
A BILL FOR AN ACT

RELATING TO EDUCATION.

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

1 SECTION 1. Section 302A-1502.4, Hawaii Revised Statutes,
2 is amended to read as follows:

3 **"§302A-1502.4 Hawaii 3R's school repair and maintenance**
4 **fund.** (a) There is established the Hawaii 3R's school repair
5 and maintenance fund (hereinafter, "fund") as a separate fund of
6 Hawaii 3R's, a Hawaii nonprofit organization. Moneys received
7 from the State, county, or federal government, private
8 contributions of cash or other property, and the income and
9 capital gains earned by the fund shall constitute its assets.

10 (b) Hawaii 3R's shall expend moneys from the fund in the
11 form of either grants to organizations or contracts with private
12 vendors for the repair and maintenance of public schools in
13 Hawaii in accordance with this section.

14 (c) The fund may receive contributions, grants,
15 endowments, or gifts in cash or otherwise from all sources,
16 including corporations or other businesses, foundations,
17 government, individuals, and other interested parties. The fund
18 shall also receive moneys transferred to it from the school-



1 level minor repairs and maintenance special fund established
2 under section 302A-1504.5. The legislature intends that public
3 and private sectors review and investigate all potential funding
4 sources. The State may appropriate moneys to the fund; provided
5 that any appropriations made by the State are not intended to
6 supplant the funding of any existing school-level minor repairs
7 and maintenance programs.

8 ~~[(d) Hawaii 3R's shall appoint the members of the Hawaii~~
9 ~~3R's school maintenance and repair advisory board, which shall~~
10 ~~be responsible for:~~

- 11 ~~(1) Soliciting and otherwise raising funds for the fund;~~
12 ~~(2) Establishing criteria for the expenditure of funds;~~
13 ~~(3) Reviewing grant proposals using criteria established~~
14 ~~by Hawaii 3R's; and~~
15 ~~(4) Making recommendations for grants and other specific~~
16 ~~expenditures.~~

17 ~~Members of the advisory board shall be stakeholders in Hawaii's~~
18 ~~public educational system, including students, parents, alumni,~~
19 ~~principals, community and business leaders, and representatives~~
20 ~~from the department of education and the department of~~
21 ~~accounting and general services, who shall be represented on the~~
22 ~~advisory board.~~



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1 ~~(e) In managing the moneys in the fund, Hawaii 3R's shall~~
2 ~~exercise ordinary business care and prudence given the facts and~~
3 ~~circumstances prevailing at the time of action or decision. In~~
4 ~~doing so, Hawaii 3R's shall consider its long and short term~~
5 ~~needs in carrying out its purposes, its present and anticipated~~
6 ~~financial requirements, expected total return on its~~
7 ~~investments, price trends, and general economic conditions.~~

8 ~~(f) There may be an endowment component of the fund, and~~
9 ~~Hawaii 3R's may accumulate net income and add the same to the~~
10 ~~principal.~~

11 ~~(g) The use of any state moneys may be restricted by the~~
12 ~~legislation appropriating these moneys to the fund.~~

13 ~~(h) Hawaii 3R's may expend principal from the fund for the~~
14 ~~purposes of the fund.~~

15 ~~(i) Any organization submitting a proposal to Hawaii 3R's~~
16 ~~for moneys shall meet the following standards at the time of~~
17 ~~application:~~

18 ~~(1) Be a for profit organization duly registered under the~~
19 ~~laws of the State, or be a nonprofit organization~~
20 ~~determined by the Internal Revenue Service to be~~
21 ~~exempt from the federal income tax, or be an agency of~~
22 ~~the State or a county;~~



- 1 ~~(2) In the case of a nonprofit organization, have a~~
- 2 ~~governing board whose members have no material~~
- 3 ~~conflict of interest and serve without compensation;~~
- 4 ~~(3) In the case of an applicant that is not a state or~~
- 5 ~~county government agency, have bylaws or policies that~~
- 6 ~~describe the manner in which business is conducted and~~
- 7 ~~policies that relate to the management of a potential~~
- 8 ~~situation involving a conflict of interest;~~
- 9 ~~(4) Have experience with the project or in the program~~
- 10 ~~area for which the proposal is being made; and~~
- 11 ~~(5) Be licensed and accredited, as applicable, in~~
- 12 ~~accordance with the requirements of federal, state,~~
- 13 ~~and county governments.~~
- 14 ~~(j) All proposals submitted to Hawaii 3R's for moneys~~
- 15 ~~shall be approved by the department for consistency in meeting~~
- 16 ~~design and materials standards for public schools.~~
- 17 ~~(k) Organizations or agencies to which moneys are awarded~~
- 18 ~~shall agree to comply with the following conditions before~~
- 19 ~~receiving the award:~~
- 20 ~~(1) Use persons qualified to engage in the activity to be~~
- 21 ~~funded;~~



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1 ~~(2) Comply with the applicable federal, state, and county~~
2 ~~laws, and~~

3 ~~(3) Comply with any other requirements prescribed by~~
4 ~~Hawaii 3R's to ensure adherence by the recipient of~~
5 ~~the award with applicable federal, state, and county~~
6 ~~laws and with the purposes of this section.~~

7 ~~(1)]~~ (d) Chapter 103D shall not apply to organizations or
8 agencies that apply for grants or contracts under this section;
9 provided that Hawaii 3R's shall be held accountable for the use
10 of the funds under a contract with the department.

