
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, with the advice
5 and consent of the senate, appointed by the governor from lists
6 of qualified candidates presented to the governor by the board
7 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 the governor, with the advice
8 and 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 section to
13 each 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 appointee who shall serve as the
18 chairperson of the board pursuant to subsection 302A-B(e).

19 (g) A majority of all the voting members to which the
20 board is entitled shall constitute a quorum to conduct
21 business. At any time the board has fewer than six voting
22 members, three voting members of the board shall constitute a



1 quorum to conduct business and to make any action of the board
2 valid.

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

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

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

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

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

18 §302A-B Board of education selection advisory council.

19 (a) There is established the board of education selection
20 advisory council to present to the governor lists of qualified
21 candidates from which the members of the board shall be
22 nominated and, with the advice and consent of the senate,



1 appointed by the governor. The council shall be attached to the
2 department for administrative purposes.

3 (b) Within thirty days of convening its first meeting, the
4 council shall present a list of qualified candidates to the
5 governor for each vacant seat on the board as provided by law;
6 provided that for all subsequent presentations to the governor,
7 except as provided in subsection (c), the council shall present
8 no fewer than two and no more than four qualified candidates for
9 each seat on the board to the governor within:

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

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

14 The council shall be deemed to have fulfilled its obligation
15 under this section upon presentation of the names of the minimum
16 number of candidates required to be presented for each seat on
17 the board.

18 (c) For the initial appointment of the members of the
19 board, and for subsequent appointments to the board when there
20 are more than three seats vacant on the board, the council shall
21 set appropriate minimum and maximum numbers of candidates to
22 present to the governor, which shall be no fewer than two



1 candidates for each vacant seat, and which shall provide for at
2 least three candidates for the last seat to be filled.

3 (d) In selecting the candidates to be presented to the
4 governor, the council shall:

5 (1) Establish the criteria for qualifying, screening, and
6 presenting to the governor candidates for membership
7 on the board;

8 (2) Develop a statement that includes the selection
9 criteria to be applied and a description of the
10 responsibilities and duties of a member of the board
11 and distribute this statement to potential candidates;

12 (3) Screen and qualify candidates for membership on the
13 board based on their background, experience, and
14 potential for discharging the responsibilities of a
15 member of the board;

16 (4) Publicly advertise pending vacancies and actively
17 solicit and accept applications from potential
18 candidates;

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



1 (6) Require each candidate to disclose any existing or
2 anticipated contracts with the department or any
3 existing or anticipated financial transactions with
4 the department.

5 No council member shall qualify to be a candidate.

6 Upon submission of the names of candidates to the governor,
7 the council shall make available the names of candidates to the
8 public through the department.

9 Notwithstanding any provision in this subsection, each
10 member of the board serving on the day of the effective date of
11 this Act, if the member accepts, shall be included in the list
12 of candidates to be presented to the governor for the initial
13 appointment of the members of the board, in addition to those
14 candidates selected pursuant to this section; provided that:

15 (1) A member of the board serving on the day of the
16 effective date of this Act shall only be a candidate
17 for the seat in the geographic area in which the
18 member resides, as provided in 302A-A(a), except in
19 the case of a member of the board serving on the day
20 of the effective date of this Act who is appointed to
21 serve as chairperson of the board or as the student
22 member; and



1 (2) The student member serving on the day of the effective
2 date of this Act shall only be a candidate for the
3 student member seat as provided in section 302A-A(a).

4 (e) For each board seat to be filled, the governor shall
5 select one appointee from among the candidates submitted by the
6 council.

7 The appointee selected by the governor shall serve as an
8 interim board member until the appointee has been confirmed by
9 the senate; provided that no interim board member shall be
10 appointed until December 6, 2010.

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

13 (1) One member of the community appointed by the governor;
14 provided that this member shall not be appointed until
15 December 6, 2010;

16 (2) One member of the community appointed by the president
17 of the senate;

18 (3) One member of the community appointed by the speaker
19 of the house of representatives;

20 (4) A parent appointed by the Hawaii State Parent Teacher
21 Student Association;



- 1 (5) A current public school teacher appointed by the
2 Hawaii State Teachers Association;
- 3 (6) A current public school student appointed by the
4 Hawaii state student council; and
- 5 (7) One member appointed by the Hawaii Business
6 Roundtable.

