



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-THIRD LEGISLATURE, 2026**

ON THE FOLLOWING MEASURE:

S.B. NO. 2605, RELATING TO SCHOOL FACILITIES.

BEFORE THE:

SENATE COMMITTEE ON EDUCATION

DATE: Wednesday, February 18, 2026 **TIME:** 1:02 p.m.

LOCATION: State Capitol, Room 229

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

Chair Kim and Members of the Committee:

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

The bill: (1) requires the Department of Education (DOE) to make available all public school outdoor facilities and grounds on Saturdays and Sundays for public and community use without the need for any license, permit, or deposit of fees, under certain conditions; (2) requires reports to the Legislature; and (3) repeals this statewide pilot project on June 30, 2030.

Clarification of Terms

The Department suggests that a definitions section be added to section 302A-1148, Hawaii Revised Statutes (HRS), to provide clarity regarding the term "outdoor facilities and grounds." For example, does this term include, among other things, a parking lot, a playing field, an open-air covered dining facility, a swimming pool, or a stadium? If the Legislature does not intend to have all public school outdoor facilities and grounds open for use on weekends, then the Department suggests that specifying the types of outdoor facilities and grounds intended to be captured by new section 302A- (b), HRS, will provide clarity.

The bill requires that the DOE "make available all public school outdoor facilities and grounds on Saturdays and Sundays[.]" (Page 1, lines 1-2.) Because the term "public school" applies to DOE schools as well as public charter schools (see section

302A-101, HRS), if the intent of the Legislature is to have all outdoor facilities and grounds of public charter schools available, then new section 302A- (b) should be revised accordingly.

The Department also suggests clarification of the term, "make available" – specifically, does it only refer to physical accessibility, or does it impose any obligation on the DOE to ensure the safety or security of users during the weekend hours for each school's outdoor facilities and grounds? For example, does "make available" mean that the DOE must allow only for physical accessibility (e.g., if a school's open playing field is contained within a school's fenced perimeter, will the DOE only be required to unlock a gate for accessibility during hours specified)? If a school's stadium qualifies as an "outdoor facility," does "mak[ing it] available" mean that restroom facilities also need to be open on weekends when these outdoor facilities are available for use by the public and community? If a school's swimming pool qualifies as an "outdoor facility," does "mak[ing it] available" mean that restroom and shower facilities need to be open on weekends, or that a lifeguard be present during these open weekend hours?

Assumption of Risk

New section 302A-1148(b), HRS, provides that "all public school outdoor facilities and grounds [shall be made available on weekends] . . . for public and community use[.]" (Page 4, lines 1-4 (emphasis added).) New subsection (b) also requires the DOE to post appropriate signage at outdoor facilities and grounds stating that persons using the outdoor facilities and grounds pursuant to subsection (b) shall not hold the DOE and State responsible for any injury or death, and shall assume the risk of liability pursuant to section 302A-1148.5, HRS. (Page 4, lines 8-13.) Section 302A-1148.5, HRS, however, provides that – subject to certain limitations – any person entering "school grounds for the purpose of using the school's grounds, facilities, or equipment for recreational purposes . . . is deemed to assume the risk of liability for any injuries or death resulting from the use of the grounds, facilities, or equipment." (Emphasis added.) The assumption of risk provided in section 302A-1148.5, HRS, does not extend to using the school's grounds, facilities, or equipment for "public and community use," a term that is not defined anywhere in State law.

Chapter 302A, HRS, does not define "recreational purposes," but the term is defined in Hawaii's Recreational Use statute, sections 520-1 through 520-8, HRS. There, "[r]ecreational purpose' includes but is not limited to any of the following, or any combination thereof: hunting, fishing, swimming, boating, camping, picnicking, hiking, pleasure driving, nature study, water skiing, winter sports, and viewing or enjoying historical, archaeological, scenic, or scientific sites." Section 520-2, HRS. To the extent the public may want to use a school's outdoor facilities for activities such as hosting a birthday party or allowing children to play on a school's playground equipment, these activities do not appear to fall within the definition of "recreational purposes."

To effectuate the Legislature's intent to limit the DOE's liability when public school outdoor facilities and grounds are utilized pursuant to new section 302A- (b), HRS (page 4, lines 1-13), the Department recommends inserting a new section in the bill to amend section 302A-1148.5, HRS, as follows:

Any person who enters school grounds for the purpose of using the school's grounds, facilities, or equipment for recreational purposes, **or for public and community use**, and who is not a student or member of the faculty or administration of that school, is deemed to assume the risk of liability for any injuries or death resulting from the use of the grounds, facilities, or equipment. This assumption of risk shall not apply if

Even with the assumption of risk, the Department is concerned that the DOE and State will nevertheless be exposed to substantial liability for injuries, or worse. To address this concern, the Department recommends amending section 302A-1148.5, HRS, as follows: (1) add "(a)" before the existing text of the section; and (2) add new subsection (b) as follows:

(b) Nothing in this section shall be construed to authorize a private right of action, whether in law or in equity, against the State, the department of education, or any officer or employee of the department of education, whether in an official or individual capacity, relating to or arising out of section 302A-1148, and no court shall have subject matter jurisdiction to consider any claims relating to the same.

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

Hawai'i State Association of Counties (HSAC)

Counties of Kaua'i, Maui, Hawai'i, and City & County of Honolulu

Website: hawaiicounties.org | Email: hsac@hawaiicounties.org



Testimony of the Hawai'i State Association of Counties

SB 2605 - Support

Relating to School Facilities

Committee on Education

Wednesday, February 18, 2026, 1:02 p.m.

