
A BILL FOR AN ACT

RELATING TO EDUCATION.

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

1 SECTION 1. The legislature finds that the department of
2 education is the only public education system in the country
3 that is wholly state funded. This singular funding status has
4 resulted in the department of education facing unique challenges
5 to utilizing funds provided by the federal government to offset
6 the negative economic impacts of the COVID-19 pandemic.

7 The legislature also finds that the states that receive
8 certain federal funds, including moneys from the Elementary and
9 Secondary School Emergency Relief Funds established by the
10 Coronavirus Aid, Relief, and Economic Security Act, Public
11 Law 116-136 (CARES Act), and the Coronavirus Response and Relief
12 Supplemental Appropriations Act, 2021, Public Law 116-260 (CRRS
13 Appropriations Act), are required to assure that they will
14 maintain support for education programs during fiscal years
15 2019-2020 and 2020-2021 by meeting certain benchmarks.

16 The legislature further finds that the CARES Act created
17 the federal Education Stabilization Fund. The State, through



1 the department of education, must comply with the provisions of
2 the federal Education Stabilization Fund as set forth in
3 sections 18006, 18008, 315, and 317 of the CARES Act in order to
4 receive and expend CARES Act and CRRS Appropriations Act moneys.
5 In accepting and expending federal CARES Act and CRRS
6 Appropriations Act moneys, it is the legislature's intent that
7 the department of education employees who are subject to a
8 collective bargaining agreement continue to receive their pay.

9 The legislature also finds that the State, through the
10 department of education, must also comply with the "maintenance
11 of effort" provisions set forth in section 18008 of the CARES
12 Act. These provisions require funding for public education to
13 be maintained at the same funding levels as in fiscal years
14 2017, 2018, and 2019, for those funds that are part of the CARES
15 Act, and at a proportional funding level for the CRRS
16 Appropriations Act.

17 The legislature declares that it does not support any
18 attempts by the superintendent of education to seek a waiver
19 from the Secretary of Education, in that the State is not
20 currently experiencing a precipitous decline in revenues.



1 The purpose of this Act is to appropriate certain federal
2 moneys received by the State to the department of education to
3 offset any budget reductions that have been identified or
4 proposed by the department of education and the governor that
5 would result in the reduction of personnel who are subject to a
6 collective bargaining agreement executed pursuant to chapter 89,
7 Hawaii Revised Statutes, and who are employed at the school
8 level, including any budget reduction that results in a layoff,
9 furlough, or pay reduction.

10 SECTION 2. There is appropriated out of elementary and
11 secondary school emergency relief fund moneys received by the
12 State from the CARES Act and CRRS Appropriations Act, the sum of
13 \$104,175,932 or so much thereof as may be necessary for fiscal
14 year 2021-2022 and the same sum or so much thereof as may be
15 necessary for fiscal year 2022-2023 to offset any budget
16 reductions that have been identified or proposed by the
17 department of education and the governor that would result in
18 the reduction of personnel who are subject to a collective
19 bargaining agreement executed pursuant to chapter 89, Hawaii
20 Revised Statutes, and who are employed at the school level,



1 including any budget reduction that results in a layoff,
2 furlough, or pay reduction; provided that:

3 (1) The moneys appropriated shall not be expended for any
4 other purpose;

5 (2) The funds appropriated shall not be released to or
6 expended by the department of education unless the
7 board of education and superintendent of education
8 certify in writing that the board, superintendent, and
9 department agree to the conditions set forth in this
10 Act and that the funds shall only be used for salaries
11 and wages of department of education officers and
12 employees who are subject to a collective bargaining
13 agreement executed pursuant to chapter 89, Hawaii
14 Revised Statutes, and who are employed at the school
15 level;

16 (3) Section 37-41.5, Hawaii Revised Statutes, shall not
17 apply to moneys appropriated by this Act; and

18 (4) Moneys appropriated by this Act for fiscal year
19 2021-2022 shall not lapse at the end of that fiscal
20 year; provided further that all moneys appropriated by



1 this Act that are unencumbered as of June 30, 2023,
2 shall lapse.

3 The sums appropriated shall be expended by the department
4 of education for the purposes of this Act.

5 SECTION 3. This Act shall take effect on July 1, 2021.



Report Title:

State Programs; DOE; ESSER Funds; Personnel Costs; CARES Act; CRRS Appropriations Act; Appropriation

Description:

Appropriates elementary and secondary school emergency relief fund (ESSER funds) moneys received by the State from the CARES Act and CRRS Appropriations Act to offset any budget reductions that are identified or proposed by the department of education and the governor that would result in the reduction of personnel who are subject to a collective bargaining agreement pursuant to chapter 89, HRS, and who are employed at the school level, including any budget reduction that results in a layoff, furlough, or pay reduction. Requires the board of education and superintendent of education to certify in writing that the board of education, superintendent, and department of education agree to the conditions established by the Act, including that the funds appropriated shall be used only for salaries and wages of officers and employees who are subject to a collective bargaining agreement and are employed at the school level. Provides that moneys from the appropriation shall lapse at the end of the fiscal biennium. (HD1)

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