

JAN 17 2014

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[~~r~~];
- 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 to read as follows:

8 **"§36-32 State educational facilities improvement special**
9 **fund.** (a) There is created in the treasury of the State the
10 state educational facilities improvement special fund. The
11 special fund shall be used solely to plan, design, acquire lands
12 for, and to construct public school facilities and to provide
13 equipment and technology infrastructure to improve public
14 schools and other facilities under the jurisdiction of the
15 department of education, except public libraries. In addition,
16 activities of the department of education intended to eliminate
17 the gap between the facility needs of schools and available
18 resources shall be eligible for funding from the special fund.
19 Expenditures from the special fund shall be limited to projects
20 authorized by the legislature for fiscal years ending prior to
21 July 1, 2016, and shall be subject to sections 37-31, and 37-33
22 through 37-40. Appropriations or authorizations from the



1 special fund shall be expended by the superintendent of
2 education.

3 (b) There is established within the state educational
4 facilities improvement special fund a separate account, to be
5 known as the lease payments for schools account, for lease
6 payments required by financing agreements entered into prior to
7 July 1, 2013, by the department of education pursuant to this
8 section and sections 37D-2 and 302A-1506. The lease payments
9 for schools account shall be funded by legislative
10 appropriations and expended by the superintendent of education.
11 Expenditures from the lease payments for schools account shall
12 be exempt from chapters 103 and 103D and are restricted to lease
13 payments on new schools included within the department of
14 education's current six year capital improvement programs and
15 for which:

16 (1) The legislature adopted a concurrent resolution
17 directing the department of education to:

18 (A) Build a new school in a specific geographic area
19 using the design-build method; and

20 (B) Pursue the use of a financing agreement to build
21 the new school; or



1 (2) The legislature appropriated planning and design funds
2 and specified that the remainder of the costs
3 necessary to complete the project are eligible for
4 funding through a financing agreement;
5 provided that any school to which the legislature has
6 appropriated planning and design funds prior to July 1, 2007,
7 and for which a private developer is willing to enter into a
8 lease-purchase agreement with the department of education within
9 twelve months of July 1, 2007 is exempt from the requirements of
10 paragraphs (1) and (2).

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

17 SECTION 4. Section 36-36, Hawaii Revised Statutes, is
18 amended to read as follows:

19 **"§36-36 School physical plant operations and maintenance**
20 **account; maintenance schedule.** (a) There is created in the
21 state general fund under EDN 400 (school support) the school
22 physical plant operations and maintenance account, into which



1 shall be deposited all legislative appropriations to the
2 account.

3 The moneys in the account shall be used solely for school
4 repairs and preventive maintenance projects scheduled after
5 June 30, 2001. Expenditures from the account shall be subject
6 to sections 37-31 and 37-33 to 37-40. Based on the
7 prioritization approved by the department of education,
8 appropriations or authorizations from the account shall be
9 expended by the superintendent of education.

10 (b) Every school facility newly constructed or renovated
11 after June 30, 2001, shall include a preventive maintenance
12 schedule prepared by the architect or engineer of the facility
13 or the capital improvement project. The maintenance schedule
14 shall include:

- 15 (1) A description of each major component of a facility or
16 capital improvement project and the component's
17 maintenance;
- 18 (2) The starting date of each maintenance project;
- 19 (3) The current, future, and any recurring cost of each
20 maintenance project;
- 21 (4) The useful life of the facility or capital improvement
22 project;



1 (5) The present value of the cost of normally scheduled
2 maintenance over the useful life of the facility;

3 (6) The adjusted life of the facility or capital
4 improvement project; and

5 (7) The replacement date of the facility or capital
6 improvement project.

7 (c) Moneys in physical plant operations and maintenance
8 account shall be allocated according to departmental school
9 districts based on:

10 (1) Estimated preventive and scheduled maintenance costs
11 that reflect the age and condition of existing school
12 facilities in the State in the following categories:
13 re-roofing, electrical, athletic facilities, re-
14 surfacing, equipment, exterior painting, plumbing,
15 structural integrity, termite ground treatment,
16 termite tent treatment, interior painting, air
17 conditioning change out, and re-carpeting; and

18 (2) Budgeted recurring maintenance, health and safety
19 requirements, and legal mandates.

