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# A BILL FOR AN ACT

RELATING TO EDUCATION.

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

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**PART I**

**SCHOOLS OUR KEIKI DESERVE ACT**

SECTION 1. This Act shall be known and may be cited as the "Schools Our Keiki Deserve Act".

**PART II**

**WHOLE CHILD EDUCATION**

SECTION 2. The legislature finds that arts, music, and Hawaiian cultural curricula are important parts of a well-rounded education that addresses the developmental needs of the whole child. According to a 2014 study performed by Lois Hetland and Ellen Winner of the Harvard Graduate School of Education, education in music and drama shows a generalizable causal relationship to increases in verbal achievement and spatial reasoning. Additionally, in 2013, researchers in the Department of Education Reform at the University of Arkansas found that instruction in visual arts led to gains in critical-



1 thinking skills. Arts and cultural studies also encourage  
2 students to solve communal problems through creative thinking.

3 Accordingly, the purpose of this part is to expand arts,  
4 cultural, and native Hawaiian educational curricula in public  
5 schools.

6 SECTION 3. Chapter 302A, Hawaii Revised Statutes, is  
7 amended by adding a new section to part II to be appropriately  
8 designated and to read as follows:

9 "§302A- Whole child education. (a) Notwithstanding any  
10 other law to the contrary, beginning with the 2020-2021 school  
11 year, all public schools shall provide whole child education as  
12 follows:

13 (1) For all public elementary schools, twenty per cent of  
14 student hours shall be allocated to whole child  
15 education; and

16 (2) For all public middle and intermediate schools, ten  
17 per cent of student hours shall be allocated to whole  
18 child education.

19 (b) As used in this section:

20 "Student hours" has the same meaning as used in section  
21 302A-251.



1 "Whole child education" means instruction in visual arts,  
2 music, theater, dance, Hawaiian and Polynesian studies, Hawaiian  
3 language, native Hawaiian culture, native Hawaiian traditional  
4 and customary practices, and physical education."

5 **PART III**

6 **SPECIAL EDUCATION**

7 SECTION 4. The legislature finds that special education  
8 services, including academic, speech-language, psychological,  
9 physical and occupational, and counseling accommodations, meet  
10 the unique needs of students with disabilities. Governed by  
11 federal and state law, special education services are available  
12 to eligible students from ages three to twenty-two who  
13 demonstrate a need for specially designed instruction.

14 The legislature further finds that closing the achievement  
15 gap between special needs students and their general education  
16 peers is a strategic priority for the department of education.  
17 However, special education teachers lack the necessary resources  
18 to provide a free and appropriate education to their students.  
19 For the 2017-2018 school year, the statewide achievement gap  
20 between non-high-needs and high-needs students, which include  
21 English-language learners, economically disadvantaged children,



1 and students receiving special education services, stood at  
2 thirty-two percentage points for language arts and twenty-eight  
3 percentage points for math.

4 The legislature additionally finds that Hawaii's teacher  
5 shortage disproportionately harms special needs students.  
6 According to employment data from the department of education,  
7 in the Nanakuli-Waianae complex area, eighteen of nineteen  
8 special education teacher hires for the 2017-2018 school year,  
9 and fifty-seven of sixty-three special education teacher hires  
10 between the 2015-2016 and 2017-2018 school years had no special  
11 education teaching license.

12 The purpose of this part is to ensure a high-quality  
13 educational experience for all special needs students by:

- 14 (1) Providing special education teachers with additional  
15 preparation time to complete individualized education  
16 program tasks;
- 17 (2) Providing special education teachers with \$1,690 per  
18 year for instructional materials; and
- 19 (3) Establishing a teacher recruitment program to recruit  
20 high school students into the teaching profession.



1 SECTION 5. Chapter 302A, Hawaii Revised Statutes, is  
2 amended by adding two new sections to be appropriately  
3 designated and to read as follows:

4 "§302A- Special education; instructional support. (a)  
5 Special education teachers shall have no fewer than forty hours  
6 per year for preparation and completion of tasks related to  
7 individualized education programs; provided that the preparation  
8 time required by this section shall be in addition to planning  
9 time and preparation periods specified in a collectively  
10 bargained agreement negotiated for bargaining unit (5) and in  
11 force for that time period.

12 (b) Additional preparation time established pursuant to  
13 this section shall be used during the school day at the  
14 discretion of the special education teacher.

15 (c) Beginning with the 2019-2020 fiscal year, and each  
16 fiscal year thereafter, the legislature shall consider making an  
17 appropriation to the department to provide an annual allocation  
18 to each special education teacher for instructional materials  
19 and classroom resources.



1        §302A- Teacher recruitment program. (a) The department  
2 shall establish a teacher recruitment program to recruit high  
3 school students to become public school teachers.

4        (b) As part of the teacher recruitment program, the  
5 department shall post on its website information regarding:

- 6        (1) The job description for a public school teacher;
- 7        (2) Requirements to become a licensed and certified public  
8 school teacher;
- 9        (3) Financial assistance available for students seeking to  
10 enroll in state-approved teacher education programs;  
11 and
- 12        (4) Educational and financial incentives available for  
13 public school teachers, including for teachers  
14 employed in hard-to-fill schools, special education  
15 teachers, and national board-certified teachers."

