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# 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 21<sup>st</sup> 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 run 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 run as a successful corporation would be  
4 run, under the guidance of a chief operating officer and chief  
5 financial officer who will 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 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.

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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;
- 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.



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PART IV

SECTION 11. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 12. This Act shall take effect on July 1, 2006.

INTRODUCED BY:

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JAN 18 2006

H.B. N.O. 1865

**Report Title:**

Department of Education; Administration

**Description:**

Strengthens the operations of the Department of Education by creating various positions.

