

ACT: 51

Approved: *[Signature]*

May 3, 2004

THE SENATE
TWENTY-SECOND LEGISLATURE, 2004
STATE OF HAWAII

S.B. NO. 3238
S.D.2
H.D.2
C.D.1

A BILL FOR AN ACT

RELATING TO EDUCATION.

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

PART I

PURPOSE

SECTION 1. Although many responsibilities are laid upon education, ultimately education must do no less than advance the endowment of human culture itself, so that each succeeding generation finds itself further along the road towards peace, social justice, and environmental sustainability in a society guided by creativity, compassion, and curiosity. This Act is a road map for a critical phase in that ongoing journey.

The legislature finds that significant changes need to be made to enhance Hawaii's public education system to ensure the success of that journey. Although the State's students, parents, teachers, school administrators, departmental staff, and other educational stakeholders strive to achieve excellence, their efforts will never be completely successful until various aspects of the system around them are improved.

The legislature has supported and will continue to support efforts by the department of education to improve Hawaii's

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4 The coordinated package of initiatives in this Act aims to
5 implement comprehensive education reform in Hawaii's public
6 schools and shall be known as the "Reinventing Education Act of
7 2004." Its main elements include:

- 8 (1) Establishing a weighted student formula;
9 (2) Providing additional information technology;
10 (3) Empowering principals through a Hawaii principals
11 academy and other means;
12 (4) Strengthening community involvement through school
13 community councils and parent-community networking
14 centers;
15 (5) Providing more mathematics textbooks;
16 (6) Lowering class size in kindergarten, grade one, and
17 grade two;
18 (7) Providing full-time, year-round, high school student
19 activity coordinators;
20 (8) Providing support for students who need additional
21 help to succeed in school;

1 (9) Establishing a national board certification incentive
2 program for teachers;

3 (10) Enhancing teacher education;

4 (11) Reducing the bureaucracy that hampers the
5 effectiveness of the department of education;

6 (12) Improving the educational accountability system; and

7 (13) Requiring the board of education members to hold
8 community meetings in their districts.

9 Research shows that student performance is significantly
10 higher in smaller schools. While establishing smaller schools
11 throughout the State is not financially feasible, some schools
12 have taken it upon themselves to create smaller and more
13 manageable learning communities within their schools. Research
14 also strongly supports the need for early childhood education
15 and the establishment of a coherent system that spans all levels
16 of education. The department of education teamed with the
17 University of Hawaii and Good Beginnings Alliance to create a
18 vision for such a system, which was presented in 2002, and is
19 now being implemented.

20 Despite these efforts, more needs to be done. Currently,
21 public school principals are faced with a nearly impossible
22 task, as they are asked to attend to every detail of operating

1 their schools without enough institutional support or discretion
2 to expend funds. While some support and additional school
3 leadership is provided by the school/community-based management
4 (SCBM) system at many schools throughout the State, SCBM plays a
5 far more limited role at some locations, and has not been
6 implemented at all at others.

7 Recently, departmental leadership was decentralized through
8 the creation of the complex area system, including the hiring of
9 complex area superintendents. While replacing the old district
10 system with this new structure was an important first step,
11 further changes need to be made to allow meaningful authority to
12 exist as close to the schools as possible. The complex area
13 structure will serve as an excellent base upon which to build
14 these continued reforms. It is the legislature's intent to
15 place a far greater number of decisions, and a much higher
16 percentage of moneys, directly in the hands of individual
17 schools and their leaders.

18 Another area of improvement necessary to promote excellence
19 in learning is the method by which moneys are allocated to
20 individual schools. Hawaii currently receives high marks
21 nationally for funding equity, as being organized as a single
22 unified system enables the State to fairly disburse moneys to

1 schools. In other states, local revenue sources such as
2 property taxes account for a significant portion of school and
3 district funding, resulting in massive financial disparities
4 between schools in more and less affluent areas.

5 Although the State avoids this particular pitfall, further
6 improvements can be made to ensure that moneys go to the schools
7 that truly have the greatest need, and to place more moneys at
8 the discretion of individual schools. While the current funding
9 system takes into account certain criteria when allocating
10 moneys to schools, it does not comprehensively address the fact
11 that some students are more costly to educate than others. For
12 example, students with special needs, such as those with limited
13 proficiency in English, or who have physical, psychological, or
14 other impediments to learning, are more expensive to teach than
15 students who are not faced with these barriers.

16 One method that can be used to address these funding issues
17 is a weighted student formula. Under such a system, moneys are
18 allocated to schools based on a system of weighted
19 characteristics that apply to every student in the public
20 schools.

21 Under a weighted student formula there are several
22 advantages. Among other things:

1 responsibilities spread throughout numerous state agencies,
2 there are various roadblocks to progress that could prevent the
3 department of education and individual schools from successfully
4 performing their duties and effectively using a new funding
5 system.

6 The legislature finds that a comprehensive effort
7 addressing all of these issues is required for Hawaii's public
8 schools to maximize student achievement. Accordingly, the
9 purpose of this Act is to enhance educational outcomes in
10 Hawaii's public schools by:

11 (1) Implementing the weighted student formula by:

12 (A) Requiring the department of education to provide
13 supplementary allocations to those schools whose
14 budgets are adversely affected by the weighted
15 student formula for no more than three years
16 beginning with the 2006-2007 school year;

17 (B) Establishing a committee on weights within the
18 department of education to determine the unit
19 value of student weights and recommend a weighted
20 student formula to the board of education at
21 least annually, and appropriating \$10,000 to
22 support the operation of the committee;

(C) Requiring the department of education to adopt a weighted student formula in allocating funds to all public schools, excluding new century charter schools and new century conversion charter schools;

(2) Appropriating \$2,000,000 to the department of education to facilitate field support, security and privacy for the telecommunications network, and training regarding information technology infrastructure used to enhance accountability, compliance with the federal No Child Left Behind Act of 2001, and implementation of school reform including the weighted student formula;

(3) Supporting and empowering principals by:

(A) Requiring the department of education, with the invited participation of the exclusive bargaining agent of educational officers of the department of education, to propose salary schedules and other terms and conditions of employment of principals and vice principals based upon a twelve-month term of service, and report findings

1 back to the Legislature no later than twenty days
2 prior to the regular session of 2005;

