



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

**Date:** 03/20/2026

**Time:** 01:00 PM

**Location:** CR 229 & Videoconference

**Committee:** EDU

**Department:** Education

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

**Title of Bill:** HB2398, HD1, RELATING TO LIBRARIES.

**Purpose of Bill:** Clarifies that the Board of Education, through the State Librarian, has exclusive authority over the development, use, support, and improvement and maintenance of public library system facilities. Allows the Board of Education to authorize the State Librarian to exercise exclusive control of certain land for development or expansion purposes, subject to legislative appropriation. Requires the Department of Education to expeditiously cooperate with the State Librarian and Hawaii State Public Library System to effectuate any project authorized by the Board of Education on certain lands. Effective 7/1/3000. (HD1)

**Department's Position:**

The Hawaii State Department of Education (Department) appreciates the opportunity to provide testimony in opposition to HB 2398, HD 1. As written, this bill proposes to clarify that the State of Hawaii Board of Education (Board), through the State Librarian, has exclusive authority over the development, use, support, improvement, and maintenance of public library system facilities. The bill also authorizes the Board to authorize the State Librarian to exercise exclusive control of certain lands for development or expansion purposes and requires the Department to cooperate with the State Librarian and the Hawaii State Public Library System (HSPLS) to effectuate any HSPLS project authorized by the Board on certain lands.

While the Department supports HSPLS projects that occur on land unrelated to existing public school campuses, the bill's application to land currently used for school operations presents significant operational, safety, and statutory conflicts.

There are 13 public libraries currently operating on public school campuses statewide. Many of them serve as both a public or community library as well as a school library. These co-located facility arrangements originated prior to statehood, when counties managed public schools. Over time, both public education and public library functions have evolved. As a result, joint occupancy has produced recurring challenges at the intersection of HSPLS's mission to serve the general public and the Department's responsibility to serve minors on campus. Some of these challenges include:

Access to state libraries for students and school staff versus library patrons and staff;

- Potential conflicts in emergency drills and evacuation;
- Student versus community use of shared library facility;
- Sufficient parking for students and school staff versus library patrons and staff;
- Coordination of large construction projects, competition for space, and hours of operation in conflict;
- Ancillary activities and events connected to schools versus library operations in conflict (i.e., sporting events versus book fairs); and
- New Harm to Students Act, Act 156, Session Laws of Hawaii 2024 (Act 156) restrictions may conflict with the library's public access policy.

Although most issues have been amicably addressed through cooperative understanding between the respective public librarian and the host school administration, Act 156 presents statutory requirements that cannot be mitigated informally. The Act requires the Department to restrict campus access by individuals found to have inflicted harm on students. Maintaining student safety becomes significantly more complex when non-school functions operate on the same site.

The Department cannot support the proposed amendments to Hawaii Revised Statutes (HRS) 302A-1506.2, entitled "Property acquisition, use, and Disposition," proposed by this bill. As written in Paragraph (e) on Page 3 of this bill, land controlled by the Department that the Board has provided exclusive control to the state librarian pursuant to HRS Section 302A-1120, the department shall expeditiously cooperate with the state librarian and public library system to effectuate any project authorized by the Board. Based on this amendment, the Department believes that it will not only lose the authority and ability to fully utilize its campus to fulfill its statutory obligation under HRS 302A-101, to use its own properties to meet present and future needs with safe campuses and facilities, but it will also prevent it from ensuring student and staff safety required under Act 156.

Subdividing the school campus or legally separating the library portion has been suggested as a mitigation. This may work in some situations where public libraries are not in close proximity to school facilities; however, subdivision could also create further risks:

- The Department will lose valuable land area, which it would rely on for future school expansion;
- Impacts on school operations, such as outdoor classroom or athletic activities, and bus transportation;
- Land entitlements related to zoning, permitting, and other state or county requirements could be threatened; and
- Emergency access and evacuation could be jeopardized.

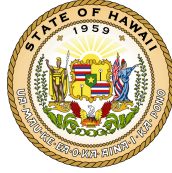
This bill also contradicts the intent and statutory framework established under Act 307, Session Laws of Hawaii 2022 (Act 307), which sought to eliminate split ownership of school lands and consolidate fee simple title to the Department to support safe, functional, and efficiently managed public school campuses.

Act 307 was enacted to address significant delays, cost increases, and logistical complications caused by fragmented land ownership across State and County agencies. Re-introducing split ownership of school campus lands, especially where the HSPLS is physically embedded within the campus circulation, shared utilities, and shared areas, creates substantial operational, safety, legal, and capital-planning conflicts.

The bill, as written, restricts the Department's ability to fulfill its statutory duty if library expansion takes precedence over school operations or future school expansion requirements. For the reasons stated in this testimony, the Department requests that the committee strike the amendments to HRS 302A-1120 and HRS 302A-1506.2 as proposed in this bill.

