
A BILL FOR AN ACT

RELATING TO EDUCATION.

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

1 SECTION 1. Chapter 46, Hawaii Revised Statutes, is amended
2 by adding a section to be appropriately designated and to read
3 as follows:

4 "§46- Charter schools. Each county shall provide for
5 the establishment, support, and control of a countywide system
6 of charter schools, subject to the same requirements as state
7 public schools."

8 SECTION 2. Section 26-35.5, Hawaii Revised Statutes, is
9 amended by amending subsection (a) to read as follows:

10 "(a) For purposes of this section, "member" means any
11 person who is appointed, in accordance with the law, to serve on
12 a temporary or permanent state board, including members of the
13 board of education, [~~the governing board of any charter school~~
14 ~~established under chapter 302D,~~] council, authority, committee,
15 or commission, established by law or elected to the board of
16 trustees of the employees' retirement system under section 88-
17 24, or the corporation board of the Hawaii health systems



1 corporation under section 323F-3 and its regional system boards
2 under section 323F-3.5; provided that "member" shall not include
3 any person elected to serve on a board or commission in
4 accordance with chapter 11."

5 SECTION 3. Section 89-6, Hawaii Revised Statutes, is
6 amended by amending subsection (f) to read as follows:

7 "(f) The following individuals shall not be included in
8 any appropriate bargaining unit or be entitled to coverage under
9 this chapter:

- 10 (1) Elected or appointed official;
- 11 (2) Member of any board or commission; provided that
12 nothing in this paragraph shall prohibit a member of a
13 collective bargaining unit from serving on a governing
14 board of a charter school~~[, on the state public~~
15 ~~charter school commission, or as a charter school~~
16 ~~authorizer established under chapter 302D]~~;
- 17 (3) Top-level managerial and administrative personnel,
18 including the department head, deputy or assistant to
19 a department head, administrative officer, director,
20 or chief of a state or county agency or major
21 division, and legal counsel;



H.B. NO. 1317

- 1 (4) Secretary to top-level managerial and administrative
- 2 personnel under paragraph (3);
- 3 (5) Individual concerned with confidential matters
- 4 affecting employee-employer relations;
- 5 (6) Part-time employee working less than twenty hours per
- 6 week, except part-time employees included in unit (5);
- 7 (7) Temporary employee of three months' duration or less;
- 8 (8) Employee of the executive office of the governor or a
- 9 household employee at Washington Place;
- 10 (9) Employee of the executive office of the lieutenant
- 11 governor;
- 12 (10) Employee of the executive office of the mayor;
- 13 (11) Staff of the legislative branch of the State;
- 14 (12) Staff of the legislative branches of the counties,
- 15 except employees of the clerks' offices of the
- 16 counties;
- 17 (13) Any commissioned and enlisted personnel of the Hawaii
- 18 national guard;
- 19 (14) Inmate, kokua, patient, ward, or student of a state
- 20 institution;
- 21 (15) Student help;



H.B. NO. 1317

- 1 (16) Staff of the Hawaii labor relations board;
- 2 (17) Employees of the Hawaii national guard youth challenge
- 3 academy; or
- 4 (18) Employees of the office of elections."

5 SECTION 4. Section 89-10.55, Hawaii Revised Statutes, is
 6 amended by amending subsection (d) to read as follows:

7 "(d) Negotiations over matters covered by this section
 8 shall be conducted between the employer and exclusive
 9 representative pursuant to this chapter. ~~[Cost items that are~~
 10 ~~appropriated for and approved by the legislature and contained~~
 11 ~~in a collective bargaining agreement, memorandum of agreement,~~
 12 ~~or supplemental agreement covering, wholly or partially,~~
 13 ~~employees in charter schools shall be allocated by the~~
 14 ~~department of budget and finance to a charter school authorizer~~
 15 ~~for distribution to the charter schools it authorizes. However,~~
 16 ~~if the charter school authorizer deems it appropriate, the cost~~
 17 ~~items may be funded from a charter school's existing allocation~~
 18 ~~or other sources of revenue received by a charter school.]"~~

19 SECTION 5. Section 89C-1.5, Hawaii Revised Statutes, is
 20 amended by amending the definition of "appropriate authority" to
 21 read as follows:



H.B. NO. 1317

1 "Appropriate authority" means the governor, the respective
 2 mayors, the chief justice of the supreme court, the board of
 3 education, the board of regents, [~~the state public charter~~
 4 ~~school commission,~~] the Hawaii health systems corporation board,
 5 the auditor, the ombudsman, and the director of the legislative
 6 reference bureau. These individuals or boards may make
 7 adjustments for their respective excluded employees."

8 SECTION 6. Section 302A-101, Hawaii Revised Statutes, is
 9 amended as follows:

10 1. By amending the definition of "charter schools" to
 11 read:

12 "~~Charter [schools" has the same meaning as in section~~
 13 ~~302D-1.] school" means any academic and noncollege type school~~
 14 and its respective governing board that is holding a contract
 15 with a county of this State to operate as a charter school under
 16 the laws of the respective county."

17 2. By amending the definition of "public schools" to read:

18 "Public schools" means all academic and noncollege type
 19 schools established and maintained by the department [~~and~~
 20 ~~charter schools governed by chapter 302D]."~~



1 3. By repealing the definitions of "authorizer",
2 "commission", and "department school":
3 ~~["Authorizer" has the same meaning as in section 302D-1.~~
4 ~~"Commission" has the same meaning as in section 302D-1.~~
5 ~~"Department school" means any school that falls within the~~
6 ~~definition of "public schools, as that term is defined in~~
7 ~~section 302A-101, and is not a charter school."]~~

8 SECTION 7. Section 302A-251, Hawaii Revised Statutes, is
9 amended by amending subsections (a) through (d) to read as
10 follows:

11 (a) Notwithstanding any other law to the contrary,
12 beginning with the 2011-2013 school years, all public schools,
13 excluding ~~[charter schools and]~~ multi-track public schools,
14 shall implement a school year of one hundred eighty days,
15 excluding professional development days and other non-
16 instructional days negotiated pursuant to chapter 89.