3 (B) Requiring the board of education to classify all
4 educational officer positions of the department
5 of education to adopt two separate
6 classification/compensation plans for educational
7 officers, one for principals and vice principals
8 (based on the general pattern of a school
9 administrator's career development and associated
10 school administrator's qualification
11 requirements) and one for all other educational
12 officers (reflective of the career development
13 pattern and qualification requirements for the
14 respective professional field of expertise), and
15 including classification appeals procedures for
16 both; and

17 (C) Convening a working group to create a plan for
18 the implementation of performance contracts for
19 principals;

20 (D) Establishing a Hawaii principals academy to
21 support and train complex area superintendents,

principals, and prospective principals, and
appropriating \$500,000 to operate the academy;

(E) Clarifying the authority and responsibility of
principals;

(F) Appropriating \$183,780 to operate the department
of education's administrator certification for
excellence (ACE) program; and

(G) Appropriating \$400,000 to compensate principals
recalled to work by the department, outside of
their regular term of service, for professional
development and any other activities that may
enhance their effectiveness as leaders of their
schools;

(4) Enhancing community involvement in schools by:

(A) Appropriating \$350,000 for training and other
activities needed to facilitate the transition
from the current SCBM system into a mandatory
school community council system to be implemented
at each public school, excluding new century
charter schools and new century conversion
charter schools;

- (B) Clearly articulating the balance and reciprocity of powers and responsibilities between the principal and school community council;
 - (C) Appropriating \$1,743,900 to support and enhance a proven means of improving parental and community involvement in schools, parent-community networking centers;
- (5) Directly, concretely supporting the academic achievement and holistic development of students by:
- (A) Appropriating \$2,500,000 for mathematics textbooks and other mathematics learning materials in schools, provided that mathematics curriculum is aligned within the school complex;
 - (B) Appropriating \$2,143,350 to reduce class size in kindergarten, grade one, and grade two by hiring seventy-five elementary school teachers;
 - (C) Appropriating \$460,000 for full-time, year-round, high school student activity coordinators; and
 - (D) Appropriating \$100,000 for programs that support parents in working with students who need additional help to succeed in school provided the programs have measurable outcomes;

1 (6) Directly, concretely supporting teachers by:

2 (A) Establishing a national board certification
3 incentive program to be administered by the
4 Hawaii teacher standards board to continue
5 comparable efforts initiated under a memorandum
6 of understanding between the department of
7 education and Hawaii teacher standards board
8 which expires on June 30, 2005, and appropriating
9 \$480,000 funding to execute the memorandum of
10 understanding during fiscal year 2004-2005;

11 (B) Appropriating \$92,000 for the administration of
12 the Hawaii teacher standards board;

13 (C) Increasing the pool of qualified teachers and
14 administrators by appropriating \$500,000 to fund
15 seven teacher education positions and one
16 education administration faculty position at the
17 college of education of the University of Hawaii;

18 (7) Reducing bureaucracy that hampers the effectiveness of
19 the department of education by:

20 (A) Requiring the department of education to convene
21 an interagency working group to address systemic

- (B) Transferring certain key functions from various state agencies to the department of education;
- (C) Requiring the board of education to adopt a single school calendar for all public schools to apply beginning with the 2006-2007 school year;

(8) Enhancing educational accountability by:

- (A) Requiring academic achievement, safety and well being, and civic responsibility of individual students to be assessed and tracked;
- (B) Expanding the accountability provision to include fiscal accountability;
- (C) Including complex area superintendents and principals in the accountability system;
- (D) Requiring clear, easily understandable report cards on key performance indicators for schools, school complexes, and the public school system;
- (E) Requiring the board of education to hold community meetings in each school district;

(9) Appropriating \$400,000 for the piloting of school community councils and development of academic and

1 financial plans at selected schools prior to the
2 statewide implementation of the weighted student
3 formula; and

4 (10) Requiring the department of education to submit
5 findings and recommendations to the legislature prior
6 to the 2005 regular session relating to the
7 implementation of this Act.

8 **PART II**

9 **WEIGHTED STUDENT FORMULA**

10 SECTION 2. The department of education, from within
11 appropriations provided to the department of education, shall
12 provide supplementary allocations to those schools whose budgets
13 are adversely affected upon the implementation of the weighted
14 student formula, as determined by the superintendent, for no
15 more than three years beginning with the 2006-2007 school year.

16 SECTION 3. Chapter 302A, Hawaii Revised Statutes, is
17 amended by adding a new section to be appropriately designated
18 and to read as follows:

19 "§302A- Committee on weights. (a) There is established
20 within the department of education the committee on weights to
21 develop a weighted student formula pursuant to section 302A-
22 The committee shall:

1 (1) Create a list of student characteristics that will be
2 weighted;

3 (2) Create a system of weights based upon the student
4 characteristics that may be applied to determine the
5 relative cost of educating any student;

6 (3) Determine specific student weights, including their
7 unit value;

8 (4) Determine which moneys shall be included in the amount
9 of funds to be allocated through the weighted student
10 formula;

11 (5) Recommend a weighted student formula to the board of
12 education;

13 (6) Perform any other function that may facilitate the
14 implementation of the weighted student formula; and

15 (7) Meet not less than annually to review the weighted
16 student formula and, if the committee deems it
17 necessary, recommend a new weighted student formula
18 for adoption by the board of education.

19 (b) The composition of the committee on weights shall be
20 determined by the board of education based on recommendations
21 from the superintendent of education and dean of the University
22 of Hawaii at Manoa college of education and include principals,

1 teachers, and other members with the appropriate professional
2 skills, experiences, and qualifications needed to facilitate the
3 work of the committee. The superintendent or the
4 superintendent's designee shall chair the committee on weights.

5 (c) The committee on weights may form advisory
6 subcommittees to obtain input from key stakeholders as
7 determined necessary by the committee.

8 (d) The members of the committee on weights shall serve at
9 the pleasure of the board of education and shall not be subject
10 to section 26-34. Members of the committee on weights shall
11 serve without compensation but shall be reimbursed for expenses,
12 including travel expenses, necessary for the performance of
13 their duties."

