



## BYLAWS OF THE STATE PUBLIC CHARTER SCHOOL COMMISSION

### ARTICLE I

#### PREAMBLE

Section 1.1 Chapter 302D, Hawaii Revised Statutes, provides that there shall be established a State Public Charter School Commission (the “Commission”) with statewide chartering jurisdiction and authority whose mission is to authorize high-quality public charter schools throughout the State.

Section 1.2 Recognizing the Hawaiian language as an official state language, the Commission shall also be known as ‘Aha Kula Ho‘āmana.

Section 1.3 The following purposes for chartering in Hawai‘i, function as anchors for the SPCSC Strategic Vision and Plan, consistent with the Philosophy of Education (BOE Policy E-1) and the overall Need for Education<sup>1</sup> by:

- A. **Meeting Family and Community Educational Needs.** To meet the educational needs of families and communities—academically, socially and emotionally with educational *ea*<sup>2</sup> (essence).
- B. **Operating Laboratories of Innovation.** Charter schools are laboratories where action research innovations are hypothesized, researched, designed, implemented, refined and studied to improve the innovation to better meet the needs of families and communities.
- C. **Reflecting Hawai‘i’s Values and Practices.** Charter schools in Hawai‘i reflect family and community choices, values, places, language, culture, practices and whole child perspectives. Project, place, *‘āina* (land), Pacific, Hawai‘i and Hawaiian culture based beliefs, values, principles, pedagogies, mindsets and practices, are mechanisms uniquely valued by island families and communities.

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<sup>1</sup> **The Need for Education.** Individuals must develop their personal potentials to participate fully in a democratic, multicultural society. Education is the process which allows individuals to become citizens who have positive attitudes toward learning and inquiry, who communicate effectively, who are guided in making choices based on critically determined and commonly shared values, who are successful in the workplace, and who practice civic responsibility. The preservation, promotion, and improvement of a democratic, multicultural society require the formal schooling of its children, youth and adults. [BOE Policy E-1]

<sup>2</sup> **§5-9 State motto.** The motto "Ua mau ke ea o ka aina i ka pono", is adopted, established, and designated as the official motto of the State. It is translated into English to mean "The life of the land is perpetuated in righteousness". [L 1959, JR 4, §1; Supp, §14-5.3; HRS §5-9; am L 1979, c 145, §2]

## ARTICLE II

### COMMISSION MEMBERS

Section 2.1 The Commission consists of nine (9) voting members appointed by the Hawaii State Board of Education, each of whose term shall be three (3) years, except as provided for in the initial appointment. If a member vacates his/her position mid-term, the Board of Education may appoint a replacement to serve out the remainder of the term.

Section 2.2 The members of the Commission shall serve without pay, but shall be entitled to reimbursement for necessary expenses, including travel and lodging expenses, while attending meetings of the Commission or when actually engaged in business relating to the work of the Commission.

## ARTICLE III

### OFFICERS AND TERM OF OFFICE

Section 3.1 The officers of the Commission shall be the Commission Chairperson and Commission Vice Chairperson.

Section 3.2 The Commission members shall select the Commission Chairperson as provided by law.

Section 3.3 The Commission Vice Chairperson shall be elected from among and by the Commission membership and shall serve as Interim Commission Chairperson in the event the Commission Chairperson's seat becomes vacant.

Section 3.4 The term of Commission Chairperson and Commission Vice Chairperson shall be for one (1) school year beginning July 1 and expiring on June 30.

Section 3.5 When terms of Commission Chairperson and Commission Vice Chairperson expire on June 30, an Interim Commission Chairperson shall be appointed until the offices are elected by the Commission at the first meeting of the new school year and through the following order of succession, only appointing the qualified member if the preceding position in the list is vacant or the qualified member for that position is unavailable to serve as Interim Commission Chairperson: **(1)** Previous Commission Chairperson, **(2)** Previous Commission Vice Chairperson, **(3)** Administration & Operations Committee Chairperson, **(4)** Performance & Accountability Committee Chairperson, **(5)** Applications Committee Chairperson, **(6)** Administration & Operations Committee Vice Chairperson, **(7)** Performance & Accountability Committee Vice Chairperson, **(8)** Applications Committee Vice Chairperson.

Section 3.6 A vacancy in the office of Commission Chairperson or Commission Vice Chairperson shall be filled by the Commission at the next regular or special meeting of the Commission to serve out the remainder of the term.

