

JAN 23 2009

A BILL FOR AN ACT

RELATING TO SCHOOLS.

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

1 PART I. NON-SCHOOL-HOUR DEPARTMENT OF EDUCATION PROGRAMS

2 SECTION 1. The legislature finds that many children are
3 left unsupervised in the mornings and afternoons before and
4 after school. Nationally, nearly two-thirds of school-age
5 children are in homes where both parents work, but few
6 communities have a comprehensive system that provides before-
7 and after-school care for children. Currently, Hawaii has a
8 successful A+ program for students in grades K-6, but does not
9 have a similar program for older children who also need adult
10 supervision. Statistics show that the rates of juvenile crime,
11 drug use, and experimentation with tobacco, alcohol, and sexual
12 activity increase among unsupervised older children during
13 non-school hours. These problems have been identified by and
14 qualify for federal funding programs using temporary assistance
15 for needy families block grants. The legislature further finds
16 that there is widespread agreement that it is important to
17 establish safe, structured, and supervised learning environments



1 for school-aged children during non-school hours to avoid or
2 prevent these problems.

3 The purpose of this part is to appropriate temporary
4 assistance for needy families program funds to supervise
5 school-aged children in non-school-hour programs to address
6 problems of juvenile crime, drug use, and experimentation with
7 tobacco, alcohol, and sexual activity.

8 SECTION 2. There is appropriated out of the federal
9 temporary assistance for needy families program funds the sum of
10 \$ or so much thereof as may be necessary for fiscal
11 year 2009-2010 for non-school-hour programs.

12 The sum appropriated shall be expended by the department of
13 human services to provide supervision of children in
14 kindergarten through twelfth grade under the department of
15 education.

16 SECTION 3. There is appropriated out of the federal
17 temporary assistance for needy families program funds the sum of
18 \$ or so much thereof as may be necessary for fiscal
19 year 2009-2010 for the office of youth services.

20 The sum appropriated shall be expended by the department of
21 human services for non-school-hour programs for children and
22 youth enrolled in school.



1 SECTION 4. There is appropriated out of the federal
2 temporary assistance for needy families program funds the sum of
3 \$ or so much thereof as may be necessary for fiscal
4 year 2009-2010 for non-school-hour programs for children and
5 youth enrolled in school.

6 The sum appropriated shall be expended by the department of
7 human services subject to the following allocation percentages,
8 which are based on the number of children eighteen years of age
9 or younger residing in each county; provided that no funds shall
10 be disbursed unless each county provides matching funds on a
11 dollar-for-dollar basis as follows:

- 12 (1) Seventy-one per cent, city and county of Honolulu;
- 13 (2) Thirteen per cent, county of Hawaii;
- 14 (3) Eleven per cent, county of Maui; and
- 15 (4) Five per cent, county of Kauai.

16 SECTION 5. Moneys allocated for the purposes of this part
17 shall not reduce existing funding for non-school-hour programs.
18 Moneys shall be awarded by the expending agencies only to
19 non-school-hour programs that demonstrate a commitment to
20 partnering with the public and private sectors and involve youth
21 as active participants in all phases of program planning,
22 implementation, and evaluation. All programs that receive



1 moneys shall meet each quarter with their community partners for
2 the purposes of program evaluation and improvement.

3 SECTION 6. The department of education, the office of
4 youth services, and the counties' parks and recreation
5 departments shall convene annually to share information on the
6 best practices and outcomes of non-school-hour programs. The
7 office of youth services shall submit to the legislature an
8 annual report on the programs funded under this part no later
9 than twenty days prior to the convening of each regular session,
10 beginning with the regular session of 2010.

11 PART II. COUNTY OF HAWAII AFTER-SCHOOL PROGRAMS

12 SECTION 7. The island of Hawaii encompasses an area of
13 4,028 square miles and has a population of 167,000 residents.
14 The island's population is spread over an area twice the size of
15 all the other islands combined, which poses unique geographical
16 challenges in the provision of programs and services to island
17 residents.

18 Rural communities sometimes lack the necessary
19 infrastructure to support and implement beneficial programs.
20 Youth in rural communities can face challenges in remaining
21 drug-free, engaged, and involved in positive activities because
22 of the lack of transportation, facilities, and educational



1 alternatives during afternoon and evening hours. Families have
2 to travel significant distances to areas of employment that are
3 clustered in the South Kohala, Kona, and Hilo areas. This
4 results in many children being unsupervised after school. Drugs
5 and substance abuse, primarily crystal methamphetamine, are
6 taking a heavy toll on the children and families in these
7 communities. The State remains committed to ensuring the safety
8 and health of our children in rural areas.

