



GOV. MSG. NO. 1105

EXECUTIVE CHAMBERS
HONOLULU

NEIL ABERCROMBIE
GOVERNOR

March 14, 2011

The Honorable Shan Tsutsui, President
and Members of the Senate
Twenty-Sixth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

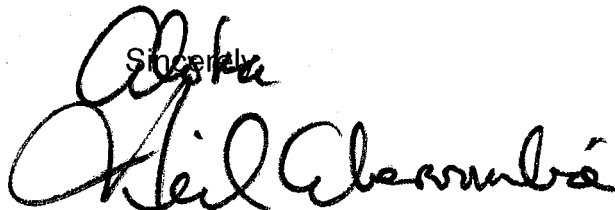
The Honorable Calvin Say, Speaker
and Members of the House
Twenty-Sixth State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Tsutsui, Speaker Say and Members of the Legislature:

This is to inform you that on March 14, 2011, the following bill was signed into law:

SB8 SD1 HD2

RELATING TO EDUCATION
ACT 005(11)

Sincerely,

NEIL ABERCROMBIE
Governor, State of Hawaii

A BILL FOR AN ACT

RELATING TO EDUCATION.

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

1 PART I

2 SECTION 1. The purpose of this Act is to implement the
3 constitutional amendments to article X, section 2, of the Hawaii
4 State Constitution that were adopted by the legislature and
5 ratified by the electorate in the 2010 general election, by
6 statutorily requiring the members of the board of education to
7 be nominated and, with the advice and consent of the senate,
8 appointed by the governor.

9 PART II

10 SECTION 2. Chapter 302A, Hawaii Revised Statutes, is
11 amended by adding seven new sections to be appropriately
12 designated and to read as follows:

13 "§302A-A Board of education; members; student and military
14 representative. (a) The board shall consist of nine members as
15 follows:

- 16 (1) One member from the county of Hawaii;
17 (2) One member from the county of Maui;
18 (3) One member from the county of Kauai;



1 (4) Three members from the city and county of Honolulu;

2 and

3 (5) Three at-large members; provided that the governor

4 shall select an at-large member as the chairperson.

5 The members shall be appointed by the governor, with the advice

6 and consent of the senate. The governor may remove or suspend

7 for cause any member of the board.

8 (b) Pursuant to article XVIII, section 12, of the Hawaii

9 State Constitution, the period of transition from the elected to

10 the appointed board shall be as determined in section 21 of Act

11 , Session Laws of Hawaii 2011.

12 (c) The members of the board shall serve without pay but

13 shall be entitled to reimbursement for necessary expenses,

14 including travel and board and lodging expenses, while attending

15 meetings of the board or when actually engaged in business

16 relating to the work of the board.

17 (d) Pursuant to section 302A-447, the state student

18 council shall select a nonvoting public high school student

19 representative to the board.

20 (e) Pursuant to section 302A-1101(c), the board shall

21 invite the senior military commander in Hawaii to appoint a

22 nonvoting military representative to the board.



1 §302A-B Board of education; eligibility. Except as
2 otherwise provided by law, state officers shall be eligible for
3 appointment and membership to the board. No person shall be
4 eligible for appointment to the board:

5 (1) Under section 302A-A(a)(1) through (4) unless the
6 person is a resident of the county from which the
7 person is to be appointed; or

8 (2) Under section 302A-A(a)(5) unless the person is a
9 resident of the State.

10 §302A-C Board of education; terms. (a) The governor
11 shall set the terms of the members initially appointed to the
12 board under section 21 of Act , Session Laws of Hawaii
13 2011, as follows:

14 (1) Three members shall serve one-year terms;

15 (2) Three members shall serve two-year terms; and

16 (3) Three members, including the chairperson, shall serve
17 three-year terms.

18 (b) The term of each member shall be three years, except
19 as provided for in the initial appointment in subsection (a).

20 Members shall serve no more than three consecutive three-year
21 terms; provided that the members who are initially appointed to
22 terms of two years or less pursuant to subsection (a) may be



1 reappointed to three ensuing consecutive three-year terms. If a
2 member is nominated to a second or subsequent consecutive term,
3 the senate shall consider the question of whether to reconfirm
4 the member at least one hundred twenty days prior to the
5 expiration of the member's immediately preceding term; provided
6 that if the senate has not taken final action to reconfirm the
7 member by the one hundred twenty-day deadline, the member shall
8 continue to serve until the senate takes final action on the
9 reconfirmation.

