

STAND. COM. REP. NO. **2027**

Honolulu, Hawaii

FEB 06 2012

RE: S.B. No. 2540
S.D. 1

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committee on Education, to which was referred S.B. No. 2540 entitled:

"A BILL FOR AN ACT RELATING TO EDUCATION,"

begs leave to report as follows:

The purpose and intent of this measure is to amend or repeal various sections of chapter 302A, Hawaii Revised Statutes ("HRS"), that:

- (1) Have already been accomplished and are no longer necessary to be codified in statute;
- (2) Impede rather than assist the Department of Education in meeting its core mission;
- (3) Fall under the purview of the Board of Education, such as policy and programmatic decisions;
- (4) Are already mandated by federal law and do not require codification in state statute; and
- (5) Are covered by another section of the HRS, Hawaii Administrative Rules, or Board of Education policy.

Your Committee received testimony in support of this measure from the Office of the Governor, Board of Education, and Department of Education. Your Committee received comments on this



measure from the Hawaii Government Employees Association, HGEA/AFSCME, Local 152, AFL-CIO; and one individual.

Your Committee finds that as a result of the constitutional amendment adopted in the 2010 general election, the Board of Education was required to transform from an elected board to an appointed board, with the appointments being made by the Governor. This change presents a unique opportunity to review sections of the HRS to determine if amending or reducing statutory restraints and requirements might assist the Board of Education and Department of Education in creating a more effective educational delivery system. This measure is consistent with S.C.R. No. 79 (2011), which requested that the Board of Education and Department of Education review applicable statutes to, in part, assist the Department of Education in meeting its core mission.

Your Committee further finds that the statutory revisions proposed by this measure do not diminish the role of the Legislature in overseeing the Department of Education and holding it accountable for the educational success of students but rather place certain decision making authority in the best place possible.

In addition, your Committee notes that deleting outdated or duplicative sections of chapter 302A, HRS, does not in any way suggest that the Department of Education does not have proper legal authority to implement those programs or activities covered by those deleted sections. Rather, the Legislature is placing decision making authority over those certain programs and activities at the proper level, whether at the policy making level or the administrative level.

Furthermore, your Committee urges the Department of Education to ensure that it has rules and policies in place to address the sections of chapter 302A, HRS, repealed by this measure.

Your Committee has amended this measure by:

- (1) Adding definitions of the terms "district", "complex", and "complex area";
- (2) Amending the definition of "complex area superintendent";



- (3) Repealing the definitions of "regional administrative unit" and "school complex";
- (4) Amending section 4-1, HRS, to remove the establishment of educational districts to further clarify that the State is one unified school district;
- (5) Amending section 302A-604, HRS, to clarify that complex area superintendents are responsible for special education programs and special schools within their complex areas;
- (6) Amending 302A-1102, HRS, to repeal the authority to establish regional administrative units within the Department of Education;
- (7) Amending section 302A-1130.6, HRS, to clarify that all fees and charges collected from students or their parents or guardians for the loss, destruction, breakage, or damage of school textbooks, instructional materials, library books, equipment, or supplies shall be deposited into the textbook and instructional materials fee special account;
- (8) Amending section 302A-1143, HRS, and repealing section 302A-1142, HRS, to clarify that the complex of attendance, as defined and determined by the Department of Education, rather than school districts, shall be the region within which a person of school age is required to attend school, with certain exceptions;
- (9) Amending section 302A-1303.6, HRS, to clarify that charter schools may elect to receive funding based on the procedures and methodology used to calculate the weighted student formula allocation;
- (10) Retaining certain language in section 302A-1404, HRS, regarding the retention and expenditure of federal indirect overhead reimbursements;
- (11) Retaining sections 302A-1311 and 302A-1403, HRS, relating to appropriations for trust funds of the Department of Education and authority to secure federal funds, respectively;



- (12) Adding language to clarify that any existing rule, ordinance, executive order, directive, or provision in a collective bargaining agreement in existence on the effective date of this measure that is not consistent with this Act shall be amended to ensure that it includes language repealed by this measure; and
- (13) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2540, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2540, S.D. 1, and be referred to the Committee on Ways and Means.

Respectfully submitted on
behalf of the members of the
Committee on Education,



JILL TOKUDA, Chair



