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State > Hawaii

Total Score: 74 out of 208

Rank: 31

In 2010, Hawaii passed legislation that, among other things, partially lifted its cap on start-up charter schools, made some changes to the state's charter school funding formula and required the state department of education to make vacant public school facilities available to public charter schools.

Hawaii moved from number 34 to number 33, and its score increased from 70 points to 74 points. For component number one, its score increased from zero points to three points because of the partial cap lift. For component number 19, its score increased from zero points to three points because of the requirements to make vacant public school facilities available to public charter schools. For component number 10, its score fell from two points to zero points because stronger evaluation criteria has been applied to this component.

Hawaii's law still needs significant improvement in several areas, including completely removing its caps, strengthening the requirements for both charter application, review and decision-making processes and renewal, non-renewal, and revocation processes, and ensuring equitable operational and categorical funding and equitable access to capital funding and facilities.

How does this state compare to the model law?

Model Law Component	Matches	Hawaii's Charter Law	Scoring
No Caps			Rating: 1 Weight: 3 Total Score: 3
1A. No limits are placed on the number of public charter schools or students (and no geographic limits).	No	Hawaii law contains a cap of 25 conversion charter schools and 23 start-up charter schools. However, the law allows the state charter school review panel to authorize three new start-up charter schools for each existing start-up charter school that has received a three or more year accreditation from the Western Association of Schools and Colleges or a comparable accreditation authority as determined by the charter school oversight panel. As a result, there are 12 available charter school start-up slots for 2010-11.	
1B. If caps exist, adequate room for growth.	Some		
A Variety of Public Charter Schools Allowed			Rating: 4 Weight: 1 Total Score: 4
2A. New start-ups.	Yes	Hawaii law allows new start-ups, public school conversions, and virtual schools.	
2B. Public school conversions.	Yes		
2C. Virtual schools.	Yes		
Multiple Authorizers Available			Rating: 0 Weight: 3 Total Score: 0
3A. Two or more viable authorizing options for each applicant with direct application allowed to each authorizing option.	No	Hawaii law only provides one authorizing option for charter applications - the state charter school review panel - and there is almost no authorizing activity.	
Authorizer and Overall Program Accountability System Required			Rating: 0 Weight: 3 Total Score: 0
4A. At least a registration process for local school boards to affirm their interest in chartering to the state.	N/A	Hawaii law includes none of the elements of the model law's authorizer and overall program accountability system.	
4B. Application process for other	N/A		

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eligible authorizing entities.			
4C. Authorizer submission of annual report, which summarizes the agency's authorizing activities as well as the performance of its school portfolio.	No		
4D. A regular review process by authorizer oversight body.	No		
4E. Authorizer oversight body with authority to sanction authorizers, including removal of authorizer right to approve schools.	No		
4F. Periodic formal evaluation of overall state charter school program and outcomes.	No		
Adequate Authorizer Funding			
5A. Adequate funding from authorizing fees (or other sources).	Yes	Hawaii law provides that the Hawaii Charter School Administrative Office (HCSAO), which is attached to the Hawaii Department of Education for administrative purposes only, may withhold up to 2% of the state's annual charter school appropriation. The law requires the HCSAO to provide for the staff support and expenses of the panel.	Rating: 2 Weight: 2 Total Score: 4
5B. Guaranteed funding from authorizing fees (or from sources not subject to annual legislative appropriations).	Yes		
5C. Requirement to publicly report detailed authorizer expenditures.	No		
5D. Separate contract for any services purchased from an authorizer by a school.	No		
5E. Prohibition on authorizers requiring schools to purchase services from them.	No		
Transparent Charter Application, Review, and Decision-making Processes			
6A. Application elements for all schools.	Some	Hawaii law provides application elements for start-up charter schools, although they are not as extensive as those provided in the model law. Hawaii law provides application elements for conversion schools.	Rating: 1 Weight: 4 Total Score: 4
6B. Additional application elements specific to conversion schools.	Yes	As part of a state agency, the state charter school review panel is subject to the state sunshine law, which requires all official business be conducted in a public meeting. Statute also requires the panel to clearly identify its reasons in writing for not approving any charter application.	
6C. Additional application elements specific to virtual schools.	No		
6D. Additional application elements specific when using educational service providers.	No		
6E. Additional application elements specific to replications.	No		
6F. Authorizer-issued request for proposals (including application requirements and approval criteria).	No		

