

JAN 19 2018

A BILL FOR AN ACT

RELATING TO CHARTER SCHOOL GOVERNING BOARDS.

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

1 SECTION 1. Section 302D-12, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§302D-12 Charter school governing boards; powers and**
4 **duties.** (a) No person may serve on the governing board of a
5 charter school if the person is an employee or former employee
6 of any charter school under the jurisdiction of that governing
7 board, a relative of an employee or former employee of any
8 charter school under the jurisdiction of that governing board,
9 or any vendor or contractor providing goods or services to any
10 charter school under the jurisdiction of that governing board,
11 unless:

12 (1) The person is a former employee of a charter school
13 under the jurisdiction of that governing board and at
14 least one year has passed since the conclusion of the
15 former employee's employment with that charter school;

16 (2) The person is a relative of a former employee of a
17 charter school under the jurisdiction of that



1 governing board and at least one year has passed since
2 the conclusion of the former employee's employment
3 with that charter school;

4 (3) The person is a vendor or contractor and at least one
5 year has passed since the conclusion of the vendor or
6 contractor's service to a charter school under the
7 jurisdiction of that governing board; or

8 (4) The person serving on the governing board shall not
9 cause more than one-third of the voting members of the
10 governing board to be made up of:

11 (A) Employees or former employees of any charter
12 school that is under the jurisdiction of that
13 governing board; provided that this subparagraph
14 shall not include persons who are covered under
15 paragraph (1);

16 (B) Relatives of employees or of former employees of
17 any charter school that is under the jurisdiction
18 of that governing board; provided that this
19 subparagraph shall not include persons who are
20 covered under paragraph (2); and



1 (C) Vendors or contractors who are providing goods or
2 services to any charter school that is under the
3 jurisdiction of that governing board; provided
4 that this subparagraph shall not include persons
5 who are covered under paragraph (3).

6 (b) In selecting governing board members, consideration
7 shall be given to 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
13 nonprofit governance; and

14 (3) Possess strong financial and academic management and
15 oversight abilities, as well as human resource and
16 fundraising experience.

17 (c) No employee or former employee of a charter school,
18 relative of an employee or former employee of a charter school,
19 or any vendor or contractor providing goods or services to a
20 charter school may serve as the chair of the governing board of
21 that charter school unless at least one year has elapsed since



1 the conclusion of the employee's employment with the school or
2 the conclusion of a vendor's or contractor's service to the
3 school; provided that an authorizer may grant an exemption from
4 the provisions of this subsection based upon a determination by
5 the authorizer that an exemption is in the best interest of the
6 charter school.

7 (d) A nonprofit organization that has been approved by an
8 authorizer to operate and manage a conversion charter school and
9 serve as the conversion charter school's governing board shall
10 establish the nonprofit organization's board of directors as the
11 governing board and shall not be selected pursuant to
12 subsections (a), (b), and (c); provided that:

13 (1) The nonprofit organization may also appoint advisory
14 groups of community representatives for each
15 conversion charter school managed by the nonprofit
16 organization; provided that these groups shall not
17 have governing authority over the conversion charter
18 school and shall serve only in an advisory capacity to
19 the nonprofit organization;

20 (2) The board of directors of the nonprofit organization,
21 as the governing board of the conversion charter



1 school that it operates and manages, shall have the
2 same protections that are afforded to all other
3 governing boards in its role as the conversion charter
4 school governing body;

5 (3) Any conversion charter school that is managed and
6 operated by a nonprofit organization shall be eligible
7 for the same federal and state funding as other public
8 schools; provided that nothing in this section shall
9 prohibit a nonprofit organization from making a
10 contribution toward the operation of a conversion
11 charter school; and

12 (4) If, at any time, the board of directors of the
13 nonprofit organization governing the conversion
14 charter school votes to discontinue its relationship
15 with the charter school as the charter contract
16 holder, the conversion charter school's
17 administrators, teachers, or community may submit a
18 charter application to the authorizer, in accordance
19 with section 302D-13 to continue as a conversion
20 charter school without the participation of the
21 nonprofit organization.



1 (e) Section 78-4 shall not apply to members of governing
2 boards; provided that no governing board member shall be allowed
3 to serve on more than two governing boards simultaneously. For
4 purposes of this subsection, a governing board that governs more
5 than one charter school shall be considered one board.

6 (f) The governing board shall be the independent governing
7 body of its charter school and shall have oversight over and be
8 responsible for the financial, organizational, and academic
9 viability of the charter school, implementation of the charter,
10 and the independent authority to determine the organization and
11 management of the school, the curriculum, virtual education, and
12 compliance with applicable federal and state laws. The
13 governing board shall ensure its school complies with the terms
14 of the charter contract between the authorizer and the school.
15 The governing board shall have the power to negotiate
16 supplemental collective bargaining agreements with the exclusive
17 representatives of their employees.

18 (g) 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



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

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

10 (1) Hold meetings open to the public;

11 (2) Post the notices and agendas of public meetings:

12 (A) At a publicly accessible area in the charter
13 school's office so they are available for review
14 during regular business hours; and

15 (B) On the charter school's internet website,
16 not less than six calendar days prior to the public
17 meeting, unless a waiver is granted by the authorizer
18 or authorizer's designee in the case of an emergency;

19 (3) Keep written minutes of all public meetings that shall
20 include:

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



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

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

(D) The views of the participants;

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

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

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

(5) Post the written minutes from public meetings:

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

(B) On the charter school's internet website,
within sixty calendar days after the public meeting or
five calendar days after the next public meeting,
whichever is sooner; and



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

(A) In the charter school's office so it is available for review during regular business hours; and

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

(i) All charter school employees and members of governing boards shall be subject to chapter 84.

(j) Governing boards shall be exempt from sections 26-34 and 26-36. The State shall afford the governing board of any charter school the same protections as the State affords the board in accordance with section 26-35.5.

(k) For purposes of this section:

"Employees" shall include but not be limited to:

(1) The chief executive officer, chief administrative officer, executive director, or otherwise designated head of a charter school; and

(2) Any person under an employment contract to serve as the chief executive officer, chief administrative officer, executive director, or designated head of a charter school.



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

(1) Governing boards shall have the power to make and execute contracts and all other instruments necessary or convenient for the exercise of their duties and functions under this chapter.

(m) Governing board members shall attend an annual mandatory training session that covers the topics of ethics, subject to chapter 84; procurement; and fiduciary responsibilities."

SECTION 2. New statutory material is underscored.

SECTION 3. This Act shall take effect on July 1, 2018.

INTRODUCED BY:

Michelle A. Sidani
Q. Kalani
Ed Riviera
Breene Smith
Frederick R. Inouye
Ben
Mark



S.B. NO. 2391

Report Title:

Charter Schools; Governing Boards; Mandatory Training

Description:

Requires the governing boards of charter schools to attend annually mandatory training sessions that cover the topics of ethics, procurement, and fiduciary responsibilities.

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

