
A BILL FOR AN ACT

RELATING TO CHARTER SCHOOLS.

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

1 SECTION 1. Section 302B-1, Hawaii Revised Statutes, is
2 amended by adding the definition of "disruptive behavior" to
3 read as follows:

4 "**§302B-1 Definitions.** Whenever used in this chapter,
5 unless the context otherwise requires:

6 "Board" means the board of education.

7 "Charter school" refers to those public schools holding
8 charters to operate as charter schools under this chapter,
9 including start-up and conversion charter schools, and that have
10 the flexibility and independent authority to implement
11 alternative frameworks with regard to curriculum, facilities
12 management, instructional approach, virtual education, length of
13 the school day, week, or year, and personnel management.

14 "Charter school review panel" or "panel" means the panel
15 established pursuant to section 302B-3 with the powers and
16 duties to advise and make recommendations to the board regarding
17 issuance and revocation of charters, detailed implementation
18 plan revisions, and charter school evaluations.



1 "Conversion charter school" means:

2 (1) Any existing department school that converts to a
3 charter school and is managed and operated in
4 accordance with section 302B-6;

5 (2) Any existing department school that converts to a
6 charter school and is managed and operated by a
7 nonprofit organization in accordance with section
8 302B-6; [~~or~~]

9 (3) A newly created school, consisting of programs or
10 sections of existing public school populations that
11 are funded and governed independently and may include
12 part of a separate Hawaiian language immersion program
13 using existing public school facilities.

14 "Department" means the department of education.

15 "Detailed implementation plan" means the document that
16 details the charter school's purpose, focus, operations,
17 organization, finances, and accountability, and becomes the
18 basis for a performance contract between the board and the
19 charter school.

20 "Disruptive behavior" means a student that is disciplined
21 under Title 8, Chapter 19, of the Hawaii Administrative Rules
22 for any of the following behaviors:



- 1 (1) Engaging in disorderly conduct that in any manner
- 2 interferes with an orderly educational process;
- 3 (2) Threatening, abusing, or otherwise intimidating or
- 4 attempting to intimidate a school employee or a pupil;
- 5 (3) Wilfully disobeying a school employee; or
- 6 (4) Using abusive or profane language directed at a school
- 7 employee.

8 "Executive director" means the executive director of the
9 charter school administrative office.

10 "Local school board" means the autonomous governing body of
11 a charter school that receives the charter and is responsible
12 for the financial and academic viability of the charter school,
13 implementation of the charter, and the independent authority to
14 determine the organization and management of the school, the
15 curriculum, virtual education, and compliance with applicable
16 federal and state laws, and that has the power to negotiate
17 supplemental collective bargaining agreements with exclusive
18 representatives of their employees.

19 "Nonprofit organization" means a private, nonprofit, tax-
20 exempt entity that:



1 (1) Is recognized as a tax-exempt organization under
2 section 501(c)(3) of the Internal Revenue Code of
3 1986, as amended; and

4 (2) Is domiciled in this State.

5 "Office" means the charter school administrative office.

6 "Organizational viability" means that a charter school:

7 (1) Has been duly constituted in accordance with its
8 charter;

9 (2) Has a local school board established in accordance
10 with law and the charter school's charter;

11 (3) Employs sufficient faculty and staff to provide the
12 necessary educational program and support services to
13 operate the facility in accordance with its charter;

14 (4) Maintains accurate and comprehensive records regarding
15 students and employees as determined by the office;

16 (5) Meets appropriate standards of student achievement;

17 (6) Cooperates with board, panel, and office requirements
18 in conducting its functions;

19 (7) Complies with applicable federal, state, and county
20 laws and requirements;

21 (8) In accordance with office guidelines and procedures,
22 is financially sound and fiscally responsible in its



1 use of public funds, maintains accurate and
2 comprehensive financial records, operates in
3 accordance with generally accepted accounting
4 practices, and maintains a sound financial plan;

5 (9) Operates within the scope of its charter and fulfills
6 obligations and commitments of its charter;

7 (10) Complies with all health and safety laws and
8 requirements; and

9 (11) Complies with all board directives, policies, and
10 procedures.

11 "Start-up charter school" means a new school established
12 under section 302B-5."

13 SECTION 2. Section 302B-4, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "§302B-4 Limits on charter schools. Beginning July 2007,
16 the board, with the recommendation of the panel, may authorize
17 one new start-up charter school for each existing start-up
18 charter school that has received a three-year or longer
19 accreditation from the Western Association of Schools and
20 Colleges or a comparable accreditation authority as determined
21 by the panel, or for each start-up charter school whose charter
22 is revoked. The total number of conversion charter schools



1 authorized by the board, with the recommendation of the panel,
2 shall not exceed twenty-five, provided that charter schools
3 established for the express purpose of providing an alternative
4 educational setting for students that exhibit disruptive
5 behavior shall not be counted towards the total number of start-
6 up or conversion charter schools allowed under this section."

7 SECTION 3. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 4. This Act shall take effect on July 1, 2008.

10

11

INTRODUCED BY:

Karen Awana

JAN 24 2007



Report Title:

Education

Description:

Exempts charter schools established for the purpose of providing an alternative learning environment for students that exhibit disruptive behavior from the law limiting the number of charter schools allowed.

