

ACT 156

S.B. NO. 2926

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 the department of education has not fulfilled its duties as an employer to ensure that the educational officers who comprise the department's leadership are properly classified and compensated.

The department continues to report a labor shortage of educational officers and has taken the interim measure of temporarily assigning teachers who are not certified as administrators to serve as a significant portion of its vice-principal workforce. These actions illustrate that the department continues to take a reactive approach to addressing its needs, rather than developing and implementing a market-based recruitment and retention plan for educational officers.

The legislature further finds that the department has also failed to design a comprehensive leadership training program that identifies and tracks teachers as potential educational leaders, or allows vice-principals to develop leadership abilities through education in leadership theories and practices. Instead, the leadership

training functions in the department has been disconnected into various programs that have no cohesiveness.

The legislature further finds that Act 188, Session Laws of Hawaii 2001, required the department of education to conduct a study, in consultation with the University of Hawaii and the department of human resources development, to better assess positions, allocations, and classifications with respect to the salary structure of educational officers. However, to date, the legislature has not received the results of this study.

Accordingly, the purpose of this Act is to require the department of education to complete a comprehensive occupational validation study of educational officers.

SECTION 2. (a) The department of education shall conduct a comprehensive occupational validation study of all educational officers that includes the following:

- (1) A determination of whether the responsibilities, duties, and required competencies of educational officers are valid and in compliance with federal and state employment laws, regulations, and professional human resources standards;
- (2) A determination of whether the educational officer class should continue to include principals and vice-principals as well as business administration positions in areas such as accounting, budgeting, procurement, payroll, information and technology services, civil rights compliance communication, human resources and development, school repair and maintenance, and teacher certification;
- (3) A determination of whether the current minimum qualifications for school administrators and business administrators are valid and necessary to predict successful job performance;
- (4) A determination of whether noncompliance with section 76-16(b)(11), Hawaii Revised Statutes, which limits the exemption of not more than twenty non-certificated administrative, technical, and professional personnel is justified, as there are currently more than three hundred such positions;
- (5) Recommendations for action related to the determination made in (4);
- (6) The identification of artificial barriers to employment for educational officers which are prohibited by the Federal Uniform Guidelines or Employee Selection Procedures issued in August 1978, or which are contrary to accepted principles and practices in public administration of human resources, including but not limited to the following:
 - (A) A determination whether school administrator certification or licensure is a minimum competency requirement or desirable in consideration of the current shortage of qualified administrator candidates;
 - (B) A review and evaluation of all statutes, administrative rules, standards, policies, guidelines, and procedures related to the recruitment, retention, and salary structure of educational officers;
 - (C) A review and evaluation of the current collective bargaining agreements, all memoranda or letters of agreement, and departmental policies for compliance with section 89-9, Hawaii Revised Statutes, as amended by Act 253, SLH 2000; and
 - (D) Evaluation and determination of what educational administration work experience is valid as a prerequisite for successful performance of each business administration function;
- (7) An evaluation of whether the department of education's current dichotomy of recruitment and retention functions for certificated school

personnel and civil service personnel is warranted, and identification of functions that can be consolidated to improve efficiency and effectiveness;

- (8) An evaluation of the principal and vice principal positions to determine if they should be twelve-month positions;
- (9) The development of an information and technology plan that integrates databases for human resources, budget, accounting, procurement, payroll functions, and identification of resources needed to implement the plan;
- (10) The development of written class specifications that do not currently exist; and
- (11) The identification of statutory barriers and recommendations for statutory amendments to enable the department to effectively modify the educational officer class.

(b) The department of education shall develop and implement a market-based recruitment and retention plan for educational officers, with an emphasis on recruitment and retention of school administrators.

(c) The department of education shall provide interim reports to the legislature on its progress with the requirements of this Act, and shall submit its final report to the legislature no later than twenty days prior to the regular session of 2003.

SECTION 3. This Act shall take effect on July 1, 2002.

(Approved June 7, 2002.)