17 (b) Notwithstanding any other law to the contrary:
18 (1) For the 2011-2012 school year, fifty per cent of all
19 public elementary schools in the State, excluding
20 ~~[charter schools and]~~ multi-track public schools,

1 shall implement a school year that includes nine
2 hundred fifteen student hours; and

3 (2) Beginning with the 2012-2013 school year, all public
4 elementary schools in the State, excluding [~~charter~~
5 ~~schools and~~] multi-track public schools, shall
6 implement a school year that includes nine hundred
7 fifteen student hours.

8 (c) Notwithstanding any other law to the contrary, for the
9 2015-2016 school year, all public secondary schools, excluding
10 [~~charter schools and~~] multi-track public schools, shall
11 implement a school year that includes nine hundred ninety
12 student hours.

13 (d) Notwithstanding any other law to the contrary,
14 beginning with the 2016-2017 school year, all public schools,
15 excluding [~~charter schools and~~] multi-track public schools,
16 shall implement a school year of one hundred eighty days,
17 excluding professional development days and other non-
18 instructional days negotiated pursuant to chapter 89, that shall
19 include one thousand eighty student hours for both elementary
20 and secondary school grades."



1 SECTION 8. Section 302A-411, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) The department shall establish and maintain
4 kindergartens with a program of instruction as a part of the
5 public school system; provided that[+

6 ~~(1) Attendance]~~ attendance in kindergarten shall be
7 mandatory, unless exempted by subsection (b) or
8 section 302A-1132 [~~+~~and

9 ~~(2) Charter schools shall not be excluded from mandatory~~
10 ~~participation in the program]."~~

11 SECTION 9. Section 302A-801, Hawaii Revised Statutes, is
12 amended by amending subsection (a) to read as follows:

13 "(a) There is established the Hawaii teacher standards
14 board, which shall be placed within the department for
15 administrative purposes only. The board shall consist of
16 seventeen members, including not less than six licensed teachers
17 regularly engaged in teaching at the time of the appointment,
18 three educational officers employed at the time of the
19 appointment, the chairperson of the board of education or the
20 chairperson's designee, the superintendent or the
21 superintendent's designee, a representative of independent



H.B. NO. 1317

1 schools, the dean of the University of Hawaii college of
2 education or the dean's designee, and the chairperson of the
3 Native Hawaiian Education Council or the chairperson's designee;
4 provided that one teacher member shall be engaged in teaching at
5 a [~~Hawaii public~~] charter school located within the State at the
6 time of appointment and the dean's designee shall be chosen from
7 the member institutions of the teacher education coordinating
8 committee established under section 304A-1202, and two members
9 of the public. A non-voting teacher candidate from a Hawaii
10 educator preparation program at a public institution of higher
11 education on a rotating basis shall be appointed by the
12 chairperson of the teacher education coordinating committee to
13 serve a one-year term."

14 SECTION 10. Section 302A-802, Hawaii Revised Statutes, is
15 amended by amending subsection (c) to read as follows:

16 "(c) The board shall adopt policies, exempt from chapters
17 91 and 92, to initiate the following:

18 (1) Develop criteria allowing more individuals with trade
19 or industry experience to teach in vocational,
20 technical, and career pathway programs, and criteria
21 for the issuance of permits allowing qualified



1 individuals to teach when recommended by the
2 superintendent [~~or the commission, when appropriate~~].
3 The department [~~or the commission, when appropriate,~~]
4 shall be responsible for the review and acceptance of
5 the relevant licenses, certificates, or other
6 qualifications related to an individual's vocational,
7 technical, or career pathway education-related
8 experience that the department [~~or the commission,~~
9 ~~when appropriate,~~] deems necessary for a permit. The
10 department [~~or the commission, when appropriate,~~]
11 shall have the authority to waive the requirement of a
12 bachelor's degree to teach in a vocation, technical,
13 or career pathway education program;

14 (2) Develop a plan to accept teachers from any state as
15 long as they have completed state-approved teacher
16 education programs and pass relevant Hawaii teacher
17 examinations or their equivalent;

18 (3) Clarify the requirements, on a state-by-state basis,
19 for out-of-state licensed teachers to obtain a license
20 in Hawaii;



- 1 (4) Develop a plan to facilitate licensing for those who
2 intend to teach in Hawaii immersion programs, the
3 island of Niihau, or any other extraordinary situation
4 as defined by the superintendent or the
5 superintendent's designee[~~, or by the commission, when~~
6 appropriate]; and
- 7 (5) Pursue full teacher license reciprocity with all other
8 states."

9 SECTION 11. Section 302A-803, Hawaii Revised Statutes, is
10 amended by amending subsection (a) to read as follows:

11 "(a) In addition to establishing standards for the
12 issuance and renewal of licenses and any other powers and duties
13 authorized by law, the board's powers shall also include:

- 14 (1) Setting and administering its own budget;
- 15 (2) Adopting, amending, or repealing the rules of the
16 board in accordance with chapter 91;
- 17 (3) Receiving grants or donations from private
18 foundations, and state and federal funds;
- 19 (4) Submitting an annual report to the governor, the
20 legislature, and the board of education on the board's
21 operations and expenditures, and from the 2007-2008



