

EDUCATION

Ethics Code Will Apply to

Hawaii Charter Schools

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UPDATED Charter school omnibus bill passes.

APRIL 27, 2012 • By Nathan Eagle   

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Editor's note: *Lawmakers on Friday [approved the bill](#) overhauling the state's charter school system. A sister bill that would provide the funding mechanisms to implement the reform plan is pending.*

Hawaii lawmakers are poised to pass two bills to overhaul the state's charter school system. But the focus has centered more on what the proposed law says charter schools don't have to do than any new requirements or expectations.

Charter schools are exempt from several significant laws in the Aloha State. Some deal with taxes for nonprofits, others are about procurement.

Most aim to give this unique breed of public education an extra degree of flexibility and autonomy. But a couple — one old and one new — bring into question the issues of transparency and accountability.

After legislators took the [proposed law](#) from a [task force](#) that had worked on creating it for months, they tweaked it to exempt charter schools from the [state ethics code](#).

While the amendment was designed to address [specific concerns about for-profit companies](#) that sometimes work with charter schools, the decision drew the ire of some

groups.

“Charter school employees would be otherwise treated like state employees, receiving salaries paid by state funds, state benefits and retirement, and union membership,” Nikki Love, [Common Cause Hawaii](#) executive director, said in her testimony on the bill. “Just like other state employees, they should be subject to the Ethics Code and held to those same high standards of all state employees regarding conflicts of interest, gifts, fair treatment, etc.”

The version that conference committee members expect to pass Friday morning has been amended to remove the ethics exemption, tying it to the state ethics code instead, Sen. [Jill Tokuda](#) said.

[Charter School Administrative Office](#) Executive Director Roger McKeague called the path the bill has gone down “interesting.” He said his office is fine with the expected change to the ethics provision.

“It seems consistent with the rest of our law,” he said. “I think it’s the right thing. I can’t think of a reason why you should be excluded from it.”

Meanwhile, a different provision exempting charter schools’ governing boards from the [Sunshine Law](#) and public information statutes has been on the books for years and will likely remain intact.

There has been no public outcry, big or small, regarding the exemption from Chapters [91](#) and [92](#).

“It goes back to some of the basic tenets of the charter movement,” Tokuda said. “It’s about making sure that you can have some functional autonomy while maintaining that transparency.”

McKeague said the Sunshine Law has “very good intentions,” but in some instances can be an “impediment.”

He said the state’s open meetings law is appropriate for the [Board of Education](#), for instance, but can negatively impact the flow of business for a charter school’s small

governing board.

“There’s some level of decision-making that you really need to be active about,” he said.

In his own experience with the [Charter School Review Panel](#), which is required to follow Chapter 92, McKeague said there are challenges at times. For example, he said when the panel holds a meeting with someone via teleconference, if the line goes down and they are unable to reestablish the connection quickly then the meeting stops and proper advance notice has to be given again.

“Some people say that’s the balance,” he said. “I don’t think anyone’s found it to be an impediment to transparency. Most times when there’s trouble like that it’ll come through our office and I haven’t heard that complaint.”

Other charter school operators also support the effort.

“If passed, the bill on charter schools currently before the legislature would bring more accountability to the governing body of public charter schools and ultimately provide Hawaii with a system that establishes clear lines of authority and ensures the accountability of all charter school stakeholders,” said Myron Thompson, co-chair of MBTA’s Local School Board. “Myron B. Thompson Academy has thoroughly reviewed and improved its own practices and believes all charter schools will benefit from full compliance with the state ethics code.”

The charter school reform is contained in two bills. One is a 90-plus-page [omnibus bill](#); the [other contains the funding mechanisms](#).

The latter can’t pass until the Legislature approves the state’s [overall budget bill](#). This has to be done by 6 p.m. Friday.

The Senate and House money committees have to approve the final version of the charter school legislation that passes conference committee.

Tokuda, who introduced the legislation and led the task force, said she remains [optimistic the bills will pass](#).

“We’re working on minor, technical details at this point,” she said. “This has been a constant work in progress.”

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Curt Muraoka

Not that Hawaii charters requested it, but an exemption from Hawaii Ethics Law could hold hands well with charter schools here IF we were more like charters nationally where employees are not in fact state employees. That was a prominent recommendation of the National Association of Charter School Authorizers.

Hawaii Public charters, by their local school boards, already hold employees significantly to those same high standards of other state employees regarding conflicts of interest, gifts, fair treatment, etc. No one is perfect certainly, but the notion of "local control" provides the abil... See More

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