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# A BILL FOR AN ACT

RELATING TO EDUCATION

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature reaffirms that it is in the  
2 general welfare of the state to protect, preserve, care for, and  
3 improve the physical and mental health of Hawaii's children by  
4 making available at the public schools first aid and emergency  
5 care, preventive health care, health appraisals and follow-ups,  
6 and health room facilities. For those purposes, the department  
7 of education is authorized to establish a statewide school  
8 health services program. The purpose of this Act is to provide  
9 the department flexibility in administering and implementing the  
10 health services program.

11           SECTION 2. Section 302A-853, Hawaii Revised Statutes, is  
12 amended to read as follows:

13   "~~§302A-853~~ Department implementation. ~~[The department shall~~  
14 ~~implement this program with the present health services now~~  
15 ~~provided to those schools under the pilot project established~~  
16 ~~under Act 130, Session Laws of Hawaii 1970, to each public~~  
17 ~~school, and further provide the necessary number of health aides~~

1 ~~to serve each public school. The department may provide health-~~  
2 ~~related screening services at each public school.]~~

3 School health aides may assist students by administering  
4 oral and topical medication, and in emergency situations, other  
5 premeasured medication; provided that:

6 (1) If the student receiving the medication is a minor, a  
7 parent or guardian requests and authorizes the  
8 administration of medication;

9 (2) The medication has been prescribed by a licensed  
10 physician, as defined in section 334-1, or by a  
11 practitioner with prescriptive authority;

12 (3) The administration of the medication is with the  
13 approval of the department of health; and

14 (4) The administration of the medication is necessary for  
15 the health of the student and for the student's  
16 attendance at school.

17 SECTION 3. Section 302A-854, Hawaii Revised Statutes, is  
18 amended to read as follows:

19 "§302A-854 School health aides. All full-time school health  
20 aides employed in the department shall be employed and have  
21 their compensation fixed in accordance with chapter 76 and the  
22 appropriate collective bargaining agreement, executive order,  
23 executive directive, or rule [~~provided that the compensation~~

.B. NO.    

1 ~~shall be based on a six and one half hour work day, provided~~  
2 ~~further that:~~

3 ~~(1) The monthly rate of compensation for all school~~  
4 ~~health aides employed less than full time shall~~  
5 ~~be based on the number of hours they actually~~  
6 ~~work;~~

7 ~~(2) The monthly rate of compensation for full time~~  
8 ~~health aides so determined shall be multiplied by~~  
9 ~~ten and then divided by twelve and the resulting~~  
10 ~~amount shall be the employee's monthly salary~~  
11 ~~payable over a twelve month period; and~~

12 ~~(3) The health aides shall have the same working~~  
13 ~~schedule and leave allowance as school teachers~~  
14 ~~in the department].~~

15 SECTION 4. Section 302A-855, Hawaii Revised Statutes, is  
16 repealed.

17 SECTION 5. Statutory material to be repealed is bracketed  
18 and stricken.

19 SECTION 6. This Act shall take effect upon its approval.

20 INTRODUCED BY: \_\_\_\_\_

JUSTIFICATION SHEET

DEPARTMENT: Education

TITLE: A BILL FOR AN ACT RELATING TO EDUCATION

PURPOSE: To provide the department greater administrative flexibility to implement school health services programs.

MEANS: Amending Section 302A-853 and 854, to remove specific operational requirements established for a 1970 pilot project and deleting the requirement for Chapter 91 implementing rules in Section 302A-855.

JUSTIFICATION: These sections carry forward and impose certain operational requirements that were established for a 1970 pilot project for health services. These sections also require certain terms for rate of compensation and payroll schedule that are better left for collective bargaining. Finally, Section 302A-855 imposes the requirement for Chapter 91 rule-making over a program that is managed internally by the department.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: N/A

EFFECTIVE DATE: Upon approval