

**BY-LAWS OF THE  
HAWAI'I STATE BOARD OF EDUCATION**

ARTICLE I

**PREAMBLE**

Section 1.1 The Constitution of the State of Hawai'i provides that the State shall establish, support and control a statewide system of public schools and libraries, free from sectarian control and discrimination.

ARTICLE II

**BOARD MEMBERS**

Section 2.1 The Board consists of nine voting members appointed by the Governor, with the advice and consent of the Senate, in accordance with Article X, Section 2, of the Hawai'i State Constitution and Chapter 302A, Hawai'i Revised Statutes, each of whose term shall be three years, except as provided for in the initial appointment.

Section 2.2 The members of the Board shall serve without pay, but shall be entitled to reimbursement for necessary expenses, including travel and lodging expenses, while attending meetings of the Board or when actually engaged in business relating to the work of the Board.

Section 2.3 There shall be a student member and a military representative as provided by law.

ARTICLE III

**OFFICERS AND TERM OF OFFICE**

Section 3.1 The officers of the Board shall be the Chairperson and Vice Chairperson.

Section 3.2 The governor shall select the Chairperson as provided by law.

Section 3.3 The Vice Chairperson shall be elected from among and by the Board membership and shall serve as interim chairperson in the event the chairperson's seat becomes vacant. A vacancy in the office of Vice Chairperson shall be filled by the Board at the next regular or special meeting of the Board.

Section 3.4 The term of Chairperson shall be set by the Governor. The term of Vice Chairperson shall be for one (1) year, commencing immediately following the election, except that the term of the first Vice Chairperson elected shall expire on June 30, 2012.

## ARTICLE IV

### DUTIES OF OFFICERS AND BOARD MEMBERS

Section 4.1 Chairperson. The Board Chairperson shall call meetings of the Board and shall preside at all meetings of the full Board. The Board Chairperson shall delegate assignments and duties to other Board members, manage all matters of the Board, and perform such other duties as are incident to the office or are required by the Board or by law.

Section 4.2 Vice Chairperson. In the absence or unavailability of the Chairperson, the Vice Chairperson shall perform all of the duties of the Chairperson, and when so acting shall have all the powers of and be subject to all the restrictions upon the Chairperson. The Vice Chairperson shall assist the Chairperson as the Chairperson deems necessary and shall have such powers and perform such other duties as from time to time may be prescribed by the Chairperson or the Board.

Section 4.3 Board Members. Board members shall fulfill duties and responsibilities as provided by law and delegated by the Board Chairperson and shall comply with the Code of Conduct attached hereto as Attachment A and with Conflicts of Interest provisions provided by law.

Section 4.4 Committee Chairpersons. Committee Chairpersons shall adhere to and enforce their respective committee charters, report activities and decisions of their respective committees to the full Board, and inform the Board Chairperson when items need to be placed on the agenda for the Board general business meeting or special meeting.

## ARTICLE V

### COMMITTEES

Section 5.1 Standing Committees. The Board shall have three standing committees: Finance and Infrastructure, Student Achievement, and Human Resources.

Section 5.2 Scope, Authority and Mission. The scope of authority and mission of each of the Board's standing committees shall be memorialized in a committee charter. Each charter shall be recommended for approval to the full Board by the chairperson of the respective committee.

Section 5.3 Standing Committee Members and Officers. Each Standing Committee shall have a Committee Chairperson and a Committee Vice Chairperson who shall be elected from among and by the Board membership. The Board shall vote on the appointment of Standing Committee members. All Board members not appointed to a Standing Committee shall be an *ex-officio* member of that Standing Committee. Board members participating *ex-officio* may engage in discussion and deliberation at the Standing Committee, but shall not have and other rights or privileges, including the right to make motions or vote; they shall not be counted for quorum purposes.

Section 5.4 Advisors/Consultants to Committees. Each committee may consult with or be advised by non-BOE members, as determined appropriate by the Committee Chairperson.

Section 5.5 Ad Hoc Committees. The Board Chairperson may, as circumstances warrant, authorize the creation of an ad hoc committee for a discrete and specific purpose of interest to the Board and shall appoint all members and officers of such ad hoc committee(s). The Board shall approve the charge of any ad hoc committee. Such committee may be created for a definite time period or until its specific function has been completed, but shall not exist longer than one year from the date of authorization unless specifically authorized by its charge.

Section 5.6 Investigative Committees. The Board, as provided by law, may designate two or more Board members, but less than the number of members that would constitute a quorum of the Board, to investigate matters concerning Board business. The Board members designated by the Board are required to report their resulting findings and recommendations to the entire Board at a properly noticed meeting.

Section 5.7 Committee Reports. Committees may submit written reports in advance of any regular meeting in lieu of an oral report unless the report contains action items.

## ARTICLE VI

### MEETINGS OF THE BOARD

Section 6.1 General Business Meetings. The Board shall meet at least once regularly on the first or third Thursday of each month, as determined by the Board Chairperson. Any Board general business meeting date, time, or location may be changed or canceled by the Board Chairperson, subject to statutory notice requirements.

Section 6.2 Special Meetings. The Board Chairperson may call a special meeting of the Board at any time, subject to statutory notice requirements.

Section 6.3 Committee Meetings. All committees shall meet at the discretion of the Committee Chairperson, provided that all regularly scheduled standing committee meetings shall be held on the same day on the first or third Thursday of the month and may be held in conjunction with general business meetings. The Committee Chairperson may change or cancel any committee meeting date, time, or location, subject to statutory notice requirements.

Section 6.4 Community Meetings and Notice. The Board shall hold not less than six community meetings annually which shall include one community meeting in each county in addition to regular meetings to discuss and receive input from the community on public education and public library issues. The Board Chairperson shall designate Board members to attend the community meetings. These community meetings shall not be held for the purpose of formulating educational policy. As provided by law, the community meetings shall be exempt from sections 91-2.5, 92-7, 92-9, and 92-41, Hawai'i Revised Statutes; provided that the Board shall give written public notice of each community meeting indicating the date, time, and place of the meeting, and such notice shall be filed in the Office of the Lieutenant Governor and in the Board's office for public inspection six calendar days before the meeting. The notice shall also be posted at the site of the meeting.

Section 6.5 Meeting Agenda. The Agenda shall be promulgated by the Board Chairperson, with input from the Superintendent, State Librarian, Committee Chairpersons, and Board members, and shall docket items in the order received, provided that Board member recommendations are placed on an agenda for Board review within ninety (90) days of written request and Committee recommendations are placed on an agenda for Board review within ninety (90) days of Committee approval. All meetings of the Board and its committees shall be held in accordance with the law.

Section 6.6 Executive Session. An affirmative vote, taken at an open meeting, of two-thirds of the total membership of the Board shall be required to convene an executive session; provided that the affirmative vote constitutes a majority of the members to which the Board is entitled. A meeting closed to the public may be convened only as provided by law.

Section 6.7 Quorum and Voting. A majority of all the voting members to which the Board is entitled shall constitute a quorum to conduct business. At any time the Board has fewer than five voting members, three voting members of the Board shall constitute a quorum to conduct business and the concurrence of at least three voting members shall be necessary to make any action of the Board valid.

## ARTICLE VII

### **PUBLIC TESTIMONY AND SUBMISSION OF DATA, VIEWS OR ARGUMENTS**

Section 7.1 Submission of Data, Views, or Arguments. Any interested person may submit data, views, or arguments in writing to the Board on any agenda item. Said written submittals shall be considered by Board members before taking action on any agenda item. Written comments are strongly encouraged.

Section 7.2 Public Testimony. All interested persons shall be provided an opportunity to present testimony on any agenda item. An individual or representative wishing to testify should register prior to the meeting. Testimony must be related to an item that is on the agenda and such person shall be required to identify the agenda item to be addressed by the testimony. Each individual or representative of an organization is allotted four minutes, or an amount of time otherwise designated by the Chairperson, to provide testimony to the Board.

