

GOV. MSG. NO. 907

EXECUTIVE CHAMBERS

HONOLULU

LINDA LINGLE GOVERNOR

July 8, 2008

The Honorable Colleen Hanabusa, President and Members of the Senate Twenty-Fourth State Legislature State Capitol, Room 409 Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

I am transmitting herewith HB2972 HD1 SD2 CD1, without my approval, and with the statement of objections relating to the measure.

HB2972 HD1 SD2 CD1

A BILL FOR AN ACT RELATING TO EDUCATION.

Sincerely,

42 'U LINDA LINGLE

EXECUTIVE CHAMBERS HONOLULU

July 8, 2008

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 2972

Honorable Members Twenty-Fourth Legislature State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 2972, entitled "A Bill for an Act Relating to Education."

The purpose of this bill is to create a school Facilities Alignment Commission within the Department of Education, require the Department of Education to develop and provide a school facilities plan to the Commission, and require the Board of Education to implement the recommendations of the Commission unless they are disapproved in their entirety by the Legislature.

This bill is objectionable because it unfairly targets a selection of schools in specific geographic areas of the State. No rationale was provided as to why these school complexes were singled out while others were not targeted for possible closure or consolidation. Further, this was done without the public being given an opportunity to comment on this amendment prior to final passage of this bill.

This bill is also objectionable because the Facilities Alignment Commission it creates would be exempt from chapter 91, Hawaii Revised Statutes, covering public access and disclosure of information. STATEMENT OF OBJECTIONS HOUSE BILL NO. 2972 Page 2

For the foregoing reasons, I am returning House Bill No. 2972 without my approval.

Respectfully,

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LINDA LINGLE Governor of Hawaii

HOUSE OF REPRESENTATIVES TWENTY-FOURTH LEGISLATURE, 2008 STATE OF HAWAII

A BILL FOR AN ACT

VETO

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2972

H.D. 1

S.D. 2 C.D. 1

RELATING TO EDUCATION.

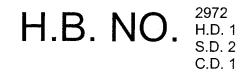
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 The legislature finds that with in-migration SECTION 1. 2 and the aging of our population, among other things, the demographics of the state are evolving. Over the past twenty-3 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 the island. Meanwhile, Kihei, Maui, and West Hawaii are some of 7 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 facilities in other areas underused. Thus, the legislature 11 12 believes there is a need to revitalize school facilities statewide, including building or expanding schools in certain 13 14 areas and consolidating or closing schools in other areas. 15 However, the legislature finds that despite broad-based public recognition of Hawaii's changing demographics, there is 16

17 often little public support for changes that affect specific



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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 as the construction or expansion of some schools is important, 6 7 the consolidation or closure of other schools is also necessary. It is important that any actions be taken through a very 8 9 objective and transparent process that benefits the greatest 10 number of public school students and their families.

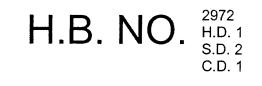
11 The purpose of this Act is to revitalize school facilities 12 statewide and to more effectively and efficiently use our 13 taxpayers' investment in public education. Specifically, this 14 Act provides for the timely closure or consolidation of 15 underused public schools in Hawaii through an objective and 16 transparent process that:

17 (1) Includes the establishment of a facilities alignment18 commission that shall:

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



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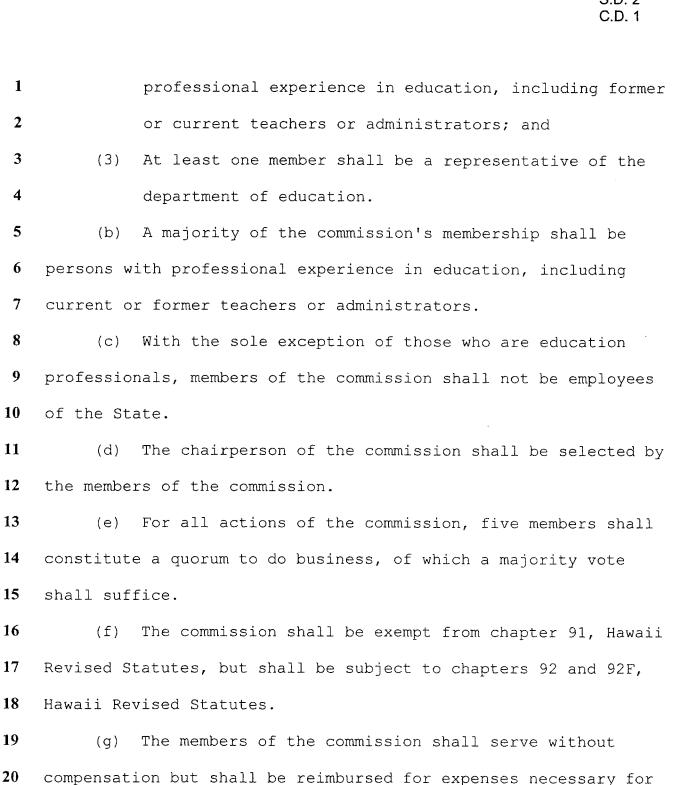


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1		(B) Recommend, based upon these criteria, a list of
2		schools for consolidation or closure, which is
3	2	subject to review by the legislature;
4		and
5	(2)	Directs the board of education to proceed with the
6		process of consolidating or closing 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	SECT	ION 2. Facilities alignment commission. (a) There is
11	establish	ed the facilities alignment commission, to be attached
12	to the dep	partment of education for administrative purposes. The
13	commission	n 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



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20 compensation but shall be reimbursed for expenses necessary fo
21 the performance of their duties, including travel expenses.



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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.



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



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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 The criteria shall require the consideration of: (b) 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 The costs or savings resulting from the continued (5) 19 operation, consolidation, or closure of a school, 20 including the costs of deferred and future repair and

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maintenance; and

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1 Alternative uses of the facilities, land, and property (6) 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 public hearing, the commission shall provide appropriate notice, 13 as defined in section 1-28.5, Hawaii Revised Statutes, both 14 15 statewide and county-wide in each county of the state. The commission shall make available to the public draft copies of 16 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

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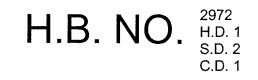
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1 criteria adopted pursuant to section 4, the commission shall 2 compile a preliminary list of recommended: 3 Schools to be consolidated, other than charter (1)4 schools; and 5 (2) Underused schools to be closed, other than charter 6 schools. 7 The list of recommendations shall include a summary of (b) 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 the commission. (a) By August 31, 2010, the commission shall 12 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.

(b) Not less than twenty days prior to the convening of the regular session of 2011, the commission shall submit to the HB2972 CD1 HMS 2008-4112

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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.		



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