

JAN 27 2016

A BILL FOR AN ACT

RELATING TO CHARTER SCHOOLS.

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

PART I

SECTION 1. Section 302D-3.5, Hawaii Revised Statutes, is amended to read as follows:

"~~§~~302D-3.5~~§~~ Rules. Unless otherwise provided for in this chapter or chapter 302A, the commission may adopt rules pursuant to chapter 91 to administer and implement this chapter; provided that the board shall maintain exclusive ~~rule-making~~ rulemaking authority over state educational policy~~-~~; and provided further that the commission may issue interim rules by commission directives that shall be exempt from the public notice, public hearing, and gubernatorial approval requirements of chapter 91. The interim rules shall not be effective for more than eighteen months."

SECTION 2. Section 302D-5, Hawaii Revised Statutes, is amended by amending subsection (g) to read as follows:

"(g) An authorizer shall not provide technical support to a prospective charter school applicant, an applicant governing



1 board, or a charter school it authorizes in cases where the
2 technical support will directly and substantially impact any
3 authorizer decision related to the [~~authorization,~~] approval or
4 denial of the charter application or the renewal, revocation, or
5 nonrenewal of the charter [~~school.~~] contract. This subsection
6 shall not apply to technical support that an authorizer is
7 required to provide to a charter school pursuant to federal
8 law."

9 SECTION 3. Section 302D-12, Hawaii Revised Statutes, is
10 amended by amending subsection (h) to read as follows:

11 "(h) Charter schools and their governing boards shall be
12 exempt from the requirements of chapters 91 and 92. The
13 governing boards shall:

14 (1) Hold meetings open to the public;

15 (2) [~~Make available~~] Post the notices and agendas of
16 public meetings:

17 (A) At a publicly accessible area in the charter
18 school's office so [~~as to be~~] they are available
19 for review during regular business hours; and

20 (B) On the charter school's internet website,



1 not less than six calendar days prior to the public
2 meeting, unless a waiver is granted by the authorizer
3 or authorizer's designee in the case of an emergency;
4 [and]

5 (3) Keep written minutes of all public meetings that shall
6 include:

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

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

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

12 (D) The views of the participants;

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

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

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



1 ~~[-3-]~~ (5) ~~[Make available]~~ Post the written minutes from
2 public meetings;

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

6 (B) On the charter school's internet website,
7 within ~~[thirty days and maintain]~~ sixty days of the
8 public meeting or no less than five days prior to the
9 next public meeting, whichever is sooner; and

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

13 (A) In the charter school's office so ~~[as to be]~~ it
14 is available for review during regular business
15 hours; and

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

17 SECTION 4. Section 302D-13, Hawaii Revised Statutes, is
18 amended by amending subsection (b) to read as follows:

19 "(b) Any community, department school, school community
20 council, group of teachers, group of teachers and
21 administrators, or nonprofit organization may submit a letter of



1 intent to an authorizer to form a charter school and establish
2 an applicant governing board. An applicant governing board may
3 develop a charter application pursuant to this section; provided
4 that:

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

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

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

16 (4) A nonprofit organization may:

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



1 (B) Establish an applicant governing board that shall
2 be the board of directors of the nonprofit
3 organization and may develop a charter
4 application for a conversion charter school;
5 provided that any nonprofit organization that
6 seeks to manage and operate a conversion charter
7 school shall:

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

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

19 (iii) Not interfere in the operations of the
20 department school to be converted until



1 otherwise authorized by the authorizer in
2 consultation with the department[-]; and
3 (iv) Have the same protections that are afforded
4 to all other governing boards in its role as
5 the conversion charter school governing
6 board."

