

ACT 168

S.B. NO. 1868

A Bill for an Act Relating to Recodification of the Education Statutes.

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

SECTION 1. The legislature finds and declares that the purpose of public education is to educate the citizenry to function in a democracy. The legislature further finds that the shift from an agricultural society to an information-based society has caused us to review the structure and operations of our public school system. The statewide school system, which was established at the inception of statehood, is no longer the best model for our individual schools to meet the broad range of needs of their constituents—the students. Thus, the legislature has begun a process of systemic reform, a “top-down support for bottom-up reforms” to provide individual schools the autonomy to develop and implement alternative administrative and instructional frameworks.

Systemic reform means working with all schools in a systematic process which will result in restructuring our public schools and making fundamental changes in the way we educate our children. Systemic reform begins with the setting of state performance standards for all students and then requiring students to

demonstrate their mastery of the standards. The next step is to provide the necessary flexibility and autonomy to the individual schools to identify and implement the types of classroom experiences to ensure this degree of student mastery. The intent of this individual school approach is to put students first by not only giving the schools flexibility but also making them directly accountable for student achievement.

Education policy focused on putting students first creates an environment that supports restructured schools in reaching the following outcomes:

- (1) Authentic student achievement;
- (2) Equity;
- (3) Empowerment;
- (4) Communities of learning;
- (5) Reflective dialogue; and
- (6) Accountability.

Education policy should support actual or authentic student achievement not merely numbers from a test score. Education policy should promote equity and equal opportunity for all students in all schools. Education policy should facilitate establishment of school/community-based management and student-centered schools and thereby promote school autonomy and community involvement. Education policy should build communities of learning engaged in reflective dialogue about how to improve student achievement. Finally, education policy should require accountability so that communities of learning evaluate their efforts and report their results, with the end result being authentic student achievement.

Ongoing efforts during the past years to restructure the public education system have been focused on providing more autonomy and flexibility to the individual schools. While the thrust has been to facilitate systemic change, this task has involved making various piecemeal changes to education statutes which have not been fully integrated. Thus, the legislature believes that there is a need to reorganize the education statutes to integrate recent education policy changes and thereby more clearly communicate the intent and import of systemic reforms.

The purpose of this Act is to establish the mechanisms to study and create a new education title in the Hawaii Revised Statutes which clearly expresses legislative intent and recodifies the education statutes to reflect recent systemic reforms.

**SECTION 2.** There is established an education statutory revision interim study group to be co-chaired by the chairpersons of the senate committee on education and the house of representatives committee on education. The interim study group shall be convened to identify and submit to the 1996 legislature, guiding principles for statewide education policy which can be adopted and used to evaluate future education legislation.

The study group members shall be appointed jointly by the president of the senate and the speaker of the house of representatives from a list of nominees submitted by the chair of the senate committee on education and the chair of the house of representatives committee on education. The group shall reflect the constituency of the school community and shall be composed of the following:

- (1) Two community members active in systemic reform;
- (2) Two parents;
- (3) One principal;
- (4) One teacher;
- (5) One student;
- (6) The superintendent of education or the superintendent's representative; and
- (7) The chairperson of the board of education or the chairperson's representative.

The members of the interim study group shall be appointed no later than thirty days after the effective date of this Act. The members shall serve without compensation. The co-chairs may request the assistance of educational consultants and legislative staff support as necessary.

The interim study group shall submit a report of its findings and recommendations to the speaker of the house of representatives and the president of the senate.

SECTION 3. The legislative reference bureau is requested to apply the following organizational framework to title 18, Hawaii Revised Statutes, including chapters 296, 296C, 296D, 297, 298, 299, 300, and 301, Hawaii Revised Statutes, to identify statutes which should be consolidated, amended, or repealed to conform with recent education policy initiatives for the purposes of recodification of the education statutes. The suggested organizational framework includes:

- (1) Part I. Findings and purpose
- (2) Part II. Provisions affecting students
  - Subpart A. Student performance standards
  - Subpart B. Curriculum and instruction
  - Subpart C. Supplementary programs
- (3) Part III. Provisions affecting school personnel
  - Subpart A. Employment conditions and compensation
  - Subpart B. Staff development and incentives
- (4) Part IV. Provisions affecting system structure
  - Subpart A. Accountability
  - Subpart B. Organization
- (5) Part V. Provisions affecting financial structure
  - Subpart A. Budget
  - Subpart B. Federal funding
- (6) Part VI. Provisions affecting facilities
  - Subpart A. Facilities and equipment

The interim study group, with the technical assistance of the legislative reference bureau, may create such further subdivisions as are deemed necessary for clarity and conformance with proper statutory construction.

The legislative reference bureau shall submit a report of its findings and recommendations along with proposed legislation twenty days prior to the convening of the 1996 regular session, to the co-chairs of the education statutory revision interim study group established in section 2 of this Act.

SECTION 4. This Act shall take effect upon its approval.

(Approved June 14, 1995.)