
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1 the repeal of outdated and duplicative sections of chapter 302A,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4 implement the programs or activities covered by the repealed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 already been accomplished and are no longer
13 necessary to be codified in statute;
- 14 (2) Impede rather than assist the department of education
15 in meeting its core mission;
- 16 (3) Fall under the purview of the board of education, such
17 as policy, staffing, and programmatic decisions;
- 18 (4) Are already mandated by federal law and do not require
19 codification in state statute; or
- 20 (5) Are covered by another section of the Hawaii Revised
21 Statutes, administrative rules, or board of education
22 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 Kaonoulu, 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 Maunaloa 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;



- 1 (8) Name, address, and occupation of any person borrowing
2 funds from a state or county loan program, and the
3 amount, purpose, and current status of the loan;
- 4 (9) Certified payroll records on public works contracts
5 except social security numbers and home addresses;
- 6 (10) Regarding contract hires and consultants employed by
7 agencies:
8 (A) The contract itself, the amount of compensation;
9 (B) The duration of the contract; and
10 (C) The objectives of the contract,
11 except social security numbers and home addresses;
- 12 (11) Building permit information within the control of the
13 agency;
- 14 (12) Water service consumption data maintained by the
15 boards of water supply;
- 16 (13) Rosters of persons holding licenses or permits granted
17 by an agency that may include name, business address,
18 type of license held, and status of the license;
- 19 (14) The name, compensation (but only the salary range for
20 employees covered by or included in chapter 76, and
21 sections 302A-602 to [~~302A-640,~~] 302A-639, and
22 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."

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



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

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

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

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

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

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

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

19 ~~["Gifted and talented children" means students residing in~~
20 ~~the State who are of compulsory school age and are enrolled in,~~
21 ~~and attending, a public school, and whose superior performance~~
22 ~~or potential indicates exceptional ability or talent. This~~



~~ability or talent may occur singly in or in combination with any of the following areas: intellectual, creative or specific academic abilities, leadership capabilities, psychomotor abilities, or abilities in the performing or visual arts.~~

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

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

~~"School complex" means a grouping of schools established by the department for instructional, administrative, and 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



1 separate fund of the Hawaii alliance for future teachers, a
2 Hawaii nonprofit organization. Moneys received from the state,
3 county, or federal government, private contributions of cash or
4 other property, and the income and capital gains earned by the
5 fund shall constitute its assets.

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

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

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

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



- 1 (2) Establishing criteria for the expenditure of funds;
- 2 (3) Reviewing grant proposals using criteria established
- 3 by Hawaii alliance for future teachers; and
- 4 (4) Making recommendations for grants and other specific
- 5 expenditures.

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

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

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



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

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

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

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

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

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

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



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

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

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

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

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

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

(1) Chapter 103D shall not apply to organizations or agencies that apply for grants or contracts under this section; 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 ~~[(q) 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 8. 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 9. 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 10. 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 11. Section 302A-604, Hawaii Revised Statutes, is
21 amended to read as follows:



1 **"§302A-604 Complex area superintendents.** The
2 superintendent of education, with the approval of the board,
3 shall appoint complex area superintendents for schools. The
4 complex area superintendents shall supervise the delivery of
5 administrative and instructional support services within their
6 respective complex areas, including:

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

14 SECTION 12. Section 302A-1102, Hawaii Revised Statutes, is
15 amended to read as follows:

16 **"~~[+]§302A-1102[+]~~ Department of education; statewide ~~[and~~**
17 **~~regional]~~ administrative services.** The department shall serve
18 as the central support system responsible for the overall
19 administration of statewide educational policy, interpretation,
20 and development of standards for compliance with state and
21 federal laws, and coordination and preparation of a systemwide
22 budget for the public schools. ~~[The department may establish~~



1 ~~regional administrative units to provide administrative support~~
2 ~~to the schools for personnel, fiscal, and procurement services.~~
3 ~~The regional administrative units may also be assigned~~
4 ~~responsibility for the administration and operation of special~~
5 ~~education programs and special schools.] "~~

6 SECTION 13. Section 302A-1125, Hawaii Revised Statutes, is
7 amended to read as follows:

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

18 SECTION 14. Section 302A-1128, Hawaii Revised Statutes, is
19 amended to read as follows:

20 **"§302A-1128 Department powers and duties.** ~~[-a-]~~ The
21 department shall have entire charge and control and be
22 responsible for the conduct of all affairs pertaining to public



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

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

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



~~(2) All pupils shall be progressively competent in the use 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 15. Section 302A-1130, Hawaii Revised Statutes, is amended to read as follows:

"§302A-1130 Public schools special fees and charges[~~+~~ grouping of students]. (a) The department may assess and



1 collect special fees and charges from students for co-curricular
2 activities.