11 ~~[(m) Any contract awarded by Hawaii 3R's shall be made~~
12 ~~with as much competition as is practical to execute its~~
13 ~~purposes.~~

14 ~~(n) The fund shall be audited annually by an independent~~
15 ~~auditor. The results of each annual audit shall be submitted to~~
16 ~~the department not later than thirty days from the date Hawaii~~
17 ~~3R's receives the audit results. In addition, Hawaii 3R's shall~~
18 ~~retain for a period of three years and permit the department,~~
19 ~~state legislators, and the auditor, or their duly authorized~~
20 ~~representatives, to inspect and have access to any documents,~~
21 ~~papers, books, records and other evidence that is pertinent to~~
22 ~~the fund.~~



1 ~~(e)~~ (e) The fund shall not be placed in the state
2 treasury, and the State shall not administer the fund, nor shall
3 the State be liable for the operation or solvency of the fund or
4 Hawaii 3R's.

5 ~~[(p) For every dollar of state moneys granted by the fund
6 to the project, there shall be a minimum of \$1 in value matched
7 by Hawaii 3R's from private, federal, county, or community
8 service.~~

9 ~~(q) The superintendent of education shall submit an annual
10 report of the progress of the Hawaii 3R's school repair and
11 maintenance fund no later than twenty days prior to the
12 convening of each regular session of the legislature.]"~~

13 SECTION 2. Section 302A-401.5, Hawaii Revised Statutes, is
14 repealed.

15 ~~["**§302A-401.5** Hawaii teacher cadet program fund. (a)
16 There is established the Hawaii teacher cadet program fund as a
17 separate fund of the Hawaii alliance for future teachers, a
18 Hawaii nonprofit organization. Moneys received from the state,
19 county, or federal government, private contributions of cash or
20 other property, and the income and capital gains earned by the
21 fund shall constitute its assets.~~



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1 ~~(b) The Hawaii alliance for future teachers shall expend~~
2 ~~moneys from the fund in the form of either grants to~~
3 ~~organizations or contracts with private vendors to provide~~
4 ~~programs for students who possess a high level of academic~~
5 ~~achievement and the personality traits found in good teachers to~~
6 ~~consider teaching as a career in accordance with this section.~~

7 ~~(c) The fund may receive contributions, grants,~~
8 ~~endowments, or gifts in cash or otherwise from all sources,~~
9 ~~including corporations or other businesses, foundations,~~
10 ~~government, individuals, and other interested parties. The~~
11 ~~legislature intends that public and private sectors review and~~
12 ~~investigate all potential funding sources. The State may~~
13 ~~appropriate moneys to the fund.~~

14 ~~(d) The Hawaii alliance for future teachers shall appoint~~
15 ~~the members of the Hawaii teacher cadet program advisory board,~~
16 ~~which shall be responsible for:~~

17 ~~(1) Soliciting and otherwise raising funds for the fund;~~

18 ~~(2) Establishing criteria for the expenditure of funds;~~

19 ~~(3) Reviewing grant proposals using criteria established~~
20 ~~by Hawaii alliance for future teachers; and~~

21 ~~(4) Making recommendations for grants and other specific~~
22 ~~expenditures.~~



1 ~~Members of the advisory board shall be stakeholders in Hawaii's~~
2 ~~public educational system, including students, parents, alumni,~~
3 ~~principals, community and business leaders, and representatives~~
4 ~~from the department of education and the department of~~
5 ~~accounting and general services, who shall be represented on the~~
6 ~~advisory board.~~

7 ~~(e) In managing the moneys in the fund, the Hawaii~~
8 ~~alliance for future teachers shall exercise ordinary business~~
9 ~~care and prudence given the facts and circumstances prevailing~~
10 ~~at the time of action or decision. In doing so, the Hawaii~~
11 ~~alliance for future teachers shall consider its long and short-~~
12 ~~term needs in carrying out its purposes, its present and~~
13 ~~anticipated financial requirements, expected total return on its~~
14 ~~investments, price trends, and general economic conditions.~~