9 Schools have the necessary infrastructure to provide
10 support to youth, families, and communities, including
11 classrooms, restrooms, parking areas, computer labs, gyms, and
12 parks. In some rural communities, the only facilities for
13 meetings and activities are the schools, which often remain
14 closed during the afternoon and evening hours. Schools are the
15 center of our communities. Through partnerships among the
16 department of education, the county, local businesses, and
17 community organizations, students can be given the opportunity
18 to remain at school to participate in non-school-hour
19 recreational and educational programs. Increasing the positive
20 alternatives available to our youth will provide untold benefits
21 to our community.



1 Establishing the Hawaii safe haven demonstration program
2 will allow communities to become engaged in the education and
3 support of their students. This demonstration program would
4 permit schools to remain open after school with services to be
5 provided by local businesses, organizations, and community
6 volunteers. It would also allow for the collaboration,
7 cooperation, and collective commitment of rural communities
8 towards nurturing, guiding, and supporting youth and their
9 families. The safe haven demonstration program is planned for
10 implementation in the county of Hawaii as a model to be expanded
11 to other islands following the successful demonstration of this
12 program. One school will be selected by each department of
13 education area complex superintendent as a demonstration site.
14 A total of three schools will be part of this program during the
15 first year of operation.

16 The legislature finds that unacceptable rates of adolescent
17 substance abuse, juvenile delinquency, teenage pregnancies, and
18 other negative socio-economic statistics are occurring in Hawaii
19 communities. The Department of Justice, Office of Juvenile
20 Justice and Delinquency Prevention has clearly stated that
21 community programs most effective in addressing negative
22 behaviors amongst our youth are programs that reduce the risk



1 factors and increase the protective factors in our community.
2 The safe haven demonstration program will accomplish both of
3 those goals.

4 The purpose of this part is to appropriate funds for the
5 implementation of the safe haven demonstration program in the
6 county of Hawaii.

7 SECTION 8. There is appropriated out of the general
8 revenues of the State of Hawaii the sum of \$ or so
9 much thereof as may be necessary for fiscal year 2009-2010 for
10 the implementation of the safe haven model demonstration program
11 in the county of Hawaii.

12 The sum appropriated shall be expended by the county of
13 Hawaii for the purposes of the part.

14 PART III. NON-SCHOOL-HOUR PROGRAMS TASK FORCE

15 SECTION 9. The legislature is committed to providing
16 excellence in education in Hawaii. Under Act 51, Session Laws
17 of Hawaii 2004, the Reinventing Education Act of 2004, the
18 legislature found that "[a]lthough the State's students,
19 parents, teachers, school administrators, departmental staff,
20 and other educational stakeholders strive to achieve excellence,
21 their efforts will never be completely successful until various
22 aspects of the system around them are improved."



1 The legislature reiterates its support for efforts by the
2 department of education to improve Hawaii's schools not only to
3 enhance the academic achievement, safety, well-being, and civic
4 commitment of students, but to also meet the evolving needs of
5 today's communities. Those needs include after-school programs
6 that help facilitate academic achievement, fulfill recreational
7 needs, and promote civic responsibilities, as demonstrated by
8 existing programs held on and off campus by the office of youth
9 services, the Young Men's Christian Association, the Boys and
10 Girls Club, and other agencies.

11 The State's after-school programs provide safe and
12 supervised after-school education, enrichment, and recreation
13 for students. Research demonstrates that youth who participate
14 in after-school programs are less likely to drink alcohol,
15 smoke, use drugs, and drop out of school.

16 Although the State provides the A+ program for students in
17 lower grades and formal athletic programs in high schools, there
18 are no formal non-school-hour activities in public schools for
19 students in grades six to twelve.

20 The purpose of this part is to improve non-school-hour
21 programs by establishing a task force to review and recommend
22 improvements to the State's current non-school-hour activities



1 programs and to appropriate funds for non-school-hour activities
2 and an educational specialist II position.

3 SECTION 10. (a) There is established a non-school-hour
4 activities task force within the office of youth services. The
5 non-school-hour activities task force shall consist of the
6 following members appointed by the superintendent of education:

- 7 (1) The non-school-hour activities program coordinator;
- 8 (2) At least one athletic director;
- 9 (3) Two middle school administrators;
- 10 (4) Two high school administrators;
- 11 (5) A representative from the office of youth services;
- 12 (6) Two representatives from service organizations;
- 13 (7) A union representative;
- 14 (8) A representative from a faith-based organization;
- 15 (9) A representative from each county;
- 16 (10) At least one community college representative;
- 17 (11) At least one student representative; and
- 18 (12) Any additional members that may be determined by the
19 superintendent.

20 (b) In carrying out its duties under this section, the
21 task force may request staff assistance from the department of



1 education, the department of human services, and other
2 appropriate agencies.

