

JAN 24 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                   PART I.   FINANCIAL AND ACADEMIC ACCOUNTABILITY**

2           SECTION 1.   The legislature finds that individual public  
3 schools often need assistance to meet state accountability  
4 requirements for both fiscal and academic performance.  In the  
5 past, the department of education district offices provided  
6 significant assistance to schools.  However, with the emphasis  
7 on compliance with new federal and state requirements, the  
8 services available for schools at the complex area or district  
9 level have not kept pace with the needs of the schools.

10           The legislature further finds that the implementation of  
11 the weighted student formula as described in Act 51, Session  
12 Laws of Hawaii 2004, has often made it more difficult for  
13 schools to pool their resources to create complex area services  
14 and make complex area purchases of learning materials.

15           The legislature finds that with the emphasis on student  
16 testing results for reading and math, difficult choices at the  
17 school level have made it challenging for schools to retain



1 important programs in the arts, physical education, and virtual  
2 education. Specifically, it is well known that participation in  
3 the performing and visual arts not only enriches student life,  
4 but also contributes to greater student achievement. For many  
5 students, hands-on learning opportunities for self expression  
6 are keys to a healthier self esteem and improved classroom  
7 behavior. A complete education is one in which a young person  
8 is given continuous opportunities for expression through the  
9 arts.

10 The ability of school communities to purchase high quality  
11 learning materials is crucial for a dynamic and effective  
12 education system. These materials may include traditional text  
13 books, virtual or computer-based text books, or novels.

14 The purpose of this part is to achieve the following:

- 15 (1) Create greater emphasis and funding within the  
16 department of education at the complex area level for  
17 services and procurement of learning materials aligned  
18 throughout the complex;
- 19 (2) Create in each complex area, a business service center  
20 and an education service center to provide greater  
21 support to schools within each complex;



- 1           (3) Provide funds at the complex area level for training
- 2                   and the professional development of school community
- 3                   councils;
- 4           (4) Provide additional funds to allow schools to purchase
- 5                   business services to ensure that the schools are using
- 6                   their best accounting and record keeping practices and
- 7                   are prepared for a financial audit; and
- 8           (5) Encourage schools to pool their resources to achieve
- 9                   the purposes of these funds.

10           SECTION 2. Section 302A-604.5, Hawaii Revised Statutes, is  
11 amended to read as follows:

12           "**§302A-604.5 District business and fiscal officers~~[-]~~ and**  
13 **complex area business managers.** (a) The department shall  
14 establish [~~eight~~] fifteen permanent civil service exempt full-  
15 time equivalent complex area business [~~and fiscal officer~~]  
16 manager positions; provided that [~~four~~] one full-time equivalent  
17 complex area business [~~and fiscal officer positions~~] manager  
18 position shall be assigned to [~~the Oahu school districts, with~~  
19 ~~the remaining positions to be assigned to school complexes based~~  
20 ~~on need;~~] each of the fifteen complex areas in the department;  
21 and provided further that the complex area business [~~and fiscal~~  
22 ~~officer-~~] manager:



- 1           (1) Shall be a highly knowledgeable and qualified  
2           individual and have a business and facilities  
3           management background;
- 4           (2) Shall not be subject to the requirements of [+]chapter  
5           76[+]; and
- 6           (3) Shall not be required to be a certified teacher.
- 7           (b) Departmental school district business and fiscal  
8 officers shall be responsible for:
- 9           (1) Coordinating physical plant operations and maintenance  
10           activities with [~~the departments of education and~~  
11           ~~accounting and general services,~~] schools within the  
12           complex;
- 13           (2) Coordinating the training and selection of school  
14           custodians; monitoring the performance of school  
15           custodians in accomplishing minor repairs with funds  
16           from school-level minor repairs and maintenance  
17           accounts; and overseeing these accounts at the  
18           direction of school principals;
- 19           (3) Planning for capital improvement projects with the  
20           department of education;
- 21           (4) Ensuring that school facilities comply with the laws  
22           and rules regarding:



- 1           (A) The provision of a free appropriate public  
2           education for exceptional children with  
3           disabilities; and
- 4           (B) The provision of a free appropriate public  
5           education for qualified students with  
6           disabilities;
- 7           (5) Assisting the department, individual schools, and  
8           school complexes in forming partnerships with  
9           community groups, volunteers, and businesses to obtain  
10          donated and discounted repair and maintenance services  
11          and materials; [~~and~~]
- 12          (6) Developing, coordinating, overseeing, and  
13          participating in the data collection for the physical  
14          plant analysis report and the maintenance plan for  
15          each school[-];
- 16          (7) Assist schools in adopting best practices in  
17          accounting and bookkeeping;
- 18          (8) Conduct budget versus actual variance analysis;
- 19          (9) Understand and provide guidance on procurement  
20          transactions and laws; and
- 21          (10) Prepare and present financial recommendations to the  
22          school and complex area administrators."



1 SECTION 3. There is appropriated out of the general  
2 revenues of the State of Hawaii the sum of \$ , or so  
3 much thereof as may be necessary for fiscal year 2007-2008, and  
4 \$ , or so much thereof as may be necessary for fiscal  
5 year 2008-2009, for each complex area and the charter school  
6 administrative office to provide funds to complex area  
7 department schools and to charter schools to purchase business  
8 services either from the department of education or other  
9 sources to assist the school in adopting best practices for  
10 accounting and recordkeeping.

11 The sums appropriated shall be expended by the department  
12 of education to assist the school community councils or local  
13 school boards with the goal of ensuring that each school is  
14 prepared for a financial audit. The department of education  
15 shall transfer the appropriate amount for each student to the  
16 charter school administrative office no later than July 15 for  
17 distribution to the charter schools.

18 SECTION 4. There is appropriated out of the general  
19 revenues of the State of Hawaii the sum of \$ , or so  
20 much thereof as may be necessary for fiscal year 2007-2008, and  
21 \$ , or so much thereof as may be necessary for fiscal



1 year 2008-2009 to assist each complex area and school community  
2 councils to purchase training and professional development.

