
A BILL FOR AN ACT

RELATING TO EDUCATION.

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

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PART I

SECTION 1. Findings and purpose. The legislature finds that with in-migration and the aging of our population, among other things, the demographics of the State are evolving. Over the past twenty-five years, the statewide population has increasingly shifted from the urban core to the suburbs, especially on Oahu, where the population center has steadily moved to the western side of the island. Meanwhile, some of the areas in the State with the fastest-growing populations are Kihei, Maui, and West Hawaii. These demographic shifts have overburdened public school facilities in growing areas and left some public school facilities in other areas underutilized. Thus, the legislature believes there is a need to revitalize school facilities statewide, including building or expanding schools in certain areas and consolidating or closing schools in other areas.

17 However, the legislature finds that, despite broad-based
18 public recognition of Hawaii's changing demographics, there is



1 often little public support for changes that affect specific
2 constituencies. In particular, this is true of proposals to
3 close or consolidate public schools to maximize resources.

4 The legislature recognizes the difficulties, political and
5 otherwise, inherent in these decisions. But in the face of
6 increasing educational priorities, the legislature believes that
7 just as the construction or expansion of some schools is
8 important, the consolidation or closure of other schools is also
9 necessary. It is important that any actions to construct,
10 expand, consolidate, or close schools be accomplished through a
11 very objective and transparent process that benefits the
12 greatest number of public school students and their families.

13 The purpose of this part is to revitalize school facilities
14 statewide and to more effectively and efficiently use our
15 taxpayers' investment in public education. Specifically, this
16 part provides for the timely construction, expansion,
17 consolidation, or closure of public schools in Hawaii through an
18 objective and transparent process that, at a minimum:

19 (1) Includes the establishment of a facilities alignment
20 commission that shall:



1 (A) Establish criteria for the selection of public
2 schools to be constructed, expanded,
3 consolidated, or closed; and

4 (B) Recommend, based upon these criteria, a list of
5 areas for new school construction, and of schools
6 for expansion, consolidation, or closure, subject
7 to the review of the legislature; and

8 (2) Directs the board of education to proceed with the
9 process of constructing, expanding, consolidating, or
10 closing schools according to the recommendations of
11 the facilities alignment commission.

12 SECTION 2. Chapter 302A, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 "§302A- School facilities; report. The board shall
16 submit a report to the legislature on or before July 1 of each
17 year, beginning with July 1, 2008, on plans for underutilized
18 facilities within the department that includes:

- 19 (1) Schools earmarked for possible closure;
- 20 (2) A schools and facilities watch list; and
- 21 (3) Alternative potential uses for underutilized schools
22 or facilities."



1 SECTION 3. Facilities alignment commission. (a) There is
2 established the facilities alignment commission, to be attached
3 to the department of education for administrative purposes. The
4 commission shall be composed of nine members appointed by the
5 governor; provided that:

6 (1) Three members shall be appointed from a list of
7 nominees submitted by the president of the senate; and

8 (2) Three members shall be appointed from a list of
9 nominees submitted by the speaker of the house of
10 representatives.

11 (b) The chairperson of the commission shall be selected by
12 the members of the commission.

13 (c) Members of the commission shall not be employees of
14 the State.

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



1 (e) The commission shall be exempt from chapter 91, Hawaii
2 Revised Statutes, but shall be subject to chapters 92 and 92F,
3 Hawaii Revised Statutes.

4 (f) The members of the commission shall serve without
5 compensation but shall be reimbursed for expenses necessary for
6 the performance of their duties, including travel expenses.

7 (g) The department of education shall provide
8 administrative support to the commission. The commission shall
9 have access to all records in the department of education and
10 department of accounting and general services pertinent to its
11 duties and may request research and analysis assistance from the
12 department of education. Pursuant to chapter 92F, Hawaii
13 Revised Statutes, the commission shall maintain the
14 confidentiality of all confidential information.

15 (h) The commission shall terminate upon adjournment of the
16 regular legislative session of 2009, sine die.

