

ACT 366

S.B. NO. 1870

A Bill for an Act Relating to Education.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Findings and purpose. For a long time, Hawaii's single statewide system of education was thought of as the best organizational structure for our public schools to ensure equal opportunities for all of the children of Hawaii. More recently, however, in conjunction with assessments to determine how far we are from achieving the excellence in education which is the objective of every concerned citizen of Hawaii and the nation, experts have suggested that our public school system could benefit from a restructuring, without eliminating the single statewide system, to maximize achievement of that goal.

The restructuring recommended by experts can be labeled "school/community-based management."

Very generally, the legislature is informed that the school/community-based management model is a process centered in each school. Its effectiveness is said to result from the involvement of all those instrumental in educating our children—the principal who must be a strong leader, a well-trained and focused teaching and support staff dedicated to implementing new ideas, involved parents, students, and other community members and organizations who can take greater responsibility for creating an effective learning environment and facilities conducive to learning. Its primary tenet appears to be that all participants affected by decisions, including principals, teachers, support staff, students, parents, and community members, should play a significant role in making those decisions. Based on research, experts believe that educational reform efforts will be most effective and long lasting when carried out by people who feel a sense of ownership and responsibility for the process.

Using a school/community-based management system, basic resources, training for faculty and administrators, and a systematic improvement process, a growing number of educational experts have informed the legislature that Hawaii can once again have a public education system which is second to none. However, because in the past the thinking had been that a highly centralized system was the best means of ensuring the availability of a sound public education, if Hawaii is to heed the advice of the educational experts, some restructuring of the statewide public school system is required.

The legislature finds that the school/community-based management concept is worthy of pursuit as a means for restructuring public education. Recognizing also, however, that ours is and must be a single statewide public school system which does not discriminate amongst our children and our communities, it is equally essential to ensure that access to educational benefits and facilities are not diminished by our effort. The purpose of this Act is to empower the board of education and other state departments and agencies to make the adjustments needed to initiate and facilitate implementation of the school/community-based management concept in our public schools.

As is contemplated under the concept of school/community-based management, the board is expected to define overall educational objectives and establish the criteria for measuring efforts of each participating school toward achieving those objectives, but allow the schools to make the day-to-day decisions as to how to accomplish them. However, schools may be unable to achieve their objectives because of some existing rules, policies, or procedures of the board of education, the department of education, and other agencies of the State. This legislation intends to enable those state agencies that presently participate in the staffing, construction, funding, maintenance, and operation of the public schools to grant waivers from rules, policies, and procedures that would otherwise proscribe or limit the schools' ability to achieve excellence in realizing the statewide goals for students.

Finally, the board shall establish a plan and a process whereby all schools will eventually become locally managed beginning with procedures to select those public schools which will participate, at least initially, in making school/community-based management a reality in Hawaii. The initial schools will be considered as a demonstration of the feasibility and effectiveness of school/community-based management and a step toward restructuring of our public school system.

SECTION 2. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

“CHAPTER SCHOOL/COMMUNITY-BASED MANAGEMENT

§ -1 **Findings and purpose.** The legislature finds that efforts must be made to ensure the excellence of Hawaii’s public schools. Changes in the way the state’s single school system is managed, particularly by restructuring the system to allow for more educational decision-making at the school level and thereby increasing the involvement of those directly affected by the decisions, should increase accountability and result in the excellence we seek.

This chapter is enacted to direct the department of education, the board of education, and all other agencies of the State to exercise their powers to foster that involvement and accountability. It recognizes, however, that a system so different from the centralized system presently in place cannot be imposed instantaneously.

§ -2 **Mandate to initiate school/community-based management system.** The department of education through the board of education and its superintendent shall formulate policies, including criteria and procedures to determine which schools shall participate in the system, to initiate a school/community-based management system in the public schools. The board of education shall appoint a representative selection panel to recommend which schools should be selected. For purposes of this chapter, the term “school/community-based management system” shall mean a method of educational management which diffuses educational decision-making to involve or secure the input of those directly affected by the decision to be made at the school level, and encourages school initiated methods for achieving educational goals established statewide by the board.

§ -3 **Educational objectives.** The board of education shall formulate such policy and exercise such control as may be necessary to define a common set of educational goals which the schools subject to the school/community-based management system shall be responsible for fulfilling. The board shall also be responsible for formulating standards for measuring the efforts of each participating school toward achieving those goals each year. The participating schools shall be free to use all reasonable means to accomplish those goals with the resources available to them.

§ -4 **Waiver of policy, rule, or procedures.** Any state agency that may be required to act under state law on a matter affecting an individual school and its school community, shall waive otherwise applicable policies, rules, or procedures when requested to do so by a school participating in the school/community-based management system unless an agency can within thirty days justify a denial to the appropriate authority. The board of education shall adopt procedures necessary to process waivers initiated by schools subject to the school/community-based management system. This section shall apply to collective bargaining agreements as provided for in all relevant collective bargaining agreements negotiated pursuant to chapter 89.

§ -5 **Rules.** The board of education may adopt rules to implement this chapter.”

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

(Approved June 19, 1989.)