

JAN 24 2007

A BILL FOR AN ACT

RELATING TO SCHOOLS.

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

1 SECTION 1. The legislature finds that individual public
2 schools are increasingly enjoying flexibility and autonomy in
3 operations. The Reinventing Education Act of 2004, Act 51,
4 Session Laws of Hawaii 2004, as amended, envisions a public
5 school system where the responsibility, flexibility, and
6 accountability is located as close to the classroom as possible.
7 Under this policy, principals and their school community
8 councils are taking greater responsibility for the successful
9 management of their schools.

10 The legislature further finds that the State has committed
11 itself to greater decentralization of decision making and
12 accounting of finances toward the individual school and the
13 classroom. To achieve this end, the department's school
14 community councils and charter school local school boards should
15 be increasingly allocated funds based on a per pupil basis that
16 go directly to the school for management and allocation.



1 With all the pressures on schools to achieve adequate
2 yearly progress under the No Child Left Behind Act of 2001,
3 Public Law 107-110, several important programs and expenditures
4 are often given lower priority.

5 Specifically, it is well known that participation in the
6 performing and visual arts not only enriches student life, but
7 also contributes to greater student achievement. For many
8 students, hands-on opportunities for self expression are keys to
9 self esteem and control of disruptive behavior. A complete
10 education is one in which a young person is given continuous
11 opportunities for expression through the arts.

12 Secondly, it is also well known that many of our students
13 are not physically fit, and in fact exhibit symptoms of
14 childhood obesity. Because student health relates not only to
15 the physical well-being of our community but also contributes to
16 student achievement, it is essential that physical education
17 programs be sustained even as schools spend more resources on
18 remedial tutoring designed to raise test scores.

19 Finally, the ability of school communities to purchase high
20 quality learning materials, whether virtual computer-based, text
21 book, or other reading materials such as novels, is crucial for
22 a dynamic and effective educational system.



1 To respect the growing autonomy and accountability at the
2 school level, funds should be allocated on a per pupil basis to
3 expend on the arts, physical education, and learning materials.
4 The school community councils need to have complete authority
5 over these funds to ensure they are spent in accordance with the
6 needs of their school, and to squarely place accountability on
7 the school community councils and the charter school local
8 school boards for the expenditure of these funds.

9 The purpose of this Act is to achieve the following:

- 10 (1) Further decentralize authority and responsibility to
11 the school level;
- 12 (2) Empower and hold accountable department of education
13 school community councils and charter school local
14 school boards in the allocation of funds earmarked for
15 the arts, physical education, and learning materials;
- 16 (3) Provide up to \$ per pupil for these
17 earmarked purposes;
- 18 (4) Provide an additional \$ per pupil to allow
19 schools to purchase business services to ensure each
20 school is using best accounting and record keeping
21 practices and is prepared for a financial audit; and



1 (5) Provide funds for each complex area to hire a business
2 manager and trainer to provide services to schools in
3 their newly granted responsibilities.

4 SECTION 2. Section 302A-604, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "§302A-604 Complex area superintendents. The
7 superintendent of education, with the approval of the board,
8 shall appoint complex area superintendents for schools. The
9 complex area superintendents shall [~~supervise~~] oversee and
10 support schools in the delivery of administrative and
11 instructional support services within their respective complex
12 areas, including:

- 13 (1) Personnel, fiscal, and facilities support;
14 (2) Monitoring of compliance with applicable state and
15 federal laws; and
16 (3) Curriculum development, student assessment, and staff
17 development services[-]; provided that the complex
18 area superintendents shall respect the authority and
19 responsibility granted principals and school community
20 councils under Act 51, Session Laws of Hawaii 2004."

21 SECTION 3. Section 302A-1124, Hawaii Revised Statutes, is
22 amended as follows:



1 1. By amending subsection (a) to read:

2 "(a) The department, through the board and its
3 superintendent, shall establish a school community council
4 system under which each public school, excluding charter
5 schools, shall create and maintain a school community council.

6 Each school community council shall:

7 (1) ~~[Review]~~ Adopt, review, and evaluate the school's
8 academic plan and financial plan~~[, and either~~
9 ~~recommend revisions of the plans to the principal, or~~
10 ~~recommend the plans for approval by the complex area~~
11 ~~superintendent];~~

12 (2) Ensure that the school's academic and financial plans
13 are consistent with the educational accountability
14 system under section 302A-1004;

15 (3) Participate in principal selection and evaluation, and
16 transmit any ~~[such]~~ evaluations to the complex area
17 superintendent; and

18 (4) Provide collaborative opportunities for input and
19 consultation."

