



EXECUTIVE CHAMBERS
HONOLULU

NEIL ABERCROMBIE
GOVERNOR

July 8, 2014

GOV. MSG. NO. 1342

The Honorable Donna Mercado Kim,
President and Members
of the Senate
Twenty-Seventh State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

The Honorable Joseph M. Souki,
Speaker and Members of
the House of Representatives
Twenty-Seventh State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Kim, Speaker Souki, and Members of the Legislature:

Re: SB2288 SD2 HD1 CD1

SB2288 SD2 HD1 CD1, entitled "A BILL FOR AN ACT RELATING TO EDUCATION" will become law without my signature, pursuant to Section 16 of Article III of the State Constitution.

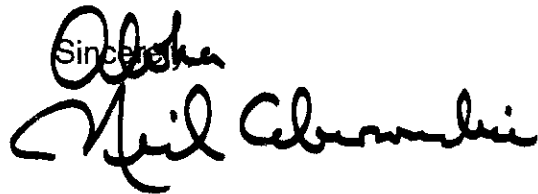
The purpose of this bill is to make housekeeping amendments or repeal various sections of chapter 302A, Hawaii Revised Statutes that are no longer necessary. This bill will help to make the operations of our public schools more efficient and smooth.

However, the bill also includes a provision that exempts the Hawaii 3R's school repair and maintenance (special) fund (3R's) and the After-school Plus (A+) revolving fund from contributing their prorated estimate towards central services expenses of State government as currently required of all special funds except those exempted via Chapter 36-27, HRS, Transfers from Special Funds for Central Service Expense.

These funds collected for central services are meant to account for the general expenses that are provided by a number of administrative-support functions and are not funded through general funds. Over the years, more and more special funds have been exempted from the payment of the central services assessment and may eventually

deplete the fund entirely. A review of the various special funds and the costs to administer them should occur before any further exemptions are made.

For the foregoing reasons, SB2288 SD2 HD1 CD1 will become law as ACT 232, Session Laws of Hawaii 2014, effective July 8, 2014, without my signature.

Sincerely,


NEIL ABERCROMBIE
Governor, State of Hawaii

JUL 8 2014

ACT 232
S.B. NO.

2288
S.D. 2
H.D. 1
C.D. 1

A BILL FOR AN ACT

RELATING TO EDUCATION.

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

1 SECTION 1. In 2012, the legislature passed Act 133,
2 Session Laws of Hawaii 2012, which sought to add clarity to or
3 resolve conflicting or inconsistent language among different
4 sections of law and to amend or repeal various sections of
5 chapter 302A, Hawaii Revised Statutes.

6 The purpose of this Act is to continue to amend or repeal
7 various sections of chapter 302A, Hawaii Revised Statutes, that:

- 8 (1) Have been accomplished and are no longer necessary;
- 9 (2) Impede rather than assist the department of education
10 in meeting its core mission;
- 11 (3) Fall under the purview of the board of education, such
12 as policy, staffing, and programmatic decisions;
- 13 (4) Are covered by federal law and do not require
14 codification in state law; or
- 15 (5) Are covered by another section of the Hawaii Revised
16 Statutes, administrative rules, or board of education
17 policy.



1 SECTION 2. Section 36-27, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) Except as provided in this section, and
4 notwithstanding any other law to the contrary, from time to
5 time, the director of finance, for the purpose of defraying the
6 prorated estimate of central service expenses of government in
7 relation to all special funds, except the:

- 8 (1) Special out-of-school time instructional program fund
9 under section 302A-1310;
- 10 (2) School cafeteria special funds of the department of
11 education;
- 12 (3) Special funds of the University of Hawaii;
- 13 (4) State educational facilities improvement special fund;
- 14 (5) Convention center enterprise special fund under
15 section 201B-8;
- 16 (6) Special funds established by section 206E-6;
- 17 (7) Housing loan program revenue bond special fund;
- 18 (8) Housing project bond special fund;
- 19 (9) Aloha Tower fund created by section 206J-17;
- 20 (10) Funds of the employees' retirement system created by
21 section 88-109;



- 1 (11) Hawaii hurricane relief fund established under chapter
- 2 431P;
- 3 (12) Hawaii health systems corporation special funds and
- 4 the subaccounts of its regional system boards;
- 5 (13) Tourism special fund established under section
- 6 201B-11;
- 7 (14) Universal service fund established under section
- 8 269-42;
- 9 (15) Emergency and budget reserve fund under section
- 10 328L-3;
- 11 (16) Public schools special fees and charges fund under
- 12 section 302A-1130;
- 13 (17) Sport fish special fund under section 187A-9.5;
- 14 (18) Glass advance disposal fee established by section
- 15 342G-82;
- 16 (19) Center for nursing special fund under section
- 17 304A-2163;
- 18 (20) Passenger facility charge special fund established by
- 19 section 261-5.5;
- 20 (21) Court interpreting services revolving fund under
- 21 section 607-1.5;
- 22 (22) Hawaii cancer research special fund;



