

ACT 295

S.B. NO. 2253

A Bill for an Act Relating to Education.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that there is no issue more encompassing, more compelling, or more pervasive within the State than education. No individual is immune from the powerful effects of an educational system on all aspects of life. From the home to the neighborhood to the workplace to the school, education is a community issue.

Hawaii's public school system is vital in preparing Hawaii's children to develop the skills needed to function effectively in a rapidly changing, global, and interdependent society.

The purpose of this Act is to empower schools by giving them greater flexibility and autonomy in order to achieve improvements in student learning. This bill also provides for an educational system that encompasses the principle of lifelong learning which helps each individual realize his or her fullest potential as a productive citizen and contributing member of society, and assures the best quality of life for all of Hawaii's people. The legislature hopes to accomplish this objective by:

- (1) Requiring each individual school to prioritize its repair and maintenance projects;
- (2) Requiring the governor to develop incentives that would encourage

- and allow the private sector to make contributions to the educational system;
- (3) Permitting school/community-based management councils to become involved in the selection of school personnel;
 - (4) Encouraging reform and innovation in collective bargaining negotiations between the State and the unions;
 - (5) Extending the term of the commission on performance standards, and requiring the commission to consider performance standards that are results-driven and to develop a model for future assessment on a school-by-school basis;
 - (6) Conducting a review of chapters 26 and 37 as they relate to education;
 - (7) Conducting an inventory of all "add-on" programs or activities that are related to education and are currently competing with the ongoing basic skills program in the curriculum of Hawaii's public school system;
 - (8) Endorsing the concepts of project Ke Au Hou and requiring the implementation of a business manager program at the secondary school level; and
 - (9) Requiring the department of education to evaluate and implement the recommendations of the Task Force on Educational Governance where possible.

PART I. FINANCIAL REFORMS

SECTION 2. Prioritization of repair and maintenance. Each school shall meet with the department of accounting and general services on an annual basis to advise the department of school needs. Before any repair and maintenance projects for the upcoming fiscal year are implemented, each individual school administration shall prioritize and approve its repair and maintenance needs, and approve the scope of the implementation plan for the individual projects. After schools have prioritized their repair and maintenance projects, a statewide list shall be prepared, reviewed, and approved by the department of education, provided that the department may make adjustments among schools and districts. Each school repair and maintenance priority listing shall be approved by the individual school administration and submitted to the department of accounting and general services for implementation. The department of accounting and general services shall implement the school repair and maintenance program in accordance with the priorities set forth by the individual school administration.

SECTION 3. Private sector support incentives. A key component of school/community-based management is participation by the private sector and, accordingly, the private sector should have a more significant role in promoting and supporting educational reform. The governor, in consultation with the directors of finance and taxation, the director of the office of state planning, and the superintendent of education, shall develop and report on incentives to encourage public/private partnerships in education and private sector financial or other material support for public schools, in addition to any means already provided by law. The governor shall submit a report to the legislature no later than twenty days prior to the convening of the 1993 regular session on progress made toward increasing private support for public education.

PART II. STRUCTURAL REFORMS

SECTION 4. The Hawaii Revised Statutes is amended by adding a new section to be appropriately designated and to read as follows:

“§ - **Selection of school personnel.** School/community-based management councils may participate in the selection of school personnel by providing input into the selection process.”

SECTION 5. **Negotiation of reform and innovation.** The State has a long and well-established public policy that recognizes the right of public employees to organize and negotiate on matters of wages, hours, and other conditions of employment. However, the legislature recognizes the need to broaden the perspectives of the public employer and exclusive collective bargaining representative such that negotiations include consideration of student needs and the facilitation and promotion of shared decision-making at the school level.

The board of education and exclusive bargaining representatives of teachers and educational officers are encouraged to negotiate changes that focus on the needs of students and promote decision-making at the school level to facilitate the restructuring of public education to include but not be limited to: extension of the school day; extension or reconfiguration of the traditional school year; and other innovations in collective bargaining agreements. Where necessary, the parties may make recommendations to the legislature to provide additional resources that may be required to implement proposed reforms.

PART III. REVIEW AND ASSESSMENT

SECTION 6. Act 334, Session Laws of Hawaii 1991, is amended as follows:

1. By amending section 3 to read:

“SECTION 3. The commission shall consist of eleven voting members. The superintendent of education, the chairperson of the board of education, and the president of the University of Hawaii, or their respective designated representatives shall serve as ex officio, voting members. The remaining eight members shall be appointed by the governor from a list of prospective appointees recommended by the board of education. The members shall represent a cross-section of the community.

The terms of all commission members shall terminate on June 30, [1993.] 1994. The commission shall select a chairperson and vice-chairperson from among its members.”

2. By amending section 4 to read:

“SECTION 4. The commission shall submit an interim report on performance standards and the means to assess educational achievement to the governor, the legislature, and the board of education by [June 30, 1992.] December 31, 1992. A final report shall be submitted to the governor, the legislature, and the board of education, twenty days prior to the convening of the regular session of [1993.] 1994.”

3. By amending section 5 to read:

"SECTION 5. For the purposes of this Act, "performance standards" means the levels of performance expected of students on assessments of educational achievement.

The means used to assess educational achievement may include multiple measures. These measures may include direct and indirect measures such as writing samples, portfolios, open-ended and essay questions, demonstrations, experiments, individual or group projects, or multiple-choice tests.