- 1 school year, submitting a summary report every five
2 years of the board's accomplishment of objectives,
3 efforts to improve or maintain teacher quality, and
4 efforts to keep its operations responsive and
5 efficient;
- 6 (5) Conducting a cyclical review of standards and
7 suggesting revisions for their improvement;
- 8 (6) Establishing licensing fees in accordance with chapter
9 91 and determining the manner by which fees are
10 collected and subsequently deposited into the state
11 treasury and credited to the Hawaii teacher standards
12 board special fund;
- 13 (7) Establishing penalties in accordance with chapter 91;
- 14 (8) Issuing, renewing, forfeiting, restoring,
15 conditioning, revoking, suspending, and reinstating
16 licenses;
- 17 (9) Developing criteria for a full career and technical
18 education license, limited to career and technical
19 education teaching assignments, allowing qualified
20 individuals with at least an associate's degree,



- 1 coursework, industry experience, and content expertise
2 to teach;
- 3 (10) Reviewing reports from the department [~~and commission~~]
4 on individuals hired on an emergency basis;
- 5 (11) Applying licensing standards on a case-by-case basis
6 and conducting licensing evaluations;
- 7 (12) Preparing and disseminating teacher licensing
8 information to schools and operational personnel;
- 9 (13) Approving teacher preparation programs;
- 10 (14) Establishing policies and procedures for approving
11 alternative pathways to teaching;
- 12 (15) Administering reciprocity agreements with other states
13 relative to licensing;
- 14 (16) Conducting research and development on teacher
15 licensure systems, beginning teacher programs, the
16 assessment of teaching skills, and other related
17 topics;
- 18 (17) Participating in efforts relating to teacher quality
19 issues, professional development related to the
20 board's standards, and promotion of high teacher
21 standards and accomplished teaching;



H.B. NO. 1317

- 1 (18) Adopting applicable rules and procedures; and
- 2 (19) Adopting, amending, repealing, or suspending the
- 3 policies and standards of the board."

4 SECTION 12. Section 302A-804, Hawaii Revised Statutes, is
 5 amended to read as follows:

6 **"§302A-804 Powers and duties of the department [~~7~~**
 7 **~~commission, and charter schools~~].** (a) The department [~~7~~
 8 ~~commission, and charter schools~~] shall retain all of [~~their~~] its
 9 rights and powers except for the authority provided to the board
 10 under this subpart.

11 (b) The department's powers and duties under this subpart
 12 shall be limited to:

- 13 (1) Hiring, except in emergency situations as described in
- 14 this chapter, licensed teachers to teach in their
- 15 fields of licensing;
- 16 (2) Reporting data annually to the board about the supply
- 17 of, and demand for, teachers in [~~department~~] public
- 18 schools, including the identification of shortage
- 19 areas, out-of-field teaching assignments, numbers of
- 20 teachers teaching out-of-field, numbers and types of
- 21 courses and classes taught by out-of-field teachers,



1 and numbers and types of students taught by out-of-
2 field teachers;

3 (3) On an emergency and case-by-case basis, hiring
4 unlicensed individuals; provided that:

5 (A) A list of the names, work sites, teaching
6 assignments, and progress toward licensing of
7 these individuals shall be reported to the board
8 and any changes shall be updated on a monthly
9 basis by the department;

10 (B) There are no properly licensed teachers for the
11 specific assignments for which the individuals
12 are being hired; and

13 (C) No individual may be employed by the department
14 on an emergency basis for more than three years.
15 During this time, the individual shall
16 demonstrate active pursuit of licensing in each
17 year of employment;

18 (4) Submitting an annual report to the board documenting:

19 (A) The number of emergency hires in [department]
20 public schools by subject matter areas and by
21 school;



H.B. NO. 1317

- 1 (B) The reasons and duration of employment for the
- 2 emergency hiring enumerated in subparagraph (A);
- 3 (C) Individual progress toward licensing; and
- 4 (D) The department's efforts to address the shortages
- 5 described in subparagraph (A); and
- 6 (5) Providing any other information requested by the board
- 7 that is pertinent to its powers and duties.

8 ~~[(c) The commission's powers and duties under this subpart~~
9 ~~shall be limited to:~~

10 ~~(1) Reporting data annually to the board about the supply~~
11 ~~of, and demand for, teachers in charter schools,~~
12 ~~including the identification of shortage areas, out-~~
13 ~~of field teaching assignments, numbers of teachers~~
14 ~~teaching out of field, numbers and types of courses~~
15 ~~and classes taught by out of field teachers, and~~
16 ~~numbers and types of students taught by out of field~~
17 ~~teachers;~~

18 ~~(2) Submitting an annual report to the board documenting:~~

19 ~~(A) The number of emergency hires in charter schools~~
20 ~~by subject matter areas and by school;~~



H.B. NO. 1317

1 ~~(B) The reasons and duration of employment for the~~
2 ~~emergency hiring enumerated in subparagraph (A);~~
3 ~~and~~

4 ~~(C) Individual progress toward licensing; and~~
5 ~~(3) Providing any other information requested by the board~~
6 ~~that is pertinent to the commission's powers and~~
7 ~~duties.~~

8 ~~(d) A charter school's powers and duties under this~~
9 ~~subpart shall be limited to:~~

10 ~~(1) Except in emergency situations as described in this~~
11 ~~chapter, hiring licensed teachers to teach in their~~
12 ~~fields of licensing;~~

13 ~~(2) On an emergency and case by case basis, hiring~~
14 ~~unlicensed individuals; provided that:~~

15 ~~(A) A list of the names, work sites, teaching~~
16 ~~assignments, and progress toward licensing of~~
17 ~~these individuals shall be reported to the board~~
18 ~~and any changes shall be updated on a monthly~~
19 ~~basis by the charter schools;~~



H.B. NO. 1317

1 ~~(B) There are no properly licensed teachers for the~~
 2 ~~specific assignments for which the individuals~~
 3 ~~are being hired; and~~

4 ~~(C) No individual may be employed by the charter~~
 5 ~~school on an emergency basis for more than three~~
 6 ~~years. During this time, the individual shall~~
 7 ~~demonstrate active pursuit of licensing in each~~
 8 ~~year of employment; and~~

9 ~~(3) Providing any other information requested by the board~~
 10 ~~that is pertinent to the charter school's powers and~~
 11 ~~duties.] "~~

12 SECTION 13. Section 302A-807, Hawaii Revised Statutes, is
 13 amended by amending subsection (d) to read as follows:

14 "(d) Upon revocation of a license, the board may disclose
 15 the name, birthdate, social security number, and any other
 16 pertinent information about the former holder of the license[+

17 ~~(1) To] to the department[+~~

18 ~~(2) To the commission; and~~

19 ~~(3) For] for the purpose of exchanging information under~~
 20 chapter 315 with other national or state teacher



1 certification agencies about school personnel who have
2 had licenses revoked."