10 (c) The term of the student representative shall be one
11 year. The student representative may be selected for one
12 additional consecutive term; provided that the student
13 representative shall be a student at the time of selection and
14 shall be a student for the majority of that term.

15 (d) Every member may serve beyond the expiration date of
16 the member's term of appointment until the member's successor
17 has been appointed by the governor and confirmed by the senate
18 in accordance with sections 302A-A, 302A-F, and 302A-G.

19 §302A-D Board of education; organization; quorum;
20 meetings. (a) The governor shall select a chairperson of the
21 board; provided that the chairperson shall be selected from
22 among the at-large members. The board shall select a vice



1 chairperson from among its members, and the vice chairperson
2 shall serve as interim chairperson in the event the
3 chairperson's seat becomes vacant.

4 (b) A majority of all the voting members to which the
5 board is entitled shall constitute a quorum to conduct business.
6 At any time the board has fewer than five voting members, three
7 voting members of the board shall constitute a quorum to conduct
8 business and the concurrence of at least three voting members
9 shall be necessary to make any action of the board valid.

10 (c) Notwithstanding chapter 92, from the convening of the
11 legislature in regular session to adjournment sine die of each
12 regular session, and during each special session of the
13 legislature, the board may file any notice that specifies only
14 legislation or legislation-related agenda items, no fewer than
15 two calendar days before the meeting.

16 **§302A-E Board of education; vacancies.** (a) The governor
17 shall notify the senate in writing within ten days of:

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

19 (2) Receiving notification that a member of the board is
20 resigning or has died;

21 provided that any vacancy shall be filled by appointment by the
22 governor, with the advice and consent of the senate, in



1 accordance with sections 302A-A , 302A-B, 302A-C, 302A-F, and
2 302A-G.

3 (b) Where the chairperson position becomes vacant, the
4 governor may nominate a sitting member of the board to the
5 chairperson position in accordance with subsection (a) and shall
6 fill any resulting vacancy in accordance with subsection (a).

7 §302A-F Board of education; qualifications; administration
8 priorities. (a) Upon the nomination of any board member, the
9 governor shall provide written documentation articulating the
10 administration's goals and priorities with respect to the
11 formation of a highly-functioning, well-balanced board, and
12 describing the nominee's qualifications.

13 (b) Each nominee shall meet the following minimum
14 qualifications:

15 (1) Record of integrity, civic virtue, and high ethical
16 standards. Each nominee shall demonstrate integrity,
17 civic virtue, and high ethical standards and be
18 willing to hold fellow board members to the same;

19 (2) Availability for constructive engagement. Each
20 nominee shall commit to being a conscientious and
21 attentive board member;



1 (3) Knowledge of best practices. Each nominee shall have
2 an understanding of best practices in educational
3 governance or shall be willing to be trained in such;
4 and

5 (4) Commitment to educational leadership. Each nominee
6 shall have a clear understanding of the board's role
7 in developing and protecting a clear, long-term
8 strategic vision for Hawaii's public schools, and
9 shall understand the need to hold the superintendent
10 of education accountable for making consistent
11 progress toward that vision.

12 (c) Each nominee shall ideally meet the following
13 recommended qualifications:

14 (1) Understanding of collective bargaining. Each nominee
15 should demonstrate an understanding of the collective
16 bargaining process and an ability to participate in
17 that process on behalf of the board free from any
18 conflict of interest;

19 (2) Experience governing complex organizations. Each
20 nominee should possess experience with complex
21 organizations and a proven ability to function
22 productively within them;



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

3 "§11-157 In case of tie. In case of the failure of an
4 election by reason of the equality of vote between two or more
5 candidates, the tie shall be decided by the chief election
6 officer or county clerk in the case of county elections in
7 accordance with the following procedure:

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

13 (A) For each precinct in the affected district, an
14 election rate point shall be calculated by
15 dividing the total voter turnout in that precinct
16 by the total voter turnout in the district. For
17 the purpose of this subparagraph, the absentee
18 votes cast for the affected district shall be
19 treated as a precinct. The election rate point
20 shall be calculated by dividing the total
21 absentee votes cast for the affected district by
22 the total voter turnout in that district. All



