

## Chapter 38, Consolidation of Public Schools

---

HAWAII ADMINISTRATIVE RULES  
TITLE 8 DEPARTMENT OF EDUCATION  
SUBTITLE 2 EDUCATION  
PART 1 PUBLIC SCHOOLS  
CHAPTER 38  
CONSOLIDATION OF PUBLIC SCHOOLS

[§8-38-1 Purpose](#)

[§8-38-2 Definitions](#)

[§8-38-3 Conditions under which a study is required](#)

[§8-38-4 Procedures and guidelines](#)

**Historical Note:** This chapter is based substantially upon Department of Education "Rule 45, Relating to the Consolidation of Public Schools." [Eff. 12/11/65; R AUG 23 1984]

**§8-38-1 Purpose.** The purpose of this chapter is to:

- (1) State the conditions which indicate the need to consider the consolidation of schools to achieve significant reductions in operating or capital expenditures or to insure equal educational opportunity for students;
- (2) Provide procedures and guidelines to determine whether a school should be consolidated; and
- (3) Ensure that parents and other parties are informed of proposed consolidations and are given the opportunity to express their views at a public hearing. [Eff. AUG 23 1984; comp 2/1/01] (Auth: HRS §302A-1112) (Imp: HRS §§302A-1112, 302A-1129)

**§8-38-2 Definitions.** As used in this chapter:

"Board" means the board of education.

"Consolidation" means the closing of one or more existing schools and the transfer of all the students enrolled at the closed school to another school. It shall not mean the transfer of one or more grade levels to another school.

"Days" means calendar days.

"Department" means the department of education.

"Patron" means a parent, legal guardian, or custodian who has a child attending the schools that may be affected by a consolidation. [Eff. AUG 23 1984; am and comp 2/1/01](Auth:

HRS §302A-1112) (Imp: HRS §§302A-101, 302A-1107, 302A-1112, 302A-1129)

**§8-38-3 Conditions under which a study is required.** The district superintendent shall initiate a study to determine whether a school should be consolidated if:

- (1) One third or more of the square footage in the existing facilities requires replacement or improvements to meet prescribed standards;
- (2) One third or more of the available classrooms are in excess of the teaching station and educational program needs of the school; or
- (3) Enrollment decline and staff reductions have or will reduce the capability of the school to provide the range of educational opportunities offered at adjoining schools with larger enrollments; provided, preliminary data indicate that adjoining schools can accommodate any relocated students without substantial capital improvement expenditures for additional facilities. [Eff. AUG 23 1984; comp 2/1/01](Auth: HRS §302A-1112) (Imp: HRS §§302A-1112, 302A-1129)

**§8-38-4 Procedures and guidelines.**

(a) When a consolidation study must be initiated in accordance with section 8-38-3, the district superintendent shall establish a task force to conduct a study to determine whether a school should be consolidated. The district superintendent shall determine the number of members of the task force. Members of the task force shall include, but not be limited to, patrons and administrators of the school which may be closed and the school to which students may be transferred, and the department's state and district staff. Fifty per cent of the membership of the task force shall be comprised of representatives from the community at large that do not have any affiliation or vested interest with the affected schools. The district superintendent shall designate the chairperson of the task force. The district superintendent shall report to the superintendent of education on the composition of the task force and the conditions that require a consolidation study. The superintendent of education shall submit a report to the board on the composition of the task force and the reasons why a consolidation study is being conducted.

(b) The task force shall render a written report to the district superintendent. The task force report shall include, but not be limited to, the following considerations:

- (1) The advantages and disadvantages of consolidation in respect to efficient school administration and providing equal educational opportunity;
- (2) The adequacy of facilities, equipment, programs, transportation service, and other support services at the school which may be closed and the school to which students may be transferred;
- (3) Social impact on the children, schools, community and those involved in the consolidation;
- (4) The net financial savings that may be realized from consolidation, including projections of additional expenditures at the school which may receive transferred students;
- (5) Potential new residential developments, projected changes in enrollment, and other relevant demographic considerations;
- (6) Suitability of using portions of the school facilities to accommodate space

requirements of other department or state activities; and

(7) A suggested timetable for implementation if consolidation is recommended.

(c) Upon receiving the task force report, the district superintendent shall review the report and direct the task force to conduct a public hearing within sixty days of receiving the task force report. The district superintendent shall notify patrons and citizens of the community of the public hearing by placing a notice in a newspaper of general or area circulation in the State and by such other means as the district superintendent determines appropriate. A member of the task force, selected by the task force, shall chair the public hearing(s). The district superintendent and task force members shall serve as resource persons at the public hearing. The task force may initiate a balloting procedure to determine the extent to which the consolidation proposal is supported by patrons.

(d) The task force shall submit its written recommendations to the district superintendent within thirty days after the final public hearing. The district superintendent shall forward the final task force report, and the district superintendent's recommendations to the superintendent of education within fifteen days of receiving the final recommendations of the task force. The superintendent of education shall submit the final task force report, the recommendations of the district superintendent, and the superintendent of education's own recommendations to the board within fifteen days of receiving the district superintendent's recommendations.

(e) The board shall conduct such proceedings as it deems appropriate to reach a decision on the consolidation proposal. The decision of the board shall be final. [Eff. AUG 23 1984; am and comp 2/1/01] (Auth: HRS §302A-1112) (Imp: HRS §§302A-1112, 302A-1129)