15 ~~(f) There may be an endowment component of the fund, and~~
16 ~~the Hawaii alliance for future teachers may accumulate net~~
17 ~~income and add the same to the principal.~~

18 ~~(g) The use of any state moneys may be restricted by the~~
19 ~~legislation appropriating these moneys to the fund.~~

20 ~~(h) The Hawaii alliance for future teachers may expend~~
21 ~~principal from the fund for the purposes of the fund.~~



1 ~~(i) Any organization submitting a proposal to the Hawaii~~
2 ~~alliance for future teachers for moneys shall meet the following~~
3 ~~standards at the time of application:~~

4 ~~(1) Be a for-profit organization duly registered under the~~
5 ~~laws of the State, or be a nonprofit organization~~
6 ~~determined by the Internal Revenue Service to be~~
7 ~~exempt from the federal income tax, or be an agency of~~
8 ~~the State or a county;~~

9 ~~(2) In the case of a nonprofit organization, have a~~
10 ~~governing board whose members have no material~~
11 ~~conflict of interest and serve without compensation;~~

12 ~~(3) In the case of an applicant that is not a state or~~
13 ~~county government agency, have bylaws or policies that~~
14 ~~describe the manner in which business is conducted and~~
15 ~~policies that relate to the management of a potential~~
16 ~~situation involving a conflict of interest;~~

17 ~~(4) Have experience with the project or in the program~~
18 ~~area for which the proposal is being made; and~~

19 ~~(5) Be licensed and accredited, as applicable, in~~
20 ~~accordance with the requirements of federal, state,~~
21 ~~and county governments.~~



1 ~~(j) All proposals submitted to the Hawaii alliance for~~
2 ~~future teachers for moneys shall be approved by the department~~
3 ~~for consistency in meeting standards for public schools.~~

4 ~~(k) Organizations or agencies to which moneys are awarded~~
5 ~~shall agree to comply with the following conditions before~~
6 ~~receiving the award.~~

7 ~~(1) Use persons qualified to engage in the activity to be~~
8 ~~funded;~~

9 ~~(2) Comply with the applicable federal, state, and county~~
10 ~~laws; and~~

11 ~~(3) Comply with any other requirements prescribed by the~~
12 ~~Hawaii alliance for future teachers to ensure~~
13 ~~adherence by the recipient of the award with~~
14 ~~applicable federal, state, and county laws and with~~
15 ~~the purposes of this section.~~

16 ~~(1) Chapter 103D shall not apply to organizations or~~
17 ~~agencies that apply for grants or contracts under this section;~~
18 ~~provided that the Hawaii alliance for future teachers shall be~~
19 ~~held accountable for the use of the funds under a contract with~~
20 ~~the department.~~



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1 ~~(m) Any contract awarded by the Hawaii alliance for future~~
2 ~~teachers shall be made with as much competition as is practical~~
3 ~~to execute its purposes.~~

4 ~~(n) The fund shall be audited annually by an independent~~
5 ~~auditor. The results of each annual audit shall be submitted to~~
6 ~~the department not later than thirty days from the date the~~
7 ~~Hawaii alliance for future teachers receives the audit results.~~
8 ~~In addition, the Hawaii alliance for future teachers shall~~
9 ~~retain for a period of three years and permit the department,~~
10 ~~state legislators, and the auditor, or their duly authorized~~
11 ~~representatives, to inspect and have access to any documents,~~
12 ~~papers, books, records and other evidence that is pertinent to~~
13 ~~the fund.~~

14 ~~(o) The fund shall not be placed in the state treasury,~~
15 ~~and the State shall not administer the fund, nor shall the State~~
16 ~~be liable for the operation or solvency of the fund of the~~
17 ~~Hawaii alliance for future teachers.~~

18 ~~(p) For every dollar of state moneys granted by the fund~~
19 ~~to the project, there shall be a minimum of \$1 in value matched~~
20 ~~by the Hawaii alliance for future teachers in cash, or the fair~~
21 ~~market value of in-kind donations, real property, or any other~~
22 ~~item of value from federal, state, or county governments,~~

1 ~~private entities, community based organizations, non profit~~
2 ~~organizations, or individuals.~~

3 ~~(g) The superintendent of education shall submit an annual~~
4 ~~report of the progress of the Hawaii teacher cadet program fund~~
5 ~~no later than twenty days prior to the convening of each regular~~
6 ~~session of the legislature."]~~

7 SECTION 3. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 4. This Act shall take effect upon its approval.

10

INTRODUCED BY: _____

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Report Title:

Education; Hawaii Teacher Cadet Program Fund; Hawaii 3R's School
Repair and Maintenance Fund

Description:

Amends section 302A-1502.4, HRS, for housekeeping and other
purposes. Repeals section 302A-401.5, HRS.

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