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

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

10 SECTION 16. Section 302A-1130.6, Hawaii Revised Statutes,
11 is amended to read as follows:

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



SECTION 17. Section 302A-1133.5, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

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

SECTION 18. Section 302A-1143, Hawaii Revised Statutes, is amended to read as follows:

"§302A-1143 Attend school in what [~~district,~~] complex of attendance. All persons of school age shall be required to attend the school of the [~~district in which they reside,~~] complex of attendance, as defined and determined by the department, unless enrolled in a Hawaiian language medium education program, charter school, or unless it appears to the department to be desirable to allow the attendance of pupils at a school in some other [~~district,~~] complex of attendance, in which case the department may grant this permission."



SECTION 19. 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 20. 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) Create a list of student characteristics that will be weighted;
- (2) Create a system of weights based upon the student characteristics that may be applied to determine the relative cost of educating any student;
- (3) Determine specific student weights, including their unit value;
- (4) Determine which moneys shall be included in the amount of funds to be allocated through the weighted student formula;
- (5) Recommend a weighted student formula to the board of education;
- (6) Perform any other function that may facilitate the implementation of the weighted student formula; and
- (7) Meet not less than once every odd-numbered year, to review the weighted student formula and, if the committee deems it necessary, recommend a new weighted student formula for adoption by the board of education."

SECTION 21. Section 302A-1303.6, Hawaii Revised Statutes, is amended to read as follows:



1 **"§302A-1303.6 Weighted student formula.** Based upon
2 recommendations from the committee on weights, the board of
3 education[~~, not less than once every odd numbered year, shall~~]
4 may adopt a weighted student formula for the allocation of
5 moneys to public schools that takes into account the educational
6 needs of each student. The department, upon the receipt of
7 appropriated moneys, shall use the weighted student formula to
8 allocate funds to public schools. Principals shall expend
9 moneys provided to the principals' schools. This section shall
10 only apply to charter schools for fiscal years in which the
11 charter schools elect pursuant to section 302B-13 to receive
12 allocations according to the procedures and methodology used to
13 calculate the weighted student formula[~~-~~] allocation."

14 SECTION 22. Section 302A-1305, Hawaii Revised Statutes, is
15 amended to read as follows:

16 **"[~~§~~§302A-1305[~~§~~]] Inactive student activity accounts.**
17 Student activity funds that are left in the school for a period
18 of five years after the graduation of the class shall be
19 deposited into the nonappropriated local school fund account
20 unless the graduating class donates, in writing, the funds to
21 the school within the five-year period. Moneys in the



1 nonappropriated local school fund account may be used by the
2 school."

3 SECTION 23. Section 302A-1312, Hawaii Revised Statutes, is
4 amended by amending subsection (c) to read as follows:

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

- 12 (1) The priority listing established by section 302A-1505;
13 (2) List of projects initiated by the department of
14 education; and
15 (3) List of projects completed with associated actual
16 cost."

17 SECTION 24. Section 302A-1401, Hawaii Revised Statutes, is
18 amended as follows:

19 1. By amending its title to read:

20 " **[+]§302A-1401[+]** Administration and use of federal funds,
21 including **[pregrade] early education.**"

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



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

13 SECTION 25. Section 302A-1404, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "**§302A-1404** [~~Federal indirect overhead reimbursements.~~]
16 **Federal impact aid military liaison.** (a) The department and
17 the charter school administrative office, as appropriate, may
18 retain and expend federal indirect overhead reimbursements for
19 discretionary grants in excess of the negotiated rate for such
20 reimbursements as determined by the director of finance and the
21 superintendent or the director of finance and the executive
22 director of the charter school administrative office.



