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# 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.



**Report Title:**

Schools; Reconstitution

**Description:**

Allows the Superintendent of education to reconstitute a public school, except for charter schools. Allows the superintendent to recommend actions to the Charter School Review Panel, including the revocation of a school's charter. (CD1)

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

