A BILL FOR AN ACT

RELATING TO EDUCATION.

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

1	PART I
2	SCHOOLS OUR KEIKI DESERVE ACT
3	SECTION 1. This Act shall be known and may be cited as the
4	"Schools Our Keiki Deserve Act".
5	PART II
6	WHOLE CHILD EDUCATION
7	SECTION 2. The legislature finds that arts, music, and
8	Hawaiian cultural curricula are important parts of a well-
9	rounded education that addresses the developmental needs of the
10	whole child. According to a 2014 study performed by Lois
11	Hetland and Ellen Winner of the Harvard Graduate School of
12	Education, education in music and drama shows a generalizable
13	causal relationship to increases in verbal achievement and
14	spatial reasoning. Additionally, in 2013, researchers in the
15	Department of Education Reform at the University of Arkansas
16	found that instruction in visual arts led to gains in critical

1	thinking skills. Arts and cultural studies also encourage
2	students to solve communal problems with creative thinking.
3	Accordingly, the purpose of this part is to expand arts,
4	cultural, and native Hawaiian educational curricula in public
5	schools.
6	SECTION 3. Chapter 302A, Hawaii Revised Statutes, is
7	amended by adding a new section to part II to be appropriately
8	designated and to read as follows:
9	"§302A- Whole child education. (a) Notwithstanding any
10	other law to the contrary, beginning with the 2020-2021 school
11	year, all public schools shall provide whole child education as
12	follows:
13	(1) For all public elementary schools, twenty per cent of
14	student hours shall be allocated to whole child
15	education; and
16	(2) For all public middle and intermediate schools, ten
17	per cent of student hours shall be allocated to whole
18	child education.
19	(b) As used in this section:
20	"Student hours" has the same meaning as used in section
21	302A-251.

1	"Whole child education" means instruction in visual arts,
2	music, theater, dance, Hawaiian and Polynesian studies, Hawaiian
3	language, native Hawaiian culture, native Hawaiian traditional
4	and customary practices, and physical education."
5	PART III
6	EARLY CHILDHOOD EDUCATION
7	SECTION 4. Act 109, Session Laws of Hawaii 2015,
8	established the executive office on early learning public
9	prekindergarten program to be administered by the executive
10	office on early learning and provided through department of
11	education public schools and public charter schools.
12	The purpose of this part is to mandate universal preschool
13	for all eligible children by the 2023-2024 school year.
14	SECTION 5. Section 302L-7, Hawaii Revised Statutes, is
15	amended by amending subsection (b) to read as follows:
16	"(b) The program shall serve children in the year prior to
17	the year of kindergarten eligibility, with priority extended to
18	underserved or at-risk children, as defined in section 302L-1.
19	No later than the 2023-2024 school year, the program shall be
20	available to all children in the year prior to the year of
21	kindergarten eligibility. Enrollment priority shall be given

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- 1 but is not limited to children who attend prekindergarten at
- 2 schools to which the children will be assigned upon entering
- 3 kindergarten under section 302A-1143."

4 PART IV

5 SPECIAL EDUCATION

6 SECTION 6. The legislature finds that special education

7 services, including academic, speech-language, psychological,

8 physical and occupational, and counseling accommodations, meet

9 the unique needs of students with disabilities. Governed by

10 federal and state regulations, special education services are

11 available to eligible students in ages three to twenty-two who

12 demonstrate a need for specially designed instruction.

13 The legislature further finds that closing the achievement

gap between special needs students and their general education

15 peers is a strategic priority for the department of education.

16 Yet, special education teachers lack the necessary resources to

17 provide a free and appropriate education to their students. For

18 the 2017-2018 school year, the statewide achievement gap between

19 high needs and non-high needs students, which includes English

20 language learners, economically disadvantaged keiki, and

21 students receiving special education services, stood at thirty-

- 1 two percentage points for language arts and twenty-eight
- 2 percentage points for math.
- 3 The legislature additionally finds that Hawaii's teacher
- 4 shortage disproportionately harms special needs students.
- 5 According to departmental employment data, in the Nanakuli-
- 6 Waianae Complex Area, eighteen of nineteen special education
- 7 teacher hires for the 2017-2018 school year, and fifty-seven of
- 8 sixty-three special education teacher hires between the 2015-
- 9 2016 and 2017-2018 school years had no special education
- 10 teaching license.
- 11 The purpose of this part is to ensure a quality educational
- 12 experience for all special needs students by:
- 13 (1) Providing special education teachers with additional
- 14 preparation time to complete individualized education
- program tasks;
- 16 (2) Providing special education teachers with \$1,690 per
- year for instructional materials; and
- 18 (3) Establishing a teacher recruitment program to recruit
- high school students into the teaching profession.