17 SECTION 4. Procedures for making recommendations for
18 school alignment; school facilities plan. (a) The department
19 of education shall submit to the facilities alignment commission
20 by August 31, 2007, a thirty-year school facilities plan for the
21 department of education. The school facilities plan shall be
22 based on the department's assessment of the projected student



1 enrollment for every public school in the State, except for
2 charter schools. In conducting the assessment, the department
3 shall:

- 4 (1) Consider the six-year program and financial plan
5 prepared pursuant to section 37-69, Hawaii Revised
6 Statutes, to the extent it is applicable;
 - 7 (2) Develop and consider a thirty-year projection of the
8 enrollment at each school across the State and the
9 resulting need for facilities; and
 - 10 (3) Consider other reliable data relative to population
11 growth and trends, and anticipated levels of funding
12 necessary for every school.
- 13 (b) The school facilities plan shall include:
- 14 (1) A description of the assessment of projected student
15 enrollment pursuant to subsection (a);
 - 16 (2) A comprehensive inventory of all department of
17 education facilities;
 - 18 (3) For each school district, thirty-year projections for
19 the numbers and locations of schools required annually
20 to accommodate the numbers and types of students in
21 the projected enrollment; and



1 (4) Recommendations for the construction, expansion,
2 consolidation, or closure of schools based on the
3 projections and assessment made pursuant to this
4 section.

5 SECTION 5. School alignment selection criteria. (a) By
6 December 31, 2007, the facilities alignment commission shall
7 establish the criteria that will be used by the commission to
8 select:

- 9 (1) Areas for new school construction;
10 (2) Schools for expansion, except charter schools;
11 (3) Schools to be consolidated, except charter schools;
12 and
13 (4) Schools to be closed, except charter schools.

14 (b) The criteria shall require, at a minimum, the
15 consideration of:

- 16 (1) The overutilization or underutilization of school
17 facilities;
18 (2) The impact of the consolidation or closure of a school
19 on the community in which it is located; and
20 (3) The costs or savings resulting from the continued
21 operation, consolidation, or closure of a school,



1 including the costs of deferred and future repair and
2 maintenance.

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

12 SECTION 6. Preliminary recommendations. (a) By
13 February 29, 2008, based on the school facilities plan developed
14 pursuant to section 3 and the final school alignment selection
15 criteria adopted pursuant to section 4, the facilities alignment
16 commission shall compile a preliminary list of recommended:

- 17 (1) Areas for new school construction;
18 (2) Schools for expansion, except charter schools;
19 (3) Schools to be consolidated, except charter schools;
20 and
21 (4) Schools to be closed, except charter schools.



1 (b) The list of recommendations shall include a summary of
2 the selection process that resulted in the recommendation of
3 each area or school on the list, including a justification for
4 each recommendation.

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

9 SECTION 7. Public hearings and final recommendations by
10 the commission. (a) By September 1, 2008, the facilities
11 alignment commission shall hold public hearings to obtain public
12 response to the commission's preliminary recommendations. For
13 each public hearing, the commission shall provide appropriate
14 notice as required by section 1-28.5, Hawaii Revised Statutes,
15 both statewide and county-wide in each county of the State. The
16 commission shall make available to the public draft copies of
17 the preliminary recommendations not less than two weeks prior to
18 the start of the public hearings.

19 (b) Not less than twenty days prior to the convening of
20 the regular session of 2009, the commission shall submit to the
21 legislature a report of its findings and conclusions, including
22 a final list of recommendations for:



- 1 (1) Areas for new school construction;
- 2 (2) Schools for expansion, except charter schools;
- 3 (3) Schools to be consolidated, except charter schools;
- 4 and
- 5 (4) Schools to be closed, except charter schools.
- 6 (c) The final list of recommendations shall be subject to
- 7 legislative disapproval only in their entirety, by concurrent
- 8 resolution.
- 9 (d) If the legislature does not disapprove the
- 10 recommendations pursuant to subsection (c), then after the
- 11 adjournment of the regular legislative session of 2009, sine
- 12 die, the board of education shall begin compliance with the
- 13 recommendations of the commission for the 2010-2011 school year
- 14 to:
- 15 (1) Construct new schools;
- 16 (2) Expand schools; and
- 17 (3) Consolidate or close schools.