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

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

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

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

16 SECTION 26. Section 302A-1506.5, Hawaii Revised Statutes,
17 is amended by amending subsection (a) to read as follows:

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



1 to facilities on sites with sufficient space for three or more
2 classrooms to be renovated or constructed."

3 SECTION 27. Section 302A-1507, Hawaii Revised Statutes, is
4 amended to read as follows:

5 **"§302A-1507 Classroom cleaning project; established. (a)**

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

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

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

17 SECTION 28. Section 302A-301, Hawaii Revised Statutes, is
18 repealed.

19 ~~["§302A-301 Incentive and innovation grants. (a) There~~
20 ~~is established in the state treasury a trust fund to be known as~~
21 ~~the incentive and innovation grant trust fund to provide~~
22 ~~incentive and innovation grants to qualified schools, including~~



~~1 charter schools. Expenditures from the trust fund shall be made~~
~~2 by the department and shall be subject to the allotment and~~
~~3 expenditure plan required under section 37-34.5.~~

~~4 Notwithstanding any other law to the contrary, tax deductible~~
~~5 donations may be made to, and received by, this trust fund.~~

~~6 (b) Grants shall be for such purposes as the funding of~~
~~7 experimental and innovative instructional programs, in-service~~
~~8 training, and other activities that promote innovation as~~
~~9 outlined in the proposal.~~

~~10 (c) The board shall establish and appoint the members of a~~
~~11 grant award panel, which shall consist of at least one~~
~~12 representative from each of the following groups:~~

~~13 (1) Parents;~~

~~14 (2) Students;~~

~~15 (3) Teachers;~~

~~16 (4) School administrators;~~

~~17 (5) School support staff;~~

~~18 (6) Businesspersons; and~~

~~19 (7) The military; whose participation shall be requested.~~

~~20 The panel shall include a representative from each school~~
~~21 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 school or schools' allotment toward the proposed program; and~~

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



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

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

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

12 SECTION 29. Section 302A-429, Hawaii Revised Statutes, is
13 repealed.

14 ~~["§302A-429 Work-based learning program authorized. To~~
15 ~~provide students with opportunities to apply knowledge and~~
16 ~~skills acquired in the classroom to real-life work experiences,~~
17 ~~the department may establish and regulate a work-based learning~~
18 ~~program under conditions determined by the department and the~~
19 ~~University of Hawaii."]~~

20 SECTION 30. Section 302A-431.5, Hawaii Revised Statutes,
21 is repealed.



1 ~~["§302A-431.5] School to work transition program,~~
2 ~~established. There is established within the department of~~
3 ~~education a school to work transition program."]~~

4 SECTION 31. Section 302A-431.6, Hawaii Revised Statutes,
5 is repealed.

6 ~~["§302A-431.6] Powers and duties. The school to work~~
7 ~~transition program shall provide for the continued delivery of~~
8 ~~integrated services directed at assisting high school students~~
9 ~~toward successfully completing their transition from school to~~
10 ~~work, or to further their training and education."]~~

11 SECTION 32. Section 302A-431.7, Hawaii Revised Statutes,
12 is repealed.

13 ~~["§302A-431.7 Agriculture education program. (a) The~~
14 ~~department shall establish and administer a comprehensive~~
15 ~~agriculture education program aligned with the natural resources~~
16 ~~career pathway. The agriculture education program shall include~~
17 ~~adequate staffing of individuals trained or experienced in the~~
18 ~~field of agriculture to coordinate the program and to provide~~
19 ~~assistance to school complexes for the coordination of the~~
20 ~~activities of related student organizations and associations.~~

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



- 1 ~~(1) Assist in assessing the agricultural needs of the~~
2 ~~State and devise methods of meeting those needs with~~
3 ~~the agriculture education program;~~
- 4 ~~(2) Assist school districts in establishing agriculture~~
5 ~~education programs;~~
- 6 ~~(3) Review school district applications for approval of~~
7 ~~agriculture education programs;~~
- 8 ~~(4) Evaluate existing programs and design complementary~~
9 ~~programs;~~
- 10 ~~(5) Plan research and studies for the improvement of~~
11 ~~curriculum materials for specialty areas of~~
12 ~~agriculture, including aquaculture and incumbent~~
13 ~~worker training;~~
- 14 ~~(6) Ensure that the standards and criteria developed under~~
15 ~~this section satisfy the mandates of federally-~~
16 ~~assisted career and technical education;~~
- 17 ~~(7) Develop in-service programs for teachers and~~
18 ~~administrators of agriculture education programs;~~
- 19 ~~(8) Review applications for agriculture teacher~~
20 ~~certification;~~
- 21 ~~(9) Assist in teacher recruitment and placement in~~
22 ~~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.~~

