

A Bill for an Act Relating to Education.

*Be It Enacted by the Legislature of the State of Hawaii:*

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

The legislature also 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. Pursuant to Act 5, Session Laws of Hawaii 2011, the members of the board of education have been appointed and confirmed and have begun their important work. This change in educational governance provides a unique opportunity to review sections of the Hawaii Revised Statutes to determine if amending or reducing statutory constraints and requirements might assist the board of education and department of education in creating a more effective educational delivery system. These statutory changes will not diminish the role of the legislature in overseeing the department of education and holding it accountable for the educational success of students. Nor should the repeal of outdated and duplicative sections of chapter 302A, Hawaii Revised Statutes, suggest that the department of education did not or does not have the proper legal authority to implement the programs or activities covered by the repealed sections. Rather, this Act places decision making over those certain programs or activities at the best level, whether at the board policy level or the department administrative level.

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

- (1) Have been accomplished and are no longer necessary;
- (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, staffing, and programmatic decisions;
- (4) Are mandated by federal law and do not require codification in state law; or
- (5) Are covered by another section of the Hawaii Revised Statutes, administrative rules, or board of education 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 dis-

tricts; 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;
  - (G) North Kona, to be styled the North Kona district;
  - (H) South Kona, to be styled the South Kona district; and
  - (I) Kau, to be styled the Kau district.
- (2) The islands of Maui, Molokai, Lanai, and Kahoolawe and the counties of Maui and Kalawao shall be divided into seven districts as follows:
  - (A) Kahikinui, Kaupo, Kipahulu, Hana, and Koolau, to be styled the Hana district;
  - (B) Hamakualoa, Hamakuapoko, portion of Kula, and Honu-  
aula, the western boundary being a line starting from the sea at Kapukaulua on the boundary between the ahupuaas of Haliimaile and Wailuku, thence running inland following the boundary to the mauka side of the Lowrie ditch, thence following the mauka side of the ditch and its projected extension to the Waiakoa gulch which is the boundary between the ahupuaas of Pulehunui and Waiakoa, thence down along the boundary to the mauka boundary of the Waiakoa Homesteads (makai section), thence along the boundary to the ahupuaa of Kaonoulu, thence across the ahupuaa of Kaonoulu to the mauka boundary of the Waiohuli-Keokea Beach Homesteads, thence along the boundary to the mauka boundary of the Kamaole Homesteads, thence along the boundary and the extension thereof to the north boundary of the ahupuaa of Paeahu, thence along the boundary to the sea, and including the island of Kahoolawe, to be styled the Makawao district;
  - (C) All that portion of central Maui lying east of a line along the boundary of the ahupuaas of Kahakuloa and Honokohau to the peak of Eke crater, thence along the ridge of mountains and down the bottom of Manawainui gulch to the sea, and west of the boundary of Makawao district, to be styled Wailuku district;
  - (D) All that portion of Maui lying west of Wailuku district, to be styled the Lahaina district;
  - (E) The island of Molokai, except that portion of the island known as Kalaupapa, Kalawao, and Waikolu and commonly known or designated as the Settlement for Hansen's disease sufferers, to be styled the Molokai district;
  - (F) All that portion of the island of Molokai known as Kalaupapa, Kalawao, and Waikolu forming the county of Kalawao, to be styled the Kalawao district; and
  - (G) The island of Lanai, to be styled the Lanai district.

ACT 133

- (3) For judicial purposes, the island of Oahu shall be divided into seven districts as follows:
- (A) From Makapuu Head in Maunaloa to Moanalua inclusive, and the islands not included in any other district, to be styled the Honolulu district;
  - (B) Ewa, excluding Waikakalaua, Waipio Acres, and Mililani Town, to be styled the Ewa district;
  - (C) Waianae excluding Waianae Uka, to be styled the Waianae district;
  - (D) From Kaena point to and including Waialeale Stream excluding Wahiawa, hereinafter described, to be styled the Waialua district;
  - (E) From Waialeale Stream to Lae o ka Oio, to be styled the Koolauloa district;
  - (F) From Lae o ka Oio to Makapuu Head in Waimanalo, to be styled the Koolaupoko district; and
  - (G) Wahiawa and Waianae Uka, including Waikakalaua, Waipio Acres, and Mililani Town, lying between Ewa and Waialua districts and more particularly described in the following manner: Beginning at Puu Kaaumakua in the Koolau range and running to and along the south boundary of Waianae Uka (which is also the south boundary of Schofield Barracks Military Reservation) to Puu Hapapa in the Waianae range; thence continuing along Schofield Barracks Military Reservation northerly along the Waianae range to Puu Kaala, easterly along Mokuleia down ridge to Puu Pane, continuing to Maili Trig. station, and down ridge to Haleauau stream and down Haleauau stream to Kaukonahua gulch, and easterly along the gulch to the west boundary of the ahupuaa of Wahiawa; thence leaving Schofield Barracks Military Reservation and following up and along the west and north boundaries of the ahupuaa of Wahiawa to the Koolau range; thence along the Koolau range to the beginning; to be styled the Wahiawa district.
- (4) For all purposes except for judicial, the island of Oahu shall be divided into seven districts as follows:
- (A) From Makapuu Head in Maunaloa to Moanalua inclusive, and the islands not included in any other district, to be styled the Honolulu district;
  - (B) Ewa, to be styled the Ewa district;
  - (C) Waianae excluding Waianae Uka, to be styled the Waianae district;
  - (D) From Kaena point to and including the ahupuaa of Waimea excluding Wahiawa, hereinafter described, to be styled the Waialua district;
  - (E) From Waimea to Lae o ka Oio, to be styled the Koolauloa district;
  - (F) From Lae o ka Oio to Makapuu Head in Waimanalo, to be styled the Koolaupoko district; and
  - (G) Wahiawa and Waianae Uka, lying between Ewa and Waialua districts and more particularly described in the following manner: Beginning at Puu Kaaumakua in the Koolau range and running to and along the south boundary of Waianae Uka (which is also the south boundary of Schofield Barracks Military Reservation) to Puu Hapapa in the Waianae range:

