
A BILL FOR AN ACT

RELATING TO CHARTER SCHOOLS.

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

PART I

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

"(g) An authorizer shall not provide technical support to a prospective charter school applicant, an applicant governing board, or a charter school it authorizes in cases where the technical support will directly and substantially impact any authorizer decision related to the ~~[authorization,]~~ approval or denial of the charter application or the renewal, revocation, or nonrenewal of the charter [school.] contract. This subsection shall not apply to technical support that an authorizer is required to provide to a charter school pursuant to federal law."

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

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



- 1 (1) Hold meetings open to the public;
- 2 (2) [~~Make available~~] Post the notices and agendas of
- 3 public meetings:
- 4 (A) At a publicly accessible area in the charter
- 5 school's office so [~~as to be~~] they are available
- 6 for review during regular business hours; and
- 7 (B) On the charter school's internet website,
- 8 not less than six calendar days prior to the public
- 9 meeting, unless a waiver is granted by the authorizer
- 10 or authorizer's designee in the case of an emergency;
- 11 [~~and~~]
- 12 (3) Keep written minutes of all public meetings that shall
- 13 include:
- 14 (A) The date, time, and place of the meeting;
- 15 (B) The members of the governing board recorded as
- 16 either present or absent;
- 17 (C) The substance of all matters proposed, discussed,
- 18 and decided;
- 19 (D) The views of the participants;
- 20 (E) A record, by individual member, of any votes
- 21 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~~] (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 not additionally subject to the requirements for
6 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) 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."

PART II

7 SECTION 7. Section 92-6, Hawaii Revised Statutes, is
 8 amended by amending subsection (a) to read as follows:

9 "(a) This part shall not apply:

10 (1) To the judicial branch~~[-]~~; and

11 (2) To adjudicatory functions exercised by a board and
 12 governed by sections 91-8 and 91-9, or authorized by
 13 other sections of the Hawaii Revised Statutes. In the
 14 application of this subsection, boards exercising
 15 adjudicatory functions include, but are not limited
 16 to, the following:

17 (A) Hawaii labor relations board, chapters 89 and
 18 377;

19 (B) Labor and industrial relations appeals board,
 20 chapter 371;

21 (C) Hawaii paroling authority, chapter 353;



1 ~~[(D) Civil service commission, chapter 26,~~
2 ~~(E)]~~ (D) Board of trustees, employees' retirement
3 system of the State of Hawaii, chapter 88;
4 ~~[(F)]~~ (E) Crime victim compensation commission,
5 chapter 351; ~~[and]~~
6 ~~[(G)]~~ (F) State ethics commission, chapter 84[-]; and
7 (G) The state public charter school commission,
8 established pursuant to section 302D-3, as to a
9 matter on which the commission already has
10 rendered a decision in a public meeting."

PART III

12 SECTION 8. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

14 SECTION 9. This Act shall take effect upon its approval.

15



Report Title:

Charter Schools; Fees

Description:

Establishes requirements for meeting minutes. Authorizes charter schools to assess fees and charges for co-curricular activities. Clarifies that revocation and nonrenewal proceedings shall not be subject to chapter 91, Hawaii Revised Statutes. Exempts certain adjudicatory functions of the state public charter school commission for opening meeting requirements under certain circumstances. (SD1)

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