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## A BILL FOR AN ACT

RELATING TO CHARTER SCHOOLS.

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

- 1           SECTION 1. Section 89-6, Hawaii Revised Statutes, is  
2 amended by amending subsection (f) to read as follows:  
3           "(f) The following individuals shall not be included in  
4 any appropriate bargaining unit or be entitled to coverage under  
5 this chapter:  
6           (1) Elected or appointed official;  
7           (2) Member of any board or commission; provided that  
8                 nothing in this paragraph shall prohibit a member of a  
9                 collective bargaining unit from serving on a governing  
10                board of a charter school [~~on the state public~~  
11                ~~charter school commission,~~] or as a charter school  
12                authorizer established under chapter 302D;  
13           (3) Top-level managerial and administrative personnel,  
14                 including the department head, deputy or assistant to  
15                 a department head, administrative officer, director,  
16                 or chief of a state or county agency or major  
17                 division, and legal counsel;



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- 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;



- 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 2. Section 89C-1.5, Hawaii Revised Statutes, is  
6 amended by amending the definition of "appropriate authority" to  
7 read as follows:

8 ""Appropriate authority" means the governor, the respective  
9 mayors, the chief justice of the supreme court, the board of  
10 education, the board of regents, [~~the state public charter~~  
11 ~~school commission,~~] the Hawaii health systems corporation board,  
12 the auditor, the ombudsman, and the director of the legislative  
13 reference bureau. These individuals or boards may make  
14 adjustments for their respective excluded employees."

15 SECTION 3. Section 302A-1004.5, Hawaii Revised Statutes,  
16 is amended by amending subsection (a) to read as follows:

17 "[~~§~~302A-1004.5~~§~~] **Accurate data reporting.** (a) The  
18 department shall establish a standardized data collection  
19 process for schools and complex areas to maintain records and  
20 report data to the department. The department shall implement a  
21 process to:



- 1 (1) Review the accuracy of data reported by schools and  
2 complex areas;
- 3 (2) Coordinate with [~~the state~~] public charter school  
4 [~~commission~~] authorizers regarding the collection,  
5 analysis, and dissemination of this data from public  
6 charter schools; and
- 7 (3) Analyze and publish the data collected."

8 SECTION 4. Section 302A-1101, Hawaii Revised Statutes, is  
9 amended by amending subsection (d) to read as follows:

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

16 SECTION 5. Section 302A-1403, Hawaii Revised Statutes, is  
17 amended to read as follows:

18 "**§302A-1403 Authority to secure federal funds.** The  
19 department, [~~the state public charter school commission,~~] a  
20 charter school authorizer, director of finance, and governor may  
21 take such steps and perform such acts as may be necessary or



1 proper to secure any such federal funds for the purposes  
2 specified in sections 302A-1401 and 302A-1402."

3 SECTION 6. Section 302A-1404, Hawaii Revised Statutes, is  
4 amended by amending subsection (a) to read as follows:

5 "(a) The department and [~~the state public charter school~~  
6 ~~commission or~~] an authorizer, as appropriate, may retain and  
7 expend federal indirect overhead reimbursements for  
8 discretionary grants in excess of the negotiated rate for such  
9 reimbursements as determined by the director of finance and the  
10 superintendent or the director of finance and [~~the state public~~  
11 ~~charter school commission or~~] an authorizer, as appropriate."

12 SECTION 7. Section 302A-1165, Hawaii Revised Statutes, is  
13 amended by amending subsection (c) to read as follows:

14 "(c) The department shall share the information gathered  
15 pursuant to this section with the department of human services,  
16 executive office on early learning, and [~~public charter school~~  
17 ~~commission~~] authorizers to the extent not otherwise prohibited  
18 by administrative rule or law."

19 SECTION 8. Section 302A-1166, Hawaii Revised Statutes, is  
20 amended by amending subsection (c) to read as follows:



1           "(c) The department shall share the information gathered  
2 pursuant to this section with the department of human services,  
3 executive office on early learning, and [~~public charter school~~  
4 ~~commission~~] authorizers to the extent not otherwise prohibited  
5 by administrative rule or law."

6           SECTION 9. Section 302D-1, Hawaii Revised Statutes, is  
7 amended as follows:

8           1. By amending the definition of "authorizer" to read:

9           ""Authorizer" means an entity established under this  
10 chapter with chartering authority to review charter  
11 applications, decide whether to approve or deny charter  
12 applications, enter into charter contracts with applicants,  
13 oversee public charter schools, and decide whether to authorize,  
14 renew, deny renewal of, or revoke charter contracts. [~~The term~~  
15 ~~may include the commission when appropriate.~~]"

16           2. By repealing the definition of "commission".

17           [~~"Commission" means the state public charter school~~  
18 ~~commission established pursuant to [section] 302D-3 as a~~  
19 ~~statewide authorizer."~~]

20           3. By repealing the definition of "executive director".



1        [~~"Executive director" means the executive director of the~~  
2 ~~state public charter school commission."~~]

3        SECTION 10. Section 302D-3, Hawaii Revised Statutes, is  
4 amended to read as follows:

5        "~~§302D-3 State public charter [school commission;~~  
6 ~~establishment; appointment.]~~ schools; authorizers; mission. (a)

7 [~~There is established the state public charter school commission~~  
8 ~~with statewide chartering jurisdiction and authority. The~~  
9 ~~commission shall be placed within the department for~~  
10 ~~administrative purposes only. Notwithstanding section 302D-25~~  
11 ~~and any law to the contrary, the commission shall be subject to~~  
12 ~~chapter 92.~~

13        ~~(b)]~~ The mission of [~~the commission]~~ an authorizer shall  
14 be to authorize high-quality public charter schools throughout  
15 the State.

