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## A BILL FOR AN ACT

RELATING TO EDUCATION.

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

1           SECTION 1. The legislature finds that the special  
2 education per pupil allocation is an annual process in which  
3 special education funds are allocated to individual public  
4 schools in the department of education. The department of  
5 education shares an initial spreadsheet in December of each year  
6 with a preliminary projection of the numbers of special  
7 education eligible students that are projected for the next  
8 school year and associated funding with regard to the projected  
9 number. The preliminary projection is based off of a child  
10 verification freeze date from the prior school year. Based on  
11 the preliminary projection and a final projection, the  
12 projection for the number of special education eligible students  
13 for the next school year is made.

14           The legislature further finds that the methodology driving  
15 the special education per pupil allocation is based on an  
16 assumption that each year, student populations and special  
17 education eligible student percentages are relatively stable.



1 The legislature also finds that this funding methodology does  
2 not account for special education students transferring from a  
3 department of education school to a charter school, in which  
4 case funding does not follow the student. This creates a  
5 situation where special education funding is lower than the  
6 actual enrolled number of students at the charter school.

7 The purpose of this Act is to require transfer of non-  
8 facility general fund per-pupil allocations of special education  
9 students of a department of education school to a charter school  
10 upon enrollment of the student at the charter school subject to  
11 certain conditions, including parent or guardian confirmation  
12 and notice of intent of the student's transfer to and enrollment  
13 in the charter school.

14 SECTION 2. Chapter 302D, Hawaii Revised Statutes, is  
15 amended by adding a new section to be appropriately designated  
16 and to read as follows:

17 "§302D- Special education per pupil allocation;  
18 allocation to charter schools upon transfer from a department  
19 school. (a) Notwithstanding any law to the contrary, any non-  
20 facility general fund per-pupil allocation under section 302D-28  
21 of a special education student of a department school shall be



1 transferred to the charter school upon enrollment of the student  
2 at the charter school; provided that the parent or guardian of  
3 the special education student shall submit prior to the school  
4 year in which the student will be enrolled in the charter  
5 school, confirmation to the department of the student's  
6 application, acceptance, and intent to attend the charter  
7 school.

8 (b) Upon enrollment of the special education student in  
9 the charter school, the student shall be added to the projected  
10 count for special education eligible students for the charter  
11 school in which the student attends.

12 (c) This section shall apply only to charter schools that  
13 are approved for an expansion of grades or the number of  
14 students in their charter."

15 SECTION 3. New statutory material is underscored.

16 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:



JAN 27 2021



# H.B. NO. 1294

**Report Title:**

DOE; Charter Schools; Special Education Students; Funding Allocation

**Description:**

Transfers the non-facility general fund per-pupil allocation of a special education student of a department of education school to a charter school upon enrollment of the student at the charter school subject to certain conditions, including parent or guardian confirmation and notice of intent of the student's transfer to and enrollment in the charter school.

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