16        SECTION 6. There is appropriated out of the general  
17 revenues of the State of Hawaii the sum of \$3,500,000 or so much  
18 thereof as may be necessary for fiscal year 2019-2020 for the  
19 department of education to provide up to \$1,690 to each special  
20 education teacher for instructional materials and classroom  
21 resources.



1 The sum appropriated shall be expended by the department of  
2 education for the purposes of this part.

3 SECTION 7. There is appropriated out of the general  
4 revenues of the State of Hawaii the sum of \$75,000 or so much  
5 thereof as may be necessary for fiscal year 2019-2020 for the  
6 establishment of one full-time equivalent (1.00 FTE) teacher  
7 recruitment and retention specialist position (EDN 300) within  
8 the department of education.

9 The sum appropriated shall be expended by the department of  
10 education for the purposes of this part.

#### 11 PART IV

#### 12 ACADEMIC AND FINANCIAL PLANNING

13 SECTION 8. The legislature finds that Act 51, Session Laws  
14 of Hawaii 2004, also known as the "Reinventing Education Act of  
15 2004," empowered principals and school community councils with  
16 academic and financial planning for public schools. However,  
17 Act 51 did not emphasize the role of teachers in academic and  
18 financial planning despite the importance of teachers in  
19 determining school performance and student success. In  
20 addition, the weighted student formula established by Act 51 did  
21 not fully address staffing shortfalls for certain positions at



1 public schools, including library media specialists and  
2 counselors.

3 Accordingly, the purpose of this part is to increase the  
4 participation of teachers in academic and financial planning and  
5 require all public schools to maintain certain staff positions.

6 SECTION 9. Chapter 302A, Hawaii Revised Statutes, is  
7 amended by adding a new section to part IV to be appropriately  
8 designated and to read as follows:

9 "§302A- Principal; authority and responsibility. The  
10 role of the principal shall include but not be limited to  
11 overseeing the day-to-day management of the school, the primary  
12 function of which is to develop and deliver instructional  
13 services to students in accordance with statewide educational  
14 policy and to enable students to meet or exceed statewide  
15 academic standards. The principal shall:

16 (1) Ensure that the curriculum facilitates the achievement  
17 of the statewide student performance standards adopted  
18 for the public school system;





- 1        (2) Develop and present to the school community council,  
2        in consultation with teachers and other educational  
3        officers, academic and financial plans relating to the  
4        school; provided that academic and financial plans  
5        shall only be presented to the school community  
6        council after being submitted to a vote of the  
7        school's teachers;
- 8        (3) Exercise authority over the implementation of the  
9        budget, policies, and operations of the school; and
- 10       (4) Collaborate with other principals in the principal's  
11       school complex to ensure that:
- 12       (A) Logical, sequential curricula are adopted within  
13       the school complex;
- 14       (B) Best practices are shared among and implemented  
15       by schools within the school complex;
- 16       (C) The goals and objectives of the school complex  
17       are being met;
- 18       (D) The use of school complex-based personnel and  
19       contractors who divide their time between more  
20       than one school in a school complex is  
21       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 10. Section 302A-1303.6, Hawaii Revised Statutes,  
5 is amended to read as follows:

6           "**§302A-1303.6 Weighted student formula.** (a) Based upon  
7 recommendations from the committee on weights, the board of  
8 education may adopt a weighted student formula for the  
9 allocation of moneys to public schools that takes into account  
10 the educational needs of each student. The department, upon the  
11 receipt of appropriated moneys, shall use the weighted student  
12 formula to allocate funds to public schools. Principals, in  
13 consultation with teachers and school community councils, shall  
14 expend moneys provided to the principals' schools. This section  
15 shall only apply to charter schools for fiscal years in which  
16 the charter schools elect pursuant to section 302D-29 to receive  
17 allocations according to the procedures and methodology used to  
18 calculate the weighted student formula allocation.

19           (b) Notwithstanding any other law to the contrary,  
20 beginning with the 2020-2021 school year, all public schools



1 shall hire at least one person to staff each of the following  
2 positions:

- 3 (1) Librarian or library media specialist;
- 4 (2) Technology coordinator;
- 5 (3) Counselor; and
- 6 (4) Special education transition coordinator at all  
7 secondary schools.

8 For schools at which these positions are vacant or do not exist,  
9 additional moneys shall be provided through the weighted student  
10 formula to carry out the requirements of this subsection."

11 **PART V**

12 **CLASSROOM SUPPLIES**

13 SECTION 11. The legislature finds that in a survey  
14 conducted by the Hawaii State Teachers Association, forty-seven  
15 per cent of respondents cited personal expenditures of between  
16 two hundred fifty dollars and five hundred dollars each year on  
17 classroom supplies, with many claiming expenditures in excess of  
18 one thousand dollars.

