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# A BILL FOR AN ACT

RELATING TO 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 voting  
4 members of the board of education to be appointed by the  
5 governor, with the advice and consent of the senate, from pools  
6 of qualified candidates presented to the governor by the board  
7 of education candidate nomination commission.

8 SECTION 2. Chapter 302A, Hawaii Revised Statutes, is  
9 amended by adding three 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 of education  
13 shall consist of nine voting members and one nonvoting student  
14 member. Pursuant to article X, section 2 of the state  
15 constitution, the voting members shall be appointed by the  
16 governor, with the advice and consent of the senate, from pools  
17 of qualified candidates presented to the governor by the board



1 of education candidate nomination commission established under  
2 section 302A-B.

3 The nine voting members shall represent and reside in the  
4 specified geographic areas as follows:

- 5 (1) One member from the county of Hawaii;
- 6 (2) One member from the county of Maui;
- 7 (3) One member from the county of Kauai;
- 8 (4) One member from the third departmental district  
9 (Honolulu) designated in section 302A-C(a);
- 10 (5) One member from the fourth departmental district  
11 (Central Oahu) designated in section 302A-C(a);
- 12 (6) One member from the fifth departmental district  
13 (Leeward Oahu) designated in section 302A-C(a);
- 14 (7) One member from the sixth departmental district  
15 (Windward Oahu) designated in section 302A-C(a); and
- 16 (8) Two members nominated at-large from any county within  
17 the State.

18 Pursuant to article X, section 2 of the Hawaii  
19 Constitution, the Hawaii state student council shall select a  
20 public high school student to serve as a nonvoting member on the  
21 board of education. The nonvoting student member shall be a  
22 public school student at the time of the initial appointment.



1       The voting members shall be appointed by the governor by  
2 and with the advice and consent of the senate and may be removed  
3 by the governor.

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

6       (b) Except for the student member, the governor shall  
7 reduce the terms of those initially appointed under  
8 subsection (a) to each seat on the board as follows:

9       (1) Three members shall serve a one-year term;

10       (2) Three members shall serve a two-year term; and

11       (3) Three members, including the chairperson of the board,  
12 shall serve a three-year term.

13       (c) The term of each voting member shall be three years,  
14 except as provided in subsection (b) for initial appointments,  
15 and terms for voting members shall begin on June 15 in the year  
16 of appointment.

17       Members shall serve no more than three consecutive three-  
18 year terms; provided that the members who are initially  
19 appointed to terms of one or two years pursuant to subsection  
20 (b) may be reappointed for up to two ensuing consecutive three-  
21 year terms. If a member is to be appointed to a second or third  
22 consecutive term of three years, the board of education



1 candidate nomination commission shall repeat the nomination  
2 process under section 302A-B presenting qualified candidates,  
3 including the member, to the governor to be considered for  
4 reappointment, and upon the governor's nomination the senate  
5 shall consider the question of whether to reconfirm the member  
6 at least one hundred twenty days prior to the expiration of that  
7 member's term; provided that if the senate is not in session to  
8 meet the one-hundred-twenty-day deadline by which the senate  
9 shall have considered the question of reconfirmation, the member  
10 shall continue to serve until the senate convenes for the next  
11 regular session or the next special session during which the  
12 senate is authorized to consider the question of reconfirmation,  
13 whichever is earlier.

14 (d) The term of the student member shall be two years.  
15 The student member may serve one additional, consecutive term  
16 even though the member may no longer be a student on the first  
17 day of the student member's second term.

18 (e) The governor shall appoint a chairperson from among  
19 the voting members of the board who have been confirmed by the  
20 senate. The board shall select its own vice chairperson from  
21 its voting members, and the vice chairperson shall serve as  
22 interim chairperson if the chairperson's seat becomes vacant,



1 and until the governor appoints the member who shall serve as  
2 the chairperson of the board.

3 The superintendent shall serve as executive officer of the  
4 board.

5 (f) A majority of all the voting members to which the  
6 board is entitled shall constitute a quorum to conduct business.  
7 A majority of the members present and voting shall be necessary  
8 to make any action of the board valid. At any time the board  
9 has fewer than six voting members, whether appointed or serving  
10 a term that has been extended until the interim members of the  
11 board have been appointed, three voting members of the board  
12 shall constitute a quorum to conduct business and to make any  
13 action of the board valid.