3 SECTION 14. Section 302A-808, Hawaii Revised Statutes, is
4 amended to read as follows:

5 **"§302A-808 Penalty.** Any person who engages in the
6 profession of teaching in a public school without first being
7 issued a license or hired on an emergency basis as defined in
8 this chapter shall be fined not more than \$500. Any person who
9 knowingly or intentionally violates this subpart by employing an
10 individual as a public school teacher who does not possess a
11 valid license or is not a department of education [~~or charter~~
12 ~~school~~] emergency hire as defined in this chapter may be fined
13 not more than \$500. All fines shall be deposited into the
14 Hawaii teacher standards board special fund."

15 SECTION 15. Section 302A-1005, Hawaii Revised Statutes, is
16 amended by amending subsection (a) to read as follows:

17 "(a) Notwithstanding collective bargaining agreements,
18 memorandums of agreement, or memorandums of understanding, the
19 superintendent may reconstitute a public school[~~, except a~~
20 ~~charter school,~~] that has been in restructuring under the No
21 Child Left Behind Act of 2001, Public Law 107-110, for four or



1 more school years and has not made significant advancements
2 toward improving academic performance as determined by a
3 statistical analysis of academic data; provided that the
4 following have been considered:

- 5 (1) Student proficiency in reading and math in the period
6 during which the school is in restructuring;
- 7 (2) Interventions and other programs being used by the
8 school to address student proficiency;
- 9 (3) The number of highly qualified or effective teachers
10 at the school;
- 11 (4) Professional development being conducted at the
12 school;
- 13 (5) Input from school faculty and staff, complex
14 specialists, and state office program specialists; and
15 (6) Input from the school community council;

16 provided further that the superintendent has made a
17 recommendation to the board to reconstitute the school, taking
18 into consideration the recommendation of the complex area
19 superintendent, if any."

20 SECTION 16. Section 302A-1101, Hawaii Revised Statutes, is
21 amended to read as follows:



1 "§302A-1101 Department of education; board of education;
2 **superintendent of education.** (a) There shall be a principal
3 executive department to be known as the department of education,
4 which shall be headed by a policy-making board to be known as
5 the board of education. The board shall have power in
6 accordance with law to formulate statewide educational policy,
7 adopt student performance standards and assessment models,
8 monitor school success, and appoint the superintendent of
9 education as the chief executive officer of the public school
10 system.

11 (b) The board shall appoint, and may remove, the
12 superintendent by a majority vote of its members. The
13 superintendent:

14 (1) May be appointed without regard to the state residency
15 provisions of section 78-1(b);

16 (2) May be appointed for a term of up to four years; and

17 (3) May be terminated only for cause.

18 (c) The board shall invite the senior military commander
19 in Hawaii to appoint a nonvoting military representative to the
20 board, who shall serve for a two-year term without compensation.
21 As the liaison to the board, the military representative shall



1 advise the board regarding state education policies and
 2 departmental actions affecting students who are enrolled in
 3 public schools as family members of military personnel. The
 4 military representative shall carry out these duties as part of
 5 the representative's official military duties and shall be
 6 guided by applicable state and federal statutes, regulations,
 7 and policies and may be removed only for cause by a majority
 8 vote of the members of the board.

9 ~~[(d) The board shall appoint the state public charter
 10 school commission which shall serve as the statewide charter
 11 authorizer for charter schools, with the power and duty to issue
 12 charters, oversee and monitor charter schools, hold charter
 13 schools accountable for their performance, and revoke
 14 charters.]"~~

15 SECTION 17. Section 302A-1124, Hawaii Revised Statutes, is
 16 amended by amending subsection (a) to read as follows:

17 "(a) The department, through the board and its
 18 superintendent, shall establish a school community council
 19 system under which each public school[, excluding charter
 20 schools,] shall create and maintain a school community council.
 21 Each school community council shall:



1 (1) Review and evaluate the school's academic plan and
 2 financial plan, and either recommend revisions of the
 3 plans to the principal, or recommend the plans for
 4 approval by the complex area superintendent;

5 (2) Ensure that the school's academic and financial plans
 6 are consistent with the educational accountability
 7 system under section 302A-1004;

8 (3) Participate in principal selection and evaluation, and
 9 transmit any such evaluations to the complex area
 10 superintendent; and

11 (4) Provide collaborative opportunities for input and
 12 consultation."