1 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 precinct shall be allocated the election rate
6 point calculated under subparagraph (A) for that
7 precinct. In the event that two or more persons
8 are tied in receiving the highest number of votes
9 for that precinct, the election rate point shall
10 be equally apportioned among those candidates
11 involved in that precinct tie[-];

12 (C) After the election rate points calculated under
13 subparagraph (A) for all the precincts have been
14 allocated as provided under subparagraph (B), the
15 election rate points allocated to each candidate
16 shall be tallied and the candidate with the
17 highest election rate point total shall be
18 declared the winner[-]; and

19 (D) If there is a tie between two or more candidates
20 in the election rate point total, the candidate
21 who is allocated the highest election rate points



1 from the precinct with the largest voter turnout
2 shall be declared the winner[-];

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

7 (A) For each representative district in the State or
8 county, as the case may be, an election rate
9 point shall be calculated by dividing the total
10 voter turnout in that representative district by
11 the total voter turnout in the [~~state,~~] State,
12 county, or federal office district, as the case
13 may be; provided that for purposes of this
14 subparagraph:

15 (i) The absentee votes cast for a statewide,
16 countywide, or federal office shall be
17 treated as a separate representative
18 district and the election rate point shall
19 be calculated by dividing the total absentee
20 votes cast for the statewide, countywide, or
21 federal office by the total voter turnout in



1 the state, county, or federal office
2 district, as the case may be[-]; and

3 (ii) The overseas votes cast for any election in
4 the State for a federal office shall be
5 treated as a separate representative
6 district and the election rate point shall
7 be calculated by dividing the total number
8 of overseas votes cast for the affected
9 federal office by the total voter turnout in
10 the affected federal office district. The
11 term "overseas votes" means those votes cast
12 by absentee ballots for a presidential
13 election as provided in section 15-3.

14 All election rate points shall be expressed as
15 decimal fractions rounded to the nearest hundred
16 thousandth[-];

17 (B) The candidate with the highest number of votes in
18 a representative district shall be allocated the
19 election rate point calculated under subparagraph
20 (A) for that district. In the event that two or
21 more persons are tied in receiving the highest
22 number of votes for that district, the election



1 rate point shall be equally apportioned among
2 those candidates involved in that district
3 tie[-];

4 (C) After the election rate points calculated under
5 subparagraph (A) for all the precincts have been
6 allocated as prescribed under subparagraph (B),
7 the election rate points allocated to each
8 candidate shall be tallied and the candidate with
9 the election rate point total shall be declared
10 the winner[-]; and

11 (D) If there is a tie between two or more candidates
12 in the election rate point total, the candidate
13 who is allocated the highest election rate points
14 from the representative district with the largest
15 voter turnout shall be declared the winner."

16 SECTION 4. Section 11-331, Hawaii Revised Statutes, is
17 amended by amending subsection (d) to read as follows:

18 "(d) For purposes of this part, whenever a report is
19 required to be filed with the commission, "filed" means that a
20 report shall be filed with the commission's electronic filing
21 system by the date and time specified for the filing of the
22 report by:



1 (1) The candidate or candidate committee of a candidate
2 who is seeking election to the:

- 3 (A) Office of governor;
- 4 (B) Office of lieutenant governor;
- 5 (C) Office of mayor;
- 6 (D) Office of prosecuting attorney;
- 7 (E) County council;
- 8 (F) Senate;
- 9 (G) House of representatives; or
- 10 (H) Office of Hawaiian affairs;

11 or

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

13 (2) A noncandidate committee required to be registered
14 with the commission pursuant to section 11-323."

15 SECTION 5. Section 11-423, Hawaii Revised Statutes, is
16 amended by amending subsection (d) to read as follows:

17 "(d) From January 1 of the year of any primary, special,
18 or general election, the aggregate expenditures for each
19 election by a candidate who voluntarily agrees to limit campaign
20 expenditures, inclusive of all expenditures made or authorized
21 by the candidate alone, all treasurers, the candidate committee,
22 and noncandidate committees on the candidate's behalf, shall not



1 exceed the following amounts expressed, respectively multiplied
2 by the number of voters in the last preceding general election
3 registered to vote in each respective voting district:

- 4 (1) For the office of governor - \$2.50;
- 5 (2) For the office of lieutenant governor - \$1.40;
- 6 (3) For the office of mayor - \$2.00;
- 7 (4) For the offices of state senator, state
8 representative, and county council member - \$1.40; and
- 9 (5) For [~~the board of education and~~] all other offices -
10 20 cents."