20 (d) The expenditure of funds made under this Act for any
21 project with an estimated total cost of less than \$100,000 shall
22 be exempt from section 464-4; provided that:



1 (1) The superintendent of education shall develop internal
2 policies and procedures for the procurement of goods,
3 services, and construction, consistent with the goals
4 of public accountability and public procurement
5 practices, subject to chapter 103D;

6 (2) Insofar as is practical, and based on specifications
7 developed, adequate and reasonable competition of no
8 fewer than three quotations shall be solicited for
9 each project based on rules adopted by the
10 superintendent of education;

11 (3) Considering all factors, including quality, warranty,
12 and delivery, the award shall be made to the vendor
13 with the most advantageous quotation;

14 (4) The procurement requirements shall not be artificially
15 divided or parceled so as to avoid competitive bidding
16 or competitive proposals; and

17 (5) Formal design for projects shall be done when there is
18 a clear need to preserve structural integrity, health
19 and safety, or to clearly communicate construction
20 requirements.

21 ~~[(c) The superintendent of education shall submit an~~
22 ~~annual report to the legislature, which shall include a~~



1 ~~financial statement of the account and the status of school~~
2 ~~repair and preventive maintenance projects undertaken pursuant~~
3 ~~to this section, no later than twenty days prior to the~~
4 ~~convening of each regular session. The department of education~~
5 ~~shall post the following reports electronically on the Internet~~
6 ~~and update them quarterly.~~

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

11 ~~(2) A list of each school's repair and maintenance needs~~
12 ~~to be undertaken.]"~~

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

16 "Attend" or "attendance" means a student is physically
17 present in school after enrollment.

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

21 "License" means the recognition granted by the Hawaii
22 teacher standards board to an individual to practice the



1 profession of teaching. This definition shall not apply to the
2 term "license" as it is used in sections 302A-425 to 302A-427."

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

5 "~~[§302A-102]~~ **Smoking prohibited**~~[, exception]~~. ~~[(a)]~~

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

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

13 ~~(c) The department shall provide a smoking cessation~~
14 ~~program for public employees who are interested in~~
15 ~~participating; provided that issues relating to the costs of the~~
16 ~~program shall be subject to collective bargaining.~~

17 ~~(d) This section shall not be subject to part II of~~
18 ~~chapter 328K.] "~~

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

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



1 ~~[Members]~~ Notwithstanding any law to the contrary, members shall
2 serve no more than three consecutive three-year terms; provided
3 that the members who are initially appointed to terms of two
4 years or less pursuant to subsection (a) may be reappointed to
5 three ensuing consecutive three-year terms. If a member is
6 nominated to a second or subsequent consecutive term, the senate
7 shall consider the question of whether to reconfirm the member
8 at least one hundred twenty days prior to the expiration of the
9 member's immediately preceding term; provided that if the senate
10 has not taken final action to reconfirm the member by the one
11 hundred twenty-day deadline, the member shall continue to serve
12 until the senate takes final action on the reconfirmation."

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

15 "(b) The employer or prospective employer may refuse to
16 employ, and may:

17 ~~[-(1) Refuse to issue a teaching or other educational~~
18 ~~certificate;~~

19 ~~[-(2) Revoke the teaching or other educational certificate;~~

20 ~~[-(3)]~~ (1) Refuse to allow or continue to allow teacher
21 training; or



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

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

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



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

4 ~~(c) The department shall establish alternative routes to~~
5 ~~certification for principals and vice principals pursuant to~~
6 ~~rules adopted under chapter 91.~~