16        [~~(c) The commission shall consist of nine members to be~~  
17 ~~appointed by the board.]~~ (b) The board shall accept applications  
18 for and [~~appoint members]~~ approve authorizers who will be tasked  
19 with authorizing public charter schools that serve the unique  
20 and diverse needs of public school students. [~~The chair of the~~  
21 ~~commission shall be designated by the members of the commission~~



1 ~~for each school year beginning July 1, and whenever there is a~~  
2 ~~vacancy.]~~ The board shall consider the combination of  
3 abilities, breadth of experiences, and characteristics of [~~the~~  
4 ~~commission,~~] an authorizer, including but not limited to  
5 reflecting the diversity of the student population, geographical  
6 representation, and a broad representation of education-related  
7 stakeholders. [~~The commission shall be exempt from sections~~  
8 ~~26-34 and 26-36.~~

9 ~~(d) Understanding that the role of the commission is to~~  
10 ~~ensure a long-term strategic vision for Hawaii's public charter~~  
11 ~~schools, each nominee to the commission shall meet the~~  
12 ~~following minimum qualifications:~~

13 ~~(1) Commitment to education. Each nominee's record should~~  
14 ~~demonstrate a deep and abiding interest in education,~~  
15 ~~and a dedication to the social, academic, and~~  
16 ~~character development of young people through the~~  
17 ~~administration of a high performing charter school~~  
18 ~~system;~~

19 ~~(2) Record of integrity, civic virtue, and high ethical~~  
20 ~~standards. Each nominee shall demonstrate integrity,~~



1 ~~civic virtue, and high ethical standards and be~~  
2 ~~willing to hold fellow commission members to the same;~~  
3 ~~(3) Availability for constructive engagement. Each~~  
4 ~~nominee shall commit to being a conscientious and~~  
5 ~~attentive commission member; and~~  
6 ~~(4) Knowledge of best practices. Each nominee shall have~~  
7 ~~an understanding of best practices in charter school~~  
8 ~~educational governance or shall be willing to be~~  
9 ~~trained in such.~~  
10 ~~(c) Each nominee to the commission shall ideally meet the~~  
11 ~~following recommended qualifications:~~  
12 ~~(1) Experience governing complex organizations. Each~~  
13 ~~nominee should possess experience with complex~~  
14 ~~organizations, including but not limited to~~  
15 ~~performance contract management, and a proven ability~~  
16 ~~to function productively within them; and~~  
17 ~~(2) Collaborative leadership ability. Each nominee should~~  
18 ~~have substantial leadership experience that ideally~~  
19 ~~illustrates the nominee's ability to function among~~  
20 ~~diverse colleagues as an effective team member, with~~



1           ~~the ability to articulate, understand, and help shape~~  
2           ~~consensus surrounding commission policies.~~

3           ~~(f) Five members of the commission shall constitute a~~  
4           ~~quorum to conduct business. Any action taken by the commission~~  
5           ~~shall be by a simple majority of the members of the commission~~  
6           ~~who are present; provided that any action of the commission that~~  
7           ~~may be appealed pursuant to section 302D-15 shall require a~~  
8           ~~concurrence of at least five members to be valid.~~

9           ~~(g) Commission members shall serve not more than three~~  
10           ~~consecutive three-year terms, with each term beginning on~~  
11           ~~July 1; provided that the initial terms that commence after~~  
12           ~~June 30, 2012, shall be staggered as follows:~~

- 13           ~~(1) Three members, including the chairperson, to serve~~  
14           ~~three-year terms;~~  
15           ~~(2) Three members to serve two-year terms; and~~  
16           ~~(3) Three members to serve one-year terms.~~

17           ~~(h) Notwithstanding the terms of the members, the board~~  
18           ~~may fill vacancies in the commission at any time when a vacancy~~  
19           ~~occurs due to resignation, non-participation, the request of a~~  
20           ~~majority of the commission members, or termination by the board~~  
21           ~~for cause.~~



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1       ~~(i) Commission members shall receive no compensation.~~  
2       ~~When commission duties require that a commission member take~~  
3       ~~leave of the member's duties as a state employee, the~~  
4       ~~appropriate state department shall allow the commission member~~  
5       ~~to be placed on administrative leave with pay and shall provide~~  
6       ~~substitutes, when necessary, to fulfill that member's~~  
7       ~~departmental duties. Members shall be reimbursed for necessary~~  
8       ~~travel expenses incurred in the conduct of official commission~~  
9       ~~business.~~

10       ~~(j) The commission shall operate with dedicated resources~~  
11       ~~and staff qualified to execute the day-to-day responsibilities~~  
12       ~~of the commission pursuant to this chapter. Beginning with the~~  
13       ~~2015-2016 fiscal year, the legislature shall make an~~  
14       ~~appropriation to the commission separate from, and in addition~~  
15       ~~to, any appropriation made to charter schools pursuant to~~  
16       ~~sections 302D-28 and 302D-29.5.~~

17       ~~(k) The commission shall have the power to hire staff~~  
18       ~~without regard to chapters 76 and 89. The commission shall~~  
19       ~~determine staff wages, hours, benefits, and other terms and~~  
20       ~~conditions for employment in accordance with chapter 89C.]~~ (c)

21       For non-state and non-county authorizers, the salary of an



1 authorizer's executive director and staff shall be set by the  
 2 authorizer based upon the recommendation of the charter schools  
 3 within the authorizer's portfolio; provided that the salaries  
 4 and operational expenses of an authorizer shall be paid from the  
 5 annual charter school appropriation and shall not exceed two per  
 6 cent of the total general fund allocation at an amount to be  
 7 determined annually by the authorizer."

8 SECTION 11. Section 302D-3.2, Hawaii Revised Statutes, is  
 9 amended to read as follows:

10 "[+]§302D-3.2[+] **Fees.** (a) In administering its  
 11 responsibilities, [~~the commission~~] an authorizer may assess fees  
 12 on non-state entities and individuals to help offset its  
 13 operating costs.

14 (b) Fees collected by [~~the commission~~] an authorizer shall  
 15 be deposited into insured checking or savings accounts and shall  
 16 be expended by the [~~commission.~~] the authorizer.

17 (c) [~~The commission~~] An authorizer shall adopt rules  
 18 pursuant to chapter 91 to implement this section; provided that,  
 19 notwithstanding this section or any other law to the contrary,  
 20 the [~~commission~~] authorizer may set the initial amount of fees



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1 authorized pursuant to this section at any time without regard  
2 to chapter 91, if the [~~commission~~] authorizer:

- 3 (1) Holds at least one public hearing to take and discuss  
4 public testimony on the proposed fee amount; and  
5 (2) Provides public notice at least thirty days prior to  
6 the date of the public hearing."

