
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 significant changes
2 to the public education system, including clearer accountability
3 for the performance, administration, and progress of the public
4 education system, are needed to improve the quality of education
5 and student achievement. The legislature further finds that
6 changing the process of selecting members of the board of
7 education from election to appointments by the governor, similar
8 to the appointment process for the University of Hawaii board of
9 regents, makes the board members more accountable to the
10 governor while still allowing representatives of various
11 stakeholders in the public education system to inform the
12 governor's board appointments.

13 The purpose of this Act is to:

14 (1) Change the method of selection of board of education
15 members from election to appointment by the governor,
16 with the advice and consent of the senate, from pools
17 of qualified candidates presented to the governor by a

1 newly established board of education candidate
 2 nomination commission; and
 3 (2) Authorize the board of education student member to
 4 vote on all matters before the board, except for those
 5 matters relating to fiscal and personnel issues, upon
 6 ratification of an appropriate constitutional
 7 amendment.

8 SECTION 2. Chapter 302A, Hawaii Revised Statutes, is
 9 amended by adding a new section to be appropriately designated
 10 and to read as follows:

11 **"§302A-A Board of education; members.** (a) The board of
 12 education shall consist of thirteen voting members. Pursuant to
 13 article X, section 2 of the state constitution, the voting
 14 members shall be appointed by the governor, with the advice and
 15 consent of the senate, from pools of qualified candidates
 16 presented to the governor by the board of education candidate
 17 nomination commission established under section 302A-F. At
 18 least twelve voting members shall represent and reside in the
 19 specified geographic areas as follows:

- 20 (1) Two members from the county of Hawaii;
- 21 (2) Two members from the county of Maui;
- 22 (3) One member from the county of Kauai; and

1 (4) Seven members from the city and county of Honolulu.

2 (b) The Hawaii state student council shall select a public
3 high school student to serve as a nonvoting member on the board
4 of education.

5 (c) The board shall invite the senior military commander
6 in Hawaii to appoint a nonvoting military representative to the
7 board, who shall serve for a two-year term without compensation.
8 As the liaison to the board, the military representative shall
9 advise the board regarding state education policies and
10 departmental actions affecting students who are enrolled in
11 public schools as family members of military personnel. The
12 military representative shall carry out these duties as part of
13 the representative's official military duties and shall be
14 guided by applicable state and federal statutes, rules,
15 regulations, and policies and may be removed only for cause by a
16 majority vote of the members of the board."

17 SECTION 3. Chapter 302A, Hawaii Revised Statutes, is
18 amended by adding a new section to be appropriately designated
19 and to read as follows:

20 "**§302A-B Board of education; members.** (a) The board of
21 education shall consist of thirteen voting members. Pursuant to
22 article X, section 2 of the state constitution, the voting

1 members shall be appointed by the governor, with the advice and
2 consent of the senate, from pools of qualified candidates
3 presented to the governor by the board of education candidate
4 nomination commission established under section 302A-G. At
5 least twelve voting members shall represent and reside in the
6 specified geographic areas as follows:

7 (1) Two members from the county of Hawaii;

8 (2) Two members from the county of Maui;

9 (3) One member from the county of Kauai; and

10 (4) Seven members from the city and county of Honolulu.

11 (b) The Hawaii state student council shall select a public
12 high school student to serve as a voting member on the board of
13 education. The student member shall have full voting privileges
14 on all matters before the board except for those matters
15 relating to fiscal and personnel issues.

16 (c) The board shall invite the senior military commander
17 in Hawaii to appoint a nonvoting military representative to the
18 board, who shall serve for a two-year term without compensation.
19 As the liaison to the board, the military representative shall
20 advise the board regarding state education policies and
21 departmental actions affecting students who are enrolled in
22 public schools as family members of military personnel. The

1 military representative shall carry out these duties as part of
2 the representative's official military duties and shall be
3 guided by applicable state and federal statutes, rules,
4 regulations, and policies and may be removed only for cause by a
5 majority vote of the members of the board."

6 SECTION 4. Chapter 302A, Hawaii Revised Statutes, is
7 amended by adding seven new sections to part IV to be
8 appropriately designated and to read as follows:

9 "**§302A-C Departmental school districts.** The departmental
10 school districts shall be as follows:

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

15 (2) Second departmental school district (Maui): the
16 islands of Maui, Molokai (including the county of
17 Kalawao), Lanai, and Kahoolawe comprised of a portion
18 of the 6th (that portion found on the island of Maui)
19 and the 7th through the 10th representative districts;

20 (3) Third departmental school district (Honolulu): that
21 portion of the island of Oahu comprised of the 21st
22 through the 41st representative districts;

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

17 **§302A-D Reapportionment.** Upon the implementation of a new
18 apportionment plan, the chief election officer, by proclamation
19 issued no later than the tenth day prior to the close of filing
20 in elections, shall designate the representative districts that
21 comprise the departmental school districts described in section
22 302A-B to comply with the new districting scheme of such plan;

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1 provided that the departmental school districts designated shall
2 cover areas similar to those described in section 302A-C.

