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# 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, upon  
3 its ratification, the constitutional amendments to article X,  
4 section 2 of the Hawaii constitution, by requiring the members  
5 of the board of education to be nominated and, with the advice  
6 and consent of the senate, appointed by the governor from lists  
7 of qualified candidates presented to the governor by the board  
8 of education selection advisory council.

9 PART II

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

13 "§302A-A Board of education members; appointment; terms;  
14 quorum and meetings; compensation. (a) The board shall consist  
15 of ten members as follows:

16 (1) Nine members who shall represent and reside in the  
17 specified geographic areas as follows:

18 (A) One member from the county of Hawaii;



- 1           (B) One member from the county of Maui;
- 2           (C) One member from the county of Kauai; and
- 3           (D) Six members from the city and county of Honolulu;
- 4           and

5           (2) One member who shall be a public high school student  
6           at the time of the initial appointment.

7           The members shall be appointed by the governor, with the advice  
8           and consent of the senate, and may be removed by the governor.

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

11          The student member shall be a voting member for all  
12          purposes.

13          (b) Except for the student member, the governor shall set  
14          the terms of those initially appointed under this section to  
15          each seat on the board as follows:

- 16          (1) Three members shall serve one-year terms;
- 17          (2) Three members shall serve two-year terms; and
- 18          (3) Three members, including the chairperson of the board,  
19          shall serve three-year terms.

20          (c) Except for the student member:



1       (1) The term of each member shall be three years, except  
2       as provided for the initial appointment in subsection  
3       (b); and

4       (2) Members shall serve no more than two consecutive  
5       three-year terms; provided that the members who are  
6       initially appointed to terms of two years or less  
7       pursuant to subsection (b) may be reappointed to two  
8       additional, consecutive three-year terms. If a member  
9       is to be appointed to a second consecutive term of  
10       three years, the senate shall consider the question of  
11       whether to reconfirm the member at least one hundred  
12       twenty days prior to the expiration of a member's  
13       first three-year term; provided that if the senate is  
14       not in session after the member's reappointment and  
15       prior to the one-hundred-twenty-day deadline by which  
16       the senate shall have considered the question of  
17       reconfirmation, the member shall continue to serve  
18       until the senate takes final action on the  
19       reconfirmation when it convenes for the next regular  
20       session or the next special session during which the  
21       senate is authorized to consider the question of  
22       reconfirmation.



1        (d) The term of the student member shall be two years.

2        The student member may be reappointed for one additional  
3        consecutive term even though the member is no longer a student  
4        at the time of reappointment; provided that:

5        (1) The senate shall consider the question of whether to  
6        reconfirm the member at least one hundred twenty days  
7        prior to the expiration of the member's first term;  
8        and

9        (2) If the senate is not in session after the member's  
10       reappointment and prior to the one-hundred-twenty-day  
11       deadline by which the senate shall have considered the  
12       question of reconfirmation, the member shall continue  
13       to serve until the senate takes final action on the  
14       reconfirmation when it convenes for the next regular  
15       session or the next special session during which the  
16       senate is authorized to consider the question of  
17       reconfirmation.

18       (e) Every member may serve beyond the expiration date of  
19       the member's term of appointment until the member's successor  
20       has been appointed by the governor and confirmed by the senate  
21       in accordance with article X, section 2, of the Hawaii  
22       constitution.



1        (f) The board shall select a chairperson from among its  
2 members that represent and reside in specified geographic areas.

3        The board shall select a vice chairperson from among its  
4 members that represent and reside in specified geographic areas,  
5 who shall serve as interim chairperson in the event the  
6 chairperson's seat becomes vacant.

7        (g) A majority of all the members to which the board is  
8 entitled shall constitute a quorum to conduct business. At any  
9 time the board has fewer than six members, three members of the  
10 board shall constitute a quorum to conduct business and the  
11 concurrence of three members shall be necessary to make any  
12 action of the board valid.

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

19        (h) The governor shall notify the board of education  
20 selection advisory council in writing within ten days of:

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



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

3       (i) The members of the board shall serve without pay but  
4 shall be entitled to their travel expenses within the State when  
5 attending meetings of the board or when actually engaged in  
6 business relating to the work of the board.

