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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 purpose of this Act is to create a county  
2 education task force to establish a process for the transfer of  
3 jurisdiction over all public schools, including all state public  
4 education functions and funding, from the State to the county in  
5 which the public school is located.

6           SECTION 2. (a) There is established a task force for the  
7 orderly transfer of the functions of and funds for public  
8 schools from the State to the county in which the public school  
9 is located. The task force shall be attached to the department  
10 of education for administrative purposes. The governor shall  
11 convene the task force within thirty days of the effective date  
12 of this Act.

13           (b) The task force shall be composed of:

14           (1) The superintendent of education, who shall serve as  
15 chair of the task force;

16           (2) The chairperson of the board of education, or the  
17 chairperson's designee;



- 1           (3) The dean of the college of education at the University  
2           of Hawaii at Manoa, or the dean's designee;
- 3           (4) The director of finance, or the director's designee;
- 4           (5) The director of the agency with jurisdiction over  
5           fiscal services of each county, or the director's  
6           designee;
- 7           (6) A representative appointed by the governor from a list  
8           of three nominees submitted by the president of the  
9           senate;
- 10          (7) A representative appointed by the governor from a list  
11          of three nominees submitted by the speaker of the  
12          house of representatives; and
- 13          (8) Four representatives with backgrounds in education or  
14          finance; provided that each representative shall be  
15          appointed by the governor from a list of three  
16          nominees that the mayor of each county shall submit;  
17 provided that the president of the Hawaii state teachers  
18 association, or the president's designee, shall also be invited  
19 to be a member of the task force.
- 20          (c) In carrying out its duties pursuant to this section,  
21 the task force may request staff assistance from the department



1 of education and any other appropriate state or county executive  
2 agency.

3 (d) The members of the task force shall serve without  
4 compensation but shall be reimbursed for expenses, including  
5 travel expenses, necessary for the performance of their duties.

6 (e) The task force shall:

7 (1) Recommend a process for the efficient transfer of  
8 state jurisdiction over public schools, including the  
9 transfer of all functions and funding relating to  
10 public schools, to the county in which the public  
11 school is located; provided that the task force may  
12 recommend a process that allows for the staggered  
13 transfer of jurisdiction over public schools to the  
14 county, as appropriate;

15 (2) As part of the process established for the transfer of  
16 jurisdiction over public schools to a county, include  
17 provisions to ensure that:

18 (A) Appropriations already approved by the  
19 legislature for public school projects in the  
20 county are appropriately transferred;



- 1 (B) All relevant contracts relating to public schools  
2 are transferred to the county;
- 3 (C) All federal and state funds for public schools  
4 and public education are fully and appropriately  
5 allocated in the course of the transfer; and
- 6 (D) All unexpended and unencumbered balances  
7 appropriated for public schools, or out of the  
8 proceeds of general obligation bonds and issued  
9 for school-related capital improvement projects,  
10 are appropriately transferred to the county and  
11 do not lapse upon transfer of jurisdiction of  
12 public schools to the county;
- 13 (3) Oversee the process of transferring the functions and  
14 funding relating to public schools to a county once a  
15 process for transfer has been established and approved  
16 by the legislature;
- 17 (4) Establish a timetable for the transfer of functions  
18 and funding relating to public schools, including  
19 provisions for transferring jurisdiction over public  
20 schools, to a county;



- 1           (5) Monitor compliance with the established timetable upon  
2           the approval of the legislature;
- 3           (6) Review all relevant provisions of the Hawaii Revised  
4           Statutes for possible amendment, including the  
5           following statutes: sections 302A-101 to 302A-1905;  
6           sections 302D-1 to 302D-35; sections 302H-1 to 302H-7;  
7           and sections 302L-1 to 302L-7;
- 8           (7) Recommend the method by which a county educational  
9           system should be governed, including but not limited  
10          to the establishment of the following:
  - 11          (A) A county superintendent of education;
  - 12          (B) A county department of education; and
  - 13          (C) County or local school boards, including whether  
14          members of county or local school boards should  
15          be appointed or elected;
- 16          (8) Recommend the method by which charter schools  
17          established under chapter 302D, Hawaii Revised  
18          Statutes, should be:
  - 19          (A) Transferred to a county; and
  - 20          (B) Governed;



- 1           (9) Establish a formula to determine the appropriate
- 2           funding necessary for a county to properly construct,
- 3           operate, and maintain public schools transferred to
- 4           the county's jurisdiction;
- 5           (10) Recommend the method by which public schools
- 6           transferred to a county should receive funding;
- 7           (11) Recommend whether a county should have authority to
- 8           establish additional funding sources through enactment
- 9           of county ordinances for the proper construction,
- 10          maintenance, or operation of public schools under the
- 11          county's jurisdiction, and develop any proposed
- 12          legislation necessary to provide the county with this
- 13          additional authority;
- 14          (12) Develop any proposed legislation necessary, including
- 15          legislation for the amendment of the state
- 16          constitution, to effectively and efficiently transfer
- 17          state jurisdiction over public schools, including the
- 18          transfer of functions and funding for public schools
- 19          to a county;



1 (13) Resolve any other issues relating to the transfer of  
2 public school jurisdiction, functions, and funding to  
3 a county; and

4 (14) Any other issue deemed necessary by the task force to  
5 effectively and efficiently transfer all public school  
6 functions and funding for schools to a county.

7 (f) The superintendent of education shall submit a report  
8 to the legislature regarding task force activities, findings,  
9 and recommendations, including any proposed legislation, no  
10 later than twenty days prior to the convening of the regular  
11 session of 2021. The legislative reference bureau shall assist  
12 the task force in drafting proposed legislation to implement the  
13 recommendations of the task force.

14 (g) For the purposes of this section, "public schools"  
15 shall have the same meaning as that term is defined in section  
16 302A-101, Hawaii Revised Statutes.

17 (h) No member of the task force shall be made subject to  
18 sections 84-13 and 84-17, Hawaii Revised Statutes, solely  
19 because of that member's participation as a member of the task  
20 force.

21 (i) The task force shall be dissolved on June 30, 2024.



1 SECTION 3. This Act shall take effect on July 1, 2050.





**Report Title:**

City and County of Honolulu Package; Public Schools;  
Jurisdiction Transfer; Counties

**Description:**

Creates a county education task force to establish a process for the transfer of jurisdiction over all public schools, including all state public education functions and funding, from the State to the county in which the public school is located. Requires report to legislature prior to the convening of the Regular Session of 2021. Effective 7/1/2050. (SD2)

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

