

JAN 18 2007

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## A BILL FOR AN ACT

PROPOSING AMENDMENTS TO THE CONSTITUTION OF THE STATE OF HAWAII  
IN ORDER TO CHANGE THE GOVERNANCE, INTERNAL STRUCTURE,  
MANAGEMENT AND OPERATION OF THE PUBLIC SCHOOLS IN HAWAII.

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

- 1           SECTION 1. The purpose of this Act is to propose  
2 amendments to the Constitution of the State of Hawaii in order  
3 to:
- 4           (1) Replace the State's single, fourteen-member board of  
5 education with                   , seven-member boards of  
6 education;
- 7           (2) Require two members of each newly created board of  
8 education to be appointed by the governor and five  
9 members of each newly created board of education to be  
10 elected by the qualified voters of that board  
11 district;
- 12           (3) Give each newly created board of education exclusive  
13 jurisdiction over the internal structure, management  
14 and operation of the public schools within its  
15 boundaries; and



1 (4) Allow the governor to appoint the administrative head  
2 of an office of comptroller and compliance, which  
3 would be responsible for conducting post-audits of the  
4 transactions, accounts, programs and performance of  
5 the newly created boards of education.

6 SECTION 2. Article X, section 2, of the Constitution of  
7 the State of Hawaii is amended to read as follows:

8 " [BOARD] BOARDS OF EDUCATION

9 Section 2. [~~There shall be a board of education composed~~  
10 ~~of members who shall be elected in a nonpartisan manner by~~  
11 ~~qualified voters, as provided by law, from two at large school~~  
12 ~~board districts. The first school board district shall be~~  
13 ~~comprised of the island of Oahu and all other islands not~~  
14 ~~specifically enumerated. The second school board district shall~~  
15 ~~be comprised of the islands of Hawaii, Maui, Lanai, Molokai,~~  
16 ~~Kaoolawe, Kauai and Niihau. Each at large school board~~  
17 ~~district shall be divided into departmental school districts, as~~  
18 ~~may be provided by law. There shall be at least one member~~  
19 ~~residing in each departmental school district. The Hawaii State~~  
20 ~~Student Council shall select a public high school student to~~  
21 ~~serve as a nonvoting member on the board of education.] There  
22 shall be \_\_\_\_\_ boards of education, the boundaries of which~~



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1 shall be established by law. A board of education shall consist  
2 of seven voting members. The qualified voters of that board  
3 district, as provided by law shall elect five members of a board  
4 of education in a nonpartisan manner.

5 Two members of a board of education shall be nominated and,  
6 by and with the advice and consent of the senate, appointed by  
7 the governor in accordance with section 6 of Article V. The  
8 governor shall appoint one member with demonstrated skills,  
9 knowledge and abilities in administration and one member with  
10 demonstrated skills, knowledge and abilities in finance.

11 No person shall be eligible to serve as a voting member of  
12 a board of education unless that person:

- 13 1. Has been a resident of the State for not less than  
14 three years;
- 15 2. Has attained the age of majority; and
- 16 3. Is, prior to being nominated and thereafter continues  
17 to be, a qualified voter of that board district.

18 The governor may appoint a public high school student to  
19 serve as a nonvoting member of a board of education."

20 SECTION 3. Article X, section 3, of the Constitution of  
21 the State of Hawaii is amended to read as follows:

22 "POWER OF [THE] A BOARD OF EDUCATION



1           Section 3. [~~The board of education shall have the power,~~  
2 ~~as provided by law, to formulate statewide educational policy~~  
3 ~~and appoint the superintendent of education as the chief~~  
4 ~~executive officer of the public school system.] Each board of  
5 education shall have the power to formulate policy, and to  
6 exercise control over the public schools within its boundaries  
7 through its executive officer, a superintendent of education,  
8 who shall be appointed by the board.~~

9           Each board of education shall also have exclusive  
10 jurisdiction over the internal structure, management and  
11 operation of the public schools within its boundaries. This  
12 section shall not limit the power of the legislature to enact  
13 laws of statewide concern. The legislature shall have the  
14 exclusive jurisdiction to identify laws of statewide concern.

15           Each board of education and the public schools within its  
16 boundaries is established as an independent public school system  
17 and constitutes a body corporate."

18           There shall be established by law an office of comptroller  
19 and compliance to monitor the boards of education created by  
20 section 2 of Article X. The office of comptroller and  
21 compliance shall be administratively attached to the executive  
22 department responsible for undertaking the preparation and



1 execution of the executive budget of the state government. The  
2 governor shall nominate and, by and with the advice and consent  
3 of the senate, appoint the administrative head of the office of  
4 comptroller and compliance.

5 The office of comptroller and compliance shall conduct  
6 post-audits of the transactions, accounts, programs and  
7 performance of the boards of education created by section 2 of  
8 Article X, certify to the accuracy of all financial statements  
9 issued by the accounting officers of each board and report the  
10 office's findings and recommendations to the governor and to the  
11 legislature at such times as shall be provided by law. The  
12 office of comptroller and compliance shall also make such  
13 additional reports and conduct such other investigations as may  
14 be directed by the legislature."

