A BILL FOR AN ACT

RELATING TO EDUCATION.

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

PART I

SCHOOLS OUR KEIKI DESERVE ACT

SECTION 1. This Act shall be known and may be cited as the "Schools Our Keiki Deserve Act".

PART II

WHOLE CHILD EDUCATION

SECTION 2. The legislature finds that arts, music, and Hawaiian cultural curricula are important parts of a well-rounded education that addresses the developmental needs of the whole child. According to a 2014 study performed by Lois Hetland and Ellen Winner of the Harvard Graduate School of Education, education in music and drama shows a generalizable causal relationship to increases in verbal achievement and spatial reasoning. Additionally, in 2013, researchers in the Department of Education Reform at the University of Arkansas found that instruction in visual arts led to gains in critical
thinking skills. Arts and cultural studies also encourage students to solve communal problems with creative thinking.

Accordingly, the purpose of this part is to expand arts, cultural, and native Hawaiian educational curricula in public schools.

SECTION 3. Chapter 302A, Hawaii Revised Statutes, is amended by adding a new section to part II to be appropriately designated and to read as follows:

"§302A- Whole child education. (a) Notwithstanding any other law to the contrary, beginning with the 2020-2021 school year, all public schools shall provide whole child education as follows:

(1) For all public elementary schools, twenty per cent of student hours shall be allocated to whole child education; and

(2) For all public middle and intermediate schools, ten per cent of student hours shall be allocated to whole child education.

(b) As used in this section:

"Student hours" has the same meaning as used in section 302A-251.
"Whole child education" means instruction in visual arts, music, theater, dance, Hawaiian and Polynesian studies, Hawaiian language, native Hawaiian culture, native Hawaiian traditional and customary practices, and physical education.

PART III

EARLY CHILDHOOD EDUCATION

SECTION 4. Act 109, Session Laws of Hawaii 2015, established the executive office on early learning public prekindergarten program to be administered by the executive office on early learning and provided through department of education public schools and public charter schools.

The purpose of this part is to mandate universal preschool for all eligible children by the 2023-2024 school year.

SECTION 5. Section 302L-7, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) The program shall serve children in the year prior to the year of kindergarten eligibility, with priority extended to underserved or at-risk children, as defined in section 302L-1. No later than the 2023-2024 school year, the program shall be available to all children in the year prior to the year of kindergarten eligibility. Enrollment priority shall be given
but is not limited to children who attend prekindergarten at schools to which the children will be assigned upon entering kindergarten under section 302A-1143."

PART IV

SPECIAL EDUCATION

SECTION 6. The legislature finds that special education services, including academic, speech-language, psychological, physical and occupational, and counseling accommodations, meet the unique needs of students with disabilities. Governed by federal and state regulations, special education services are available to eligible students in ages three to twenty-two who demonstrate a need for specially designed instruction.

The legislature further finds that closing the achievement gap between special needs students and their general education peers is a strategic priority for the department of education. Yet, special education teachers lack the necessary resources to provide a free and appropriate education to their students. For the 2017-2018 school year, the statewide achievement gap between high needs and non-high needs students, which includes English language learners, economically disadvantaged keiki, and students receiving special education services, stood at thirty-
the legislature additionally finds that Hawaii's teacher shortage disproportionately harms special needs students. According to departmental employment data, in the Nanakuli-Waianae Complex Area, eighteen of nineteen special education teacher hires for the 2017-2018 school year, and fifty-seven of sixty-three special education teacher hires between the 2015-2016 and 2017-2018 school years had no special education teaching license.

The purpose of this part is to ensure a quality educational experience for all special needs students by:

(1) Providing special education teachers with additional preparation time to complete individualized education program tasks;

(2) Providing special education teachers with $1,690 per year for instructional materials; and

(3) Establishing a teacher recruitment program to recruit high school students into the teaching profession.
SECTION 7. Chapter 302A, Hawaii Revised Statutes, is amended by adding two new sections to be appropriately designated and to read as follows:

"§302A- Special education; instructional support. (a) Special education teachers shall have no fewer than forty hours per year for preparation and completion of tasks related to individualized education programs; provided that preparation time provided by this section shall be in addition to planning time and preparation periods specified in a collectively bargained agreement negotiated for bargaining unit (5) and in force for that time period.