3 The sums appropriated shall be expended by the department  
4 of education for purposes of this part.

5 SECTION 5. There is appropriated out of the general  
6 revenues of the State of Hawaii the sum of \$ , or so  
7 much thereof as may be necessary for fiscal year 2007-2008, and  
8 \$ , or so much thereof as may be necessary for fiscal  
9 year 2008-2009, for the establishment of one full time  
10 equivalent business manager position for each of the fifteen  
11 school complex areas to assist the schools in managing their  
12 business aspects and in adopting best practices for accounting  
13 and recordkeeping.

14 The sums appropriated shall be expended by the department  
15 of education for purposes of this part.

16 SECTION 6. There is appropriated out of the general  
17 revenues of the State of Hawaii the sum of \$ , or so  
18 much thereof as may be necessary for fiscal year 2007-2008, and  
19 \$ , or so much thereof as may be necessary for fiscal  
20 year 2008-2009, for the department of education complex areas  
21 and the charter school administrative office to provide funds to  
22 schools for arts education, physical education, mathematics and



1 science learning materials, including virtual learning materials  
2 and programs; provided that mathematics and science learning  
3 materials purchased by the schools shall be aligned with  
4 curricula throughout the complex. The department of education  
5 shall transfer the appropriate pro rated amounts of this  
6 appropriation for charter schools to the charter school  
7 administrative office no later than July 15 for distribution to  
8 the charter schools.

9 The sums appropriated shall be expended by the department  
10 of education for the purposes of this part.

11 **PART II. EDUCATION AND WORKFORCE DEVELOPMENT**

12 SECTION 7. The purpose of this part is to:

- 13 (1) Create a new category of high schools within the  
14 department of education that will link the curriculum  
15 of a school to the mission of a particular agency or  
16 University of Hawaii campus and the private sector  
17 work force;
- 18 (2) Create a tax incentive for businesses providing  
19 experiential learning opportunities; and
- 20 (3) Create a comprehensive agriculture and landscape  
21 education program in the public schools.





1 SECTION 8. Chapter 302A, Hawaii Revised Statutes, is  
2 amended by adding a new part to be appropriately designated and  
3 to read as follows:

4 **"PART . APPLIED LEARNING HIGH SCHOOL ACADEMIES**

5 **§302A- Definitions.** Whenever used in this part, unless  
6 the context otherwise requires:

7 "Applied learning high school academy" means a department  
8 of education high school, or school within a school, with an  
9 approved five-year plan to deliver an applied learning  
10 curriculum, including project EAST (environmental and spatial  
11 technology) programs and STEM (science, technology, engineering,  
12 and mathematics) programs, linked to the mission of a state  
13 agency or University of Hawaii campus, college, program or  
14 department, which includes a significant contribution of land,  
15 facilities, personnel, or other resources by that agency or  
16 university unit.

17 "Department" means the department of education.

18 **§302A- Applied learning high school academies.** (a) The  
19 department shall establish and administer an applied learning  
20 high school academy program.

21 (b) The applied learning high school academy program shall  
22 be administered by a director who shall:



- 1 (1) Collaborate with the director of business, economic  
2 development and tourism to assess the workforce needs  
3 of the State and devise methods of meeting those needs  
4 within the applied learning high school academy  
5 program;
- 6 (2) Assist schools, complex areas, and districts in  
7 establishing applied learning high school academy  
8 programs;
- 9 (3) Review school applications for approval of applied  
10 learning high school academy programs;
- 11 (4) Evaluate existing programs;
- 12 (5) Incorporate programs within the model, including  
13 project EAST (environmental and spatial technology)  
14 and STEM (science, technology, engineering, and  
15 mathematics) programs;
- 16 (6) In collaboration with the University of Hawaii,  
17 initiate research and studies for the improvement of  
18 curriculum materials for specialty areas of applied  
19 learning high school academies;
- 20 (7) Ensure that the standards and criteria developed under  
21 this section satisfy the mandates of federally  
22 assisted vocational education;



- 1       (8) Develop in-service programs for teachers and  
2             administrators;
- 3       (9) Assist in teacher recruitment and placement in applied  
4             learning high school academy programs;
- 5       (10) Serve as a liaison with the representatives of  
6             business, industry, appropriate public agencies, and  
7             institutions of higher education to facilitate  
8             dissemination of information;
- 9       (11) Promote links with private sector employers in Hawaii;
- 10      (12) Assist in the development of adult and continuing  
11             education programs in private industry; and
- 12      (13) Establish an advisory task force representing the  
13             diverse areas of industry in the State, which shall  
14             make annual recommendations on the development of  
15             curriculum, staffing, and strategies to establish a  
16             source of trained and qualified individuals and  
17             strategies for developing the applied learning high  
18             school academies program, including youth leadership  
19             throughout the public schools.
- 20      (c) The department may adopt rules pursuant to chapter 91  
21             for the purposes of this part.



1           **§302A- Applied learning high school academies;**  
2 **application and approval.** (a) Any community, group of high  
3 school teachers, group of teachers and administrators, state  
4 agency, or nonprofit organization may submit a letter of intent  
5 to the department to convert a department high school to a  
6 applied learning high school academy, and develop a detailed  
7 five-year plan that shall include in its plan significant  
8 support of the high school by the co-sponsoring state agency or  
9 University of Hawaii campus.

10           (b) Applied learning high school academies may be  
11 developed with a focus on agriculture, landscape education,  
12 marine science, astronomy, high technology, public health,  
13 visitor industries, human resource services, culture and  
14 language, environmental sciences, visual arts, performing arts,  
15 project EAST (environmental and spatial technology) program  
16 subjects, STEM (science, technology, engineering, and  
17 mathematics) program subjects, or other thematic areas of  
18 interest to agencies and University of Hawaii campuses.

19           (c) The plan shall be approved by the director, the high  
20 school's school community council, and the complex area  
21 superintendent; provided that the evaluation of the application  
22 plans shall incorporate the following criteria:



- 1           (1) The degree to which the plan strives to provide
- 2           students with experiences outside the school walls;
- 3           (2) Opportunities for juniors to complete a semester-long
- 4           academic internship in a local business or agency;
- 5           (3) Opportunities for seniors to develop substantial
- 6           projects that enable the students to learn while
- 7           working on problems of interest and concern in the
- 8           community; and
- 9           (4) Opportunities for ninth and tenth grade students to
- 10          "shadow" an adult through a workday, perform community
- 11          service in a group project, or engage in lunches with
- 12          outside adults on issues of interest.
- 13          (d) Upon approval of the five-year plan, the school
- 14          community council shall have the same independent authority over
- 15          curriculum of the applied learning high school academy for the
- 16          five-year period as the charter school local school boards.
- 17          (e) The applied learning high school academy's success
- 18          shall be evaluated by the board of education following each
- 19          five-year period, and may be renewed."

