

ACT 210

S.B. NO. 550

A Bill for an Act Relating to the Development of Schools.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that in September 1992, there were 176,923 students enrolled in Hawaii's public schools. It is estimated that by the year 2003 enrollment will increase to 191,000 students which will require an additional 640 classrooms. The department of education has 9,431 classrooms in its present inventory. Eight thousand four hundred forty of these classrooms are permanent rooms and 991 of them are "portables". In 1992 there was a shortage of 700 classrooms. If enrollment increases as expected, then the shortage in classrooms by 2003 will reach 1,340. Statistics indicate that there is a severe shortage of classrooms in the central and leeward school districts. The need for school facilities on the Ewa Plain in particular is exacerbated by the development of the Village of Kapolei, a project of the housing finance and development corporation. The construction of educational facilities for these new communities is not being undertaken in keeping with the development of these new housing projects.

The purpose of this Act is to require that the department of education in its plans to develop new schools, give consideration to the State's role as master developer of master planned communities by the housing finance and development corporation and the State's responsibility to provide for the educational needs of those housing projects; and to require the housing finance and development corporation to plan educational facilities as a necessary and integrated part of its housing projects, and to use its authority, ability, and innovativeness to assist in the expeditious provision of these facilities.

SECTION 2. Section 27-11, Hawaii Revised Statutes, is amended to read as follows:

"§27-11 Planning, construction, and improvements of public school facilities and grounds; custodial and janitorial services for public schools; transportation of school children. The following functions and services, heretofore performed by the several counties under contractual arrangements with the State, shall be directly administered and performed by the department or departments, or divisions of government designated by the governor:

- (1) Planning, construction, and improvements of public school facilities and grounds; provided that the department of education shall add to its list of considerations in the planning and development of schools the role of the housing finance and development corporation in developing housing projects and the resulting educational needs of those housing projects; and provided further that nothing in this section shall be construed to prohibit the housing finance and development corporation from planning educational facilities and related infrastructure as a necessary and integral part of its housing projects;
- (2) Repair, maintenance, custodial, and janitorial services for public school facilities; and
- (3) Transportation of school children.”

SECTION 3. Section 201E-30, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

- “(a) The corporation, in its own behalf or on behalf of any government, may:
- (1) Clear, improve, and rehabilitate property; [and]
 - (2) Plan, develop, construct, and finance housing[.]; and
 - (3) In cooperation with the department of education and department of accounting and general services, plan educational facilities and related infrastructure as a necessary and integral part of its housing projects using all its innovative powers towards achieving that end expeditiously and economically; provided that the educational facilities comply with the department of education’s educational specifications, timelines, and siting requirements.”

SECTION 4. (a) The corporation in cooperation with the department of education and the department of accounting and general services shall plan a high school in Kapolei which shall be located in the Villages of Kapolei or on that certain parcel of land encompassing 47.183 acres and located in Kapolei, Oahu, further identified by tax map key no. 1-9-1-016:109, title to which shall be transferred to the housing finance and development corporation by the board of land and natural resources.

(b) If the corporation chooses to locate the high school in the Villages of Kapolei then the 47 acre parcel of land may be used for additional housing as part of the Villages of Kapolei development. If the corporation chooses to locate the high school on the 47 acre parcel of land, then the following terms and conditions apply:

- (1) That upon completion of construction of the educational facility, title to the land and improvements shall be conveyed back to the board of land and natural resources for subsequent set aside by governor’s executive order to the control and management of the department of education, pursuant to section 171-11, Hawaii Revised Statutes; and
- (2) That conveyance of the parcel of land back to the board of land and natural resources shall be: (A) in fee simple and (B) free and clear of liens, judgments, and other encumbrances affecting clear title to the parcel of land.”

SECTION 5. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 6. This Act shall take effect upon its approval.

(Approved June 20, 1995.)