
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 looming state
2 budget deficit has resulted in some public employee unions
3 accepting concessions in the form of employee furloughs and
4 other considerations. One of these unions, the Hawaii State
5 Teachers Association assented to seventeen furlough days for the
6 2009-2010 school year. The furlough days mean no work for
7 teachers on specific "furlough Fridays", but also mean no school
8 instruction for tens of thousands of Hawaii's public school
9 students.

10 Regrettably, the furlough days were not scheduled to
11 coincide with holidays, professional development days, or other
12 paid non-work days, when students would not normally attend
13 class. All of the seventeen days represent instructional days,
14 which in effect, eliminate almost a full month of school for
15 public school students.

16 The new school schedule means instructional days for
17 Hawaii's public schools are reduced from one hundred eighty days



1 per school year to the nation's lowest of one hundred sixty
2 three school days.

3 The truncated school year also means that the Hawaii public
4 school system risks:

- 5 (1) Losing accreditation from the Western Association of
6 Schools and Colleges Accrediting Commission for
7 Schools;
- 8 (2) Falling further behind in the No Child Left Behind
9 program; and
- 10 (3) Falling further behind in eighth grade reading and
11 math scores.

12 The legislature further finds that the existing collective
13 bargaining system with respect to public education is based on
14 the concerns of adults rather than the needs of students. In
15 order to protect the interests of public school students, the
16 system must be one that is "student-centered" rather than
17 "system-centered".

18 The purpose of this Act is to provide a more student-
19 centered system by authorizing the superintendent of education
20 to appoint a student advocate to represent, protect, and advance
21 the interests of all public school students in all collective
22 bargaining proceedings related to the public school system.



1 SECTION 2. 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- Student advocate. (a) Notwithstanding any
5 other law to the contrary and without regard to chapter 76, 89,
6 or 103D, the superintendent of education shall appoint or
7 contract a student advocate to represent, protect, and advance
8 the interests of all public school students in all collective
9 bargaining proceedings authorized under chapter 89 that is
10 related to the public school system under this chapter.

11 The student advocate shall be an attorney in good standing
12 in the State who has been licensed to practice in the State for
13 at least ten years. The superintendent may establish other
14 requirements for the student advocate and shall set the salary
15 or compensation of the student advocate at an amount that is
16 consistent with the duties and responsibilities of a similarly
17 situated position in the department of education.

18 (b) The student advocate shall have full voting rights and
19 shall participate in all collective bargaining proceedings and
20 negotiations between the State, department and board of
21 education, and teachers in bargaining unit (5) under section 89-
22 6(d). The student advocate may also:



- 1 (1) Conduct investigations to secure information useful in
2 collective bargaining negotiations related to the
3 public school system;
- 4 (2) Assist, advise, and cooperate with federal, state, and
5 local agencies and officials to protect and promote
6 the interests of public school students;
- 7 (3) Recommend to the superintendent and the legislature,
8 legislation necessary to effectuate this section;
- 9 (4) Organize and hold conferences and conduct
10 investigations with respect to issues concerning
11 public school students; and
- 12 (5) Perform other duties as may be incidental to the
13 exercise of the student advocate's functions, powers,
14 and responsibilities under this section."

15 SECTION 3. Section 89-6, Hawaii Revised Statutes, is
16 amended by amending subsection (d) to read as follows:

17 "(d) For the purpose of negotiating a collective
18 bargaining agreement, the public employer of an appropriate
19 bargaining unit shall mean the governor together with the
20 following employers:

- 21 (1) For bargaining units (1), (2), (3), (4), (9), (10),
22 and (13), the governor shall have six votes and the



1 mayors, the chief justice, and the Hawaii health
2 systems corporation board shall each have one vote if
3 they have employees in the particular bargaining unit;

4 (2) For bargaining units (11) and (12), the governor shall
5 have four votes and the mayors shall each have one
6 vote;

7 (3) For bargaining [~~units (5) and (6),~~] (6) and non-
8 teacher personnel in unit (5), the governor shall have
9 three votes, the board of education shall have two
10 votes, and the superintendent of education shall have
11 one vote;

12 (4) For teachers in bargaining unit (5), the governor
13 shall have three votes, the board of education shall
14 have two votes, the superintendent of education shall
15 have one vote, and the student advocate established
16 under section 302A- shall have one vote;

17 [~~(4)~~] (5) For bargaining units (7) and (8), the governor
18 shall have three votes, the board of regents of the
19 University of Hawaii shall have two votes, and the
20 president of the University of Hawaii shall have one
21 vote.



1 Any decision to be reached by the applicable employer group
 2 shall be on the basis of simple majority, except when a
 3 bargaining unit includes county employees from more than one
 4 county. In such case, the simple majority shall include at
 5 least one county."

6 SECTION 4. Statutory material to be repealed is bracketed
 7 and stricken. New statutory material is underscored.

8 SECTION 5. This Act shall take effect upon its approval;
 9 provided that the amendments made to section 89-6(d), Hawaii
 10 Revised Statutes, shall not be repealed when that section is
 11 reenacted on July 1, 2010, pursuant to Act 5, First Special
 12 Session Laws of Hawaii 2008.

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INTRODUCED BY:

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Report Title:

Education; Student Advocate

Description:

Requires the superintendent of education to appoint a student advocate to represent, protect, and advance the interests of all public school students in all collective bargaining proceedings related to the public school system and authorizes the student advocate to cast a vote in collective bargaining negotiations with the State and the department and board of education.

