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# A BILL FOR AN ACT

RELATING TO EDUCATION.

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

1 PART I

2 SECTION 1. The legislature finds that the department of  
3 education is the only public education system in the country  
4 that is wholly state funded. This singular funding status has  
5 resulted in the department of education facing unique challenges  
6 to utilizing funds provided by the federal government to offset  
7 the negative economic impacts of the COVID-19 pandemic.

8 The legislature also finds that the states that receive  
9 certain federal funds, including moneys from the Elementary and  
10 Secondary School Emergency Relief Funds established by the  
11 Coronavirus Aid, Relief, and Economic Security Act, Public  
12 Law 116-136 (CARES Act), and the Coronavirus Response and Relief  
13 Supplemental Appropriations Act, 2021, Public Law 116-260 (CRRS  
14 Appropriations Act), are required to assure that they will  
15 maintain support for education programs during fiscal years  
16 2019-2020 and 2020-2021 by meeting certain benchmarks.



1           The legislature further finds that the CARES Act created  
2 the federal Education Stabilization Fund. The State, through  
3 the department of education, must comply with the provisions of  
4 the federal Education Stabilization Fund as set forth in  
5 sections 18006, 18008, 315, and 317 of the CARES Act in order to  
6 receive and expend CARES Act and CRRS Appropriations Act moneys.  
7 In accepting and expending federal CARES Act and CRRS  
8 Appropriations Act moneys, it is the legislature's intent that  
9 the department of education employees who are subject to a  
10 collective bargaining agreement continue to receive their pay.

11           The legislature also finds that the State, through the  
12 department of education, must also comply with the "maintenance  
13 of effort" provisions set forth in section 18008 of the CARES  
14 Act. These provisions require funding for public education to  
15 be maintained at the same funding levels as in fiscal years  
16 2017, 2018, and 2019, for those funds that are part of the CARES  
17 Act, and at a proportional funding level for the CRRS  
18 Appropriations Act.

19           The legislature declares that it does not support any  
20 attempts by the superintendent of education to seek a waiver  
21 from the Secretary of Education.





1 to chapter 89, Hawaii Revised Statutes, and who are employed at  
2 the school level, including any budget reduction that results in  
3 a layoff, furlough, or pay reduction; provided that:

4 (1) The moneys appropriated shall not be expended for any  
5 other purpose;

6 (2) The funds appropriated shall not be released to or  
7 expended by the department of education unless the  
8 board of education and superintendent of education  
9 certify in writing that the board, superintendent, and  
10 department agree to the conditions set forth in this  
11 part and that the funds shall only be used for  
12 salaries and wages of department of education officers  
13 and employees who are subject to a collective  
14 bargaining agreement executed pursuant to chapter 89,  
15 Hawaii Revised Statutes, and who are employed at the  
16 school level;

17 (3) Section 37-41.5, Hawaii Revised Statutes, shall not  
18 apply to moneys appropriated by this part; and

19 (4) Moneys appropriated by this part for fiscal year  
20 2020-2021 shall not lapse at the end of that fiscal  
21 year; provided further that all moneys appropriated by





1           (2) The funds appropriated shall not be released to or  
2           expended by the department of education unless the  
3           board of education and superintendent of education  
4           certify in writing that the board, superintendent, and  
5           department agree to the conditions set forth in this  
6           part and that the funds shall only be used for  
7           salaries and wages of department of education officers  
8           and employees who are subject to a collective  
9           bargaining agreement executed pursuant to chapter 89,  
10          Hawaii Revised Statutes, and who are employed at the  
11          school level;

12          (3) Section 37-41.5, Hawaii Revised Statutes, shall not  
13          apply to moneys appropriated by this part; and

14          (4) Moneys appropriated by this part for fiscal year  
15          2021-2022 shall not lapse at the end of that fiscal  
16          year; provided further that all moneys appropriated by  
17          this part that are unencumbered as of June 30, 2023,  
18          shall lapse.

19          The sums appropriated shall be expended by the department  
20          of education for the purposes of this part.



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PART IV

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SECTION 5. This Act shall take effect on July 1, 2050;

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provided that part II shall take effect upon its approval.



**Report Title:**

State Programs; DOE; ESSER Funds; Personnel Costs; CARES Act; CRRS Appropriations Act; Appropriation; Emergency Appropriation

**Description:**

Makes an emergency appropriation for fiscal year 2020-2021 from elementary and secondary school emergency relief fund (ESSER funds) moneys received by the State from the CARES Act and CRRS Appropriations Act to offset any budget reductions that are identified or proposed by the department of education and the governor that would result in the reduction of personnel who are subject to a collective bargaining agreement pursuant to chapter 89, HRS, and who are employed at the school level, including any budget reduction that results in a layoff, furlough, or pay reduction. Requires BOE and superintendent of education to certify in writing that BOE, superintendent, and DOE agree to certain conditions, including that the funds appropriated shall be used only for salaries and wages of officers and employees who are subject to a collective bargaining agreement and are employed at the school level. Makes an appropriation for fiscal years 2021-2022 and 2022-2023 from the same source of funding and with the same conditions. Effective 7/1/2050. (HD2)

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