14 SECTION 4. Chapter 302A, Hawaii Revised Statutes, is
15 amended by adding a new section to be appropriately designated
16 and to read as follows:

17 "§302A- Weighted student formula. Based upon
18 recommendations from the committee on weights, the board of
19 education, not less than annually, shall adopt a weighted
20 student formula for the allocation of moneys to public schools,
21 excluding new century charter schools and new century conversion
22 charter schools, which takes into account the educational needs



1 of each student. The department, upon the receipt of
2 appropriated moneys, shall use the weighted student formula to
3 allocate funds to public schools, excluding new century charter
4 schools and new century conversion charter schools. Principals
5 shall expend moneys provided to the principals' schools.

SECTION 5. Section 302A-101, Hawaii Revised Statutes, is amended by amending the definition of "public schools" to read as follows:

9 ""Public schools" means all academic and noncollege type
10 schools either established and maintained by the department , or
11 issued a charter by the board of education, in accordance with
12 law. All other academic and noncollege type schools are
13 "private schools", irrespective of the hours during which the
14 sessions take place."

15 SECTION 6. Section 302A, Hawaii Revised Statutes, is
16 amended by adding a new definition to be appropriately inserted
17 and to read as follows:

18 "Weighted student formula" means a formula for allocating
19 operating moneys to individual public schools that includes a
20 system of weighted characteristics affecting the relative cost
21 of educating each student attending a public school, excluding

SECTION 11. The sum appropriated shall be expended by the
Department of education for the purposes of this part.

PRINCIPALS

SECTION 13. Section 302A-619, Hawaii Revised Statutes, is amended to read as follows:

1 "[+]§302A-619[+] Classification, educational officers.

2 The board shall classify all educational officer positions of
3 the department and shall adopt [a] two separate
4 classification/compensation [plan] plans for [these] educational
5 [officer positions,] officers. One classification/compensation
6 plan shall be for principals and vice principals and shall be
7 based on the general pattern of a school administrator's career
8 development and associated school administrator's qualification
9 requirements. A separate classification/compensation plan shall
10 be for all other educational officers and shall be reflective of
11 the career development pattern and qualification requirements
12 for the respective professional field of expertise; provided
13 that [the] both classification/compensation [plan] plans shall
14 include [a] classification appeals [procedure.] procedures."

15 SECTION 14. The superintendent of education shall select
16 and convene a working group to create a plan for performance
17 contracts for principals to be implemented beginning with the
18 2006-2007 school year. The working group shall include:

- 19 (1) The superintendent of education;
20 (2) Representatives of complex area superintendents;
21 (3) Representatives of school principals; and

1 (4) Representatives of any other agency, organization, or
2 group as deemed appropriate by the superintendent of
3 education.

4 The superintendent shall request the exclusive representative
5 for collective bargaining unit 6 to participate in the working
6 group.

7 The working group shall:

8 (1) Establish appropriate performance criteria for which
9 principals are to be evaluated under performance
10 contracts, including:

11 (A) Core criteria to be incorporated into performance
12 contracts statewide; and

13 (B) Criteria that may be used at the discretion of
14 individual schools;

15 (2) Determine appropriate performance benchmarks, or
16 methods of devising performance benchmarks, that may
17 be used to assess principal performance relative to
18 expected standards, provided that such performance
19 benchmarks, at a minimum, shall include those elements
20 related to principals in the educational
21 accountability system;

(3) Determine appropriate rewards, assistance, and sanctions to be included or considered for inclusion in performance contracts; and

(4) Address any other issues necessary for the implementation of performance contracts.

The department of education shall submit findings, including proposed legislation, to the legislature no later than twenty days prior to the convening of the regular session of 2005.

SECTION 15. Chapter 302A, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§302A- Hawaii principals academy. There is established within the department the Hawaii principals academy. The academy shall support and train department complex area superintendents, principals, and prospective principals in areas including but not limited to:

(1) Becoming better leaders;

(2) Improving students' academic achievement, safety and well being, and civic responsibility;

(3) Collaborating with the school community councils;

(4) Developing curriculum alignment;

1 (C) The goals and objectives of the school complex
2 are being met;

3 (D) The use of school complex-based personnel and
4 contractors who divide their time between more
5 than one school in a school complex is
6 coordinated to maximize efficiency; and

7 (E) The passage of students through the continuum of
8 grades is coordinated in a manner consistent with
9 section 302A-1004."

10 SECTION 17. There is appropriated out of the general
11 revenues of the State of Hawaii the sum of \$1,083,780, or so
12 much thereof as may be necessary for fiscal year 2004-2005, to
13 be expended as follows:

14 (1) \$500,000 to establish and operate the Hawaii
15 principals academy;

16 (2) \$183,780 for the operation of the administrator
17 certification for excellence (ACE) program; and

18 (3) \$400,000 to compensate principals who are recalled to
19 work by the department, outside of their regular term
20 of service, for professional development and any other
21 activities that may enhance their effectiveness as
22 leaders of their schools.

1 SECTION 18. The sum appropriated shall be expended by the
2 department of education for the purposes of this part.

3 **PART V**

4 **COMMUNITY INVOLVEMENT**

5 SECTION 19. One of the most important means of improving
6 educational outcomes and public confidence in those outcomes in
7 schools is by enhancing community involvement. This part seeks
8 to accomplish this by:

- 9 (1) Establishing school community councils for each public
10 school, excluding new century charter schools and new
11 century conversion charter schools, to provide a
12 mechanism whereby parents, the community, and other
13 key stakeholders can have a substantially increased
14 voice in the affairs of their local schools, with a
15 clear and concrete enunciation of powers and
16 responsibilities, and how these are shared with those
17 of the principal; and
- 18 (2) Supporting and enhancing parent-community networking
19 centers, a mechanism for improving community and
20 parental involvement with a proven track record of
21 success.



1 The legislature finds that there is also overwhelming
2 research evidence of the critical need for an integrated
3 comprehensive system of family support, parent education,
4 teacher-parent partnerships, and volunteer and resource
5 development.

6 Parent-community networking centers serve to create
7 supportive partnerships among the home, school, and community
8 for the purposes of improving student achievement and building a
9 sense of family among all.

10 The purpose of this part is to:

- 11 (1) Establish school community councils at each school,
12 excluding new century charter schools and new century
13 conversion charter schools; and
- 14 (2) Appropriate funding for:
- 15 (A) Facilitating the transition from
16 school/community-based management to school
17 community councils by training and other
18 necessary activities; and
- 19 (B) Parent-community networking centers for:
- 20 (i) Supplies, equipment, and telephones; and
21 (ii) A minimum of one part-time parent
22 facilitator in each school.