The Hawai'i State Association of Counties (HSAC) is a non-profit organization that represents the collective interests of Hawai'i's four counties: the County of Kaua'i, County of Maui, County of Hawai'i, and the City and County of Honolulu. HSAC's membership includes the elected members of each county council, who advocate for policies and programs that strengthen county government, improve public safety, and enhance the quality of life for residents statewide. Through this work, HSAC helps ensure that counties are better positioned to address shared challenges and that statewide policies reflect county-level realities, an important outcome that helps make all counties stronger.

HSAC submits testimony in **support** of **SB 2605**, which establishes a pilot program requiring the Department of Education to make public school outdoor facilities and grounds available for public and community use on weekends under certain conditions.

Access to recreational facilities remains an equity issue statewide. Many residents do not live within walkable distance of parks or recreational amenities, and rural and low-income communities often face the greatest barriers.

Counties work diligently to provide parks and recreational opportunities, but facilities are heavily utilized and resources are limited. Public school outdoor facilities are important community assets, often centrally located within neighborhoods. Expanding access during non-school days can help address recreational gaps, promote physical activity, and provide safe spaces for keiki and families.

This measure also promotes more efficient use of public infrastructure. Counties invest significant resources in park maintenance, while school facilities may remain underutilized on weekends. A structured pilot allows the State to evaluate utilization, safety, and operational impacts before any long-term policy decisions are made, while strengthening coordination between the State and counties.

For these reasons, HSAC strongly supports this measure.

Nahelani Parsons

Executive Director, Hawai'i State Association of Counties



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

Date: 02/18/2026

Time: 01:02 PM

Location: CR 229 & Videoconference

Committee: EDU

Department: Education

Person Testifying: Keith T. Hayashi, Superintendent of Education

Title of Bill: SB2605, RELATING TO SCHOOL FACILITIES.

Purpose of Bill: Requires the Department of Education to make available all public school outdoor facilities and grounds on Saturdays and Sundays for public and community use without the need for any license, permit, or deposit of fees, under certain conditions. Requires reports to the Legislature. Repeals on 6/30/2030.

Department's Position:

The Hawaii State Department of Education (Department) appreciates the opportunity to provide testimony in opposition to SB 2605.

This bill would require the Department to make public school outdoor facilities available to the general public on Saturdays and Sundays, during hours determined by the Department, without fees or permits. This bill would also establish a "school facilities subaccount" for proceeds from leases, permits, and other revenue generated from the nonpermanent disposition of public school lands, pursuant to section 302A-1148.

With the generous support of the Legislature, the Department is able to provide quality educational facilities to support the educational program throughout the state. These facilities are planned, designed, constructed, and maintained to satisfy the educational program throughout the state. To preserve and sustain these facilities for their intended educational purpose while at the same time providing opportunities for occasional public use when not in use by the school, the Department established a Use of School Facilities program that is managed locally by school principals.

While the Department appreciates the Legislature's intent to offer recreational amenities to families across the state, there are several compelling reasons why the Department would strongly urge that all public use of school facilities remain under the strict authority of the school principal, with no deviations from its well-established Use of School Facilities policies and process.

Certain school facilities require special care and guidelines to ensure proper use. For example, school fields and football stadiums with artificial turf should never be allowed to have metal spikes or other damaging hardware driven into the ground as this would not only damage the turf, padding and drainage system beneath the playing surface, but such actions would also void any product warranty which would normally apply and

impact student athletes from using the field for a long duration as repairs would have to be funded to address the deficiencies to ensure it is safe and in adherence to the National Federation of High School standards for competition.

During non-school hours and when not in use for after-hours school activities, school parking lots and open playfields are often designated as emergency evacuation areas. During an active emergency, parking lots and open fields are sometimes needed by emergency responders for various reasons, such as emergency airlifts and staging areas for police and fire departments.

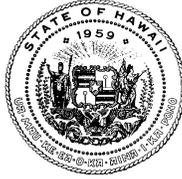
There are also significant health, safety, and security concerns with unmonitored use of school facilities. For many years, public school campuses throughout the state have been plagued with unmanaged public use of the school facilities after school hours, leaving campuses in conditions that are not conducive to learning. Examples of such situations include damaged plumbing and electrical fixtures, knives and other weapons or hazardous materials often left unattended on campuses, vandalism of buildings and other improvements, unauthorized harvesting from school gardens, and sanitation conditions that would be deemed a health risk to staff and students returning to instruction the next day. The unmanaged instances noted above pose a significant liability, risk, and additional cost to the state.

Under Section 4, the bill includes a requirement for the Department to submit a report to the legislature on the utilization of outdoor school facilities for two years. The reporting on utilization is to include estimates of weekend community use and observed types of use. To provide this type of monitoring would require additional resources and funding that the Department does not have.

Under the current Use of School Facilities program, school principals are delegated authority to coordinate and manage public use of any school facility under certain conditions that would not interrupt public education and activities after normal school hours. Examples of after-hours school activities that should be a priority over public use include school athletic activities and marching band practices on football fields, other extracurricular activities using open spaces throughout the campus, and school supply deliveries in parking lots. The application process for the program is available online and available to anyone wishing to request use on the weekend.

