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# 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 underutilized public schools to maximize  
3 resources.

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

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

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



1 (A) Establish criteria for the selection of public  
2 schools to be constructed, expanded,  
3 consolidated, or closed; and

4 (B) Recommend, based upon these criteria, a list of  
5 areas for new school construction, and of schools  
6 for expansion, consolidation, or closure, which  
7 is subject to the review of the legislature; and

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

13 SECTION 2. **Facilities alignment commission.** (a) There is  
14 established the facilities alignment commission, to be attached  
15 to the department of education for administrative purposes. The  
16 commission shall be composed of nine members appointed by the  
17 governor; provided that:

18 (1) Three members shall be appointed from a list of  
19 nominees submitted by the president of the senate, of  
20 which two shall be persons with professional  
21 experience in education, including former or current  
22 teachers or administrators; and



1           (2) Three members shall be appointed from a list of  
2                   nominees submitted by the speaker of the house of  
3                   representatives, of which two shall be persons with  
4                   professional experience in education, including former  
5                   or current teachers or administrators.

6           (b) The chairperson of the commission shall be selected by  
7 the members of the commission.

8           (c) A majority of the commission's membership shall be  
9 comprised of persons with professional experience in education,  
10 including current or former teachers or administrators.

11           (d) At least one member shall be a representative of the  
12 department of education.

13           (e) With the sole exception of those who are education  
14 professionals, members of the commission shall not be employees  
15 of the State.

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

1 (g) The commission shall be exempt from chapter 91, Hawaii  
2 Revised Statutes, but shall be subject to chapters 92 and 92F,  
3 Hawaii Revised Statutes.

4 (h) The members of the commission shall serve without  
5 compensation but shall be reimbursed for expenses necessary for  
6 the performance of their duties, including travel expenses.

7 (i) The department of education shall provide  
8 administrative support to the commission. The commission shall  
9 have access to all records in the department of education and  
10 department of accounting and general services pertinent to its  
11 duties and may request research and analysis assistance from the  
12 department of education. Pursuant to chapter 92F, Hawaii  
13 Revised Statutes, the commission shall maintain the  
14 confidentiality of all confidential information.

15 (j) The commission shall terminate upon adjournment of the  
16 regular legislative session of 2008, sine die.

17 **SECTION 3. Procedures for making recommendations for**  
18 **school alignment; school facilities plan.** (a) The department  
19 of education shall submit to the commission by August 31, 2006,  
20 a thirty-year school facilities plan. The school facilities  
21 plan shall be based on the department's assessment of the  
22 projected student enrollment for every public school in the



1 State, other than for charter schools. In conducting the  
2 assessment, the department shall:

3 (1) Consider the six-year program and financial plan  
4 prepared pursuant to section 37-69, Hawaii Revised  
5 Statutes, to the extent it is applicable;

6 (2) Develop and consider a thirty-year projection of the  
7 enrollment at each school across the State and the  
8 resulting need for facilities; and

9 (3) Consider other reliable data relative to population  
10 growth and trends, and anticipated levels of funding  
11 necessary for every school.

12 (b) The school facilities plan shall include:

13 (1) A description of the assessment of projected student  
14 enrollment pursuant to subsection (a);

15 (2) A comprehensive inventory of all department of  
16 education facilities;

17 (3) For each school district, thirty-year projections for  
18 the numbers and locations of schools required annually  
19 to accommodate the numbers and types of students in  
20 the projected enrollment; and

21 (4) Recommendations for the construction, expansion,  
22 consolidation, or closure of underutilized schools



1 based on the projections and assessment made pursuant  
2 to this section.

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

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

12 The criteria shall require the consideration of:

- 13 (1) The overutilization or underutilization of school  
14 facilities;
- 15 (2) The academic and extracurricular achievement or  
16 successes of the student body, and whether such  
17 success was due at least in part to the existing size  
18 of the school;
- 19 (3) The best interests of the students and preserving  
20 their potential for success;
- 21 (4) The impact of the consolidation or closure of a school  
22 on the community in which it is located; and



1           (5) 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, Hawaii Revised Statutes, both  
10          statewide and county-wide in each county of the State. The  
11          commission shall make available to the public draft copies of  
12          its proposed criteria not less than two weeks prior to the start  
13          of the public hearings.

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

- 19           (1) Areas for new school construction;  
20           (2) Schools for expansion, other than charter schools;  
21           (3) Schools to be consolidated, other than charter  
22           schools; and





1 (4) Underutilized schools to be closed, other than charter  
2 schools.

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

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

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

21 (b) Not less than twenty days prior to the convening of  
22 the regular session of 2008, the commission shall submit to the



1 legislature a report of its findings and conclusions, including  
2 a final list of recommendations for:

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

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

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

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

21 SECTION 7. There is appropriated out of the general  
22 revenues of the State of Hawaii the sum of \$ \_\_\_\_\_, or so



1 much thereof as may be necessary for fiscal year 2006-2007, for  
2 expenses incurred by the facilities alignment commission in  
3 carrying out its duties.

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

6 SECTION 8. This Act shall take effect on July 1, 2050.



**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. (SD1)

