
A BILL FOR AN ACT

RELATING TO EDUCATION.

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

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

15 However, the legislature finds that despite broad-based
16 public recognition of Hawaii's changing demographics, there is
17 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 be taken through a
9 very objective and transparent process that benefits the
10 greatest number of 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 closure of underused public schools
15 in Hawaii through an objective and transparent process that:

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

18 (A) Establish criteria for the selection of public
19 schools to be consolidated or closed; and

20 (B) Recommend, based upon these criteria, a list of
21 schools for consolidation or closure, which is
22 subject to the review of the legislature; and



1 (2) Directs the board of education to proceed with the
2 process of consolidating or closing underused schools
3 according to the recommendations of the facilities
4 alignment commission, if the legislature does not
5 disapprove of the recommendations in their entirety.

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

11 (1) Three members shall be appointed from a list of
12 nominees submitted by the president of the senate, of
13 which two shall be persons with professional
14 experience in education, including former or current
15 teachers or administrators; and

16 (2) Three members shall be appointed from a list of
17 nominees submitted by the speaker of the house of
18 representatives, of which two shall be persons with
19 professional experience in education, including former
20 or current teachers or administrators.

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



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

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

6 (e) With the sole exception of those who are education
7 professionals, members of the commission shall not be employees
8 of the State.

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

14 (g) The commission shall be exempt from chapter 91, Hawaii
15 Revised Statutes, but shall be subject to chapters 92 and 92F,
16 Hawaii Revised Statutes.

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

20 (i) The department of education shall provide
21 administrative support to the commission. The commission shall
22 have access to all records in the department of education



1 pertinent to its duties and may request research and analysis
2 assistance from the department of education. Pursuant to
3 chapter 92F, Hawaii Revised Statutes, the commission shall
4 maintain the confidentiality of all confidential information.

5 (j) The commission shall terminate upon adjournment of the
6 regular legislative session of 2010, sine die.

7 SECTION 3. Procedures for making recommendations for
8 school alignment; school facilities plan. (a) The department
9 of education shall submit to the commission by June 30, 2009, a
10 school facilities plan. The school facilities plan shall be
11 based on the department's assessment of the projected student
12 enrollment for the following:

- 13 (1) Elementary schools in the Kaiser complex;
14 (2) Elementary schools in the Kaimuki complex;
15 (3) Elementary schools in the Farrington complex;
16 (4) Elementary schools in the Pearl City complex;
17 (5) Elementary schools in the Kailua, Kalaheo, Castle, and
18 Kahuku complexes;
19 (6) Schools in the Waialua complex;
20 (7) Elementary schools in the Hilo and Waiakea complexes;
21 and
22 (8) Schools in the Honokaa and Laupahoehoe complexes.



- 1 (b) In conducting the assessment, the department shall:
- 2 (1) Consider the six-year program and financial plan
- 3 prepared pursuant to section 37-69, Hawaii Revised
- 4 Statutes, to the extent it is applicable;
- 5 (2) Develop and consider a projection of the enrollment at
- 6 the schools set forth in subsection (a) and the
- 7 resulting need for facilities; and
- 8 (3) Consider other reliable data relative to population
- 9 growth and trends, and anticipated levels of funding
- 10 necessary for the schools set forth in subsection (a).
- 11 (c) The school facilities plan shall include:
- 12 (1) A description of the assessment of projected student
- 13 enrollment pursuant to subsection (a);
- 14 (2) A comprehensive inventory of all department of
- 15 education facilities at the schools set forth in
- 16 subsection (a); and
- 17 (3) Recommendations for the consolidation or closure of
- 18 underused schools based on the projections and
- 19 assessment made pursuant to this section.

20 SECTION 4. School alignment selection criteria. (a) By
21 December 31, 2009, the commission shall establish the criteria
22 that will be used by the commission to select:



- 1 (1) Schools to be consolidated, other than charter
2 schools; and
- 3 (2) Underused schools to be closed, other than charter
4 schools.
- 5 (b) The criteria shall require the consideration of:
- 6 (1) The overuse or underuse of school facilities;
- 7 (2) The academic and extracurricular achievement or
8 successes of the student body, and whether that
9 success was due at least in part to the existing size
10 of the school;
- 11 (3) The best interests of the students and preserving
12 their potential for success;
- 13 (4) The impact of the consolidation or closure of a school
14 on the community in which it is located; and
- 15 (5) The costs or savings resulting from the continued
16 operation, consolidation, or closure of a school,
17 including the costs of deferred and future repair and
18 maintenance.
- 19 (c) Before finalizing the school alignment selection
20 criteria, the commission shall hold public hearings to obtain
21 public response to the commission's proposed criteria. For each
22 public hearing, the commission shall provide appropriate notice,



1 as defined in section 1-28.5, Hawaii Revised Statutes, both
2 statewide and county-wide in each county of the State. The
3 commission shall make available to the public draft copies of
4 its proposed criteria not less than two weeks prior to the start
5 of the public hearings.

6 SECTION 5. Preliminary recommendations. (a) By
7 February 28, 2010, based on the school facilities plan developed
8 pursuant to section 3 and the final school alignment selection
9 criteria adopted pursuant to section 4, the commission shall
10 compile a preliminary list of recommended:

11 (1) Schools to be consolidated, other than charter
12 schools; and

13 (2) Underused schools to be closed, other than charter
14 schools.

15 (b) The list of recommendations shall include a summary of
16 the selection process that resulted in the recommendation of
17 each area or school on the list, including a justification for
18 each recommendation.

19 SECTION 6. Public hearings and final recommendations by
20 the commission. (a) By August 31, 2010, the commission shall
21 hold public hearings to obtain public response to the
22 commission's preliminary recommendations. For each public



1 hearing, the commission shall provide appropriate notice as
2 defined in section 1-28.5, Hawaii Revised Statutes, both
3 statewide and county-wide in each county of the State. The
4 commission shall make available to the public draft copies of
5 the preliminary recommendations not less than two weeks prior to
6 the start of the public hearings.

7 (b) Not less than twenty days prior to the convening of
8 the regular session of 2010, the commission shall submit to the
9 legislature a report of its findings and conclusions, including
10 a final list of recommendations for:

11 (1) Schools to be consolidated, other than charter
12 schools; and

13 (2) Underused schools to be closed, other than charter
14 schools.

15 (c) The final list of recommendations shall be subject to
16 legislative disapproval only in its entirety, by concurrent
17 resolution.

18 (d) If the legislature does not disapprove the
19 recommendations pursuant to subsection (c), then after the
20 adjournment of the regular legislative session of 2011, sine
21 die, the board of education shall begin implementing the



1 recommendations of the commission for the 2012-2013 school year
2 to consolidate or close underused schools.

3 SECTION 7. There is appropriated out of the general
4 revenues of the State of Hawaii the sum of \$ or so
5 much thereof as may be necessary for fiscal year 2008-2009 for
6 expenses incurred by the facilities alignment commission in
7 carrying out its duties.

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

10 SECTION 8. This Act shall take effect on July 1, 2008.



Report Title:

School Facilities; Facilities Alignment Commission

Description:

Creates the facilities alignment commission to establish criteria for the selection of public schools to be consolidated or closed and to recommend schools for consolidation or closure. Requires the board of education to comply with these recommendations if the legislature does not disapprove of them in their entirety. (HB2972 SD2)

