

From: [Cheri Nakamura](#)
To: [DBEDT LUC](#)
Subject: [EXTERNAL] A11-794 STATE OF HAWAI`I, DEPARTMENT OF EDUCATION – 2023 STATUS REPORT
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Attachments: [HE'E Testimony LUC 2023 02 09 FINAL.pdf](#)

Aloha,

Please find attached HE'E Coalition testimony for the February 9, 2023 A11-794 STATE OF HAWAI`I, DEPARTMENT OF EDUCATION – 2023 STATUS REPORT.

Please confirm receipt of this email and let me know if you should have any questions.

Regards,
Cheri Nakamura
HE'E Coalition Director





February 9, 2023

State of Hawai'i Land Use Commission

A11-794 STATE OF HAWAI'I, DEPARTMENT OF EDUCATION – 2023 STATUS REPORT

Dear Chair Giovanni and Members of the Commission,

The Hui for Excellence in Education (HE'E) Coalition is a statewide public education community advocacy group providing a community voice for education policy. We would like to testify on the HIDEOE 2023 Status Report on Kūlanihāko'i High School.

We learned about the situation at Kūlanihāko'i High through public testimony to the Board of Education (BOE) by a Maui community member on September 1, 2022.¹ Through our own investigation, we also submitted testimony to the BOE on September 15, 2022, which is attached.² In January 2023, Maui Mayor Bissen announced that the County will not be issuing a temporary certificate of occupancy.

We agree with the original 2013 ruling of the Land Use Commission (LUC,) which requires Department of Education (DOE) to build a grade-separated pedestrian crossing (GSPC) before opening the school, and the subsequent Maui County Ordinance 4135 to maintain that ruling.³ Rules are made for a purpose and in this case, the safety of students and citizens was a top priority. The DOE should set an example of abiding by the rule, particularly the spirit behind the rule, of the LUC.

HE'E was surprised to learn that the DOE had funding to build the GSPC but decided, instead, to first build a roundabout, spending more on the roundabout (\$16 million) that it would have on a GSPC (\$10.8-\$14.1 million).⁴ We were also astonished to see that on the DOE facilities portal (hidoefacilities.org) that from 2016-2022, appropriations from the legislature for Kūlanihāko'i High were over \$270 million, and DOE construction contracts for the school were over \$200 million including over \$50 million in change orders.⁵ Even with substantial resources and time, the DOE has not been able to do what was required to open the school.

¹ <https://boe.hawaii.gov/Meetings/Notices/Meeting%20Material%20Library/2022-09-01%20FIC%20Testimony%2048-Hour%20Before.pdf>

² <https://boe.hawaii.gov/Meetings/Notices/Meeting%20Material%20Library/2022-09-15%20GBM%20Testimony%2048-Hours%20Before.pdf>

³ <https://luc.hawaii.gov/wp-content/uploads/2013/03/Complete-Final-A11-794-State-of-Hawaii-DOE-Kihei-HS-with-exh-A.pdf> ; <https://www.mauicounty.gov/DocumentCenter/View/92093/Ord-4135>

⁴ <https://www.civilbeat.org/2023/01/opening-of-new-maui-high-school-delayed-amid-safety-concerns/>

⁵ <https://www.hidoefacilities.org/portalSchoolsPage.php>

We hope that the DOE and Department of Transportation (DOT) will work together with the Kihei community to find an acceptable solution for opening the school.

Thank you for this opportunity to testify.

Sincerely,

Cheri Nakamura
HE'E Coalition Director



September 15, 2022
General Business Meeting

Dear Chair Voss and Members of the Board,

We would like to comment on Agenda Item V. A. 2., Finance and Infrastructure Committee (FIC) Report on September 1, 2022, meeting, update on status of DOE's capital improvement projects (CIP) and repair and maintenance and anticipated challenges for the 2022-2023 school year.

