

---

# A BILL FOR AN ACT

RELATING TO THE BOARD OF 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 members  
4 of the board of education to be nominated and, by and with the  
5 advice and consent of the senate, appointed by the governor from  
6 lists of qualified candidates presented to the governor by the  
7 board of education selection advisory council.

8           SECTION 2. Chapter 302A, Hawaii Revised Statutes, is  
9 amended by adding two 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 shall consist  
13 of eight members as follows:

14           (1) Six voting members who shall represent and reside in  
15 the specified geographic areas as follows:

16           (A) One member from the county of Hawaii;

17           (B) One member from the county of Maui;

18           (C) One member from the county of Kauai; and



1           (D) Three members from the city and county of  
2                   Honolulu;

3           (2) One voting member who shall be designated by the  
4                   governor to serve as the chairperson of the board; and

5           (3) One nonvoting member who shall be a public school  
6                   student at the time of the initial appointment.

7           The members shall be appointed, by and with the advice and  
8                   consent of the senate, and may be removed by the governor.

9           Except as otherwise provided by law, state officers shall  
10                   be eligible for appointment and membership.

11           (b) Except for the student member, the governor shall set  
12                   the terms of those initially appointed under this Act to each  
13                   seat on the board as follows:

14           (1) Two members shall serve two-year terms;

15           (2) Two members shall serve three-year terms; and

16           (3) Three members, including the chairperson of the board,  
17                   shall serve four-year terms.

18           (c) Except as provided for in subsection (d):

19           (1) The term of each member shall be four years, except as  
20                   provided for the initial appointment in subsection

21                   (b); and



1       (2) Members shall serve no more than two consecutive four-  
2       year terms; provided that the members who are  
3       initially appointed to terms of three years or less  
4       pursuant to subsection (b) may be reappointed to two  
5       ensuing, consecutive four-year terms. If a member is  
6       to be appointed to a second consecutive term of four  
7       years, the senate shall consider the question of  
8       whether to reconfirm the member at least one hundred  
9       twenty days prior to the expiration of a member's  
10       first four-year term; provided that if the senate is  
11       not in session prior to the one-hundred-twenty-day  
12       deadline by which the senate shall have considered the  
13       question of reconfirmation, the member shall continue  
14       to serve until the senate convenes for the next  
15       regular session or the next special session during  
16       which the senate is authorized to consider the  
17       question of reconfirmation.

18       (d) The term of the student member shall be two years.  
19       The student member may be reappointed for one additional,  
20       consecutive term even though the member may no longer be a  
21       student at the time of reappointment; provided that the senate  
22       shall consider the question of whether to reconfirm the member



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

9 (e) Every member may serve beyond the expiration date of  
10 the member's term of appointment until the member's successor  
11 has been appointed by the governor and confirmed by the senate  
12 in accordance with Article X, Section 2 of the Hawaii  
13 Constitution.

14 (f) The board shall select its own vice chairperson from  
15 its voting members, who shall serve as interim chairperson in  
16 the event the chairperson's seat becomes vacant, and until the  
17 governor selects the nominee who shall serve as the interim  
18 chairperson of the board pursuant to subsection 302A-B(e).

19 The superintendent shall serve as executive officer of the  
20 board.

21 (g) A majority of all the voting members to which the  
22 board is entitled shall constitute a quorum to conduct



1 business. A majority of the members present and voting shall be  
2 necessary to make any action of the board valid. At any time  
3 the board has fewer than six voting members, whether appointed  
4 or serving a term that has been extended until the interim  
5 members of the board have been appointed, three voting members  
6 of the board shall constitute a quorum to conduct business and  
7 to make any action of the board valid.

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

14 (h) The governor shall notify the board of education  
15 selection advisory council in writing within ten days of:

16 (1) Removing a member of the board; or  
17 (2) Receiving notification that a member of the board is  
18 resigning or has died.

19 (i) The members of the board shall serve without pay but  
20 shall be entitled to their travel expenses within the state when  
21 attending meetings of the board or when actually engaged in  
22 business relating to the work of the board.



1           §302A-B Board of education selection advisory council.

2    (a) There is established the board of education selection  
3    advisory council to present to the governor lists of qualified  
4    candidates from which the members of the board shall be  
5    nominated and, by and with the advice and consent of the senate,  
6    appointed by the governor. The council shall be attached to the  
7    department for administrative purposes.