7 ~~(d) For purposes of this section, "alternative routes to~~
8 ~~certification" has the same meaning as determined by United~~
9 ~~States Department of Education regulations for state~~
10 ~~applications for Race to the Top fund allocations under section~~
11 ~~14001 of the federal American Recovery and Reinvestment Act of~~
12 ~~2009, as amended]."~~

13 SECTION 10. Section 302A-1004, Hawaii Revised Statutes, is
14 amended to read as follows:

15 **"§302A-1004. Educational accountability system; annual**
16 **reports.** (a) The department shall implement a comprehensive
17 system of educational accountability to motivate and support the
18 improved performance of students and the education system. This
19 accountability system shall:

20 (1) Include student accountability; school or collective
21 accountability; individual professional accountability
22 for teachers, principals, and other employees; and



- 1 public accounting to parents, community members,
2 businesses, higher education, media, and political
3 leadership;
- 4 (2) Link authority and resources to responsibility;
- 5 (3) Define clear roles for all parties and lines of
6 responsibility and mutual obligation and develop a
7 collaborative process with stakeholders, including
8 representatives of appropriate bargaining units,
9 parents, administration, and students;
- 10 (4) Assess and track measures of academic achievement,
11 safety and well-being, and civic responsibility of
12 individual students at selected grade levels and
13 report trend data on these measures over time
14 annually;
- 15 (5) Invoke a full and balanced set of appropriate
16 consequences for observed performance, including
17 rewards and recognition for those schools that meet or
18 exceed their goals, assistance to those that fall
19 short, and sanctions for those that, given adequate
20 assistance and ample time, continue to fail to meet
21 goals;



- 1 (6) Involve an annual statewide assessment program that
2 provides a report card containing trend data on
3 school, school complex, and system performance at
4 selected benchmark grade levels with performance
5 indicators in areas relating to student achievement,
6 safety and well-being, and civic responsibility.
7 These performance indicators shall include but not be
8 limited to:
- 9 (A) Student performance relative to statewide content
10 and performance standards; and
11 (B) School attendance and dropout rates;
- 12 (7) Require that teachers and administrators engage in the
13 continuous professional growth and development that
14 ensure their currency with respect to disciplinary
15 content, leadership skill, knowledge, or pedagogical
16 skill, as appropriate to their position. This
17 requirement may be established by the department in
18 terms of credit hours earned or their equivalent in
19 professional development activity certified by the
20 department as appropriate in focus and rigor;
- 21 (8) Establish an explicit link between professional
22 evaluation results and individual accountability



1 through professional development of the knowledge,
2 skill, and professional behavior necessary to the
3 position, by requiring that results of the
4 professional evaluation be used by the department to
5 prescribe professional development focus and content,
6 as appropriate;

7 (9) Include an annual statewide fiscal accountability
8 program, which includes a published report card that
9 contains trend data on school, school complex, and
10 systemwide plans and results, including:

11 (A) Amounts allocated;

12 (B) Amounts expended;

13 (C) Amounts carried over; and

14 (D) Any significant changes to the budget, with an
15 explanation for the change; and

16 (10) Include an evaluation of the effectiveness of complex
17 area superintendents and principals in supporting:

18 (A) Students' academic achievement, safety and well-
19 being, and civic responsibility; [~~and~~]

20 (B) The satisfaction of stakeholders affected by the
21 work of the complex area superintendents and



1 principals, which may be measured by broadbased
2 surveys; and

3 (C) Fiscal accountability.

4 ~~[(b) The department shall submit to the legislature, the~~
5 ~~governor, and the board of education at least twenty days prior~~
6 ~~to the convening of each regular legislative session a report of~~
7 ~~the specifics of the implementation of the comprehensive~~
8 ~~accountability system, as well as the fiscal requirements and~~
9 ~~legislative actions necessary to maintain and improve the~~
10 ~~accountability system.~~

11 ~~(c) The department shall submit to the legislature and to~~
12 ~~the governor, at least twenty days prior to the convening of~~
13 ~~each regular session, an educational status report that includes~~
14 ~~but is not limited to the following:~~

15 ~~(1) Results of school by school assessments of educational~~
16 ~~outcomes;~~

17 ~~(2) Summaries of each school's standards implementation~~
18 ~~design;~~

19 ~~(3) Summary descriptions of the demographic makeup of the~~
20 ~~schools, with indications of the range of these~~
21 ~~conditions among schools within Hawaii;~~



- 1 ~~(4) Comparisons of conditions affecting Hawaii's schools~~
- 2 ~~with the conditions of schools in other states;~~
- 3 ~~(5) Other such assessments as may be deemed appropriate by~~
- 4 ~~the board; and~~
- 5 ~~(6) Any other reports required by this section.~~

6 ~~(d)]~~ (b) The department shall provide electronic access to
7 computer-based financial management, student information, and
8 other information systems to the legislature and the auditor.
9 The department shall submit to the legislature and to the
10 governor, at least twenty days prior to the convening of each
11 regular session, a school-by-school expenditure report that
12 includes but is not limited to the following:

- 13 (1) The financial analysis of expenditures by the
- 14 department with respect to the following areas:
 - 15 (A) Instruction, including face-to-face teaching, and
 - 16 classroom materials;
 - 17 (B) Instructional support, including pupil, teacher,
 - 18 and program support;
 - 19 (C) Operations, including non-instructional pupil
 - 20 services, facilities, and business services;



1 (D) Other commitments, including contingencies,
2 capital improvement projects, out-of-district
3 obligations, and legal obligations; and

4 (E) Leadership, including school management, program
5 and operations management, and district
6 management; and

7 (2) The measures of accuracy, efficiency, and productivity
8 of the department, districts, and schools in
9 delivering resources to the classroom and the student.

10 [~~e~~] (c) The superintendent of education is responsible
11 for the development and implementation of an educational
12 accountability system. The system shall include consequences
13 and shall be designed through a collaborative process involving
14 stakeholders that shall include parents, community members, the
15 respective exclusive representatives, as well as others deemed
16 appropriate by the superintendent.

17 For the purposes of this section, negotiations under
18 chapter 89 shall be between the superintendent or the
19 superintendent's designee and the respective exclusive
20 representative, and shall be limited to the impact on personnel
21 arising from the superintendent's decision in implementing the
22 educational accountability system. After the initial agreement



1 is negotiated, provisions on the impact of the accountability on
2 personnel may be reopened only upon mutual agreement of the
3 parties."

4 SECTION 11. Section 302A-1124, Hawaii Revised Statutes, is
5 amended by amending subsection (e) to read as follows:

6 "(e) Unless otherwise specified, each school community
7 council shall establish policies governing the council's
8 composition, election, staggered terms of office for members,
9 operation, and vacancies; provided that:

10 (1) The number of school personnel [+]on[+] any school
11 community council shall be equal to the number of
12 primary stakeholders on the school community council;

13 (2) At the elementary and middle school levels, each
14 school community council shall be composed of the
15 principal and at least one member representing each of
16 the following groups:

17 (A) Parents elected by ballots distributed among and
18 collected from the parents of the school's
19 students;

20 (B) Teachers elected by ballots distributed among and
21 collected from teachers of the school;



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- 1 (C) Noncertificated school personnel elected by
- 2 ballots distributed among and collected from
- 3 noncertificated personnel of the school; and
- 4 (D) Community representatives elected by ballots
- 5 distributed among and collected from parents of
- 6 the school's students; [~~and~~
- 7 ~~(E) Student representatives selected by the student~~
- 8 ~~council of the school; and]~~

9 (3) At the elementary and middle school levels, each
10 school community council may allow for student
11 representatives selected by the student council of the
12 school; and

13 [~~3~~] (4) At the high school level, each school community
14 council shall be composed of the principal and at
15 least one member representing each of the following
16 groups:

- 17 (A) Parents elected by ballots distributed among and
- 18 collected from parents of the school's students;
- 19 (B) Teachers elected by ballots distributed among and
- 20 collected from teachers of the school;



1 (C) Noncertificated school personnel elected by
2 ballots distributed among and collected from
3 noncertificated personnel of the school;

4 (D) Community representatives elected by ballots
5 distributed among and collected from the parents
6 of the school's students; and

7 (E) Student representatives selected by the student
8 council of the school.

