A BILL FOR AN ACT

RELATING TO EDUCATION.

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

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

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

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

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

The legislature declares that it does not support any
attempts by the superintendent of education to seek a waiver
from the Secretary of Education.
The purpose of this Act is to appropriate certain federal moneys received by the State to the department of education to fund certain education related items.

SECTION 2. There is appropriated out of the Coronavirus Response and Relief Supplemental Appropriations Elementary and Secondary Schools Emergency Relief Fund appropriation for the department of education the sum of $144,656,637; provided that of the Coronavirus Response and Relief Supplemental Appropriations Elementary and Secondary Schools Emergency Relief Fund appropriation for the department of education:

(1) The sum of $32,500,000 or so much thereof as may be necessary for fiscal year 2020-2021 shall be expended for teacher pay differentials as approved by the board of education;

(2) The sum of $21,000,000 or so much thereof as may be necessary for fiscal year 2020-2021 shall be expended for school food services as approved by the board of education;

(3) The sum of $8,991,457 or so much thereof as may be necessary for fiscal year 2020-2021 shall be expended by the Hawaii state public charter school commission
for school-level programming as approved by the board of education;

(4) The sum of $9,650,000 or so much thereof as may be necessary for fiscal year 2020-2021 shall be expended for summer hubs to address learning loss as approved by the board of education;

(5) The sum of $1,790,000 or so much thereof as may be necessary for fiscal year 2020-2021 shall be expended for summer start kindergarten transition program to address learning loss as approved by the board of education;

(6) The sum of $333,334 or so much thereof as may be necessary for fiscal year 2020-2021 shall be expended for summer ohana help desk to address learning loss as approved by the board of education;

(7) The sum of $1,360,000 or so much thereof as may be necessary for fiscal year 2020-2021 shall be expended for connectivity to address learning loss as approved by the board of education;

(8) The sum of $6,000,000 or so much thereof as may be necessary for fiscal year 2020-2021 shall be expended
for transportation support services as approved by the board of education;

(9) The sum of $6,000,000 or so much thereof as may be necessary for fiscal year 2020-2021 shall be expended for school food support services as approved by the board of education;

(10) The sum of $8,401,000 or so much thereof as may be necessary for fiscal year 2020-2021 shall be expended for student computer devices as approved by the board of education;

(11) The sum of $1,000,000 or so much thereof as may be necessary for fiscal year 2020-2021 shall be expended for summer school fees as approved by the board of education;

(12) The sum of $1,000,000 or so much thereof as may be necessary for fiscal year 2021-2022 and the sum of $1,500,000 or so much thereof as may be necessary for fiscal year 2022-2023 shall be expended by the school facilities agency for personnel, operating, and programmatic expenses;
(13) The sum of $35,740,846 or so much thereof as may be necessary for fiscal year 2021-2022 shall be expended for the weighted student formula; and

(14) The sum of $4,695,000 or so much thereof as may be necessary for fiscal year 2021-2022 and the same sum or so much thereof as may be necessary for fiscal year 2022-2023 shall be expended for repairs and maintenance as follows:

(A) For elementary schools, $2,088,000 or so much thereof as may be necessary for fiscal year 2021-2022 and the same sum or so much thereof as may be necessary for fiscal year 2022-2023; provided that $12,000 shall be allocated to each elementary school;

(B) For middle schools, $651,000 or so much thereof as may be necessary for fiscal year 2021-2022 and the same sum or so much thereof as may be necessary for fiscal year 2022-2023; provided that $15,500 shall be allocated to each middle school;
(C) For high schools, $748,000 or so much thereof as may be necessary for fiscal year 2021-2022 and the same sum or so much thereof as may be necessary for fiscal year 2022-2023; provided that $22,000 shall be allocated to each high school;

(D) For combined/mixed schools, $968,000 or so much thereof as may be necessary for fiscal year 2021-2022 and the same sum or so much thereof as may be necessary for fiscal year 2022-2023; provided that $22,000 shall be allocated to each combined/mixed school; and