On a final note, operating facilities for unrestricted general public recreational use across 258 schools statewide would require dedicated staff, supervision, maintenance funding, and liability management systems that the Department does not have. In essence, the Department would need to create a statewide public parks program. It would require changing how we develop and program facilities that were installed and are maintained for use by public school students during school hours. This would divert resources from the Department's primary mission of educating students.

Based on the comments offered in this testimony, the Department appreciates the committee's consideration of the comments in opposition offered in this testimony for SB 2605.



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**Testimony COMMENTING on S.B. 2605
RELATING TO SCHOOL FACILITIES**

SENATOR DONNA MERCADO KIM, CHAIR
SENATE COMMITTEE ON EDUCATION

Hearing Date:
February 18, 2026

Room Number: Conference Room 229
and Videoconference

1 **Fiscal Implications:** The Department of Health (DOH) defers to the Department of Education
2 (DOE) for fiscal implications of implementation.

3 **Department Position:** The DOH provides comments on the public health implications of Senate
4 Bill 2605 (S.B. 2605), which establishes a pilot program that requires the DOE to make available
5 all public school outdoor facilities and grounds on Saturdays and Sundays for public and
6 community use without the need for any license, permit, or deposit of fees, under certain
7 conditions.

8 **Department Testimony:** Opportunities for physical activity, exercise, and recreation are
9 essential for individual and community health, as regular physical activity and exercise help
10 prevent chronic diseases such as obesity, diabetes, heart disease, and certain cancers.¹ Joint
11 use or shared use of public school facilities is an adaptable, cost-effective strategy that greatly
12 enhances access to physical activity opportunities, helps address chronic disease risk factors,
13 promotes health equity, and optimizes public resources.² In a Hawaii-based case study,

¹ Lee IM, Shiroma EJ, Lobelo F, Puska P, Blair SN, Katzmarzyk PT. Effect of physical inactivity on major non-communicable diseases worldwide: an analysis of burden of disease and life expectancy. *Lancet*. 2012;380(9838):219---229.

² National Shared Use Task Force. Collective Statement in Support of Shared Use. Safe Routes to School National Partnership; 2015. www.saferoutespartnership.org/sites/default/files/pdf/Shared-Use-Task-Force-Collective-Statement.pdf.

1 increasing access to physical activity opportunities through joint use between an urban high
2 school and the Honolulu County Department of Parks and Recreation resulted in 84% of
3 participants agreeing that they had a safe place to exercise and 83% increased their physical
4 activity.³

5 The Centers for Disease Control and Prevention (CDC) emphasize that access to safe and
6 convenient recreational facilities is a primary factor in health outcomes; however, many of our
7 residents live in "park deserts" where schools represent the only viable outdoor public space.
8 Hawaii's school facilities are often located within communities and neighborhoods, positioning
9 them as optimal and accessible spaces for play and exercise, especially for communities that
10 lack parks, open spaces, and recreational facilities. This is especially important for rural, low-
11 income, and minority communities, who are less likely to have access to recreational facilities.⁴

12 Joint use is an efficient and economical use of resources, maximizing and leveraging
13 existing infrastructure rather than investing in new facilities or offering none. By removing the
14 administrative and financial hurdles of licenses, permits, and deposits, which disproportionately
15 bar low-income and marginalized communities,⁵ this measure supports health for everyone
16 and leverages existing taxpayer-funded assets to overcome the sedentary lifestyle crisis and
17 improve the health of Hawaii's communities.

18 **Offered Amendments:** None.

19 Thank you for the opportunity to testify on this measure.

³ Maddock J, Choy LB, Nett B, McGurk MD, Tamashiro R. Increasing access to places for physical activity through a joint use agreement: a case study in urban Honolulu. *Prev Chronic Dis*. 2008 Jul;5(3): A91. Epub 2008 Jun 15. PMID: 18558041; PMCID: PMC2483555.

⁴ Young DR, Spengler JO, Frost N, Evenson KR, Vincent JM, Whitsel L. Promoting physical activity through the shared use of school recreational spaces: A policy statement from the American Heart Association. *Am J Public Health*. 2014;104(9):1583-1588. doi:10.2105/AJPH.2013.301461.

⁵ Public Health Law Center. *Eliminating Barriers for Community Recreational Use of School Property: Policy Guidance on Liability and Shared Use*. St. Paul, MN: Public Health Law Center; 2012. Accessed February 5, 2026. <https://www.publichealthlawcenter.org/sites/default/files/resources/phlc-fs-shareduse-samplestatute-language-2012.pdf>



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION

AFSCME Local 152, AFL-CIO

RANDY PERREIRA, Executive Director • Tel: 808.543.0011 • Fax: 808.528.0922

The Thirty-Third Legislature, State of Hawaii
The Senate
Committee on Education

Testimony by
Hawaii Government Employees Association

February 18, 2026

S.B. 2605 – RELATING TO SCHOOL FACILITIES

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO strongly opposes S.B. 2605, which requires the Department of Education to make available all public school outdoor facilities and grounds on Saturdays and Sundays to the public and community use without the need for any license, permit, or deposit of fees, under certain conditions.

Ask any school employee, and they will tell you plainly: school grounds are not built to function as unsupervised public facilities. Opening campuses for unrestricted weekend access significantly increases safety, security, and liability risks. With school personnel entirely off duty on weekends—no administrators, no security staff, no custodians—there is simply no one responsible for monitoring who enters campus, what activities occur, or how damage is addressed. In the event of an emergency, vandalism, or hazardous behavior, the school has zero capacity to respond in real time. Many of our public school campuses lack full fencing and contain high-value equipment that becomes vulnerable the moment oversight is removed.