7       §302A-B Board of education selection advisory council.

8       (a) There is established the board of education selection  
9 advisory council to present to the governor lists of qualified  
10 candidates from which the members of the board shall be  
11 nominated and, with the advice and consent of the senate,  
12 appointed by the governor. The council shall be attached to the  
13 department for administrative purposes.

14       (b) The council shall present a list of qualified  
15 candidates to the governor for each vacant seat on the board as  
16 provided by law, with no fewer than two and no more than four  
17 qualified candidates for each seat on the board:

18       (1) Within thirty days of convening its first meeting; and

19       (2) For all subsequent presentations to the governor:

20       (A) Within sixty days of a vacancy that arises by  
21 resignation, death, or removal by the governor;

22           or



1           (B) Within one hundred fifty days prior to the  
2           expiration of a board member's term.

3 The council shall be deemed to have fulfilled its obligation  
4 under this section upon presentation of the names of the minimum  
5 number of candidates required to be presented for each seat on  
6 the board.

7           (c) In selecting the candidates to be presented to the  
8 governor, the council shall:

9           (1) Establish the criteria for qualifying, screening, and  
10           presenting to the governor candidates for membership  
11           on the board;

12           (2) Develop a statement that includes the selection  
13           criteria to be applied and a description of the  
14           responsibilities and duties of a member of the board  
15           and distribute this statement to potential candidates;

16           (3) Screen and qualify candidates for membership on the  
17           board based on their background, experience, and  
18           potential for discharging the responsibilities of a  
19           member of the board;

20           (4) Publicly advertise pending vacancies and actively  
21           solicit and accept applications from potential  
22           candidates;



1       (5) Develop and implement a fair, independent, and  
2       nonpartisan procedure for selecting candidates to  
3       serve on the board; and

4       (6) Require each candidate to disclose any existing or  
5       anticipated contracts with the department or any  
6       existing or anticipated financial transactions with  
7       the department.

8       No council member shall qualify to be a candidate.

9       Upon submission of the names of candidates to the governor,  
10      the council shall make available the names of candidates to the  
11      public through the department.

12      (d) Notwithstanding any provision in subsection (c), each  
13      member of the board serving on the day of the effective date of  
14      this Act, if the member accepts, shall be included in the list  
15      of candidates to be presented to the governor for the initial  
16      appointment of the members of the board, in addition to those  
17      candidates selected pursuant to this section; provided that:

18      (1) A member of the board serving on the day of the  
19      effective date of this Act shall only be a candidate  
20      for the seat in the geographic area in which the  
21      member resides, as provided in 302A-A(a), except in





1           the case of the student member of the board serving on  
2           the day of the effective date of this Act; and

3           (2) The student member serving on the day of the effective  
4           date of this Act shall be a candidate only for the  
5           student member seat established in section 302A-A(a).

6           (e) For each board seat to be filled, the governor shall  
7           select one appointee from among the candidates submitted by the  
8           council.

9           The appointee selected by the governor shall serve as an  
10          interim board member until the appointee has been confirmed by  
11          the senate; provided that the members initially appointed to the  
12          board shall not serve until five members are appointed and the  
13          elected members of the board are discharged from office pursuant  
14          to section 19 of this Act.

15          (f) The council shall consist of seven members to be  
16          appointed without regard to section 26-34 as follows:

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

18          (2) One member of the community appointed by the president  
19          of the senate;

20          (3) One member of the community appointed by the speaker  
21          of the house of representatives; and



1        (4) Four members appointed by the Hawaii P-20 council, of  
2        which:

3        (A) Two members shall be parents, one of whom shall  
4        be a currently-serving school community council  
5        parent representative;

6        (B) One member shall be from the business or  
7        nonprofit community; and

8        (C) One member shall be an educator.

9        Individuals who are or have served as members of the Hawaii P-20  
10       council within the last two years immediately preceding the  
11       establishment of or a vacancy on the board of education  
12       selection advisory council shall not be eligible to serve as  
13       members of the board of education selection advisory council.

