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# A BILL FOR AN ACT

RELATING TO SCHOOL COMMUNITY COUNCILS.

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

1           SECTION 1. The legislature finds that the Reinventing  
2 Education Act of 2004, Act 51, Sessions Laws of Hawaii 2004, as  
3 amended, holds promise to engage the parents, students, and the  
4 community into taking greater responsibility for their schools.  
5 The department of education established the school community  
6 councils, developed and issued guidelines in July 2005, in which  
7 the councils were to operate, conducted training for school  
8 community council members, and prepared and trained their  
9 personnel on the Weighted Student Formula-Financial Plan  
10 Implementation Manual for the 2006-2007 school year, as revised  
11 as of October 5, 2005.

12           After a year of operating under Act 51, the legislative  
13 auditor reported in the Management Audit of Kailua High School,  
14 Report No. 06-06, September 2006, that the function of the  
15 school's community council needs to be clarified and membership  
16 selection criteria should be changed to ensure greater  
17 independence. There are other incidents, such as parents



1 opposing moving the sixth grade from Manoa elementary to  
2 Stevenson intermediate that demonstrate that the department of  
3 education has not implemented Act 51 to reach its intent and  
4 purpose. Less public than Manoa elementary, but equally known  
5 to the department was the move of the Maemae elementary school's  
6 sixth grade to Kawanankoa intermediate and concerns about the  
7 school's academic and financial plans. With both schools being  
8 told to move their sixth grades to meet the board of education's  
9 Middle Level Education Policy No. 2406, without it being  
10 presented, and an academic and financial plan of the impact of  
11 the school losing \$600,000, the need to review Act 51 is an  
12 immediate concern. As a result of these and other incidents,  
13 the school communities are divided - a result that is contrary  
14 to the intent and purpose of Act 51.

15 The legislature further finds that the experience of school  
16 community councils implementing Act 51 and the findings of the  
17 legislative auditor gives reason to amend the law, and emphasize  
18 the need for community involvement and clarity in the authority  
19 of the school community councils. It is also evident that  
20 granting clarity to the school community councils' authority  
21 means that governance over complaints should be aligned with the  
22 board of education creating lines of communication of statewide



1 education policies while maintaining the authority of the  
2 principal to direct the academic achievement of the school.

3 The purpose of this Act is to clarify the roles of the  
4 school community councils.

5 SECTION 2. Chapter 302A, Hawaii Revised Statutes, is  
6 amended by adding two new definitions to be appropriately  
7 inserted and to read as follows:

8 "Financial plan" means all funding related to the academic  
9 plan, including: projected student state allocations under this  
10 chapter, federal funds, grants and other resources, any  
11 carryover funds regardless of the funding source that will be  
12 expended in the school year, and funds from other sources such  
13 as, but not limited to, parent support, and school supported  
14 fundraising activities.

15 "Expenditure plan" means how the moneys in the financial  
16 plan will be spent on a monthly basis in meeting the academic  
17 goals for direct student services, support services, and  
18 allocations not included in the weighted school formula."

19 SECTION 3. Section 302A-1103, Hawaii Revised Statutes, is  
20 amended to read as follows:

21 **"§302A-1103 Principal; authority and responsibility.** The  
22 role of the principal shall include but not be limited to



1 overseeing the day-to-day management of the school, the primary  
2 function of which is to develop and deliver instructional  
3 services to students in accordance with the academic and  
4 financial plan developed and approved by the school community  
5 council as provided herein and the statewide educational policy  
6 [and], to enable students to meet or exceed statewide academic  
7 standards. The principal shall:

8 (1) Ensure that the curriculum facilitates the achievement  
9 of the statewide student performance standards adopted  
10 for the public school system;

11 (2) ~~[Develop]~~ In collaboration with the complex area  
12 superintendent, develop and present to the school  
13 community council for its review and approval[  
14 academic and financial plans relating to the school]:

15 (A) Academic, financial, and expenditure plans that  
16 identify all sources of funding for the  
17 expenditures relating to the school;

18 (B) Reports on the monthly progress in implementing  
19 the academic plan; and

20 (C) Reports on the school's monthly actual  
21 expenditures compared to the approved financial  
22 plan;



- 1           (3)   Exercise authority over the implementation of the  
2                   budget, policies, and operations of the school;  
3                   provided that any changes to the academic and  
4                   financial plan approved by the school community  
5                   council shall be presented to the school community  
6                   council for prior approval as provided in paragraph  
7                   (2); and
- 8           (4)   Collaborate with other principals in the principal's  
9                   school complex to ensure that:
- 10                   (A)   Logical, sequential curricula are adopted within  
11                            the school complex;
- 12                   (B)   Best practices are shared among and implemented  
13                            by schools within the school complex;
- 14                   (C)   The goals and objectives of the school complex  
15                            are being met;
- 16                   (D)   The use of school complex-based personnel and  
17                            contractors who divide their time between more  
18                            than one school in a school complex is  
19                            coordinated to maximize efficiency; and
- 20                   (E)   The passage of students through the continuum of  
21                            grades is coordinated in a manner consistent with  
22                            section 302A-1004."



