (e) The commission shall develop criteria to determine the  
12 distribution of funds appropriated pursuant to subsection (b) to  
13 the charter schools. The criteria shall include but not be  
14 limited to distribution based on the need and performance of the  
15 charter schools."

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

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



1 SECTION 4. Section 302A-1132, Hawaii Revised Statutes, is  
2 amended by amending subsection (a) to read as follows:

3 "(a) Unless excluded from school or excepted from  
4 attendance, all children who will have arrived at the age of at  
5 least six years, and who will not have arrived at the age of  
6 eighteen years, by January 1 of any school year, shall attend  
7 either a public school, public charter school, or private school  
8 for, and during, the school year, and any parent, guardian, or  
9 other person having the responsibility for, or care of, a child  
10 whose attendance at school is obligatory shall send the child to  
11 either a public or private school. Attendance at a public or  
12 private school shall not be compulsory in the following cases:

13 (1) Where the child is physically or mentally unable to  
14 attend school (deafness and blindness excepted), of  
15 which fact the certificate of a duly licensed  
16 physician shall be sufficient evidence;

17 (2) Where the child, who has reached the fifteenth  
18 anniversary of birth, is suitably employed and has  
19 been excused from school attendance by the  
20 superintendent or the superintendent's authorized  
21 representative, or by a family court judge;





- 1           (3) Where, upon investigation by the family court, it has
- 2                    been shown that for any other reason the child may
- 3                    properly remain away from school;
- 4           (4) Where the child has graduated from high school;
- 5           (5) Where the child is enrolled in an appropriate
- 6                    alternative educational program as approved by the
- 7                    superintendent or the superintendent's authorized
- 8                    representative in accordance with the plans and
- 9                    policies of the department, or notification of intent
- 10                   to home school has been submitted to the principal of
- 11                   the public school that the child would otherwise be
- 12                   required to attend in accordance with department rules
- 13                   adopted to achieve this result; or
- 14           (6) Where:
- 15                    (A) The child has attained the age of sixteen years;
- 16                    (B) The principal has determined that:
- 17                           (i) The child has engaged in behavior which is
- 18                            disruptive to other students, teachers, or
- 19                            staff; or
- 20                           (ii) The child's non-attendance is chronic and
- 21                            has become a significant factor that hinders
- 22                            the child's learning; and



1 (C) The principal of the child's school, and the  
2 child's teacher or counselor, in consultation  
3 with the child and the child's parent, guardian,  
4 or other adult having legal responsibility for or  
5 care of the child, develops an alternative  
6 educational plan for the child. The alternative  
7 educational plan shall include a process that  
8 shall permit the child to resume school.

9 The principal of the child's school shall file the  
10 plan made pursuant to subparagraph (C) with the  
11 child's school record. If the adult having legal  
12 responsibility for or care of the child disagrees with  
13 the plan, then the adult shall be responsible for  
14 obtaining appropriate educational services for the  
15 child."

16 SECTION 5. Section 302D-1, Hawaii Revised Statutes, is  
17 amended as follows:

18 1. By amending the definitions of "authorizer", "charter  
19 school" or "public charter school", and "organizational  
20 viability" to read:

21 "Authorizer" means an entity established under this  
22 chapter with chartering authority to review charter



1 applications, decide whether to approve or [~~reject~~] deny charter  
2 applications, enter into charter contracts with applicants,  
3 oversee public charter schools, and decide whether to authorize,  
4 [~~reauthorize,~~] renew, deny renewal of, or [~~reject~~] revoke  
5 charter contracts. The term may include the commission when  
6 appropriate.

7 "Charter school" or "public charter school" refers to those  
8 public schools and their respective governing boards, as defined  
9 in this section, that are holding [~~charters~~] charter contracts  
10 to operate as charter schools under this chapter, including  
11 start-up and conversion charter schools, and that have the  
12 flexibility and independent authority to implement alternative  
13 frameworks with regard to curriculum, facilities management,  
14 instructional approach, virtual education, length of the school  
15 day, week, or year, and personnel management.

16 "Organizational viability" means that a charter school:

- 17 (1) Has been duly constituted and operates in accordance  
18 with its charter;
- 19 (2) Has a governing board established in accordance with  
20 law and the charter school's charter;



- 1 (3) Employs sufficient faculty and staff to provide the  
2 necessary educational program and support services to  
3 operate the facility in accordance with its charter;
- 4 (4) Maintains accurate and comprehensive records regarding  
5 students and employees as determined by its  
6 authorizer;
- 7 (5) Meets appropriate standards of student achievement as  
8 defined by the board pursuant to its duties under  
9 article X, section 3, of the constitution of the State  
10 of Hawaii;
- 11 (6) Cooperates with board and authorizer requirements in  
12 conducting its functions;
- 13 (7) Complies with applicable federal, state, and county  
14 laws and requirements;
- 15 (8) In accordance with authorizer guidelines and  
16 procedures, is financially sound and fiscally  
17 responsible in its use of public funds, maintains  
18 accurate and comprehensive financial records, operates  
19 in accordance with generally accepted accounting  
20 practices, and maintains a sound financial plan;
- 21 (9) Operates within the scope of its charter contract and  
22 fulfills obligations and commitments of its charter;



- 1 (10) Complies with all health and safety laws and  
2 requirements;
- 3 (11) Complies with all authorizer directives, policies, and  
4 procedures; and
- 5 (12) Complies with all board policies deemed applicable to  
6 charter schools by the board."

