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

11 First school board district: the island of Oahu, comprised
12 of the seventeenth through the fifty-first representative
13 districts; and the

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



1 (b) Ten members shall be elected at-large from the first
2 school board district. Of the ten members elected at-large from
3 that district, one shall be a resident of the third departmental
4 school district (Honolulu), one shall be a resident of the
5 fourth departmental school district (central Oahu), one shall be
6 a resident of the fifth departmental school district (leeward
7 Oahu), and one shall be a resident of the sixth departmental
8 school district (windward Oahu).

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

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

17 First departmental school district (Hawaii): the island of
18 Hawaii comprised of the first through the seventh representative
19 districts;

20 Second departmental school district (Maui): the islands of
21 Maui, Molokai (including the county of Kalawao), Lanai, and



1 Kahoolawe comprised of the eighth through the thirteenth
2 representative districts;

3 Third departmental school district (Honolulu): that portion
4 of the island of Oahu comprised of the seventeenth through the
5 thirty-fifth representative districts and the thirty-eighth
6 representative district;

7 Fourth departmental school district (central Oahu): that
8 portion of the island of Oahu comprised of the thirty-sixth,
9 thirty-seventh, forty-fifth, and the forty-sixth representative
10 districts;

11 Fifth departmental school district (leeward Oahu): that
12 portion of the island of Oahu comprised of the thirty-ninth
13 through the forty-fourth representative districts;

14 Sixth departmental school district (windward Oahu): that
15 portion of the island of Oahu comprised of the forty-seventh
16 through the fifty-first representative districts; and

17 Seventh departmental school district (Kauai): the islands
18 of Kauai and Niihau comprised of the fourteenth through the
19 sixteenth representative districts.

20 § -2 **Reapportionment.** Upon the implementation of a new
21 apportionment plan, the chief election officer, by proclamation



1 issued no later than the tenth day prior to the close of filing
2 in elections, shall designate the representative districts that
3 comprise the departmental school districts and the school board
4 districts described in section -1 to comply with the new
5 districting scheme of the plan; provided that the departmental
6 school districts designated shall cover areas similar to those
7 described in section -1.

8 § -3 **Qualifications of members of the board of**
9 **education.** No person shall be eligible for election or
10 appointment to the board of education unless the person is a
11 registered voter of the school board district from which the
12 person is to be elected or appointed and, where residency in a
13 particular departmental school district is a requirement, a
14 resident of the departmental school district for which seat the
15 person is seeking election or appointment. No member of the
16 board of education shall hold or be a candidate for any other
17 public office under the state or county governments in
18 accordance with article II, section 7, of the Hawaii State
19 Constitution; nor shall a person be eligible for election or
20 appointment to the board of education if that person is also a
21 candidate for any other public office under the state or county



1 governments. As used in this section, the term "public office"
2 shall not include notaries public, reserve police officers, or
3 officers of emergency organizations for civilian defense or
4 disaster relief.

5 § -4 Election of members of the board of education. (a)

6 Members of the board of education shall be nominated at a
7 primary election and elected at the general election. Except as
8 otherwise provided by this chapter, the candidates for the board
9 of education shall be elected in the manner prescribed by this
10 section.

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

18 (2) Ballot. The school board ballot shall be prepared in
19 such a manner as to afford every voter eligible to
20 vote in a school board district election the



1 opportunity to vote for each candidate seeking
2 election from that school board district.

3 The school board ballot shall contain the names
4 of all board candidates arranged alphabetically in a
5 nonpartisan manner; provided that the names of
6 candidates seeking seats requiring residency in a
7 particular departmental school district shall be
8 grouped alphabetically according to departmental
9 school districts.

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

20 (4) General election. Each voter in the general election
21 shall be entitled to receive the school board ballot



1 and to vote for the number of seats available in the
2 respective school board districts.

3 (b) If there is only one qualified candidate for any seat
4 requiring residency in a particular departmental school
5 district, after the close of filing of nomination papers, the
6 chief election officer shall declare the candidate to be duly
7 and legally elected. If the number of qualified candidates for
8 seats without a residency requirement is equal to or less than
9 the number of seats to be filled, after the close of filing of
10 nomination papers, the chief election officer shall declare the
11 candidates to be duly elected.

