

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



KEITH A. REGAN
COMPTROLLER
KA LUNA HO'OMALU HANA LAULĀ

MEOH-LENG SILLIMAN
DEPUTY COMPTROLLER
KA HOPE LUNA HO'OMALU HANA LAULĀ

STATE OF HAWAII | KA MOKU'ĀINA O HAWAII
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES | KA 'OIHANA LOIHELU A LAWELAWÉ LAULĀ
P.O. BOX 119, HONOLULU, HAWAII 96810-0119

WRITTEN TESTIMONY
OF
KEITH A. REGAN, COMPTROLLER
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
TO THE COMMITTEES ON

EDUCATION
HIGHER EDUCATION & TECHNOLOGY

FEBRUARY 1, 2024, 2:00 P.M.
CONFERENCE ROOM 309 AND VIA VIDEOCONFERENCE, STATE CAPITOL

H.B. 2527

RELATING TO DEPARTMENT OF EDUCATION FACILITIES.

Chairs Woodson and Perruso, Vice Chairs La Chica and Kapela, and Members of the Committees, thank you for the opportunity to testify on H.B. 2527.

The Department of Accounting and General Services (DAGS) offers **comments** on H.B. 2527 which requires the board of education to adopt rules for facility maintenance. Requires that the condition of Department of Education (DOE) facilities be periodically evaluated and for DAGS to approve a certified evaluator to perform the evaluation every five (5) years.

DAGS offers the following comments:

- DAGS no longer has involvement with DOE facilities on O'ahu.
- DAGS has district offices on Maui, Kauai and Hawai'i that support the DOE

facilities on the neighbor islands through repair and maintenance.

- The School Facilities Authority Board (SFAB) and the DOE have specialized knowledge of the specifications, standards and maintenance required for DOE facilities which makes SFAB and the DOE best suited to **select and approve** a certified evaluator.

Thank you for the opportunity to comment on this matter.



STATE OF HAWAII
DEPARTMENT OF EDUCATION
KA 'OIHANA HO'ONA'AUAO
P.O. BOX 2360
HONOLULU, HAWAII 96804

Date: 02/01/2024
Time: 02:00 PM
Location: 309 VIA
VIDEOCONFERENCE
Committee: House Education

Department: Education

Person Testifying: Keith T. Hayashi, Superintendent of Education

Title of Bill: HB 2527 RELATING TO DEPARTMENT OF EDUCATION FACILITIES.

Purpose of Bill: Requires the Board of Education to adopt rules for facility maintenance. Requires that the condition of Department of Education facilities be periodically evaluated.

Department's Position:

The Hawaii State Department of Education (Department) provides the following comments on HB 2527. This bill expands the school facilities authority to include asset preservation, maintenance, and repair of existing school facilities.

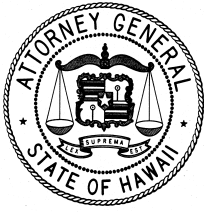
The Department has concerns that this creates an overlap of authority and effort because there are already programs within the Department's Office of Facilities and Operations, Facilities Maintenance Branch (FMB), Facilities Development Branch, and Auxiliary Services Branch (ASB), and the schools' custodial staff.

On Oahu, the FMB has a workforce of maintenance staff that goes out to the schools on a bi-monthly basis to conduct scheduled maintenance work. The Hawaii Department of Accounting and General Services serves the neighbor islands and also responds to work orders via the Maximo work order system. On a statewide basis, the Facilities Asset Management Program within the ASB already goes to schools statewide on an annual basis to identify and prioritize potential deferred maintenance projects.

Additional funding or resources to better implement condition assessments across the Department's campuses would be welcome. However, the Department sees this

measure as duplicating efforts across two separate agencies.

Thank you for this opportunity to provide comments on HB 2527.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-SECOND LEGISLATURE, 2024**

ON THE FOLLOWING MEASURE:

H.B. NO. 2527, RELATING TO DEPARTMENT OF EDUCATION FACILITIES.

BEFORE THE:

HOUSE COMMITTEE ON EDUCATION

DATE: Thursday, February 1, 2024 **TIME:** 2:00 p.m.

LOCATION: State Capitol, Room 309 and Videoconference

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Anne T. Horiuchi, Deputy Attorney General

Chair Woodson and Members of the Committee:

The Department of the Attorney General (Department) provides the following comments.

