

## ACT 167

H.B. NO. 2486

A Bill for an Act Relating to Education.

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

## PART I

SECTION 1. Act 51, Session Laws of Hawaii 2004, stated, “Ultimately all education reform must be driven by the needs of students. Students are the primary clients served by the public education system and they must be served well by providing them with access to the tools they need to succeed, a nurturing environment conducive to learning, and supplementary opportunities for growth that facilitate their development.”

Accordingly, especially in light of the instructional hours lost due to furloughs, the purpose of this Act is to require the phase-in of implementation of a certain number of student instructional hours at all public schools, except charter schools, as follows:

- (1) Part II requires the department of education to maximize the amount of student instructional hours provided to students under relevant collective bargaining agreements in effect during the 2010-2011 school year;
- (2) Part III requires the establishment of a certain number of student instructional hours per school year for elementary and secondary school grades, for the 2011-2013 school years, and for the 2013-2015 school years;
- (3) Part IV requires the department of education to, with the board of education and Office of the Governor, and in consultation with representatives of the affected collective bargaining units, submit to the legislature, no later than twenty days prior to the convening of the 2012 regular session, a plan to provide students with a higher number of student instructional hours per school year for elementary and secondary school grades, for future school years; and
- (4) Part V requires the department of education to consider pick-up and drop-off times that optimize its transportation services while minimizing costs to the State, if implementation of such student in-

structional hours results in varying schedules for the transportation of students.

## PART II

SECTION 2. The department of education shall maximize the amount of student instructional hours provided at all public schools, except charter schools, under relevant collective bargaining agreements in effect during the 2010-2011 school year. For purposes of this section, "student instructional hours" shall have the same meaning as in section 302A- , Hawaii Revised Statutes.

## PART III

SECTION 3. Chapter 302A, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**"§302A- School year; instructional time.** (a) Notwithstanding any other law to the contrary, for the 2011-2013 school years, all public schools, except charter schools, shall implement a school year of one hundred eighty days, excluding professional development days and other non-instructional days negotiated pursuant to chapter 89, that shall include:

- (1) Nine hundred fifteen student instructional hours for the elementary school grades; and
- (2) Nine hundred ninety student instructional hours for the secondary school grades.

(b) Notwithstanding any other law to the contrary, for the 2013-2015 school years, all public schools, except charter schools, shall implement a school year of one hundred eighty days, excluding professional development days and other non-instructional days negotiated pursuant to chapter 89, that shall include one thousand eighty student instructional hours for both elementary and secondary school grades.

(c) For purposes of this section, "student instructional hours" means student learning time during which students are engaged in learning activities including regularly-scheduled instruction and learning assessments within the curriculum, and does not include lunch, recess, or passing time."

## PART IV

SECTION 4. The department of education shall, with the board of education and office of the governor, and in consultation with representatives of the affected collective bargaining units, submit to the legislature, no later than twenty days prior to the convening of the regular session of 2012, a plan to implement a school year of one hundred ninety days, excluding professional development days and other non-instructional days negotiated pursuant to chapter 89, Hawaii Revised Statutes, that shall include one thousand one hundred forty student instructional hours for both elementary and secondary school grades at all public schools, except charter schools, for school years beginning with the 2015-2016 school year. For purposes of this section, "student instructional hours" shall have the same meaning as in section 302A- , Hawaii Revised Statutes.

## PART V

SECTION 5. Section 302A-406, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) The department may provide suitable transportation to and from school and for educational field trips for all children in grades kindergarten to twelve and in special education classes. The department shall adopt such policy, procedure, and program as it deems necessary to provide suitable transportation. In formulating the policy, procedure, and program, the department shall consider the school district; the school attendance area in which a school child normally resides; the distance the school child lives from the school; the availability of public carriers or other means of transportation; the frequency, regularity, and availability of public transportation; and the grade level, physical handicap, or special learning disability of a school child, and it may also consider such conditions and circumstances unique or peculiar to a county or area. If the implementation of student instructional hours pursuant to section 302A- results in varying schedules for the transportation of students, the department shall consider pick-up and drop-off times that optimize the department’s transportation services while minimizing costs to the State.”

## PART VI

SECTION 6. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 7. New statutory material is underscored.<sup>1</sup>

SECTION 8. This Act shall take effect upon its approval.

(Approved June 15, 2010.)

**Note**

1. Edited pursuant to HRS §23G-16.5.