

ACT 308

H.B. NO. 2680

A Bill for an Act Relating to Student-Centered Schools.

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

SECTION 1. Chapter 302A, Hawaii Revised Statutes, is amended by adding two new sections to be appropriately designated and to read as follows:

“§302A- Student-centered schools; mandate to support. The department, through the board and its superintendent, shall provide information and technical assistance upon request necessary to support the establishment and expansion of student-centered schools.

§302A- Student-centered schools; administrative supervision. Whenever any student-centered school is established under section 302A-1123, the following provisions shall apply except as otherwise specifically provided by this chapter:

- (1) Following consultation with the student-centered school, the board of education shall represent the student-centered school in communications with the governor and with the legislature;
- (2) The financial requirements for state funds of the student-centered school shall be submitted through the board of education and included in the budget for the department;
- (3) The approval of all policies and rules adopted by the student-centered school shall be preceded by an open public meeting and shall not be subject to chapter 91;
- (4) The employment, appointment, promotion, transfer, demotion, discharge, and job descriptions of all officers and employees of or under the jurisdiction of the student-centered school shall be determined by the student-centered school and applicable personnel laws and collective bargaining agreements;
- (5) Except as set forth in this section, the board of education or the superintendent of education shall not have the power to supervise or control the student-centered school in the exercise of its functions, duties, and powers.”

SECTION 2. Section 302A-1123, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Any public school, up to a total of twenty-five schools, may establish a student-centered school[;], which shall be attached to the board of education for administrative purposes only as specified under section 302A- ; provided that:

- (1) Any public school that establishes a student-centered school shall be exempt from all applicable state laws; except those regarding:
 - (A) Collective bargaining under chapter 89; provided that the exclusive representatives and the employers defined in chapter 89 may enter into agreements that contain cost and noncost items to facilitate decentralized decision-making; and provided further that the exclusive bargaining unit representatives and the local school board of the student-centered school may enter into agreements that contain cost and noncost items; and provided further that the agreements shall be funded from the current allocation or other sources of revenue received by the student-centered school;
 - (B) State procurement laws; and
 - (C) [Religious, racial, or sexual bias,] Discriminatory practices under section 378-2, and health and safety requirements;
- (2) The school establishes a local school board as its governing body composed of, at a minimum, one representative from each of the following participant groups:
 - (A) Principals;
 - (B) Instructional staff members selected by the school instructional staff;
 - (C) Support staff selected by the support staff of the school;
 - (D) Parents of students attending the school selected by the parents of the school;
 - (E) Student body representatives selected by the students of the school; and
 - (F) The community at-large [selected by the board of education];
- (3) The local school board may formulate school-based educational policy and goals in accordance with statewide educational performance standards, adopt school performance standards and assessment mechanisms, monitor school success, and may select the principal as the chief executive officer of the school in accordance with [chapter 89.] paragraph¹ (1)(A). The principal shall consult and work collaboratively with the local school board and have jurisdiction over the internal organization, operation, and management of the school;
- (4) The local school board has developed a detailed implementation plan containing the elements prescribed under subsection (b) for a student-centered school that has been approved by three-fifths of the school’s administrative, support, and teaching personnel, and parents; provided that the school personnel may request their bargaining unit representatives to certify and conduct the elections for their respective bargaining units;
- (5) The detailed implementation plan has been submitted to the board of education for review;
- (6) The detailed implementation plan assures compliance with statewide student performance standards; [and]
- (7) No student-centered [schools] school shall charge tuition[.]; and
- (8) The State shall afford the local school board of any student-centered school the same protections as the State affords to the state board of education.’

SECTION 3. Section 302A-1123, Hawaii Revised Statutes, is amended by amending subsection (d) to read as follows:

“(d) Student-centered schools shall receive an allocation of state general funds [on a per student basis that is equal to the statewide per pupil expenditure for average daily attendance; provided that] based upon the operational and educational funding requirements of the schools; provided that:

- (1) For fiscal year 1998-1999, the allocation shall be based on a total per pupil expenditure as determined by the legislative auditor; provided that the allocation may be adjusted by the auditor to reflect changes to the department’s budget in the Supplemental Appropriations Act of 1998, H.B. No. 2500,² and any appropriation made for collective bargaining agreements; and provided further that a school may negotiate an adjusted allocation in order to have the department of education provide services to the school; and
- (2) Beginning in fiscal year 1999-2000, and every year thereafter, the auditor shall determine the appropriate allocation based on the total department of education general fund appropriation and per pupil expenditure for the previous year; provided that the legislative auditor shall take into consideration any changes to the department’s budget by the legislature and any collective bargaining negotiated amounts;

and provided further that the allocation for self-contained special education students and for other special education students shall be adjusted appropriately to reflect the additional expenses incurred for the students in these programs.”

SECTION 4. Section 302A-1123, Hawaii Revised Statutes, is amended by amending subsection (f) to read as follows:

“(f) [The department shall require every student-centered school to] Every student-centered school shall conduct self-evaluations annually. The self-evaluation process shall include but not be limited to the following:

- (1) The identification and adoption of benchmarks to measure and evaluate administrative and instructional programs as provided in this section; [and]
- (2) The identification of any administrative and legal barriers to meeting the benchmarks, as adopted, and recommendations for improvements and modifications to address the barriers; and

[(2)] (3) The impact upon the students of the student-centered school.

Every student-centered school shall submit a report of its self-evaluation to the board of education within sixty days after the completion of the school year; provided that the department shall have thirty days to respond to any recommendation regarding improvements and modifications that would directly impact the department.

The [department] board of education shall evaluate each student-centered school four years after its establishment to assure compliance with [the] statewide student performance standards[.], consistent with subsection (a)(3); provided that each student-centered school established prior to the effective date of this Act shall be evaluated four years after the effective date of this Act. Upon a determination by the board of education that student achievement within a student-centered school does not meet the student performance standards, a student-centered school shall be placed on probationary status and shall have two years to bring student performance into compliance with statewide standards. If a student-centered school fails to meet its probationary requirements, the board of education, upon a two-thirds majority vote, may then deny the continuation of the student-centered school.”

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SECTION 5. Section 302A-1302, Hawaii Revised Statutes, is amended to read as follows:

“[[§302A-1302]] School-based budget flexibility. Beginning with the 1995-1997 fiscal biennium, the department shall implement school-based budget flexibility for schools, complexes, and learning support centers. The flexibility shall be limited to the school-based budgeting program EDN 100 of the department[.] for all schools except student-centered schools defined in section 302A-101; provided that beginning in fiscal year 1998-1999, and every year thereafter, the department shall distribute the full appropriation due to a student-centered school pursuant to section 302A-1123(d) directly to the student-centered school.”

SECTION 6. The revisor of statutes shall substitute the appropriate act number for the references to H.B. No. 2500 in section 3 of this Act.

SECTION 7. Statutory material to be repealed is bracketed. New statutory material is underscored.³

SECTION 8. This Act shall take effect on July 1, 1998.

(Approved July 20, 1998.)

Notes

1. Should be underscored.
2. Act 116.
3. Edited pursuant to HRS §23G-16.5.