Section 3.7 If a vacancy in both the offices of Commission Chairperson and Commission Vice Chairperson occurs suddenly and simultaneously, an Interim Commission Chairperson shall be appointed until the offices are elected by the Commission at the next meeting and through the following order of succession, only appointing the qualified member if the preceding position in the list is vacant or the qualified member for that position is unavailable to serve as Interim Commission Chairperson: **(1)** Administration & Operations Committee Chairperson, **(2)** Performance & Accountability Committee Chairperson, **(3)** Applications Committee Chairperson, **(4)** Administration & Operations Committee Vice Chairperson, **(5)** Performance & Accountability Committee Vice Chairperson, **(6)** Applications Committee Vice Chairperson.

## ARTICLE IV

### DUTIES OF OFFICERS AND COMMISSION MEMBERS

Section 4.1 Chairperson. The Commission Chairperson shall call meetings of the Commission and shall preside at all meetings of the full Commission. The Commission Chairperson shall delegate assignments and duties to other Commission members, manage all matters of the Commission, and perform such other duties as are incident to the office or are required by the Commission or by law.

Section 4.2 Vice Chairperson. In the absence or unavailability of the Commission Chairperson, the Commission Vice Chairperson shall perform all of the duties of the Commission Chairperson, and when so acting shall have all the powers of and be subject to all the restrictions upon the Commission Chairperson. The Commission Vice Chairperson shall assist the Commission Chairperson as the Commission Chairperson deems necessary and shall have such powers and perform such other duties as from time to time may be prescribed by the Commission Chairperson or the Commission.

Section 4.3 Commission Members. Members shall fulfill duties and responsibilities as provided by law and delegated by the Commission Chairperson and shall comply with the Code of Conduct attached hereto as Exhibit A and with Conflicts of Interest provisions provided by law.

Section 4.4 Committee Chairpersons. Committee Chairpersons shall report activities and decisions of their respective committees to the full Commission and shall inform the Commission Chairperson when items need to be placed on the agenda for the Commission general business meeting or special meeting.

Section 4.5 Committee Vice Chairpersons. Committee Vice Chairpersons shall perform all of the duties of the Committee Chairperson of their respective committees in the absence or unavailability of the Committee Chairperson.

## ARTICLE V

### ADVISORS

Section 5.1 Appointed Advisors. The Commission Chairperson shall appoint two advisors, whose terms shall be one (1) year, with the purpose of providing the Commission with charter school and governing board perspectives. These advisors shall be called the Charter School Director Advisor and the Charter School Governing Board Advisor (collectively "Advisors").

Section 5.2 Charter School Director Advisor. The Charter School Director Advisor shall be an advisor that currently serves, or formerly served, as a school director for a charter school in Hawaii.

Section 5.3 Charter School Governing Board Advisor. The Charter School Governing Board Advisor shall be an advisor that currently serves, or formerly served, as a Governing Board member, with priority given to a Governing Board Chairperson for a charter school in Hawaii.

Section 5.4 Hawaiian Culture Perspective. The Commission Chairperson shall endeavor to appoint either a Charter School Director Advisor or a Charter School Governing Board Advisor that currently serves, or formerly served, a charter school with a Hawaiian culture focus. When making such appointment, the Commission Chairperson shall consider whether the individual is proficient in the Hawaiian language and has a background in the areas of Hawaiian values, language, culture, and history.

Section 5.5 Duties and Responsibilities. Advisors are not members of the Commission, but may engage in discussions and deliberations at all meetings of the Commission, as described in Articles VI and VII; provided that advisors shall not be allowed to attend Executive Sessions, shall not participate in decision-making by voting, and shall not count for quorum purposes. Advisors may collaborate with members and staff to assist the Commission in fulfilling its duties and responsibilities as provided by law. Advisors shall comply with the Code of Conduct attached hereto as Exhibit A.

Section 5.6 No Compensation. Advisors shall serve without pay, but shall be entitled to reimbursement for necessary expenses, including travel and lodging expenses, while attending meetings of the Commission.

Section 5.7 Removal. The Commission Chairperson may remove an advisor without cause.

## ARTICLE VI

### COMMITTEES

Section 6.1 Standing Committees. The Commission shall have three (3) Standing Committees: (1) Administration & Operations, (2) Applications, (3) Performance & Accountability.

Section 6.2 Scope, Authority and Mission. The scope of authority and mission of each of the Commission's Standing Committees shall be memorialized in a committee charter. Each charter shall be developed, maintained, and recommended for approval to the Commission by the Administration & Operations Committee.

Section 6.3 Standing Committee Members and Officers. Each Standing Committee shall have a Committee Chairperson and a Committee Vice Chairperson. The Commission Chairperson shall nominate a slate of Chairperson and Vice Chairperson candidates for approval by the Commission. The Commission shall vote on the appointment of Standing Committee members. All members not appointed to a Standing Committee shall be non-voting, ex-officio members of that Standing Committee that will not be counted for quorum purposes.

Section 6.4 Voting. Standing Committees can take action or make a recommendation upon the concurrence of a simple majority of the Standing Committee.

Section 6.5 Advisors/Consultants to Committees. Each committee may consult with or be advised by non-Commission members, including, but not limited to, advisors appointed pursuant to Article V, as determined appropriate by the Committee Chairperson.

Section 6.6 Ad Hoc Committees. The Commission Chairperson may, as circumstances warrant, authorize the creation of an ad hoc committee for a discrete and specific purpose of interest to the Commission and shall appoint all members and officers of such ad hoc committee(s). The Commission shall approve the charge of any ad hoc committee. Such committee may be created for a definite time period or until its specific function has been completed, but shall not exist longer than one (1) year from the date of authorization unless specifically authorized by its charge.

Section 6.7 Investigative Committees. The Commission, as provided by law, may designate two or more members, but less than the number of members that would constitute a quorum of the Commission, to investigate matters concerning Commission business. The members designated by the Commission are required to report their resulting findings and recommendations to the entire Commission at a properly noticed meeting.

Investigative Committee(s) shall be organized in accordance with HRS, CHAPTER 92, PUBLIC AGENCY MEETINGS AND RECORDS §92-2.5 (b) Permitted interactions of members: (b) Two or more members of a board, but less than the number of members which would constitute a quorum for the board, may be assigned to: (1) Investigate a matter relating to the official business of their board; provided that: (A) The scope of the investigation and the scope of each member's authority are defined at a meeting of the board; (B) All resulting findings and recommendations are presented to the board at a meeting of the board; and (C) Deliberation and decision making on the matter investigated, if any, occurs only at a duly noticed meeting of the board held subsequent to the meeting at which the findings and recommendations of the investigation were presented to the board; or (2) Present, discuss, or negotiate any position which the board has adopted at a meeting of the board; provided that the assignment is made and the scope of each member's authority is defined at a meeting of the board prior to the presentation, discussion, or negotiation.

Section 6.8 Committee Reports. Committees may submit written reports in advance of any regular meeting in lieu of an oral report unless the report contains action items.

## ARTICLE VII

### MEETINGS OF THE COMMISSION

Section 7.1 General Business Meetings. The Commission shall meet regularly, provided, however that any general business meeting date, time, or location may be changed or canceled by the Commission Chairperson, subject to statutory notice requirements.

Section 7.2 Special Meetings. The Commission Chairperson may call a special meeting of the Commission at any time, subject to statutory notice requirements.

Section 7.3 Committee Meetings. All committees shall meet at the discretion of the Committee Chairperson. The Committee Chairperson may change or cancel any committee meeting date, time, or location, subject to statutory notice requirements.

Section 7.4 Meeting Agendas. The general business meeting agenda and committee agendas shall be prepared by the Commission Executive Director and the Chairperson and with input, as necessary, from the Committee Chairpersons, members, and advisors appointed pursuant to Article V. The Chairperson will have final approval of any general business meeting agenda and the Committee Chairperson will have final approval of the respective committee agenda.

Section 7.5 Executive Session. An affirmative vote, taken at an open meeting, of two thirds of the members present shall be required to convene an executive session; provided the affirmative vote constitutes at least five (5) members. A meeting closed to the public may be convened only as provided by law.

Section 7.6 Informational Briefings. The Commission may include informational briefings on its agenda as a means of obtaining information on various projects, programs, and other initiatives relating to charter schools. Inclusion of an informational briefing on the agenda shall be at the discretion of the Commission Chairperson.

Section 7.7 Quorum and Voting. Five (5) members of the commission shall constitute a quorum to conduct business. Any action taken by the commission shall be by a simple majority of the members of the commission who are present; provided that any action of the commission that may be appealed pursuant to section 302D-15 shall require a concurrence of at least five members to be valid.

## ARTICLE VIII

### **PUBLIC TESTIMONY AND SUBMISSION OF DATA, VIEWS OR ARGUMENTS**

Section 8.1 Submission of Data, Views, or Arguments. Any interested person may submit data, views, or arguments in writing to the Commission on any agenda item. Written submittals shall be considered by members before taking action on any agenda item, provided that written submittals are submitted to the Commission no later than 8:00 a.m., one (1) business day prior to the respective meeting. While every effort will be made to distribute all written submittals received, written submittals received after the deadline may be distributed to members after the respective meeting. During Commission meetings, written material will only be distributed under extenuating circumstances, as determined by the Commission Chairperson, and only if there is a sufficient number of copies for all members.

