
A BILL FOR AN ACT

RELATING TO EDUCATION.

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

1 SECTION 1. The legislature finds that the department of
2 education is the largest department in state government and has
3 numerous statutes that it must adhere to.

4 The legislature also finds that as a result of the
5 constitutional amendment adopted in the 2010 general election,
6 the board of education was required to transform from an elected
7 board to an appointed board, with the appointments being made by
8 the governor. Pursuant to Act 5, Session Laws of Hawaii 2011,
9 the members of the board of education have been appointed and
10 confirmed and have begun their important work. This change in
11 educational governance provides a unique opportunity to review
12 sections of the Hawaii Revised Statutes to determine if amending
13 or reducing statutory constraints and requirements might assist
14 the board of education and department of education in creating a
15 more effective educational delivery system. These statutory
16 changes would not diminish the role of the legislature in
17 overseeing the department of education and holding it
18 accountable for the educational success of students. Nor should



1 the repeal of outdated and duplicative sections of chapter 302A,
2 Hawaii Revised Statutes, suggest that the department of
3 education did not or does not have the proper legal authority to
4 implement the programs or activities covered by the repealed
5 sections. Rather, this Act places decision making over those
6 certain programs or activities at the best level, whether at the
7 board policy level or the department administrative level.

8 The purpose of this Act is to add clarity to or resolve
9 conflicting or inconsistent language among different sections of
10 law and to amend or repeal various sections of chapter 302A,
11 Hawaii Revised Statutes, that:

- 12 (1) Have been accomplished and are no longer necessary;
- 13 (2) Impede rather than assist the department of education
14 in meeting its core mission;
- 15 (3) Fall under the purview of the board of education, such
16 as policy, staffing, and programmatic decisions;
- 17 (4) Are mandated by federal law and do not require
18 codification in state law; or
- 19 (5) Are covered by another section of the Hawaii Revised
20 Statutes, administrative rules, or board of education
21 policy.



SECTION 2. Section 4-1, Hawaii Revised Statutes, is amended to read as follows:

"§4-1 Districts, generally. For election, taxation, [education,] city, county, and all other purposes, the State shall be divided into the following districts; provided that the establishment of election districts shall be exclusively governed by article IV of the constitution of the State of Hawaii and chapter 25:

(1) The island and county of Hawaii shall be divided into nine districts as follows:

(A) Puna, to be styled the Puna district;

(B) From the Hakalau stream to the boundary of South Hilo and Puna, to be styled the South Hilo district;

(C) From the boundary of Hamakua and North Hilo to the Hakalau stream, to be styled the North Hilo district;

(D) Hamakua, to be styled the Hamakua district;

(E) North Kohala, to be styled the North Kohala district;

(F) South Kohala, to be styled the South Kohala district;



1 (G) North Kona, to be styled the North Kona district;

2 (H) South Kona, to be styled the South Kona district;

3 and

4 (I) Kau, to be styled the Kau district.

5 (2) The islands of Maui, Molokai, Lanai, and Kahoolawe and
6 the counties of Maui and Kalawao shall be divided into
7 seven districts as follows:

8 (A) Kahikinui, Kaupo, Kipahulu, Hana, and Koolau, to
9 be styled the Hana district;

10 (B) Hamakualoa, Hamakuapoko, portion of Kula, and
11 Honuaula, the western boundary being a line
12 starting from the sea at Kapukaulua on the
13 boundary between the ahupuaas of Haliimaile and
14 Wailuku, thence running inland following the
15 boundary to the mauka side of the Lowrie ditch,
16 thence following the mauka side of the ditch and
17 its projected extension to the Waiakoa gulch
18 which is the boundary between the ahupuaas of
19 Pulehunui and Waiakoa, thence down along the
20 boundary to the mauka boundary of the Waiakoa
21 Homesteads (makai section), thence along the
22 boundary to the ahupuaa of Kaonoulou, thence



1 across the ahupuaa of Kaonoulu to the mauka
2 boundary of the Waiohuli-Keokea Beach Homesteads,
3 thence along the boundary to the mauka boundary
4 of the Kamaole Homesteads, thence along the
5 boundary and the extension thereof to the north
6 boundary of the ahupuaa of Paeahu, thence along
7 the boundary to the sea, and including the island
8 of Kahoolawe, to be styled the Makawao district;

9 (C) All that portion of central Maui lying east of a
10 line along the boundary of the ahupuaas of
11 Kahakuloa and Honokohau to the peak of Eke
12 crater, thence along the ridge of mountains and
13 down the bottom of Manawainui gulch to the sea,
14 and west of the boundary of Makawao district, to
15 be styled Wailuku district;

16 (D) All that portion of Maui lying west of Wailuku
17 district, to be styled the Lahaina district;

18 (E) The island of Molokai, except that portion of the
19 island known as Kalaupapa, Kalawao, and Waikolu
20 and commonly known or designated as the
21 Settlement for Hansen's disease sufferers, to be
22 styled the Molokai district;



1 (F) All that portion of the island of Molokai known
2 as Kalaupapa, Kalawao, and Waikolu forming the
3 county of Kalawao, to be styled the Kalawao
4 district; and

5 (G) The island of Lanai, to be styled the Lanai
6 district.

7 (3) For judicial purposes, the island of Oahu shall be
8 divided into seven districts as follows:

9 (A) From Makapuu Head in Maunalua to Moanalua
10 inclusive, and the islands not included in any
11 other district, to be styled the Honolulu
12 district;

13 (B) Ewa, excluding Waikakalaua, Waipio Acres, and
14 Mililani Town, to be styled the Ewa district;

15 (C) Waianae excluding Waianae Uka, to be styled the
16 Waianae district;

17 (D) From Kaena point to and including Waialeale Stream
18 excluding Wahiawa, hereinafter described, to be
19 styled the Waialua district;

20 (E) From Waialeale Stream to Lae o ka Oio, to be styled
21 the Koolauloa district;



1 (F) From Lae o ka Oio to Makapuu Head in Waimanalo,
2 to be styled the Koolaupoko district;

3 (G) Wahiawa and Waianae Uka, including Waikakalaua,
4 Waipio Acres, and Mililani Town, lying between
5 Ewa and Waialua districts and more particularly
6 described in the following manner: Beginning at
7 Puu Kaaumakua in the Koolau range and running to
8 and along the south boundary of Waianae Uka
9 (which is also the south boundary of Schofield
10 Barracks Military Reservation) to Puu Hapapa in
11 the Waianae range; thence continuing along
12 Schofield Barracks Military Reservation northerly
13 along the Waianae range to Puu Kaala, easterly
14 along Mokuleia down ridge to Puu Pane, continuing
15 to Maili Trig. station, and down ridge to
16 Haleauau stream and down Haleauau stream to
17 Kaukonahua gulch, and easterly along the gulch to
18 the west boundary of the ahupuaa of Wahiawa;
19 thence leaving Schofield Barracks Military
20 Reservation and following up and along the west
21 and north boundaries of the ahupuaa of Wahiawa to
22 the Koolau range; thence along the Koolau range



1 to the beginning; to be styled the Wahiawa
2 district.

3 (4) For all purposes except for judicial, the island of
4 Oahu shall be divided into seven districts as follows:

5 (A) From Makapuu Head in Maunalua to Moanalua
6 inclusive, and the islands not included in any
7 other district, to be styled the Honolulu
8 district;

9 (B) Ewa, to be styled the Ewa district;

10 (C) Waianae excluding Waianae Uka, to be styled the
11 Waianae district;

12 (D) From Kaena point to and including the ahupuaa of
13 Waimea excluding Wahiawa, hereinafter described,
14 to be styled the Waialua district;

15 (E) From Waimea to Lae o ka Oio, to be styled the
16 Koolauloa district;

17 (F) From Lae o ka Oio to Makapuu Head in Waimanalo,
18 to be styled the Koolaupoko district;

19 (G) Wahiawa and Waianae Uka, lying between Ewa and
20 Waialua districts and more particularly described
21 in the following manner: Beginning at Puu
22 Kaaumakua in the Koolau range and running to and



1 along the south boundary of Waianae Uka (which is
2 also the south boundary of Schofield Barracks
3 Military Reservation) to Puu Hapapa in the
4 Waianae range; thence continuing along Schofield
5 Barracks Military Reservation northerly along the
6 Waianae range to Puu Kaala, easterly along
7 Mokuleia down ridge to Puu Pane, continuing to
8 Maili Trig. station, and down ridge to Haleauau
9 stream and down Haleauau stream to Kaukonahua
10 gulch, and easterly along the gulch to the west
11 boundary of the ahupuaa of Wahiawa; thence
12 leaving Schofield Barracks Military Reservation
13 and following up and along the west and north
14 boundaries of the ahupuaa of Wahiawa to the
15 Koolau range; thence along the Koolau range to
16 the beginning; to be styled the Wahiawa district.

