

A Bill for an Act Relating to Public Schools Special Fees and Charges.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 298-5, Hawaii Revised Statutes, is amended to read as follows:

**“§298-5 Public schools special fees and charges.** (a) No equipment, material, or other fees shall be assessed against any pupil in any school, except that the department of education may assess and collect special fees and charges from pupils for co-curricular activities and from pupils who negligently break, damage, lose, or destroy school books, equipment [and], or supplies. Any pupil found to be responsible for loss, destruction, breakage, or damage [to] of school books, which shall include library and textbooks, of equipment, or of supplies, shall make restitution to the school in any manner, including the payment by the pupil or the pupil's parents of the actual replacement costs [of the books].

(b) No pupil shall be required to make restitution in any manner, unless the pupil and the pupil's parents [and] or guardians have been notified and have been given an opportunity to be heard before the principal of the school on the charges that the pupil was responsible for the loss, destruction, breakage, or damage [to] of school books[.], equipment, or supplies.

(c) If the principal upon a hearing on the charges has reasonable cause to believe that the pupil is responsible for the loss, destruction, breakage, or damage [to] of school books, equipment, or supplies, he shall design a restitution program which shall be submitted to the pupil[, his or her] and the pupil's parents or guardian for agreement in writing.

If restitution is made in this fashion, then all records and documents regarding the charges and hearing shall be destroyed. No information about the charges, the hearing, and the actions taken shall be communicated to any person not directly involved in the proceedings.

If the pupil and parent or guardian do not agree with the determination made by the principal, the principal shall preserve all the records and documents

regarding the charges and hearing and shall report to the district superintendent [of] the determination made by the principal for any further action.

(d) Notwithstanding any provisions herein to the contrary, the State may elect to bring any appropriate action for the recovery of all damages to school properties. Nothing in this [[section[]]] shall limit the right of the State to bring such action against any person to recover such damages.

(e) [The fees or charges shall be deposited in a separate fund and expended by the department under such rules and regulations as it may prescribe.] Special fees and charges collected from pupils for co-curricular activities shall be deposited into insured checking or savings accounts and expended by each individual school under such rules adopted by the department pursuant to chapter 91.

(f) Special fees and charges collected from pupils who negligently break, damage, lose, or destroy school books, equipment, or supplies shall be deposited in a fund and expended by the department under such rules adopted pursuant to chapter 91.

(g) The department shall raise the standards of all public schools to the level of the English standard system starting in September 1949, and continue these adjustments annually, until all the schools of the State are raised to the level of a single standard system.

(h) The department may continue to group pupils within any public school in accordance with their abilities and educational needs.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved June 18, 1982.)