
A BILL FOR AN ACT

RELATING TO EDUCATION DATA.

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

1 SECTION 1. The legislature finds that:

2 (1) Many factors contribute to poor student performance,
3 including lost instruction time and chronic absence
4 from school;

5 (2) A student who has been suspended, even once, is less
6 likely to graduate;

7 (3) Discipline that keeps students engaged in the learning
8 process and with the school community is more
9 effective than discipline that interrupts the learning
10 process and separates the learning community;

11 (4) Although out-of-school and in-school suspensions are
12 necessary in some situations, the excessive use of
13 suspensions as a discipline measure is harmful to the
14 educational process and to academic achievement;

15 (5) Disparity in disciplinary rates does not necessarily
16 indicate discrimination; it can result from an
17 ineffective school climate or from cultural strategies



1 that are not successful in engaging the academic and
2 behavioral efforts of all students;

3 (6) Accurate data collection relating to absenteeism,
4 discipline, and learning allows school system
5 personnel and the board of education to determine
6 interventions as necessary to encourage student
7 success;

8 (7) By calculating rates of disproportionality among
9 indicators of student performance, including
10 discipline and absenteeism, the department can engage
11 in remedial measures to ensure student success
12 regardless of subgroup; and

13 (8) The data collection, analysis, and reporting required
14 by this Act is intended, in part, to preserve
15 protections that may soon be lost if the United States
16 Department of Education acts on its proposal,
17 published on September 19, 2019, in the Federal
18 Register, to cease collecting certain types of data
19 from public schools and public charter schools for the
20 Department's mandatory civil rights data collection.



1 Based on the foregoing findings, the purpose of this Act is
2 to require the department of education to:

3 (1) Establish a standardized process for accurate data
4 collection;

5 (2) Collect data on indicators relating to school climate
6 and student achievement, including data that may cease
7 to be collected under the United States Department of
8 Education's proposed rollback of mandatory civil
9 rights data collection;

10 (3) Make public, in a way that is understandable to
11 families and advocates, data relating to school
12 climate and student achievement;

13 (4) Coordinate with the state public charter school
14 commission regarding the collection, analysis, and
15 dissemination of this data from public charter
16 schools;

17 (5) Analyze this data; and

18 (6) Annually report this data to the board of education
19 and legislature.



1 SECTION 2. Chapter 302A, Hawaii Revised Statutes, is
2 amended by adding a new section to subpart B of part IV, to be
3 appropriately designated and to read as follows:

4 "§302A- Accurate data reporting. (a) The department
5 shall establish a standardized data collection process for
6 schools and complex areas to maintain records and report data to
7 the department. The department shall implement a process to:

8 (1) Review the accuracy of data reported by schools and
9 complex areas;

10 (2) Coordinate with the state public charter school
11 commission regarding the collection, analysis, and
12 dissemination of this data from public charter
13 schools; and

14 (3) Analyze and publish the data collected.

15 (b) The department shall annually review all data that has
16 been collected pursuant to state and federal law and certify the
17 accuracy of the data."

18 SECTION 3. Section 302A-1004, Hawaii Revised Statutes, is
19 amended to read as follows:

20 **"§302A-1004 Educational accountability system; annual**
21 **reports. (a) The department shall implement a comprehensive**



1 system of educational accountability to motivate and support the
2 improved performance of students and the education system. Data
3 shall be reported as required by this section when the number of
4 students in a particular data subgroup is greater than ten and
5 shall be redacted when the number of students in a particular
6 data subgroup is ten or fewer; provided that the personally
7 identifiable information of each student shall be kept private.

8 This accountability system shall:

- 9 (1) Include student accountability; school or collective
10 accountability; individual professional accountability
11 for teachers, principals, and other employees; and
12 public accounting to parents, community members,
13 businesses, higher education, media, and political
14 leadership;
- 15 (2) Link authority and resources to responsibility;
- 16 (3) Define clear roles for all parties and lines of
17 responsibility and mutual obligation and develop a
18 collaborative process with stakeholders, including
19 representatives of appropriate bargaining units,
20 parents, administration, and students;



- 1 (4) Assess and track measures of academic achievement,
2 safety and well-being, and civic responsibility of
3 individual students at selected grade levels, and
4 annually report trend data from the past three years
5 on these measures [~~over time annually~~];
- 6 (5) Invoke a full and balanced set of appropriate
7 consequences for observed performance, including
8 rewards and recognition for those schools that meet or
9 exceed their goals, assistance to those that fall
10 short, and sanctions for those that, given adequate
11 assistance and ample time, continue to fail to meet
12 goals;
- 13 (6) Involve an annual statewide assessment program that
14 provides a report card containing trend data from the
15 past three years on school, school complex, and system
16 performance at selected benchmark grade levels with
17 performance indicators in areas relating to student
18 achievement, safety and well-being, and civic
19 responsibility. These performance indicators shall
20 include but not be limited to:



- 1 (A) Student performance relative to statewide content
- 2 and performance standards; [~~and~~]
- 3 (B) School attendance and dropout rates; and
- 4 (C) Student discipline, seclusion, and restraint
- 5 information, in total and by unduplicated counts,
- 6 disaggregated by subgroups consisting of race,
- 7 including by Asian subgroup; ethnicity; national
- 8 origin; gender; sex; English learner status; low-
- 9 income status; students whose achievement is
- 10 below grade level for the school year on literacy
- 11 benchmark assessments, math benchmark
- 12 assessments, or end of course assessments; and
- 13 disability status based upon an individualized
- 14 education program or upon section 504 of the
- 15 Rehabilitation Act of 1973 (29 U.S.C. 794),
- 16 including but not limited to the following:
- 17 (i) In-school suspensions;
- 18 (ii) Out-of-school suspensions for one day or
- 19 less; of two to five days; of six to nine
- 20 days; of ten to twenty days; and of twenty-
- 21 one or more days;



- 1 (iii) Expulsions;
- 2 (iv) Removals to an alternative education setting
- 3 by school personnel;
- 4 (v) School-related arrests;
- 5 (vi) Referrals to law enforcement authorities;
- 6 (vii) Withdrawals for other reasons;
- 7 (viii) Number of parent or guardian-initiated
- 8 withdrawals under section 302A-1132;
- 9 (ix) Number of school resource officers, either
- 10 full-time or part-time, and the number of
- 11 hours assigned to the school per week; and
- 12 (x) Other data that the board may approve;
- 13 (7) Require that teachers and administrators engage in the
- 14 continuous professional growth and development that
- 15 ensure their currency with respect to disciplinary
- 16 content, leadership skill, knowledge, or pedagogical
- 17 skill, as appropriate to their position. This
- 18 requirement may be established by the department in
- 19 terms of credit hours earned or their equivalent in
- 20 professional development activity certified by the
- 21 department as appropriate in focus and rigor;



- 1 (8) Establish an explicit link between professional
2 evaluation results and individual accountability
3 through professional development of the knowledge,
4 skill, and professional behavior necessary to the
5 position, by requiring that results of the
6 professional evaluation be used by the department to
7 prescribe professional development focus and content,
8 as appropriate;
- 9 (9) Include an annual statewide fiscal accountability
10 program, which includes a published report card that
11 contains trend data on school, school complex, and
12 systemwide plans and results, including:
- 13 (A) Amounts allocated;
14 (B) Amounts expended;
15 (C) Amounts carried over; and
16 (D) Any significant changes to the budget, with an
17 explanation for the change; and
- 18 (10) Include an evaluation of the effectiveness of complex
19 area superintendents and principals in supporting:
- 20 (A) Students' academic achievement, safety and well-
21 being, and civic responsibility; and



1 (B) The satisfaction of stakeholders affected by the
2 work of the complex area superintendents and
3 principals, which may be measured by broadbased
4 surveys; and

5 (C) Fiscal accountability.

6 (b) The department shall annually post on the department's
7 website [~~information~~]:

8 (1) Information on the specifics of the implementation of
9 the comprehensive accountability system[~~, as well as~~];

10 (2) Information on the fiscal requirements and legislative
11 actions necessary to maintain and improve the
12 accountability system[~~-~~]; and

13 (3) Data collected pursuant to subsection (a) (6) (C) on
14 student discipline, as follows:

15 (A) The total number of students enrolled in the
16 state by complex, school, and subgroup;

17 (B) The percentage of the school, complex, and
18 state's total enrollment that the subgroup
19 represents;

20 (C) The number of students who appear in more than
21 one subgroup;



1 (D) The disciplinary rate for each discipline measure
2 described in subsection (a) (6) (C), based on the
3 total student enrollment in each school and each
4 complex;

5 (E) The disciplinary rate for each discipline measure
6 described in subsection (a) (6) (C) with respect to
7 each subgroup; and

8 (F) The rate of disciplinary disparity for each
9 discipline measure described in subsection
10 (a) (6) (C), with respect to each subgroup, as
11 compared with the subgroup with the lowest
12 disciplinary rate.

13 (c) The department shall also annually post on its website
14 a state-, complex-, and school-level report for each school that
15 details the past three years and includes an analysis of any
16 disproportionality among student subgroups using the performance
17 indicators in subsection (a) (6). Each report shall be uniformly
18 formatted and designed by the department so as to provide
19 school-based users and the public with all pertinent
20 information. Report data shall be downloadable in raw form.