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

9 "[~~f~~]**§302D-4**[~~f~~] **Chartering authority application for**  
10 **eligible entities.** (a) [~~The commission created under section~~  
11 ~~302D-3 may authorize public charter schools anywhere in the~~  
12 ~~State.~~

13 ~~(b)~~] Governing boards of accredited public and private  
14 postsecondary institutions, including community colleges,  
15 technical colleges, and four-year universities may apply to the  
16 board, pursuant to this section, for statewide, regional, or  
17 local chartering authority, in accordance with each  
18 institution's regular operating jurisdiction.

19 [~~e~~] (b) A county or state agency may apply to the board,  
20 pursuant to this section, for chartering authority.



1           ~~(d)~~ (c) Governing boards of non-profit or charitable  
2 organizations, which are exempt from federal taxes under section  
3 501(c)(3) or 501(c)(6) of the Internal Revenue Code, may apply  
4 to the board, and may be granted statewide chartering authority.  
5 Nonpublic sectarian or religious organizations and any other  
6 charitable organization which in their federal Internal Revenue  
7 Service Form 1023, Part IV, describe activities indicating a  
8 religious purpose, are not eligible to apply to become an  
9 authorizer under this chapter.

10           ~~(e)~~ (d) The board shall establish, through  
11 administrative rules, the annual application and approval  
12 process for all entities eligible to apply for chartering  
13 authority pursuant to this section; provided that the board  
14 shall not approve any application for chartering authority until  
15 July 1, 2014, or until the board adopts rules, whichever is  
16 later. By June 30 of each year, the board shall make available  
17 information and guidelines for all eligible entities concerning  
18 the opportunity to apply for chartering authority under this  
19 chapter. The application process shall require each interested  
20 eligible entity to submit an application that clearly explains  
21 or presents the following elements:



- 1 (1) Written notification of intent to serve as an  
2 authorizer in accordance with this chapter;
- 3 (2) The applicant entity's strategic vision for  
4 chartering;
- 5 (3) A plan to support the vision presented, including  
6 explanation and evidence of the applicant entity's  
7 budget and personnel capacity and commitment to  
8 execute the responsibilities of quality charter  
9 authorizing, in accordance with this chapter;
- 10 (4) A draft or preliminary outline of the request for  
11 proposals that the applicant entity, if approved as an  
12 authorizer, would issue to solicit public charter  
13 school applicants;
- 14 (5) A draft of the performance framework that the  
15 applicant entity, if approved as an authorizer, would  
16 use to guide the establishment of a charter contract  
17 and for ongoing oversight and evaluation of public  
18 charter schools, consistent with the requirements of  
19 this chapter;



1 (6) A draft of the applicant entity's renewal, revocation,  
2 and nonrenewal processes, consistent with section  
3 302D-18;

4 (7) A statement of assurance that the applicant entity  
5 seeks to serve as an authorizer in fulfillment of the  
6 expectations, spirit, and intent of this chapter, and  
7 that if approved as an authorizer, the entity will  
8 fully participate in any authorizer training provided  
9 or required by the State; and

10 (8) A statement of assurance that the applicant will  
11 ensure public accountability and transparency in all  
12 matters concerning its charter-authorizing practices,  
13 decisions, and expenditures.

14 [~~(f)~~] (e) By June 30 of each year, the board shall decide  
15 whether to grant or deny chartering authority to each applicant.  
16 The board shall make its decisions on the merits of each  
17 applicant's proposal and plans.

18 [~~(g)~~] (f) Within sixty days of the board's decision, the  
19 board shall execute a renewable authorizing contract with each  
20 entity it has approved for chartering authority. The initial  
21 term of each authorizing contract shall be six years. The



1 authorizing contract shall specify each approved entity's  
2 agreement to serve as an authorizer in accordance with the  
3 expectations of this chapter, and shall specify additional  
4 performance terms based on the applicant's proposal and plan for  
5 chartering. No approved entity shall commence charter  
6 authorizing without an authorizing contract in effect.

7 ~~[(h) This section shall not apply to the commission.]"~~

8 SECTION 13. Section 302D-5, Hawaii Revised Statutes, is  
9 amended by amending subsection (f) to read as follows:

10 "(f) An authorizer, members of the board of an authorizer  
11 acting in their official capacity, and employees or agents of an  
12 authorizer are immune from civil and criminal liability with  
13 respect to all activities related to a public charter school  
14 authorized by that authorizer, except for any acts or omissions  
15 constituting wilful misconduct. ~~[Members of the commission  
16 shall be afforded the same protection afforded the members of  
17 the board pursuant to section 26-35.5.]"~~

18 SECTION 14. Section 302D-8, Hawaii Revised Statutes, is  
19 amended to read as follows:

20 "**§302D-8 Conflict of interests.** ~~[(a) A member of the  
21 state public charter school commission shall not be eligible to~~



1 ~~serve on the commission if the member was affiliated with any~~  
2 ~~public charter school within one year preceding appointment to~~  
3 ~~the commission.~~

4 ~~As used in this subsection, "affiliated" means attached or~~  
5 ~~connected as a current or previous employee, governing board~~  
6 ~~member, vendor, contractor, agent, or representative.~~

7 ~~(b)]~~ An employee, trustee, agent, or representative of an  
8 authorizer shall not simultaneously serve as an employee,  
9 trustee, agent, representative, vendor, or contractor of a  
10 public charter school authorized by that authorizer. Authorizer  
11 members shall disclose to the authorizer a list of all charter  
12 schools in which the member has previously been an employee,  
13 governing board member, vendor, contractor, agent, or  
14 representative."

15 SECTION 15. Section 302D-25, Hawaii Revised Statutes, is  
16 amended as follows:

17 1. By amending subsections (b) and (c) to read:

18 "(b) Charter schools[~~, the commission,~~] and authorizers  
19 shall be exempt from chapter 103D, but shall develop internal  
20 policies and procedures for the procurement of goods, services,  
21 and construction, consistent with the goals of public



1 accountability and public procurement practices. Charter  
2 schools[~~, the commission,~~] and authorizers are encouraged to use  
3 the provisions of chapter 103D where possible; provided that the  
4 use of one or more provisions of chapter 103D shall not  
5 constitute a waiver of the exemption from chapter 103D and shall  
6 not subject the charter school[~~, commission,~~] or authorizer to  
7 any other provision of chapter 103D. Charter schools[~~, the~~  
8 ~~commission,~~] and authorizers shall account for funds expended  
9 for the procurement of goods and services, and this accounting  
10 shall be available to the public.

11 (c) Charter schools and their employees[~~, the commission~~  
12 ~~and its employees,~~] and governing boards and their members shall  
13 be subject to chapter 84."

14 2. By amending subsections (e) through (g) to read:

15 "(e) Notwithstanding any law to the contrary, as public  
16 schools and entities of the State, a charter school, including  
17 its governing board, [~~the commission,~~] and any authorizer may  
18 not bring suit against any other entity or agency of the State.

19 (f) Charter schools[~~, the commission,~~] and authorizers  
20 shall be exempt from section 302A-1401.



1 (g) For purposes of statutory delegation of authority to  
2 department heads by other state agencies, the [~~executive~~  
3 ~~director~~] superintendent shall be deemed the department head of  
4 the [~~commission and~~] charter schools unless otherwise  
5 specifically provided."

6 SECTION 16. Section 302D-29, Hawaii Revised Statutes, is  
7 amended by amending subsection (b) to read as follows:

8 "(b) The charter schools, through their authorizer, may  
9 propose to the board an alternative weighted student formula,  
10 approved by more than two-thirds of the governing boards, with  
11 each governing board being accorded one vote, to be administered  
12 by the [~~commission~~] authorizer and to apply to the per-pupil  
13 allocation for charter schools."

14 SECTION 17. Section 302D-29.5, Hawaii Revised Statutes, is  
15 amended as follows:

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

17 "(a) Beginning with the 2016-2017 fiscal year, and each  
18 fiscal year thereafter, the legislature shall consider making an  
19 appropriation and bond authorization to the [~~commission~~] board  
20 for the design, planning, construction, repair, and maintenance  
21 of public charter school improvements to address issues of



1 health, safety, and legal compliance; expand or improve  
2 instructional space; provide for food services; or provide  
3 restroom facilities. The appropriation and bond authorization  
4 for charter schools shall be separate from, and in addition to,  
5 any appropriation made to charter schools pursuant to this  
6 section and section 302D-28. These amounts shall be prioritized  
7 for allocation by the charter school facilities funding working  
8 group."

9 2. By amending subsections (d) and (e) to read:

10 "(d) There is established a charter school facilities  
11 funding working group within the department of education, which  
12 shall consist of the following members, or their designees:

13 (1) The [~~chairperson of the commission;~~] head of every  
14 authorizer;

15 (2) [~~The executive director of the commission;~~

16 ~~(3)] The director of finance;~~

17 [~~(4)] (3) The comptroller;~~

18 [~~(5)] (4) The superintendent of education;~~

19 [~~(6)] (5) An individual with expertise in real estate, to  
20 be appointed by the chairperson of the [~~commission;~~]  
21 board; and~~



1        [~~7~~] (6) An individual with expertise in finance, to be  
2                    appointed by the chairperson of the [~~commission~~]  
3                    board.

4        The [~~commission~~] board shall develop criteria to determine  
5 the distribution of funds appropriated pursuant to subsection  
6 (a) to the charter schools. The criteria shall include  
7 distribution based on the need and performance of the charter  
8 schools, overall benefit to the surrounding community, amount of  
9 risk and availability of recourse to the State, and whether a  
10 particular charter school received facilities funding through  
11 other state funding, including grants-in-aid or a separate  
12 appropriation.

13        The charter school facilities funding working group shall  
14 be exempt from chapter 92 and shall act in an advisory capacity  
15 to prioritize the allocation of general fund appropriations and  
16 bond proceeds for public charter schools to expend based on the  
17 criteria established by the commission.

18        (e) Nothing in this section shall be construed as  
19 restricting the authority of the [~~commission~~] board to support  
20 the facilities needs of the charter schools through other  
21 means."



1 SECTION 18. Section 302D-30, Hawaii Revised Statutes, is  
2 amended by amending subsection (b) to read as follows:

3 "(b) The department shall be responsible for the provision  
4 of a free appropriate public education. Any charter school that  
5 enrolls special education students or identifies one of its  
6 students as eligible for special education shall be responsible  
7 for providing the educational and related services required by a  
8 student's individualized education program. The programs and  
9 services for the student shall be determined collaboratively by  
10 the student's individualized education program team, which  
11 includes the student's parents or legal guardians.

12 If the charter school is unable to provide all of the  
13 required services, then the department shall provide the student  
14 with services as determined by the student's individualized  
15 educational program team. The department shall collaborate with  
16 [~~the commission~~] authorizers to develop guidelines related to  
17 the provision of special education services and resources to  
18 each charter school. The department shall review all of the  
19 current individualized education programs of special education  
20 students enrolled in a charter school and may offer staff,  
21 funding, or both, to the charter school based upon a per-pupil



1 weighted formula implemented by the department and used to  
2 allocate resources for special education students in the  
3 department schools."

4 SECTION 19. Section 302D-33, Hawaii Revised Statutes, is  
5 amended by amending subsections (b) and (c) to read as follows:

6 "(b) The employer or prospective employer may:

7 (1) Refuse to allow or continue to allow teacher training;

8 (2) Terminate the employment of any employee; or

9 (3) Deny employment to an applicant,

10 if the person has committed a crime, and if the employer or  
11 prospective employer finds by reason of the nature and  
12 circumstances of the crime, that the person poses a risk to the  
13 health, safety, or well-being of children. Refusal,  
14 termination, or denial may occur only after appropriate  
15 investigation and notification to the employee or applicant of  
16 the results and planned action and after the employee or  
17 applicant is given an opportunity to meet and rebut the  
18 findings. Nothing in this subsection shall abrogate any  
19 applicable rights under chapter 76 or 89, or any administrative  
20 rule of the [~~commission~~] authorizer.



1 (c) Notwithstanding any other law to the contrary, for  
2 purposes of this section, the [~~commission~~] authorizer shall be  
3 exempt from section 831-3.1 and shall not be required to conduct  
4 investigations, notifications, or hearings in accordance with  
5 chapter 91."

6 SECTION 20. Section 302D-35, Hawaii Revised Statutes, is  
7 amended as follows:

8 1. By amending subsections (b) and (c) to read:

9 "(b) Each department shall provide notice to the  
10 superintendent and [~~state public charter school commission~~] each  
11 authorizer identifying suitable unused facilities that may be  
12 appropriate for:

13 (1) Public charter schools; and

14 (2) Early learning programs, including the pre-plus  
15 program, that are affiliated with a public charter  
16 school.

17 The department of accounting and general services shall  
18 inventory the suitable facilities, and, in determining  
19 suitability for educational reuse, priority shall be given to  
20 facilities on sites with sufficient space for three or more  
21 classrooms.



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1 (c) The department of accounting and general services  
2 shall conduct biennial surveys of all departments concerning any  
3 unused facilities, or in the case of the department of education  
4 any under utilized department schools, that meet the conditions  
5 under subsection (b) and maintain an inventory of all such  
6 unused or under utilized facilities. The department of  
7 accounting and general services shall provide biennial reports  
8 on the inventory maintained under this subsection to [~~the state~~  
9 ~~public charter school commission.~~] each authorizer."

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

11 "(f) Upon receipt of a notice pursuant to subsection (b),  
12 [~~the state public charter school commission~~] an authorizer  
13 shall:

- 14 (1) Solicit applications from public charter schools or  
15 early learning programs that are affiliated with a  
16 public charter school, respectively, that are  
17 interested in using and occupying all or portions of  
18 the facilities; and
- 19 (2) Submit a prioritized list of public charter schools or  
20 early learning programs that are affiliated with a  
21 public charter school, respectively, to the department



1 of accounting and general services for final  
 2 determination of which public charter schools or early  
 3 learning programs that are affiliated with a public  
 4 charter school, if any, shall be authorized to use and  
 5 occupy the facilities."

6 SECTION 21. Section 302D-37, Hawaii Revised Statutes, is  
 7 amended to read as follows:

8 "[+]§302D-37[+] **Standardized assessment for students**  
 9 **entering kindergarten.** (a) [~~The commission~~] Each authorizer  
 10 shall adopt the student assessment model adopted by the board  
 11 pursuant to section 302A-1165(a) to assess all charter school  
 12 students entering kindergarten.

13 (b) Within the first thirty days of each school year, [~~the~~  
 14 ~~commission~~] each authorizer shall ensure that all charter school  
 15 kindergarten students are assessed by public charter schools  
 16 with the student assessment model; provided that any assessment  
 17 administered pursuant to this subsection shall be conducted in  
 18 either English or Hawaiian.

19 (c) [~~The commission~~] Each authorizer shall share the  
 20 information gathered from public charter schools pursuant to  
 21 this section with the department, department of human services,



1 and executive office on early learning to the extent not  
2 otherwise prohibited by administrative rule or law."

3 SECTION 22. Section 302D-38, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 "[+]§302D-38[+] **Prior early learning programs attendance**

6 **disclosure.** (a) At least one parent or guardian of each child

7 entering kindergarten shall disclose to the public charter

8 school at which the child is enrolled the name and address of

9 the early learning program that the child attended during the

10 previous academic year. Each public charter school shall

11 provide to [~~the commission~~] their authorizer the information

12 disclosed pursuant to this section. [~~The commission~~] An

13 authorizer may also require the disclosure of any other

14 information not otherwise prohibited by law that would assist

15 the department, the department of human services, and the

16 executive office on early learning in developing, assessing, and

17 implementing strategies to meet the early learning needs of

18 children in the State. [~~The commission~~] All authorizers and the

19 executive office on early learning shall use the information to

20 assist the department of human services and executive office on

21 early learning in determining the levels of prekindergarten



1 attendance and need for child care in geographic regions of the  
 2 State and identify the highest priority regions requiring  
 3 prekindergarten programs and child care to meet the needs of  
 4 unserved or underserved eligible children and shall provide the  
 5 information to the department of human services.

6 (b) ~~[The commission]~~ An authorizer may include a request  
 7 for the information required by subsection (a) on a kindergarten  
 8 enrollment form or any other appropriate form used at all public  
 9 charter schools.

10 (c) ~~[The commission]~~ All authorizers shall share the  
 11 information gathered pursuant to this section with the  
 12 department, department of human services, and executive office  
 13 on early learning to the extent not otherwise prohibited by  
 14 administrative rule or law."

15 SECTION 23. Section 302D-39, Hawaii Revised Statutes, is  
 16 amended to read as follows:

17 "[~~§~~]**§302D-39**[~~§~~] **Public early learning and preschool**  
 18 **programs; administrative authority.** (a) ~~[The commission]~~  
 19 Appropriate authorizers shall have administrative authority over  
 20 all state-funded early learning programs and private  
 21 partnership-funded preschool programs in public charter schools



1 within their portfolio except for special education and Title I-  
2 funded prekindergarten programs.

3 (b) The early learning programs in charter schools  
4 shall enroll no more than a maximum of twenty children per  
5 classroom who are three- or four-years-old on or before July  
6 31 of the school year, as aligned with the department's  
7 kindergarten age entry requirements.

8 (c) Subject to the availability of funding, [~~the~~  
9 ~~commission~~] authorizers shall implement an application process  
10 for schools to establish an early learning program.

11 (d) Each early learning program and preschool program  
12 shall meet the following requirements:

13 (1) The availability of a classroom and outdoor play area  
14 that meet department of human services requirements  
15 for the health and safety of three- and four-year-old  
16 children and is exempt from section 346-161 as a  
17 public preschool provider;

18 (2) The commitment of the principal to implementing an  
19 early learning program, including through active  
20 participation in professional development sessions  
21 offered through the [~~commission,~~] authorizer for that



1           principal's school, and promoting continuity and  
2           alignment between and across other early learning  
3           programs in the community and other grade levels in  
4           the school to ensure the positive outcomes of children  
5           are sustained;

6           (3) The inclusion of students with disabilities based on  
7           individualized education program placement; provided  
8           that:

9           (A) The in-classroom ratio of students with  
10           disabilities shall be based on the inclusion of  
11           children with disabilities in proportion to the  
12           general population of the school;

13           (B) Subparagraph (A) does not anticipate or permit  
14           imposing caps or quotas on the number of children  
15           with disabilities in a program or not  
16           individualizing services for children with  
17           disabilities under the Individuals with  
18           Disabilities Education Act of 2004 (20 U.S.C.  
19           1400 et seq., as amended);

20           (C) The department shall collaborate with the charter  
21           school to coordinate services for students with



