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# A BILL FOR AN ACT

RELATING TO EDUCATION.

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

1           SECTION 1. In 2012, the legislature passed Act 133,  
2 Session Laws of Hawaii 2012, which sought to add clarity to or  
3 resolve conflicting or inconsistent language among different  
4 sections of law and to amend or repeal various sections of  
5 chapter 302A, Hawaii Revised Statutes.

6           The purpose of this Act is to continue to amend or repeal  
7 various sections of chapter 302A, Hawaii Revised Statutes, that:

- 8           (1) Have been accomplished and are no longer necessary;
- 9           (2) Impede rather than assist the department of education  
10           in meeting its core mission;
- 11           (3) Fall under the purview of the board of education, such  
12           as policy, staffing, and programmatic decisions;
- 13           (4) Are mandated by federal law and do not require  
14           codification in state law; or
- 15           (5) Are covered by another section of the Hawaii Revised  
16           Statutes, administrative rules, or board of education  
17           policy.



1 SECTION 2. Section 36-27, Hawaii Revised Statutes, is  
2 amended by amending subsection (a) to read as follows:

3 "(a) Except as provided in this section, and  
4 notwithstanding any other law to the contrary, from time to  
5 time, the director of finance, for the purpose of defraying the  
6 prorated estimate of central service expenses of government in  
7 relation to all special funds, except the:

- 8 (1) Special out-of-school time instructional program fund  
9 under section 302A-1310;
- 10 (2) School cafeteria special funds of the department of  
11 education;
- 12 (3) Special funds of the University of Hawaii;
- 13 (4) State educational facilities improvement special fund;
- 14 (5) Convention center enterprise special fund under  
15 section 201B-8;
- 16 (6) Special funds established by section 206E-6;
- 17 (7) Housing loan program revenue bond special fund;
- 18 (8) Housing project bond special fund;
- 19 (9) Aloha Tower fund created by section 206J-17;
- 20 (10) Funds of the employees' retirement system created by  
21 section 88-109;



- 1 (11) Hawaii hurricane relief fund established under chapter  
2 431P;
- 3 (12) Hawaii health systems corporation special funds and  
4 the subaccounts of its regional system boards;
- 5 (13) Tourism special fund established under section  
6 201B-11;
- 7 (14) Universal service fund established under section  
8 269-42;
- 9 (15) Emergency and budget reserve fund under section  
10 328L-3;
- 11 (16) Public schools special fees and charges fund under  
12 section 302A-1130;
- 13 (17) Sport fish special fund under section 187A-9.5;
- 14 (18) Glass advance disposal fee established by section  
15 342G-82;
- 16 (19) Center for nursing special fund under section  
17 304A-2163;
- 18 (20) Passenger facility charge special fund established by  
19 section 261-5.5;
- 20 (21) Court interpreting services revolving fund under  
21 section 607-1.5;
- 22 (22) Hawaii cancer research special fund;



- 1 (23) Community health centers special fund;
- 2 (24) Emergency medical services special fund;
- 3 (25) Rental motor vehicle customer facility charge special
- 4 fund established under section 261-5.6;
- 5 (26) Shared services technology special fund under section
- 6 27-43;
- 7 (27) Automated victim information and notification system
- 8 special fund established under section 353-136; [and
- 9 ~~]~~ (28) ~~[+]~~ Deposit beverage container deposit special fund under
- 10 section 342G-104 ~~[7]~~];
- 11 (29) Hawaii 3R's school repair and maintenance fund under
- 12 section 302A-1502.4; and
- 13 (30) After-school plus program revolving fund under section
- 14 302A-1149.5,

15 shall deduct five per cent of all receipts of all special funds,  
 16 which deduction shall be transferred to the general fund of the  
 17 State and become general realizations of the State. All  
 18 officers of the State and other persons having power to allocate  
 19 or disburse any special funds shall cooperate with the director  
 20 in effecting these transfers. To determine the proper revenue  
 21 base upon which the central service assessment is to be  
 22 calculated, the director shall adopt rules pursuant to chapter



1 91 for the purpose of suspending or limiting the application of  
2 the central service assessment of any fund. No later than  
3 twenty days prior to the convening of each regular session of  
4 the legislature, the director shall report all central service  
5 assessments made during the preceding fiscal year."

