

JAN 17 2020

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 for the Department's mandatory
20 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) Analyze this data; and

14 (5) Annually report this data to the board of education
15 and legislature.

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

19 "§302A- Accurate data reporting. (a) The department
20 shall establish a standardized data collection process for



1 schools and complex areas to maintain records and report data to
2 the department. The department shall implement a process to:

3 (1) Review the accuracy of data reported by schools and
4 complex areas; and

5 (2) Analyze and publish the data collected.

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

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

11 **"§302A-1004 Educational accountability system; annual**
12 **reports.** (a) The department shall implement a comprehensive
13 system of educational accountability to motivate and support the
14 improved performance of students and the education system. Data
15 shall be reported as required by this section when the number of
16 students in a particular data subgroup is greater than five and
17 shall be redacted when the number of students in a particular
18 data subgroup is five or fewer; provided that the personally
19 identifiable information of each student shall be kept private.

20 This accountability system shall:



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- 1 (1) Include student accountability; school or collective
2 accountability; individual professional accountability
3 for teachers, principals, and other employees; and
4 public accounting to parents, community members,
5 businesses, higher education, media, and political
6 leadership;
- 7 (2) Link authority and resources to responsibility;
- 8 (3) Define clear roles for all parties and lines of
9 responsibility and mutual obligation and develop a
10 collaborative process with stakeholders, including
11 representatives of appropriate bargaining units,
12 parents, administration, and students;
- 13 (4) Assess and track measures of academic achievement,
14 safety and well-being, and civic responsibility of
15 individual students at selected grade levels, and
16 annually report trend data from the past three years
17 on these measures [~~over time annually~~];
- 18 (5) Invoke a full and balanced set of appropriate
19 consequences for observed performance, including
20 rewards and recognition for those schools that meet or
21 exceed their goals, assistance to those that fall



1 short, and sanctions for those that, given adequate
2 assistance and ample time, continue to fail to meet
3 goals;

4 (6) Involve an annual statewide assessment program that
5 provides a report card containing trend data from the
6 past three years on school, school complex, and system
7 performance at selected benchmark grade levels with
8 performance indicators in areas relating to student
9 achievement, safety and well-being, and civic
10 responsibility. These performance indicators shall
11 include but not be limited to:

12 (A) Student performance relative to statewide content
13 and performance standards; [~~and~~]

14 (B) School attendance and dropout rates; and

15 (C) Student discipline information, in total and by
16 unduplicated counts, disaggregated by subgroups
17 consisting of race, including by Asian subgroup;
18 ethnicity; national origin; gender; sex; English
19 learner status; low-income status; students whose
20 achievement is below grade level for the school
21 year on literacy benchmark assessments, math



1 benchmark assessments, or end of course
2 assessments; and disability status based upon an
3 individualized education program or upon section
4 504 of the Rehabilitation Act of 1973 (29 U.S.C.
5 794), including but not limited to the following:
6 (i) In-school suspensions;
7 (ii) Out-of-school suspensions for one day or
8 less; of two to five days; of six to nine
9 days; of ten to twenty days; and of twenty-
10 one or more days;
11 (iii) Expulsions;
12 (iv) Removals to an alternative education setting
13 by school personnel;
14 (v) School-related arrests;
15 (vi) Referrals to law enforcement authorities;
16 (vii) Withdrawals for other reasons;
17 (viii) Number of parent or guardian-initiated
18 withdrawals under section 302A-1132;
19 (ix) Number of school resource officers, either
20 full-time or part-time, and the number of
21 hours assigned to the school per week; and



- 1 (x) Other data that the board may approve;
- 2 (7) Require that teachers and administrators engage in the
- 3 continuous professional growth and development that
- 4 ensure their currency with respect to disciplinary
- 5 content, leadership skill, knowledge, or pedagogical
- 6 skill, as appropriate to their position. This
- 7 requirement may be established by the department in
- 8 terms of credit hours earned or their equivalent in
- 9 professional development activity certified by the
- 10 department as appropriate in focus and rigor;
- 11 (8) Establish an explicit link between professional
- 12 evaluation results and individual accountability
- 13 through professional development of the knowledge,
- 14 skill, and professional behavior necessary to the
- 15 position, by requiring that results of the
- 16 professional evaluation be used by the department to
- 17 prescribe professional development focus and content,
- 18 as appropriate;
- 19 (9) Include an annual statewide fiscal accountability
- 20 program, which includes a published report card that



1 contains trend data on school, school complex, and
2 systemwide plans and results, including:

- 3 (A) Amounts allocated;
- 4 (B) Amounts expended;
- 5 (C) Amounts carried over; and
- 6 (D) Any significant changes to the budget, with an
7 explanation for the change; and

8 (10) Include an evaluation of the effectiveness of complex
9 area superintendents and principals in supporting:

- 10 (A) Students' academic achievement, safety and well-
11 being, and civic responsibility; and
- 12 (B) The satisfaction of stakeholders affected by the
13 work of the complex area superintendents and
14 principals, which may be measured by broadbased
15 surveys; and
- 16 (C) Fiscal accountability.

