

**BYLAWS OF THE
HAWAII STATE BOARD OF EDUCATION**

ARTICLE I

PREAMBLE

Section 1.1. Article X, Section 1, of 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 AND REPRESENTATIVES

Section 2.1. Appointment and Terms. The Hawai'i State Board of Education (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 Constitution of the State of Hawaii and chapter 302A, Hawaii Revised Statutes (HRS), each of whose terms shall be three years.

Section 2.2. Expenses. The members of the Board shall serve without pay, but shall be entitled to reimbursement for necessary expenses while attending meetings of the Board or when actually engaged in business relating to the work of the Board, as provided by section 302A-121, HRS.

Section 2.3. Board Representatives. There shall be a student representative and a military representative as provided by sections 302A-121, 302A-447, and 302A-1101, HRS. The student representative and military representative are not members of the Board, but they may engage in discussion and deliberation at General Business Meetings, Special Meetings, and Standing Committee meetings. The student representative and military representative shall not have other rights or privileges, including the right to make motions or vote, nor shall they be counted for quorum purposes or be entitled to be present in executive sessions of the Board unless necessary for the purpose of the executive session.

ARTICLE III

OFFICERS AND TERM OF OFFICE

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

Section 3.2. Chairperson Selection. The Governor shall select the Chairperson as provided by section 302A-124, HRS.

Section 3.3. Vice Chairperson Appointment. The Vice Chairperson shall be appointed from among and by the Board membership through a vote of the Board, and shall serve as interim chairperson in the event of a vacancy in the office of the Chairperson. A vacancy in the

office of Vice Chairperson shall be filled by the Board at the next General Business Meeting or Special Meeting of the Board.

Section 3.4. Terms. The term of the Chairperson shall be set by the Governor. The term of the Vice Chairperson shall be for one year, commencing immediately following appointment, or until their successor is appointed or their earlier resignation or removal.

ARTICLE IV

DUTIES OF OFFICERS AND BOARD MEMBERS

Section 4.1. Chairperson. The Chairperson shall call meetings of the Board and shall preside at all meetings of the full Board. The Chairperson shall delegate assignments and duties to other Board members, including designating representatives of the Board for collective bargaining purposes and for representation in various entities as necessary, provided the Board is notified of such action; manage all matters of the Board consistent with these bylaws and other policies of the Board; sign, on behalf of the Board, any documentation that requires a signature following Board approval; 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 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 Chairperson, and shall comply with the Code of Conduct attached hereto and with the State Ethics Code, as applicable, provided by chapter 84, HRS.

Section 4.4. Libraries Liaison. The Chairperson shall designate a Libraries Liaison from among the membership of the Board, and notify the Board of such action. The Libraries Liaison shall be the main point of contact between the Board and State Librarian regarding matters relevant to the public libraries and the Board, and shall inform the Chairperson when a matter related to public libraries requiring the Board's attention, deliberation, or action arises.

Section 4.5. Charter Schools Liaison. The Chairperson shall designate a Charter Schools Liaison from among the membership of the Board, and notify the Board of such action. The Charter Schools Liaison shall be the main point of contact between the Board and State Public Charter School Commission regarding matters relevant to the charter schools and the Board, and shall inform the Chairperson when a matter related to charter schools requiring the Board's attention, deliberation, or action arises.

ARTICLE V

COMMITTEES

Section 5.1. Standing Committees. The Board shall have four Standing Committees: Student Achievement, Finance and Infrastructure, Human Resources, and Audit. Each Standing Committee shall be responsible for assisting the Board in fulfilling its policy-making, support, and oversight responsibilities, including conducting reviews, receiving reports, and providing direction to the Hawai'i State Department of Education (Department). Each Standing Committee shall make recommendations to the Board and perform tasks delegated by the Board. The scope of each Standing Committee shall be related to:

1. The educational program of the Department and student achievement, for the Student Achievement Committee;
2. The financial operations and financial condition of the Department; facilities and physical infrastructure; and other Department support services, including food service, student transportation, and safety, security, and emergency preparedness; for the Finance and Infrastructure Committee;
3. Labor relations, personnel, compensation, staff development, and other human resources matters, for the Human Resources Committee; and
4. Accounting and financial reporting processes; compliance with legal and regulatory requirements; and systems of internal controls over financial reporting and compliance with the adopted codes of conduct and ethical standards, including regular review and approval of internal audit plans; for the Audit Committee.

