

ACT 237

S.B. NO. 396

A Bill for an Act Relating to the Personnel of Public Schools.

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

SECTION 1. Chapter 297, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§297- **Public schools; minimum staffing levels.** (a) Schools with only one class for each grade level in kindergarten through grade six shall be exempt from the average statewide class size ratio that may be established under any collective bargaining agreement between the teacher’s exclusive bargaining representative and the department of education. Such schools shall maintain a minimum staffing level of not less than one full-time equivalent teacher position per grade level per school, for kindergarten to grade six. This subsection shall not apply to a school with fewer than twelve students in any one grade level.

(b) The department of education shall carry out the purposes of this section using existing resource teachers within the state and district offices.”

SECTION 2. The department of education, by the 1996-1997 school year, shall transfer to regular instruction (EDN 100), no fewer than 107 resource teachers and funding for full-time equivalent positions in the classroom for the purposes of alleviating additional enrollment increases; provided that no person transferred shall suffer a reduction in either compensation or benefits; and provided further that no new positions may be created for the purposes of this section.

The department of education may consider the transfer of positions under this section as part of the restructuring mandate of Section 28(b) of Act 272, Session Laws of Hawaii 1994.

The department of education shall submit to the legislature a status report detailing the teacher positions to be filled, the current capacity of those to fill the positions, and the program identification number and organization code number

under which those positions currently serve, no later than twenty days prior to the convening of the 1996 regular session.

SECTION 3. The department of education shall not create any new temporary or permanent educational officer positions without legislative authorization during the fiscal biennium 1995-1997. The department shall eliminate no less than twenty per cent of educational officer positions, other than principal, vice principal, athletic director, or business manager positions, during the fiscal biennium 1995-1997, ten per cent in each fiscal year of the biennium. The department shall identify and report positions to be eliminated to the legislature no later than twenty days prior to the convening of the 1996 and 1997 regular sessions. Positions eliminated as a result of Act 212, Session Laws of Hawaii 1994, may be included in the count to meet the requirements of this section. All moneys realized as a result of this section shall be reallocated to the schools on the basis of enrollment and may be used at the discretion of the schools for the purposes of augmenting the instructional program, and shall not be considered as part of the department's operating budget request. For the purposes of this section, the department may reclassify educational officer positions not eliminated in order to provide for minimal impact on programmatic activity.

SECTION 3.¹ New statutory material is underscored.²

SECTION 4.¹ This Act shall take effect upon its approval.

(Approved June 29, 1995.)

Notes

1. So in original.
2. Edited pursuant to HRS §23G-16.5.