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# A BILL FOR AN ACT

RELATING TO THE HAWAII CHILD NUTRITION PROGRAM.

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

1           SECTION 1. The legislature finds that the Hawaii child  
2 nutrition programs is the state agency link between the United  
3 States Department of Agriculture Food and Nutrition Service and  
4 local program operators. The agency conducts audits, provides  
5 technical assistance, and disburses federal funds while ensuring  
6 the programs are managed according to federal requirements.

7           The legislature further finds that the Hawaii child  
8 nutrition programs has a critical role in ensuring the  
9 department of education reaches the programmatic goal  
10 established in Act 175, Session Laws of Hawaii 2021, to provide  
11 at least thirty per cent locally grown food in the State's  
12 public schools by 2030. However, additional resources and staff  
13 dedicated to farm-to-school connections are needed to ensure the  
14 department of education meets its "30 by 30" goal.

15           The legislature also finds that the Hawaii child nutrition  
16 programs is an agency attached to the department of education  
17 under the board of education. However, it is critical from an



1 ethical standpoint for the Hawaii child nutrition programs to be  
2 independent of the department of education's school food  
3 services branch to prevent its preferential treatment. The  
4 Hawaii child nutrition programs office should be moved from the  
5 department of education to the department of human services to  
6 allow the Hawaii child nutrition programs to conduct compliance  
7 audits and fiscal reviews without interference from the school  
8 food services branch.

9 The purpose of this Act is to:

- 10 (1) Establish the Hawaii child nutrition programs in the  
11 department of human services;
- 12 (2) Fund grant-based programs to be administered through  
13 the Hawaii child nutrition programs; and
- 14 (3) Establish three permanent full-time equivalent (3.0  
15 FTE) within the Hawaii child nutrition programs to  
16 support the State's programmatic goals.

17 SECTION 2. The Hawaii Revised Statutes is amended by  
18 adding a new chapter to be appropriately designated and to read  
19 as follows:

20 "CHAPTER

21 HAWAII CHILD NUTRITION PROGRAMS



1           **§ -1 Definitions.** As used in this chapter, "agency"  
2 means the Hawaii child nutrition programs agency.

3           **§ -2 Hawaii child nutrition programs agency; purpose.**

4           (a) There is established within the department of human  
5 services for administrative purposes only, the Hawaii child  
6 nutrition programs agency. The agency shall serve as the state  
7 link between the United States Department of Agriculture Food  
8 and Nutrition Services and local program operators.

9           (b) The purpose of the Hawaii child nutrition programs  
10 agency is to conduct audits, provide technical assistance,  
11 disburse federal funds to local program operators, and  
12 administer and award grants to promote the purchasing of locally  
13 grown foods by all schools in the State participating in the  
14 United States Department of Agriculture child nutrition  
15 programs.

16           **§ -3 Positions.** (a) The farm to school division within  
17 the agency shall be headed by a farm to school coordinator who  
18 shall execute, administer, and award grants to develop farm to  
19 school programs to purchase local goods for consumption in  
20 school food programs; purchase cafeteria equipment and provide



1 facilities upgrades for school production kitchens; train school  
2 cafeteria staff; and develop school garden cafeteria curriculum.

3 (b) The agency shall employ two permanent full-time  
4 equivalent positions as follows:

5 (1) A Hawaii child nutrition program accountant who shall  
6 disburse funds to grantees; review quarterly reports  
7 submitted by grantees for compliance; provide  
8 technical assistance to schools related to United  
9 States Department of Agriculture resource management  
10 and procurement regulations, if appropriate; and  
11 provide an annual accounting report to the legislature  
12 on the disbursement of funds to the school complex  
13 areas; and

14 (2) A farm to school farmer support position to assist the  
15 farm to school coordinator; provide technical  
16 assistance to farmers and producers to navigate the  
17 procurement process to comply with United States  
18 Department of Agriculture regulations; engage more  
19 small farmers and producers to conduct businesses with  
20 schools; and assist farmer and producers in improving  
21 channels of communication with schools.



1           **§ -4 Grants.** (a) The agency shall administer a grant  
2 program to support the State's public schools by funding the  
3 initiatives described in subsection (c).

4           (b) Funding shall be used for the purposes described in  
5 subsection (c); provided that no more than two per cent of the  
6 funding retained by the grantee may be used for administration  
7 costs. Funding retained by project partners for data  
8 collection, outreach, and training may not exceed one per cent  
9 for each project partner.