1 Report information [~~that includes but is not limited to~~] shall
2 include the following:

3 (1) Results of school-by-school assessments of educational
4 outcomes;

5 (2) Summaries of each school's standards implementation
6 design;

7 (3) Summary descriptions of the demographic makeup of the
8 schools, with indications of the range of these
9 conditions among schools within Hawaii;

10 (4) Comparisons of conditions affecting Hawaii's schools
11 with the conditions of schools in other states;

12 (5) Other [~~such~~] assessments [~~as may be~~] deemed
13 appropriate by the board; [~~and~~]

14 (6) Student discipline, seclusion, and restraint
15 information by school, as required by this section;

16 and

17 [~~+6~~] (7) Any other reports required by this section.

18 (d) The department shall provide electronic access to
19 computer-based financial management, student information, and
20 other information systems to the legislature and the auditor.

21 The department shall submit to the legislature and to the



1 governor, at least twenty days prior to the convening of each
2 regular session, a school-by-school expenditure report that
3 includes but is not limited to the following:

4 (1) The financial analysis of expenditures by the
5 department with respect to the following areas:

6 (A) Instruction, including face-to-face teaching, and
7 classroom materials;

8 (B) Instructional support, including pupil, teacher,
9 and program support;

10 (C) Operations, including non-instructional pupil
11 services, facilities, and business services;

12 (D) Other commitments, including contingencies,
13 capital improvement projects, out-of-district
14 obligations, and legal obligations; and

15 (E) Leadership, including school management, program
16 and operations management, and district
17 management; and

18 (2) The measures of accuracy, efficiency, and productivity
19 of the department, districts, and schools in
20 delivering resources to the classroom and the student.



1 (e) The superintendent of education is responsible for the
2 development and implementation of an educational accountability
3 system. The system shall include consequences and shall be
4 designed through a collaborative process involving stakeholders
5 that shall include parents, community members, the respective
6 exclusive representatives, as well as others deemed appropriate
7 by the superintendent.

8 (f) The department shall:

9 (1) Annually submit a report to the board and to the
10 legislature, as follows:

11 (A) The report shall identify discipline-related
12 strategies, alternatives, and resources available
13 to schools and complexes, and shall include the
14 following:

15 (i) Student discipline, seclusion, and restraint
16 data collected pursuant to subsection
17 (a) (6) (C);

18 (ii) Data collected in accordance with the data
19 elements shown in the United States
20 Department of Education's 2015-2016 civil
21 rights data collection relating to school



1 finance, teacher experience and absenteeism,
2 all early childhood education items,
3 advanced placement test-taking items,
4 references to gender identity in the
5 definition of "harassment on the basis of
6 sex," number of English language learner
7 students enrolled in English language
8 programs by disability status, participation
9 in credit recovery programs, and any civil
10 rights concerns or complaints from children
11 with disabilities placed by school districts
12 in nonpublic schools; and
13 (iii) Information regarding staffing and contact
14 information for school- and complex-level
15 equity specialists; and
16 (B) The report may include additional information, as
17 determined by the department, that would assist
18 in better understanding the disciplinary rate or
19 rate of disciplinary disparity of a particular
20 school or complex;



- 1 (2) Track the progress made by schools and complexes over
2 the past three years in reducing the disciplinary
3 rates and rate of disciplinary disparity that are
4 referenced in subsection (b) (3) (D) through (F);
- 5 (3) Assess the changes in student academic achievement and
6 absenteeism rates over the past three years that
7 correspond to any reduction in disciplinary rates and
8 rates of disciplinary disparity that are referenced in
9 subsection (b) (3) (D) through (F);
- 10 (4) Track the use of restraints over the past three years;
11 and
- 12 (5) Report annually to the board, and make public on its
13 website, the following:
 - 14 (A) Changes in the use of discipline over the past
15 three years; and
 - 16 (B) Information on the extent to which schools and
17 complexes are implementing evidence-based
18 strategies, including positive behavior
19 interventions, support systems, or restorative
20 justice.



1 For the purposes of this section, negotiations under
2 chapter 89 shall be between the superintendent or the
3 superintendent's designee and the respective exclusive
4 representative, and shall be limited to the impact on personnel
5 arising from the superintendent's decision in implementing the
6 educational accountability system. After the initial agreement
7 is negotiated, provisions on the impact of the accountability on
8 personnel may be reopened only upon mutual agreement of the
9 parties."

10 SECTION 4. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 5. This Act shall take effect upon its approval.



Report Title:

DOE; Data Collection; Transparency; Accountability

Description:

Requires the Department of Education to establish a standardized data collection process; collect and analyze data relating to, among other things, student discipline, seclusion, and restraint, school climate, and student achievement; and annually report certain information to the Board of Education, Legislature, and the public. (SD1)

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