13 SECTION 18. Section 302A-1132, Hawaii Revised Statutes, is
 14 amended as follows:

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

16 "(a) Unless excluded from school or excepted from
 17 attendance, all children who will have arrived at the age of at
 18 least five years on or before July 31 of the school year, and
 19 who will not have arrived at the age of eighteen years, by
 20 January 1 of any school year, shall attend [~~either~~] a public,
 21 charter, or private school for, and during, the school year, and



1 any parent, guardian, or other person having the responsibility
2 for, or care of, a child whose attendance at school is
3 obligatory shall send the child to [~~either~~] a public, charter,
4 or private school. Attendance at a public, charter, or private
5 school shall not be compulsory in the following cases:

- 6 (1) Where the child is physically or mentally unable to
7 attend school (deafness and blindness excepted), of
8 which fact the certificate of a duly licensed
9 physician shall be sufficient evidence;
- 10 (2) Where the child, who has reached the fifteenth
11 anniversary of birth, is suitably employed and has
12 been excused from school attendance by the
13 superintendent or the superintendent's authorized
14 representative, or by a family court judge;
- 15 (3) Where, upon investigation by the family court, it has
16 been shown that for any other reason the child may
17 properly remain away from school;
- 18 (4) Where the child has graduated from high school;
- 19 (5) Where the child is enrolled in an appropriate
20 alternative educational program as approved by the
21 superintendent or the superintendent's authorized



1 representative in accordance with the plans and
2 policies of the department, or notification of intent
3 to home school has been submitted to the principal of
4 the public school that the child would otherwise be
5 required to attend in accordance with department rules
6 adopted to achieve this result; or

7 (6) Where:

8 (A) The child has attained the age of sixteen years;

9 (B) The principal has determined that:

10 (i) The child has engaged in behavior which is
11 disruptive to other students, teachers, or
12 staff; or

13 (ii) The child's non-attendance is chronic and
14 has become a significant factor that hinders
15 the child's learning; and

16 (C) The principal of the child's school, and the
17 child's teacher or counselor, in consultation
18 with the child and the child's parent, guardian,
19 or other adult having legal responsibility for or
20 care of the child, develops an alternative
21 educational plan for the child. The alternative



1 educational plan shall include a process that
2 shall permit the child to resume school.

3 The principal of the child's school shall file the
4 plan made pursuant to subparagraph (C) with the
5 child's school record. If the adult having legal
6 responsibility for or care of the child disagrees with
7 the plan, then the adult shall be responsible for
8 obtaining appropriate educational services for the
9 child."

10 2. By amending subsection (c) to read:

11 "(c) Beginning with the 2014-2015 school year, any parent,
12 guardian, or other person having the responsibility for, or care
13 of, a child who will be at least five years of age on or before
14 July 31 of the school year shall enroll the child in a public
15 school kindergarten unless the child is enrolled at a charter
16 school or private school or the child's attendance is otherwise
17 exempt under this section."

18 SECTION 19. Section 302A-1143, Hawaii Revised Statutes, is
19 amended to read as follows:

20 "**§302A-1143 Attending school in what service area.** A
21 person of school age shall be required to attend the school of



1 the service area, as determined by the department, in which the
2 person resides, unless:

3 (1) The person is enrolled in a Hawaiian language medium
4 education program [~~or charter school~~];

5 (2) A geographic exception to attend a school in another
6 service area is requested and granted at the
7 discretion of the department; or

8 (3) Out-of-service-area attendance is mandated by the
9 department or by federal law."

10 SECTION 20. Section 302A-1151, Hawaii Revised Statutes, is
11 amended to read as follows:

12 **"§302A-1151 Sale of school lands unnecessary for school**
13 **purposes.** The chairperson of the board of land and natural
14 resources is hereby requested, upon the recommendation and
15 approval of the superintendent, to sell any state lands,
16 including the buildings thereon, once used but no longer
17 necessary for public school purposes; provided that no school
18 facility or portion of a school facility shall be sold before
19 that facility or portion of the facility is made available for
20 use by the [~~department or charter schools,~~] early learning



1 programs pursuant to [~~sections~~] section 302A-1151.5 [~~and 302D-~~
2 ~~24~~]."

3 SECTION 21. Section 302A-1151.5, Hawaii Revised Statutes,
4 is amended to read as follows:

5 "**§302A-1151.5 Use of vacant public school facilities.** (a)

6 When the department considers whether to close any particular
7 public school, it shall simultaneously give reasonable
8 consideration to making all or portions of the facilities of the
9 public school available to [~~charter schools and pre-plus~~] early
10 learning programs; provided that the facilities may be used for
11 any other purpose the board deems appropriate.

12 (b) The department shall identify unused public school
13 facilities that may be appropriate for:

- 14 [~~(1) Charter schools,~~
- 15 ~~(2)] (1) Early learning programs, such as the pre-plus~~
- 16 program; and
- 17 [~~(3)] (2) Any other purpose the board deems appropriate.~~

18 Suitable empty classrooms, as determined by the department,
19 shall be inventoried for potential use by [~~charter schools,~~]
20 early learning programs, such as the pre-plus program, or for
21 any other purpose the board deems appropriate. Priority shall



1 be given to facilities on sites with sufficient space for three
2 or more classrooms.

3 (c) The department shall adopt rules necessary to carry
4 out the purposes of this section.

5 ~~[(d) For purposes of this section, "public school" means~~
6 ~~any school that falls within the definition of public schools in~~
7 ~~section 302A-101, except for charter schools.~~

8 ~~[(e)]~~ (d) Upon receipt of a notice pursuant to subsection
9 (b), the executive office on early learning shall solicit
10 applications from pre-plus programs interested in using and
11 occupying all or portions of the facilities of the public school
12 and submit a prioritized list of pre-plus programs to the
13 department for final determination of which pre-plus program, if
14 any, shall be authorized to use and occupy the public school
15 facilities."