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6G. Thorough evaluation of each application including an in-person interview and a public meeting.	No		
6H. All charter approval or denial decisions made in a public meeting, with authorizers stating reasons for denials in writing.	Yes		
Performance-Based Charter Contracts Required		Per statute, a performance contract must be signed within 30 days of the issuance of the charter. The law requires the contract to include mutual assurances required by law, the charter application (covering elements listed in statute), and the school's implementation plan. The law requires the signatories to be the state charter school review panel and local charter school board.	Rating: 2 Weight: 4 Total Score: 8
7A. Being created as a separate document from the application and executed by the governing board of the charter school and the authorizer.	Some	State law requires the charter application to include a student outcomes assessment plan that will allow the school to meet or exceed state educational content and performance standards, but does not provide details regarding core performance expectations to be judged.	
7B. Defining the roles, powers, and responsibilities for the school and its authorizer.	Some	Hawaii law requires the charter school review panel to reauthorize a charter school no later than four years following the initial issue of the charter and every six years thereafter.	
7C. Defining academic and operational performance expectations by which the school will be judged, based on a performance framework that includes measures and metrics for, at a minimum, student academic proficiency and growth, achievement gaps, attendance, recurrent enrollment, postsecondary readiness (high schools), financial performance, and board stewardship (including compliance).	Some		
7D. Providing an initial term of five operating years (or a longer term with periodic high-stakes reviews).	Some		
7E. Including requirements addressing the unique environments of virtual schools, if applicable.	No		
Comprehensive Charter School Monitoring and Data Collection Processes		Hawaii law requires each charter school to conduct annual self-evaluations that address a variety of indicators, including academic and financial ones, with such evaluation submitted to the panel. However, there is nothing in statute that requires such evaluations to be made public.	Rating: 3 Weight: 4 Total Score: 12
8A. The collection and analysis of student outcome data at least annually by authorizers (consistent with performance framework outlined in the contract).	Some	Hawaii law requires charter schools to provide annual financial audits.	
8B. Financial accountability for charter schools (e.g., Generally Accepted Accounting Principles, independent annual audit reported to authorizer).	Yes	Hawaii law requires the panel to conduct a multi-year evaluation of each charter school on its fourth anniversary year and every five years thereafter and allows the panel to from time to time establish a schedule to stagger the multi-year evaluations. It also allows the panel to conduct special evaluations of charter schools at any time.	
8C. Authorizer authority to conduct or require oversight activities.	Yes	Hawaii law allows the panel to place a charter school on probationary status, provided that the panel meets certain conditions, including notifying the school of perceived problems and giving the school an opportunity to remedy	
8D. Annual school performance reports	No		

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<p>produced and made public by each authorizer.</p> <p>8E. Authorizer notification to their schools of perceived problems, with opportunities to remedy such problems.</p>	Yes	<p>such problems. Hawaii law provides that the charter school must remain on probationary status until the panel votes either to remove the charter school from probationary status or revoke its charter. If a charter school fails to resolve deficiencies by the end of the probation period, the law allows the panel to revoke the charter; provided that the vote of two-thirds of all the members to which the panel is entitled shall be required to revoke the charter.</p> <p>If there is an immediate concern for student or employee health or safety at a charter school, the law allows the panel, in consultation with the office, to adopt an interim restructuring plan that may include the appointment of an interim local school board, an interim local school board chairperson, or a principal to temporarily assume operations of the school; provided that if possible without further jeopardizing the health or safety of students and employees, the charter school's stakeholders and community are first given the opportunity to elect a new local school board which shall appoint a new interim principal. The law provides the state board of education with the authority to direct the panel to take appropriate action to immediately address serious health and safety issues that may exist at a charter school in order to ensure the health and safety of students and employees and mitigate significant liability to the state.</p>	
<p>8F. Authorizer authority to take appropriate corrective actions or exercise sanctions short of revocation.</p>	Yes	<p>Hawaii law requires the charter school panel to adopt a clear process with rigorous criteria for charter schools to be reauthorized.</p> <p>Hawaii law allows the panel to revoke the charter for failure to meet the state student performance standards, fiscal irresponsibility, or serious student or employee health or safety deficiencies.</p> <p>Within 10 days of a decision to revoke a charter, the law requires the panel to publish notice of its intent to do so and hold a public meeting within 60 days.</p> <p>As part of a state agency, the state charter school review panel is subject to the state sunshine law, which requires all official business be conducted in a public meeting.</p> <p>The law requires the charter school to establish a process for the transfer of student records, and provides that the state has first right, at no cost to the state, to all the assets and facilities of the charter school, except as otherwise provided by law.</p>	<p>Rating: 1 Weight: 4 Total Score: 4</p>
<p>Clear Processes for Renewal, Nonrenewal, and Revocation Decisions</p>			
<p>9A. Authorizer must issue school performance renewal reports to schools whose charter will expire the following year.</p>	No		
<p>9B. Schools seeking renewal must apply for it.</p>	No		
<p>9C. Authorizers must issue renewal application guidance that provides an opportunity for schools to augment their performance record and discuss improvements and future plans.</p>	No		
<p>9D. Clear criteria for renewal and nonrenewal/revocation.</p>	Some		
<p>9E. Authorizers must ground renewal decisions based on evidence regarding the school's performance over the term of the charter contract (in accordance with the performance framework set forth in the charter contract).</p>	No		
<p>9F. Authorizer authority to vary length of charter renewal contract terms based on performance or other issues.</p>	No		
<p>9G. Authorizers must provide charter schools with timely notification of potential revocation or non-renewal (including reasons) and reasonable</p>	Yes		