17 (5) The islands of Kauai, Niihau, Kaula, and county of
18 Kauai, shall be divided into five districts as
19 follows:

20 (A) From Puanaaiea point to the ili of Eleele,
21 including the islands of Niihau and Kaula, to be
22 styled the Waimea district;



1 (B) From and including the ili of Eleele to and
2 including Mahaulepu, to be styled the Koloa
3 district;

4 (C) From and including Kipu to the northerly bank of
5 the north fork and the main Wailua river, to be
6 styled the Lihue district;

7 (D) From the northerly bank of the north fork and the
8 main Wailua river to Kealaakaiole, to be styled
9 the Kawaihau district; and

10 (E) From and including Kealaakaiole to Puanaaiea
11 point to be styled the Hanalei district."

12 SECTION 3. Section 36-35, Hawaii Revised Statutes, is
13 amended by amending subsection (a) to read as follows:

14 "(a) There is created in the state general fund under EDN
15 400 (school support) the state educational facilities repair and
16 maintenance account, into which shall be deposited legislative
17 appropriations to the account designated for use solely to
18 eliminate the backlog of school repair and maintenance projects,
19 including the repair or replacement of fixtures, furnishings,
20 and equipment, existing on June 30, 2000. Expenditures from the
21 account shall be subject to sections 37-31 and 37-33 to 37-40.

22 Based on the prioritization approved by the department of



1 education [~~as prescribed by section 302A-1505~~], appropriations
2 or authorizations from the account shall be expended by the
3 superintendent of education."

4 SECTION 4. Section 36-36, Hawaii Revised Statutes, is
5 amended by amending subsection (a) to read as follows:

6 "(a) There is created in the state general fund under EDN
7 400 (school support) the school physical plant operations and
8 maintenance account, into which shall be deposited all
9 legislative appropriations to the account.

10 The moneys in the account shall be used solely for school
11 repairs and preventive maintenance projects scheduled after
12 June 30, 2001. Expenditures from the account shall be subject
13 to sections 37-31 and 37-33 to 37-40. Based on the
14 prioritization approved by the department of education [~~as~~
15 ~~prescribed by section 302A-1505~~], appropriations or
16 authorizations from the account shall be expended by the
17 superintendent of education."

18 SECTION 5. Section 92F-12, Hawaii Revised Statutes, is
19 amended by amending subsection (a) to read as follows:

20 "(a) Any other provision in this chapter to the contrary
21 notwithstanding, each agency shall make available for public
22 inspection and duplication during regular business hours:



- 1 (1) Rules of procedure, substantive rules of general
2 applicability, statements of general policy, and
3 interpretations of general applicability adopted by
4 the agency;
- 5 (2) Final opinions, including concurring and dissenting
6 opinions, as well as orders made in the adjudication
7 of cases, except to the extent protected by section
8 92F-13(1);
- 9 (3) Government purchasing information, including all bid
10 results, except to the extent prohibited by section
11 92F-13;
- 12 (4) Pardons and commutations, as well as directory
13 information concerning an individual's presence at any
14 correctional facility;
- 15 (5) Land ownership, transfer, and lien records, including
16 real property tax information and leases of state
17 land;
- 18 (6) Results of environmental tests;
- 19 (7) Minutes of all agency meetings required by law to be
20 public;



(8) Name, address, and occupation of any person borrowing funds from a state or county loan program, and the amount, purpose, and current status of the loan;

(9) Certified payroll records on public works contracts except social security numbers and home addresses;

(10) Regarding contract hires and consultants employed by agencies:

(A) The contract itself, the amount of compensation;

(B) The duration of the contract; and

(C) The objectives of the contract,

except social security numbers and home addresses;

(11) Building permit information within the control of the agency;

(12) Water service consumption data maintained by the boards of water supply;

(13) Rosters of persons holding licenses or permits granted by an agency that may include name, business address, type of license held, and status of the license;

(14) The name, compensation (but only the salary range for employees covered by or included in chapter 76, and sections 302A-602 to ~~[302A-640,]~~ 302A-639, and 302A-701, or bargaining unit (8)), job title, business



1 address, business telephone number, job description,
2 education and training background, previous work
3 experience, dates of first and last employment,
4 position number, type of appointment, service
5 computation date, occupational group or class code,
6 bargaining unit code, employing agency name and code,
7 department, division, branch, office, section, unit,
8 and island of employment, of present or former
9 officers or employees of the agency; provided that
10 this paragraph shall not require the creation of a
11 roster of employees; and provided further that this
12 paragraph shall not apply to information regarding
13 present or former employees involved in an undercover
14 capacity in a law enforcement agency;

15 (15) Information collected and maintained for the purpose
16 of making information available to the general public;
17 and

18 (16) Information contained in or compiled from a
19 transcript, minutes, report, or summary of a
20 proceeding open to the public."



SECTION 6. Section 302A-101, Hawaii Revised Statutes, is amended as follows:

1. By adding three new definitions to be appropriately inserted and to read:

"Complex" means the high school and those elementary, middle, and intermediate schools that feed into the high school as designated by the department.

"Complex area" means the administrative unit that includes one or more complexes as designated by the department.

"District" means the state public education system as whole, except as used by the department for federal compliance and reporting requirements."

2. By amending the definition of "complex area superintendent" to read:

"Complex area superintendent" means the chief administrative officer of a complex area and the [school] complexes therein."

3. By deleting the definitions of "gifted and talented children", "job-sharing", "regional administrative unit", and "school complex".

~~["Gifted and talented children" means students residing in the State who are of compulsory school age and are enrolled in,~~



~~1 and attending, a public school, and whose superior performance
2 or potential indicates exceptional ability or talent. This
3 ability or talent may occur singly in or in combination with any
4 of the following areas: intellectual, creative or specific
5 academic abilities, leadership capabilities, psychomotor
6 abilities, or abilities in the performing or visual arts.~~

~~7 "Job sharing" means the voluntary sharing of a full time,
8 permanent employee's position with another employee, with each
9 employee working one half of the total number of hours of work
10 required per week and performing one half of the work required
11 of the respective full time position, and with each employee
12 receiving one half of the salary to which each employee is
13 respectively entitled and at least one half of each employee
14 benefit afforded to full time employees.~~

~~15 "Regional administrative unit" means a grouping of
16 complexes established by the department for administrative
17 support and organizational purposes.~~

~~18 "School complex" means a grouping of schools established by
19 the department for instructional, administrative, and
20 organizational purposes."]~~



SECTION 7. Section 302A-401.5, Hawaii Revised Statutes, is amended to read as follows:

"[~~§~~302A-401.5~~]~~ Hawaii teacher cadet program fund. (a)

There is established the Hawaii teacher cadet program fund as a separate fund of the Hawaii alliance for future teachers, a Hawaii nonprofit organization. Moneys received from the state, county, or federal government, private contributions of cash or other property, and the income and capital gains earned by the fund shall constitute its assets.

(b) The Hawaii alliance for future teachers shall expend moneys from the fund in the form of either grants to organizations or contracts with private vendors to provide programs for students who possess a high level of academic achievement and the personality traits found in good teachers to consider teaching as a career in accordance with this section.

(c) The fund may receive contributions, grants, endowments, or gifts in cash or otherwise from all sources, including corporations or other businesses, foundations, government, individuals, and other interested parties. The legislature intends that public and private sectors review and investigate all potential funding sources. The State may appropriate moneys to the fund.



1 (d) The Hawaii alliance for future teachers shall appoint
2 the members of the Hawaii teacher cadet program advisory board,
3 which shall be responsible for:

4 (1) Soliciting and otherwise raising funds for the fund;

5 (2) Establishing criteria for the expenditure of funds;

6 (3) Reviewing grant proposals using criteria established
7 by Hawaii alliance for future teachers; and

8 (4) Making recommendations for grants and other specific
9 expenditures.

10 Members of the advisory board shall be stakeholders in Hawaii's
11 public educational system, including students, parents, alumni,
12 principals, community and business leaders, and representatives
13 from the department of education and the department of
14 accounting and general services, who shall be represented on the
15 advisory board.

16 (e) In managing the moneys in the fund, the Hawaii
17 alliance for future teachers shall exercise ordinary business
18 care and prudence given the facts and circumstances prevailing
19 at the time of action or decision. In doing so, the Hawaii
20 alliance for future teachers shall consider its long- and short-
21 term needs in carrying out its purposes, its present and



1 anticipated financial requirements, expected total return on its
2 investments, price trends, and general economic conditions.

3 (f) There may be an endowment component of the fund, and
4 the Hawaii alliance for future teachers may accumulate net
5 income and add the same to the principal.

