

HAWAII ADMINISTRATIVE RULES

TITLE 8

DEPARTMENT OF EDUCATION

SUBTITLE 2

EDUCATION

PART 1

PUBLIC SCHOOLS

CHAPTER 38

CONSOLIDATION OF PUBLIC SCHOOLS

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 8/23/84]

§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 ensure 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. 8/23/84; comp 2/1/01; am and comp 6/15/09] (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.

"Superintendent" means the superintendent of the department. [Eff. 8/23/84; am and comp 2/1/01; am and comp 6/15/09] (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 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. 8/23/84; comp 2/1/01; am and comp 6/15/09] (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 superintendent shall submit a written report to the board that the department will initiate a consolidation study and the reasons why a consolidation study is being conducted. Following the submission of such report to the board, the department may conduct the consolidation study.

(b) Based upon findings of the consolidation study, the superintendent shall then render a written report to the board, which 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 report, the board shall review the report and direct the superintendent, who shall designate a department official as the hearing officer, to conduct a public hearing within sixty days of the board's receipt of the report to receive community input on the report. Said report shall be posted on the department's website and hard copies shall be made available for review at the affected school(s). The superintendent shall notify members 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.

(d) The superintendent shall submit a summary of the public hearing and the superintendent's recommendations to the board within thirty days of the close of the public hearing.

(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. 8/23/84; am and comp 2/1/01; am and comp 6/15/09] (Auth: HRS §302A-1112) (Imp: HRS §§302A-1112, 302A-1129)