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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  
 8 non-facility general fund per-pupil allocations of special  
 9 education students of a department of education school to a  
 10 charter school upon receipt of the completed intent to enroll  
 11 form of the student at the charter school subject to certain  
 12 conditions, including parent or guardian confirmation and notice  
 13 of intent of the student's transfer to and enrollment in the  
 14 charter school.

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

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



1 section 302D-28 of a special education student of a department  
2 school shall be transferred to the charter school upon receipt  
3 of the completed intent to enroll form of the student at the  
4 charter school; provided that the parent or guardian of the  
5 special education student shall submit prior to the school year  
6 in which the student will be enrolled in the charter school,  
7 confirmation to the department of the student's application,  
8 acceptance, and intent to attend the charter school; provided  
9 further that the allocation transferred shall be used for  
10 special education services.

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

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

18 SECTION 3. New statutory material is underscored.

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



**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 receipt of the completed intent to enroll form of the student at the charter school subject to certain conditions. (HD1)

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