
A BILL FOR AN ACT

RELATING TO EDUCATION.

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

1 SECTION 1. The interagency working group established
2 pursuant to part VIII of Act 51, Session Laws of Hawaii 2004, as
3 amended by Act 225, Session Laws of Hawaii 2006, has recommended
4 to the legislature that the transfer from the department of
5 health to the department of education as specified in Act 51, as
6 amended, of public health nurses who supervise school health
7 aides be repealed and that only the school health aides be
8 transferred from the department of health to the department of
9 education on July 1, 2007.

10 In its report, the interagency working group states that
11 the department of education and the department of health support
12 the transfer of the school health aides. Both departments
13 support the repeal of transferring public health nurses who
14 supervise school health aides from the department of health to
15 the department of education. The report also states that the
16 Hawaii Government Employees Association opposes the transfer of
17 the school health aides. The union's objections to any transfer
18 of employees to the department of education are based on their



1 concern that employee positions and funding might be allocated
2 to the schools through the weighted student formula. However,
3 the department of education has made a policy decision not to
4 allocate school health aide positions through the weighted
5 student formula for the fiscal biennium 2007-2009.

6 The department of education and the department of health
7 have agreed that the public health nurses who supervise the
8 school health aides should remain at the department of health
9 and provide clinical supervision to the school health aides
10 through a service level agreement or memorandum of
11 understanding. Both departments recognize that transferring the
12 public health nurse positions to the department of education
13 would require the department of health to request replacement
14 positions to carry out essential public health functions.

15 Additionally, the number of public health nurses that would
16 be transferred to the department of education would be
17 insufficient to provide the level of supervision necessary for
18 the school health services program. Both departments have
19 concluded that the best method of supporting the school health
20 services program is to provide clinical supervision for school
21 health aides through a service level agreement or memorandum of
22 understanding.



1 The school health aides are the primary component of the
2 school health services program established within the department
3 of health. With the transfer of the school health aides to the
4 department of education, the legislature finds that the school
5 health services program should also be transferred to the
6 department of education.

7 The purpose of this Act is to create a school health
8 services program in the department of education, repeal the
9 school health services program currently operating within the
10 department of health, and repeal provisions transferring public
11 health nurses who supervise the school health aides from the
12 department of health to the department of education.

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

16 **"PART . SCHOOL HEALTH SERVICES PROGRAM**

17 **§302A- Purpose; establishment of program.** The purpose
18 of this part is to establish a statewide school health services
19 program. There shall be within the department of education a
20 permanent comprehensive school health services program for
21 grades kindergarten through twelve in all of the public schools
22 of this State. It is in the general welfare of the State to



1 protect, preserve, care for, and improve the physical and mental
2 health of Hawaii's children by making available at the public
3 schools first aid and emergency care, preventive health care,
4 health appraisals and follow-ups, and health room facilities.

5 **§302A- Teenage health program.** The department of
6 education, in cooperation with the department of health, may
7 establish a statewide teenage health program designed to enhance
8 self-esteem, facilitate communication between students and their
9 parents, incorporate ho'oponopono techniques in group
10 discussions, expand peer counseling efforts, and provide more
11 counseling opportunities. In implementing this program, the
12 department shall strive to respect and include the diverse needs
13 and values of parents and teens served by the program.

14 **§302A- Implementation of program.** The department shall
15 implement this program with the present health services now
16 provided to those schools under the pilot project established
17 under Act 130, Session Laws of Hawaii 1970, to each public
18 school, and further provide the necessary number of health aides
19 in order to service each public school. The department may
20 provide health related screening services at each public school.



1 School health aides may assist the student by administering
2 oral and topical medication, and in emergency situations, other
3 premeasured medication; provided that:

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

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

10 (3) The administration of such medication is with the
11 approval of the department of health; and

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

15 **§302A- School health aides.** All full-time school
16 health aides employed in the department shall be employed and
17 have their compensation fixed in accordance with chapter 76 and
18 the appropriate collective bargaining agreement, executive
19 order, executive directive, or rule; provided that their
20 compensation shall be based on a six and one-half hour work day
21 and provided further that:



- 1 (1) The monthly rate of compensation for all school health
- 2 aides employed less than full-time shall be based on
- 3 the number of hours they actually work;
- 4 (2) The monthly rate of compensation for full-time health
- 5 aides so determined shall be multiplied by ten and
- 6 then divided by twelve and the resulting amount shall
- 7 be the employee's monthly salary payable over a
- 8 twelve-month period; and
- 9 (3) The health aides shall have the same working schedule
- 10 and leave allowance of school teachers in the
- 11 department.

12 **§302A- Rules.** The superintendent of education shall
13 adopt rules pursuant to chapter 91 for the purposes of this
14 part."

15 SECTION 3. Act 51, Session Laws of Hawaii 2004, as amended
16 by Act 225, Session Laws of Hawaii 2006 is amended by amending
17 section 47 to read as follows:

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

- 20 (1) The department of budget and finance relating to the:
- 21 (A) Funding of collective bargaining agreement
- 22 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 health relating to school health
 5 aides [~~and public health nurses who supervise school~~
 6 ~~health aides;~~]
 7 are transferred to the department of education effective July 1,
 8 2007, subject to repeal by subsequent legislation.

9 (b) All moneys budgeted in support of each position to be
 10 transferred to the department of education, including moneys for
 11 direct and indirect employee benefits are transferred to the
 12 department of education effective July 1, 2007, subject to
 13 repeal by subsequent legislation."

14 SECTION 4. Chapter 321, part XI, Hawaii Revised Statutes,
 15 is repealed.

16 SECTION 5. Statutory material to be repealed is bracketed
 17 and stricken.

18 SECTION 6. This Act shall take effect on June 29, 2007.

19

INTRODUCED BY:

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Report Title:

DOE; School Health; School Health Services Program

Description:

Establishes a school health services program within the department of education. Repeals the school health services program within the department of health. Repeals provisions requiring transfer of public health nurses from the department of health to the department of education.

