
A BILL FOR AN ACT

RELATING TO SCHOOL CHOICE SCHOLARSHIP PROGRAM.

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

1 SECTION 1. The legislature finds that the Department of
2 Education provides education to a diverse population in the
3 State of Hawaii. The Department of Education has met many of
4 their goals in helping students to become productive and
5 successful students in the state. Many parents have desires and
6 hopes for their children that sometimes differ from what the
7 Department of Education currently provides for children in
8 public school.

9 The legislature finds that a voucher system should be
10 provided to parents who desire their children to be in a school
11 system other than public school. Parents should be able to
12 receive funding from the Department of Education to have their
13 children in the school of their choice: to include private
14 school and home school. If parents are being taxed by the state
15 for an education system that is not providing for their
16 children, they should reap the benefit of those taxes paid.
17 Therefore, parents should be able to apply that tax allotment to



1 the school of the parents' choice: to include private and home
2 school.

3 The qualifications and decision process of the parent to
4 choose to pull a voucher for their child is the parents' right.
5 The parents get to choose what education system their child is
6 in. The parents get to choose whether the child is in public
7 school or an alternative school format: to include private
8 school and home school.

9 Accordingly, the purpose of this Act is to offer families
10 an educational choice through the provision of funds for
11 nonpublic school tuition and fees. This program will assist
12 students in their endeavors to become well-educated and
13 productive members of society. The provisions of this Act are
14 in the public interest, for the public benefit, and serve a
15 secular public purpose.

16 SECTION 2. Chapter 302A, Hawaii Revised Statutes, is
17 amended by adding a new part to be appropriately designated and
18 to read as follows:

19 **"PART .SCHOOL CHOICE SCHOLARSHIP**

20 **§302A-A Definitions.** For the purposes of this section:

21 "Board" means the board of education.



1 "Department" means the department of education.

2 "Elementary school" means an institutional day or
3 residential school, including a public elementary charter
4 school, or private school, of secular or non-secular nature,
5 that provides elementary education, including kindergarten, as
6 determined under State law.

7 "Eligible entity" or "entity" means any of the following:

8 (A) An educational entity of the State.

9 (B) A nonprofit organization.

10 (C) A consortium of nonprofit organizations.

11 "Eligible student" means a student who:

12 (A) is a resident of the State; and

13 (B) comes from a household whose income does not
14 exceed an amount that is four times the federal
15 poverty line.

16 "Grantee" means an eligible entity that receives a grant.

17 "Parent" means biological or adoptive mother or father, or
18 a legal guardian or other person standing in loco parentis, such
19 as a grandparent or stepparent with whom the child lives, or a
20 person who is legally responsible for the child's welfare.



1 "Poverty line" means the poverty line as defined by the
2 U.S. Office of Management and Budget, and revised annually in
3 accordance with 42 U.S.C. § 9902(2).

4 "Secondary school" means an institutional day or
5 residential school, including a public secondary charter
6 school or private school, of secular or non-secular nature, as
7 determined under State law, except that the term does not
8 include any education beyond grade twelve.

9 **§302A-B General authority.** (a) Funds shall be
10 appropriated to the department to carry out this part. From
11 those funds, the board shall award grants on a competitive basis
12 to eligible entities with approved applications under section
13 302A-C to carry out activities to provide eligible students with
14 expanded school choice opportunities. The board may award a
15 single grant or multiple grants, depending on the quality of
16 applications submitted and the priorities of this part.

17 (b) The board may make grants under this section for a
18 period of not more than 5 years.

19 (c) The board and the governor shall enter into a
20 memorandum of understanding regarding the design of, selection



1 of eligible entities to receive grants under, and implementation
2 of, a program assisted under this part.

3 **§302A-C Priorities.** In awarding grants under this part,
4 the board shall give priority to applications from eligible
5 entities that will most effectively:

6 (1) Give priority to eligible students who, in the school
7 year preceding the school year for which the eligible
8 student is seeking a scholarship, attended an
9 elementary school or secondary school identified for
10 improvement, corrective action, or restructuring under
11 section 1116 of the Elementary and Secondary Education
12 Act of 1965 (20 U.S.C. § 6316);

13 (2) Target resources to students and families that lack
14 the financial resources to take advantage of available
15 educational options; and

16 (3) Provide students and families with the widest range of
17 educational options.

