

---

---

## A BILL FOR AN ACT

PROPOSING AN AMENDMENT TO THE HAWAII CONSTITUTION TO ALLOW THE GOVERNOR TO APPOINT THE MEMBERS OF THE BOARD OF EDUCATION AND THE SUPERINTENDENT OF EDUCATION UPON CONFIRMATION BY BOTH THE HOUSE OF REPRESENTATIVES AND THE SENATE.

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

1           SECTION 1. The purpose of this Act is to propose an  
2 amendment to article X, sections 2 and 3, of the Hawaii  
3 Constitution to allow the governor to appoint the members of the  
4 board of education and the superintendent of education upon the  
5 advice and consent of both the state house of representatives  
6 and the senate.

7           SECTION 2. Article 10, section 2, of the Hawaii  
8 Constitution is amended to read as follows:

9           "BOARD OF EDUCATION; SUPERINTENDENT OF EDUCATION

10           Section 2. [There] Notwithstanding Article X, Section 6,  
11 there shall be a board of education composed of members who  
12 shall be [~~elected in a nonpartisan manner by qualified voters,~~  
13 ~~as provided by law, from two at large school board districts.~~  
14 ~~The first school board district shall be comprised of the island~~  
15 ~~of Oahu and all other islands not specifically enumerated. The~~  
16 ~~second school board district shall be comprised of the islands~~



1 ~~of Hawaii, Maui, Lanai, Molokai, Kahoolawe, Kauai and Niihau.~~  
2 ~~Each at large school board district shall be divided into~~  
3 ~~departmental school districts, as may be provided by law. There~~  
4 ~~shall be at least one member residing in each departmental~~  
5 ~~school district.] nominated and, by and with the advice and~~  
6 ~~consent of both the house of representatives and senate,~~  
7 ~~appointed by the governor. The Hawaii State Student Council~~  
8 shall select a public high school student to serve as a  
9 nonvoting member on the board of education.

10 The board of education shall have the power, as provided by  
11 law, to formulate statewide educational policy.

12 There shall be a superintendent of education, as the chief  
13 executive officer of the public school system, who shall be  
14 nominated and, by and with the advice and consent of both the  
15 house of representatives and senate, appointed by the governor.

16 Members of the board of education and the superintendent of  
17 education shall hold office for a term to expire at the end of  
18 the term for which the governor was elected, unless sooner  
19 removed by the governor.

20 If the manner of removal of a member of the board of  
21 education or the superintendent of education is not prescribed  
22 in this constitution, removal shall be as provided by law.



1        When the legislature is not in session and a vacancy  
 2 occurs, appointment to which requires the confirmation of both  
 3 the house of representatives and the senate, the governor may  
 4 fill the office by granting a commission which shall expire,  
 5 unless such appointment is confirmed, at the end of the next  
 6 session of the legislature. The person so appointed shall not  
 7 be eligible for another interim appointment to such office if  
 8 the appointment failed to be confirmed by both the house of  
 9 representatives and the senate.

10        No person who has been nominated for appointment to any  
 11 office and whose appointment has not received the consent of  
 12 both the house of representatives and senate shall be eligible  
 13 to an interim appointment thereafter to such office."

14        SECTION 3. Article 10, section 3, of the Constitution of  
 15 the State of Hawaii is repealed.

16                                    ~~["POWER OF THE BOARD OF EDUCATION~~

17        ~~Section 3. The board of education shall have the power, as~~  
 18 ~~provided by law, to formulate statewide educational policy and~~  
 19 ~~appoint the superintendent of education as the chief executive~~  
 20 ~~officer of the public school system." ]~~

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



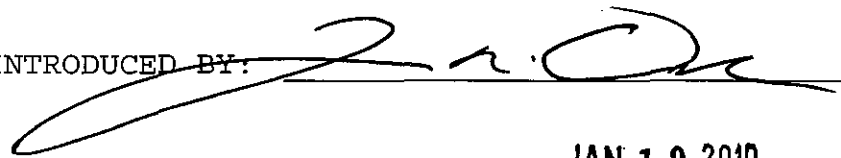
1 "Shall the members of the Board of Education and the  
2 Superintendent of Education be appointed by the Governor  
3 upon the advice and consent of both the House of  
4 Representatives and the Senate of the State of Hawaii?"

5 SECTION 5. Constitutional material to be repealed is  
6 bracketed and stricken. New constitutional material is  
7 underscored.

8 SECTION 6. This amendment shall take effect upon  
9 compliance with article XVII, section 3, of the Hawaii  
10 Constitution.

11

INTRODUCED BY:

A large, stylized handwritten signature in black ink, written over a horizontal line.

JAN 19 2010



**Report Title:**

Constitutional Amendment; Education

**Description:**

Proposes a constitutional amendment to Article X, Sections 2 and 3, of the Hawaii Constitution to allow the Governor to appoint the members of the Board of Education and the Superintendent of Education upon the advice and consent of both the State House of Representatives and the Senate.

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