20           SECTION 9. Chapter 235, Hawaii Revised Statutes, is

21          amended by adding a new section to be appropriately designated

22          and to read as follows:



1        "§235-        Experiential learning opportunities tax credit.

2        (a) Each taxpayer subject to the tax imposed by this chapter  
3        who provides experiential learning opportunities to public  
4        school students for a total of at least twenty-four hours of  
5        experiential learning opportunity time per year may claim a  
6        refundable tax credit in an amount equal to \$                    , which  
7        shall be deductible from the taxpayer's net income tax  
8        liability, if any, imposed by this chapter for the taxable year  
9        in which the credit is properly claimed.

10        (b) Each taxpayer that provides experiential learning  
11        opportunities to public school students shall file documentation  
12        with the department of taxation that indicates:

- 13        (1) The total number of experiential learning opportunity  
14        hours provided to public school students;  
15        (2) The number of public school students involved in the  
16        experiential learning opportunities;  
17        (3) The names of the public education institutions in  
18        which the students are enrolled;  
19        (4) A description of each experiential learning  
20        opportunity provided to public school students; and



1       (5) The contact information of the taxpayer providing the  
2           experiential learning opportunity and the public  
3           education institution receiving the opportunities.

4       The information in paragraphs (1) to (5) shall be a public  
5       document.

6       (c) All claims, including amended claims, shall be filed  
7       on or before the end of the twelfth month following the close of  
8       the taxable year for which the credit may be claimed. Failure  
9       to comply with the foregoing provision shall constitute a waiver  
10       of the right to claim the credit.

11       (d) The director of taxation shall prepare any forms that  
12       may be necessary to carry out the purposes of this section and  
13       may adopt rules pursuant to chapter 91, including any penalties  
14       for failure to comply with this section.

15       (e) For purposes of this section, "experiential learning  
16       opportunity" means any learning opportunity within school hours,  
17       after school, on weekends, or during vacations, which allows the  
18       learner to attain information and practical skills that are  
19       necessary to perform in the work place and provides significant  
20       experiences with real outcomes that create measurable learning  
21       achievements through participation and reflection."



1 SECTION 10. There is appropriated out of the general  
2 revenues of the State of Hawaii the sum of \$ , or so  
3 much thereof as may be necessary for fiscal year 2007-2008, for  
4 the applied learning high school academies program established  
5 pursuant to section 8 of this part.

6 The sum appropriated shall be expended by the department of  
7 education for the purposes of this part.

8 **PART III. TEACHER PREPARATION PROGRAMS**

9 SECTION 11. The legislature finds that recruitment and  
10 retention of qualified teachers for Hawaii's public schools  
11 continues to be a challenge for Hawaii's department of education  
12 and charter schools, as well as the teacher education community.  
13 The University of Hawaii's college of education plays a major  
14 role in the education of future teachers, continued professional  
15 development of educators, and programs that lead to licensing,  
16 certificate programs, mentoring of teachers, educational  
17 research, and policy studies.

18 The legislature further finds that the strategic plan of  
19 the University of Hawaii at Manoa calls for an ongoing  
20 commitment to public education in Hawaii.

21 The legislature further finds that, teachers have expressed  
22 great frustration with the implementation of and compliance with





1 the No Child Left Behind Act. Since its enactment, there has  
2 been a significant amount of experience and analysis of the  
3 effectiveness of the No Child Left Behind Act approach to  
4 assessments and standards. At the same time, many school  
5 systems, including the Hawaii state department of education,  
6 have sought to utilize nationally produced assessment  
7 instruments that have not always met the needs of our  
8 communities. In fact, our State, like many others, has not  
9 taken full advantage of the flexibilities that are offered by  
10 federal law. It is also apparent that referencing our standards  
11 requirements to a law that may be modified or repealed may limit  
12 the State's options.

13 The legislature further finds that greater collaboration  
14 between the University of Hawaii's many educational resources,  
15 including the Hawaii educational policy center and the  
16 department of education, will benefit all of Hawaii's students.

17 Specifically, this part includes appropriations for the  
18 following programs:

19 (1) Supporting teacher education capacity (fiscal year  
20 2007-2008: \$65,000; fiscal year 2008-2009: \$130,000).  
21 To continue efforts to fill the State's need for  
22 qualified teachers for Hawaii's keiki, one permanent



1 positions is allocated to the college of education in  
2 fiscal year 2007-2008 and another in fiscal year 2008-  
3 2009 to enable the college of education to accept more  
4 qualified students into teacher education programs,  
5 thus increasing the number and quality of locally  
6 produced teachers in shortage areas such as  
7 mathematics, science, and, in keeping with the P-20  
8 initiative, early childhood education;

- 9 (2) Supporting the center on disability studies (fiscal  
10 year 2007-2008: \$120,000; fiscal year 2008-2009:  
11 \$120,000). To meet federal grant requirements for  
12 institutional support, the center on disability  
13 studies is allocated two additional permanent faculty  
14 positions. The center on disability studies operates  
15 with only one general-funded position. The additional  
16 positions will enable the center on disability studies  
17 to further expand its ability to obtain additional  
18 grant funds and, therefore, its outreach to serve the  
19 increasing numbers of persons with disabilities. The  
20 center on disability studies works through training,  
21 research, and service to improve quality of life for  
22 people with disabilities throughout the State, and



1 currently manages more than eighty-eight faculty and  
2 staff members and fifty projects with a budget of over  
3 \$15,000,000;

4 (3) Funding for mentor teachers (fiscal year 2007-2008:  
5 \$125,000; fiscal year 2008-2009: \$125,000).

6 Cooperating teachers/counselors and  
7 observation/participating teachers in grades  
8 kindergarten through twelve classrooms throughout the  
9 State provide an essential service to the college of  
10 education by supervising and mentoring full-time  
11 student teachers and other education practicum  
12 students in the field required for licensure.