Section 8.2 Public Testimony. All interested persons shall be provided an opportunity to present testimony on any agenda item. An individual or representative wishing to testify should register prior to the meeting and may be permitted to use audio/visual, or other forms of communication during the testimony, provided that said testimony is limited to two minutes (which includes any set-up time) and the individual uses only the resources that he or she brings

to the meeting. Testimony that is not provided in-person will be limited to written or oral testimony, unless auxiliary aids and services for individuals with communication disabilities are needed. Testimony must be related to an item that is on the agenda and each person shall be required to identify the agenda item to be addressed by the testimony. Each individual or representative of an organization is allotted two (2) minutes, or an amount of time otherwise designated by the Chairperson, to provide testimony to the Commission. The allotted time for testimony may not be yielded, designated, or otherwise transferred to another person. The Commission will make every effort to allow interested persons the opportunity to present oral testimony remotely. Written submittals are strongly encouraged.

Section 8.3 Communication from the Public. Any member of the public or any organization may submit written communication to the Commission on any complaints, requests for public records, or other formal requests for action involving the public charter school system. The communication shall be filed with the Commission and all members of the Commission shall be advised of the communication.

## ARTICLE IX

### AMENDMENTS TO BYLAWS

Section 9.1 Notice Regarding Proposed Amendments. These bylaws can be amended at any General Business or Special Meeting provided that previous written notice was given to all members, including the specific language for the proposed amendment, and the matter was properly placed on the Commission's agenda.

Section 9.2 Approval of Amendments. Any amendment to the Commission's bylaws requires the concurrence of at least five members.

## ARTICLE X

### LEGAL COUNSEL

Section 10.1 Advice. The Commission Chairperson, Commission Vice Chairperson, or any Committee Chairperson may seek informal, verbal advice from the Commission's assigned Deputy Attorney General as the Officer or Committee Chairperson deems necessary. The Committee Chairperson may request that the Commission Chairperson seek formal written advice or opinion from the Attorney General. The Commission Chairperson may seek formal written advice or opinion from the Attorney General.

Section 10.2 Written Opinion. Whenever a formal legal opinion is issued by the Attorney General or a Deputy Attorney General, such opinion and request shall be distributed to all members of the Commission.

## ARTICLE XI

### **PARLIAMENTARY AUTHORITY**

Section 11.1 The rules contained in *Robert's Rules of Order*, newly revised, shall govern meetings where they are not in conflict with the law, these bylaws, or other rules of the Commission. In making a ruling or interpretation of the rules, the order of determination shall be 1) the law, 2) these bylaws, 3) Commission policy, and 4) *Robert's Rules of Order*, newly revised.

Approved on July 12, 2012 and amended on August 8, 2013, October 9, 2014, and August 8, 2019.

**State Public Charter School Commission  
Code of Conduct**

The members and advisors of the State Public Charter School Commission (the “Commission”) pledge themselves, as self-directed and responsible persons, to abide with standards of conduct. As citizens of Hawaii, they will be guided by the spirit of ALOHA:

<b>A</b>	<b><i>Akahi</i></b>	–	kindness, to be expressed with tenderness
<b>L</b>	<b><i>Lokahi</i></b>	–	unity, to be expressed with harmony
<b>O</b>	<b><i>‘Olu’olu</i></b>	–	agreeable, to be expressed with pleasantness
<b>H</b>	<b><i>Ha’aha’a</i></b>	–	humility, to be expressed with modesty
<b>A</b>	<b><i>Ahonui</i></b>	–	patience, to be expressed with perseverance

Commission members and advisors will also:

1. Treat all individuals fairly, with respect and courtesy;
2. Maintain the proper decorum of Commission and committee meetings;
3. Seek and encourage active participation by the public in the processes prescribed by the Commission;
4. Uphold the laws, bylaws, rules, and policies relating to the operations of the Commission;
5. Attend all Commission and committee meetings promptly; remain in attendance for the duration of the meeting; and/or inform the chairperson if late arrival or early departure is necessary;
6. Review all materials essential for full participation and informed decision-making at Commission or committee meetings;
7. Avoid being placed in a position of conflict of interest and refrain from using a member’s Commission position for personal gain;
8. Remain nonpartisan in all official Commission actions;
9. Abide by the decisions of the Commission regardless of how individual members voted, and making clear that when a differing opinion is expressed, that it is an individual opinion and not the opinion of the Commission as a whole;
10. Respect other Commission members’ rights and opinions and express differing points of view using appropriate language at all Commission and committee meetings.