(b) Additional preparation time established pursuant to this section shall be used during the school day at the discretion of the special education teacher.

(c) Beginning with the 2019-2020 fiscal year, and each fiscal year thereafter, the legislature shall consider making an appropriation to the department to provide an annual allocation to each special education teacher for instructional materials and classroom resources.

§302A- Teacher recruitment program. (a) The department shall establish a teacher recruitment program for the purpose of
recruiting high school students to become public school teachers.

(b) As part of the teacher recruitment program, the department shall post on its website information regarding:

(1) The job description for a public school teacher;

(2) Requirements to become a licensed and certified public school teacher;

(3) Financial assistance available for students seeking to enroll in state approved teacher education programs;

and

(4) Educational and financial incentives available for public school teachers, including for teachers employed in hard-to-fill schools, special education teachers, and national board-certified teachers."

SECTION 8. There is appropriated out of the general revenues of the State of Hawaii the sum of $3,500,000 or so much thereof as may be necessary for fiscal year 2019-2020 for the department of education to provide up to $1,690 to each special education teacher for instructional materials and classroom resources.
The sum appropriated shall be expended by the department of education for the purposes of this Act.

SECTION 9. There is appropriated out of the general revenues of the State of Hawaii the sum of $75,000 or so much thereof as may be necessary for fiscal year 2019-2020 for the establishment of one full-time equivalent (1.00 FTE) teacher recruitment and retention specialist position (EDN 300) within the department of education.

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

PART V

ACADEMIC AND FINANCIAL PLANNING

SECTION 10. The legislature finds that Act 51, Session Laws of Hawaii 2004, also known as the "Reinventing Education Act of 2004," empowered principals and school community councils with academic and financial planning for public schools. However, Act 51 did not emphasize the role of teachers in academic and financial planning despite the importance of teachers in determining school performance and student success. Additionally, the weighted student formula established by Act 51 did not fully address staffing shortfalls for certain positions.
at public schools, including library media specialists and counselors.

Accordingly, the purpose of this part is to increase the participation of teachers in academic and financial planning and require all public schools to have a library media specialist and counselor on staff.

SECTION 11. Chapter 302A, Hawaii Revised Statutes, is amended by adding a new section to part IV to be appropriately designated and to read as follows:

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

(1) Ensure that the curriculum facilitates the achievement of the statewide student performance standards adopted for the public school system;
(2) Develop and present to the school community council, in consultation with teachers and other educational officers, academic and financial plans relating to the school, provided that academic and financial plans shall only be presented to the school community council after being submitted to a vote of the school's teachers;

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

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

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

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

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

(D) The use of school complex-based personnel and contractors who divide their time between more than one school in a school complex is coordinated to maximize efficiency; and
The passage of students through the continuum of grades is coordinated in a manner consistent with section 302A-1004."

SECTION 12. Section 302A-1303.6, Hawaii Revised Statutes, is amended to read as follows:

"§302A-1303.6 Weighted student formula. (a) Based upon recommendations from the committee on weights, the board of education may adopt a weighted student formula for the allocation of moneys to public schools that takes into account the educational needs of each student. The department, upon the receipt of appropriated moneys, shall use the weighted student formula to allocate funds to public schools. Principals, in consultation with teachers and school community councils, shall expend moneys provided to the principals' schools. This section shall only apply to charter schools for fiscal years in which the charter schools elect pursuant to section 302D-29 to receive allocations according to the procedures and methodology used to calculate the weighted student formula allocation.

(b) Notwithstanding any other law to the contrary, beginning with the 2020-2021 school year, all public schools
shall hire at least one person to staff each of the following positions:

(1) Librarian or library media specialist;
(2) Technology coordinator;
(3) Counselor; and
(4) Special education transition coordinator at all secondary schools.

For schools at which these positions are vacant or do not exist, additional moneys shall be provided through the weighted student formula to carry out the requirements of this subsection."

PART VI
CLASSROOM SUPPLIES

SECTION 13. The legislature finds that in a survey conducted by the Hawaii State Teachers Association, forty-seven per cent of respondents cited personal expenditures of between two hundred fifty dollars and five hundred dollars each year on classroom supplies, with many claiming expenditures in excess of one thousand dollars.