19 The purpose of this part is to provide teachers with  
20 financial support for classroom expenses by establishing and  
21 appropriating funds for a declining balance purchasing card



1 program at the individual school level to purchase school  
2 supplies and other related curriculum support materials.

3 SECTION 12. Chapter 302A, Hawaii Revised Statutes, is  
4 amended by adding a new section to part III to be appropriately  
5 designated and to read as follows:

6 "§302A- Purchases of supplies; declining balance  
7 purchasing card. (a) The department may use and manage a  
8 declining balance purchasing card program, pursuant to the  
9 existing purchasing card contract, to purchase school supplies  
10 and other related curriculum support materials.

11 (b) All purchases made under this section through the  
12 declining balance purchasing card program, pursuant to the  
13 existing purchasing card contract, shall be subject to chapter  
14 103D."

15 SECTION 13. There is appropriated out of the general  
16 revenues of the State of Hawaii the sum of \$ or so much  
17 thereof as may be necessary for fiscal year 2019-2020 for the  
18 implementation of a declining balance purchasing card program at  
19 the individual school level to purchase school supplies and  
20 other related curriculum support materials.



1           The sums appropriated shall be expended by the department  
2 of education for the purposes of this part.

3   **PART VI**

4   **CLASS SIZE**

5           SECTION 14. The legislature finds that the Institute of  
6 Education Sciences, the research arm of the United States  
7 Department of Education, concludes that class-size reduction is  
8 one of only four evidence-based reforms that have been proven to  
9 increase student achievement.

10           Experiments in Tennessee, Wisconsin, and other states have  
11 demonstrated that students in smaller classes score better on  
12 standardized tests, receive better grades, and exhibit improved  
13 attendance. Moreover, the students who benefit the most from  
14 smaller class sizes come from poor and minority backgrounds, who  
15 experience twice the achievement gains of the average student.  
16 Furthermore, a study commissioned by the United States  
17 Department of Education analyzed the achievement of students in  
18 2,561 schools across the nation by their performance on the  
19 National Assessment of Educational Progress exams. After  
20 controlling for student background, the only objective factor  
21 that correlated with higher test scores was class size.



1 The purpose of this part is to reduce class sizes in all  
2 grade levels.

3 SECTION 15. Chapter 302A, Hawaii Revised Statutes, is  
4 amended by adding three new sections to part II to be  
5 appropriately designated and to read as follows:

6 "§302A- Class size. (a) Notwithstanding any other law  
7 to the contrary:

8 (1) Beginning with the 2021-2022 school year, excluding  
9 charter schools, no public elementary school class  
10 shall exceed an enrollment of twenty students; and

11 (2) Beginning with the 2021-2022 school year, excluding  
12 charter schools, no public secondary school class  
13 shall exceed an enrollment of twenty-six students.

14 (b) This section shall not apply to any class that  
15 provides instruction in band, orchestra, choir, or theater.

16 §302A- Class size for students with disabilities. (a)  
17 The maximum number of students with disabilities that may be  
18 assigned to a teacher shall be as follows:

19 (1) Beginning with the 2021-2022 school year, no inclusion  
20 class at any elementary school shall exceed an  
21 enrollment of fifteen students;



1        (2) Beginning with the 2021-2022 school year, no fully  
2        self-contained class at any elementary school shall  
3        exceed an enrollment of four students;

4        (3) Beginning with the 2021-2022 school year, no inclusion  
5        class at any secondary school shall exceed an  
6        enrollment of twenty students; and

7        (4) Beginning with the 2021-2022 school year, no fully  
8        self-contained class at any secondary school shall  
9        exceed an enrollment of six students.

10       (b) This section shall not apply to any class that  
11 provides instruction in band, orchestra, choir, or theater.

12       (c) As used in this section:  
13       "Fully self-contained class" means any class that provides  
14 instruction only to special education students.

15       "Inclusion class" means any class that provides instruction  
16 to both general education and special education students.

17       §302A- Class size for students with limited English-  
18 language proficiency. (a) The maximum number of students with  
19 limited English-language proficiency that may be assigned to a  
20 teacher shall be as follows:



- 1       (1) Beginning with the 2021-2022 school year, no content-  
2       based English-language learning class at any  
3       elementary school shall exceed an enrollment of  
4       fifteen students; and
- 5       (2) Beginning with the 2021-2022 school year, no content-  
6       based English-language learning class at any secondary  
7       school shall exceed an enrollment of twenty students.
- 8       (b) As used in this section, "content-based English-  
9       language learning class" means any class providing instruction  
10      only to students with limited English-language proficiency."

11                   **PART VII**

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

14       SECTION 17. This Act shall take effect on July 1, 2019.





**Report Title:**

Schools Our Keiki Deserve Act; Education Omnibus; Whole Child Education; Special Education; Classroom Supplies; Class Size; Appropriation

**Description:**

Encourages whole child education through expanding arts, culture, and native Hawaiian educational curricula in public schools. Supports the Department of Education and teachers through special education, academic and financial planning, classroom supplies, and reducing class size. Appropriates funds. (HB723 HD1)

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