
A BILL FOR AN ACT

RELATING TO EDUCATION.

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

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

3 1. By adding a new definition to be appropriately inserted
4 and to read:

5 "Applicant governing board" means the initial governing
6 board established by an eligible group or entity to submit a
7 charter application pursuant to section 302D-13 and is not
8 subject to section 302D-12."

9 2. By amending the definition of "conversion charter
10 school" to read:

11 "Conversion charter school" means:

12 (1) Any existing department school that converts to a
13 charter school and is managed and operated in
14 accordance with section [~~302D-14;~~] 302D-13; or

15 (2) Any existing department school that converts to a
16 charter school and is managed and operated by a
17 nonprofit organization in accordance with section
18 [~~302D-14;~~] 302D-13."



1 3. By amending the definition of "start-up charter school"
2 to read:

3 "Start-up charter school" means a new charter school
4 established under section 302D-13[-] that is not a conversion
5 charter school."

6 SECTION 2. Section 302D-3, Hawaii Revised Statutes, is
7 amended by amending subsection (f) to read as follows:

8 (f) Five members of the commission shall constitute a
9 quorum to conduct business [~~and~~]. Any action taken by the
10 commission shall be by a simple majority of the members of the
11 commission who are present; provided that any action of the
12 commission that may be appealed pursuant to section 302D-15
13 shall require a concurrence of at least five members [~~shall be~~
14 necessary to make any action of the commission] to be valid."

15 SECTION 3. Section 302D-5, Hawaii Revised Statutes, is
16 amended by amending subsection (b) to read as follows:

- 17 (b) An authorizer shall:
- 18 (1) Act as [~~the~~] a point of contact between the department
 - 19 and a public charter school it authorizes;
 - 20 (2) Be responsible for and ensure the compliance of a
 - 21 public charter school it authorizes with all



1 applicable state and federal laws, including reporting
2 requirements;

3 (3) Be responsible for the receipt of applicable federal
4 funds from the department and the distribution of
5 funds to the public charter school it authorizes; and

6 (4) Be responsible for the receipt of per-pupil funding
7 from the department of budget and finance and
8 distribution of the funding to the public charter
9 school it authorizes."

10 SECTION 4. Section 302D-12, Hawaii Revised Statutes, is
11 amended to read as follows:

12 **"§302D-12 Charter school governing boards; powers and**
13 **duties.** (a) No person may serve on the governing board of a
14 charter school if the person is an employee or former employee
15 of any charter school under the jurisdiction of that governing
16 board, a relative of an employee or former employee of any
17 charter school under the jurisdiction of that governing board,
18 or any vendor or contractor providing goods or services to any
19 charter school under the jurisdiction of that governing board,
20 unless:



- 1 (1) The person is a former employee of a charter school
2 under the jurisdiction of that governing board and at
3 least one year has passed since the conclusion of the
4 former employee's employment with that charter school;
- 5 (2) The person is a relative of a former employee of a
6 charter school under the jurisdiction of that
7 governing board and at least one year has passed since
8 the conclusion of the former employee's employment
9 with that charter school;
- 10 (3) The person is a vendor or contractor and at least one
11 year has passed since the conclusion of the vendor or
12 contractor's service to a charter school under the
13 jurisdiction of that governing board; or
- 14 (4) The ~~[person's]~~ person serving on the governing board
15 shall not cause more than one-third of the voting
16 members of the governing board to be made up of:
 - 17 (A) Employees or former employees of any charter
18 school that is under the jurisdiction of that
19 governing board; provided that this subparagraph
20 shall not include persons who are covered under
21 paragraph (1);



1 (B) Relatives of employees or of former employees of
2 any charter school that is under the jurisdiction
3 of that governing board; provided that this
4 subparagraph shall not include persons who are
5 covered under paragraph (2); and

6 (C) Vendors or contractors who are providing goods or
7 services to any charter school that is under the
8 jurisdiction of that governing board; provided
9 that this subparagraph shall not include persons
10 who are covered under paragraph (3).

11 (b) In selecting governing board members, consideration
12 shall be given to persons who:

13 (1) Provide the governing board with a diversity of
14 perspective and a level of objectivity that accurately
15 represent the interests of the charter school students
16 and the surrounding community;

17 (2) Demonstrate an understanding of best practices of
18 nonprofit governance; and

19 (3) Possess strong financial and academic management and
20 oversight abilities, as well as human resource and
21 fundraising experience.



