
A BILL FOR AN ACT

RELATING TO EDUCATION GOVERNANCE.

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

1 PART I

2 SECTION 1. Chapter 302A, Hawaii Revised Statutes, is
3 amended by adding a new part to be appropriately designated and
4 to read as follows:

5 "PART . SCHOOL GOVERNANCE

6 §302A-A School districts; establishment. (a) The State
7 shall be organized into at least seven school districts as
8 generally provided for in the state constitution. In the case
9 of Oahu and Hawaii, the composition of each of the districts on
10 each island shall be determined by an apportionment commission
11 as provided for in section 302A-E in a manner consistent with
12 the general boundaries set forth in the state constitution;
13 provided that to the extent feasible, each of the districts
14 located on Oahu and the districts located on Hawaii shall
15 contain approximately the same number of schools.

16 §302A-B District boards; duties; powers; composition;
17 qualifications; elections; term, vacancies. (a) There shall be
18 a local district school board of education for each of the



1 districts provided for in section 302A-A and the state
2 constitution. Each district shall formulate and implement
3 educational policies and objectives for the district not
4 inconsistent with statewide educational standards.

5 (b) Each district board shall be principally accountable
6 and responsible for the development of educational objectives
7 and the delivery of general and special education within its
8 district.

9 (c) Each district board shall be principally accountable
10 and responsible for the development of an annual district wide
11 budget for the delivery of general and special education within
12 the district. The annual district wide budget shall include,
13 but shall not be limited to, allocations for:

- 14 (1) District board expenses;
- 15 (2) Salaries for teachers, staff, and the district
16 superintendent;
- 17 (3) Contracts for the delivery of services within the
18 district, including repair, maintenance, or
19 construction of facilities;
- 20 (4) Existing or new educational programs; and
- 21 (5) Debt service.



1 The annual district budget shall be submitted to the state board
2 of education and the superintendent of education no later than
3 ninety days before the end of the fiscal year.

4 (d) The members of the district boards shall serve without
5 compensation, but may be reimbursed for expenses necessarily and
6 reasonably incurred in the performance of their
7 responsibilities. The district boards shall conduct public
8 meetings and shall solicit the opinions and expertise of
9 stakeholders, including parents, students, teachers, school
10 administrators, community members, and other interested parties.

11 (e) Each district board shall consist of five members
12 elected in a nonpartisan manner by registered voters in their
13 respective districts. Each district board shall select a chair
14 from among its members. Each district board shall also select a
15 member to serve as the district representative to the state
16 board of education.

17 (f) No person shall be eligible for election to a district
18 board unless the person is a registered voter and a resident of
19 the district from which the person is to be elected. No member
20 of a district board shall hold or be a candidate for any other
21 public office under the state or county governments in
22 accordance with article II, section 7, of the state



1 constitution; nor shall a person be eligible for election to a
2 district board if that person is also a candidate for any other
3 public office under the state or county governments.

4 (g) Members of district boards shall serve for a term of
5 four years, which shall begin on the day of the election of the
6 elected members. Any vacancy that occurs through any cause
7 other than the expiration of the term of office shall be filled
8 by the appointment of a new member by the majority vote of the
9 remaining board members.

10 (h) The members of a district board shall be elected at an
11 election held in conjunction with a general election in which
12 the five candidates who receive the most votes shall be elected.
13 If there are not enough qualified candidates to fill the seats
14 on a district board, the elected members of the district board
15 shall appoint members to fill the remaining seats by majority
16 vote.

17 (i) For a district with a military presence, as determined
18 by a district board, the district board shall invite the senior
19 military commander in Hawaii to appoint a nonvoting military
20 representative to the district board, who shall serve for a
21 four-year term without compensation. As the liaison to the
22 board, the military representative shall advise the board on



1 district education policies and departmental and district
2 actions affecting students who are enrolled in public schools as
3 family members of military personnel. The military
4 representative shall carry out these duties as part of the
5 representative's official military duties and shall be guided by
6 applicable state and federal statutes, regulations, and policies
7 and may be removed only for cause by a majority vote of the
8 members of the board.