1	SECTION 7. Chapter 302A, Hawaii Revised Statutes, is
2	amended by adding two new sections to be appropriately
3	designated and to read as follows:
4	"§302A- Special education; instructional support. (a)
5	Special education teachers shall have no fewer than forty hours
6	per year for preparation and completion of tasks related to
7	individualized education programs; provided that preparation
8	time provided by this section shall be in addition to planning
9	time and preparation periods specified in a collectively
10	bargained agreement negotiated for bargaining unit (5) and in
11	force for that time period.
12	(b) Additional preparation time established pursuant to
13	this section shall be used during the school day at the
14	discretion of the special education teacher.
15	(c) Beginning with the 2019-2020 fiscal year, and each
16	fiscal year thereafter, the legislature shall consider making an
17	appropriation to the department to provide an annual allocation
18	to each special education teacher for instructional materials
19	and classroom resources.
20	§302A- Teacher recruitment program. (a) The department
21	shall establish a teacher recruitment program for the purpose of

1	recruiting	g high school students to become public school
2	teachers.	
3	(b)	As part of the teacher recruitment program, the
4	department	shall post on its website information regarding:
5	(1)	The job description for a public school teacher;
6	(2)	Requirements to become a licensed and certified public
7		school teacher;
8	(3)	Financial assistance available for students seeking to
9		enroll in state approved teacher education programs;
10		and
11	(4)	Educational and financial incentives available for
12		public school teachers, including for teachers
13		employed in hard-to-fill schools, special education
14		teachers, and national board-certified teachers."
15	SECT	ION 8. There is appropriated out of the general
16	revenues o	of the State of Hawaii the sum of \$3,500,000 or so much
17	thereof as	s may be necessary for fiscal year 2019-2020 for the
18	department	of education to provide up to \$1,690 to each special
19	education	teacher for instructional materials and classroom
20	resources	

1	The sum appropriated shall be expended by the department of
2	education for the purposes of this Act.
3	SECTION 9. There is appropriated out of the general
4	revenues of the State of Hawaii the sum of \$75,000 or so much
5	thereof as may be necessary for fiscal year 2019-2020 for the
6	establishment of one full-time equivalent (1.00 FTE) teacher
7	recruitment and retention specialist position (EDN 300) within
8	the department of education.
9	The sum appropriated shall be expended by the department of
10	education for the purposes of this Act.
11	PART V
12	ACADEMIC AND FINANCIAL PLANNING
13	SECTION 10. The legislature finds that Act 51, Session
14	Laws of Hawaii 2004, also known as the "Reinventing Education
15	Act of 2004," empowered principals and school community councils
16	with academic and financial planning for public schools.
17	However, Act 51 did not emphasize the role of teachers in
18	academic and financial planning despite the importance of
19	teachers in determining school performance and student success.
20	Additionally, the weighted student formula established by Act 53
21	did not fully address staffing shortfalls for certain positions

1	at public schools, including library media specialists and
2	counselors.
3	Accordingly, the purpose of this part is to increase the
4	participation of teachers in academic and financial planning and
5	require all public schools to have a library media specialist
6	and counselor on staff.
7	SECTION 11. Chapter 302A, Hawaii Revised Statutes, is
8	amended by adding a new section to part IV to be appropriately
9	designated and to read as follows:
10	"§302A- Principal; authority and responsibility. The
11	role of the principal shall include but not be limited to
12	overseeing the day-to-day management of the school, the primary
13	function of which is to develop and deliver instructional
14	services to students in accordance with statewide educational
15	policy and to enable students to meet or exceed statewide
16	academic standards. The principal shall:
17	(1) Ensure that the curriculum facilitates the achievement
18	of the statewide student performance standards adopted
19	for the public school system;

