

JAN 15 2025

A BILL FOR AN ACT

RELATING TO DECENTRALIZATION OF DEPARTMENT OF EDUCATION FARM TO SCHOOL.

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

1 SECTION 1. The legislature finds that the school food
2 services branch of the department of education has experienced
3 multiple problems over the last two decades. Among other
4 issues, the branch has not met the requirements of the United
5 States Department of Agriculture and has failed multiple audits.

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

10 The legislature further finds that the superintendent of
11 education, deputy superintendent of operations, and assistant
12 superintendent for the office of facilities and operations are
13 responsible for achieving the goals of the farm to school
14 program. However, there is currently no mechanism in place to
15 align the work done at the complex area to achieve these goals
16 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. Before
4 adopting the plan to centralize food production, it is
5 recommended that an analysis of costs and benefits be conducted.

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

15 The legislature specifically notes that principals directly
16 hire cafeteria managers, but that these cafeteria managers do
17 not have the authority to create regionalized menus or procure
18 products from local farmers. The State's farm to school goals
19 also do not involve school principals in a meaningful way
20 because the collective bargaining agreement that covers
21 principal performance requires principals to be evaluated using



1 the comprehensive evaluation system for school administrators,
2 which does not evaluate whether a principal's school has
3 increased the school's use of local, fresh, and nutritious food
4 sources in student meals.

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

17 Currently, there are approximately twelve school cafeteria
18 supervisors who, despite supporting school-level operations, are
19 part of the State's highly centralized school food authority
20 structure. The legislature finds that it is desirable to
21 increase the total number of these positions and require



1 individuals in these positions to report to the complex area
2 superintendents. This will provide complex area superintendents
3 direct authority over the outcomes in the school kitchens within
4 their complex areas. Complex area superintendents will be able
5 to directly supervise and direct the work of complex area-level
6 cafeteria supervisors, who will still coordinate with state-
7 level cafeteria lead supervisors working at the system level to
8 coordinate operations across the State and compile reporting
9 from the complex areas.

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

18 The purpose of this Act is to:

- 19 (1) Empower complex area superintendents to implement the
20 farm to school program and farm to school meals
21 program;



- 1 (2) Require certain school cafeteria supervisors to report
- 2 directly to complex area superintendents;
- 3 (3) Create, define the scope of, and appropriate moneys
- 4 for additional cafeteria supervisor positions; and
- 5 (4) Require the department of human resources development
- 6 to conduct a compensation review of school cafeteria
- 7 supervisor positions.

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

11 "§302A- **Farm to school program; farm to school meals;**
12 **implementation.** Notwithstanding any other law, rule, or policy
13 to the contrary, complex area superintendents shall have the
14 authority to implement the farm to school program and farm to
15 school meals program, pursuant to sections 302A-405.5 and 302A-
16 405.6, within their respective complex area schools. Each
17 complex area superintendent shall:

- 18 (1) Have oversight over complex area school kitchens and
- 19 principals in the implementation of the farm to school
- 20 and farm to school meals programs;



- 1 (2) Supervise and direct the work of school cafeteria
2 supervisors who work within the complex area;
- 3 (3) Oversee the procurement of produce from local farmers
4 and the creation of regionalized menus using locally
5 sourced products;
- 6 (4) Collect data on the implementation of the farm to
7 school and farm to school meals programs, which shall
8 be reported to school cafeteria lead supervisors
9 employed at the system level; and
- 10 (5) Have any other power necessary or convenient to
11 implement the farm to school and farm to school meals
12 programs."

13 SECTION 3. (a) The department of education shall fully
14 implement the farm to school program and the farm to school
15 meals program, pursuant to sections 302A-405.5 and 302A-405.6,
16 Hawaii Revised Statutes, no later than the 2026-2027 school
17 year.

18 (b) The department of education shall submit its progress
19 in complying with this section in its annual report to the
20 legislature pursuant to section 302A-405.6, Hawaii Revised
21 Statutes.



1 SECTION 4. Notwithstanding any other law to the contrary,
2 the department shall employ fifteen cafeteria supervisors, one
3 per complex area, who shall report directly to their respective
4 complex area superintendent. The duties of the cafeteria
5 supervisors shall include but not be limited to the following:

- 6 (1) Ensuring United States Department of Agriculture
7 regulation compliance in each school kitchen;
- 8 (2) Training all school kitchen staff in the United States
9 Department of Agriculture regulations;
- 10 (3) Increasing meal participation through development of
11 regional menus tailored to the complex area;
- 12 (4) Providing meal accommodations with the dietitians at
13 the department's school food services branch;
- 14 (5) Administering and coordinating district wellness
15 policies and coordinating wellness activities through
16 the school cafeteria;
- 17 (6) Managing the profit and loss statement and budgets for
18 each school, in coordination with and assistance from
19 the department's school food services branch;
- 20 (7) Coordinating, in conjunction with the department's
21 school food services branch, the procurement, vendor



1 payments, menus, meal analysis, meal accommodations,
2 claims, and other tasks required to operate a
3 nutrition program;

4 (8) Expanding the use of the fresh fruit and vegetable
5 program;

6 (9) Expanding meal programs that schools participate in,
7 such as the federal National School Lunch Program and
8 Child and Adult Care Food Program; and

9 (10) Coordinating with partners to meet the goals of the
10 Hawaii farm to school program, including expansion of
11 school garden and nutrition education programs and
12 strengthening relationships between schools and local
13 food producers.

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

19 No officer or employee of the State having tenure shall
20 suffer any loss of salary, seniority, prior service credit,
21 vacation, sick leave, or other employee benefit or privilege as



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

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

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



1 which the officer or employee is eligible under the personnel
2 laws of the State as determined by the head of the department or
3 the governor.

4 SECTION 6. There are established within the department of
5 education fifteen full-time equivalent (15.0 FTE) permanent
6 school cafeteria supervisor positions, who shall have the duties
7 and responsibilities described in section 7 of this Act.

8 SECTION 7. The school cafeteria supervisor positions
9 transferred by section 5 and established by section 6 of this
10 Act, among other responsibilities, shall:

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

18 SECTION 8. There is appropriated out of the general
19 revenues of the State of Hawaii the sum of \$ or so
20 much thereof as may be necessary for fiscal year 2025-2026 and
21 the same sum or so much thereof as may be necessary for fiscal



1 year 2026-2027 to establish fifteen full-time equivalent (15.0
2 FTE) permanent school cafeteria supervisor positions pursuant to
3 section 6 of this Act.

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

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 2026, 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.

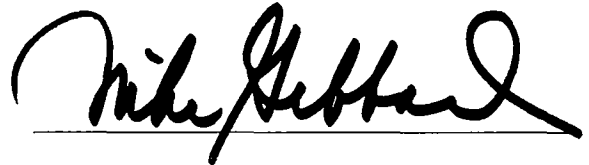
3 SECTION 10. If any provision of this Act, or the
4 application thereof to any person or circumstance, is held
5 invalid, the invalidity does not affect other provisions or
6 applications of the Act that can be given effect without the
7 invalid provision or application, and to this end the provisions
8 of this Act are severable.

9 SECTION 11. New statutory material is underscored.

10 SECTION 12. This Act shall take effect on July 1, 2025.

11

INTRODUCED BY:

A handwritten signature in black ink, appearing to read "Mike Hubbard", is written over a horizontal line.

S.B. NO. 248

Report Title:

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

Description:

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 funds.

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