7 SECTION 5. Section 302D-18, Hawaii Revised Statutes, is
8 amended by amending subsection (h) to read as follows:

9 "(h) An authorizer shall develop revocation and nonrenewal
10 processes that:

- 11 (1) Provide charter contract holders with a timely
12 notification of the prospect of revocation or non-
13 renewal and the reasons for such possible closure;
- 14 (2) Allow charter contract holders a reasonable amount of
15 time in which to prepare a response;
- 16 (3) Provide charter contract holders with an opportunity
17 to submit documents and give testimony challenging the
18 rationale for closure and supporting the continuation
19 of the school at an orderly proceeding held for that
20 purpose; provided that the proceeding shall not be
21 subject to chapter 91;



- 1 (4) Allow charter contract holders access to
- 2 representation by counsel, subject to section 28-8.3,
- 3 and to call witnesses on their behalf;
- 4 (5) Permit the recording of proceedings described in
- 5 paragraph (3); and
- 6 (6) After a reasonable period for deliberation, require a
- 7 final determination to be made and conveyed in writing
- 8 to the charter contract holders."

9 SECTION 6. Section 302D-28, Hawaii Revised Statutes, is
10 amended by amending subsection (h) to read as follows:

11 "(h) No charter school may assess tuition[-]; provided
12 that a charter school may assess and collect special fees and
13 charges from students for co-curricular activities. Any special
14 fees and charges collected pursuant to this subsection shall be
15 deposited into insured checking or savings accounts and expended
16 by each individual charter school."

17 SECTION 7. Section 302D-34, Hawaii Revised Statutes, is
18 amended by amending subsection (c) to read as follows:

19 "(c) A conversion charter school shall:

- 20 (1) Enroll any student who resides within the school's
- 21 former geographic service area pursuant to section



1 302A-1143, for the grades that were in place when the
2 department school converted to a charter school;
3 provided that the department may consult with a
4 conversion charter school every three years to
5 determine whether realignment of the charter school's
6 service area is appropriate given population shifts
7 and the department's overall service area reviews;
8 ~~[-(2) Follow the department's procedures regarding~~
9 ~~enrollment, including but not limited to geographic~~
10 ~~exceptions and enrollment preferences,]~~ and
11 [-(3)] (2) Be subject to subsection (b) for [grades]:
12 (A) Grades that were not in place when the school
13 converted to a public charter school[-]; and
14 (B) For any seats still available at the charter
15 school after the enrollment of all students
16 desiring to attend the charter school who reside
17 within the school's former geographic service
18 area pursuant to section 302A-1143."

PART II

20 SECTION 8. Section 92-6, Hawaii Revised Statutes, is
21 amended by amending subsection (a) to read as follows:



- 1 "(a) This part shall not apply:
- 2 (1) To the judicial branch~~[-]~~; and
- 3 (2) To adjudicatory functions exercised by a board and
- 4 governed by sections 91-8 and 91-9, or authorized by
- 5 other sections of the Hawaii Revised Statutes. In the
- 6 application of this subsection, boards exercising
- 7 adjudicatory functions include, but are not limited
- 8 to, the following:
- 9 (A) Hawaii labor relations board, chapters 89 and
- 10 377;
- 11 (B) Labor and industrial relations appeals board,
- 12 chapter 371;
- 13 (C) Hawaii paroling authority, chapter 353;
- 14 (D) Civil service commission, chapter 26;
- 15 (E) Board of trustees, employees' retirement system
- 16 of the State of Hawaii, chapter 88;
- 17 (F) Crime victim compensation commission, chapter
- 18 351; ~~and~~
- 19 (G) State ethics commission, chapter 84~~[-]~~; and



S.B. NO. 2780

1 (H) The state public charter school commission,
 2 established pursuant to section 302D-3,
 3 notwithstanding any other law to the contrary."

PART III

5 SECTION 9. Statutory material to be repealed is bracketed
 6 and stricken. New statutory material is underscored.

7 SECTION 10. This Act shall take effect upon its approval.

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S.B. NO. 2780

Report Title:

Charter Schools; Rules; Fees

Description:

Authorizes the charter school commission to adopt interim rules. Establishes requirements for meeting minutes. Authorizes charter schools to assess fees and charges for co-curricular activities.

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