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1	(2)	Develop and present to the school community council,
2		in consultation with teachers and other educational
3		officers, academic and financial plans relating to the
4		school, provided that academic and financial plans
5		shall only be presented to the school community
6		council after being submitted to a vote of the
7		school's teachers;
8	(3)	Exercise authority over the implementation of the
9		budget, policies, and operations of the school; and
10	(4)	Collaborate with other principals in the principal's
11		school complex to ensure that:
12		(A) Logical, sequential curricula are adopted within
13		the school complex;
14		(B) Best practices are shared among and implemented
15		by schools within the school complex;
16		(C) The goals and objectives of the school complex
17		are being met;
18		(D) The use of school complex-based personnel and
19		contractors who divide their time between more
20		than one school in a school complex is
21		coordinated to maximize efficiency; and

1	(E) The passage of students through the continuum of
2	grades is coordinated in a manner consistent with
3	section 302A-1004."
4	SECTION 12. Section 302A-1303.6, Hawaii Revised Statutes,
5	is amended to read as follows:
6	"§302A-1303.6 Weighted student formula. (a) Based upon
7	recommendations from the committee on weights, the board of
8	education may adopt a weighted student formula for the
9	allocation of moneys to public schools that takes into account
10	the educational needs of each student. The department, upon the
11	receipt of appropriated moneys, shall use the weighted student
12	formula to allocate funds to public schools. Principals, in
13	consultation with teachers and school community councils, shall
14	expend moneys provided to the principals' schools. This section
15	shall only apply to charter schools for fiscal years in which
16	the charter schools elect pursuant to section 302D-29 to receive
17	allocations according to the procedures and methodology used to
18	calculate the weighted student formula allocation.
19	(b) Notwithstanding any other law to the contrary,
20	beginning with the 2020-2021 school year, all public schools

1	shall hire at least one person to staff each of the following
2	positions:
3	(1) Librarian or library media specialist;
4	(2) Technology coordinator;
5	(3) Counselor; and
6	(4) Special education transition coordinator at all
7	secondary schools.
8	For schools at which these positions are vacant or do not exist,
9	additional moneys shall be provided through the weighted student
10	formula to carry out the requirements of this subsection."
11	PART VI
12	CLASSROOM SUPPLIES
12 13	SECTION 13. The legislature finds that in a survey
13	SECTION 13. The legislature finds that in a survey
13 14	SECTION 13. The legislature finds that in a survey conducted by the Hawaii State Teachers Association, forty-seven
13 14 15	SECTION 13. The legislature finds that in a survey conducted by the Hawaii State Teachers Association, forty-seven per cent of respondents cited personal expenditures of between
13 14 15 16	SECTION 13. The legislature finds that in a survey conducted by the Hawaii State Teachers Association, forty-seven per cent of respondents cited personal expenditures of between two hundred fifty dollars and five hundred dollars each year on
13 14 15 16 17	SECTION 13. The legislature finds that in a survey conducted by the Hawaii State Teachers Association, forty-seven per cent of respondents cited personal expenditures of between two hundred fifty dollars and five hundred dollars each year on classroom supplies, with many claiming expenditures in excess of

1	appropriating funds for a debit card system for purchasing
2	school supplies at the individual school level.
3	SECTION 14. Chapter 302A, Hawaii Revised Statutes, is
4	amended by adding a new section to part III to be appropriately
5	designated and to read as follows:
6	"§302A- Purchases of supplies; debit card system. (a)
7	The department may establish, use, and manage a school-based
8	debit card system for the purpose of purchasing school supplies
9	and other related curriculum support materials.
10	(b) The department may contract the services of another
11	entity to provide debit cards or any other related services to
12	implement a school-based debit card system.
13	(c) Debit card purchases under this section shall be
14	exempt from chapter 103D."
15	SECTION 15. There is appropriated out of the general
16	revenues of the State of Hawaii the sum of \$ or so much
17	thereof as may be necessary for fiscal year 2019-2020 for the
18	implementation of a debit card system based at the individual
19	school level for the purpose of purchasing school supplies and

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other related curriculum support supplies.

•	ine sams appropriated sharr be expended by the department
2	of education for the purposes of this Act.
3	PART VII
4	CLASS SIZE
5	SECTION 16. The legislature finds that the Institute of
6	Education Sciences, the research arm of the United States
7	Department of Education, concludes that class-size reduction is
8	one of only four evidence-based reforms that have been proven to
9	increase student achievement.
10	Experiments in Tennessee, Wisconsin, and other states have
11	demonstrated that students in smaller classes score better on
12	standardized tests, receive better grades, and exhibit improved
13	attendance. Moreover, these students benefiting the most from
14	smaller class sizes are from poor and minority backgrounds, who
15	experience twice the achievement gains of the average student.
16	Additionally, a study commissioned by the United States
17	Department of Education analyzed the achievement of students in
18	2,561 schools across the nation by their performance on the
19	National Assessment of Educational Progress exams. After
20	controlling for student background, the only objective factor
21	that correlated with higher test scores was class size.

