H.B. NO. 3118

A BILL FOR AN ACT

PROPOSING AMENDMENTS TO THE CONSTITUTION OF THE STATE OF HAWAII RELATING TO PUBLIC EDUCATION.

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

SECTION 1. The purpose of this Act is to propose amendments to the state constitution to:

(1) Allow a political subdivision's legislative body to establish an irrevocable local school district; and

(2) Establish and empower local school boards of education to implement the statewide educational policies and to formulate and implement local school district objectives.

SECTION 2. Article X of the Constitution of the State of Hawaii is amended by adding two new sections to be designated and to read as follows:

"**LOCAL SCHOOL DISTRICTS**

Section . Provided that two-thirds of the members of a political subdivision's legislative body vote affirmatively to establish a irrevocable local school district, such a district shall be responsible for the delivery of primary and secondary public education in that political subdivision. Following

action by a political subdivision's legislative body to establish a local school district, the legislature shall be responsible in the following year to establish fair and equitable funding and the division of resources to carry out the decision of the political subdivision's legislative body.

Section . Each local school district shall be governed by a seven-member board elected by the voters of the district for staggered terms. The election of members shall take place in the next statewide election following the vote of the local subdivision's legislative body. Each local school board shall have the power, as provided by law, to formulate policy and to exercise control over the local school district public school system through its executive officer, the local school district superintendent, who shall be appointed by the local school board; except that the local school board shall have jurisdiction over the internal organization and management of the local school district public school system, as provided by law, and shall exercise its jurisdiction in a manner consistent with general laws."

SECTION 3. Article XVIII of the Constitution of the State of Hawaii is amended by adding a new section to be appropriately designated and to read as follows:

1 "**EFFECTIVE DATE FOR SUPERINTENDENT OF EDUCATION AND ELECTED**
2 **LOCAL SCHOOL BOARDS OF EDUCATION**
3 **Section** . The amendments to Article X Sections 2 and 3
4 shall take effect following ratification and upon the day the
5 elected local school boards of education begin functioning as
6 provided by law."
7 SECTION 4. Article XVI, section 4, of the Constitution of
8 the State of Hawaii is amended to read as follows:
9 "**OATH OF OFFICE**
10 **Section 4.** All eligible public officers, before entering
11 upon the duties of their respective offices, shall take and
12 subscribe to the following oath or affirmation: "I do solemnly
13 swear (or affirm) that I will support and defend the
14 Constitution of the United States, and the Constitution of the
15 State of Hawaii, and that I will faithfully discharge my duties
16 as ..... to the best of my ability." As used in this
17 section, "eligible public officers" means the governor, the
18 lieutenant governor, the members of both houses of the
19 legislature, the members of the State board of education, the
20 members of local school boards of education, the members of the
21 national guard, State or county employees who possess police

1 powers, district court judges, and all those whose appointment
2 requires the consent of the senate."
3 SECTION 5. Article X, section 2, of the Constitution of the
4 State of Hawaii is amended to read as follows:
5 "**STATE BOARD OF EDUCATION**
6 **Section 2.** There shall be a State board of education
7 composed of members who shall be elected in a nonpartisan manner
8 by qualified voters, as provided by law, from two at-large State
9 school board districts. The first State school board district
10 shall be comprised of the island of Oahu and all other islands
11 not specifically enumerated. The second State school board
12 district shall be comprised of the islands of Hawaii, Maui,
13 Lanai, Molokai, Kahoolawe, Kauai and Niihau. Each at-large
14 State school board district shall be divided into departmental
15 school districts, as may be provided by law. There shall be at
16 least one member residing in each departmental school district.
17 The Hawaii State Student Council shall select a public high
18 school student to serve as a nonvoting member on the board of
19 education."
20 SECTION 6. Article X, section 3, of the Constitution of the
21 State of Hawaii is amended to read as follows:

1 "**POWERS OF THE STATE BOARD OF EDUCATION AND LOCAL SCHOOL BOARDS**
2 **OF EDUCATION**
3 **Section 3.** The State board of education shall have the power, as
4 provided by law, to formulate statewide educational policy and
5 appoint the superintendent of education as the chief executive
6 officer of the public school system. Each local school board of
7 education shall have the power to formulate district educational
8 policy for its district, and implement statewide educational
9 policy at the local level, as provided by law."
10 SECTION 7. The question to be printed on the ballot shall
11 be as follows:
12 "Shall:
13 (1) The duly elected county councils of each political
14 subdivision of the State of Hawaii be allowed to
15 establish a local school district for the purpose of
16 providing primary and secondary education in that
17 political subdivision; and
18 (2) Locally elected school boards be established and
19 empowered to govern each local school district that is
20 established?"
21 SECTION 8. New constitutional material is underscored.

SECTION 9. This amendment shall take effect upon compliance with article XVII, section 3, of the Constitution of the State of Hawaii.

INTRODUCED BY: _____

BY REQUEST

JAN 22 2008

H.B. NO. 3118

Report Title:
Local School Boards

Description:
Allows voters in each county to decide whether or not to establish a district (local) school board; requires the legislature to establish a fair allocation of public school resources if a new district is established.

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JUSTIFICATION SHEET

DEPARTMENT: Office of the Governor

TITLE: A BILL FOR AN ACT PROPOSING AMENDMENTS TO THE CONSTITUTION OF THE STATE OF HAWAII RELATING TO PUBLIC EDUCATION

PURPOSE: To allow a political subdivision's legislative body to establish an irrevocable school district and to empower the locally elected district school boards of education to implement the statewide educational policies and to formulate and implement local district objectives.

MEANS: Amend the constitution of the State of Hawaii.

JUSTIFICATION: This bill allows voters to decide whether to grant a political subdivision's legislative body the authority to create an irrevocable local school district. This provides an opportunity for greater input into public education at the local level. The proposed amendment will result in increased participation by local communities in public education, and in the decision making that affects the education of their local students. Decisions will be made by local school boards based on the needs of that community and district, rather than by a central statewide Board of Education that may not take into account the intricacies and special circumstances that define each of the counties in our State.

Impact on the public: Increased involvement in public education at a local level.

Impact on the department and other agencies: The Board of Education, Department of Education, county legislative bodies, local school districts, and local school boards will work to comply with the requirements set forth in the constitution should any

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political subdivision's legislative body create an irrevocable school district.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: None.

OTHER AFFECTED AGENCIES: Department of Education, Board of Education, county legislative bodies.

EFFECTIVE DATE: Upon compliance with article XVII, section 3, of the Constitution of the State of Hawaii.