
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 Hawaii Revised Statutes is amended by
3 adding a new chapter to title 2 to be appropriately designated
4 and to read as follows:

5 "CHAPTER

6 BOARD OF EDUCATION

7 § -1 Board members; number. (a) The board of education
8 shall consist of thirteen members who shall be elected by the
9 registered voters of two at-large school board districts as
10 follows:

11 First school board district: the island of Oahu, comprised
12 of the 17th through the 51st representative districts, and the

13 Second school board district: the islands of Hawaii, Maui,
14 Lanai, Molokai, Kahoolawe, Kauai, and Niihau, comprised of the
15 1st through the 16th representative districts.

16 (b) Ten members shall be elected at-large from the first
17 school board district. Of the ten members elected at-large from



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1 that district, one shall be a resident of the third departmental
2 school district (Honolulu), one shall be a resident of the
3 fourth departmental school district (Central Oahu), one shall be
4 a resident of the fifth departmental school district (Leeward
5 Oahu), and one shall be a resident of the sixth departmental
6 school district (Windward Oahu).

7 (c) Three members shall be elected at-large from the
8 second school board district. Of the three members elected at-
9 large from that district, one shall be a resident of the first
10 departmental school district (Hawaii), one shall be a resident
11 of the second departmental school district (Maui), and one shall
12 be a resident of the seventh departmental school district
13 (Kauai).

14 (d) The departmental school districts shall be as follows:

15 First departmental school district (Hawaii): the island of
16 Hawaii comprised of the 1st through the 7th representative
17 districts;

18 Second departmental school district (Maui): the islands of
19 Maui, Molokai (including the county of Kalawao), Lanai, and
20 Kahoolawe comprised of the 8th through the 13th representative
21 districts;



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1 Third departmental school district (Honolulu): that
2 portion of the island of Oahu comprised of the 17th through the
3 35th and the 38th representative districts;

4 Fourth departmental school district (Central Oahu): that
5 portion of the island of Oahu comprised of the 36th, 37th, 45th,
6 and the 46th representative districts;

7 Fifth departmental school district (Leeward Oahu): that
8 portion of the island of Oahu comprised of the 39th through the
9 44th representative districts;

10 Sixth departmental school district (Windward Oahu): that
11 portion of the island of Oahu comprised of the 47th through the
12 51st representative districts; and

13 Seventh departmental school district (Kauai): the islands
14 of Kauai and Niihau comprised of the 14th through the 16th
15 representative districts.

16 § -2 **Reapportionment.** Upon the implementation of a new
17 apportionment plan, the chief election officer, by proclamation
18 issued no later than the tenth day prior to the close of filing
19 in elections, shall designate the representative districts that
20 comprise the departmental school districts and the school board
21 districts described in section -1 to comply with the new



1 districting scheme of the plan; provided that the departmental
2 school districts designated shall cover areas similar to those
3 described in section -1.

4 § -3 Qualifications. No person shall be eligible for
5 election or appointment to the board of education unless the
6 person is a registered voter of the school board district from
7 which the person is to be elected or appointed and, where
8 residency in a particular departmental school district is a
9 requirement, a resident of the departmental school district for
10 which seat the person is seeking election or appointment. No
11 member of the board shall hold or be a candidate for any other
12 public office under the state or county governments in
13 accordance with Article II, section 7 of the Constitution of the
14 State of Hawaii; nor shall a person be eligible for election or
15 appointment to the board of education if that person is also a
16 candidate for any other public office under the state or county
17 governments. The term "public office", for the purposes of this
18 section, shall not include notaries public, reserve police
19 officers, or officers of emergency organizations for civilian
20 defense or disaster relief.



1 § -4 Election of members. (a) Members of the board of
2 education shall be nominated at a primary election and elected
3 at the general election. Except as otherwise provided by this
4 chapter, the candidates for the board of education shall be
5 elected in the manner prescribed by this title.

