
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



1 accountable for the educational success of students but rather
2 places certain decision making authority in the best place.

3 The purpose of this Act is to amend or repeal various
4 sections of chapter 302A, Hawaii Revised Statutes, that:

- 5 (1) Have already been accomplished and are no longer
6 necessary to be codified in statute;
- 7 (2) Impede rather than assist the department of education
8 in meeting its core mission;
- 9 (3) Fall under the purview of the board of education, such
10 as policy and programmatic decisions;
- 11 (4) Are already mandated by federal law and do not require
12 codification in state statute; or
- 13 (5) Are covered by another section of the Hawaii Revised
14 Statutes, administrative rules, or board of education
15 policy.

16 SECTION 2. Section 302A-101, Hawaii Revised Statutes, is
17 amended as follows:

18 1. By deleting the definition of "gifted and talented
19 children".

20 [~~"Gifted and talented children" means students residing in~~
21 ~~the State who are of compulsory school age and are enrolled in,~~
22 ~~and attending, a public school, and whose superior performance~~



1 ~~or potential indicates exceptional ability or talent. This~~
2 ~~ability or talent may occur singly in or in combination with any~~
3 ~~of the following areas: intellectual, creative or specific~~
4 ~~academic abilities, leadership capabilities, psychomotor~~
5 ~~abilities, or abilities in the performing or visual arts."]~~

6 2. By deleting the definition of "job sharing".

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 SECTION 3. Section 302A-401.5, Hawaii Revised Statutes, is
16 amended to read as follows:

17 "[+]§302A-401.5[+] **Hawaii teacher cadet program fund.** (a)
18 There is established the Hawaii teacher cadet program fund as a
19 separate fund of the Hawaii alliance for future teachers, a
20 Hawaii nonprofit organization. Moneys received from the state,
21 county, or federal government, private contributions of cash or



1 other property, and the income and capital gains earned by the
2 fund shall constitute its assets.

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

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

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

- 19 (1) Soliciting and otherwise raising funds for the fund;
20 (2) Establishing criteria for the expenditure of funds;
21 (3) Reviewing grant proposals using criteria established
22 by Hawaii alliance for future teachers; and



1 (4) Making recommendations for grants and other specific
2 expenditures.

3 Members of the advisory board shall be stakeholders in Hawaii's
4 public educational system, including students, parents, alumni,
5 principals, community and business leaders, and representatives
6 from the department of education and the department of
7 accounting and general services, who shall be represented on the
8 advisory board.

9 (e) In managing the moneys in the fund, the Hawaii
10 alliance for future teachers shall exercise ordinary business
11 care and prudence given the facts and circumstances prevailing
12 at the time of action or decision. In doing so, the Hawaii
13 alliance for future teachers shall consider its long- and short-
14 term needs in carrying out its purposes, its present and
15 anticipated financial requirements, expected total return on its
16 investments, price trends, and general economic conditions.

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

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



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

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

6 (1) Be a for-profit organization duly registered under the
7 laws of the State, or be a nonprofit organization
8 determined by the Internal Revenue Service to be
9 exempt from the federal income tax, or be an agency of
10 the State or a county;

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

14 (3) In the case of an applicant that is not a state or
15 county government agency, have bylaws or policies that
16 describe the manner in which business is conducted and
17 policies that relate to the management of a potential
18 situation involving a conflict of interest;

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



1 (5) Be licensed and accredited, as applicable, in
2 accordance with the requirements of federal, state,
3 and county governments.

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

7 (k) Organizations or agencies to which moneys are awarded
8 shall agree to comply with the following conditions before
9 receiving the award:

10 (1) Use persons qualified to engage in the activity to be
11 funded;

12 (2) Comply with the applicable federal, state, and county
13 laws; and

14 (3) Comply with any other requirements prescribed by the
15 Hawaii alliance for future teachers to ensure
16 adherence by the recipient of the award with
17 applicable federal, state, and county laws and with
18 the purposes of this section.

19 (1) Chapter 103D shall not apply to organizations or
20 agencies that apply for grants or contracts under this section;
21 provided that the Hawaii alliance for future teachers shall be



1 held accountable for the use of the funds under a contract with
2 the department.

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

6 (n) The fund shall be audited annually by an independent
7 auditor. The results of each annual audit shall be submitted to
8 the department not later than thirty days from the date the
9 Hawaii alliance for future teachers receives the audit results.

10 In addition, the Hawaii alliance for future teachers shall
11 retain for a period of three years and permit the department,
12 state legislators, and the auditor, or their duly authorized
13 representatives, to inspect and have access to any documents,
14 papers, books, records and other evidence that is pertinent to
15 the fund.

16 (o) The fund shall not be placed in the state treasury,
17 and the State shall not administer the fund, nor shall the State
18 be liable for the operation or solvency of the fund of the
19 Hawaii alliance for future teachers.

20 (p) For every dollar of state moneys granted by the fund
21 to the project, there shall be a minimum of \$1 in value matched
22 by the Hawaii alliance for future teachers in cash, or the fair



1 market value of in-kind donations, real property, or any other
2 item of value from federal, state, or county governments,
3 private entities, community-based organizations, non-profit
4 organizations, or individuals.

5 ~~[(g) The superintendent of education shall submit an
6 annual report of the progress of the Hawaii teacher cadet
7 program fund no later than twenty days prior to the convening of
8 each regular session of the legislature.]"~~

9 SECTION 4. Section 302A-412, Hawaii Revised Statutes, is
10 amended by amending subsection (a) to read as follows:

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

19 SECTION 5. Section 302A-431, Hawaii Revised Statutes, is
20 amended by amending subsection (a) to read as follows:

21 "(a) The board and the board of regents of the University
22 of Hawaii may adopt necessary rules under chapter 91 to



1 administer and implement sections [~~302A-429 to~~] 302A-430 and
2 302A-431, including the adoption of safety guidelines and safety
3 inspection procedures of facilities where students are placed.
4 The department and the University of Hawaii shall inspect each
5 facility annually prior to the placement of students with these
6 facilities."