- 1 (23) Community health centers special fund;
- 2 (24) Emergency medical services special fund;
- 3 (25) Rental motor vehicle customer facility charge special
- 4 fund established under section 261-5.6;
- 5 (26) Shared services technology special fund under section
- 6 27-43;
- 7 (27) Automated victim information and notification system
- 8 special fund established under section 353-136; [~~and~~
- 9 +] (28) [+]
Deposit beverage container deposit special fund under
- 10 section 342G-104[-];
- 11 (29) Hawaii 3R's school repair and maintenance fund under
- 12 section 302A-1502.4; and
- 13 (30) After-school plus program revolving fund under section
- 14 302A-1149.5,

15 shall deduct five per cent of all receipts of all special funds,
 16 which deduction shall be transferred to the general fund of the
 17 State and become general realizations of the State. All
 18 officers of the State and other persons having power to allocate
 19 or disburse any special funds shall cooperate with the director
 20 in effecting these transfers. To determine the proper revenue
 21 base upon which the central service assessment is to be
 22 calculated, the director shall adopt rules pursuant to chapter



1 91 for the purpose of suspending or limiting the application of
2 the central service assessment of any fund. No later than
3 twenty days prior to the convening of each regular session of
4 the legislature, the director shall report all central service
5 assessments made during the preceding fiscal year."

6 SECTION 3. Section 36-32, Hawaii Revised Statutes, is
7 amended by amending subsection (c) to read as follows:

8 "(c) The department of education shall [~~submit an annual~~
9 ~~report to the legislature that shall include~~] annually post on
10 the department's website information related to a financial
11 statement of the special fund, the lease payments for schools
12 account established under subsection (b), and the status of
13 projects undertaken pursuant to this section, no later than
14 twenty days prior to the convening of each regular session."

15 SECTION 4. Section 36-36, Hawaii Revised Statutes, is
16 amended by amending subsection (e) to read as follows:

17 "(e) The [~~superintendent of education shall submit an~~
18 ~~annual report to the legislature, which shall include~~]
19 department shall annually post on its website information
20 related to a financial statement of the account and the status
21 of school repair and preventive maintenance projects undertaken
22 pursuant to this section, no later than twenty days prior to the



1 convening of each regular session. The department of education
2 shall also post the following [~~reports electronically on the~~
3 ~~Internet~~] information on its website and update [~~them~~] the
4 information quarterly:

- 5 (1) Expenditures for school repair and preventive
6 maintenance projects undertaken pursuant to this
7 section, shall be posted within thirty days of each
8 project's completion; and
9 (2) A list of each school's repair and maintenance needs
10 to be undertaken."

11 SECTION 5. Section 302A-101, Hawaii Revised Statutes, is
12 amended by adding two new definitions to be appropriately
13 inserted and to read as follows:

14 "Attend" or "attendance" means a student is physically
15 present in school after enrollment.

16 "Enroll" or "enrollment" means a student has met all of the
17 department's requirements for entrance and is formally placed on
18 a school's roll."

19 SECTION 6. Section 302A-101, Hawaii Revised Statutes, is
20 amended by amending the definition of "charter schools" to read
21 as follows:



1 "Charter schools" ~~[means public schools holding charters to~~
2 ~~operate as charter schools under chapter {302D}, including~~
3 ~~start-up and conversion charter schools, that have the~~
4 ~~flexibility to implement alternative frameworks with regard to~~
5 ~~curriculum, facilities management, instructional approach,~~
6 ~~length of the school day, week, or year, and personnel~~
7 ~~management.] has the same meaning as in section 302D-1."~~

8 SECTION 7. Section 302A-102, Hawaii Revised Statutes, is
9 amended to read as follows:

10 "[f]§302A-102[+] **Smoking prohibited**~~[, exception].~~ [(a)]

11 All public schools within the State, from kindergarten through
12 grade twelve, shall prohibit the use of tobacco at public
13 schools or at public school functions.

