

1 measurable results, and reducing the burden of public capital to
2 keep up with population growth. Finally, the Legislature finds
3 that this program will enfranchise and empower the low and middle
4 income families of this State to seek improved education so the
5 State interest in an educated citizenry is advanced.

6 **§302A-B Parental choice in education opportunity**
7 **scholarship program.** The parental choice in education
8 opportunity scholarship program is established in the department
9 in order to provide scholarship to a private school of choice for
10 students enrolling and attending public or private schools in
11 this State.

12 **§302A-C Education opportunity scholarship eligibility.** (a)
13 The parent of a school student attending public or private school
14 in this State may request and receive a scholarship for the
15 student to enroll in and attend a private school in accordance
16 with this subpart, provided:

- 17 (1) By geographic attendance area or educational
18 placement, the student has spent the prior school year
19 in attendance at a public or private school in this
20 State. "Prior school year in attendance" shall mean
21 that the student has enrolled and attended sufficient
22 days in school session as is required by law for both
23 public and private schools for the school year



1 preceding application for scholarship under this
2 subpart.

3 (2) The parent has obtained acceptance for admission or
4 continued admission of the student to a private school
5 that is eligible for the scholarship program under
6 section 302A-E and has notified the superintendent of
7 the request for a scholarship at least sixty days
8 prior to the date of the first scholarship payment.

9 The parental notification shall be through a
10 communication directly to the superintendent or
11 through the complex area superintendent to the
12 superintendent in a manner that creates a written or
13 electronic record of the notification and the date of
14 receipt of the notification.

15 (b) This subpart does not apply to a student who is
16 enrolled in a school operating for the purpose of providing
17 educational services to youth who are detained by the office of
18 youth services.

19 (c) For purposes of continuity of educational choice, the
20 scholarship shall remain in force until:

21 (1) The student returns to public school;

22 (2) The student graduates from grade twelve;



1 (3) The student is excepted from compulsory
2 attendance; or

3 (4) The student is excluded from school.

4 (d) A student's parent, at any time, may remove the
5 student from one private school and place the student in another
6 private school or public school, provided that any private
7 school into which the student is transferred is eligible for the
8 scholarship program under section 302A-E.

9 **§302A-D School complex and department obligations.** (a) A
10 complex area superintendent shall timely notify the parent of a
11 student of all options available pursuant to this subpart.

12 (b) The school complex and the department shall not be
13 responsible for transportation of the student to any private
14 school that the student is enrolled under this subpart.

15 (c) For a student who participates in the scholarship
16 program whose parent requests that the student take the
17 statewide assessments required under section 302A-1004, the
18 complex area superintendent shall provide locations and times to
19 take the statement assessment.

20 (d) A complex area superintendent shall notify the
21 superintendent within ten days after the complex area
22 superintendent receives notification of a parent's intent to



1 apply for a scholarship. A complex area superintendent shall
2 provide the parent with the student's amount of scholarship
3 within ten school days after its determination.

4 (e) Students with disabilities who are eligible to receive
5 services or aid from the State under federal or state law, and
6 who participate in this program, shall remain eligible to
7 receive services or aid from the State as provided by federal or
8 state law.

9 **§302A-E Private School Eligibility.** To be eligible to
10 participate in the scholarship program, a private school may be
11 sectarian or nonsectarian and shall:

12 (1) Demonstrate fiscal soundness by:

13 (A) Being in operation for more than one school
14 year; or

15 (B) Providing the superintendent with a statement
16 by a certified public accountant confirming that
17 the private school desiring to participate is
18 insured and the owners have sufficient capital or
19 credit to operate the school for the upcoming
20 school year, serving the number of students
21 anticipated with expected revenues from tuition
22 and other sources that may be reasonably



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1 expected. In lieu of such a statement, a surety
2 bond or letter of credit for the amount equal to
3 the scholarship funds for any quarter may be
4 filed with the superintendent;

5 (2) Notify the superintendent of its intent to participate
6 in the scholarship program. The notice shall specify the grade
7 levels and services that the private school has available for
8 students participating in the scholarship program.

9 (3) Comply with federal and state anti-discrimination laws;

10 (4) Meet state and county health and safety laws and rules;

11 (5) Be academically accountable to the parent for meeting
12 the educational needs of the student;

13 (6) Employ or contract with teachers who:

14 (A) Hold baccalaureate or higher degrees;

15 (B) Have at least three years of teaching
16 experience in public or private schools; or

17 (C) Have skills, knowledge, or expertise that
18 qualifies them to provide instruction in subjects
19 taught;

20 (7) Comply with state laws and rules relating to the
21 general regulation of private schools; and



1 (8) Adhere to the tenets of the private school's
2 published disciplinary procedures prior to the expulsion of a
3 scholarship student.

4 **§ 302A-F Obligation of scholarship program participants.**

5 (a) A parent who applies for a scholarship shall be deemed to
6 be exercising the parental option to place the parent's child in
7 a private school. A parent shall select the private school and
8 apply for the admission of the parent's child.

9 (b) A parent shall request a scholarship at least sixty
10 days prior to the date of the first scholarship payment.

