

JAN 19 2018

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# A BILL FOR AN ACT

RELATING TO THE BOARD OF EDUCATION.

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

1       SECTION 1. The legislature finds that the lieutenant  
2 governor is responsible for the recordation of all legislative  
3 and gubernatorial acts, certification of state documents, and  
4 maintenance of an official file of rules adopted by state  
5 departments, as well as the adjudication of petitions to change  
6 the names of state residents. The legislature further finds  
7 that the position of lieutenant governor is one of relatively  
8 limited responsibilities.

9       The legislature also finds that the board of education is  
10 responsible for setting statewide educational and library  
11 policy, which is an area of great importance to the State. The  
12 legislature further finds that, although there are members of  
13 the board of education allocated for Honolulu, Hawaii, Maui, and  
14 Kauai, there are no members who are assigned to have a truly  
15 statewide perspective.

16       Article V, section 2, of the Hawaii State Constitution  
17 provides that the "lieutenant governor shall perform such duties



1 as may be provided by law". Section 302A-122, Hawaii Revised  
2 Statutes, permits state officers to serve as members of the  
3 board of education. In addition, section 26-1, Hawaii Revised  
4 Statutes, provides that the governor may assign other duties to  
5 the lieutenant governor. As such, the legislature finds that it  
6 is proper to expand the role of the lieutenant governor.

7 The legislature further finds that the lieutenant  
8 governor's existing duties are not likely to conflict with the  
9 duties of a member of the board of education. Making the  
10 lieutenant governor a member of the board of education will keep  
11 the lieutenant governor engaged with an important policy field  
12 on behalf of the governor and the people of the State, and  
13 impart a statewide perspective to the board of education.

14 Therefore, the purpose of this Act is to amend the  
15 composition of the board of education to make the lieutenant  
16 governor an ex officio voting member and to require the governor  
17 to nominate the lieutenant governor to serve as a member of the  
18 board of education, beginning with the next election cycle.

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

21 "(a) The board shall consist of nine members as follows:



- (1) One member from the county of Hawaii;
  - (2) One member from the county of Maui;
  - (3) One member from the county of Kauai;
  - (4) Three members from the city and county of Honolulu;  
[and]
  - (5) [~~Three~~] Two at-large members; [~~provided that the~~  
~~governor shall select an at-large member as the~~  
~~chairperson.~~] and
  - (6) The lieutenant governor, serving as an ex officio,  
voting member; provided that, should the lieutenant  
governor not receive the advice and consent of the  
senate, the governor shall nominate a third at-large  
member; provided further that the governor shall  
nominate the lieutenant governor at the next vacancy  
left by any at-large member or by the previous  
lieutenant governor.
- The members shall be appointed by the governor, with the advice  
and consent of the senate. [~~The~~] Except for the lieutenant  
governor, the governor may remove or suspend for cause any  
member of the board.



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1        The governor shall select a chairperson from amongst the  
2 members; provided that the governor shall not select the  
3 lieutenant governor as the chairperson."

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

6        **"§302A-123 Board of education; terms.** (a) The governor  
7 shall set the terms of the members initially appointed to the  
8 board under section 21 of Act 5, Session Laws of Hawaii 2011, as  
9 follows:

10        (1) Three members shall serve one-year terms;

11        (2) Three members shall serve two-year terms; and

12        (3) Three members, including the chairperson, shall serve  
13 three-year terms.

14        (b) The term of each member shall be three years, except  
15 as provided for in the initial appointment in subsection (a) [-]  
16 and as provided in subsection (e). [~~Notwithstanding~~] Except as  
17 provided in subsection (e) and notwithstanding any other law to  
18 the contrary, members shall serve no more than three consecutive  
19 three-year terms; provided that the members who are initially  
20 appointed to terms of two years or less pursuant to subsection  
21 (a) may be reappointed to three ensuing consecutive three-year



1 terms. If a member is nominated to a second or subsequent  
2 consecutive term, the senate shall consider the question of  
3 whether to reconfirm the member at least one hundred twenty days  
4 prior to the expiration of the member's immediately preceding  
5 term; provided that if the senate has not taken final action to  
6 reconfirm the member by the one hundred twenty-day deadline, the  
7 member shall continue to serve until the senate takes final  
8 action on the reconfirmation.

9 (c) The term of the student representative shall be one  
10 year. The student representative may be selected for one  
11 additional consecutive term; provided that the student  
12 representative shall be a student at the time of selection and  
13 shall be a student for the majority of that term.

14 (d) Every member may serve beyond the expiration date of  
15 the member's term of appointment until the member's successor  
16 has been appointed by the governor and confirmed by the senate  
17 in accordance with sections 302A-121, 302A-126, and 302A-127.

