

Introduction to Chapter 8-38 – Consolidation of public schools

Hawaii Administrative Rules

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Criteria for a school consolidation study

- 1/3 or more of the sq ft requires replacement or improvements to meet prescribed standards;
- 1/3 or more of the available classrooms are in excess of the teaching station and educational program needs of the school; or
- 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; provided the adjoining schools can accommodate relocated students without substantial capital improvement expenditures for additional facilities.

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Study elements

- Advantages/disadvantages of consolidation in respect to efficient school administration and providing equal educational opportunity.
- Adequacy of facilities, programs, transportation, etc. at affected schools.
- Social impact on children, schools, community, adults involved in consolidation.
- Net financial savings possible from consolidation.
- Future population, demographic, and enrollment changes that may affect the need for schools.
- Alternative uses of facilities, including early childhood education programs and charter school.
- Timetable

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Study Steps

- CAS appoints a task force and its chair
- CAS reports to the Sup't on composition of task force and conditions requiring a study
- Sup't reports this to BOE
- Task force reports its findings to CAS
- CAS directs task force to hold a public hearing
- Task force submits to CAS a summary of the public hearing and a recommendation within 30 days of the public hearing
- CAS sends to Sup't the task force final report and the CAS recommendation, within 15 days of receiving the task force report.
- Sup't sends to BOE the task force report, the CAS recommendation, and the Sup't's recommendation within 15 days of receiving the CAS report
- BOE conducts "such proceedings as it deems appropriate to reach a decision..."

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Hawaii's "Sunshine Law"

Chapter 92,
Hawaii Revised Statutes

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Sunshine Law applies to

- Boards, commissions, authorities, task forces, committees
- If they are created by
 - State constitution
 - Statute
 - County charter
 - Rule
 - Executive order
- If they have
 - Supervision
 - Control
 - Jurisdiction
 - Advisory power

2

Meetings (few exceptions) are open to the public

- Agenda posted with Lt Gov 6 days prior to the meeting
- Agenda posted at meeting site
- Agenda mailed to whomever requests notification of meetings
- Site inspections are meetings
- No member participation by telephone

3

Testimony

- Task force must accept public testimony (oral and written) on any item on the agenda.
- Written testimony must be distributed to each task force member and to any member of the public who requests it.
- Written communication to one task force member, if it appears to be testimony, must be treated as testimony.
- Task force may limit oral testimony (1-3 minutes)

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Discussion among task force members outside of a meeting

- Generally a no-no if the discussion is about task force business.
- Applies to face-to-face discussion, telephone conversation, written communication, fax, email.

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"Permitted interactions" among task force members re: task force business

- Communication between two task force members as long as no commitment to vote is made or sought. [No serial 1-on-1 meetings]
- Investigations by task force members (less than a quorum) designated by the task force to investigate and report back.
- Discussions of routine administrative matters between two or more members with the CAS.

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Testimony to the Ka`a`awa Consolidation Task Force

Mr. Chairman,

I respectfully request that this Task Force examine and document in the Task Force Report the process that was used to select Ka`a`awa School for consolidation. The Task Force should also consider whether there is merit in the Chapter 38 statement that: "one-third or more of the square footage in the existing facilities requires replacement or improvements to meet prescribed standards" as it applies to Ka`a`awa Elementary School.

It is important that this selection process is seen by all to be fair and equitable and that schools are not selected in an arbitrary fashion.

1) How did the authors of the November 17, 2008 memo from Ms. Hamamoto to Mr. Penebacker, chair of the BOE Committee on Audit, select the schools on the consolidation list? Ka`a`awa, Hau`ula and Waiahole were all on that list. Was this list created by a careful state-wide analysis of all the schools that might meet one or more of the 3 conditions enumerated in Chapter 38 or were other impartial selection criteria used?

2) How then did the authors of the December 10, 2008 memo (and it's January 27, 2009 replacement) from Ms. Hamamoto to Mrs. Lea Albert come to the conclusion that of the three, only Ka`a`awa would be considered for closure even though the other two also meet some of the Chapter 38 criteria?

3) What fair process was used to determine that Ka`a`awa's facilities do not meet "prescribed standards"? What are these "prescribed standards"? How was the school allowed to be built with every building on the campus allegedly sub-standard since 1960? How is it possible that ALL portable classrooms in the State can be classified as sub-standard? How many other schools in the State were also found to not "meet prescribed standards" on the same basis? How many of them were also selected to be studied for consolidation because of this deficiency? Are the Parents and Students of the school concerned that their campus "does not meet prescribed standards".