15 SECTION 4. Article V, section 6, of the Constitution of  
16 the State of Hawaii is amended to read as follows:

17 "EXECUTIVE AND ADMINISTRATIVE OFFICES  
18 AND DEPARTMENTS

19 Section 6. All executive and administrative offices,  
20 departments and instrumentalities of the state government and  
21 their respective powers and duties shall be allocated by law  
22 among and within not more than twenty principal departments in



1 such a manner as to group the same according to common purposes  
2 and related functions. Boards of education shall be deemed to  
3 be executive instrumentalities of the state government but shall  
4 not be allocated among and within these twenty principal  
5 departments. Temporary commissions or agencies for special  
6 purposes may be established by law and need not be allocated  
7 within a principal department.

8 Each principal department shall be under the supervision of  
9 the governor and, unless otherwise provided in this constitution  
10 or by law, shall be headed by a single executive. Such single  
11 executive shall be nominated and, by and with the advice and  
12 consent of the senate, appointed by the governor. That person  
13 shall hold office for a term to expire at the end of the term  
14 for which the governor was elected, unless sooner removed by the  
15 governor; except that the removal of the chief legal officer of  
16 the State shall be subject to the advice and consent of the  
17 senate.

18 Except as otherwise provided in this constitution, whenever  
19 a board, commission or other body shall be the head of a  
20 principal department of the state government, the members  
21 thereof shall be nominated and, by and with the advice and  
22 consent of the senate, appointed by the governor. The term of



1 office and removal of such members shall be as provided by law.  
2 Such board, commission or other body may appoint a principal  
3 executive officer who, when authorized by law, may be an ex  
4 officio, voting member thereof, and who may be removed by a  
5 majority vote of the members appointed by the governor.

6 The governor shall nominate and, by and with the advice and  
7 consent of the senate, appoint all officers for whose election  
8 or appointment provision is not otherwise provided for by this  
9 constitution or by law. If the manner or removal of an officer  
10 is not prescribed in this constitution, removal shall be as  
11 provided by law.

12 When the senate is not in session and a vacancy occurs in  
13 any office, appointment to which requires the confirmation of  
14 the senate, the governor may fill the office by granting a  
15 commission which shall expire, unless such appointment is  
16 confirmed, at the end of the next session of the senate. The  
17 person so appointed shall not be eligible for another interim  
18 appointment to such office if the appointment failed to be  
19 confirmed by the senate.

20 No person who has been nominated for appointment to any  
21 office and whose appointment has not received the consent of the



1 senate shall be eligible to an interim appointment thereafter to  
2 such office.

3 Every officer appointed under the provisions of this  
4 section shall be a citizen of the United States and shall have  
5 been a resident of this State for at least one year immediately  
6 preceding that person's appointment, except that this residency  
7 requirement shall not apply to the president of the University  
8 of Hawaii."

9 SECTION 5. The question to be printed on the ballot shall  
10 be as follows:

11 "Shall:

12 (1) The State's single, fourteen-member board of education  
13 be replaced with , seven-member boards of  
14 education;

15 (2) The governor appoint two members of each newly created  
16 board of education and five members of each newly  
17 created board of education be elected by the qualified  
18 voters of that board district;

19 (3) Each newly created board of education have exclusive  
20 jurisdiction over the internal structure, management  
21 and operation of the public schools within its  
22 boundaries; and





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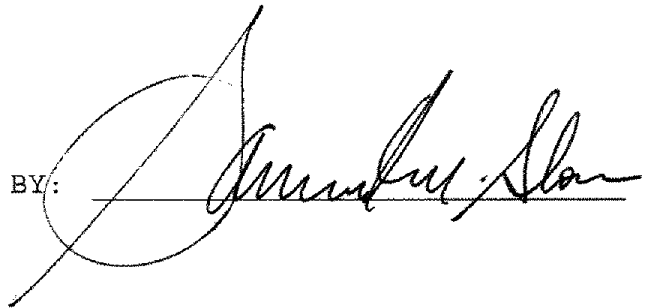
1           (4)    The governor appoint the administrative head of an  
2                    office of comptroller and compliance, which would be  
3                    responsible for conducting post-audits of the  
4                    transactions, accounts, programs and performance of  
5                    the newly created boards of education?"

6           SECTION 6.   Constitutional material to be repealed is  
7   bracketed and stricken.   New constitutional material is  
8   underscored.

9           SECTION 7.   Upon compliance with article XVII, section 3,  
10   of the Constitution of the State of Hawaii, this amendment shall  
11   take effect on July 1, 2010.

12

INTRODUCED BY: \_\_\_\_\_

A handwritten signature in black ink, written over a horizontal line. The signature is cursive and appears to read "Member Stan".

**Report Title:**

Constitutional Amendment; Public Schools; Governance

**Description:**

Proposes amendments to the state constitution in order to change the governance, internal structure, management, and operation of public schools in Hawaii. Replaces the State's single, elected board of education with elected/appointed boards of education.

