
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.

8 Meanwhile, some of the areas in the State with the fastest-
9 growing populations are Kihei, Maui, and West Hawaii. These
10 demographic shifts have overburdened public school facilities in
11 growing areas and left some public school facilities in other
12 areas underused. Thus, the legislature believes there is a need
13 to revitalize school facilities statewide, including building or
14 expanding schools in certain areas and consolidating or closing
15 schools in 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 imperative that any actions to do so be taken
9 via a very objective and transparent process that benefits the
10 greatest number of public school students and their families.

11 The purpose of this Act, therefore, is to revitalize school
12 facilities statewide and to more effectively and efficiently use
13 our taxpayers' investment in public education. Specifically,
14 this Act provides for the timely construction, expansion,
15 consolidation, or closure of public schools in Hawaii through an
16 objective and 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 constructed, expanded,
21 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;

5 and

6 (2) Directs the board of education to proceed with the
7 process of constructing, expanding, consolidating, or
8 closing schools according to the recommendations of
9 the facilities alignment commission, if the
10 legislature does not disapprove of the recommendations
11 in their entirety.

12 SECTION 2. Facilities alignment commission. (a) There is
13 established the facilities alignment commission, to be attached
14 to the department of education for administrative purposes. The
15 commission shall:

16 (1) Establish criteria for the selection of public schools
17 to be constructed, expanded, consolidated, or closed;

18 (2) Recommend, based upon these criteria, a list of areas
19 for new school construction, and of schools for
20 expansion, consolidation, or closure;

21 (3) Explore funding mechanism alternatives to ensure that
22 funds derived from the consolidation or closure of



1 schools benefit the affected school or schools or the
2 department of education, as appropriate;

3 (4) Develop procedures or guidelines for executing
4 memoranda of agreement or memoranda of understanding
5 with the counties, other departments, or entities
6 regarding property on which affected schools are
7 located with regard to the disposition of those
8 properties; and

9 (5) Develop procedures or guidelines, with the assistance
10 of the department of the attorney general, regarding
11 boilerplate language, terms, and conditions associated
12 with the sale or lease of property on which affected
13 schools are located.

14 (b) The commission shall be composed of nine members
15 appointed by the governor; provided that:

16 (1) Three members shall be appointed from a list of
17 nominees submitted by the president of the senate, of
18 which two members shall be persons with professional
19 experience in education, including former or current
20 teachers or school administrators; and

21 (2) Three members shall be appointed from a list of
22 nominees submitted by the speaker of the house of



1 representatives, of which two members shall be persons
2 with professional experience in education, including
3 former or current teachers or school administrators.

4 (c) The chairperson of the commission shall be selected by
5 the members of the commission.

6 (d) A majority of the commission's membership shall have
7 professional experience in education, including experience as a
8 teacher or school administrator.

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

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

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

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



1 (i) 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 (j) 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 (k) The commission shall terminate upon adjournment of the
13 regular legislative session of 2013, 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 December 31,
17 2011, a school facilities plan. The school facilities plan
18 shall be based on the department's assessment of the projected
19 student enrollment for public schools in critical areas in the
20 State, other than charter schools, including high-growth or
21 steadily declining population areas. In conducting the
22 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 projection of the enrollment at
5 each school across the State and the resulting need
6 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, projections of the numbers
16 and locations of schools required annually to
17 accommodate the numbers and types of students in the
18 projected enrollment; and
- 19 (4) Recommendations for the construction, expansion,
20 consolidation, or closure of schools based on the
21 projections and assessment made pursuant to this
22 section.



1 SECTION 4. School alignment selection criteria. (a) By
2 December 31, 2011, 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) Schools to be closed, other than charter schools.

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

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



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

10 SECTION 5. Preliminary recommendations. (a) By
11 February 28, 2012, based on the school facilities plan developed
12 pursuant to section 3 and the final school alignment selection
13 criteria adopted pursuant to section 4, the commission shall
14 compile a preliminary list of recommended:

- 15 (1) Areas for new school construction;
16 (2) Schools for expansion, other than charter schools;
17 (3) Schools to be consolidated, other than charter
18 schools; and
19 (4) Schools to be closed, other than charter schools.

20 (b) The list of recommendations shall include a summary of
21 the selection process that resulted in the recommendation of



1 each area or school on the list, including a justification for
2 each recommendation.

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

7 SECTION 6. Public hearings and final recommendations by
8 the commission. (a) By August 31, 2012, the commission shall
9 hold public hearings to obtain public response to the
10 commission's preliminary recommendations. For each public
11 hearing, the commission shall provide notice in accordance with
12 section 1-28.5, Hawaii Revised Statutes, in statewide and
13 county-wide publications in each county of the State. The
14 commission shall make available to the public draft copies of
15 the preliminary recommendations not less than two weeks prior to
16 the start of the public hearings.

17 (b) Not less than twenty days prior to the convening of
18 the regular session of 2013, the commission shall submit to the
19 legislature a report of its findings and conclusions, including
20 a final list of recommendations for:

- 21 (1) Areas for new school construction;
- 22 (2) Schools for expansion, other than charter schools;



1 (3) Schools to be consolidated, other than charter
2 schools; and

3 (4) Schools to be closed, other than charter schools.

4 (c) The final list of recommendations shall be subject to
5 legislative disapproval only in its entirety, by concurrent
6 resolution.

7 (d) If the legislature does not disapprove the
8 recommendations pursuant to subsection (c), then after the
9 adjournment of the regular legislative session of 2013, sine
10 die, the board of education shall implement the recommendations
11 of the commission for the 2015-2016 school year, considering any
12 procedures and guidelines developed by the commission.

13 SECTION 7. There is appropriated out of the general
14 revenues of the State of Hawaii the sum of \$ or so much
15 thereof as may be necessary for fiscal year 2011-2012 for
16 expenses incurred by the facilities alignment commission in
17 carrying out its duties.

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

20 SECTION 8. This Act shall take effect on July 1, 2011.



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 a list of areas for new school construction, and of schools for expansion, consolidation, or closure. Requires the Board of Education to comply with these recommendations if the Legislature does not disapprove of them in their entirety. (HB344 HD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