SECTION 21. Section 89-10.6, Hawaii Revised Statutes, is amended to read as follows:

19 SECTION 22. Section 302A-101, Hawaii Revised Statutes, is
20 amended by deleting the definition of "school/community-based
21 management system".

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(1) Participate in the development of, and recommend for approval by the complex area superintendent, the school's annual:

(B) Financial plan;

(2) Ensure that the school's academic and financial plans are aligned with the educational accountability system under section 302A-1004;

(3) Participate in principal selection and evaluation, and transmit any such evaluations to the complex area superintendent;

(c) Complex area superintendents may require a school community council to revise its school academic and financial

17 (e) Unless otherwise specified, each school community
18 council shall establish policies governing the council's
19 composition, election, staggered terms of office for members,
20 operation, and vacancies; provided that:

(3) At the high school level, each school community council shall be composed of the principal and at

(3) A secretary; and

SECTION 27. Section 302A-1306, Hawaii Revised Statutes, is amended.

~~["[S302A-1306] School priority program; established. (a)~~

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1 ~~shall calculate each district's entitlement based on enrollment~~
2 ~~and may deploy one instructional resource augmentation position~~
3 ~~for each two hundred fifty students enrolled in each school;~~
4 ~~provided that all positions shall be deployed."]~~

5 SECTION 29. Section 302A-1309, Hawaii Revised Statutes, is
6 repealed.

7 ~~["~~{S302A-1309}~~ Departmental controls. The superintendent~~
8 ~~shall develop and implement appropriate planning procedures and~~
9 ~~follow up accountability reports, without regard to chapter 91,~~
10 ~~to ensure sound planning, control, and accountability in the use~~
11 ~~of moneys allocated by the legislature to the school priority~~
12 ~~program. The procedures and reports, however, shall recognize~~
13 ~~the need for providing the schools latitude and discretion to~~
14 ~~determine their needs and priorities, and shall avoid imposing~~
15 ~~undue amounts of paperwork and administrative burdens on the~~
16 ~~schools.~~

17 ~~The department shall submit an annual report to the~~
18 ~~legislature, which shall include but not be limited to an~~
19 ~~accounting of how funds were used by the schools."]~~

20 SECTION 30. Section 302A-1505, Hawaii Revised Statutes, is
21 amended by amending subsection (b) to read as follows:



1 "(b) Prior to meeting with the department [~~of accounting~~
2 ~~and general services~~] to advise it of a school's repair and
3 maintenance needs, the school's principal and the business and
4 fiscal officer shall consider the recommendations made by the
5 ~~[school/community-based management council, if there is such a~~
6 ~~council at the school;]~~ school community council or the local
7 school board, if the school is ~~[a new century charter school or]~~
8 a new century conversion charter school. [~~If there is no~~
9 ~~school/community-based management council or local school board,~~
10 ~~then the school's principal shall appoint a standing committee~~
11 ~~composed of a teacher, a member of the support staff, a parent,~~
12 ~~a student, and a community member.]"~~

13 SECTION 31. Section 302A-1507, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "~~[f]~~**\$302A-1507**~~[f]~~ **Classroom cleaning project; established.**

16 (a) There is established a classroom cleaning project in all
17 public schools ~~[designated to participate in school/community~~
18 ~~based management.],~~ excluding new century charter schools and
19 new century conversion charter schools. Each ~~[school/community~~
20 ~~based management]~~ school, through its school community council,
21 may develop mechanisms to provide for classroom cleaning,
22 including but not limited to having parent, student, or other

1 community groups clean the classrooms on a regular, continuing
2 basis.

(b) ~~[School/community based management schools]~~ Schools may use any available resources to achieve the purposes of this section; provided that no full-time custodial staff ~~[currently]~~ employed at the school shall be displaced."

7 SECTION 32. There is appropriated out of the general
8 revenues of the State of Hawaii the sum of \$2,093,900, or so
9 much thereof as may be necessary for fiscal year 2004-2005, to
10 be expended as follows:

11 (1) \$350,000 for training and other activities needed to
12 facilitate the transition from school/community-based
13 management councils to school community councils; and

14 (2) \$1,743,900 for parent-community networking centers
15 including:

16 (A) \$483,000 for supplies, equipment, and telephones;
17 and

18 (B) \$1,260,900 for a minimum of one part-time parent
19 facilitator in each school.

20 SECTION 33. The sum appropriated shall be expended by the
21 department of education for the purposes of this part.

PART VI



STUDENTS

SECTION 34. Ultimately all education reform must be driven by the needs of students. Students are the primary clients served by the public education system and they must be served well by providing them with access to the tools they need to succeed, a nurturing environment conducive to learning, and supplementary opportunities for growth that facilitate their development.

The legislature finds that much of an individual's cognitive, emotional, and social development takes place in their earliest years of life. To a significant extent, opportunities during this age set the parameters for an individual's development throughout the rest of the individual's life. The legislature further finds that grade three is a pivotal year in preparation for the No Child Left Behind Act's assessment plans. For this reason, children in the preceding grades should be provided with the instructional support needed to ensure superior performance in assessment instruments mandated by the No Child Left Behind Act.

For these reasons, the Legislature finds that a class size of not more than twenty-five students per teacher to be advisable in kindergarten, grade one, and grade two classrooms.

The purpose of this part is it to appropriate funding to:

- (1) Provide mathematics textbooks and other mathematics learning materials;
- (2) Reduce class size in kindergarten, grade one, and grade two;
- (3) Provide for full-time, year-round, high school student activity coordinators; and
- (4) Programs that support parents in working with students who need additional help to succeed in school provided the programs have measurable outcomes.

SECTION 35. There is appropriated out of the general revenues of the State of Hawaii the sum of \$5,203,350, or so much thereof as may be necessary for the fiscal year 2004-2005, to be expended as follows:

- (1) \$2,500,000 to purchase mathematics textbooks and other mathematics learning materials for schools; provided that the mathematics curriculum within a school complex shall be aligned;
- (2) \$2,143,350 to reduce class size in kindergarten, grade one, and grade two in public schools, excluding new century charter schools and new century conversion charter schools, by hiring seventy-five full time

1 inventory, made recommendations for improving teaching in
2 Hawaii.

