
A BILL FOR AN ACT

RELATING TO EDUCATION.

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

1 SECTION 1. The purpose of this Act is to implement, upon
2 its ratification, the constitutional amendments to article X,
3 section 2 of the Hawaii constitution, by requiring the voting
4 members of the board of education to be appointed by the
5 governor, with the advice and consent of the senate, from pools
6 of qualified candidates presented to the governor by the board
7 of education candidate nomination commission.

8 SECTION 2. Chapter 302A, Hawaii Revised Statutes, is
9 amended by adding three new sections to be appropriately
10 designated and to read as follows:

11 "§302A-A Board of education members; appointment, terms,
12 quorum and meetings, compensation. (a) The board of education
13 shall consist of nine voting members and one nonvoting student
14 member. Pursuant to article X, section 2 of the state
15 constitution, the voting members shall be appointed by the
16 governor, with the advice and consent of the senate, from pools
17 of qualified candidates presented to the governor by the board
18 of education candidate nomination commission established under



1 section 302A-B. The voting members may be removed by the
2 governor. Except as otherwise provided by law, state officers
3 shall be eligible for appointment and membership.

4 The nine voting members shall represent and reside in the
5 specified geographic areas as follows:

6 (1) One member from the county of Hawaii;

7 (2) One member from the county of Maui;

8 (3) One member from the county of Kauai;

9 (4) One member from the third departmental district

10 (Honolulu) designated in section 302A-C(a);

11 (5) One member from the fourth departmental district

12 (Central Oahu) designated in section 302A-C(a);

13 (6) One member from the fifth departmental district

14 (Leeward Oahu) designated in section 302A-C(a);

15 (7) One member from the sixth departmental district

16 (Windward Oahu) designated in section 302A-C(a); and

17 (8) Two members nominated at-large from any county within

18 the State.

19 Pursuant to article X, section 2 of the Hawaii

20 Constitution, the Hawaii state student council shall select a

21 public high school student to serve as a nonvoting member on the



1 board of education. The nonvoting student member shall be a
2 public school student at the time of the initial appointment.

3 (b) Except for the student member, the governor shall
4 reduce the terms of those initially appointed under
5 subsection (a) to each seat on the board as follows:

6 (1) Three members shall serve a one-year term;

7 (2) Three members shall serve a two-year term; and

8 (3) Three members, including the chairperson of the board,
9 shall serve a three-year term.

10 (c) The term of each voting member shall be three years,
11 except as provided in subsection (b) for initial appointments,
12 and terms for voting members shall begin on June 15 in the year
13 of appointment.

14 Members shall serve no more than three consecutive three-
15 year terms; provided that the members who are initially
16 appointed to terms of one or two years pursuant to subsection
17 (b) may be reappointed for up to two ensuing consecutive three-
18 year terms. If a member is to be appointed to a second or third
19 consecutive term of three years, the board of education
20 candidate nomination commission shall repeat the nomination
21 process under section 302A-B presenting qualified candidates,
22 including the member, to the governor to be considered for



1 reappointment, and upon the governor's appointment the senate
2 shall consider the question of whether to reconfirm the member
3 at least one hundred twenty days prior to the expiration of that
4 member's term; provided that if the senate is not in session to
5 meet the one-hundred-twenty-day deadline by which the senate
6 shall have considered the question of reconfirmation, the member
7 shall continue to serve until the senate convenes for the next
8 regular session or the next special session during which the
9 senate is authorized to consider the question of reconfirmation,
10 whichever is earlier.

11 (d) The term of the student member shall be two years.
12 The student member may serve one additional, consecutive term
13 even though the member may no longer be a student on the first
14 day of the student member's second term.

15 (e) The governor shall appoint a chairperson from among
16 the voting members of the board who have been confirmed by the
17 senate. The board shall select its own vice chairperson from
18 its voting members, and the vice chairperson shall serve as
19 interim chairperson if the chairperson's seat becomes vacant,
20 and until the governor appoints the member who shall serve as
21 the chairperson of the board.



1 The superintendent shall serve as executive officer of the
2 board.

3 (f) A majority of all the voting members to which the
4 board is entitled shall constitute a quorum to conduct business.
5 A majority of the members present and voting shall be necessary
6 to make any action of the board valid. At any time the board
7 has fewer than six voting members, whether appointed or serving
8 a term that has been extended until the interim members of the
9 board have been appointed, three voting members of the board
10 shall constitute a quorum to conduct business and to make any
11 action of the board valid.

