

JAN 22 2008

S.B. NO. 2881

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 underutilized public schools in
17 Hawaii through an 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; and

5 (2) Directs the board of education to proceed with the
 6 process of constructing, expanding, consolidating, or
 7 closing underutilized schools according to the
 8 recommendations of the facilities alignment
 9 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, of
 17 which two shall be persons with professional
 18 experience in education, including former or current
 19 teachers or administrators; and

20 (2) Three members shall be appointed from a list of
 21 nominees submitted by the speaker of the house of
 22 representatives, of which two shall be persons with



1 professional experience in education, including former
2 or current teachers or administrators.

3 (b) The chairperson of the commission shall be selected by
4 the members of the commission.

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

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

10 (e) With the sole exception of those who are education
11 professionals, members of the commission shall not be employees
12 of the State.

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

18 (g) The commission shall be exempt from chapter 91, Hawaii
19 Revised Statutes, but shall be subject to chapters 92 and 92F,
20 Hawaii Revised Statutes.



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

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

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

14 SECTION 3. Procedures for making recommendations for
15 school alignment; school facilities plan. (a) The department
16 of education shall submit to the commission by August 31, 2008,
17 a thirty-year school facilities plan. The school facilities
18 plan shall be based on the department's assessment of the
19 projected student enrollment for every public school in the
20 State, other than for charter schools. In conducting the
21 assessment, the department shall:



- 1 (1) Consider the six-year program and financial plan
2 prepared pursuant to section 37-69, Hawaii Revised
3 Statutes, to the extent it is applicable;
- 4 (2) Develop and consider a thirty-year projection of the
5 enrollment at each school across the State and the
6 resulting need for facilities; and
- 7 (3) Consider other reliable data relative to population
8 growth and trends, and anticipated levels of funding
9 necessary for every school.
- 10 (b) The school facilities plan shall include:
- 11 (1) A description of the assessment of projected student
12 enrollment pursuant to subsection (a);
- 13 (2) A comprehensive inventory of all department of
14 education facilities;
- 15 (3) For each school district, thirty-year projections for
16 the numbers and locations of schools required annually
17 to accommodate the numbers and types of students in
18 the projected enrollment; and
- 19 (4) Recommendations for the construction, expansion,
20 consolidation, or closure of underutilized schools
21 based on the projections and assessment made pursuant
22 to this section.



1 SECTION 4. School alignment selection criteria. (a) By
2 December 31, 2008, the commission shall establish the criteria
3 that will be used by the commission to select:

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

10 (b) The criteria shall require the consideration of:

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



1 including the costs of deferred and future repair and
2 maintenance.

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

12 SECTION 5. Preliminary recommendations. (a) By
13 February 28, 2009, based on the school facilities plan developed
14 pursuant to section 3 and the final school alignment selection
15 criteria adopted pursuant to section 4, the commission shall
16 compile a preliminary list of recommended:

- 17 (1) Areas for new school construction;
- 18 (2) Schools for expansion, other than charter schools;
- 19 (3) Schools to be consolidated, other than charter
20 schools; and
- 21 (4) Underutilized schools to be closed, other than charter
22 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, 2009, 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, Hawaii Revised Statutes, both
15 statewide and county-wide in each county of the State. The
16 commission shall make available to the public draft copies of
17 the preliminary recommendations not less than two weeks prior to
18 the start of the public hearings.

19 (b) Not less than twenty days prior to the convening of
20 the regular session of 2010, 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, other than charter schools;
- 3 (3) Schools to be consolidated, other than charter
- 4 schools; and
- 5 (4) Underutilized schools to be closed, other than charter
- 6 schools.

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

10 (d) If the legislature does not disapprove the
11 recommendations pursuant to subsection (c), then after the
12 adjournment of the regular legislative session of 2010, sine
13 die, the board of education shall begin implementing the
14 recommendations of the commission for the 2011-2012 school year
15 to:

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

19 SECTION 7. There is appropriated out of the general
20 revenues of the State of Hawaii the sum of \$ or so
21 much thereof as may be necessary for fiscal year 2008-2009 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, 2008.

6

INTRODUCED BY: Norman Sabamfa



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.

