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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 teachers and school  
2 administrators are essential to student success. Yet, the board  
3 of education currently consists of nine voting members, none of  
4 whom are required to be a public school teacher or public school  
5 administrator.

6           The legislature further finds that the board of education  
7 would benefit from the perspective of a public school teacher  
8 representative and public school administrator representative  
9 who can provide insight into the:

- 10           (1) Educational and professional climate in Hawaii's  
11           public schools;
- 12           (2) Impact of education policies on teacher recruitment  
13           and retention; and
- 14           (3) Resources needed to deliver a quality learning  
15           experience to all of Hawaii's children.

16           The legislature additionally finds that the coronavirus  
17 disease 2019 pandemic (COVID-19) has significantly disrupted



1 Hawaii's public education system, forcing schools to adapt their  
2 operations to protect public health. School communities were  
3 required to adopt new protocols to deliver instructional  
4 content, including comprehensive distance learning programs.  
5 Board of education members and school administrators were also  
6 responsible for using medical information to make decisions  
7 about school safety, such as when school campuses could safely  
8 reopen and welcome the return of faculty and students. Board of  
9 education deliberations about protocols and service delivery  
10 systems developed in response to COVID-19 would have benefited  
11 from the experience of a public school teacher representative  
12 and public school administrator representative, given that  
13 teachers spearhead classes and directly interact with students  
14 and parents.

15 The purpose of this Act is to require the board of  
16 education to invite the exclusive representative for:

- 17 (1) Bargaining unit (5) to appoint a nonvoting public  
18 school teacher representative to the board; and  
19 (2) Bargaining unit (6) to appoint a nonvoting public  
20 school administrator representative to the board.



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

3 "[+]§302A-121[+] Board of education; members; student  
4 [and], military, teacher, and administrator representatives.

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

- 6 (1) One member from the county of Hawaii;
- 7 (2) One member from the county of Maui;
- 8 (3) One member from the county of Kauai;
- 9 (4) Three members from the city and county of Honolulu;

10 and

- 11 (5) Three at-large members; provided that the governor  
12 shall select an at-large member as the chairperson.

13 The members shall be appointed by the governor, with the advice  
14 and consent of the senate. The governor may remove or suspend  
15 for cause any member of the board.

16 (b) Pursuant to article XVIII, section 12, of the Hawaii  
17 State Constitution, the period of transition from the elected to  
18 the appointed board shall be as determined in section 21 of Act  
19 5, Session Laws of Hawaii 2011.

20 (c) The members of the board shall serve without pay but  
21 shall be entitled to reimbursement for necessary expenses,



1 including travel and board and lodging expenses, while attending  
2 meetings of the board or when actually engaged in business  
3 relating to the work of the board.

4 (d) Pursuant to section 302A-447, the state student  
5 council shall select a nonvoting public high school student  
6 representative to the board.

7 (e) Pursuant to section 302A-1101(c), the board shall  
8 invite the senior military commander in Hawaii to appoint a  
9 nonvoting military representative to the board.

10 (f) The board shall invite the exclusive representative  
11 for:

12 (1) Bargaining unit (5) to appoint a nonvoting public  
13 school teacher representative to the board; and

14 (2) Bargaining unit (6) to appoint a nonvoting public  
15 school administrator representative to the board;

16 provided that the public school teacher representative or public  
17 school administrator representative shall recuse oneself from  
18 the board when necessary to avoid potential conflicts of  
19 interest and access to confidential information that may  
20 unfairly impact collective bargaining negotiations for their



1 respective bargaining units, as determined by the voting members  
2 of the board."

3 SECTION 3. Statutory material to be repealed is bracketed  
4 and stricken. New statutory material is underscored.

5 SECTION 4. This Act shall take effect on July 1, 3000.



**Report Title:**

Board of Education; Public School Teacher Representative; Public School Administrator Representative

**Description:**

Requires the board of education to invite the exclusive representative for bargaining unit (5) (teachers and other personnel of the department of education) to appoint a nonvoting public school teacher representative to the board and the exclusive representative for bargaining unit (6) (educational officers) to appoint a nonvoting public school administrator representative to the board. Establishes a recusal process for these representatives. Effective 7/1/3000. (HD2)

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

