
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 because 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 public
11 school students is a short-sighted solution that will have
12 detrimental long-term effects on Hawaii's public school
13 students, reputation, 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 public school
17 students is an overriding state priority with far-reaching
18 effects on the prosperity, health, and growth of local
19 communities and that ensuring adequate resources for education
20 reflects a commitment and investment in that priority. The
21 legislature finds that an appropriation of Hawaii hurricane
22 relief funds is necessary to maintain an essential level of



1 programs and resources to provide Hawaii's public school
2 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 a total of
9 \$86,100,000 in Hawaii hurricane relief funds to restore all
10 remaining lost instructional days for the 2009-2010 and
11 2010-2011 school years that have been negotiated pursuant to the
12 collective bargaining process established under chapter 89,
13 Hawaii Revised Statutes, and of the \$86,100,000, a proportionate
14 amount on a per-pupil basis to alleviate the impact of
15 reductions to charter schools for the 2009-2010 and 2010-2011
16 school years.

17 SECTION 2. Notwithstanding provisions of chapter 431P,
18 Hawaii Revised Statutes, to the contrary, there is appropriated
19 out of the Hawaii hurricane relief fund the sum of \$22,960,000
20 or so much thereof as may be necessary for fiscal year 2009-2010
21 to restore all remaining lost instructional days for the
22 2009-2010 school year that have been negotiated pursuant to the



1 collective bargaining process established under chapter 89,
2 Hawaii Revised Statutes; provided that:

3 (1) The funds appropriated by this Act shall only be
4 released upon the completion of all negotiations of
5 parties necessary to execute the restoration of
6 instructional days pursuant to the collective
7 bargaining process established under chapter 89,
8 Hawaii Revised Statutes;

9 (2) Of the sum appropriated, \$960,000 shall be allocated
10 to charter schools for the 2009-2010 school year to
11 alleviate the impact of funding reductions for the
12 2009-2010 fiscal year;

13 (3) Of the sum appropriated, \$22,000,000 shall be
14 allocated to non-charter schools for the 2009-2010
15 school year to alleviate the impact of funding
16 reductions for the 2009-2010 fiscal year;

17 (4) As part of the collective bargaining agreement with
18 the State, the exclusive representative for bargaining
19 unit (5) shall agree to relinquish at least one
20 planning day for every two lost instructional days
21 that are due to a furlough once the lost instructional



1 days are restored with moneys appropriated under this
2 Act; and

3 (5) Funds appropriated for the 2009-2010 school year that
4 are not expended at the close of that school year
5 shall not be carried over to the following school year
6 and shall lapse into the Hawaii hurricane relief fund.

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

11 SECTION 3. Notwithstanding provisions of chapter 431P,
12 Hawaii Revised Statutes, to the contrary, there is appropriated
13 out of the Hawaii hurricane relief fund the sum of \$63,140,000
14 or so much thereof as may be necessary for fiscal year 2010-2011
15 to restore all remaining lost instructional days for the 2010-
16 2011 school year that have been negotiated pursuant to the
17 collective bargaining process established under chapter 89,
18 Hawaii Revised Statutes; provided that:

19 (1) The funds appropriated by this Act shall only be
20 released upon the completion of all negotiations of
21 parties necessary to execute the restoration of
22 instructional days pursuant to the collective



1 bargaining process established under chapter 89,
2 Hawaii Revised Statutes;

3 (2) Of the sum appropriated, \$2,640,000 shall be allocated
4 to charter schools for the 2010-2011 school year to
5 alleviate the impact of funding reductions for the
6 2010-2011 fiscal year;

7 (3) Of the sum appropriated, \$60,500,000 shall be
8 allocated to non-charter schools for the 2010-2011
9 school year to alleviate the impact of funding
10 reductions for the 2010-2011 fiscal year;

11 (4) As part of the collective bargaining agreement with
12 the State, the exclusive representative for bargaining
13 unit (5) shall agree to relinquish at least one
14 planning day for every two lost instructional days
15 that are due to a furlough once the lost instructional
16 days are restored with moneys appropriated under this
17 Act; and

18 (5) Funds appropriated for the 2010-2011 school year that
19 are not expended at the close of that school year
20 shall not be carried over to the following school year
21 and shall lapse into the Hawaii hurricane relief fund.



1 The sum appropriated under this section shall be expended
2 by the department of education and the charter school
3 administrative office, respectively, for the purposes of this
4 Act.

5 SECTION 4. This Act shall take effect upon its approval;
6 provided that section 3 shall take effect on July 1, 2010.



Report Title:

Restoration of Instructional Days; Hawaii Hurricane Relief Fund; Appropriation

Description:

Makes an appropriation from the Hawaii hurricane relief fund to restore the remaining public school instructional days for the 2009-2010 and 2010-2011 school years; 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. Requires unexpended funds from each school year to lapse to the Hawaii hurricane relief fund. (SD2)

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