6 (g) The use of any state moneys may be restricted by the
7 legislation appropriating these moneys to the fund.

8 (h) The Hawaii alliance for future teachers may expend
9 principal from the fund for the purposes of the fund.

10 (i) Any organization submitting a proposal to the Hawaii
11 alliance for future teachers for moneys shall meet the following
12 standards at the time of application:

13 (1) Be a for-profit organization duly registered under the
14 laws of the State, or be a nonprofit organization
15 determined by the Internal Revenue Service to be
16 exempt from the federal income tax, or be an agency of
17 the State or a county;

18 (2) In the case of a nonprofit organization, have a
19 governing board whose members have no material
20 conflict of interest and serve without compensation;

21 (3) In the case of an applicant that is not a state or
22 county government agency, have bylaws or policies that



1 describe the manner in which business is conducted and
2 policies that relate to the management of a potential
3 situation involving a conflict of interest;

4 (4) Have experience with the project or in the program
5 area for which the proposal is being made; and

6 (5) Be licensed and accredited, as applicable, in
7 accordance with the requirements of federal, state,
8 and county governments.

9 (j) All proposals submitted to the Hawaii alliance for
10 future teachers for moneys shall be approved by the department
11 for consistency in meeting standards for public schools.

12 (k) Organizations or agencies to which moneys are awarded
13 shall agree to comply with the following conditions before
14 receiving the award:

15 (1) Use persons qualified to engage in the activity to be
16 funded;

17 (2) Comply with the applicable federal, state, and county
18 laws; and

19 (3) Comply with any other requirements prescribed by the
20 Hawaii alliance for future teachers to ensure
21 adherence by the recipient of the award with



1 applicable federal, state, and county laws and with
2 the purposes of this section.

3 (1) Chapter 103D shall not apply to organizations or
4 agencies that apply for grants or contracts under this section;
5 provided that the Hawaii alliance for future teachers shall be
6 held accountable for the use of the funds under a contract with
7 the department.

8 (m) Any contract awarded by the Hawaii alliance for future
9 teachers shall be made with as much competition as is practical
10 to execute its purposes.

11 (n) The fund shall be audited annually by an independent
12 auditor. The results of each annual audit shall be submitted to
13 the department not later than thirty days from the date the
14 Hawaii alliance for future teachers receives the audit results.
15 In addition, the Hawaii alliance for future teachers shall
16 retain for a period of three years and permit the department,
17 state legislators, and the auditor, or their duly authorized
18 representatives, to inspect and have access to any documents,
19 papers, books, records and other evidence that is pertinent to
20 the fund.

21 (o) The fund shall not be placed in the state treasury,
22 and the State shall not administer the fund, nor shall the State



1 be liable for the operation or solvency of the fund of the
2 Hawaii alliance for future teachers.

3 (p) For every dollar of state moneys granted by the fund
4 to the project, there shall be a minimum of \$1 in value matched
5 by the Hawaii alliance for future teachers in cash, or the fair
6 market value of in-kind donations, real property, or any other
7 item of value from federal, state, or county governments,
8 private entities, community-based organizations, non-profit
9 organizations, or individuals.

10 ~~[(q) The superintendent of education shall submit an~~
11 ~~annual report of the progress of the Hawaii teacher cadet~~
12 ~~program fund no later than twenty days prior to the convening of~~
13 ~~each regular session of the legislature.] "~~

14 SECTION 8. Section 302A-412, Hawaii Revised Statutes, is
15 amended by amending subsection (a) to read as follows:

16 "(a) Each secondary public school, upon the approval of
17 the principal ~~[and the complex area superintendent]~~, may allow
18 on the premises vending machines operated as a concession;
19 provided that the concession shall be operated only by a blind
20 or visually handicapped person, as defined in sections 235-1,
21 347-1, and 347-2. The location and operation of the vending



1 machines and the items dispensed shall be approved by the
2 [~~department.~~] principal."

3 SECTION 9. Section 302A-431, Hawaii Revised Statutes, is
4 amended by amending subsection (a) to read as follows:

5 "(a) The board and the board of regents of the University
6 of Hawaii may adopt necessary rules under chapter 91 to
7 administer and implement sections [~~302A-429 to~~] 302A-430 and
8 302A-431, including the adoption of safety guidelines and safety
9 inspection procedures of facilities where students are placed.
10 The department and the University of Hawaii shall inspect each
11 facility annually prior to the placement of students with these
12 facilities."

13 SECTION 10. Section 302A-461, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "[+]§302A-461[+] **Gender equity in athletics.** (a) No
16 person, on the basis of sex, shall be excluded from
17 participating in, be denied the benefits of, or be subjected to
18 discrimination in athletics offered by a public high school,
19 pursuant to Public Law 92-318, Title IX of the federal Education
20 Amendments of 1972.



1 (b) This section shall apply to public schools as defined
2 in section 302A-101; provided that it shall apply to grades nine
3 to twelve only.

4 (c) No private right of action at law shall arise under
5 this section."

6 SECTION 11. Section 302A-603, Hawaii Revised Statutes, is
7 amended by amending subsection (a) to read as follows:

8 "(a) Except as otherwise provided, before the 1997-1998
9 school year, whoever serves in the department as a teacher
10 without holding an unrevoked certificate issued under sections
11 302A-602 to [~~302A-640,~~] 302A-639, and 302A-701, shall be fined
12 not more than \$25."

13 SECTION 12. Section 302A-604, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "**~~§302A-604~~ Complex area superintendents.** The
16 superintendent of education, with the approval of the board,
17 shall appoint complex area superintendents for schools. The
18 complex area superintendents shall supervise the delivery of
19 administrative and instructional support services within their
20 respective complex areas, including:



- 1 (1) Personnel, fiscal, and facilities support;
- 2 (2) Monitoring of compliance with applicable state and
- 3 federal laws; [~~and~~]
- 4 (3) Curriculum development, student assessment, and staff
- 5 development services[~~-~~]; and
- 6 (4) Special education programs and special schools within
- 7 the complex area."

8 SECTION 13. Section 302A-626, Hawaii Revised Statutes, is

9 amended to read as follows:

10 **"§302A-626 Salary increases; annual, longevity. (a)**

11 Teachers and educational officers who have completed a year's

12 satisfactory service and who have complied with the other

13 requirements of sections 302A-602 to [~~302A-640,~~] 302A-639, and

14 302A-701, shall be entitled to an annual increment.

15 (b) Teachers and educational officers who have served

16 satisfactorily for three years in their maximum increment step

17 or in any longevity step and who have complied with the other

18 requirements of sections 302A-602 to [~~302A-640,~~] 302A-639, and

19 302A-701, shall receive longevity step increases; provided that

20 the board may grant principals and vice-principals longevity

21 step increases more frequently than once every three years

22 pursuant to section 302A-625."



SECTION 14. Section 302A-1102, Hawaii Revised Statutes, is amended to read as follows:

"~~[+]§302A-1102[+] Department of education; statewide [and regional] administrative services.~~ The department shall serve as the central support system responsible for the overall administration of statewide educational policy, interpretation, and development of standards for compliance with state and federal laws, and coordination and preparation of a systemwide budget for the public schools. ~~[The department may establish regional administrative units to provide administrative support to the schools for personnel, fiscal, and procurement services. The regional administrative units may also be assigned responsibility for the administration and operation of special education programs and special schools.]~~"

SECTION 15. Section 302A-1114, Hawaii Revised Statutes, is amended to read as follows:

"**§302A-1114 Power of appointment, removal.** The department, from time to time, may appoint and remove such teachers, educational officers, and other personnel as may be necessary for carrying out the purposes of sections 302A-201, ~~[302A-301,]~~ 302A-401 to 302A-410, ~~[302A-601,]~~ 302A-1001 to 302A-1004, 302A-1101 to 302A-1122, 302A-1301 to 302A-1305, 302A-1401



1 to 302A-1403, and ~~[302A-1501]~~ 302A-1503 to 302A-1506, and
2 regulate their duties, powers, and responsibilities, when not
3 otherwise provided by law."

4 SECTION 16. Section 302A-1125, Hawaii Revised Statutes, is
5 amended to read as follows:

6 " ~~[§]~~**302A-1125** **Educational objectives.** The board shall
7 formulate ~~[such]~~ policy and exercise ~~[such]~~ control as may be
8 necessary to define a common set of educational goals that the
9 schools ~~[subject to the school/community based management~~
10 ~~system]~~ shall be responsible for fulfilling. The board shall
11 also be responsible for formulating standards for measuring the
12 efforts of each participating school toward achieving those
13 goals each year. The participating schools shall be free to use
14 all reasonable means to accomplish those goals with the
15 resources available to them."