7 SECTION 6. Section 302A-461, Hawaii Revised Statutes, is
8 amended to read as follows:

9 "~~[§302A-461]~~ **Gender equity in athletics.** (a) No
10 person, on the basis of sex, shall be excluded from
11 participating in, be denied the benefits of, or be subjected to
12 discrimination in athletics offered by a public high school,
13 pursuant to Public Law 92-318, Title IX of the federal Education
14 Amendments of 1972.

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

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

20 SECTION 7. Section 302A-1125, Hawaii Revised Statutes, is
21 amended to read as follows:



1 "~~+~~§302A-1125~~+~~ **Educational objectives.** The board shall
2 formulate such policy and exercise such control as may be
3 necessary to define a common set of educational goals that the
4 schools [~~subject to the school/community based management~~
5 ~~system~~] shall be responsible for fulfilling. The board shall
6 also be responsible for formulating standards for measuring the
7 efforts of each participating school toward achieving those
8 goals each year. The participating schools shall be free to use
9 all reasonable means to accomplish those goals with the
10 resources available to them."

11 SECTION 8. Section 302A-1128, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "**§302A-1128 Department powers and duties.** [~~+~~a~~+~~] The
14 department shall have entire charge and control and be
15 responsible for the conduct of all affairs pertaining to public
16 instruction in the public schools the department establishes and
17 operates, including operating and maintaining the capital
18 improvement and repair and maintenance programs for department
19 and school facilities. The department may establish and
20 maintain schools for secular instruction at such places and for
21 such terms as in its discretion it may deem advisable and the
22 funds at its disposal may permit. The schools may include high



1 schools, kindergarten schools, schools or classes for pregrade
2 education, boarding schools, Hawaiian language medium education
3 schools, and evening and day schools. The department may also
4 maintain classes for technical and other instruction in any
5 school where there may not be pupils sufficient in number to
6 justify the establishment of separate schools for these
7 purposes.

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

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

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

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



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

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

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

13 SECTION 9. Section 302A-1130, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "**§302A-1130 Public schools special fees and charges[~~r~~**
16 **grouping of students]**. (a) The department may assess and
17 collect special fees and charges from students for co-curricular
18 activities.

19 (b) Special fees and charges collected from students for
20 co-curricular activities shall be deposited into insured
21 checking or savings accounts and expended by each individual
22 school.



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

4 SECTION 10. Section 302A-1143, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "**§302A-1143 Attend school in what district.** All persons
7 of school age shall be required to attend the school of the
8 district in which they reside, unless enrolled in a Hawaiian
9 language medium education program, charter school, or unless it
10 appears to the department to be desirable to allow the
11 attendance of pupils at a school in some other district, in
12 which case the department may grant this permission."

13 SECTION 11. Section 302A-1149.5, Hawaii Revised Statutes,
14 is amended to read as follows:

15 "**§302A-1149.5 After-school plus program revolving fund.**

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

19 (b) The [~~after-school plus program~~] A+ revolving fund
20 shall consist of fees collected by the department for [~~the~~
21 ~~after-school plus program~~] A+ and all interest earned on the



1 deposit or investment of moneys in the after-school plus program
2 revolving fund.

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

8 SECTION 12. Section 302A-1303.5, Hawaii Revised Statutes,
9 is amended by amending subsection (a) to read as follows:

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

- 14 (1) Create a list of student characteristics that will be
15 weighted;
- 16 (2) Create a system of weights based upon the student
17 characteristics that may be applied to determine the
18 relative cost of educating any student;
- 19 (3) Determine specific student weights, including their
20 unit value;



- 1 (4) Determine which moneys shall be included in the amount
- 2 of funds to be allocated through the weighted student
- 3 formula;
- 4 (5) Recommend a weighted student formula to the board of
- 5 education;
- 6 (6) Perform any other function that may facilitate the
- 7 implementation of the weighted student formula; and
- 8 (7) Meet not less than once every odd-numbered year, to
- 9 review the weighted student formula and, if the
- 10 committee deems it necessary, recommend a new weighted
- 11 student formula for adoption by the board of
- 12 education."

13 SECTION 13. Section 302A-1303.6, Hawaii Revised Statutes,
14 is amended to read as follows:

15 **"§302A-1303.6 Weighted student formula.** Based upon
16 recommendations from the committee on weights, the board of
17 education[~~, not less than once every odd-numbered year, shall~~]
18 may adopt a weighted student formula for the allocation of
19 moneys to public schools that takes into account the educational
20 needs of each student. The department, upon the receipt of
21 appropriated moneys, shall use the weighted student formula to
22 allocate funds to public schools. Principals shall expend



1 moneys provided to the principals' schools. This section shall
2 only apply to charter schools for fiscal years in which the
3 charter schools elect pursuant to section 302B-13 to receive
4 allocations according to the weighted student formula."

5 SECTION 14. Section 302A-1305, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "[+]§302A-1305[+] **Inactive student activity accounts.**

8 Student activity funds that are left in the school for a period
9 of five years after the graduation of the class shall be
10 deposited into the nonappropriated local school fund account
11 unless the graduating class donates, in writing, the funds to
12 the school within the five-year period. Moneys in the
13 nonappropriated local school fund account may be used by the
14 school."

15 SECTION 15. Section 302A-1312, Hawaii Revised Statutes, is
16 amended by amending subsection (c) to read as follows:

17 "(c) For the purposes of this section, the superintendent
18 of education shall develop and implement appropriate planning
19 procedures and follow-up accountability reports to ensure sound
20 planning, control, and accountability in the use of moneys
21 allocated by the legislature [~~as prescribed by section~~



1 ~~302A-1309~~]. The department of education shall submit an annual
2 report to the legislature that shall include:

- 3 (1) The priority listing established by section 302A-1505;
- 4 (2) List of projects initiated by the department of
5 education; and
- 6 (3) List of projects completed with associated actual
7 cost."