11 SECTION 6. Section 11-425, Hawaii Revised Statutes, is
12 amended by amending subsection (d) to read as follows:

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

16 SECTION 7. Section 12-5, Hawaii Revised Statutes, is
17 amended by amending subsection (a) to read as follows:

18 "(a) Nomination papers for candidates for members of
19 Congress, governor, and lieutenant governor[~~, and the board of~~
20 ~~education~~] shall be signed by not less than twenty-five
21 registered voters of the State or of the Congressional district
22 [~~or school board district~~] from which the candidates are running



1 in the case of candidates for the United States House of
2 Representatives [~~or for the board of education~~]."

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

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

18 SECTION 9. Section 76-16, Hawaii Revised Statutes, is
19 amended by amending subsection (b) to read as follows:

20 "(b) The civil service to which this chapter applies shall
21 comprise all positions in the State now existing or hereafter



1 established and embrace all personal services performed for the
2 State, except the following:

3 (1) Commissioned and enlisted personnel of the Hawaii
4 national guard as such, and positions in the Hawaii
5 national guard that are required by state or federal
6 laws or regulations or orders of the national guard to
7 be filled from those commissioned or enlisted
8 personnel;

9 (2) Positions filled by persons employed by contract where
10 the director of human resources development has
11 certified that the service is special or unique or is
12 essential to the public interest and that, because of
13 circumstances surrounding its fulfillment, personnel
14 to perform the service cannot be obtained through
15 normal civil service recruitment procedures. Any such
16 contract may be for any period not exceeding one year;

17 (3) Positions that must be filled without delay to comply
18 with a court order or decree if the director
19 determines that recruitment through normal recruitment
20 civil service procedures would result in delay or
21 noncompliance, such as the Felix-Cayetano consent
22 decree;



- 1 (4) Positions filled by the legislature or by either house
2 or any committee thereof;
- 3 (5) Employees in the office of the governor and office of
4 the lieutenant governor, and household employees at
5 Washington Place;
- 6 (6) Positions filled by popular vote;
- 7 (7) Department heads, officers, and members of any board,
8 commission, or other state agency whose appointments
9 are made by the governor or are required by law to be
10 confirmed by the senate;
- 11 (8) Judges, referees, receivers, masters, jurors, notaries
12 public, land court examiners, court commissioners, and
13 attorneys appointed by a state court for a special
14 temporary service;
- 15 (9) One bailiff for the chief justice of the supreme court
16 who shall have the powers and duties of a court
17 officer and bailiff under section 606-14; one
18 secretary or clerk for each justice of the supreme
19 court, each judge of the intermediate appellate court,
20 and each judge of the circuit court; one secretary for
21 the judicial council; one deputy administrative
22 director of the courts; three law clerks for the chief



1 justice of the supreme court, two law clerks for each
2 associate justice of the supreme court and each judge
3 of the intermediate appellate court, one law clerk for
4 each judge of the circuit court, two additional law
5 clerks for the civil administrative judge of the
6 circuit court of the first circuit, two additional law
7 clerks for the criminal administrative judge of the
8 circuit court of the first circuit, one additional law
9 clerk for the senior judge of the family court of the
10 first circuit, two additional law clerks for the civil
11 motions judge of the circuit court of the first
12 circuit, two additional law clerks for the criminal
13 motions judge of the circuit court of the first
14 circuit, and two law clerks for the administrative
15 judge of the district court of the first circuit; and
16 one private secretary for the administrative director
17 of the courts, the deputy administrative director of
18 the courts, each department head, each deputy or first
19 assistant, and each additional deputy, or assistant
20 deputy, or assistant defined in paragraph (16);

21 (10) First deputy and deputy attorneys general, the
22 administrative services manager of the department of



1 the attorney general, one secretary for the
2 administrative services manager, an administrator and
3 any support staff for the criminal and juvenile
4 justice resources coordination functions, and law
5 clerks;

6 (11) (A) Teachers, principals, vice-principals, complex
7 area superintendents, deputy and assistant
8 superintendents, other certificated personnel,
9 not more than twenty noncertificated
10 administrative, professional, and technical
11 personnel not engaged in instructional work;