- 1 disabilities who are placed in the classroom  
2 offered through the program; and
- 3 (D) Funding for all costs associated with the  
4 implementation of the individualized education  
5 program of students shall be provided through the  
6 department;
- 7 (4) Enrollment in the program shall be free and voluntary;
- 8 (5) The enrollment shall not exceed twenty children per  
9 classroom; and
- 10 (6) The incorporation of standards that are research-based  
11 and developmentally-appropriate practices associated  
12 with improved educational outcomes for children, such  
13 as:
- 14 (A) Positive teacher-child interactions that shall be  
15 evaluated through observations conducted by the  
16 [~~commission~~] authorizer of the charter school  
17 using a research-based tool at least twice a  
18 year, for the purposes of professional  
19 development; provided that the observations shall  
20 not be used for the purposes of teacher  
21 evaluation;



1 (B) The early learning environment shall be assessed  
2 using a tool that measures its effectiveness and  
3 shall be conducted at least two times per school  
4 year by a certified observer who is employed or  
5 contracted by the [~~commission;~~] authorizer of the  
6 school; provided that the teaching staff shall  
7 use the assessment data and feedback to improve  
8 the quality of the learning environment; provided  
9 further that observations shall be used for the  
10 purposes of professional development and shall  
11 not be used for the purposes of teacher  
12 evaluation;

13 (C) Use of individual child formative assessments  
14 that are used for ongoing planning relating to  
15 all areas of child development and learning  
16 including cognitive, linguistic, social emotional  
17 approaches to learning, and health and physical  
18 development;

19 (D) Family engagement in partnership with charter  
20 schools, including conducting outreach for  
21 enrollment and engagement of families in their



1 children's education in recognition of families'  
2 role as their child's first and most important  
3 teacher;

4 (E) Alignment with the Hawaii early learning and  
5 development standards, department standards,  
6 state content and performance standards, and  
7 general learner outcomes for grades kindergarten  
8 to twelve to facilitate a seamless educational  
9 experience for children;

10 (F) Requirements that any teacher shall have  
11 coursework in early childhood education pursuant  
12 to Hawaii teacher standards board licensing  
13 requirements for a prekindergarten teacher or be  
14 enrolled in a state-approved teacher education  
15 program and be working toward satisfying the  
16 Hawaii teacher standards board licensing  
17 requirements; and

18 (G) Requirements that any educational assistant has a  
19 current child development associate credential,  
20 coursework for a certificate that meets the  
21 requirements for child development associate



1 credential preparation, or be enrolled in and  
2 working toward completing a program that prepares  
3 the individual to obtain the credential.

4 (e) [~~The commission~~] Authorizers shall monitor the  
5 implementation of the educational experience for children.

6 (f) [~~The commission~~] Authorizers shall provide support to  
7 incorporate the standards developed pursuant to subsection (d),  
8 including support related to teacher-child interactions, early  
9 childhood learning environment, individual child assessments,  
10 and family engagement.

11 (g) Teaching staff participating in a program established  
12 pursuant to this section shall participate in coaching and  
13 mentoring and professional development opportunities offered  
14 through the [~~commission;~~] authorizer of the charter school  
15 provided that the [~~commission~~] authorizer shall cover the  
16 associated travel and substitute teacher costs, contingent upon  
17 funding availability. The [~~commission~~] authorizer may extend  
18 this support, excluding travel and substitute teacher costs, to  
19 individuals who are not participating in the program to promote  
20 alignment between all grade levels, programs, and settings.



1 (h) School leaders shall attend professional development  
2 sessions related to P-3 (preschool to grade three) alignment  
3 offered through the [~~commission~~] authorizer of the charter  
4 school. The [~~commission~~] authorizer shall cover the costs  
5 associated with travel and substitute teacher expenditures,  
6 contingent upon the availability of funding. The [~~commission~~]  
7 authorizer may extend this support, excluding travel and  
8 substitute teacher costs, to individuals who are not  
9 participating in the program to promote alignment between all  
10 grade levels, programs, and settings.

11 (i) [~~The commission~~] An authorizer shall work with each  
12 charter school within its portfolio to develop and annually  
13 update a written three-year plan that promotes, within the  
14 school and community, alignment of and transitions between  
15 learning experiences, and report on the progress made toward the  
16 plan by the end of the school year.

17 (j) [~~The commission~~] Authorizers shall coordinate with  
18 other agencies and programs to facilitate comprehensive services  
19 for early learning.

20 (k) [~~The commission~~] Authorizers shall promote the  
21 development of a cohesive, comprehensive, and sustainable early



1 learning system. [~~The commission~~] Authorizers shall coordinate  
2 with other early learning providers, including those providing  
3 the programs and services, to promote alignment between  
4 prekindergarten and elementary school programs and to support  
5 children and their families in making successful transitions  
6 from prekindergarten into kindergarten.

7 (1) The [~~commission~~] board shall adopt rules pursuant to  
8 chapter 91 for the purpose of this section.

9 (m) [~~The commission~~] Authorizers shall submit a report to  
10 the legislature no later than twenty days prior to the convening  
11 of each regular session regarding state-funded early learning  
12 programs in charter schools[+] for which they have authorized.

13 The report shall include, as related to each type of program:

- 14 (1) The number and location of classrooms;  
15 (2) Sources of funding for each classroom;  
16 (3) Aggregated data reflecting the quality of teacher-  
17 child interactions relating to emotional support,  
18 classroom organization, and instructional support;  
19 (4) Aggregated data reflecting the quality of the early  
20 learning environment and the teacher-child



1 interactions that maximize the learning opportunities  
2 of the environment; and

3 (5) Aggregated student outcomes related to all areas of  
4 child development and learning, including cognitive,  
5 linguistic, social and emotional approaches to  
6 learning and health and physical development, as  
7 assessed using a formative assessment tool selected or  
8 approved by the commission.

9 This reported data shall be compiled from the previously state-  
10 funded school year."

11 SECTION 24. Section 302L-8, Hawaii Revised Statutes, is  
12 amended to read as follows:

13 "[†]§302L-8[†] **Public prekindergarten classrooms; annual**  
14 **report to the legislature.** The office shall submit to the  
15 legislature an annual report regarding State-funded  
16 prekindergarten programs and private partnership-funded  
17 prekindergarten programs in the public schools, except special  
18 education and Title I-funded prekindergarten programs, to  
19 include, as related to each type of program:

20 (1) The number and location of classrooms;



- 1           (2) Numbers of students served and aggregated by birth
- 2           month as of the date on which the official enrollment
- 3           count is taken;
- 4           (3) Sources of funding for each classroom;
- 5           (4) Quality of teacher-child interactions relating to
- 6           social emotional support, classroom structure, and
- 7           quality of learning experiences, as assessed using a
- 8           formative assessment tool selected by the office; and
- 9           (5) Child outcomes relating to all areas of childhood
- 10          development and learning, including cognitive,
- 11          linguistic, social, and emotional approaches to
- 12          learning and health and physical development, as
- 13          assessed using a formative assessment tool selected by
- 14          the office.

