

JAN 23 2009

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 legislature finds that since 1988, the
2 Hawaii State Student Council has selected a public high school
3 student to serve as a nonvoting member of the board of
4 education, pursuant to article X, section 2 of the Constitution
5 of the State of Hawaii. The Hawaii State Student Council has
6 established an effective selection process and all public
7 secondary schools statewide participate in an annual election
8 for the student member of the board.

9 The legislature further finds that the young people who
10 have served as the student member on the board of education have
11 been well qualified and conscientious in meeting their
12 responsibilities while serving on the board. As a result, the
13 legislature finds that it would be in the best interests of
14 public education to allow the student member of the board of
15 education to be a voting member, subject to certain restrictions
16 as determined by the board. A proposed constitutional amendment



1 to remove the nonvoting restriction on the student member of the
2 board of education has been submitted in separate legislation.

3 The purpose of this Act is to strengthen the role of the
4 student member of the board of education by:

5 (1) Codifying the selection of the student member of the
6 board of education in statute; and

7 (2) Clarifying that the board of education may determine
8 any restrictions on actions taken by the student
9 member,

10 upon the ratification of a constitutional amendment to
11 article X, section 2, of the Constitution of the State of
12 Hawaii, which requires that the student member of the board of
13 education shall be a voting member who is selected as provided
14 by law.

15 SECTION 2. Section 13-1, Hawaii Revised Statutes, is
16 amended to read as follows:

17 "§13-1 Board members; number. (a) The board of education
18 shall consist of [~~thirteen~~] fourteen members [~~who~~]; thirteen of
19 which shall be elected by the registered voters of two at-large
20 school board districts and one of which shall be a public high
21 school student who shall be selected pursuant to subsection (e).

22 Thirteen members shall be elected as follows:



1 First school board district: the island of Oahu, comprised
2 of the 11th through the 48th and a portion of the 49th (that
3 portion found on the island of Oahu) representative districts,
4 and the

5 Second school board district: the islands of Hawaii, Maui,
6 Lanai, Molokai, Kahoolawe, Kauai, and Niihau, comprised of the
7 1st through the 10th, a portion of the 49th (that portion found
8 on the island of Kauai), and the 50th and 51st representative
9 districts.

10 (b) Ten members shall be elected at-large from the first
11 school board district. Of the ten members elected at-large from
12 that district, one shall be a resident of the third departmental
13 school district (Honolulu), one shall be a resident of the
14 fourth departmental school district (Central Oahu), one shall be
15 a resident of the fifth departmental school district (Leeward
16 Oahu), and one shall be a resident of the sixth departmental
17 school district (Windward Oahu).

18 (c) Three members shall be elected at-large from the
19 second school board district. Of the three members elected
20 at-large from that district, one shall be a resident of the
21 first departmental school district (Hawaii), one shall be a
22 resident of the second departmental school district (Maui), and



1 one shall be a resident of the seventh departmental school
2 district (Kauai).

3 (d) The departmental school districts shall be as follows:

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

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

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

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

19 Fifth departmental school district (Leeward Oahu): that
20 portion of the island of Oahu comprised of the 42nd through the
21 44th, the 46th through the 48th and a portion of the 49th (that
22 portion found on the island of Oahu) representative districts;



1 Sixth departmental school district (Windward Oahu): that
2 portion of the island of Oahu comprised of the 15th through the
3 20th representative districts; and

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

8 (e) One member shall be a public high school student and
9 shall be selected pursuant to Hawaii State Student Council
10 election guidelines for an annual election at each public
11 secondary school."

12 SECTION 3. Section 13-2, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "§13-2 Qualifications. (a) No person shall be eligible
15 for election or appointment to the board of education unless the
16 person is a registered voter of the school board district from
17 which the person is to be elected or appointed and, where
18 residency in a particular departmental school district is a
19 requirement, a resident of the departmental school district for
20 which seat the person is seeking election or appointment. No
21 member of the board shall hold or be a candidate for any other
22 public office under the state or county governments in



1 accordance with Article II, section 7 of the Constitution of the
2 State; nor shall a person be eligible for election or
3 appointment to the board of education if that person is also a
4 candidate for any other public office under the state or county
5 governments.

6 (b) This section shall not apply to the student member of
7 the board of education.

8 (c) The term "public office", for the purposes of this
9 section, shall not include notaries public, reserve police
10 officers, or officers of emergency organizations for civilian
11 defense or disaster relief."

12 SECTION 4. Section 13-3, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "**§13-3 Election of members.** (a) Members of the board of
15 education shall be nominated at a primary election and elected
16 at the general election. Except as otherwise provided by this
17 chapter, the candidates for the board of education shall be
18 elected in the manner prescribed by this title.

19 (1) Nomination papers, preparation of. The chief election
20 officer shall prepare nomination papers in [such] a
21 manner that a candidate desiring to file for election
22 to the board of education shall be able to specify



1 whether the candidate is seeking a seat requiring
2 residency in a particular departmental school district
3 or a seat without [~~sueh~~] the residency requirement.

4 (2) Ballot. The school board ballot shall be prepared in
5 [~~sueh~~] a manner as to afford every voter eligible to
6 vote in a school board district race the opportunity
7 to vote for each and every candidate seeking election
8 from that school board district.

9 The school board ballot shall contain the names
10 of all board candidates arranged alphabetically in a
11 nonpartisan manner; provided that the names of
12 candidates seeking seats requiring residency in a
13 particular departmental school district shall be
14 grouped alphabetically according to departmental
15 school districts.

16 (3) Primary election. Two candidates receiving the most
17 votes for each available seat shall be nominated for
18 the general election. If, after the close of filing
19 of nomination papers, there are only two qualified
20 candidates for any seat requiring residency in a
21 particular departmental school district, the chief
22 election officer shall declare those two candidates



1 duly nominated for the general election. The names of
2 those two candidates shall not appear on the primary
3 election ballot.

4 (4) General election. Each voter in the general election
5 shall be entitled to receive the school board ballot
6 and to vote for the number of seats available in the
7 respective school board districts.

8 (b) In the event that there is only one qualified
9 candidate for any seat requiring residency in a particular
10 departmental school district, after the close of filing of
11 nomination papers, the chief election officer shall declare such
12 candidate to be duly and legally elected. In the event that the
13 number of qualified candidates for seats without such residency
14 requirement is equal to or less than the number of such seats to
15 be filled, after the close of filing of nomination papers, the
16 chief election officer shall declare such candidates to be duly
17 and legally elected.

18 (c) This section shall not apply to the student member of
19 the board of education."

20 SECTION 5. Section 13-4, Hawaii Revised Statutes, is
21 amended to read as follows:



1 "§13-4 Board members; term, vacancies. (a) The term of
2 office of members of the board shall be for four years beginning
3 on the day of the special election held in conjunction with the
4 general election of the year in which they are elected and
5 ending on the day of the special election held in conjunction
6 with the second general election after their election, except as
7 provided in [~~subsection~~] subsections (c) [~~-~~] and (d). Members of
8 the board may be re-elected without restriction as to the number
9 of terms.

10 (b) Any vacancy that may occur through any cause other
11 than the expiration of the term of office shall be filled in
12 accordance with section 17-6.

13 (c) Members of the board elected at the special election
14 held in conjunction with the general election in 1984 shall be
15 divided into two classes. There shall be seven members in the
16 first class who shall hold office for a term of four years
17 beginning with their election and ending on the day of the
18 special election held in conjunction with the second general
19 election after their election. The remaining members shall
20 comprise the second class and shall hold office for a term of
21 two years beginning with their election and ending on the day of
22 the special election held in conjunction with the next general



1 election after their election, and then members of the second
2 class shall be elected to four year terms.

3 Membership in the first class shall consist of: three
4 members who are elected with the highest number of votes from
5 the first school board district as designated under section
6 13-1, who are not required to reside in any particular
7 departmental school district and one member elected from each
8 odd-numbered departmental school district. Membership of the
9 second class shall consist of the remaining elected school board
10 members.

11 (d) The term of office of the student member of the board
12 shall be for one year; provided that the student member may
13 serve a second term of one year if duly selected pursuant to
14 section 13-1(e)."

15 SECTION 6. Section 302A-1106, Hawaii Revised Statutes, is
16 amended to read as follows:

17 "[+] §302A-1106 [+] Organization; quorum; meetings. The
18 board shall elect from its own membership a chairperson and a
19 vice-chairperson. A majority of all members to which the board
20 is entitled shall constitute a quorum to do business and the
21 concurrence of a majority of all members to which the board is
22 entitled shall be necessary to make any action of the board



1 valid; provided that the board may determine any restrictions on
 2 actions taken by the student member; and provided further that
 3 due notice shall have been given to all members of the board or
 4 a bona fide attempt shall have been made to give due notice to
 5 all members of the board to whom it was reasonably practicable
 6 to give due notice. Meetings shall be called and held, at the
 7 call of the chairperson or by a quorum, as often as may be
 8 necessary for the transaction of the department's business."

9 SECTION 7. Statutory material to be repealed is bracketed
 10 and stricken. New statutory material is underscored.

11 SECTION 8. This Act shall take effect upon the
 12 ratification of a constitutional amendment to article X,
 13 section 2, of the Constitution of the State of Hawaii, which
 14 requires that the student member of the board of education shall
 15 be a voting member who is selected as provided by law.

16

INTRODUCED BY:

Norman Sakuma
Muchille N. Kekani
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[Signature]



Report Title:

Board of Education; Student Member

Description:

Codifies the selection of the student member of the board of education in statute; clarifies that the board of education may determine any restrictions on actions taken by the student member; requires that the Act take effect upon the ratification of a constitutional amendment to require that the student member of the board of education shall be a voting member who is selected as provided by law.