6 SECTION 3. Section 36-32, Hawaii Revised Statutes, is  
7 amended by amending subsection (c) to read as follows:

8 "(c) The department of education shall [~~submit an annual~~  
9 ~~report to the legislature that shall include~~] annually post on  
10 the department's website information related to a financial  
11 statement of the special fund, the lease payments for schools  
12 account established under subsection (b), and the status of  
13 projects undertaken pursuant to this section, no later than  
14 twenty days prior to the convening of each regular session."

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

17 "(e) The [~~superintendent of education shall submit an~~  
18 ~~annual report to the legislature, which shall include~~]  
19 department shall annually post on its website information  
20 related to a financial statement of the account and the status  
21 of school repair and preventive maintenance projects undertaken  
22 pursuant to this section, no later than twenty days prior to the



1 convening of each regular session. The department of education  
2 shall also post the following [~~reports electronically on the~~  
3 ~~Internet~~] information on its website and update [~~them~~] the  
4 information quarterly:

5 (1) Expenditures for school repair and preventive  
6 maintenance projects undertaken pursuant to this  
7 section, shall be posted within thirty days of each  
8 project's completion; and

9 (2) A list of each school's repair and maintenance needs  
10 to be undertaken."

11 SECTION 5. Section 302A-101, Hawaii Revised Statutes, is  
12 amended by adding three new definitions to be appropriately  
13 inserted and to read as follows:

14 "Attend" or "attendance" means a student is physically  
15 present in school after enrollment.

16 "Enroll" or "enrollment" means a student has met all of the  
17 department's requirements for entrance and is formally placed on  
18 a school's roll.

19 "License" means the recognition granted by the Hawaii  
20 teacher standards board to an individual to practice the  
21 profession of teaching. This definition shall not apply to the  
22 term "license" as it is used in sections 302A-425 to 302A-427."



1 SECTION 6. Section 302A-102, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "[~~§~~302A-102~~] Smoking prohibited[ ~~exception~~]. [~~a~~]~~

4 All public schools within the State, from kindergarten through  
5 grade twelve, shall prohibit the use of tobacco at public  
6 schools or at public school functions.

7 [~~b~~] ~~The department shall provide affected public~~  
8 ~~employees with breaks throughout the work day during which they~~  
9 ~~may smoke at locations off campus. The number and duration of~~  
10 ~~such breaks shall be subject to collective bargaining.~~

11 [~~c~~] ~~The department shall provide a smoking cessation~~  
12 ~~program for public employees who are interested in~~  
13 ~~participating, provided that issues relating to the costs of the~~  
14 ~~program shall be subject to collective bargaining.~~

15 [~~d~~] ~~This section shall not be subject to part II of~~  
16 ~~chapter 328K.] "~~

17 SECTION 7. Section 302A-123, Hawaii Revised Statutes, is  
18 amended by amending subsection (b) to read as follows:

19 "(b) The term of each member shall be three years, except  
20 as provided for in the initial appointment in subsection (a).

21 [Members] Notwithstanding any law to the contrary, members shall  
22 serve no more than three consecutive three-year terms; provided



1 that the members who are initially appointed to terms of two  
2 years or less pursuant to subsection (a) may be reappointed to  
3 three ensuing consecutive three-year terms. If a member is  
4 nominated to a second or subsequent consecutive term, the senate  
5 shall consider the question of whether to reconfirm the member  
6 at least one hundred twenty days prior to the expiration of the  
7 member's immediately preceding term; provided that if the senate  
8 has not taken final action to reconfirm the member by the one  
9 hundred twenty-day deadline, the member shall continue to serve  
10 until the senate takes final action on the reconfirmation."

