
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 aging 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 demographic shifts 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 in
15 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 greatest number of public school students and their
11 families.

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

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

20 (A) Establish criteria for the selection of public
21 schools to be constructed, expanded,
22 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, which
4 is 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. The
13 commission shall be composed of nine members appointed by the
14 governor; provided that:

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, Hawaii
20 Revised Statutes, the commission shall maintain the
21 confidentiality of all 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;
- 16 (3) Schools to be consolidated, except charter schools;
- 17 and
- 18 (4) Schools to be closed, except charter schools.

19 The criteria shall require the consideration of:

- 20 (1) The overutilization or underutilization of school
- 21 facilities;

1 (2) The impact of the consolidation or closure of a school
2 on the community in which it is located; and

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

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

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

21 (1) Areas for new school construction;

22 (2) Schools for expansion, except charter schools;



1 (3) Schools to be consolidated, except charter schools;
2 and

3 (4) Schools to be closed, except charter schools.

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

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

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

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

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

10 (c) The final list of recommendations shall be subject to
11 legislative disapproval only in their entirety, by concurrent
12 resolution.

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

- 19 (1) Construct new schools;
- 20 (2) Expand schools; and
- 21 (3) Consolidate or close schools.

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

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

8 SECTION 8. This Act shall take effect on July 1, 2020.

Report Title:

School Facilities; Facilities Alignment Commission

Description:

Creates the Facilities Alignment Commission to revitalize school facilities by developing and submitting recommendations for areas for new school construction, schools for expansion, and schools for consolidation or closure. Allows the Legislature to disapprove these recommendations only in their entirety. If no legislative disapproval occurs, requires the Board of Education to comply with these recommendations. (HB2743 HD2)