13 Additional funding for this item will:

14 (A) More appropriately compensate mentor teachers for  
15 the additional work they provide in developing  
16 Hawaii's teacher workforce; and

17 (B) Put mentor compensation on par with other  
18 institutions of higher learning in the State;

19 (4) Funding for schools to apply to become professional  
20 development schools (fiscal year 2007-2008: \$250,000;  
21 fiscal year 2008-2009: \$250,000). Schools in  
22 reconstruction status under the federal No Child Left



1 Behind law may compete for grants that address  
2 standards-based learning, teacher preparation, and  
3 professional development by the placement of faculty  
4 within the school to work with future and current  
5 teachers;

6 (5) Permanent special education faculty (fiscal year  
7 2008-2009: \$500,000). The State of Hawaii's need for  
8 more qualified special education teachers is  
9 increasing. In order to fulfill this need, the  
10 college of education is allocated funds to hire seven  
11 permanent faculty and one full-time staff person in  
12 the special education department. These positions  
13 have been funded by the Hawaii department of education  
14 under at memorandum of agreement with the college of  
15 education, which, if discontinued, would severally  
16 impact the college of education's ability to produce  
17 qualified special education teachers;

18 (6) Funding responsibility for the master of education in  
19 teaching program (fiscal year 2007-2008: \$700,000;  
20 fiscal year 2008-2009: \$700,000). Transfer funding  
21 for the master of education in teaching program from  
22 the department of education to the college of



1 education and expand stipends to include native  
2 Hawaiian cohort teachers (fiscal year 2007-2008:  
3 \$700,000; fiscal year 2008-2009: \$700,000). The  
4 master of education in teaching program is a two-year  
5 program, including two semesters of field experience  
6 in grades kindergarten through twelve classroom  
7 settings. During the fourth semester, teacher  
8 candidates work as teacher interns, whereby they fill  
9 a vacated department of education teacher position and  
10 are the teacher of record from January to the end of  
11 the department of education calendar year. The funds  
12 are to be used to pay mentor teachers in the program  
13 and stipends to the student interns in both the on-  
14 going master of education in teaching program cohort  
15 and to expand funding to include the native Hawaiian  
16 master of education in teacher program cohort;

- 17 (7) Provide funding for the office of school redesign at  
18 the University of Hawaii at Manoa (fiscal year  
19 2007-2008: \$300,000; fiscal year 2008-2009:  
20 \$300,000). The office of school redesign will provide  
21 technical support to public secondary schools and help  
22 in the development and implementation of small



1 learning communities within large secondary schools  
2 throughout the State. With the appropriated moneys,  
3 the office will:

4 (A) Maintain a research database on the creation and  
5 effectiveness of small redesigned secondary  
6 schools;

7 (B) Lead state advocacy efforts for the creation of  
8 small redesigned secondary schools;

9 (C) Provide technical assistance to schools engaging  
10 in redesign through professional development  
11 institutes, facilitating/arranging visitations to  
12 exemplary or merging sites in Hawaii and  
13 elsewhere, and preparing/supporting a cadre of  
14 on-site coaches;

15 (D) Develop and promote connections and professional  
16 development opportunities for learning and  
17 sharing among local change agents;

18 (E) Participate with national networks of  
19 practitioners and researchers involved in  
20 launching or redesigning schools and school  
21 systems;



- 1 (F) Promote the concept of a research cadre that will  
2 be involved in developing, documenting, and  
3 disseminating understandings about school  
4 redesign, and contributing to a research  
5 database. Promote and facilitate dialogue among  
6 various school shareholders with respect to the  
7 most current research and understandings about  
8 school redesign;
- 9 (G) Foster communication among educators, decision-  
10 makers, and the greater community to advance  
11 secondary school redesign; and
- 12 (H) Assist schools in preparing grant applications to  
13 advance redesign activities;
- 14 (8) Continue to support the collaboration of the college  
15 of education in filling the gap in producing highly  
16 qualified teachers. The Teach for America program in  
17 Hawaii is a partnership of the Hawaii department of  
18 education, the University of Hawaii college of  
19 education, and the national Teach for America program  
20 with support from the state legislature, the  
21 governor's office, and private  
22 foundations/corporations. The intent is to provide



1 highly qualified teachers in traditionally hard to  
2 fill areas such as mathematics, science, and special  
3 education, to serve in high poverty, high need  
4 communities. These are areas that the institutions of  
5 higher education in Hawaii collectively have been  
6 consistently unable to address. Teach for America is  
7 currently recruiting teachers to fill Hawaii  
8 vacancies. The funds are to provide a masters of  
9 education in teaching degree for newly hired Teach for  
10 America teachers (4 positions for fiscal year 2008:  
11 \$250,000; 4 positions for fiscal year 2009 \$250,000);  
12 and

- 13 (9) Create a seamless career pathway from high school to  
14 community college to baccalaureate completion  
15 preparing education assistants and teachers to fill  
16 high need areas through Leeward community college and  
17 the University of Hawaii at Manoa college of  
18 education. Leeward community college and the college  
19 of education will work together to recruit, train, and  
20 retain prospective education assistants,  
21 paraprofessionals, and elementary and secondary  
22 teachers by combining resources to reach out to





1 community members interested in pursuing a career in  
2 education. Leeward community college will provide  
3 education training resulting in an associate of arts  
4 in teaching degree. The college of education will  
5 accept Leeward community college associate of arts in  
6 teaching degree holders into an upper division cohort  
7 specially designed for associate of arts in teaching  
8 graduates that will lead to state teacher licensure.  
9 Courses will be delivered in Leeward communities  
10 through face-to-face, distance learning, and/or hybrid  
11 instruction. Leeward community college-2.5 positions  
12 (fiscal year 2008: \$158,000; fiscal year 2009:  
13 \$158,000); college of education-3.5 positions (fiscal  
14 year 2008: \$255,000; fiscal year 2009: \$255,000).

15 The legislature further finds that most reform efforts in  
16 the United States have the benefit of a well-funded, independent  
17 policy research institute to assist policy makers. The Hawaii  
18 educational policy center, located at the University of Hawaii,  
19 has provided valuable analysis in the past, but has not received  
20 the financial commitment from the State to permit the level of  
21 assistance needed by policy makers in the field of education.