9 (j) As used in this section, "public office" does not
10 include notaries public, reserve police officers, or officers of
11 emergency organizations for civilian defense or disaster relief.

12 (k) Each district board may employ staff in order to
13 effectuate the purposes of this chapter, but may employ no more
14 than fifteen staff members.

15 **§302A-C School districts; district superintendents;**
16 **appointment and qualifications.** (a) Each local district board
17 shall appoint a district superintendent for its district by
18 majority vote and fill any vacancy occurring in that position.

19 (b) A local district board may remove its district
20 superintendent at any time by majority vote.

21 (c) The district superintendent shall hold no other public
22 office or other employment.



1 (d) The district superintendent shall be paid a salary as
2 determined by the local district board. The district
3 superintendents shall be exempt from chapters 76 and 89.

4 §302A-D School districts; district superintendents; powers
5 and duties. (a) District superintendents shall assist the
6 district boards in:

7 (1) Implementing the district wide educational policies
8 formulated by the local district boards;

9 (2) Helping formulate local district objectives and
10 benchmarks;

11 (3) Allocating moneys to each school within the district;
12 and

13 (4) Creating the annual district wide budget.

14 (b) District superintendents shall be responsible and
15 accountable for the delivery of all administrative services,
16 within their respective areas, which shall include:

17 (1) Personnel, fiscal, and facilities support; and

18 (2) Monitoring of compliance with applicable state and
19 federal laws.

20 (c) Each district superintendent shall:

21 (1) Hire staff as necessary;



- 1 (2) Contract for or employ consultants, counsel, or other
2 outside parties as necessary to design, implement, or
3 evaluate the plan for the school district and to
4 properly operate the school district;
- 5 (3) Set goals, in consultation with the district board,
6 for the district's educational, financial, and
7 management progress;
- 8 (4) Have the responsibility and authority to hire a
9 principal, and vice principals as deemed necessary,
10 for each public school within the district;
- 11 (5) Have the responsibility and authority to evaluate and
12 participate in the appointment and reappointment of
13 all principals and vice principals;
- 14 (6) Issue an annual report to the local district board,
15 which shall be made available to residents of the
16 district, and include results of achievement
17 measurements made under this section, and delineate
18 the nature of any reforms and corrective action being
19 taken in response to unacceptable achievement levels.
20 The report shall also contain descriptions of efforts
21 undertaken to improve the overall quality or
22 efficiency of operation of the district, shall list



1 the source of all district revenues, and shall contain
2 a description of all district expenditures during the
3 preceding fiscal year;

4 (7) Ensure that the parents and guardians of the
5 district's students are informed in a timely manner of
6 any policy or programs being implemented within the
7 district;

8 (8) Institute policies to elevate the standard of teaching
9 and improve the performance of the schools of the
10 district; and

11 (9) Inspect and survey all public schools within the
12 district and notify the local district board of the
13 need for repairs and maintenance.

14 (d) If requested by a school within the district, district
15 superintendents may assist a school in designing pedagogy,
16 educational structures, instructional programs, and
17 organizational structures within schools.

18 **§302A-E School district apportionment commission; duties;**
19 **composition.** (a) There shall be a school district
20 apportionment commission, which shall be responsible for
21 determining the boundaries for each school district on the
22 islands of Oahu and Hawaii. The first school district



1 apportionment commission shall be constituted no later than
2 thirty days after the effective date of this Act and shall
3 designate the precise geographical boundaries of each school
4 district on Oahu and Hawaii by proclamation issued no later than
5 the one hundred days from the date of certification of its
6 members, effective for the following school year. Thereafter,
7 concurrent with the constitution of a reapportionment commission
8 pursuant to article IV of the state constitution, a school
9 district apportionment commission shall be constituted and the
10 school district apportionment commission shall, by proclamation
11 issued no later than one hundred days from the date of
12 certification of its members, designate the precise geographical
13 boundaries of each school district on Oahu and Hawaii effective
14 the following school year.