18 **§302A-D Use of funds.** (a) Subject to subsections (b) and
19 (c), a grantee shall use the grant funds to provide eligible
20 students with scholarships to pay the tuition, fees, and
21 transportation expenses, if any, to enable them to attend the



1 nonpublic elementary school or secondary school of their choice.
2 Each grantee shall ensure that the amount of any tuition or fees
3 charged by a school participating in the grantee's program under
4 this part to an eligible student participating in the program
5 does not exceed the amount of tuition or fees that the school
6 customarily charges to students who do not participate in the
7 program.

8 (b) A grantee shall make scholarship payments under this
9 part to the parent of the eligible student participating in the
10 program, in a manner which ensures that such payments will be
11 used for the payment of tuition, fees, and transportation
12 expenses (if any), in accordance with this part.

13 (c) The amount of assistance shall be as follows:

14 (1) Subject to the other requirements of this section, a
15 grantee may award scholarships in larger amounts to
16 those eligible students with the greatest need.

17 (2) The amount of assistance provided to any eligible
18 student by a grantee under this part may not exceed
19 the per student calculation, based upon the weighted
20 student formula set forth in section 302A-1303.6, for
21 any academic year.



1 **§302A-E Nondiscrimination.** (a) An entity or a school
2 participating in any program under this part shall not
3 discriminate against program participants or applicants on the
4 basis of race, color, national origin, religion, or sex.

5 (b) Notwithstanding any other provision of law, the
6 prohibition of sex discrimination in subsection (a) shall not
7 apply to a participating school that is operated by, supervised
8 by, controlled by, or connected to a religious organization to
9 the extent that the application of subsection (a) is
10 inconsistent with the religious tenets of the school.

11 (c) Notwithstanding subsection (a) or any other provision
12 of law, a parent may choose and a school may offer a single sex
13 school, class, or activity.

14 (d) Notwithstanding any other provision of law, a school
15 participating in any program under this part that is operated
16 by, supervised by, controlled by, or connected to, a religious
17 organization may exercise its discretion in matters of
18 employment consistent with title VII of the Civil Rights Act of
19 1964, 42 U.S.C. 2000e-1 et seq., including the exemptions in
20 such title.



1 (e) Notwithstanding any other provision of law, funds made
2 available under this part to eligible students that are received
3 by a participating school, as a result of their parents' choice,
4 shall not, consistent with the first amendment of the United
5 States Constitution, necessitate any change in the participating
6 school's teaching mission, require any participating school to
7 remove religious art, icons, scriptures, or other symbols, or
8 preclude any participating school from retaining religious terms
9 in its name, selecting its board members on a religious basis,
10 or including religious references in its mission statements and
11 other chartering or governing documents.

12 (f) A scholarship, or any other form of support provided
13 to parents of eligible students, under this part shall be
14 considered assistance to the student and shall not be considered
15 assistance to the school that enrolls the eligible student. The
16 amount of any scholarship, or other form of support provided to
17 parents of an eligible student, under this part shall not be
18 treated as income of the parents for purposes of State tax laws
19 or for determining eligibility for any other State program.

20 **§302A-F Evaluations.** (a) The board, directly or by grant,
21 contract, or cooperative agreement, shall:



1 (1) Conduct an evaluation using the strongest possible
2 research design for determining the effectiveness of
3 the programs funded under this part that addresses the
4 issues described in subsection (b); and

5 (2) Disseminate information on the impact of the programs
6 in increasing the student academic achievement of
7 participating students, as well as other appropriate
8 measures of student success, and on the impact of the
9 programs on students and schools in the State.

