

Honolulu, Hawaii

February 12, 2016

RE: H.B. No. 2205  
H.D. 1

Honorable Joseph M. Souki  
Speaker, House of Representatives  
Twenty-Eighth State Legislature  
Regular Session of 2016  
State of Hawaii

Sir:

Your Committee on Education, to which was referred H.B. No. 2205 entitled:

"A BILL FOR AN ACT RELATING TO CHARTER SCHOOLS,"

begs leave to report as follows:

The purpose of this measure is to make clarifying and conforming, or housekeeping amendments to certain statutory provisions governing charter schools, including by:

- (1) Allowing the State Public Charter School Commission to issue interim rules by Commission directives exempt from public-notice, public-hearing, and gubernatorial-approval requirements;
- (2) Prohibiting the State Public Charter School Commission from providing technical support to prospective charter school applicants that would directly and substantially affect its decision related to the approval or denial of the charter application;
- (3) Amending requirements for charter school governing boards regarding the contents and posting of meeting agendas and minutes;
- (4) Providing a nonprofit organization that seeks to manage and operate a conversion charter school with the same protections that are afforded to all other governing



boards in its role as the conversion charter school governing board;

- (5) Specifying that State Public Charter School Commission hearings on revocation or nonrenewal of a charter contract are not subject to Chapter 91, Hawaii Revised Statutes;
- (6) Expressly allowing charter schools to assess and collect special fees and charges from students for co-curricular activities;
- (7) Requiring conversion charter schools to apply the same enrollment procedures as start-up charter schools, which may include enrollment preferences, for any seats still available after the enrollment of students who reside within the school's former geographic service area; and
- (8) Expressly excluding the State Public Charter School Commission from open-meeting requirements for the exercise of adjudicatory functions in declaratory rulings and contested case hearings.

The State Public Charter School Commission and a concerned individual supported this measure. The Hawaii Educational Policy Center, League of Women Voters of Hawaii, Common Cause Hawaii, Kamehameha Schools, Council for Native Hawaiian Advancement, Connections Public Charter School, Hawaii Academy of Arts and Science Public Charter School, Kua o ka La Public Charter School, Ka Waihona o ka Na'auao Public Charter School, Halau Ku Mana Public Charter School, and numerous concerned individuals opposed the measure. The Office of Hawaiian Affairs and Hawaii Public Charter Schools Network submitted comments.

Your Committee has amended this measure by:

- (1) Deleting the provision allowing the State Public Charter School Commission to issue interim rules;
- (2) Clarifying that the governing boards of charter schools must post written minutes from public meetings within sixty calendar days after the public meeting or five calendar days after the next public meeting, whichever is sooner;



- (3) Clarifying that State Public Charter School Commission hearings for revocation or nonrenewal of a charter contract are governed by the specific statutory requirements for these proceedings and are not subject to requirements for an agency hearing under Chapter 91, Hawaii Revised Statutes;
- (4) Clarifying that the State Public Charter School Commission's exclusion from open meetings for the exercise of adjudicatory functions pertains solely to a matter on which the Commission has already rendered a decision in a public meeting;
- (5) Changing its effective date to July 1, 2050, to facilitate further discussion; and
- (6) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2205, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2205, H.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on  
behalf of the members of the  
Committee on Education,



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ROY M. TAKUMI, Chair