15 (b) The school district apportionment commission shall
16 consist of seven members as follows:

- 17 (1) Three members appointed by the governor;
- 18 (2) One member appointed by the governor from a list of
19 three or more nominees submitted by the speaker of the
20 house of representatives;



1 (3) One member appointed by the governor from a list of
2 three or more nominees submitted by the house minority
3 leader;

4 (4) One member appointed by the governor from a list of
5 three or more nominees submitted by the president of
6 the senate; and

7 (5) One member appointed by the governor from a list of
8 three or more nominees submitted by the senate
9 minority leader.

10 (c) Members of the commission shall serve without
11 compensation, but shall be reimbursed for necessary expenses,
12 including travel expenses, incurred in the performance of their
13 duties under this section.

14 **§302A-F State superintendent of education; powers and**
15 **duties; selection.** (a) The superintendent of education shall
16 serve as the liaison between the state board of education and
17 the governor and shall be responsible for allocating moneys to
18 the district boards of education per the funding formulae
19 established by the state board of education. The superintendent
20 of education shall also be primarily responsible for the
21 implementation and meeting of statewide standards and for the



1 general supervision and management of the department of
2 education.

3 (b) The superintendent of education, in consultation with
4 and subject to the approval of a majority of the state board of
5 education, shall:

6 (1) Propose a budget to the governor that shall reflect
7 the overall goals and objectives of the department and
8 each of the local district boards;

9 (2) Facilitate coordination among and between school
10 districts;

11 (3) Assess, and establish, in conjunction with the state
12 board of education, minimum statewide standards for
13 the performance of public schools in each district,
14 including charter schools;

15 (4) Allocate the departmental budget to the district
16 boards and supervise all federal and nonstate funds;

17 (5) Assist school districts, as requested, with
18 applications for federal and nonstate funds;

19 (6) Create, in conjunction with the state board of
20 education, funding formulae to allocate money to each
21 district based upon student need and enrollment within
22 the district; and



1 (7) Employ staff and consultants as necessary for the
2 proper and efficient administration of the department.

3 (c) The superintendent of education serving as of the
4 effective date of this Act shall serve as the superintendent of
5 education until such time as the district boards select a
6 superintendent of education pursuant to section 302A-G of this
7 part. For purposes of selecting a successor superintendent of
8 education, the term of the superintendent of education shall end
9 on the last day of the superintendent's current contract.

10 **§302A-G State board of education; powers and duties.** (a)

11 The state board of education shall be composed of
12 representatives selected by each district school board as
13 provided for in the state constitution.

14 (b) The state board of education shall have the power to
15 appoint and remove the state superintendent of education. The
16 state board of education shall select the state superintendent
17 of education by majority vote. A superintendent of education
18 shall serve for a term of five years, which shall begin on the
19 day of the election of the superintendent. Any vacancy that
20 occurs through any cause other than the expiration of the term
21 of office shall be filled by following the same process as used
22 for the selection of the successor superintendent. The state



1 superintendent of education may be appointed without regard to
2 the state residency provisions of section 78-1(b).

3 (c) The state board of education shall have the duty and
4 the power to create funding formulae, based on student need and
5 enrollment, to fund each district board of education. In
6 creating funding formulae, the state board shall account for the
7 different funding needs of different classification of children,
8 such as special education children.

9 (d) The state board of education shall have the duty and
10 the power to formulate statewide education standards.

11 (e) The state board of education shall have the power to
12 oversee compliance with federal law.

13 (f) The board may adopt rules pursuant to chapter 91 for
14 the purposes of this section."

15 SECTION 2. Section 26-12, Hawaii Revised Statutes, is
16 amended to read as follows:

17 "**§26-12 Department of education.** The department of
18 education shall be headed by ~~[an executive board to be known as~~
19 ~~the board of education.~~

20 ~~Under policies established by the board, the superintendent~~
21 ~~shall administer programs of education and public instruction~~
22 ~~throughout the State, including education at the preschool,~~



1 ~~primary, and secondary school levels, adult education, school~~
2 ~~library services, health education and instruction (not~~
3 ~~including dental health treatment transferred to the department~~
4 ~~of health), and such other programs as may be established by~~
5 ~~law. The state librarian, under policies established by the~~
6 ~~board of education, shall be responsible for the administration~~
7 ~~of programs relating to public library services and transcribing~~
8 ~~services for the blind.~~

9 ~~The functions and authority heretofore exercised by the~~
10 ~~department of education (except dental health treatment~~
11 ~~transferred to the department of health), library of Hawaii,~~
12 ~~Hawaii county library, Maui county library, and the transcribing~~
13 ~~services program of the bureau of sight conservation and work~~
14 ~~with the blind, as heretofore constituted are transferred to the~~
15 ~~public library system established by this chapter.~~

16 ~~The management contract between the board of supervisors of~~
17 ~~the county of Kauai and the Kauai public library association~~
18 ~~shall be terminated at the earliest time after November 25,~~
19 ~~1959, permissible under the terms of the contract and the~~
20 ~~provisions of this paragraph shall constitute notice of~~
21 ~~termination, and the functions and authority heretofore~~
22 ~~exercised by the Kauai county library as heretofore constituted~~



1 ~~and the Kauai public library association over the public~~
2 ~~libraries in the county of Kauai shall thereupon be transferred~~
3 ~~to the public library system established by this chapter.~~

4 ~~The management contracts between the trustees of the~~
5 ~~library of Hawaii and the Friends of the Library of Hawaii, and~~
6 ~~between the library of Hawaii and the Hilo library and reading~~
7 ~~room association, shall be terminated at the earliest time after~~
8 ~~November 25, 1959, permissible under the terms of the contracts,~~
9 ~~and the provisions of this paragraph shall constitute notice of~~
10 ~~termination.~~

11 ~~Upon the termination of the contracts, the State or the~~
12 ~~counties shall not enter into any library management contracts~~
13 ~~with any private association; provided that in providing library~~
14 ~~services the board of education may enter into contracts~~
15 ~~approved by the governor for the use of lands, buildings,~~
16 ~~equipment, and facilities owned by any private association.~~

17 ~~Notwithstanding any law to the contrary, the board of~~
18 ~~education may establish, specify the membership number and~~
19 ~~quorum requirements for, appoint members to, and disestablish a~~
20 ~~commission in each county to be known as the library advisory~~
21 ~~commission, which shall in each case sit in an advisory capacity~~
22 ~~to the board of education on matters relating to public library~~



1 ~~services in their respective county.]~~ a single executive to be
2 known as the superintendent of education who shall:

3 (1) Formulate, in conjunction with the state board of
4 education, statewide educational standards;

5 (2) Be responsible for the allocation of moneys to each
6 school district pursuant to the per student funding
7 formulae created by the state board of education; and

8 (3) Be responsible for the collection and compilation of
9 data related to each of Hawaii's public schools.

10 (b) The state board of education, with the approval of a
11 majority of district superintendents, may remove or retain the
12 state superintendent of education by a majority vote. The state
13 superintendent of education shall be paid a salary as determined
14 by the state board of education. The superintendent of
15 education shall hold no other public office or other employment
16 during the superintendent's term of office. The superintendent
17 of education shall be exempt from chapters 76 and 89.

18 (c) The department shall serve as the central system
19 responsible for the interpretation and implementation of
20 statewide academic standards, intervention upon a district's
21 failure to meet standards and noncompliance with federal laws,



1 and preparation and transmission of annual budget requests to
2 the governor based upon budgets submitted by each district.

3 (d) The functions and authority relating to the
4 recruitment and hiring of employees of public schools heretofore
5 exercised by the department of human resources development are
6 transferred to the department.

7 (e) The functions and authority relating to the
8 construction and maintenance of school facilities heretofore
9 exercised by the department of accounting and general services
10 are transferred to the department.

11 (f) The functions and authority relating to the control,
12 management, and release of the budget of the department of
13 education heretofore exercised by the department of budget and
14 finance is transferred to the department.

15 (g) The functions and authority relating to the planning
16 of locations for new school facilities heretofore exercised by
17 the department of business, economic development, and tourism
18 are transferred to the department.