~~(e) 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 33. 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,~~



1 ~~including its community colleges, or other public or private~~
2 ~~entities."~~]

3 SECTION 34. Section 302A-431.9, Hawaii Revised Statutes,
4 is repealed.

5 ~~["~~§302A-431.9~~ Veterans high school diploma for armed~~

6 ~~services veterans and others.~~ (a) The department shall

7 ~~establish a program to award a veterans high school diploma to~~

8 ~~qualified veterans who did not receive a high school diploma as~~

9 ~~a result of compulsory induction into active service in the~~

10 ~~armed services of the United States.~~

11 ~~(b) For purposes of this section, a "qualified veteran" is~~

12 ~~a person who:~~

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

14 ~~(2) Was compulsorily inducted into the armed services of~~

15 ~~the United States between:~~

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

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

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

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

20 ~~State, provided that the department may consider~~

21 ~~extending these time periods through rules adopted~~

22 ~~under chapter 91, and~~



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

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

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

SECTION 35. Section 302A-444, Hawaii Revised Statutes, is
repealed.

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

~~The department may provide a statewide flexible system of
educational placement and programs within the public school
system that the department determines is appropriate for meeting
the unique educational needs of gifted and talented children.
The nature and scope of the department's educational placement
and programs shall be based on, but not be limited to, the
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 36. Section 302A-445, Hawaii Revised Statutes, is amended to read as follows:

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

SECTION 37. Section 302A-446, Hawaii Revised Statutes, is repealed.

~~["**~~§302A-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 38. 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;~~
- ~~(3) Equal access to practice and game times;~~
- ~~(4) Travel and per diem allowances;~~



~~(5) Opportunities to receive coaching and academic tutoring;~~

~~(6) Assignment and compensation of coaches and tutors;~~

~~(7) Access to locker room, weight room, and practice, competitive, and training facilities;~~

~~(8) Access to medical services;~~

~~(9) The provision of housing and dining facilities and services;~~

~~(10) Publicity; and~~

~~(11) Any other relevant factors.~~

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

SECTION 39. Section 302A-464, Hawaii Revised Statutes, is repealed.

~~["~~[§302A-464]~~ Equity in athletics; rules and~~

~~implementation. (a) By July 1, 2001, the superintendent shall define equity in athletics for all public high schools and shall~~



~~1 recommend rules for appropriate enforcement mechanisms to ensure~~
~~2 equity. The superintendent shall develop a strategic plan~~
~~3 containing recommendations and a timetable to achieve equity.~~
~~4 Those recommendations relating to use of existing personnel,~~
~~5 equipment, resources, and facilities shall be commenced and~~
~~6 continued by the expiration of the advisory commission. The~~
~~7 recommendations shall include, but not be limited to:~~

~~8 (1) A determination of an equitable rate of participation~~
~~9 of males and females in athletics at public high~~
~~10 schools; and~~

~~11 (2) A determination of the appropriate use of revenues~~
~~12 when making decisions about the equitable use of funds~~
~~13 for support of athletic activities. In making this~~
~~14 determination, the advisory commission shall consider~~
~~15 all funds received and expended for athletic promotion~~
~~16 or support, including revenues from direct support~~
~~17 organizations.~~

~~18 (b) Indicators shall be developed and benchmarks shall be~~
~~19 established to measure progress toward goals."]~~

~~20 SECTION 40. Section 302A-465, Hawaii Revised Statutes, is~~
~~21 repealed.~~