10          (c) Grants shall be awarded to:

11           (1) Fund purchase of minimally processed local food  
12           products;

13           (2) Fund equipment to increase the use and preparation of  
14           minimally processed local foods in school meals;

15           (3) Fund professional development to educate children  
16           about good nutrition and farm-to-school connections;

17           and

18           (4) Fund technical assistance to increase participation in  
19           federal child nutrition programs.

20          (d) In determining recipients for grants related to farm-  
21 to-school education and increase in participation in federal



1 child nutrition programs, the agency shall prefer grantees who  
2 propose educational activities that meet one or more of the  
3 following:

- 4 (1) Promotion of healthy food activities;
- 5 (2) Clear educational objectives;
- 6 (3) Involvement of parents or the community;
- 7 (4) Connect to a school or child care center's farm-to-  
8 school or farm-to-early-child-care procurement  
9 activities; and
- 10 (5) Marketing and promoting the program, which will lead  
11 to increased pupil knowledge and consumption of  
12 Hawaii-grown products.

13 **§ -5 Reports to the legislature.** The agency shall  
14 submit a report on the disbursement of funds awarded pursuant to  
15 section -4 to the legislature no later than twenty days prior  
16 to the convening of each regular session."

17 SECTION 3. All employees of the Hawaii child nutrition  
18 program who occupy civil service positions and whose functions  
19 are transferred to the department of human services by this Act  
20 shall retain their civil service status, whether permanent or  
21 temporary. Employees shall be transferred without loss of



1 salary, seniority (except as prescribed by applicable collective  
2 bargaining agreements), retention points, prior service credit,  
3 any vacation and sick leave credits previously earned, and other  
4 rights, benefits, and privileges, in accordance with state  
5 personnel laws and this Act; provided that the employees possess  
6 the minimum qualifications and public employment requirements  
7 for the class or position to which transferred or appointed, as  
8 applicable; provided further that subsequent changes in status  
9 may be made pursuant to applicable civil service and  
10 compensation laws.

11 Any employee who, prior to this Act, is exempt from civil  
12 service and is transferred as a consequence of this Act may  
13 retain the employee's exempt status, but shall not be appointed  
14 to a civil service position as a consequence of this Act. An  
15 exempt employee who is transferred by this Act shall not suffer  
16 any loss of prior service credit, vacation or sick leave credits  
17 previously earned, or other employee benefits or privileges as a  
18 consequence of this Act; provided that the employees possess  
19 legal and public employment requirements for the position to  
20 which transferred or appointed, as applicable; provided further



1 that subsequent changes in status may be made pursuant to  
2 applicable employment and compensation laws.

3 SECTION 4. All appropriations, records, equipment,  
4 machines, files, supplies, contracts, books, papers, documents,  
5 maps, and other personal property heretofore made, used,  
6 acquired, or held by the department of education relating to the  
7 functions transferred to the department of human services shall  
8 be transferred with the functions to which they relate.

9 SECTION 5. There is appropriated out of the general  
10 revenues of the State of Hawaii the sum of \$ or so  
11 much thereof as may be necessary for fiscal year 2023-2024 and  
12 the same sum or so much thereof as may be necessary for fiscal  
13 year 2024-2025 to fund grants administered by the Hawaii child  
14 nutrition programs agency for the 2023-2024 school year.

15 The sums appropriated shall be expended by the department  
16 of human services for the purposes of this Act.

17 SECTION 6. There is appropriated out of the general  
18 revenues of the State of Hawaii the sum of \$ or so  
19 much thereof as may be necessary for fiscal year 2023-2024 and  
20 the same sum or so much thereof as may be necessary for fiscal  
21 year 2024-2025 for the establishment of:





- 1           (1) One permanent full-time equivalent (1.0 FTE) farm to
- 2           school coordinator;
- 3           (2) One permanent full-time equivalent (1.0 FTE) Hawaii
- 4           child nutrition programs accountant; and
- 5           (3) One permanent full-time equivalent (1.0 FTE) farm to
- 6           school farmer support position.

7           The sums appropriated shall be expended by the department  
8 of human services for the purposes of this Act.

9           SECTION 7. This Act shall take effect on June 30, 3000.



**Report Title:**

Hawaii Child Nutrition Programs; DHS; Grants; Positions;  
Appropriation

**Description:**

Establishes the Hawaii child nutrition programs agency in the department of human services. Establishes a grant program to support the funding of certain initiatives for the State's public schools. Establishes three permanent full-time equivalent positions (3.0 FTE). Appropriates funds. Effective 6/30/3000. (HD1)

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