12 Notwithstanding chapter 92, from the convening of the
13 legislature in regular session to adjournment sine die of each
14 regular session, and during each special session of the
15 legislature, the board may file any notice that specifies only
16 legislation or legislation-related agenda items, no fewer than
17 two calendar days before the meeting.

18 (g) If a vacancy of a voting position occurs on the board,
19 the governor shall appoint one member to fill the vacancy within
20 ninety days of receipt of the appropriate number of candidates,
21 pursuant to section 302A-B(b) and (c), from the commission. The
22 member appointed by the governor shall serve as an interim board



1 member until that member has been confirmed by the senate;
2 provided that no board member shall be appointed until December
3 6, 2010. If the governor fails to appoint a member within
4 ninety days of receipt of the appropriate number of candidates
5 from the commission, the senate shall appoint one member from
6 among the same candidates presented by the commission to the
7 governor within thirty days to fill the vacancy. A member
8 appointed by the senate shall not be subject to advice and
9 consent for the term for which the senate has appointed the
10 nominee.

11 If the senate does not confirm the interim member appointed
12 by the governor, the governor shall appoint, within thirty days,
13 another member from the same list of candidates presented by the
14 commission to fill the vacancy. The interim member shall
15 continue to serve on the board until a member is appointed by
16 the governor and confirmed by the senate.

17 Every voting board member may serve beyond the expiration
18 date of the member's term of appointment until the member's
19 successor has been appointed by the governor and confirmed by
20 the senate in accordance with article X, section 2 of the Hawaii
21 Constitution or appointed by the senate pursuant to this
22 subsection, as the case may be.



1 (h) The governor shall notify the commission in writing
2 within ten days of:

3 (1) Removing a member of the board; or

4 (2) Receiving notification that a member of the board is
5 resigning or has died.

6 (i) The members of the board shall serve without pay but
7 shall be entitled to reimbursement of their travel expenses
8 within the State when attending meetings of the board or when
9 actually engaged in business relating to the work of the board.

10 **§302A-B Board of education candidate nomination**

11 **commission.** (a) There is established the board of education
12 candidate nomination commission to present to the governor lists
13 of qualified candidates from which the members of the board
14 shall be appointed by the governor by and with the advice and
15 consent of the senate. The commission shall be attached to the
16 department for administrative purposes.

17 (b) Except as provided in subsection (c), within sixty
18 days of convening its first meeting for the initial selection of
19 candidates for the board pursuant to section 302A-A(a), the
20 commission shall present no fewer than two and no more than four
21 qualified candidates to the governor for each vacant seat on the
22 board as provided by law; provided that for all subsequent



1 presentations to the governor, the commission shall present no
2 fewer than two and no more than four qualified candidates for
3 each seat on the board to the governor within:

4 (1) Sixty days of a vacancy that arises by resignation,
5 death, or removal by the governor; or

6 (2) One hundred twenty days prior to the expiration of a
7 board member's term.

8 The commission shall be deemed to have fulfilled its obligation
9 under this section upon presentation of the names of the minimum
10 number of candidates required to be presented for each seat or
11 seats on the board.

12 (c) When there are more than three seats vacant on the
13 board, the commission shall set appropriate minimum and maximum
14 numbers of candidates to present to the governor, which shall be
15 no fewer than the minimum number required by subsection (b) and
16 which shall provide for at least three candidates for the last
17 seat to be filled.

18 (d) In selecting the candidates to be presented to the
19 governor, the commission shall:

20 (1) Establish the criteria for qualifying, screening, and
21 presenting to the governor candidates for membership
22 on the board;



- 1 (2) Develop a statement that includes the selection
- 2 criteria to be applied and a description of the
- 3 responsibilities and duties of a member of the board
- 4 and distribute this statement to potential candidates;
- 5 (3) Screen and qualify candidates for membership on the
- 6 board based upon their background, experience, and
- 7 potential for discharging the responsibilities of a
- 8 member of the board;
- 9 (4) Publicly advertise pending vacancies and actively
- 10 solicit and accept applications from potential
- 11 candidates;
- 12 (5) Develop and implement a fair, independent, and
- 13 nonpartisan procedure for selecting candidates to
- 14 serve on the board; and
- 15 (6) Require each candidate to disclose any existing or
- 16 anticipated contracts with the department or any
- 17 existing or anticipated financial transactions with
- 18 the department.
- 19 A commission member shall not qualify to be a candidate for
- 20 the board.



