

JAN 20 2023

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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 in 2019, 3,604  
2 Hawaii students were experiencing homelessness and 1,539 youth  
3 were in foster care. Housing instability, economic hardships,  
4 and other issues often prevent these populations of youth from  
5 maintaining a consistent education.

6           The legislature further finds that youth facing  
7 homelessness, in foster care, or facing other types of  
8 educational disruptions have greater health and social risks and  
9 are at an increased risk of not completing high school. For  
10 many youth, graduating from high school is the key to ending  
11 youth homelessness and entering into a stable young adulthood.  
12 The largest study of youth homelessness conducted in the United  
13 States found that the greatest single risk factor for young  
14 adult homelessness was not having a high school degree. Youth  
15 without a high school degree are 346 per cent more likely to  
16 experience homelessness as young adults than their peers with a  
17 high school degree. Helping homeless youth graduate from high



1 school can help them end their homelessness for good and can  
2 keep them and other at-risk youth engaged in school while they  
3 are teenagers, providing them with a critical protective  
4 environment.

5 The legislature also finds that the graduation rate data on  
6 Hawaii reflects the disadvantage students experiencing  
7 educational disruptions face. Only sixty-six per cent of  
8 students experiencing homelessness currently completed high  
9 school; 18.5 percentage points below all students and 13.5  
10 percentage points below other economically disadvantaged  
11 students. Similar trends are present for foster youth, who drop  
12 out at a rate of fifty per cent. The data on dropping out of  
13 high school shows that:

14 (1) Homeless students are eighty-seven per cent more  
15 likely to drop out of school;

16 (2) More than two-thirds of jobs require some form of  
17 post-secondary education;

18 (3) High school dropouts are almost three times as likely  
19 to be unemployed than college graduates; and

20 (4) High school dropouts use government assistance at a  
21 higher rate than high school graduates.



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1           The legislature additionally finds that while graduation  
2 rates are trending upwards in Hawaii, the rates are still  
3 reeling from the impact of the COVID-19 pandemic. Work must be  
4 done to get enrollment and graduation rates in the State back up  
5 to pre-pandemic numbers, including making it easier for youth  
6 experiencing educational disruptions to enroll in school and  
7 complete their high school education.

8           The legislature notes that the costs of failing to complete  
9 high school are high for the State and for individual students.  
10 When employed, high school dropouts earn about \$8,000 a year  
11 less than high school graduates and approximately \$36,500 a year  
12 less than college graduates. This leads to ongoing, significant  
13 economic costs for the State. If Hawaii increased its overall  
14 graduation rate to ninety per cent, the economic benefits from  
15 these additional graduates would include as much as \$32,000,000  
16 in increased annual earnings and \$3,300,000 in annual state and  
17 local tax revenues.

18           The legislature finds that many states have taken  
19 legislative action to help youth experiencing homelessness and  
20 in foster care graduate from high school, including California,  
21 Kentucky, Montana, Nevada, New Mexico, Oregon, Texas, and



1 Washington. Hawaii needs to implement new laws to address  
2 barriers to graduation for youth experiencing these and other  
3 types of educational disruptions.

4 The purpose of this Act is to allow students who experience  
5 educational disruption in their lives to graduate high school  
6 through enrollment in an accepted alternative education program  
7 and participation in certain activities approved by the  
8 department of education.

9 SECTION 2. Chapter 302A, Hawaii Revised Statutes, is  
10 amended by adding a new part to be appropriately designated and  
11 to read as follows:

12 **"PART**

13 **ALTERNATIVE EDUCATION PROGRAMS**

14 **§302A-A Definitions.** As used in this part, "student who  
15 experienced an education disruption" means a student who at any  
16 time during grades eight through twelve met one of any of the  
17 following conditions:

- 18 (1) Was a homeless child or youth, as defined in title 42  
19 United States Code section 11434a(2);  
20 (2) Was in the custody of the department of human  
21 services;



- 1           (3) Had a case pending in Hawaii family court, other than
- 2           a child custody case due to parental separation or
- 3           divorce;
- 4           (4) Experienced a significant medical or behavioral crisis
- 5           resulting in the student missing at least fifteen days
- 6           of school;
- 7           (5) Withdrew from school and has not reenrolled in any
- 8           public or private school;
- 9           (6) Was a child of a military family and changed schools
- 10          due to the military transfer of a parent or guardian;
- 11          or
- 12          (7) Experienced another event that qualifies as an
- 13          education disruption, as determined by the complex
- 14          area superintendent in which the student attends.