8 SECTION 16. Section 302A-1401, Hawaii Revised Statutes, is
9 amended as follows:

10 1. By amending its title to read:

11 "~~[+]§302A-1401[+]~~ **Administration and use of federal funds,**
12 **including [~~pregrade~~] early education."**

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

14 "(b) The board shall organize and conduct a program of
15 public [~~pregrade~~] early education to the extent that funds
16 provided therefor by the United States government are, or from
17 time to time may become, available. In establishing and
18 carrying on the [~~pregrade~~] early education, any such federal
19 funds shall be expended during any school year as nearly as
20 practicable in each of the school supervisory districts of the
21 State in the proportion that the number of inhabitants of each
22 district of less than six years of age bears to the total number



1 of the inhabitants of the entire State within the age limits, as
2 shown by the latest report of the department of health preceding
3 the opening of the school year."

4 SECTION 17. Section 302A-1404, Hawaii Revised Statutes, is
5 amended to read as follows:

6 **"§302A-1404 [Federal indirect overhead reimbursements.**

7 ~~(a) The department and the charter school administrative~~
8 ~~office, as appropriate, may retain and expend federal indirect~~
9 ~~overhead reimbursements for discretionary grants in excess of~~
10 ~~the negotiated rate for such reimbursements as determined by the~~
11 ~~director of finance and the superintendent or the director of~~
12 ~~finance and the executive director of the charter school~~
13 ~~administrative office.~~

14 ~~(b) Beginning July 1, 2004, and for each]~~ **Federal impact**
15 **aid military liaison.** Each fiscal year ~~[thereafter,]~~ the
16 department of education may set aside \$100,000 of federal impact
17 aid moneys received pursuant to this section to:

18 (1) Establish and fund a permanent, full-time military
19 liaison position within the department of education;
20 and



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

4 The military liaison position established under paragraph
5 (1) shall be exempt from chapter 76 but shall be eligible to
6 receive the benefits of any state or federal employee benefit
7 program generally applicable to officers and employees of the
8 State."

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

11 "(a) The department of education [~~shall~~] may identify
12 unused public school facilities to be used for early learning
13 programs and services. Suitable empty classrooms, as determined
14 by the department, shall be inventoried for potential use for
15 early learning programs and services. Priority shall be given
16 to facilities on sites with sufficient space for three or more
17 classrooms to be renovated or constructed."

18 SECTION 19. Section 302A-1507, Hawaii Revised Statutes, is
19 amended to read as follows:

20 "**§302A-1507 Classroom cleaning project; established.** (a)
21 There is established a classroom cleaning project in all public
22 schools, excluding charter schools. Each school, through its



1 school community council, may develop mechanisms to provide for
2 classroom cleaning, including but not limited to having parent,
3 student, or other community groups clean the classrooms on a
4 regular, continuing basis.

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

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

10 SECTION 20. Section 302A-301, Hawaii Revised Statutes, is
11 repealed.

12 ~~["§302A-301 Incentive and innovation grants. (a) There~~
13 ~~is established in the state treasury a trust fund to be known as~~
14 ~~the incentive and innovation grant trust fund to provide~~
15 ~~incentive and innovation grants to qualified schools, including~~
16 ~~charter schools. Expenditures from the trust fund shall be made~~
17 ~~by the department and shall be subject to the allotment and~~
18 ~~expenditure plan required under section 37-34.5.~~

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

21 ~~(b) Grants shall be for such purposes as the funding of~~
22 ~~experimental and innovative instructional programs, in service~~



1 ~~training, and other activities that promote innovation as~~
2 ~~outlined in the proposal.~~

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

6 ~~(1) Parents;~~

7 ~~(2) Students;~~

8 ~~(3) Teachers;~~

9 ~~(4) School administrators;~~

10 ~~(5) School support staff;~~

11 ~~(6) Businesspersons; and~~

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

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

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



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

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

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

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

10 ~~(3) A detailed budget and expenditure plan, which shall~~
11 ~~include any commitment of existing funds under the~~
12 ~~school or schools' allotment toward the proposed~~
13 ~~program; and~~

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

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

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



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

4 SECTION 21. Section 302A-429, Hawaii Revised Statutes, is
5 repealed.

6 ~~["**~~§302A-429 Work-based learning program authorized.~~** To~~
7 ~~provide students with opportunities to apply knowledge and~~
8 ~~skills acquired in the classroom to real life work experiences,~~
9 ~~the department may establish and regulate a work based learning~~
10 ~~program under conditions determined by the department and the~~
11 ~~University of Hawaii."]~~

12 SECTION 22. Section 302A-431.5, Hawaii Revised Statutes,
13 is repealed.

14 ~~["**~~§302A-431.5 School to work transition program,~~**~~
15 ~~**established.** There is established within the department of~~
16 ~~education a school to work transition program."]~~

17 SECTION 23. Section 302A-431.6, Hawaii Revised Statutes,
18 is repealed.

19 ~~["**~~§302A-431.6 Powers and duties.~~** The school to work~~
20 ~~transition program shall provide for the continued delivery of~~
21 ~~integrated services directed at assisting high school students~~



1 ~~toward successfully completing their transition from school to~~
2 ~~work, or to further their training and education."]~~

3 SECTION 24. Section 302A-431.7, Hawaii Revised Statutes,
4 is repealed.

5 [~~"§302A-431.7 Agriculture education program. (a) The~~
6 ~~department shall establish and administer a comprehensive~~
7 ~~agriculture education program aligned with the natural resources~~
8 ~~career pathway. The agriculture education program shall include~~
9 ~~adequate staffing of individuals trained or experienced in the~~
10 ~~field of agriculture to coordinate the program and to provide~~
11 ~~assistance to school complexes for the coordination of the~~
12 ~~activities of related student organizations and associations.~~

13 ~~(b) The agriculture education program shall be~~
14 ~~administered by a director who shall:~~

15 ~~(1) Assist in assessing the agricultural needs of the~~
16 ~~State and devise methods of meeting those needs with~~
17 ~~the agriculture education program;~~

