

JAN 25 2012

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**A BILL FOR AN ACT**

RELATING TO EDUCATION.

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

1           SECTION 1. The legislature reaffirms that it is in the  
2 general welfare of the State to protect, preserve, care for, and  
3 improve the physical and mental health of Hawaii's children by  
4 making available at the public schools first aid and emergency  
5 care, preventive health care, health appraisals and follow-ups,  
6 and health room facilities. For those purposes, the department  
7 of education is authorized to establish a statewide school  
8 health services program. The purpose of this Act is to provide  
9 the department flexibility in administering and implementing the  
10 health services program.

11           SECTION 2. Section 302A-853, Hawaii Revised Statutes, is  
12 amended to read as follows:

13           " ~~[f] §302A-853 [f] Department implementation. The department~~  
14 ~~shall implement this program with the present health services~~  
15 ~~now provided to those schools under the pilot project~~  
16 ~~established under Act 130, Session Laws of Hawaii 1970, to each~~  
17 ~~public school, and further provide the necessary number of~~  
18 ~~health aides to serve each public school. The department may~~

1 ~~provide health related screening services at each public~~  
2 ~~school.]~~ Administration of medication. School health aides may  
3 assist students by administering oral and topical medication,  
4 and in emergency situations, other premeasured medication;  
5 provided that:

- 6 (1) If the student receiving the medication is a minor, a  
7 parent or guardian requests and authorizes the  
8 administration of medication;
- 9 (2) The medication has been prescribed by a licensed  
10 physician, as defined in section 334-1, or by a  
11 practitioner with prescriptive authority;
- 12 (3) The administration of the medication is with the  
13 approval of the department of health; and
- 14 (4) The administration of the medication is necessary for  
15 the health of the student and for the student's  
16 attendance at school."

17 SECTION 3. Section 302A-854, Hawaii Revised Statutes, is  
18 amended to read as follows:

19 "[+] §302A-854 [+] School health aides[.]; compensation.  
20 All full-time school health aides employed in the department  
21 shall be employed and have their compensation fixed in  
22 accordance with chapter 76 and the appropriate collective  
23 bargaining agreement, executive order, executive directive, or

1 rule [~~;~~ provided that the compensation shall be based on a six  
2 and one-half hour work day; provided further that:

3       ~~(1) The monthly rate of compensation for all school  
4 health aides employed less than full time shall be  
5 based on the number of hours they actually work;~~

6       ~~(2) The monthly rate of compensation for full-time health  
7 aides so determined shall be multiplied by ten and  
8 then divided by twelve and the resulting amount shall  
9 be the employee's monthly salary payable over a  
10 twelve-month period; and~~

11       ~~(3) The health aides shall have the same working schedule  
12 and leave allowance as school teachers in the  
13 department]."~~

14       SECTION 4. Section 302A-855, Hawaii Revised Statutes, is  
15 repealed.

16       ["~~§302A-855~~ Rules. The superintendent of education  
17 shall adopt rules pursuant to chapter 91 for the purposes of  
18 this [subpart]."]

19       SECTION 5. Statutory material to be repealed is bracketed  
20 and stricken. New statutory material is underscored.

S.B. NO. 2775

1 SECTION 6. This Act shall take effect upon its approval.

2 INTRODUCED BY: *S.S.T.*

3 BY REQUEST

S . B. No. 2775

**Report Title:**

Public Schools; School Health Aides

**Description:**

Provides flexibility to Department of Education to implement student health programs by deleting certain operational requirements established by law and deletes the requirement to adopt rules.

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

JUSTIFICATION SHEET

DEPARTMENT: Education

TITLE: A BILL FOR AN ACT RELATING TO EDUCATION.

PURPOSE: To provide the department greater administrative flexibility to implement school health services programs.

MEANS: Amend sections 302A-853 and 302A-854 and repeal section 302A-855, Hawaii Revised Statutes.

JUSTIFICATION: These sections carry forward and impose certain operational requirements that were established for a 1970 pilot project for health services. These sections also require certain terms for rate of compensation and payroll schedule that are better left for collective bargaining. Finally, section 302A-855 imposes the requirement for chapter 91 rule-making over a program that is managed internally by the department.

Impact on the public: None.

Impact on the department and other agencies: None.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: N/A.

OTHER AFFECTED AGENCIES: None.

EFFECTIVE DATE: Upon approval.