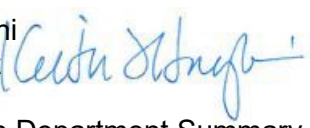


**STATE OF HAWAII
DEPARTMENT OF EDUCATION
KA 'OIHANA HO'ONA'AUAO
P.O. BOX 2360
HONOLULU, HAWAII 96804**

OFFICE OF THE SUPERINTENDENT

June 15, 2023

TO: The Honorable Bruce D. Voss
Chairperson, Board of Education

FROM: Keith T. Hayashi
Superintendent 

SUBJECT: Presentation on Department Summary of 2023 Legislative Session

1. BACKGROUND

The Hawaii State Department of Education (Department) provides input to the Hawaii State Legislature (Legislature) on legislation and its budget every year during the legislative session from January to May. Overall, the Department tracked the progress of 796 bills and submitted testimony on 118 bills plus an additional 20 concurrent resolutions.

In addition to the budget, the Department also focused on its legislative package, which was reviewed by the Hawaii State Board of Education (Board) and approved by the Governor to be included in the administration's legislative package. Of the seven bills introduced in the Department's legislative package, five bills moved through the process and are awaiting the Governor's final decision as to whether they will become law by July 11, 2023.

The Department proposed specific legislation in areas that would benefit students and operations and were introduced as part of the Governor's legislative package as follows:

- Behavioral analyst licensure exemptions;
- COVID-19 reporting requirements;
- Procurement threshold;
- Certificate of release for a minor student;
- Administration of medication;
- Autism spectrum disorder report; and
- Hawaii educational expenditure trust fund.

2. DESCRIPTION

Prior to the start of the 2023 Legislative Session, the Department worked with stakeholders to draft legislation that was submitted to the Governor for consideration as part of the administration's package. Upon Governor's approval, the legislative package was then presented to the Board's Legislative Investigative Committee. At the October 20, 2022 General Business Meeting, the Legislative Investigative Committee recommended that the legislative proposals did not require Board approval as the proposals were largely operational in nature.

3. UPDATE

The Governor included seven Department bills in his administrative package. The legislative package was then provided to the Legislature for formal introduction to the 2023 Legislative Session.

Of the 3,132 bills and 437 concurrent resolutions introduced during the 2023 legislative session, the Department tracked 796 relevant bills and 73 concurrent resolutions and submitted a total of 118 testimonies for bills and 20 testimonies for concurrent resolutions.

The Department's testimony and information provided to the Legislature was based on an analysis by subject matter experts within the Department as well as from input provided by other internal stakeholders including principals, complex area superintendents, and leadership.

At the end of the legislative session, five of the seven Department's measures passed the Legislature including:

- Senate Bill 1518, SD2, HD3, CD1, exempts the Department from using the electronic procurement system for the purchase of educational materials up to \$100,000 and for construction up to \$250,000. Additionally, educational materials purchased by the Department have been exempted from the procurement code. This will enable the Department to obtain educational materials and complete small construction projects quicker and more efficiently. This will also help deal with the inflationary pressures that have increased costs.
- Senate Bill 1340, SD2, HD2, CD1, clarifies that teachers have the ability to collaborate with a licensed behavior analyst or a licensed psychologist, which helps to streamline the process of providing applied behavior analysis services to students.
- House Bill 1045, HD1, SD1, CD1, simplifies the student record transfer process and exempts homeless students from producing required records, which can reduce administrative burdens and improve access to education for these students.
- Senate Bill 1344, SD2, HD2, CD1, reflects recent changes to the job title and allows school health assistants to administer medication following the approval of a health care professional within the Department, which will improve student health outcomes.
- Senate Bill 105, HD1, CD1, changes the Department's reporting requirements on autism spectrum disorder to an annual report, potentially reducing administrative burdens and allowing for more comprehensive reporting.