15           **§302A-B Educational disruption; award of school credit.**

16 Whenever a student who experienced an educational disruption  
17 changes schools after the student completes the eighth grade,  
18 the enrolling public high school shall review the student's  
19 prior transcripts and award values for partial or full credit  
20 toward a high school diploma earned through any of the  
21 activities as described in section 302A-C.



1           **§302A-C Educational disruption; school credit; coursework.**

2       (a) In addition to any other means by which a student may  
3 receive full or partial credit for a specific course of study, a  
4 student who experienced an educational disruption shall be  
5 awarded full or partial credit for a specific course of study  
6 from a public school without satisfying any attendance  
7 requirement for the course or requirement for hours of classroom  
8 instruction if the student completes the course work in  
9 compliance with procedures adopted by the department pursuant to  
10 subsection (b).

11       (b) The department shall develop and implement procedures  
12 that require complex areas to award and accept full and partial  
13 credit for course work that is satisfactorily completed by a  
14 student who experienced an educational disruption, regardless of  
15 the time, place, or pace at which the student progresses or the  
16 number of hours of classroom instruction the student receives.  
17 The procedures developed by the department shall address the  
18 following:

19       (1) The tool or methodology complex areas shall use to  
20           calculate credit, including partial credit;



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- 1           (2) All available alternatives to maximize the available  
2           pathways for students to earn credits through public  
3           and private programs, whether the programs are  
4           administered by the department, a complex area, or a  
5           community-based organization;
- 6           (3) The consolidation and combination of partial credit  
7           for the purposes of the total number of credits  
8           required for graduation from high school, the minimum  
9           number of units of credit required in a core academic  
10          subject;
- 11          (4) Strategies to provide opportunities for credit accrual  
12          that eliminate academic and nonacademic barriers;
- 13          (5) The extent to which the activities incorporate any  
14          applicable department content standards; and
- 15          (6) Acceptable evidence to determine whether course work  
16          has been satisfactorily completed through at least the  
17          following educational pathways:
- 18               (A) Demonstration of competency by a student;
- 19               (B) Performance of a student on an examination;



- 1 (C) Alternative education courses offered in a high  
2 school in the same or a different complex area or  
3 in the State;
- 4 (D) Alternative education courses offered through a  
5 community agency; provided that a description of  
6 the program provided to the student, grades  
7 given, and number of hours of instruction or a  
8 demonstration of competency shall be provided to  
9 the complex area superintendent prior to receipt  
10 of credit;
- 11 (E) Trade or vocational courses offered through a  
12 high school in the same or a different complex  
13 area or in the State;
- 14 (F) Trade or vocational courses offered through a  
15 community agency during the traditional school  
16 year or through summer courses; provided that a  
17 description of the program provided to the  
18 student, grades given, and the number of hours of  
19 instruction or a demonstration of competency  
20 shall be provided to the complex area  
21 superintendent prior to receipt of credit;





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- 1           (G) Supervised work experience or apprenticeship in
- 2           the school or the community which meets the
- 3           educational objectives or special career interest
- 4           of the student;
- 5           (H) Courses taken at or through an accredited
- 6           community college, two-year college, or
- 7           university;
- 8           (I) Voluntary community service;
- 9           (J) Independent study;
- 10          (K) Distance learning courses offered through an
- 11          accredited distance learning program or high
- 12          school in the same or a different complex area or
- 13          in the State; provided that the courses may be
- 14          delivered by the teacher to the student in real
- 15          time, online, or by video;
- 16          (L) Completion of a remedial class as needed for a
- 17          student to attain proficiency in a high school
- 18          course;
- 19          (M) Course credit transferred from another high
- 20          school in the same or a different complex area or
- 21          in the State;