18 ~~(2) Assist school districts in establishing agriculture~~
19 ~~education programs;~~

20 ~~(3) Review school district applications for approval of~~
21 ~~agriculture education programs;~~



- 1 ~~(4) Evaluate existing programs and design complementary~~
- 2 ~~programs;~~
- 3 ~~(5) Plan research and studies for the improvement of~~
- 4 ~~curriculum materials for specialty areas of~~
- 5 ~~agriculture, including aquaculture and incumbent~~
- 6 ~~worker training;~~
- 7 ~~(6) Ensure that the standards and criteria developed under~~
- 8 ~~this section satisfy the mandates of federally-~~
- 9 ~~assisted career and technical education;~~
- 10 ~~(7) Develop in-service programs for teachers and~~
- 11 ~~administrators of agriculture education programs;~~
- 12 ~~(8) Review applications for agriculture teacher~~
- 13 ~~certification;~~
- 14 ~~(9) Assist in teacher recruitment and placement in~~
- 15 ~~agriculture education programs;~~
- 16 ~~(10) Serve as a liaison with the Future Farmers of America,~~
- 17 ~~representatives of business, industry, appropriate~~
- 18 ~~public agencies, and institutions of higher education,~~
- 19 ~~including the Hawaii Farm Bureau Federation, to~~
- 20 ~~facilitate dissemination of information;~~
- 21 ~~(11) Promote improvement of agriculture education programs;~~
- 22 ~~and~~



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

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

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

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

17 SECTION 25. Section 302A-431.8, Hawaii Revised Statutes,
 18 is repealed.

19 ~~["**~~§302A-431.8~~** Career and technical education program.~~
 20 ~~The department shall establish and administer a career and~~
 21 ~~technical education program that shall meet the requirements of~~



1 ~~the federal Perkins Act of 2006. The department's program may~~
2 ~~include:~~

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

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

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

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

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

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

17 SECTION 26. Section 302A-431.9, Hawaii Revised Statutes,
18 is repealed.

19 ~~["**[§302A-431.9] Veterans high school diploma for armed**~~
20 ~~**services veterans and others.** (a) The department shall~~
21 ~~establish a program to award a veterans high school diploma to~~
22 ~~qualified veterans who did not receive a high school diploma as~~



1 ~~a result of compulsory induction into active service in the~~
2 ~~armed services of the United States.~~

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

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

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

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

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

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

11 ~~while attending or enrolled in a high school in the~~
12 ~~State; provided that the department may consider~~
13 ~~extending these time periods through rules adopted~~
14 ~~under chapter 91; and~~

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

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

21 ~~(d) Qualified persons shall submit to the department, on~~
22 ~~forms that the department shall prescribe, information~~



1 ~~establishing eligibility for the award of a veterans high school~~
2 ~~diploma under this section."]~~

3 SECTION 27. Section 302A-444, Hawaii Revised Statutes, is
4 repealed.

5 ~~["~~§302A-444~~ Programs for gifted and talented children.~~

6 ~~The department may provide a statewide flexible system of~~
7 ~~educational placement and programs within the public school~~
8 ~~system that the department determines is appropriate for meeting~~
9 ~~the unique educational needs of gifted and talented children.~~
10 ~~The nature and scope of the department's educational placement~~
11 ~~and programs shall be based on, but not be limited to, the~~
12 ~~following factors:~~

13 ~~(1) The availability of financial and physical resources~~
14 ~~within the department;~~

15 ~~(2) The nature of the child's gift or talent; and~~

16 ~~(3) Whether the child's educational placement and program~~
17 ~~should focus on, or be limited to, a particular area~~
18 ~~of gift or talent, or whether the educational~~
19 ~~placement and program should address other areas that~~
20 ~~may be beneficial to the development of the child as a~~
21 ~~whole."]~~



1 SECTION 28. Section 302A-445, Hawaii Revised Statutes, is
2 amended to read as follows:

3 ~~["§302A-445] Rules. The board shall adopt necessary~~
4 ~~rules under chapter 91 to administer and implement sections~~
5 ~~302A-444 and 302A-445."]~~

6 SECTION 29. Section 302A-446, Hawaii Revised Statutes, is
7 repealed.

8 ~~["§302A-446] E-mail accounts for students. (a) The~~
9 ~~department of education, in conjunction and coordination with~~
10 ~~the University of Hawaii, shall provide e-mail accounts at no~~
11 ~~charge to any student who applies to the department for such an~~
12 ~~account.~~

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

- 16 ~~(1) Both degree and nondegree candidates;~~
- 17 ~~(2) Individuals attending school on a full-time, part-~~
18 ~~time, or occasional basis, including continuing~~
19 ~~education or other nondegree courses;~~
- 20 ~~(3) Individuals in educational, technical, or vocational~~
21 ~~programs; and~~



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

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

6 SECTION 30. Section 302A-462, Hawaii Revised Statutes, is
7 repealed.

8 ~~["§302A-462 Factors, unequal aggregate expenditures. (a)~~
9 ~~The superintendent of education shall consider:~~

- 10 ~~(1) Whether the selection of sports and levels of~~
11 ~~competition effectively accommodate the interests and~~
12 ~~abilities of members of both sexes;~~
- 13 ~~(2) The provision of equipment, uniforms, and supplies;~~
- 14 ~~(3) Equal access to practice and game times;~~
- 15 ~~(4) Travel and per diem allowances;~~
- 16 ~~(5) Opportunities to receive coaching and academic~~
17 ~~tutoring;~~
- 18 ~~(6) Assignment and compensation of coaches and tutors;~~
- 19 ~~(7) Access to locker room, weight room, and practice,~~
20 ~~competitive, and training facilities;~~
- 21 ~~(8) Access to medical services;~~



- 1 ~~(9) The provision of housing and dining facilities and~~
- 2 ~~services;~~
- 3 ~~(10) Publicity; and~~
- 4 ~~(11) Any other relevant factors.~~

