WHEREAS, section 302A-1143, Hawaii Revised Statutes, requires a person of school age to attend the school of the service area, as determined by the Department of Education, in which the person resides, unless any one of three exceptions apply; and

WHEREAS, one exception to this requirement is a requested geographic exception to attend a school in another service area, which may be granted at the discretion of the Department of Education; and

WHEREAS, section 8-13-4, Hawaii Administrative Rules, vests authority to approve or disapprove a geographic exception in the principal of the receiving school, after communicating with the home school principal; and

WHEREAS, Board of Education Policy 500-12, relating to geographic exceptions to the mandatory school attendance law, provides that the process established by the Department of Education for the handling and approval of geographic exception requests shall be "equitable, widely publicized and 'user friendly' to parents and children"; and

WHEREAS, the number of students attending public schools in Hawaii under geographic exceptions has increased significantly in recent years, with slightly over twenty thousand students receiving geographic exceptions during the 2018-2019 school year, as compared to approximately eight thousand students in 2005; and
WHEREAS, many Hawaii families have expressed concerns regarding the fairness and objectivity of the criteria employed when processing geographic exception requests; and

WHEREAS, the unprecedented investment in distance learning equipment and training due to the COVID-19 pandemic has created innovative opportunities for students to enroll in distance learning courses across multiple schools; and

WHEREAS, gathering information and exploring potential reforms related to geographic exception procedures will promote equity and accountability in serving the diverse educational needs of Hawaii's public school students; now, therefore,

BE IT RESOLVED by the House of Representatives of the Thirty-first Legislature of the State of Hawaii, Regular Session of 2021, the Senate concurring, that a working group be established to review and report on the procedures for and determinations on applications for geographic exceptions within the department of education; and

BE IT FURTHER RESOLVED that the working group review and report include:

(1) An analysis of the historical use of geographic exceptions that reaches back at least ten years from the present school year;

(2) Disaggregated data categorized by home school and receiving school; student demographics, including ethnicity, for geographic exceptions that were approved and those that were disapproved; special education services needed; status as an English Language Learner student; status as a student recipient of free or reduced lunch; and the reasons provided for approval or disapproval;

(3) A compilation of: the date of application for a geographic exception by a parent or substitute legal guardian with the date of receipt by a school, the number of days prior to or after the March 1 deadline that the application was received, the number of days
it took for a school to respond to the application, and whether a written appeal was made and its outcome;

(4) The number of students attending school under a geographic exception as a percentage of total enrollment numbers for each school;

(5) The appropriateness of geographic exception review procedures, including principal-applicant interviews and consideration of student grades and test scores;

(6) The feasibility and possible timeline for implementing an online geographic exception and school enrollment platform;

(7) How other states administer geographic exception programs;

(8) Equity implications based on the information contained in the report, clarifying any opportunities to promote a more efficient allocation of funds and objective standards for approval or disapproval in the geographic exception process; and

(9) The regulatory and collective bargaining changes needed to enable students to enroll in distance learning courses at schools where they are not enrolled; and

BE IT FURTHER RESOLVED that the working group shall consist of the following members:

(1) One member of the House of Representatives to be designated by the Speaker of the House of Representatives, who shall co-chair the working group;

(2) One member of the Senate to be designated by the President of the Senate, who shall co-chair the working group.
(3) The Superintendent of Education, or the Superintendent's designee; and

(4) The Chair of the Board of Education, or the Chair's designee; and

BE IT FURTHER RESOLVED that the co-chairs of the working group shall invite the following individuals to participate as members of the working group:

(1) A Department of Education Complex Area Superintendent;

(2) A Department of Education principal;

(3) A representative from the Hawaii State Teachers Association;

(4) A representative of the Hawaii Government Employees Association;

(5) A representative from the nonprofit sector;

(6) An expert in the area of open educational resources;

(7) An expert in the area of distance learning; and

(8) Any other individuals the co-chairs recommend; and

BE IT FURTHER RESOLVED that the working group, with the assistance of the Legislative Reference Bureau, shall submit a report of its findings and recommendations, including any proposed legislation, to the Legislature no later than twenty days prior to the convening of the Regular Session of 2022; and

BE IT FURTHER RESOLVED that the working group shall dissolve on January 30, 2022; and
BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution be transmitted to the Governor, President of the Senate, Speaker of the House of Representatives, Chairperson of the Board of Education, and Superintendent of Education.

OFFERED BY:

MAR 11 2021