
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 school food
3 services branch of the department of education has experienced
4 multiple problems over the last two decades. Among other
5 issues, the branch has not met the requirements of the United
6 States Department of Agriculture and has failed multiple audits.

7 The legislature further finds that the State has
8 established ambitious farm to school goals. Act 175, Session
9 Laws of Hawaii 2021, requires thirty per cent of food served in
10 public schools to consist of locally sourced products by 2030.

11 The legislature further finds that the superintendent of
12 education, deputy superintendent of operations, and assistant
13 superintendent for the office of facilities and operations are
14 responsible for achieving the goals of the farm to school
15 program. However, there is currently no mechanism in place to
16 align the work done at the complex area to achieve these goals
17 with the work done at individual schools. Moreover, except for



1 a plan to centralize food production kitchens, the department of
2 education has not yet produced a plan to create alignment
3 between the different levels within the department. Notably,
4 the plan to centralize food production was done without either
5 an analysis of the costs and benefits of this structural shift
6 or a comprehensive plan outlining changes in production,
7 distribution, use of labor, and impact on local transportation.

8 The legislature also finds that, despite being responsible
9 for the implementation of the farm to school goals, the
10 superintendent of education, deputy superintendent of
11 operations, and assistant superintendent for the office of
12 facilities and operations do not have direct control over school
13 production kitchens. No matter what model of food production is
14 ultimately adopted, school production kitchens will continue to
15 have a major role due to the devolution of authority to the
16 school level effectuated by Act 51, Session Laws of Hawaii 2004.

17 The legislature specifically notes that principals directly
18 hire cafeteria managers, but that these cafeteria managers do
19 not have the authority to create regionalized menus or procure
20 products from local farmers. The State's farm to school goals
21 also do not involve school principals in a meaningful way



1 because the collective bargaining agreement that covers
2 principal performance requires principals to be evaluated using
3 the comprehensive evaluation system for school administrators,
4 which does not evaluate whether a principal's school has
5 increased the school's use of local, fresh, and nutritious food
6 sources in student meals.

7 The legislature finds that one way to realign state goals
8 and lines of responsibility and authority is to devolve the
9 responsibility for the attainment of farm to school goals from
10 the system level to the complex area level. Under this
11 reorganization, complex area superintendents, who have direct
12 supervisory control over principals and determine principal
13 career pathways, can provide appropriate oversight and collect
14 data necessary to monitor a school's progress in meeting farm to
15 school goals. This devolution will also contribute positively
16 to the effective regionalization of school menus and improve the
17 ability of each complex area to work with and purchase from
18 local farmers.

19 Currently, there are approximately twelve school cafeteria
20 supervisors who, despite working at the school level, are part
21 of the State's highly centralized school food authority



1 structure. The legislature finds that it is desirable to
2 increase the total number of these positions and require
3 individuals in these positions to report to the complex area
4 superintendents. This will provide complex area superintendents
5 direct authority over the outcomes in the school production
6 kitchens within their complex areas. Complex area
7 superintendents will be able to directly supervise and direct
8 the work of school cafeteria supervisors, who will still
9 coordinate with two cafeteria supervisors working at the system
10 level to coordinate operations across the State and compile
11 reporting from the complex areas.

12 The legislature further finds that this reorganization
13 would redefine the role of school cafeteria supervisors and
14 require them to take on a more active and engaged role in the
15 farm to school shift. Accordingly, it would be appropriate for
16 the department of human resources development to conduct a
17 compensation review to ensure that the compensation of school
18 cafeteria supervisors accurately reflects their scope of
19 responsibilities.

20 The purpose of this Act is to:



- 1 (1) Require the farm to school program and farm to school
- 2 meals program, established by Act 175, Session Laws of
- 3 Hawaii 2021, to be fully implemented by the 2024-2025
- 4 school year;
- 5 (2) Empower complex area superintendents to implement the
- 6 farm to school program and farm to school meals
- 7 program;
- 8 (3) Require certain school cafeteria supervisors to report
- 9 directly to complex area superintendents;
- 10 (4) Create, define the scope of, and appropriate moneys
- 11 for additional cafeteria supervisor positions; and
- 12 (5) Require the department of human resources development
- 13 to conduct a compensation review of school cafeteria
- 14 supervisor positions.

PART II

16 SECTION 2. Chapter 302A, Hawaii Revised Statutes, is
17 amended by adding a new section to part II, subpart C, to be
18 appropriately designated and to read as follows:

19 "§302A- Farm to school program; farm to school meals;
20 implementation. Notwithstanding any other law, rule, or policy
21 to the contrary, complex area superintendents shall have the



1 authority to implement the farm to school program and farm to
2 school meals program, pursuant to sections 302A-405.5 and
3 302A-405.6, within their respective complex area schools. Each
4 complex area superintendent shall:

- 5 (1) Have oversight over complex area school production
6 kitchens and principals in the implementation of the
7 farm to school and farm to school meals programs;
- 8 (2) Supervise and direct the work of school cafeteria
9 supervisors who work within the complex area;
- 10 (3) Oversee the procurement of produce from local farmers
11 and the creation of regionalized menus using that
12 produce;
- 13 (4) Collect data on the implementation of the farm to
14 school and farm to school meals programs, which shall
15 be reported to school cafeteria supervisors employed
16 at the system level; and
- 17 (5) Have any other power necessary or convenient to
18 implement the farm to school and farm to school meals
19 programs."