Section 5.2. Standing Committee Officers. Each Standing Committee shall have a Committee Chairperson and Committee Vice Chairperson who shall be appointed from among and by the Board membership through a vote of the Board. The officers of each Standing Committee shall serve one-year terms, or until their successors are appointed or their earlier resignation or removal. A vacancy in an officer position shall be filled by the Board at its next General Business Meeting or Special Meeting.

Section 5.3. Standing Committee Members. Each Standing Committee shall have no fewer than three members from among 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 a nonvoting, ex-officio member of that Standing Committee. Board members participating ex-officio may engage in discussion and deliberation at the Standing Committee meeting, but shall not have any other rights or privileges, including the right to make motions or vote, nor shall they be counted for quorum purposes.

Section 5.4. Committee Chairpersons. Committee Chairpersons shall adhere to the scope of their respective Standing Committees, report activities and decisions of their respective committees to the full Board, and inform the Chairperson when items need to be placed on the agenda for a General Business Meeting or Special Meeting.

Section 5.5. Committee Vice Chairpersons. In the absence or unavailability of a Committee Chairperson, the respective Committee Vice Chairperson shall perform all the duties of the Committee Chairperson, and when so acting shall have all the powers of and be subject to all the restrictions upon the Committee Chairperson. Committee Vice Chairpersons shall assist their respective Committee Chairperson as the Committee Chairperson deems necessary.

Section 5.6. Advisors/Consultants to Committees. Each committee may consult with or be advised by non-Board members, as determined appropriate by the Committee Chairperson.

Section 5.7. Ad Hoc Committees. The Board 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, including a Committee Chairperson, of that Ad Hoc Committee. The Board shall approve the charge of any Ad Hoc Committee. An Ad Hoc 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 5.8. Investigative Committees. The Board may, as circumstances warrant, authorize the creation of an Investigative Committee to investigate matters concerning Board business as provided by section 92-2.5(b)(1), HRS. The Board shall appoint a Committee Chairperson and define the scope of the Investigative Committee.

Section 5.9. Committee Reports. Standing Committees shall promptly inform the Board of the actions taken or issues discussed at their meetings. Standing Committees may submit written reports in advance of any regular meeting in lieu of an oral report, provided that the Committee Chairperson shall orally provide any recommendation from the Standing Committee for Board action.

ARTICLE VI

MEETINGS OF THE BOARD

Section 6.1. General Business Meetings. The Board shall meet regularly, as determined by the Chairperson. Any General Business Meeting date, time, or location may be changed or canceled by the Chairperson, subject to section 92-7, HRS.

Section 6.2. Special Meetings. The Chairperson may call a Special Meeting of the Board at any time, subject to section 92-7, HRS.

Section 6.3. Standing Committee Meetings. All Standing Committees shall meet at the discretion of the Committee Chairperson, provided that Committee Chairpersons shall endeavor to hold regular Standing Committee meetings in conjunction with other Standing Committee meetings and/or General Business Meetings. The Committee Chairperson may change or cancel any Standing Committee meeting date, time, or location, subject to section 92-7, HRS.

Section 6.4. Community Meetings. The Board shall hold no fewer 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 Chairperson shall designate Board members to attend the community meetings. These community meetings shall not be held for the purpose of formulating educational policy and shall be held in accordance with section 302A-1106.5, HRS.

Section 6.5. Board Business. When a matter requiring the Board's attention, deliberation, or action arises, the Chairperson shall refer the matter to the Standing Committee(s) with the area of responsibility that most closely relates to the subject matter, for placement on a Standing Committee meeting agenda. The Chairperson shall docket matters requested by Board

members for placement on a meeting agenda in the order received and shall refer any such matter to the appropriate Standing Committee(s) beginning with the next scheduled meeting of the committee after receiving a written request. The Chairperson may refer matters requested by the Superintendent of Education, State Librarian, or members of the public to the appropriate Standing Committee(s).

