
A BILL FOR AN ACT

RELATING TO EDUCATION:

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

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PART I

2 SECTION 1. The legislature finds that many children are on
3 their own in the mornings and afternoons before and after the
4 school bell rings. Nationally, nearly two-thirds of school-aged
5 children are in homes with both parents working, yet very few
6 communities have a comprehensive system of before- and after-
7 school care for children. When older children are unsupervised
8 in the morning, afternoon, evening, weekend, and holiday hours,
9 statistics clearly show that rates of juvenile crime and drug
10 use increase, as well as the likelihood of experimenting with
11 tobacco, alcohol, or sexual intercourse.

12 The legislature also finds that there is widespread
13 agreement amongst community members that it is important to
14 establish safe, structured, and supervised learning environments
15 for school-aged children during non-school hours to prevent
16 problems associated with crime, drugs, and sex by school-aged
17 children.



1 In consideration of the high proportion of two-parent
2 working families and single parents who work, it is imperative
3 that non-school-hour programs are available to children before
4 school, after school, on weekends, and during summer breaks. A
5 structured and supervised school environment is an ideal setting
6 to keep children and youth mentally engaged and involved in
7 positive activities that improve learning and reduce delinquency
8 while at the same time minimizing the likelihood of school-aged
9 children becoming involved with substance abuse, criminal
10 activity, and teen pregnancy.

11 In the past few years, funds were appropriated by the
12 legislature to the department of education, the office of youth
13 services, and four counties in the state. Through Act 281,
14 Session Laws of Hawaii 2006, over six thousand three hundred
15 students participated in meaningful, wholesome, non-school-hour
16 activities statewide. However, in consideration of budgetary
17 constraints, funding for non-school-hour programs has been cut
18 severely. Consequently, school children unfortunately take the
19 brunt of the cutbacks with detrimental effects in education as
20 well as personal development. For example, the A-Plus program
21 was eliminated, which caused families to pay for childcare and
22 effectively rendered after-school programs inaccessible.



1 Temporary assistance to needy families funding was restricted by
2 the federal government, resulting in fewer dollars to fund
3 programs for after-school care.

4 The intent of this Act is to provide funding for wholesome
5 activities to enable children and youth to explore their
6 potential and interests; develop healthy relationships with
7 their family, peers, and community; and provide experiences that
8 will help them achieve success throughout their lifetime. Their
9 involvement in these activities will help deter juvenile crime
10 and drug use, as well as reducing the likelihood that school-
11 aged children experiment with tobacco, alcohol, or sexual
12 activity.

13 Of particular concern is the anticipated cutbacks in
14 federal funding to the supplemental education services program
15 that provides tutoring for low-income children, according to the
16 Tutor Our Children Coalition which includes Tutor Hawaii, a
17 local nonprofit organization. As part of the No Child Left
18 Behind Act, free tutoring is required under the supplemental
19 education services program. These at-risk, low-income children
20 may no longer be able to receive free after school tutoring.



1 The purpose of this Act is to provide a dedicated source of
2 funding for non-school-hour programs and to make appropriations
3 for non-school-hour programs.

4 **PART II**

5 SECTION 2. Chapter 302A, Hawaii Revised Statutes, is
6 amended by adding a new section to be appropriately designated
7 and to read as follows:

8 "§302A- Non-school-hour programs special fund. (a)

9 There is created a non-school-hour programs special fund, into
10 which \$1 of the sale proceeds of any electronic device,
11 computer, or computer equipment, or parts of an electronic
12 device or computer purchased in this State that has a retail
13 cost of \$ or more, shall transferred and deposited.
14 The department shall administer the non-school-hour programs
15 special fund.

16 (b) For purposes of this section, non-school-hour programs
17 include child-care programs; tutoring; education classes;
18 remedial classes; arts, crafts, sports, and recreation programs;
19 career exploration programs; self-improvement activities;
20 leadership programs; environmental stewardship opportunities;
21 financial education; cooking and other life skill classes;
22 cultural enrichment and exchange activities; and other programs,



1 wherever feasible, at public school, public park facilities, and
2 other locations in the community.

3 (c) All expenditures from the non-school-hour programs
4 special fund shall be made by appropriation."

5 SECTION 3. Section 302A-408, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "**§302A-408** [~~After-school and weekend.~~] Non-school-hour
8 programs. The department and the appropriate county agencies
9 may establish and regulate programs of [~~after-school and~~
10 ~~weekend~~] non-school hour and community-school activities for
11 children, including but not limited to child-care programs[~~7~~];
12 arts and crafts, hula, and ukulele[~~7~~] lessons; tutoring;
13 education classes; remedial classes; arts, crafts, sports, and
14 recreation programs; career exploration programs; self-
15 improvement activities; leadership programs; environmental
16 stewardship opportunities; financial education; cooking and
17 other life skill classes; cultural enrichment and exchange
18 activities; and other programs and recreational projects,
19 wherever feasible, at public school [~~and~~], public park
20 facilities[~~7~~], and other locations in the community. In
21 addition to any appropriation of public funds, reasonable fees
22 established by the agencies operating the programs may be



1 collected from children enrolled, in the furtherance of
2 particular programs. The appropriate agencies may obtain from
3 time to time the services of persons in a voluntary or unpaid
4 capacity, exempt from chapter 76, as may be necessary for
5 carrying out the purposes of this section, and may regulate
6 their duties, powers, and responsibilities when not otherwise
7 provided by law. Any person whose services have been so
8 accepted, while engaged in the performance of duty under this
9 section, shall be deemed a state employee or an employee of a
10 political subdivision, as the case may be, in determining the
11 liability of the State or the political subdivision for the
12 negligent acts of these persons.