19 (h) The functions and authority relating to the
20 acquisition and disposition of public school lands and the
21 review of leases for department of education offices heretofore



1 exercised by the department of land and natural resources are
2 transferred to the department.

3 (i) The functions and authority relating to the provision
4 of school health services, including counseling services,
5 heretofore exercised by the department of health are transferred
6 to the department."

7 SECTION 3. Section 302A-101, Hawaii Revised Statutes, is
8 amended by adding a new definition to be appropriately inserted
9 and to read as follows:

10 "District superintendent" means the individual appointed
11 by a local school district board of education to manage the
12 school district.

13 "District board" means a local district school board of
14 education.

15 "School district" means one of the local school districts
16 that are determined by the school district apportionment
17 commission established by section 302A-E, the state
18 constitution, or by statute."

19 SECTION 4. Section 302A-604, Hawaii Revised Statutes, is
20 repealed.

21 [~~"§302A-604 Complex area superintendents.—The~~
22 ~~superintendent of education, with the approval of the board,~~



1 ~~shall appoint complex area superintendents for schools. The~~
2 ~~complex area superintendents shall supervise the delivery of~~
3 ~~administrative and instructional support services within their~~
4 ~~respective complex areas, including:~~

- 5 ~~(1) Personnel, fiscal, and facilities support;~~
- 6 ~~(2) Monitoring of compliance with applicable state and~~
7 ~~federal laws;~~
- 8 ~~(3) Curriculum development, student assessment, and staff~~
9 ~~development services; and~~
- 10 ~~(4) Special education programs and special schools within~~
11 ~~the complex area."]~~

12 SECTION 5. Section 302A-1101, Hawaii Revised Statutes, is
13 repealed.

14 ~~["§302A-1101 Department of education; board of education;~~
15 ~~superintendent of education. (a) There shall be a principal~~
16 ~~executive department to be known as the department of education,~~
17 ~~which shall be headed by a policy making board to be known as~~
18 ~~the board of education. The board shall have power in~~
19 ~~accordance with law to formulate statewide educational policy,~~
20 ~~adopt student performance standards and assessment models,~~
21 ~~monitor school success, and appoint the superintendent of~~



1 ~~education as the chief executive officer of the public school~~
2 ~~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.~~

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



1 ~~(d) The board shall appoint the state public charter~~
2 ~~school commission which shall serve as the statewide charter~~
3 ~~authorizer for charter schools, with the power and duty to issue~~
4 ~~charters, oversee and monitor charter schools, hold charter~~
5 ~~schools accountable for their performance, and revoke~~
6 ~~charters."]~~

7 SECTION 6. Section 302A-1111, Hawaii Revised Statutes, is
8 repealed.

9 ~~["§302A-1111 Duties of superintendent. (a) Under~~
10 ~~policies established by the board, the superintendent shall be~~
11 ~~designated as the chief executive officer of the public school~~
12 ~~system having jurisdiction over the internal organization,~~
13 ~~operation, and management of the public school system, as~~
14 ~~provided by law; and shall administer programs of education and~~
15 ~~public instruction throughout the State, including education at~~
16 ~~the preschool, primary, and secondary school levels, and such~~
17 ~~other programs as may be established by law.~~

18 ~~(b) Except as otherwise provided, the superintendent shall~~
19 ~~sign all drafts for the payment of moneys, all commissions and~~
20 ~~appointments, all deeds, official acts, or other documents of~~
21 ~~the department. The superintendent may use a printed facsimile~~



1 ~~signature in approving appointments, contracts, and other~~
2 ~~documents."]~~

3 SECTION 7. The superintendent of education shall cause to
4 be compiled a listing of all employees of the department whose
5 functions will no longer be the responsibility of the department
6 of education. This list shall separate employees by job
7 function, with a brief description of the job duties, and shall
8 include the local school district in which the employee works.
9 This list shall be circulated to each district board. Upon
10 request by the district board, the superintendent of education
11 shall supply the district board with more detailed information
12 of an employee's job duties. All employees of the department of
13 education shall be transferred to the district boards, as
14 requested by the district boards.