The Department appreciates the committee's careful consideration of its testimony in opposition to HB 2398, HD 1.

JOSH GREEN, M.D.  
GOVERNOR



ROY M. TAKUMI  
CHAIRPERSON

**STATE OF HAWAII  
BOARD OF EDUCATION  
PAPA HO'ONA'AUAO**  
P.O. BOX 2360  
HONOLULU, HAWAII 96804

**Senate Committee on Education**  
**Friday, March 20, 2026**  
1:00 p.m.  
Hawaii State Capitol, Room 229

**Measure: House Bill 2398 HD1, Relating to Libraries**

**Purpose of Measure:**

Clarifies that the Board of Education, through the State Librarian, has exclusive authority over the development, use, support, and improvement and maintenance of public library system facilities. Allows the Board of Education to authorize the State Librarian to exercise exclusive control of certain land for development or expansion purposes, subject to legislative appropriation. Requires the Department of Education to expeditiously cooperate with the State Librarian and Hawaii State Public Library System to effectuate any project authorized by the Board of Education on certain lands. Effective 7/1/3000.

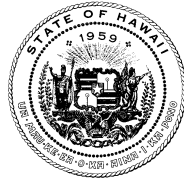
Aloha Chair Kim, Vice Chair Kidani, and Members of the Committee:

The Board of Education (Board) respectfully offers comments on House Bill 2398 HD1. The Board appreciates the Legislature's concern regarding library facilities and believes continued discussion and deliberation at the legislative level is important to clarifying the associated jurisdictions.

Mahalo for this opportunity to testify on behalf of the Board.

JOSH B. GREEN, M.D.  
GOVERNOR

SYLVIA LUKE  
LIEUTENANT GOVERNOR



STACEY A. ALDRICH  
STATE LIBRARIAN  
Ke Po'o Hale Waihona Puke Moku'āina

STATE OF HAWAII  
HAWAII STATE PUBLIC LIBRARY SYSTEM  
'ŌI'HANA HALE WAIHONA PUKE AUPUNI O KA MOKU'ĀINA O HAWAII'  
OFFICE OF THE STATE LIBRARIAN  
44 MERCHANT STREET  
HONOLULU, HAWAII 96813  
(808) 586-3704

**Senate Committee on Education**  
**March 20, 2026, 1:00 p.m.**  
**State Capitol, Room 229**

**HB 2398 HD1 - Relating to Libraries**

To: Sen. Donna Mercado Kim, Chair  
Sen. Michelle N. Kidani, Vice Chair  
Members of the Senate Committee on Education

The Hawai'i State Public Library System (HSPLS) **supports** HB 2398 HD1 which clarifies that the Board of Education, through the State Librarian, has exclusive authority over the development, use, support, and improvement and maintenance of public library system facilities; allows the Board of Education (BOE) to authorize the State Librarian to exercise exclusive control of certain land for development or expansion purposes, subject to legislative appropriation; and requires the Department of Education (DOE) to expeditiously cooperate with the State Librarian and Hawai'i State Public Library System to effectuate any project authorized by the Board of Education on certain lands.

In 1981, or about 45 years ago, the State Legislature transferred oversight of the public library system to the BOE and the State Librarian. Under Section 312-1 of the Hawaii Revised Statutes (HRS), it is established that the BOE "...shall care for, manage, and control all property set apart, donated, loaned to, or in any manner acquired for the use of libraries; receive, care for, expend, and account for any money which may be received for the purpose of erecting buildings for libraries or for any other purposes of the libraries," while the State Librarian "...shall be responsible for the operation, planning, programming, and budgeting of all community/school and public libraries within the State..."

Although operations of the public libraries were transferred in 1981, control over the properties that the public libraries are located on was not completed nor clarified. Since 1981, the HSPLS has taken on sole responsibility for all operational issues related to the development, use, support, and improvements and maintenance of all public library

buildings statewide, including public and school libraries, which are on or adjacent to school campuses. During this time, the HSPLS has expended significant resources for continued maintenance, renovations, and improvements at all public libraries.

**The purpose of HB 2398 HD1 is to clarify that the BOE and the State Librarian have exclusive control over the property upon which public libraries are located to ensure that the HSPLS can continue to effectively and efficiently manage, maintain, improve and expend legislative appropriations designated for public libraries unencumbered.**

As the DOE has noted in its prior testimony, over time, both the DOE and the HSPLS functions have evolved. The DOE testimony also reflects the lack of understanding by the DOE that the public libraries are a separate program, independent of the DOE. The challenges that the DOE has noted in its testimony are a true representation of the issues that the *HSPLS* faces at the 12 public and school campuses and highlights the need for this measure. The underlying issues raised by DOE underscore the fundamental misunderstanding of current DOE staff.

