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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. 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, Kihei, Maui, and West Hawaii are some of  
8 the areas in the state with the fastest-growing populations.  
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 needs, the legislature believes that just  
6 as the construction or expansion of some schools is important,  
7 the consolidation or closure of other schools is also necessary.  
8 It is important that any actions be taken through a very  
9 objective and transparent process that benefits the greatest  
10 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 alignment  
18 commission that shall:

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



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 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;

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; and

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

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

8 (c) With the sole exception of those who are education  
9 professionals, members of the commission shall not be employees  
10 of the State.

11 (d) The chairperson of the commission shall be selected by  
12 the members of the commission.

13 (e) For all actions of the commission, five members shall  
14 constitute a quorum to do business, of which a majority vote  
15 shall suffice.

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.

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



1 (h) The department of education shall provide  
2 administrative support to the commission. The commission shall  
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  
6 chapter 92F, Hawaii Revised Statutes, the commission shall  
7 withhold from public disclosure all confidential information  
8 received or maintained by the commission.

9 (i) The commission shall terminate upon adjournment sine  
10 die of the regular session of 2011.

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  
14 school facilities plan. The school facilities plan shall be  
15 based on the department's assessment of the projected student  
16 enrollment for the following:

- 17 (1) Elementary schools in the Castle, Farrington, Hilo,  
18 Kahuku, Kailua, Kaiser, Kalaheo, Pearl City, and  
19 Waiakea complexes; and  
20 (2) Schools in the Honokaa, Kaimuki, Laupahoehoe, and  
21 Waialua complexes.



1 (b) In conducting the assessment of the projected student  
2 enrollment, 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.



1 SECTION 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



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  
6 shall include a rating to indicate the likelihood of  
7 timely completion of each action, and the method of  
8 projecting any revenue increase to the department of  
9 education and the State.

10 (c) Before finalizing the school alignment selection  
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





1 criteria adopted pursuant to section 4, the commission shall  
2 compile a preliminary list of recommended:

- 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 (b) The list of recommendations shall include a summary of  
8 the selection process that resulted in the recommendation of  
9 each school on the list, including a justification for each  
10 recommendation.

11 SECTION 6. Public hearings and final recommendations by  
12 the commission. (a) By August 31, 2010, 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 2011, 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) 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.



H.B. NO. 2972  
H.D. 1  
S.D. 2  
C.D. 1

**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 CD1)