5 ~~(b) Unequal aggregate expenditures for members of each sex~~
6 ~~or unequal expenditures for male and female teams, if a public~~
7 ~~high school operates or sponsors separate teams, do not~~
8 ~~constitute a violation of this subpart, but in determining~~
9 ~~violations of this subpart, the failure to provide necessary~~
10 ~~funds for teams for one sex in assessing equality of opportunity~~
11 ~~for members of each sex shall be considered."]~~

12 SECTION 31. Section 302A-464, Hawaii Revised Statutes, is
13 repealed.

14 ~~["**§302A-464** **Equity in athletics, rules and**~~
15 ~~**implementation.** (a) By July 1, 2001, the superintendent shall~~
16 ~~define equity in athletics for all public high schools and shall~~
17 ~~recommend rules for appropriate enforcement mechanisms to ensure~~
18 ~~equity. The superintendent shall develop a strategic plan~~
19 ~~containing recommendations and a timetable to achieve equity.~~
20 ~~Those recommendations relating to use of existing personnel,~~
21 ~~equipment, resources, and facilities shall be commenced and~~



1 continued by the expiration of the advisory commission. The
2 recommendations shall include, but not be limited to:

3 (1) A determination of an equitable rate of participation
4 of males and females in athletics at public high
5 schools; and

6 (2) A determination of the appropriate use of revenues
7 when making decisions about the equitable use of funds
8 for support of athletic activities. In making this
9 determination, the advisory commission shall consider
10 all funds received and expended for athletic promotion
11 or support, including revenues from direct support
12 organizations.

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

15 SECTION 32. Section 302A-465, Hawaii Revised Statutes, is
16 repealed.

17 ~~["**[§302A-465]** Compliance report. By December 31, 2000,~~
18 ~~the superintendent of education shall submit to the legislature~~
19 ~~and the advisory commission on gender equity in sports a report~~
20 ~~of compliance with Public Law 92-318, Title IX, of the federal~~
21 ~~Education Amendments of 1972, including a compliance plan with~~
22 ~~timelines for every public high school, an analysis and~~



1 ~~assessment of current activities with respect to Title IX~~
2 ~~compliance, and itemized expenditures for athletics."]~~

3 SECTION 33. Section 302A-466, Hawaii Revised Statutes, is
4 repealed.

5 ~~["~~§302A-466~~ No private right of action. No private~~
6 ~~right of action at law shall arise under this subpart."]~~

7 SECTION 34. Section 302A-467, Hawaii Revised Statutes, is
8 repealed.

9 ~~["~~§302A-467~~ Applicability. This subpart shall apply to~~
10 ~~public schools as defined in section 302A-101, provided that it~~
11 ~~shall apply to grades nine to twelve only."]~~

12 SECTION 35. Section 302A-601.3, Hawaii Revised Statutes,
13 is repealed.

14 ~~["~~§302A-601.3~~ Newly hired employees; paycheck deficits;~~
15 ~~partial wages. (a) The department shall establish and~~
16 ~~implement appropriate policies, procedures, technology, and~~
17 ~~accountability measures to ensure that newly hired employees~~
18 ~~receive timely and accurate wages.~~

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



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

13 SECTION 36. Section 302A-606, Hawaii Revised Statutes, is
14 repealed.

15 ~~["**[§302A-606] Considerations in appointing teachers.** In~~
16 ~~the appointment of teachers by the department, preference shall~~
17 ~~be given to local teachers of the same standing, grade, or~~
18 ~~rating as those teachers from without the State. The rating of~~
19 ~~a teacher shall not depend upon the number of pupils promoted or~~
20 ~~graduated, but solely upon the length of service, efficiency,~~
21 ~~and ability of the teacher."]~~



1 SECTION 37. Section 302A-633.5, Hawaii Revised Statutes,
2 is repealed.

3 ~~["§302A-633.5] School personnel engaged in instructional~~
4 ~~work, other than teachers and educational officers. (a) The~~
5 ~~board of education shall appoint teaching assistants,~~
6 ~~educational assistants, bilingual/bicultural school-home~~
7 ~~assistants, school psychologists, psychological examiners,~~
8 ~~speech pathologists, athletic health care trainers, alternative~~
9 ~~school work/study assistants, alternative school~~
10 ~~educational/supportive services specialists, and alternative~~
11 ~~school project coordinators as may be required to carry out the~~
12 ~~purposes of this chapter. The board, in consultation with the~~
13 ~~department of human resources development, shall prescribe the~~
14 ~~duties and qualifications for positions, adopt classification~~
15 ~~systems, classify and fix the compensation of positions~~
16 ~~accordingly, provide a classification appeals procedure, and~~
17 ~~establish probationary and other requirements for tenure that~~
18 ~~protects employees from being disciplined without proper cause.~~

19 ~~(b) Employees in positions under subsection (a) shall be~~
20 ~~board of education appointees exempt from chapter 76, but the~~
21 ~~application of section 89-6 with respect to collective~~
22 ~~bargaining coverage and the employer for purposes of collective~~



1 ~~bargaining shall not be affected. Except for rights or benefits~~
 2 ~~specifically conditioned upon membership in the civil service,~~
 3 ~~the wages, hours, benefits, and other terms and conditions of~~
 4 ~~employment for these employees in existence on July 1, 2002~~
 5 ~~shall remain in effect, but may be changed as provided in~~
 6 ~~chapter 89 or 89C, as applicable. Any employee who is a member~~
 7 ~~of the civil service on July 1, 2002 shall be granted tenure by~~
 8 ~~the board of education without the necessity of meeting any~~
 9 ~~probationary or other requirements for tenure that the board of~~
 10 ~~education establishes."]~~

11 SECTION 38. Section 302A-638.5, Hawaii Revised Statutes,
 12 is repealed.

13 ~~["**§302A-638.5** Retired teachers; coursework waiver;~~
 14 ~~**substitute teachers.** Retired department teachers who held a~~
 15 ~~valid teaching certificate or license at the date of their~~
 16 ~~retirement shall be exempt from any prerequisite coursework that~~
 17 ~~the department requires of other substitute teachers for a~~
 18 ~~period of ten years after the date of their retirement."]~~

19 SECTION 39. Section 302A-640, Hawaii Revised Statutes, is
 20 repealed.

21 ~~["**§302A-640** Public schools; minimum staffing levels.~~
 22 ~~(a) Schools with only one class for each grade level in~~



1 ~~kindergarten through grade six shall be exempt from the average~~
2 ~~statewide class size ratio that may be established under any~~
3 ~~collective bargaining agreement between the teacher's exclusive~~
4 ~~bargaining representative and the department. These schools~~
5 ~~shall maintain a minimum staffing level of not less than one~~
6 ~~full-time equivalent teacher position per grade level per~~
7 ~~school, for kindergarten to grade six. This subsection shall~~
8 ~~not apply to a school with fewer than twelve students in any one~~
9 ~~grade level.~~

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

13 SECTION 40. Section 302A-705, Hawaii Revised Statutes, is
14 repealed.

15 ~~["§302A-705] Hawaii principals academy. There is~~
16 ~~established within the department the Hawaii principals academy.~~
17 ~~The academy shall support and train department complex area~~
18 ~~superintendents, principals, and prospective principals in areas~~
19 ~~including but not limited to:~~

- 20 ~~(1) Becoming better leaders;~~
21 ~~(2) Improving students' academic achievement, safety and~~
22 ~~well being, and civic responsibility;~~



- 1 ~~(3) Collaborating with the school community councils;~~
- 2 ~~(4) Developing curriculum alignment;~~
- 3 ~~(5) Managing school budgets; and~~
- 4 ~~(6) Establishing partnerships with the private sector."]~~

5 SECTION 41. Section 302A-831, Hawaii Revised Statutes, is
6 repealed.

7 ~~["§302A-831 Purpose. The purpose of this subpart is to~~
8 ~~transfer the administration of the teachers' housing program~~
9 ~~from the Hawaii public housing authority to the department of~~
10 ~~education. This subpart also establishes a revolving fund for~~
11 ~~the accounting and control of receipts and disbursements in~~
12 ~~connection with the department of education's functions of~~
13 ~~planning, constructing, repairing, maintaining, and operating~~
14 ~~housing programs for teachers employed and assigned by the~~
15 ~~department of education."]~~

16 SECTION 42. Section 302A-1103, Hawaii Revised Statutes, is
17 repealed.

18 ~~["§302A-1103 Principal, authority and responsibility. The~~
19 ~~role of the principal shall include but not be limited to~~
20 ~~overseeing the day to day management of the school, the primary~~
21 ~~function of which is to develop and deliver instructional~~
22 ~~services to students in accordance with statewide educational~~



- 1 ~~policy and to enable students to meet or exceed statewide~~
2 ~~academic standards. The principal shall:~~
- 3 ~~(1) Ensure that the curriculum facilitates the achievement~~
4 ~~of the statewide student performance standards adopted~~
5 ~~for the public school system;~~
 - 6 ~~(2) Develop and present to the school community council~~
7 ~~for its review and approval, academic and financial~~
8 ~~plans relating to the school;~~
 - 9 ~~(3) Exercise authority over the implementation of the~~
10 ~~budget, policies, and operations of the school; and~~
 - 11 ~~(4) Collaborate with other principals in the principal's~~
12 ~~school complex to ensure that:~~
 - 13 ~~(A) Logical, sequential curricula are adopted within~~
14 ~~the school complex;~~
 - 15 ~~(B) Best practices are shared among and implemented~~
16 ~~by schools within the school complex;~~
 - 17 ~~(C) The goals and objectives of the school complex~~
18 ~~are being met;~~
 - 19 ~~(D) The use of school complex based personnel and~~
20 ~~contractors who divide their time between more~~
21 ~~than one school in a school complex is~~
22 ~~coordinated to maximize efficiency; and~~



1 ~~(E) The passage of students through the continuum of~~
2 ~~grades is coordinated in a manner consistent with~~
3 ~~section 302A-1004."]~~

4 SECTION 43. Section 302A-1104, Hawaii Revised Statutes, is
5 repealed.

6 ~~["**[§302A-1104] Learning support centers.** Beginning with~~
7 ~~the 1995-1996 school year and until June 30, 1999, school level~~
8 ~~support for curriculum and instruction shall be provided through~~
9 ~~learning support centers to be governed by schools within each~~
10 ~~complex. The centers shall assist school personnel in the~~
11 ~~delivery of instructional services by providing support through~~
12 ~~curriculum development, student assessment, staff development,~~
13 ~~and resource allocation. The types of services offered and the~~
14 ~~manner in which these services are provided by the centers, as~~
15 ~~well as the prioritization and allocation of available~~
16 ~~resources, shall be determined by policies established by each~~
17 ~~complex. Any regional administrative units established by the~~
18 ~~department shall be assigned all administrative functions and~~
19 ~~provide administrative support to the learning support~~
20 ~~centers."]~~

21 SECTION 44. Section 302A-1127, Hawaii Revised Statutes, is
22 repealed.



1 ~~["§302A-1127] Rules. The board may adopt rules under~~
2 ~~chapter 91 to implement sections 302A-202, 302A-1124 to 302A-~~
3 ~~1126, and 302A-1507."]~~

4 SECTION 45. Section 302A-1130.5, Hawaii Revised Statutes,
5 is repealed.

6 ~~["§302A-1130.5 Textbook replacement fees, restitution,~~
7 ~~textbook list. (a) The department may assess and collect~~
8 ~~special fees and charges from students who negligently break,~~
9 ~~damage, lose, or destroy school textbooks, instructional~~
10 ~~materials, library books, equipment, or supplies as determined~~
11 ~~by the principal. Any student found to be responsible for the~~
12 ~~loss, destruction, breakage, or damage of school textbooks,~~
13 ~~instructional materials, library books, equipment, or supplies,~~
14 ~~shall make restitution to the school, including the payment by~~
15 ~~the student or the student's parents or guardians, of the actual~~
16 ~~replacement costs. Any fees collected pursuant to this~~
17 ~~subsection shall be deposited into the textbook and~~
18 ~~instructional materials fee special account established in~~
19 ~~[section] 302A-1130.6.~~

