

JAN 24 2024

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# A BILL FOR AN ACT

RELATING TO OVERSIGHT OF EDUCATION.

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

1                                   PART I - BOARD OF EDUCATION

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

4           1. By amending subsection (a) to read:

5           "(a) The board shall consist of [~~nine~~] twelve members as  
6 follows:

7           (1) One member from the county of Hawaii;

8           (2) One member from the county of Maui;

9           (3) One member from the county of Kauai;

10          (4) Three members from the city and county of Honolulu;

11           ~~and~~

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

14           and

15          (6) The director of business, economic development, and

16           tourism; the director of labor and industrial

17           relations; and the president of the university of



1           Hawaii, or their designated representatives, who shall  
2           serve as ex officio, voting members.

3 The members in paragraphs (1) to (5) shall be appointed by the  
4 governor, with the advice and consent of the senate. The  
5 governor may remove or suspend for cause any member of the  
6 board."

7           2. By amending subsection (c) to read:

8           "(c) The members of the board in subsection (a) (1) to (5)  
9 shall serve without pay but shall be entitled to reimbursement  
10 for necessary expenses, including travel and board and lodging  
11 expenses, while attending meetings of the board or when actually  
12 engaged in business relating to the work of the board."

13           SECTION 2. Section 302A-124, Hawaii Revised Statutes, is  
14 amended by amending subsections (a) and (b) to read as follows:

15           "(a) The governor shall select a chairperson of the board;  
16 provided that the chairperson shall be selected from among the  
17 at-large members. The board shall select a vice chairperson  
18 from among its members[7] under section 302A-121(a) (1) to (5),  
19 and the vice chairperson shall serve as interim chairperson in  
20 the event the chairperson's seat becomes vacant.



1 (b) A majority of all the voting members to which the  
2 board is entitled shall constitute a quorum to conduct business.  
3 At any time the board has fewer than [~~five~~] six voting members,  
4 three voting members of the board shall constitute a quorum to  
5 conduct business and the concurrence of at least three voting  
6 members shall be necessary to make any action of the board  
7 valid."

8 SECTION 3. Section 302A-125, Hawaii Revised Statutes, is  
9 amended by amending subsections (a) and (b) to read as follows:

10 "(a) The governor shall notify the senate in writing  
11 within ten days of:

12 (1) Removing a member of the board; or

13 (2) Receiving notification that a member of the board is  
14 resigning or has died;

15 provided that any vacancy shall be filled [~~by appointment by the~~  
16 ~~governor, with the advice and consent of the senate, in~~  
17 ~~accordance with sections 302A-121, 302A-122, 302A-123, 302A-126,~~  
18 ~~and 302A-127.] in the same manner as the original appointment.~~

19 (b) Where the chairperson position becomes vacant, the  
20 governor may nominate a sitting at-large member of the board to  
21 the chairperson position in accordance with subsection (a) and



1 shall fill any resulting vacancy in accordance with subsection  
2 (a)."

3 SECTION 4. Section 302A-126, Hawaii Revised Statutes, is  
4 amended by amending subsection (a) to read as follows:

5 "(a) Upon the nomination of any board member~~[7]~~ under  
6 section 302A-121(a)(1) to (5), the governor shall provide  
7 written documentation articulating the administration's goals  
8 and priorities with respect to the formation of a highly-  
9 functioning, well-balanced board, and describing the nominee's  
10 qualifications."

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

13 "[+]§302A-127[+] **Board of education; senate advice and**  
14 **consent.** In determining whether to confirm the governor's  
15 nominees to the board~~[7]~~ under section 302A-121(a)(1) to (5),  
16 the senate shall consider the combination of abilities, breadth  
17 of experiences, and characteristics of the board, as a whole,  
18 that will best serve the diverse interests and needs of the  
19 students and their families, the education system in Hawaii from  
20 early childhood through higher education, and the public  
21 libraries. Such considerations shall include but not be limited



1 to reflecting the diversity of the student population,  
2 geographical representation, and a broad representation of  
3 education-related stakeholders."

4 PART II - BOARD OF REGENTS

5 SECTION 6. Section 26-11, Hawaii Revised Statutes, is  
6 amended by amending subsection (a) to read as follows:

7 "(a) The University of Hawaii shall be headed by an  
8 executive board to be known as the board of regents.

