

JAN 22 2010

A BILL FOR AN ACT

RELATING TO EDUCATION.

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

1 SECTION 1. After-school activities can provide young
2 people with a positive alternative to spending time on the
3 streets or being home alone in the afternoons. There is a
4 growing body of research evidence indicating that high-quality
5 after-school programs can reduce risk-taking behaviors, provide
6 positive developmental opportunities, and improve the academic
7 performance of students, particularly those at risk of academic
8 failure.

9 In recent years there has been explosive growth of
10 comprehensive extended learning programs in many schools,
11 districts, and states. This growth can be partially attributed
12 to the development of challenging standards for all students,
13 creating the need to provide additional time and opportunity for
14 those who are struggling academically. Students who benefit
15 from extended learning programs typically have both parents
16 working or have single parents, resulting in young people left



1 without adult contact or supervision at home following the
2 regular school day.

3 The purpose of this Act is to create an extended learning
4 opportunities program in the public schools.

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

8 **"§302A- Extended learning opportunities program;**
9 **establishment, facilities, fees, compensation of instructors and**

10 **coaches.** (a) The department shall establish an extended
11 learning opportunities program, which shall be separate from
12 after-school and weekend community-school activities and
13 programs established under section 302A-408. The purpose of the
14 extended learning opportunities program is to provide to public
15 school students of all grades opportunities to expand student
16 learning and participate in a variety of extracurricular
17 activities that reduce risk-taking behaviors, provide positive
18 developmental opportunities, and improve the academic
19 performance of students.

20 The department shall allow nonprofit organizations and
21 public-private partnerships to promote, fund, and sponsor
22 extended learning opportunities. Private entities, whether



1 nonprofit or for-profit, operating an extended learning
2 opportunity under this section shall be exempt from chapters 89
3 and 103D.

4 (b) The department may enter into agreements and contracts
5 with individuals, organizations, and agencies for the use of
6 public school buildings, facilities, and grounds for the
7 operation of extended learning opportunities. The department
8 shall adopt rules, pursuant to chapter 91, necessary to carry
9 out the purposes of this section and may issue licenses,
10 revocable permits, concessions, and rights of entry to school
11 buildings and grounds for periods of use as deemed appropriate
12 by the department for the purposes of this section.

13 (c) In addition to any appropriation of public funds,
14 reasonable fees established by the board may be collected from
15 students enrolled in extended learning opportunities, in
16 furtherance of the extended learning opportunities program.

17 (d) Athletic coaches, instructors, and persons responsible
18 for operating extended learning opportunities established under
19 this section shall be compensated at rates to be determined by
20 the board, and shall be deemed state employees in determining
21 the liability of the State for the negligent acts of these



1 persons while engaged in the performance of duty under this
2 section.

3 (e) For purposes of this section, "extended learning
4 opportunities" means extracurricular programs that directly
5 contribute to the department of education's general learner
6 outcomes:

7 (1) The ability to be responsible for one's own learning;

8 (2) The understanding that it is essential for human
9 beings to work together;

10 (3) The ability to be involved in complex thinking and
11 problem solving;

12 (4) The ability to recognize and produce quality
13 performance and quality products;

14 (5) The ability to communicate effectively; and

15 (6) The ability to use a variety of technology effectively
16 and ethically,

17 and shall include but not be limited to before-school, after-
18 school, weekend, and summer academic and athletic programs."

19 SECTION 3. Section 302A-408, Hawaii Revised Statutes, is
20 amended to read as follows:

21 **"§302A-408 After-school and weekend programs.** The
22 department and the appropriate county agencies may establish and