11 SECTION 8. Section 302A-601.5, Hawaii Revised Statutes, is  
12 amended by amending subsection (b) to read as follows:

13 "(b) The employer or prospective employer may refuse to  
14 employ, and may:

15 [~~(1)~~] ~~Refuse to issue a teaching or other educational~~  
16 ~~certificate;~~

17 ~~(2) Revoke the teaching or other educational certificate;~~

18 ~~(3)]~~ (1) Refuse to allow or continue to allow teacher  
19 training; or

20 [~~(4)]~~ (2) Terminate the employment of any employee or deny  
21 employment to an applicant,





1 if the person has been convicted of a crime, and if the employer  
2 or prospective employer finds by reason of the nature and  
3 circumstances of the crime that the person poses a risk to the  
4 health, safety, or well-being of children. Refusal [~~7~~  
5 ~~revocation,~~] or termination may occur only after appropriate  
6 investigation and notification to the employee or applicant for  
7 employment of results and planned action, and after the employee  
8 or applicant for employment is given an opportunity to meet and  
9 rebut the finding. Nothing in this subsection shall abrogate  
10 any applicable appeal rights under chapters 76 or 89, or  
11 administrative regulation of the department of education."

12 SECTION 9. Section 302A-605, Hawaii Revised Statutes, is  
13 amended to read as follows:

14 "**§302A-605 Principals and vice-principals.** [~~(a)~~]  
15 Principals and vice-principals shall meet the department's  
16 certification requirements [~~and shall have at least five years~~  
17 ~~of appropriate school level experience, including at least three~~  
18 ~~years as a teacher, or equivalent experience, as determined by~~  
19 ~~the department.~~

20 ~~(b) Vice principals shall meet the department's~~  
21 ~~certification requirements and shall have appropriate school-~~  
22 ~~level or equivalent experience, as determined by the department.~~



1       ~~(c) The department shall establish alternative routes to~~  
2 ~~certification for principals and vice principals pursuant to~~  
3 ~~rules adopted under chapter 91.~~

4       ~~(d) For purposes of this section, "alternative routes to~~  
5 ~~certification" has the same meaning as determined by United~~  
6 ~~States Department of Education regulations for state~~  
7 ~~applications for Race to the Top fund allocations under section~~  
8 ~~14001 of the federal American Recovery and Reinvestment Act of~~  
9 ~~2009, as amended]."~~

10       SECTION 10. Section 302A-1004, Hawaii Revised Statutes, is  
11 amended by amending subsections (b) and (c) to read as follows:

12       "(b) The department shall ~~[submit to the legislature, the~~  
13 ~~governor, and the board of education at least twenty days prior~~  
14 ~~to the convening of each regular legislative session a report~~  
15 ~~of] annually post on the department's website information on the~~  
16 ~~specifics of the implementation of the comprehensive~~  
17 ~~accountability system, as well as the fiscal requirements and~~  
18 ~~legislative actions necessary to maintain and improve the~~  
19 ~~accountability system.~~

20       (c) The department shall ~~[submit to the legislature and to~~  
21 ~~the governor, at least twenty days prior to the convening of~~  
22 ~~each regular session, an educational status report] also~~



1 annually post on its website information that includes but is  
2 not limited to the following:

- 3 (1) Results of school-by-school assessments of educational  
4 outcomes;
- 5 (2) Summaries of each school's standards implementation  
6 design;
- 7 (3) Summary descriptions of the demographic makeup of the  
8 schools, with indications of the range of these  
9 conditions among schools within Hawaii;
- 10 (4) Comparisons of conditions affecting Hawaii's schools  
11 with the conditions of schools in other states;
- 12 (5) Other such assessments as may be deemed appropriate by  
13 the board; and
- 14 (6) Any other reports required by this section."