20 ~~(b) No student shall be required to make restitution~~
21 ~~unless the student and the student's parents or guardians have~~
22 ~~been notified and have been given an opportunity to be heard~~



1 ~~before the principal of the school on the charge that the~~
2 ~~student was responsible for the loss, destruction, breakage, or~~
3 ~~damage of school textbooks, instructional materials, library~~
4 ~~books, equipment, or supplies.~~

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

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

16 ~~If the student and student's parents or guardians do not~~
17 ~~agree with the determination made by the principal, the~~
18 ~~principal shall report the determination and the findings made~~
19 ~~by the principal and transfer all records and documents~~
20 ~~regarding the investigation to the complex area superintendent~~
21 ~~for any further action.~~



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

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

11 SECTION 46. Section 302A-1144, Hawaii Revised Statutes, is
12 repealed.

13 ~~["**§302A-1144** Records of pupils; release from attendance.~~
14 ~~All schools shall keep a correct register of the names, sex,~~
15 ~~age, and nationality, as far as ascertainable, date of entering~~
16 ~~school, and the places of residence of the children attending~~
17 ~~their respective schools. No school shall grant a release to~~
18 ~~any child under eighteen years of age, who is registered as~~
19 ~~attending the child's school, for the purpose of attending~~
20 ~~another school, unless the consent and approval of the parents~~
21 ~~or guardians of the child is given in writing with the facts and~~
22 ~~reasons therefor. The register shall be carefully preserved,~~



1 ~~and as often as the department shall direct, the register or a~~
2 ~~true copy thereof shall be filed in the office of the~~
3 ~~department."]~~

4 SECTION 47. Section 302A-1146, Hawaii Revised Statutes, is
5 repealed.

6 ~~["**§302A-1146 Schools, merchandise.** It shall be unlawful~~
7 ~~for any public school, without the written permission of the~~
8 ~~department, to operate stores or to sell merchandise, with the~~
9 ~~following exceptions: school lunches, milk, ice cream, candy,~~
10 ~~and products made or grown at the school as part of the~~
11 ~~educational program. The department, with the advice of the~~
12 ~~comptroller, shall adopt rules in conformance with chapter 91~~
13 ~~necessary for the purposes of this section."]~~

14 SECTION 48. Section 302A-1150, Hawaii Revised Statutes, is
15 repealed.

16 ~~["**§302A-1150 Use of school buildings.** The fullest~~
17 ~~freedom shall be given to citizens of the State to use for~~
18 ~~lawful purposes all public school buildings throughout the State~~
19 ~~during the hours the structures are not in use for strictly~~
20 ~~educational purposes; provided that the person vested with the~~
21 ~~proper authority over the building shall issue a permit to the~~



1 applicant, when the proposed use is shown to be lawful by the
2 applicant."]

3 SECTION 49. Section 302A-1302, Hawaii Revised Statutes, is
4 repealed.

5 [~~"§302A-1302 School-based budget flexibility. (a)~~
6 ~~Beginning with the 1995-1997 fiscal biennium, the department~~
7 ~~shall implement school-based budget flexibility for schools,~~
8 ~~complexes, and learning support centers. The flexibility shall~~
9 ~~be limited to the school-based budgeting program EDN 100 of the~~
10 ~~department for all schools except charter schools.~~

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

14 SECTION 50. Section 302A-1303, Hawaii Revised Statutes, is
15 repealed.

16 [~~"[§302A-1303] School budget, general fund. The salaries~~
17 ~~of the superintendent, teachers, office force, and all other~~
18 ~~employees of the department, and all items of general expense,~~
19 ~~including books, materials, supplies, and equipment, shall be~~
20 ~~included in the departmental estimate in such form and detail as~~
21 ~~the director of finance shall require, together with such~~
22 ~~statistical and supporting data as the director may request."]~~



1 SECTION 51. Section 302A-1308, Hawaii Revised Statutes, is
2 repealed.

3 ~~["§302A-1308 Use of resources by schools. School~~
4 ~~principals shall consult with teachers, parents, and students to~~
5 ~~solicit their advice on the use of moneys and positions. Prior~~
6 ~~to expending moneys and implementing position assignments,~~
7 ~~principals shall submit plans for the use of the moneys and~~
8 ~~positions to their complex area superintendents who shall review~~
9 ~~the plans for conformance with departmental policies and rules.~~
10 ~~Upon approval of the plans, moneys may be expended by the~~
11 ~~principals for supplies, textbooks, equipment, and services.~~
12 ~~Positions may be used to meet the unique needs of the schools."]~~

13 SECTION 52. Section 302A-1311, Hawaii Revised Statutes, is
14 repealed.

15 ~~["[§302A-1311] Appropriations for trust funds of the~~
16 ~~department of education. Notwithstanding any other law to the~~
17 ~~contrary, in any fiscal year, if the amount of revenues~~
18 ~~deposited into a trust fund of the department of education~~
19 ~~exceeds the amount appropriated from that fund for that year,~~
20 ~~the superintendent may approve expenditures in excess of the~~
21 ~~amount appropriated, up to the amount by which revenues for that~~
22 ~~fund exceed the appropriations from that fund for a fiscal year,~~



1 ~~provided that the department shall submit a report annually to~~
2 ~~the governor and the legislature of all expenditures in excess~~
3 ~~of each fund's appropriation for each fiscal year."]~~

4 SECTION 53. Section 302A-1313, Hawaii Revised Statutes, is
5 repealed.

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

13 SECTION 54. Section 302A-1403, Hawaii Revised Statutes, is
14 repealed.

15 ~~["~~§302A-1403~~ Authority to secure federal funds. The~~
16 ~~department, the charter school administrative office, director~~
17 ~~of finance, and governor may take such steps and perform such~~
18 ~~acts as may be necessary or proper to secure any such federal~~
19 ~~funds for the purposes specified in sections 302A-1401 and~~
20 ~~302A-1402."]~~