1 Upon presentation of the names of candidates to the
2 governor, the commission shall make available the names of
3 candidates to the public through the department.

4 (e) Pursuant to section 302A-A(g), for each board seat to
5 be filled, the governor shall appoint one member from among the
6 candidates presented by the commission within ninety days.

7 (f) The commission shall consist of seven members to be
8 appointed without regard to section 26-34, as follows:

9 (1) One member of the community appointed by the governor;

10 (2) One member of the community appointed by the president
11 of the senate;

12 (3) One member of the community appointed by the speaker
13 of the house of representatives;

14 (4) One member appointed by the Hawaii P-20 Council;
15 provided that beginning on July 1, 2010, no person may
16 be appointed as a member of the commission under this
17 paragraph if, within the two years immediately
18 preceding that appointment, the person served on the
19 Hawaii P-20 Council;

20 (5) A current or former public school teacher who has been
21 awarded the department of education state teacher of
22 the year award, to be appointed by the exclusive



1 representative for bargaining unit (5), as defined in
2 section 89-6;

3 (6) A recipient of a Milken Educator Award to be appointed
4 by the most recent blue-ribbon committee appointed by
5 the department of education to recommend candidates
6 for the award; and

7 (7) One member who shall be appointed by the Hawaii
8 Business Roundtable; provided that beginning on
9 July 1, 2010, no person may be appointed as a member
10 of the commission under this paragraph if, within the
11 two years immediately preceding that appointment, the
12 person served on the executive committee of the Hawaii
13 Business Roundtable.

14 The board of education candidate nomination commission
15 shall be selected in a nonpartisan manner. Appointees to the
16 commission shall have a general understanding of the purposes of
17 public education, the mission of the department, and the
18 responsibilities of the board. Appointees shall be individuals
19 who are widely viewed as having placed the broad public interest
20 ahead of special interests, having achieved a high level of
21 prominence in their respective professions, and being respected
22 members of the community.



1 (g) Members of the commission shall serve no more than two
2 consecutive four-year terms; provided that the three members
3 initially appointed by the governor, president of the senate,
4 and speaker of the house of representatives shall serve for
5 terms of two years and may be reappointed for one additional
6 consecutive term of four years. Terms for members initially
7 appointed to the commission shall begin on the effective date of
8 Act , Session Laws of Hawaii 2010, regardless of the actual
9 date of appointment.

10 (h) If a vacancy occurs on the commission, a successor
11 shall be appointed within sixty days in the same manner and
12 subject to the same qualifications as the person's predecessor.
13 The person appointed to fill a vacancy shall serve for the
14 remainder of the term of the person's predecessor.

15 If within sixty days of a vacancy on the commission a
16 member has not been appointed to fill the vacancy, the other
17 members on the commission shall make an interim appointment to
18 fill the vacant seat. The interim appointee shall satisfy the
19 qualifications for appointment provided in this subsection and
20 shall serve until the time when the appropriate appointing
21 authority makes an appointment for the vacant seat, as provided
22 in this subsection.



1 (i) The commission shall operate in a nonpartisan manner.
2 No member of the commission shall run for or hold any elected
3 office under the United States or the State or any of its
4 political subdivisions.

5 (j) The commission shall convene its first meeting to
6 initially select candidates for membership on the board,
7 pursuant to subsection (b), when a majority of its members have
8 been appointed. The members of the commission shall select a
9 chairperson from among themselves. A majority of all the
10 members to which the commission is entitled shall constitute a
11 quorum to conduct business. The concurrence of a majority of
12 all the members to which the commission is entitled shall be
13 necessary to make any action of the commission valid. The
14 commission shall meet annually and at other times as necessary.
15 The commission shall be exempt from part I of chapter 92.

16 (k) Members of the commission shall serve without
17 compensation but shall be reimbursed for expenses, including
18 travel, board, and lodging expenses, necessary for the
19 performance of their duties.