16 SECTION 17. Section 302A-1128, Hawaii Revised Statutes, is
17 amended to read as follows:

18 "**§302A-1128 Department powers and duties.** ~~[(a)]~~ The
19 department shall have entire charge and control and be
20 responsible for the conduct of all affairs pertaining to public
21 instruction in the public schools the department establishes and
22 operates, including operating and maintaining the capital



1 improvement and repair and maintenance programs for department
2 and school facilities. The department may establish and
3 maintain schools for secular instruction at such places and for
4 such terms as in its discretion it may deem advisable and the
5 funds at its disposal may permit. The schools may include high
6 schools, kindergarten schools, schools or classes for [pregrade]
7 early education, boarding schools, Hawaiian language medium
8 education schools, and evening and day schools. The department
9 may also maintain classes for technical and other instruction in
10 any school where there may not be pupils sufficient in number to
11 justify the establishment of separate schools for these
12 purposes.

13 ~~[(b) The department shall regulate the courses of study to~~
14 ~~be pursued in all grades of the public schools it establishes~~
15 ~~and operates, and classify them by methods the department deems~~
16 ~~proper; provided that:~~

17 ~~(1) The course of study and instruction shall be regulated~~
18 ~~in accordance with the statewide performance standards~~
19 ~~established under section 302A-201;~~

20 ~~(2) All pupils shall be progressively competent in the use~~
21 ~~of computer technology; and~~



~~(3) The course of study and instruction for the first twelve grades shall provide opportunities for all students to develop competency in a language in addition to English.~~

~~The department shall develop statewide educational policies and guidelines based on this subsection without regard to chapter 91.~~

~~For the purposes of this subsection, the terms "progressively competent in the use of computer technology" and "competency in a language in addition to English" shall be defined by policies adopted by the board. The board shall formulate statewide educational policies allowing the superintendent to exempt certain students from the requirements of paragraphs (2) and (3) without regard to chapter 91.~~

~~(c) Nothing in this section shall interfere with those persons attending a summer school.] "~~

SECTION 18. Section 302A-1130, Hawaii Revised Statutes, is amended to read as follows:

"§302A-1130 Public schools special fees and charges[~~r~~ grouping of students]. (a) The department may assess and collect special fees and charges from students for co-curricular activities.



1 (b) Special fees and charges collected from students for
2 co-curricular activities shall be deposited into insured
3 checking or savings accounts and expended by each individual
4 school.

5 ~~[(c) The department may group students within any public~~
6 ~~school in accordance with their abilities and educational~~
7 ~~needs.] "~~

8 SECTION 19. Section 302A-1130.6, Hawaii Revised Statutes,
9 is amended to read as follows:

10 " **[~~§~~302A-1130.6~~]~~ Textbook and instructional materials**
11 **fee special account.** There is established within the department
12 a textbook and instructional materials fee special account, into
13 which shall be deposited all fees and charges collected from
14 students or their parents or guardians ~~[pursuant to section~~
15 ~~302A-1130.5.]~~ for the loss, destruction, breakage, or damage of
16 school textbooks, instructional materials, library books,
17 equipment, or supplies. Disbursements from this special account
18 shall be expended by the department for the purposes of
19 purchasing, replacing, or repairing school textbooks,
20 instructional materials, library books, equipment, or supplies."



1 SECTION 20. Section 302A-1133.5, Hawaii Revised Statutes,
2 is amended by amending subsection (b) to read as follows:

3 "(b) The failure of a student to meet the requirements for
4 regular attendance and punctuality shall subject the student's
5 parent, parents, or guardian to the penalties provided in
6 section 302A-1135. Destruction of school property by a student,
7 in addition to all other legal action that may be taken, shall
8 subject the student's parent, parents, or guardian to
9 proceedings under section [~~302A-1130.5 or~~] 302A-1153, as
10 appropriate."

11 SECTION 21. Section 302A-1143, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "**§302A-1143 Attend school in what [~~district~~] complex.**
14 All persons of school age shall be required to attend the school
15 of the [~~district~~] complex in which they reside, unless enrolled
16 in a Hawaiian language medium education program, charter school,
17 or unless it appears to the department to be desirable to allow
18 the attendance of pupils at a school in some other [~~district~~]
19 complex, in which case the department may grant this
20 permission."



SECTION 22. Section 302A-1149.5, Hawaii Revised Statutes,
is amended to read as follows:

"§302A-1149.5 After-school plus program revolving fund.

(a) There is established in the state treasury the after-school
plus program, hereinafter A+, revolving fund to be administered
by the department.

(b) The [~~after school plus program~~] A+ revolving fund
shall consist of fees collected by the department for [~~the~~
~~after school plus program~~] A+ and all interest earned on the
deposit or investment of moneys in the after-school plus program
revolving fund.

(c) The department may establish appropriate fees and
other charges to be assessed to each participant for [~~the after-~~
~~school plus program.~~] A+. The revenues from those fees and
charges shall be deposited into the revolving fund to be used
for the program."

SECTION 23. Section 302A-1303.5, Hawaii Revised Statutes,
is amended by amending subsection (a) to read as follows:

"(a) There is established within the department of
education the committee on weights to develop a weighted student
formula pursuant to section 302A-1303.6. The committee [~~shall~~]
may:



- 1 (1) Create a list of student characteristics that will be
2 weighted;
- 3 (2) Create a system of weights based upon the student
4 characteristics that may be applied to determine the
5 relative cost of educating any student;
- 6 (3) Determine specific student weights, including their
7 unit value;
- 8 (4) Determine which moneys shall be included in the amount
9 of funds to be allocated through the weighted student
10 formula;
- 11 (5) Recommend a weighted student formula to the board of
12 education;
- 13 (6) Perform any other function that may facilitate the
14 implementation of the weighted student formula; and
- 15 (7) Meet not less than once every odd-numbered year, to
16 review the weighted student formula and, if the
17 committee deems it necessary, recommend a new weighted
18 student formula for adoption by the board of
19 education."



SECTION 24. Section 302A-1303.6, Hawaii Revised Statutes,
is amended to read as follows:

"§302A-1303.6 Weighted student formula. Based upon
recommendations from the committee on weights, the board of
education[~~, not less than once every odd numbered year, shall~~]
may adopt a weighted student formula for the allocation of
moneys to public schools that takes into account the educational
needs of each student. The department, upon the receipt of
appropriated moneys, shall use the weighted student formula to
allocate funds to public schools. Principals shall expend
moneys provided to the principals' schools. This section shall
only apply to charter schools for fiscal years in which the
charter schools elect pursuant to section 302B-13 to receive
allocations according to the procedures and methodology used to
calculate the weighted student formula[~~-~~] allocation."

SECTION 25. Section 302A-1305, Hawaii Revised Statutes, is
amended to read as follows:

"[~~§~~]§302A-1305[~~§~~] Inactive student activity accounts.
Student activity funds that are left in the school for a period
of five years after the graduation of the class shall be
deposited into the nonappropriated local school fund account
unless the graduating class donates, in writing, the funds to



1 the school within the five-year period. Moneys in the
2 nonappropriated local school fund account may be used by the
3 school."

4 SECTION 26. Section 302A-1312, Hawaii Revised Statutes, is
5 amended by amending subsection (c) to read as follows:

6 "(c) For the purposes of this section, the superintendent
7 of education shall develop and implement appropriate planning
8 procedures and follow-up accountability reports to ensure sound
9 planning, control, and accountability in the use of moneys
10 allocated by the legislature[~~, as prescribed by section~~
11 ~~302A-1309~~]. The department of education shall submit an annual
12 report to the legislature that shall include:

13 [~~(1)~~ ~~The priority listing established by section 302A-1505,~~

14 ~~(2)] (1) List of projects initiated by the department of~~
15 ~~education; and~~

16 [~~(3)] (2) List of projects completed with associated actual~~
17 ~~cost."~~

18 SECTION 27. Section 302A-1401, Hawaii Revised Statutes, is
19 amended as follows:

20 1. By amending its title to read:

21 "[~~+~~§302A-1401[~~+~~] Administration and use of federal funds,

22 including [~~pregrade~~] early education."



1 2. By amending subsection (b) to read:

2 "(b) The board shall organize and conduct a program of
3 public [~~pregrade~~] early education to the extent that funds
4 provided therefor by the United States government are, or from
5 time to time may become, available. In establishing and
6 carrying on the [~~pregrade~~] early education, any such federal
7 funds shall be expended during any school year as nearly as
8 practicable in each of the school supervisory districts of the
9 State in the proportion that the number of inhabitants of each
10 district of less than six years of age bears to the total number
11 of the inhabitants of the entire State within the age limits, as
12 shown by the latest report of the department of health preceding
13 the opening of the school year."