15 No officer or employee of the State located within a
16 district board office or within another department of the state
17 shall suffer any loss of salary, seniority, prior service
18 credit, vacation, sick leave, or other employee benefit or
19 privilege as a consequence of this Act, and such officer or
20 employee may be transferred or appointed to a civil service
21 position without the necessity of examination; provided that the
22 officer or employee possesses the minimum qualifications for the



1 position to which transferred or appointed; and provided that
2 subsequent changes in status may be made pursuant to applicable
3 civil service and compensation laws.

4 An officer or employee of the State who does not have
5 tenure and who may be transferred or appointed to a civil
6 service position as a consequence of this Act shall become a
7 civil service employee without the loss of salary, seniority,
8 prior service credit, vacation, sick leave, or other employee
9 benefits or privileges and without the necessity of examination;
10 provided that such officer or employee possesses the minimum
11 qualifications for the position to which transferred or
12 appointed.

13 If an office or position held by an officer or employee
14 having tenure is abolished, the officer or employee shall not
15 thereby be separated from public employment, but shall remain in
16 the employment of the State with the same pay and classification
17 and shall be transferred to some other office or position for
18 which the officer or employee is eligible under the personnel
19 laws of the State as determined by the head of the department or
20 the governor.

21 SECTION 8. All appropriations, records, equipment,
22 machines, files, supplies, contracts, books, papers, documents,



1 maps, and other personal property heretofore made, used,
2 acquired, or held by the departments listed in Section 3 of this
3 Act relating to the functions transferred to the department of
4 education shall be transferred with the functions to which they
5 relate.

6 SECTION 9. Upon the full transfer of functions and
7 authority from the departments listed in section 2 to the
8 department of education, the department of education shall
9 delegate those functions and responsibilities to the local
10 district boards to the greatest extent possible.

11 PART II

12 SECTION 10. (a) The speaker of the house of
13 representatives and the president of the senate shall convene a
14 joint senate-house task force to:

15 (1) Review all education statutes and other statutes that
16 will require amendments to conform with or implement
17 the provisions of this Act, including replacing
18 references to the board of education with appropriate
19 terms that are consistent with this Act;

20 (2) Propose legislation governing elections for district
21 board members; and



1 (3) Analyze the effects of this Act with input from state,
2 federal, and private agencies and propose improvements
3 or additions to this Act.

4 The legislative reference bureau shall assist the task
5 force in drafting any proposed legislation; provided that the
6 proposed legislation is provided to the bureau by November 1,
7 2014.

8 (b) The task force shall consist of three representatives
9 and three senators, as selected by the speaker of the house of
10 representatives and the president of the senate, respectively;
11 provided that:

12 (1) One house member shall be the chair of the house
13 committee on education;

14 (2) One senate member shall be the chair of the senate
15 committee on education;

16 (3) One senator shall represent the minority caucus;

17 (4) One representative shall represent the minority
18 caucus; and

19 (5) The speaker of the house and the president of the
20 senate shall each choose one member to act as co-
21 chair.



1 (c) The task force shall submit an interim report of
 2 findings to the legislature no later than twenty days prior to
 3 the convening of the regular session of 2014. The task force
 4 shall submit its final report of findings and recommendations,
 5 including proposed legislation, to the legislature no later than
 6 twenty days prior to the convening of the regular session of
 7 2015.

8 SECTION 11. In codifying the new sections added by section
 9 1 of this Act, the revisor of statutes shall substitute
 10 appropriate section numbers for the letters used in designating
 11 the new sections in this Act.

12 SECTION 12. Statutory material to be repealed is bracketed
 13 and stricken. New statutory material is underscored.

14 SECTION 13. This Act shall take effect upon the
 15 ratification of a constitutional amendment creating local school
 16 district boards of education; provided that section 10 shall
 17 take effect upon approval.

18

INTRODUCED BY:

Pat McDevitt
Ken Wenzel
Rick L. The
 JAN 24 2013



H.B. NO. 1277

Report Title:

Public Education; Local School Districts

Description:

Implements a system of elected local school districts.
Effective upon ratification of constitutional amendment to
establish local school districts.

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