The purpose of this part is to provide teachers with financial support for classroom expenses by establishing and
appropriating funds for a debit card system for purchasing school supplies at the individual school level.

SECTION 14. Chapter 302A, Hawaii Revised Statutes, is amended by adding a new section to part III to be appropriately designated and to read as follows:

"§302A- Purchases of supplies; debit card system. (a) The department may establish, use, and manage a school-based debit card system for the purpose of purchasing school supplies and other related curriculum support materials. (b) The department may contract the services of another entity to provide debit cards or any other related services to implement a school-based debit card system. (c) Debit card purchases under this section shall be exempt from chapter 103D."

SECTION 15. There is appropriated out of the general revenues of the State of Hawaii the sum of $ or so much thereof as may be necessary for fiscal year 2019-2020 for the implementation of a debit card system based at the individual school level for the purpose of purchasing school supplies and other related curriculum support supplies.
The sums appropriated shall be expended by the department of education for the purposes of this Act.

PART VII

CLASS SIZE

SECTION 16. The legislature finds that the Institute of Education Sciences, the research arm of the United States Department of Education, concludes that class-size reduction is one of only four evidence-based reforms that have been proven to increase student achievement.

Experiments in Tennessee, Wisconsin, and other states have demonstrated that students in smaller classes score better on standardized tests, receive better grades, and exhibit improved attendance. Moreover, these students benefiting the most from smaller class sizes are from poor and minority backgrounds, who experience twice the achievement gains of the average student.

Additionally, a study commissioned by the United States Department of Education analyzed the achievement of students in 2,561 schools across the nation by their performance on the National Assessment of Educational Progress exams. After controlling for student background, the only objective factor that correlated with higher test scores was class size.
The purpose of this part is to reduce class size in all grade levels.

SECTION 17. Chapter 302A, Hawaii Revised Statutes, is amended by adding three new sections to part II to be appropriately designated and to read as follows:

"§302A- Class size. (a) Notwithstanding any other law to the contrary:

(1) Beginning with the 2021-2022 school year, excluding charter schools, no public elementary school class shall exceed an enrollment of twenty students; and

(2) Beginning with the 2021-2022 school year, excluding charter schools, no public secondary school class shall exceed an enrollment of twenty-six students.

(b) This section shall not apply to any class that provides instruction in band, orchestra, choir, or theater.

§302A- Class size for students with disabilities. (a) The maximum number of students with disabilities that may be assigned to a teacher shall be as follows:

(1) Beginning with the 2021-2022 school year, no inclusion class at any elementary school shall exceed an enrollment of fifteen students;
(2) Beginning with the 2021-2022 school year, no fully self-contained class at any elementary school shall exceed an enrollment of four students;

(3) Beginning with the 2021-2022 school year, no inclusion class at any secondary school shall exceed an enrollment of twenty students; and

(4) Beginning with the 2021-2022 school year, no fully self-contained class at any secondary school shall exceed an enrollment of six students.

(b) This section shall not apply to any class that provides instruction in band, orchestra, choir, or theatre.

(c) As used in this section:

"Fully self-contained class" means any class that provides instruction only to special education students.

"Inclusion class" means any class that provides instruction to both general education and special education students.

§302A- Class size for students with limited English proficiency. (a) The maximum number of students with limited English proficiency that may be assigned to a teacher shall be as follows:
(1) Beginning with the 2021-2022 school year, no content-based English language learning class at any elementary school shall exceed an enrollment of fifteen students; and

(2) Beginning with the 2021-2022 school year, no content-based English language learning class at any secondary school shall exceed an enrollment of twenty students.

(b) As used in this section, "content-based English language learning class" means any class providing instruction only to students with limited English language proficiency."

PART VIII

SECTION 18. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 19. This Act shall take effect on July 1, 2019.

INTRODUCED BY:
Report Title:
Schools Our Keiki Deserve Act; Education Omnibus; Whole Child Education; Early Childhood Education; Special Education; Classroom Supplies; Class Size; Appropriation

Description:
Encourages whole child education through expanding arts, culture, and native Hawaiian educational curricula in public schools. Supports the Department of Education and teachers through early childhood education, special education, academic and financial planning, classroom supplies, and reducing class size. Appropriates funds.

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