

JAN 25 2008

A BILL FOR AN ACT

PROPOSING AN AMENDMENT TO ARTICLE X, SECTION 1 OF THE STATE CONSTITUTION TO AUTHORIZE THE LEGISLATURE TO ESTABLISH SUBSYSTEMS FOR THE STATE'S SINGLE STATEWIDE SYSTEM OF PUBLIC SCHOOLS.

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

1 SECTION 1. The purpose of this Act is to propose an
2 amendment to article X, section 1 of the Constitution of the
3 State of Hawaii, to authorize the legislature to establish
4 subsystems for the State's single statewide system of public
5 schools so that it may establish a subsystem consisting of some
6 or all of the State's public charter schools and further the
7 ability of the State's public charter schools to provide
8 alternative learning environments distinct from the department of
9 education and the public schools that the department establishes
10 and maintains.

11 SECTION 2. Article X, section 1 of the Constitution of the
12 State of Hawaii is amended to read as follows:

"PUBLIC EDUCATION

13 Section 1. The State shall provide for the establishment,
14 support and control of a statewide system of public schools free
15 from sectarian control, a state university, public libraries and
16

1 such other educational institutions as may be deemed desirable,
2 including physical facilities therefor. The single statewide
3 system of public schools may be divided into subsystems as may be
4 provided by law, including a subsystem consisting of some or all
5 of the State's public charter schools.

6 There shall be no discrimination in public educational
7 institutions because of race, religion, sex or ancestry; nor
8 shall public funds be appropriated for the support or benefits of
9 any sectarian or nonsectarian private educational institution,
10 except that proceeds of special purpose revenue bonds authorized
11 or issued under section 12 of Article VII may be appropriated to
12 finance or assist:

13 1. Not-for-profit corporations that provide early childhood
14 education and care facilities serving the general public; and

15 2. Not-for-profit private nonsectarian and sectarian
16 elementary schools, secondary schools, colleges and
17 universities."

18 SECTION 3. The question to be printed on the ballot shall
19 be as follows:

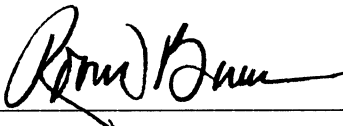
20 "Shall the Legislature be authorized to divide the State's
21 single statewide system of public schools into subsystems,

S.B. NO. 2321

1 including a subsystem consisting of some or all of the State's
2 public charter schools?"

3 SECTION 4. Constitutional material to be repealed is
4 bracketed and stricken. New constitutional material is
5 underscored.

6 SECTION 5. This amendment to the Constitution of the State
7 of Hawaii shall take effect upon compliance with Article XVII,
8 section 3, of the Constitution of the State of Hawaii.

9
10 INTRODUCED BY:  _____

11 By Request

JUSTIFICATION SHEET

SB. NO. 2321

DEPARTMENT: Office of the Governor

TITLE: PROPOSING AN AMENDMENT TO ARTICLE X, SECTION 1 OF THE STATE CONSTITUTION TO AUTHORIZE THE LEGISLATURE TO ESTABLISH SUBSYSTEMS FOR THE STATE'S SINGLE STATEWIDE SYSTEM OF PUBLIC SCHOOLS.

PURPOSE: The purpose of this bill is to propose a constitutional amendment to authorize the establishment of subsystems for the statewide system of public schools in order to enhance and provide sufficient organizational support so as to sustain the independence of charter schools.

MEANS: Amend Article X, section 1, of the Hawaii State Constitution.

JUSTIFICATION: Currently, the Department of Education serves as both the State Educational Agency (SEA) and the Local Educational Agency. Creating a public charter school authority as a separate LEA from the Department of Education will allow charter schools to more efficiently apply for, receive, and disburse federal charter school program grant monies.

The legislature should be allowed to give charter schools the ability to operate outside of most of the burdensome regulations placed on regular district schools in order to fulfill their mission. In addition, such autonomy promotes a culture of accountability within a charter school, helping to ensure success.

Impact on the public: The public will benefit from greater school choice and increased student achievement. A stronger charter school law will encourage individuals, groups, and communities to create start-up charter schools. The increased flexibility in funding and the receipt of federal funds will enable charter schools to run more efficiently and empower

SB. NO. 2321

them to provide their students with healthy and safe learning environments.

Impact on the department and other agencies:

The measure would ease the administrative burden on the Department of Education and Board of Education by empowering the public charter school authority to function as a Local Education Agency (LEA).

The measure will result in better administration of a successful public charter school program by giving the public charter school authority, the public school chartering board, and the director of the charter school administrative office flexibility and true authority over the implementation of the State's charter school laws.

GENERAL FUND:	None.
OTHER FUNDS:	None.
PPBS PROGRAM DESIGNATION:	EDN 600.
OTHER AFFECTED AGENCIES:	All.
EFFECTIVE DATE:	Upon compliance with Article XVII, section 3, of the Constitution of the State of Hawaii.