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



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

4 (c) Members of the board elected at the special election
5 held in conjunction with the general election in 2020 shall be
6 divided into two classes. There shall be seven members in the
7 first class who shall hold office for a term of four years,
8 beginning with their election and ending on the day of the
9 special election held in conjunction with the second general
10 election after their election. The remaining members shall
11 comprise the second class and shall hold office for a term of
12 two years, beginning with their election and ending on the day
13 of the special election held in conjunction with the next
14 general election after their election, and then members of the
15 second class shall be elected to four-year terms.

16 Membership in the first class shall consist of: three
17 members who are elected with the highest number of votes from
18 the first school board district as designated under section
19 -1, who are not required to reside in any particular
20 departmental school district and one member elected from each
21 odd-numbered departmental school district. Membership of the



1 second class shall consist of the remaining elected school board
2 members."

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

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

11 (b) The following procedure shall be used if a vacancy
12 occurs, the term of which does not end at the next succeeding
13 general election:

14 (1) If it occurs not later than on the eighty-fifth day
15 prior to the next succeeding general election, the
16 vacancy shall be filled for the unexpired term at the
17 next succeeding general election. The chief election
18 officer shall issue a proclamation designating the
19 election for filling the vacancy. All candidates for
20 the unexpired term shall file nomination papers not
21 later than 4:30 p.m. on the seventy-fifth day prior to



1 the general election (but if that day is a Saturday,
2 Sunday, or holiday, then not later than 4:30 p.m. on
3 the first working day immediately preceding) and shall
4 be elected in accordance with this section. Pending
5 the election, the governor shall make a temporary
6 appointment to fill the vacancy and the person so
7 appointed shall serve until the election of the person
8 duly elected to fill the vacancy; and

9 (2) If it occurs after the eighty-fifth day prior to the
10 next succeeding general election, the governor shall
11 make an appointment to fill the vacancy for the
12 unexpired term.

13 (c) All appointments made by the governor under this
14 section shall be made without consideration of the appointee's
15 party affiliation or preference or nonpartisanship; provided
16 that the persons so appointed shall meet the residency
17 requirement specified in section -1."

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



1 "§302A- Compensation; expenses. Board members shall be
2 allowed:

- 3 (1) Transportation fares between islands and abroad; and
4 (2) Personal expenses at the rates specified by the board
5 while attending board meetings or while on official
6 business as authorized by the chairperson, when the
7 board meetings or official business require a board
8 member to leave the island on which the board member
9 resides.

10 §302A- Organization; quorum; meetings. The board shall
11 elect from its own membership a chairperson and a vice
12 chairperson. A majority of all members to which the board is
13 entitled shall constitute a quorum to do business, and the
14 concurrence of a majority of all members to which the board is
15 entitled shall be necessary to make any action of the board
16 valid; provided that due notice shall be given to all members of
17 the board or a bona fide attempt shall be made to give due
18 notice to all members of the board to whom it was reasonably
19 practicable to give due notice. Meetings shall be called and
20 held, at the call of the chairperson or by a quorum, as often as



1 may be necessary for the transaction of the department's
2 business."

3 PART II

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

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

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

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



1 highest election rate point total shall be
2 declared the winner; and

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

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

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

19 (i) The absentee votes cast for a statewide,
20 countywide, or federal office shall be
21 treated as a separate representative



1 district and the election rate point shall
2 be calculated by dividing the total absentee
3 votes cast for the statewide, countywide, or
4 federal office by the total voter turnout in
5 the state, county, or federal office
6 district, as the case may be; and

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

18 All 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 representative district shall be allocated the
3 election rate point calculated under subparagraph
4 (A) for that district. In the event that two or
5 more persons are tied in receiving the highest
6 number of votes for that district, the election
7 rate point shall be equally apportioned among
8 those candidates involved in that district tie;

9 (C) After the election rate points calculated under
10 subparagraph (A) for all the precincts have been
11 allocated as prescribed under subparagraph (B),
12 the election rate points allocated to each
13 candidate shall be tallied and the candidate with
14 the 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 representative district with the largest
20 voter turnout shall be declared the winner."