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time to respond.			
9H. Authorizers must provide charter schools with due process for nonrenewal and revocation decisions (e.g., public hearing, submission of evidence).	Yes		
9I. All charter renewal, non-renewal, and revocation decisions made in a public meeting, with authorizers stating reasons for non-renewals and revocations in writing.	Some		
9J. Authorizers must have school closure protocols to ensure timely parent notification, orderly student and record transitions, and property and asset disposition.	Some		
Educational Service Providers Allowed			
10A. All types of educational service providers (both for-profit and non-profit) explicitly allowed to operate all or parts of schools.	No	Hawaii law is silent regarding any educational service provider arrangements, In practice, educational service providers operate throughout the state, but there is no explicit statutory language guiding the work of charter school boards and authorizers with such entities.	Rating: 0 Weight: 2 Total Score: 0
10B. The charter application requires 1) performance data for all current and past schools operated by the ESP, including documentation of academic achievement and (if applicable) school management success; and 2) explanation and evidence of the ESP's capacity for successful growth while maintaining quality in existing schools.	No		
10C. A performance contract is required between the independent public charter school board and the ESP, setting forth material terms including but not limited to: performance evaluation measures; methods of contract oversight and enforcement by the charter school board; compensation structure and all fees to be paid to the ESP; and conditions for contract renewal and termination.	No		
10D. The material terms of the ESP performance contract must be approved by the authorizer prior to charter approval.	No		
10E. School governing boards operating as entities completely independent of any educational service provider (e.g., must retain independent oversight authority of their charter	No		

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schools, and cannot give away their authority via contract).			
10F. Existing and potential conflicts of interest between the two entities are required to be disclosed and explained in the charter application.	No		
Fiscally and Legally Autonomous Schools, with Independent Public Charter School Boards		Hawaii law provides that each charter school's local school board is the autonomous governing body of its charter school and is responsible for the financial and academic viability of the charter school, implementation of the charter, and the independent authority to determine the organization and management of the school, the curriculum, virtual education, and compliance with applicable federal and state laws.	Rating: 3 Weight: 3 Total Score: 9
11A. Fiscally autonomous schools (e.g., schools have clear statutory authority to receive and disburse funds, incur debt, and pledge, assign or encumber assets as collateral).	Some	Hawaii law provides that the negotiated master agreements apply to charter school employees, but it does give local charter school boards the ability to enter into supplemental agreements with the union that contain cost and non-cost to facilitate decentralized decision-making.	
11B. Legally autonomous schools (e.g., schools have clear statutory authority to enter into contracts and leases, sue and be sued in their own names, and acquire real property).	Some		
11C. School governing boards created specifically to govern their charter schools.	Yes		
Clear Student Recruitment, Enrollment and Lottery Procedures		Hawaii law requires charter schools to provide open enrollment to any student in the state. In their applications, state law requires charter schools to identify a plan for recruiting and selecting students that is not exclusive, elitist or segregationist. In practice, both conversion and start-up schools use a lottery for student selection.	Rating: 2 Weight: 1 Total Score: 2
12A. Open enrollment to any student in the state.	Yes		
12B. Lottery requirements.	Some	The law requires enrollment preferences be granted only to those students previously enrolled at a conversion charter school.	
12C. Required enrollment preferences for previously enrolled students within conversions, prior year students within chartered schools, and siblings of enrolled students enrolled at a charter school.	Some		
12D. Optional enrollment preference for children of a school's founders, governing board members, and full-time employees, not exceeding 10% of the school's total student population.	No		
Automatic Exemptions from Many State and District Laws and Regulations		Hawaii law provides that charter schools are exempt from all state rules and statutes applicable to traditional public schools or districts, except those applying to discriminatory practices, and health and safety requirements. Hawaii law does not exempt charter school teachers from state teacher certification requirements.	Rating: 2 Weight: 3 Total Score: 6
13A. Exemptions from all laws, except those covering health, safety, civil rights, student accountability, employee criminal history checks, open meetings, freedom of information, and generally accepted accounting principles.	Yes		
13B. Exemption from state teacher certification requirements.	No		