7 2. By deleting the definition of "executive director".

8 [~~"Executive director" means the executive director of the~~  
9 ~~state public charter school commission."~~]

10 SECTION 6. Section 302D-3, Hawaii Revised Statutes, is  
11 amended to read as follows:

12 "[+]§302D-3[+] State public charter school commission;  
13 establishment; appointment. (a) There is established the state  
14 public charter school commission with statewide chartering  
15 jurisdiction and authority. The commission shall be placed  
16 within the department for administrative purposes only.

17 Notwithstanding section 302D-25 and any law to the contrary, the  
18 commission shall be subject to chapter 92.

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

21 (c) The commission shall consist of nine members to be  
22 appointed by the board. The board shall appoint members who



1 will be tasked with authorizing public charter schools that  
2 serve the unique and diverse needs of public school students.  
3 The chair of the commission shall be designated by the members  
4 of the commission for each school year beginning July 1, and  
5 whenever there is a vacancy. The board shall consider the  
6 combination of abilities, breadth of experiences, and  
7 characteristics of the commission, including but not limited to  
8 reflecting the diversity of the student population, geographical  
9 representation, and a broad representation of education-related  
10 stakeholders.

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

15 (1) Commitment to education. Each nominee's record should  
16 demonstrate a deep and abiding interest in education,  
17 and a dedication to the social, academic, and  
18 character development of young people through the  
19 administration of a high performing charter school  
20 system;

21 (2) Record of integrity, civic virtue, and high ethical  
22 standards. Each nominee shall demonstrate integrity,



1 civic virtue, and high ethical standards and be  
2 willing to hold fellow commission members to the same;

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

6 (4) Knowledge of best practices. Each nominee shall have  
7 an understanding of best practices in charter school  
8 educational governance or shall be willing to be  
9 trained in such.

10 (e) Each nominee to the commission shall ideally meet the  
11 following recommended qualifications:

12 (1) Experience governing complex organizations. Each  
13 nominee should possess experience with complex  
14 organizations, including but not limited to  
15 performance contract management, and a proven ability  
16 to function productively within them; and

17 (2) Collaborative leadership ability. Each nominee should  
18 have substantial leadership experience that ideally  
19 illustrates the nominee's ability to function among  
20 diverse colleagues as an effective team member, with  
21 the ability to articulate, understand, and help shape  
22 consensus surrounding commission policies.



1 (f) Five members of the commission shall constitute a  
2 quorum to conduct business and a concurrence of at least five  
3 members shall be necessary to make any action of the commission  
4 valid.

5 (g) Commission members shall serve not more than three  
6 consecutive three-year terms, with each term beginning on  
7 July 1; provided that the initial terms that commence after  
8 June 30, 2012, shall be staggered as follows:

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

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

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

13 (h) Notwithstanding the terms of the members, the board  
14 may fill vacancies in the commission at any time when a vacancy  
15 occurs due to resignation, non-participation, the request of a  
16 majority of the commission members, or termination by the board  
17 for cause.

18 (i) Commission members shall receive no compensation.  
19 When commission duties require that a commission member take  
20 leave of the member's duties as a state employee, the  
21 appropriate state department shall allow the commission member  
22 to be placed on administrative leave with pay and shall provide





1 substitutes, when necessary, to fulfill that member's  
2 departmental duties. Members shall be reimbursed for necessary  
3 travel expenses incurred in the conduct of official commission  
4 business.

5 (j) ~~[The commission shall establish operating procedures~~  
6 ~~that shall include conflict of interest procedures for any~~  
7 ~~member whose school of employment or governing board is before~~  
8 ~~the commission.]~~ Commission members shall disclose to the  
9 commission a list of all charter schools in which the member is  
10 an employee, governing board member, vendor, contractor, agent,  
11 or representative. Any member having such a relationship to a  
12 charter school that comes before the commission shall be  
13 disqualified from voting on or participating in the discussion  
14 on that charter school.

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

18 (l) The commission shall have the power to hire staff  
19 without regard to chapters 76 and 89."

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

1 "[+]§302D-6[+] Principles and standards for charter  
2 authorizing. All authorizers shall be required to [~~develop and~~  
3 ~~maintain chartering policies and practices consistent with~~  
4 follow nationally recognized principles and standards for  
5 quality charter authorizing in all major areas of authorizing  
6 responsibility including:

- 7 (1) Organizational capacity and infrastructure;
- 8 (2) Soliciting and evaluating charter applications;
- 9 (3) Performance contracting;
- 10 (4) Ongoing public charter school oversight and  
11 evaluation; and
- 12 (5) Charter and charter contract renewal decision-making.