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- 1           (N) Course credit earned through summer or evening
- 2           school classes or as a member of the military
- 3           service;
- 4           (O) Tutoring programs taught by a teacher certified
- 5           in the subject being taught;
- 6           (P) Courses completed in a community workforce
- 7           development program;
- 8           (Q) Courses completed through an adult education
- 9           program, including a general education
- 10          development program;
- 11          (R) Courses completed in mental health or
- 12          rehabilitative facilities;
- 13          (S) Courses completed in other states, complex areas,
- 14          or schools that use a different standard of
- 15          awarding credits than used by the department;
- 16          (T) Course credit awarded by agencies or
- 17          instrumentalities of the State other than public
- 18          schools which provide educational services to
- 19          students; provided that a description of the
- 20          program provided to the student, grades given,
- 21          and the number of hours of instruction or a



1 demonstration of competency shall be provided to  
2 the complex area superintendent prior to receipt  
3 of credit;

4 (U) Courses taught by a teacher certified in the  
5 subject being taught and credit earned upon  
6 demonstration of mastery of the competencies of  
7 the particular subject;

8 (V) For physical education credits, any physical  
9 activity that supports the development of motor  
10 skills, knowledge, and behaviors for physical  
11 activity and physical fitness, including  
12 community-based team sports, physical work or  
13 activities, cultural activities, and lessons or  
14 classes focused on physical activity in which the  
15 student participated; provided that a description  
16 of the program provided to the student, grades  
17 given, and the number of hours of instruction or  
18 a demonstration of competency shall be provided  
19 to the complex area superintendent prior to  
20 receipt of credit; and



1 (W) Any additional courses, programs, or pathways  
2 approved by the department.

3 **§302A-D Alternative learning programs; expedited admission.**

4 A student who experienced an educational disruption and can  
5 benefit from enrollment in an alternative learning program shall  
6 be provided with an expedited process for referral, admission,  
7 and full participation in an accepted alternative learning  
8 program, as determined by the department pursuant to section  
9 302A-F, to ensure the most immediate enrollment feasible.

10 **§302A-E Educational disruption; award of diploma.** (a) At

11 the request of a student who experienced an educational  
12 disruption or the person holding the right to make educational  
13 decisions for a student who experienced an educational  
14 disruption, the department shall award a high school diploma to  
15 a student who experienced an educational disruption if the  
16 student:

17 (1) Has completed the state minimum graduation  
18 requirements as determined by the board or other  
19 applicable law or policy through any public or private  
20 schools or accepted alternative education programs; or



1           (2) Is not reasonably able to complete the graduation  
2           requirements of the complex area in which the student  
3           is currently enrolled in time to graduate from public  
4           high school by the end of the student's fourth year of  
5           high school.

6           (b) In determining whether the student has completed the  
7           applicable state minimum graduation requirements and is  
8           reasonably able to complete the graduation requirements of the  
9           complex area in which the student is attending in time to  
10          graduate from the public high school by the end of the student's  
11          fourth year of high school, the department shall consider all  
12          partial and full credit toward a high school diploma earned  
13          through any of the activities as described in section 302A-C.

14          (c) A student shall have the option to remain in a public  
15          high school beyond the student's fourth year of high school and  
16          up through the end of the school year in which the student turns  
17          twenty years of age, for a student with an individualized  
18          education program, until the student turns twenty-two years of  
19          age, to complete the requirements for a high school diploma.

20          (d) Upon receiving a request for a high school diploma  
21          pursuant to subsection (a), the department shall consult with



1 the student and the person holding the right to make educational  
2 decisions for the student regarding:

3 (1) The student's option to remain in the school the  
4 student is attending beyond the student's fourth year  
5 of high school and up to age twenty to complete the  
6 requirements for a high school diploma; and

7 (2) Any potential negative impacts of not receiving a high  
8 school diploma on the student's ability to gain  
9 admission to a postsecondary educational institution  
10 or other postsecondary career options.

11 **§302A-F Accepted alternative learning programs.** (a) The  
12 department shall establish a list of accepted alternative  
13 education programs on or before August 30, 2023. In  
14 establishing the list of accepted alternative education  
15 programs, the department shall consult with:

16 (1) Department employees who specialize in the education  
17 of students who experience educational disruption;

18 (2) Community agencies that specialize in the education of  
19 students who experience educational disruption; and

20 (3) Students who have experienced educational disruption.