15 The department and [~~state public charter school commission~~] all

16 charter school authorizers shall share data with the office

17 necessary for the purposes of this report."

18           SECTION 25. Section 346-186, Hawaii Revised Statutes, is

19 amended by amending subsections (a) and (b) to read as follows:

20           "(a) The department shall establish or augment an existing

21 database to collect and analyze information it receives from the



1 department of education pursuant to sections 302A-1165 and 302A-  
2 1166 and the [state] public charter school [commission]  
3 authorizers pursuant to sections 302D-37 and 302D-38 and any  
4 other information the department may collect on all children in  
5 the State who are three to four years old and children who will  
6 not be at least five years of age on or before July 31 of the  
7 current school year.

8 (b) To the extent not prohibited by administrative rule or  
9 law, the department, department of education, public charter  
10 school [~~commission,~~] authorizers, and executive office on early  
11 learning shall share any information gathered pursuant to  
12 sections 302A-1165, 302A-1166, 302D-37, and 302D-38 with each  
13 other, along with any other information the department,  
14 department of education, or public charter school [~~commission~~]  
15 authorizers may collect on all children in the State who are  
16 three to four years old and children who will not be at least  
17 five years of age on or before July 31 of the current school  
18 year."

19 SECTION 26. Section 846-2.7, Hawaii Revised Statutes, is  
20 amended by amending subsection (b) to read as follows:

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



- 1           (1) The department of health or its designee on operators  
2           of adult foster homes for individuals with  
3           developmental disabilities or developmental  
4           disabilities domiciliary homes and their employees, as  
5           provided by section 321-15.2;
- 6           (2) The department of health or its designee on  
7           prospective employees, persons seeking to serve as  
8           providers, or subcontractors in positions that place  
9           them in direct contact with clients when providing  
10          non-witnessed direct mental health or health care  
11          services as provided by section 321-171.5;
- 12          (3) The department of health or its designee on all  
13          applicants for licensure or certification for,  
14          operators for, prospective employees, adult  
15          volunteers, and all adults, except adults in care, at  
16          healthcare facilities as defined in section 321-15.2;
- 17          (4) The department of education on employees, prospective  
18          employees, and teacher trainees in any public school  
19          in positions that necessitate close proximity to  
20          children as provided by section 302A-601.5;



- 1           (5) The counties on employees and prospective employees  
2           who may be in positions that place them in close  
3           proximity to children in recreation or child care  
4           programs and services;
- 5           (6) The county liquor commissions on applicants for liquor  
6           licenses as provided by section 281-53.5;
- 7           (7) The county liquor commissions on employees and  
8           prospective employees involved in liquor  
9           administration, law enforcement, and liquor control  
10          investigations;
- 11          (8) The department of human services on operators and  
12          employees of child caring institutions, child placing  
13          organizations, and foster boarding homes as provided  
14          by section 346-17;
- 15          (9) The department of human services on prospective  
16          adoptive parents as established under section  
17          346-19.7;
- 18          (10) The department of human services or its designee on  
19          applicants to operate child care facilities, household  
20          members of the applicant, prospective employees of the  
21          applicant, and new employees and household members of



1 the provider after registration or licensure as  
2 provided by section 346-154, and persons subject to  
3 section 346-152.5;

4 (11) The department of human services on persons exempt  
5 pursuant to section 346-152 to be eligible to provide  
6 child care and receive child care subsidies as  
7 provided by section 346-152.5;

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

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

16 (14) The department of human services on employees,  
17 prospective employees, and volunteers of contracted  
18 providers and subcontractors in positions that place  
19 them in close proximity to youth when providing  
20 services on behalf of the office or the Hawaii youth  
21 correctional facility as provided by section 352D-4.3;



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- 1       (15) The judiciary on employees and applicants at detention  
2             and shelter facilities as provided by section 571-34;
- 3       (16) The department of public safety on employees and  
4             prospective employees who are directly involved with  
5             the treatment and care of persons committed to a  
6             correctional facility or who possess police powers  
7             including the power of arrest as provided by section  
8             353C-5;
- 9       (17) The board of private detectives and guards on  
10            applicants for private detective or private guard  
11            licensure as provided by section 463-9;
- 12       (18) Private schools and designated organizations on  
13            employees and prospective employees who may be in  
14            positions that necessitate close proximity to  
15            children; provided that private schools and designated  
16            organizations receive only indications of the states  
17            from which the national criminal history record  
18            information was provided pursuant to section 302C-1;
- 19       (19) The public library system on employees and prospective  
20            employees whose positions place them in close



- 1           proximity to children as provided by section  
2           302A-601.5;
- 3       (20) The State or any of its branches, political  
4           subdivisions, or agencies on applicants and employees  
5           holding a position that has the same type of contact  
6           with children, vulnerable adults, or persons committed  
7           to a correctional facility as other public employees  
8           who hold positions that are authorized by law to  
9           require criminal history record checks as a condition  
10          of employment as provided by section 78-2.7;
- 11       (21) The department of health on licensed adult day care  
12          center operators, employees, new employees,  
13          subcontracted service providers and their employees,  
14          and adult volunteers as provided by section 321-15.2;
- 15       (22) The department of human services on purchase of  
16          service contracted and subcontracted service providers  
17          and their employees serving clients of the adult  
18          protective and community services branch, as provided  
19          by section 346-97;
- 20       (23) The department of human services on foster grandparent  
21          program, senior companion program, and respite



1 companion program participants as provided by section  
2 346-97;

3 (24) The department of human services on contracted and  
4 subcontracted service providers and their current and  
5 prospective employees that provide home and community-  
6 based services under section 1915(c) of the Social  
7 Security Act, title 42 United States Code section  
8 1396n(c), or under any other applicable section or  
9 sections of the Social Security Act for the purposes  
10 of providing home and community-based services, as  
11 provided by section 346-97;

