

A Bill for an Act Relating to Education.

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

SECTION 1. The legislature finds that when a student who is under the age of eighteen transfers schools, existing law requires the student to submit to the enrolling school a certificate of release obtained from the school last attended. Because minors do not have legal capacity independent of their parents, the legislature further finds that it is more appropriate for the parent or legal guardian of the minor student to produce and submit the certificate of release, unless the student is an emancipated minor.

The legislature also finds that under the McKinney-Vento Homeless Assistance Act of 1987, unaccompanied homeless youth are those youth who are not in the physical custody of a parent or legal guardian and experiencing unstable housing. McKinney-Vento eligible students, including unaccompanied youth, are entitled to enroll in school immediately, even if the student is lacking documents normally required for enrollment or have missed application or enrollment deadlines.

The purpose of this Act is to:

- (1) Adjust the responsibility of producing a certificate of release from certain minor students to the student's parent or legal guardian; and
- (2) Exempt students eligible for assistance provided under the federal McKinney-Vento Homeless Assistance Act of 1987 from having to produce certain student records when transferring schools.

SECTION 2. Section 302A-1145, Hawaii Revised Statutes, is amended to read as follows:

“§302A-1145 Transfer to another school. No school shall receive any [ehild] student under eighteen years of age, ~~[who has attended another school of the same class in the same complex area,]~~ unless the [ehild] student's parent or legal guardian produces to the school in which the student is to be enrolled, a certificate of release of the school last attended by the ~~[ehild-] student;~~ provided that an emancipated minor may produce the minor's own certificate of release. If the [ehild] parent or legal guardian of a student applies for the student to [enroll] be enrolled, or an emancipated minor applies to enroll, in a school of higher grade, a certificate of proficiency ~~[shall be required]~~ or a lawful excuse for its absence~~]. The children from one complex area desiring to enter a school in another complex area may be received or enrolled upon producing a certificate of release from the school last attended in the other complex area.] shall be required.~~

This section shall not apply to students eligible for assistance provided under the federal McKinney-Vento Homeless Assistance Act of 1987, including unaccompanied youth who are not under the physical custody of a parent or legal guardian.”

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

SECTION 4. This Act shall take effect on January 1, 2024.

(Approved July 3, 2023.)