1 SECTION 4. Section 302A-1124, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 **"§302A-1124 Mandate to initiate school community councils.**

4 (a) The department, through the board and its superintendent,  
5 shall establish a school community council system under which  
6 each public school, excluding charter schools, shall create and  
7 maintain a school community council. Each school community  
8 council shall:

- 9 (1) Review [~~and~~], evaluate, and approve the [~~school's~~  
10 principal's academic plan and financial plan[~~, and~~  
11 ~~either recommend revisions of the plans to the~~  
12 ~~principal, or recommend the plans for approval by the~~  
13 ~~complex area superintendent~~]; provided that the  
14 principal, with the approval of the complex area  
15 superintendent, may set aside any decision made by the  
16 school community council pursuant to subsection (g);
- 17 (2) Ensure that the school's academic and financial plans  
18 are consistent with the educational accountability  
19 system under section 302A-1004;
- 20 (3) Participate in principal selection and evaluation, and  
21 transmit any such evaluations to the complex area  
22 superintendent; provided that the board of education



1 through the superintendent shall be notified of any  
2 evaluation by the school community council that is  
3 less than satisfactory for its review and action; and

4 (4) Provide collaborative opportunities for input and  
5 consultation.

6 (b) School community councils shall be exempt from the  
7 requirements of chapters 91 and 92 [-]; provided that a school  
8 community council, including its committees, shall meet the  
9 posting requirements of agendas and its minutes as provided in  
10 this section. The school community councils shall:

11 (1) Make available the notices and agendas of public  
12 meetings:

13 (A) At a publicly accessible area in the school's  
14 administrative office so as to be available for  
15 review during regular business hours [✓] and the  
16 date of the posting; and

17 (B) On the school's [~~internet~~] Internet web site [-]  
18 and a tamper-proof date of when the notice was  
19 posted.

20 not less than six calendar days prior to the public  
21 meeting, unless a written waiver is granted by the



1 superintendent or the complex area superintendent as a  
2 designee in the case of an emergency; and

3 (2) Make available the minutes from ~~[public]~~ all school  
4 community councils except matters relating to the  
5 performance of the principal, meetings on a timely  
6 basis and the date of the posting in:

7 (A) The school's administrative office so as to be  
8 available for review during regular business  
9 hours; and

10 (B) On the school's Internet web site ~~[+]~~ and a  
11 tamper-proof date of when the minutes were  
12 posted.

13 (c) ~~[Complex area superintendents may require revisions to~~  
14 ~~a school's academic and financial plans if the plans are in~~  
15 ~~violation of law or conflict with statewide educational policies~~  
16 ~~and standards, or are otherwise in the best interests of the~~  
17 ~~school.]~~ Any disagreement regarding the role of the school  
18 community council or with the interpretation of this chapter  
19 shall be presented as an appeal to the board of education.

20 (d) Any school community council or any school for which  
21 the school community council has authority may submit the  
22 complaint to the board of education's ombudsman for resolution,





1 and the ombudsman shall have the same powers and authority to  
2 investigate and resolve the complaint as provided pursuant to  
3 chapter 96.

4       ~~[(d)]~~ (e) The superintendent of education, as directed by  
5 the board of education, may recommend to the board of education  
6 dissolution of a school community council and establish an  
7 interim school community council if the school community council  
8 engages in any act or omission that would constitute gross  
9 negligence, wilful and wanton misconduct, or intentional  
10 misconduct. The superintendent may recommend to the board the  
11 removal of any member of a school community council. The  
12 superintendent shall appoint or facilitate the creation of an  
13 interim school community council at any school that has not  
14 established a council or has had its council dissolved. In  
15 appointing or facilitating the creation of an interim school  
16 community council at any school that has had its council  
17 dissolved, the superintendent may appoint individuals who were  
18 previously members of the council.