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

3 "(d) For purposes of this part, whenever a report is
4 required to be filed with the commission, "filed" means that a
5 report shall be filed with the commission's electronic filing
6 system by the date and time specified for the filing of the
7 report by:

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

- 10 (A) Office of governor;
- 11 (B) Office of lieutenant governor;
- 12 (C) Office of mayor;
- 13 (D) Office of prosecuting attorney;
- 14 (E) County council;
- 15 (F) Senate;
- 16 (G) House of representatives; [ex]
- 17 (H) Office of Hawaiian affairs; or
- 18 (I) Board of education; or

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



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

3 "(d) From January 1 of the year of any primary, special,
4 or general election, the aggregate expenditures for each
5 election by a candidate who voluntarily agrees to limit campaign
6 expenditures, inclusive of all expenditures made or authorized
7 by the candidate alone, all treasurers, the candidate committee,
8 and noncandidate committees on the candidate's behalf, shall not
9 exceed the following amounts expressed, respectively multiplied
10 by the number of voters in the last preceding general election
11 registered to vote in each respective voting district:

- 12 (1) For the office of governor - \$2.50;
13 (2) For the office of lieutenant governor - \$1.40;
14 (3) For the office of mayor - \$2.00;
15 (4) For the offices of state senator, state
16 representative, county council member, and prosecuting
17 attorney - \$1.40; and
18 (5) For the board of education and all other offices - 20
19 cents."

20 SECTION 7. Section 11-425, Hawaii Revised Statutes, is
21 amended by amending subsection (d) to read as follows:



1 "(d) For the board of education and all other offices, the
2 maximum amount of public funds available to a candidate shall
3 not exceed \$100 in any election year."

4 SECTION 8. Section 12-5, Hawaii Revised Statutes, is
5 amended by amending subsection (a) to read as follows:

6 "(a) Nomination papers for candidates for members of
7 Congress, governor, [~~and~~] lieutenant governor, and the board of
8 education shall be signed by not less than twenty-five
9 registered voters of the State or of the Congressional district
10 or school board district from which the candidates are running
11 in the case of candidates for the United States House of
12 Representatives [~~-~~] or board of education."

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

15 "(a) For purposes of this section, "member" means any
16 person who is appointed, in accordance with the law, to serve on
17 a temporary or permanent state board, including members of [~~the~~
18 ~~board of education,~~] the governing board of any charter school
19 established under chapter 302D, council, authority, committee,
20 or commission, established by law or elected to the board of
21 education, under section -4, or the board of trustees of the



1 employees' retirement system under section 88-24, or the
2 corporation board of the Hawaii health systems corporation under
3 section 323F-3 and its regional system boards under section
4 323F-3.5; provided that "member" shall not include any person
5 elected to serve on a board or commission in accordance with
6 chapter 11[-], other than a person elected to serve on the board
7 of education."

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

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

- 14 (1) Commissioned and enlisted personnel of the Hawaii
15 National Guard as such, and positions in the Hawaii
16 National Guard that are required by state or federal
17 laws or regulations or orders of the National Guard to
18 be filled from those commissioned or enlisted
19 personnel;
- 20 (2) Positions filled by persons employed by contract where
21 the director of human resources development has



- 1 certified that the service is special or unique or is
2 essential to the public interest and that, because of
3 circumstances surrounding its fulfillment, personnel
4 to perform the service cannot be obtained through
5 normal civil service recruitment procedures. Any such
6 contract may be for any period not exceeding one year;
- 7 (3) Positions that must be filled without delay to comply
8 with a court order or decree if the director
9 determines that recruitment through normal recruitment
10 civil service procedures would result in delay or
11 noncompliance, such as the Felix-Cayetano consent
12 decree;
- 13 (4) Positions filled by the legislature or by either house
14 or any committee thereof;
- 15 (5) Employees in the office of the governor and office of
16 the lieutenant governor, and household employees at
17 Washington Place;
- 18 (6) Positions filled by popular vote;
- 19 (7) Department heads, officers, and members of any board,
20 commission, or other state agency whose appointments



1 are made by the governor or are required by law to be
2 confirmed by the senate;

3 (8) Judges, referees, receivers, masters, jurors, notaries
4 public, land court examiners, court commissioners, and
5 attorneys appointed by a state court for a special
6 temporary service;