Even “outdoor only” access carries significant operational consequences. School administrators already return every Monday to deal with the aftermath of unpermitted weekend activity. They routinely encounter trash, abandoned charcoal from unauthorized barbecues, broken glass, graffiti, human feces, and drug paraphernalia—including used needles. These are not hypothetical concerns; they are recurring realities on many campuses. Under this measure, these problems would only increase, forcing school personnel to spend critical time every Monday inspecting grounds to ensure they are safe for students and staff—time taken away from actual instructional and leadership responsibilities.

The Legislature has already acknowledged that public school facilities are aging and in need of repair, and yet this measure would place additional stress and deterioration on already fragile infrastructure. Larger and older campuses, in particular, would bear the brunt of this increased wear, without any mechanism to mitigate or manage the damage.

This measure also leaves schools fully responsible for the consequences: higher maintenance costs, increased demand for custodial and security services, and more frequent repairs caused by misuse or vandalism. These additional burdens would land squarely on an already strained DOE operating budget, with no offsetting revenue or staffing capacity.

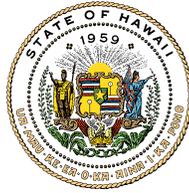
Finally, many campuses are not idle on weekends. Athletics events, practices, extracurricular activities, fundraising events, contractor work, and longstanding community partnerships all rely on predictable, scheduled, and regulated use of school grounds. While this measure may be well-intended, and while schools are often viewed as the heart of their communities, it would introduce an entirely new set of challenges that schools are neither staffed nor resourced to absorb.

Thank you for the opportunity to provide testimony on S.B. 2605.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Randy Perreira". The signature is written in a cursive, flowing style.

Randy Perreira
Executive Director



STATE OF HAWAII
ILIMA INTERMEDIATE SCHOOL
KA 'OIHANA HO'ONA'AUAO
91-884 FORT WEAVER ROAD
EWA BEACH, HAWAII 96706

February 16, 2026

Dear Senator Kim, Chair; Senator Kidani, Vice Chair; and Members of the Committee,

My name is Shayne Greenland, and I serve as the Principal of Ilima Intermediate School. I am writing to respectfully express my opposition to SB2605, which would require the Department of Education (DOE) to make all public school outdoor facilities and grounds available for public and community use on Saturdays and Sundays without the need for licenses, permits, or fees, under certain conditions.

While I strongly support community engagement and the shared use of public resources, SB2605 raises serious concerns from a school leadership, safety, and operational standpoint. School campuses are not simply open spaces; they are secured learning environments designed to protect students, staff, and school property. Mandating unrestricted weekend access without formal agreements (Use of Facilities Permit) or oversight removes essential safeguards that schools currently rely on to manage risk responsibly.

From a safety perspective, the absence of the Use of Facilities permits significantly limits accountability. Without a structured process, schools have no way to clearly identify users, establish expectations for behavior, ensure appropriate supervision, or address liability should injuries, property damage, or unsafe activities occur. Principals would remain responsible for the condition and safety of their campuses, yet SB2605 removes the very tools needed to manage that responsibility effectively.

Operationally, the bill places additional strain on schools that are already operating with limited custodial, administrative, and security resources. Weekend use of outdoor facilities often requires cleanup, repairs, and inspections to ensure that campuses are safe and ready for students and staff on Monday mornings. Eliminating fees or deposits removes a critical mechanism that helps offset these real and unavoidable costs, shifting the burden directly onto schools and the DOE.

It is also important to recognize that each school community is unique. What may be appropriate for one campus may not be appropriate for another due to location, surrounding neighborhood conditions, facility design, or ongoing safety concerns. SB2605 removes local discretion and

prevents principals and complex area leadership from making context-specific decisions that best serve both students and the surrounding community.

Community access to school facilities works best when it is intentional, structured, and collaborative. The existing Use of Facilities permitting processes allow schools to partner with community organizations while maintaining safety, accountability, and respect for school property. SB2605, as written, undermines that balance and creates unnecessary risk for schools, students, and the DOE.

For these reasons, I respectfully oppose SB2605 and urge you to reconsider advancing this measure. I strongly encourage continued dialogue with school administration to explore alternative approaches that promote community use while preserving safety, accountability, and local decision-making.

Thank you for your time, consideration, and commitment to Hawai'i's public schools.

Respectfully,

A handwritten signature in black ink, appearing to read 'Shayne Greenland', with a long horizontal flourish extending to the right.

Shayne Greenland
Principal
Ilima Intermediate School



STATE OF HAWAII
DEPARTMENT OF EDUCATION
Kāneʻohe Elementary School
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Kaneohe, HI 96744
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Date: 02/18/2026
Time: 1:02 PM
Location: 229
Committee: Education

Department: Education
Person Testifying: Derek Minakami, NBCT, Principal of Kāneʻohe Elementary School
Title of Bill: SB2605 RELATING TO SCHOOL FACILITIES

Position: **OPPOSE**

Chair Kim, Vice Chair Kidani and Members of the Committee

As a school principal who's school facilities are in high demand during non-school hours, I strongly oppose this bill. My school community is fortunate to have a baseball field, soccer field and outdoor basketball courts that several community teams use on a regular basis. Since demand is high, we accept Use of Facility requests on a first-come-first-serve basis for 3 to 12 months at-a-time. Should this bill pass, our community baseball, soccer, and basketball teams would need to compete for space with people who just show up. Coaches typically work full-time and volunteer to guide our youth as they develop as athletes. They and their players rely on the Use of Facility system to guarantee that they have a place to practice and play.