19       ~~[(e)]~~ (f) Unless otherwise specified, each school  
20 community council shall establish policies governing the  
21 council's composition, election, staggered terms of office for  
22 members, operation, and vacancies; provided that:

- 1           (1) The number of school personnel ~~[+]on[+]~~ any school  
2           community council including the principal shall be  
3           ~~[equal to]~~ one less than the number of primary  
4           stakeholders on the school community council;
- 5           (2) At the elementary ~~[and middle school levels,]~~ school  
6           level, each school community council shall be composed  
7           of the principal who shall serve as the chair, and ~~[at~~  
8           ~~least one member]~~ members representing each of the  
9           following groups:
- 10          (A) ~~[Parents]~~ Two parents elected by ballots  
11           distributed among and collected from the parents  
12           of the school's students; provided that a parent  
13           shall be eligible to remain a member of the  
14           council for the term the child is a student at  
15           the school; and provided further that a parent  
16           shall have one vote per student at the school;
- 17          (B) ~~[Teachers]~~ One teacher elected by ballots  
18           distributed among and collected from teachers of  
19           the school;
- 20          (C) ~~[Nonecertificated]~~ One noncertified school  
21           personnel elected by ballots distributed among



1 and collected from noncertificated personnel of  
2 the school; and

3 (D) ~~[Community]~~ Two community representatives elected  
4 by ballots distributed among and collected from  
5 parents of the school's students; ~~[and~~

6 ~~(E) Student representatives selected by the student~~  
7 ~~council of the school; and]~~

8 (3) At the middle school level, each school community  
9 council shall be composed of the principal who shall  
10 serve as the chair, and members representing each of  
11 the following groups:

12 (A) Two parents elected by ballots distributed among  
13 and collected from the parents of the school's  
14 students; provided that a parent shall be  
15 eligible to remain a member of the council for  
16 the term the child is a student at the school;  
17 and provided further that a parent shall have one  
18 vote per student at the school;

19 (B) Two teachers elected by ballots distributed among  
20 and collected from teachers of the school;



# S.B. NO. 1649

- 1            (C) Two noncertified school personnel elected by
- 2            ballots distributed among and collected from
- 3            noncertificated personnel of the school;
- 4            (D) Two community representatives elected by ballots
- 5            distributed among and collected from parents of
- 6            the school's students; and
- 7            (E) Two student representatives selected by the
- 8            student council of the school; and
- 9        [~~3~~] (4) At the high school level, each school community
- 10        council shall be composed of the principal and at
- 11        least one member representing each of the following
- 12        groups:
- 13            (A) Parents elected by ballots distributed among and
- 14            collected from parents of the school's students;
- 15            (B) Teachers elected by ballots distributed among and
- 16            collected from teachers of the school;
- 17            (C) Noncertificated school personnel elected by
- 18            ballots distributed among and collected from
- 19            noncertificated personnel of the school;
- 20            (D) Community representatives elected by ballots
- 21            distributed among and collected from the parents
- 22            of the school's students; and



1 (E) Student representatives selected by the student  
2 council of the school.

3 For the purposes of this subsection, "primary stakeholders"  
4 means students, parents, and community members.

5 ~~[(f)]~~ (g) School community councils shall elect officers,  
6 including:

7 ~~[(1) A chairperson,]~~

8 ~~[(2)]~~ (1) A vice-chairperson;

9 ~~[(3)]~~ (2) A secretary; and

10 ~~[(4)]~~ (3) Other officers as needed to perform stated duties  
11 in support of the work of the council.

12 ~~[(g)]~~ (h) The principal shall have the authority to set  
13 aside any decision made by the school community council if the  
14 principal determines it to be in the best interests of the  
15 school; provided that the principal notifies the school  
16 community council. If the school community council opposes a  
17 decision of the principal, an appeal shall first be brought to  
18 the complex area superintendent for resolution and, if  
19 necessary, to the superintendent and, finally, to the board of  
20 education.

21 ~~[(h) Complex]~~ (i) A complex area [superintendents]  
22 superintendent shall chair a unified complex area school



1 community council comprised of the principals within the  
 2 complex, one parent, one community representative, and one  
 3 student from each school within the complex to ensure the  
 4 schools' academic and financial plans are consistent with the  
 5 educational accountability system under section 302A-1004 and to  
 6 assist the school community councils and principals within their  
 7 respective complex areas in:

- 8 (1) Obtaining the support and services of the department;
- 9 and
- 10 (2) Ensuring the progress and success of the school's
- 11 academic and financial plan."

12 SECTION 5. Statutory material to be repealed is bracketed  
 13 and stricken. New statutory material is underscored.

14 SECTION 6. This Act shall take effect upon its approval.

15

INTRODUCED BY:

Norman Sabamfi  
*[Signature]*  
Francis Chan Cleveland  
*[Signature]*



**Report Title:**

School Community Councils

**Description:**

Clarifies the role of the school community councils.