3 (c) The members of the task force shall serve without
4 compensation, but shall be reimbursed for the expenses,
5 including travel expenses, necessary for the performance of
6 their duties.

7 (d) The task force shall:

- 8 (1) Review the types of non-school-hour programs available
9 in middle schools, including geographically
10 identifying where the programs are administered and
11 the population being served by means of asset mapping;
- 12 (2) Research the preferences of students, parents, and
13 educators regarding non-school-hour activities;
- 14 (3) Identify programs that attract students who do not
15 normally participate in non-school-hour activities;
- 16 (4) Identify public and private agencies willing to
17 participate in non-school-hour activities;
- 18 (5) Identify vacant or unused public school or public park
19 facilities that can be used for non-school-hour
20 activities by public or private providers and
21 determine if the land or facilities can be used by



- 1 private providers to construct, lease, or rent
- 2 facilities for non-school-hour activities;
- 3 (6) Determine available and potential resources for
- 4 funding the establishment of new non-school-hour
- 5 activities;
- 6 (7) Establish a master plan to locate and construct new
- 7 schools adjoining or adjacent to existing public or
- 8 private recreational facilities whenever possible; and
- 9 (8) Recommend legislation for the implementation of an
- 10 after-school, weekend, and semester break activities
- 11 pilot program for students in grades six to twelve.

12 (e) The task force shall submit a report of its findings
13 and recommendations, including proposed legislation, to the
14 legislature no later than twenty days prior to the convening of
15 the regular session of 2010 and shall cease to exist on June 30,
16 2010.

17 SECTION 11. Section 302A-408, Hawaii Revised Statutes, is
18 amended to read as follows:

19 "§302A-408 ~~[After-school and weekend]~~ Non-school-hour
20 programs. (a) The department and the appropriate county
21 agencies may establish and regulate non-school-hour programs
22 ~~[of]~~ offering after-school ~~[and]~~, weekend, and semester break



1 community-school activities for children, including but not
2 limited to [~~child-care programs, arts and crafts, hula,~~
3 ~~ukulele,~~] academic, technology, visual art, performing art,
4 athletic, cultural, and other recreational [~~projects,~~] programs,
5 wherever feasible, at public school and public park facilities.
6 In addition to any appropriation of public funds, reasonable
7 fees established by the agencies operating the programs may be
8 collected from children enrolled, in the furtherance of
9 particular programs. The appropriate agencies may obtain from
10 time to time the services of department personnel, students, and
11 persons in a voluntary or unpaid capacity, exempt from chapter
12 76, as may be necessary for carrying out the purposes of this
13 section, and may regulate their duties, powers, and
14 responsibilities when not otherwise provided by law. Any person
15 whose services have been so accepted, while engaged in the
16 performance of duty under this section, shall be deemed a state
17 employee or an employee of a political subdivision, as the case
18 may be, in determining the liability of the State or the
19 political subdivision for the negligent acts of these persons.

20 (b) The department may:



- 1 (1) Allow the use of school facilities by public and
- 2 private entities to administer a non-school-hour
- 3 program;
- 4 (2) Provide transportation services for students
- 5 participating in the non-school-hour programs; and
- 6 (3) Authorize schools to charge a fee for the use of its
- 7 facilities; provided that students from low-income
- 8 households may be charged a reduced fee.

9 (c) There is established within the department an
10 educational specialist II position to coordinate the State's
11 non-school-hour programs; provided that the educational
12 specialist shall serve at the pleasure of the superintendent and
13 the position may be established as a permanent position not
14 subject to chapter 76."

15 SECTION 12. There is appropriated out of the general
16 revenues of the State of Hawaii the sum of \$ or so
17 much thereof as may be necessary for fiscal year 2009-2010 for
18 an education specialist II position.

19 The sum appropriated shall be expended by the department of
20 education for the purposes of this part.

21 SECTION 13. There is appropriated out of the general
22 revenues of the State of Hawaii the sum of \$ or so



1 much thereof as may be necessary for fiscal year 2009-2010 for
2 non-school-hour programs, which shall include after-school,
3 weekend, and semester break programs.

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

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

8 SECTION 15. This Act shall take effect upon its approval;
9 provided that sections 2, 3, 4, 8, 12, and 13 shall take effect
10 on July 1, 2009.

11

INTRODUCED BY:

Erzanne Chun Calilant
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Report Title:

DOE; Non-School-Hour Programs; Safe Haven; Task Force;
Educational Specialist II; TANF Funds; Appropriations

Description:

Appropriates TANF funds for non-school-hour programs;
appropriates funds for the Safe Haven after-school program in
Hawaii county; establishes a task force on non-school-hour
programs; and appropriates general funds for non-school-hour
activities and an educational specialist II.

