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## A BILL FOR AN ACT

RELATING TO PUBLIC SCHOOL SECURITY.

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

1 SECTION 1. The legislature finds that terrorism and school  
2 violence present unique challenges to the State. Of the forty-  
3 four school shootings reported by the non-profit Every Town for  
4 Gun Safety Action Fund, from December 2012 to February 2014,  
5 none occurred in the State. In fact, Hawaii is one of the few  
6 states that never had an active shooter in school. While such  
7 data may be a consolation, it does not assure that our public  
8 schools are adequately protected from active shooters.

9 Given Hawaii's geographic location, risk mitigation is  
10 important. Firstly, as one of the largest military outposts in  
11 the nation, the State has an increased risk for the evolving  
12 threats of terrorism and active school shooting. Secondly, as a  
13 principal hub for the United States interest in the Pacific and  
14 Asian commerce, the legislature must take a proactive role in  
15 keeping the State, including schools, safe and secure. Lastly,  
16 with a tourism-dependent economy, any measure to curb potential  
17 triggers that will compromise the State's safety must be



1 addressed. In a small state like ours where the two hundred  
2 fifty five public schools enroll over one hundred seventy  
3 thousand students, mostly minors, school safety should be a top  
4 concern for everyone.

5 The State Formula Grants under the Safe and Drug Free  
6 Schools and Communities Act (SDFSCA) introduced our schools to  
7 the effectiveness of school-based armed police officers. This  
8 program was funded federally between 2003 and 2009. The police  
9 officers were, however, restricted to rural schools on the  
10 neighbor islands, which did not have quick response times  
11 afforded to schools in or near highly-urbanized centers like  
12 Honolulu. The legislature notes that the program earned so much  
13 community support that even when the grant funding ended, five  
14 of the Hawaii county schools continued with the program, with  
15 the Hawaii Police Department funding it independently.

16 The legislature further finds that mobilizing armed police  
17 officers during school hours is a key aspect of mitigating  
18 school shooting risks. However, given that every public school  
19 in the State has an emergency-procedures guide that is site-  
20 specific, it is essential that the individual school is afforded  
21 the authority to decide whether armed police officers are needed



1 on their premises during school hours. The goal to secure our  
2 public schools does not need to be in conflict with the school  
3 empowerment ideals.

4 The purpose of this Act is to reserve to the school  
5 community council the authority either to secure the services of  
6 school-based armed police officers during school hours or secure  
7 their services on an as-needed basis only.

8 SECTION 2. Chapter 302A-1124, Hawaii Revised Statutes, is  
9 amended to read as follows:

10 **"§302A-1124 Mandate to initiate school community**  
11 **councils.** (a) The department, through the board and its  
12 superintendent, shall establish a school community council  
13 system under which each public school, excluding charter  
14 schools, shall create and maintain a school community council.

15 Each school community council shall:

- 16 (1) Review and evaluate the school's academic plan and  
17 financial plan, and either recommend revisions of the  
18 plans to the principal, or recommend the plans for  
19 approval by the complex area superintendent;



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

4 (3) Participate in principal selection and evaluation, and  
5 transmit any such evaluations to the complex area  
6 superintendent; [~~and~~]

7 (4) Gather and evaluate data to make an informed decision  
8 on securing the services of armed police officers  
9 during school hours or on an as-needed basis only, and  
10 transmit any such evaluations to the complex area  
11 superintendent; and

12 [~~(4)~~] (5) Provide collaborative opportunities for input and  
13 consultation.

14 (b) School community councils shall be exempt from the  
15 requirements of chapters 91 and 92. The school community  
16 councils shall:

17 (1) Make available the notices and agendas of public  
18 meetings[+], and the data gathered and the evaluation  
19 and decision made pertaining to securing school-based  
20 armed police officers:



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

4 (B) On the school's internet web site,  
5 not less than six calendar days prior to the public  
6 meeting or the hiring of school-based armed police  
7 officers, unless a waiver is granted by the  
8 superintendent in the case of an emergency; and

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

11 (A) The school's administrative office so as to be  
12 available for review during regular business  
13 hours; and

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

15 (c) Complex area superintendents may require revisions to  
16 a school's academic and financial plans if the plans are in  
17 violation of law or conflict with statewide educational policies  
18 and standards, or are otherwise in the best interests of the  
19 school.

20 (d) The superintendent of education may recommend to the  
21 board of education dissolution of a school community council and



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

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

- 17 (1) The number of school personnel [+]on[+] any school  
18 community council shall be equal to the number of  
19 primary stakeholders on the school community council;
- 20 (2) At the elementary and middle school levels, each  
21 school community council shall be composed of the



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

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

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

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

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

14 (E) Student representatives selected by the student  
15 council of the school; and

16 (3) At the high school level, each school community  
17 council shall be composed of the principal and at  
18 least one member representing each of the following  
19 groups:

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



- 1 (B) Teachers elected by ballots distributed among and
- 2 collected from teachers of the school;
- 3 (C) Noncertificated school personnel elected by
- 4 ballots distributed among and collected from
- 5 noncertificated personnel of the school;
- 6 (D) Community representatives elected by ballots
- 7 distributed among and collected from the parents
- 8 of the school's students; and
- 9 (E) Student representatives selected by the student
- 10 council of the school.

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

13 (f) School community councils shall elect officers,  
14 including:

- 15 (1) A chairperson;
- 16 (2) A vice-chairperson;
- 17 (3) A secretary; and
- 18 (4) Other officers as needed to perform stated duties in
- 19 support of the work of the council.

20 (g) The principal shall have the authority to set aside  
21 any decision made by the school community council, including the





1 staffing of armed police officers, if the principal determines  
 2 it to be in the best interests of the school; provided that the  
 3 principal notifies the school community council. If the school  
 4 community council opposes a decision of the principal, an appeal  
 5 shall first be brought to the complex area superintendent for  
 6 resolution and, if necessary, to the superintendent and,  
 7 finally, to the board of education.

8 (h) Complex area superintendents shall assist the school  
 9 community councils and principals within their respective  
 10 complex areas in:

11 (1) Obtaining the support and services of the department;  
 12 [and]

13 (2) Gathering data and making evaluations to secure the  
 14 services of armed police officers; and

15 [~~(2)~~] (3) Ensuring the progress and success of the school's  
 16 academic and financial plan."

17 SECTION 3. There is appropriated out of the general  
 18 revenues of the State of Hawaii the sum of \$ or so  
 19 much thereof as may be necessary for fiscal year 2016-2017 and  
 20 the same sum or so much thereof as may be necessary for fiscal



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1 year 2017-2018 for the implementation and administration of this  
2 Act.

3 The sum appropriated shall be expended by the department of  
4 education for the purposes of this Act.

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

7 SECTION 5. This Act shall take effect on July 1, 2016.

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INTRODUCED BY:

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JAN 27 2016



# H.B. NO. 2697

**Report Title:**

Public Schools; School Safety and Security; Armed Police Officers.

**Description:**

Allows the community council of each public school to make a decision either to secure the services of armed police officers during school hours or on an as-needed basis only. Makes an appropriation.

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