12 (25) The department of commerce and consumer affairs on  
13 proposed directors and executive officers of a bank,  
14 savings bank, savings and loan association, trust  
15 company, and depository financial services loan  
16 company as provided by section 412:3-201;

17 (26) The department of commerce and consumer affairs on  
18 proposed directors and executive officers of a  
19 nondepository financial services loan company as  
20 provided by section 412:3-301;



- 1           (27) The department of commerce and consumer affairs on the  
2                   original chartering applicants and proposed executive  
3                   officers of a credit union as provided by section  
4                   412:10-103;
- 5           (28) The department of commerce and consumer affairs on:  
6                   (A) Each principal of every non-corporate applicant  
7                           for a money transmitter license;  
8                   (B) Each person who upon approval of an application  
9                           by a corporate applicant for a money transmitter  
10                           license will be a principal of the licensee; and  
11                   (C) Each person who upon approval of an application  
12                           requesting approval of a proposed change in  
13                           control of licensee will be a principal of the  
14                           licensee,  
15                   as provided by sections 489D-9 and 489D-15;
- 16           (29) The department of commerce and consumer affairs on  
17                   applicants for licensure and persons licensed under  
18                   title 24;
- 19           (30) The Hawaii health systems corporation on:  
20                   (A) Employees;  
21                   (B) Applicants seeking employment;



- 1 (C) Current or prospective members of the corporation
- 2 board or regional system board; or
- 3 (D) Current or prospective volunteers, providers, or
- 4 contractors,
- 5 in any of the corporation's health facilities as
- 6 provided by section 323F-5.5;
- 7 (31) The department of commerce and consumer affairs on:
- 8 (A) An applicant for a mortgage loan originator
- 9 license, or license renewal; and
- 10 (B) Each control person, executive officer, director,
- 11 general partner, and managing member of an
- 12 applicant for a mortgage loan originator company
- 13 license or license renewal,
- 14 as provided by chapter 454F;
- 15 (32) [~~The state public charter school commission~~] Public
- 16 charter school authorizers or public charter schools
- 17 on employees, teacher trainees, prospective employees,
- 18 and prospective teacher trainees in any public charter
- 19 school for any position that places them in close
- 20 proximity to children, as provided in section 302D-33;



1           (33) The counties on prospective employees who work with  
2                   children, vulnerable adults, or senior citizens in  
3                   community-based programs;

4           (34) The counties on prospective employees for fire  
5                   department positions which involve contact with  
6                   children or vulnerable adults;

7           (35) The counties on prospective employees for emergency  
8                   medical services positions which involve contact with  
9                   children or vulnerable adults;

10          (36) The counties on prospective employees for emergency  
11               management positions and community volunteers whose  
12               responsibilities involve planning and executing  
13               homeland security measures including viewing,  
14               handling, and engaging in law enforcement or  
15               classified meetings and assisting vulnerable citizens  
16               during emergencies or crises;

17          (37) The State and counties on employees, prospective  
18               employees, volunteers, and contractors whose position  
19               responsibilities require unescorted access to secured  
20               areas and equipment related to a traffic management  
21               center;



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

4 (39) The State and counties on current and prospective  
5 systems analysts and others involved in an agency's  
6 information technology operation whose position  
7 responsibilities provide them with access to  
8 proprietary, confidential, or sensitive information;

9 (40) The department of commerce and consumer affairs on:

10 (A) Applicants for real estate appraiser licensure or  
11 certification as provided by chapter 466K;

12 (B) Each person who owns more than ten per cent of an  
13 appraisal management company who is applying for  
14 registration as an appraisal management company,  
15 as provided by section 466L-7; and

16 (C) Each of the controlling persons of an applicant  
17 for registration as an appraisal management  
18 company, as provided by section 466L-7;

19 (41) The department of health or its designee on all  
20 license applicants, licensees, employees, contractors,  
21 and prospective employees of medical cannabis



1 dispensaries, and individuals permitted to enter and  
2 remain in medical cannabis dispensary facilities as  
3 provided under sections 329D-15(a)(4) and  
4 329D-16(a)(3);

5 (42) The department of commerce and consumer affairs on  
6 applicants for nurse licensure or license renewal,  
7 reactivation, or restoration as provided by sections  
8 457-7, 457-8, 457-8.5, and 457-9;

9 (43) The county police departments on applicants for  
10 permits to acquire firearms pursuant to section 134-2  
11 and on individuals registering their firearms pursuant  
12 to section 134-3;

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

14 (A) Each of the controlling persons of the applicant  
15 for licensure as an escrow depository, and each  
16 of the officers, directors, and principals who  
17 will be in charge of the escrow depository's  
18 activities upon licensure; and

19 (B) Each of the controlling persons of an applicant  
20 for proposed change in control of an escrow  
21 depository licensee, and each of the officers,



1 directors, and principals who will be in charge  
2 of the licensee's activities upon approval of  
3 such application,  
4 as provided by chapter 449;

5 (45) The department of taxation on current or prospective  
6 employees or contractors who have access to federal  
7 tax information in order to comply with requirements  
8 of federal law, regulation, or procedure, as provided  
9 by section 231-1.6;

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

15 (47) The department of human services on current or  
16 prospective employees or contractors who have access  
17 to federal tax information in order to comply with  
18 requirements of federal law, regulation, or procedure,  
19 as provided by section 346-2.5;

20 (48) The child support enforcement agency on current or  
21 prospective employees, or contractors who have access



1 to federal tax information in order to comply with  
2 federal law, regulation, or procedure, as provided by  
3 section 576D-11.5; and

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

7 SECTION 27. All appropriations made, used, acquired, or  
8 held by the state public charter school commission may be  
9 transferred to the board of education to be utilized by public  
10 charter school authorizers.

11 SECTION 28. Statutory material to be repealed is bracketed  
12 and stricken. New statutory material is underscored.

13 SECTION 29. This Act shall take effect on July 1, 2022.

14

INTRODUCED BY:



JAN 26 2021



# H.B. NO. 1161

**Report Title:**

Charter Schools; Charter School Admission; Repeal; Authorizers

**Description:**

Repeals the state public charter school commission. Transfers the duties of the state public charter school commission to public charter school authorizers. Transfers appropriations from the state public charter school commission to the board of education to be used by public charter school authorizers.

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