20 (l) Notwithstanding chapter 92F or any other law to the
21 contrary, all information required by the commission shall be
22 confidential, including without limitation all commission



1 information obtained, reviewed, or considered before and after
2 commission decision making. Confidential commission information
3 shall include documents, data, or other information that is not
4 of public record, including without limitation:

- 5 (1) Personal financial information;
- 6 (2) The names of candidates;
- 7 (3) Applications and the personal, financial, and other
8 information contained therein submitted by the
9 candidates to the commission;
- 10 (4) Interviews;
- 11 (5) Schedules;
- 12 (6) Reports;
- 13 (7) Studies;
- 14 (8) Background checks;
- 15 (9) Credit reports;
- 16 (10) Surveys and reports prepared for or on the
17 commission's behalf;
- 18 (11) The results of any evaluations or assessments
19 conducted by the commission;
- 20 (12) The substance and details of any discussions with
21 commission members; and



1 (13) The substance and details of discussions and
2 deliberations of the commission and any of its
3 committees during meetings.

4 §302A-C Departmental school districts. (a) The
5 departmental school districts shall be as follows:

6 (1) First departmental school district (Hawaii): the
7 island of Hawaii comprised of the 1st through the 5th
8 and a portion of the 6th (that portion found on the
9 island of Hawaii) representative districts;

10 (2) Second departmental school district (Maui): the
11 islands of Maui, Molokai (including the county of
12 Kalawao), Lanai, and Kahoolawe comprised of a portion
13 of the 6th (that portion found on the island of Maui)
14 and the 7th through the 10th representative districts;

15 (3) Third departmental school district (Honolulu): that
16 portion of the island of Oahu comprised of the 21st
17 through the 41st representative districts;

18 (4) Fourth departmental school district (Central Oahu):
19 that portion of the island of Oahu comprised of the
20 11th through the 14th and the 45th representative
21 districts;



1 (5) Fifth departmental school district (Leeward Oahu):
2 that portion of the island of Oahu comprised of the
3 42nd through the 44th, the 46th through the 48th and a
4 portion of the 49th (that portion found on the island
5 of Oahu) representative districts;

6 (6) Sixth departmental school district (Windward Oahu):
7 that portion of the island of Oahu comprised of the
8 15th through the 20th representative districts; and

9 (7) Seventh departmental school district (Kauai): the
10 islands of Kauai and Niihau comprised of a portion of
11 the 49th (that portion found on the island of Kauai)
12 and the 50th and 51st representative districts.

13 (b) Upon the implementation of a new apportionment plan,
14 the chief election officer, by proclamation issued no later than
15 the tenth day prior to the close of filing in elections, shall
16 designate the representative districts that comprise the
17 departmental school districts designated by subsection (a) to
18 comply with the new districting scheme of such plan; provided
19 that the departmental school districts designated shall cover
20 areas similar to those designated in subsection (a)."

21 SECTION 3. Section 11-157, Hawaii Revised Statutes, is
22 amended to read as follows:



1 "§11-157 In case of tie. In case of the failure of an
2 election by reason of the equality of vote between two or more
3 candidates, the tie shall be decided by the chief election
4 officer or county clerk in the case of county elections in
5 accordance with the following procedure:

6 (1) In the case of an election involving a seat for the
7 senate, house of representatives, [~~board of~~
8 ~~education,~~] or county council where only voters within
9 a specified district are allowed to cast a vote, the
10 winner shall be declared as follows:

11 (A) For each precinct in the affected district, an
12 election rate point shall be calculated by
13 dividing the total voter turnout in that precinct
14 by the total voter turnout in the district. For
15 the purpose of this subparagraph, the absentee
16 votes cast for the affected district shall be
17 treated as a precinct. The election rate point
18 shall be calculated by dividing the total
19 absentee votes cast for the affected district by
20 the total voter turnout in that district. All
21 election rate points shall be expressed as



1 decimal fractions rounded to the nearest hundred
2 thousandth[-];

3 (B) The candidate with the highest number of votes in
4 a precinct shall be allocated the election rate
5 point calculated under subparagraph (A) for that
6 precinct. In the event that two or more persons
7 are tied in receiving the highest number of votes
8 for that precinct, the election rate point shall
9 be equally apportioned among those candidates
10 involved in that precinct tie[-];

11 (C) After the election rate points calculated under
12 subparagraph (A) for all the precincts have been
13 allocated as provided under subparagraph (B), the
14 election rate points allocated to each candidate
15 shall be tallied and the candidate with the
16 highest election rate point total shall be
17 declared the winner[-]; and

