

---

---

# A BILL FOR AN ACT

RELATING TO EDUCATION.

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

1       SECTION 1. The Hawaii Revised Statutes is amended by  
2       adding a new chapter to be appropriately designated and to read  
3       as follows:

4                               "CHAPTER

5                               PRIVATE SCHOOL LICENSURE

6       §   -1   Definitions. As used in this chapter:

7       "Department" means the department of commerce and consumer  
8       affairs.

9       "Director" means the director of commerce and consumer  
10      affairs.

11      "Private schools" mean academic and noncollege type schools  
12      that meet the following requirements:

- 13           (1) Have developed and published a clear statement of  
14               purpose together with plans for a curriculum to carry  
15               out its purposes;



- 1           (2)   Have an organization, structure, course offerings, and  
2           staffing acceptable for the school's stage of  
3           development;  
4           (3)   Have a properly functioning governing board;  
5           (4)   Have employed a chief executive officer;  
6           (5)   Offer instruction in all subject areas required by  
7           applicable law and has a written sequential  
8           curriculum;  
9           (6)   Have developed an adequate financial base to give  
10          reasonable assurance of continuing financial  
11          stability;  
12          (7)   Have an admissions policy compatible with its stated  
13          objectives;  
14          (8)   Have facilities to adequately support the educational  
15          program; and  
16          (9)   Have developed a plan to insure the safety of  
17          students, faculty, and staff,  
18   and are issued permits under this chapter by the department  
19   authorizing the establishment of each school.

20          "Private schools" excludes:

- 21          (1)   "Charter school" or "public charter school" as defined  
22          in section 302D-1;



- 1 (2) "Public schools" as defined in section 302A-101;
- 2 (3) "Private trade, vocational, or technical schools" as
- 3 defined in section 302A-101;
- 4 (4) Schools maintained, or classes conducted, by employers
- 5 for their own employees where no fee or tuition is
- 6 charged;
- 7 (5) Courses of instruction given by any fraternal society,
- 8 benevolent order, or professional organization to its
- 9 members, which courses are not operated for profit;
- 10 (6) Classes conducted for less than five students at one
- 11 and the same time;
- 12 (7) Classes or courses of instruction that are conducted
- 13 for twenty or fewer class sessions during any twelve-
- 14 month period;
- 15 (8) Avocational, hobby, recreation, or health classes or
- 16 courses; and
- 17 (9) Schools registered or authorized by the department or
- 18 by boards and commissions placed in the department for
- 19 administrative purposes.

20 § -2 Powers of the department. (a) The department

21 shall serve as the agency for the licensing of private schools

22 under this chapter.



(b) The department shall adopt rules to carry out the purposes of this chapter, including the adoption of rules pursuant to chapter 91 establishing requirements pertaining to the:

- (1) Licensure of private schools;
- (2) Teacher certification for private schools;
- (3) Length of the school year and days for private schools;
- (4) Private school curriculum;
- (5) Recordkeeping of permanent records, annual reports, and the handling of complaints for private schools; and
- (6) Health and safety requirements for private schools.

**§ -3 Private schools; establishment; authorization and supervision by the department.** (a) Every private school shall be subject to the supervision of the department under this chapter. Private school faculty, teachers, and other personnel shall be subject to rules and regulations established by the department including rules and regulations regarding the qualifications of and requirements for applicants.



1 (b) Any person or persons desiring to establish a private  
2 school within the State, prior to establishment of the school,  
3 shall apply in writing to the department.

4 (c) Each application shall:

5 (1) Be signed by the applicant or applicants; and

6 (2) Contain:

7 (A) The name or names of the persons desiring to  
8 establish the school;

9 (B) The proposed location of the school; and

10 (C) The course of instruction and language(s) in  
11 which instruction will be given at the school.

12 (d) Upon receipt and approval of the application by the  
13 department, the department shall issue a permit to the person or  
14 persons applying for a permit in a form approved by the  
15 department authorizing the establishment of the school.

16 (e) No private school shall be operated by any person or  
17 persons unless there is first secured from the department a  
18 permit issued in accordance with this section and in such a form  
19 as the department may require.

20 (f) Attendance at any private school established or  
21 maintained without complying with the terms of this chapter



1 shall not be considered attendance at a private school within  
2 the meaning of this section.

3 (g) No private school shall be established except in  
4 conformity with this chapter.

5 § -4 Reporting. The department may, from time to time,  
6 require private schools to submit reports in a form as the  
7 department deems appropriate and necessary.

8 § -5 Penalties. (a) Failure to meet the standards  
9 required of private schools or failure to comply with the  
10 provisions of law shall be cause for refusal to issue a permit  
11 or cause for the revocation or suspension of any permit.

12 (b) Failure to comply with this chapter shall constitute  
13 an offense punishable by a fine of not more than \$ for  
14 each offense."

15 SECTION 2. This Act shall take effect days after the  
16 approval of this Act or upon the adoption of rules by the  
17 department of commerce and consumer affairs, whichever comes  
18 first.

19

INTRODUCED BY: \_\_\_\_\_

  
Tahira  
Javed



# H.B. NO. 2680

**Report Title:**

Education; Private Schools; Department of Commerce and Consumer Affairs; Licensure; Supervision; Authorization

**Description:**

Places the licensure, operation, and supervision of private schools under the Department of Commerce and Consumer Affairs (DCCA). Requires any person or persons desiring to establish a private school within the State, prior to establishment of the school, to apply in writing to the DCCA for a permit. Requires DCCA to adopt rules.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

