

JAN 27 2010

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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 statutorily  
2     implement, upon its ratification, the constitutional amendment  
3     to article X, section 3, of the Hawaii constitution, that  
4     removes reference to the superintendent of education as a  
5     position appointed by the board of education. Instead, the  
6     legislature finds that the superintendent of education should be  
7     appointed by the governor, upon the advice and consent of the  
8     senate.

9           SECTION 2. Section 302A-1101, Hawaii Revised Statutes, is  
10    amended by amending subsections (a) and (b) to read as follows:

11           "(a) There shall be a principal executive department to be  
12    known as the department of education, which shall be headed by  
13    an elected policy-making board to be known as the board of  
14    education. The board shall have power in accordance with law to  
15    formulate statewide educational policy, adopt student  
16    performance standards and assessment models, and monitor school



1 success [~~and to appoint the superintendent of education as the~~  
2 ~~chief executive officer of the public school system.]~~

3 (b) [~~The board shall appoint, and may remove, the~~  
4 ~~superintendent by a majority vote of its members. The~~  
5 ~~superintendent:~~

6 ~~(1) May be appointed without regard to the state residency~~  
7 ~~provisions of section 78-1(b);~~

8 ~~(2) May be appointed for a term of up to four years; and~~

9 ~~(3) May be terminated only for cause.]~~ There shall be a  
10 superintendent of education who shall be the chief  
11 executive officer of the public school system. The  
12 superintendent shall be nominated and, by and with the  
13 advice and consent of the senate, appointed by the  
14 governor for a term to expire at the end of the term  
15 for which the governor was elected. The  
16 superintendent may be appointed without regard to the  
17 state residency provisions of section 78-1. A vacancy  
18 occurring during a term shall be filled for the  
19 unexpired balance of the term, subject to the  
20 provisions of Article V, section 6 of the Constitution  
21 of the State. The governor may remove the  
22 superintendent from office at any time."

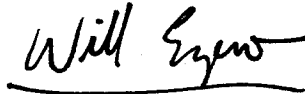
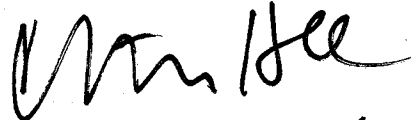


1 SECTION 3. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3 SECTION 4. This Act shall take effect upon its approval  
4 and upon compliance with article XVII, section 3, of the  
5 Constitution of the State of Hawaii.

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INTRODUCED BY:



**Report Title:**

Superintendent of Education; Appointment by Governor

**Description:**

Authorizes the governor, instead of the board of education, to appoint the superintendent of education.

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

