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# A BILL FOR AN ACT

RELATING TO EDUCATION DATA.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

- 1           SECTION 1. The legislature finds that:
- 2           (1) Many factors contribute to poor student performance,  
3           including lost instruction time and chronic absence  
4           from school;
- 5           (2) A student who has been suspended, even once, is less  
6           likely to graduate;
- 7           (3) Discipline that keeps students engaged in the learning  
8           process and with the school community is more  
9           effective than discipline that interrupts the learning  
10          process and separates the learning community;
- 11          (4) Although out-of-school and in-school suspensions are  
12          necessary in some situations, the excessive use of  
13          suspensions as a disciplinary measure is harmful to  
14          the educational process and to academic achievement;
- 15          (5) Disparity in disciplinary rates does not necessarily  
16          indicate discrimination; it can result from an  
17          ineffective school climate or from cultural strategies



1           that are not successful in engaging the academic and  
2           behavioral efforts of all students;  
3       (6) Accurate data collection relating to absenteeism,  
4           discipline, and learning allows school system  
5           personnel and the board of education to determine  
6           interventions as necessary to encourage student  
7           success;  
8       (7) By calculating rates of disproportionality among  
9           indicators of student performance, including  
10          discipline and absenteeism, the department of  
11          education can engage in remedial measures to ensure  
12          student success regardless of subgroup; and  
13       (8) The data collection, analysis, and reporting required  
14          by this Act is intended, in part, to preserve  
15          protections that may soon be lost if the United States  
16          Department of Education acts on its proposal,  
17          published on September 19, 2019, in the Federal  
18          Register, to cease collecting certain types of data  
19          from public schools for the Department's mandatory  
20          civil rights data collection.



1 Based on the foregoing findings, the purpose of this Act is  
2 to require the department of education to:

3 (1) Establish a standardized process for accurate data  
4 collection;

5 (2) Collect data on indicators relating to school climate  
6 and student achievement, including data that may cease  
7 to be collected under the United States Department of  
8 Education's proposed rollback of mandatory civil  
9 rights data collection;

10 (3) Make public, in a way that is understandable to  
11 families and advocates, data relating to school  
12 climate and student achievement;

13 (4) Analyze this data; and

14 (5) Annually report this data to the board of education  
15 and legislature.

16 SECTION 2. Chapter 302A, Hawaii Revised Statutes, is  
17 amended by adding a new section to subpart B of part IV, to be  
18 appropriately designated and to read as follows:

19 "§302A- Accurate data reporting. (a) The department  
20 shall establish a standardized data collection process for



1 schools and complex areas to maintain records and report data to  
2 the department. The department shall implement a process to:

3 (1) Review the accuracy of data reported by schools and  
4 complex areas; and

5 (2) Analyze and publish the data collected.

6 (b) The department shall annually review all data that has  
7 been collected pursuant to state and federal law and certify the  
8 accuracy of the data."

9 SECTION 3. Section 302A-1004, Hawaii Revised Statutes, is  
10 amended to read as follows:

11 **"§302A-1004 Educational accountability system; annual**  
12 **reports.** (a) The department shall implement a comprehensive  
13 system of educational accountability to motivate and support the  
14 improved performance of students and the education system. Data  
15 shall be reported as required by this section when the number of  
16 students in a particular data subgroup is greater than ten and  
17 shall be redacted when the number of students in a particular  
18 data subgroup is ten or fewer; provided that the personally  
19 identifiable information of each student shall be kept private.

20 This accountability system shall:



- 1 (1) Include student accountability; school or collective  
2 accountability; individual professional accountability  
3 for teachers, principals, and other employees; and  
4 public accounting to parents, community members,  
5 businesses, higher education, media, and political  
6 leadership;
- 7 (2) Link authority and resources to responsibility;
- 8 (3) Define clear roles for all parties and lines of  
9 responsibility and mutual obligation and develop a  
10 collaborative process with stakeholders, including  
11 representatives of appropriate bargaining units,  
12 parents, administration, and students;
- 13 (4) Assess and track measures of academic achievement,  
14 safety and well-being, and civic responsibility of  
15 individual students at selected grade levels, and  
16 annually report trend data from the past three years  
17 on these measures [~~over time annually~~];
- 18 (5) Invoke a full and balanced set of appropriate  
19 consequences for observed performance, including  
20 rewards and recognition for those schools that meet or  
21 exceed their goals, assistance to those that fall



1 short, and sanctions for those that, given adequate  
2 assistance and ample time, continue to fail to meet  
3 goals;

4 (6) Involve an annual statewide assessment program that  
5 provides a report card containing trend data from the  
6 past three years on school, school complex, and system  
7 performance at selected benchmark grade levels with  
8 performance indicators in areas relating to student  
9 achievement, safety and well-being, and civic  
10 responsibility. These performance indicators shall  
11 include but not be limited to:

12 (A) Student performance relative to statewide content  
13 and performance standards; [~~and~~]

14 (B) School attendance and dropout rates; and

15 (C) Student discipline information, in total and by  
16 unduplicated counts, disaggregated by subgroups  
17 consisting of race, including by Asian subgroup;  
18 ethnicity; national origin; gender; sex; English  
19 learner status; low-income status; students whose  
20 achievement is below grade level for the school  
21 year on literacy benchmark assessments, math



1           benchmark assessments, or end of course  
2           assessments; and disability status based upon an  
3           individualized education program or upon section  
4           504 of the Rehabilitation Act of 1973 (29 U.S.C.  
5           794), including but not limited to the following:  
6           (i) In-school suspensions;  
7           (ii) Out-of-school suspensions for one day or  
8           less; of two to five days; of six to nine  
9           days; of ten to twenty days; and of twenty-  
10           one or more days;  
11           (iii) Expulsions;  
12           (iv) Removals to an alternative education setting  
13           by school personnel;  
14           (v) School-related arrests;  
15           (vi) Referrals to law enforcement authorities;  
16           (vii) Withdrawals for other reasons;  
17           (viii) Number of parent or guardian-initiated  
18           withdrawals under section 302A-1132;  
19           (ix) Number of school resource officers, either  
20           full-time or part-time, and the number of  
21           hours assigned to the school per week; and



- 1                    (x) Other data that the board may approve;
- 2            (7) Require that teachers and administrators engage in the
- 3                    continuous professional growth and development that
- 4                    ensure their currency with respect to disciplinary
- 5                    content, leadership skill, knowledge, or pedagogical
- 6                    skill, as appropriate to their position. This
- 7                    requirement may be established by the department in
- 8                    terms of credit hours earned or their equivalent in
- 9                    professional development activity certified by the
- 10                   department as appropriate in focus and rigor;
- 11           (8) Establish an explicit link between professional
- 12                   evaluation results and individual accountability
- 13                   through professional development of the knowledge,
- 14                   skill, and professional behavior necessary to the
- 15                   position, by requiring that results of the
- 16                   professional evaluation be used by the department to
- 17                   prescribe professional development focus and content,
- 18                   as appropriate;
- 19           (9) Include an annual statewide fiscal accountability
- 20                   program, which includes a published report card that



1 contains trend data on school, school complex, and  
2 systemwide plans and results, including:

- 3 (A) Amounts allocated;
- 4 (B) Amounts expended;
- 5 (C) Amounts carried over; and
- 6 (D) Any significant changes to the budget, with an  
7 explanation for the change; and

8 (10) Include an evaluation of the effectiveness of complex  
9 area superintendents and principals in supporting:

- 10 (A) Students' academic achievement, safety and well-  
11 being, and civic responsibility; and
- 12 (B) The satisfaction of stakeholders affected by the  
13 work of the complex area superintendents and  
14 principals, which may be measured by broadbased  
15 surveys; and
- 16 (C) Fiscal accountability.

17 (b) The department shall annually post on the department's  
18 website [~~information~~]:

19 (1) Information on the specifics of the implementation of  
20 the comprehensive accountability system[~~, as well as~~];



- 1        (2) Information on the fiscal requirements and legislative  
2        actions necessary to maintain and improve the  
3        accountability system[-]; and
- 4        (3) Data collected pursuant to subsection (a)(6)(C) on  
5        student discipline, as follows:
- 6        (A) The total number of students enrolled in the  
7        state by complex, school, and subgroup;
- 8        (B) The percentage of the school, complex, and  
9        State's total enrollment that the subgroup  
10       represents;
- 11       (C) The number of students who appear in more than  
12       one subgroup;
- 13       (D) The disciplinary rate for each discipline measure  
14       described in subsection (a)(6)(C), based on the  
15       total student enrollment in each school and each  
16       complex;
- 17       (E) The disciplinary rate for each discipline measure  
18       described in subsection (a)(6)(C) with respect to  
19       each subgroup; and
- 20       (F) The rate of disciplinary disparity for each  
21       discipline measure described in subsection



1                   (a) (6) (C), with respect to each subgroup, as  
2                   compared with the subgroup with the lowest  
3                   disciplinary rate.

4           (c) The department shall also annually post on its website  
5 a state-, complex-, and school-level report for each school that  
6 details the past three years and includes an analysis of any  
7 disproportionality among student subgroups using the performance  
8 indicators in subsection (a) (6). Each report shall be uniformly  
9 formatted and designed by the department so as to provide  
10 school-based users and the public with all pertinent  
11 information. Report data shall be downloadable in raw form.  
12 Report information [~~that includes but is not limited to~~] shall  
13 include the following:

- 14           (1) Results of school-by-school assessments of educational  
15           outcomes;
- 16           (2) Summaries of each school's standards implementation  
17           design;
- 18           (3) Summary descriptions of the demographic makeup of the  
19           schools, with indications of the range of these  
20           conditions among schools within Hawaii;



1 (4) Comparisons of conditions affecting Hawaii's schools  
2 with the conditions of schools in other states;

3 (5) Other [~~such~~] assessments [~~as may be~~] deemed  
4 appropriate by the board; [~~and~~]

5 (6) Student discipline information by school, as required  
6 by this section; and

7 [~~(6)~~] (7) Any other reports required by this section.

