
A BILL FOR AN ACT

RELATING TO STUDENT ENROLLMENT.

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

- 1 SECTION 1. Chapter 302A, Hawaii Revised Statutes, is
2 amended by adding a new section to Part II to be appropriately
3 designated and to read as follows:
- 4 "§302A- School enrollment and activities; power of
5 attorney; prohibitions; requirements. (a) Any parent or
6 guardian who executes a power of attorney pursuant to section
7 560:5-105 to authorize an agent to consent on behalf of the
8 parent or guardian's minor child to enrollment in a school or in
9 curricular and co-curricular school activities, including
10 enrollment at a school within the district where the agent
11 resides, shall comply with the requirements of this section.
- 12 (b) No power of attorney shall be executed for the purpose
13 of allowing a minor to:
- 14 (1) Avoid attending the school of the district in which
15 the minor's parent or guardian resides, as required by
16 section 302A-1143;
- 17 (2) Circumvent the department's district exemption
18 process;



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- 1 (3) Participate in athletics at a particular school; or
- 2 (4) Take advantage of special services or programs offered
- 3 at a particular school.

4 (c) For the purpose of an agent's authority to consent to
5 a minor's enrollment in a school or school activities, a power
6 of attorney executed under section 560:5-105 shall be:

- 7 (1) A written document;
- 8 (2) Executed in the State of Hawaii;
- 9 (3) Notated with the date of execution;
- 10 (4) Specific in identifying the agent by first and last
11 name and relationship to the minor;
- 12 (5) Indicative of whether the minor resides with the
13 agent, and the length of time the minor has resided
14 with the agent;
- 15 (6) Indicative of whether the parent or guardian retains
16 the power to make educational decisions while the
17 power is in effect;
- 18 (7) Revocable, with the method of revocation stated in the
19 document;
- 20 (8) Signed by the parent or guardian of the minor; and
- 21 (9) Witnessed by one of the following methods:
22 (A) Signature by two individuals who:



1 (i) Witnessed the signing of the instrument by
2 the parent or guardian; or

3 (ii) Received the parent or guardian's
4 acknowledgment of the veracity of the
5 signature on the instrument; or

6 (B) Acknowledgement before a notary public in the
7 State of Hawaii.

8 The power of attorney shall include a certification by the
9 parent or guardian that the power of attorney is not being
10 executed for the purposes prohibited by subsection (b).

11 (d) A power of attorney that does not include the
12 provisions listed in subsection (c) shall be invalid and shall
13 not authorize an agent to act on behalf of the parent or
14 guardian for the purpose of enrollment of the minor child in a
15 school or in curricular or co-curricular activities.

16 (e) The authority of an agent acting under a power of
17 attorney shall be effective for the period specified in section
18 560:5-105 and shall cease to be effective upon revocation by the
19 parent or guardian.

20 (f) Upon revocation of a power of attorney, the minor's
21 parent or guardian shall immediately inform the minor's school



1 principal in writing that the power of attorney has been
2 revoked.

3 (g) For the purposes of this section, a power of attorney
4 that indicates that the minor resides with the agent shall
5 constitute sufficient basis for determining a minor's residency
6 for school enrollment purposes; provided that the school in
7 which the agent seeks to enroll a minor child may require
8 evidence that the agent lives at the address provided in the
9 power of attorney. Any person who relies in good faith on the
10 power of attorney for the purposes of a minor's enrollment in a
11 school or in school activities has no obligation to conduct any
12 further inquiry or investigation and shall not be subject to
13 civil or criminal liability or to professional disciplinary
14 action because of the reliance."

15 SECTION 2. Section 560:5-105, Hawaii Revised Statutes, is
16 amended to read as follows:

17 "§560:5-105 Delegation of power by parent or guardian.

18 [A] Subject to the provisions of section 302A- , as
19 applicable, a parent or guardian of a minor or incapacitated
20 person, by a power of attorney, may delegate to another person
21 for a period not exceeding one year, which time limit shall be
22 expressly stated in the document, any power regarding the care,



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1 custody, or property of the minor or ward, except the power to
2 consent to marriage or adoption."

3 SECTION 3. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:

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JAN 24 2011



Report Title:

Schools; Student Enrollment; Power of Attorney

Description:

Establishes requirements for powers of attorney executed for student enrollment purposes. Expressly prohibits uses of powers of attorney to circumvent school enrollment requirements, and requires parents and guardians to certify that a power of attorney is not being used for those purposes.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

