



**STATE OF HAWAII
BOARD OF EDUCATION**

P.O. BOX 2360
HONOLULU, HAWAII 96804

January 11, 2011

MEMO TO: The Honorable Garrett Toguchi, Chairperson
Board of Education

FROM: John R. Penebacker, Chairperson
Committee on Administrative Services

SUBJECT: **RECOMMENDATION FOR BOARD ACTION ON APPROVAL FOR
PUBLIC HEARINGS ON PROPOSED AMENDMENTS TO CHAPTER 39,
USE OF SCHOOL BUILDINGS, FACILITIES, AND GROUNDS, HAWAII
ADMINISTRATIVE RULES**

1. RECOMMENDATION

It is recommended that the Board of Education (Board) approve the Department of Education's (Department) recommendation to approve for public hearings on proposed amendments to Chapter 39, Hawaii Administrative Rules, "Use of School Buildings, Facilities, and Grounds" ("Chapter 39"), as specified in Attachment A.

2. RECOMMENDED EFFECTIVE DATE

Upon Board approval.

3. RECOMMENDED COMPLIANCE DATE

Upon Board approval.

4. DISCUSSION

a. Conditions leading to the recommendation

Act 190 of the 2010 Hawaii State Legislature, incorporated into Chapters 302A-1148 and 302A-115.6, Hawaii Revised Statutes (HRS), allows the Department to:

- Assess fees for parking on roadways and in parking areas under the jurisdiction of the Department;
- Adopt rules relating to the assessment and collection of fees for parking; and
- Contract with the Department of Accounting and General Services or a private entity to implement this legislation.

Act 190 further provides that parking fees shall be deposited into the same fund into which other fees and charges assessed and collected by the Department for the use of school facilities under Section 302A-1148 are deposited; provided that any parking fees assessed and collected by a school shall be deposited to the credit of the school's non-appropriated local school fund account.

The purpose of the proposed amendments is to expand Chapter 39 to include rules for the assessment and collection of fees for parking, as described in Act 190.

Chapters 302A-1148 and 302A-1511.6, HRS, are attached to the recommendation as Attachments B and C, respectively.

b. Previous action of the Board on the same or similar matter

On October 1, 2009, the Board approved previously proposed changes to Chapter 39 for public hearing. The request to the Governor to hold the public hearing has not yet been made.

Since these previous amendments have not yet been adopted, the format of the further amendments proposed by this recommendation has been modified so that the document shows both the previously-proposed amendments as well as the amendments proposed in this recommendation.

c. Other policies affected

None.

d. Arguments in support of the recommendation

The recommended amendments is the Department's response to Act 190 of the 2010 Legislature.

e. Arguments against the recommendation

None.

f. Findings and conclusions of the Board Committee

On January 11, 2011, the Committee on Administrative Services (Committee) recommended to the full Board, approval for public hearings on proposed amendments to Chapter 39.

g. Other agencies or departments of the State involved in the action

None.

h. Possible reaction of the public, professional organizations, unions, Department staff and/or others to the recommendation

Some employees and unions may be concerned about the possibility that they may be required to pay for parking that is currently provided at no charge.

i. Educational implications

None.

j. Personnel implications

None.

k. Facilities implications

None.

l. Financial implications

Parking fees, if imposed, will provide revenues to schools that they may use for any operational school purpose.

5. **OTHER SUPPLEMENTAL RECOMMENDATIONS**

None.

Attachments (3)