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

- 19 (1) Information on the specifics of the implementation of
20 the comprehensive accountability system[~~, as well as~~];



1 (a)(6)(C), with respect to each subgroup, as
2 compared with the subgroup with the lowest
3 disciplinary rate.

4 (c) The department shall also annually post on its website
5 a state-, complex-, and school-level report for each school that
6 details the past three years and includes an analysis of any
7 disproportionality among student subgroups using the performance
8 indicators in subsection (a)(6). Each report shall be uniformly
9 formatted and designed by the department so as to provide
10 school-based users and the public with all pertinent
11 information. Report data shall be downloadable in raw form.
12 Report information [~~that includes but is not limited to~~] shall
13 include the following:

- 14 (1) Results of school-by-school assessments of educational
15 outcomes;
- 16 (2) Summaries of each school's standards implementation
17 design;
- 18 (3) Summary descriptions of the demographic makeup of the
19 schools, with indications of the range of these
20 conditions among schools within Hawaii;



- 1 (4) Comparisons of conditions affecting Hawaii's schools
- 2 with the conditions of schools in other states;
- 3 (5) Other [~~such~~] assessments [~~as may be~~] deemed
- 4 appropriate by the board; [~~and~~]
- 5 (6) Student discipline information by school, as required
- 6 by this section; and
- 7 ~~[(6)]~~ (7) Any other reports required by this section.
- 8 (d) The department shall provide electronic access to
- 9 computer-based financial management, student information, and
- 10 other information systems to the legislature and the auditor.
- 11 The department shall submit to the legislature and to the
- 12 governor, at least twenty days prior to the convening of each
- 13 regular session, a school-by-school expenditure report that
- 14 includes but is not limited to the following:
- 15 (1) The financial analysis of expenditures by the
- 16 department with respect to the following areas:
- 17 (A) Instruction, including face-to-face teaching, and
- 18 classroom materials;
- 19 (B) Instructional support, including pupil, teacher,
- 20 and program support;



1 (C) Operations, including non-instructional pupil
2 services, facilities, and business services;

3 (D) Other commitments, including contingencies,
4 capital improvement projects, out-of-district
5 obligations, and legal obligations; and

6 (E) Leadership, including school management, program
7 and operations management, and district
8 management; and

9 (2) The measures of accuracy, efficiency, and productivity
10 of the department, districts, and schools in
11 delivering resources to the classroom and the student.

12 (e) The superintendent of education is responsible for the
13 development and implementation of an educational accountability
14 system. The system shall include consequences and shall be
15 designed through a collaborative process involving stakeholders
16 that shall include parents, community members, the respective
17 exclusive representatives, as well as others deemed appropriate
18 by the superintendent.

19 (f) The department shall:

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



1 (A) The report shall identify discipline-related
2 strategies, alternatives, and resources available
3 to schools and complexes, and shall include the
4 following:
5 (i) Student discipline data collected pursuant
6 to subsection (a)(6)(C);
7 (ii) Data collected in accordance with the data
8 elements shown in the United States
9 Department of Education's 2015-2016 civil
10 rights data collection relating to school
11 finance, teacher experience and absenteeism,
12 all early childhood education items,
13 advanced placement test-taking items,
14 references to gender identity in the
15 definition of "harassment on the basis of
16 sex," number of English language learner
17 students enrolled in English language
18 programs by disability status, participation
19 in credit recovery programs, and any civil
20 rights concerns or complaints from children



- 1 with disabilities placed by school districts
- 2 in nonpublic schools; and
- 3 (iii) Information regarding staffing and contact
- 4 information for school- and complex-level
- 5 equity specialists; and
- 6 (B) The report may include additional information, as
- 7 determined by the department, that would assist
- 8 in better understanding the disciplinary rate or
- 9 rate of disciplinary disparity of a particular
- 10 school or complex;
- 11 (2) Track the progress made by schools and complexes over
- 12 the past three years in reducing the disciplinary
- 13 rates and rate of disciplinary disparity that are
- 14 referenced in subsection (b)(3)(D) through (F);
- 15 (3) Assess the changes in student academic achievement and
- 16 absenteeism rates over the past three years that
- 17 correspond to any reduction in disciplinary rates and
- 18 rates of disciplinary disparity that are referenced in
- 19 subsection (b)(3)(D) through (F);
- 20 (4) Track the use of restraints over the past three years;
- 21 and



- 1 (5) Report annually to the board, and make public on its
2 website, the following:
- 3 (A) Changes in the use of discipline over the past
4 three years; and
- 5 (B) Information on the extent to which schools and
6 complexes are implementing evidence-based
7 strategies, including positive behavior
8 interventions, support systems, or restorative
9 justice.

10 For the purposes of this section, negotiations under
11 chapter 89 shall be between the superintendent or the
12 superintendent's designee and the respective exclusive
13 representative, and shall be limited to the impact on personnel
14 arising from the superintendent's decision in implementing the
15 educational accountability system. After the initial agreement
16 is negotiated, provisions on the impact of the accountability on
17 personnel may be reopened only upon mutual agreement of the
18 parties."

19 SECTION 4. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.



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

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INTRODUCED BY:

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S.B. NO. 2486

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, school climate, and student achievement; and annually report certain information to the Board of Education, Legislature, and the public.

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