12 (B) Effective July 1, 2003, teaching assistants,
13 educational assistants, bilingual/bicultural
14 school-home assistants, school psychologists,
15 psychological examiners, speech pathologists,
16 athletic health care trainers, alternative school
17 work study assistants, alternative school
18 educational/supportive services specialists,
19 alternative school project coordinators, and
20 communications aides in the department of
21 education;



1 (C) The special assistant to the state librarian and
2 one secretary for the special assistant to the
3 state librarian; and

4 (D) Members of the faculty of the University of
5 Hawaii, including research workers, extension
6 agents, personnel engaged in instructional work,
7 and administrative, professional, and technical
8 personnel of the university;

9 (12) Employees engaged in special, research, or
10 demonstration projects approved by the governor;

11 (13) Positions filled by inmates, kokuas, patients of state
12 institutions, persons with severe physical or mental
13 handicaps participating in the work experience
14 training programs, and students and positions filled
15 through federally funded programs that provide
16 temporary public service employment such as the
17 federal Comprehensive Employment and Training Act of
18 1973;

19 (14) A custodian or guide at Iolani Palace, the Royal
20 Mausoleum, and Hulihee Palace;

21 (15) Positions filled by persons employed on a fee,
22 contract, or piecework basis, who may lawfully perform



1 their duties concurrently with their private business
2 or profession or other private employment and whose
3 duties require only a portion of their time, if it is
4 impracticable to ascertain or anticipate the portion
5 of time to be devoted to the service of the State;

6 (16) Positions of first deputies or first assistants of
7 each department head appointed under or in the manner
8 provided in section 6, Article V, of the Hawaii State
9 Constitution; three additional deputies or assistants
10 either in charge of the highways, harbors, and
11 airports divisions or other functions within the
12 department of transportation as may be assigned by the
13 director of transportation, with the approval of the
14 governor; four additional deputies in the department
15 of health, each in charge of one of the following:
16 behavioral health, environmental health, hospitals,
17 and health resources administration, including other
18 functions within the department as may be assigned by
19 the director of health, with the approval of the
20 governor; an administrative assistant to the state
21 librarian; and an administrative assistant to the
22 superintendent of education;



- 1 (17) Positions specifically exempted from this part by any
2 other law; provided that all of the positions defined
3 by paragraph (9) shall be included in the position
4 classification plan;
- 5 (18) Positions in the state foster grandparent program and
6 positions for temporary employment of senior citizens
7 in occupations in which there is a severe personnel
8 shortage or in special projects;
- 9 (19) Household employees at the official residence of the
10 president of the University of Hawaii;
- 11 (20) Employees in the department of education engaged in
12 the supervision of students during meal periods in the
13 distribution, collection, and counting of meal
14 tickets, and in the cleaning of classrooms after
15 school hours on a less than half-time basis;
- 16 (21) Employees hired under the tenant hire program of the
17 Hawaii public housing authority; provided that not
18 more than twenty-six per cent of the authority's work
19 force in any housing project maintained or operated by
20 the authority shall be hired under the tenant hire
21 program;



1 (22) Positions of the federally funded expanded food and
2 nutrition program of the University of Hawaii that
3 require the hiring of nutrition program assistants who
4 live in the areas they serve;

5 (23) Positions filled by severely handicapped persons who
6 are certified by the state vocational rehabilitation
7 office that they are able to perform safely the duties
8 of the positions;

9 ~~[(24)]~~ ~~One public high school student to be selected by the~~
10 ~~Hawaii state student council as a nonvoting member on~~
11 ~~the board of education as authorized by the State~~
12 ~~Constitution;~~

13 ~~[(25)]~~ (24) Sheriff, first deputy sheriff, and second deputy
14 sheriff;

15 ~~[(26)]~~ (25) A gender and other fairness coordinator hired by
16 the judiciary; and

17 ~~[(27)]~~ (26) Positions in the Hawaii national guard youth and
18 adult education programs.

19 The director shall determine the applicability of this
20 section to specific positions.

21 Nothing in this section shall be deemed to affect the civil
22 service status of any incumbent as it existed on July 1, 1955."



