
A BILL FOR AN ACT

RELATING TO EDUCATION.

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

1 SECTION 1. The purpose of this Act is to create a county
2 education task force to establish a process for the transfer of
3 jurisdiction over all public schools, including all state public
4 education functions and funding, from the State to the county in
5 which the public school is located; provided that the county has
6 a population greater than five hundred thousand.

7 SECTION 2. (a) There is established a task force for the
8 orderly transfer of the functions of and funds for public
9 schools from the State to the county in which the public school
10 is located, provided that the county has a population greater
11 than five hundred thousand. The task force shall be attached to
12 the department of education for administrative purposes. The
13 governor shall convene the task force within thirty days after
14 the effective date of this Act.

15 (b) The task force shall be composed of:

16 (1) The superintendent of education, who shall serve as
17 chair of the task force;



- 1 (2) The chairperson of the board of education, or the
- 2 chairperson's designee;
- 3 (3) The dean of the college of education at the University
- 4 of Hawaii, or the dean's designee;
- 5 (4) The director of finance, or the director's designee;
- 6 (5) The county director of the department with
- 7 jurisdiction over fiscal services of each impacted
- 8 county, or the director's designee;
- 9 (6) A representative appointed by the governor from a list
- 10 of three nominees submitted by the president of the
- 11 senate;
- 12 (7) A representative appointed by the governor from a list
- 13 of three nominees submitted by the speaker of the
- 14 house of representatives; and
- 15 (8) A representative with a background in education or
- 16 finance appointed by the governor from a list of three
- 17 nominees submitted by the mayor of each impacted
- 18 county;
- 19 provided that the president of the Hawaii state teachers
- 20 association, or the president's designee, shall also be invited
- 21 to be a member of the task force.



1 (c) In carrying out its duties pursuant to this section,
2 the task force may request staff assistance from the department
3 of education and any other appropriate state or county executive
4 agency.

5 (d) The members of the task force shall serve without
6 compensation but shall be reimbursed for expenses, including
7 travel expenses, necessary for the performance of their duties.

8 (e) The task force shall have the following functions and
9 duties:

10 (1) Recommend a process for the efficient transfer of
11 state jurisdiction over public schools in a county
12 with a population greater than five hundred thousand,
13 including the transfer of all functions and funding
14 relating to public schools, to the county; provided
15 that the task force may recommend a process that
16 allows for the staggered transfer of jurisdiction over
17 public schools to the county, as appropriate;

18 (2) As part of the process established for the transfer of
19 jurisdiction over public schools to a county, include
20 provisions to ensure that:



- 1 (A) Appropriations already approved by the
- 2 legislature for public school projects in the
- 3 county are appropriately transferred;
- 4 (B) All relevant contracts relating to public schools
- 5 are transferred to the county;
- 6 (C) All federal and state funds for public schools
- 7 and public education are fully and appropriately
- 8 allocated in the course of the transfer; and
- 9 (D) All unexpended and unencumbered balances
- 10 appropriated for public schools, or out of the
- 11 proceeds of general obligation bonds and issued
- 12 for school-related capital improvement projects,
- 13 are appropriately transferred to the county and
- 14 do not lapse upon transfer of jurisdiction of
- 15 public schools to the county;
- 16 (3) Oversee the process of transferring the functions and
- 17 funding relating to public schools to a county once a
- 18 process for transfer has been established and approved
- 19 by the legislature;
- 20 (4) Establish a timetable for the transfer of functions
- 21 and funding relating to public schools, including



- 1 provisions for transferring jurisdiction over public
2 schools, to a county;
- 3 (5) Monitor compliance with the established timetable upon
4 the approval of the legislature;
- 5 (6) Review all relevant provisions of the Hawaii Revised
6 Statutes, including the following statutes, for
7 possible amendment: sections 302A-101 to 302A-1905;
8 sections 302D-1 to 302D-35; sections 302H-1 to 302H-7;
9 and sections 302L-1 to 302L-7;
- 10 (7) Recommend the method by which a county educational
11 system should be governed, including but not limited
12 to the establishment of the following:
- 13 (A) A county superintendent of education;
- 14 (B) A county department of education; and
- 15 (C) County or local school boards, including whether
16 members of county or local school boards should
17 be appointed or elected;
- 18 (8) Recommend the method by which charter schools
19 established under chapter 302D, Hawaii Revised
20 Statutes, should be:
- 21 (A) Transferred to a county; and



- 1 (B) Governed;
- 2 (9) Establish a formula to determine the appropriate
- 3 funding necessary for a county to properly construct,
- 4 operate, and maintain public schools transferred to
- 5 the county's jurisdiction;
- 6 (10) Recommend the method by which public schools
- 7 transferred to a county should receive funding;
- 8 (11) Recommend whether a county should have authority to
- 9 establish additional funding sources through enactment
- 10 of county ordinances for the proper construction,
- 11 maintenance, or operation of public schools under the
- 12 county's jurisdiction, and develop any proposed
- 13 legislation necessary to provide the county with this
- 14 additional authority;
- 15 (12) Develop any proposed legislation necessary, including
- 16 legislation for the amendment of the State
- 17 Constitution, to effectively and efficiently transfer
- 18 state jurisdiction over public schools, including the
- 19 transfer of functions and funding for public schools,
- 20 to a county;



1 (13) Resolve any other issues relating to the transfer of
2 public school jurisdiction, functions, and funding to
3 a county; and

4 (14) Any other issue deemed necessary by the task force to
5 effectively and efficiently transfer all public school
6 functions and funding for schools to a county.

7 (f) The superintendent of education shall submit a report
8 to the legislature regarding task force activities, findings,
9 and recommendations, and any proposed legislation no later than
10 twenty days prior to the convening of the regular session of
11 2021. The legislative reference bureau shall assist the task
12 force in drafting proposed legislation to implement the
13 recommendations of the task force.

14 (g) For the purposes of this section:

15 "County" means a county of the State with a population
16 greater than five hundred thousand.

17 "Public schools" shall have the same meaning as that term is
18 defined in section 302A-101, Hawaii Revised Statutes.

19 (h) No member of the task force shall be made subject to
20 sections 84-13 and 84-17, Hawaii Revised Statutes, solely



1 because of that member's participation as a member of the task
2 force.

3 (i) The task force shall be dissolved on June 30, 2024.

4 SECTION 3. This Act shall take effect on July 1, 2019.

5

INTRODUCED BY: _____



By Request

JAN 17 2019



H.B. NO. 109

Report Title:

City and County of Honolulu Package; Public Schools;
Jurisdiction Transfer; Counties

Description:

Creates a county education task force to establish a process for the transfer of jurisdiction over all public schools, including all state public education functions and funding, from the state to the county in which the public school is located, provided that the county has a population greater than five hundred thousand.

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