Secondly, the Use-of-Facility process ensures our facilities are secured and cleaned after each use. And there is an accountability system if there are any violations such as drinking or smoking on the property. Conversely, giving the public unfettered access to school property during non-business hours means it's likely no one can be held accountable for damage and illicit activities that occur.

Lastly, unlike a public park which is largely wide open and visible from the road, the layout of schools provides many places for people to hide and possibly engage in illicit or unsafe activities. For example, people already attempt to come onto campuses to be away from the watchful eyes of police and neighbors to vandalize, start fires, engage in sexual activity, consume drugs and/or alcohol, etc.. But we are able to use the threat of trespass to deter these occurrences. This bill will eliminate our leverage to clear our campuses after hours and keep them safe for our students.

For these reasons, I ask the committee to reject this bill. Mahalo for your consideration of this testimony.



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COMMITTEE ON EDUCATION

Wednesday, February 18th at 1:00 PM

Testimony in Strong Support of SB 2605 - Relating to School Facilities

Aloha Chair Kim, Vice Chair Kidani, and Members of the Committee on Education,

My name is Bev Brody, and I am writing on behalf of Get Fit Kaua'i, the Healthy Eating Active Living (HEAL) coalition of Kauai County, representing more than 1000 members committed to improving health, safety, and quality of life for our island communities. We are pleased to offer strong support for SB 2605, which requires the Department of Education to make all public-school outdoor facilities and grounds available for community use on Saturdays and Sundays—without the need for a license, permit, or fees—under clearly defined conditions.

Expanding Access to Safe Places to Be Active

Many communities across Hawai'i, especially rural and underserved areas, lack consistent access to safe, nearby places for physical activity. Public school outdoor spaces are among the most centrally located and well-maintained recreational assets in our state, yet access to them is currently inconsistent and inequitable. Some campuses approve only a handful of community-use requests each year despite high demand from families seeking safe places for their keiki to play.

SB 2605 addresses these disparities by establishing predictable, statewide weekend access.

Benefits to Community Health and Well-Being

- Increases opportunities for physical activity
Reliable weekend access supports walking, unstructured play, sports practice, and family recreation—activities essential to physical and mental health.
 - Reduces inequities in recreational access
Communities with limited park infrastructure are disproportionately affected by the current discretionary system. This bill ensures fairness across campuses statewide.
 - Strengthens community connection and safety
Safe, welcoming outdoor spaces encourage positive use of public areas and strengthen neighborhood ties.
-



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A Practical, Data-Driven Pilot

The bill's pilot structure allows the Department of Education to track usage, identify safety or maintenance needs, understand cost implications, and make informed recommendations for long-term implementation. This is a thoughtful, responsible approach.

Conclusion

Get Fit Kaua'i works to increase opportunities for active living and reduce health inequities across our island. SB 2605 is a simple, community-centered step that will immediately expand access to safe outdoor spaces while giving the State the data needed to plan for the future.

We respectfully urge the Committee to pass this bill.

B Brody

Bev Brody
Get Fit Kauai – Director
H.E.A.L. (Healthy Eating Active Living) Community Coalition of Kauai County
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LATE

UNITED PUBLIC WORKERS

AFSCME Local 646, AFL-CIO

**THE SENATE
KA 'AHA KENEKOA**

**THE THIRTY-THIRD LEGISLATURE
REGULAR SESSION OF 2026**

COMMITTEE ON EDUCATION
Senator Donna Mercado Kim, Chair
Senator Michelle N. Kidani, Vice Chair

Wednesday, February 18, 2026, 1:02 PM
Conference Room 229 & Videoconference

Re: Testimony on SB2605 – RELATING TO SCHOOL FACILITIES

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

United Public Workers, AFSCME Local 646, AFL-CIO (“UPW”) provides **comments** on SB2605, which requires the Department of Education (“DOE”) to make available all public school outdoor facilities and grounds on Saturdays and Sundays for public and community use without the need for any license, permit, or deposit of fees, under certain conditions.

As the exclusive representative for most custodians employed by the DOE, UPW does have concerns with providing the public with unrestricted access to school playgrounds and outdoor areas during the non-instructional days of Saturday and Sunday. While we understand the intent of this measure, the current process was established to ensure that the operational capabilities of school personnel would be sufficient to meet the demand of public use on the weekend. Currently, unpermitted use of school grounds has resulted in growing incidents of excessive trash, vandalism, feces (both human and pet), and drug paraphernalia (used hypodermic needles), and we believe the provisions of this bill would lead to a significant increase in the number of incidents our members need to address every Monday morning to ensure a safe learning environment for students.

Each of our public schools is as unique as the communities they serve. UPW further believes that mandating all schools provide weekend access to outdoor facilities discounts the unique challenges each school faces in maintaining its campus. The current process allows each school to make decisions based on these challenges--ones that the public often does not consider or is unaware of. Simply put, our schools lack the resources and personnel to maintain and care for Hawaii’s schools as public parks.

Mahalo for the opportunity to testify on this measure.