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Automatic Collective Bargaining Exemption 14A. Charter schools authorized by non-local board authorizers are exempt from participation in district collective bargaining agreements.	N/A	Hawaii law provides the negotiated master agreements apply to charter school employees unless the exclusive union representatives and the local school board of a charter school enter into supplemental agreements that contain cost and non-cost items to facilitate decentralized decision-making.	Rating: 1 Weight: 3 Total Score: 3
14B. Charter schools authorized by local boards are exempt from participation in district collective bargaining agreements.	No		
Multi-School Charter Contracts and/or Multi-Charter Contract Boards Allowed 15A. Oversee multiple schools linked under a single contract with independent fiscal and academic accountability for each school.	No	Hawaii law is silent regarding these arrangements.	Rating: 1 Weight: 1 Total Score: 1
15B. Hold multiple charter contracts with independent fiscal and academic accountability for each school.	No		
Extra-Curricular and Interscholastic Activities Eligibility and Access 16A. Laws or regulations explicitly state that charter school students and employees are eligible to participate in all interscholastic leagues, competitions, awards, scholarships, and recognition programs available to non-charter public school students and employees.	Some	Hawaii law grants charter school students the same opportunity as traditional public schools to participate in sports activities whether it be provided at the charter school or a comparable program at another public school. The law, however, is silent on non-sports extra-curricular activities.	Rating: 3 Weight: 1 Total Score: 3
16B. Laws or regulations explicitly allow charter school students in schools not providing extra-curricular and interscholastic activities to have access to those activities at non-charter public schools for a fee by a mutual agreement.	Some		
Clear Identification of Special Education Responsibilities 17A. Clarity regarding which entity is the local education agency (LEA) responsible for providing special education services.	Yes	Hawaii law provides that the state department of education is responsible for special education services and allows the state to withhold funding to pay for services rendered.	Rating: 2 Weight: 2 Total Score: 4
17B. Clarity regarding funding for low-incident, high-cost services for charter schools (in the same amount and/or in a manner similar to other LEAs).	No		
Equitable Operational Funding and Equal Access to All State and Federal Categorical Funding		Hawaii funds its charter schools via a line item appropriation in the state budget, using a newly created charter schools account as a separate account in the state treasury.	Rating: 0 Weight: 3 Total Score: 0

Model Law Component	Matches	Hawaii's Charter Law	Scoring
18A. Equitable operational funding statutorily driven.	No	Hawaii law provides a funding formula for charter school operational revenue that only takes into account general funds when calculating the per pupil formula. To date, the state has largely ignored this formula and funded charters at a substantially lower level than traditional public schools. Hawaii law requires the HCSAO to make three payments over the course of a year to charter schools, to be distributed in increments of 60%, 30% and 10%. Note: Hawaii was not included in a recent national study of charter school funding (Charter School Funding: Inequity Persists, 2010), so analysis of actual funding for this state was not possible.	
18B. Equal access to all applicable categorical federal and state funding, and clear guidance on the pass-through of such funds.	No		
18C. Funding for transportation similar to school districts.	No		
Equitable Access to Capital Funding and Facilities		Hawaii law allows the state to provide funding for debt service costs for facilities. The state has not provided funding for these costs to date, however.	Rating: 1 Weight: 3 Total Score: 3
19A. A per-pupil facilities allowance which annually reflects actual average district capital costs.	Some	Hawaii law also requires the state department of education to make vacant public school facilities available to charter schools.	
19B. A state grant program for charter school facilities.	No	Note: Hawaii was not included in a recent national study of charter school funding (Charter School Funding: Inequity Persists, 2010), so analysis of actual funding for this state was not possible.	
19C. A state loan program for charter school facilities.	No		
19D. Equal access to tax-exempt bonding authorities or allow charter schools to have their own bonding authority.	No		
19E. A mechanism to provide credit enhancement for public charter school facilities.	No		
19F. Equal access to existing state facilities programs available to non-charter public schools.	No		
19G. Right of first refusal to purchase or lease at or below fair market value a closed, unused, or underused public school facility or property.	Yes		
19H. Prohibition of facility-related requirements stricter than those applied to traditional public schools.	No		
Access to Relevant Employee Retirement Systems		Hawaii law requires charter school employees to be members of the State Pension and Retirement System.	Rating: 2 Weight: 2 Total Score: 4
20A. Charter schools have access to relevant state retirement systems available to other public schools.	Yes		
20B. Charter schools have the option to participate (i.e., not required).	No		