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

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

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

21 "(a) No more than [~~thirty per cent~~] one-third of the  
22 voting members of a governing board shall be employees of a



1 school or relatives of employees of a school under the  
2 jurisdiction of that governing [~~board; provided that the chief~~  
3 ~~executive officer, chief administrative officer, executive~~  
4 ~~director, or otherwise designated head of a charter school may~~  
5 ~~serve as an ex officio, non-voting member of the governing]~~  
6 board. In selecting members, consideration shall be given to  
7 persons who:

- 8 (1) Provide the governing board with a diversity of  
9 perspective and a level of objectivity that accurately  
10 represent the interests of the charter school students  
11 and the surrounding community;
- 12 (2) Demonstrate an understanding of best practices of non-  
13 profit governance; and
- 14 (3) Possess strong financial and academic management and  
15 oversight abilities, as well as human resource and  
16 fundraising experience."

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

18 "(d) Governing boards and charter schools shall be exempt  
19 from chapter 103D, but shall develop internal policies and  
20 procedures for the procurement of goods, services, and  
21 construction, consistent with the goals of public accountability  
22 and public procurement practices. Governing boards and charter



1 schools are encouraged to use the provisions of chapter 103D  
2 wherever possible; provided that the use of one or more  
3 provisions of chapter 103D shall not constitute a waiver of the  
4 exemption from chapter 103D and shall not subject the charter  
5 school to any other provision of chapter 103D."

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

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

8 "Employees" shall include but not be limited to the chief  
9 executive officer, chief administrative officer, executive  
10 director, or otherwise designated head of a charter school[~~]~~  
11 and shall include any person under an employment contract to act  
12 as the chief executive officer, chief administrative officer,  
13 executive director, or designated head of a charter school.

14 "Relative of an employee of a charter school" means a  
15 spouse, fiancé, or fiancée of the employee, any person who is  
16 related to the employee within four degrees of consanguinity, or  
17 the spouse, fiancé, or fiancée of that person."

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

20 "(c) The start-up charter school charter application  
21 process and schedule shall be determined by the authorizer, and



1 shall provide for and include, at a minimum, the following  
2 elements:

- 3 (1) The submission of a letter of intent to operate a  
4 start-up charter school;
- 5 (2) The ~~[timely transmittal]~~ availability of the charter  
6 application form and completion guidelines ~~[to]~~ on the  
7 ~~[governing board,]~~ authorizer's website;
- 8 (3) The timely submission of a completed charter  
9 application to the authorizer;
- 10 (4) The timely review of the charter application by the  
11 authorizer for completeness, and notification by the  
12 authorizer to the governing board that the charter  
13 application is complete;
- 14 (5) Upon receipt of a completed charter application, the  
15 ~~[convening of the commission, if applicable, by the~~  
16 ~~commission chairperson to begin]~~ review and evaluation  
17 of the charter application~~[,]~~ by qualified persons;
- 18 (6) Following the ~~[submission]~~ review and evaluation of a  
19 charter application, ~~[issuance of a charter or]~~  
20 approval or denial of the charter application by the  
21 authorizer ~~[or if submitted to the commission, by~~  
22 ~~majority vote]~~;



- 1 (7) A provision for a final date by which a decision to  
2 approve or deny a charter application must be made[~~7~~]  
3 by the authorizer, upon receipt of a complete charter  
4 application; and
- 5 (8) A provision that no start-up charter school may begin  
6 operation before obtaining authorizer approval of its  
7 charter application and charter contract[~~7~~] and  
8 fulfilling pre-opening requirements that may be  
9 imposed by the authorizer.
- 10 (d) A charter application to become a start-up charter  
11 school shall meet the requirements of this subsection and  
12 section 302D-25. The charter application shall, at a minimum,  
13 include the following:
- 14 (1) A description of employee rights and management issues  
15 and a framework for addressing those issues that  
16 protects the rights of employees;
- 17 (2) A plan for identifying, recruiting, and retaining  
18 highly qualified instructional faculty[~~7~~], as defined  
19 by the department;
- 20 (3) A plan for identifying, recruiting, and selecting  
21 students that is not exclusive, elitist, or  
22 segregationist[~~7~~], and complies with this chapter;



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

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

15 (a) A conversion charter school may be established pursuant to  
16 this section.

17 (b) Any department school, school community council, group  
18 of teachers, group of teachers and administrators, or nonprofit  
19 organization may submit a letter of intent to an authorizer to  
20 convert a department school to a charter school, establish a  
21 governing board as its governing body, and develop a charter  
22 application pursuant to subsection (d).