HEADQUARTERS

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Toll Free - Molokai/Lanai only

My name is Lorelei Aiwohi, and I am the Proud Principal of Kaimuki High School. I am writing to express my **strong opposition** to S.B. 2605. While the intent of this measure is to provide community access to outdoor spaces, the operational reality for a school campus—particularly an urban campus like Kaimuki—presents severe safety, security, and fiscal risks that this bill does not address.

I oppose this measure based on the following critical concerns:

1. A Supervision and Safety Vacuum:

Opening campuses for unrestricted weekend access significantly increases liability risks. On Saturdays and Sundays, school personnel—including administrators, security staff, and custodians—are off-duty. In the event of an emergency, vandalism, or hazardous behavior, the school has zero capacity to respond in real-time.

2. Deterioration of Campus Safety and Hygiene

Kaimuki High School is already utilized by the community without permission, and the results are devastating. Every Monday morning, my staff is forced to deal with a staggering array of vandalism and biohazards before students can safely step onto campus. This cleanup includes:

- **Hazardous Waste:** Broken alcohol bottles, drug paraphernalia, and discarded needles.
- **Sanitation Issues:** Human feces, used condoms, and discarded clothing.
- **Property Damage:** Vandalism and debris resulting from unauthorized homeless activities.

By removing the requirement for licenses, permits, or fees, S.B. 2605 effectively codifies this misuse of our grounds and removes the accountability necessary to keep a school safe for children.

3. Strain on Aging Infrastructure and Limited Budgets

Our facilities were built between **1943 and 1980**. These are aging assets that require delicate management and already face a significant maintenance backlog. With a limited facilities budget and a staff already stretched to capacity, this measure introduces an unsustainable burden. We do not have the funding or the manpower to repair the accelerated wear and tear that unrestricted public access will cause to our historic structures.

4. Impact on the Core Educational Mission

The most significant cost of this bill is the **theft of instructional time**. This mandate would force school personnel to spend critical hours every Monday morning inspecting grounds for safety hazards. Our priority must be our students' right to arrive at a clean, safe, and ready-to-learn environment—not acti

5. Existing Procedures are Sufficient

We already have a "Use of Facilities" process in place. This system ensures that community groups are insured, scheduled, and held accountable for the spaces they use. Bypassing this system invites chaos and places the physical and financial burden of public recreation solely on the Department of Education.

Conclusion

A school campus is not a public park; it is a specialized environment for learning and growth. I urge the Committee to protect our students and our aging facilities by **holding S.B. 2605**.

SB-2605

Submitted on: 2/14/2026 12:46:51 AM

Testimony for EDU on 2/18/2026 1:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Johnnie-Mae L. Perry	Individual	Oppose	Written Testimony Only

Comments:

I, Johnnie-Mae L. Perry, OPPOSE

2605 SB RELATING TO SCHOOL FACILITIES.

CIP FUNDING IS DIFFICULT TO GET TO REPAIR AGING PUBLIC SCHOOL FACILITIES, INCLUDING HEAT ABATEMENT.

PUBLIC SCHOOL FACILITIES/PROPERTY IS A PLACE WHEREBY CHILDREN CAN COME TO A SCHOOL IN THE BEST CONDITION POSSIBLE, W/O OVERUSE FROM THE PUBLIC.

There's city parks and private facility available.

BILL: SB 2605, Relating to School Facilities

TESTIFIER: Stacy Kawamura, Honowai Elementary School Principal

POSITION: OPPOSITION AND COMMENTS

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

I am writing to express my opposition to SB 2605. While I certainly appreciate the need for “safe places for children to play during non-school hours,” opening access to school grounds without the need for any license, permit, or fees, will place a tremendous burden on school operations, facility maintenance, and safety.

My opposition is based on three critical concerns:

1. **Personnel Time and Energy.** The “discretionary” nature of current access exists for a reason: safety and maintenance. Open facilities during non-school hours will require personnel to conduct more thorough campus sweeps in the morning for debris before students arrive. To be clear, my custodians are already doing these sweeps daily and regularly clean up a disproportionate amount of trash, food items, human and pet excrement, glass bottles, drug paraphernalia, etc. that are left behind overnight or on weekends. This is primarily due to nearby homeless and others who illegally trespass onto campus after hours. Opening the campus will just give them permission to be there, requiring us to clean up after them and fix whatever they damage when my staff is already stretched thin. It is unreasonable and unsustainable to ask my current staff to take on this additional burden.
2. **Hidden Administrative and Operational Costs.** There is a cost to clean and maintain our facilities. We have had our water faucets accessed and used as showers, our water fountains vandalized and damaged, and our grounds and landscape burned or destroyed. While these may seem like extreme examples, even regular wear and tear on things like playground equipment, grass, sidewalks, gates, etc., cost money to replace and repair. Most minor damages are handled at the school level, taking money away from students, teachers, and instructional programs. The additional signage required in Section 2B will also cost money to purchase and install.
3. **Data Collection Requirements.** In Section 4, the bill asks for “estimates of weekend community use” and “types of use observed.” **How will this data be collected?** If accurate data is expected, I can only assume this means school staff will need to be at school, during non-work hours, to collect it. This is outside of the scope and duties of any of the employees at the school level, and again, is an unreasonable and unsustainable request.

While schools are meant to be the hub of the community they serve, we are not a public park. Allowing open-access to our campuses without providing security, maintenance, data-collection personnel, or security will lead to campus degradation, which our aging school facilities are already experiencing. The pilot program opens a dangerous door with significant impacts on

school facilities and operations. Moreover, if the pilot proves my concerns to be true, once you open access via this pilot program, restricting access again will be virtually impossible.

