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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 improving the efficiency of state government.  
5 The 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 primarily of academic  
12 achievement-related functions, and the other primarily  
13 responsible for 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 and  
13 shall be evaluated on criteria established by the board;  
14 provided that the evaluation criteria shall 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 and  
3 shall be evaluated on criteria established by the board;  
4 provided that the evaluation criteria shall relate primarily to  
5 the quality of support services provided to teachers,  
6 principals, and complex area supervisors."

7 SECTION 3. 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, established under  
12 section 302A-1102.

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

15 SECTION 4. Section 84-17, Hawaii Revised Statutes, is  
16 amended by amending subsection (c) to read as follows:

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

19 (1) The governor, the lieutenant governor, the members of  
20 the legislature, and delegates to the constitutional  
21 convention; provided that delegates to the



- 1 constitutional convention shall only be required to  
2 file initial disclosures;
- 3 (2) The directors and their deputies, the division chiefs,  
4 the executive directors and the executive secretaries  
5 and their deputies, the purchasing agents and the  
6 fiscal officers, regardless of the titles by which the  
7 foregoing persons are designated, of every state  
8 agency and department;
- 9 (3) The permanent employees of the legislature and its  
10 service agencies, other than persons employed in  
11 clerical, secretarial, or similar positions;
- 12 (4) The administrative director of the State, and the  
13 assistants in the office of the governor and the  
14 lieutenant governor, other than persons employed in  
15 clerical, secretarial, or similar positions;
- 16 (5) The hearings officers of every state agency and  
17 department;
- 18 (6) The president, the vice presidents, assistant vice  
19 presidents, the chancellors, and the provosts of the  
20 University of Hawaii and its community colleges;
- 21 (7) The superintendent, the senior deputy superintendents,  
22 [~~the deputy superintendent,~~] the assistant



1           superintendents, the complex area superintendents, the  
2           state librarian, and the deputy state librarian of the  
3           department of education;

4           (8) The administrative director and the deputy director of  
5           the courts;

6           (9) The members of every state board or commission whose  
7           original terms of office are for periods exceeding one  
8           year and whose functions are not solely advisory;

9           (10) Candidates for state elective offices, including  
10           candidates for election to the constitutional  
11           convention~~[7]~~; provided that candidates shall only be  
12           required to file initial disclosures; and

13           (11) The administrator and assistant administrator of the  
14           office of Hawaiian affairs."

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

17           "**§302A-621 Salary; senior deputy superintendents,** [~~deputy~~  
18           ~~superintendent,~~] **assistant superintendents, complex area**  
19           **superintendents.** The salaries of the senior deputy  
20           superintendents, [~~the deputy superintendent,~~] assistant  
21           superintendents, and complex area superintendents shall be set  
22           by the board; provided that the salaries of the senior deputy



1 superintendents, [~~deputy superintendent,~~] assistant  
2 superintendents, and the complex area superintendents shall not  
3 exceed [~~eighty~~] ninety per cent of the superintendent's salary."

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

6 "**§302A-1101 Department of education; board of education;**  
7 **superintendent of education[~~-~~]; senior deputy superintendents.**

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

19 (b) The board shall appoint, and may remove, the  
20 superintendent by a majority vote of its members. The  
21 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 shall appoint, and may remove, two  
6 senior deputy superintendents who shall be known respectively as  
7 the senior deputy superintendent for academic achievement and  
8 the senior deputy superintendent for administration. Each  
9 senior deputy superintendent shall be appointed for a term of up  
10 to four years and shall be terminated only for cause. The  
11 senior deputy superintendents shall not be subject to chapter  
12 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 "~~[(f)]~~§302A-1102~~[(f)]~~ 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  
22 administering statewide educational policy, managing





1 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 managing all  
11 budgetary, financial, facilities, human resources,  
12 transportation, food services, and data technology  
13 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.

20 SECTION 10. This Act shall take effect on July 1, 2050.



**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. Changes the salary cap for certain superintendent positions to ninety per cent, rather than eighty per cent of the superintendent's salary. Effective July 1, 2050. (SB605 HD1)

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