15 SECTION 11. Section 302A-1145, Hawaii Revised Statutes, is  
16 amended to read as follows:

17 "[+]§302A-1145[+] **Transfer to another school.** No school  
18 shall receive any child under eighteen years of age, who has  
19 attended another school of the same class in the same  
20 [~~district~~] complex area, unless the child produces to the  
21 school to be [~~entered~~] enrolled, a certificate of release of  
22 the school last attended by the child. If the child applies to



1 attend a school of higher grade, a certificate of proficiency  
2 shall be required or a lawful excuse for its absence. The  
3 children from one [~~district~~] complex area desiring to enter a  
4 school in another [~~district~~] complex area may be received or  
5 [~~admitted~~] enrolled upon producing a certificate of release from  
6 the school last attended in the other [~~district.~~] complex area."

7 SECTION 12. Section 302A-1154, Hawaii Revised Statutes, is  
8 amended as follows:

9 1. By amending the title to read:

10 "**§302A-1154 Immunization upon [~~entering~~] attending school;**  
11 **tuberculosis clearance.**"

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

13 "(b) No child shall [~~be admitted to~~] attend any school for  
14 the first time in the State unless the child presents to the  
15 appropriate school official documentation satisfactory to the  
16 department of health that the child has been examined and tested  
17 according to the rules of the department, and is free from  
18 tuberculosis in a communicable form."

19 SECTION 13. Section 302A-1155, Hawaii Revised Statutes, is  
20 amended to read as follows:

21 "**§302A-1155 Provisional [~~entrance to~~] attendance at**  
22 **school.** (a) A child may [~~enter~~] attend school provisionally



1 upon submitting written documentation from a licensed physician,  
2 physician assistant, advanced practice registered nurse, or an  
3 authorized representative of the department of health stating  
4 that the child is in the process of receiving the required  
5 immunizations. Further documentation showing that the required  
6 immunizations have been completed shall be submitted to the  
7 appropriate school official no later than three months after the  
8 child first ~~[entered]~~ attends the school. If all of the  
9 required immunizations cannot be completed within three months  
10 due to the length of the minimum intervals between doses of a  
11 particular vaccine required by the department of health,  
12 provisional ~~[admission]~~ attendance may be extended so long as  
13 the child's parent or guardian provides documentation that  
14 appointments for required immunizations have been made and that  
15 progress toward completing the immunizations continues in  
16 accordance with the requirements of the department of health.

17 (b) Provisional ~~[entrance to]~~ attendance at school may be  
18 suspended by the department of health when there is danger of an  
19 epidemic from any of the communicable diseases for which  
20 immunization is required."

21 SECTION 14. Section 302A-1159, Hawaii Revised Statutes, is  
22 amended to read as follows:



1           "**§302A-1159 Physical examination required.** No child shall  
2 ~~[be admitted to]~~ attend any school for the first time in the  
3 State unless the child presents to the appropriate school  
4 official a report from a licensed physician or advanced practice  
5 registered nurse of the results of a physical examination  
6 performed within a year of the date of ~~[entry into]~~ attendance  
7 at school. A child may ~~[enter]~~ attend school provisionally upon  
8 submitting written documentation from a licensed physician,  
9 advanced practice registered nurse, or other authorized  
10 representative of the department of health stating that the  
11 child is in the process of undergoing a physical examination.  
12 Further documentation showing that the required physical  
13 examination has been completed shall be submitted to the  
14 appropriate school official no later than three months after the  
15 child first ~~[entered]~~ attends the school."

16           SECTION 15. Section 302A-1161, Hawaii Revised Statutes, is  
17 amended to read as follows:

18           "**§302A-1161 Notification for noncompliance.** If a child  
19 does not complete the immunizations required under section  
20 302A-1154 or the physical examination required under section  
21 302A-1159 within the period provided by section 302A-1155 after  
22 provisional ~~[entry into]~~ attendance at school, the administrator



1 of the school shall cause a notice to be sent to the parent or  
2 guardian of the child stating that if the required immunizations  
3 or physical examination is not completed within thirty days of  
4 the date of the notice, the child shall not be [~~admitted~~]  
5 permitted to attend school."