1           The purpose of this part is to provide funding for key  
2 programs that will increase the capacity of the college of  
3 education to educate qualified teachers, meet federal  
4 requirements for institutional support of disability studies,  
5 expand teacher professional development and mentoring programs,  
6 and transfer the office of school redesign from the department  
7 of education to the University of Hawaii. In addition, this  
8 part will:

- 9           (1) Update the performance standards commission membership  
10           and reporting schedule;
- 11           (2) Remove references to specific federal laws and the  
12           current testing grades in anticipation of possible  
13           federal changes in law;
- 14           (3) Call for greater focus on the use of alternative  
15           assessments based on performance of students;
- 16           (4) Call for a more concerted effort to develop a more  
17           comprehensive "growth model" for Hawaii public  
18           schools;
- 19           (5) Provide funds to the Hawaii educational policy center  
20           to take the lead in the development of these  
21           assessments and to continue to provide expert analysis  
22           and commentary to assist policy makers;



1 (6) Clarify the dual purposes of the Hawaii educator loan  
2 program; and

3 (7) Amend the amounts of loan forgiveness for the Hawaii  
4 educator loan program.

5 SECTION 12. Section 302A-201, Hawaii Revised Statutes, is  
6 amended to read as follows:

7 **"§302A-201 Statewide performance standards.** (a) The  
8 board shall establish statewide performance standards and the  
9 means to assess the standards based upon the recommendations in  
10 the final report of the performance standards commission  
11 established pursuant to Act 334, Session Laws of Hawaii 1991;  
12 provided that the board may review and modify the performance  
13 standards, as the board deems necessary, to reflect the needs of  
14 public school students and educational goals adopted by the  
15 board.

16 (b) The board shall appoint a performance standards review  
17 commission, to be convened at the beginning of the 1997-1998  
18 school year, and every four years thereafter, to assess the  
19 effectiveness of the performance standards. The commission  
20 shall include representatives of the Hawaii State Parent,  
21 Teacher, Student Association; the Hawaii State Student Council;  
22 the superintendent; the dean of the college of education of the



1 University of Hawaii; the executive director of the charter  
2 schools administrative office; and the professional education  
3 community. [~~The commission may request the assistance of such~~  
4 ~~department or school staff as may be necessary to facilitate its~~  
5 ~~review.~~] The commission shall be staffed by the Hawaii  
6 educational policy center.

7 (c) The commission shall review the implementation of the  
8 performance standards established by the board and the schools  
9 to determine whether the standards should be modified. In  
10 making this determination, the commission shall seek public  
11 input by holding public forums to discuss the implementation and  
12 effectiveness of the performance standards. The commission  
13 shall submit a report of its findings and recommendations  
14 regarding the effectiveness of the standards and the need for  
15 modification of the standards to the board and the legislature  
16 prior to the convening of the 1999 regular session. The board  
17 shall consider and implement the modifications beginning with  
18 the 1999-2000 school year.

19 (d) Notwithstanding any law to the contrary, the  
20 department shall establish procedures and guidelines for, and  
21 shall expand, its statewide assessment program to include norm-  
22 referenced testing in the same grades as required by [the]



1 federal [~~No Child Left Behind Act of 2001 (Public Law 107-110)~~  
2 standards-based [~~assessment (grades 3 through 8 and one grade in~~  
3 ~~high school) in reading and math, using the most appropriate~~  
4 ~~nationally normed test.~~] assessments.

5 (e) The department shall work with the University of  
6 Hawaii and other educational organizations to develop  
7 alternative assessment tools, including the use of portfolios  
8 that may be used as part of the University of Hawaii's admission  
9 standards, performance-based assessments that provide  
10 alternatives to schools and students to the multiple-choice  
11 formats, as well as assessments that measure the academic growth  
12 of students while at a school. The department and the  
13 University of Hawaii shall report annually to the legislature on  
14 the progress in development of these alternatives."

15 SECTION 13. Section 304A-701, Hawaii Revised Statutes, is  
16 amended to read as follows:

17 "~~{}~~**\$304A-701**~~}~~ **Hawaii educator loans; eligibility;**  
18 **amounts~~-~~; forgiveness.** (a) There is created the Hawaii  
19 educator loan program to be administered by the University of  
20 Hawaii, [~~to provide financial support to students who complete~~  
21 the purpose of which is to:



1       (1) Provide recruitment incentives for students to enroll  
2       in state-approved teacher education programs; and

3       (2) Provide a retention incentive for teachers who have  
4       graduated from a state-approved teacher education  
5       program and who agree to teach in the Hawaii public  
6       school system.

7 Eligibility shall be awarded by the university to students on a  
8 competitive basis.

9       (b) The amount to be loaned to a student under the  
10 recruitment incentive loan portion shall be determined by the  
11 board of regents based on need for financial aid and proof of  
12 acceptance into a state-approved teacher education program at  
13 the university. The maximum amount of loans that a student may  
14 receive under this program shall be an aggregate amount  
15 equivalent to tuition payments and costs of textbooks and other  
16 instructional materials necessary to complete a state-approved  
17 teacher education program.

18       (c) Any loan provided under this section shall be eligible  
19 loan forgiveness as provided under section 304A-702."

20       SECTION 14. Section 304A-702, Hawaii Revised Statutes, is  
21 amended as follows:

22       1. By amending subsection (b) to read:



1           " (b) Upon a showing of proof that the loan recipient has  
2 completed a state-approved teacher education program and is  
3 employed as a full-time teacher in the Hawaii public school  
4 system, [~~one-tenth~~] \_\_\_\_\_ per cent of the total amount of the  
5 loan and interest shall be waived for every year of the first  
6 [~~five~~] three years, and the remaining balance shall be waived  
7 after the sixth year that a loan recipient teaches in a Hawaii  
8 public school in a hard-to-fill position as determined by the  
9 superintendent of education, including special education,  
10 regular education shortage categories, or Title 1 schools, and  
11 in one of the following capacities:

- 12           (1) As an elementary school teacher teaching in the field  
13           of elementary education who has met standards as set  
14           forth by the Hawaii teacher standards board; or  
15           (2) As a secondary school teacher teaching in the subject  
16           area that is relevant to the loan recipient's academic  
17           major as certified by the department of education who  
18           has met standards as set forth by the Hawaii teacher  
19           standards board."