1 (c) No employee or former employee of a charter school,
2 relative of an employee or former employee of a charter school,
3 or any vendor or contractor providing goods or services to a
4 charter school may serve as the chair of the governing board of
5 that charter school unless at least one year has elapsed since
6 the conclusion of the employee's employment with the school or
7 the conclusion of a vendor's or contractor's service to the
8 school; provided that an authorizer may grant an exemption from
9 the provisions of this subsection based upon a determination by
10 the authorizer that an exemption is in the best interest of the
11 charter school.

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

18 (1) The nonprofit organization may also appoint advisory
19 groups of community representatives for each
20 conversion charter school managed by the nonprofit
21 organization; provided that these groups shall not



1 have governing authority over the conversion charter
2 school and shall serve only in an advisory capacity to
3 the nonprofit organization;

4 (2) The board of directors of the nonprofit organization,
5 as the governing board of the conversion charter
6 school that it operates and manages, shall have the
7 same protections that are afforded to all other
8 governing boards in its role as the conversion charter
9 school governing body;

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

17 (4) If, at any time, the board of directors of the
18 nonprofit organization governing the conversion
19 charter school votes to discontinue its relationship
20 with the charter school as the charter contract
21 holder, the conversion charter school's



1 administrators, teachers, or community may submit a
2 charter application to the authorizer, in accordance
3 with section 302D-13 to continue as a conversion
4 charter school without the participation of the
5 nonprofit organization.

6 [~~d~~] (e) Section 78-4 shall not apply to members of
7 governing boards; provided that no governing board member shall
8 be allowed to serve on more than two governing boards
9 simultaneously. For purposes of this subsection, a governing
10 board that governs more than one charter school shall be
11 considered one board.

12 [~~e~~] (f) The governing board shall be the independent
13 governing body of its charter school and shall have oversight
14 over and be responsible for the financial, organizational, and
15 academic viability of the charter school, implementation of the
16 charter, and the independent authority to determine the
17 organization and management of the school, the curriculum,
18 virtual education, and compliance with applicable federal and
19 state laws. The governing board shall ensure its school
20 complies with the terms of the charter contract between the
21 authorizer and the school. The governing board shall have the



1 power to negotiate supplemental collective bargaining agreements
2 with the exclusive representatives of their employees.

3 [~~f~~] (g) Governing boards and charter schools shall be
4 exempt from chapter 103D, but shall develop internal policies
5 and procedures for the procurement of goods, services, and
6 construction, consistent with the goals of public accountability
7 and public procurement practices. Governing boards and charter
8 schools are encouraged to use the provisions of chapter 103D
9 wherever possible; provided that the use of one or more
10 provisions of chapter 103D shall not constitute a waiver of the
11 exemption from chapter 103D and shall not subject the charter
12 school to any other provision of chapter 103D.

13 [~~g~~] (h) Charter schools and their governing boards shall
14 be exempt from the requirements of chapters 91 and 92. The
15 governing boards shall:

16 (1) Hold meetings open to the public;

17 (2) Make available the notices and agendas of public
18 meetings:

19 (A) At a publicly accessible area in the charter
20 school's office so as to be available for review
21 during regular business hours; and



1 (B) On the charter school's internet website not less
2 than six calendar days prior to the public
3 meeting, unless a waiver is granted by the
4 authorizer or authorizer's designee in the case
5 of an emergency; and

6 (3) Make available the minutes from public meetings within
7 thirty days and maintain a list of the current names
8 and contact information of the governing board's
9 members and officers:

10 (A) In the charter school's office so as to be
11 available for review during regular business
12 hours; and

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

14 [~~h~~] (i) All charter school employees and members of
15 governing boards shall be subject to chapter 84.

16 [~~i~~] (j) Governing boards shall be exempt from sections
17 26-34 and 26-36. The State shall afford the governing board of
18 any charter school the same protections as the State affords the
19 board in accordance with section 26-35.5.

