

NEIL ABERCROMBIE
GOVERNOR



KATHRYN S. MATAYOSHI
SUPERINTENDENT

STATE OF HAWAII
DEPARTMENT OF EDUCATION
P.O. BOX 2360
HONOLULU, HAWAII 96804

Date: 03/18/2013

Committee: Senate Education

Department: Education

Person Testifying: Kathryn S. Matayoshi, Superintendent of Education

Title of Bill: HB 0865,HD1 RELATING TO PUBLIC SCHOOL REDEVELOPMENT.

Purpose of Bill: Establishes framework for the development of twenty-first century schools through the redevelopment of public school lands by the Hawaii Community Development Authority.

Department's Position:

The Department of Education (DOE) supports the intent of this bill in addressing the significant financial challenges in addressing the inadequacies of the department's facilities inventory. Additionally, the DOE supports the intent of this bill in establishing a framework in which the system's inventory of schools can derive maximum benefit from the creative use of its assets.

The DOE also appreciates additional changes that help to clarify intent, responsibilities and jurisdictions. The DOE is excited about the possibilities and looks forward to working collaboratively to generate funds and resources to rebuild the school facilities.

Thank you for the opportunity to provide testimony on this important bill.

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**HB865 HD1 & Proposed SD1
Senate Committee on Education**

March 15, 2013

1:15 p.m.

CR414

The Office of Hawaiian Affairs (OHA) provides the following comments on HB865 HD1, which would authorize the Department of Education to facilitate the redevelopment of public school lands to generate income to improve public school facilities and infrastructure. OHA notes that the proposed SD1 has a similar purpose but alternatively establishes a three-year pilot program to generate revenue from uses for public purposes, such as workforce housing, to build and retrofit twenty-first century schools and create more school-centered communities. OHA offers the following comments related to the “ceded” lands corpus and the public land trust.

The bulk of Hawai‘i’s public schools sit on former government or crown lands that were ceded by the Republic of Hawai‘i to the United States in 1898, “without the consent of or compensation to the Native Hawaiian people of Hawaii or their sovereign government[.]” P.L. 103-150 (1993). Much of the land is also subject to the public land trust created by the Admission Act section 5(f).

A review of the State Land Information Management System (SLIMS) shows that 79 schools under the state’s control, or at least 1,515 acres, are ceded land that are also part of the public land trust. Another 42 state schools are classified as 5(a) land; these are also likely ceded land, although they are not part of the public land trust. Notably, SLIMS only provides public land trust status for state lands, not county or federal land; therefore the number of schools on ceded and/or public trust land is likely higher.

OHA maintains that the state cannot diminish the ceded lands corpus until the Native Hawaiian people’s claim to ceded lands has been resolved. Accordingly, we request clarification that HRS section 171-64.7 will apply to any proposed fee simple disposition of public school land. OHA further notes that Admission Act section 5(f), Hawai‘i Constitution, article XII, Chapter 10, Hawai‘i Revised Statutes, Act 178, SLH (2006), and Executive Order 06-06 impose trust obligations on all state agencies with respect to public trust land. Restricting the use of revenues generated on public trust land would violate the state’s obligations, therefore we request clarification that HCDA will continue to be subject to Act 178, SLH 2006, Executive Order 06-06, and any other future law providing for OHA’s pro rata portion of the public land trust.

Mahalo for the opportunity to testify on this important measure.



HAWAII COMMUNITY
DEVELOPMENT AUTHORITY



Neil Abercrombie
Governor

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Chairperson

Anthony J. H. Ching
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LATE TESTIMONY

STATEMENT OF
ANTHONY J. H. CHING, EXECUTIVE DIRECTOR
HAWAII COMMUNITY DEVELOPMENT AUTHORITY

BEFORE THE
SENATE COMMITTEE ON EDUCATION

ON

Monday, March 18, 2013

1:15 P.M.

State Capitol, Conference Room 414

in consideration of

**H.B. 865, H.D. 1, PROPOSED S.D. 1 – RELATING TO PUBLIC SCHOOL
REDEVELOPMENT.**

Purpose: Allows public school lands to be used to generate opportunities to improve public school facilities and infrastructure to meet the challenges of the twenty-first century and to improve the overall quality of education in Hawaii. The pilot program would allow the Department of Education to lease public school lands and allow these proceeds to be used to build or upgrade twenty-first century school facilities.

Position: The Hawaii Community Development Authority (“HCDA”) provides testimony in support of H.B. 865, H.D. 1, especially with the proposed amendments offered by the Governor’s Office.

Amongst the amendments proposed by the Governor’s Office, I note that “the office of the governor may contract with the HCDA for purpose of implementing the program; provided that any public school land site participating

in the program shall not be subject to the provisions of section 206E-7 that allow community development rules to supercede all other inconsistent ordinances and rules relating to the use, zoning, planning and development of land and construction.”

It is my belief that the role of the HCDA would simply be to work as a project manager at the direction of the Governor’s Office and the Department of Education to implement the program. As the HCDA is willing and able to be a “part of the solution” to this statewide priority, we will work as directed, with appropriate county administration and agencies to realize the building of twenty-first century school facilities in Hawaii.