21 SECTION 55. Section 302A-1501, Hawaii Revised Statutes, is
22 repealed.



1 ~~["§302A-1501 Noise and climate control at school~~
2 ~~facilities. The department shall plan for, and request~~
3 ~~appropriations necessary to implement, acoustic noise control~~
4 ~~and air conditioning of existing and new school facilities in~~
5 ~~areas that are susceptible to extremes of temperature or~~
6 ~~affected by aircraft, traffic, and other noise. The department~~
7 ~~shall develop appropriate standards and consider local~~
8 ~~conditions for deciding whether acoustic noise control and air~~
9 ~~conditioning of existing and new school facilities are required~~
10 ~~for effective classroom instruction. In all cases where~~
11 ~~acoustic treatment of school facilities is planned, the~~
12 ~~department shall utilize the services of individuals qualified~~
13 ~~by training and experience to recommend appropriate noise~~
14 ~~control procedures and components. Acoustic noise control and~~
15 ~~air conditioning shall be given equal weight as all other~~
16 ~~factors in the criteria used by the department in setting~~
17 ~~priorities for school construction and renovations."]~~

18 SECTION 56. Section 302A-1501.5, Hawaii Revised Statutes,
19 is repealed.

20 ~~["§302A-1501.5 Asbestos testing.] The department of~~
21 ~~education shall be responsible for ensuring that asbestos~~
22 ~~testing is conducted on all suspected asbestos containing~~



1 ~~materials, including exterior surfaces, and as required by the~~
 2 ~~federal Asbestos Hazard Emergency Response Act of 1986 for~~
 3 ~~interior surfaces, prior to any exterior or interior renovations~~
 4 ~~or painting of school facilities at all department of education~~
 5 ~~and conversion charter schools; provided that the surfaces have~~
 6 ~~not previously been tested."]~~

7 SECTION 57. Section 302A-1502, Hawaii Revised Statutes, is
 8 repealed.

9 ~~["**~~§302A-1502~~** ~~School inspection program.~~ The department~~
 10 ~~of education, in consultation and cooperation with the~~
 11 ~~department of health and the department of accounting and~~
 12 ~~general services, shall establish a school inspection program to~~
 13 ~~maintain high levels of hygiene, sanitation and health, safety,~~
 14 ~~maintenance, and physical appearance for each school for the~~
 15 ~~benefit of students, administrators, and staff. The program~~
 16 ~~shall include but not be limited to the following:~~

- 17 (1) ~~The utilization of checklists that reflect basic~~
- 18 ~~standards;~~
- 19 (2) ~~The involvement of students, parents, and staff; and~~
- 20 (3) ~~Regularly scheduled announced inspections and~~
- 21 ~~unannounced inspections of school grounds, restrooms,~~



1 cafeterias, locker rooms, classrooms, and other
2 facilities."]

3 SECTION 58. Section 302A-1502.6, Hawaii Revised Statutes,
4 is repealed.

5 ~~["§302A-1502.6 Providers of construction or project-~~
6 ~~related professional services for the repair and maintenance of~~
7 ~~public schools; volunteer status; coordinator position~~
8 ~~established.~~ (a) Pursuant to chapter 90, the department shall
9 accept as volunteers qualified professional providers of
10 construction or project-related professional services who are
11 under contract with Hawaii 3R's. The department shall maintain
12 a list of volunteers so accepted, and shall provide the
13 professional providers with appropriate guidance, supervision,
14 and control to reasonably protect members of the public from
15 injury or damage. Once accepted as a volunteer by the
16 department, the professional provider shall be entitled to
17 protection from liability for volunteers under chapter 90,
18 unless the injury or damage is caused by or is the result of the
19 professional provider's wilful and wanton act or omission.

20 (b) There is established, within the department of
21 education, a coordinator position to coordinate the public and
22 private efforts to repair and maintain public schools, provided



1 ~~that the coordinator shall serve at the pleasure of the~~
2 ~~superintendent and may be established as a permanent position~~
3 ~~not subject to chapter 76."]~~

4 SECTION 59. Section 302A-1505, Hawaii Revised Statutes, is
5 repealed.

6 ~~["**§302A-1505** **Prioritization of repair and maintenance.**~~

7 ~~(a) Each school shall inform the department of education on an~~
8 ~~annual basis of school repair and maintenance needs. Before any~~
9 ~~repair and maintenance projects for the upcoming fiscal year are~~
10 ~~implemented, each individual school administration shall~~
11 ~~prioritize and approve its repair and maintenance needs, and~~
12 ~~approve the scope of the implementation plan for the individual~~
13 ~~projects. After schools have prioritized their repair and~~
14 ~~maintenance projects, a statewide list shall be prepared,~~
15 ~~reviewed, and approved by the department of education, provided~~
16 ~~that the department may make adjustments among schools and~~
17 ~~complex areas. Each listing shall be posted electronically on~~
18 ~~the Internet.~~

19 ~~(b) Prior to informing the department about the school's~~
20 ~~repair and maintenance needs, the school's principal shall~~
21 ~~consider the recommendations made by the school community~~



1 ~~council or the local school board, if the school is a charter~~
2 ~~school.~~

3 ~~(c) In prioritizing a school's repair and maintenance~~
4 ~~needs, the department and the school's principal shall consider~~
5 ~~the availability of donated and discounted repair and~~
6 ~~maintenance services and materials that will be provided by~~
7 ~~community groups, volunteers, and businesses."]~~

8 SECTION 60. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

10 SECTION 61. This Act shall take effect upon its approval;
11 provided that section 26 shall take effect on June 30, 2015.

12

INTRODUCED BY:

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S.B. NO. 2540

Report Title:

Education

Description:

Amends or repeals various provisions of chapter 302A for housekeeping and other purposes.

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