20 [~~j~~] (k) For purposes of this section:

21 "Employees" shall include but not be limited to:



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

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

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

12 [~~(k)~~] (1) Governing boards shall have the power to make
13 and execute contracts and all other instruments necessary or
14 convenient for the exercise of their duties and functions under
15 this chapter. [~~Whenever a charter school or governing board~~
16 ~~seeks to enter into a contract with a private organization,~~
17 ~~whether for profit or nonprofit, to manage or operate the~~
18 ~~charter school, which contract requires the private organization~~
19 ~~to employ or otherwise provide the charter school with an~~
20 ~~individual to serve in the capacity of the chief executive~~
21 ~~officer, chief administrative officer, executive director, or~~



1 ~~designated head of the charter school, the charter school's~~
2 ~~governing board, in consultation with the state ethics~~
3 ~~commission, shall adopt standards of conduct that shall apply to~~
4 ~~the chief executive officer, chief administrative officer,~~
5 ~~executive director, or designated head of the charter school.~~
6 ~~The standards of conduct shall include provisions relating to~~
7 ~~gifts, fair treatment or misuse of position, and conflicts of~~
8 ~~interest, and shall be incorporated into and made part of any~~
9 ~~contract or arrangement between the charter school or governing~~
10 ~~board and the private organization for those services.]"~~

11 SECTION 5. Section 302D-13, Hawaii Revised Statutes, is
12 amended to read as follows:

13 **"§302D-13 Start-up and conversion charter schools;**
14 **establishment.** (a) New start-up and conversion charter schools
15 may be established pursuant to this section.

16 (b) Any community, department school, school community
17 council, group of teachers, group of teachers and
18 administrators, or nonprofit organization may submit a letter of
19 intent to an authorizer to form a charter school[~~7~~] and
20 establish [a] an applicant governing board [~~as its governing~~
21 ~~body, and~~]. An applicant governing board may develop a charter



1 application pursuant to [~~subsection (d).~~] this section; provided
2 that:

3 (1) An applicant governing board established by a
4 community may develop a charter application for a
5 start-up charter school;

6 (2) An applicant governing board established by a
7 department school or a school community council may
8 develop a charter application for a conversion charter
9 school;

10 (3) An applicant governing board established by a group of
11 teachers or a group of administrators may develop a
12 charter application for a start-up or conversion
13 charter school; and

14 (4) A nonprofit organization may:

15 (A) Establish an applicant governing board that is
16 separate from the nonprofit organization and
17 develop a charter application for a start-up or
18 conversion charter school; or

19 (B) Establish an applicant governing board that shall
20 be the board of directors of the nonprofit
21 organization and may develop a charter



1 application for a conversion charter school;
2 provided that any nonprofit organization that
3 seeks to manage and operate a conversion charter
4 school shall:

5 (i) Submit to the authorizer at the time of the
6 charter application bylaws or policies that
7 describe the manner in which business is
8 conducted and policies that relate to the
9 management of potential conflict of
10 interests situations;

11 (ii) Have experience in the management and
12 operation of public or private schools or,
13 to the extent necessary, agree to obtain
14 appropriate services from another entity or
15 entities possessing such experience; and

16 (iii) Not interfere in the operations of the
17 department school to be converted until
18 otherwise authorized by the authorizer in
19 consultation with the department.

20 (c) The [~~start-up~~] charter school [~~charter~~] application
21 process and schedule shall be determined by the authorizer, and



1 shall provide for and include, at a minimum, the following
2 elements:

- 3 (1) The issuance and publication of a request for
4 proposals by the authorizer on the authorizer's
5 internet website that, at a minimum:
- 6 (A) Solicits charter applications and presents the
7 authorizer's strategic vision for chartering;
- 8 (B) Includes or directs applicant governing boards to
9 the performance framework developed by the
10 authorizer in accordance with section 302D-16;
- 11 (C) Includes criteria that will guide the
12 authorizer's decision to approve or deny a
13 charter application;
- 14 (D) States clear, appropriately detailed questions
15 and provides guidelines concerning the format and
16 content essential for applicant governing boards
17 to demonstrate the capacities necessary to
18 establish and operate a successful charter
19 school; and



- 1 (E) Requires charter applications to provide or
- 2 describe all essential elements, as determined by
- 3 the authorizer, of proposed school plans;
- 4 [~~(1)~~] (2) The submission of a letter of intent to open and
- 5 operate a start-up charter school[+] or to convert a
- 6 department school to a conversion charter school;
- 7 [~~(2)~~] ~~The availability of the charter application form and~~
- 8 ~~completion guidelines on the authorizer's website,]~~
- 9 (3) The timely submission of a completed charter
- 10 application to the authorizer; provided that a charter
- 11 application for a conversion charter school shall
- 12 include certification and documentation that the
- 13 charter application was approved by a majority of the
- 14 votes cast by existing administrative, support, and
- 15 teacher personnel, and parents of students at the
- 16 existing department school; provided that:
- 17 (A) This vote shall be considered by the authorizer
- 18 to be the primary indication of the existing
- 19 administrative, support, and teaching personnel,
- 20 and parents' approval to convert to a charter
- 21 school;



