
A BILL FOR AN ACT

RELATING TO DEPARTMENT OF EDUCATION SUPERINTENDENT'S SALARY.

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

1 SECTION 1. The legislature finds that existing law
2 authorizes the board of education to set the salary of the
3 superintendent of education but the salary cannot exceed a
4 specific amount, also referred to as a salary cap.

5 The legislature further finds that it is a challenge to
6 recruit and fill this state leadership position because the
7 statutory salary cap is not in alignment with national salary
8 norms and therefore is not competitive with or in the range of
9 the salaries of other similar administrative leadership
10 positions at comparable school districts.

11 The legislature further finds that the statute governing
12 the superintendent's salary has not been amended since 2000 and
13 that the salary cap should be revised as a matter of equity, to
14 account for cost of living increases.

15 Amending the current salary cap for the superintendent of
16 education was based on a review of the mean salary of all
17 superintendents across the country, the average annual cost of
18 living increases indicated by the consumer price index, and the



1 majority of superintendents' salaries across the country with
2 student enrollment greater than twenty-five thousand. Hawaii's
3 public schools enroll approximately 185,000 students.

4 The amendment to the salary cap will also provide the board
5 of education with the flexibility it needs to attract and retain
6 individuals to support a strong statewide public education
7 system and the authority and latitude to establish the salary of
8 this leadership position commensurate with various factors,
9 including the breadth of responsibilities and duties of the
10 position, the experience and skills the individual brings to the
11 position, and the job performance of the individual.

12 The purpose of this Act is to provide the board of
13 education, as the appointing body of the superintendent, with
14 more flexibility to establish the salary of the superintendent,
15 by increasing the salary cap on the superintendent position.

16 SECTION 2. Section 26-52, Hawaii Revised Statutes, is
17 amended to read as follows:

18 "**§26-52 Department heads and executive officers.** The
19 salaries of the following state officers shall be as follows:

20 (1) The salary of the superintendent of education shall be
21 set by the board of education at a rate no greater
22 than [~~\$150,000~~] \$250,000 a year;



- 1 (2) The salary of the president of the University of
2 Hawaii shall be set by the board of regents;
- 3 (3) Effective July 1, 2004, the salaries of all department
4 heads or executive officers of the departments of
5 accounting and general services, agriculture, attorney
6 general, budget and finance, business, economic
7 development, and tourism, commerce and consumer
8 affairs, Hawaiian home lands, health, human resources
9 development, human services, labor and industrial
10 relations, land and natural resources, public safety,
11 taxation, and transportation shall be as last
12 recommended by the executive salary commission.
13 Effective July 1, 2007, and every six years
14 thereafter, the salaries shall be as last recommended
15 by the commission on salaries pursuant to section
16 26-56, unless rejected by the legislature; and
- 17 (4) The salary of the adjutant general shall be \$85,302 a
18 year. Effective July 1, 2007, and every six years
19 thereafter, the salary of the adjutant general shall
20 be as last recommended by the commission on salaries
21 pursuant to section 26-56, unless rejected by the
22 legislature, except that if the state salary is in



1 conflict with the pay and allowance fixed by the
2 tables of the regular army or air force of the United
3 States, the latter shall prevail."

4 SECTION 3. Section 302A-1101, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "**§302A-1101 Department of education; board of education;**
7 **superintendent of education.** (a) There shall be a principal
8 executive department to be known as the department of education,
9 which shall be headed by a policy-making board to be known as
10 the board of education. The board shall have power in
11 accordance with law to formulate statewide educational policy,
12 adopt student performance standards and assessment models,
13 monitor school success, and appoint the superintendent of
14 education as the chief executive officer of the public school
15 system.

16 (b) The board shall appoint, and may remove, the
17 superintendent by a majority vote of its members. The
18 superintendent:

- 19 (1) May be appointed without regard to the state residency
20 provisions of section 78-1(b);
21 (2) May be appointed for a term of up to four years; and
22 (3) May be terminated only for cause.



1 (c) The board shall invite the senior military commander
2 in Hawaii to appoint a nonvoting military representative to the
3 board, who shall serve for a two-year term without compensation.
4 As the liaison to the board, the military representative shall
5 advise the board regarding state education policies and
6 departmental actions affecting students who are enrolled in
7 public schools as family members of military personnel. The
8 military representative shall carry out these duties as part of
9 the representative's official military duties and shall be
10 guided by applicable state and federal statutes, regulations,
11 and policies and may be removed only for cause by a majority
12 vote of the members of the board.

13 (d) The board shall appoint the state public charter
14 school commission which shall serve as the statewide charter
15 authorizer for charter schools, with the power and duty to issue
16 charters, oversee and monitor charter schools, hold charter
17 schools accountable for their performance, and revoke charters.

18 (e) Notwithstanding any law to the contrary, the board
19 shall consider the option to withhold or alter the benefits
20 package of the superintendent, who is exempt from chapter 76, in
21 exchange for a salary that exceeds the level of the salary
22 received by civil service employees, who are entitled to



1 benefits under chapter 76. The benefits to be considered may
2 include vacation days, sick leave, health insurance, and
3 retirement.

4 (f) The board shall submit a report to the legislature no
5 later than twenty days prior to the convening of the regular
6 session following each instance in which it adjusts the
7 superintendent's salary. The report shall include whether the
8 board exercised its power to consider the option to withhold or
9 alter the benefits package of the superintendent under
10 subsection (e) and its rationale for whether it adjusted or
11 maintained the superintendent's benefits package."

12 SECTION 4. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

14 SECTION 5. This Act shall take effect upon its approval.



Report Title:

Board of Education; Superintendent's Salary

Description:

Adjusts the salary cap of the Superintendent of Education. Allows the Board of Education to consider altering the Superintendent's benefits package. Requires the Board to submit a report to the Legislature each time it alters the Superintendent's salary. (HB2257 HD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

