
A BILL FOR AN ACT

RELATING TO THE DEPARTMENT OF EDUCATION.

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

1 PART I

2 SECTION 1. The legislature finds that educational systems
3 today are faced with changing needs and growing demands but
4 tighter budgets. To meet the challenge of 21st century
5 realities, educational systems everywhere, and the leadership
6 and management structures within them, must be rethought.

7 With its multi-million dollar annual budget, large consumer
8 base, and wide-reaching impact, the State of Hawaii department
9 of education is much like a large corporation. In these modern
10 times, most successful corporations are operated through the
11 leadership and management of individuals, such as chief
12 operating officers and chief financial officers, who lend their
13 expertise to steer businesses in the best possible direction.
14 Corporations employ chief financial officers, for example, to
15 effectively manage their budgets and finances. These officers
16 play a critical role in determining business goals and the
17 ability to meet them by maximizing resources and ensuring
18 efficient operations from a financial perspective.



1 It is only sensible that an institution as important as the
2 department of education--one that cradles the future of our
3 children and state--be operated as would a successful
4 corporation, under the guidance of a chief operating officer and
5 a chief financial officer to work hand-in-hand with the
6 superintendent.

7 There are many experts in our local business community who
8 agree that improving the administration of the department of
9 education is in order. The department needs a comprehensive
10 budgeting and accounting system that takes into account the
11 whole picture, from the administration to the school level. And
12 as any responsible business has measures in place to ensure
13 accountability and transparency of financial operations, a chief
14 financial officer would be the authority on how educational
15 dollars are being spent--resources entrusted to them by Hawaii's
16 taxpayers. A chief financial officer and a chief operations
17 officer would greatly strengthen the operations of the
18 department of education.

19 The purpose of this Act is to strengthen the operations of
20 the department of education by creating various positions in the
21 office of the superintendent.



1 PART II

2 SECTION 2. Section 76-16, Hawaii Revised Statutes, is
3 amended by amending subsection (b) to read as follows:

4 "(b) The civil service to which this chapter applies shall
5 comprise all positions in the State now existing or hereafter
6 established and embrace all personal services performed for the
7 State, except the following:

8 (1) Commissioned and enlisted personnel of the Hawaii
9 national guard as such, and positions in the Hawaii
10 national guard that are required by state or federal
11 laws or regulations or orders of the national guard to
12 be filled from those commissioned or enlisted
13 personnel;

14 (2) Positions filled by persons employed by contract where
15 the director of human resources development has
16 certified that the service is special or unique or is
17 essential to the public interest and that, because of
18 circumstances surrounding its fulfillment, personnel
19 to perform the service cannot be obtained through
20 normal civil service recruitment procedures. Any such
21 contract may be for any period not exceeding one year;



- 1 (3) Positions that must be filled without delay to comply
2 with a court order or decree if the director
3 determines that recruitment through normal recruitment
4 civil service procedures would result in delay or
5 noncompliance, such as the Felix-Cayetano consent
6 decree;
- 7 (4) Positions filled by the legislature or by either house
8 or any committee thereof;
- 9 (5) Employees in the office of the governor and office of
10 the lieutenant governor, and household employees at
11 Washington Place;
- 12 (6) Positions filled by popular vote;
- 13 (7) Department heads, officers, and members of any board,
14 commission, or other state agency whose appointments
15 are made by the governor or are required by law to be
16 confirmed by the senate;
- 17 (8) Judges, referees, receivers, masters, jurors, notaries
18 public, land court examiners, court commissioners, and
19 attorneys appointed by a state court for a special
20 temporary service;
- 21 (9) One bailiff for the chief justice of the supreme court
22 who shall have the powers and duties of a court



1 officer and bailiff under section 606-14; one
2 secretary or clerk for each justice of the supreme
3 court, each judge of the intermediate appellate court,
4 and each judge of the circuit court; one secretary for
5 the judicial council; one deputy administrative
6 director of the courts; three law clerks for the chief
7 justice of the supreme court, two law clerks for each
8 associate justice of the supreme court and each judge
9 of the intermediate appellate court, one law clerk for
10 each judge of the circuit court, two additional law
11 clerks for the civil administrative judge of the
12 circuit court of the first circuit, two additional law
13 clerks for the criminal administrative judge of the
14 circuit court of the first circuit, one additional law
15 clerk for the senior judge of the family court of the
16 first circuit, two additional law clerks for the civil
17 motions judge of the circuit court of the first
18 circuit, two additional law clerks for the criminal
19 motions judge of the circuit court of the first
20 circuit, and two law clerks for the administrative
21 judge of the district court of the first circuit; and
22 one private secretary for the administrative director



1 of the courts, the deputy administrative director of
2 the courts, each department head, each deputy or first
3 assistant, and each additional deputy, or assistant
4 deputy, or assistant defined in paragraph (16);

5 (10) First deputy and deputy attorneys general, the
6 administrative services manager of the department of
7 the attorney general, one secretary for the
8 administrative services manager, an administrator and
9 any support staff for the criminal and juvenile
10 justice resources coordination functions, and law
11 clerks;

12 (11) (A) Teachers, principals, vice-principals, complex
13 area superintendents, deputy and assistant
14 superintendents, other certificated personnel,
15 not more than twenty noncertificated
16 administrative, professional, and technical
17 personnel not engaged in instructional work;

18 (B) Effective July 1, 2003, teaching assistants,
19 educational assistants, bilingual/bicultural
20 school-home assistants, school psychologists,
21 psychological examiners, speech pathologists,
22 athletic health care trainers, alternative school



1 work study assistants, alternative school
2 educational/supportive services specialists,
3 alternative school project coordinators, and
4 communications aides in the department of
5 education;

6 (C) The special assistant to the state librarian and
7 one secretary for the special assistant to the
8 state librarian; and

9 (D) Members of the faculty of the University of
10 Hawaii, including research workers, extension
11 agents, personnel engaged in instructional work,
12 and administrative, professional, and technical
13 personnel of the university;

14 (12) Employees engaged in special, research, or
15 demonstration projects approved by the governor;

16 (13) Positions filled by inmates, kokuas, patients of state
17 institutions, persons with severe physical or mental
18 handicaps participating in the work experience
19 training programs, and students and positions filled
20 through federally funded programs that provide
21 temporary public service employment such as the



1 federal Comprehensive Employment and Training Act of
2 1973;

3 (14) A custodian or guide at Iolani Palace, the Royal
4 Mausoleum, and Hulihee Palace;

5 (15) Positions filled by persons employed on a fee,
6 contract, or piecework basis, who may lawfully perform
7 their duties concurrently with their private business
8 or profession or other private employment and whose
9 duties require only a portion of their time, if it is
10 impracticable to ascertain or anticipate the portion
11 of time to be devoted to the service of the State;

12 (16) Positions of first deputies or first assistants of
13 each department head appointed under or in the manner
14 provided in section 6, Article V, of the State
15 Constitution; one additional deputy in the department
16 of education; three additional deputies or assistants
17 either in charge of the highways, harbors, and
18 airports divisions or other functions within the
19 department of transportation as may be assigned by the
20 director of transportation, with the approval of the
21 governor; four additional deputies in the department
22 of health, each in charge of one of the following:



1 behavioral health, environmental health, hospitals,
2 and health resources administration, including other
3 functions within the department as may be assigned by
4 the director of health, with the approval of the
5 governor; an administrative assistant to the state
6 librarian; and an administrative assistant to the
7 superintendent of education;

8 (17) Positions specifically exempted from this part by any
9 other law; provided that all of the positions defined
10 by paragraph (9) shall be included in the position
11 classification plan;

12 (18) Positions in the state foster grandparent program and
13 positions for temporary employment of senior citizens
14 in occupations in which there is a severe personnel
15 shortage or in special projects;

16 (19) Household employees at the official residence of the
17 president of the University of Hawaii;

18 (20) Employees in the department of education engaged in
19 the supervision of students during meal periods in the
20 distribution, collection, and counting of meal
21 tickets, and in the cleaning of classrooms after
22 school hours on a less than half-time basis;



- 1 (21) Employees hired under the tenant hire program of the
2 Hawaii public housing administration; provided that
3 not more than twenty-six per cent of the
4 administration's work force in any housing project
5 maintained or operated by the administration shall be
6 hired under the tenant hire program;
- 7 (22) Positions of the federally funded expanded food and
8 nutrition program of the University of Hawaii that
9 require the hiring of nutrition program assistants who
10 live in the areas they serve;
- 11 (23) Positions filled by severely handicapped persons who
12 are certified by the state vocational rehabilitation
13 office that they are able to perform safely the duties
14 of the positions;
- 15 (24) One public high school student to be selected by the
16 Hawaii state student council as a nonvoting member on
17 the board of education as authorized by the [~~State~~
18 ~~Constitution;~~] state constitution;
- 19 (25) Sheriff, first deputy sheriff, and second deputy
20 sheriff;
- 21 (26) A gender and other fairness coordinator hired by the
22 judiciary; and



1 (27) Positions in the Hawaii national guard youth challenge
2 academy.

3 The director shall determine the applicability of this
4 section to specific positions.

5 Nothing in this section shall be deemed to affect the civil
6 service status of any incumbent as it existed on July 1, 1955."

7 SECTION 3. Section 302A-621, Hawaii Revised Statutes, is
8 amended to read as follows:

9 "**§302A-621 Salary; deputy [~~superintendent~~]**
10 **superintendents, assistant superintendents, complex area**
11 **superintendents.** The salaries of the deputy [~~superintendent~~]
12 superintendents, assistant superintendents, and complex area
13 superintendents shall be set by the board; provided that the
14 salaries of the deputy [~~superintendent~~] superintendents,
15 assistant superintendents, and the complex area superintendents
16 shall not exceed eighty per cent of the superintendent's
17 salary."

18 PART III

19 SECTION 4. There is appropriated out of the general
20 revenues of the State of Hawaii the sum of \$120,000 or so much
21 thereof as may be necessary for fiscal year 2006-2007 for the
22 establishment of one full-time equivalent (1.00 FTE) permanent



1 deputy superintendent of education position in the department of
2 education office of the superintendent to perform duties such as
3 those that a chief operating officer would perform.

4 SECTION 5. There is appropriated out of the general
5 revenues of the State of Hawaii the sum of \$46,000 or so much
6 thereof as may be necessary for fiscal year 2006-2007 for the
7 establishment of one full-time equivalent (1.00 FTE) permanent
8 secretary position in the department of education to assist the
9 deputy superintendent of education.

10 SECTION 6. There is appropriated out of the general
11 revenues of the State of Hawaii the sum of \$110,000 or so much
12 thereof as may be necessary for fiscal year 2006-2007 for the
13 establishment of one full-time equivalent (1.00 FTE) permanent
14 assistant superintendent position in the department of education
15 office of the superintendent to perform the functions of a chief
16 financial officer, including the department of education's
17 financial statements, preparation and execution of budgets,
18 accounting, and vendor payments.

19 SECTION 7. There is appropriated out of the general
20 revenues of the State of Hawaii the sum of \$43,000 or so much
21 thereof as may be necessary for fiscal year 2006-2007 for the
22 establishment of one full-time equivalent (1.00 FTE) permanent



1 secretary position in the department of education to assist the
2 assistant superintendent performing the functions of a chief
3 financial officer.

4 SECTION 8. There is appropriated out of the general
5 revenues of the State of Hawaii the sum of \$110,000 or so much
6 thereof as may be necessary for fiscal year 2006-2007 for the
7 establishment of one full-time equivalent (1.00 FTE) permanent
8 executive position in the department of education office of the
9 superintendent to perform external affairs functions such as
10 communications, military liaison, business-community relations,
11 legislative relations, and federal relations.

12 SECTION 9. There is appropriated out of the general
13 revenues of the State of Hawaii the sum of \$129,000 or so much
14 thereof as may be necessary for fiscal year 2006-2007 for the
15 establishment of three full-time equivalent (3.00 FTE) permanent
16 secretary positions, at \$43,000 each, in the department of
17 education to assist the executive for external affairs.

18 SECTION 10. The sums appropriated in this part shall be
19 expended by the department of education for the purposes of this
20 Act.



HB 1865
HD1

Report Title:

Department of Education; Administration

Description:

Strengthens the operations of the Department of Education by creating various positions. (HB1865 HD1)

HB1865 HD1 HMS 2006-2366

