
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 that
2 have been in restructuring for four or more years and have not
3 advanced significantly toward improving academic performance
4 should be reconstituted using extraordinary measures. Dramatic
5 steps must be taken to ensure that our students make adequate
6 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 that has been in restructuring for four or more school
12 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 that has been in restructuring for four or more school



1 years, and recommend that the charter school review
2 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) Notwithstanding
7 collective bargaining agreements, memorandums of agreement, or
8 memorandums of understanding, the superintendent may
9 reconstitute a public school, except a charter school that has
10 been in restructuring, as defined by the No Child Left Behind
11 Act of 2001, Public Law 107-110, for four or more school years
12 and has not advanced significantly toward improving academic
13 performance, as determined by a statistical analysis of academic
14 data; provided that the following have been considered:

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



1 (5) Input from school faculty and staff, complex
2 specialists, and state office program specialists; and

3 (6) Input from the school community council;

4 provided further that the superintendent has made a
5 recommendation to the board to reconstitute the school, taking
6 into consideration the recommendation of the complex area
7 superintendent, if any.

8 (b) In reconstituting a public school, the superintendent
9 may take actions that include:

10 (1) Replacing all or most staff, including teachers,
11 principals, and other support staff;

12 (2) Entering into contracts with private entities to
13 manage schools; and

14 (3) Changing the membership of the school community
15 council.

16 (c) The department shall negotiate with the respective
17 unions the process of reassigning employees of the school to be
18 reconstituted, to other positions within the department for
19 which the employees are qualified.

20 (d) The department shall follow the current hiring and
21 recruiting procedures for all employees to be employed at the
22 reconstituted school.



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

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

9 SECTION 3. New statutory material is underscored.

10 SECTION 4. This Act shall take effect on July 1, 2020.



Report Title:

Schools; Reconstitution

Description:

Allows the Superintendent of Education to reconstitute a public school, except a charter school that 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 that has been in restructuring for three or more school years, and recommend that the charter school review panel revoke the charter school's charter. Effective 07/01/2020. (HB172 HD2)