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

4 (1) The submission of a letter of intent to convert to a  
5 charter school;

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

9 (3) The timely submission of a completed charter  
10 application to the authorizer; provided that the  
11 charter application shall include certification and  
12 documentation that the charter application was  
13 approved by a majority of the votes cast by existing  
14 administrative, support, teaching personnel, and  
15 parents of students at the existing department school;  
16 provided that:

17 (A) This vote shall be considered by the authorizer  
18 to be the primary indication of the existing  
19 administrative, support, and teaching personnel,  
20 and parents' approval to convert to a charter  
21 school;



- 1 (B) The balance of stakeholders represented in the  
2 vote and the [~~broad~~] extent of support received  
3 in support of the conversion shall be [a] key  
4 [~~factor in an authorizer's decision~~] factors,  
5 along with the applicant's proposed plans, to be  
6 considered by the authorizer when deciding  
7 whether to award a charter; and
- 8 (C) A breakdown of the number of administrative,  
9 support, and teacher personnel, and parents that  
10 constitute the existing department school and the  
11 number that actually participated in the vote  
12 shall be provided to the authorizer;
- 13 (4) The timely review of the charter application by the  
14 authorizer for completeness, and notification by the  
15 authorizer to the governing board that the charter  
16 application is complete;
- 17 (5) Upon receipt of a completed charter application, the  
18 [~~convening of the commission, if applicable, by the~~  
19 ~~commission chairperson to begin~~] review and evaluation  
20 of the charter application[+] by qualified persons;
- 21 (6) Following the [~~submission~~] review and evaluation of a  
22 charter application, [~~issuance of a charter~~] approval



1 or denial of the charter application by the authorizer  
2 [~~or if submitted to the commission, by majority vote~~];

3 (7) A provision for a final date by which a decision of  
4 whether to approve or deny a charter application must  
5 be made by the authorizer, upon receipt of a complete  
6 charter application; and

7 (8) A provision that no conversion charter school may  
8 begin operation before obtaining authorizer approval  
9 of its charter and charter contract[-] and fulfilling  
10 pre-opening requirements that may be imposed by the  
11 authorizer.

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

16 (1) A description of employee rights and management issues  
17 and a framework for addressing those issues that  
18 protects the rights of employees;

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



- 1 (3) A plan for identifying, recruiting, and selecting  
2 students that is not exclusive, elitist, or  
3 segregationist [7], and complies with this chapter;
- 4 (4) The curriculum and instructional framework to be used  
5 to achieve student outcomes, including an assessment  
6 plan;
- 7 (5) A plan for the assessment of student, administrative  
8 support, and teaching personnel performance that:
- 9 (A) Recognizes the interests of the general public;
- 10 (B) Incorporates or exceeds the educational content  
11 and performance standards developed by the  
12 department for the public school system;
- 13 (C) Includes a system of faculty and staff  
14 accountability that holds faculty and staff  
15 individually and collectively accountable for  
16 their performance, and that is at least  
17 equivalent to the average system of  
18 accountability in public schools throughout the  
19 State; and
- 20 (D) Provides for program audits and annual financial  
21 audits;



- 1           (6) A governance structure for the charter school that
- 2           incorporates a conflict of interest policy and a plan
- 3           for periodic training to carry out the duties of
- 4           governing board members;
- 5           (7) A description of the constitution of the governing
- 6           board, terms of governing board members, and the
- 7           process by which governing board members were
- 8           selected;
- 9           (8) A financial plan based on the most recent fiscal
- 10          year's per-pupil charter school allocation that
- 11          demonstrates the ability to meet the financial
- 12          obligations of one-time, start-up costs and ongoing
- 13          costs such as monthly payrolls, faculty recruitment,
- 14          professional development, and facilities costs; and
- 15          (9) A facilities plan.
- 16          (e) A nonprofit organization may submit a letter of intent
- 17          to an authorizer to convert a department school to a conversion
- 18          charter school, operate and manage the school, establish a
- 19          governing board as its governing body, and develop a charter
- 20          application pursuant to subsection (d); provided that:
- 21           (1) As the governing body of the conversion charter
- 22           school, the governing board shall be the board of



1 directors of the nonprofit organization and shall not  
2 be selected pursuant to section 302D-12. The  
3 nonprofit organization may also appoint advisory  
4 groups of community representatives for each school  
5 managed by the nonprofit organization; provided that  
6 these groups shall not have governing authority over  
7 the school and shall serve only in an advisory  
8 capacity to the nonprofit organization;

9 (2) The charter application for each conversion charter  
10 school to be operated by the nonprofit organization  
11 shall be formulated, developed, and submitted by the  
12 nonprofit organization, and shall be approved by a  
13 majority of the votes cast by existing administrative,  
14 support, and teaching personnel, and parents of the  
15 students of the existing department school; provided  
16 that:

17 (A) This vote shall be considered by the authorizer  
18 to be the primary indication of the existing  
19 administrative, support, and teaching personnel,  
20 and parents' approval to convert to a charter  
21 school;