16 SECTION 22. Section 302A-1303.6, Hawaii Revised Statutes,
17 is amended to read as follows:

18 **"§302A-1303.6 Weighted student formula.** Based upon
19 recommendations from the committee on weights, the board of
20 education may adopt a weighted student formula for the
21 allocation of moneys to public schools that takes into account



1 the educational needs of each student. The department, upon the
2 receipt of appropriated moneys, shall use the weighted student
3 formula to allocate funds to public schools. Principals shall
4 expend moneys provided to the principals' schools. [~~This~~
5 ~~section shall only apply to charter schools for fiscal years in~~
6 ~~which the charter schools elect pursuant to section 302D-29 to~~
7 ~~receive allocations according to the procedures and methodology~~
8 ~~used to calculate the weighted student formula allocation.]"~~

9 SECTION 23. Section 302A-1403, Hawaii Revised Statutes, is
10 amended to read as follows:

11 **"§302A-1403 Authority to secure federal funds.** The
12 department, [~~the state public charter school commission, a~~
13 ~~charter school authorizer,~~] director of finance, and governor
14 may take such steps and perform such acts as may be necessary or
15 proper to secure any such federal funds for the purposes
16 specified in sections 302A-1401 and 302A-1402."

17 SECTION 24. Section 302A-1404, Hawaii Revised Statutes, is
18 amended by amending subsection (a) to read as follows:

19 "(a) The department [~~and the state public charter school~~
20 ~~commission or an authorizer, as appropriate,~~] may retain and
21 expend federal indirect overhead reimbursements for



1 discretionary grants in excess of the negotiated rate for [~~such~~
2 those reimbursements as determined by the director of finance
3 and the superintendent [~~or the director of finance and the state~~
4 ~~public charter school commission or an authorizer, as~~
5 ~~appropriate~~]."

6 SECTION 25. Section 302A-1507, Hawaii Revised Statutes, is
7 amended by amending subsection (a) to read as follows:

8 "(a) There is established a classroom cleaning project in
9 all public schools[~~, excluding charter schools~~]. Each school,
10 through its school community council, may develop mechanisms to
11 provide for classroom cleaning, including but not limited to
12 having parent, student, or other community groups clean the
13 classrooms on a regular, continuing basis."

14 SECTION 26. Section 302L-1.7, Hawaii Revised Statutes, is
15 amended by amending subsection (b) to read as follows:

16 "(b) The office, the department of education, and the
17 department of human services shall work collaboratively to
18 develop suitable pre-plus classrooms on department of education
19 campuses statewide[~~, including conversion charter school~~
20 ~~campuses~~]. The executive office on early learning, with the
21 department of education and department of human services, shall



1 coordinate site selection for additional pre-plus programs at
2 public school sites, with priority given to public school sites
3 that serve at-risk children as defined in section 302L-1,
4 including sites located in areas with limited access to early
5 learning programs and services."

6 SECTION 27. Section 302L-7, Hawaii Revised Statutes, is
7 amended by amending subsection (i) to read as follows:

8 "(i) The department of education [~~and any public charter~~
9 ~~school existing pursuant to chapter 302D,~~] may use available
10 classrooms for public preschool programs statewide. [~~The office~~
11 ~~shall give priority to public charter schools that serve high~~
12 ~~populations of underserved or at risk children.~~] Preschool
13 classrooms established pursuant to this section shall be in
14 addition to any classrooms used for the pre-plus program
15 established pursuant to rules adopted by the department pursuant
16 to chapter 91."

17 SECTION 28. Section 368D-1, Hawaii Revised Statutes, is
18 amended by amending subsection (d) to read as follows:

19 "(d) As used in this section:

20 "Educational program or activity that receives state
21 financial assistance" means any educational program or activity



H.B. NO. 1317

1 that receives state financial assistance, in any amount, for any
2 purpose. The term does not exclude an educational program or
3 activity that also receives federal funds.

4 "State educational program or activity" means an
5 educational program or activity of the University of Hawaii[~~7~~]
6 or the department of education[~~7, or public charter schools~~]."

7 SECTION 29. Section 708-813, Hawaii Revised Statutes, is
8 amended by amending subsection (1) to read as follows:

9 "(1) A person commits the offense of criminal trespass in
10 the first degree if:

11 (a) That person knowingly enters or remains unlawfully:

12 (i) In a dwelling; or

13 (ii) In or upon the premises of a hotel or apartment
14 building;

15 (b) That person:

16 (i) Knowingly enters or remains unlawfully in or upon
17 premises that are fenced or enclosed in a manner
18 designed to exclude intruders; and

19 (ii) Is in possession of a firearm, as defined in
20 section 134-1, at the time of the intrusion; or



1 (c) That person enters or remains unlawfully in or upon
 2 the premises of any public or charter school as
 3 defined in section 302A-101, or any private school,
 4 after reasonable warning or request to leave by school
 5 authorities or a police officer; provided however,
 6 such warning or request to leave shall be unnecessary
 7 between 10:00 p.m. and 5:00 a.m."

8 SECTION 30. Section 846-2.7, Hawaii Revised Statutes, is
 9 amended by amending subsection (b) to read as follows:

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

11 (1) The department of health or its designee on operators
 12 of adult foster homes for individuals with
 13 developmental disabilities or developmental
 14 disabilities domiciliary homes and their employees, as
 15 provided by section 321-15.2;

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



- 1 (3) The department of health or its designee on all
2 applicants for licensure or certification for,
3 operators for, prospective employees, adult
4 volunteers, and all adults, except adults in care, at
5 healthcare facilities as defined in section 321-15.2;
- 6 (4) The department of education on employees, prospective
7 employees, and teacher trainees in any public school
8 in positions that necessitate close proximity to
9 children as provided by section 302A-601.5;
- 10 (5) The counties on employees and prospective employees
11 who may be in positions that place them in close
12 proximity to children in recreation or child care
13 programs and services;
- 14 (6) The county liquor commissions on applicants for liquor
15 licenses as provided by section 281-53.5;
- 16 (7) The county liquor commissions on employees and
17 prospective employees involved in liquor
18 administration, law enforcement, and liquor control
19 investigations;
- 20 (8) The department of human services on operators and
21 employees of child caring institutions, child placing