9 The board shall consist of [~~eleven~~] fourteen members. At  
10 least one member shall be a University of Hawaii student at the  
11 time of the initial appointment. [~~The governor shall reduce the~~  
12 ~~terms of those initially appointed to each seat on the board of~~  
13 ~~regents to provide, as far as practicable, for the expiration of~~  
14 ~~three terms each year, provided that the term of the student~~  
15 ~~member shall not be reduced.~~]

16 The members, except for the student member[~~7~~]; director of  
17 business, economic development, and tourism; director of labor  
18 and industrial relations; and the superintendent of education,  
19 or their designated representatives, shall represent and reside  
20 in the specified geographic areas as follows:

21 (1) Two members from the county of Hawaii;



- 1           (2) Two members from the county of Maui;
- 2           (3) One member from the county of Kauai; and
- 3           (4) Five members from the city and county of Honolulu.

4           The director of business, economic development, and  
 5 tourism; the director of labor and industrial relations; and the  
 6 superintendent of education, or their designated  
 7 representatives, shall serve as ex officio, voting members.

8           The board shall have the power, in accordance with the  
 9 Hawaii constitution and with law, to formulate policy and to  
 10 exercise control over the university through its executive  
 11 officer, the president of the university. The board shall have  
 12 exclusive jurisdiction over the internal organization and  
 13 management of the university."

14           SECTION 7. Section 304A-104, Hawaii Revised Statutes, is  
 15 amended by amending subsection (a) to read as follows:

16           "(a) The affairs of the university shall be under the  
 17 general management and control of the board of regents. [~~The~~  
 18 ~~board shall consist of eleven members who~~] Except as otherwise  
 19 provided by law, members shall be appointed by the governor from  
 20 lists of qualified candidates presented to the governor by the  
 21 candidate advisory council, pursuant to section 304A-104.6, and



1 shall be confirmed by the senate; provided that if the list of  
2 qualified candidates includes fewer than three candidates at any  
3 time during the nomination and confirmation process, the  
4 governor may request that the candidate advisory council reopen  
5 recruitment for qualified candidates. Members may be removed by  
6 the governor. Except as otherwise provided by law, state  
7 officers shall be eligible for appointment and membership.

8       The term of each member shall be five years, except as  
9 provided for the initial appointment in section 26-11; provided  
10 that the term of the student member shall be two years. Every  
11 member may serve beyond the expiration date of the member's term  
12 of appointment as a holdover member until the member's successor  
13 has been appointed by the governor and confirmed by the senate  
14 in accordance with article X, section 6 of the Hawaii State  
15 Constitution; provided that, notwithstanding any law to the  
16 contrary, a holdover member shall not serve as a member of the  
17 board beyond the end of the first regular session of the  
18 legislature following the expiration of the member's term.  
19 Members shall serve no more than two consecutive five-year  
20 terms; provided that the members who are initially appointed to  
21 terms of two years or less pursuant to section 26-11(a) may be



1 reappointed to two ensuing five-year terms. If a member is to  
 2 be appointed to a second term of five years, the senate shall  
 3 consider the question of whether to reconfirm the member at  
 4 least one hundred twenty days prior to the conclusion of a  
 5 member's first five-year term; provided that if the senate is  
 6 not in session within one hundred twenty days prior to the  
 7 conclusion of the member's first five-year term, the member  
 8 shall continue to serve until the senate convenes for the next  
 9 regular session or the next special session for which the senate  
 10 is authorized to consider the question of reconfirmation."

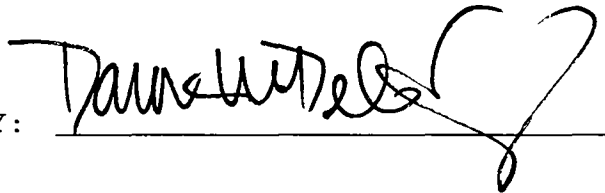
PART III

12 SECTION 8. Statutory material to be repealed is bracketed  
 13 and stricken. New statutory material is underscored.

14 SECTION 9. This Act shall take effect upon its approval.

15

INTRODUCED BY:



A handwritten signature in black ink, appearing to read "Travis H. White", is written over a horizontal line. The signature is stylized and cursive.





# S.B. NO. 3366

**Report Title:**

Boards; DBEDT; DLIR; UH; BOE; BOR; DOE

**Description:**

Adds the Director of Business, Economic Development, and Tourism; Director of Labor and Industrial Relations; and the President of the University of Hawaii to the Board of Education of the Department of Education. Adds the Director of Business, Economic Development, and Tourism; Director of Labor and Industrial Relations; and the Superintendent of Education to the University of Hawaii Board of Regents.

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