6 (1) Nomination papers, preparation of. The chief election
7 officer shall prepare nomination papers in such a
8 manner that a candidate desiring to file for election
9 to the board of education shall be able to specify
10 whether the candidate is seeking a seat requiring
11 residency in a particular departmental school district
12 or a seat without a residency requirement.

13 (2) Ballot. The school board ballot shall be prepared in
14 such a manner as to afford every voter eligible to
15 vote in a school board district race the opportunity
16 to vote for each candidate seeking election from that
17 school board district.

18 The school board ballot shall contain the names
19 of all board candidates arranged alphabetically in a
20 nonpartisan manner; provided that the names of
21 candidates seeking seats requiring residency in a



1 particular departmental school district shall be
2 grouped alphabetically according to departmental
3 school districts.

4 (3) Primary election. Two candidates receiving the most
5 votes for each available seat shall be nominated for
6 the general election. If, after the close of filing
7 of nomination papers, there are only two qualified
8 candidates for any seat requiring residency in a
9 particular departmental school district, the chief
10 election officer shall declare those two candidates
11 duly nominated for the general election. The names of
12 those two candidates shall not appear on the primary
13 election ballot.

14 (4) General election. Each voter in the general election
15 shall be entitled to receive the school board ballot
16 and to vote for the number of seats available in the
17 respective school board districts.

18 (b) If there is only one qualified candidate for any seat
19 requiring residency in a particular departmental school
20 district, after the close of filing of nomination papers, the
21 chief election officer shall declare the candidate to be duly



1 and legally elected. If the number of qualified candidates for
2 seats without a residency requirement is equal to or less than
3 the number of seats to be filled, after the close of filing of
4 nomination papers, the chief election officer shall declare the
5 candidates to be duly elected.

6 § -5 Board members; term, vacancies. (a) The term of
7 office of members of the board shall be for four years beginning
8 on the day of the special election held in conjunction with the
9 general election of the year in which they are elected and
10 ending on the day of the special election held in conjunction
11 with the second general election after their election, except as
12 provided in subsection (c). Members of the board may be re-
13 elected without restriction as to the number of terms.

14 (b) Any vacancy that may occur through any cause other
15 than the expiration of the term of office shall be filled in
16 accordance with section 17- .

17 (c) Members of the board elected at the special election
18 held in conjunction with the general election in 1984 shall be
19 divided into two classes. There shall be seven members in the
20 first class who shall hold office for a term of four years
21 beginning with their election and ending on the day of the



1 special election held in conjunction with the second general
2 election after their election. The remaining members shall
3 comprise the second class and shall hold office for a term of
4 two years beginning with their election and ending on the day of
5 the special election held in conjunction with the next general
6 election after their election, and then members of the second
7 class shall be elected to four year terms.

8 Membership in the first class shall consist of: three
9 members who are elected with the highest number of votes from
10 the first school board district as designated under section
11 -1, who are not required to reside in any particular
12 departmental school district and one member elected from each
13 odd-numbered departmental school district. Membership of the
14 second class shall consist of the remaining elected school board
15 members."

16 SECTION 2. Chapter 17, Hawaii Revised Statutes, is amended
17 by adding a new section to be appropriately designated and to
18 read as follows:

19 "§17- Board of education members. (a) The governor
20 shall make an appointment to fill any vacancy in the membership
21 of the board of education for the unexpired term of that vacancy



1 whenever a vacancy occurs and the term of that vacancy ends at
2 the time of the next succeeding general election.

3 (b) If a vacancy occurs, the term of which does not end at
4 the next succeeding general election:

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



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 -1."

10 SECTION 3. Chapter 302A, Hawaii Revised Statutes, is
 11 amended by adding two new sections to subpart C of part IV to be
 12 appropriately designated and to read as follows:

13 "§302A-A Compensation; expenses. Board of education
 14 members shall be allowed:

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

17 (2) Transportation fares between islands and abroad; and

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



1 member to leave the island upon which the board member
2 resides.

