

## ACT 134

S.B. NO. 3148

A Bill for an Act Relating to Education.

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

SECTION 1. The legislature finds that the charter school movement has gained momentum nationwide as a way to encourage innovation and excellence in public education. Accountable directly to the students, parents, and communities they serve, charter schools are constantly developing novel ways to improve student achievement while providing an educational atmosphere that cannot be duplicated in traditional schools.

The legislature finds that the State needs to allow charter schools the freedom to develop fully. In some states, each individual charter school is a local educational authority. In other states, there are varying ways for charters to be formed and governed. This Act seeks to address some of the questions that have arisen relating to the governance, administration, accountability, and growth of the charter school movement in Hawaii.

The legislature further finds that article X, section 4, of the Hawaii state constitution requires the State to promote the study of Hawaiian culture, history, and language and provide for a Hawaiian education program consisting of language, culture, and history in public schools. The constitution further states that the use of community expertise shall be encouraged as a suitable and essential means in furtherance of the Hawaiian education program. In Hawaii, many charter schools

help to fulfill this mandate by engaging their students in Hawaiian history, culture, and language.

The purpose of this Act is to:

- (1) Explore the opportunities as well as the challenges regarding creating multiple local educational authorities, adding school districts, creating non-contiguous charter school districts, changing the relationships among and between groups of charter schools, associations between some or all of the charter schools, associations between charter schools and other schools, and the evolving relationships of these entities with existing parts of our public school structure. The dynamics that may emerge from the changed charter school relationships with the federal government, State of Hawaii, office of Hawaiian affairs, board of education, department of education, and charter school administrative office need to be clarified; and
- (2) Study the feasibility of establishing a noncontiguous host culture charter school district and a noncontiguous charter school district in order to solidify existing host culture focused charter schools, increase charter school autonomy, and provide opportunities for additional federal funding.

SECTION 2. The legislative reference bureau shall conduct a feasibility study regarding the establishment of a noncontiguous host culture charter school district and a noncontiguous charter school district in the State in order to solidify existing host culture focused charter schools, increase charter school autonomy, and provide opportunities for additional federal funding. The study shall include an analysis of pertinent issues including but not necessarily limited to:

- (1) The financial and administrative implications of creating these additional school districts and of establishing local educational agency (LEA) status for the purpose of obtaining additional federal funding;
- (2) An analysis of how the new districts would interact administratively with the board of education and the existing charter school administrative structure in the department of education; and
- (3) An analysis of whether the districts would violate the fourteenth amendment to the United States Constitution.

In conducting the study, the legislative reference bureau shall review and consider, but not be limited to, the proposals set forth in Senate Bill 3148, S.D. 2 and Senate Bill 3148, S.D. 2, H.D. 3 considered by the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004. If the legislative reference bureau is unable to conduct the study by itself out of available resources, it may secure resources from external sources and work with independent consultants and other entities as the legislative reference bureau deems appropriate. The legislative reference bureau shall be exempt from chapter 103D, Hawaii Revised Statutes, for the purposes of this Act.

SECTION 3. The legislative reference bureau shall submit its feasibility study, including findings, recommendations, and any proposed legislation, to the legislature no later than twenty days prior to the convening of the regular session of 2005.

SECTION 4. This Act shall take effect upon its approval.

(Approved June 18, 2004.)