

JAN 24 2013

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# A BILL FOR AN ACT

RELATING TO EDUCATION.

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

1 SECTION 1. Section 302A-1124, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 **"§302A-1124 Mandate to initiate school community councils.**

4 (a) The department, through the board and its superintendent,  
5 shall establish a school community council system under which  
6 each public school, excluding charter schools, shall create and  
7 maintain a school community council. Each school community  
8 council shall:

9 (1) Review and evaluate the school's academic plan and  
10 financial plan, and either recommend revisions of the  
11 plans to the principal, or recommend the plans for  
12 approval by the complex area superintendent;

13 (2) Ensure that the school's academic and financial plans  
14 are consistent with the educational accountability  
15 system under section 302A-1004;

16 (3) Participate in principal selection and evaluation, and  
17 transmit any such evaluations to the complex area  
18 superintendent; and



1 (4) Provide collaborative opportunities for input and  
2 consultation.

3 (b) School community councils shall be exempt from the  
4 requirements of chapters 91 and 92. The school community  
5 councils shall:

6 (1) Make available the notices and agendas of public  
7 meetings:

8 (A) At a publicly accessible area in the school's  
9 administrative office so as to be available for  
10 review during regular business hours; and

11 (B) On the school's internet web site,  
12 not less than six calendar days prior to the public  
13 meeting, unless a waiver is granted by the  
14 superintendent in the case of an emergency; and

15 (2) Make available the minutes from public meetings on a  
16 timely basis in:

17 (A) The school's administrative office so as to be  
18 available for review during regular business  
19 hours; and

20 (B) On the school's internet web site.

21 (c) Complex area superintendents may require revisions to  
22 a school's academic and financial plans if the plans are in



1 violation of law or conflict with statewide educational policies  
2 and standards, or are otherwise in the best interests of the  
3 school.

4 (d) The superintendent of education may recommend to the  
5 board of education dissolution of a school community council and  
6 establish an interim school community council if the school  
7 community council engages in any act or omission that would  
8 constitute gross negligence, wilful and wanton misconduct, or  
9 intentional misconduct. The superintendent may recommend to the  
10 board the removal of any member of a school community council.  
11 The superintendent shall appoint or facilitate the creation of  
12 an interim school community council at any school that has not  
13 established a council or has had its council dissolved. In  
14 appointing or facilitating the creation of an interim school  
15 community council at any school that has had its council  
16 dissolved, the superintendent may appoint individuals who were  
17 previously members of the council.

18 (e) Unless otherwise specified, each school community  
19 council shall establish policies governing the council's  
20 composition, election, staggered terms of office for members,  
21 operation, and vacancies; provided that:



1 (1) The number of school personnel [on] any school  
2 community council shall be equal to the number of  
3 primary stakeholders on the school community council;

4 (2) At the elementary and middle school levels, each  
5 school community council shall be composed of the  
6 principal and at least one member representing each of  
7 the following groups:

8 (A) Parents elected by ballots distributed among and  
9 collected from the parents of the school's  
10 students;

11 (B) Teachers elected by ballots distributed among and  
12 collected from teachers of the school;

13 (C) Noncertificated school personnel elected by  
14 ballots distributed among and collected from  
15 noncertificated personnel of the school;

16 (D) Community representatives elected by ballots  
17 distributed among and collected from parents of  
18 the school's students; and

19 (E) Student representatives selected by the student  
20 council of the school; and

21 (3) At the high school level, each school community  
22 council shall be composed of the principal and at



1 least one member representing each of the following  
2 groups:

3 (A) Parents elected by ballots distributed among and  
4 collected from parents of the school's students;

5 (B) Teachers elected by ballots distributed among and  
6 collected from teachers of the school;

7 (C) Noncertificated school personnel elected by  
8 ballots distributed among and collected from  
9 noncertificated personnel of the school;

10 (D) Community representatives elected by ballots  
11 distributed among and collected from the parents  
12 of the school's students; and

13 (E) Student representatives selected by the student  
14 council of the school.

15 For the purposes of this subsection, "primary stakeholders"  
16 means students, parents, and community members.

17 (f) School community councils shall elect officers,  
18 including:

19 (1) A chairperson;

20 (2) A vice-chairperson;

21 (3) A secretary; and



1 (4) Other officers as needed to perform stated duties in  
2 support of the work of the council.

3 (g) The principal shall have the authority to set aside  
4 any decision made by the school community council if the  
5 principal determines it to be in the best interests of the  
6 school; provided that the principal notifies the school  
7 community council. If the school community council opposes a  
8 decision of the principal, an appeal shall first be brought to  
9 the complex area superintendent for resolution and, if  
10 necessary, to the superintendent and, finally, to the board of  
11 education.

12 (h) Complex area superintendents shall assist the school  
13 community councils and principals within their respective  
14 complex areas in:

15 (1) Obtaining the support and services of the department;  
16 and

17 (2) Ensuring the progress and success of the school's  
18 academic and financial plan.

19 (i) The department shall submit monthly reports to the  
20 board on the status of the school community councils in  
21 maintaining an open, democratic, and collaborative environment



1 with teachers and community members when recommending revisions  
2 to, or adoptions of, a school's academic and financial plans."

3 SECTION 2. Section 302A-1303.5, Hawaii Revised Statutes,  
4 is amended by amending subsection (a) to read as follows:

5 "(a) There is established within the department of  
6 education the committee on weights to develop a weighted student  
7 formula pursuant to section 302A-1303.6. The committee may:

8 (1) Create a list of student characteristics that will be  
9 weighted;

10 (2) Create a system of weights based upon the student  
11 characteristics that may be applied to determine the  
12 relative cost of educating any student;

13 (3) Determine specific student weights, including their  
14 unit value;

15 (4) Determine which moneys shall be included in the amount  
16 of funds to be allocated through the weighted student  
17 formula;

18 (5) Recommend a weighted student formula to the board of  
19 education;

20 (6) Perform any other function that may facilitate the  
21 implementation of the weighted student formula; [~~and~~]



- 1 (7) Meet not less than once every odd-numbered year, to  
2 review the weighted student formula and, if the  
3 committee deems it necessary, recommend a new weighted  
4 student formula for adoption by the board of  
5 education[-]; and
- 6 (8) Seek input from the schools in establishing equitable  
7 and appropriate weights for students with special  
8 education needs."

9 SECTION 3. Section 302A-1303.6, Hawaii Revised Statutes,  
10 is amended to read as follows:

11 "**§302A-1303.6 Weighted student formula.** Based upon  
12 recommendations from the committee on weights, with input from  
13 the schools, the board of education may adopt a weighted student  
14 formula for the allocation of moneys to public schools that  
15 takes into account the educational needs of each student[-],  
16 including a student with special education needs. The  
17 department, upon the receipt of appropriated moneys, shall use  
18 the weighted student formula to allocate funds to public  
19 schools. Principals shall expend moneys provided to the  
20 principals' schools. This section shall only apply to charter  
21 schools for fiscal years in which the charter schools elect  
22 pursuant to section 302D-29 to receive allocations according to





1 the procedures and methodology used to calculate the weighted  
2 student formula allocation."

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

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

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INTRODUCED BY: Clara & Nicholas



Anna Paul

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**Report Title:**

DOE; School Community Councils; Weighted Student Formula

**Description:**

Requires the DOE to submit monthly reports to the BOE on the status of school community councils with regard to the process of revising or adopting a school's academic and financial plans. Requires the committee on weights to seek input from the schools in establishing equitable and appropriate weights for students with special education needs.

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