
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 made significant advancements toward improving academic
4 performance should be reconstituted using extraordinary
5 measures. Drastic 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) Reconstitute a public school after certain
10 considerations have been made, except for a charter
11 school that has been in restructuring for four or more
12 school years and has not made significant advancements
13 toward improving academic performance; and
14 (2) Recommend to the charter school review panel actions
15 that should be taken to reconstitute a charter school
16 that has been in restructuring for four or more school
17 years and recommend that the charter school's charter
18 be revoked.



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

4 "§302A- Reconstituting schools. (a) Notwithstanding
5 collective bargaining agreements, memorandums of agreement, or
6 memorandums of understanding, the superintendent may
7 reconstitute a public school, except a charter school that has
8 been in restructuring, as defined by the No Child Left Behind
9 Act of 2001, Public Law 107-110, for four or more school years
10 and has not made significant advancements toward improving
11 academic performance, as determined by a statistical analysis of
12 academic data; provided that the following have been considered:

- 13 (1) Student proficiency in reading and math in the period
14 during which the school is in restructuring;
- 15 (2) Interventions and other programs being used by the
16 school to address student proficiency;
- 17 (3) The number of highly qualified or effective teachers
18 at the school;
- 19 (4) Professional development being conducted at the
20 school;
- 21 (5) Input from school faculty and staff, complex
22 specialists, and state office program specialists; and



1 (6) Input from the school community council;
2 provided further that the superintendent has made a
3 recommendation to the board to reconstitute the school, taking
4 into consideration the recommendation of the complex area
5 superintendent, if any.

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

8 (1) Replacing all or most of the staff, including
9 teachers, principals, and other support staff;

10 (2) Entering into contracts with private entities to
11 manage schools; and

12 (3) Changing the membership of the school community
13 council.

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

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

21 (e) The board of education shall adopt rules pursuant to
22 chapter 91 as may be necessary to implement this section."



H.B. NO. 339

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

4 "§302B- Reconstituting public charter schools. (a)
 5 The superintendent may recommend actions to the charter school
 6 review panel that should be taken to reconstitute a charter
 7 school that has been in restructuring, as defined by the No
 8 Child Left Behind Act of 2001, Public Law 107-110, for four or
 9 more school years, and may recommend that the charter school
 10 review panel revoke the charter school's charter.

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

13 SECTION 4. New statutory material is underscored.

14 SECTION 5. This Act shall take effect on July 1, 2011.

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Report Title:

Schools; Reconstitution

Description:

Allows the superintendent of education to reconstitute a public school, except for certain charter schools. Allows the superintendent to recommend actions to charter school review panel, including the revocation of a school's charter.

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