

JAN 22 2015

A BILL FOR AN ACT

RELATING TO EDUCATION.

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

1 SECTION 1. The legislature finds that the constitutional
2 amendments to article X, section 2, of the Hawaii State
3 Constitution that were adopted by the legislature and ratified
4 by the electorate in the 2010 general election eliminated the
5 election of members to the board of education and now requires
6 the governor to nominate and, with the advice and consent of the
7 senate, appoint the members of the board of education. Among
8 other things, this change was made to hold the governor
9 accountable for public education. While by most accounts the
10 new board of education is an improvement and is functioning well
11 overall, some fine-tuning is necessary to truly hold the
12 governor accountable. One consistent complaint from the public
13 about having an appointed board of education is that the board
14 no longer appears to be closely connected to our communities.

15 The legislature further finds that Hawaii is unique in that
16 it is one state-wide school district so that the board of
17 education is both the state board of education and the local



1 school board. Typically, local school boards are closely
2 connected to their communities while the state board of
3 education may be more distant.

4 The purpose of this Act is to reconstitute the board of
5 education to ensure that the board of education returns to
6 acting as the local school board and reconnects to their
7 communities and to hold the governor accountable for its
8 nominations.

9 SECTION 2. Section 302A-121, Hawaii Revised Statutes, is
10 amended to read as follows:

11 1. By amending subsection (a) to read:

12 "(a) The board shall consist of [~~nine~~] eleven members as
13 follows:

14 (1) One member [~~from~~] who shall be a resident of the
15 county of Hawaii;

16 (2) One member [~~from~~] who shall be a resident of the
17 county of Maui;

18 (3) One member [~~from~~] who shall be a resident of the
19 county of Kauai;

20 (4) [~~Three~~] Four members [~~from~~] who shall be residents of
21 the city and county of Honolulu; provided that:



- 1 (A) One member shall be a resident of either the
2 Farrington-Kaiser-Kalani or Kaimuki-McKinley-
3 Roosevelt complex areas;
- 4 (B) One member shall be a resident of either the
5 Aiea-Moanalua-Radford or Leilehua-Mililani-
6 Waialua complex areas;
- 7 (C) One member shall be a resident of either the
8 Campbell-Kapolei, Pearl City-Waipahu, or
9 Nanakuli-Waianae complex areas; and
- 10 (D) One member shall be a resident of either the
11 Castle-Kahuku or Kailua-Kalaheo complex areas;
- 12 (5) [~~Three~~ Four at-large members~~]; provided that the~~
13 ~~governor shall select an at large member as the~~
14 ~~chairperson].~~ At-large members may be residents of
15 any area; provided that at least two members shall
16 have business management experience; and
- 17 (6) At least two members shall have public education
18 experience; provided that at least one member shall
19 have experience as a principal.



1 The members shall be appointed by the governor, with the
2 advice and consent of the senate. The governor may remove or
3 suspend [~~for cause~~] any member of the board[~~-~~] at any time."

4 2. By amending subsection (d) to read:

5 "(d) Pursuant to section 302A-447, the state student
6 council shall select [a] two nonvoting public high school
7 student [~~representative~~] representatives to the board."

8 SECTION 3. Section 302A-123, Hawaii Revised Statutes, is
9 amended by amending subsections (b), (c), and (d) to read as
10 follows:

11 "(b) The term of each member shall be [~~three~~] four years,
12 [~~except as provided for in the initial appointment in subsection~~
13 ~~(a).~~ ~~Notwithstanding any law to the contrary, members shall~~
14 ~~serve no more than three consecutive three year terms; provided~~
15 ~~that the members who are initially appointed to terms of two~~
16 ~~years or less pursuant to subsection (a) may be reappointed to~~
17 ~~three ensuing consecutive three year terms.] and shall run
18 concurrently with the term of the appointing governor unless
19 otherwise provided for in subsection (d). If a member is
20 nominated to a second or subsequent consecutive term, the senate
21 shall consider the question of whether to reconfirm the member~~



1 at least one hundred twenty days prior to the expiration of the
2 member's immediately preceding term; provided that if the senate
3 has not taken final action to reconfirm the member by the one
4 hundred twenty-day deadline, the member shall continue to serve
5 until the senate takes final action on the reconfirmation.

6 (c) The term of [~~the~~] each student representative shall be
7 one year. [~~The~~] Each student representative may be selected for
8 one additional consecutive term; provided that [~~the~~] each
9 student representative shall be a student at the time of
10 selection and shall be a student for the majority of that term.

11 (d) [~~Every member may serve beyond the expiration date of~~
12 ~~the member's term of appointment~~] Every member shall continue to
13 serve until the member is reappointed or until the member's
14 successor has been appointed by the governor and confirmed by
15 the senate in accordance with sections 302A-121, 302A-126, and
16 302A-127."

17 SECTION 4. Section 302A-124, Hawaii Revised Statutes, is
18 amended by amending subsection (a) to read as follows:

19 "(a) The [~~governor~~] board shall select a chairperson and a
20 vice chairperson of the board[; ~~provided that the chairperson~~
21 ~~shall be selected from among the at large members. The board~~



1 ~~shall select a vice chairperson from among its members, and the]~~
2 from among its voting members. The vice chairperson shall serve
3 as interim chairperson in the event the chairperson's seat
4 becomes vacant."

5 SECTION 5. Section 302A-125, Hawaii Revised Statutes, is
6 amended by amending subsection (b) to read as follows:

7 "(b) Where the chairperson position becomes vacant, the
8 ~~[governor may nominate a sitting member of the board to the~~
9 ~~chairperson position in accordance with subsection (a)]~~ board
10 shall select another chairperson from among its voting members
11 and the governor shall fill any resulting vacancy in accordance
12 with subsection (a)."

13 SECTION 6. Section 302A-447, Hawaii Revised Statutes, is
14 amended by amending subsection (b) to read as follows:

15 "(b) The council shall determine whether it shall directly
16 select the student ~~[representative]~~ representatives to the board
17 or whether it shall run an election to select ~~[that individual.]~~
18 those individuals."

19 SECTION 7. The term of office of each existing member of
20 the board of education in office as of the day before the
21 effective date of this Act shall terminate on June 30, 2015.



S.B. NO. 126

1 The term of successor members appointed pursuant to this Act
2 shall commence on July 1, 2015.

3 The appointment by the governor of members to the board of
4 education pursuant to this Act shall take place as expeditiously
5 as possible so that, to the extent possible, there are no
6 vacancies in the membership of the board as of July 1, 2015.

7 SECTION 8. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 9. This Act shall take effect on June 30, 2015.

10

INTRODUCED BY: Breene Hunt
Michelle Sidani
Sharon Chun Oakland
Dan [Signature]



S.B. NO. 126

Report Title:

Board of Education; Membership; Terms of Office

Description:

Reconstitutes the board of education to consist of eleven rather than nine members, one each from the seven department of education districts (Hawaii, Maui, Kauai, Honolulu, Central, Leeward, and Windward), and four at-large members. Requires that at least two at-large members have business management experience and at least two members have public education experience; provided that one member have experience as a school principal. Allows the board members, rather than the governor to choose a chairperson. Increases the number of nonvoting public high school representatives to the board from one to two students. Increases the term of office for members of the board of education from three to four years, makes terms run concurrently with the term of the appointing governor, and eliminates term limits. Terminates the membership of the current board on June 30, 2015. Effective 6/30/15.

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