20           2. By amending subsection (d) to read:

21           " (d) If a loan recipient subject to this section fails to  
22 teach in the Hawaii public school system for a minimum of [~~ten~~]



1 six consecutive years from the loan recipient's original date of  
 2 employment with the department of education[7] or a charter  
 3 school, excluding sabbatical and other forms of temporary leaves  
 4 of absence, then the loan recipient shall repay any remaining  
 5 loan balance at the rate of ten per cent simple interest."

6 SECTION 15. There is appropriated out of the general  
 7 revenues of the State of Hawaii the sum of \$ , or so  
 8 much thereof as may be necessary for fiscal year 2007-2008, and  
 9 the same sum, or so much thereof as may be necessary for fiscal  
 10 year 2008-2009, for the University of Hawaii to carry out the  
 11 purposes of this part, including the hiring of necessary staff;  
 12 provided that:

13 (1) For fiscal year 2007-2008 the sums appropriated shall  
 14 be allocated as follows:

15 (A) \$65,000 for an additional position for the  
 16 college of education to increase teacher  
 17 education capacity;

18 (B) \$125,000 for funding mentor teachers;

19 (C) \$250,000 to enable schools to apply to become  
 20 professional development schools;

21 (D) \$700,000 for the master of education in teaching  
 22 program;





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- 1 (E) \$300,000 for the office of school redesign;
  - 2 (F) \$250,000 for the college of education to fund
  - 3 masters of education in teaching degrees for
  - 4 teachers;
  - 5 (G) \$158,000 for 2.5 (FTE) positions for Leeward
  - 6 community college for educational training;
  - 7 (H) \$255,000 for 3.0 (FTE) positions for the college
  - 8 of education for educational training; and
  - 9 (I) \$ for the Hawaii educator loan program.
- 10 (2) For fiscal year 2008-2009 the sums appropriated shall
- 11 be allocated as follows:
- 12 (A) \$130,000 shall be for 2.0 (FTE) positions for the
  - 13 college of education to increase teacher
  - 14 education capacity;
  - 15 (B) \$120,000 for 2.0 (FTE) positions for the center
  - 16 on disability studies;
  - 17 (C) \$125,000 for funding mentor teachers;
  - 18 (D) \$250,000 to enable schools to apply to become
  - 19 professional development schools;
  - 20 (E) \$500,000 for permanent special education faculty;
  - 21 (F) \$700,000 for the master of education in teaching
  - 22 program;



- 1 (G) \$300,000 for the office of school redesign;
- 2 (H) \$250,000 for the college of education to fund
- 3 masters of education in teaching degrees for
- 4 teachers;
- 5 (I) \$158,000 for 2.5 (FTE) positions for Leeward
- 6 community college for educational training;
- 7 (J) \$255,000 for 3.0 (FTE) positions for the college
- 8 of education for educational training; and
- 9 (K) \$ for the Hawaii educator loan program.

10 The sums appropriated shall be expended by the University  
11 of Hawaii.

12 SECTION 16. There is appropriated out of the general  
13 revenues of the State of Hawaii the sum of \$400,000, or so much  
14 thereof as may be necessary for fiscal year 2007-2008, and the  
15 same sum, or so much thereof as may be necessary for fiscal year  
16 2008-2009, to the Hawaii educational policy center at the  
17 University of Hawaii to provide staff for the performance  
18 standards commission; to work with the department of education  
19 and other educational research organizations, such as Kamehameha  
20 Schools; to develop alternative assessment tools, including a  
21 comprehensive "growth model" for use in measuring student  
22 achievement over time at a school; and to provide independent



1 comment and analysis on issues before the legislature, the board  
2 of education, and the department of education.

3 The sums appropriated shall be expended by the University  
4 of Hawaii.

5 SECTION 17. There is appropriated out of the general  
6 revenues of the State of Hawaii the sum of \$ , or so  
7 much thereof as may be necessary for fiscal year 2007-2008, and  
8 the same sum, or so much thereof as may be necessary for fiscal  
9 year 2008-2009, for the operations of the teacher cadet program,  
10 including recruitment, retention, training, and teacher support.

11 The sum appropriated shall be deposited into the Hawaii  
12 teacher cadet program fund for the purposes of this part;  
13 provided that the Hawaii Alliance for Future Teachers match the  
14 amounts as provided in section 302A-401.5, Hawaii Revised  
15 Statutes.

16 SECTION 18. There is appropriated out of the general  
17 revenues of the State of Hawaii the sum of \$ , or so  
18 much thereof as may be necessary for fiscal year 2007-2008, and  
19 the same sum, or so much thereof as may be necessary for fiscal  
20 year 2008-2009, for induction teacher mentoring for new teachers  
21 and teachers who are new to Hawaii based upon a 15:1 teacher to  
22 mentor ratio. Induction mentors, not new teachers, should be



1 recognized educators who have demonstrated exemplary  
2 performance, and these educators shall have the opportunity to  
3 be induction teachers and their participation should be  
4 flexible. These teachers shall have full return rights to their  
5 previous teaching positions.

6 The sums appropriated shall be expended by the department  
7 of education for the purposes of this part.

8 **PART IV. EARLY EDUCATION**

9 SECTION 19. The early learning education task force,  
10 established by Act 259, Session Laws of Hawaii 2006, was  
11 assigned the following task:

12 "The task force shall develop a five-year plan with  
13 annual increments for a coherent, comprehensive, and  
14 sustainable early learning system that shall ensure a  
15 continuum of quality early learning opportunities for  
16 young children in the State from birth up to age five,  
17 and which maximizes public and private resources."

18 Among the guiding principles for the design of an early  
19 education system is the fact that skilled and knowledgeable  
20 early care and education practitioners are an essential key to  
21 quality and they must have access to education and training



1 opportunities as well as receive equitable compensation and  
2 opportunities in order to succeed.

3 The task force found there are five key elements to  
4 proactively increasing early educator capacity, namely to:

- 5 (1) Expand the availability and reach of scholarships,  
6 with state-funded financial aid, to support early  
7 educators in completing college degrees and early  
8 childhood education-related coursework;
- 9 (2) Expand distance learning options for all early  
10 educators;
- 11 (3) Expand offerings of early childhood education-related  
12 college courses and community-based training to meet  
13 the needs of early educators and junior kindergarten  
14 teachers who are currently in the workforce;
- 15 (4) Establish a mentoring and coaching program to improve  
16 the quality of early childhood programs statewide,  
17 starting with a focus on programs for four-year-olds;  
18 and
- 19 (5) Establish a recruitment and retention initiative to  
20 attract new entrants to the early childhood field,  
21 encourage practitioners to improve their  
22 qualifications, and entice highly-qualified early



1           educators to remain in Hawaii's early learning  
2           community.