By adding to subpart C of part VI of chapter 302A, Hawaii Revised Statutes (HRS), a new section (section 1 of the bill, page 1, line 4, to page 3, line 5), this bill proposes to establish within the School Facilities Authority (SFA) an “asset preservation program” intended “to require the department to maintain facilities through a uniform program of specifications, standards, and requirements to ensure performance accountability, promote student health and safety by maintaining and operating building systems to their design capacity, maintain an encouraging learning environment, and extend building life.”

We wish to note several possible issues concerning the statutory definition of terms to avoid any confusion concerning the Legislature’s intent.

Subsection (a) of the new section added by section 1 of the bill establishes the “asset preservation program” within the “school facilities authority.” Section 302A-1701 defines “authority” as used in subpart C to mean the SFA, so the reference to the “school facilities authority” in subsection (a) and the rest of the new section should use the defined term, “authority.”

Subsection (b) of the new section (page 1, line 14) requires the “board” to adopt rules, but, as defined in section 302A-101, the term “board” as used in chapter 302A

means the “board of education,” and section 302A-1701 does not define “board” to have a different meaning for subpart C. Subsection (b) should be clarified if the bill is intended to instead require the SFA Board and not the Board of Education to adopt rules for facility maintenance and to require that the condition of Department of Education facilities be periodically evaluated. This ambiguity also appears in the bill description on the report title page, which refers to the Board of Education, rather than the SFA Board. The Department recommends that the bill description be revised to refer to the "School Facilities Authority Board," if that is the Legislature’s intent.

New subsection (c) on page 2, lines 3-13, states that the facility condition assessments shall be submitted to the “board and superintendent,” and that the “board and superintendent” shall review those assessments. (*Id.* at lines 9-10.) Because section 302A-101 defines “board” to mean the “board of education,” if the “board” referenced in these lines is meant to refer to the SFA Board, the wording should be appropriately clarified.

New subsection (d) on page 2, line 14, through page 3, line 2, states that the certified evaluator shall perform a facility condition evaluation and report the condition to the “board and superintendent,” and the “board and superintendent” shall compare the facility condition evaluation with the previous facility condition assessments. (Page 2, lines 16-20.) Again, if the “board” referenced in these lines is meant to refer to the SFA Board and not the Board of Education, the references to “board” on page 2, line 18, should be appropriately clarified.

Thank you for the opportunity to provide comments on this bill.

JOSH GREEN, M.D.
GOVERNOR

ALISON KUNISHIGE
ACTING EXECUTIVE DIRECTOR



STATE OF HAWAII
SCHOOL FACILITIES AUTHORITY
75 AUPUNI STREET, STE. BASEMENT
HILO, HAWAII 96720

LATE

LATE

**House Committee on Education
House Committee on Higher Education & Technology**

Thursday, February 1, 2024
2:00 p.m.
Hawai'i State Capitol, Room 309

House Bill 2527, Relating to Department of Education Facilities

Dear Chairs Woodson and Perruso, Vice Chairs La Chica and Kapela, and Members of the Committees:

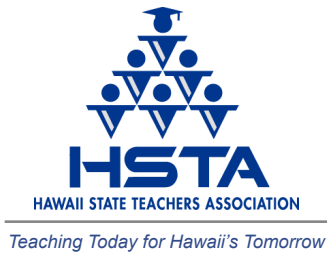
The School Facilities Authority (SFA) appreciates the intent of, but has **comments** on, House Bill 2527, which would, among other things, establish within the SFA an asset preservation program and require the SFA to perform an annual facility condition assessment on each facility maintained by the Department of Education (DOE).

While the SFA understands the need for a uniform program for facilities maintenance and keeping updated information on the condition of the DOE's facilities, the annual facility condition assessments envisioned by this bill would require significant resources to conduct yet HB 2527 does not provide an appropriation. It is unlikely that the SFA would be able to meet the mandates in this measure with its current resources and attempting to do so would take resources away from other projects assigned to the SFA by the legislature, such as the construction of prekindergarten classrooms and educator workforce housing.

Thank you for this opportunity to testify.

Sincerely,

Alison Kunishige
Acting Executive Director



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Osa Tui, Jr.
President

Logan Okita
Vice President

Lisa Thompson
Secretary-Treasurer

Ann Mahi
Executive Director

TESTIMONY TO THE HAWAII HOUSE COMMITTEE ON EDUCATION

Item: **HB2527 - Relating to Department of Education Facilities**

Position: **Support**

Hearing: **February 1, 2024, 2:00 p.m., Conference Room 309**

Submitter: **Osa Tui, Jr. – President, Hawai'i State Teachers Association**

Chair Woodson, Vice Chair La Chica, and members of the committee,

The Hawai'i State Teachers Association **supports** HB2527 which requires the Board of Education to adopt rules for facility maintenance and requires that the condition of Department of Education facilities be periodically evaluated.