9 For the purposes of this subsection, "primary stakeholders"
10 means students, parents, and community members."

11 SECTION 12. Section 302A-1145, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "[~~§~~302A-1145] **Transfer to another school.** No school
14 shall receive any child under eighteen years of age, who has
15 attended another school of the same class in the same district,
16 unless the child produces to the school to be [~~entered,~~
17 enrolled, a certificate of release of the school last attended
18 by the child. If the child applies to attend a school of higher
19 grade, a certificate of proficiency shall be required or a
20 lawful excuse for its absence. The children from one [~~district]~~
21 service area desiring to enter a school in another [~~district]~~
22 service area may be received or [~~admitted]~~ enrolled upon



1 producing a certificate of release from the school last attended
2 in the other district."

3 SECTION 13. Section 302A-1154, Hawaii Revised Statutes, is
4 amended as follows:

5 1. By amending the title to read:

6 **"§302A-1154 Immunization upon [~~entering~~] attending school;
7 tuberculosis clearance."**

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

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

15 SECTION 14. Section 302A-1155, Hawaii Revised Statutes, is
16 amended to read as follows:

17 **"§302A-1155 Provisional [~~entrancee~~] attendance to school.**

18 (a) A child may [~~enter~~] attend school provisionally upon
19 submitting written documentation from a licensed physician,
20 physician assistant, advanced practice registered nurse, or an
21 authorized representative of the department of health stating
22 that the child is in the process of receiving the required



1 immunizations. Further documentation showing that the required
2 immunizations have been completed shall be submitted to the
3 appropriate school official no later than three months after the
4 child first ~~entered~~ attended the school. If all of the
5 required immunizations cannot be completed within three months
6 due to the length of the minimum intervals between doses of a
7 particular vaccine required by the department of health,
8 provisional ~~admission~~ attendance may be extended so long as
9 the child's parent or guardian provides documentation that
10 appointments for required immunizations have been made and that
11 progress toward completing the immunizations continues in
12 accordance with the requirements of the department of health.

13 (b) Provisional ~~entrance to~~ attendance at school may be
14 suspended by the department of health when there is danger of an
15 epidemic from any of the communicable diseases for which
16 immunization is required."

17 SECTION 15. Section 302A-1159, Hawaii Revised Statutes, is
18 amended to read as follows:

19 **"§302A-1159 Physical examination required.** No child shall
20 ~~[be admitted to]~~ attend any school for the first time in the
21 State unless the child presents to the appropriate school
22 official a report from a licensed physician or advanced practice



1 registered nurse of the results of a physical examination
2 performed within a year of the date of [~~entry into~~] attendance
3 at school. A child may [~~enter~~] attend school provisionally upon
4 submitting written documentation from a licensed physician,
5 advanced practice registered nurse, or other authorized
6 representative of the department of health stating that the
7 child is in the process of undergoing a physical examination.
8 Further documentation showing that the required physical
9 examination has been completed shall be submitted to the
10 appropriate school official no later than three months after the
11 child first [~~entered~~] attended the school."

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

14 **"§302A-1161 Notification for noncompliance.** If a child
15 does not complete the immunizations required under section
16 302A-1154 or the physical examination required under section
17 302A-1159 within the period provided by section 302A-1155 after
18 provisional [~~entry into~~] attendance at school, the administrator
19 of the school shall cause a notice to be sent to the parent or
20 guardian of the child stating that if the required immunizations
21 or physical examination is not completed within thirty days of



1 the date of the notice, the child shall not be [~~admitted~~]
2 permitted to attend school."