18 (D) If there is a tie between two or more candidates
19 in the election rate point total, the candidate
20 who is allocated the highest election rate points
21 from the precinct with the largest voter turnout
22 shall be declared the winner[-];

1 and

2 (2) In the case of an election involving a federal office
3 or an elective office where the voters in the entire
4 [State] state or in an entire county are allowed to
5 cast a vote, the winner shall be declared as follows:

6 (A) For each representative district in the [State]
7 state or county, as the case may be, an election
8 rate point shall be calculated by dividing the
9 total voter turnout in that representative
10 district by the total voter turnout in the state,
11 county, or federal office district, as the case
12 may be; provided that for purposes of this
13 subparagraph:

14 (i) The absentee votes cast for a statewide,
15 countywide, or federal office shall be
16 treated as a separate representative
17 district and the election rate point shall
18 be calculated by dividing the total absentee
19 votes cast for the statewide, countywide, or
20 federal office by the total voter turnout in
21 the state, county, or federal office
22 district, as the case may be [-]; and

1 (ii) The overseas votes cast for any election in
2 the [~~State~~] state for a federal office shall
3 be treated as a separate representative
4 district and the election rate point shall
5 be calculated by dividing the total number
6 of overseas votes cast for the affected
7 federal office by the total voter turnout in
8 the affected federal office district. The
9 term "overseas votes" means those votes cast
10 by absentee ballots for a presidential
11 election as provided in section 15-3.

12 All election rate points shall be expressed as
13 decimal fractions rounded to the nearest hundred
14 thousandth[-];

15 (B) The candidate with the highest number of votes in
16 a representative district shall be allocated the
17 election rate point calculated under subparagraph
18 (A) for that district. In the event that two or
19 more persons are tied in receiving the highest
20 number of votes for that district, the election
21 rate point shall be equally apportioned among



1 those candidates involved in that district
 2 tie[-];

3 (C) After the election rate points calculated under
 4 subparagraph (A) for all the precincts have been
 5 allocated as prescribed under subparagraph (B),
 6 the election rate points allocated to each
 7 candidate shall be tallied and the candidate with
 8 the election rate point total shall be declared
 9 the winner[-]; and

10 (D) If there is a tie between two or more candidates
 11 in the election rate point total, the candidate
 12 who is allocated the highest election rate points
 13 from the representative district with the largest
 14 voter turnout shall be declared the winner."

15 SECTION 4. Section 11-195, Hawaii Revised Statutes, is
 16 amended by amending subsection (d) to read as follows:

17 "(d) For purposes of this subpart, whenever a report is
 18 required to be filed with the commission, "filed" means
 19 electronically filed on the commission's electronic filing
 20 system by the date and time specified for the filing of the
 21 report by the:



- 1 (1) Candidate or the committee of a candidate who is
2 seeking election to the:
3 (A) Office of governor;
4 (B) Office of lieutenant governor;
5 (C) Office of mayor;
6 (D) Office of prosecuting attorney;
7 (E) County council;
8 (F) Senate;
9 (G) House of representatives; or
10 (H) Office of Hawaiian affairs; [~~or~~
11 ~~(I) Board of education,~~] or
12 (2) Noncandidate committee required to be registered with
13 the commission pursuant to section 11-194."

14 SECTION 5. Section 11-209, Hawaii Revised Statutes, is
15 amended by amending subsection (a) to read as follows:

16 "(a) From January 1 of the year of any primary, special,
17 or general election, the total expenditures for each election
18 for candidates who voluntarily agree to limit their campaign
19 expenditures, inclusive of all expenditures made or authorized
20 by the candidate alone and all campaign treasurers and
21 committees in the candidate's behalf, shall not exceed the
22 following amounts expressed respectively multiplied by the



1 number of voters in the last preceding general election
2 registered to vote in each respective voting district:

- 3 (1) For the office of governor--\$2.50;
4 (2) For the office of lieutenant governor--\$1.40;
5 (3) For the office of mayor--\$2.00;
6 (4) For the offices of state senator, state
7 representative, and county council member--\$1.40; and
8 (5) For [~~the offices of the board of education and~~] all
9 other offices--20 cents."