As the buildings on our numerous school campuses statewide continue to age, they also become less safe for our students, faculty, and staff when not well maintained. According to the Department of Education, as of 2022 the average age of public school buildings in Hawai'i was 72 years and approximately 20% of Hawai'i's 257 public schools are more than 100 years old.

Having the School Facilities Authority perform an annual facility condition assessment and a certified evaluator conduct an evaluation once every five years will help to make sure we don't end up with disasters like Farrington High School's roof collapse back in 2012. We appreciate the language to ensure these assessments will be accessible to the public on the department's website.

The Hawai'i State Teachers Association asks your committee to **support** this bill.



Committee on Education
Representative Justin Woodson, Chair
Representative Trish La Chica, Vice Chair

February 1, 2024

Dear Chair Woodson, Vice Chair La Chica, and Members of the Committee,

We support HB 2527, which requires the Board of Education to adopt rules for facility maintenance and requires that the condition of Department of Education facilities be periodically evaluated.

Most other states and school districts in the nation, such as Washington State,¹ Los Angeles Unified School District,² Oakland Unified School District,³ and Austin Independent School District⁴ have built their successful facilities program around facilities asset management. Washington State calls its program Asset Preservation Program (APP).

An asset preservation program ([WAC 392-347-023](#)) is a systematic approach to ensure performance accountability; promote student health and safety by maintaining and operating building systems to their design capacity; maintain an encouraging learning environment; and extend building life, thus minimizing future capital needs.

The APP evolved from a State Board of Education policy developed in 1992. The intent of the program is to ensure that taxpayer investment in state assisted construction of school facilities is protected through a system of building maintenance.⁵

Within the DOE, Hawaii has a Facilities Asset Management program for deferred maintenance, but it has not been fully utilized. This legislation, which codifies necessary elements of the program, will help expand a systematic approach to managing our school facilities.

Hui for Excellence in Education, or “HE’E,” promotes a child-centered and strength-based public education system in which families, communities and schools are valued and empowered to help every student succeed. HE’E works to bring diverse stakeholders together to harness collective energy, share resources, and identify opportunities for progressive action in education.

Thank you for the opportunity to testify. Our support for this measure represents at least a 75%

¹ <https://ospi.k12.wa.us/policy-funding/school-buildings-facilities/school-facilities-programs/asset-preservation-program>

² <https://www.laschools.org/new-site/mpd/>

³ <https://www.ousd.org/facilities-planning-management-department/about/about/asset-management>

⁴ <https://www.austinisd.org/planning-asset-management>

⁵ <https://ospi.k12.wa.us/policy-funding/school-buildings-facilities/school-facilities-programs/asset-preservation-program>

consensus of our voting membership.

Sincerely,

Cheri Nakamura
HE'E Coalition Director

Coalition Members and Participants

Academy 21
Alliance for Place Based Learning
American Civil Liberties Union
Atherton YMCA
Education Institute of Hawai'i
*Faith Action for Community Equity
Fresh Leadership LLC
Girl Scouts Hawai'i
*HawaiiKidsCAN
*Hawai'i Afterschool Alliance
*Hawai'i Appleseed Center for Law and Economic Justice
*Hawai'i Association of School Psychologists
Hawai'i Athletic League of Scholars
*Hawai'i Children's Action Network
Hawai'i Education Association
Hawai'i Nutrition and Physical Activity Coalition
* Hawai'i State PTSA
Hawai'i State Student Council
Hawai'i State Teachers Association
Head Start Collaboration Office
It's All About Kids
*INPEACE
Joint Venture Education Forum
Junior Achievement of Hawaii
Kamehameha Schools
Kanu Hawai'i
Kaua'i Ho'okele Council
Keiki to Career Kaua'i

Kupu A'e
*Leaders for the Next Generation
Learning First
McREL's Pacific Center for Changing the Odds
Native Hawaiian Education Council
Our Public School
*Pacific Resources for Education and Learning
*Parents and Children Together
*Parents for Public Schools Hawai'i
Special Education Provider Alliance
*Teach for America
The Learning Coalition
US PACOM
University of Hawai'i College of Education
* Youth Service Hawai'i

Voting Members () Voting member organizations vote on action items while individual and non-voting participants may collaborate on all efforts within the Coalition.*