

JAN 22 2021

A BILL FOR AN ACT

PROPOSING AN AMENDMENT TO ARTICLE X, SECTION 1, OF THE
CONSTITUTION OF THE STATE OF HAWAII TO REQUIRE THAT THE
STATEWIDE PUBLIC SCHOOL SYSTEM BE THOROUGH AND EFFICIENT.

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

1 SECTION 1. The legislature finds that article X, section
2 1, of the Hawaii State Constitution requires the State to
3 provide a system of public education but makes no mention of the
4 quality of the education system that the State is obligated to
5 provide. Compared to other states, Hawaii is unique because the
6 State, rather than a county or local level jurisdiction, is
7 responsible for public education. While the United Nations has
8 declared education to be a fundamental human right because a
9 quality education is a critical asset for individuals and
10 economies competing in today's globalized world, Hawaii
11 struggles to provide a quality education to all keiki. This
12 struggle is evidenced by a chronic teacher shortage that stands
13 at over one thousand positions per year, decaying school
14 facilities, and the fact that Hawaii spends less total tax
15 revenue on public education than any other state in the nation.



1 The legislature also finds that the virus known as "SARS-
2 CoV-2" causes a disease named "coronavirus disease 2019"
3 (COVID-19), which spread globally and was declared a pandemic by
4 the World Health Organization on March 11, 2020. Upon reaching
5 Hawaii's shores, the COVID-19 outbreak disrupted the public
6 school system, leading to statewide school closures and the
7 widespread adoption of remote learning programs by teachers,
8 parents, and students. The pandemic highlighted inequalities
9 existing within Hawaii's public education system, with
10 socioeconomically disadvantaged communities and impoverished
11 families often lacking the resources needed to participate in
12 distance learning programs. Similarly, special education and
13 high-needs students faced challenges in accessing the resources
14 needed to support their educational progress. While these
15 problems were revealed by the COVID-19 pandemic, they reflect
16 and exacerbate longstanding disparities in the State's public
17 school system, including an ongoing and chronic teacher
18 shortage, inadequate resources for special education and
19 high-needs children, deteriorating public school facilities, and
20 a lack of culturally relevant education opportunities for Native
21 Hawaiian students.



1 The purpose of this Act is to propose an amendment to
2 article X, section 1, the Hawaii State Constitution to require
3 that the statewide public school system be thorough and
4 efficient.

5 SECTION 2. Article X, section 1, of the Constitution of
6 the State of Hawaii is amended to read as follows:

7 "PUBLIC EDUCATION

8 Section 1. The State shall provide for the establishment,
9 support and control of a thorough and efficient statewide system
10 of public schools free from sectarian control, a state
11 university, public libraries and such other educational
12 institutions as may be deemed desirable, including physical
13 facilities therefor. There shall be no discrimination in public
14 educational institutions because of race, religion, sex or
15 ancestry; nor shall public funds be appropriated for the support
16 or benefit of any sectarian or nonsectarian private educational
17 institution, except that proceeds of special purpose revenue
18 bonds authorized or issued under section 12 of Article VII may
19 be appropriated to finance or assist:



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1 1. Not-for-profit corporations that provide early
2 childhood education and care facilities serving the general
3 public; and

4 2. Not-for-profit private nonsectarian and sectarian
5 elementary schools, secondary schools, colleges and
6 universities."

7 SECTION 3. The question to be printed on the ballot shall
8 be as follows:

9 "Shall the statewide public school system be required to be
10 thorough and efficient?"

11 SECTION 4. New constitutional material is underscored.

12 SECTION 5. This amendment shall take effect upon
13 compliance with article XVII, section 3, of the Constitution of
14 the State of Hawaii.

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INTRODUCED BY: _____



S.B. NO. 542

Report Title:

Education; Public School System; Constitutional Amendment

Description:

Proposes an amendment to article X, section 1, of the Hawaii State Constitution to require that the statewide public school system be thorough and efficient.

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