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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 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, at a minimum:

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

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

- 14 (1) Three members shall be appointed from a list of  
15 nominees submitted by the president of the senate; and
- 16 (2) Three members shall be appointed from a list of  
17 nominees submitted by the speaker of the house of  
18 representatives.

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

21 (c) Members of the commission shall not be employees of  
22 the State.



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

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

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

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

20 (h) The commission shall terminate upon adjournment of the  
21 regular legislative session of 2009, sine die.



1           SECTION 3.   **Procedures for making recommendations for**  
2 **school alignment; school facilities plan.**   (a)   The department  
3 of education shall submit to the commission by August 31, 2007,  
4 a thirty-year school facilities plan for the department of  
5 education.   The school facilities plan shall be based on the  
6 department's assessment of the projected student enrollment for  
7 every public school in the state, except for charter schools.

8   In conducting the assessment, the department shall:

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



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

5 (4) Recommendations for the construction, expansion,  
6 consolidation, or closure of schools based on the  
7 projections and assessment made pursuant to this  
8 section.

9 SECTION 4. **School alignment selection criteria.** (a) By  
10 December 31, 2007, the commission shall establish the criteria  
11 that will be used by the commission to select:

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

17 (b) The criteria shall require, at a minimum, the  
18 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           (c) 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 February  
 15          29, 2008, based on the school facilities plan developed pursuant  
 16          to section 3 and the final school alignment selection criteria  
 17          adopted pursuant to section 4, the commission shall compile a  
 18          preliminary list of recommended:

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



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

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

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

10           **SECTION 6. Public hearings and final recommendations by**  
11 **the commission.** (a) By September 1, 2008, the commission shall  
12 hold public hearings to obtain public response to the  
13 commission's preliminary recommendations. For each public  
14 hearing, the commission shall provide appropriate notice as  
15 defined in section 1-28.5, Hawaii Revised Statutes, both  
16 statewide and county-wide in each county of the State. The  
17 commission shall make available to the public draft copies of  
18 the preliminary recommendations not less than two weeks prior to  
19 the start of the public hearings.

20           (b) Not less than twenty days prior to the convening of  
21 the regular session of 2009, 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, except charter schools;
  - 5 (3) Schools to be consolidated, except charter schools;
  - 6 and
  - 7 (4) Schools to be closed, except charter schools.
- 8 (c) The final list of recommendations shall be subject to  
9 legislative disapproval only in their entirety, by concurrent  
10 resolution.

11 (d) If the legislature does not disapprove the  
12 recommendations pursuant to subsection (c), then after the  
13 adjournment of the regular legislative session of 2009, sine  
14 die, the board of education shall begin compliance with the  
15 recommendations of the commission for the 2010-2011 school year  
16 to:

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

20 SECTION 7. There is appropriated out of the general  
21 revenues of the State of Hawaii the sum of \$ or so much  
22 thereof as may be necessary for fiscal year 2007-2008 for



1 expenses incurred by the facilities alignment commission in  
2 carrying out its duties.

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

5 SECTION 8. This Act shall take effect on July 1, 2007.



**Report Title:**

School Facilities; Facilities Alignment Commission

**Description:**

Creates the facilities alignment commission to establish criteria for the selection of public schools to be constructed, expanded, consolidated, or closed, and recommend, based upon these criteria, a list of areas for new school construction, and of schools for expansion, 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. (HB19 HD1)