1 (B) The balance of stakeholders represented in the
2 vote and the extent of support received in
3 support of the conversion shall be key factors,
4 along with the applicant's proposed plans, to be
5 considered by the authorizer when deciding
6 whether to award a charter; and

7 (C) A breakdown of the number of administrative,
8 support, and teaching personnel, and parents of
9 students who constitute the existing department
10 school and the number who actually participated
11 in the vote shall be provided to the authorizer;

12 (4) The timely review of the charter application by the
13 authorizer for completeness, and notification by the
14 authorizer to the applicant governing board that the
15 charter application is complete;

16 (5) Upon receipt of a completed charter application, the
17 review and evaluation of the charter application by
18 qualified persons[+] including but not limited to:

19 (A) An in-person interview with representatives from
20 the applicant governing board; and



- 1 (B) An opportunity in a public forum for the public
2 to provide input on each charter application;
- 3 (6) Following the review and evaluation of a charter
4 application, approval or denial of the charter
5 application by the authorizer[+] in a meeting open to
6 the public;
- 7 (7) A provision for a final date by which a decision to
8 approve or deny a charter application must be made by
9 the authorizer, upon receipt of a complete charter
10 application; and
- 11 (8) A provision that no [~~start-up~~] charter school may
12 begin operation before obtaining authorizer approval
13 of its charter application and charter contract and
14 fulfilling pre-opening requirements that may be
15 imposed by the authorizer[-], pursuant to section
16 302D-14.5.
- 17 (d) A charter application to become a start-up or
18 conversion charter school shall meet the requirements of this
19 subsection [~~and~~], section 302D-25[-], and any other requirements
20 set by the authorizer. The charter application shall, at a
21 minimum[~~, include the following~~]:



- 1 (1) ~~[A description of employee rights and management~~
2 ~~issues and a framework for addressing those issues~~
3 ~~that protects the rights of employees;]~~ Include plans
4 for a charter school that are likely to satisfactorily
5 meet the academic, financial, organizational, and
6 operational performance indicators, measures, and
7 metrics set forth in the authorizer's performance
8 framework, pursuant to section 302D-16;
- 9 (2) ~~[A plan for identifying, recruiting, and retaining~~
10 ~~highly qualified instructional faculty as defined by~~
11 ~~the department;]~~ Include plans for a charter school
12 that is in compliance with applicable laws; and
- 13 (3) ~~[A plan for identifying, recruiting, and selecting~~
14 ~~students that is not exclusive, elitist, or~~
15 ~~segregationist, and complies with this chapter;~~
- 16 (4) ~~The curriculum and instructional framework to be used~~
17 ~~to achieve student outcomes, including an assessment~~
18 ~~plan;~~
- 19 (5) ~~A plan for the assessment of student, administrative~~
20 ~~support, and teaching personnel performance that:~~



- 1 ~~(A)]~~ Recognizes the interests of the general
- 2 public[+].
- 3 ~~[(B)~~ ~~Incorporates or exceeds the educational content~~
- 4 ~~and performance standards developed by the~~
- 5 ~~department for the public school system;~~
- 6 ~~(C)~~ ~~Includes a system of faculty and staff~~
- 7 ~~accountability that holds faculty and staff~~
- 8 ~~individually and collectively accountable for~~
- 9 ~~their performance, and that is at least~~
- 10 ~~equivalent to the average system of~~
- 11 ~~accountability in public schools throughout the~~
- 12 ~~State; and~~
- 13 ~~(D)~~ ~~Provides for program audits and annual financial~~
- 14 ~~audits;~~
- 15 ~~(6)~~ ~~A governance structure for the charter school that~~
- 16 ~~incorporates a conflict of interest policy and a plan~~
- 17 ~~for periodic training to carry out the duties of~~
- 18 ~~governing board members;~~
- 19 ~~(7)~~ ~~A description of the constitution of the governing~~
- 20 ~~board, terms of governing board members, and the~~



1 ~~process by which governing board members were~~
2 ~~selected;~~

3 ~~(8) A financial plan based on the most recent fiscal~~
4 ~~year's per pupil charter school allocation that~~
5 ~~demonstrates the ability to meet the financial~~
6 ~~obligations of one time, start up costs and ongoing~~
7 ~~costs such as monthly payrolls, faculty recruitment,~~
8 ~~professional development, and facilities costs; and~~
9 ~~(9) A facilities plan.]~~

10 (e) In reviewing a charter application under this section,
11 an authorizer shall take into consideration the constitution of
12 the [~~applicant's~~] applicant governing board, terms of applicant
13 governing board members, and the process by which applicant
14 governing board members were selected.