8           (b) Except as provided in subsection (c), within thirty  
9    days of convening its first meeting to initially appoint the  
10   members of the board pursuant to this Act, the council shall  
11   present a list of qualified candidates to the governor for each  
12   vacant seat on the board as provided by law; provided that for  
13   all subsequent presentations to the governor, the council shall  
14   present no fewer than two and no more than four qualified  
15   candidates for each seat on the board to the governor within:

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

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

20    The council shall be deemed to have fulfilled its obligation  
21    under this section upon presentation of the names of the minimum



1 number of candidates required to be presented for each seat on  
2 the board.

3 (c) For the initial appointment of the members of the  
4 board, and when there are more than three seats vacant on the  
5 board for subsequent appointments to the board, the council  
6 shall set appropriate minimum and maximum numbers of candidates  
7 to present to the governor, that shall be no fewer than two  
8 candidates for each vacant seat, and which shall provide for at  
9 least three candidates for the last seat to be filled.

10 (d) In selecting the candidates to be presented to the  
11 governor, the council shall:

12 (1) Establish the criteria for qualifying, screening, and  
13 presenting to the governor candidates for membership  
14 on the board;

15 (2) Develop a statement that includes the selection  
16 criteria to be applied and a description of the  
17 responsibilities and duties of a member of the board  
18 and distribute this statement to potential candidates;

19 (3) Screen and qualify candidates for membership on the  
20 board based on their background, experience, and  
21 potential for discharging the responsibilities of a  
22 member of the board;



1       (4) Publicly advertise pending vacancies and actively  
2       solicit and accept applications from potential  
3       candidates;

4       (5) Develop and implement a fair, independent, and  
5       nonpartisan procedure for selecting candidates to  
6       serve on the board; and

7       (6) Require each candidate to disclose any existing or  
8       anticipated contracts with the department or any  
9       existing or anticipated financial transactions with  
10      the department.

11      No council member shall qualify to be a candidate.

12      Upon submission of the names of candidates to the governor,  
13      the council shall make available the names of candidates to the  
14      public through the department.

15      Notwithstanding any provision in this subsection, all  
16      members of the board serving as of the day prior to the  
17      effective date of this Act shall be included in the list of  
18      candidates to be presented to the governor for the initial  
19      appointment of the members of the board, in addition to those  
20      candidates selected pursuant to this subsection and subsection  
21      (c); provided that:



1       (1) A member of the board serving as of the day prior to  
2       the effective date of this Act shall only be a  
3       candidate for the seat in the geographic area in which  
4       the member resides, as provided in 302A-A(a); except  
5       in the case of a member of the board serving as of the  
6       day prior to the effective date of this Act who is  
7       appointed to serve as chairperson of the board or as  
8       the student member; and

9       (2) The student member serving as of the day prior to the  
10       effective date of this Act shall only be a candidate  
11       for the student member seat as provided in section  
12       302A-A(a).

13       (e) For each board seat to be filled, the governor shall  
14       select one nominee from among the candidates submitted by the  
15       council.

16       The nominee selected by the governor shall serve as an  
17       interim board member until the appointed member has been  
18       appointed and confirmed by the senate; provided that no interim  
19       board member shall be appointed until December 6, 2010.

20       (f) The council shall consist of seven members to be  
21       appointed without regard to section 26-34 as follows:



- 1        (1) One member of the community who shall be appointed by  
2        the governor;
- 3        (2) One member of the community who shall be appointed by  
4        the president of the senate;
- 5        (3) One member of the community who shall be appointed by  
6        the speaker of the house of representatives;
- 7        (4) A parent appointed by the Hawaii State Parent Teacher  
8        Student Association;
- 9        (5) A current public school teacher appointed by the  
10       Hawaii State Teachers Association;
- 11       (6) A current public school student appointed by the  
12       Hawaii State student council; and
- 13       (7) One member who shall be appointed by the Hawaii  
14       Business Roundtable.
- 15       Individuals who are or have served as members of the executive  
16       councils or boards for the organizations under paragraphs (4) to  
17       (7) within the last five years immediately preceding the  
18       establishment of or a vacancy on the board of education  
19       selection advisory council shall not be eligible to serve as  
20       members of the board of education selection advisory council.
- 21       The board of education selection advisory council shall be  
22       selected in a nonpartisan manner. Appointees to the council



1 shall have a general understanding of the purposes of public  
2 education, the mission of the department, and the  
3 responsibilities of the board. Appointees shall be individuals  
4 who are widely viewed as having placed the broad public interest  
5 ahead of special interests, having achieved a high level of  
6 prominence in their respective professions, and being respected  
7 members of the community.

