

JAN 25 2010

A BILL FOR AN ACT

RELATING TO EDUCATION.

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

1 SECTION 1. The legislature recognizes that supporting
2 public education is a core responsibility and fundamental
3 priority of state government. In recent years, progress has
4 been made in improving educational test scores and significant
5 resources invested in supporting, rewarding, and retaining
6 quality teachers. If the State of Hawaii is to continue moving
7 forward in improving student achievement, the legislature
8 believes that instructional school days available for student
9 learning must be strengthened and not diminished. The
10 legislature further believes that the current effort to balance
11 the state budget by reducing the number of instructional days is
12 counter-productive, harmful to our State on many levels, and
13 must immediately be reversed.

14 According to a recent statement by the United States
15 Secretary of Education: "Now more than ever, we need to invest
16 in schools so we can educate our way to a better economy
17 Hawaii has been making progress on student achievement. Over



1 the 20 years that the National Assessment of Educational
2 Progress has been given to states, Hawaii students have recorded
3 steady gains But now is not the time to decrease investment
4 in education. Hawaii's economic problems should not be creating
5 an educational crisis for its children."

6 While there will be exceptions, the elimination of
7 instructional days will result in a general decline in student
8 achievement and a lowering of over-all test scores system wide.
9 As teachers adjust to the reduced number of teaching days,
10 important subjects such as music, art, and physical fitness are
11 likely to be further reduced and opportunities to participate in
12 traditional after school extracurricular activities such as
13 band, clubs, and others will also dwindle as the time available
14 is shrunk. College bound students will also be impacted as
15 students seeking to excel in specialized academic areas will
16 have a reduced availability of instructional time. College
17 admissions opportunities for Hawaii students in general may
18 further suffer from the increasingly poor national reputation
19 and stigma gained from having the fewest number of instructional
20 days in the nation.

21 In addition to the loss of educational opportunity for
22 Hawaii's children, the "furlough Fridays" that will result in



1 the elimination of up to seventeen instructional school days a
2 year will result in a host of other unanticipated problems. In
3 testimony submitted by parents and community members before a
4 special legislative committee, it has been made very clear that
5 "furlough Fridays" will cause serious economic hardship. Many
6 families cannot afford the extra cost of child care during the
7 day or after school hours supervision. As a result, many
8 parents are now forced to take unpaid leave from work to care
9 for their school age children, while others may have no option
10 but to leave younger children in the care of older siblings,
11 friends, or neighbors.

12 Moreover, testimony from social workers and others pointed
13 out the potential for harm as large numbers of students suddenly
14 become unsupervised "latch-key children." This unstable
15 situation may contribute to an increase in teen pregnancies,
16 drug use, and other detrimental activities often associated with
17 unsupervised youths. Furthermore, for some low-income families,
18 the school venue provides the primary source of positive adult
19 role models and a generally safe haven within which their
20 children may interact with adults and their peers. Public
21 testimony and various civil actions currently pending in the



1 courts also describe the potentially broad and far-reaching
2 negative impact of "furlough Fridays" on special needs children.

3 The legislature finds that closing public schools on
4 instructional school days and the lasting harm that this will
5 cause under the "furlough Fridays" arrangement is unacceptable.
6 At the same time, the legislature recognizes that, while urgent
7 and immediate action is vital to remedy the loss of any further
8 instructional school days for the 2009-2010 and 2010-2011 school
9 years, long-term solutions will require extensive review of both
10 funding and governance issues during the upcoming 2010 regular
11 legislative session.

12 The purpose of this Act is to authorize the transfer of
13 moneys from the Hawaii hurricane reserve trust fund to the
14 department of education in order to prevent the further loss of
15 instructional school days for the remaining 2009-2010 and 2010-
16 2011 school years. Furthermore, this Act prohibits the release
17 of funds until the existing collective bargaining agreements
18 between the department of education and the exclusive
19 representatives of the employees of the department of education
20 include terms of agreement that ensure no loss of instructional
21 school days for the remaining 2009-2010 and 2010-2011 school
22 years.



1 SECTION 2. The Hawaii hurricane reserve trust fund is
2 authorized to transfer a sum in the amount of \$80,000,000 to the
3 department of education prior to January 1, 2010; provided that
4 no moneys shall be released from the Hawaii hurricane reserve
5 trust fund to the department of education until the existing
6 collective bargaining agreements between the department of
7 education and the exclusive representatives of the employees of
8 the department of education include terms of agreement that
9 ensure no loss of instructional school days for the remaining
10 2009-2010 and 2010-2011 school years.

11 SECTION 3. Section 431P-16, Hawaii Revised Statutes, is
12 amended by amending subsection (i) to read as follows:

13 "(i) Moneys in the hurricane reserve trust fund may be:

14 (1) Disbursed upon dissolution of the Hawaii hurricane
15 relief fund; provided that:

16 (A) The net moneys in the hurricane reserve trust
17 fund shall revert to the state general fund after
18 payments by the fund on behalf of licensed
19 property and casualty insurers or the State that
20 are required to be made pursuant to any federal
21 disaster insurance program enacted to provide



1 insurance or reinsurance for hurricane risks are
2 completed; and

3 (B) If such moneys are paid on behalf of licensed
4 property and casualty insurers, payment shall be
5 made in proportion to the premiums from policies
6 of hurricane property insurance serviced by the
7 insurers in the twelve months prior to
8 dissolution of the fund; [~~or~~]

9 (2) Deposited to the loss mitigation grant fund
10 established under section 431:22-102; or

11 (3) Transferred to the department of education pursuant to
12 section 2 of Act _____, Session Laws of Hawaii, 2010;

13 provided that all interest earned from the principal in the
14 hurricane reserve trust fund shall be transferred and deposited
15 into the general fund each year that the hurricane reserve trust
16 fund remains in existence."

17 SECTION 4. Section 431P-16.5, Hawaii Revised Statutes, is
18 amended to read as follows:

19 "[~~+~~]**\$431P-16.5**[~~+~~] **Transfer or loan of funds; immunity.**

20 There shall be no cause of action, claim for damages or relief,
21 charge, or any other liability of any kind whatsoever created
22 against the State, the Hawaii hurricane relief fund, the



1 commissioner, or their respective agents, employees, or board,
2 by, or relating to [~~the~~]:

3 (1) The transfer of any moneys from the hurricane reserve
4 trust fund to the loss mitigation grant fund or from
5 the loss mitigation grant fund to the hurricane
6 reserve trust fund or involving the loss mitigation
7 grant program[-]; or

8 (2) The transfer of any moneys from the hurricane reserve
9 trust fund to the department of education pursuant to
10 section 2 of Act , Session Laws of Hawaii, 2010."

11 SECTION 5. In codifying this Act, the revisor of statutes
12 shall insert the number of this Act in sections 3 and 4.

13 SECTION 6. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 7. This Act shall take effect upon its approval.

16
INTRODUCED BY: Ray L. Aon

Report Title:

Department of Education; Instructional School Days; Hawaii
Hurricane Reserve Trust Fund; Fund Transfer

Description:

Authorizes the transfer of moneys from the Hawaii hurricane
reserve trust fund to the department of education to prevent the
further loss of instructional school days.

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not legislation or evidence of legislative intent.*

