
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. The legislature finds that reductions and
2 restrictions to the department of education's operating budget
3 of over \$49,000,000 for the 2009-2010 fiscal year and over
4 \$226,000,000 for the 2010-2011 fiscal year have resulted in the
5 scheduled loss of seventeen instructional days for ten-month
6 non-charter public school students and twenty-one instructional
7 days for twelve-month non-charter public school students during
8 the 2009-2010 school year and the same number of lost
9 instructional days during the 2010-2011 school year. Charter
10 schools also sustained a reduction of \$3,791,952 and responded
11 through the use of facilities funds, reductions in services, and
12 staff reductions. The legislature further finds that if nothing
13 is done to prevent the loss of these instructional days, Hawaii
14 will become the state with the fewest number of instructional
15 days in a school year. The State has received much criticism
16 for responding to budget shortfalls in a manner that decreases
17 learning opportunities and quality instructional time for

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

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

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

6 The purpose of this Act is to appropriate \$36,000,000 in
7 Hawaii hurricane relief funds to restore all remaining lost
8 instructional days for the 2009-2010 school year that have been
9 negotiated pursuant to the collective bargaining process
10 established under chapter 89, Hawaii Revised Statutes, and of
11 the \$36,000,000, a proportionate amount on a per-pupil basis to
12 alleviate the impact of reductions to charter schools for the
13 2009-2010 school year.

14 SECTION 2. Notwithstanding provisions of chapter 431P,
15 Hawaii Revised Statutes, to the contrary, there is appropriated
16 out of the Hawaii hurricane relief fund the sum of \$36,000,000
17 or so much thereof as may be necessary for fiscal year 2009-2010
18 to restore all remaining lost instructional days for the 2009-
19 2010 school year that have been negotiated pursuant to the
20 collective bargaining process established under chapter 89,
21 Hawaii Revised Statutes; provided that the funds appropriated by
22 this Act shall only be released upon the completion of all

1 negotiations of parties necessary to execute the restoration of
2 instructional days pursuant to the collective bargaining process
3 established under chapter 89, Hawaii Revised Statutes; provided
4 further that of the sum appropriated, an equivalent per-pupil
5 amount, multiplied by the number of students enrolled in charter
6 schools during the 2009-2010 school year, shall be allocated to
7 charter schools to alleviate the impact of funding reductions
8 for the 2009-2010 fiscal year.

9 The sum appropriated shall be expended by the department of
10 education and the charter school administrative office,
11 respectively, for the purposes of this Act.

12 SECTION 3. Any unexpended or unencumbered balance of the
13 appropriation made by this Act as of the close of business on
14 June 30, 2011 shall lapse to the credit of the Hawaii hurricane
15 relief fund.

16 SECTION 4. This Act shall take effect upon its approval.
17

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. Allocates a proportionate amount of the appropriation to charter schools.
(SD1)

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