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# 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 a repeal of the transfer from the department  
5 of health to the department of education as specified in Act 51,  
6 as amended, of public health nurses who supervise school health  
7 aides, and a transfer of only school health aides on July 1,  
8 2007.

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



1 to the schools through the weighted student formula. However,  
2 the department of education has made a policy decision not to  
3 allocate school health aide positions through the weighted  
4 student formula for the fiscal biennium 2007-2009.

5 Both departments recognize that transferring public health  
6 nurse positions to the department of education would require the  
7 department of health to request replacement positions to carry  
8 out essential public health functions.

9 Additionally, the number of public health nurses that would  
10 be transferred to the department of education would be  
11 insufficient to provide the level of supervision necessary for  
12 the school health services program. Both departments have  
13 concluded that the best method of supporting the school health  
14 services program is to provide clinical supervision for school  
15 health aides through a service level agreement or memorandum of  
16 understanding.

17 School health aides are the primary component of the school  
18 health services program established within the department of  
19 health. The legislature finds that transferring school health  
20 aides to the department of education should also be accompanied  
21 by transferring the school health services program.

22 The purpose of this Act is to:



- 1 (1) Repeal the school health services program currently  
2 operating within the department of health;
- 3 (2) Repeal the transfer from the department of health to  
4 department of education of public health nurses who  
5 supervise the school health aides; and
- 6 (3) Create a school health services program in the  
7 department of education.

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

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

12 **§302A- Purpose; establishment of program.** The purpose  
13 of this part is to establish a statewide school health services  
14 program. There shall be within the department of education a  
15 permanent comprehensive school health services program for  
16 grades kindergarten through twelve in all of the public schools  
17 of this state. It is in the general welfare of the State to  
18 protect, preserve, care for, and improve the physical and mental  
19 health of Hawaii's children by making available at the public  
20 schools, first aid and emergency care, preventive health care,  
21 health appraisals and follow-ups, and health room facilities.



1           **§302A-        Teenage health program.** The department of  
2 education, in cooperation with the department of health, may  
3 establish a statewide teenage health program designed to:

- 4           (1) Enhance self-esteem;
- 5           (2) Facilitate communication between students and their  
6           parents;
- 7           (3) Incorporate ho'oponopono techniques in group  
8           discussions;
- 9           (4) Expand peer counseling efforts; and
- 10          (5) Provide more counseling opportunities.

11 In implementing this program, the department shall strive to  
12 respect and include the diverse needs and values of parents and  
13 teenagers 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 number of health aides necessary  
19 to service each public school. The department may provide  
20 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 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) Health aides shall have the same working schedule and  
10 leave allowance as school teachers in the department.

11 **§302A- Rules.** The superintendent of education shall  
12 adopt rules pursuant to chapter 91 for the purposes of this  
13 part."

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

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

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



1 (A) Funding of collective bargaining agreement  
2 increases; and  
3 (B) Securing, administering use, and expending of  
4 federal funds and other aid, including their  
5 custodial supervision; and  
6 (2) The department of health relating to school health  
7 aides [~~and public health nurses who supervise school~~  
8 ~~health aides~~],  
9 are transferred to the department of education effective July 1,  
10 2007, subject to repeal by subsequent legislation.

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

16 SECTION 4. Chapter 321, part XIX, Hawaii Revised Statutes,  
17 is repealed.

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

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



**Report Title:**

DOE; DOH; School Health; School Health Services Program

**Description:**

Repeals the school health services program within the Department of Health. Repeals the transfer of public health nurses from the Department of Health to the Department of Education. Establishes a school health services program within the Department of Education. (HB16 HD1)

