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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. When a student who is under the age of eighteen  
2 transfers schools, the current statute requires the student to  
3 submit to the enrolling school a certificate of release obtained  
4 from the school last attended. Because minors do not have legal  
5 capacity independent of their parents, the legislature finds  
6 that it is more appropriate for the parent or legal guardian of  
7 the minor student to produce and submit such certificate of  
8 release, unless the student is an emancipated minor.

9 The purpose of this Act is to adjust the responsibility of  
10 producing a certificate of release from the minor student to the  
11 student's parent or legal guardian.

12 SECTION 2. Section 302A-1145, Hawaii Revised Statutes, is  
13 amended to read as follows:

14 "§302A-1145 Transfer to another school. No school shall  
15 receive any [child] student under eighteen years of age, [who  
16 ~~has attended another school of the same class in the same~~  
17 ~~complex area,~~] unless the [child] student's parent or legal  
18 guardian produces to the school in which the student is to be

H.B. NO. 1045

1 enrolled, a certificate of release of the school last attended  
 2 by the [~~child~~] student; provided that an emancipated minor may  
 3 produce the minor's own certificate of release. If the [~~child~~]  
 4 parent or legal guardian of a student applies for the student to  
 5 [enroll] be enrolled, or an emancipated minor applies to enroll,  
 6 in a school of higher grade, a certificate of proficiency [~~shall~~  
 7 ~~be required~~] or a lawful excuse for its absence [~~The children~~  
 8 ~~from one complex area desiring to enter a school in another~~  
 9 ~~complex area may be received or enrolled upon producing a~~  
 10 ~~certificate of release from the school last attended in the~~  
 11 ~~other complex area.] shall be required."~~

12 SECTION 3. Statutory material to be repealed is bracketed  
 13 and stricken. New statutory material is underscored.

14 SECTION 4. This Act shall take effect on January 1, 2024.

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INTRODUCED BY:



17

BY REQUEST

**JAN 23 2023**

# H.B. NO. 1045

**Report Title:**

Department of Education; Enrollment; Certificate of Release

**Description:**

Clarifies that, because minors do not have legal capacity independent of their parents, a minor student's parent or legal guardian must produce the required student records when transferring schools. Clarifies that emancipated minors may also produce the required student records when transferring schools. Clarifies that the transfer process is the same whether a transfer is within the same complex area or to another complex area.

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

JUSTIFICATION SHEET

DEPARTMENT: Education

TITLE: A BILL FOR AN ACT RELATING TO EDUCATION.

PURPOSE: To clarify that, because minors do not have legal capacity independent of their parents, a minor student's parent or legal guardian must produce the required student records when transferring schools. To clarify that emancipated minors may also produce the required student records when transferring schools. To clarify that the transfer process is the same whether a transfer is within the same complex area or to another complex area.

MEANS: Amends section 302A-1145, Hawaii Revised Statutes.

JUSTIFICATION: When a student who is under the age of eighteen transfers schools, the current statute requires the student to submit a certificate of release from the school last attended. The submission of the certificate of release would be more appropriate for the minor student's parent or legal guardian to produce, unless the student is an emancipated minor.

The bill also clarifies that the transfer process is the same between any two schools. The existing statute had a different definition for the transfer process between schools within the same complex area versus between schools in different complex areas.

Impact on the public: Clarifies who must produce documentation required when requesting a school transfer.

Impact on the department and other agencies: Provides greater clarity for employees of the Department of Education when processing student transfer requests.

H.B. NO 1045

GENERAL FUND: None .

OTHER FUNDS: None .

PPBS PROGRAM  
DESIGNATION: None .

OTHER AFFECTED  
AGENCIES: None .

EFFECTIVE DATE: January 1, 2024 .