18 (e) Subsections (b) and (d) shall not apply to ex officio  
19 members, whose term on the board shall run with the member's  
20 term in office. If there is any vacancy on the board as a



1 result of an ex officio member leaving office, then that vacancy  
2 shall remain until there is a new officeholder."

3 SECTION 4. Section 302A-126, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 "[~~§~~302A-126~~§~~] Board of education; qualifications;  
6 administration priorities. (a) Upon the nomination of any  
7 board member, the governor shall provide written documentation  
8 articulating the administration's goals and priorities with  
9 respect to the formation of a highly-functioning, well-balanced  
10 board, and describing the nominee's qualifications.

11 (b) Each nominee shall meet the following minimum  
12 qualifications:

13 (1) Record of integrity, civic virtue, and high ethical  
14 standards. Each nominee shall demonstrate integrity,  
15 civic virtue, and high ethical standards and be  
16 willing to hold fellow board members to the same;

17 (2) Availability for constructive engagement. Each  
18 nominee shall commit to being a conscientious and  
19 attentive board member;

20 (3) Knowledge of best practices. Each nominee shall have  
21 an understanding of best practices in educational



governance or shall be willing to be trained in such;  
and

(4) Commitment to educational leadership. Each nominee shall have a clear understanding of the board's role in developing and protecting a clear, long-term strategic vision for Hawaii's public schools, and shall understand the need to hold the superintendent of education accountable for making consistent progress toward that vision.

(c) Each nominee shall ideally meet the following recommended qualifications:

(1) Understanding of collective bargaining. Each nominee should demonstrate an understanding of the collective bargaining process and an ability to participate in that process on behalf of the board free from any conflict of interest;

(2) Experience governing complex organizations. Each nominee should possess experience with complex organizations and a proven ability to function productively within them;



(3) Collaborative leadership ability. Each nominee should have substantial leadership experience that ideally illustrates the nominee's ability to function among diverse colleagues as an effective team member, with the ability to articulate, understand, and help shape consensus surrounding board policies; and

(4) Commitment to education. Each nominee's record should demonstrate a deep and abiding interest in education and a dedication to the social, academic, and character development of young people.

(d) Subsections (b) and (c) shall not apply to ex officio members."

SECTION 5. Section 302A-127, Hawaii Revised Statutes, is amended to read as follows:

"~~[§] §302A-127 [§]~~ **Board of education; senate advice and consent.** In determining whether to confirm the governor's nominees to the board, the senate shall consider the combination of abilities, breadth of experiences, and characteristics of the board, as a whole, that will best serve the diverse interests and needs of the students and their families, the education system in Hawaii from early childhood through higher education,





1 and the public libraries. Such considerations shall include but  
2 not be limited to reflecting the diversity of the student  
3 population, geographical representation, and a broad  
4 representation of education-related stakeholders. This section  
5 shall not apply to any ex officio members."

6 SECTION 6. Notwithstanding any law to the contrary, the  
7 appointed members of the board of education serving on the day  
8 prior to the effective date of this Act shall continue to serve  
9 until the expiration of their terms or until otherwise  
10 discharged from office; provided that the first at-large member  
11 whose term expires or is otherwise discharged from office shall  
12 not be reappointed to an additional term, and the governor shall  
13 nominate the lieutenant governor to serve as an ex officio,  
14 voting member of the board pursuant to section 302A-121, Hawaii  
15 Revised Statutes.

16 Notwithstanding any law to the contrary, the appointed  
17 members of the board of education serving on any date after a  
18 nomination of the lieutenant governor to the board has failed to  
19 obtain the advice and consent of the senate shall continue to  
20 serve until the expiration of their terms or until otherwise  
21 discharged from office; provided that the first at-large member



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1 whose term expires or is otherwise discharged from office shall  
2 not be reappointed to an additional term, and the governor shall  
3 nominate the lieutenant governor to serve as an ex officio,  
4 voting member of the board pursuant to section 302A-121, Hawaii  
5 Revised Statutes.

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

8 SECTION 8. This Act shall take effect on December 3, 2018.  
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INTRODUCED BY:

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**Report Title:**

Board of Education; Lieutenant Governor; Appointment

**Description:**

Amends the composition of the board of education by making the lieutenant governor an ex officio voting member. Requires the governor to nominate the lieutenant governor, subject to the advice and consent of the Senate. Provides for a third at-large member if the lieutenant governor fails to receive the advice and consent of the Senate. Allows any member of the Board of Education except the lieutenant governor to serve as the chairperson. Effective December 3, 2018.

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