14 ~~[(b) The department shall provide affected public~~
15 ~~employees with breaks throughout the work day during which they~~
16 ~~may smoke at locations off campus. The number and duration of~~
17 ~~such breaks shall be subject to collective bargaining.~~

18 ~~(c) The department shall provide a smoking cessation~~
19 ~~program for public employees who are interested in~~
20 ~~participating; provided that issues relating to the costs of the~~
21 ~~program shall be subject to collective bargaining.~~



1 ~~(d) This section shall not be subject to part II of~~
2 ~~chapter 328K.] "~~

3 SECTION 8. Section 302A-605, Hawaii Revised Statutes, is
4 amended to read as follows:

5 **"§302A-605 Principals and vice-principals. [(a)]**

6 Principals and vice-principals shall meet the department's
7 certification requirements [~~and shall have at least five years~~
8 ~~of appropriate school level experience, including at least three~~
9 ~~years as a teacher, or equivalent experience, as determined by~~
10 ~~the department.~~

11 ~~(b) Vice principals shall meet the department's~~
12 ~~certification requirements and shall have appropriate school-~~
13 ~~level or equivalent experience, as determined by the department.~~

14 ~~(c) The department shall establish alternative routes to~~
15 ~~certification for principals and vice principals pursuant to~~
16 ~~rules adopted under chapter 91.~~

17 ~~(d) For purposes of this section, "alternative routes to~~
18 ~~certification" has the same meaning as determined by United~~
19 ~~States Department of Education regulations for state~~
20 ~~applications for Race to the Top fund allocations under section~~
21 ~~14001 of the federal American Recovery and Reinvestment Act of~~
22 ~~2009, as amended]. "~~



1 SECTION 9. Section 302A-1004, Hawaii Revised Statutes, is
2 amended by amending subsections (b) and (c) to read as follows:

3 "(b) The department shall [~~submit to the legislature, the~~
4 ~~governor, and the board of education at least twenty days prior~~
5 ~~to the convening of each regular legislative session a report~~
6 ~~of~~] annually post on the department's website information on the
7 specifics of the implementation of the comprehensive
8 accountability system, as well as the fiscal requirements and
9 legislative actions necessary to maintain and improve the
10 accountability system.

11 (c) The department shall [~~submit to the legislature and to~~
12 ~~the governor, at least twenty days prior to the convening of~~
13 ~~each regular session, an educational status report~~] also
14 annually post on its website information that includes but is
15 not limited to the following:

- 16 (1) Results of school-by-school assessments of educational
17 outcomes;
- 18 (2) Summaries of each school's standards implementation
19 design;
- 20 (3) Summary descriptions of the demographic makeup of the
21 schools, with indications of the range of these
22 conditions among schools within Hawaii;



- 1 (4) Comparisons of conditions affecting Hawaii's schools
- 2 with the conditions of schools in other states;
- 3 (5) Other such assessments as may be deemed appropriate by
- 4 the board; and
- 5 (6) Any other reports required by this section."

6 SECTION 10. Section 302A-1145, Hawaii Revised Statutes, is
7 amended to read as follows:

8 " ~~[+]§302A-1145[+]~~ **Transfer to another school.** No school
9 shall receive any child under eighteen years of age, who has
10 attended another school of the same class in the same
11 ~~[district,]~~ complex area, unless the child produces to the
12 school to be ~~[entered,]~~ enrolled, a certificate of release of
13 the school last attended by the child. If the child applies to
14 attend a school of higher grade, a certificate of proficiency
15 shall be required or a lawful excuse for its absence. The
16 children from one ~~[district]~~ complex area desiring to enter a
17 school in another ~~[district]~~ complex area may be received or
18 ~~[admitted]~~ enrolled upon producing a certificate of release from
19 the school last attended in the other ~~[district,]~~ complex area."

20 SECTION 11. Section 302A-1154, Hawaii Revised Statutes, is
21 amended as follows:

- 22 1. By amending the title to read:



1 **"§302A-1154 Immunization upon [~~entering~~] attending school;**
2 **tuberculosis clearance."**

3 2. By amending subsection (b) to read:

4 "(b) No child shall [~~be admitted to~~] attend any school for
5 the first time in the State unless the child presents to the
6 appropriate school official documentation satisfactory to the
7 department of health that the child has been examined and tested
8 according to the rules of the department, and is free from
9 tuberculosis in a communicable form."

10 SECTION 12. Section 302A-1155, Hawaii Revised Statutes, is
11 amended to read as follows:

12 **"§302A-1155 Provisional [~~entrance to~~] attendance at**
13 **school.** (a) A child may [~~enter~~] attend school provisionally
14 upon submitting written documentation from a licensed physician,
15 physician assistant, advanced practice registered nurse, or an
16 authorized representative of the department of health stating
17 that the child is in the process of receiving the required
18 immunizations. Further documentation showing that the required
19 immunizations have been completed shall be submitted to the
20 appropriate school official no later than three months after the
21 child first [~~entered~~] attends the school. If all of the
22 required immunizations cannot be completed within three months



1 due to the length of the minimum intervals between doses of a
2 particular vaccine required by the department of health,
3 provisional [~~admission~~] attendance may be extended so long as
4 the child's parent or guardian provides documentation that
5 appointments for required immunizations have been made and that
6 progress toward completing the immunizations continues in
7 accordance with the requirements of the department of health.

8 (b) Provisional [~~entrance to~~] attendance at school may be
9 suspended by the department of health when there is danger of an
10 epidemic from any of the communicable diseases for which
11 immunization is required."