3 §302A-E Board members; qualifications. No person shall be
4 eligible for appointment to the board of education unless the
5 person is a resident and registered voter of the county from
6 which the person is to be appointed. No member of the board
7 shall hold or be a candidate for any other public office under
8 the state or county governments; nor shall a person be eligible
9 for appointment to the board of education if that person is also
10 a candidate for any other public office under the state or
11 county government. The term "public office", for the purposes
12 of this section, shall not include notaries public, reserve
13 police officers, or officers of emergency organizations for
14 civilian defense or disaster relief.

15 §302A-F Board members; terms, vacancies. (a) The term of
16 office of members of the board shall be four years, commencing
17 on July 1 and expiring on June 30; provided that the three
18 members initially nominated by the members of the board of
19 education candidate nomination committee who have been appointed
20 by the speaker of the house of representatives, the president of
21 the senate, and the governor shall serve for terms of two years.

22 (b) Any vacancy that may occur through any cause other

1 than the expiration of the term of office shall be filled in
2 accordance with sections 17-6 and 302A-G.

3 **§302A-G Board of education candidate nomination**

4 **commission; establishment, duties.** (a) There is established
5 the board of education candidate nomination commission to
6 present to the governor pools of qualified candidates from which
7 the members of the board of education shall be nominated and
8 appointed by the governor with the advice and consent of the
9 senate. The candidate nomination commission shall establish the
10 criteria for qualifying, screening, and presenting to the
11 governor candidates for membership on the board of education.
12 The candidate nomination commission shall be attached to the
13 department of education for administrative purposes.

14 (b) Except as provided in subsection (c), within sixty
15 days of convening its first meeting, the candidate nomination
16 commission shall present no fewer than two and no more than four
17 qualified candidates to the governor for each vacant seat on the
18 board of education that has arisen due to resignation, death, or
19 removal by the governor; provided that for all subsequent
20 presentations to the governor, the candidate nomination
21 commission shall present no fewer than two and no more than four

1 candidates for each seat on the board of education to the
2 governor within:

3 (1) Thirty days of a vacancy that arises by resignation,
4 death, or removal by the governor; or

5 (2) One hundred twenty days prior to the expiration of a
6 term.

7 (c) When there are multiple seats vacant within the same
8 county, the candidate nomination commission shall present
9 candidates for seats on the board of education to the governor
10 as follows:

11 (1) For two seats from the same county, no fewer than four
12 and no more than six candidates;

13 (2) For three seats from the same county, no fewer than
14 five and no more than eight candidates; and

15 (3) For more than three seats, the candidate nomination
16 commission shall determine appropriate minimum numbers
17 of candidates, which shall provide for at least three
18 candidates for the final seat, and maximum numbers of
19 candidates.

20 (d) In making its presentations, the candidate nomination
21 commission shall:

- 1 (1) Develop a statement that includes the selection
2 criteria to be applied and a description of the
3 responsibilities and duties of a member of the board
4 of education and distribute this statement to
5 potential candidates;
- 6 (2) Screen and qualify candidates for each position on the
7 board of education based on their background,
8 experience, and potential for discharging the
9 responsibilities of a member of the board of
10 education;
- 11 (3) Publicly advertise pending vacancies and actively
12 solicit and accept applications from potential
13 candidates;
- 14 (4) Develop and implement a fair, independent, and
15 nonpartisan procedure for selecting candidates to
16 serve on the board of education; and
- 17 (5) Require each candidate to disclose any existing or
18 anticipated contracts with the department of education
19 or any existing or anticipated financial transactions
20 with the department of education.

1 Upon submission to the governor, presentations of the candidate
2 nomination commission shall be made available to the public by
3 the department of education.

4 (e) For each board seat to be filled, the governor shall
5 select one nominee from among the candidate nomination
6 commission's presentation within days of the presentation.

7 (f) Notwithstanding chapter 92F or any other law to the
8 contrary, all information required by the board of education
9 candidate nomination commission shall be confidential, including
10 without limitation, all information obtained, reviewed, or
11 considered before and after commission decision-making.

