
A BILL FOR AN ACT

RELATING TO EDUCATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The purpose of this Act is to clarify budgetary
2 funding, including weighted student formula funding, for special
3 education services, personnel, and other costs for public
4 schools.

5 SECTION 2. Section 302A-1301, Hawaii Revised Statutes, is
6 amended by amending subsection (b) to read as follows:

7 "(b) Not less than seventy per cent of appropriations for
8 the total budget of the department, excluding debt service and
9 capital improvement programs and appropriations for agencies
10 administratively attached to the department, shall be [~~expended~~
11 ~~by principals.~~] distributed through the weighted student formula
12 pursuant to section 302A-1303.6; provided that not less than
13 twenty per cent of appropriations for the total budget of the
14 department shall be expended for special education services and
15 personnel."

16 SECTION 3. Section 302D-28, Hawaii Revised Statutes, is
17 amended by amending subsection (a) to read as follows:



1 "(a) Beginning with fiscal year 2012-2013, and each fiscal
2 year thereafter, the non-facility general fund per-pupil funding
3 request for charter school students shall be the same as the
4 general fund per-pupil amount to the department in the most
5 recently approved executive budget recommendation for the
6 department and shall be based upon reasonable projected
7 enrollment figures for all charter schools. The general fund
8 per-pupil request for each regular education and special
9 education student shall:

10 (1) Include all general fund regular and special education
11 cost categories, including comprehensive school
12 support services, but excluding [~~special education~~
13 ~~services,~~] adult education[~~7~~] and the after-school
14 plus program; provided that these services are
15 provided and funded by the department; and provided
16 further that the per pupil request for special
17 education shall not be less than twenty per cent of
18 the total general fund per pupil request; and

19 (2) Exclude fringe benefit costs and debt service."

20 SECTION 4. Section 302D-30, Hawaii Revised Statutes, is
21 amended to read as follows:



1 "§302D-30 Responsibilities of the department; special
2 education services. (a) The department shall collaborate with
3 each authorizer to develop a system of technical assistance
4 related to compliance with federal and state laws and access to
5 federal and state funds. The department shall collaborate with
6 each authorizer to develop a list of central services that the
7 department may offer for purchase by a charter school at an
8 annual cost to be negotiated between an individual charter
9 school and the department. The department shall enter into a
10 contract with a charter school to provide these services, which
11 shall be renegotiated on an annual basis.

12 (b) The department shall be responsible for the provision
13 of a free appropriate public education. Any charter school that
14 enrolls special education students or identifies one of its
15 students as eligible for special education shall be responsible
16 for providing the educational and related services required by a
17 student's individualized education program. The programs and
18 services for the student shall be determined collaboratively by
19 the student's individualized education program team, which
20 includes the student's parents or legal guardians.



1 If the charter school is unable to provide all of the
 2 required services, then the department shall provide the student
 3 with services as determined by the student's individualized
 4 educational program team. The department shall collaborate with
 5 the commission to develop guidelines related to the provision of
 6 special education services and resources to each charter school.
 7 The department shall review all of the current individualized
 8 education programs of special education students enrolled in a
 9 charter school and may offer staff, funding, or both, to the
 10 charter school based upon a per-pupil weighted formula
 11 implemented by the department and used to allocate resources for
 12 special education students in the department schools.

13 (c) All per pupil special education funds appropriated by
 14 the legislature for charter schools shall be expended for
 15 special education services and personnel by charter school
 16 principals or directors."

17 SECTION 5. Statutory material to be repealed is bracketed
 18 and stricken. New statutory material is underscored.

19 SECTION 6. This Act shall take effect upon its approval.
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INTRODUCED BY:

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H.B. NO. 2079

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JAN 19 2018



H.B. NO. 2079

Report Title:

Public Schools; Special Education; Funding

Description:

Clarifies budgetary funding, including weighted student formula funding, for public school special education services, personnel, and other costs.

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