- 1 (B) The balance of stakeholders represented in the  
2 vote and the [~~bread~~] extent of support received  
3 in support of the conversion shall be a key  
4 factor, along with the applicant's proposed  
5 plans, in an authorizer's decision to award a  
6 charter; and
- 7 (C) A breakdown of the number of administrative,  
8 support, and teacher personnel, and parents that  
9 constitute the existing department school and the  
10 number that actually participated in the vote  
11 shall be provided to the authorizer;
- 12 (3) The board of directors of the nonprofit organization,  
13 as the governing body for the conversion charter  
14 school that it operates and manages, shall have the  
15 same protections that are afforded to the board in its  
16 role as the conversion charter school governing body;
- 17 (4) Any conversion charter school that is managed and  
18 operated by a nonprofit organization shall be eligible  
19 for the same federal and state funding as other public  
20 schools; provided that [~~the nonprofit organization~~  
21 ~~makes a minimum annual~~] nothing in this section shall  
22 prohibit a nonprofit organization from making a







1 (e) shall comply with the following at the time of charter  
2 application:

3 (1) Have bylaws or policies that describe the manner in  
4 which business is conducted and policies that relate  
5 to the management of potential conflict of interest  
6 situations;

7 (2) Have experience in the management and operation of  
8 public or private schools or, to the extent necessary,  
9 agree to obtain appropriate services from another  
10 entity or entities possessing such experience;

11 (3) Comply with all applicable federal, state, and county  
12 laws, including licensure or accreditation, as  
13 applicable; and

14 (4) Comply with any other requirements prescribed by the  
15 department to ensure adherence with applicable  
16 federal, state, and county laws, and the purposes of  
17 this chapter.

18 (g) Any public school or schools, programs, or sections of  
19 existing public school populations that are part of a separate  
20 Hawaiian language immersion program using existing public school  
21 facilities may submit a letter of intent to an authorizer to  
22 form a conversion charter school pursuant to this section.



1 (h) In reviewing a charter application for a charter under  
2 this section, an authorizer shall take into consideration the  
3 constitution of the applicant's governing board, terms of  
4 governing board members, and the process by which governing  
5 board members were selected.

6 (i) In the event of a conflict between the provisions in  
7 this section and other provisions in this chapter, this section  
8 shall control.

9 ~~[(j) Any applicant whose charter application is denied by  
10 the authorizer shall not be allowed to amend or resubmit the  
11 charter application to the authorizer during a given cycle, as  
12 defined by the authorizer, except as provided in subsection  
13 (c) (5); provided that an applicant shall have the right to  
14 appeal the authorizer's denial of its charter application  
15 pursuant to section 302D-15.~~

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

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



1           " [f]§302D-15[f] Appeals; charter applications,  
2   [reauthorizations] renewals, or revocations. (a) The board  
3 shall have the power to decide appeals of decisions by an  
4 authorizer to deny the approval of a charter application, deny  
5 [reauthorization] renewal of a charter [school] contract, or  
6 revoke a charter school's charter[-] contract. An appeal shall  
7 be filed with the board within twenty-one calendar days of the  
8 receipt of the notification of denial or revocation. Only a  
9 party whose charter application has been denied, whose  
10 [reauthorization] charter contract renewal has been denied, or  
11 whose charter contract has been revoked may initiate an appeal  
12 under this section for cause. The board shall review an appeal  
13 and issue a final decision within sixty calendar days of the  
14 filing of the appeal. [~~The board may adopt applicable rules and~~  
15 ~~procedures pursuant to chapter 91 for implementing the appeals~~  
16 ~~process.~~]

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

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



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

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

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

6        "(a) The performance provisions within the charter  
7 contract shall be based on a performance framework that clearly  
8 sets forth the academic and operational performance indicators,  
9 measures, and metrics that will guide the authorizer's  
10 evaluations of each public charter school. The performance  
11 framework, as established by the authorizer, shall include  
12 indicators, measures, and metrics for, at a minimum:

- 13        (1) Student academic proficiency;
- 14        (2) Student academic growth;
- 15        (3) Achievement gaps in proficiency and growth between  
16        major student subgroups;
- 17        (4) Attendance;
- 18        (5) [~~Recurrent enrollment from year to year;~~] Enrollment  
19        variance;
- 20        (6) Postsecondary readiness, as applicable for high  
21        schools;
- 22        (7) Financial performance and sustainability;



1 (8) Performance and stewardship, including compliance with  
2 all applicable laws, rules, and terms of the charter  
3 contract; and

4 (9) Organizational viability."

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

6 "(d) The performance framework shall require the  
7 disaggregation of all student performance data by major student  
8 subgroups, [~~including gender, race, poverty status, special~~  
9 ~~education status, English as a second language status, and~~  
10 ~~gifted and talented status.~~] as determined by the board."