The Legislature did not pass two of the Department's proposals as noted below:

- Senate Bill 106, SD2, HD2 removes the Department's weekly reporting requirements of positive COVID-19 cases.
- House Bill 1048, HD1 establishes the Hawaii Educational Expenditure Trust Fund to be used for sustained and reliable funding for students of the public school system. Deposits into this trust fund would also serve to meet the necessary maintenance of effort requirement stipulated on federal funds that have been given to the Department for COVID-19 relief.

All of the measures that passed out of the Legislature are undergoing a final review through the Comments and Recommendations process for Governor input and final determination of whether the measures are signed into law or vetoed. At this time, the Department is not recommending that the Governor veto any measures that have passed this legislative session.

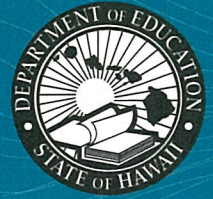
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Attachment: Legislative Proposals 2023

c: Office of Strategy, Innovation and Performance

Hawai'i State Department of Education

Legislative Proposals 2023



The Hawai'i State Department of Education proposed specific legislation that benefits our students and operations. These measures were introduced as part of the Governor's Legislative Package. Bills with the same content were also been introduced by other legislators.

Passed by Legislature: [SB1340](#)

Introduced: [HB1042](#) / [SB1340](#)

Relating to Behavioral Analyst Licensure Exemptions. Clarifies that teachers have the ability to collaborate with a licensed behavior analyst or licensed psychologist. This bill will increase the applied behavior analysis services being provided to students.

Introduced: [SB106](#) / [SB1341](#) / [HB1043](#)

Relating to Removing COVID-19 Reporting Requirements. Removes the Hawai'i State Department of Education's weekly reporting requirements of positive COVID-19 cases. Given the prevalence of the COVID-19 vaccine and the changes in health guidance provided by the Hawai'i State Department of Health and the Centers for Disease Control, this report is no longer serving its intended purpose and the removal of this reporting requirement would decrease administrative burdens on schools.

Passed by Legislature: [SB1518](#)

Introduced: [SB1342](#) / [HB1044](#) / [SB1518](#)

Relating to the Procurement Threshold. Adjusts the small purchase thresholds of the Hawai'i State Department of Education for goods and services under \$100,000 and construction under \$250,000. Reducing the procurement requirements will allow more timely procurement of necessary goods, services, and construction. The ability to expend funds expediently is even more necessary now with the maintenance of effort spending requirements placed on the Department as a result of the influx of federal funds.

Passed by Legislature: [HB1045](#)

Introduced: [SB1343](#) / [HB1045](#)

Relating to a Certificate of Release. Clarifies that because minors do not have legal capacity independent of their parents, a minor student's parent or legal guardian must produce the required student records when transferring schools. A housekeeping measure, this bill would clarify that a parent or legal guardian would be the more appropriate person to provide a certificate of release for a minor student.

Passed by Legislature: [SB1344](#)

Introduced: [HB1046](#) / [SB1344](#)

Relating to the Administration of Medication. Allows the administration of medication to students with the approval of a licensed healthcare professional within the Hawai'i State Department of Education, Department of Health, or a healthcare organization per a written agreement with the Hawai'i State Department of Education. Student care would be more efficient, accessible, and safe if medication approval can be done by a qualified and licensed health care official who is already on campus or part of the school community.

Passed by Legislature: [SB105](#)

Introduced: [SB1345](#) / [HB1047](#) / [SB105](#)

Relating to the Quarterly Autism Spectrum Disorder Report. Seeks to change the quarterly reporting requirement to an annual report. Given that there are few changes between quarterly reporting periods, an annual report would provide the same information but at a considerable decrease in administrative workload.

Introduced: [SB414](#) / [SB1346](#) / [HB1048](#)

Relating to the Hawai'i Educational Expenditure Trust Fund. Establishes the Hawai'i Educational Expenditure Trust Fund of the Hawai'i State Department of Education for improving the education of, and supporting the programs, benefiting the students of the Hawai'i public school system. Deposits into this trust fund would also serve to meet the necessary maintenance of effort requirement stipulated on federal funds that have been given to the Department for COVID-19 relief.

Questions?

**Contact the Office of Strategy,
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Evaluation Branch**

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6/1/2023