

ACT 188

S.B. NO. 995

A Bill for an Act Relating to Private Schools.

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

SECTION 1. Section 296-1, Hawaii Revised Statutes, is amended by amending the definition of “teacher” to read:

““Teacher” means a person whose duties in the public educational system are primarily teaching or instruction of students or related activities centered primarily on students and who is in close and continuous contact with students and shall include, but not be limited to, classroom teachers, school librarians, counselors, registrars, and special education teachers.”

SECTION 2. Chapter 297, Hawaii Revised Statutes, is amended by:

1. Amending its title to read as follows:

“PERSONNEL OF PUBLIC [AND PRIVATE] SCHOOLS”

2. Amending section 297-1 to read as follows:

“§297-1 Definition, school. For the purpose of this part [the word], “school” includes every academic and noncollege type of school[, whether] under governmental supervision [or otherwise, except sabbath schools which convene once each week].”

SECTION 3. Chapter 298, Hawaii Revised Statutes, is amended by:

1. Amending section 298-1 to read:

“§298-1 Public, private schools. All academic and noncollege type schools established and maintained by the department of education in accordance with law are public schools. All other academic and noncollege type schools [established and conducted in compliance with law] are private schools, irrespective of the hours during which the sessions take place.”

2. Amending section 298-19 to read:

“**§298-19 Records of pupils; release from attendance.** All schools[, either public or private,] shall keep a correct register of the names, sex, age, and nationality, as far as ascertainable, date of entering school, and the places of residence of the children attending their respective schools. No school shall grant a release to any child under eighteen years of age, who is registered as attending the child’s school, for the purpose of attending another school, unless the consent and approval of the parents or guardians of the child is given in writing with the facts and reasons therefor. The register shall be carefully preserved, and as often as the department of education shall direct, the register or a true copy thereof shall be filed in the office of the department.”

3. Amending section 298-20 to read:

“**§298-20 Transfer to another school.** No school[, either public or private,] shall receive any child under eighteen years of age, who has attended another school of the same class in the same district, unless the child produces to the school to be entered, a certificate of release of the school last attended by the child. If the child applies to attend a school of higher grade, a certificate of proficiency shall be required or a lawful excuse for its absence. The children from one district desiring to enter a school in another district, may be received or admitted upon producing a certificate of release from the school last attended in the other district.”

SECTION 4. Section 298-6, Hawaii Revised Statutes, is repealed.

SECTION 5. Section 298-7, Hawaii Revised Statutes, is repealed.

SECTION 6. Statutory material to be repealed is bracketed.¹ New statutory material is underscored.

SECTION 7. This Act shall take effect upon its approval.

(Approved June 15, 1995.)

Note

1. Edited pursuant to HRS §23G-16.5.