14 SECTION 28. Section 302A-1404, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "**§302A-1404 Federal [~~indirect overhead reimbursements.~~**
17 **impact aid military liaison.** (a) The department and the
18 charter school administrative office, as appropriate, may retain
19 and expend federal indirect overhead reimbursements for
20 discretionary grants in excess of the negotiated rate for such
21 reimbursements as determined by the director of finance and the



1 superintendent or the director of finance and the executive
2 director of the charter school administrative office.

3 (b) [~~Beginning July 1, 2004, and for each~~] Each fiscal
4 year [~~thereafter,~~] the department of education may set aside
5 \$100,000 of federal impact aid moneys received pursuant to this
6 section to:

7 (1) Establish and fund a permanent, full-time military
8 liaison position within the department of education;
9 and

10 (2) Fund the joint venture education [~~program~~] forum to
11 facilitate interaction between the military community
12 and the department of education.

13 The military liaison position established under paragraph
14 (1) shall be exempt from chapter 76 but shall be eligible to
15 receive the benefits of any state or federal employee benefit
16 program generally applicable to officers and employees of the
17 State."

18 SECTION 29. Section 302A-1506.5, Hawaii Revised Statutes,
19 is amended by amending subsection (a) to read as follows:

20 "(a) The department of education [~~shall~~] may identify
21 unused public school facilities to be used for early learning
22 programs and services. Suitable empty classrooms, as determined



1 by the department, shall be inventoried for potential use for
2 early learning programs and services. Priority shall be given
3 to facilities on sites with sufficient space for three or more
4 classrooms to be renovated or constructed."

5 SECTION 30. Section 302A-1507, Hawaii Revised Statutes, is
6 amended to read as follows:

7 **"§302A-1507 Classroom cleaning project; established. (a)**

8 There is established a classroom cleaning project in all public
9 schools, excluding charter schools. Each school, through its
10 school community council, may develop mechanisms to provide for
11 classroom cleaning, including but not limited to having parent,
12 student, or other community groups clean the classrooms on a
13 regular, continuing basis.

14 (b) Schools may use any available resources to achieve the
15 purposes of this section; provided that no full-time custodial
16 staff employed at the school shall be displaced.

17 (c) Nothing in this section shall prohibit the use of
18 volunteers for classroom cleaning."

19 SECTION 31. Section 302A-301, Hawaii Revised Statutes, is
20 repealed.

21 [~~"§302A-301 Incentive and innovation grants. (a) There~~
22 ~~is established in the state treasury a trust fund to be known as~~



~~the incentive and innovation grant trust fund to provide incentive and innovation grants to qualified schools, including charter schools. Expenditures from the trust fund shall be made by the department and shall be subject to the allotment and expenditure plan required under section 37-34.5.~~

~~Notwithstanding any other law to the contrary, tax deductible donations may be made to, and received by, this trust fund.~~

~~(b) Grants shall be for such purposes as the funding of experimental and innovative instructional programs, in-service training, and other activities that promote innovation as outlined in the proposal.~~

~~(c) The board shall establish and appoint the members of a grant award panel, which shall consist of at least one representative from each of the following groups:~~

~~(1) Parents;~~

~~(2) Students;~~

~~(3) Teachers;~~

~~(4) School administrators;~~

~~(5) School support staff;~~

~~(6) Businesspersons; and~~

~~(7) The military; whose participation shall be requested.~~



~~The panel shall include a representative from each school district among its members.~~

~~The panel shall review proposals and make recommendations to the superintendent on grant awards. Panel members shall serve for a term of two years without compensation, but shall be entitled to reimbursement for necessary expenses while attending meetings and while in the discharge of their duties. A portion of the moneys in the incentive and innovation grant trust fund, not to exceed one per cent, shall be used to offset the expenses incurred by the review panel.~~

~~(d) The panel shall develop a process for submitting proposals that is distinguished by its simplicity and minimization of paperwork.~~

~~(e) All proposals for incentive and innovation grants shall include:~~

~~(1) A clear statement of how the proposed program will improve student performance;~~

~~(2) A method of evaluation to determine if the program has achieved its stated goals;~~

~~(3) A detailed budget and expenditure plan, which shall include any commitment of existing funds under the~~



1 ~~school or schools' allotment toward the proposed~~
2 ~~program; and~~

3 ~~(4) Other criteria required by the panel.~~

4 ~~(f) In the case of a renewal request, a school or schools~~
5 ~~shall submit a specific plan for establishing the program within~~
6 ~~the school or schools' biennium budget.~~

7 ~~(g) The panel shall assist the superintendent in the~~
8 ~~evaluation of all grant programs under this section on a~~
9 ~~continuing basis. If an approved program fails to meet the~~
10 ~~requirements of its proposal, the panel shall recommend to the~~
11 ~~superintendent that funding for the grant shall be terminated.~~

12 ~~(h) The superintendent shall submit a report to the~~
13 ~~legislature on the operations of the review panel at least~~
14 ~~twenty days before the convening of each regular session."]~~

15 SECTION 32. Section 302A-429, Hawaii Revised Statutes, is
16 repealed.

17 ~~["§302A-429 Work based learning program authorized. To~~
18 ~~provide students with opportunities to apply knowledge and~~
19 ~~skills acquired in the classroom to real life work experiences,~~
20 ~~the department may establish and regulate a work based learning~~
21 ~~program under conditions determined by the department and the~~
22 ~~University of Hawaii."]~~



SECTION 33. Section 302A-431.5, Hawaii Revised Statutes,
is repealed.

~~["§302A-431.5] School to work transition program,
established. There is established within the department of
education a school to work transition program."]~~

SECTION 34. Section 302A-431.6, Hawaii Revised Statutes,
is repealed.

~~["§302A-431.6] Powers and duties. The school to work
transition program shall provide for the continued delivery of
integrated services directed at assisting high school students
toward successfully completing their transition from school to
work, or to further their training and education."]~~

SECTION 35. Section 302A-431.7, Hawaii Revised Statutes,
is repealed.

~~["§302A-431.7 Agriculture education program. (a) The
department shall establish and administer a comprehensive
agriculture education program aligned with the natural resources
career pathway. The agriculture education program shall include
adequate staffing of individuals trained or experienced in the
field of agriculture to coordinate the program and to provide
assistance to school complexes for the coordination of the
activities of related student organizations and associations.~~



- ~~(b) The agriculture education program shall be administered by a director who shall:~~
- ~~(1) Assist in assessing the agricultural needs of the State and devise methods of meeting those needs with the agriculture education program;~~
 - ~~(2) Assist school districts in establishing agriculture education programs;~~
 - ~~(3) Review school district applications for approval of agriculture education programs;~~
 - ~~(4) Evaluate existing programs and design complementary programs;~~
 - ~~(5) Plan research and studies for the improvement of curriculum materials for specialty areas of agriculture, including aquaculture and incumbent worker training;~~
 - ~~(6) Ensure that the standards and criteria developed under this section satisfy the mandates of federally assisted career and technical education;~~
 - ~~(7) Develop in-service programs for teachers and administrators of agriculture education programs;~~
 - ~~(8) Review applications for agriculture teacher certification;~~



~~(9) Assist in teacher recruitment and placement in
agriculture education programs;~~

~~(10) Serve as a liaison with the Future Farmers of America,
representatives of business, industry, appropriate
public agencies, and institutions of higher education,
including the Hawaii Farm Bureau Federation, to
facilitate dissemination of information;~~

~~(11) Promote improvement of agriculture education programs,
and~~

~~(12) Assist in the development of adult, continuing
education, and college level education programs in
agriculture.~~

~~(c) The agriculture education program shall coordinate
with culinary arts programs to teach students healthy eating
habits and encourage culinary arts, farming, diversified
agriculture, and related fields such as market development and
science and technology, as career options. The department of
agriculture shall assist the department with the implementation
of this program.~~

~~(d) The department may adopt rules pursuant to chapter 91
to effectuate this section.~~



~~(c) For purposes of this section, "agriculture" or "agricultural" includes the fields of farming, diversified agriculture, landscaping, aquaculture, and related industries such as market development and science and technology."]~~

SECTION 36. Section 302A-431.8, Hawaii Revised Statutes, is repealed.

~~["**§302A-431.8** Career and technical education program.~~

~~The department shall establish and administer a career and technical education program that shall meet the requirements of the federal Perkins Act of 2006. The department's program may include:~~

~~(1) Pathway programs of study, including but not limited to natural resources, graphic design, computer networking, and management information systems;~~

~~(2) Academies for various focuses of study, including the performing arts, travel, and science, technology, engineering, and mathematics;~~

~~(3) An agriculture education program;~~

~~(4) Specialized programs, including project EAST (environmental and spatial technology); and~~

~~(5) Other school activities, including robotics.~~



~~The department's program may be offered jointly by or in partnership between the department, the University of Hawaii, including its community colleges, or other public or private entities."]~~

SECTION 37. Section 302A-431.9, Hawaii Revised Statutes, is repealed.