7 (9) One bailiff for the chief justice of the supreme court
8 who shall have the powers and duties of a court
9 officer and bailiff under section 606-14; one
10 secretary or clerk for each justice of the supreme
11 court, each judge of the intermediate appellate court,
12 and each judge of the circuit court; one secretary for
13 the judicial council; one deputy administrative
14 director of the courts; three law clerks for the chief
15 justice of the supreme court, two law clerks for each
16 associate justice of the supreme court and each judge
17 of the intermediate appellate court, one law clerk for
18 each judge of the circuit court, two additional law
19 clerks for the civil administrative judge of the
20 circuit court of the first circuit, two additional law
21 clerks for the criminal administrative judge of the



1 circuit court of the first circuit, one additional law
2 clerk for the senior judge of the family court of the
3 first circuit, two additional law clerks for the civil
4 motions judge of the circuit court of the first
5 circuit, two additional law clerks for the criminal
6 motions judge of the circuit court of the first
7 circuit, and two law clerks for the administrative
8 judge of the district court of the first circuit; and
9 one private secretary for the administrative director
10 of the courts, the deputy administrative director of
11 the courts, each department head, each deputy or first
12 assistant, and each additional deputy, or assistant
13 deputy, or assistant defined in paragraph (16);
14 (10) First deputy and deputy attorneys general, the
15 administrative services manager of the department of
16 the attorney general, one secretary for the
17 administrative services manager, an administrator and
18 any support staff for the criminal and juvenile
19 justice resources coordination functions, and law
20 clerks;



- 1 (11) (A) Teachers, principals, vice-principals, complex
- 2 area superintendents, deputy and assistant
- 3 superintendents, other certificated personnel,
- 4 not more than twenty noncertificated
- 5 administrative, professional, and technical
- 6 personnel not engaged in instructional work;
- 7 (B) Effective July 1, 2003, teaching assistants,
- 8 educational assistants, bilingual/bicultural
- 9 school-home assistants, school psychologists,
- 10 psychological examiners, speech pathologists,
- 11 athletic health care trainers, alternative school
- 12 work study assistants, alternative school
- 13 educational/supportive services specialists,
- 14 alternative school project coordinators, and
- 15 communications aides in the department of
- 16 education;
- 17 (C) The special assistant to the state librarian and
- 18 one secretary for the special assistant to the
- 19 state librarian; and
- 20 (D) Members of the faculty of the University of
- 21 Hawaii, including research workers, extension



- 1 agents, personnel engaged in instructional work,
2 and administrative, professional, and technical
3 personnel of the university;
- 4 (12) Employees engaged in special, research, or
5 demonstration projects approved by the governor;
- 6 (13) (A) Positions filled by inmates, patients of state
7 institutions, persons with severe physical or
8 mental disabilities participating in the work
9 experience training programs;
- 10 (B) Positions filled with students in accordance with
11 guidelines for established state employment
12 programs; and
- 13 (C) Positions that provide work experience training
14 or temporary public service employment that are
15 filled by persons entering the workforce or
16 persons transitioning into other careers under
17 programs such as the federal Workforce Investment
18 Act of 1998, as amended, or the Senior Community
19 Service Employment Program of the Employment and
20 Training Administration of the United States



- 1 Department of Labor, or under other similar state
2 programs;
- 3 (14) A custodian or guide at Iolani Palace, the Royal
4 Mausoleum, and Hulihee Palace;
- 5 (15) Positions filled by persons employed on a fee,
6 contract, or piecework basis, who may lawfully perform
7 their duties concurrently with their private business
8 or profession or other private employment and whose
9 duties require only a portion of their time, if it is
10 impracticable to ascertain or anticipate the portion
11 of time to be devoted to the service of the State;
- 12 (16) Positions of first deputies or first assistants of
13 each department head appointed under or in the manner
14 provided in section 6, article V, of the Hawaii State
15 Constitution; three additional deputies or assistants
16 either in charge of the highways, harbors, and
17 airports divisions or other functions within the
18 department of transportation as may be assigned by the
19 director of transportation, with the approval of the
20 governor; four additional deputies in the department
21 of health, each in charge of one of the following:



