A BILL FOR AN ACT

RELATING TO EDUCATION.

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

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

The legislature further finds that Hawaii is unique in that it is one state-wide school district so that the board of education is both the state board of education and the local
school board. Typically, local school boards are closely
connected to their communities while the state board of
education may be more distant.

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

SECTION 2. Section 302A-121, Hawaii Revised Statutes, is
amended by amending subsection (a) to read as follows:

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

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

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

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

(4) [Three] Four members [from] who shall be residents of
the city and county of Honolulu; provided that:
(A) One member shall be a resident of either the Farrington-Kaiser-Kalani or Kaimuki-McKinley-Roosevelt complex areas;

(B) One member shall be a resident of either the Aiea-Moanalua-Radford or Leilehua-Mililani-Waialua complex areas;

(C) One member shall be a resident of either the Campbell-Kapolei, Pearl City-Waipahu, or Nanakuli-Waianae complex areas; and

(D) One member shall be a resident of either the Castle-Kahuku or Kailua-Kalaheo complex areas;

(5) [Three] Four at-large members; provided that the governor shall select an at-large member as the chairperson. At-large members may be residents of any area; provided that at least two members shall have business management experience; and

(6) At least two members shall have public education experience; provided that at least one member shall have experience as a principal.
The members shall be appointed by the governor, with the advice
and consent of the senate. The governor may remove or suspend
for cause any member of the board[7] at any time."

SECTION 3. Section 302A-123, Hawaii Revised Statutes, is
amended as follows:

1. By amending subsection (b) to read:

"(b) The term of each member shall be [three] four years,
[except as provided for in the initial appointment in subsection
(a). Notwithstanding any law to the contrary, members shall
serve no more than three consecutive three year terms; provided
that the members who are initially appointed to terms of two
years or less pursuant to subsection (a) may be reappointed to
three ensuing consecutive three year terms[7] and shall run
concurrentiy with the term of the appointing governor unless
otherwise provide for in subsection (d). If a member is
nominated to a second or subsequent consecutive term, the senate
shall consider the question of whether to reconfirm the member
at least one hundred twenty days prior to the expiration of the
member's immediately preceding term; provided that if the senate
has not taken final action to reconfirm the member by the one
hundred twenty-day deadline, the member shall continue to serve
until the senate takes final action on the reconfirmation."
2. By amending subsection (d) to read:
   "(d) [Every member may serve beyond the expiration date of
the member's term of appointment] Every member shall continue to
serve until the member is reappointed or until the member's
successor has been appointed by the governor and confirmed by
the senate in accordance with sections 302A-121, 302A-126, and
302A-127."

SECTION 4. The term of office of each exiting member of
the board of education in office as of the day before the
effective date of this Act shall terminate on June 30, 2015.
The nomination and appointment of successor members pursuant to
this Act shall not cause the term of office of any existing
member to terminate before that date, regardless of the date of
the successor member's appointment by and with the advice and
consent of the senate. The term of successor members nominated
and appointed pursuant to this Act shall commence on July 1,
2015.

The nomination and appointment by and with the advice and
consent of the senate of members to the board of education
pursuant to this Act shall take place as expeditiously as possible so that, to the extent possible, there are no vacancies in the membership of the board as of July 1, 2015.

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

SECTION 6. This Act shall take effect on July 1, 2015.

INTRODUCED BY: ____________________________
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 has experience as a school principal. 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.

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