
A BILL FOR AN ACT

RELATING TO EDUCATION.

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

1 PART I

2 SECTION 1. The legislature finds that the department of
3 education is the only public education system in the country
4 that is wholly state funded. This singular funding status has
5 resulted in the department of education facing unique challenges
6 to utilizing funds provided by the federal government to offset
7 the negative economic impacts of the coronavirus disease 2019
8 (COVID-19) pandemic.

9 The legislature also finds that the states that receive
10 certain federal funds, including moneys from the Elementary and
11 Secondary School Emergency Relief Fund established by the
12 Coronavirus Aid, Relief, and Economic Security Act, Public
13 Law 116-136 (CARES Act), and the Coronavirus Response and Relief
14 Supplemental Appropriations Act, 2021, Public Law 116-260 (CRRS
15 Appropriations Act), are required to assure that they will
16 maintain support for education programs during fiscal years
17 2019-2020 and 2020-2021 by meeting certain benchmarks.



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

12 The legislature also finds that the State, through the
13 department of education, must also comply with the "maintenance
14 of effort" provisions set forth in section 18008 of the CARES
15 Act. These provisions require funding for public education to
16 be maintained at the same funding levels as in fiscal years
17 2017, 2018, and 2019, for those funds that are part of the CARES
18 Act, and at a proportional funding level for the CRRS
19 Appropriations Act.



1 The legislature declares that it does not support any
2 attempts by the superintendent of education to seek a waiver
3 from the Secretary of Education.

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

13 PART II

14 SECTION 2. This part is recommended by the governor for
15 immediate passage in accordance with article VII, section 9, of
16 the Constitution of the State of Hawaii.

17 SECTION 3. There is appropriated out of elementary and
18 secondary school emergency relief fund moneys received by the
19 State from the CARES Act and CRRS Appropriations Act, the sum of
20 \$ or so much thereof as may be necessary for fiscal
21 year 2020-2021 to offset any budget reductions that have been



1 identified or proposed by the department of education and the
2 governor that would result in the reduction of personnel who are
3 subject to a collective bargaining agreement executed pursuant
4 to chapter 89, Hawaii Revised Statutes, and who are employed at
5 the school level, including any budget reduction that would
6 result in a layoff, furlough, or pay reduction; provided that:

7 (1) The moneys appropriated shall not be expended for any
8 other purpose;

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

20 (3) Section 37-41.5, Hawaii Revised Statutes, shall not
21 apply to moneys appropriated by this part.



1 The sum appropriated shall be expended by the department of
2 education for the purposes of this part.

3 PART III

4 SECTION 4. There is appropriated out of elementary and
5 secondary school emergency relief fund moneys received by the
6 State from the CARES Act and CRRS Appropriations Act, the sum of
7 \$ or so much thereof as may be necessary for fiscal
8 year 2021-2022 and the same sum or so much thereof as may be
9 necessary for fiscal year 2022-2023 to offset any budget
10 reductions that have been identified or proposed by the
11 department of education and the governor that would result in
12 the reduction of personnel who are subject to a collective
13 bargaining agreement executed pursuant to chapter 89, Hawaii
14 Revised Statutes, and who are employed at the school level,
15 including any budget reduction that would result in a layoff,
16 furlough, or pay reduction; provided that:

- 17 (1) The moneys appropriated shall not be expended for any
18 other purpose;
- 19 (2) The funds appropriated shall not be released to or
20 expended by the department of education unless the
21 board of education and superintendent of education



1 certify in writing that the board, superintendent, and
 2 department agree to the conditions set forth in this
 3 part and that the funds shall only be used for
 4 salaries and wages of department of education officers
 5 and employees who are subject to a collective
 6 bargaining agreement executed pursuant to chapter 89,
 7 Hawaii Revised Statutes, and who are employed at the
 8 school level in the classroom;

9 (3) Section 37-41.5, Hawaii Revised Statutes, shall not
 10 apply to moneys appropriated by this part; and

11 (4) Moneys appropriated by this part for fiscal year
 12 2021-2022 shall not lapse at the end of that fiscal
 13 year; provided further that all moneys appropriated by
 14 this part that are unencumbered as of June 30, 2023,
 15 shall lapse.

16 The sums appropriated shall be expended by the department
 17 of education for the purposes of this part.

18 PART IV

19 SECTION 5. This Act shall take effect on July 1, 2051;
 20 provided that part II of this Act shall take effect on May 1,
 21 2050.



Report Title:

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

Description:

Makes an emergency appropriation for fiscal year 2020-2021 from elementary and secondary school emergency relief fund (ESSER funds) moneys received by the State from the Coronavirus Aid, Relief, and Economic Security Act and the Coronavirus Response and Relief Supplemental 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, Hawaii Revised Statutes, and who are employed at the school level, including any budget reduction that would result 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 certain conditions, 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 in the classroom. Makes an appropriation for fiscal years 2021-2022 and 2022-2023 from the same source of funding and with the same conditions. Parts I, III, and IV effective 7/1/2051. Part II effective 5/1/2050. (SD2)

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