1	The purpose of this part is to reduce class size in all			
2	grade levels.			
3	SECTION 17. Chapter 302A, Hawaii Revised Statutes, is			
4	amended by adding three new sections to part II to be			
5	appropriately designated and to read as follows:			
6	"§302A- Class size. (a) Notwithstanding any other law			
7	to the contrary:			
8	(1) Beginning with the 2021-2022 school year, excluding			
9	charter schools, no public elementary school class			
10	shall exceed an enrollment of twenty students; and			
11	(2) Beginning with the 2021-2022 school year, excluding			
12	charter schools, no public secondary school class			
13	shall exceed an enrollment of twenty-six students.			
14	(b) This section shall not apply to any class that			
15	provides instruction in band, orchestra, choir, or theater.			
16	§302A- Class size for students with disabilities. (a)			
17	The maximum number of students with disabilities that may be			
18	assigned to a teacher shall be as follows:			
19	(1) Beginning with the 2021-2022 school year, no inclusion			
20	class at any elementary school shall exceed an			
21	enrollment of fifteen students;			



exceed an enrollment of four students; (3) Beginning with the 2021-2022 school year, no inclused class at any secondary school shall exceed an enrollment of twenty students; and (4) Beginning with the 2021-2022 school year, no fully self-contained class at any secondary school shall exceed an enrollment of six students. (b) This section shall not apply to any class that provides instruction in band, orchestra, choir, or theatre. (c) As used in this section: "Fully self-contained class" means any class that provides instruction only to special education students.	1	(2)	Beginning with the 2021-2022 school year, no fully
d (3) Beginning with the 2021-2022 school year, no inclused class at any secondary school shall exceed an enrollment of twenty students; and (4) Beginning with the 2021-2022 school year, no fully self-contained class at any secondary school shall exceed an enrollment of six students. (b) This section shall not apply to any class that provides instruction in band, orchestra, choir, or theatre. (c) As used in this section: "Fully self-contained class" means any class that provide instruction only to special education students. "Inclusion class" means any class that provides instruct to both general education and special education students. S302A- Class size for students with limited English proficiency. (a) The maximum number of students with limited English proficiency that may be assigned to a teacher shall	2		self-contained class at any elementary school shall
class at any secondary school shall exceed an enrollment of twenty students; and (4) Beginning with the 2021-2022 school year, no fully self-contained class at any secondary school shall exceed an enrollment of six students. (b) This section shall not apply to any class that provides instruction in band, orchestra, choir, or theatre. (c) As used in this section: "Fully self-contained class" means any class that provided instruction only to special education students. "Inclusion class" means any class that provides instruction both general education and special education students. S302A- Class size for students with limited English proficiency. (a) The maximum number of students with limited English proficiency that may be assigned to a teacher shall	3		exceed an enrollment of four students;
enrollment of twenty students; and (4) Beginning with the 2021-2022 school year, no fully self-contained class at any secondary school shall exceed an enrollment of six students. (b) This section shall not apply to any class that provides instruction in band, orchestra, choir, or theatre. (c) As used in this section: "Fully self-contained class" means any class that provide instruction only to special education students. "Inclusion class" means any class that provides instruction both general education and special education students. Saughand Class size for students with limited English proficiency. (a) The maximum number of students with limited English proficiency that may be assigned to a teacher shall	4	(3)	Beginning with the 2021-2022 school year, no inclusion
8 self-contained class at any secondary school shall 9 exceed an enrollment of six students. 10 (b) This section shall not apply to any class that 11 provides instruction in band, orchestra, choir, or theatre. 12 (c) As used in this section: 13 "Fully self-contained class" means any class that provided instruction only to special education students. 15 "Inclusion class" means any class that provided to both general education and special education students. 16 to both general education and special education students. 17 \$302A- Class size for students with limited English 18 proficiency. (a) The maximum number of students with limited English proficiency that may be assigned to a teacher shall	5		class at any secondary school shall exceed an
self-contained class at any secondary school shall exceed an enrollment of six students. (b) This section shall not apply to any class that provides instruction in band, orchestra, choir, or theatre. (c) As used in this section: "Fully self-contained class" means any class that provide instruction only to special education students. "Inclusion class" means any class that provides instruction both general education and special education students. Signature Signature Class size for students with limited English proficiency. (a) The maximum number of students with limited English proficiency that may be assigned to a teacher shall	6		enrollment of twenty students; and