12 Confidential candidate nomination commission information shall
13 include documents, data, or other information that is not of
14 public record, including without limitation, personal financial
15 information; the names of applicants; applications and the
16 personal, financial, and other information contained therein
17 submitted by the applicants to the candidate nomination
18 commission; interviews; schedules; reports; studies; background
19 checks; credit reports; surveys and reports prepared for or on
20 the candidate nomination commission's behalf; the results of any
21 evaluations or assessments conducted by the candidate nomination
22 commission; the substance and details of any discussions with

1 candidate nomination commission members; and the substance and
2 details of discussions and deliberations of the candidate
3 nomination commission and any of its committees during meetings.

4 **§302A-H Board of education candidate nomination**

5 **commission; members, terms, vacancies.** (a) The candidate
6 nomination commission shall consist of seven members to be
7 appointed without regard to section 26-34 as follows:

8 (1) One member shall be appointed by the president of the
9 senate;

10 (2) One member shall be appointed by the speaker of the
11 house of representatives;

12 (3) One member shall be appointed by the governor;

13 (4) One member shall be appointed by the Hawaii State
14 Teachers Association;

15 (5) One member shall be appointed by the Hawaii P-20
16 council;

17 (6) One member shall be the president of a school
18 community council appointed by the superintendent of
19 education; and

20 (7) One member shall be a former board of education
21 student member and graduate of a public school, who

1 shall be appointed by the chairperson of the executive
2 council of the Hawaii state student council.

3 (b) Members of the candidate nomination commission shall
4 be selected in a wholly nonpartisan manner. If any member has
5 not been appointed within one hundred eighty days of the
6 effective date of Act , Session Laws of Hawaii 2010, the
7 sitting members on the candidate nomination commission shall
8 make an interim appointment to fill the vacant seat. The
9 interim appointee shall satisfy the requirements for appointment
10 provided in this subsection and shall serve until the time when
11 the appropriate appointing authority makes an appointment for
12 the vacant seat as provided in this subsection. Appointees to
13 the candidate nomination commission shall have a general
14 understanding of the purposes, mission, and responsibilities of
15 the board of education and the department of education.
16 Appointees shall be individuals who are widely viewed as having
17 placed the broad public interest ahead of special interests,
18 having achieved a high level of prominence in their respective
19 professions, and being respected members of the community.

20 (c) Members of the candidate nomination commission shall
21 serve four-year terms; provided that the three members initially
22 appointed by the governor, the president of the senate, and the

1 speaker of the house of representatives shall serve for terms of
2 two years; provided further that terms for appointments of the
3 initial members of the candidate nomination commission shall be
4 deemed to begin on July 1 following the effective date of Act
5 _____ , Session Laws of Hawaii 2010, regardless of the actual date
6 of appointment.

7 (d) Members of the candidate nomination commission shall
8 serve without compensation but shall be reimbursed for expenses,
9 including travel, board, and lodging expenses necessary for the
10 performance of their duties.

11 (e) The candidate nomination commission shall operate in a
12 wholly nonpartisan manner. No individual, while a member of the
13 candidate nomination commission, shall run for or hold any
14 elected office under the United States or the State or any of
15 its political subdivisions.

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

21 **302A-I Board of education candidate nomination commission;**
22 **meetings.** The candidate nomination commission shall convene its

1 first meeting on or after thirty-one days from the effective
2 date of Act ; Session Laws of Hawaii 2010; provided that, if
3 thirty days after the effective date of Act , Session Laws
4 of Hawaii 2010, all the members to which the candidate
5 nomination commission is entitled have not yet been appointed,
6 the candidate nomination commission shall convene its first
7 meeting upon the appointment of a majority of its members. The
8 members of the candidate nomination commission shall choose a
9 chairperson from among themselves. A majority of all the
10 members to which the candidate nomination commission is entitled
11 shall constitute a quorum to conduct business. The concurrence
12 of a majority of all the members to which the candidate
13 nomination commission is entitled shall be necessary to make any
14 action of the candidate nomination commission valid. The
15 candidate nomination commission shall meet annually and at other
16 times as necessary. The candidate nomination commission shall
17 be exempt from part I of chapter 92."

18 SECTION 5. Section 11-157, Hawaii Revised Statutes, is
19 amended to read as follows:

20 "**§11-157 In case of tie.** In case of the failure of an
21 election by reason of the equality of vote between two or more
22 candidates, the tie shall be decided by the chief election

1 officer or county clerk in the case of county elections in
2 accordance with the following procedure:

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

8 (A) For each precinct in the affected district, an
9 election rate point shall be calculated by
10 dividing the total voter turnout in that precinct
11 by the total voter turnout in the district. For
12 the purpose of this subparagraph, the absentee
13 votes cast for the affected district shall be
14 treated as a precinct. The election rate point
15 shall be calculated by dividing the total
16 absentee votes cast for the affected district by
17 the total voter turnout in that district. All
18 election rate points shall be expressed as
19 decimal fractions rounded to the nearest hundred
20 thousandth.