I urge the committee to **hold this bill** in order to preserve our school facilities and support our hard-working staff. The additional labor and financial costs summarized above will ultimately tax the schools more than the community enjoyment this bill purports to seek.

Thank you for allowing me to testify and for your consideration.

Respectfully,

Stacy Kawamura, Principal
Honowai Elementary School

SB-2605

Submitted on: 2/17/2026 11:32:49 AM

Testimony for EDU on 2/18/2026 1:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Emma Waters	Individual	Support	Written Testimony Only

Comments:

Writing in strong support of this important bill to expand access for keiki to places for physical activity. Mahalo.

Jennifer Kagiwada
Council Member District 2 South Hilo



Office: (808) 961-8272
jennifer.kagiwada@hawaiicounty.gov

HAWAI'I COUNTY COUNCIL - DISTRICT 2

25 Aupuni Street • Hilo, Hawai'i 96720

DATE: February 17, 2026
TO: Senate Committee on Education
FROM: Jennifer Kagiwada, Council Member
Council District 2
SUBJECT: SB2605

Aloha Chair Kim, Vice Chair Kidani, and esteemed Committee Members,

I am writing **in strong support of SB 2605**. Many families across Hawai'i struggle to find safe and accessible places for their children to play, especially on weekends. Our public parks are often crowded, and not every neighborhood has easy access to safe places where they can take their children to play. These spaces already exist and are publicly funded at our schools.

In the district I represent, kūpuna historically used the Hilo High School track as a walking path during the hours before and after school. Currently a locked gate prevents this usage. In Kaumana, there are no playgrounds or parks available to the nearby community. If they could access the Elementary School's playground during non-school hours this would greatly improve their recreational options.

By allowing community to use school grounds during non-school hours we can expand access without requiring the County or State to build new facilities which would save taxpayer dollars. Allowing families more options to gather, play, and connect within their own neighborhoods improves the overall quality of life and health for everyone.

Mahalo,

Jenn Kagiwada

LATE

SB-2605

Submitted on: 2/17/2026 3:17:06 PM

Testimony for EDU on 2/18/2026 1:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Dean I Hazama	Testifying for Mililani Mauka/Launani Valley Neighborhood Board 35	Support	Written Testimony Only

Comments:

The Mililani Mauka/Launani Valley Neighbord Board 35 is in strong support of SB2605. Our schools are a part of our communities and there are times when it is beneficial for the community and its members to use school facilities free of fees or charge. These facilities were paid for with taxpayer funds, so they should be free for the taxpayers to use. In fact, some of the schools are located next to City and County of Honolulu park facilities, which the schools use for no charge by the City. We urge this Committee to pass this bill.

LATE

SB-2605

Submitted on: 2/18/2026 9:20:30 AM

Testimony for EDU on 2/18/2026 1:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Jay Lin	Individual	Oppose	Written Testimony Only

Comments:

Subject: Testimony in Opposition to SB2605 – Unpermitted Use of School Outdoor Facilities

Aloha Chair and Members of the Committee,

I am submitting testimony in strong opposition to SB2605, which proposes allowing unpermitted use of public school outdoor facilities on weekends.

I offer this perspective both as a current school administrator within the Hawai‘i State Department of Education and as a former athletic coach who has managed fields, facilities, and student-athlete safety firsthand.

1. Student Safety and Liability Concerns

School campuses are not public parks. They are state-owned educational facilities designed to support student learning and school-sponsored programs.

When facilities are used without permits:

- There is no verification of responsible parties.
- There is no proof of insurance.
- There is no agreed-upon supervision plan.
- There is no accountability for damage, injuries, or misconduct.

As a former coach, I have personally experienced “nightmare” situations involving:

- Damaged irrigation systems from unauthorized field use
- Litter, broken equipment, and vandalism left behind
- Injuries occurring without any supervising adult identified
- Conflicts between community groups and school programs over space

When something goes wrong, the responsibility ultimately falls back on the school administration.

2. Operational and Fiscal Impact

Weekend use is not impact-free.

Unpermitted access can result in:

- Increased custodial workload
- Damage to turf and facilities requiring repair
- Restroom vandalism
- Security concerns
- Wear and tear that reduces field longevity for students

Schools already operate under tight budgets. Field maintenance and repairs come from limited school-level funds. A single damaged irrigation line or destroyed goalpost can cost thousands of dollars.

Permitting processes exist not to restrict access — but to:

- Ensure equitable scheduling
- Require insurance
- Recover custodial costs
- Protect taxpayer-funded facilities

Eliminating that structure removes safeguards while keeping schools financially and legally responsible.

3. Equity and Scheduling Conflicts

Many campuses already permit community use through structured agreements. This allows schools to:

- Prioritize student athletics and school programs
- Balance community access fairly
- Ensure compliance with safety standards

Open, unpermitted use would likely result in:

- First-come, first-served occupation of fields
- Displacement of school-affiliated programs
- Increased disputes requiring administrative intervention

As an administrator, I can attest that resolving facility conflicts consumes significant leadership time — time that should be dedicated to instructional leadership and student achievement.

4. Addressing the Root Issue

If there are concerns regarding facility access at individual campuses, those matters should be addressed at the complex or district level rather than through broad statutory changes that impact every school statewide.

5. A Balanced Approach

Schools value community partnership. We want families and community groups to use our facilities responsibly.

