
A BILL FOR AN ACT

RELATING TO EDUCATION.

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

1 SECTION 1. **Findings and purpose.** The legislature finds
2 that with in-migration and the graying of our population, among
3 other things, the demographics of the state are evolving. Over
4 the past twenty-five years, the statewide population has
5 increasingly shifted from the urban core to the suburbs,
6 especially on Oahu, where the population center has steadily
7 moved to the western side of the island. Meanwhile, some of the
8 areas in the state with the fastest growing populations are
9 Kihei, Maui, and west Hawaii. These shifts in demographics have
10 overburdened public school facilities in growing areas and left
11 some public school facilities in other areas underutilized.
12 Thus, the legislature believes there is a need to revitalize
13 school facilities statewide, including building or expanding
14 schools in certain areas, and consolidating or closing schools
15 in other areas.

16 However, the legislature finds that despite broad-based
17 public recognition of Hawaii's changing demographics, there is
18 often little public support for changes that affect specific



1 constituencies. In particular, this is true of proposals to
2 close or consolidate public schools to maximize resources.

3 The legislature recognizes the difficulties, political and
4 otherwise, inherent in these decisions. But in the face of
5 increasing educational priorities, the legislature believes that
6 just as the construction or expansion of some schools is
7 important, the consolidation or closure of other schools is also
8 necessary. It is important that any actions to do so, be taken
9 through a very objective and transparent process that benefits
10 the most public school students and their families.

11 The purpose of this Act is to revitalize school facilities
12 statewide and to more effectively and efficiently use our
13 taxpayers' investment in public education. Specifically, this
14 Act provides for the timely construction, expansion,
15 consolidation, or closure of public schools in Hawaii through an
16 objective and transparent process that:

17 (1) Includes the establishment of a facilities alignment
18 commission that shall:

19 (A) Establish criteria for the selection of public
20 schools to be constructed, expanded,
21 consolidated, or closed; and



1 (B) Recommend, based upon these criteria, a list of
2 areas for new school construction, and of schools
3 for expansion, consolidation, or closure, that is
4 subject to the review of the legislature;

5 and

6 (2) Directs the board of education to proceed with the
7 process of constructing, expanding, consolidating, or
8 closing schools according to the recommendations of
9 the facilities alignment commission.

10 SECTION 2. **Facilities alignment commission.** (a) There is
11 established the facilities alignment commission, to be attached
12 to the department of education for administrative purposes.

13 The commission shall be composed of nine members appointed
14 by the governor as follows:

15 (1) Three members shall be appointed from a list of
16 nominees submitted by the president of the senate; and

17 (2) Three members shall be appointed from a list of
18 nominees submitted by the speaker of the house of
19 representatives.

20 (b) The chairperson of the commission shall be selected by
21 the members of the commission.

1 (c) Members of the commission shall not be employees of
2 the State.

3 (d) Any substantive action taken by the commission
4 pursuant to sections 4 through 6 of this Act shall be approved
5 by a two-thirds vote of its members. For all other actions of
6 the commission, five members shall constitute a quorum to do
7 business, of which a majority vote shall suffice.

8 (e) The commission shall be exempt from chapter 91, Hawaii
9 Revised Statutes, but shall be subject to chapters 92 and 92F,
10 Hawaii Revised Statutes.

11 (f) The members of the commission shall serve without
12 compensation but shall be reimbursed for expenses necessary for
13 the performance of their duties, including travel expenses.

14 (g) The department of education shall provide
15 administrative support to the commission. The commission shall
16 have access to all records in the department of education and
17 department of accounting and general services pertinent to its
18 duties and may request research and analysis assistance from the
19 department of education. Pursuant to chapter 92F, the
20 commission shall maintain the confidentiality of all
21 confidential information.



1 (h) The commission shall terminate upon adjournment of the
2 regular legislative session of 2008, sine die.

3 SECTION 3. **Procedures for making recommendations for**
4 **school alignment; school facilities plan.** (a) The department
5 of education shall submit to the commission by August 31, 2006,
6 a thirty-year school facilities plan for the department of
7 education. The school facilities plan shall be based on the
8 department's assessment of the projected student enrollment for
9 every public school in the state, except for charter schools.
10 In conducting the assessment, the department shall:

- 11 (1) Consider the six-year program and financial plan
12 prepared pursuant to section 37-69, Hawaii Revised
13 Statutes, to the extent it is applicable;
- 14 (2) Develop and consider a thirty-year projection of the
15 enrollment at each school across the State and the
16 resulting need for facilities; and
- 17 (3) Consider other reliable data relative to population
18 growth and trends, and anticipated levels of funding
19 necessary for every school.
- 20 (b) The school facilities plan shall include:
 - 21 (1) A description of the assessment of projected student
22 enrollment pursuant to subsection (a);

- 1 (2) A comprehensive inventory of all department of
- 2 education facilities;
- 3 (3) For each school district, thirty-year projections for
- 4 the numbers and locations of schools required annually
- 5 to accommodate the numbers and types of students in
- 6 the projected enrollment; and
- 7 (4) Recommendations for the construction, expansion,
- 8 consolidation, or closure of schools based on the
- 9 projections and assessment made pursuant to this
- 10 section.