1 SECTION 10. Section 84-17, Hawaii Revised Statutes, is
2 amended by amending subsection (d) to read as follows:

3 "(d) The financial disclosure statements of the following
4 persons shall be public records and available for inspection and
5 duplication:

6 (1) The governor, the lieutenant governor, the members of
7 the legislature, candidates for and delegates to the
8 constitutional convention, [~~the members of the board~~
9 ~~of education,~~] the trustees of the office of Hawaiian
10 affairs, and candidates for state elective offices;

11 (2) The directors of the state departments and their
12 deputies, regardless of the titles by which the
13 foregoing persons are designated; provided that with
14 respect to the department of the attorney general, the
15 foregoing shall apply only to the attorney general and
16 the first deputy attorney general;

17 (3) The administrative director of the State;

18 (4) The president, the vice presidents, the assistant vice
19 presidents, the chancellors, and the provosts of the
20 University of Hawaii;

21 (5) The members of the board of education and the
22 superintendent, the deputy superintendent, the state



1 librarian, and the deputy state librarian of the
2 department of education;

3 (6) The administrative director and the deputy director of
4 the courts; and

5 (7) The administrator and the assistant administrator of
6 the office of Hawaiian affairs."

7 SECTION 11. Section 84-41, Hawaii Revised Statutes, is
8 amended to read as follows:

9 "~~§~~84-41~~§~~ **Applicability of part.** This part applies to
10 legislators, ~~electe~~d members of the board of education,
11 trustees of the office of Hawaiian affairs, the governor, the
12 lieutenant governor, and executive department heads and
13 deputies. This part does not apply to any other officer or
14 employee of the State."

15 SECTION 12. Section 88-21, Hawaii Revised Statutes, is
16 amended by amending the definition of "elective officer" or
17 "elective official" to read as follows:

18 "Elective officer" or "elective official": any person
19 elected to a public office or appointed to fill a vacancy of an
20 elective office, except as a delegate to a constitutional
21 convention ~~[or member of the board of education]~~, in accordance
22 with an election duly held in the State or counties under



1 chapter 11; provided that the person receives compensation, pay,
2 or salary for such office."

3 SECTION 13. Section 302A-447, Hawaii Revised Statutes, is
4 amended by amending subsection (b) to read as follows:

5 "(b) The council shall determine whether it shall directly
6 select the student [~~member of~~] representative to the board or
7 whether it shall run an election to select that individual."

8 SECTION 14. 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 15. Section 302A-1106.5, Hawaii Revised Statutes,
19 is amended to read as follows:

20 "[+]§302A-1106.5[+] **Board of education; community**
21 **meetings.** The board shall hold not less than [~~two~~] one
22 community [~~meetings~~] meeting annually in each [~~departmental~~



1 ~~school district]~~ county in addition to their regular meetings to
2 discuss and receive input from the community on public education
3 and public library issues. The board chairperson shall
4 designate board members to attend the community meetings. These
5 community meetings shall not be held for the purpose of
6 formulating educational policy. The community meetings shall be
7 exempt from sections 92-2.5, 92-7, 92-9, and 92-41[~~7~~]; provided
8 that the board shall give written public notice of each
9 community meeting. The meeting notice shall indicate the date,
10 time, and place of the meeting, and shall be filed in the office
11 of the lieutenant governor and in the board's office for public
12 inspection six calendar days before the meeting. The notice
13 shall also be posted at the site of the meeting."

14 SECTION 16. Section 302A-1110, Hawaii Revised Statutes, is
15 amended to read as follows:

16 " ~~[§302A-1110]~~ **Educational districts not applicable.**
17 The educational districts established by section 4-1 shall not
18 be applicable to, nor alter, the ~~[school board or departmental~~
19 ~~school districts, established by section 13-1, or the]~~ school
20 districts established for administrative purposes by the
21 department."



1 SECTION 17. Section 17-6, Hawaii Revised Statutes, is
2 repealed.

3 [~~"§17-6 Board of education members.~~ (a) ~~The governor~~
4 ~~shall make an appointment to fill any vacancy in the membership~~
5 ~~of the board of education for the unexpired term of that vacancy~~
6 ~~whenever a vacancy occurs and the term of that vacancy ends at~~
7 ~~the time of the next succeeding general election.~~

8 ~~(b) In the case of a vacancy, the term of which does not~~
9 ~~end at the next succeeding general election.~~