However, responsible access requires:

- Clear permitting procedures
- Insurance requirements
- Defined supervision
- Cost recovery mechanisms
- Protection of school property

SB2605 removes essential safeguards without providing alternative accountability measures.

Conclusion

From both an administrative and athletic coaching perspective, this bill creates unnecessary liability, financial risk, and operational burden for schools.

Our campuses are learning environments first and foremost. Any access policy must prioritize student safety, fiscal responsibility, and equitable scheduling.

I respectfully urge the Committee to oppose SB2605.

Mahalo for the opportunity to testify.

Respectfully,
Jay Lin
Principal

Former Vice Principal, Teacher, & Athletic Coach

LATE

SB-2605

Submitted on: 2/18/2026 10:21:53 AM

Testimony for EDU on 2/18/2026 1:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Christopher D. Bonilla	Testifying for Holomua Elementary School-Hawaii State Department of Education	Oppose	Written Testimony Only

Comments:

Testimony in Opposition to SB2605

TO: The Honorable Chair and Members of the Committee

FROM: Christopher D. Bonilla, School Principal

DATE: February 18, 2026

RE: Opposition to SB2605 – Relating to Unpermitted Use of Public School Facilities

Aloha Chair and Members of the Committee,

In my capacity as a school principal within the Hawai‘i State Department of Education, I offer testimony in strong opposition to SB2605.

Breach of Duty and Tort Liability-

From a legal standpoint, school campuses are not "public forums" or municipal parks; they are specialized state-owned assets designated for a singular purpose: the education and safety of minors. By mandating unpermitted access, SB2605 creates an untenable premises liability crisis.

- **Absence of Privity:** Without a formal permit, there is no contractual relationship (privity) between the user and the State, leaving the Department of Education (DOE) vulnerable to litigation without the protection of indemnification clauses.
- **The Supervision Gap:** Schools hold a non-delegable duty of care to maintain safe premises. Unpermitted use invites "nightmare" scenarios—vandalism, hazardous debris, and unmonitored misconduct—which subsequently become "known hazards" that the school must remedy or face negligence claims.
- **Insurance Deficit:** Permits require proof of General Liability insurance. This bill effectively asks the taxpayers to act as a free insurance carrier for any private individual who steps onto a field, regardless of their intent or conduct.

Moral Imperative and Fiduciary Responsibility-

As a Principal, I hold a moral and fiduciary obligation to ensure that taxpayer-funded resources are preserved for their primary beneficiaries: our students.

- **Resource Depletion:** Every dollar spent repairing a vandalized irrigation line or a damaged turf field is a dollar diverted from the classroom. It is a moral failing to allow the degradation of student learning environments to accommodate unmonitored recreational use.
- **Operational Integrity:** Our custodial staff are already stretched thin. Forcing schools to absorb the "wear and tear" of unpermitted weekend crowds without cost recovery mechanisms is an unfunded mandate that compromises the dignity of our physical plant.

Equity and Administrative Due Diligence-

The current permitting process is not a barrier; it is a due diligence framework. It ensures that facility use is equitable, scheduled, and safe.

- **Conflict Resolution:** Unregulated access will inevitably lead to "first-come, first-served" disputes. As administrators, our primary focus must remain on instructional leadership and student achievement. We should not be forced to spend our time adjudicating weekend turf wars or clearing "attractive nuisances" from our grounds.
- **Preservation of Programs:** Our students deserve priority access to the facilities built for them. SB2605 threatens to displace school-sanctioned programs in favor of unverified third parties, undermining the very community we are sworn to serve.

Conclusion-

While the spirit of community partnership is vital, SB2605 is a legally precarious approach that once again ignores the complexities of school governance. We cannot trade the safety of our students and the integrity of our budgets for unregulated convenience.

I urge this Committee to uphold the standards of risk management and educational priority by voting NO on SB2605.

Mahalo for your time and for your commitment to our communities.

LATE

Aloha Chair and Members of the Committee,

I respectfully submit testimony in opposition to SB2605.

While I strongly support the idea of schools serving as community hubs, I have serious concerns about the unintended impact this bill would have on already aging and under-resourced school facilities. Many public school campuses across the state are outdated, with significant deferred maintenance needs. Basketball courts, fields, restrooms, and outdoor infrastructure already experience heavy daily use by students. Allowing unrestricted weekend access would greatly accelerate wear and tear, increasing repair and replacement costs that schools and the Department of Education are already struggling to manage.

At this time, there is no dedicated funding in the bill to address increased maintenance, repairs, security, or supervision. In practice, this means schools could face higher costs without the resources to address them, ultimately affecting the learning environment for students during the school week. What may appear to be “free access” to the public comes at a real cost to schools.

That said, I do believe community use of school facilities can be powerful when done thoughtfully and intentionally. Rather than blanket open access, I urge consideration of a clear set of criteria that allows schools to approve specific events or uses that demonstrate meaningful benefit to both the community and the school. Purpose-driven activities, such as community wellness events, youth programs, or school-partnered initiatives, can strengthen school-community relationships without placing excessive strain on facilities.

Providing schools with discretion, guidelines, and support to approve high-impact events would better balance community access with sustainability and stewardship of public school property.

For these reasons, I respectfully oppose SB2605 in its current form and encourage the Legislature to explore a more targeted, well-funded approach that protects school facilities while still fostering community engagement.

Mahalo for the opportunity to testify.

Respectfully,
Jessica Barbera