(E) For schools with pre-kindergarten classrooms, $240,000 or so much thereof as may be necessary for fiscal year 2021-2022 and the same sum or so much thereof as may be necessary for fiscal year 2022-2023; provided that $12,000 shall be allocated to each school with pre-kindergarten classrooms; and provided further that any funds not expended for these purposes shall lapse.
SECTION 3. There is appropriated out of the American Rescue Plan Elementary and Secondary Emergency Relief Fund appropriation for the department of education the sum of $412,328,764; provided that of the American Rescue Plan Elementary and Secondary Schools Emergency Relief Fund appropriation for the department of education:

(1) The sum of $76,280,821 or so much thereof as may be necessary for fiscal year 2021-2022 shall be expended to address learning loss;

(2) The sum of $20,204,110 or so much thereof as may be necessary for fiscal year 2021-2022 shall be expended by the Hawaii state public charter school commission for school-level programming;

(3) The sum of $110,000,000 or so much thereof as may be necessary for fiscal year 2021-2022 shall be expended by the office of facilities and operations to address school-level needs for safe re-opening, including but not limited to improved indoor air quality, food services, transportation, personal protective equipment, and other needs as identified by the Center for Disease Control and Prevention; provided that for
indoor air quality measures, priority shall be given
to those projects that also provide heat abatement
through mechanical cooling, such as air conditioning
with appropriate Centers for Disease Control
filtration systems;

(4) The sum of $100,300,000 or so much thereof as may be
necessary for fiscal year 2021-2022 shall be expended
by complex area superintendents for school-level
programming, including but not limited to programs for
social, emotional, mental and physical health service
needs, and to foster innovation projects for science,
technology, engineering, and mathematics (STEM),
career and technical education, Hawaiian culture,
sustainability, trauma-informed care services, and to
address community-based issues as follows:

(A) For the Kailua-Kalaheo complex area, $5,463,813
or so much thereof as may be necessary for fiscal
year 2021-2022;

(B) For the Hilo-Waiakea complex area, $5,073,541 or
so much thereof as may be necessary for fiscal
year 2021-2022;
(C) For the Honokaa-Kealakehe-Kohala-Konawaena complex area, $7,415,175 or so much thereof as may be necessary for fiscal year 2021-2022;

(D) For the Farrington-Kaiser-Kalani complex area, $9,756,810 or so much thereof as may be necessary for fiscal year 2021-2022;

(E) For the Aiea-Moanalua-Radford complex area, $8,585,993 or so much thereof as may be necessary for fiscal year 2021-2022;

(F) For the Campbell-Kapolei complex area, $7,024,903 or so much thereof as may be necessary for fiscal year 2021-2022;

(G) For the Kaimuki-McKinley-Roosevelt complex area, $10,927,627 or so much thereof as may be necessary for fiscal year 2021-2022;

(H) For the Leilehua-Mililani-Waialua complex area, $7,805,447 or so much thereof as may be necessary for fiscal year 2021-2022;

(I) For the Nanakuli-Waianae complex area, $3,512,451 or so much thereof as may be necessary for fiscal year 2021-2022;
(J) For the Pearl City-Waipahu complex area, $6,634,630 or so much thereof as may be necessary for fiscal year 2021-2022;

(K) For the Castle-Kahuku complex area, $6,244,358 or so much thereof as may be necessary for fiscal year 2021-2022;

(L) For the Kau-Keaau-Pahoa complex area, $3,512,451 or so much thereof as may be necessary for fiscal year 2021-2022;

(M) For the Baldwin-Kekaulike-Maui complex area, $7,805,447 or so much thereof as may be necessary for fiscal year 2021-2022;

(N) For the Hana-Lahaina-Lanai-Molokai complex area, $4,292,996 or so much thereof as may be necessary for fiscal year 2021-2022; and

(O) For the Kapaa-Kauai-Waimea complex area, $6,244,358 or so much thereof as may be necessary for fiscal year 2021-2022;

(5) The sum of $1,800,000 or so much thereof as may be necessary for fiscal year 2021-2022 shall be expended
by Honouliuli middle school for new classroom
furnishing and equipment;

