HOUSE OF REPRESENTATIVES TWENTY-FOURTH LEGISLATURE, 2008 STATE OF HAWAII H.B. NO. <sup>2972</sup> H.D. S.D. 2 S.D. 2

# A BILL FOR AN ACT

RELATING TO EDUCATION.

HB2972 CD1 HMS 2008-4112

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

The legislature finds that with in-migration 1 SECTION 1. and the aging of our population, among other things, the 2 3 demographics of the state are evolving. Over the past twentyfive years, the statewide population has increasingly shifted 4 5 from the urban core to the suburbs, especially on Oahu, where the population center has steadily moved to the western side of 6 the island. Meanwhile, Kihei, Maui, and West Hawaii are some of 7 8 the areas in the state with the fastest-growing populations. 9 These demographic shifts have overburdened public school facilities in growing areas and left some public school 10 11 facilities in other areas underused. Thus, the legislature believes there is a need to revitalize school facilities 12 13 statewide, including building or expanding schools in certain areas and consolidating or closing schools in other areas. 14 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 needs, the legislature believes that just as the construction or expansion of some schools is important, 6 7 the consolidation or closure of other schools is also necessary. 8 It is important that any actions be taken through a very objective and transparent process that benefits the greatest

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9 objective and transparent process that benefits the greates10 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 or consolidation of 15 underused public schools in Hawaii through an objective and 16 transparent process that:

17 (1) Includes the establishment of a facilities alignment18 commission that shall:

19(A) Establish criteria for the selection of public20schools to be consolidated or closed; and

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1		(B) Recommend, based upon these criteria, a list of
2		schools for consolidation or closure, which is
3		subject to review by the legislature;
4		and
5	(2)	Directs the board of education to proceed with the
6		process of consolidating or closing underused schools
7		according to the recommendations of the facilities
8		alignment commission, if the legislature does not
9		disapprove of the recommendations in their entirety.
10	SECT	ION 2. Facilities alignment commission. (a) There is
11	establish	ed the facilities alignment commission, to be attached
12	to the dep	partment of education for administrative purposes. The
13	commissio	n 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;
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
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professional experience in education, including former or current teachers or administrators; and (3) At least one member shall be a representative of the department of education. A majority of the commission's membership shall be (b) persons with professional experience in education, including current or former teachers or administrators. (c) With the sole exception of those who are education professionals, members of the commission shall not be employees of the State. The chairperson of the commission shall be selected by (d) the members of the commission. (e) For all actions of the commission, five members shall constitute a quorum to do business, of which a majority vote shall suffice. The commission shall be exempt from chapter 91, Hawaii (f)

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16 (f) The commission shall be exempt from chapter 91, Hawaii
17 Revised Statutes, but shall be subject to chapters 92 and 92F,
18 Hawaii Revised Statutes.

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

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1 The department of education shall provide (h) administrative support to the commission. The commission shall 2 3 have access to all records in the department of education 4 pertinent to its duties and may request research and analysis 5 assistance from the department of education. Pursuant to chapter 92F, Hawaii Revised Statutes, the commission shall 6 7 withhold from public disclosure all confidential information 8 received or maintained by the commission. 9 (i) The commission shall terminate upon adjournment sine die of the regular session of 2011. 10 11 SECTION 3. Procedures for making recommendations for 12 school alignment; school facilities plan. (a) The department 13 of education shall submit to the commission by June 30, 2009, a school facilities plan. The school facilities plan shall be 14 15 based on the department's assessment of the projected student 16 enrollment for the following: Elementary schools in the Castle, Farrington, Hilo, 17 (1)Kahuku, Kailua, Kaiser, Kalaheo, Pearl City, and 18 19 Waiakea complexes; and (2) Schools in the Honokaa, Kaimuki, Laupahoehoe, and 20 21 Waialua complexes.

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1	(b)	In conducting the assessment of the projected student
2	enrollmen	t, the department of education 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 projection of the enrollment at
7		the schools set forth in subsection (a) 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 the schools set forth in subsection (a).
12	(c)	The school facilities plan shall include:
13	(1)	A description of the assessment of projected student
14		enrollment required under subsection (a);
15	(2)	A comprehensive inventory of all department of
16		education facilities at the schools set forth in
17		subsection (a); and
18	(3)	Recommendations for the consolidation or closure of
19		underused schools based on the projections and
20		assessment made pursuant to this section.

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1	SECT	ION 4. School alignment selection criteria. (a) By
2	December	31, 2009, the commission shall establish the criteria
3	that will	be used by the commission to select:
4	(1)	Schools to be consolidated, other than charter .
5		schools; and
6	(2)	Underused schools to be closed, other than charter
7		schools.
8	(b)	The criteria shall require the consideration of:
9	(1)	The overuse or underuse of school facilities;
10	(2)	The academic and extracurricular achievement or
11		successes of the student body, and whether that
12		success was due at least in part to the existing size
13		of the school;
14	(3)	The best interests of the students and preserving
15		their potential for success;
16	(4)	The impact of the consolidation or closure of a school
17		on the community in which it is located;
18	(5)	The costs or savings resulting from the continued
19		operation, consolidation, or closure of a school,
20		including the costs of deferred and future repair and
21		maintenance; and

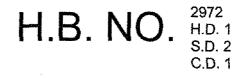
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1 (6) Alternative uses of the facilities, land, and property 2 assets of schools proposed to be consolidated or 3 closed, with priority for other educational uses; 4 provided that consideration be given to any action 5 necessary to effectuate an alternative use, which shall include a rating to indicate the likelihood of 6 timely completion of each action, and the method of 7 8 projecting any revenue increase to the department of 9 education and the State.

10 Before finalizing the school alignment selection (C)11 criteria, the commission shall hold public hearings to obtain 12 public response to the commission's proposed criteria. For each 13 public hearing, the commission shall provide appropriate notice, 14 as 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 its proposed criteria not less than two weeks prior to the start 18 of the public hearings.

19 SECTION 5. Preliminary recommendations. (a) By
20 February 28, 2010, based on the school facilities plan developed
21 pursuant to section 3 and the final school alignment selection

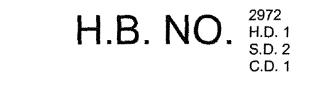
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criteria adopted pursuant to section 4, the commission shall 1 2 compile a preliminary list of recommended: 3 Schools to be consolidated, other than charter (1) 4 schools; and Underused schools to be closed, other than charter 5 (2) schools. 6 The list of recommendations shall include a summary of 7 (b) 8 the selection process that resulted in the recommendation of each school on the list, including a justification for each 9 recommendation. 10 SECTION 6. Public hearings and final recommendations by 11 12 the commission. (a) By August 31, 2010, the commission shall hold public hearings to obtain public response to the 13 commission's preliminary recommendations. For each public 14 15 hearing, the commission shall provide appropriate notice as 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 19 the preliminary recommendations not less than two weeks prior to the start of the public hearings. 20

(b) Not less than twenty days prior to the convening of
the regular session of 2011, the commission shall submit to the HB2972 CD1 HMS 2008-4112

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1	legislature a report of its findings and conclusions, including		
2	a final list of recommendations for:		
3	(1) Schools to be consolidated, other than charter		
4	schools; and		
5	(2) Underused 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 sine die of the regular session of 2011, the board		
13	of education, during the 2012-2013 school year, shall begin to		
14	expeditiously implement the recommendations of the commission to		
15	consolidate or close underused schools.		
16	SECTION 7. This Act shall take effect on July 1, 2008.		

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Report Title:

School Facilities; Facilities Alignment Commission

#### Description:

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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 CD1)