



GOV. MSG. NO. 1214

EXECUTIVE CHAMBERS  
HONOLULU

DAVID Y. IGE  
GOVERNOR

June 22, 2016

The Honorable Ronald D. Kouchi,  
President  
and Members of the Senate  
Twenty-Eighth State Legislature  
State Capitol, Room 409  
Honolulu, Hawai'i 96813

The Honorable Joseph M. Souki,  
Speaker and Members of the  
House of Representatives  
Twenty-Eighth State Legislature  
State Capitol, Room 431  
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Souki, and Members of the Legislature:

This is to inform you that on June 22, 2016, the following bill was signed into law:

HB2205 HD1 SD2 CD1

RELATING TO CHARTER SCHOOLS  
**ACT 113 (16)**

Sincerely,

A handwritten signature in black ink that reads "David Y. Ige".

DAVID Y. IGE  
Governor, State of Hawai'i

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# A BILL FOR AN ACT

RELATING TO CHARTER SCHOOLS.

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

1 SECTION 1. Section 302D-5, Hawaii Revised Statutes, is  
2 amended by amending subsection (g) to read as follows:

3 "(g) An authorizer shall not provide technical support to  
4 a prospective charter school applicant, an applicant governing  
5 board, or a charter school it authorizes in cases [where] in  
6 which the technical support will directly and substantially  
7 impact any authorizer decision related to the [~~authorization,~~]  
8 approval or denial of the charter application or the renewal,  
9 revocation, or nonrenewal of the charter [~~school-~~] contract.

10 This subsection shall not apply to technical support that an  
11 authorizer is required to provide to a charter school pursuant  
12 to federal law."

13 SECTION 2. Section 302D-12, Hawaii Revised Statutes, is  
14 amended by amending subsection (h) to read as follows:

15 "(h) Charter schools and their governing boards shall be  
16 exempt from the requirements of chapters 91 and 92. The  
17 governing boards shall:

18 (1) Hold meetings open to the public;



1 (2) ~~[Make available]~~ Post the notices and agendas of  
2 public meetings:

3 (A) At a publicly accessible area in the charter  
4 school's office so ~~[as to be]~~ they are available  
5 for review during regular business hours; and

6 (B) On the charter school's internet website,  
7 not less than six calendar days prior to the public  
8 meeting, unless a waiver is granted by the authorizer  
9 or authorizer's designee in the case of an emergency;  
10 ~~[and]~~

11 (3) Keep written minutes of all public meetings that shall  
12 include:

13 (A) The date, time, and place of the meeting;

14 (B) The members of the governing board recorded as  
15 either present or absent;

16 (C) The substance of all matters proposed, discussed,  
17 and decided;

18 (D) The views of the participants;

19 (E) A record, by individual member, of any votes  
20 taken; and



1            (F) Any other information that any member of the  
2                            governing board requests be included or reflected  
3                            in the minutes;

4            (4) Not be required to produce a full transcript or audio  
5                            or video recording of any public meeting, unless  
6                            otherwise required by law;

7            [~~(3) Make available~~] (5) Post the written minutes from  
8                            public meetings:

9                            (A) At a publicly accessible area in the charter  
10                           school's office so the minutes are available for  
11                           review during regular business hours; and

12                           (B) On the charter school's internet website,  
13                           within [~~thirty days and maintain~~] sixty calendar days  
14                           after the public meeting or five calendar days after  
15                           the next public meeting, whichever is sooner; and

16            (6) Maintain a list of the current names and contact  
17                            information of the governing board's members and  
18                            officers:

19                           (A) In the charter school's office so [~~as to be~~] it  
20                           is available for review during regular business  
21                           hours; and



1 (B) On the charter school's internet website."