3 Other than home and societal factors, teacher quality was
4 determined to be the single most influential factor in student
5 achievement. National board certification prompts candidates to
6 analyze their practice in very profound ways. It is, therefore,
7 important to continue to identify, support, recognize, and
8 reward public school teachers who voluntarily undergo the
9 national board certification process.

10 National board certification requires a tremendous
11 commitment of time and professional risk-taking. The
12 application fee represents a large financial investment. To be
13 successful, certification candidates need a strong support
14 program, access to the program and testing facilities, and
15 release days to organize and prepare the documents and portfolio
16 required for submittal.

17 The legislature finds that, in addition to supporting and
18 recognizing highly accomplished teaching, the overall pool of
19 qualified teachers in the State of Hawaii should be expanded.
20 Currently the University of Hawaii lacks the stable, ongoing
21 resource base needed to fund college of education faculty



1 positions necessary to produce enough teachers for Hawaii's
2 public schools.

3 While the department of education hires over one thousand
4 three hundred new teachers each year, the college of education
5 of the University of Hawaii at Manoa and the education
6 department of the University of Hawaii at Hilo are only able to
7 prepare four hundred to four hundred fifty teachers each year.

8 Furthermore, the legislature also finds that there is a
9 shortage of school principals, necessitating additional faculty
10 in the area of educational administration.

11 The purpose of this part is to:

(1) Establish a national board certification incentive program to be administered by the Hawaii teacher standards board to continue comparable efforts initiated under a memorandum of understanding between the department of education and Hawaii teacher standards board which expires on June 30, 2005, and appropriate funding to execute the memorandum of understanding during fiscal year 2004-2005;

20 (2) Appropriate funding to the Hawaii teacher standards
21 board to provide training and support for national
22 board certification applicants; and



(3) Appropriate funding for eight faculty positions at the college of education of the University of Hawaii.

SECTION 38. Chapter 302A, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated to read as follows:

"§302A- Teacher national board certification incentive

program. (a) There is established within the department the teacher national board certification incentive program to recognize and support exemplary teaching practice by supporting public school teachers who have achieved national board certification under the certification program of the National Board for Professional Teaching Standards. The teacher national board certification incentive program shall provide:

(1) A \$5,000 bonus per year for each public school teacher who maintains current national board certification;

(2) \$1,500 upon completing the certification program of
the National Board for Professional Teaching
Standards; and

(3) A reimbursement of the remainder of the national board certification application fee upon achievement of national board certification.

1 (b) The incentive program shall include a mentoring
2 component that encourages and enables national board-certified
3 teachers to assist other teachers and share their teaching
4 expertise."

5 SECTION 39. There is appropriated out of the general
6 revenues of the State of Hawaii the sum of \$572,000, or so much
7 thereof as may be necessary for fiscal year 2004-2005, to be
8 expended as follows:

9 (1) \$480,000 to provide salary differentials and
10 reimbursements for national board certification
11 candidate support to public school teachers, including
12 those of new century charter schools and new century
13 conversion charter schools; and

14 (2) \$92,000 for training, assistance, conducting candidate
15 recognition initiatives, and operational expenses,
16 including the establishment of a temporary position,
17 associated with national board certification candidate
18 support by the Hawaii teacher standards board.

19 The sum appropriated shall be expended by the department of
20 education for the purposes of this part.

21 SECTION 40. There is appropriated out of the general
22 revenues of the State of Hawaii the sum of \$500,000, or so much

1 thereof as may be necessary for fiscal year 2004-2005, for seven
2 full-time equivalent (7.00 FTE) teacher education positions and
3 one full-time equivalent (1.00 FTE) educational administration
4 position.

5 The sum appropriated shall be expended by the University of
6 Hawaii for the purposes of this part.

7 **PART VIII**

8 **REDUCTION OF BUREAUCRACY**

9 SECTION 41. A wide variety of state agencies perform many
10 services for the department of education. In some cases this is
11 an efficient, cost-effective means of organizing state
12 government. The legislature finds that that in other cases,
13 however, this system hampers the efficiency of the State's
14 public educational system. The services provided to the
15 department of education by the department of accounting and
16 general services, department of budget and finance, department
17 of human resources development, department of the attorney
18 general, and department of human services need to be scrutinized
19 to reduce bureaucracy and improve the responsiveness and service
20 delivery of the department of education. Such a reorganization
21 is an integral part of a comprehensive, multi-faceted education
22 improvement initiative. However, it is also clearly a

7 SECTION 42. (a) The department of education shall convene
8 an interagency working group to develop comprehensive plans for
9 transferring certain rights, powers, functions, duties, and
10 resources, including positions, from the departments of
11 accounting and general services, budget and finance, health,
12 human resources development, the attorney general, and human
13 services to the department of education. Rights, powers,
14 functions, duties, and resources including positions to be
15 transferred shall include but not be limited to:

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- (3) The securing, administering, use, and expending of federal funds and other aid, including their custodial supervision;
 - (4) The capital improvement project allotment process;
 - (5) The determination of retirement and other employee benefits;
 - (6) The operation of a human resources system including the recruitment, certification, examination, management, classification, and compensation of department of education employees and labor relations;
 - (7) Negotiating workers' compensation claims and labor-management relations within the department of education;
 - (8) Conducting employment background checks for the after-school plus program, private vendors, and other employees and trainees who work with public school students; and
 - (9) School health aides.
- (b) The comprehensive plans shall identify:
- (1) Each position to be transferred by position number; and

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(2) The school physical plant operations and maintenance account;

are transferred to the department of education effective July 1, 2004.

SECTION 45. All the rights, powers, functions, duties, and personnel relating to the Hawaii 3R's school repair and maintenance fund, are transferred to the department of education effective July 1, 2004.

SECTION 46. (a) All the rights, powers, functions,
duties, and resources of:

(1) The department of accounting and general services relating to capital improvement programs, including the:

(A) Expending of capital improvement funds for the acquisition and development of land, the design and construction of new facilities, and the making of renovations or additions to existing facilities, including moneys in the state educational facilities improvement special fund; and

(B) Buying, purchasing, renting, leasing, or otherwise acquiring of any good, service, or



1 construction, including the description of
2 requirements, selection and solicitation of
3 sources, preparation and awarding of contracts,
4 payment of vendors, and all other phases of
5 contract administration;

6 (2) The department of accounting and general services
7 relating to repair and maintenance functions not
8 transferred to the department of education under
9 section 44 of this Act; and

10 (3) The department of human resources development relating
11 to the:

12 (A) Operation of a centralized human resources system
13 that encompasses the classes of work performed by
14 department of education employees, and that
15 integrates payroll, records, transactions,
16 leaves, and reports; and

17 (B) Recruitment, certification, examination,
18 management, classification, and compensation of
19 department of education employees, including
20 labor relations;

21 are transferred to the department of education effective July 1,
22 2005, subject to repeal by subsequent legislation.