12 SECTION 13. Section 302A-1159, Hawaii Revised Statutes, is
13 amended to read as follows:

14 **"§302A-1159 Physical examination required.** No child shall
15 [~~be admitted to~~] attend any school for the first time in the
16 State unless the child presents to the appropriate school
17 official a report from a licensed physician or advanced practice
18 registered nurse of the results of a physical examination
19 performed within a year of the date of [~~entry into~~] attendance
20 at school. A child may [~~enter~~] attend school provisionally upon
21 submitting written documentation from a licensed physician,
22 advanced practice registered nurse, or other authorized



1 representative of the department of health stating that the
2 child is in the process of undergoing a physical examination.
3 Further documentation showing that the required physical
4 examination has been completed shall be submitted to the
5 appropriate school official no later than three months after the
6 child first [~~entered~~] attends the school."

7 SECTION 14. Section 302A-1161, Hawaii Revised Statutes, is
8 amended to read as follows:

9 **"§302A-1161 Notification for noncompliance.** If a child
10 does not complete the immunizations required under section
11 302A-1154 or the physical examination required under section
12 302A-1159 within the period provided by section 302A-1155 after
13 provisional [~~entry into~~] attendance at school, the administrator
14 of the school shall cause a notice to be sent to the parent or
15 guardian of the child stating that if the required immunizations
16 or physical examination is not completed within thirty days of
17 the date of the notice, the child shall not be [~~admitted~~]
18 permitted to attend school."

19 SECTION 15. Section 302A-1301, Hawaii Revised Statutes, is
20 amended to read as follows:

21 **"§302A-1301 School system financial accountability.** (a)
22 Beginning with the 1995-1997 fiscal biennium, the department's



1 administrative expenditures shall not exceed 6.5 per cent of the
2 total department operating budget, excluding expenditures for
3 agencies administratively attached to the department, unless
4 approved by the legislature.

5 (b) Not less than seventy per cent of appropriations for
6 the total budget of the department, excluding debt service and
7 capital improvement programs[7] and appropriations for agencies
8 administratively attached to the department, shall be expended
9 by principals."

10 SECTION 16. Section 302A-1312, Hawaii Revised Statutes, is
11 amended by amending subsection (c) to read as follows:

12 "(c) For the purposes of this section, the superintendent
13 of education shall develop and implement appropriate planning
14 procedures and follow-up accountability reports to ensure sound
15 planning, control, and accountability in the use of moneys
16 allocated by the legislature. The department of education shall
17 [~~submit an annual report to the legislature~~] annually post on
18 the department's website information that shall include:

- 19 (1) List of projects initiated by the department of
20 education; and
21 (2) List of projects completed with associated actual
22 cost."



1 SECTION 17. Section 302A-1103, Hawaii Revised Statutes, is
2 repealed.

3 ~~["§302A-1103 Principal, authority and responsibility. The~~
4 ~~role of the principal shall include but not be limited to~~
5 ~~overseeing the day to day management of the school, the primary~~
6 ~~function of which is to develop and deliver instructional~~
7 ~~services to students in accordance with statewide educational~~
8 ~~policy and to enable students to meet or exceed statewide~~
9 ~~academic standards. The principal shall:~~

- 10 ~~(1) Ensure that the curriculum facilitates the achievement~~
11 ~~of the statewide student performance standards adopted~~
12 ~~for the public school system;~~
- 13 ~~(2) Develop and present to the school community council~~
14 ~~for its review and approval, academic and financial~~
15 ~~plans relating to the school;~~
- 16 ~~(3) Exercise authority over the implementation of the~~
17 ~~budget, policies, and operations of the school; and~~
- 18 ~~(4) Collaborate with other principals in the principal's~~
19 ~~school complex to ensure that:~~
- 20 ~~(A) Logical, sequential curricula are adopted within~~
21 ~~the school complex;~~



1 ~~(B) Best practices are shared among and implemented~~
2 ~~by schools within the school complex;~~

3 ~~(C) The goals and objectives of the school complex~~
4 ~~are being met;~~

5 ~~(D) The use of school complex-based personnel and~~
6 ~~contractors who divide their time between more~~
7 ~~than one school in a school complex is~~
8 ~~coordinated to maximize efficiency; and~~

9 ~~(E) The passage of students through the continuum of~~
10 ~~grades is coordinated in a manner consistent with~~
11 ~~section 302A-1004."]~~

12 SECTION 18. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

14 SECTION 19. This Act shall take effect upon its approval;
15 provided that the amendments made to section 36-27(a), Hawaii
16 Revised Statutes, by section 2 of this Act shall not be repealed
17 when section 36-27, Hawaii Revised Statutes, is reenacted
18 pursuant to section 34 of Act 79, Session Laws of Hawaii 2009.

APPROVED this day of , 2014