

ACT 113

H.B. NO. 2205

A Bill for an Act Relating to Charter Schools.

Be It Enacted by the Legislature of the State of Hawaii:

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

SECTION 2. Section 302D-12, Hawaii Revised Statutes, is amended by amending subsection (h) to read as follows:

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

- (1) Hold meetings open to the public;
- (2) ~~[Make available]~~ Post the notices and agendas of public meetings:
 - (A) At a publicly accessible area in the charter school’s office so ~~[as to be]~~ they are available for review during regular business hours; and
 - (B) On the charter school’s internet website, not less than six calendar days prior to the public meeting, unless a waiver is granted by the authorizer or authorizer’s designee in the case of an emergency; ~~[and]~~
- (3) Keep written minutes of all public meetings that shall include:

- (A) The date, time, and place of the meeting;
- (B) The members of the governing board recorded as either present or absent;
- (C) The substance of all matters proposed, discussed, and decided;
- (D) The views of the participants;
- (E) A record, by individual member, of any votes taken; and
- (F) Any other information that any member of the governing board requests be included or reflected in the minutes;
- (4) Not be required to produce a full transcript or audio or video recording of any public meeting, unless otherwise required by law;
- [~~(3)~~ ~~Make available~~] (5) Post the written minutes from public meetings;
 - (A) At a publicly accessible area in the charter school's office so the minutes are available for review during regular business hours; and
 - (B) On the charter school's internet website, within ~~[thirty days and maintain]~~ sixty calendar days after the public meeting or five calendar days after the next public meeting, whichever is sooner; and
- (6) Maintain a list of the current names and contact information of the governing board's members and officers:
 - (A) In the charter school's office so ~~[as to be]~~ it is available for review during regular business hours; and
 - (B) On the charter school's internet website."

SECTION 3. Section 302D-13, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

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

- (1) An applicant governing board established by a community may develop a charter application for a start-up charter school;
- (2) An applicant governing board established by a department school or a school community council may develop a charter application for a conversion charter school;
- (3) An applicant governing board established by a group of teachers or a group of administrators may develop a charter application for a start-up or conversion charter school; and
- (4) A nonprofit organization may:
 - (A) Establish an applicant governing board that is separate from the nonprofit organization and develop a charter application for a start-up or conversion charter school; or
 - (B) Establish an applicant governing board that shall be the board of directors of the nonprofit organization and may develop a charter application for a conversion charter school; provided that any nonprofit organization that seeks to manage and operate a conversion charter school shall:
 - (i) Submit to the authorizer at the time of the charter application bylaws or policies that describe the manner in which business is conducted and policies that relate to the management of potential conflict of interest situations;
 - (ii) Have experience in the management and operation of public or private schools or, to the extent necessary, agree

- to obtain appropriate services from another entity or entities possessing such experience; ~~and~~
- (iii) Not interfere in the operations of the department school to be converted until otherwise authorized by the authorizer in consultation with the department~~[-]; and~~
 - (iv) Have the same protections that are afforded to all other governing boards in its role as the conversion charter school governing board.

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

“(h) An authorizer shall develop revocation and nonrenewal processes that:

- (1) Provide charter contract holders with a timely notification of the prospect of revocation or non-renewal and the reasons for such possible closure;
- (2) Allow charter contract holders a reasonable amount of time in which to prepare a response;
- (3) Provide charter contract holders with an opportunity to submit documents and give testimony challenging the rationale for closure and supporting the continuation of the school at an orderly proceeding held for that purpose; provided that the proceeding shall be governed by the requirements set forth in this section and shall not be additionally subject to the requirements for an agency hearing under chapter 91;
- (4) Allow charter contract holders access to representation by counsel, subject to section 28-8.3, and to call witnesses on their behalf;
- (5) Permit the recording of proceedings described in paragraph (3); and
- (6) After a reasonable period for deliberation, require a final determination to be made and conveyed in writing to the charter contract holders.”

SECTION 5. Section 302D-28, Hawaii Revised Statutes, is amended by amending subsection (h) to read as follows:

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

SECTION 6. Section 302D-34, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) A conversion charter school shall:

- (1) Enroll any student who resides within the school’s former geographic service area pursuant to section 302A-1143, for the grades that were in place when the department school converted to a charter school; provided that the department may consult with a conversion charter school every three years to determine whether realignment of the charter school’s service area is appropriate given population shifts and the department’s overall service area reviews;
- ~~[(2) Follow the department’s procedures regarding enrollment, including but not limited to geographic exceptions and enrollment preferences;] and~~
- ~~[(3)]~~ (2) Be subject to subsection (b) ~~[for grades]~~:

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- (A) ~~For grades that were not in place when the school converted to a public charter school[-]; and~~
- (B) For any seats still available at the charter school after the enrollment of all students desiring to attend the charter school who reside within the school's former geographic service area pursuant to section 302A-1143."

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

SECTION 8. This Act shall take effect on July 1, 2016.
(Approved June 22, 2016.)