
A BILL FOR AN ACT

RELATING TO RECONSTITUTING SCHOOLS.

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

1 SECTION 1. Public schools, including charter schools,
2 which have been in restructuring for four or more years and
3 which have not advanced significantly toward improving academic
4 performance, should be reconstituted using extraordinary
5 measures. Dramatic steps must be taken to ensure that our
6 students make adequate academic progress.

7 The purpose of this Act is to allow the superintendent of
8 education to:

9 (1) After certain considerations have been made,
10 reconstitute a public school, except a charter school,
11 which has been in restructuring for four or more
12 school years and has not advanced significantly toward
13 improving academic performance as determined by a
14 statistical analysis of academic data; and

15 (2) Recommend to the charter school review panel actions
16 that should be taken to reconstitute a charter school,
17 which has been in restructuring for four or more



1 school years, and recommend that the charter school
2 review panel revoke the charter school's charter.

3 SECTION 2. Chapter 302A, Hawaii Revised Statutes, is
4 amended by adding a new section to be appropriately designated
5 and to read as follows:

6 "§302A- Reconstituting schools. (a) The
7 superintendent may, notwithstanding collective bargaining
8 agreements, memorandums of agreement, or memorandums of
9 understanding, reconstitute a public school, except a charter
10 school, which has been in restructuring as defined by the No
11 Child Left Behind Act of 2001, Public Law 107-110, for four or
12 more school years and has not advanced significantly toward
13 improving academic performance as determined by a statistical
14 analysis of academic data; provided that considerations have
15 been made for the following:

- 16 (1) Student proficiency in reading and math in the period
17 during which the school is in restructuring;
- 18 (2) Interventions and other programs being used by the
19 school to address student proficiency;
- 20 (3) The number of highly-qualified or effective teachers
21 at the school;



- 1 (4) Professional development being conducted at the
2 school;
- 3 (5) Input from school faculty and staff, complex
4 specialists, and state office program specialists; and
- 5 (6) Input from the school community council;
6 provided further that the superintendent has made a
7 recommendation to the board to reconstitute the school, taking
8 into consideration the recommendation of the complex area
9 superintendent, if any.
- 10 (b) In reconstituting a public school, the superintendent
11 may take actions that include:
- 12 (1) Replacing all or most staff, including teachers,
13 principals, and other support staff;
- 14 (2) Entering into contracts with private entities to
15 manage schools; and
- 16 (3) Changing the membership of the school community
17 council.
- 18 (c) The department shall negotiate with the respective
19 unions the process of reassigning employees of the school to be
20 reconstituted, to other positions within the department for
21 which the employees are qualified.



1 (d) The department shall follow the current hiring and
2 recruiting procedures for all qualified employees to be employed
3 at the reconstituted school.

4 (e) The superintendent may recommend to the charter school
5 review panel actions that should be taken to reconstitute a
6 charter school, which has been in restructuring as defined by
7 the No Child Left Behind Act of 2001, Public Law 107-110, for
8 four or more school years, and may recommend that the charter
9 school review panel revoke the charter school's charter.

10 (f) The board of education shall adopt rules pursuant to
11 chapter 91 as may be necessary to implement this section."

12 SECTION 3. New statutory material is underscored.

13 SECTION 4. This Act shall take effect on July 1, 2009.



Report Title:

Schools; Reconstitution

Description:

Allows the Superintendent of Education to reconstitute a public school, except a charter school, which has been in restructuring for four or more school years and not advanced significantly toward improving academic performance as determined by a statistical analysis of academic data. Also allows the Superintendent to recommend to the charter school review panel actions that should be taken to reconstitute a charter school which has been in restructuring for three or more school years, and recommend that the charter school review panel revoke the charter school's charter. (HB172 HD1)

