

JAN 20 2010

A BILL FOR AN ACT

RELATING TO THE HAWAII HURRICANE RELIEF FUND.

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

1 SECTION 1. This Act is recommended by the governor for
2 immediate passage in accordance with section 9 of article VII of
3 the Constitution of the State of Hawaii.

4 SECTION 2. The legislature finds that reductions and
5 restrictions to the department of education's operating budget
6 of over \$49 million for the 2009-2010 fiscal year and over \$226
7 million for the 2010-2011 fiscal year have resulted in the loss
8 of seventeen instructional days for ten-month non-charter public
9 school students and twenty-one instructional days for twelve-
10 month non-charter public school students during the 2009-2010
11 school year and the same number of lost instructional days
12 during the 2010-2011 school year. The legislature further finds
13 that if nothing is done to prevent the loss of these
14 instructional days, Hawaii will become the state with the fewest
15 number of instructional days in a school year. The State has
16 received much criticism for responding to budget shortfalls in a
17 manner that decreases learning opportunities and quality



1 instructional time for students. On a national level, the
2 United States Secretary of Education has strongly criticized the
3 decision to decrease instructional days, especially since Hawaii
4 is scheduled to receive approximately \$500,000,000 from the
5 federal American Recovery and Reinvestment Act, part of which is
6 intended to avoid significant cuts to education and advance
7 school reform. The Secretary has also indicated that the loss
8 of instructional days has weakened the State's competitiveness
9 for additional federal education grants. For these reasons, the
10 legislature finds that the loss of instructional days for
11 Hawaii's students is a short-sighted solution that will have
12 detrimental long-term effects on Hawaii's students, reputation,
13 and future.

14 Despite the great need for additional resources in many
15 areas that would benefit the public, the legislature finds that
16 providing a quality education for Hawaii's students is an
17 overriding state priority with far-reaching effects on the
18 prosperity, health, and growth of local communities and that
19 ensuring adequate resources for education reflects a commitment
20 and investment toward that priority. The legislature finds that
21 an appropriation of Hawaii hurricane relief funds is necessary



1 to maintain an essential level of programs and resources to
2 provide Hawaii's students with a quality education.

3 The legislature declares that the appropriation made under
4 this Act shall not be construed to mean that the legislature, in
5 any way, intends to interfere with the processes of public
6 sector collective bargaining as authorized under the state
7 constitution and chapter 89, Hawaii Revised Statutes.

8 The purpose of this Act is to appropriate \$50,000,000 in
9 Hawaii hurricane relief funds to restore all remaining lost
10 instructional days for the 2009-2010 school year that have been
11 negotiated pursuant to the collective bargaining process
12 established under chapter 89, Hawaii Revised Statutes.

13 SECTION 3. Notwithstanding provisions of chapter 431P,
14 Hawaii Revised Statutes, to the contrary, there is appropriated
15 out of the Hawaii hurricane relief fund the sum of \$50,000,000
16 or so much thereof as may be necessary for fiscal year 2009-2010
17 to restore all remaining lost instructional days for the 2009-
18 2010 school year that have been negotiated pursuant to the
19 collective bargaining process established under chapter 89,
20 Hawaii Revised Statutes; provided that the funds appropriated by
21 this Act shall only be released upon the completion of all
22 negotiations of parties necessary to execute the restoration of



S.B. NO. 2124

1 instructional days pursuant to the collective bargaining process
2 established under chapter 89, Hawaii Revised Statutes.

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

5 SECTION 4. Any unexpended or unencumbered balance of the
6 appropriation made by this Act as of the close of business on
7 June 30, 2011 shall lapse to the credit of the Hawaii hurricane
8 relief fund.

9 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY:

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Report Title:

Restoration of Instructional Days; Hawaii Hurricane Relief Fund; Appropriation

Description:

Makes an appropriation from the Hawaii hurricane relief fund to restore all remaining lost instructional days for the 2009-2010 school year; provided that the moneys shall only be released upon completion of negotiations of parties necessary to execute the restoration of instructional days.

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