14       The board of education selection advisory council shall be  
15       selected in a nonpartisan manner. Appointees to the council  
16       shall have a general understanding of the purposes of public  
17       education, the mission of the department, and the  
18       responsibilities of the board. Appointees shall be individuals  
19       who are widely viewed as having placed the broad public interest  
20       ahead of special interests, having achieved a high level of  
21       prominence in their respective professions, and being respected  
22       members of the community.



1       If any member has not been appointed within one hundred  
2 eighty days of a vacancy on the council, the other members on  
3 the council shall make an interim appointment to fill the vacant  
4 seat. The interim appointee shall satisfy the requirements for  
5 appointment provided in this subsection and shall serve until  
6 the appropriate appointing authority makes an appointment for  
7 the vacant seat as provided in this subsection.

8       (g) Members of the council shall serve four-year terms;  
9 provided that the three members initially appointed by the  
10 governor, president of the senate, and speaker of the house of  
11 representatives shall each serve for an initial term of two  
12 years; provided further that members shall serve no more than  
13 two consecutive four-year terms; and provided further that terms  
14 for members initially appointed to the council shall be deemed  
15 to begin on the day of the effective date of this Act,  
16 regardless of the actual date of appointment.

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



1        (i) The council shall operate in a nonpartisan manner. No  
2 individual, while a member of the council, shall run for or hold  
3 any elected office under the United States or the State or any  
4 of its political subdivisions.

5        (j) The council shall convene its first meeting when a  
6 majority of its members have been appointed and as early as  
7 practicable. The members of the council shall select a  
8 chairperson from among themselves. A majority of all the  
9 members to which the council is entitled shall constitute a  
10 quorum to conduct business. The concurrence of a majority of  
11 all the members to which the council is entitled shall be  
12 necessary to make any action of the council valid. The council  
13 shall meet annually and at other times as necessary. The  
14 council shall be exempt from part I of chapter 92.

15        (k) Members of the council shall serve without  
16 compensation but shall be entitled to reimbursement for  
17 expenses, including travel, necessary for the performance of  
18 their duties.

19        (l) Notwithstanding chapter 92F or any other law to the  
20 contrary, all information required by the council shall be  
21 confidential, including all council information obtained,  
22 reviewed, or considered before and after a council decision



1 making meeting. Confidential council information shall include  
2 documents, data, or other information that is not of public  
3 record, including:

- 4       (1) Personal financial information;
- 5       (2) The names of candidates;
- 6       (3) Applications and the personal, financial, and other  
7       information contained therein submitted by the  
8       candidates to the council;
- 9       (4) Interviews;
- 10      (5) Schedules;
- 11      (6) Reports;
- 12      (7) Studies;
- 13      (8) Background checks;
- 14      (9) Credit reports;
- 15      (10) Surveys and reports prepared for or on the council's  
16      behalf;
- 17      (11) The results of any evaluations or assessments  
18      conducted by the council;
- 19      (12) The substance and details of any discussions with  
20      council members; and



1        (13) The substance and details of discussions and  
 2        deliberations of the council and any of its committees  
 3        during meetings."

PART III

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

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

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

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



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

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

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



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

6 and

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

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

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



1 votes cast for the statewide, countywide, or  
2 federal office by the total voter turnout in  
3 the state, county, or federal office  
4 district, as the case may be[-]; and

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

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

19 (B) The candidate with the highest number of votes in  
20 a representative district shall be allocated the  
21 election rate point calculated under subparagraph

22 (A) for that district. In the event that two or



1 more persons are tied in receiving the highest  
2 number of votes for that district, the election  
3 rate point shall be equally apportioned among  
4 those candidates involved in that district  
5 tie[-] i;

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

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

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

20 "(d) For purposes of this part, whenever a report is  
21 required to be filed with the commission, "filed" means that a  
22 report shall be filed with the commission's electronic filing



1 system by the date and time specified for the filing of the  
2 report by:

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

5 (A) Office of the governor;

6 (B) Office of lieutenant governor;

7 (C) Office of mayor;

8 (D) Office of prosecuting attorney;

9 (E) County council;

10 (F) Senate;