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

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

14 "(b) [~~No later than September 1, the~~] The authorizer shall  
15 issue a charter school performance report and charter contract  
16 renewal application guidance to any charter school whose charter  
17 contract will expire the following year. The performance report  
18 shall summarize the charter school's performance record to date,  
19 based on the data required by this chapter and the charter  
20 contract, and shall provide notice of any weaknesses or concerns  
21 perceived by the authorizer concerning the charter school that  
22 may jeopardize its position in seeking renewal [~~if not timely~~



1 ~~rectified. The charter school shall have thirty days to respond~~  
2 ~~to the performance report and submit any corrections or~~  
3 ~~clarifications for the report].~~

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

6 (1) Submit any corrections or clarifications to the  
7 performance report;

8 ~~[(1)]~~ (2) Present additional evidence, beyond the data  
9 contained in the performance report, supporting its  
10 case for charter renewal;

11 ~~[(2)]~~ (3) Describe improvements undertaken or planned for  
12 the school; and

13 ~~[(3)]~~ (4) Detail the charter school's plans for the next  
14 charter term."

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

16 "(e) No later than ~~March 17~~ thirty days after the  
17 issuance of the performance report, the governing board of a  
18 charter school seeking renewal shall submit a renewal  
19 application to the authorizer pursuant to the renewal guidance  
20 issued by the authorizer. The authorizer shall decide whether  
21 or not to renew the charter no later than forty-five days after  
22 the filing of the renewal application."



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

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

4           (1) Provide the charter contract holders with a timely  
5 notification of the prospect of revocation or non-  
6 renewal and the reasons for such possible closure;

7           (2) Allow the charter contract holders a reasonable amount  
8 of time in which to prepare a response;

9           (3) Provide the charter contract holders with an  
10 opportunity to submit documents and give testimony  
11 challenging the rationale for closure and supporting  
12 the continuation of the school at an orderly  
13 proceeding held for that purpose;

14           (4) Allow charter contract holders access to  
15 representation by counsel, subject to section 28-8.3,  
16 and to call witnesses on their behalf;

17           (5) Permit the recording of proceedings described in  
18 paragraph (3); and

19           (6) After a reasonable period for deliberation, require a  
20 final determination to be made and conveyed in writing  
21 to the charter contract holders.



1 (i) If an authorizer revokes or does not renew a  
2 charter[7] contract, the authorizer shall clearly state in  
3 writing the reasons for the revocation or nonrenewal.

4 (j) Within fifteen days of taking action to renew, not  
5 renew, or revoke a charter[7] contract, the authorizer shall  
6 report to the board the action taken, and shall simultaneously  
7 provide a copy of the report to the charter school. The report  
8 shall set forth the action taken and reasons for the decision  
9 and assurances as to compliance with all the requirements set  
10 forth in this chapter."

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

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

21 (1) A comparison of the performance of public charter  
22 school students with the performance of [~~academically,~~





1 ethnically, geographically, and economically  
2 comparable groups] comparable subgroups of students in  
3 public schools governed by chapter 302A;

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

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

21 "[+]§302D-31[+]—~~Sports.~~ Athletics. The department shall  
22 provide students at charter schools, including students enrolled



1 at charter schools whose curriculum incorporates virtual  
2 education, with the same opportunity to participate in athletics  
3 as is provided to students at other public schools. If a  
4 student at [a] any charter school wishes to participate in a  
5 sport for which there is no program at the charter school, the  
6 department shall allow that student to participate in a  
7 comparable program of any public school in the complex in which  
8 the charter school is located[-] or at the public school in the  
9 service area in which the student resides. All charter school  
10 students participating in athletics shall abide by all rules,  
11 regulations, and policies of the athletic league, association,  
12 and program applicable to the public school in whose athletic  
13 program the student is participating."

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

16 "(d) Notwithstanding subsections (b) and (c), the  
17 requirement that inquiry into and consideration of a prospective  
18 employee's conviction record may take place only after the  
19 individual has received a conditional job offer, and the  
20 limitation to the most recent ten-year period, excluding the  
21 period of incarceration, shall not apply to employers who are  
22 expressly permitted to inquire into an individual's criminal



1 history for employment purposes pursuant to any federal or state  
2 law other than subsection (a), including:

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

6 (2) The department of education pursuant to section 302A-  
7 601.5;

8 (3) The department of health with respect to employees,  
9 providers, or subcontractors in positions that place  
10 them in direct contact with clients when providing  
11 non-witnessed direct mental health services pursuant  
12 to section 321-171.5;

13 (4) The judiciary pursuant to section 571-34;

14 (5) The counties pursuant to section 846-2.7(b)(5),  
15 [~~(32)~~] (33), (34), [~~and~~] (35) [~~+~~], and (36);

16 (6) Armed security services pursuant to section 261-17(b);

17 (7) Providers of a developmental disabilities domiciliary  
18 home pursuant to section 333F-22;

19 (8) Private schools pursuant to sections 302C-1 and 378-  
20 3(8);



- 1           (9) Financial institutions in which deposits are insured
- 2                   by a federal agency having jurisdiction over the
- 3                   financial institution pursuant to section 378-3(9);
- 4           (10) Detective agencies and security guard agencies
- 5                   pursuant to sections 463-6(b) and 463-8(b);
- 6           (11) Employers in the business of insurance pursuant to
- 7                   section 431:2-201.3;
- 8           (12) Employers of individuals or supervisors of individuals
- 9                   responsible for screening passengers or property under
- 10                  Title 49 United States Code section 44901 or
- 11                  individuals with unescorted access to an aircraft of
- 12                  an air carrier or foreign carrier or in a secured area
- 13                  of an airport in the United States pursuant to Title
- 14                  49 United States Code section 44936(a);
- 15           (13) The department of human services pursuant to sections
- 16                   346-97 and 352-5.5;
- 17           (14) The public library system pursuant to section 302A-
- 18                   601.5;
- 19           (15) The department of public safety pursuant to section
- 20                   353C-5;