7 Individuals who are or have served as members of the executive
8 councils or boards for the organizations under paragraphs (4) to
9 (7) within the last five years immediately preceding the
10 establishment of or a vacancy on the board of education
11 selection advisory council shall not be eligible to serve as
12 members of the board of education selection advisory council.

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



1 If any member has not been appointed within one hundred
2 eighty days of a vacancy on the council, the other members on
3 the council shall make an interim appointment to fill the vacant
4 seat. The interim appointee shall satisfy the requirements for
5 appointment provided in this subsection and shall serve until
6 the time when the appropriate appointing authority makes an
7 appointment for the vacant seat as provided in this subsection.

8 (g) Members of the council shall serve four-year terms;
9 provided that the three members initially appointed by the
10 governor, president of the senate, and speaker of the house of
11 representatives shall serve for terms of two years; provided
12 further that terms for members initially appointed to the
13 council shall be deemed to begin on the day of the effective
14 date of this Act, regardless of the actual date of appointment.

15 (h) If a vacancy occurs on the council, a successor shall
16 be appointed in the same manner and subject to the same
17 qualifications as the person's predecessor. The person
18 appointed to fill a vacancy shall serve for the remainder of the
19 term of the person's predecessor.

20 (i) The council shall operate in a nonpartisan manner. No
21 individual, while a member of the council, shall run for or hold



1 any elected office under the United States or the State or any
2 of its political subdivisions.

3 (j) The council shall convene its first meeting when a
4 majority of its members have been appointed and as early as
5 practicable. The members of the council shall select a
6 chairperson from among its members. A majority of all the
7 members to which the council is entitled shall constitute a
8 quorum to conduct business. The concurrence of a majority of
9 all the members to which the council is entitled shall be
10 necessary to make any action of the council valid. The council
11 shall meet annually and at other times as necessary. The
12 council shall be exempt from part I of chapter 92.

13 (k) Members of the council shall serve without
14 compensation but shall be reimbursed for expenses, including
15 travel, necessary for the performance of their duties.

16 (l) Notwithstanding chapter 92F or any other law to the
17 contrary, all information required by the council shall be
18 confidential, including all council information obtained,
19 reviewed, or considered before and after council decision
20 making. Confidential council information shall include
21 documents, data, or other information that is not of public
22 record, including:



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

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;~~]

12 or

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

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

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



1 following amounts expressed respectively multiplied by the
2 number of voters in the last preceding general election
3 registered to vote in each respective voting district:

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

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

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

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

18 "(a) Nomination papers for candidates for members of
19 Congress, governor, and lieutenant governor[~~, and the board of~~
20 ~~education~~] shall be signed by not less than twenty-five
21 registered voters of the State or of the Congressional district
22 [~~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."

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

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

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

11 "~~[§] 302A-1110 [§]~~ Educational districts not applicable.
12 The educational districts established by section 4-1 shall not
13 be applicable to, nor alter, ~~[the school board or departmental~~
14 ~~school districts, established by section 13-1, or]~~ the school
15 districts established for administrative purposes by the
16 department."

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

19 "~~§17-6 Board of education members. (a) The governor~~
20 ~~shall make an appointment to fill any vacancy in the membership~~
21 ~~of the board of education for the unexpired term of that vacancy~~



1 ~~whenever a vacancy occurs and the term of that vacancy ends at~~
2 ~~the time of the next succeeding general election.~~

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

5 ~~(1) If it occurs not later than on the sixtieth day prior~~
6 ~~to the next succeeding general election, the vacancy~~
7 ~~shall be filled for the unexpired term at the next~~
8 ~~succeeding general election. The chief election~~
9 ~~officer shall issue a proclamation designating the~~
10 ~~election for filling the vacancy. All candidates for~~
11 ~~the unexpired term shall file nomination papers not~~
12 ~~later than 4:30 p.m. on the fiftieth day prior to the~~
13 ~~general election (but if such day is a Saturday,~~
14 ~~Sunday, or holiday then not later than 4:30 p.m. on~~
15 ~~the first working day immediately preceding) and shall~~
16 ~~be elected in accordance with this title. Pending the~~
17 ~~election the governor shall make a temporary~~
18 ~~appointment to fill the vacancy and the person so~~
19 ~~appointed shall serve until the election of the person~~
20 ~~duly elected to fill such vacancy.~~

21 ~~(2) If it occurs after the sixtieth day prior to the next~~
22 ~~succeeding general election, the governor shall make~~



1 ~~an appointment to fill the vacancy for the unexpired~~
2 ~~term.~~

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

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

10 [~~"§302A-1105 Compensation; expenses. Board of education~~
11 ~~members shall be allowed:~~

- 12 ~~(1) Compensation at the rate of \$100 per day for each~~
- 13 ~~day's actual attendance at meetings;~~
- 14 ~~(2) Transportation fares between islands and abroad; and~~
- 15 ~~(3) Personal expenses at the rates specified by the board~~
- 16 ~~while attending board meetings or while on official~~
- 17 ~~business as authorized by the chairperson, when the~~
- 18 ~~board meetings or official business require a board~~
- 19 ~~member to leave the island upon which the board member~~
- 20 ~~resides."]~~

21 SECTION 16. Section 302A-1106, Hawaii Revised Statutes, is
22 repealed.

1 ~~["§302A-1106 Organization; quorum; meetings. (a) The~~
2 ~~board shall elect from its own membership a chairperson and a~~
3 ~~vice chairperson. A majority of all members to which the board~~
4 ~~is entitled shall constitute a quorum to do business and the~~
5 ~~concurrence of a majority of all members to which the board is~~
6 ~~entitled shall be necessary to make any action of the board~~
7 ~~valid; provided that due notice shall have been given to all~~
8 ~~members of the board or a bona fide attempt shall have been made~~
9 ~~to give due notice to all members of the board to whom it was~~
10 ~~reasonably practicable to give due notice. Meetings shall be~~
11 ~~called and held, at the call of the chairperson or by a quorum,~~
12 ~~as often as may be necessary for the transaction of the~~
13 ~~department's business.~~

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

20 SECTION 17. Section 302A-1106.5, Hawaii Revised Statutes,
21 is repealed.



1 ~~["§302A-1106.5] Board of education; community meetings.~~
2 ~~The board shall hold not less than two community meetings~~
3 ~~annually in each departmental school district in addition to~~
4 ~~their regular meetings to discuss and receive input from the~~
5 ~~community on public education and public library issues. The~~
6 ~~board chairperson shall designate board members to attend the~~
7 ~~community meetings. These community meetings shall not be held~~
8 ~~for the purpose of formulating educational policy. The~~
9 ~~community meetings shall be exempt from sections 92-2.5, 92-7,~~
10 ~~92-9, and 92-41, provided that the board shall give written~~
11 ~~public notice of each community meeting. The meeting notice~~
12 ~~shall indicate the date, time, and place of the meeting, and~~
13 ~~shall be filed in the office of the lieutenant governor and in~~
14 ~~the board's office for public inspection six calendar days~~
15 ~~before the meeting. The notice shall also be posted at the site~~
16 ~~of the meeting."]~~

17 SECTION 18. Chapter 13, Hawaii Revised Statutes, is
18 repealed.

19 SECTION 19. Notwithstanding any law to the contrary, the
20 elected members of the board of education serving on the day of
21 the effective date of this Act shall continue to serve until the
22 appointment of the number of interim members of the board of

1 education equivalent to the majority of all the voting members
2 to which the board of education is entitled.

3 SECTION 20. Except as provided in section 21 of this Act,
4 all employees, including secretarial staff and analysts, serving
5 the board of education on the day of the effective date of this
6 Act, shall continue to be employees of the department of
7 education.

8 SECTION 21. On the day of the effective date of this Act,
9 the executive director of the board of education shall no longer
10 be an employee of the department of education and shall serve at
11 the pleasure of the board of education.

12 SECTION 22. The revisor of statutes shall insert the
13 effective date of this Act in the appropriate places in section
14 2 of this Act.

15 SECTION 23. In codifying the new sections added by section
16 2 of this Act, the revisor of statutes shall substitute
17 appropriate section numbers for the letters used in designating
18 the new sections in this Act.

19 SECTION 24. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.



1 SECTION 25. This Act shall take effect on July 1, 2020,
2 and upon ratification of the constitutional amendments requiring
3 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, 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 HD2)

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