3           The legislature further finds that an effective incentive  
4 program can be designed based on the model used for the annual  
5 incentive pay that is awarded to licensed teachers who receive  
6 national certification.

7           The legislature also finds that additional funding is  
8 needed for teachers for junior kindergarten programs to ensure  
9 an appropriate student-to-teacher ratio at one teacher for every  
10 fifteen students.

11          In addition, more can be done to identify unused public  
12 school land or facilities for use by state early childhood  
13 education programs.

14          The purpose of this part is to establish an early educator  
15 incentive program that will provide funding for professional  
16 development, as well as subsidies for employees of early  
17 education schools who agree to continue their employment for a  
18 minimum of three years in an early education school affiliated  
19 with a public school, to require the department to identify  
20 unused public school land or facilities for use by state early  
21 childhood education programs, and to appropriate funds.



1 SECTION 20. Chapter 302A, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4 "§302A- Early educator incentive program. (a) There is  
5 established an early educator incentive program within the  
6 department for administrative purposes.

7 (b) The program shall be administered by a nonprofit  
8 organization, the contract for which shall be awarded through a  
9 competitive bid process.

10 (c) The administrator of the program shall create a  
11 competitive bid system for early education schools that are  
12 willing to participate in the program and become affiliated with  
13 a public school.

14 (d) Early education schools may receive up to \$  
15 per designated employee per year to:

16 (1) Pay for the professional development of designated  
17 employees and pay for a wage subsidy of up to  
18 \$ per employee for up to five years  
19 following receipt of a license;

20 (2) Develop a memorandum of agreement with a department of  
21 education school or public charter school to locate an  
22 early education facility on or near the public school



1           campus and develop a collaborative and seamless  
2           education plan that would maximize continuity between  
3           the child's early education and public school learning  
4           environment and curriculum;

5           (3) Provide for the part-time assignment of a designated  
6           employee in the public school as an assistant to the  
7           regular teaching faculty; and

8           (4) Create opportunities for the movement of participating  
9           personnel with the children as they move from  
10           preschool to the public school in order to minimize  
11           disruptions, maximize readiness of children to enter  
12           public school, and to maximize the readiness of the  
13           schools to receive them.

14           For purposes of this section, "designated employee" means  
15           an employee who does not yet have a license recognized by the  
16           Hawaii teachers standard board to teach in a Hawaii public  
17           school, who agrees to complete a prescribed program of state-  
18           approved professional development courses leading to licensure  
19           in elementary education, and who further agrees to continue to  
20           be employed in an early education workforce incentive program  
21           preschool or affiliated public elementary school for no less  
22           than three years following the receipt of a license."





1 SECTION 21. Section 302A-1506.5, Hawaii Revised Statutes,  
2 is amended to read as follows:

3 " ~~[f]~~§302A-1506.5~~[f]~~ **Early childhood education facilities;**  
4 **identifying sites~~[-]~~; inspections.** (a) The department of  
5 education shall identify unused public school facilities for use  
6 by early childhood education programs. Suitable empty  
7 classrooms, as determined by the department, shall be  
8 ~~[inventoried for potential use in]~~ prepared and utilized for  
9 early childhood education programs~~[-]~~; provided that the  
10 classrooms shall meet the licensing standards determined by the  
11 departments of education and human services. Priority shall be  
12 given to land or facilities on sites with sufficient space for  
13 three or more classrooms to be renovated or constructed.

14 (b) The department shall assist in the identification of  
15 possible construction sites for private providers to build early  
16 childhood education facilities.

17 (c) The department shall inspect each early childhood  
18 education program facility as frequently as it deems necessary  
19 for the proper operation, sanitation, and safety of the  
20 facility. The inspections shall be made at least once a year.

21 All early education program facilities shall be open at all  
22 times to visitation and inspection by representatives of the



1 departments of education, human services, and health, and by the  
2 designated representatives of the respective county fire  
3 departments.

4 (d) The department may adopt rules pursuant to chapter 91  
5 to effectuate this section."

6 SECTION 22. There is appropriated out of the general  
7 revenues of the State of Hawaii the sum of \$ , or so  
8 much thereof as may be necessary for fiscal year 2007-2008, and  
9 the same amount, or so much thereof as may be necessary for  
10 fiscal year 2008-2009, for the early educator incentive program.

11 The sums appropriated shall be expended by the department  
12 of education for the purposes of this part.

13 SECTION 23. There is appropriated out of the general  
14 revenues of the State of Hawaii the sum of \$ , or so  
15 much thereof as may be necessary for fiscal year 2007-2008, and  
16 the same amount, or so much thereof as may be necessary for  
17 fiscal year 2008-2009, for junior kindergarten teachers, to  
18 ensure that the student-to-teacher ratio in junior kindergarten  
19 programs shall not exceed fifteen students for every one  
20 teacher.

21 The sums appropriated shall be expended by the department  
22 of education for the purposes of this part.



1                                   **PART V. REPAIR AND MAINTENANCE**

2                                   **A. DEPARTMENT OF EDUCATION**

3           SECTION 24. Hawaii's children deserve a quality education  
4 in a clean and safe environment. Many schools have leaky roofs,  
5 termite-infested floors, crumbling walls, and overheated  
6 classrooms. The legislature finds that there is a compelling  
7 need to immediately fund the backlog of repair and maintenance  
8 projects in the public schools.

9           In 2001, the legislature appropriated funds to help  
10 mitigate the department of education's estimated \$640,000,000  
11 backlog of repair and maintenance projects. The current backlog  
12 of repair and maintenance projects is estimated at \$341,000,000,  
13 which includes recurring major and minor repairs, ongoing cycle  
14 maintenance, service and contract maintenance, nonrecurring  
15 projects, and emergency repairs.