15 (f) In reviewing charter applications under this section,
16 an authorizer shall develop a schedule to approve or deny a
17 charter application by the end of the calendar year prior to the
18 opening year of the proposed charter school for purposes of
19 meeting any deadlines to request funding from the
20 legislature[~~-~~]; provided that nothing in this section shall be



1 construed as requiring an authorizer to accept and review
2 charter applications annually.

3 (g) In the event of a conflict between the provisions in
4 this section and other provisions in this chapter, this section
5 shall control."

6 SECTION 6. Section 302D-14.5, Hawaii Revised Statutes, is
7 amended as follows:

8 1. By amending subsections (a) through (c) to read:

9 "(a) The authorizer may require [~~a charter~~] an applicant
10 governing board whose charter application is approved by the
11 authorizer pursuant to section 302D-13 [~~or 302D-14~~] to
12 satisfactorily meet pre-contracting criteria set by the
13 authorizer before being allowed to enter into a charter
14 contract.

15 (b) An approved [~~charter~~] applicant governing board that
16 fails to satisfactorily meet the pre-contracting criteria and
17 enter into a charter contract with its authorizer within the
18 period initially established or subsequently extended by the
19 authorizer shall be considered to have withdrawn its
20 application.



1 (c) [~~A charter~~] An applicant governing board shall not be
2 considered an entity of the State [~~until the~~], but shall have
3 the authority to execute the initial charter contract; provided
4 that the term of duration of the initial charter contract shall
5 not exceed five years, not including the pre-opening period.
6 Upon the execution of the initial charter contract, the
7 applicant governing board shall become the governing board of
8 the newly established pre-opening charter school [~~is established~~
9 ~~by execution of the charter contract~~]. A pre-opening charter
10 school that is a conversion charter school shall be a separate
11 entity of the State from the department school from which it is
12 converting during the start-up period."

13 2. By amending subsection (f) to read:

14 "(f) An approved [~~charter~~] applicant governing board that
15 withdraws its application shall not be allowed to execute a
16 charter contract unless it reapplies and has its charter
17 application approved by an authorizer in accordance with this
18 chapter."

19 SECTION 7. Section 302D-17, Hawaii Revised Statutes, is
20 amended by amending subsection (b) to read as follows:



1 "(b) Each authorizer shall annually publish and provide,
2 as part of its annual report to the board and the legislature, a
3 performance report for each public charter school it oversees,
4 in accordance with the performance framework set forth in the
5 charter contract and section 302D-16. The authorizer [~~shall~~]
6 may require each public charter school it oversees to submit an
7 annual report to assist the authorizer in gathering complete
8 information about each school. The annual report [~~shall~~] may
9 include the status of the charter school's compliance with
10 annual performance targets, as determined by the charter
11 contract."

12 SECTION 8. Section 302D-21, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "**§302D-21 Annual board report.** No later than [~~twenty days~~
15 ~~prior to the convening~~] the opening day of each regular session
16 of the legislature, the board shall issue to the governor, the
17 legislature, and the public, an annual report on the State's
18 public charter schools, drawing from the annual reports
19 submitted by every authorizer, as well as any additional
20 relevant data compiled by the board, for the school year ending



1 in the preceding calendar year. The annual report shall
2 include:

- 3 (1) The board's assessment of the successes, challenges,
4 and areas for improvement in meeting the purposes of
5 this chapter, including the board's assessment of the
6 sufficiency of funding for public charter schools, and
7 any suggested changes in state law or policy necessary
8 to strengthen the State's public charter schools;
- 9 (2) A line-item breakdown of all federal funds received by
10 the department and distributed to authorizers;
- 11 (3) Any concerns regarding equity and recommendations to
12 improve access to and distribution of federal funds to
13 public charter schools; and
- 14 (4) A discussion of all board policies adopted in the
15 previous year, including a detailed explanation as to
16 whether each policy is or is not applicable to charter
17 schools."

18 SECTION 9. Section 302D-24, Hawaii Revised Statutes, is
19 amended by amending subsection (a) to read as follows:

20 "(a) When the department considers whether to close any
21 particular department school, the department shall submit a



1 notice of possible availability of a department school or notice
2 of vacancy of a department school to the board pursuant to
3 section 302A-1151.5(b) [~~provided that the department has not~~
4 ~~elected to use the department school to support education~~
5 ~~programs~~]."