(b) All moneys budgeted in support of each position to be transferred to the department of education, including moneys for direct and indirect employee benefits, are transferred to the department of education effective July 1, 2005, subject to repeal by subsequent legislation.

6 SECTION 47. (a) All the rights, powers, functions,
7 duties, and resources of:

8 (1) The department of budget and finance relating to the:

9 (A) Funding of collective bargaining agreement
0 increases; and

1 (B) Securing, administering, use, and expending of
2 federal funds and other aid, including their
3 custodial supervision;

4 (2) The department of the attorney general relating to:

5 (A) The negotiating of workers' compensation claims;
6 and

7 (B) Labor-management relations within the department
8 of education;

(3) The department of human services relating to the conducting of employment background checks for the after-school plus program, private vendors, and other



employees and trainees who work with public school students; and

(4) The department of health relating to school health aides and public health nurses who supervise school health aides;

are transferred to the department of education effective July 1, 2006, subject to repeal by subsequent legislation.

(b) All moneys budgeted in support of each position to be transferred to the department of education, including moneys for direct and indirect employee benefits, are transferred to the department of education effective July 1, 2006, subject to repeal by subsequent legislation.

SECTION 48. All resources, appropriations, records, equipment, databases, software, programming, machines, files, supplies, contracts, books, papers, documents, maps, and other personal property heretofore made, used, acquired, or held by the department of accounting and general services, department of budget and finance, department of human services, and department of health relating to the functions transferred to the department of education shall be transferred with the functions to which they relate.

9 "(a) There is created in the state general fund under [ACS
0 807 (~~physical plant operations and maintenance~~)] EDN 100 (school
1 based budgeting) the state educational facilities repair and
2 maintenance account, into which shall be deposited legislative
3 appropriations to the account designated for use solely to
4 eliminate the backlog of school repair and maintenance projects,
5 including the repair or replacement of fixtures, furnishings,
6 and equipment, existing on June 30, 2000. Expenditures from the
7 account shall be subject to sections 37-31 and 37-33 to 37-40.
8 Based on the prioritization approved by the department of
9 education as prescribed by section 302A-1505, appropriations or
0 authorizations from the account shall be expended by the
1 [~~comptroller~~] superintendent of education.

(b) The department of education [~~with the assistance of the department of accounting and general services,~~] shall review the existing condition of school facilities and establish specific vision plans for each school complex based on current repair and maintenance requirements and overall repair and maintenance priorities."

7 2. By amending subsections (e), (f), and (g) to read:

8 "(e) The expenditure of funds for any project with an
9 estimated total cost of less than \$100,000 shall be exempt from
10 chapter 103D and section 464-4; provided that:

(1) The ~~comptroller~~ superintendent of education shall develop internal policies and procedures for the procurement of goods, services, and construction, consistent with the goals of public accountability and public procurement practices, but not subject to chapter 103D. However, where possible, the ~~comptroller~~ superintendent of education is encouraged to use the provisions of chapter 103D; provided that the use of one or more provisions of chapter 103D shall not constitute a waiver of the exemption of chapter 103D and shall not subject the



1 ~~[comptroller]~~ superintendent of education to any other
2 provision of chapter 103D;

3 (2) Insofar as is practical, and based on specifications
4 developed, adequate and reasonable competition of no
5 fewer than three proposals shall be solicited for each
6 project, based on rules adopted by the ~~[comptroller]~~
7 superintendent of education;

8 (3) Considering all factors, including quality, warranty,
9 and delivery, the award shall be made to the vendor
10 with the most advantageous proposal;

11 (4) The procurement requirements shall not be artificially
12 divided or parceled so as to avoid competitive bidding
13 or competitive proposals; and

14 (5) Formal design for projects shall be done when there is
15 a clear need to preserve structural integrity, health
16 and safety, or to clearly communicate construction
17 requirements.

18 For all projects, the ~~[comptroller]~~ superintendent of
19 education shall develop a strategy for the efficient and
20 cost-effective use of government and private-sector workforces
21 and consider increased flexibility through public-private
22 partnering, design-build options, cost plus, job order

1 (1) Establishing that the required work to be performed is
2 written in a clear, unambiguous, and nonrestrictive
3 manner; and

4 (2) Listing manufacturers or products that are acceptable
5 for use on the project.

6 "Standard commercial product" means a product or material
7 that in the normal course of business is customarily maintained
8 in stock by, or readily available for marketing from a
9 manufacturer, distributor, or dealer.

10 This subsection shall not apply to any school facility
11 designated a historic property pursuant to section 6E-5.5.

(g) The ~~comptroller~~ superintendent of education shall submit an annual report to the legislature, which shall include a financial statement of the account and the status of repair and maintenance projects undertaken pursuant to this section, no later than twenty days prior to the convening of each regular session. Expenditures for repair and maintenance projects undertaken pursuant to this section shall be posted electronically on the Internet by the department of ~~accounting and general services~~ education within thirty days of each project's completion."



- (1) Expenditures for school repair and preventive maintenance projects undertaken pursuant to this section, shall be posted within thirty days of each project's completion; and
- (2) A list of each school's repair and maintenance needs to be undertaken."

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1 **"§37-41.5 Department of education; carryover of funds.**

2 (a) The department of education may retain up to five per cent
3 of any appropriation, except for appropriations to fund
4 financing agreements entered into in accordance with chapter
5 37D, [~~for the school-based budgeting program EDN 100 and for the~~
6 ~~comprehensive school support services program EDN 150]~~ at the
7 close of a fiscal year and the funds retained shall not lapse
8 until June 30 of the first fiscal year of the next fiscal
9 biennium. The department of education shall submit:

10 (1) A report to the director of finance ninety days after
11 the close of each fiscal year, which shall be prepared
12 in the form prescribed by the director of finance and
13 shall identify the total amount of funds that will
14 carry over to the next fiscal year; and

15 (2) A copy of this report to the legislature, as well as a
16 report identifying the carryover of funds on a
17 school-by-school basis, at least twenty days prior to
18 the convening of the next regular session of the
19 legislature.