16           The purpose of this subpart is to reduce the backlog of  
17 repair and maintenance projects within the public schools to a  
18 manageable level of \$150,000,000 within three years. In order  
19 to reduce the existing backlog of work and newly generated  
20 repair and maintenance deficiencies, it is projected that  
21 \$130,000,000 will be required in general fund revenues each year  
22 for the next three years.



1 SECTION 25. There is appropriated out of the general  
2 revenues of the State of Hawaii the sum of \$130,000,000, or so  
3 much thereof as may be necessary for fiscal year 2007-2008, and  
4 the same sum, or so much thereof as may be necessary for fiscal  
5 year 2008-2009, for the department of education's repair and  
6 maintenance projects.

7 The sums appropriated shall be expended by the department  
8 of education for the purposes of this subpart.

9 SECTION 26. Sums appropriated under this subpart shall be  
10 in addition to any funds that may be appropriated for the same  
11 purposes of this subpart.

12 SECTION 27. The appropriation made for capital improvement  
13 projects authorized by section 25 of this Act shall not lapse at  
14 the end of the fiscal biennium for which the appropriation is  
15 made; provided that all moneys from the appropriation  
16 unencumbered as of June 30, 2010, shall lapse as of that date.

17 **B. UNIVERSITY OF HAWAII**

18 SECTION 28. The University of Hawaii's physical plant has  
19 accumulated a backlog of repairs and maintenance due to the lack  
20 of general funds. This project includes reroofing, mechanical,  
21 and electrical systems, renovations, resurfacing, repainting,



1 and other improvements and project costs to upgrade facilities  
2 at all university campuses.

3 Facilities provide the centerpiece around which all other  
4 educational activities exist at higher education institutions.  
5 The total replacement value of all University of Hawaii  
6 facilities is estimated at \$1,600,000,000. Therefore, it is  
7 imperative to reinvest in the university's physical plant to  
8 ensure that the physical infrastructure facilitates the mission  
9 of the institution.

10 The role of repair and maintenance is to maintain the  
11 physical infrastructure and facilities of our campuses so that  
12 they are functional, architecturally sound, aesthetically  
13 pleasing, and in compliance with building and safety codes to  
14 support quality instruction, research, student, and community  
15 services programs.

16 The current backlog of repair and maintenance deficiencies  
17 at the University of Hawaii totals \$165,000,000. The purpose of  
18 this subpart is to reduce the backlog of repair and maintenance  
19 projects at the University of Hawaii to a manageable level.

20 SECTION 29. The director of finance is authorized to issue  
21 general obligation bonds in the sum of \$80,000,000, or so much  
22 thereof as may be necessary, for fiscal year 2007-2008, and the



1 sum of \$60,000,000, or so much thereof as may be necessary, for  
2 fiscal year 2008-2009, and the same sums, or so much thereof as  
3 may be necessary, are appropriated for the purpose of reducing  
4 the backlog or repair and maintenance projects to manageable  
5 levels at the University of Hawaii system.

6 The sums appropriated shall be expended by the University  
7 of Hawaii for the purposes of this subpart.

8 SECTION 30. The sums appropriated under this subpart shall  
9 be in addition to any other funds that may be appropriated for  
10 the same purposes of this subpart.

11 SECTION 31. The appropriations made for the capital  
12 improvement projects authorized by section 29 of this Act shall  
13 not lapse at the end of the fiscal biennium for which the  
14 appropriations are made; provided that all moneys from the  
15 appropriation unencumbered as of June 30, 2010, shall lapse as  
16 of that date.

17 **PART VI. ACADEMIC ACHIEVEMENT**

18 SECTION 32. Act 160, Session Laws of Hawaii 2006,  
19 appropriated \$2,000,000 for purchasing science textbooks and  
20 teaching resources.



1           The purpose of this part is to improve the academic  
2 achievement of students in mathematics by providing funds for  
3 the following purposes:

4           (1) To purchase mathematics textbooks and other learning  
5 materials, including virtual learning resources, for  
6 articulated K-12 mathematics instruction within a  
7 complex; and

8           (2) To provide funds for professional development in  
9 mathematics, coaching, and the use of assessments to  
10 provide appropriate mathematics interventions for  
11 individual students.

12           SECTION 33. There is appropriated out of the general  
13 revenues of the State of Hawaii the sum of \$           , or so  
14 much thereof as may be necessary for fiscal year 2007-2008, for  
15 the purposes of:

16           (1) Purchasing mathematics textbooks and other mathematics  
17 learning materials;

18           (2) Funding professional development for teachers of  
19 mathematics, mathematics coaching; and

20           (3) Conducting assessments to provide appropriate  
21 mathematics interventions for individual students.



1 The sum appropriated shall be expended by the department of  
2 education for the purposes of this part.

3 PART VII. MISCELLANEOUS

4 SECTION 34. Statutory material to be repealed is bracketed  
5 and stricken. New statutory material is underscored.

6 SECTION 35. This Act shall take effect on July 1, 2007;  
7 provided that sections 20 and 21 shall be effective upon  
8 approval; and provided that section 9 shall apply to taxable  
9 years starting after December 31, 2006.

10

INTRODUCED BY:

Norman Sakonfo

~~Clement Smith~~

Sharonne Chun Oakland

Jim

Ron men

Ray L. Ho

J. Kilani Egh

~~[Signature]~~

S.S.T.H.

Will Egan

April Yoge

Juanne R. Anaya





# S.B. NO. 1933

Anna Mercedes K

Yuchan J

Russell Kohl

And Fukunaga

Ronald H Baker



**Report Title:**

Education; Omnibus Accountability Act

**Description:**

Provides for academic and fiscal accountability in education by addressing: (1) funding for fiscal and academic accountability and the creation of district level business and educational services centers; (2) creating specialized high schools linked to Hawaii's workforce development needs; (3) enhancing the role of the college of education and the University of Hawaii in Hawaii's educational research and policy development; and (4) creating an early education initiative designed to attract and retain more early education teachers and to provide public land and facilities for early education programs. Authorizes the appropriation of general revenues for the department of education's repair and maintenance projects. Appropriates the issuance of general obligation bonds and general revenues for the University of Hawaii's repair and maintenance projects. Appropriates funds for mathematics textbooks and other mathematics learning materials, professional development for teachers of mathematics, mathematics coaching, and the use of assessments to provide appropriate mathematics interventions for individual students.

