

# H.B. NO. 2359

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## A BILL FOR AN ACT

PROPOSING AMENDMENTS TO ARTICLE X, SECTIONS 2 AND 3 OF THE STATE CONSTITUTION TO ADD A FIFTEENTH MEMBER WHO IS APPOINTED BY THE GOVERNOR TO REPRESENT THE INTERESTS OF CHARTER SCHOOLS.

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

1 SECTION 1. The purpose of this Act is to propose amendments  
2 to article X, sections 2 and 3 of the Constitution of the State  
3 of Hawaii, to add an additional appointed member to the board of  
4 education who would represent the interests of public charter  
5 schools, so as to further the ability of the State's public  
6 charter schools to provide alternative learning environments  
7 distinct from the department of education and the public schools  
8 that the department establishes and maintains.

9 SECTION 2. Article X, section 2 of the Constitution of the  
10 State of Hawaii is amended to read as follows:

11 "~~Section 2. [There shall be a board of education composed of~~  
12 ~~members who shall be elected in a nonpartisan manner by qualified~~  
13 ~~voters, as provided by law, from two at-large school board~~  
14 ~~districts.]~~ There shall be a board of education composed of  
15 thirteen elected and two appointed members. The elected members  
16 shall be elected in a nonpartisan manner by qualified voters, as  
17 provided by law, from two at-large school board districts. The

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1 first school board district shall be comprised of the island of  
2 Oahu and all other islands not specifically enumerated. The  
3 second school board district shall be comprised of the islands of  
4 Hawaii, Maui, Lanai, Molokai, Kahoolawe, Kauai and Niihau. Each  
5 at-large school boards district shall be divided into  
6 departmental school districts, as may be provided by law. There  
7 shall be at least one member residing in each departmental school  
8 district.

9 ~~[The Hawaii State Student Council shall select a public high~~  
10 ~~school student to serve as a nonvoting member on the board of~~  
11 ~~education.]~~ The governor shall appoint a voting member to the  
12 board of education from among public charter school parents,  
13 administrators, faculty and staff, as provided by law. The  
14 Hawaii State Student Council shall select the other appointed  
15 member from among public high school students. The student  
16 member shall serve as a nonvoting member of the board."

17 SECTION 3. Article X, section 3 of the Constitution of the  
18 State of Hawaii is amended to read as follows:

19 "Section 3. The board of education shall have the power, as  
20 provided by law, to formulate statewide educational policy [and  
21 ~~appoint the superintendent of education as the chief executive~~

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1 ~~officer of the public school system.]~~ for the State's single  
2 statewide system of public schools."

3 SECTION 4. The question to be printed on the ballot shall  
4 be as follows:

5 "Shall the membership of the board of education be increased  
6 to include a voting member appointed by the Governor from among  
7 public charter school parents, administrators, faculty and  
8 staff?"

9 SECTION 5. Constitutional material to be repealed is  
10 bracketed and stricken. New constitutional material is  
11 underscored.

12 SECTION 6. These amendments to the Constitution of the  
13 State of Hawaii shall take effect upon compliance with Article  
14 XVII, section 3, of the Constitution of the State of Hawaii.

15  
16 INTRODUCED BY:

Calvin K. Iy

17 By Request

JAN 23 2006

JUSTIFICATION SHEET

DEPARTMENT: Office of the Governor

TITLE: PROPOSING AMENDMENTS TO ARTICLE X, SECTIONS 2 AND 3 OF THE STATE CONSTITUTION TO ADD A FIFTEENTH MEMBER WHO IS APPOINTED BY THE GOVERNOR TO REPRESENT THE INTERESTS OF CHARTER SCHOOLS.

PURPOSE: The purpose of this bill is to propose a constitutional amendment to add a representative of the charter schools to the Board of Education membership.

MEANS: Amend Article X, sections 2 and 3, of the Hawaii State Constitution.

JUSTIFICATION: Currently, the Board of Education has no designated representative for the interests of charter schools. This leaves charter schools without a significant voice in the process of decision-making at the Board. This constitutional amendment would give charter school interests a voice within the Board so that concerns for charter schools are better addressed.

Impact on the public: The public will benefit from better policy-making at the Board of Education regarding the interests of charter schools.

Impact on the department and other agencies: Unknown.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: EDN 600.

OTHER AFFECTED AGENCIES: All.

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