20 [~~(b) Any appropriation retained in accordance with this~~
21 ~~section shall be used exclusively for the school-based budgeting~~
22 ~~program EDN 100 and the comprehensive school support services~~

- (1) Authorized transfers or changes, when made, shall be reported to the legislature;
- (2) Except with respect to appropriations to fund financing agreements under chapter 37D, the University of Hawaii shall have the flexibility to transfer appropriated funds and positions for the operating cost category among programs, among cost elements in a program, and between quarters, as applicable; except with respect to appropriations to fund financing agreements under chapter 37D, the department of education shall have the flexibility to transfer

appropriated funds and positions for the operating cost category among programs and among cost elements in a program, and between quarters, as applicable; and the Hawaii health systems corporation shall have the flexibility to transfer special fund appropriations among community hospitals facilities as applicable; provided that the Hawaii health systems corporation shall maintain the integrity and services of each individual facility and shall not transfer appropriations out of any facility that would result in a reduction of services offered by the facility, with due regard for statutory requirements, changing conditions, the needs of the programs, and the effective utilization of resources; and

(3) The university and the department of education shall account for each transfer implemented under this subsection in quarterly reports to the governor and annual reports at the end of each fiscal year to the legislature and the governor, which shall be prepared in the form and manner prescribed by the governor and shall include information on the sources and uses of the transfer."

3 "(q) The [~~state comptroller~~] superintendent of education
4 shall submit an annual report of the progress of the Hawaii 3R's
5 school repair and maintenance fund no later than twenty days
6 prior to the convening of each regular session of the
7 legislature."

EDUCATIONAL ACCOUNTABILITY

21 The collaborative fact-finding process found agreement
22 among the stakeholders on three primary goals that the public

(2) Comprehensive student support system plans in place to support each student with a personalized classroom climate, differentiated classroom practices, family involvement, early intervention, support for transitions between grades, community outreach and support, and specialized assistance and crisis or emergency support; and

(3) Disciplinary offenses as provided by the board of education administrative rules.

The third area identified in the Accord Group report, civic responsibility, is the most abstract and difficult to measure.

General concepts that should be addressed include:

(1) Knowledge of the fundamental processes of American democracy;

(2) Skills necessary to actively engage in a democratic society;

(3) Understanding and awareness of community and global issues;

(4) Respect for self and others and ability to work together as part of a team; and

(5) Participation in school and community organizations.

1 The legislature finds that the indicators for programmatic
2 and fiscal accountability that are used should be made available
3 annually to the governor, legislature, board of education,
4 parents, and general public in a format that is easy to
5 comprehend. The department of education shall report trend data
6 as such data becomes available.

7 Measures in existence on the effective date of this Act
8 shall be reported to the legislature and the governor no later
9 than twenty days prior to the convening of each regular session.
10 New measures to be developed by the department of education
11 shall be reported no later than twenty days prior to the
12 convening of each regular session thereafter. The department of
13 education shall report trend data as such data becomes
14 available.

15 The purpose of this part is to:

- 16 (1) Assess and track the academic achievement, safety and
17 well being, and civic responsibility of individual
18 students;
19 (2) Adding fiscal provisions to accountability statutes;
20 (3) Adding provisions to hold complex area superintendents
21 and principals accountable; and



SECTION 56. Section 302A-1004, Hawaii Revised Statutes, is
 ded to read as follows:

reports. (a) The department shall implement a comprehensive system of educational accountability to motivate and support the improved performance of students and the education system. This accountability system shall:

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- (2) Link authority and [adequate] resources to responsibility;
- (3) Define clear roles for all parties and lines of responsibility and mutual obligation and develop a collaborative process with stakeholders, including representatives of appropriate bargaining units, parents, administration, and students;
- (4) ~~[Involve fair and adequate assessment against agreed upon goals;]~~ Assess and track measures of academic achievement, safety and well being, and civic responsibility of individual students at selected grade levels and report trend data on these measures over time annually;
- (5) Invoke a full and balanced set of appropriate consequences for observed performance, including rewards and recognition for those schools that meet or exceed their goals, assistance to those that fall short, and sanctions for those that, given adequate assistance and ample time, continue to fail to meet goals;
- ~~(6) Involve:~~

~~(B) An annual assessment in core subjects for each grade level, as conducted by each school;~~

~~(7) Involve a comprehensive school profile or report card for each school, which shall include, but not be limited to, student performance measures, school attendance, drop out rates, and parental involvement. These reports shall be made available annually to the board, the governor, the legislature, the parents, and the general public; }~~

(6) Involve an annual statewide assessment program that provides a report card containing trend data on school, school complex, and system performance at selected benchmark grade levels with performance indicators in areas relating to student achievement, safety and well being, and civic responsibility.

[+9+] (8) Establish an explicit link between professional evaluation results and individual accountability through professional development of the knowledge, skill, and professional behavior necessary to the position, by requiring that results of the professional evaluation be used by the department to prescribe professional development focus and content, as appropriate[-];

1 (9) Include an annual statewide fiscal accountability
2 program, which includes a published report card that
3 contains trend data on school, school complex, and
4 system-wide plans and results, including:

5 (A) Amounts allocated;

6 (B) Amounts expended;

7 (C) Amounts carried over; and

8 (D) Any significant changes to the budget, with an
9 explanation for the change;

10 (10) Include an evaluation of the effectiveness of complex
11 area superintendents and principals in supporting:

12 (A) Students' academic achievement, safety and well
13 being, and civic responsibility; and

14 (B) The satisfaction of stakeholders affected by the
15 work of the complex area superintendents and
16 principals, which may be measured by broadbased
17 surveys; and

18 (C) Fiscal accountability.

19 ~~[Beginning with the 2001-2002 school year, the]~~ (b) The

20 department shall submit to the legislature, the governor, and
21 the board of education at least twenty days prior to the
22 convening of each regular legislative session a report of the

1 [~~(d)~~] (e) The superintendent of education is responsible
2 for the development and implementation of an educational
3 accountability system. The system shall include consequences
4 and shall be designed through a collaborative process involving
5 stakeholders that shall include parents, community members, the
6 respective exclusive representatives, as well as others deemed
7 appropriate by the superintendent.