14 Notwithstanding chapter 92, 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 (g) If a vacancy of a voting position occurs on the board,  
21 the governor shall appoint one candidate to fill the vacancy  
22 within ninety days of receipt of the appropriate number of



1 candidates, pursuant to section 302A-B(b) and (c), from the  
2 commission. The candidate nominated by the governor shall serve  
3 as an interim board member until that member has been confirmed  
4 by the senate; provided that no board member shall be appointed  
5 until December 6, 2010. If the governor fails to nominate a  
6 candidate within ninety days of receipt of the appropriate  
7 number of candidates from the commission, the senate shall  
8 appoint one candidate from among the same candidates presented  
9 by the commission to the governor within thirty days to fill the  
10 vacancy. A candidate appointed by the senate shall not be  
11 subject to advice and consent for the term for which the senate  
12 has appointed the nominee.

13 If the senate does not confirm the interim member nominated  
14 by the governor, the governor shall appoint, within thirty days,  
15 another candidate from the same list of candidates presented by  
16 the commission to fill the vacancy. The interim member shall  
17 continue to serve on the board until a candidate is nominated by  
18 the governor and confirmed by the senate.

19 Every voting board member may serve beyond the expiration  
20 date of the member's term of appointment until the member's  
21 successor has been nominated by the governor and confirmed by  
22 the senate in accordance with article X, section 2 of the Hawaii



1 Constitution or appointed by the senate pursuant to this  
2 subsection, as the case may be.

3 (h) The governor shall notify the commission in writing  
4 within ten days of:

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

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

8 (i) The members of the board shall serve without pay but  
9 shall be entitled to reimbursement of their travel expenses  
10 within the State when attending meetings of the board or when  
11 actually engaged in business relating to the work of the board.

12 (j) For purposes of this section, "commission" means the  
13 board of education candidate nomination commission established  
14 under section 302A-B.

15 **§302A-B Board of education candidate nomination**

16 **commission.** (a) There is established the board of education  
17 candidate nomination commission to present to the governor lists  
18 of qualified candidates from which the members of the board  
19 shall be nominated and, by and with the advice and consent of  
20 the senate, appointed by the governor. The commission shall be  
21 attached to the department for administrative purposes.



1        (b) Except as provided in subsection (c), within sixty  
2 days of convening its first meeting for the initial appointment  
3 of the members of the board pursuant to section 302A-A(a), the  
4 commission shall present no fewer than two and no more than four  
5 qualified candidates to the governor for each vacant seat on the  
6 board as provided by law; provided that for all subsequent  
7 presentations to the governor, the commission shall present no  
8 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 commission 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 or  
17 seats on the board.

18        (c) When there are more than three seats vacant on the  
19 board, the commission shall set appropriate minimum and maximum  
20 numbers of candidates to present to the governor, which shall be  
21 no fewer than the minimum number required by subsection (b), and





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

3 (d) In selecting the candidates to be presented to the  
4 governor, the commission 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       A commission member shall not qualify to be a candidate for  
6       the board.

7       Upon presentation of the names of candidates to the  
8       governor, the commission shall make available the names of  
9       candidates to the public through the department.

10       (e) Pursuant to section 302A-A(g), for each board seat to  
11       be filled, the governor shall select one candidate from among  
12       the candidates presented by the commission within ninety days.

13       (f) The commission shall consist of seven members to be  
14       appointed without regard to section 26-34 as follows:

15       (1) One member of the community appointed by the governor;

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) One member appointed by the Hawaii P-20 Council;

21       provided that beginning on July 1, 2010, no person may  
22       be appointed as a member of the commission under this



1 paragraph, if within the two years immediately  
2 preceding that appointment, the person served on the  
3 Hawaii P-20 Council;

4 (5) A current or former public school teacher who has been  
5 awarded the department of education state teacher of  
6 the year award, to be appointed by the exclusive  
7 representative for bargaining unit (5), as defined in  
8 section 89-6;

9 (6) A recipient of a Milken Educator Award appointed by  
10 the most recent blue-ribbon committee appointed by the  
11 department of education to recommend candidates for  
12 the Award; and

13 (7) One member who shall be appointed by the Hawaii  
14 Business Roundtable; provided that beginning on  
15 July 1, 2010, no person may be appointed as a member  
16 of the commission under this paragraph, if within the  
17 two years immediately preceding that appointment, the  
18 person served on the executive committee of the Hawaii  
19 Business Roundtable.