21 (B) The candidate with the highest number of votes in
22 a precinct shall be allocated the election rate

1 point calculated under subparagraph (A) for that
2 precinct. In the event that two or more persons
3 are tied in receiving the highest number of votes
4 for that precinct, the election rate point shall
5 be equally apportioned among those candidates
6 involved in that precinct tie.

7 (C) After the election rate points calculated under
8 subparagraph (A) for all the precincts have been
9 allocated as provided under subparagraph (B), the
10 election rate points allocated to each candidate
11 shall be tallied and the candidate with the
12 highest election rate point total shall be
13 declared the winner.

14 (D) If there is a tie between two or more candidates
15 in the election rate point total, the candidate
16 who is allocated the highest election rate points
17 from the precinct with the largest voter turnout
18 shall be declared the winner.

19 (2) In the case of an election involving a federal office
20 or an elective office where the voters in the entire
21 State or in an entire county are allowed to cast a
22 vote, the winner shall be declared as follows:

- 1 (A) For each representative district in the State or
2 county, as the case may be, an election rate
3 point shall be calculated by dividing the total
4 voter turnout in that representative district by
5 the total voter turnout in the state, county, or
6 federal office district, as the case may be;
7 provided that for purposes of this subparagraph:
- 8 (i) The absentee votes cast for a statewide,
9 countywide, or federal office shall be
10 treated as a separate representative
11 district and the election rate point shall
12 be calculated by dividing the total absentee
13 votes cast for the statewide, countywide, or
14 federal office by the total voter turnout in
15 the state, county, or federal office
16 district, as the case may be.
- 17 (ii) The overseas votes cast for any election in
18 the State for a federal office shall be
19 treated as a separate representative
20 district and the election rate point shall
21 be calculated by dividing the total number
22 of overseas votes cast for the affected

1 federal office by the total voter turnout in
2 the affected federal office district. The
3 term "overseas votes" means those votes cast
4 by absentee ballots for a presidential
5 election as provided in section 15-3.

6 All election rate points shall be expressed as
7 decimal fractions rounded to the nearest hundred
8 thousandth.

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

17 (C) After the election rate points calculated under
18 subparagraph (A) for all the precincts have been
19 allocated as prescribed under subparagraph (B),
20 the election rate points allocated to each
21 candidate shall be tallied and the candidate with

1 the election rate point total shall be declared
2 the winner.

3 (D) If there is a tie between two or more candidates
4 in the election rate point total, the candidate
5 who is allocated the highest election rate points
6 from the representative district with the largest
7 voter turnout shall be declared the winner."

8 SECTION 6. Section 11-195, Hawaii Revised Statutes, is
9 amended by amending subsection (d) to read as follows:

10 "(d) For purposes of this subpart, whenever a report is
11 required to be filed with the commission, "filed" means
12 electronically filed on the commission's electronic filing
13 system by the date and time specified for the filing of the
14 report by the:

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

- 17 (A) Office of governor;
- 18 (B) Office of lieutenant governor;
- 19 (C) Office of mayor;
- 20 (D) Office of prosecuting attorney;
- 21 (E) County council;
- 22 (F) Senate;

1 (G) House of representatives; or

2 (H) Office of Hawaiian affairs; or

3 [~~(I) Board of education; or~~]

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

6 SECTION 7. Section 11-209, Hawaii Revised Statutes, is
7 amended by amending subsection (a) to read as follows:

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

17 (1) For the office of governor--\$2.50;

18 (2) For the office of lieutenant governor--\$1.40;

19 (3) For the office of mayor--\$2.00;

20 (4) For the offices of state senator, state

21 representative, and county council member--\$1.40; and

1 (5) For [~~the offices of the board of education and~~] all
2 other offices--20 cents."

3 SECTION 8. Section 11-218, Hawaii Revised Statutes, is
4 amended by amending subsection (d) to read as follows:

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

8 SECTION 9. Section 12-5, Hawaii Revised Statutes, is
9 amended by amending subsection (a) to read as follows:

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

17 SECTION 10. Section 17-6, Hawaii Revised Statutes, is
18 amended to read as follows:

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
22 [~~whenever a vacancy occurs and the term of that vacancy ends at~~

1 ~~the time of the next succeeding general election.] pursuant to~~
2 section 302A-G.

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 [~~(e)~~] (b) 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.~~] 302A-E."