8 For the purposes of this section, negotiations under
9 chapter 89 shall be between the superintendent or the
10 superintendent's designee and the respective exclusive
11 representative, and shall be limited to the impact on personnel
12 arising from the superintendent's decision in implementing the
13 educational accountability system. After the initial agreement
14 is negotiated, provisions on the impact of the accountability on
15 personnel may be reopened only upon mutual agreement of the
16 parties."

17 SECTION 57. Section 302A-1301, Hawaii Revised Statutes, is
18 amended to read as follows:

19 "[~~§~~302A-1301~~§~~] **School system financial accountability.**

20 (a) Beginning with the 1995-1997 fiscal biennium, the
21 department's administrative expenditures shall not exceed 6.5



1 per cent of the total department operating budget unless
2 approved by the legislature.

3 ~~[(b) The department shall not transfer any funds~~
4 ~~appropriated under the school-based budgeting program EDN 100 of~~
5 ~~the state budget, except for unforeseeable circumstances that~~
6 ~~pose a threat to the health and safety of personnel and~~
7 ~~students, and subject to approval by the governor and~~
8 ~~notification to the legislature.]~~

9 (b) Not less than seventy per cent of appropriations for
10 the total budget of the department, excluding debt service and
11 capital improvement programs, shall be expended by principals."

12 SECTION 58. Chapter 302A, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 "§302A- Board of education; community meetings. The
16 board shall hold not less than two community meetings annually
17 in each departmental school district in addition to their
18 regular meetings to discuss and receive input from the community
19 on public education and public library issues. The board
20 chairperson shall designate board members to attend the
21 community meetings. These community meetings shall not be held
22 for the purpose of formulating educational policy. The



1 community meetings shall be exempt from sections 92-2.5, 92-7,
2 92-9, and 92-41, provided that the board shall give written
3 public notice of each community meeting. The meeting notice
4 shall indicate the date, time, and place of the meeting, and
5 shall be filed in the office of the lieutenant governor and in
6 the board's office for public inspection six calendar days
7 before the meeting. The notice shall also be posted at the site
8 of the meeting."

PART X

PILOT

SECTION 59. There is appropriated out of the general revenues of the State of Hawaii the sum of \$400,000, or so much thereof as may be necessary for fiscal year 2004-2005, for the piloting of school community councils and development of academic and financial plans at selected public schools prior to the statewide implementation of the weighted student formula.

17 SECTION 60. The sum appropriated shall be expended by the
18 department of education for the purposes of this Act.

PART XI

FINDINGS AND RECOMMENDATIONS

21 SECTION 61. The department of education shall submit
22 findings and recommendations to the legislature no later than

1 twenty days prior to the convening of the regular session of
2 2005 including:

3 (1) A report regarding progress made in and the impact on
4 the public education system of:

5 (A) Establishing a weighted student formula;

6 (B) Providing additional information technology;

7 (C) Empowering principals through the Hawaii
8 principals academy and other means;

9 (D) Strengthening community involvement through
10 school community councils and parent-community
11 networking centers;

12 (E) Providing more mathematics textbooks;

13 (F) Lowering class size in kindergarten, grade one,
14 and grade two;

15 (G) Providing full-time, year-round, high school
16 student activity coordinators;

17 (H) Providing support for students who need
18 additional help to succeed in school;

19 (I) Establishing a national board certification
20 incentive program for teachers;

21 (J) Enhancing teacher education;



(K) Reducing the bureaucracy that hampers the effectiveness of the department of education;

(L) Improving the educational accountability system;
and

(M) Requiring the board of education members to hold community meetings in their districts; and

(2) A list of statutes, rules, policies, or procedures that need to be amended, removed, or enacted to enable the effective implementation of the weighted student formula, implementation of school community councils, and enhance transparency in financial reporting; and

(3) A list of programs recommended to be repealed to enable the department and individual schools to have greater flexibility in budgeting, operations, and curriculum management.

PART XII

MISCELLANEOUS

SECTION 62. For the purposes of this Act, any appropriation made for public schools shall exclude new century charter schools and new century conversion charter schools unless otherwise included.

1 SECTION 63. In the event of a conflict between this Act
2 and section 89-10(d) or 89-19, Hawaii Revised Statutes, this Act
3 shall control.

4 SECTION 64. The sums appropriated by this Act for fiscal
5 year 2004-2005 shall be deemed part of the Supplemental
6 Appropriations Act of 2004 for the department of education and
7 University of Hawaii for the purposes of developing and
8 submitting the executive budget request for the biennium budget
9 for fiscal years 2005-2006 and 2006-2007, except for the
10 one-time supplemental appropriation for mathematics textbooks
11 and mathematics learning materials in schools made in section 35
12 of this Act. The department of budget and finance shall
13 consider the sums appropriated by this Act as if appropriated in
14 the Supplemental Appropriations Act of 2004, except for the
15 one-time supplemental appropriation for mathematics textbooks
16 and mathematics learning materials in schools made in section 34
17 of this Act.

18 SECTION 65. The legislative reference bureau shall conduct
19 a study to determine conforming amendments to the Hawaii Revised
20 Statutes that may be necessary as a result of the amended
21 definition of "public school" in section 5, to effectuate the

1 purposes of this Act without altering either the effect or
2 intent of existing statutory language.

3 The legislative reference bureau shall submit its findings,
4 including any proposed legislation, to the legislature no later
5 than twenty days prior to the convening of the regular session
6 of 2005.

7 SECTION 66. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 67. This Act shall take effect upon its approval,
10 provided that:

- 11 (1) Sections 7, 8, 10, 11, 15, 17, 18, 32, 33, 35, 36, 39,
12 40, 50, 51, 52, 53, 54, 59, and 60 shall take effect
13 on July 1, 2004;
- 14 (2) Sections 5, 13, 16, 21, 22, 23, 24, 25, 26, 30, 31,
15 and 38 shall take effect on July 1, 2005, and shall
16 apply to the 2005-2006 school year; and
- 17 (3) Sections 2, 4, 6, 27, 28, 29, and 57 shall take effect
18 on July 1, 2006, and shall apply to the 2006-2007
19 school year.