In conducting its work, the commission shall perform the following tasks:

- (1) Gather relevant data from a broad range of individuals and groups;
- (2) Conduct public forums to obtain broad-based community input on student performance standards;
- (3) Establish student performance standards based upon national goals for education, Hawaii goals for education, and the Hawaii department of education's foundation program objectives, student performance expectations, and essential competencies;
- (4) Recommend assessment methods appropriate for each recommended student performance standard;
- (5) Obtain baseline data reflecting current levels of achievement in the selected performance standards; [and]
- (6) Establish a schedule for development and implementation of these performance standards, assessment methods, and baseline data[.]; and
- (7) Develop an implementation model for future assessment on a school-by-school basis."

4. By amending section 6 to read:

"SECTION 6. The commission shall consider performance standards that are results-driven, balance direct and indirect measures, inform instruction, and are valid, reliable, and cost-effective."

SECTION 7. Review of existing statutes. The auditor shall review chapter 37 in general and specifically with regard to exempting the department of education from sections 37-31 through 37-42 relating to the allotment system, and chapter 26 in general and specifically with regard to the operation and maintenance of public buildings, for the purposes of determining whether current laws support, enhance, or restrict the administration and implementation of education restructuring designed to promote and enhance decision-making at the school level.

The auditor shall submit a report to the legislature no later than twenty days prior to the convening of the 1993 regular session and make recommendations concerning the inclusion, deletion, or amendment of current laws. Beginning July 1, 1993, provisions of chapters 26 and 37 which have an affect or impact on public schools that are not reenacted or amended during the 1993 regular session shall no longer apply to the department of education.

SECTION 8. Inventory of add-on programs. The legislature recognizes that the effectiveness of a school system rests in large part on its ability to teach students the basic academic skills which will enable them to live productive lives in society. A national study conducted by the Gallup Organization suggests that English, mathematics, history/government, and science are among the core courses that are considered to be in the "essential" category.

Additionally, the legislature is aware that over the years, a number of programs and activities have been added to the public school curriculum through legislative and other mandates. Undoubtedly, "add-on" programs provide students with the necessary instruction to "round-out" their curriculum. However, although beneficial, many of these "add-on" programs are competing with core curriculum courses for valuable instructional time and resources. It is the general perception that the quality of our educational system has suffered due to this over-burdening of our limited resources.

In light of the increasing demands placed on Hawaii's students to compete in an information-based and highly skilled society, the legislature believes that alternatives to increase learning opportunities in the schools should be explored and reviewed.

The legislative auditor shall conduct an inventory of all "add-on" programs or activities that are related to education and are currently on-going in the curriculum of Hawaii's public school system. The inventory shall be comprised of data including but not limited to:

1. A complete breakdown of the curricula offered for each grade level, kindergarten through the twelfth grade, categorized as either a core or "add-on" course; and
2. A comparative summary of the total amount of instructional hours and operational costs required to provide core courses versus "add-on" courses.

For the purposes of this part, "add-on" program or activity means any program or activity that:

- (1) Competes with the core curriculum for instructional time; or
- (2) Otherwise impacts or detracts from the core curriculum of the student.

The legislative auditor shall submit a report of findings to the legislature no later than twenty days before the convening of the regular session of 1993.

SECTION 9. Project Ke Au Hou and Business management program.

The legislature endorses the concept of Project Ke Au Hou and encourages its implementation. The legislature is committed to facilitating the consideration of requests for additional resources that may be needed by the department for the implementation of Project Ke Au Hou.

No officer or employee of the State shall suffer any loss of salary, seniority, prior service credit, vacation, sick leave, or other employee benefit as a consequence of the implementation of project Ke Au Hou. In the event that an office or position held by an officer or employee having tenure is abolished, the officer or employee shall not thereby be separated from public employment, but shall remain in the employment of the State with the same pay and classification and shall be transferred to some other office or position for which the officer or employee is eligible under personnel laws and collective bargaining agreements of the State, and applicable personnel regulations of the department of education.

The legislature encourages the executive branch to establish an ad hoc work group with sufficient staff expertise from other state agencies as may be required by the department of education, to facilitate the initial implementation of Project Ke Au Hou by no later than the beginning of the 1993 school year.

The department of education shall include as a component of Project Ke Au Hou the implementation of a business manager program at a limited number

of selected secondary schools. The department shall submit a report on the design of the program and identify any resources that may be required to implement the program no later than twenty days prior to the convening of the 1993 regular session.

SECTION 10. Implementation of the Educational Task Force recommendations. The department of education shall evaluate each of the recommendations of the Educational Task Force, except for the recommendations addressing constitutional implications (structure of the board, thirty per cent budget dedication, and two-thirds voting on bills relating to education), and shall implement, to the extent possible, those recommendations that the department determines will contribute to the reform of public education, that are within the authority of the department consistent with existing law, and that can be implemented within existing resources. The department shall submit an implementation progress report no later than twenty days prior to the convening of the 1993 Regular Session on the status of each of the Educational Task Force recommendations and shall fully explain the failure to implement any recommendation. Furthermore, for those recommendations requiring statutory changes or additional resources, the department shall conduct a study in consultation with other state agencies that may be affected by any statutory change for the purpose of identifying the most appropriate, viable, and cost-effective alternative.

SECTION 11. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 12. This Act shall take effect upon its approval.

(Approved June 29, 1992.)