11 (G) House of representatives; or

12 (H) Office of Hawaiian affairs; [~~or~~

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

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

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

18 "(d) From January 1 of the year of any primary, special,  
19 or general election, the aggregate expenditures for each  
20 election by a candidate who voluntarily agrees to limit campaign  
21 expenditures, inclusive of all expenditures made or authorized  
22 by the candidate alone, all treasurers, the candidate committee,



1 and noncandidate committees on the candidate's behalf, shall not  
2 exceed the following amounts expressed, respectively multiplied  
3 by the number of voters in the last preceding general election  
4 registered to vote in each respective voting district:

- 5 (1) For the officer of governor - \$2.50;
- 6 (2) For the office of lieutenant governor - \$1.40;
- 7 (3) For the office of mayor - \$2.00
- 8 (4) For the offices of state senator, state  
9 representative, and county council member - \$1.40; and
- 10 (5) For [~~the board of education and~~] all other offices -  
11 20 cents."

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

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

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

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



1 ~~[or school board district]~~ from which the candidates are running  
2 in the case of candidates for the United States House of  
3 Representatives ~~[or for the board of education]."~~

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

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

19 SECTION 9. Section 84-17, Hawaii Revised Statutes, is  
20 amended by amending subsection (d) to read as follows:



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

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

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

15           (3) The administrative director of the State;

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

19           (5) The members of the board of education, and the  
20 superintendent, the deputy superintendent, the state  
21 librarian, and the deputy state librarian of the  
22 department of education;



- 1           (6) The administrative director and the deputy director of
- 2                   the courts; and
- 3           (7) The administrator and the assistant administrator of
- 4                   the office of Hawaiian affairs."

5           SECTION 10. Section 84-41, Hawaii Revised Statutes, is  
6 amended to read as follows:

7           "[-]§84-41[+] Applicability of part. This part applies to  
8 legislators, [elected] members of the board of education,  
9 trustees of the office of Hawaiian affairs, the governor, the  
10 lieutenant governor, and executive department heads and  
11 deputies. This part does not apply to any other officer or  
12 employee of the State."

13           SECTION 11. Section 88-21, Hawaii Revised Statutes, is  
14 amended by amending the definition of "elective officer" or  
15 "elective official" to read as follows:

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



1 SECTION 12. Section 302A-1101, Hawaii Revised Statutes, is  
2 amended by amending subsection (a) to read as follows:

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

11 SECTION 13. Section 302A-1110, Hawaii Revised Statutes, is  
12 amended to read as follows:

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

19 SECTION 14. Section 17-6, Hawaii Revised Statutes, is  
20 repealed.

21 ~~["§17-6 Board of education members. (a) The governor  
22 shall make an appointment to fill any vacancy in the membership~~





1 ~~of the board of education for the unexpired term of that vacancy~~  
2 ~~whenever a vacancy occurs and the term of that vacancy ends at~~  
3 ~~the time of the next succeeding general election.~~

4 ~~(b) In the case of a vacancy, the term of which does not~~  
5 ~~end at the next succeeding general election:~~

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



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

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

10       SECTION 15. Section 302A-1105, Hawaii Revised Statutes, is  
11       repealed.

12       ~~["§302A-1105 Compensation; expenses. Board of education~~  
13       ~~members shall be allowed:~~

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

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

17       ~~(3) Personal expenses at the rates specified by the board~~  
18       ~~while attending board meetings or while on official~~  
19       ~~business as authorized by the chairperson, when the~~  
20       ~~board meetings or official business require a board~~  
21       ~~member to leave the island upon which the board member~~  
22       ~~resides." ]~~



1 SECTION 16. Section 302A-1106, Hawaii Revised Statutes, is  
2 repealed.

3 [~~"§302A-1106 Organization; quorum; meetings. (a) The~~  
4 ~~board shall elect from its own membership a chairperson and a~~  
5 ~~vice chairperson. A majority of all members to which the board~~  
6 ~~is entitled shall constitute a quorum to do business and the~~  
7 ~~concurrence of a majority of all members to which the board is~~  
8 ~~entitled shall be necessary to make any action of the board~~  
9 ~~valid; provided that due notice shall have been given to all~~  
10 ~~members of the board or a bona fide attempt shall have been made~~  
11 ~~to give due notice to all members of the board to whom it was~~  
12 ~~reasonably practicable to give due notice. Meetings shall be~~  
13 ~~called and held, at the call of the chairperson or by a quorum,~~  
14 ~~as often as may be necessary for the transaction of the~~  
15 ~~department's business.~~