2 SECTION 3. Section 302D-13, Hawaii Revised Statutes, is  
3 amended by amending subsection (b) to read as follows:

4 "(b) Any community, department school, school community  
5 council, group of teachers, group of teachers and  
6 administrators, or nonprofit organization may submit a letter of  
7 intent to an authorizer to form a charter school and establish  
8 an applicant governing board. An applicant governing board may  
9 develop a charter application pursuant to this section; provided  
10 that:

11 (1) An applicant governing board established by a  
12 community may develop a charter application for a  
13 start-up charter school;

14 (2) An applicant governing board established by a  
15 department school or a school community council may  
16 develop a charter application for a conversion charter  
17 school;

18 (3) An applicant governing board established by a group of  
19 teachers or a group of administrators may develop a  
20 charter application for a start-up or conversion  
21 charter school; and



- 1 (4) A nonprofit organization may:
  - 2 (A) Establish an applicant governing board that is
  - 3 separate from the nonprofit organization and
  - 4 develop a charter application for a start-up or
  - 5 conversion charter school; or
  - 6 (B) Establish an applicant governing board that shall
  - 7 be the board of directors of the nonprofit
  - 8 organization and may develop a charter
  - 9 application for a conversion charter school;
  - 10 provided that any nonprofit organization that
  - 11 seeks to manage and operate a conversion charter
  - 12 school shall:
    - 13 (i) Submit to the authorizer at the time of the
    - 14 charter application bylaws or policies that
    - 15 describe the manner in which business is
    - 16 conducted and policies that relate to the
    - 17 management of potential conflict of interest
    - 18 situations;
    - 19 (ii) Have experience in the management and
    - 20 operation of public or private schools or,
    - 21 to the extent necessary, agree to obtain



1 appropriate services from another entity or  
2 entities possessing such experience; [and]  
3 (iii) Not interfere in the operations of the  
4 department school to be converted until  
5 otherwise authorized by the authorizer in  
6 consultation with the department [-]; and  
7 (iv) Have the same protections that are afforded  
8 to all other governing boards in its role as  
9 the conversion charter school governing  
10 board."

11 SECTION 4. Section 302D-18, Hawaii Revised Statutes, is  
12 amended by amending subsection (h) to read as follows:

13 "(h) An authorizer shall develop revocation and nonrenewal  
14 processes that:

- 15 (1) Provide charter contract holders with a timely  
16 notification of the prospect of revocation or non-  
17 renewal and the reasons for such possible closure;
- 18 (2) Allow charter contract holders a reasonable amount of  
19 time in which to prepare a response;
- 20 (3) Provide charter contract holders with an opportunity  
21 to submit documents and give testimony challenging the



1 rationale for closure and supporting the continuation  
2 of the school at an orderly proceeding held for that  
3 purpose; provided that the proceeding shall be  
4 governed by the requirements set forth in this section  
5 and shall not be additionally subject to the  
6 requirements for an agency hearing under chapter 91;

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

10 (5) Permit the recording of proceedings described in  
11 paragraph (3); and

12 (6) After a reasonable period for deliberation, require a  
13 final determination to be made and conveyed in writing  
14 to the charter contract holders."

15 SECTION 5. Section 302D-28, Hawaii Revised Statutes, is  
16 amended by amending subsection (h) to read as follows:

17 "(h) No charter school may assess tuition[-]; provided  
18 that a charter school may assess and collect special fees and  
19 charges from students for co-curricular activities. Any special  
20 fees and charges collected pursuant to this subsection shall be





1 deposited into insured checking or savings accounts and expended  
2 by each individual charter school."

3 SECTION 6. Section 302D-34, Hawaii Revised Statutes, is  
4 amended by amending subsection (c) to read as follows:

5 "(c) A conversion charter school shall:

6 (1) Enroll any student who resides within the school's  
7 former geographic service area pursuant to section  
8 302A-1143, for the grades that were in place when the  
9 department school converted to a charter school;  
10 provided that the department may consult with a  
11 conversion charter school every three years to  
12 determine whether realignment of the charter school's  
13 service area is appropriate given population shifts  
14 and the department's overall service area reviews;

15 ~~[-(2) Follow the department's procedures regarding~~  
16 ~~enrollment, including but not limited to geographic~~  
17 ~~exceptions and enrollment preferences,] and~~

18 ~~[-(3)]~~ (2) Be subject to subsection (b) ~~[for grades]:~~

19 (A) For grades that were not in place when the school  
20 converted to a public charter school~~[-]~~; and



1           (B) For any seats still available at the charter  
2           school after the enrollment of all students  
3           desiring to attend the charter school who reside  
4           within the school's former geographic service  
5           area pursuant to section 302A-1143."

6           SECTION 7. Statutory material to be repealed is bracketed  
7 and stricken. New statutory material is underscored.

8           SECTION 8. This Act shall take effect on July 1, 2016.

APPROVED this 22 day of JUN , 2016



GOVERNOR OF THE STATE OF HAWAII

