

STAND. COM. REP. NO.

458

Honolulu, Hawaii

FEB 19 2021

RE: S.B. No. 270  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-First State Legislature  
Regular Session of 2021  
State of Hawaii

Sir:

Your Committee on Education, to which was referred S.B. No. 270 entitled:

"A BILL FOR AN ACT RELATING TO EDUCATION,"

begs leave to report as follows:

The purpose and intent of this measure is to appropriate monies relating to education.

Prior to the hearing on this measure, your Committee posted and made available for public review a proposed S.D. 1, which deletes the contents of the measure and inserts language to:

- (1) Appropriate elementary and secondary school emergency relief fund (ESSER funds) monies received by the State from the Coronavirus Aid, Relief, and Economic Security Act, 2020, Public Law 116-136, and the Coronavirus Response and Relief Supplemental Appropriations Act, 2021, Public Law 116-260, 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 and who are employed at the school level, including any budget reduction that results in a layoff, furlough, or pay reduction;



- (2) Require the Board of Education and Superintendent of Education to certify in writing that the Board of Education, Superintendent, and Department of Education agree to the conditions established by this measure, 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; and
- (3) Provide that monies from the appropriation shall lapse at the end of the fiscal biennium.

Your Committee received testimony in support of the proposed S.D. 1 from the Hawaii State Teachers Association, HE'E Hui for Excellence in Education, Democratic Party of Hawai'i Education Caucus, and three individuals. Your Committee received testimony in opposition to the proposed S.D. 1 from one individual. Your Committee received comments on the proposed S.D. 1 from the Department of Education and Board of Education.

Your Committee finds that the states that receive certain federal funds, including monies from the Elementary and Secondary School Emergency Relief Funds established by the Coronavirus Aid, Relief, and Economic Security Act, Public Law 116-136, 2020 (CARES Act), and the Coronavirus Response and Relief Supplemental Appropriations Act, 2021, Public Law 116-260 (CRRSAA), are required to assure that they will maintain support for education programs during fiscal years 2019-2020 and 2020-2021 by meeting certain benchmarks. The State, through the Department of Education, must comply with the provisions of the federal Education Stabilization Fund as set forth in section 18006 of the CARES Act to receive and expend CARES Act and CRRSAA monies, which, in part, requires the Department of Education to continue to pay its employees. This measure will appropriate certain federal monies received by the State to the Department of Education 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 and who are employed at the school level, including any budget reduction that results in a layoff, furlough, or pay reduction.



Your Committee notes that as this measure progresses, your Committee on Ways and Means may consider waiving the requirement for federal Education Stabilization Funds to pay fringe benefit costs to the Department of Budget and Finance.

Your Committee has amended this measure by adopting the proposed S.D. 1 and further amending the measure by:

- (1) Clarifying that the Legislature declares that it does not support any attempts by the Superintendent to seek a waiver from the Secretary of Education regardless of whether the State is currently experiencing a precipitous decline in revenue or not;
- (2) Inserting a blank appropriation amount for fiscal year 2020-2021; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 270, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 270, S.D. 1, and be referred to your Committee on Ways and Means.

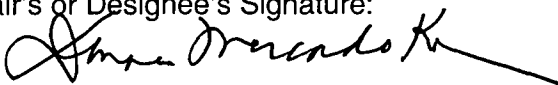
Respectfully submitted on  
behalf of the members of the  
Committee on Education,

  
MICHELLE N. KIDANI, Chair



The Senate  
 Thirty-First Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Education**  
**EDU**

Bill / Resolution No.:* <b>SB 270</b>	Committee Referral: <b>EDU, WAM</b>	Date: <b>02/17/2021</b>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
KIDANI, Michelle N. (C)	/			
KIM, Donna Mercado (VC)	/			
DELA CRUZ, Donovan M.	/			
KANUHA, Dru Mamo	/			
FEVELLA, Kurt	/			
<b>TOTAL</b>	<b>15</b>			
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes