

**ACT 148**

S.B. NO. 1485

A Bill for an Act Relating to Reconstituting Schools.

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

SECTION 1. Public schools that have been in restructuring for four or more years and have not made significant advancements toward improving academic performance, should be reconstituted using extraordinary measures. Drastic steps must be taken to ensure that our students make adequate academic progress.

The purpose of this Act is to allow the superintendent of education to:

- (1) Reconstitute a public school, except for a charter school, after certain considerations have been made, that has been in restructuring for four or more school years and has not made significant advancements toward improving academic performance; and
- (2) Recommend to the charter school review panel actions that should be taken to reconstitute a charter school that has been in restructur-

ing for four or more school years or recommend that the charter school's charter be revoked.

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

**“§302A- Reconstituting schools.** (a) Notwithstanding collective bargaining agreements, memorandums of agreement, or memorandums of understanding, the superintendent may reconstitute a public school, except a charter school, that has been in restructuring under the No Child Left Behind Act of 2001, Public Law 107-110, for four or more school years and has not made significant advancements toward improving academic performance as determined by a statistical analysis of academic data; provided that the following have been considered:

- (1) Student proficiency in reading and math in the period during which the school is in restructuring;
- (2) Interventions and other programs being used by the school to address student proficiency;
- (3) The number of highly qualified or effective teachers at the school;
- (4) Professional development being conducted at the school;
- (5) Input from school faculty and staff, complex specialists, and state office program specialists; and
- (6) Input from the school community council;

provided further that the superintendent has made a recommendation to the board to reconstitute the school, taking into consideration the recommendation of the complex area superintendent, if any.

(b) In reconstituting a public school, the superintendent may take actions that include:

- (1) Replacing all or most of the staff, including teachers, principals, and other support staff;
- (2) Entering into a contract with a private entity to manage the school; and
- (3) Changing the membership of the school community council.

(c) The department shall negotiate with the respective unions the process of reassigning employees of the school to be reconstituted to other positions within the department for which the employees are qualified.

(d) The department shall follow the current hiring and recruiting procedures for all employees to be employed at the reconstituted school.

(e) The board shall adopt rules pursuant to chapter 91 as may be necessary to implement this section.”

SECTION 3. Chapter 302B, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**“§302B- Reconstituting public charter schools.** (a) The superintendent may recommend actions to the charter school review panel that should be taken to reconstitute a charter school that has been in restructuring under the No Child Left Behind Act of 2001, Public Law 107-110, for four or more school years, and may recommend that the charter school review panel revoke the charter school's charter.

(b) The board shall adopt rules pursuant to chapter 91 as may be necessary to implement this section.”

SECTION 4. New statutory material is underscored.<sup>1</sup>

SECTION 5. This Act shall take effect upon its approval.  
(Approved June 21, 2011.)

**Note**

1. Edited pursuant to HRS §23G-16.5.