(6) The sum of $2,061,645 or so much thereof as may be
necessary for fiscal year 2021-2022 shall be expended
for administrative costs and emergency needs; provided
that funds are not expended for additional
compensation for existing positions;

(7) The sum of $19,000,000 or so much thereof as may be
necessary for fiscal year 2021-2022 shall be expended
by complex area superintendents through the office of
curriculum and instructional design for virtual
learning, including but not limited to software
subscriptions and licenses and other technical
resources and materials to support virtual learning
based on an approved list provided by the office of
curriculum and instructional design;

(8) The sum of $24,205,024 or so much thereof as may be
necessary for fiscal year 2021-2022 shall be expended
for summer enrichment programs to address learning
loss;
(9) The sum of $412,329 or so much thereof as may be necessary for fiscal year 2021-2022 shall be expended for comprehensive afterschool programs to address learning loss;

(10) The sum of $1,000,000 or so much thereof as may be necessary for fiscal year 2021-2022 shall be expended by the executive office on early learning for early childhood educators to support and stabilize educator workforce;

(11) The sum of $20,000,000 or so much thereof as may be necessary for fiscal year 2021-2022 shall be expended for underserved student groups as outlined by the United States Department of Education, including but not limited to students from low-income families, underserved student groups by gender, race or ethnicity, English learners, children with disabilities, students experiencing homelessness, children and youth in foster care, migratory students, and other groups disproportionately impacted by the pandemic (e.g., youth involved in the criminal justice system and LGBTQ+ students); provided that no less
than $5,000,000 shall be expended on community outreach programs to service the needs of the aforementioned students; provided further that funding allocations shall be based on identified underserved groups by complex;

(12) The sum of $1,000,000 or so much thereof as may be necessary for fiscal year 2021-2022 shall be expended by the office of talent management for alternative teacher licensure programs to support and stabilize the educator workforce;

(13) The sum of $29,700,000 or so much thereof as may be necessary for fiscal year 2021-2022 shall be expended for the purpose of educator workforce stabilization to retain teachers; provided that moneys appropriated shall be used for a one-time stabilization payment of $2,200 for each teacher; and

(14) The sum of $6,364,835 or so much thereof as may be necessary for fiscal year 2021-2022 shall be expended by each school for an automated greenhouse pilot program as follows:
(A) For Kohala high school, $1,060,805 or so much thereof as may be necessary for fiscal year 2021-2022;

(B) For Molokai high school, $1,060,806 or so much thereof as may be necessary for fiscal year 2021-2022;

(C) For Lahainaluna high school, $1,060,806 or so much thereof as may be necessary for fiscal year 2021-2022;

(D) For Kauai high school, $1,060,806 or so much thereof as may be necessary for fiscal year 2021-2022;

(E) For Waialua high school, $1,060,806 or so much thereof as may be necessary for fiscal year 2021-2022; and

(F) For Mililani high school, $1,060,806 or so much thereof as may be necessary for fiscal year 2021-2022; and

provided further that any funding amounts that the Department of Education wishes to reallocate for the purposes of meeting the requirements set forth by the United States Department of
Education shall receive prior approval of the legislature; provided further that the funds appropriated by this section shall not lapse at the end of the fiscal year for which they are appropriated; provided further that all moneys from the appropriation that are unencumbered as of June 30, 2023, shall lapse as of that date.

SECTION 4. Any pay increases for all superintendents granted by the board of education shall only take effect when department heads receive their raise set forth in the most recent salary recommendations by the commission on salaries.

SECTION 5. This Act shall take effect upon its approval; provided that section 2, paragraphs (12) through (14) and section 3 shall take effect on July 1, 2021.
Report Title:
State Programs; DOE; ESSER Funds; CARES Act; CRRS Appropriations Act; Appropriation

Description:
Makes an appropriation from the coronavirus response and relief supplemental appropriations elementary and secondary schools emergency relief fund appropriation for the department of education. Makes an appropriation from the American rescue plan elementary and secondary schools emergency relief fund appropriation for the department of education. Establishes conditions required to be met for superintendents to receive pay increases. (CD1)

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