1 (16) The board of directors of a cooperative housing  
2 corporation or the manager of a cooperative housing  
3 project pursuant to section 421I-12;

4 (17) The board of directors of an association of owners  
5 under chapter 514A or 514B, or the manager of a  
6 condominium project pursuant to section 514A-82.1 or  
7 514B-133; and

8 (18) The department of health pursuant to section 321-  
9 15.2."

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

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

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

17 (2) The department of health or the department's designee  
18 on prospective employees, persons seeking to serve as  
19 providers, or subcontractors in positions that place  
20 them in direct contact with clients when providing  
21 non-witnessed direct mental health services as  
22 provided by section 321-171.5;



- 1           (3) The department of health or the department's designee  
2           on all applicants for licensure for, operators for,  
3           prospective employees, and volunteers at one or more  
4           of the following: skilled nursing facility,  
5           intermediate care facility, adult residential care  
6           home, expanded adult residential care home, assisted  
7           living facility, home health agency, hospice, adult  
8           day health center, special treatment facility,  
9           therapeutic living program, intermediate care facility  
10          for individuals with intellectual disabilities,  
11          hospital, rural health center and rehabilitation  
12          agency, and, in the case of any of the above  
13          facilities operating in a private residence, on any  
14          adult living in the facility other than the client as  
15          provided by section 321-15.2;
- 16          (4) The department of education on employees, prospective  
17          employees, and teacher trainees in any public school  
18          in positions that necessitate close proximity to  
19          children as provided by section 302A-601.5;
- 20          (5) The counties on employees and prospective employees  
21          who may be in positions that place them in close



- 1 proximity to children in recreation or child care  
2 programs and services;
- 3 (6) The county liquor commissions on applicants for liquor  
4 licenses as provided by section 281-53.5;
- 5 (7) The county liquor commissions on employees and  
6 prospective employees involved in liquor  
7 administration, law enforcement, and liquor control  
8 investigations;
- 9 (8) The department of human services on operators and  
10 employees of child caring institutions, child placing  
11 organizations, and foster boarding homes as provided  
12 by section 346-17;
- 13 (9) The department of human services on prospective  
14 adoptive parents as established under section  
15 346-19.7;
- 16 (10) The department of human services on applicants to  
17 operate child care facilities, prospective employees  
18 of the applicant, and new employees of the provider  
19 after registration or licensure as provided by section  
20 346-154;
- 21 (11) The department of human services on persons exempt  
22 pursuant to section 346-152 to be eligible to provide



- 1 child care and receive child care subsidies as  
2 provided by section 346-152.5;
- 3 (12) The department of human services on operators and  
4 employees of home and community-based case management  
5 agencies and operators and other adults, except for  
6 adults in care, residing in foster family homes as  
7 provided by section 346-335;
- 8 (13) The department of human services on staff members of  
9 the Hawaii youth correctional facility as provided by  
10 section 352-5.5;
- 11 (14) The department of human services on employees,  
12 prospective employees, and volunteers of contracted  
13 providers and subcontractors in positions that place  
14 them in close proximity to youth when providing  
15 services on behalf of the office or the Hawaii youth  
16 correctional facility as provided by section 352D-4.3;
- 17 (15) The judiciary on employees and applicants at detention  
18 and shelter facilities as provided by section 571-34;
- 19 (16) The department of public safety on employees and  
20 prospective employees who are directly involved with  
21 the treatment and care of persons committed to a  
22 correctional facility or who possess police powers





1 including the power of arrest as provided by section  
2 353C-5;

3 (17) The board of private detectives and guards on  
4 applicants for private detective or private guard  
5 licensure as provided by section 463-9;

6 (18) Private schools and designated organizations on  
7 employees and prospective employees who may be in  
8 positions that necessitate close proximity to  
9 children; provided that private schools and designated  
10 organizations receive only indications of the states  
11 from which the national criminal history record  
12 information was provided pursuant to section 302C-1;

13 (19) The public library system on employees and prospective  
14 employees whose positions place them in close  
15 proximity to children as provided by section  
16 302A-601.5;

17 (20) The State or any of its branches, political  
18 subdivisions, or agencies on applicants and employees  
19 holding a position that has the same type of contact  
20 with children, vulnerable adults, or persons committed  
21 to a correctional facility as other public employees  
22 who hold positions that are authorized by law to



1 require criminal history record checks as a condition  
2 of employment as provided by section 78-2.7;

3 (21) The department of human services on licensed adult day  
4 care center operators, employees, new employees,  
5 subcontracted service providers and their employees,  
6 and adult volunteers as provided by section 346-97;