- 1 behavioral health, environmental health, hospitals,
2 and health resources administration, including other
3 functions within the department as may be assigned by
4 the director of health, with the approval of the
5 governor; an administrative assistant to the state
6 librarian; and an administrative assistant to the
7 superintendent of education;
- 8 (17) Positions specifically exempted from this part by any
9 other law; provided that:
- 10 (A) Any exemption created after July 1, 2014, shall
11 expire three years after its enactment unless
12 affirmatively extended by an act of the
13 legislature; and
- 14 (B) All of the positions defined by paragraph (9)
15 shall be included in the position classification
16 plan;
- 17 (18) Positions in the state foster grandparent program and
18 positions for temporary employment of senior citizens
19 in occupations in which there is a severe personnel
20 shortage or in special projects;



- 1 (19) Household employees at the official residence of the
2 president of the University of Hawaii;
- 3 (20) Employees in the department of education engaged in
4 the supervision of students during meal periods in the
5 distribution, collection, and counting of meal
6 tickets, and in the cleaning of classrooms after
7 school hours on a less than half-time basis;
- 8 (21) Employees hired under the tenant hire program of the
9 Hawaii public housing authority; provided that not
10 more than twenty-six per cent of the authority's
11 workforce in any housing project maintained or
12 operated by the authority shall be hired under the
13 tenant hire program;
- 14 (22) Positions of the federally funded expanded food and
15 nutrition program of the University of Hawaii that
16 require the hiring of nutrition program assistants who
17 live in the areas they serve;
- 18 (23) Positions filled by persons with severe disabilities
19 who are certified by the state vocational
20 rehabilitation office that they are able to perform
21 safely the duties of the positions;



- 1 (24) The sheriff;
- 2 (25) A gender and other fairness coordinator hired by the
- 3 judiciary;
- 4 (26) Positions in the Hawaii National Guard youth and adult
- 5 education programs;
- 6 (27) In the state energy office in the department of
- 7 business, economic development, and tourism, all
- 8 energy program managers, energy program specialists,
- 9 energy program assistants, and energy analysts; ~~and~~
- 10 (28) Administrative appeals hearings officers in the
- 11 department of human services[-]; and
- 12 (29) One public high school student to be selected by the
- 13 Hawaii state student council as a nonvoting member on
- 14 the board of education as authorized by the Hawaii
- 15 State Constitution.

16 The director shall determine the applicability of this
 17 section to specific positions.

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



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

4 "Elective officer" or "elective official": any person
5 elected to a public office or appointed to fill a vacancy of an
6 elective office, except as a delegate to a constitutional
7 convention~~[7]~~ or member of the board of education, in accordance
8 with an election duly held in the State or counties under
9 chapter 11; provided that the person receives compensation, pay,
10 or salary for such office."

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

13 "(a) There shall be a principal executive department to be
14 known as the department of education, which shall be headed by
15 ~~[a]~~ an elected policy-making board to be known as the board of
16 education. The board shall have power in accordance with law to
17 formulate statewide educational policy, adopt student
18 performance standards and assessment models, monitor school
19 success, and appoint the superintendent of education as the
20 chief executive officer of the public school system."



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

3 "§302A-1110 Educational districts not applicable. The
4 educational districts established by section 4-1 shall not be
5 applicable to, nor alter, the school board districts or
6 departmental school districts, established by section -1, or
7 the school districts established for administrative purposes by
8 the department."

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

11 PART III

12 SECTION 15. Notwithstanding any law to the contrary, the
13 appointed members of the board of education serving on the day
14 of the effective date of this Act shall continue to serve until
15 the election of the members of the board of education, at which
16 time all appointed members shall be discharged from office and
17 the elected board members shall begin their service; provided
18 that any vacancy in an appointed member's seat occurring between
19 the effective date of this Act and the discharge from office of
20 all the appointed members of the board of education shall remain
21 vacant until filled by appointment by the governor, with the



1 advice and consent of the senate, pursuant to section 26-34,
2 Hawaii Revised Statutes.

3 PART IV

4 SECTION 16. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 17. This Act shall take effect on July 1, 2050.



Report Title:

Board of Education; Election

Description:

Implements an elected Board of Education. (HB621 HD1)

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

