



GOV. MSG. NO. 1269

EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

July 1, 2021

The Honorable Ronald D. Kouchi,
President
and Members of the Senate
Thirty First State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,
Speaker and Members of the
House of Representatives
Thirty First State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on July 1, 2021, the following bill was signed into law:

SB814 SD1 HD1 CD1

RELATING TO CHARTER SCHOOLS
ACT 167 (21)

Sincerely,

DAVID Y. IGE
Governor, State of Hawai'i

A BILL FOR AN ACT

RELATING TO CHARTER SCHOOLS.

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

1 SECTION 1. Section 302D-3, Hawaii Revised Statutes, is
2 amended by amending subsection (c) to read as follows:

3 "(c) The commission shall consist of nine members to be
4 appointed by the board. The board shall appoint members who
5 will be tasked with authorizing public charter schools that
6 serve the unique and diverse needs of public school students.
7 The chair of the commission shall be designated by the members
8 of the commission for each school year beginning July 1, and
9 whenever there is a vacancy. The board shall consider the
10 combination of abilities, breadth of experiences, and
11 characteristics of the commission, including but not limited to
12 reflecting the diversity of the student population, geographical
13 representation, and a broad representation of education-related
14 stakeholders. Members of the commission shall collectively
15 possess experience and expertise in public or nonprofit
16 governance; management and finance; assessment; and public
17 education. The commission shall be exempt from sections 26-34
18 and 26-36."



1 SECTION 2. Section 302D-13, Hawaii Revised Statutes, is
2 amended as follows:

3 1. By amending subsections (b) through (d) to read:

4 "(b) Any community, department school, school community
5 council, group of teachers, group of teachers and
6 administrators, or nonprofit organization may [~~submit a letter~~
7 ~~of intent to an authorizer to form a charter school and]~~
8 establish an applicant governing board[~~. An applicant governing~~
9 ~~board may]~~ and develop a charter application pursuant to this
10 section; provided that:

11 (1) An applicant governing board established by a
12 community may develop a charter application for a
13 start-up charter school;

14 (2) An applicant governing board established by a
15 department school or a school community council may
16 develop a charter application for a conversion charter
17 school;

18 (3) An applicant governing board established by a group of
19 teachers or a group of administrators may develop a
20 charter application for a start-up or conversion
21 charter school; and



- 1 (4) A nonprofit organization may:
 - 2 (A) Establish an applicant governing board that is
 - 3 separate from the nonprofit organization and
 - 4 develop a charter application for a start-up or
 - 5 conversion charter school; or
 - 6 (B) Establish an applicant governing board that shall
 - 7 be the board of directors of the nonprofit
 - 8 organization and may develop a charter
 - 9 application for a conversion charter school;
 - 10 provided that any nonprofit organization that
 - 11 seeks to manage and operate a conversion charter
 - 12 school shall:
 - 13 (i) Submit to the authorizer at the time of the
 - 14 charter application bylaws or policies that
 - 15 describe the manner in which business is
 - 16 conducted and policies that relate to the
 - 17 management of potential conflict of interest
 - 18 situations;
 - 19 (ii) Have experience in the management and
 - 20 operation of public or private schools or,
 - 21 to the extent necessary, agree to obtain



1 appropriate services from another entity or
2 entities possessing such experience;

3 (iii) Not interfere in the operations of the
4 department school to be converted until
5 otherwise authorized by the authorizer in
6 consultation with the department; and

7 (iv) Have the same protections that are afforded
8 to all other governing boards in its role as
9 the conversion charter school governing
10 board.

11 (c) The charter school application process and schedule
12 shall be determined by the authorizer, and shall provide for and
13 include, at a minimum, the following elements:

14 (1) The issuance and publication of [~~a request for~~
15 ~~proposals~~] an application process by the authorizer on
16 the authorizer's internet website that, at a minimum:

17 (A) Solicits charter applications and presents the
18 authorizer's strategic vision for chartering;

19 (B) Includes or directs applicant governing boards to
20 the performance framework developed by the
21 authorizer in accordance with section 302D-16;