The HCDA defers to the Governor’s Office and the Department of Education on all other matters covered in this legislative proposal. Thank you for the opportunity to provide our testimony on this very important issue.

From: mailinglist@capitol.hawaii.gov
To: [EDU Testimony](#)
Cc: ress@hawaii.rr.com
Subject: Submitted testimony for HB865 on Mar 18, 2013 13:15PM
Date: Monday, March 18, 2013 9:22:42 AM

HB865

Submitted on: 3/18/2013

Testimony for EDU on Mar 18, 2013 13:15PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Paula Ress	Individual	Oppose	No

Comments: A measure that takes land from schools isn't in support of schools. Is the idea that students will be educated from home on their iPads? Will they also save space by competing in sports by using computer games?

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March 18, 2013

LATE

To: Committee on Education
Senator Jill N. Tokuda, Chair
Senator Michelle N. Kidani, Vice Chair

From: Liz Larson, Resident of Waikiki,
Mother of two children going to Jefferson Elementary
201 Ohua Ave. #T1-401a, Honolulu, HI 96815

Subject: Oppose HB 865

Dear Chair Tokuda and Vice Chair Kidani,

This testimony is submitted in opposition to HB 865.

As a mother of two children who go to Jefferson Elementary School, I am deeply concerned that the land that is precious to our community and treasured by the school, parents, and children will be taken away permanently. If a high rise structure is developed on the property of Jefferson Elementary School, the land will never be reclaimed for the children.

I believe that the quality instruction given in the classroom is more important than the modernization of the facility. You cannot put a price tag on the value of the outdoor instruction, gardening, and scientific discovery that my children experience daily because of the programs Jefferson Elementary School is able to provide because of the land. Raising children in the city in a small one bedroom apartment, I cannot emphasize enough how important this open space is to the children and to the community of Waikiki.

Bill 865 only states that there will be 2 pilot schools, but does not state which schools are being considered. Naturally, schools will be considered where land is most valuable. One unintended consequence of the bill will be that inner city schools, such as Jefferson Elementary School, will be targeted even though land is most needed by the children and citizens of those communities.

I am also opposed to Bill 865 because revenues generated from the pilot schools will be put into the Twenty-first century schools special revolving fund. The system of dispersal of these funds is not transparent and funds can be arbitrarily dispersed at the discretion of the DOE and the school board.

The lack of local community and parent involvement in the decision making of our schools comes from the centralized nature of the school system in Hawaii. Thus the schools suffer from lack of support and funding. This bill only highlights the problems that already exist in a centralized school system that discourages local participation.

Until the Department of Education has demonstrated that it can properly manage its resources by improving the classroom instruction and encouraging local participation, keeping the land for our children is a much better course of action.

Sincerely,

A handwritten signature in cursive script, appearing to read "Liz Larson".

Liz Larson

Waikiki Resident and Mother of Two in Public School

From: mailinglist@capitol.hawaii.gov
To: [EDU Testimony](#)
Cc: Alemorrier@gmail.com
Subject: *Submitted testimony for HB865 on Mar 18, 2013 13:15PM*
Date: Monday, March 18, 2013 6:46:25 PM

HB865

Submitted on: 3/18/2013

Testimony for EDU on Mar 18, 2013 13:15PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Alicia Morrier	Individual	Oppose	No

Comments:

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To: [EDU Testimony](#)
Cc: mh@interpac.net
Subject: Submitted testimony for HB865 on Mar 18, 2013 13:15PM
Date: Monday, March 18, 2013 10:25:09 PM

HB865

Submitted on: 3/18/2013

Testimony for EDU on Mar 18, 2013 13:15PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Cory Harden	Individual	Oppose	No

Comments: Please oppose HB865. We don't need development on public school lands. Mahalo!

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From: mailinglist@capitol.hawaii.gov
To: [EDU Testimony](#)
Cc: pualehuafarm@hotmail.com
Subject: *Submitted testimony for HB865 on Mar 18, 2013 13:15PM*
Date: Monday, March 18, 2013 10:44:09 PM

HB865

Submitted on: 3/18/2013

Testimony for EDU on Mar 18, 2013 13:15PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Pua Kamaoa	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [EDU Testimony](#)
Cc: richard_michael_1420@yahoo.com
Subject: *Submitted testimony for HB865 on Mar 18, 2013 13:15PM*
Date: Monday, March 18, 2013 10:44:30 PM

HB865

Submitted on: 3/18/2013

Testimony for EDU on Mar 18, 2013 13:15PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
richard michael	Individual	Oppose	No

Comments:

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Cc: ggexcavations@hotmail.com
Subject: *Submitted testimony for HB865 on Mar 18, 2013 13:15PM*
Date: Monday, March 18, 2013 10:44:53 PM

HB865

Submitted on: 3/18/2013

Testimony for EDU on Mar 18, 2013 13:15PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Lisa Kirbin	Individual	Oppose	No

Comments:

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Cc: gysiemee@hotmail.com
Subject: *Submitted testimony for HB865 on Mar 18, 2013 13:15PM*
Date: Monday, March 18, 2013 10:45:22 PM

HB865

Submitted on: 3/18/2013

Testimony for EDU on Mar 18, 2013 13:15PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Geiselle Meek	Individual	Oppose	No

Comments:

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