20 The board of education candidate nomination commission  
21 shall be selected in a nonpartisan manner. Appointees to the  
22 commission shall have a general understanding of the purposes of



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

7 (g) Members of the commission shall serve no more than two  
8 consecutive four-year terms; provided that the three members  
9 initially appointed by the governor, president of the senate,  
10 and speaker of the house of representatives shall serve for  
11 terms of two years and may be reappointed for one additional  
12 consecutive term of four years. Terms for members initially  
13 appointed to the commission shall begin on the effective date of  
14 Act \_\_\_\_\_, Session Laws of Hawaii 2010, regardless of the actual  
15 date of appointment.

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

21 If within sixty days of a vacancy on the commission a  
22 member has not been appointed to fill the vacancy, the other



1 members on the commission shall make an interim appointment to  
2 fill the vacant seat. The interim appointee shall satisfy the  
3 qualifications for appointment provided in this subsection and  
4 shall serve until the time when the appropriate appointing  
5 authority makes an appointment for the vacant seat as provided  
6 in this subsection.

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

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



1        (k) Members of the commission shall serve without  
2 compensation but shall be reimbursed for expenses, including  
3 travel, board, and lodging expenses, necessary for the  
4 performance of their duties.

5        (1) Notwithstanding chapter 92F or any other law to the  
6 contrary, all information required by the commission shall be  
7 confidential, including without limitation all commission  
8 information obtained, reviewed, or considered before and after  
9 commission decision making. Confidential commission information  
10 shall include documents, data, or other information that is not  
11 of public record, including without limitation:

12        (1) Personal financial information;

13        (2) The names of applicants;

14        (3) Applications and the personal, financial, and other  
15 information contained therein submitted by the  
16 applicants to the commission;

17        (4) Interviews;

18        (5) Schedules;

19        (6) Reports;

20        (7) Studies;

21        (8) Background checks;

22        (9) Credit reports;



- 1        (10) Surveys and reports prepared for or on the
- 2                commission's behalf;
- 3        (11) The results of any evaluations or assessments
- 4                conducted by the commission;
- 5        (12) The substance and details of any discussions with
- 6                commission members; and
- 7        (13) The substance and details of discussions and
- 8                deliberations of the commission and any of its
- 9                committees during meetings.

10        (m) For purposes of this section, "commission" means the  
 11 board of education candidate nomination commission established  
 12 under this section.

13        §302A-C Departmental school districts. (a) The  
 14 departmental school districts shall be as follows:

- 15        (1) First departmental school district (Hawaii): the
- 16                island of Hawaii comprised of the 1st through the 5th
- 17                and a portion of the 6th (that portion found on the
- 18                island of Hawaii) representative districts;
- 19        (2) Second departmental school district (Maui): the
- 20                islands of Maui, Molokai (including the county of
- 21                Kalawao), Lanai, and Kahoolawe comprised of a portion



- 1           of the 6th (that portion found on the island of Maui)  
2           and the 7th through the 10th representative districts;
- 3           (3) Third departmental school district (Honolulu): that  
4           portion of the island of Oahu comprised of the 21st  
5           through the 41st representative districts;
- 6           (4) Fourth departmental school district (Central Oahu):  
7           that portion of the island of Oahu comprised of the  
8           11th through the 14th and the 45th representative  
9           districts;
- 10          (5) Fifth departmental school district (Leeward Oahu):  
11          that portion of the island of Oahu comprised of the  
12          42nd through the 44th, the 46th through the 48th and a  
13          portion of the 49th (that portion found on the island  
14          of Oahu) representative districts;
- 15          (6) Sixth departmental school district (Windward Oahu):  
16          that portion of the island of Oahu comprised of the  
17          15th through the 20th representative districts; and
- 18          (7) Seventh departmental school district (Kauai): the  
19          islands of Kauai and Niihau comprised of a portion of  
20          the 49th (that portion found on the island of Kauai)  
21          and the 50th and 51st representative districts.





1       (b) Upon the implementation of a new apportionment plan,  
2 the chief election officer, by proclamation issued no later than  
3 the tenth day prior to the close of filing in elections, shall  
4 designate the representative districts that comprise the  
5 departmental school districts designated by subsection (a) to  
6 comply with the new districting scheme of such plan; provided  
7 that the departmental school districts designated shall cover  
8 areas similar to those designated in subsection (a)."