10 ~~(1) If it occurs not later than on the sixtieth day prior~~
11 ~~to the next succeeding general election, the vacancy~~
12 ~~shall be filled for the unexpired term at the next~~
13 ~~succeeding general election. The chief election~~
14 ~~officer shall issue a proclamation designating the~~
15 ~~election for filling the vacancy. All candidates for~~
16 ~~the unexpired term shall file nomination papers not~~
17 ~~later than 4:30 p.m. on the fiftieth day prior to the~~
18 ~~general election (but if such day is a Saturday,~~
19 ~~Sunday, or holiday then not later than 4:30 p.m. on~~
20 ~~the first working day immediately preceding) and shall~~
21 ~~be elected in accordance with this title. Pending the~~
22 ~~election the governor shall make a temporary~~



1 ~~appointment to fill the vacancy and the person so~~
2 ~~appointed shall serve until the election of the person~~
3 ~~duly elected to fill such vacancy.~~

4 ~~(2) If it occurs after the sixtieth day prior to the next~~
5 ~~succeeding general election, the governor shall make~~
6 ~~an appointment to fill the vacancy for the unexpired~~
7 ~~term.~~

8 ~~(c) All appointments made by the governor under this~~
9 ~~section shall be made without consideration of the appointee's~~
10 ~~party affiliation or preference or nonpartisanship, however the~~
11 ~~persons so appointed shall meet the residency requirement~~
12 ~~specified in section 13-1."]~~

13 SECTION 18. Section 302A-1105, Hawaii Revised Statutes, is
14 repealed.

15 [~~"§302A-1105 Compensation; expenses. Board of education~~
16 ~~members shall be allowed:~~

17 ~~(1) Compensation at the rate of \$100 per day for each~~
18 ~~day's actual attendance at meetings;~~

19 ~~(2) Transportation fares between islands and abroad; and~~

20 ~~(3) Personal expenses at the rates specified by the board~~
21 ~~while attending board meetings or while on official~~
22 ~~business as authorized by the chairperson, when the~~



1 ~~board meetings or official business require a board~~
2 ~~member to leave the island upon which the board member~~
3 ~~resides."]~~

4 SECTION 19. Section 302A-1106, Hawaii Revised Statutes, is
5 repealed.

6 [~~"§302A-1106 Organization; quorum; meetings. (a) The~~
7 ~~board shall elect from its own membership a chairperson and a~~
8 ~~vice chairperson. A majority of all members to which the board~~
9 ~~is entitled shall constitute a quorum to do business and the~~
10 ~~concurrence of a majority of all members to which the board is~~
11 ~~entitled shall be necessary to make any action of the board~~
12 ~~valid; provided that due notice shall have been given to all~~
13 ~~members of the board or a bona fide attempt shall have been made~~
14 ~~to give due notice to all members of the board to whom it was~~
15 ~~reasonably practicable to give due notice. Meetings shall be~~
16 ~~called and held, at the call of the chairperson or by a quorum,~~
17 ~~as often as may be necessary for the transaction of the~~
18 ~~department's business.~~

19 ~~(b) Chapter 92 notwithstanding, from the convening of the~~
20 ~~legislature in regular session to adjournment sine die of each~~
21 ~~regular session; and during each special session of the~~
22 ~~legislature, the board may file any notice that specifies only~~



1 ~~legislation or legislation related agenda items, no fewer than~~
2 ~~two calendar days before the meeting."]~~

3 SECTION 20. Chapter 13, Hawaii Revised Statutes, is
4 repealed.

5 PART IV

6 SECTION 21. Notwithstanding any law to the contrary, the
7 elected members of the board of education serving on the day of
8 the effective date of this Act shall continue to serve until the
9 appointment of no fewer than five members of the board of
10 education pursuant to this Act, at which time all elected
11 members shall be discharged from office and the appointed board
12 members shall begin their service; provided that any vacancy in
13 an elected member's seat occurring between the effective date of
14 this Act and the discharge from office of all the elected
15 members of the board of education shall remain vacant until
16 filled by appointment by the governor, with the advice and
17 consent of the senate, pursuant to this Act; provided further
18 that the governor shall nominate all members of the board of
19 education no later than June 30, 2011.

20 PART V



1 SECTION 22. The revisor of statutes shall insert the
2 number of this Act in the appropriate places in section 2 of
3 this Act.

4 SECTION 23. 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 24. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

10 SECTION 25. This Act shall take effect upon its approval;
11 provided that part III of this Act shall take effect when the
12 elected members of the board of education are discharged from
13 office pursuant to section 21 of this Act.

APPROVED this 14 day of MAR, 2011



GOVERNOR OF THE STATE OF HAWAII