1 ~~["§302A-465] Compliance report. By December 31, 2000,~~
2 ~~the superintendent of education shall submit to the legislature~~
3 ~~and the advisory commission on gender equity in sports a report~~
4 ~~of compliance with Public Law 92-318, Title IX, of the federal~~
5 ~~Education Amendments of 1972, including a compliance plan with~~
6 ~~timelines for every public high school, an analysis and~~
7 ~~assessment of current activities with respect to Title IX~~
8 ~~compliance, and itemized expenditures for athletics."]~~

9 SECTION 41. Section 302A-466, Hawaii Revised Statutes, is
10 repealed.

11 ~~["§302A-466] No private right of action. No private~~
12 ~~right of action at law shall arise under this subpart."]~~

13 SECTION 42. Section 302A-467, Hawaii Revised Statutes, is
14 repealed.

15 ~~["§302A-467] Applicability. This subpart shall apply to~~
16 ~~public schools as defined in section 302A-101, provided that it~~
17 ~~shall apply to grades nine to twelve only."]~~

18 SECTION 43. Section 302A-601.3, Hawaii Revised Statutes,
19 is repealed.

20 ~~["§302A-601.3] Newly hired employees; paycheck deficits,~~
21 ~~partial wages. (a) The department shall establish and~~
22 ~~implement appropriate policies, procedures, technology, and~~



1 ~~accountability measures to ensure that newly hired employees~~
2 ~~receive timely and accurate wages.~~

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

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

18 SECTION 44. Section 302A-606, Hawaii Revised Statutes, is
19 repealed.

20 ~~["~~[§302A-606]~~ Considerations in appointing teachers. In~~
21 ~~the appointment of teachers by the department, preference shall~~
22 ~~be given to local teachers of the same standing, grade, or~~



1 ~~rating as those teachers from without the State. The rating of~~
2 ~~a teacher shall not depend upon the number of pupils promoted or~~
3 ~~graduated, but solely upon the length of service, efficiency,~~
4 ~~and ability of the teacher."]~~

5 SECTION 45. Section 302A-633.5, Hawaii Revised Statutes,
6 is repealed.

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



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

15 SECTION 46. Section 302A-638.5, Hawaii Revised Statutes,
16 is repealed.

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



SECTION 47. 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 48. 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 49. 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 education. This subpart also establishes a revolving fund for the accounting and control of receipts and disbursements in connection with the department of education's functions of planning, constructing, repairing, maintaining, and operating housing programs for teachers employed and assigned by the department of education."]~~

SECTION 50. Section 302A-1103, Hawaii Revised Statutes, is repealed.



1 ~~["§302A-1103 Principal, authority and responsibility. The~~
2 ~~role of the principal shall include but not be limited to~~
3 ~~overseeing the day to day management of the school, the primary~~
4 ~~function of which is to develop and deliver instructional~~
5 ~~services to students in accordance with statewide educational~~
6 ~~policy and to enable students to meet or exceed statewide~~
7 ~~academic standards. The principal shall:~~

8 ~~(1) Ensure that the curriculum facilitates the achievement~~
9 ~~of the statewide student performance standards adopted~~
10 ~~for the public school system;~~

11 ~~(2) Develop and present to the school community council~~
12 ~~for its review and approval, academic and financial~~
13 ~~plans relating to the school;~~

14 ~~(3) Exercise authority over the implementation of the~~
15 ~~budget, policies, and operations of the school; and~~

16 ~~(4) Collaborate with other principals in the principal's~~
17 ~~school complex to ensure that:~~

18 ~~(A) Logical, sequential curricula are adopted within~~
19 ~~the school complex;~~

20 ~~(B) Best practices are shared among and implemented~~
21 ~~by schools within the school complex;~~



1 ~~(C) The goals and objectives of the school complex~~
2 ~~are being met;~~

3 ~~(D) The use of school complex based personnel and~~
4 ~~contractors who divide their time between more~~
5 ~~than one school in a school complex is~~
6 ~~coordinated to maximize efficiency; and~~

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

10 SECTION 51. Section 302A-1104, Hawaii Revised Statutes, is
11 repealed.

12 ~~["**{S302A-1104}** Learning support centers. Beginning with~~
13 ~~the 1995-1996 school year and until June 30, 1999, school level~~
14 ~~support for curriculum and instruction shall be provided through~~
15 ~~learning support centers to be governed by schools within each~~
16 ~~complex. The centers shall assist school personnel in the~~
17 ~~delivery of instructional services by providing support through~~
18 ~~curriculum development, student assessment, staff development,~~
19 ~~and resource allocation. The types of services offered and the~~
20 ~~manner in which these services are provided by the centers, as~~
21 ~~well as the prioritization and allocation of available~~
22 ~~resources, shall be determined by policies established by each~~



