

JAN 27 2010

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# A BILL FOR AN ACT

RELATING TO THE DEPARTMENT OF EDUCATION.

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

1           SECTION 1. The legislature finds that the task force on  
2 reinventing government was established in 2009 to examine the  
3 current operations and organization of state government and make  
4 recommendations on making state government more efficient. The  
5 task force found that the department of education's existing  
6 governance and organizational structure is unwieldy and lacks  
7 accountability. The task force submitted a final report to the  
8 legislature that included a recommendation to restructure the  
9 department of education into two major divisions, based on line  
10 and staff functions, and to establish two senior deputy  
11 superintendent positions - one in charge of primarily academic  
12 achievement-related functions, and the other responsible for  
13 primarily administrative functions.

14           The purpose of this Act is to implement the recommendation  
15 of the task force on reinventing government to restructure the  
16 department of education and establish two senior deputy  
17 superintendent positions.



1 SECTION 2. Chapter 302A, Hawaii Revised Statutes, is  
2 amended by adding two new sections to part IV to be  
3 appropriately designated and to read as follows:

4 "§302A- Duties of senior deputy superintendent for  
5 academic achievement. The senior deputy superintendent for  
6 academic achievement shall assume administrative responsibility  
7 for all duties and functions assigned to the academic  
8 achievement division. The specific duties and responsibilities  
9 of the senior deputy superintendent for academic achievement  
10 shall be established by the board, in consultation with the  
11 superintendent. The senior deputy superintendent for academic  
12 achievement shall report directly to the superintendent of  
13 education and shall be evaluated on criteria established by the  
14 board; provided that the evaluation criteria relate primarily to  
15 improvements in student achievement.

16 §302A- Duties of senior deputy superintendent for  
17 administration. The senior deputy superintendent for  
18 administration shall assume administrative responsibility for  
19 all duties and functions assigned to the administration  
20 division. The specific duties and responsibilities of the  
21 senior deputy superintendent for administration shall be  
22 established by the board, in consultation with the



1 superintendent. The senior deputy superintendent for  
2 administration shall report directly to the superintendent of  
3 education and shall be evaluated on criteria established by the  
4 board; provided that the evaluation criteria relate primarily to  
5 the quality of support services provided to teachers,  
6 principals, and complex area supervisors."

7 SECTION 3. Section 84-17, Hawaii Revised Statutes, is  
8 amended by amending subsection (c) to read as follows:

9 "(c) The following persons shall file annually with the  
10 state ethics commission a disclosure of financial interests:

11 (1) The governor, the lieutenant governor, the members of  
12 the legislature, and delegates to the constitutional  
13 convention; provided that delegates to the  
14 constitutional convention shall only be required to  
15 file initial disclosures;

16 (2) The directors and their deputies, the division chiefs,  
17 the executive directors and the executive secretaries  
18 and their deputies, the purchasing agents and the  
19 fiscal officers, regardless of the titles by which the  
20 foregoing persons are designated, of every state  
21 agency and department;



- 1           (3) The permanent employees of the legislature and its  
2           service agencies, other than persons employed in  
3           clerical, secretarial, or similar positions;
- 4           (4) The administrative director of the State, and the  
5           assistants in the office of the governor and the  
6           lieutenant governor, other than persons employed in  
7           clerical, secretarial, or similar positions;
- 8           (5) The hearings officers of every state agency and  
9           department;
- 10          (6) The president, the vice presidents, assistant vice  
11          presidents, the chancellors, and the provosts of the  
12          University of Hawaii and its community colleges;
- 13          (7) The superintendent, senior deputy superintendents, the  
14          deputy superintendent, the assistant superintendents,  
15          the complex area superintendents, the state librarian,  
16          and the deputy state librarian of the department of  
17          education;
- 18          (8) The administrative director and the deputy director of  
19          the courts;
- 20          (9) The members of every state board or commission whose  
21          original terms of office are for periods exceeding one  
22          year and whose functions are not solely advisory;



1 (10) Candidates for state elective offices, including  
2 candidates for election to the constitutional  
3 convention, provided that candidates shall only be  
4 required to file initial disclosures; and

5 (11) The administrator and assistant administrator of the  
6 office of Hawaiian affairs."

7 SECTION 4. Section 302A-101, Hawaii Revised Statutes, is  
8 amended by adding two new definitions to be appropriately  
9 inserted and to read as follows:

10 "Academic achievement division" means the academic  
11 achievement division of the department of education, established  
12 under section 302A-1102.

13 "Administration division" means the administration division  
14 of the department of education, established under section  
15 302A-1102."

16 SECTION 5. Section 302A-621, Hawaii Revised Statutes, is  
17 amended to read as follows:

18 "§302A-621 Salary; senior deputy superintendents, deputy  
19 superintendent, assistant superintendents, complex area  
20 superintendents. The salaries of the senior deputy  
21 superintendents, the deputy superintendent, assistant  
22 superintendents, and complex area superintendents shall be set



1 by the board; provided that the salaries of the senior deputy  
2 superintendents, deputy superintendent, assistant  
3 superintendents, and the complex area superintendents shall not  
4 exceed eighty per cent of the superintendent's salary."