13 For purposes of this section, "non-school hour" means
14 anytime that there is no school."

15 SECTION 4. Section 346-152, Hawaii Revised Statutes, is
16 amended by amending subsection (a) to read as follows:

17 "(a) Nothing in this part shall be construed to include:

- 18 (1) A person caring for children related to the caregiver
19 by blood, marriage, or adoption;
- 20 (2) A person, group of persons, or facility caring for a
21 child less than six hours a week;



- 1 (3) A kindergarten, school, or program licensed by the
2 department of education;
- 3 (4) A program that provides exclusively for a specialized
4 training or skill development for children, including
5 but not limited to programs providing activities such
6 as athletic sports, foreign language, the Hawaiian
7 language, dance, drama, music, or martial arts;
- 8 (5) A multiservice organization or community association,
9 duly incorporated under the laws of the State that
10 operates for the purpose of promoting recreation,
11 health, safety, or social group functions for eligible
12 pupils in public and private schools through seventeen
13 years of age;
- 14 (6) Programs for children four years of age and older that
15 operate for no more than two consecutive calendar
16 weeks in a three-month period;
- 17 (7) A provider agency operating or managing a homeless
18 facility or any other program for homeless persons
19 authorized under part XVII;
- 20 (8) [~~After school, weekend, and summer recess~~] Non-school-
21 hour programs conducted by the department of education
22 pursuant to section 302A-408;



1 (9) Child care programs for children five years of age and
 2 older conducted by counties pursuant to section
 3 302A-408; provided that each county adopts rules for
 4 its programs;

5 (10) Any person who enters a home in a child caring
 6 capacity and only cares for children who are of that
 7 household; and

8 (11) A person caring for two or fewer children unrelated to
 9 the caregiver by blood, marriage, or adoption."

PART III

11 SECTION 5. There is appropriated out of the general
 12 revenues of the State of Hawaii the sum of \$ or so
 13 much thereof as may be necessary for fiscal year 2012-2013 for
 14 deposit into the non-school-hour programs special fund.

15 The sum appropriated shall be expended by the department of
 16 education for the purposes of this Act.

17 SECTION 6. (a) There is appropriated out of the non-
 18 school-hour programs special fund the sum of \$ or so
 19 much thereof as may be necessary for fiscal year 2012-2013 for
 20 purposes of:

21 (1) Providing non-school-hour programs that include child-
 22 care programs; arts and crafts; hula; and ukulele;



1 lessons; tutoring; education classes; remedial
2 classes; arts, crafts, sports, and recreation
3 programs; career exploration programs; self-
4 improvement activities; leadership programs;
5 environmental stewardship opportunities; financial
6 education; cooking and other life skill classes;
7 cultural enrichment and exchange activities; and other
8 programs and recreational projects; and

9 (2) Purchasing or leasing of vehicles by a school to
10 furnish students with transportation to travel to and
11 from school to attend programs and classes described
12 under paragraph (1), if those programs or classes are
13 held at places other than the school.

14 (b) The sum appropriated in subsection (a) shall be
15 allocated to the four counties in an amount equal to forty per
16 cent as provided in paragraph (1) of this subsection, to the
17 department of education in an amount equal to forty per cent as
18 provided in paragraph (2) of this subsection, and to the office
19 of youth services in an amount equal to twenty per cent. For
20 the amounts allocated to the counties and the department of
21 education, each county and school shall be allocated moneys as
22 follows:



1 (1) For counties, in the same proportion as the number of
2 students in each county in relation to the total
3 number of students in the State; and

4 (2) For the department of education, each school to
5 receive an amount based on the weighted student
6 formula under section 302A-1303.6, Hawaii Revised
7 Statutes; and

8 (c) The sum appropriated shall be expended by the
9 department of education for the purposes of this Act.

10 PART IV

11 SECTION 7. Moneys appropriated for the purposes of this
12 Act shall not supplant any other moneys previously allocated for
13 new or existing non-school-hour programs.

14 SECTION 8. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

16 SECTION 9. This Act shall take effect upon its approval;
17 provided that sections 5 and 6 of this Act shall take effect on
18 July 1, 2012.

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INTRODUCED BY: John M. ...
Koreo ... Shun ... Cynthia Thielen
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H.B. NO. 2293

Report Title:

Education; Non-school-hour programs; Appropriation

Description:

Creates the non-school-hour programs special fund as a dedicated source of funding for non-school-hour programs. Makes appropriations from the non-school-hour programs special fund and the general fund for non-school-hour programs.

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