20 SECTION 3. (a) The department of education shall fully
21 implement the farm to school program and the farm to school



1 meals program, pursuant to sections 302A-405.5 and 302A-405.6,
2 Hawaii Revised Statutes, no later than the 2024-2025 school
3 year.

4 (b) The department of education shall submit reports of
5 its progress in complying with this section to the legislature
6 no later than twenty days prior to the convening of the regular
7 sessions of 2024, 2025, and 2026.

8 PART III

9 SECTION 4. Notwithstanding any other law to the contrary,
10 any school cafeteria supervisor who currently works at the
11 school level shall report directly to the complex area
12 superintendent to which the school belongs.

13 SECTION 5. All officers and employees whose functions are
14 transferred by this part shall be transferred with their
15 functions and shall continue to perform their regular duties
16 upon their transfer, subject to the state personnel laws and
17 this Act.

18 No officer or employee of the State having tenure shall
19 suffer any loss of salary, seniority, prior service credit,
20 vacation, sick leave, or other employee benefit or privilege as
21 a consequence of this part, and such officer or employee may be



1 transferred or appointed to a civil service position without the
2 necessity of examination; provided that the officer or employee
3 possesses the minimum qualifications for the position to which
4 transferred or appointed; and provided that subsequent changes
5 in status may be made pursuant to applicable civil service and
6 compensation laws.

7 An officer or employee of the State who does not have
8 tenure and who may be transferred or appointed to a civil
9 service position as a consequence of this Act shall become a
10 civil service employee without the loss of salary, seniority,
11 prior service credit, vacation, sick leave, or other employee
12 benefits or privileges and without the necessity of examination;
13 provided that such officer or employee possesses the minimum
14 qualifications for the position to which transferred or
15 appointed.

16 If an office or position held by an officer or employee
17 having tenure is abolished, the officer or employee shall not
18 thereby be separated from public employment, but shall remain in
19 the employment of the State with the same pay and classification
20 and shall be transferred to some other office or position for
21 which the officer or employee is eligible under the personnel



1 laws of the State as determined by the head of the department or
2 the governor.

3 SECTION 6. There are established within the department of
4 education five full-time equivalent (5.0 FTE) permanent school
5 cafeteria supervisor positions, who shall have the duties and
6 responsibilities described in section 7.

7 SECTION 7. The school cafeteria supervisor positions
8 transferred by section 4 and established by section 6, among
9 other responsibilities, shall:

- 10 (1) Be based at the school level;
- 11 (2) Report directly to a complex area superintendent;
- 12 (3) Coordinate with school cafeteria supervisors working
13 at the system level to implement the farm to school
14 and farm to school meals programs; and
- 15 (4) Be responsible for the outcomes of their respective
16 complex area school production kitchens.

17 SECTION 8. There is appropriated out of the general
18 revenues of the State of Hawaii the sum of \$ or so
19 much thereof as may be necessary for fiscal year 2023-2024 and
20 the same sum or so much thereof as may be necessary for fiscal
21 year 2024-2025 to establish five full-time equivalent (5.0 FTE)



1 permanent school cafeteria supervisor positions pursuant to
2 section 6 of this part.

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

5 PART IV

6 SECTION 9. (a) The department of human resources
7 development shall review the existing classification and
8 compensation schedules for school cafeteria supervisors. In
9 conducting this review, the department of human resources
10 development shall consider the additional responsibilities
11 assigned to these positions by this Act.

12 (b) The department of education and any other relevant
13 agency shall cooperate with the department of human resources
14 development in providing the information and data necessary to
15 fulfill the purposes of this section.

16 (c) No later than twenty days prior to the convening of
17 the regular session of 2024, the department of human resources
18 development shall submit a report to the legislature
19 recommending modifications to the classification and
20 compensation schedules reviewed pursuant to subsection (a) that



1 more accurately reflect the critical duties and responsibilities
2 of these positions.

3 PART V

4 SECTION 10. New statutory material is underscored.

5 SECTION 11. This Act shall take effect on July 1, 2023.

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INTRODUCED BY:



JAN 19 2023



H.B. NO. 248

Report Title:

DOE; Farm to School Program; Farm to School Meals; Implementation; Complex Area Superintendents; DHRD; Compensation Review; Appropriation

Description:

Requires the Department of Education to fully implement the farm to school program and farm to school meals program by the 2024-2025 school year. Provides that complex area superintendents have the authority to implement the farm to school and farm to school meals programs. Requires certain school cafeteria supervisors to report directly to complex area superintendents. Establishes school cafeteria supervisor positions. Requires the Department of Human Resources Development to conduct a compensation review of school cafeteria supervisor positions. Appropriates moneys.

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

