



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

**Date:** 03/20/2025

**Time:** 02:00 PM

**Location:** 309 VIA VIDEOCONFERENCE

**Committee:** House Education

**Department:** Education

**Person Testifying:** Keith T. Hayashi, Superintendent of Education

**Resolution Title:** HCR 0046 REQUESTING THE DEPARTMENT OF EDUCATION TO MAKE AVAILABLE RECREATIONAL FACILITIES TO THE PUBLIC DURING NON-PEAK HOURS AND NON-SCHOOL DAYS.

**Department's Position:**

The Hawaii State Department of Education (Department) appreciates the opportunity to offer comments on HCR 46.

We believe the concurrent resolution is not needed as the Department currently allows for certain public uses of our recreational facilities through its Use of Facilities process. The Use of Facilities process is established by Hawaii Revised Statutes, Section 302A-1148 and the Hawaii Administrative Rules (HAR) Title 8, Chapter 39 whereby all public school buildings, facilities, and grounds shall be available for general recreational purposes, and for public and community use, whenever these activities do not interfere with normal school operations and related activities. School principals or their designees exercise this authority to review, permit, or deny applications for public use at their school depending on activities that they have scheduled and/or programmed and are able to accommodate.

Under HAR, the allowable use of public school facilities fall into three (3) types:

1. Type I. Department of education, school sponsored and school-related activities, such as DOE Parent meetings, A-plus programs, etc.
2. Type II. Governmental agencies, not for profit community educational or recreational activities, youth clubs, athletic teams, labor organizations or service clubs conducting general recreational activities, community affairs, or public hearings for which no admission charge is made, collection taken or offering received during the use of school facilities. Student child-care activities conducted by non-profit organizations who have received tax exemption from the State department of taxation shall be classified as Type II use even if there is a charge.

3. Type III. Governmental agencies, community groups, churches, business enterprises, labor unions or individuals who:
- Charge participants a fee, tuition, collect donations, contributions or offerings; or
  - Conduct fund raising activities, or meetings or services to promote a business, product, or religion.

Thank you for this opportunity to provide comments on HCR 46.



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
KA 'OIHANA O KA LOIO KUHINA  
THIRTY-THIRD LEGISLATURE, 2025**

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**ON THE FOLLOWING MEASURE:**

H.C.R. NO. 46 AND H.R. NO. 39, REQUESTING THE DEPARTMENT OF EDUCATION TO MAKE AVAILABLE RECREATIONAL FACILITIES TO THE PUBLIC DURING NON-PEAK HOURS AND NON-SCHOOL DAYS.

**BEFORE THE:**

HOUSE COMMITTEE ON EDUCATION

**DATE:** Thursday, March 20, 2025

**TIME:** 2:00 p.m.

**LOCATION:** State Capitol, Room 309

**TESTIFIER(S):** Anne E. Lopez, Attorney General, or  
Anne T. Horiuchi or Randall M. Wat, Deputy Attorneys General

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Chair Woodson and Members of the Committee:

The Department of the Attorney General (Department) respectfully opposes these resolutions.

These resolutions request that the Department of Education (DOE) open public school recreational facilities for public use during non-peak hours and non-school use days.

The Department is concerned that opening public school recreational facilities for “unrestricted” public use, without legal safeguards, may expose the DOE to substantial liability for injuries or worse. Moreover, the resolutions do not identify who will be responsible for the increased costs of maintaining school grounds and facilities and providing safety personnel, or who may be liable if school playing fields, gymnasiums, or other school properties are damaged. Without legal safeguards, these liability and cost issues may make the actions called for by the resolutions a significant risk for legal and financial liability accruing to the State.

We respectfully request that these resolutions be held. Thank you for the opportunity to provide testimony on these measures.

**HCR-46**

Submitted on: 3/19/2025 7:05:22 AM

Testimony for EDN on 3/20/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Candace Vizcarra	Individual	Support	Written Testimony Only

Comments:

I support this resolution!!

**HCR-46**

Submitted on: 3/19/2025 1:50:10 PM

Testimony for EDN on 3/20/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Daniel C. Smith	Individual	Support	Written Testimony Only

Comments:

Aloha House Committee on Education:

I strongly support this resolution; it makes common sense.

Mahalo,

Daniel C. Smith

Pearl City

**HCR-46**

Submitted on: 3/19/2025 2:25:22 PM

Testimony for EDN on 3/20/2025 2:00:00 PM

**LATE**

Submitted By	Organization	Testifier Position	Testify
Rachel Ebert	Individual	Support	Written Testimony Only

Comments:

This is great for keiki and families!

**LATE**

**HCR-46**

Submitted on: 3/19/2025 8:41:32 PM

Testimony for EDN on 3/20/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ted Meehan	Individual	Support	Written Testimony Only

Comments:

I support HR 39.

Public school facilities offer a wide variety of activities for Hawaii residents. These facilities should be available to residents during non-peak hours and on non-school days. Residents support public schools and facilities thru their tax dollar and it seems appropriate these facilities be available as set forth in HB 39.

I urge you to support HB 39. Thank you.

Ted Meehan

**LATE**

**HCR-46**

Submitted on: 3/19/2025 10:07:19 PM

Testimony for EDN on 3/20/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ken MacDowell	Individual	Oppose	Written Testimony Only

Comments:

I am oppoed to HR39. Many school facilities are already in need of deferred routine maintenance or repairs due to purposely deferred maintenance or budget and funding shortfalls. Opening school facilities as proposed by HR39 will only make matters worse. Schools are places of learning which doesn't end at the final bell of the day, there are many school activities after classes end. Would those be considered non-peak times as proposed n HR39? If so, then mon-school related acitives should not be allowed during those times. If a school is made available to the public as proposed in HR 39 who will pay for school staff required to be on scene? Who will be responsible for cleaning up after the school is used? Language in HR39 states, in part, "...residents of Hawaii face similar challenges accessing public recreational facilities including pools, gyms, and fields; and WHEREAS, the lack of access to public recreational facilities directly mirrors income inequality, with rural and low-income communities within the State facing the greatest barriers to participating in physical activities;..." Rather than using schools to meet those challenges and access issues as a taxpayer I would prefer that the State and C&C allocate more funds to build new parks and recreational facilities as well as take necessary steps to improve on existing facilities some of which haven't been improved in many years.