5 SECTION 6. Section 302A-1101, Hawaii Revised Statutes, is  
6 amended to read as follows:

7 "**§302A-1101 Department of education; board of education;**  
8 **superintendent of education[-]; senior deputy superintendents.**

9 (a) There shall be a principal executive department to be known  
10 as the department of education, which shall be headed by an  
11 elected policy-making board to be known as the board of  
12 education. The board shall have power in accordance with law to  
13 formulate statewide educational policy, adopt student  
14 performance standards and assessment models, monitor school  
15 success, [~~and to~~] appoint the superintendent of education as the  
16 chief executive officer of the public school system[-], and  
17 delegate the duties and functions of the department to the  
18 academic achievement and administration divisions, pursuant to  
19 section 302A-1102.

20 (b) The board shall appoint, and may remove, the  
21 superintendent by a majority vote of its members. The  
22 superintendent:



1 (1) May be appointed without regard to the state residency  
2 provisions of section 78-1(b);

3 (2) May be appointed for a term of up to four years; and

4 (3) May be terminated only for cause.

5 (c) The superintendent of education shall appoint, and may  
6 remove, two senior deputy superintendents who shall be known  
7 respectively as the senior deputy superintendent for academic  
8 achievement and the senior deputy superintendent for  
9 administration. Each senior deputy superintendent may be  
10 appointed for a term of up to four years and may be terminated  
11 only for cause. The senior deputy superintendents shall not be  
12 subject to chapter 76.

13 [~~e~~] (d) The board shall invite the senior military  
14 commander in Hawaii to appoint a nonvoting military  
15 representative to the board, who shall serve for a two-year term  
16 without compensation. As the liaison to the board, the military  
17 representative shall advise the board regarding state education  
18 policies and departmental actions affecting students who are  
19 enrolled in public schools as family members of military  
20 personnel. The military representative shall carry out these  
21 duties as part of the representative's official military duties  
22 and shall be guided by applicable state and federal statutes,



1 regulations, and policies and may be removed only for cause by a  
2 majority vote of the members of the board.

3 ~~[(d)]~~ (e) The board shall appoint the charter school  
4 review panel, which shall serve as the charter authorizer for  
5 charter schools, with the power and duty to issue charters,  
6 oversee and monitor charter schools, hold charter schools  
7 accountable for their performance, and revoke charters."

8 SECTION 7. Section 302A-1102, Hawaii Revised Statutes, is  
9 amended to read as follows:

10 "~~[+]§302A-1102[+]~~ **Department of education; divisions;**  
11 **statewide and regional administrative services.** ~~[The department~~  
12 ~~shall serve as the central support system responsible for the~~  
13 ~~overall administration of statewide educational policy,~~  
14 ~~interpretation, and development of standards for compliance with~~  
15 ~~state and federal laws, and coordination and preparation of a~~  
16 ~~systemwide budget for the public schools.]~~ (a) The department  
17 shall consist of two divisions:

18 (1) The academic achievement division shall be headed by  
19 the senior deputy superintendent for academic  
20 achievement and shall be primarily responsible for  
21 improvements in student achievement, including but not  
22 limited to administering statewide educational policy,





1 managing supervisors of regional administrative units,  
2 developing standards and assessments for student  
3 achievement, developing curriculum, ensuring  
4 compliance with state and federal laws relating to  
5 curriculum, and ensuring the provision of special  
6 education needs; and

7 (2) The administration division shall be headed by the  
8 senior deputy superintendent for administration and  
9 shall be primarily responsible for providing quality  
10 support and central services, including but not  
11 limited to managing all budgetary, financial,  
12 facilities, human resources, transportation, food  
13 services, and data technology needs of the department.

14 The board shall delegate all duties and functions of the  
15 department to the two divisions in consultation with the  
16 superintendent and in accordance with the general areas of  
17 responsibility established for each division under this  
18 subsection.

19 (b) The department may establish regional administrative  
20 units to provide administrative support to the schools for  
21 personnel, fiscal, and procurement services. The regional  
22 administrative units may also be assigned responsibility for the



1 administration and operation of special education programs and  
2 special schools."

3 SECTION 8. Section 302A-1111, Hawaii Revised Statutes, is  
4 amended by amending subsection (a) to read as follows:

5 "(a) Under policies established by the board, the  
6 superintendent shall be designated as the chief executive  
7 officer of the public school system having jurisdiction over the  
8 internal organization, operation, and management of the public  
9 school system, as provided by law; and shall administer programs  
10 of education and public instruction throughout the State,  
11 including education at the preschool, primary, and secondary  
12 school levels, and such other programs as may be established by  
13 law.

14 The superintendent shall advise the board in the board's  
15 delegation of the duties and functions of the department to the  
16 academic achievement and administration divisions, pursuant to  
17 section 302A-1102."

18 SECTION 9. Statutory material to be repealed is bracketed  
19 and stricken. New statutory material is underscored.

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1 SECTION 10. This Act shall take effect on July 1, 2011.

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INTRODUCED BY:

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**Report Title:**

DOE; Restructuring

**Description:**

Restructures the department of education into two major divisions - the academic achievement division and the administration division - and establishes two senior deputy superintendent positions to head the divisions.

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