exceed an enrollment of six students. (b) This section shall not apply to any class that provides instruction in band, orchestra, choir, or theatre. (c) As used in this section: "Fully self-contained class" means any class that provide instruction only to special education students. "Inclusion class" means any class that provides instruction both general education and special education students. Sauza- Class size for students with limited English proficiency. (a) The maximum number of students with limited English proficiency that may be assigned to a teacher shall	7	(4)	Beginning with the 2021-2022 school year, no fully
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provides instruction in band, orchestra, choir, or theatre. (c) As used in this section: "Fully self-contained class" means any class that provided instruction only to special education students. "Inclusion class" means any class that provides instruction both general education and special education students. Saught Class size for students with limited English proficiency. (a) The maximum number of students with limited English English proficiency that may be assigned to a teacher shall	9		exceed an enrollment of six students.
12 (c) As used in this section: 13 "Fully self-contained class" means any class that provided instruction only to special education students. 15 "Inclusion class" means any class that provides instruction both general education and special education students. 16 to both general education and special education students. 17 §302A- Class size for students with limited English 18 proficiency. (a) The maximum number of students with limited English proficiency that may be assigned to a teacher shall	10	(b)	This section shall not apply to any class that
"Fully self-contained class" means any class that provided instruction only to special education students. "Inclusion class" means any class that provides instruct to both general education and special education students. Sauza- Class size for students with limited English proficiency. (a) The maximum number of students with limited English proficiency that may be assigned to a teacher shall	11	provides	instruction in band, orchestra, choir, or theatre.
instruction only to special education students. "Inclusion class" means any class that provides instruct to both general education and special education students. S302A- Class size for students with limited English proficiency. (a) The maximum number of students with limited English proficiency that may be assigned to a teacher shall	12	(c)	As used in this section:
"Inclusion class" means any class that provides instruct to both general education and special education students. S302A- Class size for students with limited English proficiency. (a) The maximum number of students with limit English proficiency that may be assigned to a teacher shall	13	<u>"Ful</u>	ly self-contained class" means any class that provides
to both general education and special education students. S302A- Class size for students with limited English proficiency. (a) The maximum number of students with limit English proficiency that may be assigned to a teacher shall	14	instructi	on only to special education students.
17 <u>§302A-</u> <u>Class size for students with limited English</u> 18 <u>proficiency.</u> (a) The maximum number of students with limit 19 English proficiency that may be assigned to a teacher shall	15	"Inc	lusion class" means any class that provides instruction
18 proficiency. (a) The maximum number of students with limit 19 English proficiency that may be assigned to a teacher shall	16	to both g	eneral education and special education students.
19 English proficiency that may be assigned to a teacher shall	17	<u>§302</u>	A- Class size for students with limited English
	18	proficien	cy. (a) The maximum number of students with limited
20 as follows:	19	English p	roficiency that may be assigned to a teacher shall be
	20		



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1	(1)	Beginning with the 2021-2022 school year, no content-					
2		based English language learning class at any					
3		elementary school shall exceed an enrollment of					
4		fifteen students; and					
5	(2)	Beginning with the 2021-2022 school year, no content-					
6		based English language learning class at any secondary					
7		school shall exceed an enrollment of twenty students.					
8	(b)	As used in this section, "content-based English					
9	language	learning class" means any class providing instruction					
10	only to s	tudents with limited English language proficiency."					
11		PART VIII					
12	SECT	ION 18. Statutory material to be repealed is bracketed					
13	and stric	ken. New statutory material is underscored.					
14	SECT	ION 19. This Act shall take effect on July 1, 2019.					
15		INTRODUCED BY:					
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	HB HMS 2018-4392 JAN 2 2 2019						

Report Title:

Schools Our Keiki Deserve Act; Education Omnibus; Whole Child Education; Early Childhood Education; Special Education; Classroom Supplies; Class Size; Appropriation

Description:

Encourages whole child education through expanding arts, culture, and native Hawaiian educational curricula in public schools. Supports the Department of Education and teachers through early childhood education, special education, academic and financial planning, classroom supplies, and reducing class size. Appropriates funds.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.