



GOV. MSG. NO. 863

EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

May 29, 2007

The Honorable Colleen Hanabusa, President
and Members of the Senate
Twenty-Fourth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

This is to inform you that on May 29, 2007, the following bill was signed into law:

SB98 SD1 HD1

A BILL FOR AN ACT RELATING TO EDUCATION.
(ACT 105)

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Lingle".

LINDA LINGLE

Approved by the Governor

on MAY 29 2007

ACT 105

THE SENATE
TWENTY-FOURTH LEGISLATURE, 2007
STATE OF HAWAII

S.B. NO. 98
S.D. 1
H.D. 1

A BILL FOR AN ACT

RELATING TO EDUCATION.

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

1 SECTION 1. The legislature finds that the interagency
2 working group established pursuant to part VIII of Act 51,
3 Session Laws of Hawaii 2004, the "Reinventing Education Act of
4 2004," as amended by Act 225, Session Laws of Hawaii 2006 (Act
5 51, as amended), has recommended to the legislature that the
6 transfer of functions from the department of health to the
7 department of education specified in Act 51, as amended, be
8 amended to repeal the transfer of the public health nurses who
9 supervise school health aides. The school health aides are
10 scheduled to transfer July 1, 2007, from the department of
11 health to the department of education.

12 The interagency working group report states that the
13 department of education and the department of health supported
14 the transfer of the school health aides and the repeal of the
15 transfer of the public health nurses who supervise school health
16 aides. The report also stated that the Hawaii Government
17 Employees Association opposed the transfer of the school health



1 aides. The Hawaii Government Employees Association stated that
2 its objection to any transfer of state employees to the
3 department of education is based on its concern for those
4 employees whose positions and funds might be allocated to the
5 schools through the weighted student formula. The department of
6 education stated that a policy decision has been made not to
7 allocate the school health aides positions through the weighted
8 student formula for the fiscal biennium 2007-2009.

9 The legislature further finds that the department of
10 education and the department of health have agreed that those
11 public health nurses who supervise the school health aides
12 should remain at the department of health and provide clinical
13 supervision to the school health aides through a service level
14 agreement or memorandum of understanding. Both departments
15 recognize that transferring the public health nurse positions to
16 the department of education would require the department of
17 health to request replacement positions to carry out essential
18 public health functions. Additionally, the number of public
19 health nurses that would be transferred to the department of
20 education would be insufficient to provide the level of
21 supervision necessary for the school health services program.
22 As a result, both departments have concluded that the best



1 method of supporting the school health services program is to
2 provide clinical supervision for school health aides through a
3 service level agreement or memorandum of understanding.

4 The school health aides are the primary component of the
5 school health services program established within the department
6 of health. With the transfer of the school health aides to the
7 department of education, the program should also be transferred
8 to the department of education.

9 The purpose of this Act is to:

- 10 (1) Repeal the transfer from the department of health to
11 the department of education those public health nurses
12 who supervise the school health aides; and
13 (2) Repeal the school health services program from chapter
14 321, Hawaii Revised Statutes, and enact the program in
15 chapter 302A, Hawaii Revised Statutes.

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

19 "PART . SCHOOL HEALTH SERVICES PROGRAM

20 §302A- Purpose; establishment of program. The purpose
21 of this part is to establish a statewide school health services
22 program. There shall be within the department a permanent



1 comprehensive school health services program for grades
2 kindergarten through twelve in all the public schools of this
3 state. It is in the general welfare of the state to protect,
4 preserve, care for, and improve the physical and mental health
5 of Hawaii's children by making available at the public schools
6 first aid and emergency care, preventive health care, health
7 appraisals and follow-ups, and health room facilities.

8 **§302A- Teenage health program.** The department, in
9 cooperation with the department of health, may establish a
10 statewide teenage health program designed to enhance
11 self-esteem, facilitate communication between students and their
12 parents, incorporate ho'oponopono techniques in group
13 discussions, expand peer counseling efforts, and provide more
14 counseling opportunities. In implementing this program, the
15 department shall strive to respect and include the diverse needs
16 and values of parents and teenagers served by the program.

17 **§302A- Department implementation.** The department shall
18 implement this program with the present health services now
19 provided to those schools under the pilot project established
20 under Act 130, Session Laws of Hawaii 1970, to each public
21 school, and further provide the necessary number of health aides



1 to serve each public school. The department may provide health-
2 related screening services at each public school.

3 School health aides may assist students by administering
4 oral and topical medication, and in emergency situations, other
5 premeasured medication; provided that:

6 (1) If the student receiving the medication is a minor, a
7 parent or guardian requests and authorizes the
8 administration of medication;

9 (2) The medication has been prescribed by a licensed
10 physician, as defined in section 334-1, or by a
11 practitioner with prescriptive authority;

12 (3) The administration of the medication is with the
13 approval of the department of health; and

14 (4) The administration of the medication is necessary for
15 the health of the student and for the student's
16 attendance at school.

17 **§302A- School health aides.** All full-time school health
18 aides employed in the department shall be employed and have
19 their compensation fixed in accordance with chapter 76 and the
20 appropriate collective bargaining agreement, executive order,
21 executive directive, or rule; provided that the compensation



1 shall be based on a six and one-half hour work day; provided
2 further that:

3 (1) The monthly rate of compensation for all school health
4 aides employed less than full-time shall be based on
5 the number of hours they actually work;

6 (2) The monthly rate of compensation for full-time health
7 aides so determined shall be multiplied by ten and
8 then divided by twelve and the resulting amount shall
9 be the employee's monthly salary payable over a
10 twelve-month period; and

11 (3) The health aides shall have the same working schedule
12 and leave allowance as school teachers in the
13 department.

14 **§302A- Rules.** The superintendent of education shall
15 adopt rules pursuant to chapter 91 for the purposes of this
16 part."

17 SECTION 3. Act 51, Session Laws of Hawaii 2004, as amended
18 by Act 221, Session Laws of Hawaii 2004, as amended by Act 22,
19 Session Laws of Hawaii 2005, as amended by Act 225, Session Laws
20 of Hawaii 2006, is amended by amending section 47 to read as
21 follows:



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

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

4 (A) Funding of collective bargaining agreement
5 increases; and

6 (B) Securing, administering, use, and expending of
7 federal funds and other aid, including their
8 custodial supervision; and

9 (2) The department of health relating to school health
10 aides [~~and public health nurses who supervise school~~
11 ~~health aides;~~],

12 are transferred to the department of education effective
13 July 1, 2007, subject to repeal by subsequent legislation.

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

19 SECTION 4. Effective July 1, 2007, the department of
20 education shall provide career pathways development and training
21 opportunities to all school health aides in the school health
22 services field and other fields within the department of



1 education to ensure the opportunity for continued employment
2 with the department of education.

3 SECTION 5. Chapter 321, part XIX, Hawaii Revised Statutes,
4 is repealed.

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

7 SECTION 7. This Act shall take effect on June 29, 2007.



GOVERNOR OF THE STATE OF HAWAII

Approved this day: MAY 29 2007

