
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 mandated 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 302A-101, Hawaii Revised Statutes, is
2 amended by adding three new definitions to be appropriately
3 inserted and to read as follows:

4 "Attend" or "attendance" means a student is physically
5 present in school after enrollment.

6 "Enroll" or "enrollment" means a student has met all of the
7 department's requirements for entrance and is formally put on a
8 school's roll.

9 "License" means a license issued by the Hawaii teacher
10 standards board to indicate the subject area and grade level for
11 which a teacher has met all licensure requirements and is
12 qualified to teach, and that authorizes the licensee to teach in
13 the State. This definition shall not apply to the term
14 "license" as it is used in sections 302A-425, 302A-426, and
15 302A-427."

16 SECTION 3. Section 302A-102, Hawaii Revised Statutes, is
17 amended to read as follows:

18 "[~~†~~§302A-102[~~†~~] **Smoking prohibited**[~~†~~—~~exception~~]. [~~†~~→]

19 All public schools within the State, from kindergarten through
20 grade twelve, shall prohibit the use of tobacco at public
21 schools or at public school functions.



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

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

9 ~~(d) This section shall not be subject to part II of chapter~~
10 ~~328K.]"~~

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

13 "**§302A-605 Principals and vice-principals.** (a)

14 Principals and vice-principals shall meet the department's
15 certification requirements ~~[and shall have at least five years~~
16 ~~of appropriate school-level experience, including at least three~~
17 ~~years as a teacher, or equivalent experience, as determined by~~
18 ~~the department].~~

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



1 ~~(e)~~ (b) The department shall establish alternative routes
2 to certification for principals and vice-principals pursuant to
3 rules adopted under chapter 91.

4 ~~(d)~~ (c) For purposes of this section, "alternative
5 routes to certification" has the same meaning as determined by
6 United States Department of Education regulations for state
7 applications for Race to the Top fund allocations under section
8 14001 of the federal American Recovery and Reinvestment Act of
9 2009, as amended."

10 SECTION 5. Section 302A-1114, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "**§302A-1114 Power of appointment, removal.** The
13 department, from time to time, may appoint and remove such
14 teachers, educational officers, and other personnel as may be
15 necessary for carrying out the purposes of sections 302A-201,
16 302A-401 to 302A-410, [~~302A-1001~~] 302A-1002 to 302A-1004, 302A-
17 1101 to 302A-1122, 302A-1301 to 302A-1305, 302A-1401 to 302A-
18 1403, and 302A-1503 to 302A-1506, and regulate their duties,
19 powers, and responsibilities, when not otherwise provided by
20 law."

21 SECTION 6. Section 302A-1124, Hawaii Revised Statutes, is
22 amended by amending subsection (e) to read as follows:



1 "(e) Unless otherwise specified, each school community
2 council shall establish policies governing the council's
3 composition, election, staggered terms of office for members,
4 operation, and vacancies; provided that:

5 (1) The number of school personnel [+]on[+] any school
6 community council shall be equal to the number of
7 primary stakeholders on the school community council;

8 (2) At the elementary and middle school levels, each
9 school community council shall be composed of the
10 principal and at least one member representing each of
11 the following groups:

12 (A) Parents elected by ballots distributed among and
13 collected from the parents of the school's
14 students;

15 (B) Teachers elected by ballots distributed among and
16 collected from teachers of the school;

17 (C) Noncertificated school personnel elected by
18 ballots distributed among and collected from
19 noncertificated personnel of the school; and

20 (D) Community representatives elected by ballots
21 distributed among and collected from parents of
22 the school's students; [~~and~~



1 ~~(E) Student representatives selected by the student~~
2 ~~council of the school; and]~~

3 (3) At the elementary and middle school levels, each
4 school community council may allow for student
5 representatives selected by the student council of the
6 school; and

7 ~~(3)~~ (4) At the high school level, each school community
8 council shall be composed of the principal and at
9 least one member representing each of the following
10 groups:

11 (A) Parents elected by ballots distributed among and
12 collected from parents of the school's students;

13 (B) Teachers elected by ballots distributed among and
14 collected from teachers of the school;

15 (C) Noncertificated school personnel elected by
16 ballots distributed among and collected from
17 noncertificated personnel of the school;

18 (D) Community representatives elected by ballots
19 distributed among and collected from the parents
20 of the school's students; and

21 (E) Student representatives selected by the student
22 council of the school.