11 (c) A student participating in the scholarship program
12 shall:

13 (1) Remain in attendance throughout the school year,
14 unless excused by the private school for illness or
15 other good cause; and

16 (2) Comply fully with the private school's code of
17 conduct.

18 (d) The parent of each student participating in the
19 scholarship program shall comply fully with the private school's
20 parental involvement requirements, unless excused by the school
21 for illness or other good cause.



1 (e) If a parent requests that the student take the
2 statewide assessments required under section 302A-1004, then:

3 (1) The complex area superintendent shall provide
4 locations and times to take the statewide
5 assessment; and

6 (2) The parent shall be responsible for transporting
7 the student to the assessment sites provided by the
8 complex area superintendent.

9 (f) Upon receipt of a scholarship warrant, the parent to
10 whom the warrant is made shall restrictively indorse the warrant
11 to the private school for deposit into the account of the
12 school.

13 (g) A parent, student, or private school that fails to
14 comply with the requirements of this subpart shall forfeit a
15 scholarship.

16 **§302A-G Scholarship funding and payment.** (a) The maximum
17 scholarship granted for an eligible student shall be a
18 calculated amount equal to the total amount to which a complex
19 area is entitled for education programming divided by the
20 complex area membership, or an amount equal to the private
21 school's operating and debt service cost per pupil that is



1 related to education programming, as determined by the
2 department, whichever is less.

3 (b) The amount of a scholarship shall be the calculated
4 amount or the amount of the private school's tuition and fees,
5 whichever is less. The amount of any assessment fee required by
6 a participating private school may be paid from the total amount
7 of the scholarship.

8 (c) If a participating private school requires partial
9 payment of tuition prior to the start of the school year to
10 reserve space for students admitted to the school, then the
11 partial payment may be:

12 (1) Paid by the superintendent prior to the first
13 quarterly payment of the school year in which the
14 scholarship is awarded, up to a maximum of
15 \$1,000; and

16 (2) Deducted from subsequent scholarship payments.

17 If a student decides not to attend a participating private
18 school, then the reservation payment shall be returned to the
19 superintendent by the participating private school. The
20 superintendent may not pay more than one reservation payment per
21 student per school year.



1 (d) The complex area superintendent shall report all
2 students who are attending a private school under the
3 scholarship program. Students attending private schools under
4 the scholarship program shall be reported separately from
5 students placed in private schools under the rules governing the
6 provision of a free appropriate public education for a student
7 with a disability.

8 (e) Following notification on July 31, August 31, and
9 September 30 of the number of participants in the scholarship
10 program, the superintendent, using general funds only, shall
11 transfer the amount calculated under subsection (b) to a
12 separate account for making quarterly disbursements to the
13 parents of students participating in the scholarship program.
14 The superintendent shall receive all documentation required for
15 a student's participation in the scholarship program, including
16 the private school's and the student's fee schedules, at least
17 thirty days before the first quarterly scholarship payment is
18 made for the student. The superintendent may not make any
19 retroactive payments.

20 (f) Upon proper documentation reviewed and approved by the
21 superintendent, the comptroller shall make scholarship payments
22 in four equal amounts no later than September 1, December 1,



1 March 1, and June 1 of each school year in which the scholarship
2 is in force. The initial payment shall be made after the
3 superintendent's verification of admission acceptance, and
4 subsequent payments shall be made upon verification of continued
5 enrollment and attendance at the private school. Payment shall
6 be by individual warrant made payable to the student's parent
7 and mailed by the comptroller to the private school of the
8 parent's choice, and the parent shall restrictively indorse the
9 warrant to the private school for deposit into the account of
10 the school.

11 **§302A-H Liability.** No liability shall arise on the part
12 of the State based on the award or use of a scholarship.

13 **§302A-I Rules.** The board may adopt rules pursuant to
14 chapter 91 to administer this subpart. The inclusion of
15 eligible private schools within options available to public
16 school students shall not be construed to expand the authority
17 of the State or the counties to impose additional regulations on
18 private schools beyond those regulations reasonably necessary to
19 enforce the requirements set forth in this subpart."

20 SECTION 2. In codifying the new sections added by section
21 1 of this Act, the revisor of statutes shall substitute



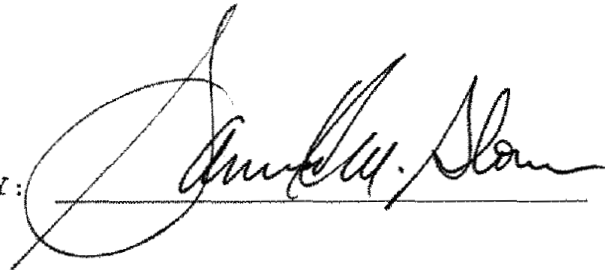
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1 appropriate section numbers for the letters used in designating
2 the new sections in this Act.

3 SECTION 3. This Act shall take effect immediately upon
4 successful approval of a constitutional amendment allowing
5 public grants to be made that enable children to attend private
6 schools.

7

INTRODUCED BY:

A handwritten signature in cursive script, appearing to read "Andy M. Slom", is written over a horizontal line.

Report Title:

Educational Choice; Scholarship Program; DOE

Description:

Establishes the parental choice in education opportunity scholarship program in order to provide scholarships to a private school of choice for school children of Hawaii.