8 If any member has not been appointed within one hundred  
9 eighty days of a vacancy on the council, the other members on  
10 the council shall make an interim appointment to fill the vacant  
11 seat. The interim appointee shall satisfy the requirements for  
12 appointment provided in this subsection and shall serve until  
13 the time when the appropriate appointing authority makes an  
14 appointment for the vacant seat as provided in this subsection.

15 (g) Members of the council shall serve four-year terms;  
16 provided that the three members initially appointed by the  
17 governor, president of the senate, and speaker of the house of  
18 representatives shall serve for terms of two years; provided  
19 further that terms for members initially appointed to the  
20 council shall be deemed to begin on the effective date of this  
21 Act, regardless of the actual date of appointment.



1       (h) If a vacancy occurs on the council, a successor shall  
2 be appointed in the same manner and subject to the same  
3 qualifications as the person's predecessor. The person  
4 appointed to fill a vacancy shall serve for the remainder of the  
5 term of the person's predecessor.

6       (i) The council shall operate in a nonpartisan manner. No  
7 individual, while a member of the council, shall run for or hold  
8 any elected office under the United States or the State or any  
9 of its political subdivisions.

10       (j) The council shall convene its first meeting to  
11 initially appoint the members of the board pursuant to this Act,  
12 when a majority of its members have been appointed. The members  
13 of the council shall select a chairperson from among its  
14 members. A majority of all the members to which the council is  
15 entitled shall constitute a quorum to conduct business. The  
16 concurrence of a majority of all the members to which the  
17 council is entitled shall be necessary to make any action of the  
18 council valid. The council shall meet annually and at other  
19 times as necessary. The council shall be exempt from part I of  
20 chapter 92.

21       (k) Members of the council shall serve without  
22 compensation but shall be reimbursed for expenses, including



1 travel, board, and lodging expenses, necessary for the  
2 performance of their duties.

3 (1) Notwithstanding chapter 92F or any other law to the  
4 contrary, all information required by the council shall be  
5 confidential, including all council information obtained,  
6 reviewed, or considered before and after council decision  
7 making. Confidential council information shall include  
8 documents, data, or other information that is not public record,  
9 including:

- 10 (1) Personal financial information;  
11 (2) The names of applicants;  
12 (3) Applications and the personal, financial, and other  
13 information contained therein submitted by the  
14 applicants to the council;  
15 (4) Interviews;  
16 (5) Schedules;  
17 (6) Reports;  
18 (7) Studies;  
19 (8) Background checks;  
20 (9) Credit reports;  
21 (10) Surveys and reports prepared for or on the council's  
22 behalf;



- 1        (11) The results of any evaluations or assessments  
2                    conducted by the council;
- 3        (12) The substance and details of any discussions with  
4                    council members; and
- 5        (13) The substance and details of discussions and  
6                    deliberations of the council and any of its committees  
7                    during meetings."

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

10            "§11-157 In case of tie. In case of the failure of an  
11 election by reason of the equality of vote between two or more  
12 candidates, the tie shall be decided by the chief election  
13 officer or county clerk in the case of county elections in  
14 accordance with the following procedure:

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

20            (A) For each precinct in the affected district, an  
21 election rate point shall be calculated by  
22 dividing the total voter turnout in that precinct



1 by the total voter turnout in the district. For  
2 the purpose of this subparagraph, the absentee  
3 votes cast for the affected district shall be  
4 treated as a precinct. The election rate point  
5 shall be calculated by dividing the total  
6 absentee votes cast for the affected district by  
7 the total voter turnout in that district. All  
8 election rate points shall be expressed as  
9 decimal fractions rounded to the nearest hundred  
10 thousandth[-];

11 (B) The candidate with the highest number of votes in  
12 a precinct shall be allocated the election rate  
13 point calculated under subparagraph (A) for that  
14 precinct. In the event that two or more persons  
15 are tied in receiving the highest number of votes  
16 for that precinct, the election rate point shall  
17 be equally apportioned among those candidates  
18 involved in that precinct tie[-];