1 (b) In establishing the list of accepted alternative  
2 education programs, the department shall consider the following:

3 (1) Demonstrated success with enrollment, attendance, and  
4 achievement of students who experienced educational  
5 disruption;

6 (2) Demonstrated experience with any applicable department  
7 content standards;

8 (3) Demonstrated experience to provide, directly or  
9 indirectly, support services that students who  
10 experienced educational disruption need to support  
11 their success;

12 (4) Rates of successful completion of an alternative  
13 education program by students who experienced  
14 educational disruption;

15 (5) Inclusion of work-based or experiential learning,  
16 apprenticeships, or life skills training; and

17 (6) The percentage of students completing an alternative  
18 education program who transition successfully into  
19 postsecondary education, employment, military service,  
20 or other stable post-program goal.



1           **§302A-G Educational disruption; complex areas; services.**

2 Each complex area shall adopt and implement written procedures  
3 describing how the complex area shall provide students who  
4 experienced an educational disruption with the following  
5 services:

- 6           (1) Access to extracurricular and summer programs with  
7           transportation included, credit transfer and  
8           electronic course services, after-school tutoring, and  
9           other extended school services available in the  
10          complex area to the fullest extent practicable and at  
11          nominal or no cost;
- 12          (2) Supports to ease transitions when students change  
13          schools during the school year, particularly during  
14          the first four weeks at a new school;
- 15          (3) Priority placement in classes that meet state minimum  
16          graduation requirements for students who change  
17          schools at least once during a school year as a result  
18          of an educational disruption;
- 19          (4) An individualized review of credit accrual and  
20          development of a personal graduation plan if the





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- 1 student is not on track to receive a high school  
2 diploma in four years of high school enrollment;
- 3 (5) An academic success coach to assist the student with  
4 academic and other needs and to assist with  
5 implementation of the student's personal graduation  
6 plan;
- 7 (6) Flexibility, to the greatest possible, in scheduling  
8 of classes to accommodate work and other student  
9 commitments while meeting minimum requirements for  
10 graduation;
- 11 (7) Access to all trade, vocational, or alternative  
12 education courses available in the complex area in  
13 which the student is eligible for;
- 14 (8) Consolidation of partial credit and other incomplete  
15 coursework and opportunities for credit accrual in a  
16 manner that eliminates academic and nonacademic  
17 barriers for the student;
- 18 (9) Access to accepted alternative education programs, as  
19 determined by the department pursuant to section 302A-  
20 F, without requiring the student to withdraw from  
21 school in the complex area the student attends; and



1 (10) An alternative pathway to earn the credit required for  
2 a personal/transition plan when the student has not  
3 been able to complete a personal/transition plan due  
4 to an educational disruption and lacking the credit  
5 earned from completing a personal/transition plan is a  
6 barrier to graduation."

7 SECTION 3. Section 302A-1132, Hawaii Revised Statutes, is  
8 amended to read as follows:

9 **"§302A-1132 Attendance compulsory; exceptions.** (a)

10 Unless excluded from school or excepted from attendance, all  
11 children who will have arrived at the age of at least five years  
12 on or before July 31 of the school year, and who will not have  
13 arrived at the age of eighteen years, by January 1 of any school  
14 year, shall attend either a public or private school for, and  
15 during, the school year, and any parent, guardian, or other  
16 person having the responsibility for, or care of, a child whose  
17 attendance at school is obligatory shall send the child to  
18 either a public or private school. Attendance at a public or  
19 private school shall not be compulsory in the following cases:

20 (1) Where the child is physically or mentally unable to  
21 attend school (deafness and blindness excepted), of



- 1           which fact the certificate of a duly licensed  
2           physician shall be sufficient evidence;
- 3           (2) Where the child, who has reached the fifteenth  
4           anniversary of birth, is suitably employed and has  
5           been excused from school attendance by the  
6           superintendent or the superintendent's authorized  
7           representative, or by a family court judge;
- 8           (3) Where, upon investigation by the family court, it has  
9           been shown that for any other reason the child may  
10          properly remain away from school;
- 11          (4) Where the child has graduated from high school;
- 12          (5) Where the child is enrolled in an appropriate  
13          alternative educational program as approved by the  
14          superintendent or the superintendent's authorized  
15          representative in accordance with the plans and  
16          policies of the department, or notification of intent  
17          to home school has been submitted to the principal of  
18          the public school that the child would otherwise be  
19          required to attend in accordance with department rules  
20          adopted to achieve this result; or
- 21          (6) Where:



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1 (A) The child has attained the age of sixteen years;

2 (B) The principal has determined that:

3 (i) The child has engaged in behavior which is  
4 disruptive to other students, teachers, or  
5 staff; or

6 (ii) The child's non-attendance is chronic and  
7 has become a significant factor that hinders  
8 the child's learning; and

9 (C) The principal of the child's school, and the  
10 child's teacher or counselor, in consultation  
11 with the child and the child's parent, guardian,  
12 or other adult having legal responsibility for or  
13 care of the child, develops an alternative  
14 educational plan for the child. The alternative  
15 educational plan shall include a process that  
16 shall permit the child to resume school.

17 The principal of the child's school shall file the  
18 plan made pursuant to subparagraph (C) with the  
19 child's school record. If the adult having legal  
20 responsibility for or care of the child disagrees with  
21 the plan, then the adult shall be responsible for



1           obtaining appropriate educational services for the  
2           child.

3           (b) Any employer who employs a child who is excused from  
4 school attendance in accordance with subsection (a)(2) shall  
5 notify the child's school within three days upon termination of  
6 the child's employment.

7           (c) Beginning with the 2014-2015 school year, any parent,  
8 guardian, or other person having the responsibility for, or care  
9 of, a child who will be at least five years of age on or before  
10 July 31 of the school year shall enroll the child in a public  
11 school kindergarten unless the child is enrolled at a private  
12 school or the child's attendance is otherwise exempt under this  
13 section.

14           (d) Any student who experienced an educational disruption  
15 may satisfy the requirements of subsection (a) if the student is  
16 enrolled in an accepted alternative education program approved  
17 by the department pursuant to section 302A-F. Students enrolled  
18 in an accepted alternative education program shall remain  
19 enrolled simultaneously in any public school the student  
20 previously attended prior to enrolling the alternative education  
21 program. The public school of enrollment shall award credit for



1 work completed through the alternative education program and  
2 shall award a high school diploma to any student who accrues the  
3 number of credits and other requirements for a high school  
4 diploma, as established by the board.

5 As used in this subsection, "student who experienced an  
6 education disruption" has the same meaning as in section 302-A.

7 [~~d~~] (e) As used in this section, "private school" means  
8 an educational institution that teaches students in any grade  
9 from kindergarten through grade twelve and that is either:

- 10 (1) Licensed;
- 11 (2) Licensed and accredited by the Hawaii Association of  
12 Independent Schools, Hawaii Council of Private  
13 Schools, Western Association of Schools and Colleges,  
14 Western Catholic Educational Association, Association  
15 of Christian Schools International, or a similar  
16 entity recognized by the Hawaii Council of Private  
17 Schools that meets or exceeds the standards set by the  
18 aforementioned entities; or
- 19 (3) Accredited by the Hawaii Association of Independent  
20 Schools, Hawaii Council of Private Schools, Western  
21 Association of Schools and Colleges, Western Catholic



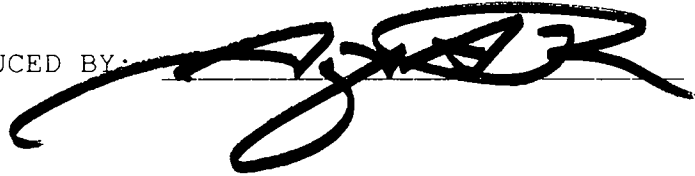
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1 Educational Association, Association of Christian  
2 Schools International, or a similar entity recognized  
3 by the Hawaii Council of Private Schools that meets or  
4 exceeds the standards set by the aforementioned  
5 entities, and submits health and safety documentation  
6 to the Hawaii Council of Private Schools or the Hawaii  
7 Catholic Schools office on an annual basis."

8 SECTION 4. Statutory material to be repealed is bracketed  
9 and stricken. New statutory material is underscored.

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

11 INTRODUCED BY:

A large, bold, handwritten signature in black ink, written over a horizontal line. The signature is highly stylized and appears to be the name of the bill's sponsor.

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**Report Title:**

Educational Disruption; Alternative Education Program; High School Graduation

**Description:**

Allows students who experienced educational disruption to graduate high school through enrollment in an accepted alternative education program and participation in certain activities approved by the department of education.

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

