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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. 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 three 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 "License" means the recognition granted by the Hawaii  
20 teacher standards board to an individual to practice the  
21 profession of teaching. This definition shall not apply to the  
22 term "license" as it is used in sections 302A-425 to 302A-427."



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

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

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

13 "[+]§302A-102[+] **Smoking prohibited**[, ~~exception~~]. [~~(a)~~]  
14 All public schools within the State, from kindergarten through  
15 grade twelve, shall prohibit the use of tobacco at public  
16 schools or at public school functions.

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

21 [~~(c)~~] ~~The department shall provide a smoking cessation~~  
22 ~~program for public employees who are interested in~~



1 ~~participating, provided that issues relating to the costs of the~~  
2 ~~program shall be subject to collective bargaining.~~

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

5 SECTION 8. Section 302A-123, Hawaii Revised Statutes, is  
6 amended by amending subsection (b) to read as follows:

7 "(b) The term of each member shall be three years, except  
8 as provided for in the initial appointment in subsection (a).

9 ~~[Members]~~ Notwithstanding any law to the contrary, members shall  
10 serve no more than three consecutive three-year terms; provided  
11 that the members who are initially appointed to terms of two  
12 years or less pursuant to subsection (a) may be reappointed to  
13 three ensuing consecutive three-year terms. If a member is  
14 nominated to a second or subsequent consecutive term, the senate  
15 shall consider the question of whether to reconfirm the member  
16 at least one hundred twenty days prior to the expiration of the  
17 member's immediately preceding term; provided that if the senate  
18 has not taken final action to reconfirm the member by the one  
19 hundred twenty-day deadline, the member shall continue to serve  
20 until the senate takes final action on the reconfirmation."

21 SECTION 9. Section 302A-601.5, Hawaii Revised Statutes, is  
22 amended by amending subsection (b) to read as follows:





1           "(b) The employer or prospective employer may refuse to  
2 employ, and may:

3           ~~[(1) Refuse to issue a teaching or other educational~~  
4           ~~certificate,~~

5           ~~(2) Revoke the teaching or other educational certificate,~~

6           ~~(3)]~~ (1) Refuse to allow or continue to allow teacher  
7           training; or

8           ~~[(4)]~~ (2) Terminate the employment of any employee or deny  
9           employment to an applicant,

10 if the person has been convicted of a crime, and if the employer  
11 or prospective employer finds by reason of the nature and  
12 circumstances of the crime that the person poses a risk to the  
13 health, safety, or well-being of children. Refusal~~[7~~  
14 ~~revocation,~~] or termination may occur only after appropriate  
15 investigation and notification to the employee or applicant for  
16 employment of results and planned action, and after the employee  
17 or applicant for employment is given an opportunity to meet and  
18 rebut the finding. Nothing in this subsection shall abrogate  
19 any applicable appeal rights under chapters 76 or 89, or  
20 administrative regulation of the department of education."

21           SECTION 10. Section 302A-605, Hawaii Revised Statutes, is  
22 amended to read as follows:



1           "**§302A-605 Principals and vice-principals.** [~~(a)~~]  
2 Principals and vice-principals shall meet the department's  
3 certification requirements [~~and shall have at least five years~~  
4 ~~of appropriate school level experience, including at least three~~  
5 ~~years as a teacher, or equivalent experience, as determined by~~  
6 ~~the department.~~

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

10          ~~(c) The department shall establish alternative routes to~~  
11 ~~certification for principals and vice principals pursuant to~~  
12 ~~rules adopted under chapter 91.~~

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

19           SECTION 11. Section 302A-1004, Hawaii Revised Statutes, is  
20 amended by amending subsections (b) and (c) to read as follows:

21           "(b) The department shall [~~submit to the legislature, the~~  
22 ~~governor, and the board of education at least twenty days prior~~



1 ~~to the convening of each regular legislative session a report~~  
2 ~~of] annually post on the department's website information on the~~  
3 ~~specifics of the implementation of the comprehensive~~  
4 ~~accountability system, as well as the fiscal requirements and~~  
5 ~~legislative actions necessary to maintain and improve the~~  
6 ~~accountability system.~~