3 SECTION 17. Section 302A-1301, Hawaii Revised Statutes, is
4 amended to read as follows:

5 **"§302A-1301 School system financial accountability. (a)**
6 Beginning with the 1995-1997 fiscal biennium, the department's
7 administrative expenditures shall not exceed 6.5 per cent of the
8 total department operating budget, excluding expenditures for
9 agencies administratively attached to the department, unless
10 approved by the legislature.

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

16 SECTION 18. Section 302A-1312, Hawaii Revised Statutes, is
17 amended to read as follows:

18 **"§302A-1312 Six-year program and financial plan for school**
19 **repair and maintenance. [~~a~~]** The department of education
20 shall prepare a six-year program and financial plan for school
21 repair and maintenance that shall be:

22 (1) Based on:



1 (A) Estimated preventive and scheduled maintenance
2 costs;
3 (B) Budgeted recurring maintenance;
4 (C) Health and safety requirements; and
5 (D) Legal mandates;
6 (2) Insofar as is practical, prepared in accordance with
7 the principles and procedures contained in section
8 514A-83.6 or 514B-148; and
9 (3) Submitted initially to the legislature not less than
10 thirty days prior to the convening of the 2002 regular
11 session, with annual funding requirements for the
12 physical plant operations and maintenance account
13 submitted not less than thirty days prior to the
14 convening of the 2002 regular session and each regular
15 session thereafter;
16 provided that the governor may incorporate the six-year program
17 and financial plan required by this subsection into the six-year
18 program and financial plan required by section 37-69, if the
19 plan required by this subsection is incorporated without
20 reductions or restrictions.

21 ~~[(b) The department of education shall develop and~~
22 ~~maintain a facilities physical analysis report and a facilities~~



1 ~~financial analysis report for each public school. These reports~~
2 ~~shall be posted electronically on the Internet.~~

3 ~~(c) For the purposes of this section, the superintendent~~
4 ~~of education shall develop and implement appropriate planning~~
5 ~~procedures and follow up accountability reports to ensure sound~~
6 ~~planning, control, and accountability in the use of moneys~~
7 ~~allocated by the legislature. The department of education shall~~
8 ~~submit an annual report to the legislature that shall include:~~

- 9 ~~(1) List of projects initiated by the department of~~
10 ~~education; and~~
11 ~~(2) List of projects completed with associated actual~~
12 ~~cost.] "~~

13 SECTION 19. Section 302A-1504.5, Hawaii Revised Statutes,
14 is amended by amending subsection (a) to read as follows:

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



1 shall transfer moneys deposited in the school-level minor
 2 repairs and maintenance special fund for school-level minor
 3 repairs and maintenance to the Hawaii 3R's school repair and
 4 maintenance fund established pursuant to section 302A-1502.4."

5 SECTION 20. Section 302A-1103, Hawaii Revised Statutes, is
 6 repealed.

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

- 14 ~~(1) Ensure that the curriculum facilitates the achievement~~
 15 ~~of the statewide student performance standards adopted~~
 16 ~~for the public school system;~~
- 17 ~~(2) Develop and present to the school community council~~
 18 ~~for its review and approval, academic and financial~~
 19 ~~plans relating to the school;~~
- 20 ~~(3) Exercise authority over the implementation of the~~
 21 ~~budget, policies, and operations of the school; and~~



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

16 SECTION 21. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

18 SECTION 22. This Act shall take effect upon its approval;
19 provided that the amendments made to section 36-27(a), Hawaii
20 Revised Statutes, by section 2 of this Act shall not be repealed


21



S.B. NO. 2288

1 when section 36-27, Hawaii Revised Statutes, is reenacted
2 pursuant to section 34 of Act 79, Session Laws of Hawaii 2009.
3

INTRODUCED BY: _____

A handwritten signature in black ink, appearing to be 'Jim', is written over a horizontal line that extends to the right of the signature.

S.B. NO. 2288

Report Title:

Education; Housekeeping

Description:

Amends or repeals various provisions of chapter 302A, Hawaii Revised Statutes, for housekeeping and other purposes.

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