8 (d) The department shall provide electronic access to  
9 computer-based financial management, student information, and  
10 other information systems to the legislature and the auditor.  
11 The department shall submit to the legislature and to the  
12 governor, at least twenty days prior to the convening of each  
13 regular session, a school-by-school expenditure report that  
14 includes but is not limited to the following:

15 (1) The financial analysis of expenditures by the  
16 department with respect to the following areas:

17 (A) Instruction, including face-to-face teaching, and  
18 classroom materials;

19 (B) Instructional support, including pupil, teacher,  
20 and program support;



1 (C) Operations, including non-instructional pupil  
2 services, facilities, and business services;

3 (D) Other commitments, including contingencies,  
4 capital improvement projects, out-of-district  
5 obligations, and legal obligations; and

6 (E) Leadership, including school management, program  
7 and operations management, and district  
8 management; and

9 (2) The measures of accuracy, efficiency, and productivity  
10 of the department, districts, and schools in  
11 delivering resources to the classroom and the student.

12 (e) The superintendent of education is responsible for the  
13 development and implementation of an educational accountability  
14 system. The system shall include consequences and shall be  
15 designed through a collaborative process involving stakeholders  
16 that shall include parents, community members, the respective  
17 exclusive representatives, as well as others deemed appropriate  
18 by the superintendent.

19 (f) The department shall:

20 (1) Annually submit a report to the board and to the  
21 legislature, as follows:



1           (A) The report shall identify discipline-related  
2           strategies, alternatives, and resources available  
3           to schools and complexes, and shall include the  
4           following:  
5           (i) Student discipline data collected pursuant  
6           to subsection (a) (6) (C);  
7           (ii) Data collected in accordance with the data  
8           elements shown in the United States  
9           Department of Education's 2015-2016 civil  
10           rights data collection relating to school  
11           finance, teacher experience and absenteeism,  
12           all early childhood education items,  
13           advanced placement test-taking items,  
14           references to gender identity in the  
15           definition of "harassment on the basis of  
16           sex," number of English language learner  
17           students enrolled in English language  
18           programs by disability status, participation  
19           in credit recovery programs, and any civil  
20           rights concerns or complaints from children



- 1                   with disabilities placed by school districts  
2                   in nonpublic schools; and  
3            (iii) Information regarding staffing and contact  
4                   information for school- and complex-level  
5                   equity specialists; and  
6            (B) The report may include additional information, as  
7                   determined by the department, that would assist  
8                   in better understanding the disciplinary rate or  
9                   rate of disciplinary disparity of a particular  
10                  school or complex;  
11           (2) Track the progress made by schools and complexes over  
12                  the past three years in reducing the disciplinary  
13                  rates and rate of disciplinary disparity that are  
14                  referenced in subsection (b) (3) (D) through (F);  
15           (3) Assess the changes in student academic achievement and  
16                  absenteeism rates over the past three years that  
17                  correspond to any reduction in disciplinary rates and  
18                  rates of disciplinary disparity that are referenced in  
19                  subsection (b) (3) (D) through (F);  
20           (4) Track the use of restraints over the past three years;  
21                  and



- 1        (5) Report annually to the board, and make public on its  
2        website, the following:
- 3        (A) Changes in the use of discipline over the past  
4        three years; and
- 5        (B) Information on the extent to which schools and  
6        complexes are implementing evidence-based  
7        strategies, including positive behavior  
8        interventions, support systems, or restorative  
9        justice.

10       For the purposes of this section, negotiations under  
11 chapter 89 shall be between the superintendent or the  
12 superintendent's designee and the respective exclusive  
13 representative, and shall be limited to the impact on personnel  
14 arising from the superintendent's decision in implementing the  
15 educational accountability system. After the initial agreement  
16 is negotiated, provisions on the impact of the accountability on  
17 personnel may be reopened only upon mutual agreement of the  
18 parties."

19       SECTION 4. Statutory material to be repealed is bracketed  
20 and stricken. New statutory material is underscored.

21       SECTION 5. This Act shall take effect on July 1, 2050.



**Report Title:**

DOE; Data Collection; Transparency; Accountability

**Description:**

Requires the department of education to establish a standardized data collection process; collect and analyze data relating to, among other things, student discipline, school climate, and student achievement; and annually report certain information to the board of education, legislature, and the public. Takes effect on 7/1/2050. (HD1)

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