Section 6.6. Meeting Agendas. The agendas for General Business Meetings and Special Meetings shall be promulgated by the Chairperson with input from the Committee Chairpersons, provided that Standing Committee recommendations are placed on an agenda for Board review within 90 days of committee approval. The Chairperson shall not place a matter on a General Business Meeting or Special Meeting agenda that the Chairperson has referred to a Standing Committee unless the respective Committee Chairperson waives jurisdiction over the matter. The Committee Chairpersons shall promulgate the agendas for their respective Standing Committee meetings. All meetings of the Board and its committees shall be held in accordance with chapter 92, part I, HRS.

Section 6.7. 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 during a General Business Meeting or Special Meeting; provided that the affirmative vote constitutes a majority of the members to which the Board is entitled. An affirmative vote, taken at an open meeting, of two-thirds of the total membership of a Standing Committee shall be required to convene an executive session during a Standing Committee meeting. A meeting closed to the public may be convened only as provided by sections 92-4 and 92-5, HRS.

Section 6.8. Quorum and Voting. A majority of all the members to which the Board is entitled shall constitute a quorum to conduct business of the Board. The concurrence of a majority of all the voting members to which the Board is entitled shall be necessary to make any act of the Board valid, pursuant to section 8-1-3, Hawaii Administrative Rules. A majority of all the voting members to which a committee of the Board is entitled shall constitute a quorum to conduct business of the committee. The concurrence of a simple majority of voting committee members present shall be necessary to make any action of the committee valid.

ARTICLE VII

PUBLIC TESTIMONY AND SUBMISSION OF DATA, VIEWS, OR ARGUMENTS

Section 7.1. Submission of Data, Views, or Arguments. The Board and its applicable committees shall accept data, views, and arguments submitted in writing to the Board on any agenda item by any interested person, pursuant to section 92-3, HRS. Board members shall consider such written submittals before taking action on any agenda item.

Section 7.2. Public Testimony. The Board and its applicable committees shall provide to all interested persons an opportunity to present testimony on any item on the agenda for a meeting of the Board or its applicable committees. The Chairperson or Committee Chairperson, as applicable, shall maintain a list of interested persons who have registered to present testimony, but shall not require the use of an interested person's legal name when registering. The Chairperson or Committee Chairperson, as applicable, shall designate, prior to accepting testimony, the allotted time for testimony per person per agenda item and shall not change the

allotted time once set. The Chairperson or Committee Chairperson, as applicable, may request interested persons to identify the agenda item(s) on which they are presenting testimony.

Section 7.3. Communication from the Public. The Executive Director of the Board shall file written communication received from any member of the public or any organization on any matter involving public education or the public library system with the Board of Education and shall advise all Board members of the communication.

ARTICLE VIII

AMENDMENTS TO BYLAWS

Section 8.1. Notice Regarding Proposed Amendments. These bylaws can be amended at any General Business Meeting 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. A Board officer or Committee Chairperson may seek informal verbal or written 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 to the Board, such opinion and request shall be distributed to all members of the Board.

Section 9.3. Legal Proceedings. The Chairperson or another Board member designated by the Chairperson may, on behalf of the Board, work with the appropriate deputy attorneys general on responses to discovery requests and depositions for lawsuits in which the Board is a party and may sign, approve, and issue responses on behalf of the Board to such discovery requests and depositions. Any settlement offers or agreements to which the Board is a party must be approved by the Board.

ARTICLE X

OTHER AUTHORITY

Section 10.1. The Board shall have the authority to retain independent consultants, lawyers, or other advisors as it deems appropriate, at the expense of the Department so long as the expense is approved by the Board.

ARTICLE XI

PARLIAMENTARY PROCEDURE

Section 11.1. 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.

Section 11.2. The Chairperson or Committee Chairperson, for their respective meetings, may defer agenda items, limit discussion, call a recess, or adjourn the meeting at any point during a meeting, as needed.

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