4) In 2006-2007 Ka`a`awa Elementary received an Achievement Award from the DOE that reads "In Recognition of Outstanding Performance for Maintaining High Standards of Hygiene, Sanitation & Health, Safety, Maintenance and Physical Appearance". This award is signed by Patricia Hamamoto, Randy Moore and Lea Albert. This award seems to be in conflict with a finding of "sub-standard".

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Community Testimony given at Ka'a'awa Elementary School "Consolidation" Task Force Meeting

Mr. Chairman, I respectfully request this Task Force to report on the safety concerns of bussing our students. Closing an urban school where children may ride or walk another ten minutes to a new school is a completely different matter than bussing the entire 158 student population between the ages of 5 and 12 from our rural town up to eight miles to another rural community on a narrow, two lane busy highway.

Ka'a'awa is a community of narrow streets without sidewalks, non-government owned, many of which are dead end and would be impossible for large school busses to navigate. This would necessitate parents taking small children to the side of Kamehameha Highway to stand and wait for a bus in the morning and again in the afternoon. As many as three busses would be required to handle that many children, or if a lesser number of busses were to be used in more trips, young children could be required to be on a bus as early as 6:30 AM to be at school in time for an 8:00 AM bell and not return home until 4:00 PM or later. Our children would not be able to participate in A+ or other after school activities as they would have to ride a bus home, which also entails additional cost to struggling families with young children.

Kam Highway is a narrow road with no verges and in many places has a direct drop off to a rocky shoreline. Only about 20 of our students live far enough from school to require a short bus ride. The balance live close by and are brought to school and picked up by their parents, walk or ride their bicycles entering and exiting the school grounds from the rear of the property, totally away from the highway.

The highway closes regularly from accidents or flooding, including a closure of 10 hours or more last week and several times this winter. If our young children are separated from their parents and home by road closures which can happen at a moment's notice, how would our children be cared for and returned home? Driving the busses around the northern end of the island, which is the only solution other than keeping them on cots at the school overnight, would take three hours or more with small children in a bus with no seat belts in heavy traffic on the freeway with little adult supervision. In addition, school busses also have accidents on our highway, at least two that I know of in the last year, and one of those was a rollover with high school students involved. How much more traumatic would that be for young children with their parents far away? If the road closure happened before school, such as last week's accident, then our children would lose a day of education as the few students located close to the school would be able to attend, but our children, the majority of the students, would be counted as absent. It would not be practical to drive them three hours around the island to school and then another three hour trip home.

Our highway is heavily traveled with visitors enjoying the scenery not paying attention to their driving. Several months ago my next door neighbor was rear-ended by a visitor while stopped waiting to make a left turn into our street. Bussing our students would expose them to this type of risk on a daily basis.

This is not a matter to be lightly glossed over, but concerns the basic safety of our community's young children and for these reasons I request that a specific section of the report address these issues.

Thank you.

Aloha kakou

In ancient Hawaii the lands in a district or Moku were divided into ahupuaa. These ahupuaa were political and ecological units of land. They were designed to support the needs of the people. They were for the most part self sufficient. However each ahupuaa did not necessarily have all the resources to support the needs of the people. Many times things were exchanged. Fish from an ocean rich ahupuaa were exchanged for poi from another. Adze heads, olana, koa logs for canoes – many items were exchanged across the islands. This evolved over hundreds of years. And this was pono.

Today the Department of Education wants to close the only school in our ahupuaa. They want to send our kids who walk to school on the back roads to another ahupuaa or even another moku. Bussed greater than 6 miles on a dangerous highway. Our school is full and our keiki meet all the standards imposed by all levels of authority. Us folks in Kaaawa pay our taxes like everyone else. And we know that troubled times are here. We don't have or need a rail mass transit out here. But it is good for the rest of the island. We don't have freeways or even sewers. We know that we will be last to have electricity restored. But we do share our beaches and beauty with the rest of the island. On the weekends our ahupuaa is full of local folks and families enjoying the beach protected by the kapu of our school. Our school is the center of our community- has been for a hundred years. Because it is in a school zone the beach is protected, fines for lawbreaking are higher and enforced. It is the same with speeding in a school zone. I have witnessed this being enforced.

We ask for the kokua of our island neighbors. We need your support, perhaps a sacrifice for the continued existence of our excellent school and our ahupuaa as we know it. E MALAMA PONO

Mahalo

Peter Krapp