7 (22) The department of human services on purchase of  
8 service contracted and subcontracted service providers  
9 and their employees serving clients of the adult and  
10 community care services branch, as provided by section  
11 346-97;

12 (23) The department of human services on foster grandparent  
13 program, retired and senior volunteer program, senior  
14 companion program, and respite companion program  
15 participants as provided by section 346-97;

16 (24) The department of human services on contracted and  
17 subcontracted service providers and their current and  
18 prospective employees that provide home and community-  
19 based services under section 1915(c) of the Social  
20 Security Act, Title 42 United States Code section  
21 1396n(c), or under any other applicable section or  
22 sections of the Social Security Act for the purposes



1 of providing home and community-based services, as  
2 provided by section 346-97;

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

8 (26) The department of commerce and consumer affairs on  
9 proposed directors and executive officers of a  
10 nondepository financial services loan company as  
11 provided by section 412:3-301;

12 (27) The department of commerce and consumer affairs on the  
13 original chartering applicants and proposed executive  
14 officers of a credit union as provided by section  
15 412:10-103;

16 (28) The department of commerce and consumer affairs on:  
17 (A) Each principal of every non-corporate applicant  
18 for a money transmitter license; and  
19 (B) The executive officers, key shareholders, and  
20 managers in charge of a money transmitter's  
21 activities of every corporate applicant for a  
22 money transmitter license,



- 1 as provided by section 489D-9;
- 2 (29) The department of commerce and consumer affairs on
- 3 applicants for licensure and persons licensed under
- 4 title 24;
- 5 (30) The Hawaii health systems corporation on:
- 6 (A) Employees;
- 7 (B) Applicants seeking employment;
- 8 (C) Current or prospective members of the corporation
- 9 board or regional system board; or
- 10 (D) Current or prospective volunteers, providers, or
- 11 contractors,
- 12 in any of the corporation's health facilities as
- 13 provided by section 323F-5.5;
- 14 (31) The department of commerce and consumer affairs on:
- 15 (A) An applicant for a mortgage loan originator
- 16 license; and
- 17 (B) Each control person, executive officer, director,
- 18 general partner, and manager of an applicant for
- 19 a mortgage loan originator company license,
- 20 as provided by chapter 454F;
- 21 (32) The state public charter school commission or public
- 22 charter schools on employees, teacher trainees,



1 prospective employees, and prospective teacher  
2 trainees in any public charter school for any position  
3 that places them in close proximity to children, as  
4 provided in section 302D-B;

5 [~~32~~] (33) The counties on prospective employees who work  
6 with vulnerable adults or senior citizens in  
7 community-based programs;

8 [~~33~~] (34) The counties on prospective employees for fire  
9 department positions which involve contact with  
10 children or dependent adults;

11 [~~34~~] (35) The counties on prospective employees for  
12 emergency medical services positions which involve  
13 contact with children or dependent adults;

14 [~~35~~] (36) The counties on prospective employees for  
15 emergency management positions and community  
16 volunteers whose responsibilities involve planning and  
17 executing homeland security measures including  
18 viewing, handling, and engaging in law enforcement or  
19 classified meetings and assisting vulnerable and  
20 disabled citizens during emergencies or crises; and



1       ~~[(36)]~~ (37) Any other organization, entity, or the State,  
2               its branches, political subdivisions, or agencies as  
3               may be authorized by state law."

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

6       ~~["~~§302D-22~~ Board as final arbitrator. (a) The board  
7 shall serve as the final arbitrator of those appeals listed in  
8 section 302D-15.~~

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

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

14       SECTION 19. In codifying the new sections added by section  
15 2 of this Act, the revisor of statutes shall substitute  
16 appropriate section numbers for the letters used in designating  
17 the new sections in this Act.

18       SECTION 20. Statutory material to be repealed is bracketed  
19 and stricken. New statutory material is underscored.

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

21



**Report Title:**

Education; Charter Schools

**Description:**

Permits charter schools to carry over a percentage of unexpended appropriations to the next fiscal year. Requires charter schools to complete an annual independent financial audit. Requires the state public charter school commission (commission) to develop procedures for conducting criminal history checks of persons who are employed or seeking employment in any position that places them in close proximity to children. Specifies enrollment requirements. Authorizes the commission to make facilities funding requests to the director of finance. Requires the commission to determine criteria for distribution of facilities funding. Specifies when an employer or potential employer may use criminal history information to terminate or deny employment. Requires commission members to disclose to the commission a list of all charter schools in which the member is an employee, governing board member, vendor, contractor, agent, or representative and disqualifies members from voting on or participating in the discussion of such matters. Authorizes the commission to hire employees without regard to chapters 76 and 89, HRS. Removes the requirement that a nonprofit organization that governs a conversion charter school make minimum annual contributions to the charter school. Makes other amendments to chapter 302D, HRS, for purposes of clarity and consistency. Effective 7/1/2050. (SD2)

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

