



GOV. MSG. NO. 1251

EXECUTIVE CHAMBERS
HONOLULU

NEIL ABERCROMBIE
GOVERNOR

June 21, 2011

The Honorable Shan Tsutsui, President
and Members of the Senate
Twenty-Sixth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

The Honorable Calvin Say, Speaker
and Members of the House
Twenty-Sixth State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Tsutsui, Speaker Say and Members of the Legislature:

This is to inform you that on June 21, 2011, the following bill was signed into law:

SB1485 SD1 HD1 CD1

RELATING TO RECONSTITUTING SCHOOLS
Act 148 (11)

Aloha
Signed
Neil Abercrombie

NEIL ABERCROMBIE
Governor, State of Hawaii

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 that have been in restructuring
2 for four or more years and have not made significant
3 advancements toward improving academic performance, should be
4 reconstituted using extraordinary measures. Drastic steps must
5 be taken to ensure that our students make adequate academic
6 progress.

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

- 9 (1) Reconstitute a public school, except for a charter
10 school, after certain considerations have been made,
11 that has been in restructuring for four or more school
12 years and has not made significant advancements toward
13 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 or 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 under the No Child Left Behind Act of
9 2001, Public Law 107-110, for four or more school years and has
10 not made significant advancements toward improving academic
11 performance as determined by a statistical analysis of academic
12 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 a contract with a private entity to
11 manage the school; 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 shall adopt rules pursuant to chapter 91 as
22 may be necessary to implement this section."



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:

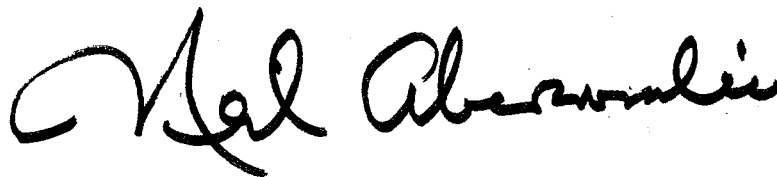
4 "§302B- Reconstituting public charter schools. (a) The
5 superintendent may recommend actions to the charter school
6 review panel that should be taken to reconstitute a charter
7 school that has been in restructuring under the No Child Left
8 Behind Act of 2001, Public Law 107-110, for four or more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

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

13 SECTION 4. New statutory material is underscored.

14 SECTION 5. This Act shall take effect upon its approval.

APPROVED this 21 day of JUN, 2011



GOVERNOR OF THE STATE OF HAWAII