~~["~~§302A-431.9~~ Veterans high school diploma for armed services veterans and others. (a) The department shall establish a program to award a veterans high school diploma to qualified veterans who did not receive a high school diploma as a result of compulsory induction into active service in the armed services of the United States.~~

~~(b) For purposes of this section, a "qualified veteran" is a person who:~~

~~(1) Was a resident of the State;~~

~~(2) Was compulsorily inducted into the armed services of the United States between:~~

~~(A) December 1, 1941, and August 30, 1945;~~

~~(B) June 1, 1950, and July 31, 1953; or~~

~~(C) August 1, 1964, and January 31, 1973;~~

~~while attending or enrolled in a high school in the~~

~~State; provided that the department may consider~~



1 ~~extending these time periods through rules adopted~~
2 ~~under chapter 91; and~~

3 ~~(3) Did not complete a high school curriculum and receive~~
4 ~~a high school diploma.~~

5 ~~(c) The department shall also award a veterans high school~~
6 ~~diploma to any person whose high school education was~~
7 ~~interrupted due to wartime practices such as internment during~~
8 ~~World War II.~~

9 ~~(d) Qualified persons shall submit to the department, on~~
10 ~~forms that the department shall prescribe, information~~
11 ~~establishing eligibility for the award of a veterans high school~~
12 ~~diploma under this section."]~~

13 SECTION 38. Section 302A-444, Hawaii Revised Statutes, is
14 repealed.

15 ~~["**§302A-444** Programs for gifted and talented children.~~

16 ~~The department may provide a statewide flexible system of~~
17 ~~educational placement and programs within the public school~~
18 ~~system that the department determines is appropriate for meeting~~
19 ~~the unique educational needs of gifted and talented children.~~

20 ~~The nature and scope of the department's educational placement~~
21 ~~and programs shall be based on, but not be limited to, the~~
22 ~~following factors:~~



- ~~(1) The availability of financial and physical resources within the department;~~
- ~~(2) The nature of the child's gift or talent; and~~
- ~~(3) Whether the child's educational placement and program should focus on, or be limited to, a particular area of gift or talent, or whether the educational placement and program should address other areas that may be beneficial to the development of the child as a whole."]~~

SECTION 39. Section 302A-445, Hawaii Revised Statutes, is amended to read as follows:

~~["**~~S302A-445~~** Rules. The board shall adopt necessary rules under chapter 91 to administer and implement sections 302A-444 and 302A-445."]~~

SECTION 40. Section 302A-446, Hawaii Revised Statutes, is repealed.

~~["**~~S302A-446~~** E-mail accounts for students. (a) The department of education, in conjunction and coordination with the University of Hawaii, shall provide e-mail accounts at no charge to any student who applies to the department for such an account.~~



~~(b) As used in this section, the term "student" means any person attending public school in ninth grade or above, including:~~

~~(1) Both degree and nondegree candidates;~~

~~(2) Individuals attending school on a full time, part time, or occasional basis, including continuing education or other nondegree courses;~~

~~(3) Individuals in educational, technical, or vocational programs; and~~

~~(4) Individuals attending public undergraduate or postgraduate college and university programs.~~

~~(c) The department of education, in cooperation with the University of Hawaii, shall adopt rules pursuant to chapter 91 as may be necessary to implement this section."]~~

SECTION 41. Section 302A-462, Hawaii Revised Statutes, is repealed.

~~["§302A-462 Factors, unequal aggregate expenditures. (a) The superintendent of education shall consider:~~

~~(1) Whether the selection of sports and levels of competition effectively accommodate the interests and abilities of members of both sexes;~~

~~(2) The provision of equipment, uniforms, and supplies;~~



1 ~~(3) Equal access to practice and game times;~~
2 ~~(4) Travel and per diem allowances;~~
3 ~~(5) Opportunities to receive coaching and academic~~
4 ~~tutoring;~~
5 ~~(6) Assignment and compensation of coaches and tutors;~~
6 ~~(7) Access to locker room, weight room, and practice,~~
7 ~~competitive, and training facilities;~~
8 ~~(8) Access to medical services;~~
9 ~~(9) The provision of housing and dining facilities and~~
10 ~~services;~~
11 ~~(10) Publicity; and~~
12 ~~(11) Any other relevant factors.~~
13 ~~(b) Unequal aggregate expenditures for members of each sex~~
14 ~~or unequal expenditures for male and female teams, if a public~~
15 ~~high school operates or sponsors separate teams, do not~~
16 ~~constitute a violation of this subpart, but in determining~~
17 ~~violations of this subpart, the failure to provide necessary~~
18 ~~funds for teams for one sex in assessing equality of opportunity~~
19 ~~for members of each sex shall be considered."]~~



1 SECTION 42. Section 302A-464, Hawaii Revised Statutes, is
2 repealed.

3 ~~["§302A-464] Equity in athletics; rules and~~
4 ~~implementation. (a) By July 1, 2001, the superintendent shall~~
5 ~~define equity in athletics for all public high schools and shall~~
6 ~~recommend rules for appropriate enforcement mechanisms to ensure~~
7 ~~equity. The superintendent shall develop a strategic plan~~
8 ~~containing recommendations and a timetable to achieve equity.~~
9 ~~Those recommendations relating to use of existing personnel,~~
10 ~~equipment, resources, and facilities shall be commenced and~~
11 ~~continued by the expiration of the advisory commission. The~~
12 ~~recommendations shall include, but not be limited to:~~

13 ~~(1) A determination of an equitable rate of participation~~
14 ~~of males and females in athletics at public high~~
15 ~~schools; and~~

16 ~~(2) A determination of the appropriate use of revenues~~
17 ~~when making decisions about the equitable use of funds~~
18 ~~for support of athletic activities. In making this~~
19 ~~determination, the advisory commission shall consider~~
20 ~~all funds received and expended for athletic promotion~~
21 ~~or support, including revenues from direct support~~
22 ~~organizations.~~



~~(b) Indicators shall be developed and benchmarks shall be established to measure progress toward goals."]~~

SECTION 43. Section 302A-465, Hawaii Revised Statutes, is repealed.

~~["**~~\$302A-465~~** **Compliance report.** By December 31, 2000, the superintendent of education shall submit to the legislature and the advisory commission on gender equity in sports a report of compliance with Public Law 92-318, Title IX, of the federal Education Amendments of 1972, including a compliance plan with timelines for every public high school, an analysis and assessment of current activities with respect to Title IX compliance, and itemized expenditures for athletics."]~~

SECTION 44. Section 302A-466, Hawaii Revised Statutes, is repealed.

~~["**~~\$302A-466~~** **No private right of action.** No private right of action at law shall arise under this subpart."]~~

SECTION 45. Section 302A-467, Hawaii Revised Statutes, is repealed.

~~["**~~\$302A-467~~** **Applicability.** This subpart shall apply to public schools as defined in section 302A-101; provided that it shall apply to grades nine to twelve only."]~~



SECTION 46. Section 302A-601.3, Hawaii Revised Statutes,
is repealed.

~~["§302A-601.3] Newly hired employees, paycheck deficits,
partial wages. (a) The department shall establish and
implement appropriate policies, procedures, technology, and
accountability measures to ensure that newly hired employees
receive timely and accurate wages.~~

~~(b) All newly hired employees shall receive their first
paycheck no later than the second pay period after the date of
their hire by the department.~~

~~(c) If the department is unable to pay the total wages due
a newly hired employee pursuant to subsection (b), the
department may pay the newly hired employee on the day the newly
hired employee would have received pay, partial wages in an
amount not less than fifty per cent of the amount due for the
second pay period and for each consecutive pay period thereafter
in which the department maintains a paycheck deficit with the
newly hired employee. The amounts received shall be deducted
from the total wages due for the respective pay period. Once
the department resolves the paycheck deficit, the newly hired
employee shall no longer receive partial wages as provided by
this subsection."]~~



SECTION 47. Section 302A-606, Hawaii Revised Statutes, is repealed.

~~["§302A-606] Considerations in appointing teachers. In the appointment of teachers by the department, preference shall be given to local teachers of the same standing, grade, or rating as those teachers from without the State. The rating of a teacher shall not depend upon the number of pupils promoted or graduated, but solely upon the length of service, efficiency, and ability of the teacher."]~~

SECTION 48. Section 302A-633.5, Hawaii Revised Statutes, is repealed.