3 §302A-B Organization; quorum; meetings. The board shall
4 elect from its own membership a chairperson and a vice-
5 chairperson. A majority of all members to which the board is
6 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 be given to all members of
10 the board or a bona fide attempt shall be made to give due
11 notice to all members of the board to whom it was reasonably
12 practicable to give due notice. Meetings shall be called and
13 held, at the call of the chairperson or by a quorum, as often as
14 may be necessary for the transaction of the department's
15 business."

16 PART II

17 SECTION 4. Section 11-157, Hawaii Revised Statutes, is
18 amended to read as follows:

19 "§11-157 In case of tie. In case of the failure of an
20 election by reason of the equality of vote between two or more
21 candidates, the tie shall be decided by the chief election



1 officer or county clerk in the case of county elections in
2 accordance with the following procedure:

3 (1) In the case of an election involving a seat for the
4 senate, house of representatives, board of education,
5 or county council where only voters within a specified
6 district are allowed to cast a vote, the winner shall
7 be declared as follows:

8 (A) For each precinct in the affected district, an
9 election rate point shall be calculated by
10 dividing the total voter turnout in that precinct
11 by the total voter turnout in the district. For
12 the purpose of this subparagraph, the absentee
13 votes cast for the affected district shall be
14 treated as a precinct. The election rate point
15 shall be calculated by dividing the total
16 absentee votes cast for the affected district by
17 the total voter turnout in that district. All
18 election rate points shall be expressed as
19 decimal fractions rounded to the nearest hundred
20 thousandth;



- 1 (B) The candidate with the highest number of votes in
2 a precinct shall be allocated the election rate
3 point calculated under subparagraph (A) for that
4 precinct. In the event that two or more persons
5 are tied in receiving the highest number of votes
6 for that precinct, the election rate point shall
7 be equally apportioned among those candidates
8 involved in that precinct tie;
- 9 (C) After the election rate points calculated under
10 subparagraph (A) for all the precincts have been
11 allocated as provided under subparagraph (B), the
12 election rate points allocated to each candidate
13 shall be tallied and the candidate with the
14 highest election rate point total shall be
15 declared the winner; and
- 16 (D) If there is a tie between two or more candidates
17 in the election rate point total, the candidate
18 who is allocated the highest election rate points
19 from the precinct with the largest voter turnout
20 shall be declared the winner;



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

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

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



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

12 All election rate points shall be expressed as
13 decimal fractions rounded to the nearest hundred
14 thousandth;

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

1 rate point shall be equally apportioned among
2 those candidates involved in that district tie;
3 (C) After the election rate points calculated under
4 subparagraph (A) for all the precincts have been
5 allocated as prescribed under subparagraph (B),
6 the election rate points allocated to each
7 candidate shall be tallied and the candidate with
8 the highest election rate point total shall be
9 declared the winner; and
10 (D) If there is a tie between two or more candidates
11 in the election rate point total, the candidate
12 who is allocated the highest election rate points
13 from the representative district with the largest
14 voter turnout shall be declared the winner."

15 SECTION 5. Section 11-331, Hawaii Revised Statutes, is
16 amended by amending subsection (d) to read as follows:

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

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

14 SECTION 6. Section 11-423, Hawaii Revised Statutes, is
15 amended by amending subsection (d) to read as follows:

16 "(d) From January 1 of the year of any primary, special,
17 or general election, the aggregate expenditures for each
18 election by a candidate who voluntarily agrees to limit campaign
19 expenditures, inclusive of all expenditures made or authorized
20 by the candidate alone, all treasurers, the candidate committee,
21 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, county council member, and prosecuting
9 attorney - \$1.40; and
- 10 (5) For the board of education and all other offices - 20
11 cents."

12 SECTION 7. 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, the
15 maximum amount of public funds available to a candidate shall
16 not exceed \$100 in any election year."

17 SECTION 8. 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



1 registered voters of the State or of the Congressional district
2 or school board district from which the candidates are running
3 in the case of candidates for the United States House of
4 Representatives[-] or for the board of education."