20 2. By amending subsection (c) to read:

21 "(c) Complex area superintendents may ~~[require]~~ request
22 revisions to a school's academic and financial plans if the



1 plans are in violation of law or conflict with statewide
2 educational policies and standards[~~, or are otherwise in the~~
3 ~~best interests of the school~~]."

4 SECTION 4. Section 302A-1308, Hawaii Revised Statutes, is
5 amended to read as follows:

6 **"§302A-1308 Use of resources by schools.** School
7 principals shall consult with teachers, parents, and students to
8 solicit their advice on the use of moneys and positions. Prior
9 to expending moneys and implementing position assignments,
10 principals shall submit plans for the use of the moneys and
11 positions to their complex area superintendents who shall review
12 the plans for conformance with departmental policies and rules.
13 [~~Upon approval of the plans, moneys~~] Upon determination by the
14 complex area superintendent that a school's plans are not in
15 conflict with existing laws, policies and rules, school
16 community councils and the school principals shall have
17 independent authority to authorize the expenditure of funds.
18 Moneys may be expended by the principals for supplies,
19 textbooks, equipment, and services. Positions may be used to
20 meet the unique needs of the schools."

21 SECTION 5. There is appropriated out of the general
22 revenues of the State of Hawaii the sum of \$, or so



1 much thereof as may be necessary for fiscal year 2007-2008, and
2 the same sum, or so much thereof as may be necessary for fiscal
3 year 2008-2009, to the department of education; provided that:

4 (1) The per school allocation shall be made based on the
5 total official enrollment at each school as determined
6 by the official department of education enrollment
7 survey or the October 15 charter school enrollment
8 survey;

9 (2) These funds shall be used for any or all of three
10 purposes, namely arts education, physical education,
11 and learning materials; and

12 (3) The department of education school community councils
13 or charter school local school boards shall have full
14 and independent authority and responsibility for the
15 expenditure of these funds.

16 The department of education shall transfer the appropriate per
17 pupil amounts for charter schools to the charter school
18 administrative office no later than July 15, of each fiscal year
19 for distribution to the charter schools.

20 The sums appropriated shall be expended by the department
21 of education for the purposes of this section.



1 SECTION 6. There is appropriated out of the general
2 revenues of the State of Hawaii the sum of \$, or so
3 much thereof as may be necessary for fiscal year 2007-2008, and
4 the same sum, or so much thereof as may be necessary for fiscal
5 year 2008-2009, to the department of education for each school
6 to purchase business services either from the department of
7 education or other sources to assist the school in adopting best
8 practices for accounting and recordkeeping; provided that these
9 amounts shall be allocated on a per pupil basis to each
10 department of education school community council or charter
11 school local school board in an amount not to exceed \$
12 per pupil as determined by the department's fall enrollment
13 count or the charter school official enrollment count. The
14 school community council or local school board shall expend
15 these funds with the goal of ensuring that their school is
16 prepared for a financial audit. The department of education
17 shall transfer the appropriate per pupil amounts for charter
18 schools to the charter school administrative office no later
19 than July 15, of each fiscal year for distribution to the
20 charter schools.

21 The sums appropriated shall be expended by the department
22 of education for the purposes of this section.



1 SECTION 7. There is appropriated out of the general
 2 revenues of the State of Hawaii the sum of \$, or so
 3 much thereof as may be necessary for fiscal year 2007-2008, and
 4 the same sum, or so much thereof as may be necessary for fiscal
 5 year 2008-2009, to the department of education for the
 6 establishment of one full-time equivalent permanent business
 7 manager and training for each of the fifteen school complexes to
 8 assist schools in developing and maintaining professional
 9 financial planning and records and such other responsibilities
 10 as the chief financial officer deems appropriate.

11 The sums appropriated shall be expended by the department
 12 of education for the purposes of this section.

13 SECTION 8. Statutory material to be repealed is bracketed
 14 and stricken. New statutory material is underscored.

15 SECTION 9. This Act shall take effect on July 1, 2008,
 16 provided that sections 5, 6, and 7 shall take effect on
 17 July 1, 2007.

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INTRODUCED BY:

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Report Title:

School Autonomy and Accountability; Appropriation

Description:

Decentralizes authority and responsibility to the school level and appropriates funding for each year of the fiscal biennium for arts, physical education and learning materials, business services, and for business managers and trainers.