18 SECTION 8. There is appropriated out of the general

19 revenues of the State of Hawaii the sum of \$ or so

20 much thereof as may be necessary for fiscal year 2007-2008 and

21 the same sum or so much thereof as may be necessary for fiscal



1 year 2008-2009 for expenses incurred by the facilities alignment
2 commission in carrying out its duties.

3 The sums appropriated shall be expended by the department
4 of education for the purposes of this part.

5 **PART II**

6 SECTION 9. (a) The legislature finds that smaller school
7 environments are of great advantage to teachers, students, and
8 parents. Hawaii has explored smaller learning communities in
9 the past by considering various reforms, including "turning
10 points" in 1989, "breaking ranks" in 1996, and approaching
11 interested foundations such as the Annenberg Foundation and the
12 Gates Foundation. However, Hawaii has not been able to
13 implement a system-wide smaller learning community initiative.

14 (b) The legislature also finds that research and
15 experience indicate that smaller schools enable teachers to
16 create more personalized relationships with students, leading to
17 learning opportunities based upon students' needs and interests.
18 Smaller schools provide an ideal environment for project-based
19 and place-based learning, ranging from class-based, teacher-
20 designed projects to whole school design.

21 (c) The legislature further finds that the department of
22 education, facilitated by various grants, has explored schools-



1 within-schools, but it has not created a major smaller learning
2 community initiative. In addition, Act 298, Session Laws of
3 Hawaii 2006, enacted the public charter schools law, codified as
4 chapter 302B, Hawaii Revised Statutes, which also does not
5 provide for smaller learning communities.

6 The department of education is considering the potential
7 cost savings of consolidating smaller schools. Cost savings
8 appear to be a higher priority than the research-documented
9 benefits of smaller learning communities. The legislature finds
10 that the cost savings approach to school consolidation is
11 irrational in the face of overwhelming evidence that smaller
12 schools are beneficial to students. Various authoritative
13 educational studies have found that students in smaller schools:

- 14 (1) Are more academically successful than those in larger
15 schools;
- 16 (2) Have higher graduation rates; and
- 17 (3) Are more likely to take advanced-level courses, and to
18 participate in extracurricular activities.

19 The purpose of this part is to establish the framework and
20 criteria for the department of education to implement smaller
21 learning communities.



1 SECTION 10. Chapter 302A, Hawaii Revised Statutes, is
2 amended by adding a new part to be appropriately designated and
3 to read as follows:

4 **"PART . SMALLER LEARNING COMMUNITIES**

5 **§302A-A Purpose.** The purpose of this part is to establish
6 smaller learning communities consisting of smaller schools.
7 Smaller learning communities greatly enhance the achievement of
8 students, including but not limited to higher grades, test
9 scores, and college admissions, and enable students to become
10 better prepared for the workplace.

11 **§302A-B Establishment of policy.** It shall be the policy
12 of the department to provide for the establishment of smaller
13 learning communities within existing schools or school districts
14 that shall have priority over the cost savings of consolidating
15 or closing schools; provided that smaller schools or schools-
16 within-schools shall satisfy the requirements of section 302A-C
17 in order to establish or remain part of a smaller learning
18 community.

19 **§302A-C Smaller schools or schools-within-schools;**
20 **requirements.** (a) Smaller schools or schools-within-schools in
21 a smaller learning community shall:



- 1 (1) Select and operate under a school specialty status,
2 including magnet, academy, or other specialty;
3 (2) Develop personalized plans for each student; and
4 (3) Create and maintain portfolios for each student.