- 1 (C) Includes criteria that will guide the
- 2 authorizer's decision to approve or deny a
- 3 charter application;
- 4 (D) States clear, appropriately detailed questions
- 5 and provides guidelines concerning the format and
- 6 content essential for applicant governing boards
- 7 to demonstrate the capacities necessary to
- 8 establish and operate a successful charter
- 9 school; and
- 10 (E) Requires charter applications to provide or
- 11 describe all essential elements, as determined by
- 12 the authorizer, of proposed school plans;
- 13 ~~[(2) The submission of a letter of intent to open and~~
- 14 ~~operate a start up charter school or to convert a~~
- 15 ~~department school to a conversion charter school;~~
- 16 ~~(3)]~~ (2) The timely submission of a completed charter
- 17 application to the authorizer; provided that a charter
- 18 application for a conversion charter school shall
- 19 include certification and documentation that the
- 20 charter application was approved by a majority of the
- 21 votes cast by existing administrative, support, and



1 teacher personnel, and parents of students at the
2 existing department school; provided that:

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

8 (B) The balance of stakeholders represented in the
9 vote and the extent of support received in
10 support of the conversion shall be key factors,
11 along with the applicant's proposed plans, to be
12 considered by the authorizer when deciding
13 whether to award a charter; and

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

19 ~~[-(4)-]~~ (3) The timely review of the charter application by
20 the authorizer for completeness, and notification by
21 the authorizer to the applicant governing board that



1 the charter application is complete[+] or, if the
2 authorizer determines that the application is
3 incomplete, notification by the authorizer to the
4 applicant governing board that the application is
5 incomplete, providing a detailed listing of any
6 missing elements of the application, and providing a
7 reasonable opportunity for the applicant governing
8 board to cure any deficiency within the application
9 period;

10 [+5+] (4) Upon receipt of a completed charter application,
11 the review and evaluation of the charter application
12 by qualified persons including but not limited to:

- 13 (A) An in-person interview with representatives from
14 the applicant governing board; and
15 (B) An opportunity in a public forum for the public
16 to provide input on each charter application;

17 [+6+] (5) Following the review and evaluation of a charter
18 application, approval or denial of the charter
19 application by the authorizer in a meeting open to the
20 public[+] and subsequent written notice to the
21 applicant; provided that in the event of a denial, the



1 notice shall provide specific information to the
2 applicant on the applicant's right to appeal the
3 decision to the board, including but not limited to
4 the number of days by which the applicant shall file
5 an appeal with the board and where to file an appeal;

6 ~~[(7)]~~ (6) A provision for a final date by which a written
7 decision to approve or deny a charter application
8 ~~[must]~~ shall be made by the authorizer~~[7]~~ to the
9 applicant, upon receipt of a complete charter
10 application; and

11 ~~[(8)]~~ (7) A provision that no charter school may begin
12 operation before obtaining authorizer approval of its
13 charter application and charter contract and
14 fulfilling pre-opening requirements that may be
15 imposed by the authorizer, pursuant to section 302D-
16 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, section 302D-25, and any other requirements set by
20 the authorizer. The charter application shall, at a minimum:



- 1 (1) Include plans for a charter school that are likely to
2 satisfactorily meet the academic, financial,
3 organizational, and operational performance
4 indicators, measures, and metrics set forth in the
5 authorizer's performance framework, pursuant to
6 section 302D-16;
- 7 (2) Include plans for a charter school that is in
8 compliance with applicable laws; and
- 9 (3) ~~[f]~~Recognize~~[t]~~ the interests of the general public."

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

11 "(f) In reviewing charter applications under this section,
12 an authorizer shall develop a schedule to approve or deny a
13 charter application by the end of the calendar year ~~[prior to]~~
14 before the opening year of the proposed charter school for
15 purposes of meeting any deadlines to request funding from the
16 legislature; provided that nothing in this section shall be
17 construed as requiring an authorizer to accept and review
18 charter applications annually."

19 SECTION 3. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.

21 SECTION 4. This Act shall take effect on July 1, 2021.

S.B. NO. 814
S.D. 1
H.D. 1
C.D. 1

APPROVED this 01 day of JUL, 2021


A handwritten signature in black ink, appearing to read "David Ige". The signature is written in a cursive style with a large, sweeping flourish at the end.

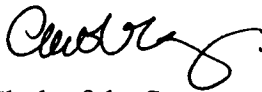
GOVERNOR OF THE STATE OF HAWAII

THE SENATE OF THE STATE OF HAWAII

Date: April 27, 2021
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirty-First Legislature of the State of Hawai'i, Regular Session of 2021.


President of the Senate


Clerk of the Senate

SB No. 814, SD 1, HD 1, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: April 27, 2021
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-First Legislature of the State of Hawaii, Regular Session of 2021.



Scott K. Saiki
Speaker
House of Representatives



Brian L. Takeshita
Chief Clerk
House of Representatives