5 SECTION 9. Section 26-35.5, Hawaii Revised Statutes, is
6 amended by amending subsection (a) to read as follows:

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

20 SECTION 10. Section 76-16, Hawaii Revised Statutes, is
21 amended by amending subsection (b) to read as follows:



1 "(b) The civil service to which this chapter applies shall
2 comprise all positions in the State now existing or hereafter
3 established and embrace all personal services performed for the
4 State, except the following:

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

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

19 (3) Positions that must be filled without delay to comply
20 with a court order or decree if the director
21 determines that recruitment through normal recruitment



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



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1 court, each judge of the intermediate appellate court,
2 and each judge of the circuit court; one secretary for
3 the judicial council; one deputy administrative
4 director of the courts; three law clerks for the chief
5 justice of the supreme court, two law clerks for each
6 associate justice of the supreme court and each judge
7 of the intermediate appellate court, one law clerk for
8 each judge of the circuit court, two additional law
9 clerks for the civil administrative judge of the
10 circuit court of the first circuit, two additional law
11 clerks for the criminal administrative judge of the
12 circuit court of the first circuit, one additional law
13 clerk for the senior judge of the family court of the
14 first circuit, two additional law clerks for the civil
15 motions judge of the circuit court of the first
16 circuit, two additional law clerks for the criminal
17 motions judge of the circuit court of the first
18 circuit, and two law clerks for the administrative
19 judge of the district court of the first circuit; and
20 one private secretary for the administrative director
21 of the courts, the deputy administrative director of



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1 the courts, each department head, each deputy or first
2 assistant, and each additional deputy, or assistant
3 deputy, or assistant defined in paragraph (16);

4 (10) First deputy and deputy attorneys general, the
5 administrative services manager of the department of
6 the attorney general, one secretary for the
7 administrative services manager, an administrator and
8 any support staff for the criminal and juvenile
9 justice resources coordination functions, and law
10 clerks;

11 (11) (A) Teachers, principals, vice-principals, complex
12 area superintendents, deputy and assistant
13 superintendents, other certificated personnel,
14 not more than twenty noncertificated
15 administrative, professional, and technical
16 personnel not engaged in instructional work;

17 (B) Effective July 1, 2003, teaching assistants,
18 educational assistants, bilingual/bicultural
19 school-home assistants, school psychologists,
20 psychological examiners, speech pathologists,
21 athletic health care trainers, alternative school



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1 work study assistants, alternative school
2 educational/supportive services specialists,
3 alternative school project coordinators, and
4 communications aides in the department of
5 education;

6 (C) The special assistant to the state librarian and
7 one secretary for the special assistant to the
8 state librarian; and

9 (D) Members of the faculty of the University of
10 Hawaii, including research workers, extension
11 agents, personnel engaged in instructional work,
12 and administrative, professional, and technical
13 personnel of the university;

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

16 (13) (A) Positions filled by inmates, patients of state
17 institutions, persons with severe physical or
18 mental disabilities participating in the work
19 experience training programs;



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- 1 (B) Positions filled with students in accordance with
2 guidelines for established state employment
3 programs; and
- 4 (C) Positions that provide work experience training
5 or temporary public service employment that are
6 filled by persons entering the workforce or
7 persons transitioning into other careers under
8 programs such as the federal Workforce Investment
9 Act of 1998, as amended, or the Senior Community
10 Service Employment Program of the Employment and
11 Training Administration of the United States
12 Department of Labor, or under other similar state
13 programs;
- 14 (14) A custodian or guide at Iolani Palace, the Royal
15 Mausoleum, and Hulihee Palace;
- 16 (15) Positions filled by persons employed on a fee,
17 contract, or piecework basis, who may lawfully perform
18 their duties concurrently with their private business
19 or profession or other private employment and whose
20 duties require only a portion of their time, if it is



1 impracticable to ascertain or anticipate the portion
2 of time to be devoted to the service of the State;

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

20 (17) Positions specifically exempted from this part by any
21 other law; provided that:



1 (A) Any exemption created after July 1, 2014, shall
2 expire three years after its enactment unless
3 affirmatively extended by an act of the
4 legislature; and

5 (B) All of the positions defined by paragraph (9)
6 shall be included in the position classification
7 plan;

8 (18) Positions in the state foster grandparent program and
9 positions for temporary employment of senior citizens
10 in occupations in which there is a severe personnel
11 shortage or in special projects;

12 (19) Household employees at the official residence of the
13 president of the University of Hawaii;

14 (20) Employees in the department of education engaged in
15 the supervision of students during meal periods in the
16 distribution, collection, and counting of meal
17 tickets, and in the cleaning of classrooms after
18 school hours on a less than half-time basis;

19 (21) Employees hired under the tenant hire program of the
20 Hawaii public housing authority; provided that not
21 more than twenty-six per cent of the authority's



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- 1 workforce in any housing project maintained or
2 operated by the authority shall be hired under the
3 tenant hire program;
- 4 (22) Positions of the federally funded expanded food and
5 nutrition program of the University of Hawaii that
6 require the hiring of nutrition program assistants who
7 live in the areas they serve;
- 8 (23) Positions filled by persons with severe disabilities
9 who are certified by the state vocational
10 rehabilitation office that they are able to perform
11 safely the duties of the positions;
- 12 (24) The sheriff;
- 13 (25) A gender and other fairness coordinator hired by the
14 judiciary;
- 15 (26) Positions in the Hawaii National Guard youth and adult
16 education programs;
- 17 (27) In the state energy office in the department of
18 business, economic development, and tourism, all
19 energy program managers, energy program specialists,
20 energy program assistants, and energy analysts; [and]



- 1 (28) Administrative appeals hearings officers in the
2 department of human services[-]; and
3 (29) One public high school student to be selected by the
4 Hawaii state student council as a nonvoting member on
5 the board of education as authorized by the State
6 Constitution.

7 The director shall determine the applicability of this
8 section to specific positions.

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

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

14 "Elective officer" or "elective official": any person
15 elected to a public office or appointed to fill a vacancy of an
16 elective office, except as a delegate to a constitutional
17 convention[-] or member of the board of education, in accordance
18 with an election duly held in the State or counties under
19 chapter 11; provided that the person receives compensation, pay,
20 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 [a] an elected 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 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.~~ The
14 educational districts established by section 4-1 shall not be
15 applicable to, nor alter, the school board or departmental
16 school districts, established by section _____, or the school
17 districts established for administrative purposes by the
18 department."

19 SECTION 14. Chapter 302A, part I, subpart B, Hawaii
20 Revised Statutes, is repealed.



1 PART III

2 SECTION 15. Notwithstanding any law to the contrary, the
3 appointed members of the board of education serving on the day
4 of the effective date of this Act shall continue to serve until
5 the election of the members of the board of education, at which
6 time all appointed members shall be discharged from office and
7 the elected board members shall begin their service; provided
8 that any vacancy in an appointed member's seat occurring between
9 the effective date of this Act and the discharge from office of
10 all the appointed members of the board of education shall remain
11 vacant until filled by appointment by the governor, with the
12 advice and consent of the senate, pursuant to section 26-34,
13 Hawaii Revised Statutes.

14 PART IV

15 SECTION 16. In codifying the new sections added by section
16 3 of this Act, the revisor of statutes shall substitute
17 appropriate section numbers for the letters used in designating
18 the new sections in this Act.

19 SECTION 17. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.



H.B. NO. 621

1 SECTION 18. This Act shall take effect upon the
 2 ratification of a constitutional amendment adopted pursuant to
 3 article XVII, section 3, of the Constitution of the State of
 4 Hawaii, to change the board of education back to an elected
 5 board.

6

INTRODUCED BY:

Abukashone
M. A. Aho

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C. J. C.

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Nadine K. Hahaione



H.B. NO. 021

Report Title:

Board of Education; Election

Description:

Implements an elected 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.