5 (b) Funds derived from shared facilities usage by smaller
6 schools or schools-within-schools in a smaller learning
7 community shall be used to augment funds allocated according to
8 the weighted student formula.

9 **§302A-D Guidelines.** The following guidelines shall apply
10 to achieve the establishment of smaller learning communities
11 through smaller schools:

- 12 (1) Cost savings or enrollment shall not be the priority
13 in closing or consolidating school facilities;
14 (2) Prior to closing or consolidating school facilities,
15 the department shall determine if there is a private
16 provider willing to build early childhood education
17 facilities, as provided in section 302A-1506.5;
18 (3) Prior to the sale of school lands, as provided under
19 section 302A-1151, the department shall determine if
20 the school land or building is suitable for other
21 educational purposes, including but not limited to
22 establishment of a smaller learning community or an



1 early childhood education facility operated by a
2 private provider;

3 (4) Prior to closing a smaller school, the department
4 shall assist that school to become a conversion
5 charter school, as defined in section 302B-1;

6 (5) The department shall explore alternate methods of
7 realizing cost savings, in lieu of closing or
8 consolidating school facilities, including sharing of
9 administrative support and specialized teachers among
10 schools within the same district; and

11 (6) Prior to consolidation of school facilities, the
12 department shall obtain input of the parents and
13 faculty of an affected school.

14 **§302A-E Expansion of e-learning.** Each school district
15 shall develop a plan to expand its use of e-learning,
16 encompassing computer-enhanced learning, web-based teaching
17 materials, and virtual learning, to enhance and create more
18 personalized learning environments.

19 As used in this section, "virtual learning" means a managed
20 learning environment in which all aspects of a course are
21 handled through a consistent user interface standard throughout
22 the grade level."



1 SECTION 11. Section 302A-1151, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "~~+~~§302A-1151~~+~~ **Sale of school lands unnecessary for**
4 **school purposes.** The chairperson of the board of land and
5 natural resources [~~is hereby requested~~], upon the recommendation
6 and approval of the superintendent, [~~to~~] shall sell any state
7 lands, including the buildings thereon, once used but no longer
8 necessary for school purposes~~+~~ and without the potential of
9 being used for other educational purposes."

10 SECTION 12. Section 302A-1506.5, Hawaii Revised Statutes,
11 is amended to read as follows:

12 "~~+~~§302A-1506.5~~+~~ **Early childhood education facilities;**
13 **identifying sites~~+~~; closing or consolidation.** (a) The
14 department [~~of education~~] shall identify unused public school
15 facilities for use by early childhood education programs.
16 Suitable empty classrooms, as determined by the department,
17 shall be inventoried for potential use in early childhood
18 education programs. Priority shall be given to facilities on
19 sites with sufficient space for three or more classrooms to be
20 renovated or constructed.



1 (b) The department shall assist in the identification of
2 possible construction sites for private providers to build early
3 childhood education facilities.

4 (c) The department shall give priority to the application
5 of this section as a condition precedent to the closing or
6 consolidation of unused or underutilized school facilities."

7 **PART III**

8 SECTION 13. In codifying the new sections added by section
9 10 of this Act, the revisor of statutes shall substitute
10 appropriate section numbers for the letters used in designating
11 the new sections in this Act.

12 SECTION 14. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

14 SECTION 15. This Act shall take effect on July 1, 2020.



Report Title:

School Facilities; Facilities Alignment Commission; Smaller Learning Communities

Description:

Creates the facilities alignment commission to establish criteria for the selection of public schools to be constructed, expanded, consolidated, or closed, and recommend, based upon these criteria, a list of areas for new school construction, and of schools for expansion, consolidation, or closure. Allows the legislature to disapprove these recommendations only in their entirety. If no legislative disapproval occurs, requires the board of education to comply with these recommendations.

Provides for smaller learning communities in public schools. Prohibits the selling of school lands and buildings without consideration of using the land and buildings for small learning communities. Requires the department of education to give priority to establishing early childhood education learning facilities over closing or consolidating school facilities.

(SD1)