Clarifying control over the property would be especially helpful with respect to HSPLS' management of twelve public and school libraries which are located on or adjacent to school campuses. Except for the Hana Public and School Library, which was built in 1984, all of the public and school libraries were built between 1963 – 1978 when the State Librarian was a deputy to the DOE Superintendent. These joint public and school libraries were built in growing communities (6 of 12 were built on Hawaii Island) and considered a cost-efficient way to provide library services to both the students and communities since both the school and public libraries are statewide systems.

At that time, both the DOE and the HSPLS had staff who worked in the joint-use library. Today, there are only two school library staff remaining at the 12 public and school libraries – one each at the 'Ewa Beach and Kahuku libraries. Over time, as the DOE has failed to replace school library staff, and the resources of HSPLS (including our staff) have attempted to fill the void created to support these students.

In 2000, the DOE distributed operational guidelines and procedures for public and school libraries, but few current DOE staff recall or implement them. Consequently, DOE staff continue to mistakenly believe that public and school library buildings belong to the DOE school and that HSPLS is on “their property”. As a result, it has been increasingly difficult for the HSPLS to enforce the management and control over public and school libraries with DOE staff who do not recognize the HSPLS as a separate independent entity. This mindset is

clearly reflected in the DOE's testimony expressing concerns that if property were to be carved out for the library, the schools would not be able to fully utilize its campus, ignoring that existing law delegates oversight and control over library properties with the BOE and HSPLS.

HSPLS acknowledges that shared use would best be handled by internally generated agreements; however, we have found that due to the size and complexity of the DOE, this type of less formal documentation is highly reliant on individuals willing to implement an agreement. Recent experience is that despite working out issues with DOE staff as recently as a few years ago, there is no assurance that current or future DOE staff will abide by an informal agreement. Unless there is a more formalized separation of the library property, the DOE staff will continue to believe they "own" the public and school library campuses exclusively to the detriment of the HSPLS.

Here are some typical examples of situations that have occurred:

- One principal has repeatedly supported legislation that attempted to transfer the public and school library on his campus to his control;
- On other campuses, the school principal has denied public library staff access to the campus to access the public and school library;
- During a DOE construction project, the branch manager showed up to work and found that 1/3 of her parking lot was taken over by the DOE construction project without any prior notice or approval;
- A DOE school parking lot repaving project that re-designed the parking lot to create a new pickup and drop off area utilizing the front entry area of the library was set to start construction without any prior notice or approval by HSPLS; and
- Recently, DOE staff delayed the start of a HSPLS construction project by two months claiming that they were unaware of the project despite documented emails and correspondence which included former and current DOE staff.

The examples above are just a few of the situations we hope to alleviate by providing more clarity for both DOE and HSPLS. This measure is needed to ensure that going forward, future HSPLS staff will be able to meet its mission without having to revisit similar types of issues.

Additionally, there is continued confusion over whether the DOE – which is named on most pre-1981 dated Executive Orders for library properties – is required to sign off on any land-related permits, etc that affect other HSPLS properties, even those that aren't public and school libraries. For example, the County of Maui would like to install additional street

lighting for its Kahului transit hub in the area adjacent to the Kahului Public Library. For purposes of the county permit, they believe that the DOE, not the HSPLS, would be the entity granting authority for the installation.

The HSPLS also notes that there is other legislation under consideration this session – specifically, HB2294 HD1 relating to public school land transfer. This measure identifies properties that will be transferred to the DOE from the counties. However, some of the properties listed are properties on which public and school libraries are located, which would continue to perpetuate the current misconceptions.

We believe that adoption of HB2398 HD1 would clarify the situation and make it clear that the BOE and the State Librarian retain exclusive control over the public library buildings, related improvements and land upon which the public library is located, regardless of the eventual transfer of property from the counties to the DOE as directed in Act 307, Session Laws of Hawaii 2022 and proposed to be amended in HB2294 HD1.

Thank you for the opportunity to support HB2398 HD1 and for your continued support of our communities and the Hawai'i State Public Library System.

**HB-2398-HD-1**

Submitted on: 3/17/2026 4:39:24 PM

Testimony for EDU on 3/20/2026 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Sunyeen Pai	Individual	Support	Written Testimony Only

Comments:

Dear esteemed committee members:

I am in support of this bill, given my career experience as a retired community college librarian who has worked with both 4-year universities and 2-year community colleges at the University of Hawai'i.

The statewide public library service is an integral part of all our communities and in my experience their services are in great demand. They must remain flexible to alter physical infrastructure to support the communities they serve.

I have noticed that some of these invaluable sites are suffering from deferred capital improvement projects that may make its patrons feel that they are less than worthy of clean and functional built spaces.

Given the history of the transfer of responsibility for the public library system to the Board of Education, this bill should be supported.

With much aloha and mahalo,

Sunyeen (Sunny) Pai, PhD, Retired Professor and Librarian, Kapi'olani Community College