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

- 12 (1) Results of school-by-school assessments of educational  
13 outcomes;
- 14 (2) Summaries of each school's standards implementation  
15 design;
- 16 (3) Summary descriptions of the demographic makeup of the  
17 schools, with indications of the range of these  
18 conditions among schools within Hawaii;
- 19 (4) Comparisons of conditions affecting Hawaii's schools  
20 with the conditions of schools in other states;
- 21 (5) Other such assessments as may be deemed appropriate by  
22 the board; and



1 (6) Any other reports required by this section."

2 SECTION 12. Section 302A-1145, Hawaii Revised Statutes, is  
3 amended to read as follows:

4 "[+]§302A-1145[+] **Transfer to another school.** No school  
5 shall receive any child under eighteen years of age, who has  
6 attended another school of the same class in the same  
7 [~~district,~~] complex area, unless the child produces to the  
8 school to be [~~entered,~~] enrolled, a certificate of release of  
9 the school last attended by the child. If the child applies to  
10 attend a school of higher grade, a certificate of proficiency  
11 shall be required or a lawful excuse for its absence. The  
12 children from one [~~district~~] complex area desiring to enter a  
13 school in another [~~district~~] complex area may be received or  
14 [~~admitted~~] enrolled upon producing a certificate of release from  
15 the school last attended in the other [~~district,~~] complex area."

16 SECTION 13. Section 302A-1154, Hawaii Revised Statutes, is  
17 amended as follows:

18 1. By amending the title to read:

19 "**§302A-1154 Immunization upon [~~entering~~] attending school;**  
20 **tuberculosis clearance.**"

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



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

7       SECTION 14. Section 302A-1155, Hawaii Revised Statutes, is  
8 amended to read as follows:

9       "**§302A-1155 Provisional [~~entrance to~~] attendance at**  
10 **school.** (a) A child may [~~enter~~] attend school provisionally  
11 upon submitting written documentation from a licensed physician,  
12 physician assistant, advanced practice registered nurse, or an  
13 authorized representative of the department of health stating  
14 that the child is in the process of receiving the required  
15 immunizations. Further documentation showing that the required  
16 immunizations have been completed shall be submitted to the  
17 appropriate school official no later than three months after the  
18 child first [~~entered~~] attends the school. If all of the  
19 required immunizations cannot be completed within three months  
20 due to the length of the minimum intervals between doses of a  
21 particular vaccine required by the department of health,  
22 provisional [~~admission~~] attendance may be extended so long as



1 the child's parent or guardian provides documentation that  
2 appointments for required immunizations have been made and that  
3 progress toward completing the immunizations continues in  
4 accordance with the requirements of the department of health.

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

9 SECTION 15. Section 302A-1159, Hawaii Revised Statutes, is  
10 amended to read as follows:

11 "**§302A-1159 Physical examination required.** No child shall  
12 [~~be admitted to~~] attend any school for the first time in the  
13 State unless the child presents to the appropriate school  
14 official a report from a licensed physician or advanced practice  
15 registered nurse of the results of a physical examination  
16 performed within a year of the date of [~~entry into~~] attendance  
17 at school. A child may [~~enter~~] attend school provisionally upon  
18 submitting written documentation from a licensed physician,  
19 advanced practice registered nurse, or other authorized  
20 representative of the department of health stating that the  
21 child is in the process of undergoing a physical examination.  
22 Further documentation showing that the required physical



1 examination has been completed shall be submitted to the  
2 appropriate school official no later than three months after the  
3 child first [~~entered~~] attends the school."

4 SECTION 16. Section 302A-1161, Hawaii Revised Statutes, is  
5 amended to read as follows:

6 "**§302A-1161 Notification for noncompliance.** If a child  
7 does not complete the immunizations required under section  
8 302A-1154 or the physical examination required under section  
9 302A-1159 within the period provided by section 302A-1155 after  
10 provisional [~~entry into~~] attendance at school, the administrator  
11 of the school shall cause a notice to be sent to the parent or  
12 guardian of the child stating that if the required immunizations  
13 or physical examination is not completed within thirty days of  
14 the date of the notice, the child shall not be [~~admitted~~]  
15 permitted to attend school."