11 SECTION 4. **School alignment selection criteria.** (a) By
12 December 31, 2006, the commission shall establish the criteria
13 that will be used by the commission to select:

- 14 (1) Areas for new school construction;
- 15 (2) Schools for expansion, except charter schools; and
- 16 (3) Schools to be consolidated or closed, except charter
- 17 schools.

18 The criteria shall require the consideration of:

- 19 (1) The overutilization or underutilization of school
- 20 facilities;
- 21 (2) The impact of the consolidation or closure of a school
- 22 on the community in which it is located; and

1 (3) The costs or savings resulting from the continued
2 operation, consolidation, or closure of a school,
3 including the costs of deferred and future repair and
4 maintenance.

5 (b) Before finalizing the school alignment selection
6 criteria, the commission shall hold public hearings to obtain
7 public response to the commission's proposed criteria. For each
8 public hearing, the commission shall provide appropriate notice,
9 as defined in section 1-28.5, both statewide and county-wide in
10 each county of the state. The commission shall make available
11 to the public draft copies of its proposed criteria not less
12 than two weeks prior to the start of the public hearings.

13 SECTION 5. **Preliminary recommendations.** (a) By February
14 28, 2007, based on the school facilities plan developed pursuant
15 to section 3 and the final school alignment selection criteria
16 adopted pursuant to section 4, the commission shall compile a
17 preliminary list of recommended:

- 18 (1) Areas for new school construction;
19 (2) Schools for expansion, except charter schools;
20 (3) Schools to be consolidated, except charter schools;
21 and
22 (4) Schools to be closed, except charter schools.



1 (b) The list of recommendations shall include a summary of
2 the selection process that resulted in the recommendation of
3 each area or school on the list, including a justification for
4 each recommendation.

5 (c) In selecting areas and schools for the list, the
6 commission shall consider equally all schools within the state,
7 without regard to whether the board of education had previously
8 considered the school for consolidation or closure.

9 SECTION 6. **Public hearings and final recommendations by**
10 **the commission.** (a) By August 31, 2007, the commission shall
11 hold public hearings to obtain public response to the
12 commission's preliminary recommendations. For each public
13 hearing, the commission shall provide appropriate notice as
14 defined in section 1-28.5, both statewide and county-wide in
15 each county of the state. The commission shall make available
16 to the public draft copies of the preliminary recommendations
17 not less than two weeks prior to the start of the public
18 hearings.

19 (b) Not less than twenty days prior to the convening of
20 the regular session of 2008, the commission shall submit to the
21 legislature a report of its findings and conclusions, including
22 a final list of recommendations for:



- 1 (1) Areas for new school construction;
- 2 (2) Schools for expansion, except charter schools;
- 3 (3) Schools to be consolidated, except charter schools;
- 4 and
- 5 (4) Schools to be closed, except charter schools.

6 (c) The final list of recommendations shall be subject to
 7 legislative disapproval only in their entirety, by concurrent
 8 resolution.

9 (d) If the legislature does not disapprove the
 10 recommendations pursuant to subsection (c), then after the
 11 adjournment of the regular legislative session of 2008, sine
 12 die, the board of education shall begin compliance with the
 13 recommendations of the commission for the 2009-2010 school year
 14 to:

- 15 (1) Construct new schools;
- 16 (2) Expand schools; and
- 17 (3) Consolidate or close schools.

18 SECTION 7. There is appropriated out of the general
 19 revenues of the State of Hawaii the sum of \$ or so much
 20 thereof as may be necessary for fiscal year 2006-2007 for
 21 expenses incurred by the facilities alignment commission in
 22 carrying out its duties.

1 The sum appropriated shall be expended by the department of
2 education for the purposes of this Act.

3 SECTION 8. This Act shall take effect on July 1, 2006.



Report Title:

School Facilities; Facilities Alignment Commission

Description:

Creates the Facilities Alignment Commission to revitalize school facilities, including establishing criteria for the selection and recommendation of areas for new schools, schools for expansion, and schools for consolidation or closure. Allows the Legislature to disapprove these recommendations only in its entirety, and requires the Board of Education to proceed with these recommendations. (HB2743 HD1)

