
A BILL FOR AN ACT

RELATING TO EDUCATION.

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

1 SECTION 1. After extensive deliberations, the interagency
2 working group, which was established pursuant to part VIII of
3 Act 51, Session Laws of Hawaii 2004, the "Reinventing Education
4 Act of 2004," has recommended to the legislature that the
5 transfer of functions from the department of budget and finance,
6 the department of the attorney general, and the department of
7 human services to the department of education specified in Act
8 51 be repealed. The working group also recommended that the
9 transfer of functions from the department of health to the
10 department of education specified in Act 51 be delayed one year
11 and take effect July 1, 2007, rather than July 1, 2006.

12 The interagency working group recommended to the 2006
13 legislature that fiscal functions should remain with the
14 department of budget and finance. The working group reported
15 that the departments of education and budget and finance have
16 agreed to improve the:

17 (1) Processes related to capital improvement project
18 allotments;



- 1 (2) Fiscal processes affecting the calculation of employee
- 2 benefits; and
- 3 (3) Expenditures of federal funds.

4 The departments will work together to prepare memorandums or
5 memorandums of understanding to set forth the new processes,
6 mutually agreed upon, between the two departments.

7 The interagency working group also recommended against
8 transferring the functions relating to workers' compensation and
9 labor-management relations from the department of the attorney
10 general to the department of education at this time. Instead,
11 the departments shall prepare memorandums of agreement or
12 service level agreements that clarify the scope of relevant
13 responsibilities, procedures, and protocols for the respective
14 departments.

15 The working group noted that the department of education is
16 required by statute to conduct criminal history record checks on
17 employees that work in close proximity to children. Therefore,
18 it is not necessary that the department of human services
19 perform this service for the department of education.

20 The interagency working group further recommended that the
21 transfer of the school health aides and the public health nurses
22 who supervise the school health aides be delayed one year from

1 July 1, 2006, to July 1, 2007. The department of education
2 requested the delay due to the number of other requirements of
3 Act 51 that are scheduled to be implemented during the 2006-2007
4 school year. In addition, both the department of education and
5 the department of health desire to have a smooth transition and
6 additional time would make this possible.

7 Although the working group recommended the repeal of
8 certain specific provisions of Act 51 relating to the transfer
9 of functions from the department of budget and finance and the
10 department of the attorney general, they noted that the
11 provisions did serve a useful purpose in helping to focus the
12 departments on areas of concern. The recommendations to repeal
13 certain statutory provisions reflected mutual decisions the
14 departments reached after extensive discussion and review. The
15 function of Act 51 as a critical catalyst for analysis and
16 discussion of issues and problems has been, and continues to be,
17 fulfilled.

18 The departments involved will not continue to do "business
19 as usual". The legislature fully expects the departments to
20 remain committed to continuous improvement and that the
21 memorandums, memorandums of understanding, and service level
22 agreements, when completed and implemented in accordance with



1 the departments' agreements, are a critical step toward
2 improving the educational system for our community.

3 Therefore, based on the interagency working group's
4 recommendations contained in their report to the 2006 regular
5 session of the legislature, the purpose of this Act is to amend
6 Act 51, Session Laws of Hawaii 2004.

7 SECTION 2. Act 51, Session Laws of Hawaii 2004, is amended
8 by amending section 47 to read as follows:

9 "SECTION 47. (a) All the rights, powers, functions,
10 duties, and resources of:

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

12 (A) Funding of collective bargaining agreement
13 increases; and

14 (B) Securing, administering use, and expending of
15 federal funds and other aid, including their
16 custodial supervision; and

17 [~~2~~] ~~The department of the attorney general relating to:~~

18 ~~(A) The negotiating of workers' compensation claims;~~
19 ~~and~~

20 ~~(B) Labor management relations within the department~~
21 ~~of education;~~

1 ~~(3) The department of human services relating to the~~
 2 ~~conducting of employment background checks for the~~
 3 ~~after-school plus program, private vendors, and other~~
 4 ~~employees and trainees who work with public school~~
 5 ~~students; and~~

6 ~~(4)]~~ (2) The department of health relating to school
 7 health aides and public health nurses who supervise
 8 school health aides;

9 are transferred to the department of education effective
 10 July 1, [~~2006~~], 2007, subject to repeal by subsequent
 11 legislation.

12 (b) All moneys budgeted in support of each position to be
 13 transferred to the department of education, including moneys for
 14 direct and indirect employee benefits, are transferred to the
 15 department of education effective July 1, [~~2006~~], 2007, subject
 16 to repeal by subsequent legislation."

17 SECTION 3. Act 51, Session Laws of Hawaii 2004, is amended
 18 by amending section 48 to read as follows:

19 "SECTION 48. All resources, appropriations, records,
 20 equipment, databases, software, programming, machines, files,
 21 supplies, contracts, books, papers, documents, maps, and other
 22 personal property heretofore made, used, acquired, or held by



1 the department of accounting and general services [~~, department~~
2 ~~of budget and finance, department of human services,~~] and the
3 department of health relating to the functions transferred to
4 the department of education shall be transferred with the
5 functions to which they relate."

6 SECTION 4. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 5. This Act shall take effect on June 29, 2006.

Report Title:

Department of Education; Employment; Personnel Transfers

Description:

Repeals transfer of functions from DHS and the AG's office to DOE. Delays transfer of functions from DBF to DOE and transfer of school health aides and public health nurses from DOH to Doe for one year. (SD1)