~~["§302A-633.5] School personnel engaged in instructional work, other than teachers and educational officers. (a) The board of education shall appoint teaching assistants, educational assistants, bilingual/bicultural school home assistants, school psychologists, psychological examiners, speech pathologists, athletic health care trainers, alternative school work/study assistants, alternative school educational/supportive services specialists, and alternative school project coordinators as may be required to carry out the purposes of this chapter. The board, in consultation with the department of human resources development, shall prescribe the~~



~~1 duties and qualifications for positions, adopt classification~~
~~2 systems, classify and fix the compensation of positions~~
~~3 accordingly, provide a classification appeals procedure, and~~
~~4 establish probationary and other requirements for tenure that~~
~~5 protects employees from being disciplined without proper cause.~~

~~6 (b) Employees in positions under subsection (a) shall be~~
~~7 board of education appointees exempt from chapter 76, but the~~
~~8 application of section 89-6 with respect to collective~~
~~9 bargaining coverage and the employer for purposes of collective~~
~~10 bargaining shall not be affected. Except for rights or benefits~~
~~11 specifically conditioned upon membership in the civil service,~~
~~12 the wages, hours, benefits, and other terms and conditions of~~
~~13 employment for these employees in existence on July 1, 2002~~
~~14 shall remain in effect, but may be changed as provided in~~
~~15 chapter 89 or 89C, as applicable. Any employee who is a member~~
~~16 of the civil service on July 1, 2002 shall be granted tenure by~~
~~17 the board of education without the necessity of meeting any~~
~~18 probationary or other requirements for tenure that the board of~~
~~19 education establishes."]~~



SECTION 49. Section 302A-638.5, Hawaii Revised Statutes,
is repealed.

~~["§302A-638.5] Retired teachers, coursework waiver,
substitute teachers. Retired department teachers who held a
valid teaching certificate or license at the date of their
retirement shall be exempt from any prerequisite coursework that
the department requires of other substitute teachers for a
period of ten years after the date of their retirement."]~~

SECTION 50. Section 302A-640, Hawaii Revised Statutes, is
repealed.

~~["§302A-640] Public schools, minimum staffing levels.
(a) Schools with only one class for each grade level in
kindergarten through grade six shall be exempt from the average
statewide class size ratio that may be established under any
collective bargaining agreement between the teacher's exclusive
bargaining representative and the department. These schools
shall maintain a minimum staffing level of not less than one
full time equivalent teacher position per grade level per
school, for kindergarten to grade six. This subsection shall
not apply to a school with fewer than twelve students in any one
grade level.~~



~~(b) The department shall carry out the purposes of this section using existing resource teachers within the state and district offices."]~~

SECTION 51. Section 302A-705, Hawaii Revised Statutes, is repealed.

~~["~~§302A-705~~ Hawaii principals academy. There is established within the department the Hawaii principals academy. The academy shall support and train department complex area superintendents, principals, and prospective principals in areas including but not limited to:~~

- ~~(1) Becoming better leaders;~~
- ~~(2) Improving students' academic achievement, safety and well being, and civic responsibility;~~
- ~~(3) Collaborating with the school community councils;~~
- ~~(4) Developing curriculum alignment;~~
- ~~(5) Managing school budgets; and~~
- ~~(6) Establishing partnerships with the private sector."]~~

SECTION 52. Section 302A-831, Hawaii Revised Statutes, is repealed.

~~["~~§302A-831 Purpose.~~ The purpose of this subpart is to transfer the administration of the teachers' housing program from the Hawaii public housing authority to the department of~~



1 ~~education. This subpart also establishes a revolving fund for~~
2 ~~the accounting and control of receipts and disbursements in~~
3 ~~connection with the department of education's functions of~~
4 ~~planning, constructing, repairing, maintaining, and operating~~
5 ~~housing programs for teachers employed and assigned by the~~
6 ~~department of education."]~~

7 SECTION 53. Section 302A-1104, Hawaii Revised Statutes, is
8 repealed.

9 ~~["**~~§302A-1104~~** Learning support centers. Beginning with~~
10 ~~the 1995-1996 school year and until June 30, 1999, school-level~~
11 ~~support for curriculum and instruction shall be provided through~~
12 ~~learning support centers to be governed by schools within each~~
13 ~~complex. The centers shall assist school personnel in the~~
14 ~~delivery of instructional services by providing support through~~
15 ~~curriculum development, student assessment, staff development,~~
16 ~~and resource allocation. The types of services offered and the~~
17 ~~manner in which these services are provided by the centers, as~~
18 ~~well as the prioritization and allocation of available~~
19 ~~resources, shall be determined by policies established by each~~
20 ~~complex. Any regional administrative units established by the~~
21 ~~department shall be assigned all administrative functions and~~



1 ~~provide administrative support to the learning support~~
2 ~~centers."]~~

3 SECTION 54. Section 302A-1127, Hawaii Revised Statutes, is
4 repealed.

5 [~~"§302A-1127 Rules. The board may adopt rules under~~
6 ~~chapter 91 to implement sections 302A-202, 302A-1124 to~~
7 ~~302A-1126, and 302A-1507."] .~~

8 SECTION 55. Section 302A-1130.5, Hawaii Revised Statutes,
9 is repealed.

10 [~~"§302A-1130.5 Textbook replacement fees, restitution,~~
11 ~~textbook list. (a) The department may assess and collect~~
12 ~~special fees and charges from students who negligently break,~~
13 ~~damage, lose, or destroy school textbooks, instructional~~
14 ~~materials, library books, equipment, or supplies as determined~~
15 ~~by the principal. Any student found to be responsible for the~~
16 ~~loss, destruction, breakage, or damage of school textbooks,~~
17 ~~instructional materials, library books, equipment, or supplies,~~
18 ~~shall make restitution to the school, including the payment by~~
19 ~~the student or the student's parents or guardians, of the actual~~
20 ~~replacement costs. Any fees collected pursuant to this~~
21 ~~subsection shall be deposited into the textbook and~~



~~instructional materials fee special account established in
[section] 302A 1130.6.~~

~~(b) No student shall be required to make restitution
unless the student and the student's parents or guardians have
been notified and have been given an opportunity to be heard
before the principal of the school on the charge that the
student was responsible for the loss, destruction, breakage, or
damage of school textbooks, instructional materials, library
books, equipment, or supplies.~~

~~(c) If the principal, upon a hearing on the charge, has
reasonable cause to believe that the student is responsible for
the loss, destruction, breakage, or damage of school textbooks,
instructional materials, library books, equipment, or supplies,
the principal shall design a restitution program that shall be
submitted to the student and the student's parents or guardians
for agreement in writing.~~

~~If restitution is made in this fashion, then no information
about the charge, the hearing, and the actions taken shall be
communicated to any person not directly involved in the
proceedings.~~

~~If the student and student's parents or guardians do not
agree with the determination made by the principal, the~~



~~principal shall report the determination and the findings made by the principal and transfer all records and documents regarding the investigation to the complex area superintendent for any further action.~~

~~(d) Each school shall make available a copy of the current list of textbooks and instructional materials upon the request of a student or a parent or guardian of a student attending the school. The list shall be available not later than the tenth day of class in each school year.~~

~~(e) Notwithstanding any other provisions in this section to the contrary, the State may elect to bring any appropriate action for the recovery of all damages to school properties. Nothing in this section shall limit the right of the State to bring any action against any person to recover the damages."~~

SECTION 56. Section 302A-1142, Hawaii Revised Statutes, is repealed.

~~["~~§302A-1142~~ School districts. For the better control and management of the public schools, the department may designate school districts, establish their boundaries, and alter the same from time to time as in its discretion it deems most advisable. These districts shall be so arranged that there shall be no unassigned locality."]~~



1 SECTION 57. Section 302A-1144, Hawaii Revised Statutes, is
2 repealed.

3 ~~["§302A-1144] Records of pupils, release from attendance.~~

4 ~~All schools shall keep a correct register of the names, sex,~~
5 ~~age, and nationality, as far as ascertainable, date of entering~~
6 ~~school, and the places of residence of the children attending~~
7 ~~their respective schools. No school shall grant a release to~~
8 ~~any child under eighteen years of age, who is registered as~~
9 ~~attending the child's school, for the purpose of attending~~
10 ~~another school, unless the consent and approval of the parents~~
11 ~~or guardians of the child is given in writing with the facts and~~
12 ~~reasons therefor. The register shall be carefully preserved,~~
13 ~~and as often as the department shall direct, the register or a~~
14 ~~true copy thereof shall be filed in the office of the~~
15 ~~department."]~~

16 SECTION 58. Section 302A-1146, Hawaii Revised Statutes, is
17 repealed.

18 ~~["§302A-1146 Schools, merchandise. It shall be unlawful~~
19 ~~for any public school, without the written permission of the~~
20 ~~department, to operate stores or to sell merchandise, with the~~
21 ~~following exceptions: school lunches, milk, ice cream, candy,~~
22 ~~and products made or grown at the school as part of the~~