6 SECTION 10. Section 302D-33, Hawaii Revised Statutes, is
7 amended by amending subsection (a) to read as follows:

8 "(a) The [~~commission~~] authorizer shall [~~develop procedures~~
9 ~~for obtaining~~] require charter schools to obtain verifiable
10 information regarding the criminal history of persons who are
11 employed or seeking employment in any position, including
12 teacher trainees, that places them in close proximity to
13 children[~~. These procedures shall include~~], including criminal
14 history record checks in accordance with section 846-2.7.
15 Information obtained pursuant to this subsection shall be used
16 exclusively by the [~~employer or prospective employer~~] charter
17 school for the purpose of determining whether a person is
18 suitable for working in close proximity to children. All such
19 decisions shall be subject to applicable federal laws and
20 regulations."



1 SECTION 11. Section 302D-34, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:

3 "(b) A start-up charter school:

4 (1) Shall be open to any student residing in the State who
5 is entitled to attend a department school;

6 (2) Shall enroll all students who submit an application,
7 unless the number of students who submit an
8 application exceeds the capacity of a program, class,
9 grade level, or building; provided that a student who
10 is currently enrolled in a charter school that has
11 been notified of the prospect of revocation in
12 accordance with section 302D-18, or is closing in
13 accordance with section 302D-19, whichever occurs
14 first, shall be given first priority to enroll at
15 another charter school to which the student applies,
16 or placed at the top of the waitlist for enrollment;

17 (3) Shall select students through a public lottery if, as
18 described in paragraph (2), capacity is insufficient
19 to enroll all students who have submitted a timely
20 application;



- 1 (4) May give an enrollment preference to students within a
2 given age group or grade level and may be organized
3 around a special emphasis, theme, or concept as stated
4 in the charter school's application and as approved by
5 the charter school's authorizer;
- 6 (5) May give an enrollment preference to students enrolled
7 in the charter school during the previous school year
8 and to siblings of students already enrolled at the
9 charter school; ~~and~~
- 10 (6) May give an enrollment preference through a weighted
11 lottery to educationally disadvantaged students. For
12 the purposes of this section, "weighted lottery" means
13 any lottery that gives additional weight to individual
14 students who are identified as part of a specified set
15 of students but does not reserve or set aside seats
16 for individual students or sets of students. For the
17 purposes of this section, "educationally disadvantaged
18 students" means students who are economically
19 disadvantaged, students with disabilities, migrant
20 students, limited English proficient students,



1 neglected or delinquent students, and homeless
 2 students; and
 3 [~~(6)~~] (7) May give any other enrollment preference
 4 permitted by the charter school's authorizer, on an
 5 individual charter school basis, if consistent with
 6 law;
 7 provided that nothing in this subsection shall preclude the
 8 formation of a start-up charter school whose mission is focused
 9 on serving students with disabilities, who are of the same
 10 gender, who pose such severe disciplinary problems that they
 11 warrant a specific educational program, or who are at a risk of
 12 academic failure."

13 SECTION 12. Section 302D-14, Hawaii Revised Statutes, is
 14 repealed.

15 ~~["§302D-14 Conversion charter schools; establishment. (a)~~
 16 ~~A conversion charter school may be established pursuant to this~~
 17 ~~section.~~

18 ~~(b) Any department school, school community council, group~~
 19 ~~of teachers, group of teachers and administrators, or nonprofit~~
 20 ~~organization may submit a letter of intent to an authorizer to~~
 21 ~~convert a department school to a charter school, establish a~~



1 ~~governing board as its governing body, and develop a charter~~
2 ~~application pursuant to subsection (d).~~

3 ~~(c) The conversion charter school charter application~~
4 ~~process and schedule shall be determined by the authorizer, and~~
5 ~~shall provide for and include the following elements:~~

6 ~~(1) The submission of a letter of intent to convert to a~~
7 ~~charter school;~~

8 ~~(2) The availability of the charter application form and~~
9 ~~completion guidelines on the authorizer's website;~~

10 ~~(3) The timely submission of a completed charter~~
11 ~~application to the authorizer; provided that the~~
12 ~~charter application shall include certification and~~
13 ~~documentation that the charter application was~~
14 ~~approved by a majority of the votes cast by existing~~
15 ~~administrative, support, and teaching personnel, and~~
16 ~~parents of students at the existing department school;~~
17 ~~provided that:~~