1 organizations, and foster boarding homes as provided
2 by section 346-17;

3 (9) The department of human services on prospective
4 adoptive parents as established under section
5 346-19.7;

6 (10) The department of human services or its designee on
7 applicants to operate child care facilities, household
8 members of the applicant, prospective employees of the
9 applicant, and new employees and household members of
10 the provider after registration or licensure as
11 provided by section 346-154, and persons subject to
12 section 346-152.5;

13 (11) The department of human services on persons exempt
14 pursuant to section 346-152 to be eligible to provide
15 child care and receive child care subsidies as
16 provided by section 346-152.5;

17 (12) The department of health on operators and employees of
18 home and community-based case management agencies and
19 operators and other adults, except for adults in care,
20 residing in community care foster family homes as
21 provided by section 321-15.2;



1 (13) The department of human services on staff members of
2 the Hawaii youth correctional facility as provided by
3 section 352-5.5;

4 (14) The department of human services on employees,
5 prospective employees, and volunteers of contracted
6 providers and subcontractors in positions that place
7 them in close proximity to youth when providing
8 services on behalf of the office or the Hawaii youth
9 correctional facility as provided by section 352D-4.3;

10 (15) The judiciary on employees and applicants at detention
11 and shelter facilities as provided by section 571-34;

12 (16) The department of public safety on employees and
13 prospective employees who are directly involved with
14 the treatment and care of persons committed to a
15 correctional facility or who possess police powers
16 including the power of arrest as provided by section
17 353C-5;

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



- 1 (18) Private schools and designated organizations on
2 employees and prospective employees who may be in
3 positions that necessitate close proximity to
4 children; provided that private schools and designated
5 organizations receive only indications of the states
6 from which the national criminal history record
7 information was provided pursuant to section 302C-1;
- 8 (19) The public library system on employees and prospective
9 employees whose positions place them in close
10 proximity to children as provided by section
11 302A-601.5;
- 12 (20) The State or any of its branches, political
13 subdivisions, or agencies on applicants and employees
14 holding a position that has the same type of contact
15 with children, vulnerable adults, or persons committed
16 to a correctional facility as other public employees
17 who hold positions that are authorized by law to
18 require criminal history record checks as a condition
19 of employment as provided by section 78-2.7;
- 20 (21) The department of health on licensed adult day care
21 center operators, employees, new employees,



- 1 subcontracted service providers and their employees,
2 and adult volunteers as provided by section 321-15.2;
- 3 (22) The department of human services on purchase of
4 service contracted and subcontracted service providers
5 and their employees serving clients of the adult
6 protective and community services branch, as provided
7 by section 346-97;
- 8 (23) The department of human services on foster grandparent
9 program, senior companion program, and respite
10 companion program participants as provided by section
11 346-97;
- 12 (24) The department of human services on contracted and
13 subcontracted service providers and their current and
14 prospective employees that provide home and community-
15 based services under section 1915(c) of the Social
16 Security Act, title 42 United States Code section
17 1396n(c), or under any other applicable section or
18 sections of the Social Security Act for the purposes
19 of providing home and community-based services, as
20 provided by section 346-97;



- 1 (25) The department of commerce and consumer affairs on
2 proposed directors and executive officers of a bank,
3 savings bank, savings and loan association, trust
4 company, and depository financial services loan
5 company as provided by section 412:3-201;
- 6 (26) The department of commerce and consumer affairs on
7 proposed directors and executive officers of a
8 nondepository financial services loan company as
9 provided by section 412:3-301;
- 10 (27) The department of commerce and consumer affairs on the
11 original chartering applicants and proposed executive
12 officers of a credit union as provided by section
13 412:10-103;
- 14 (28) The department of commerce and consumer affairs on:
 - 15 (A) Each principal of every non-corporate applicant
16 for a money transmitter license;
 - 17 (B) Each person who upon approval of an application
18 by a corporate applicant for a money transmitter
19 license will be a principal of the licensee; and
 - 20 (C) Each person who upon approval of an application
21 requesting approval of a proposed change in



1 control of licensee will be a principal of the
2 licensee,

3 as provided by sections 489D-9 and 489D-15;

4 (29) The department of commerce and consumer affairs on
5 applicants for licensure and persons licensed under
6 title 24;

7 (30) The Hawaii health systems corporation on:

8 (A) Employees;

9 (B) Applicants seeking employment;

10 (C) Current or prospective members of the corporation
11 board or regional system board; or

12 (D) Current or prospective volunteers, providers, or
13 contractors,

14 in any of the corporation's health facilities as
15 provided by section 323F-5.5;

16 (31) The department of commerce and consumer affairs on:

17 (A) An applicant for a mortgage loan originator
18 license, or license renewal; and

19 (B) Each control person, executive officer, director,
20 general partner, and managing member of an



- 1 applicant for a mortgage loan originator company
2 license or license renewal,
3 as provided by chapter 454F;
- 4 (32) The [~~state public charter school commission or public~~
5 ~~charter schools~~] counties on employees, teacher
6 trainees, prospective employees, and prospective
7 teacher trainees in any [~~public~~] charter school for
8 any position that places them in close proximity to
9 children[~~, as provided in section 302D-33~~];
- 10 (33) The counties on prospective employees who work with
11 children, vulnerable adults, or senior citizens in
12 community-based programs;
- 13 (34) The counties on prospective employees for fire
14 department positions which involve contact with
15 children or vulnerable adults;
- 16 (35) The counties on prospective employees for emergency
17 medical services positions [~~which~~] that involve
18 contact with children or vulnerable adults;
- 19 (36) The counties on prospective employees for emergency
20 management positions and community volunteers whose
21 responsibilities involve planning and executing



1 homeland security measures including viewing,
2 handling, and engaging in law enforcement or
3 classified meetings and assisting vulnerable citizens
4 during emergencies or crises;