1 For the purposes of this subsection, "primary stakeholders"
2 means students, parents, and community members."

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

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

17 SECTION 8. Section 302A-1154, Hawaii Revised Statutes, is
18 amended as follows:

19 1. By amending the title to read:

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

22 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 9. 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~~] attended 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 10. 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~~ attended the school."

4 SECTION 11. 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 302A-
8 1154 or the physical examination required under section 302A-
9 1159 within the ~~period~~ periods provided by ~~section~~ sections
10 302A-1155 and 302A-1159 after provisional ~~entry into~~
11 attendance at school, the administrator of the school shall
12 cause a notice to be sent to the parent or guardian of the child
13 stating that if the required immunizations or physical
14 examination is not completed within thirty days of the date of
15 the notice, the child shall not be ~~admitted~~ permitted to
16 attend school."

17 SECTION 12. Section 302A-1301, Hawaii Revised Statutes, is
18 amended to read as follows:

19 "**§302A-1301 School system financial accountability.** (a)
20 Beginning with the 1995-1997 fiscal biennium, the department's
21 administrative expenditures shall not exceed 6.5 per cent of the
22 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 13. Section 302A-1504.5, Hawaii Revised Statutes,
9 is amended by amending subsection (a) to read as follows:

10 "(a) There is established within the state treasury a
11 special fund to be known as the school-level minor repairs and
12 maintenance special fund, into which shall be deposited all
13 moneys collected pursuant to section 235-102.5(b), and any other
14 moneys received by the department in the form of grants and
15 donations for school-level minor repairs and maintenance. The
16 special fund shall be administered by the department and used to
17 fund school-level minor repairs and maintenance. The department
18 shall transfer moneys collected pursuant to section 235-
19 102.5(b), and any other moneys received in the form of grants
20 and donations for school-level minor repairs and maintenance, to
21 the Hawaii 3R's school repair and maintenance fund established
22 pursuant to section 302A-1502.4."



1 SECTION 14. Section 302A-602.5, Hawaii Revised Statutes,
2 is repealed.

3 [~~"§302A-602.5 Certificates; revocation. The department
4 may revoke any certificate after its issuance if the certificate
5 holder does not possess the requisite qualifications. For the
6 purposes of this section, the term "certificate" does not
7 include a license issued by the Hawaii teacher standards board
8 pursuant to part III, subpart D."~~]

9 SECTION 15. Section 302A-603, Hawaii Revised Statutes, is
10 repealed.

11 [~~"§302A-603 Teaching without certificates or licenses;
12 penalty. (a) Except as otherwise provided, before the 1997-
13 1998 school year, whoever serves in the department as a teacher
14 without holding an unrevoked certificate issued under sections
15 302A-602 to 302A-639, and 302A-701, shall be fined not more than
16 \$25.~~

17 ~~(b) Beginning with the 1997-1998 school year, whoever
18 serves in the department as a teacher, paid under the salary
19 schedule contained in the unit 5 collective bargaining
20 agreement, without holding an unrevoked or unsuspended license
21 or credential issued under sections 302A-801 to 302A-808, shall
22 be fined not more than \$500.~~



1 ~~(c) Beginning with the 2002-2003 school year, an~~
2 ~~individual paid under the salary schedule contained in the unit~~
3 ~~5 collective bargaining agreement, without holding an unrevoked~~
4 ~~license issued under sections 302A-801 to 302A-808, shall be~~
5 ~~fined not more than \$500.~~

6 ~~(d) Beginning with the 2002-2003 school year, emergency~~
7 ~~hires shall not be subject to this penalty."]~~

8 SECTION 16. Section 302A-1001, Hawaii Revised Statutes, is
9 repealed.

10 ~~["~~§302A-1001~~ **Student bias.** No person in the State, on~~
11 ~~the basis of sex, shall be excluded from participation in, be~~
12 ~~denied the benefits of, or be subjected to discrimination under~~
13 ~~any educational or recreational program or activity receiving~~
14 ~~state or county financial assistance or utilizing state or~~
15 ~~county facilities."]~~

16 SECTION 17. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

18 SECTION 18. This Act shall take effect on July 1, 2050.



Report Title:

Education; Statutory Revision

Description:

Amends or repeals various provisions of Hawaii's public education law to resolve conflicting and inconsistent language and for housekeeping and efficiency. Effective July 1, 2050.
(SB49 HD1)

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