thence continuing along Schofield Barracks Military Reservation northerly along the Waianae range to Puu Kaala, easterly along Mokuleia down ridge to Puu Pane, continuing to Maili Trig. station, and down ridge to Haleauau stream and down Haleauau stream to Kaukonahua gulch, and easterly along the gulch to the west boundary of the ahupuaa of Wahiawa; thence leaving Schofield Barracks Military Reservation and following up and along the west and north boundaries of the ahupuaa of Wahiawa to the Koolau range; thence along the Koolau range to the beginning; to be styled the Wahiawa district.

- (5) The islands of Kauai, Niihau, Kaula, and county of Kauai, shall be divided into five districts as follows:
  - (A) From Puanaaiea point to the ili of Eleele, including the islands of Niihau and Kaula, to be styled the Waimea district;
  - (B) From and including the ili of Eleele to and including Mahaulupu, to be styled the Koloa district;
  - (C) From and including Kipu to the northerly bank of the north fork and the main Wailua river, to be styled the Lihue district;
  - (D) From the northerly bank of the north fork and the main Wailua river to Kealaakaiole, to be styled the Kawaihau district; and
  - (E) From and including Kealaakaiole to Puanaaiea point to be styled the Hanalei district."

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

"(a) There is created in the state general fund under EDN 400 (school support) the state educational facilities repair and maintenance account, into which shall be deposited legislative appropriations to the account designated for use solely to eliminate the backlog of school repair and maintenance projects, including the repair or replacement of fixtures, furnishings, and equipment, existing on June 30, 2000. Expenditures from the account shall be subject to sections 37-31 and 37-33 to 37-40. Based on the prioritization approved by the department of education [as prescribed by section 302A-1505], appropriations or authorizations from the account shall be expended by the superintendent of education."

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

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

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

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

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

ACT 133

- (1) Rules of procedure, substantive rules of general applicability, statements of general policy, and interpretations of general applicability adopted by the agency;
- (2) Final opinions, including concurring and dissenting opinions, as well as orders made in the adjudication of cases, except to the extent protected by section 92F-13(1);
- (3) Government purchasing information, including all bid results, except to the extent prohibited by section 92F-13;
- (4) Pardons and commutations, as well as directory information concerning an individual's presence at any correctional facility;
- (5) Land ownership, transfer, and lien records, including real property tax information and leases of state land;
- (6) Results of environmental tests;
- (7) Minutes of all agency meetings required by law to be public;
- (8) Name, address, and occupation of any person borrowing funds from a state or county loan program, and the amount, purpose, and current status of the loan;
- (9) Certified payroll records on public works contracts except social security numbers and home addresses;
- (10) Regarding contract hires and consultants employed by agencies:
  - (A) The contract itself, the amount of compensation;
  - (B) The duration of the contract; and
  - (C) The objectives of the contract, except social security numbers and home addresses;
- (11) Building permit information within the control of the agency;
- (12) Water service consumption data maintained by the boards of water supply;
- (13) Rosters of persons holding licenses or permits granted by an agency that may include name, business address, type of license held, and status of the license;
- (14) The name, compensation (but only the salary range for employees covered by or included in chapter 76, and sections 302A-602 to ~~302A-640;~~ 302A-639, and 302A-701, or bargaining unit (8)), job title, business address, business telephone number, job description, education and training background, previous work experience, dates of first and last employment, position number, type of appointment, service computation date, occupational group or class code, bargaining unit code, employing agency name and code, department, division, branch, office, section, unit, and island of employment, of present or former officers or employees of the agency; provided that this paragraph shall not require the creation of a roster of employees; and provided further that this paragraph shall not apply to information regarding present or former employees involved in an undercover capacity in a law enforcement agency;
- (15) Information collected and maintained for the purpose of making information available to the general public; and
- (16) Information contained in or compiled from a transcript, minutes, report, or summary of a proceeding open to the public."