

ACT 24

S.B. NO. 438

A Bill for an Act Relating to Board of Education Meetings.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature recognizes that it is in the public interest to expand public access to governmental processes. At the same time, governmental agencies must be able to reasonably carry out their business and responsibilities in serving the public.

In fulfilling their responsibilities as elected officials, board of education members must adhere to the requirements of chapter 92, Hawaii Revised Statutes, the sunshine law. However, board of education members, who are not salaried and are not on full-time or part-time status, are confined by the stringent six-day public notice requirements.

In their “volunteer capacity”, board of education members find it difficult to meet the deadline-driven demands of the legislative session, which often necessitate that the board of education be able to take positions or other action on legislation and legislation-related matters in a timely manner. It therefore becomes necessary to provide flexibility in the public notice requirements of chapter 92, Hawaii Revised Statutes, to enable board of education members to participate effectively in the legislative process and adhere to the deadlines of the legislative session.

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The purpose of this Act is to authorize the board of education to file any notice that specifies legislation or legislation-related agenda items no fewer than two calendar days before a meeting during the period from the convening of the legislature in regular session to adjournment sine die of each regular session, and during any special session of the legislature.

SECTION 2. Section 302A-1106, Hawaii Revised Statutes, is amended to read as follows:

~~“[§302A-1106] Organization; quorum; meetings. (a)~~ The board shall elect from its own membership a chairperson and a vice-chairperson. A majority of all members to which the board is entitled shall constitute a quorum to do business and the concurrence of a majority of all members to which the board is entitled shall be necessary to make any action of the board valid; provided that due notice shall have been given to all members of the board or a bona fide attempt shall have been made to give due notice to all members of the board to whom it was reasonably practicable to give due notice. Meetings shall be called and held, at the call of the chairperson or by a quorum, as often as may be necessary for the transaction of the department's business.

(b) Chapter 92 notwithstanding, from the convening of the legislature in regular session to adjournment sine die of each regular session, and during each special session of the legislature, the board may file any notice that specifies only legislation or legislation-related agenda items, no fewer than two calendar days before the meeting.”

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

SECTION 4. This Act shall take effect upon its approval.

(Became law on April 29, 2009, without the Governor's signature, pursuant to Art. III, §16, State Constitution.)