18 ~~(A) This vote shall be considered by the authorizer~~
19 ~~to be the primary indication of the existing~~
20 ~~administrative, support, and teaching personnel,~~



- 1 ~~and parents' approval to convert to a charter~~
2 ~~school;~~
- 3 ~~(B) The balance of stakeholders represented in the~~
4 ~~vote and the extent of support received in~~
5 ~~support of the conversion shall be key factors,~~
6 ~~along with the applicant's proposed plans, to be~~
7 ~~considered by the authorizer when deciding~~
8 ~~whether to award a charter; and~~
- 9 ~~(C) A breakdown of the number of administrative,~~
10 ~~support, and teaching personnel, and parents of~~
11 ~~students who constitute the existing department~~
12 ~~school and the number who actually participated~~
13 ~~in the vote shall be provided to the authorizer;~~
- 14 ~~(4) The timely review of the charter application by the~~
15 ~~authorizer for completeness, and notification by the~~
16 ~~authorizer to the governing board that the charter~~
17 ~~application is complete;~~
- 18 ~~(5) Upon receipt of a completed charter application, the~~
19 ~~review and evaluation of the charter application by~~
20 ~~qualified persons;~~



- 1 ~~(6) Following the review and evaluation of a charter~~
- 2 ~~application, approval or denial of the charter~~
- 3 ~~application by the authorizer;~~
- 4 ~~(7) A provision for a final date by which a decision of~~
- 5 ~~whether to approve or deny a charter application must~~
- 6 ~~be made by the authorizer, upon receipt of a complete~~
- 7 ~~charter application; and~~
- 8 ~~(8) A provision that no conversion charter school may~~
- 9 ~~begin operation before obtaining authorizer approval~~
- 10 ~~of its charter and charter contract and fulfilling~~
- 11 ~~pre-opening requirements that may be imposed by the~~
- 12 ~~authorizer.~~
- 13 ~~(d) A charter application to become a conversion charter~~
- 14 ~~school shall meet the requirements of this subsection and~~
- 15 ~~section 302D-25. The charter application shall include, at a~~
- 16 ~~minimum, the following:~~
- 17 ~~(1) A description of employee rights and management issues~~
- 18 ~~and a framework for addressing those issues that~~
- 19 ~~protects the rights of employees;~~



- 1 ~~(2) A plan for identifying, recruiting, and retaining~~
2 ~~highly qualified instructional faculty, as defined by~~
3 ~~the department;~~
- 4 ~~(3) A plan for identifying, recruiting, and selecting~~
5 ~~students that is not exclusive, elitist, or~~
6 ~~segregationist, and complies with this chapter;~~
- 7 ~~(4) The curriculum and instructional framework to be used~~
8 ~~to achieve student outcomes, including an assessment~~
9 ~~plan;~~
- 10 ~~(5) A plan for the assessment of student, administrative~~
11 ~~support, and teaching personnel performance that:~~
- 12 ~~(A) Recognizes the interests of the general public;~~
13 ~~(B) Incorporates or exceeds the educational content~~
14 ~~and performance standards developed by the~~
15 ~~department for the public school system;~~
- 16 ~~(C) Includes a system of faculty and staff~~
17 ~~accountability that holds faculty and staff~~
18 ~~individually and collectively accountable for~~
19 ~~their performance, and that is at least~~
20 ~~equivalent to the average system of~~



- 1 ~~accountability in public schools throughout the~~
2 ~~State; and~~
- 3 ~~(D) Provides for program audits and annual financial~~
4 ~~audits;~~
- 5 ~~(6) A governance structure for the charter school that~~
6 ~~incorporates a conflict of interest policy and a plan~~
7 ~~for periodic training to carry out the duties of~~
8 ~~governing board members;~~
- 9 ~~(7) A description of the constitution of the governing~~
10 ~~board, terms of governing board members, and the~~
11 ~~process by which governing board members were~~
12 ~~selected;~~
- 13 ~~(8) A financial plan based on the most recent fiscal~~
14 ~~year's per pupil charter school allocation that~~
15 ~~demonstrates the ability to meet the financial~~
16 ~~obligations of one time, start up costs and ongoing~~
17 ~~costs such as monthly payrolls, faculty recruitment,~~
18 ~~professional development, and facilities costs; and~~
- 19 ~~(9) A facilities plan.~~
- 20 ~~(e) A nonprofit organization may submit a letter of intent~~
21 ~~to an authorizer to convert a department school to a conversion~~



1 ~~charter school, operate and manage the school, establish a~~
2 ~~governing board as its governing body, and develop a charter~~
3 ~~application pursuant to subsection (d); provided that:~~