10 SECTION 6. Section 11-218, Hawaii Revised Statutes, is
11 amended by amending subsection (d) to read as follows:

12 "(d) For [~~the board of education and~~] all other offices,
13 the maximum amount of public funds available to a candidate
14 shall not exceed \$100 in any election year."

15 SECTION 7. Section 12-5, Hawaii Revised Statutes, is
16 amended by amending subsection (a) to read as follows:

17 "(a) Nomination papers for candidates for members of
18 Congress, governor, and lieutenant governor[~~, and the board of~~
19 ~~education~~] shall be signed by not less than twenty-five
20 registered voters of the State or of the Congressional district
21 [~~or school board district~~] from which the candidates are running



1 in the case of candidates for the United States House of
2 Representatives [~~or for the board of education~~]."

3 SECTION 8. Section 26-35.5, Hawaii Revised Statutes, is
4 amended by amending subsection (a) to read as follows:

5 "(a) For purposes of this section, "member" means any
6 person who is appointed, in accordance with the law, to serve on
7 a temporary or permanent state board, including members of the
8 board of education, the local school board of any charter school
9 established under chapter 302B, council, authority, committee,
10 or commission, established by law or elected to [~~the board of~~
11 ~~education, or~~] the board of trustees of the employees'
12 retirement system under section 88-24, or the corporation board
13 of the Hawaii health systems corporation under section 323F-3
14 and its regional system boards under section 323F-3.5; provided
15 that "member" shall not include any person elected to serve on a
16 board or commission in accordance with chapter 11 [~~other than a~~
17 ~~person elected to serve on the board of education~~]."

18 SECTION 9. Section 84-17, Hawaii Revised Statutes, is
19 amended by amending subsection (d) to read as follows:

20 "(d) The financial disclosure statements of the following
21 persons shall be public records and available for inspection and
22 duplication:



- 1 (1) The governor, the lieutenant governor, the members of
2 the legislature, candidates for and delegates to the
3 constitutional convention, [~~the members of the board~~
4 ~~of education,~~] the trustees of the office of Hawaiian
5 affairs, and candidates for state elective offices;
- 6 (2) The directors of the state departments and their
7 deputies, regardless of the titles by which the
8 foregoing persons are designated; provided that with
9 respect to the department of the attorney general, the
10 foregoing shall apply only to the attorney general and
11 the first deputy attorney general;
- 12 (3) The administrative director of the State;
- 13 (4) The president, the vice presidents, the assistant vice
14 presidents, the chancellors, and the provosts of the
15 University of Hawaii;
- 16 (5) The members of the board of education, and the
17 superintendent, the deputy superintendent, the state
18 librarian, and the deputy state librarian of the
19 department of education;
- 20 (6) The administrative director and the deputy director of
21 the courts; and



1 (7) The administrator and the assistant administrator of
2 the office of Hawaiian affairs."

3 SECTION 10. Section 84-41, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "[+]§84-41[+] **Applicability of part.** This part applies to
6 legislators, [elected] members of the board of education,
7 trustees of the office of Hawaiian affairs, the governor, the
8 lieutenant governor, and executive department heads and
9 deputies. This part does not apply to any other officer or
10 employee of the State."

11 SECTION 11. Section 88-21, Hawaii Revised Statutes, is
12 amended by amending the definition of "elective officer" or
13 "elective official" to read as follows:

14 ""Elective officer" or "elective official": any person
15 elected to a public office or appointed to fill a vacancy of an
16 elective office, except as a delegate to a constitutional
17 convention [~~or member of the board of education~~], in accordance
18 with an election duly held in the [State] state or counties
19 under chapter 11; provided that the person receives
20 compensation, pay, or salary for such office."



1 SECTION 12. Section 302A-101, Hawaii Revised Statutes, is
2 amended by adding a new definition to be appropriately inserted
3 and to read as follows:

4 "Commission" means the board of education candidate
5 nomination commission established in section 302A-B."