Section 7.3 Communication from the Public. Any member of the public or any organization may submit written communication to the Executive Director of the Board on any matter involving public education or the public library system. The communication shall be filed with the Board of Education and all members of the Board shall be advised of the communication.

## ARTICLE VIII

### **AMENDMENTS TO BYLAWS**

Section 8.1 Notice Regarding Proposed Amendments. These bylaws can be amended at any General Business or Special Meeting provided that previous written notice was given to all Board members, including the specific language for the proposed amendment, and the matter was properly placed on the Board's agenda.

Section 8.2 Approval of Amendments. Any amendment to the Board's bylaws requires the approval of two-thirds of the total membership of the Board.

## ARTICLE IX

### LEGAL COUNSEL

Section 9.1 Advice. An Officer or Committee Chairperson may seek informal, verbal advice from the Board's assigned Deputy Attorney General as the Officer or Committee Chairperson deems necessary. The Committee Chairperson may request that the Board Chairperson seek formal written advice or opinion from the Attorney General. The Board Chairperson may seek formal written advice or opinion from the Attorney General.

Section 9.2 Written Opinion. Whenever a formal legal opinion is issued by the Attorney General or a Deputy Attorney General, such opinion and request shall be distributed to all members of the Board.

## ARTICLE X

### PARLIAMENTARY AUTHORITY

Section 10.1 The rules contained in *Robert's Rules of Order*, newly revised, shall govern meetings where they are not in conflict with the law, these bylaws, or other rules of the Board. In making a ruling or interpretation of the rules, the order of determination shall be 1) the law, 2) these bylaws, 3) Board policy, and 4) *Robert's Rules of Order*, newly revised.

Approved: 04/26/2011

Amended: 05/17/2011, 12/02/2014, 01/20/2015, 12/01/2015, 07/18/2017 (eff. 01/01/2018), 11/21/2017, 07/18/2019

## Attachment A

### Hawaii State Board of Education Code of Conduct

The members of the Hawaii State Board of Education pledge themselves, as self-directed and responsible persons, to abide with standards of conduct. As citizens of Hawaii, they will be guided by the spirit of ALOHA:

<b>A</b>	<b><i>Akahai</i></b>	-	kindness, to be expressed with tenderness
<b>L</b>	<b><i>Lokahi</i></b>	-	unity, to be expressed with harmony
<b>O</b>	<b><i>'Olu'olu</i></b>	-	agreeable, to be expressed with pleasantness
<b>H</b>	<b><i>Ha'aha'a</i></b>	-	humility, to be expressed with modesty
<b>A</b>	<b><i>Ahonui</i></b>	-	patience, to be expressed with perseverance

Board members will also:

1. Treat all individuals fairly, with respect and courtesy;
2. Maintain the proper decorum of Board and committee meetings;
3. Seek and encourage active participation by the public in the processes prescribed by the Board;
4. Uphold the laws, by-laws, rules, and policies relating to the operations of the Board, the Department of Education, and the Hawaii State Public Library System;
5. Attend all Board and committee meetings promptly; remain in attendance for the duration of the meeting; and/or inform the Board or committee chairperson if late arrival or early departure is necessary;
6. Review all materials essential for full participation and informed decision-making at Board or committee meetings;
7. Avoid being placed in a position of conflict of interest and refrain from using a member's board position for personal gain;
8. Remain nonpartisan all official Board actions;
9. Abide by the decisions of the Board regardless of how individual members voted, and making clear that when a differing opinion is expressed, that it is an individual opinion and not the opinion of the Board as a whole;

10. Respect other Board members' rights and opinions and express differing points of view using appropriate language at all Board and committee meetings: and
11. Abide by the Board policies regarding the use of tobacco, alcohol and drugs.

Approved: 02/17/00

Amended: 08/18/05