10 (b) The issues set forth in subsection (a) shall include
11 the following:

12 (1) A comparison of the academic achievement of students
13 who participate in the programs funded under this part
14 with the academic achievement of students of similar
15 backgrounds who do not participate in such programs,
16 including a consideration of school factors that may
17 contribute to any differences in their academic
18 achievement;

19 (2) The success of the programs in expanding choice
20 options for parents;



- 1 (3) The reasons parents choose for their children to
2 participate in the programs;
- 3 (4) A comparison of the retention rates, dropout rates,
4 and, if appropriate, graduation and college admission
5 rates of students who participate in the programs
6 funded under this part with the retention rates,
7 dropout rates, and, if appropriate, graduation and
8 college admission rates of students of similar
9 backgrounds who do not participate in such programs.
- 10 (5) The impact of the program on public elementary schools
11 and secondary schools in the State.
- 12 (6) A comparison of the safety of the schools attended by
13 students who participate in the programs and the
14 schools attended by students who do not participate in
15 the programs.
- 16 (7) Such other issues as the board considers appropriate
17 for inclusion in the evaluation.
- 18 (c) The board shall submit the following to the
19 legislature:
- 20 (1) Annual interim reports not later than December 1 of
21 each year for which a grant is made under this part on



1 the progress and preliminary results of the evaluation
2 of the programs funded under this part; and

3 (2) A final report not later than one year after the final
4 year for which a grant is made under this part on the
5 results of the evaluation of the programs funded under
6 this part.

7 (d) All reports and underlying data gathered pursuant to
8 this section shall be made available to the public upon request,
9 in a timely manner following submission of the applicable report
10 under subsection (c), except that personally identifiable
11 information shall not be disclosed or made available to the
12 public.

13 (e) The amount expended by the board to carry out this
14 section for any fiscal year may not exceed three percent of the
15 total amount appropriated to carry out this part for the year.

16 **§302A-G Reporting requirements.** (a) Each grantee
17 receiving funds under this part during a year shall submit a
18 report to the board not later than July 30 of the following year
19 regarding the activities carried out with the funds during the
20 preceding year.



1 (b) In addition to the reports required under subsection
2 (a), each grantee shall, not later than September 1 of the year
3 during which the second academic year of the grantee's program
4 is completed and each of the next two years thereafter, submit a
5 report to the board regarding the data collected in the previous
6 two academic years concerning:

- 7 (1) The academic achievement of students participating in
8 the program;
- 9 (2) The graduation and college admission rates of students
10 who participate in the program, where appropriate; and
- 11 (3) Parental satisfaction with the program.

12 No report under this subsection may contain any personally
13 identifiable information.

14 (c) Each grantee shall ensure that each school
15 participating in the grantee's program under this part during a
16 year reports at least once during the year to the parents of
17 each of the school's students who are participating in the
18 program on the following matters:

- 19 (1) The student's academic achievement, as measured by a
20 comparison with the aggregate academic achievement of
21 other participating students at the student's school



1 in the same grade or level, as appropriate, and the
2 aggregate academic achievement of the student's peers
3 at the student's school in the same grade or level, as
4 appropriate; and

5 (2) The safety of the school, including the incidence of
6 school violence, student suspensions, and student
7 expulsions.

8 No report under this subsection may contain any personally
9 identifiable information, except as to the student who is the
10 subject of the report to that student's parent.

11 (d) The board shall submit to the legislature an annual
12 report on the findings of the reports submitted under this
13 section.

14 **§302A-H Other requirements for participating schools.** (a)

15 Each school participating in a program funded under this part
16 shall comply with all requests for data and information
17 regarding evaluations conducted under section §302A-G.

18 (b) A participating school may require eligible students
19 to abide by any rules of conduct and other requirements
20 applicable to all other students at the school.

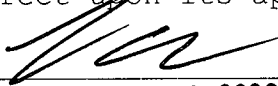
21 (c) Each participating school shall:



- 1 (1) Ensure that participating eligible students receive
2 comparable academic assessments in the same grade
3 levels as those provided to State public school
4 students, and ensure, to the maximum extent possible,
5 that the assessment results are capable of being
6 compared to determine the relative achievement levels
7 between participating eligible students and State
8 public school students in the same grades; and
9 (2) Ensure academic assessment results containing any
10 personally identifiable information shall be disclosed
11 only to the parents of the student taking the
12 assessment."

13 SECTION 3. This Act shall take effect upon its approval.

INTRODUCED BY: _____



JAN 24 2023



H.B. NO. 1272

Report Title:

Relating to school choice scholarship program

Description:

Provides students access to nonpublic schools through school choice scholarship program, which provides grants to eligible entities to allocate funds to eligible students for enrollment in nonpublic schools based upon financial need.

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

