

A Bill for an Act Relating to Education.

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

SECTION 1. Section 302A-442, Hawaii Revised Statutes, is amended to read as follows:

“~~[[§302A-442]] Occupational therapy services, physical therapy services, school health services, mental health services, psychological services, and medical services for diagnostic or evaluative purposes.~~ (a) The department of health, within the funds available, shall be responsible for the related services of [occupational therapy, physical therapy,] school health, mental health, psychological, and medical services for evaluation or diagnostic purposes, and, within the funds available, shall provide for those exceptional children who need these services and who attend public school in the State.

(b) The department of education, within the funds available, shall be responsible for the related services of occupational therapy and physical therapy for evaluation or diagnostic purposes, and, within the funds available, shall provide for those exceptional children who need these services and who attend public school in the State.

(c) The department of health shall work in cooperation with the department of education to implement this section. The procedures to implement this section shall be in accordance with the [department of health's] rules[.] of the department of health and the department of education.”

SECTION 2. All rights, powers, functions, and duties of the occupational therapy and physical therapy programs of the school health support services section are transferred from the department of health to the department of education. All officers and employees of the occupational therapy and physical therapy programs of the school health support services section whose functions are transferred by this Act:

- (1) Shall be transferred with their functions;
- (2) Shall continue to perform their regular duties upon their transfer; and
- (3) Shall retain all rights, benefits, and privileges that they currently enjoy in their employment with the department of health,

subject to state personnel laws and this Act. No tenured officer or employee of the occupational therapy program or physical therapy program of the school health support services section shall suffer any loss of salary, seniority, prior service credit, vacation, sick leave, or other employee benefit or privilege as a consequence of this Act.

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 4. This Act shall take effect on January 1, 2001.

(Approved May 26, 2000.)