4 ~~(1) As the governing body of the conversion charter~~
5 ~~school, the governing board shall be the board of~~
6 ~~directors of the nonprofit organization and shall not~~
7 ~~be selected pursuant to section 302D 12. The~~
8 ~~nonprofit organization may also appoint advisory~~
9 ~~groups of community representatives for each school~~
10 ~~managed by the nonprofit organization; provided that~~
11 ~~these groups shall not have governing authority over~~
12 ~~the school and shall serve only in an advisory~~
13 ~~capacity to the nonprofit organization;~~

14 ~~(2) The charter application for each conversion charter~~
15 ~~school to be operated by the nonprofit organization~~
16 ~~shall be formulated, developed, and submitted by the~~
17 ~~nonprofit organization, and shall be approved by a~~
18 ~~majority of the votes cast by existing administrative,~~
19 ~~support, and teaching personnel, and parents of~~
20 ~~students of the existing department school; provided~~
21 ~~that:~~



1 ~~(A) This vote shall be considered by the authorizer~~
2 ~~to be the primary indication of the existing~~
3 ~~administrative, support, and teaching personnel,~~
4 ~~and parents' approval to convert to a charter~~
5 ~~school;~~

6 ~~(B) The balance of stakeholders represented in the~~
7 ~~vote and the extent of support received in~~
8 ~~support of the conversion shall be a key factor,~~
9 ~~along with the applicant's proposed plans, in an~~
10 ~~authorizer's decision to award a charter; and~~

11 ~~(C) A breakdown of the number of administrative,~~
12 ~~support, and teaching personnel, and parents of~~
13 ~~students who constitute the existing department~~
14 ~~school and the number who actually participated~~
15 ~~in the vote shall be provided to the authorizer;~~

16 ~~(3) The board of directors of the nonprofit organization,~~
17 ~~as the governing body for the conversion charter~~
18 ~~school that it operates and manages, shall have the~~
19 ~~same protections that are afforded to the board in its~~
20 ~~role as the conversion charter school governing body;~~



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

8 ~~(5) If, at any time, the board of directors of the~~
9 ~~nonprofit organization governing the conversion~~
10 ~~charter school votes to discontinue its relationship~~
11 ~~with the charter school, the charter school may submit~~
12 ~~a revised charter application to the authorizer to~~
13 ~~continue as a conversion charter school without the~~
14 ~~participation of the nonprofit organization.~~

15 ~~(f) Any nonprofit organization that seeks to manage or~~
16 ~~operate a conversion charter school as provided in subsection~~
17 ~~(e) shall comply with the following at the time of charter~~
18 ~~application:~~

19 ~~(1) Have bylaws or policies that describe the manner in~~
20 ~~which business is conducted and policies that relate~~



- 1 ~~to the management of potential conflict of interest~~
2 ~~situations;~~
- 3 ~~(2) Have experience in the management and operation of~~
4 ~~public or private schools or, to the extent necessary,~~
5 ~~agree to obtain appropriate services from another~~
6 ~~entity or entities possessing such experience;~~
- 7 ~~(3) Comply with all applicable federal, state, and county~~
8 ~~laws, including licensure or accreditation, as~~
9 ~~applicable; and~~
- 10 ~~(4) Comply with any other requirements prescribed by the~~
11 ~~department to ensure adherence with applicable~~
12 ~~federal, state, and county laws, and the purposes of~~
13 ~~this chapter.~~
- 14 ~~(g) In reviewing a charter application for a charter under~~
15 ~~this section, an authorizer shall take into consideration the~~
16 ~~constitution of the applicant's governing board, terms of~~
17 ~~governing board members, and the process by which governing~~
18 ~~board members were selected.~~
- 19 ~~(h) In the event of a conflict between the provisions in~~
20 ~~this section and other provisions in this chapter, this section~~
21 ~~shall control.~~



1 ~~(i) In reviewing charter applications for a charter under~~
2 ~~this section, an authorizer shall develop a schedule to approve~~
3 ~~or deny a charter application by the end of the calendar year~~
4 ~~for purposes of meeting any deadlines to request funding from~~
5 ~~the legislature."]~~

6 SECTION 13. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

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



Report Title:

Public Charter Schools; Charter Schools Commission

Description:

Amends the chapter governing public charter schools to align the requirements for start-up and conversion charter schools. Defines "applicant governing board" and makes conforming amendments. Makes other housekeeping amendments. (SD1)

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