19 (C) After the election rate points calculated under  
20 subparagraph (A) for all the precincts have been  
21 allocated as provided under subparagraph (B), the  
22 election rate points allocated to each candidate



1 shall be tallied and the candidate with the  
2 highest election rate point total shall be  
3 declared the winner ~~[ ]~~; and

4 (D) If there is a tie between two or more candidates  
5 in the election rate point total, the candidate  
6 who is allocated the highest election rate points  
7 from the precinct with the largest voter turnout  
8 shall be declared the winner ~~[ ]~~;

9 and

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

14 (A) For each representative district in the ~~[State]~~  
15 state or county, as the case may be, an election  
16 rate point shall be calculated by dividing the  
17 total voter turnout in that representative  
18 district by the total voter turnout in the state,  
19 county, or federal office district, as the case  
20 may be; provided that for purposes of this  
21 subparagraph:





- 1 (i) The absentee votes cast for a statewide,  
2 countywide, or federal office shall be  
3 treated as a separate representative  
4 district and the election rate point shall  
5 be calculated by dividing the total absentee  
6 votes cast for the statewide, countywide, or  
7 federal office by the total voter turnout in  
8 the state, county, or federal office  
9 district, as the case may be~~[+]~~; and
- 10 (ii) The overseas votes cast for any election in  
11 the [~~State~~] state for a federal office shall  
12 be treated as a separate representative  
13 district and the election rate point shall  
14 be calculated by dividing the total number  
15 of overseas votes cast for the affected  
16 federal office by the total voter turnout in  
17 the affected federal office district. The  
18 term "overseas votes" means those votes cast  
19 by absentee ballots for a presidential  
20 election as provided in section 15-3.



1 All election rate points shall be expressed as  
2 decimal fractions rounded to the nearest hundred  
3 thousandth[-] i

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

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

20 (D) If there is a tie between two or more candidates  
21 in the election rate point total, the candidate  
22 who is allocated the highest election rate points



1 from the representative district with the largest  
2 voter turnout shall be declared the winner."

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

5 "(d) For purposes of this subpart, whenever a report is  
6 required to be filed with the commission, "filed" means  
7 electronically filed on the commission's electronic filing  
8 system by the date and time specified for the filing of the  
9 report by the:

10 (1) Candidate or the committee of a candidate who is  
11 seeking election to the:

- 12 (A) Office of governor;
- 13 (B) Office of lieutenant governor;
- 14 (C) Office of mayor;
- 15 (D) Office of prosecuting attorney;
- 16 (E) County council;
- 17 (F) Senate;
- 18 (G) House of representatives; or
- 19 (H) Office of Hawaiian affairs; [~~er~~
- 20 ~~(I) Board of education;~~]

21 or



1           (2) Noncandidate committee required to be registered with  
2           the commission pursuant to section 11-194."

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

5           "(a) From January 1 of the year of any primary, special,  
6 or general election, the total expenditures for each election  
7 for candidates who voluntarily agree to limit their campaign  
8 expenditures, inclusive of all expenditures made or authorized  
9 by the candidate alone and all campaign treasurers and  
10 committees in the candidate's behalf, shall not exceed the  
11 following amounts expressed respectively multiplied by the  
12 number of voters in the last preceding general election  
13 registered to vote in each respective voting district:

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

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



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

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

6           "(a) Nomination papers for candidates for members of  
7 Congress, governor, and lieutenant governor [~~, and the board of~~  
8 ~~education~~] shall be signed by not less than twenty-five  
9 registered voters of the State or of the Congressional district  
10 [~~or school board district~~] from which the candidates are running  
11 in the case of candidates for the United States House of  
12 Representatives [~~or for the board of education~~]."

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

15           "(a) For purposes of this section, "member" means any  
16 person who is appointed, in accordance with the law, to serve on  
17 a temporary or permanent state board, including members of the  
18 board of education, the local school board of any charter school  
19 established under chapter 302B, council, authority, committee,  
20 or commission, established by law or elected to [~~the board of~~  
21 ~~education, or~~] the board of trustees of the employees'  
22 retirement system under section 88-24, or the corporation board



1 of the Hawaii health systems corporation under section 323F-3  
2 and its regional system boards under section 323F-3.5; provided  
3 that "member" shall not include any person elected to serve on a  
4 board or commission in accordance with chapter 11 [~~other than a~~  
5 ~~person elected to serve on the board of education~~]."