1 ~~educational program. The department, with the advice of the~~
2 ~~comptroller, shall adopt rules in conformance with chapter 91~~
3 ~~necessary for the purposes of this section."]~~

4 SECTION 59. Section 302A-1150, Hawaii Revised Statutes, is
5 repealed.

6 ~~["**~~§302A-1150~~** Use of school buildings. The fullest~~
7 ~~freedom shall be given to citizens of the State to use for~~
8 ~~lawful purposes all public school buildings throughout the State~~
9 ~~during the hours the structures are not in use for strictly~~
10 ~~educational purposes; provided that the person vested with the~~
11 ~~proper authority over the building shall issue a permit to the~~
12 ~~applicant, when the proposed use is shown to be lawful by the~~
13 ~~applicant."]~~

14 SECTION 60. Section 302A-1302, Hawaii Revised Statutes, is
15 repealed.

16 ~~["**~~§302A-1302~~** School-based budget flexibility. (a)~~
17 ~~Beginning with the 1995-1997 fiscal biennium, the department~~
18 ~~shall implement school-based budget flexibility for schools,~~
19 ~~complexes, and learning support centers. The flexibility shall~~
20 ~~be limited to the school-based budgeting program EDN 100 of the~~
21 ~~department for all schools except charter schools.~~



1 ~~(b) Beginning in fiscal year 2006 2007, and every year~~
2 ~~thereafter, the office shall distribute the allocations due to a~~
3 ~~charter school directly to the charter school."]~~

4 SECTION 61. Section 302A-1303, Hawaii Revised Statutes, is
5 repealed.

6 ~~["**~~§302A-1303~~** ~~School budget, general fund.~~ The salaries~~
7 ~~of the superintendent, teachers, office force, and all other~~
8 ~~employees of the department, and all items of general expense,~~
9 ~~including books, materials, supplies, and equipment, shall be~~
10 ~~included in the departmental estimate in such form and detail as~~
11 ~~the director of finance shall require, together with such~~
12 ~~statistical and supporting data as the director may request."]~~

13 SECTION 62. Section 302A-1308, Hawaii Revised Statutes, is
14 repealed.

15 ~~["**~~§302A-1308~~** ~~Use of resources by schools.~~ School~~
16 ~~principals shall consult with teachers, parents, and students to~~
17 ~~solicit their advice on the use of moneys and positions. Prior~~
18 ~~to expending moneys and implementing position assignments,~~
19 ~~principals shall submit plans for the use of the moneys and~~
20 ~~positions to their complex area superintendents who shall review~~
21 ~~the plans for conformance with departmental policies and rules.~~
22 ~~Upon approval of the plans, moneys may be expended by the~~



1 ~~principals for supplies, textbooks, equipment, and services.~~
2 ~~Positions may be used to meet the unique needs of the schools."]~~

3 SECTION 63. Section 302A-1313, Hawaii Revised Statutes, is
4 repealed.

5 ["~~§302A-1313~~ ~~Federal/state cooperation authorized.~~ The
6 department may enter into agreements with any federal agency to
7 construct, repair, or renovate Hawaii public schools on military
8 bases and elsewhere in the State using state or federal funds,
9 subject to the department's educational specifications and
10 standards for facilities. The department shall cooperate with
11 any federal agency to carry out this section."]

12 SECTION 64. Section 302A-1501, Hawaii Revised Statutes, is
13 repealed.

14 ["~~§302A-1501~~ ~~Noise and climate control at school~~
15 ~~facilities.~~ The department shall plan for, and request
16 appropriations necessary to implement, acoustic noise control
17 and air conditioning of existing and new school facilities in
18 areas that are susceptible to extremes of temperature or
19 affected by aircraft, traffic, and other noise. The department
20 shall develop appropriate standards and consider local
21 conditions for deciding whether acoustic noise control and air
22 conditioning of existing and new school facilities are required



~~for effective classroom instruction. In all cases where
acoustic treatment of school facilities is planned, the
department shall utilize the services of individuals qualified
by training and experience to recommend appropriate noise
control procedures and components. Acoustic noise control and
air conditioning shall be given equal weight as all other
factors in the criteria used by the department in setting
priorities for school construction and renovations."]~~

SECTION 65. Section 302A-1501.5, Hawaii Revised Statutes,
is repealed.

~~["~~§302A-1501.5 Asbestos testing.~~ The department of
education shall be responsible for ensuring that asbestos
testing is conducted on all suspected asbestos containing
materials, including exterior surfaces, and as required by the
federal Asbestos Hazard Emergency Response Act of 1986 for
interior surfaces, prior to any exterior or interior renovations
or painting of school facilities at all department of education
and conversion charter schools; provided that the surfaces have
not previously been tested."]~~



SECTION 66. Section 302A-1502, Hawaii Revised Statutes, is repealed.

~~["§302A-1502] School inspection program. The department of education, in consultation and cooperation with the department of health and the department of accounting and general services, shall establish a school inspection program to maintain high levels of hygiene, sanitation and health, safety, maintenance, and physical appearance for each school for the benefit of students, administrators, and staff. The program shall include but not be limited to the following:~~

~~(1) The utilization of checklists that reflect basic standards;~~

~~(2) The involvement of students, parents, and staff; and~~

~~(3) Regularly scheduled announced inspections and unannounced inspections of school grounds, restrooms, cafeterias, locker rooms, classrooms, and other facilities."]~~

SECTION 67. Section 302A-1502.6, Hawaii Revised Statutes, is repealed.

~~["§302A-1502.6 Providers of construction or project-related professional services for the repair and maintenance of public schools; volunteer status; coordinator position~~



~~1 established. (a) Pursuant to chapter 90, the department shall~~
~~2 accept as volunteers qualified professional providers of~~
~~3 construction or project related professional services who are~~
~~4 under contract with Hawaii 3R's. The department shall maintain~~
~~5 a list of volunteers so accepted, and shall provide the~~
~~6 professional providers with appropriate guidance, supervision,~~
~~7 and control to reasonably protect members of the public from~~
~~8 injury or damage. Once accepted as a volunteer by the~~
~~9 department, the professional provider shall be entitled to~~
~~10 protection from liability for volunteers under chapter 90,~~
~~11 unless the injury or damage is caused by or is the result of the~~
~~12 professional provider's wilful and wanton act or omission.~~

~~13 (b) There is established, within the department of~~
~~14 education, a coordinator position to coordinate the public and~~
~~15 private efforts to repair and maintain public schools; provided~~
~~16 that the coordinator shall serve at the pleasure of the~~
~~17 superintendent and may be established as a permanent position~~
~~18 not subject to chapter 76."]~~

~~19 SECTION 68. Section 302A-1505, Hawaii Revised Statutes, is~~
~~20 repealed.~~

~~21 ["§302A-1505 Prioritization of repair and maintenance.~~

~~22 (a) Each school shall inform the department of education on an~~



~~1 annual basis of school repair and maintenance needs. Before any~~
~~2 repair and maintenance projects for the upcoming fiscal year are~~
~~3 implemented, each individual school administration shall~~
~~4 prioritize and approve its repair and maintenance needs, and~~
~~5 approve the scope of the implementation plan for the individual~~
~~6 projects. After schools have prioritized their repair and~~
~~7 maintenance projects, a statewide list shall be prepared,~~
~~8 reviewed, and approved by the department of education, provided~~
~~9 that the department may make adjustments among schools and~~
~~10 complex areas. Each listing shall be posted electronically on~~
~~11 the Internet.~~

~~12 (b) Prior to informing the department about the school's~~
~~13 repair and maintenance needs, the school's principal shall~~
~~14 consider the recommendations made by the school community~~
~~15 council or the local school board, if the school is a charter~~
~~16 school.~~

~~17 (c) In prioritizing a school's repair and maintenance~~
~~18 needs, the department and the school's principal shall consider~~
~~19 the availability of donated and discounted repair and~~
~~20 maintenance services and materials that will be provided by~~
~~21 community groups, volunteers, and businesses."]~~



1 SECTION 69. On or before July 1, 2012, any existing rule,
2 ordinance, executive order, directive, or provision in a
3 collective bargaining agreement in existence on the effective
4 date of this Act that is not consistent with this Act shall be
5 amended to conform with this Act.

6 SECTION 70. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 71. This Act shall take effect on July 1, 2050;
9 provided that section 37 shall take effect on June 30, 2015.



Report Title:

Education; Housekeeping

Description:

Amends or repeals various provisions of Chapter 302A, Hawaii Revised Statutes, for housekeeping and other purposes.
Effective July 1, 2050. (SB2540 HD1)

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