6 SECTION 16. Section 302A-1301, Hawaii Revised Statutes, is  
7 amended to read as follows:

8 "**§302A-1301 School system financial accountability.** (a)  
9 Beginning with the 1995-1997 fiscal biennium, the department's  
10 administrative expenditures shall not exceed 6.5 per cent of the  
11 total department operating budget, excluding expenditures for  
12 agencies administratively attached to the department, unless  
13 approved by the legislature.

14 (b) Not less than seventy per cent of appropriations for  
15 the total budget of the department, excluding debt service and  
16 capital improvement programs[~~7~~] and appropriations for agencies  
17 administratively attached to the department, shall be expended  
18 by principals."

19 SECTION 17. Section 302A-1312, Hawaii Revised Statutes, is  
20 amended by amending subsection (c) to read as follows:

21 "(c) For the purposes of this section, the superintendent  
22 of education shall develop and implement appropriate planning



1 procedures and follow-up accountability reports to ensure sound  
2 planning, control, and accountability in the use of moneys  
3 allocated by the legislature. The department of education shall  
4 ~~[submit an annual report to the legislature]~~ annually post on  
5 the department's website information that shall include:

- 6 (1) List of projects initiated by the department of  
7 education; and  
8 (2) List of projects completed with associated actual  
9 cost."

10 SECTION 18. Section 302A-1504.5, Hawaii Revised Statutes,  
11 is amended by amending subsection (a) to read as follows:

12 "(a) There is established within the state treasury a  
13 special fund to be known as the school-level minor repairs and  
14 maintenance special fund, into which shall be deposited all  
15 moneys collected pursuant to section 235-102.5(b), and any other  
16 moneys received by the department in the form of grants and  
17 donations for school-level minor repairs and maintenance. The  
18 special fund shall be administered by the department and used to  
19 fund school-level minor repairs and maintenance. The department  
20 shall transfer moneys deposited in the school-level minor  
21 repairs and maintenance special fund for school-level minor





1 repairs and maintenance to the Hawaii 3R's school repair and  
2 maintenance fund established pursuant to section 302A-1502.4."

3 SECTION 19. Section 302A-1103, Hawaii Revised Statutes, is  
4 repealed.

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

12 ~~(1) Ensure that the curriculum facilitates the achievement~~  
13 ~~of the statewide student performance standards adopted~~  
14 ~~for the public school system;~~

15 ~~(2) Develop and present to the school community council~~  
16 ~~for its review and approval, academic and financial~~  
17 ~~plans relating to the school;~~

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

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



- 1           ~~(A) Logical, sequential curricula are adopted within~~  
2           ~~the school complex;~~
- 3           ~~(B) Best practices are shared among and implemented~~  
4           ~~by schools within the school complex;~~
- 5           ~~(C) The goals and objectives of the school complex~~  
6           ~~are being met;~~
- 7           ~~(D) The use of school complex based personnel and~~  
8           ~~contractors who divide their time between more~~  
9           ~~than one school in a school complex is~~  
10           ~~coordinated to maximize efficiency; and~~
- 11           ~~(E) The passage of students through the continuum of~~  
12           ~~grades is coordinated in a manner consistent with~~  
13           ~~section 302A-1004-"]~~

14           SECTION 20. Statutory material to be repealed is bracketed  
15 and stricken. New statutory material is underscored.

16           SECTION 21. This Act shall take effect on July 1, 2050;  
17 provided that the amendments made to section 36-27(a), Hawaii  
18 Revised Statutes, by section 2 of this Act shall not be repealed  
19 when section 36-27, Hawaii Revised Statutes, is reenacted  
20 pursuant to section 34 of Act 79, Session Laws of Hawaii 2009.

21



**Report Title:**

Education; Housekeeping

**Description:**

Amends or repeals various provisions of chapter 302A, Hawaii Revised Statutes, for housekeeping and other purposes. Effective 7/1/2050. (SD2)

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