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

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

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

21       (A) For each precinct in the affected district, an  
22 election rate point shall be calculated by



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

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

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



1 election rate points allocated to each candidate  
2 shall be tallied and the candidate with the  
3 highest election rate point total shall be  
4 declared the winner[-]; and

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

10 and

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

15 (A) For each representative district in the [~~State~~]  
16 state or county, as the case may be, an election  
17 rate point shall be calculated by dividing the  
18 total voter turnout in that representative  
19 district by the total voter turnout in the state,  
20 county, or federal office district, as the case  
21 may be; provided that for purposes of this  
22 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[-];

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[-];

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; [~~or~~

20 ~~(I) Board of education;~~] or

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



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

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

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

19 SECTION 6. Section 11-218, Hawaii Revised Statutes, is  
20 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, upon  
6 the effective date of this Act and ratification of a  
7 constitutional amendment requiring all voting members of the  
8 board of education to be appointed by the governor, with the  
9 advice and consent of the senate, from pools of qualified  
10 candidates presented to the governor by the board of education  
11 candidate nomination commission, each elected member of the  
12 board of education:

13 (1) If the elected member so desires, shall automatically  
14 qualify as a candidate presented by the board of  
15 education candidate nomination commission for initial  
16 appointment to the board of education by the governor,  
17 pursuant to section 2 of this Act; provided that each  
18 elected member is presented as a candidate for a board  
19 of education position for which the member qualifies  
20 under the residency requirements in section 2 of this  
21 Act; and





1           (2) Shall serve as an interim member of the board of  
2           education until:

3           (A) The elected member is presented by the board of  
4           education candidate nomination commission  
5           pursuant to paragraph (1), nominated by the  
6           governor, and confirmed by the senate to serve as  
7           an appointed board of education member, pursuant  
8           to sections 302A-A and 302A-B, Hawaii Revised  
9           Statutes; or

10          (B) The elected member is replaced by the governor  
11          with another individual who has been presented by  
12          the board of education candidate nomination  
13          commission, nominated by the governor, and  
14          confirmed by the senate, pursuant to sections  
15          302A-A and 302A-B, Hawaii Revised Statutes, to  
16          serve as an appointed board of education member.

17          Upon the effective date of this Act and ratification of a  
18          constitutional amendment requiring all voting members of the  
19          board of education to be appointed by the governor, with the  
20          advice and consent of the senate, from pools of qualified  
21          candidates presented to the governor by the board of education  
22          candidate nomination commission, as provided by law, the student



1 member shall serve out the remainder of the student member's  
2 term.

3 SECTION 20. The minimum and maximum number of qualified  
4 candidates that the board of education candidate nomination  
5 commission is required to present to the governor for initial  
6 appointment to the board of education in each vacant position,  
7 pursuant to section 2 of this Act, shall be reduced by the  
8 number of elected board of education members who become  
9 candidates presented by the board of education candidate  
10 nomination commission for initial appointment to each respective  
11 vacancy on the board of education pursuant to section 19 of this  
12 Act.

13 SECTION 21. Except as provided in section 22 of this Act,  
14 all employees, including secretarial staff and analysts, serving  
15 the board of education on the effective date of this Act, shall  
16 continue to be employees of the department of education.

17 SECTION 22. On the effective date of this Act, the  
18 executive director of the board of education shall no longer be  
19 an employee of the department of education and shall serve at  
20 the pleasure of the board of education.



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

4 SECTION 24. In codifying the new sections added by section  
5 2 of this Act, the revisor of statutes shall substitute  
6 appropriate section numbers for the letters used in designating  
7 the new sections in this Act.

8 SECTION 25. Statutory material to be repealed is bracketed  
9 and stricken. New statutory material is underscored.

10 SECTION 26. This Act shall take effect on July 1, 2020,  
11 and upon ratification of a constitutional amendment requiring  
12 all voting members of the board of education to be appointed.



**Report Title:**

Board of Education; Appointment; Candidate Nomination Commission

**Description:**

Requires all voting members of the board of education to be appointed by the governor, with the advice and consent of the senate, from pools of qualified candidates presented to the governor by the board of education candidate nomination commission. Effective July 1, 2020. (SD1)

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