16 ~~(b) Chapter 92 notwithstanding, from the convening of the~~  
17 ~~legislature in regular session to adjournment sine die of each~~  
18 ~~regular session, and during each special session of the~~  
19 ~~legislature, the board may file any notice that specifies only~~  
20 ~~legislation or legislation related agenda items, no fewer than~~  
21 ~~two calendar days before the meeting." ]~~



1 SECTION 17. Section 302A-1106.5, Hawaii Revised Statutes,  
2 is repealed.

3 [~~"§302A-1106.5] Board of education; community meetings.~~  
4 ~~The board shall hold not less than two community meetings~~  
5 ~~annually in each departmental school district in addition to~~  
6 ~~their regular meetings to discuss and receive input from the~~  
7 ~~community on public education and public library issues. The~~  
8 ~~board chairperson shall designate board members to attend the~~  
9 ~~community meetings. These community meetings shall not be held~~  
10 ~~for the purpose of formulating educational policy. The~~  
11 ~~community meetings shall be exempt from sections 92-2.5, 92-7,~~  
12 ~~92-9, and 92-41, provided that the board shall give written~~  
13 ~~public notice of each community meeting. The meeting notice~~  
14 ~~shall indicate the date, time, and place of the meeting, and~~  
15 ~~shall be filed in the office of the lieutenant governor and in~~  
16 ~~the board's office for public inspection six calendar days~~  
17 ~~before the meeting. The notice shall also be posted at the site~~  
18 ~~of the meeting."]~~

19 SECTION 18. Chapter 13, Hawaii Revised Statutes, is  
20 repealed.

21 PART IV



1 SECTION 19. Notwithstanding any law to the contrary, the  
2 elected members of the board of education serving on the day of  
3 the effective date of this Act shall continue to serve until the  
4 appointment of five interim members of the board of education,  
5 at which time the elected members are discharged from office;  
6 provided that any vacancy occurring between the effective date  
7 of this Act and the discharge from office of all the elected  
8 members of the board of education, shall not be filled.

9 SECTION 20. Except as provided in section 21 of this Act,  
10 all employees, including secretarial staff and analysts, serving  
11 the board of education on the day of the effective date of this  
12 Act, shall continue to be exempt employees of the department of  
13 education.

14 SECTION 21. On the effective date of this Act, the  
15 executive director of the board of education shall no longer be  
16 an employee of the department of education and shall serve at  
17 the pleasure of the board of education.

18 PART V

19 SECTION 22. The revisor of statutes shall insert the  
20 effective date of this Act and the number of this Act in the  
21 appropriate places in section 2 of this Act.



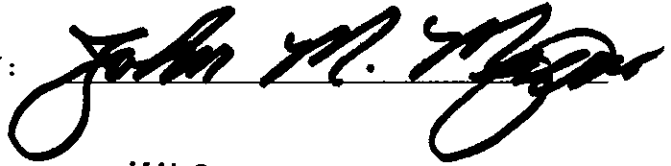
1           SECTION 23. In codifying the new sections added by section  
2 2 of this Act, the revisor of statutes shall substitute  
3 appropriate section numbers for the letters used in designating  
4 the new sections in this Act.

5           SECTION 24. Statutory material to be repealed is bracketed  
6 and stricken. New statutory material is underscored.

7           SECTION 25. This Act shall take effect on July 1, 2011.

8

INTRODUCED BY:



JAN 21 2011



# H.B. NO. 720

**Report Title:**

Board of Education; Appointment; Selection Advisory Council

**Description:**

Requires the members of the Board of Education to be nominated and, with the advice and consent of the Senate, appointed by the Governor from lists of qualified candidates presented to the Governor by the Board of Education Selection Advisory Council. Makes the student member a voting member of the Board 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.*

