A BILL FOR AN ACT

RELATING TO EDUCATION.

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

1	PART I
2	SECTION 1. The legislature finds that the department of
3	education is the only public education system in the country
4	that is wholly state funded. This singular funding status has
5	resulted in the department of education facing unique challenges
6	to utilizing funds provided by the federal government to offset
7	the negative economic impacts of the COVID-19 pandemic.
8	The legislature also finds that the states that receive
9	certain federal funds, including moneys from the Elementary and
10	Secondary School Emergency Relief Funds established by the
11	Coronavirus Aid, Relief, and Economic Security Act, Public
12	Law 116-136 (CARES Act), and the Coronavirus Response and Relief
13	Supplemental Appropriations Act, 2021, Public Law 116-260 (CRRS
14	Appropriations Act), are required to assure that they will
15	maintain support for education programs during fiscal years
16	2019-2020 and 2020-2021 by meeting certain benchmarks.

- 1 The legislature further finds that the CARES Act created
- 2 the federal Education Stabilization Fund. The State, through
- 3 the department of education, must comply with the provisions of
- 4 the federal Education Stabilization Fund as set forth in
- 5 sections 18006, 18008, 315, and 317 of the CARES Act in order to
- 6 receive and expend CARES Act and CRRS Appropriations Act moneys.
- 7 In accepting and expending federal CARES Act and CRRS
- 8 Appropriations Act moneys, it is the legislature's intent that
- 9 the department of education employees who are subject to a
- 10 collective bargaining agreement continue to receive their pay.
- 11 The legislature also finds that the State, through the
- 12 department of education, must also comply with the "maintenance
- 13 of effort" provisions set forth in section 18008 of the CARES
- 14 Act. These provisions require funding for public education to
- 15 be maintained at the same funding levels as in fiscal years
- 16 2017, 2018, and 2019, for those funds that are part of the CARES
- 17 Act, and at a proportional funding level for the CRRS
- 18 Appropriations Act.
- 19 The legislature declares that it does not support any
- 20 attempts by the superintendent of education to seek a waiver
- 21 from the Secretary of Education.

1 The purpose of this Act is to appropriate certain federal 2 moneys received by the State to the department of education to 3 offset any budget reductions that have been identified or 4 proposed by the department of education and the governor that would result in the reduction of personnel who are subject to a 5 6 collective bargaining agreement executed pursuant to chapter 89, Hawaii Revised Statutes, and who are employed at the school 7 8 level, including any budget reduction that results in a layoff, 9 furlough, or pay reduction. 10 PART II 11 SECTION 2. This part is recommended by the governor for 12 immediate passage in accordance with article VII, section 9, of 13 the Constitution of the State of Hawaii. 14 SECTION 3. There is appropriated out of elementary and 15 secondary school emergency relief fund moneys received by the 16 State from the CARES Act and CRRS Appropriations Act, the sum of 17 or so much thereof as may be necessary for fiscal 18 year 2020-2021 to offset any budget reductions that have been

identified or proposed by the department of education and the

governor that would result in the reduction of personnel who are

subject to a collective bargaining agreement executed pursuant

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- 1 to chapter 89, Hawaii Revised Statutes, and who are employed at
- 2 the school level, including any budget reduction that results in
- 3 a layoff, furlough, or pay reduction; provided that:
- 4 (1) The moneys appropriated shall not be expended for any other purpose;
- 6 (2) The funds appropriated shall not be released to or 7 expended by the department of education unless the 8 board of education and superintendent of education 9 certify in writing that the board, superintendent, and 10 department agree to the conditions set forth in this 11 part and that the funds shall only be used for 12 salaries and wages of department of education officers 13 and employees who are subject to a collective 14 bargaining agreement executed pursuant to chapter 89, Hawaii Revised Statutes, and who are employed at the 15 16 school level in the classroom;
 - (3) Section 37-41.5, Hawaii Revised Statutes, shall not apply to moneys appropriated by this part; and
- 19 (4) Moneys appropriated by this part for fiscal year
 20 2020-2021 shall not lapse at the end of that fiscal
 21 year; provided further that all moneys appropriated by

1	this part that are unencumbered as of June 30, 2021,			
2	shall lapse.			
3	The sum appropriated shall be expended by the department of			
4	education for the purposes of this part.			
5	PART III			
6	SECTION 4. There is appropriated out of elementary and			
7	secondary school emergency relief fund moneys received by the			
8	State from the CARES Act and CRRS Appropriations Act, the sum of			
9	\$104,175,932 or so much thereof as may be necessary for fiscal			
10	year 2021-2022 and the same sum or so much thereof as may be			
11	necessary for fiscal year 2022-2023 to offset any budget			
12	reductions that have been identified or proposed by the			
13	department of education and the governor that would result in			
14	the reduction of personnel who are subject to a collective			
15	bargaining agreement executed pursuant to chapter 89, Hawaii			
16	Revised Statutes, and who are employed at the school level,			
17	including any budget reduction that results in a layoff,			
18	furlough, or pay reduction; provided that:			
19	(1) The moneys appropriated shall not be expended for any			
20	other purpose;			

1	(2)	The funds appropriated shall not be released to or
2		expended by the department of education unless the
3		board of education and superintendent of education
4		certify in writing that the board, superintendent, and
5		department agree to the conditions set forth in this
6		part and that the funds shall only be used for
7		salaries and wages of department of education officers
8		and employees who are subject to a collective
9		bargaining agreement executed pursuant to chapter 89,
10		Hawaii Revised Statutes, and who are employed at the
11		school level;
12	(3)	Section 37-41.5, Hawaii Revised Statutes, shall not
13		apply to moneys appropriated by this part; and
14	(4)	Moneys appropriated by this part for fiscal year
15		2021-2022 shall not lapse at the end of that fiscal
16		year; provided further that all moneys appropriated by
17		this part that are unencumbered as of June 30, 2023,
18		shall lapse.
19	The s	sums appropriated shall be expended by the department
20	of educat:	ion for the purposes of this part.

PART IV

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1 SECTION 5. This Act shall take effect on July 1, 2051.

Report Title:

State Programs; DOE; ESSER Funds; Personnel Costs; CARES Act; CRRS Appropriations Act; Appropriation; Emergency Appropriation

Description:

Makes an emergency appropriation for fiscal year 2020-2021 from elementary and secondary school emergency relief fund (ESSER funds) moneys received by the State from the CARES Act and CRRS Appropriations Act to offset any budget reductions that are identified or proposed by the department of education and the governor that would result in the reduction of personnel who are subject to a collective bargaining agreement pursuant to chapter 89, HRS, and who are employed at the school level, including any budget reduction that results in a layoff, furlough, or pay reduction. Requires BOE and superintendent of education to certify in writing that BOE, superintendent, and DOE agree to certain conditions, including that the funds appropriated shall be used only for salaries and wages of officers and employees who are subject to a collective bargaining agreement and are employed at the school level in the classroom. Makes an appropriation for fiscal years 2021-2022 and 2022-2023 from the same source of funding and with the same conditions. Effective 7/1/2051. (SD1)

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