5 (37) The State and counties on employees, prospective
6 employees, volunteers, and contractors whose position
7 responsibilities require unescorted access to secured
8 areas and equipment related to a traffic management
9 center;

10 (38) The State and counties on employees and prospective
11 employees whose positions involve the handling or use
12 of firearms for other than law enforcement purposes;

13 (39) The State and counties on current and prospective
14 systems analysts and others involved in an agency's
15 information technology operation whose position
16 responsibilities provide them with access to
17 proprietary, confidential, or sensitive information;

18 (40) The department of commerce and consumer affairs on:
19 (A) Applicants for real estate appraiser licensure or
20 certification as provided by chapter 466K;



H.B. NO. 1317

- 1 (B) Each person who owns more than ten per cent of an
2 appraisal management company who is applying for
3 registration as an appraisal management company,
4 as provided by section 466L-7; and
- 5 (C) Each of the controlling persons of an applicant
6 for registration as an appraisal management
7 company, as provided by section 466L-7;
- 8 (41) The department of health or its designee on all
9 license applicants, licensees, employees, contractors,
10 and prospective employees of medical cannabis
11 dispensaries, and individuals permitted to enter and
12 remain in medical cannabis dispensary facilities as
13 provided under sections 329D-15(a)(4) and
14 329D-16(a)(3);
- 15 (42) The department of commerce and consumer affairs on
16 applicants for nurse licensure or license renewal,
17 reactivation, or restoration as provided by sections
18 457-7, 457-8, 457-8.5, and 457-9;
- 19 (43) The county police departments on applicants for
20 permits to acquire firearms pursuant to section 134-2



H.B. NO. 1317

1 and on individuals registering their firearms pursuant
2 to section 134-3;

3 (44) The department of commerce and consumer affairs on:

4 (A) Each of the controlling persons of the applicant
5 for licensure as an escrow depository, and each
6 of the officers, directors, and principals who
7 will be in charge of the escrow depository's
8 activities upon licensure; and

9 (B) Each of the controlling persons of an applicant
10 for proposed change in control of an escrow
11 depository licensee, and each of the officers,
12 directors, and principals who will be in charge
13 of the licensee's activities upon approval of
14 such application,

15 as provided by chapter 449;

16 (45) The department of taxation on current or prospective
17 employees or contractors who have access to federal
18 tax information in order to comply with requirements
19 of federal law, regulation, or procedure, as provided
20 by section 231-1.6;



1 (46) The department of labor and industrial relations on
2 current or prospective employees or contractors who
3 have access to federal tax information in order to
4 comply with requirements of federal law, regulation,
5 or procedure, as provided by section 383-110;

6 (47) The department of human services on current or
7 prospective employees or contractors who have access
8 to federal tax information in order to comply with
9 requirements of federal law, regulation, or procedure,
10 as provided by section 346-2.5;

11 (48) The child support enforcement agency on current or
12 prospective employees, or contractors who have access
13 to federal tax information in order to comply with
14 federal law, regulation, or procedure, as provided by
15 section 576D-11.5; and

16 (49) Any other organization, entity, or the State, its
17 branches, political subdivisions, or agencies as may
18 be authorized by state law."

19 SECTION 31. Sections 302A-448, 302A-1902, 302A-1903, and
20 302A-1904, Hawaii Revised Statutes, are amended by substituting
21 the term "public school", or similar term, wherever the term



1 "department school", or similar term, appears, as the context
2 requires.

3 SECTION 32. Section 171-95.5, Hawaii Revised Statutes, is
4 repealed:

5 [~~"[§171-95.5] Lease to public charter schools.~~

6 ~~Notwithstanding any limitations to the contrary, the board may~~
7 ~~lease to charter schools, at nominal consideration, by direct~~
8 ~~negotiation and without recourse to public auction, public lands~~
9 ~~and buildings under the control of the department. Except as~~
10 ~~provided in this section, the terms and conditions of sections~~
11 ~~171-33 and 171-36 shall apply. The lands and buildings leased~~
12 ~~under this section shall be used by the charter schools for~~
13 ~~educational purposes only. This section shall not apply to~~
14 ~~conversion charter schools."]~~

15 SECTION 33. Chapter 302D, Hawaii Revised Statutes, is
16 repealed.

17 SECTION 34. All rights, powers, functions, and duties of
18 the board of education, the department of education, and the
19 state public charter school commission relating to the
20 regulation and oversight of charter schools, are transferred to



H.B. NO. 1317

1 the counties. Each county shall have regulation and oversight
2 over the charter schools located within that county.

3 SECTION 35. All deeds, leases, contracts, loans,
4 agreements, permits, or other documents executed or entered into
5 by or on behalf of the board of education, the department of
6 education, or the state public charter school commission that
7 are transferred to the counties by this Act shall remain in full
8 force and effect. Effective July 1, 2021, every reference to
9 the board of education, the chairperson of the board of
10 education, the department of education, the superintendent of
11 education, the state public charter school commission, or the
12 chair of the state public charter school commission in those
13 deeds, leases, contracts, loans, agreements, permits, or other
14 documents shall be construed as a reference to the city and
15 county of Honolulu, the county of Maui, the county of Hawaii,
16 the county of Kauai, or the respective charter school
17 department, board, or office of one of those counties, or the
18 respective officials of the respective county department, board,
19 or office, as appropriate.

20 The foregoing deeds, leases, contracts, loans, agreements,
21 permits, or other documents shall be transferred to the city and



H.B. NO. 1317

Report Title:

Education; Charter Schools; Counties

Description:

Transfers the responsibility for the establishment, support, and control of charter schools from the State to the counties.

Takes effect 7/1/2021; provided that a corresponding constitutional amendment to authorize this transfer is ratified before 12/2020.

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

