

Honolulu, Hawaii

FEB 08 2013

RE: S.B. No. 49
S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Madam:

Your Committee on Education, to which was referred S.B. No. 49 entitled:

"A BILL FOR AN ACT RELATING TO EDUCATION,"

begs leave to report as follows:

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

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

Your Committee received testimony in support of this measure from the Department of Education, Hawaii Teacher Standards Board, Hawai'i Educational Policy Center, and IMUAlliance. Your Committee received late testimony in opposition to this measure from the



Hawaii Government Employees Association, HGEA AFSCME Local 152, AFL-CIO. Your Committee received comments on this measure from the Department of Budget of Finance.

Your Committee finds that, the Legislature passed Act 133, Session Laws of Hawaii 2012 (Act 133), which sought to clarify or resolve conflicting or inconsistent language in different sections of law and to amend or repeal various sections of chapter 302A, HRS. This measure continues to amend or repeal various sections of chapter 302A, HRS, for housekeeping or other purposes.

Your Committee further finds that, similarly to Act 133, the statutory revisions proposed by this measure do not diminish the role of the Legislature in overseeing the Department of Education and holding it accountable for the educational success of students but rather seeks to place certain decision making authority within the most appropriate body.

In addition, your Committee notes that deleting outdated or duplicative sections of chapter 302A, HRS, does not in any way suggest that the Department of Education does not have proper legal authority to implement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

Your Committee also notes the concern of the Hawaii Government Employee Association that the amendment and repeal of certain sections in this measure might create some ambiguity as to the role of principals, however your Committee believes that this matter should be left for resolution in collective bargaining negotiations and may be more appropriately placed under the purview of the Board of Education.

Your Committee has amended this measure by:

- (1) Deleting the definition of "admit" or "admitted";
- (2) Amending the definition of "attend" or "attendance" to mean that a student is physically present in school after enrollment;
- (3) Deleting the definition of "certificate";

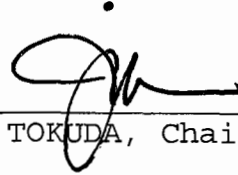


- (4) Amending the definition of "enroll" or "enrollment" to mean a student has met all of the Department of Education's requirements for entrance and is formally put on a school's roll;
- (5) Amending the definition of "license" to clarify that a license:
 - (A) Indicates the subject area and grade level for which a teacher has met all licensure requirements and is qualified to teach, and authorizes the licensee to teach in the State; and
 - (B) Does not apply to the term "license" as it is used in sections 302A-425, 302A-426, and 302A-427, HRS;
- (6) Making conforming amendments to sections 302A-1145, 302A-1154, 302A-1155, 302A-1159, and 302A-1161, HRS, to account for the deletion of the definition of "admit" or "admitted" and the revisions to the definitions of "attend" or "attendance" and "enroll" or "enrollment";
- (7) Repealing sections 302A-601.5, 302A-602, 302A-602.5, and 302A-603, HRS, relating to certificates and licensing;
- (8) Inserting an effective date of July 1, 2050, to allow for further discussion; and
- (9) Making technical, nonsubstantive amendments for the purpose of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 49, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 49, S.D. 1, and be referred to the Committee on Ways and Means.



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



JILL TOKUDA, Chair



The Senate
Twenty-Seventh Legislature
State of Hawai'i

Record of Votes
Committee on Education
EDU

Bill / Resolution No.:* SB49	Committee Referral: EDU, WAM	Date: 2-1-13		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
TOKUDA, Jill N. (C)	✓			
KIDANI, Michelle N. (VC)	✓			
RUDERMAN, Russell E.	✓			
SHIMABUKURO, Maile S.L.	✓			
SLOM, Sam				✓
TOTAL	4			1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Michelle N. Kidani</i>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes