

JAN 18 2007

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# A BILL FOR AN ACT

RELATING TO EDUCATION.

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

1           SECTION 1. The legislature finds that the interagency  
2 working group established pursuant to part VIII of Act 51,  
3 Session Laws of Hawaii 2004, the "Reinventing Education Act of  
4 2004," as amended by Act 225, Session Laws of Hawaii 2006 (Act  
5 51, as amended), has recommended to the legislature that the  
6 transfer of functions from the department of health to the  
7 department of education specified in Act 51, as amended, be  
8 amended to repeal the transfer of the public health nurses who  
9 supervise school health aides. The school health aides are  
10 scheduled to transfer July 1, 2007, from the department of  
11 health to the department of education.

12           The interagency working group report states that the  
13 department of education and the department of health supported  
14 the transfer of the school health aides and the repeal of the  
15 transfer of the public health nurses who supervise school health  
16 aides. The report also stated that the Hawaii Government  
17 Employees Association opposed the transfer of the school health



1 aides. The Hawaii Government Employees Association stated that  
2 their objection to any transfer of state employees to the  
3 department of education is based on their concern for the  
4 employees whose positions and funds might be allocated to the  
5 schools through the weighted student formula. The department of  
6 education stated that a policy decision has been made not to  
7 allocate the school health aides positions through the weighted  
8 student formula for the fiscal biennium 2007-2009.

9 The legislature further finds that the department of  
10 education and the department of health have agreed that the  
11 public health nurses who supervise the school health aides  
12 should remain at the department of health and provide clinical  
13 supervision to the school health aides through a service level  
14 agreement or memorandum of understanding. Both departments  
15 recognize that transferring the public health nurse positions to  
16 the department of education would require the department of  
17 health to request replacement positions to carry out essential  
18 public health functions. Additionally, the number of public  
19 health nurses that would be transferred to the department of  
20 education would be insufficient to provide the level of  
21 supervision necessary for the school health services program.  
22 As a result, both departments have concluded that the best



1 method of supporting the school health services program is to  
2 provide clinical supervision for school health aides through a  
3 service level agreement or memorandum of understanding.

4 The school health aides are the primary component of the  
5 school health services program established within the department  
6 of health. With the transfer of the school health aides to the  
7 department of education, the program should also be transferred  
8 to the department of education.

9 The purpose of this Act is to repeal the transfer of the  
10 public health nurses who supervise the school health aides from  
11 the department of health to the department of education and  
12 repeal the school health services program from chapter 321,  
13 Hawaii Revised Statutes, and enact the program in chapter 302A,  
14 Hawaii Revised Statutes.

15 SECTION 2. Act 51, Session Laws of Hawaii 2004, as amended  
16 by Act 225, Session Laws of Hawaii 2006, is amended by amending  
17 section 47 to read as follows:

18 "SECTION 47. (a) All the rights, powers, functions,  
19 duties, and resources of:

20 (1) The department of budget and finance relating to the:  
21 (A) Funding of collective bargaining agreement  
22 increases; and



1 (B) Securing, administering use, and expending of  
 2 federal funds and other aid, including their  
 3 custodial supervision; and

4 (2) The department of health relating to school health  
 5 aides [~~and public health nurses who supervise school~~  
 6 ~~health aides~~];

7 are transferred to the department of education effective  
 8 July 1, 2007, subject to repeal by subsequent legislation.

9 (b) All moneys budgeted in support of each position to be  
 10 transferred to the department of education, including moneys for  
 11 direct and indirect employee benefits, are transferred to the  
 12 department of education effective July 1, 2007, subject to  
 13 repeal by subsequent legislation."

14 SECTION 3. Chapter 302A, Hawaii Revised Statutes, is  
 15 amended by adding a new part to be appropriately designated and  
 16 to read as follows:

17 "PART . SCHOOL HEALTH SERVICES PROGRAM

18 §302A- Purpose; establishment of program. The purpose  
 19 of this part is to establish a statewide school health services  
 20 program. There shall be within the department a permanent  
 21 comprehensive school health services program for grades  
 22 kindergarten through twelve in all the public schools of this



1 State. It is in the general welfare of the State to protect,  
2 preserve, care for, and improve the physical and mental health  
3 of Hawaii's children by making available at the public schools  
4 first aid and emergency care, preventive health care, health  
5 appraisals and follow-ups, and health room facilities.

6 §302A- Teenage health program. The department, in  
7 cooperation with the department of health, may establish a  
8 statewide teenage health program designed to enhance  
9 self-esteem, facilitate communication between students and their  
10 parents, incorporate ho`oponopono techniques in group  
11 discussions, expand peer counseling efforts, and provide more  
12 counseling opportunities. In implementing this program, the  
13 department shall strive to respect and include the diverse needs  
14 and values of parents and teens served by the program.

15 §302A- Department implementation. The department shall  
16 implement this program with the present health services now  
17 provided to those schools under the pilot project established  
18 under Act 130, Session Laws of Hawaii 1970, to each public  
19 school, and further provide the necessary number of health aides  
20 in order to service each public school. The department may  
21 provide health related screening services at each public school.



1 School health aides may assist the student by administering  
2 oral and topical medication, and in emergency situations, other  
3 premeasured medication; provided that:

4 (1) If the student receiving the medication is a minor, a  
5 parent or guardian requests and authorizes the  
6 administration of medication;

7 (2) The medication has been prescribed by a licensed  
8 physician, as defined in section 334-1, or by a  
9 practitioner with prescriptive authority;

10 (3) The administration of the medication is with the  
11 approval of the department of health; and

12 (4) The administration of the medication is necessary for  
13 the health of the student and for the student's  
14 attendance at school.

15 §302A- School health aides. All full-time school health  
16 aides employed in the department shall be employed and have  
17 their compensation fixed in accordance with chapter 76 and the  
18 appropriate collective bargaining agreement, executive order,  
19 executive directive, or rule; provided that the compensation  
20 shall be based on a six and one-half hour work day; provided  
21 further that:



- 1           (1) The monthly rate of compensation for all school health
- 2           aides employed less than full-time shall be based on
- 3           the number of hours they actually work;
- 4           (2) The monthly rate of compensation for full-time health
- 5           aides so determined shall be multiplied by ten and
- 6           then divided by twelve and the resulting amount shall
- 7           be the employee's monthly salary payable over a
- 8           twelve-month period; and
- 9           (3) The health aides shall have the same working schedule
- 10          and leave allowance as school teachers in the
- 11          department.

12           §302A-     **Rules.** The superintendent of education shall

13 adopt rules pursuant to chapter 91 for the purposes of this

14 part."

15           SECTION 4. Chapter 321, part XIX, Hawaii Revised Statutes,

16 is repealed.

17           SECTION 5. Statutory material to be repealed is bracketed

18 and stricken.

19           SECTION 6. This Act shall take effect on June 29, 2007.

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INTRODUCED BY:

Norman Saberski  
Jim



**Report Title:**

Public Health Nurses; School Health Services Program; Transfers

**Description:**

Repeals the transfer of the public health nurses who supervise school health aides from the department of health to the department of education; establishes the school health services program in chapter 302A; repeals the school health services program in chapter 321.