6 SECTION 13. Section 302A-1101, Hawaii Revised Statutes, is
7 amended by amending subsection (a) to read as follows:

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

16 SECTION 14. Section 302A-1110, Hawaii Revised Statutes, is
17 amended to read as follows:

18 "[~~+~~] §302A-1110 [~~+~~] Educational districts not applicable.
19 The educational districts established by section 4-1 shall not
20 be applicable to, nor alter, ~~[the school board or departmental~~
21 ~~school districts, established by section 13-1, or]~~ the school



1 districts established [~~for administrative purposes by the~~
2 ~~department.] under section 302A-C."~~

3 SECTION 15. Section 17-6, Hawaii Revised Statutes, is
4 repealed.

5 [~~"§17-6 Board of education members. (a) The governor~~
6 ~~shall make an appointment to fill any vacancy in the membership~~
7 ~~of the board of education for the unexpired term of that vacancy~~
8 ~~whenever a vacancy occurs and the term of that vacancy ends at~~
9 ~~the time of the next succeeding general election.~~

10 ~~(b) In the case of a vacancy, the term of which does not~~
11 ~~end at the next succeeding general election.~~

12 ~~(1) If it occurs not later than on the sixtieth day prior~~
13 ~~to the next succeeding general election, the vacancy~~
14 ~~shall be filled for the unexpired term at the next~~
15 ~~succeeding general election. The chief election~~
16 ~~officer shall issue a proclamation designating the~~
17 ~~election for filling the vacancy. All candidates for~~
18 ~~the unexpired term shall file nomination papers not~~
19 ~~later than 4:30 p.m. on the fiftieth day prior to the~~
20 ~~general election (but if such day is a Saturday,~~
21 ~~Sunday, or holiday then not later than 4:30 p.m. on~~
22 ~~the first working day immediately preceding) and shall~~



1 ~~be elected in accordance with this title. Pending the~~
2 ~~election the governor shall make a temporary~~
3 ~~appointment to fill the vacancy and the person so~~
4 ~~appointed shall serve until the election of the person~~
5 ~~duly elected to fill such vacancy.~~

6 ~~(2) If it occurs after the sixtieth day prior to the next~~
7 ~~succeeding general election, the governor shall make~~
8 ~~an appointment to fill the vacancy for the unexpired~~
9 ~~term.~~

10 ~~(c) All appointments made by the governor under this~~
11 ~~section shall be made without consideration of the appointee's~~
12 ~~party affiliation or preference or nonpartisanship, however the~~
13 ~~persons so appointed shall meet the residency requirement~~
14 ~~specified in section 13-1."]~~

15 SECTION 16. Section 302A-1105, Hawaii Revised Statutes, is
16 repealed.

17 [~~§302A-1105 Compensation; expenses.~~ Board of education
18 members shall be allowed:

19 ~~(1) Compensation at the rate of \$100 per day for each~~
20 ~~day's actual attendance at meetings;~~

21 ~~(2) Transportation fares between islands and abroad; and~~



1 ~~(3) Personal expenses at the rates specified by the board~~
2 ~~while attending board meetings or while on official~~
3 ~~business as authorized by the chairperson, when the~~
4 ~~board meetings or official business require a board~~
5 ~~member to leave the island upon which the board member~~
6 ~~resides."]~~

7 SECTION 17. Section 302A-1106, Hawaii Revised Statutes, is
8 repealed.

9 ~~["§302A-1106 Organization; quorum; meetings. (a) The~~
10 ~~board shall elect from its own membership a chairperson and a~~
11 ~~vice chairperson. A majority of all members to which the board~~
12 ~~is entitled shall constitute a quorum to do business and the~~
13 ~~concurrence of a majority of all members to which the board is~~
14 ~~entitled shall be necessary to make any action of the board~~
15 ~~valid; provided that due notice shall have been given to all~~
16 ~~members of the board or a bona fide attempt shall have been made~~
17 ~~to give due notice to all members of the board to whom it was~~
18 ~~reasonably practicable to give due notice. Meetings shall be~~
19 ~~called and held, at the call of the chairperson or by a quorum,~~
20 ~~as often as may be necessary for the transaction of the~~
21 ~~department's business.~~



1 ~~(b) Chapter 92 notwithstanding, from the convening of the~~
2 ~~legislature in regular session to adjournment sine die of each~~
3 ~~regular session, and during each special session of the~~
4 ~~legislature, the board may file any notice that specifies only~~
5 ~~legislation or legislation related agenda items, no fewer than~~
6 ~~two calendar days before the meeting."]~~