16 SECTION 17. Section 302A-1301, Hawaii Revised Statutes, is  
17 amended to read as follows:

18 "**§302A-1301 School system financial accountability.** (a)  
19 Beginning with the 1995-1997 fiscal biennium, the department's  
20 administrative expenditures shall not exceed 6.5 per cent of the  
21 total department operating budget, excluding expenditures for



1 agencies administratively attached to the department, unless  
2 approved by the legislature.

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

8 SECTION 18. Section 302A-1312, Hawaii Revised Statutes, is  
9 amended by amending subsection (c) to read as follows:

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

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

21 SECTION 19. Section 302A-1504.5, Hawaii Revised Statutes,  
22 is amended by amending subsection (a) to read as follows:





1       "(a) There is established within the state treasury a  
2 special fund to be known as the school-level minor repairs and  
3 maintenance special fund, into which shall be deposited all  
4 moneys collected pursuant to section 235-102.5(b), and any other  
5 moneys received by the department in the form of grants and  
6 donations for school-level minor repairs and maintenance. The  
7 special fund shall be administered by the department and used to  
8 fund school-level minor repairs and maintenance. The department  
9 shall transfer moneys deposited in the school-level minor  
10 repairs and maintenance special fund for school-level minor  
11 repairs and maintenance to the Hawaii 3R's school repair and  
12 maintenance fund established pursuant to section 302A-1502.4."

13       SECTION 20. Section 302A-1103, Hawaii Revised Statutes, is  
14 repealed.

15       [~~"§302A-1103—Principal, authority and responsibility. The~~  
16 ~~role of the principal shall include but not be limited to~~  
17 ~~overseeing the day to day management of the school, the primary~~  
18 ~~function of which is to develop and deliver instructional~~  
19 ~~services to students in accordance with statewide educational~~  
20 ~~policy and to enable students to meet or exceed statewide~~  
21 ~~academic standards. The principal shall:~~



- 1       ~~(1) Ensure that the curriculum facilitates the achievement~~  
2           ~~of the statewide student performance standards adopted~~  
3           ~~for the public school system;~~
- 4       ~~(2) Develop and present to the school community council~~  
5           ~~for its review and approval, academic and financial~~  
6           ~~plans relating to the school;~~
- 7       ~~(3) Exercise authority over the implementation of the~~  
8           ~~budget, policies, and operations of the school; and~~
- 9       ~~(4) Collaborate with other principals in the principal's~~  
10           ~~school complex to ensure that:~~
- 11           ~~(A) Logical, sequential curricula are adopted within~~  
12           ~~the school complex;~~
- 13           ~~(B) Best practices are shared among and implemented~~  
14           ~~by schools within the school complex;~~
- 15           ~~(C) The goals and objectives of the school complex~~  
16           ~~are being met;~~
- 17           ~~(D) The use of school complex based personnel and~~  
18           ~~contractors who divide their time between more~~  
19           ~~than one school in a school complex is~~  
20           ~~coordinated to maximize efficiency; and~~



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

4           SECTION 21. Statutory material to be repealed is bracketed  
5 and stricken. New statutory material is underscored.

6           SECTION 22. This Act shall take effect on July 1, 2050;  
7 provided that the amendments made to section 36-27(a), Hawaii  
8 Revised Statutes, by section 2 of this Act shall not be repealed  
9 when section 36-27, Hawaii Revised Statutes, is reenacted  
10 pursuant to section 34 of Act 79, Session Laws of Hawaii 2009.



**Report Title:**

Education; Housekeeping

**Description:**

Amends or repeals various provisions of Chapter 302A, Hawaii Revised Statutes, governing the Department of Education, for housekeeping and other purposes. Effective July 1, 2050.  
(SB2288 HD1)

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