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

8 "(d) The financial disclosure statements of the following  
9 persons shall be public records and available for inspection and  
10 duplication:

- 11 (1) The governor, the lieutenant governor, the members of  
12 the legislature, candidates for and delegates to the  
13 constitutional convention, [~~the members of the board~~  
14 ~~of education,~~] the trustees of the office of Hawaiian  
15 affairs, and candidates for state elective offices;
- 16 (2) The directors of the state departments and their  
17 deputies, regardless of the titles by which the  
18 foregoing persons are designated; provided that with  
19 respect to the department of the attorney general, the  
20 foregoing shall apply only to the attorney general and  
21 the first deputy attorney general;
- 22 (3) The administrative director of the State;



1 (4) The president, the vice presidents, the assistant vice  
2 presidents, the chancellors, and the provosts of the  
3 University of Hawaii;

4 (5) The members of the board of education, and the  
5 superintendent, the deputy superintendent, the state  
6 librarian, and the deputy state librarian of the  
7 department of education;

8 (6) The administrative director and the deputy director of  
9 the courts; and

10 (7) The administrator and the assistant administrator of  
11 the office of Hawaiian affairs."

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

14 "[+]§84-41[+] Applicability of part. This part applies to  
15 legislators, [elected] members of the board of education,  
16 trustees of the office of Hawaiian affairs, the governor, the  
17 lieutenant governor, and executive department heads and  
18 deputies. This part does not apply to any other officer or  
19 employee of the State."

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



1 "Elective officer" or "elective official": any person  
2 elected to a public office or appointed to fill a vacancy of an  
3 elective office, except as a delegate to a constitutional  
4 convention [~~or member of the board of education~~], in accordance  
5 with an election duly held in the [State] state or counties  
6 under chapter 11; provided that the person receives  
7 compensation, pay, or salary for such office."

8 SECTION 12. Section 302A-1101, Hawaii Revised Statutes, is  
9 amended by amending subsection (a) to read as follows:

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

18 SECTION 13. Section 302A-1110, Hawaii Revised Statutes, is  
19 amended to read as follows:

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





1 ~~school districts, established by section 13-1, or]~~ the school  
2 districts established for administrative purposes by the  
3 department."

4 SECTION 14. Section 17-6, Hawaii Revised Statutes, is  
5 repealed.

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

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

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



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

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

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

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

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

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

22 ~~(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 16. 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 17. 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 18. Chapter 13, Hawaii Revised Statutes, is  
4 repealed.

5 SECTION 19. Notwithstanding any law to the contrary, the  
6 terms of the elected members of the board of education shall  
7 terminate upon the appointment of the interim members of the  
8 board of education.

9 SECTION 20. Notwithstanding the requirements of section  
10 302A-A, the terms of those members of the board of education  
11 serving on the effective date of this Act that are to expire  
12 shall be extended until the interim members of the board of  
13 education have been appointed, pursuant to the appointment  
14 process established pursuant to this Act, at which time their  
15 terms shall expire.

16 SECTION 21. Except as provided in section 21 of this Act,  
17 all employees, including secretarial staff and analysts, serving  
18 the board of education on the effective date of this Act, shall  
19 continue to be employees of the department of education.

20 SECTION 22. On the effective date of this Act, the  
21 executive director of the board of education shall no longer be



1 an employee of the department of education and shall serve at  
2 the pleasure of the board of education.

3 SECTION 23. The revisor of statutes shall insert the  
4 effective date of this Act in the appropriate places in section  
5 2 of this Act.

6 SECTION 24. In codifying the new sections added by section  
7 2 of this Act, the revisor of statutes shall substitute  
8 appropriate section numbers for the letters used in designating  
9 the new sections in this Act.

10 SECTION 25. Statutory material to be repealed is bracketed  
11 and stricken. New statutory material is underscored.

12 SECTION 26. This Act shall take effect on July 1, 2020,  
13 and upon ratification of the constitutional amendments requiring  
14 the members of the board of education to be appointed.



**Report Title:**

Board of Education; Appointment; Selection Advisory Council

**Description:**

Requires the members of the Board of Education to be nominated and, by and with the advice and consent of the Senate, appointed by the Governor from lists of qualified candidates presented to the Governor by the Board of Education Selection Advisory Council. Effective July 1, 2020. (SB2571 HD1)

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