7 SECTION 18. Section 302A-1106.5, Hawaii Revised Statutes,
8 is repealed.

9 ~~"[§302A-1106.5] Board of education; community meetings.~~
10 ~~The board shall hold not less than two community meetings~~
11 ~~annually in each departmental school district in addition to~~
12 ~~their regular meetings to discuss and receive input from the~~
13 ~~community on public education and public library issues. The~~
14 ~~board chairperson shall designate board members to attend the~~
15 ~~community meetings. These community meetings shall not be held~~
16 ~~for the purpose of formulating educational policy. The~~
17 ~~community meetings shall be exempt from sections 92-2.5, 92-7,~~
18 ~~92-9, and 92-41, provided that the board shall give written~~
19 ~~public notice of each community meeting. The meeting notice~~
20 ~~shall indicate the date, time, and place of the meeting, and~~
21 ~~shall be filed in the office of the lieutenant governor and in~~
22 ~~the board's office for public inspection six calendar days~~



1 ~~before the meeting. The notice shall also be posted at the site~~
2 ~~of the meeting."]~~

3 SECTION 19. Chapter 13, Hawaii Revised Statutes, is
4 repealed.

5 SECTION 20. Notwithstanding any law to the contrary, upon
6 the effective date of this Act and ratification of a
7 constitutional amendment requiring all voting members of the
8 board of education to be appointed by the governor, with the
9 advice and consent of the senate, from pools of qualified
10 candidates presented to the governor by the board of education
11 candidate nomination commission, each elected member of the
12 board of education:

13 (1) If the elected member so desires, shall automatically
14 qualify as a candidate presented by the board of
15 education candidate nomination commission for initial
16 appointment to the board of education by the governor,
17 pursuant to section 2 of this Act; provided that each
18 elected member is presented as a candidate for a board
19 of education position for which the member qualifies
20 under the residency requirements in section 2 of this
21 Act; and



1 (2) Shall serve as an interim member of the board of
2 education until:

3 (A) The elected member is presented by the board of
4 education candidate nomination commission
5 pursuant to paragraph (1), appointed by the
6 governor, and confirmed by the senate to serve as
7 an appointed board of education member, pursuant
8 to sections 302A-A and 302A-B, Hawaii Revised
9 Statutes; or

10 (B) The elected member is replaced by the governor
11 with another individual who has been presented by
12 the board of education candidate nomination
13 commission, appointed by the governor, and
14 confirmed by the senate, pursuant to sections
15 302A-A and 302A-B, Hawaii Revised Statutes, to
16 serve as an appointed board of education member.

17 Upon the effective date of this Act and ratification of a
18 constitutional amendment requiring all voting members of the
19 board of education to be appointed by the governor, with the
20 advice and consent of the senate, from pools of qualified
21 candidates presented to the governor by the board of education
22 candidate nomination commission, as provided by law, the student



1 member shall serve out the remainder of the student member's
2 term.

3 SECTION 21. The minimum and maximum number of qualified
4 candidates that the board of education candidate nomination
5 commission is required to present to the governor for initial
6 appointment to the board of education in each vacant position,
7 pursuant to section 2 of this Act, shall be reduced by the
8 number of elected board of education members who become
9 candidates presented by the board of education candidate
10 nomination commission for initial appointment to each respective
11 vacancy on the board of education pursuant to section 20 of this
12 Act.

13 SECTION 22. Except as provided in section 23 of this Act,
14 all employees, including secretarial staff and analysts, serving
15 the board of education on the effective date of this Act, shall
16 continue to be employees of the department of education.

17 SECTION 23. On the effective date of this Act, the
18 executive director of the board of education shall no longer be
19 an employee of the department of education and shall serve at
20 the pleasure of the board of education.



1 SECTION 24. The revisor of statutes shall insert the
2 effective date of this Act in the appropriate places in section
3 2 of this Act.

4 SECTION 25. In codifying the new sections added by section
5 2 of this Act, the revisor of statutes shall substitute
6 appropriate section numbers for the letters used in designating
7 the new sections in this Act.

8 SECTION 26. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

10 SECTION 27. This Act shall take effect on July 1, 2020,
11 and upon ratification of a constitutional amendment requiring
12 all voting members of the board of education to be appointed.



Report Title:

Board of Education; Appointment; Candidate Nomination Commission

Description:

Requires all voting members of the board of education to be appointed by the governor, with the advice and consent of the senate, from pools of qualified candidates presented to the governor by the board of education candidate nomination commission. Effective July 1, 2020.

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