1 ~~complex. Any regional administrative units established by the~~
2 ~~department shall be assigned all administrative functions and~~
3 ~~provide administrative support to the learning support~~
4 ~~centers."]~~

5 SECTION 52. Section 302A-1127, Hawaii Revised Statutes, is
6 repealed.

7 ~~["**~~§302A-1127~~** Rules. The board may adopt rules under~~
8 ~~chapter 91 to implement sections 302A-202, 302A-1124 to~~
9 ~~302A-1126, and 302A-1507."]~~

10 SECTION 53. Section 302A-1130.5, Hawaii Revised Statutes,
11 is repealed.

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



~~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.~~



1 ~~If the student and student's parents or guardians do not~~
2 ~~agree with the determination made by the principal, the~~
3 ~~principal shall report the determination and the findings made~~
4 ~~by the principal and transfer all records and documents~~
5 ~~regarding the investigation to the complex area superintendent~~
6 ~~for any further action.~~

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

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

17 SECTION 54. Section 302A-1142, Hawaii Revised Statutes, is
18 repealed.

19 ~~["~~§302A-1142~~ School districts. For the better control~~
20 ~~and management of the public schools, the department may~~
21 ~~designate school districts, establish their boundaries, and~~
22 ~~alter the same from time to time as in its discretion it deems~~



1 ~~most advisable. These districts shall be so arranged that there~~
2 ~~shall be no unassigned locality."]~~

3 SECTION 55. Section 302A-1144, Hawaii Revised Statutes, is
4 repealed.

5 ~~["§302A-1144] Records of pupils; release from attendance.~~

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

18 SECTION 56. Section 302A-1146, Hawaii Revised Statutes, is
19 repealed.

20 ~~["§302A-1146 Schools; merchandise. It shall be unlawful~~
21 ~~for any public school, without the written permission of the~~
22 ~~department, to operate stores or to sell merchandise, with the~~



~~following exceptions: school lunches, milk, ice cream, candy,
and products made or grown at the school as part of the
educational program. The department, with the advice of the
comptroller, shall adopt rules in conformance with chapter 91
necessary for the purposes of this section."~~]

SECTION 57. Section 302A-1150, Hawaii Revised Statutes, is
repealed.

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

SECTION 58. Section 302A-1302, Hawaii Revised Statutes, is
repealed.

~~["**~~\$302A-1302~~** School-based budget flexibility. (a)
Beginning with the 1995-1997 fiscal biennium, the department
shall implement school-based budget flexibility for schools,
complexes, and learning support centers. The flexibility shall~~



1 ~~be limited to the school-based budgeting program EDN 100 of the~~
2 ~~department for all schools except charter schools.~~

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

6 SECTION 59. Section 302A-1303, Hawaii Revised Statutes, is
7 repealed.

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

15 SECTION 60. Section 302A-1308, Hawaii Revised Statutes, is
16 repealed.

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



1 ~~the plans for conformance with departmental policies and rules.~~
2 ~~Upon approval of the plans, moneys may be expended by the~~
3 ~~principals for supplies, textbooks, equipment, and services.~~
4 ~~Positions may be used to meet the unique needs of the schools."]~~

5 SECTION 61. Section 302A-1313, Hawaii Revised Statutes, is
6 repealed.

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

14 SECTION 62. Section 302A-1501, Hawaii Revised Statutes, is
15 repealed.

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



~~conditions for deciding whether acoustic noise control and air 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 63. 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 64. 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 65. 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 66. 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



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

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

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



1 SECTION 67. 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 insure that it includes language repealed by this
6 Act.

7 SECTION 68. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 69. This Act shall take effect upon its approval;
10 provided that section 34 shall take effect on June 30, 2015.



Report Title:

Education

Description:

Amends or repeals various provisions of chapter 302A, Hawaii Revised Statutes, for housekeeping and other purposes. (SD1)

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

