

JAN 19 2023

A BILL FOR AN ACT

RELATING TO STUDENT OUT-OF-SERVICE-AREA ATTENDANCE.

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

1 SECTION 1. The legislature finds that overcrowding in
2 schools negatively affects student achievement levels, stress
3 levels, attendance, and concentration. School overcrowding also
4 has a detrimental effect on teacher morale and limits the time
5 available for teachers to adequately plan and deliver lectures.

6 The legislature further finds that multi-tracking is an
7 approach used to address school overcrowding by dividing
8 students and faculty into multiple groups who attend school
9 year-round on alternating schedules. However, multi-tracked
10 schools have tested an average of two per cent lower than
11 students in traditional schools on national reading, math, and
12 language assessments. Studies have also shown that
13 multi-tracking is more expensive over the long term and can harm
14 community and family cohesion and lead to increased stress and
15 burnout for students, teachers, and parents.

16 The legislature believes that school overcrowding and the
17 need for multi-tracking in the Kapolei complex has been



1 partially caused by the mandatory reassignment of students who
2 would otherwise attend a school in the Nanakuli complex.
3 Assigning these students to schools in their own Nanakuli
4 complex would help balance the distribution of students among
5 the complex areas within the Leeward district and ease
6 overcrowding in the Kapolei complex without the need to
7 multi-track.

8 The purpose of this Act is to gradually end the department
9 of education's practice of mandating that students attend a
10 school outside their service area.

11 SECTION 2. Section 302A-1143, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "**§302A-1143 Attending school in [~~what~~] a service area.** A
14 person of school age shall be required to attend the school of
15 the service area, as determined by the department, in which the
16 person resides, unless:

17 (1) The person is enrolled in a Hawaiian language medium
18 education program or charter school;

19 (2) A geographic exception to attend a school in another
20 service area is requested and granted at the
21 discretion of the department;



1 (3) Out-of-service-area attendance is mandated by [~~the~~
2 ~~department or by~~] federal law; or

3 (4) The person is enrolled in a career and technical
4 education program under section 302A-1143.5."

5 SECTION 3. The department of education shall reduce the
6 out-of-service-area attendance mandated by the department of
7 education as follows:

8 (1) For the 2024-2025 school year, the number of sixth
9 grade students mandated by the department of education
10 for out-of-service-area attendance shall not be more
11 than eighty per cent of the sixth grade students
12 mandated for out-of-service-area attendance during the
13 2022-2023 school year;

14 (2) For the 2025-2026 school year, the number of sixth
15 grade students mandated by the department of education
16 for out-of-service-area attendance shall not be more
17 than sixty per cent of the sixth grade students
18 mandated for out-of-service-area attendance during the
19 2022-2023 school year;

20 (3) For the 2026-2027 school year, the number of sixth
21 grade students mandated by the department of education



1 for out-of-service-area attendance shall not be more
2 than forty per cent of the sixth grade students
3 mandated for out-of-service-area attendance during the
4 2022-2023 school year; and

5 (4) For the 2027-2028 school year, the number of sixth
6 grade students mandated by the department of education
7 for out-of-service-area attendance shall not be more
8 than twenty per cent of the sixth grade students
9 mandated for out-of-service-area attendance during the
10 2022-2023 school year.

11 SECTION 4. No later than twenty days prior to the
12 convening of the regular sessions of 2026, 2027, 2028, 2029, and
13 2030, the department of education shall submit a report to the
14 legislature on its progress to comply with this Act. The report
15 shall also include information, beginning with the 2022-2023
16 school year, on the number of students statewide in each grade
17 that have been mandated by the department of education for
18 out-of-service-area attendance.

19 SECTION 5. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.



1 SECTION 6. This Act shall take effect upon its approval;
2 provided that section 2 shall take effect July 1, 2028.

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INTRODUCED BY: *Kurt Feilke*



S.B. NO. 250

Report Title:

DOE; Out-Of-Service-Area Attendance; District Exemption;
Geographic Exception; Report

Description:

Prohibits the Department of Education from mandating that any student attend a school outside the student's service area. Establishes a 5-year phaseout period. Requires the Department of Education to submit annual progress reports.

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