1 regulate programs of after-school and weekend community-school
2 activities for children, including but not limited to child-care
3 programs, arts and crafts, hula, ukulele, and other recreational
4 projects, wherever feasible, at public school and public park
5 facilities. The programs or activities established under this
6 section shall be separate from extended learning opportunities
7 under the extended learning opportunities program, established
8 under section 302A- . In addition to any appropriation of
9 public funds, reasonable fees established by the agencies
10 operating the programs may be collected from children enrolled,
11 in furtherance of particular programs. The appropriate agencies
12 may obtain from time to time the services of persons in a
13 voluntary or unpaid capacity, exempt from chapter 76, as may be
14 necessary for carrying out the purposes of this section, and may
15 regulate their duties, powers, and responsibilities when not
16 otherwise provided by law. Any person whose services have been
17 so accepted, while engaged in the performance of duty under this
18 section, shall be deemed a state employee or an employee of a
19 political subdivision, as the case may be, in determining the
20 liability of the State or the political subdivision for the
21 negligent acts of these persons."



1 SECTION 4. Section 302A-1148, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "[+]§302A-1148[+] Use of school facilities for
4 recreational and community purposes. All public school
5 buildings, facilities, and grounds shall be available for
6 general recreational purposes, extended learning opportunities
7 established under section 302A- , and for public and community
8 use, whenever these activities do not interfere with the normal
9 and usual activities of the school and its pupils. Any other
10 law to the contrary notwithstanding, the department shall adopt
11 rules under chapter 91 as are deemed necessary to carry out the
12 purposes of this section and may issue licenses, revocable
13 permits, concessions, or rights of entry to school buildings and
14 grounds for such periods of use as deemed appropriate by the
15 department. All such dispositions, including those in excess of
16 fourteen days, need not be approved by the board of land and
17 natural resources; provided that approval by the board of land
18 and natural resources shall be required when the dispositions
19 are for periods in excess of a year. The department may assess
20 and collect fees and charges from the users of school buildings,
21 facilities, grounds, and equipment. The fees and charges shall



1 be deposited into a separate fund and expended by the department
2 under rules as may be adopted by the board."

3 SECTION 5. Section 302A-1148.5, Hawaii Revised Statutes,
4 is amended to read as follows:

5 "~~{}~~§302A-1148.5~~{}~~ **Use of school grounds; assumption of**
6 **risk.** Any person who enters school grounds for the purpose of
7 using the school's grounds, facilities, or equipment for
8 recreational purposes, and who is not a student or member of the
9 faculty or administration of that school, is deemed to assume
10 the risk of liability for any injuries or death resulting from
11 the use of the grounds, facilities, or equipment. This
12 assumption of risk shall not apply if:

13 (1) The person is an invitee or licensee to whom a duty of
14 care is owed by the school; provided that the person
15 has received prior written authorization from the
16 school principal or other responsible person to use
17 the school's grounds, facilities, or equipment; ~~[e]~~

18 (2) The person is a student participating in an extended
19 learning opportunities program or is an athletic
20 coach, instructor, or person responsible for operating
21 an extended learning opportunities program established
22 under section 302A- ; or



1 [~~2~~] (3) The injuries or death were caused by wilful or
 2 wanton misconduct, including but not limited to the
 3 wilful or malicious failure to guard or warn against a
 4 dangerous condition, use, or structure which was
 5 knowingly created or perpetuated, and wilful or
 6 malicious failure to guard or warn against a dangerous
 7 activity which was knowingly perpetuated."

8 SECTION 6. There is appropriated out of the general
 9 revenues of the State of Hawaii the sum of \$ or so
 10 much thereof as may be necessary for fiscal year 2010-2011 to
 11 establish an extended learning opportunities program in the
 12 department of education.

13 The sum appropriated shall be expended by the department of
 14 education for the purposes of this Act.

15 SECTION 7. New statutory material is underscored.

16 SECTION 8. This Act shall take effect upon its approval;
 17 provided that section 6 shall take effect on July 1, 2010.

18

INTRODUCED BY: Norman Sakom
Michelle N. Kudani
S.S.T.



Report Title:

Education; Extended Learning Opportunities Program;
Appropriation

Description:

Establishes an extended learning opportunities program within the department of education. Allows nonprofits and public-private partnerships to operate extended learning opportunities. Appropriates funds to establish the program.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