8 SECTION 11. Section 26-35.5, Hawaii Revised Statutes, is
9 amended by amending subsection (a) to read as follows:

10 "(a) For purposes of this section, "member" means any
11 person who is appointed, in accordance with the law, to serve on
12 a temporary or permanent state board, including members of the
13 local school board of any charter school established under
14 chapter 302B, council, authority, committee, or commission,
15 established by law or [~~elected~~] appointed to the board of
16 education, or the board of trustees of the employees' retirement
17 system under section 88-24, or the corporation board of the
18 Hawaii health systems corporation under section 323F-3 and its
19 regional system boards under section 323F-3.5; provided that
20 "member" shall not include any person elected to serve on a
21 board or commission in accordance with chapter 11 [~~other than a~~
22 ~~person elected to serve on the board of education]~~."

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

3 **"[~~§~~84-41~~]~~ Applicability of part.** This part applies to
4 legislators, [~~elected members of the board of education,~~
5 trustees of the office of Hawaiian affairs, the governor, the
6 lieutenant governor, and executive department heads and
7 deputies. This part does not apply to any other officer or
8 employee of the State."

9 SECTION 13. Section 88-21, Hawaii Revised Statutes, is
10 amended by amending the definitions of "elective officer" and
11 "elective official" to read as follows:

12 **"Elective officer" or "elective official":** any person
13 elected to a public office or appointed to fill a vacancy of an
14 elective office, except as a delegate to a constitutional
15 convention [~~or member of the board of education,~~ in accordance
16 with an election duly held in the State or counties under
17 chapter 11; provided that the person receives compensation, pay,
18 or salary for such office."

19 SECTION 14. Section 302A-1101, Hawaii Revised Statutes, is
20 amended to read as follows:

21 **"§302A-1101 Department of education; board of education;
22 superintendent of education.** (a) There shall be a principal

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

9 (b) The board shall appoint, and may remove, the
10 superintendent by a majority vote of its members. The
11 superintendent:

- 12 (1) May be appointed without regard to the state residency
13 provisions of section 78-1(b);
- 14 (2) May be appointed for a term of up to four years; and
- 15 (3) May be terminated only for cause.

16 [~~(c) The board shall invite the senior military commander~~
17 ~~in Hawaii to appoint a nonvoting military representative to the~~
18 ~~board, who shall serve for a two-year term without compensation.~~
19 ~~As the liaison to the board, the military representative shall~~
20 ~~advise the board regarding state education policies and~~
21 ~~departmental actions affecting students who are enrolled in~~
22 ~~public schools as family members of military personnel. The~~

1 ~~military representative shall carry out these duties as part of~~
2 ~~the representative's official military duties and shall be~~
3 ~~guided by applicable state and federal statutes, regulations,~~
4 ~~and policies and may be removed only for cause by a majority~~
5 ~~vote of the members of the board.~~

6 ~~(d)]~~ (c) The board shall appoint the charter school review
7 panel, which shall serve as the charter authorizer for charter
8 schools, with the power and duty to issue charters, oversee and
9 monitor charter schools, hold charter schools accountable for
10 their performance, and revoke charters."

11 SECTION 15. Chapter 13, Hawaii Revised Statutes, is
12 repealed.

13 SECTION 16. Notwithstanding the requirements of section
14 302A-F, Hawaii Revised Statutes, the terms of the members of the
15 board of education that expire on November 4, 2014, pursuant to
16 section 302A-F, Hawaii Revised Statutes, shall instead expire on
17 June 30, 2012, upon the effective date of this Act.

18 SECTION 17. In codifying the new sections added by
19 sections 2 to 4 of this Act, the revisor of statutes shall
20 substitute appropriate section numbers for the letters used in
21 designating the new sections in this Act.

1 SECTION 18. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 19. This Act shall take effect upon the
4 ratification of a constitutional amendment authorizing an
5 appointed board of education in compliance with article XVII,
6 section 3, of the Constitution of the State of Hawaii; provided
7 that if an amendment to article X, section 2, of the
8 Constitution of the State of Hawaii allowing the board of
9 education student member to vote on all matters, except for
10 fiscal and personnel matters, is ratified pursuant to article
11 XVII, section 3, of the Constitution of the State of Hawaii,
12 section 3 of this Act shall take effect on the date of that
13 constitutional amendment's ratification and section 2 of this
14 Act shall be repealed.

15

Report Title:

Board of Education; Candidate Nomination Commission

Description:

Establishes the board of education candidate nomination commission to nominate candidates for the board of education to be appointed by the governor. Allows the board of education student member certain voting privileges upon ratification of an appropriate constitutional amendment. (SD1)

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