We attended the September 1, 2022, FIC meeting and reviewed the public written testimony. We are extremely concerned about two items that either came up during the meeting or were mentioned in written testimony. These are:

1. Status of CIP Funds
2. Safe Access to Kūlanihāko'i High School

Status of CIP Funds

As we stated in our March 3, 2022 FIC testimony,¹ we have been concerned about the health of the DOE's Office of Facilities and Operations (OFO) branch since its failure to report accurately the DOE's deferred maintenance status to the public. At that meeting, while we praised the DOE for developing a web portal for transparency on OFO projects and encouraged expansion of effective processes, we also noticed that there was a "CIP Funds" page that stated at that time that DOE had \$1.4 billion funds that were unspent, which was a huge concern. Fast forward to September 1, 2022, as cited in public testimony, that amount ballooned to \$2. 2 billion, in both encumbered or restrictive funds and unencumbered or unrestrictive funds². At the September 1, 2022, FIC meeting, even BOE members were concerned about whether the DOE would be able to spend this staggering amount in a short amount of time. When asked about this matter, the DOE suggested that it would be able to spend the funds before the respective deadlines.

Like the BOE, we are also concerned about whether the DOE will be able to spend the funds by the deadlines, and more importantly, whether the DOE will spend the funds efficiently. We recently went to the website to look for the CIP Funds page and found that it was no longer on the OFO web portal.

¹ <https://boe.hawaii.gov/Meetings/Notices/Meeting%20Material%20Library/2022-03-03%20FIC%20Testimony.pdf>

² <https://boe.hawaii.gov/Meetings/Notices/Meeting%20Material%20Library/2022-09-01%20FIC%20Testimony%2048-Hour%20Before.pdf>

We ask the DOE to re-post the CIP Funds page in the OFO web portal so that the public can track whether funds are being spent efficiently and expeditiously. We go further to ask that more detail be provided, such as the breakdown of design and construction contracts, cost status, and schedule status for the encumbered funds so that we know how progress is being made. This seems to be standard in other education districts on the mainland.

Safe Access to Kūlanihākoʻi High School

HE'E Coalition believes that the safety of students is paramount. But the situation in Maui gives the impression that the DOE is prioritizing a 20% cost savings over the safety of students. We noticed in the September 1, 2022 written testimony that a Maui resident highlighted the issue of safe access to Kūlanihākoʻi High, urging the DOE to complete a “graded separated crossing (GSPC),” which means that the DOE must build either an overpass or an underpass across Piʻilani Highway.³ A day later, on September 2, 2022, Civil Beat posted an article, “County Officials Fear Kids Won’t Have A Safe Way To Get To New Kihei High School,” which describes how DOE officials failed to appear at a Maui Council meeting to discuss the GSPC matter.⁴ This prompted us to review several news articles on this topic and found the following:

1. The requirement of building a GSPC had been in place since 2013, when the Land Use Commission (LUC) granted a boundary amendment to allow the development and construction of the Kūlanihākoʻi High.⁵
2. DOE had not put in a budget request for GSPC since the condition was ordered by the LUC, which led some to believe that it has no plans to build one.⁶
3. In 2020, DOE along with the State Department of Transportation (DOT) cherry-picked information from a Texas Transportation Institute study to give misleading usage projections for a GSCP to persuade the LUC to change their stance on GSPCs. However, the LUC rejected this proposal, reiterating that a GSPC was required.⁷
4. DOE started the planning and construction of a roundabout, a 20% cheaper, non-graded separated crossing solution, without communicating fully to community members.⁸

³ <https://boe.hawaii.gov/Meetings/Notices/Meeting%20Material%20Library/2022-09-01%20FIC%20Testimony%2048-Hour%20Before.pdf>

⁴ <https://boe.hawaii.gov/Meetings/Notices/Meeting%20Material%20Library/2022-09-01%20FIC%20Testimony%2048-Hour%20Before.pdf>

⁵ <https://www.mauinews.com/news/local-news/2021/10/doe-request-to-open-school-without-a-crossing-denied/>

⁶ <https://www.mauinews.com/news/local-news/2021/10/doe-request-to-open-school-without-a-crossing-denied/>

⁷ <https://www.environment-hawaii.org/?p=13876>

⁸ <https://www.civilbeat.org/2022/09/county-officials-fear-kids-wont-have-a-safe-way-to-get-to-new-kihei-high-school/>

5. While the DOE is targeting a January 2023 opening for Kūlanihākoʻi High, Maui County may not open the school as the DOE has not provided safe access.⁹

We agree with Maui County and the LUC that unless a GSCP for Kūlanihākoʻi High is built, we feel that students will not be safe. We are disappointed in the DOE's lack of communication, transparency, and focus on student safety.

Thank you for this opportunity to testify.

Sincerely,

Cheri Nakamura
HE'E Coalition Director

⁹ <https://www.civilbeat.org/2022/09/county-officials-fear-kids-wont-have-a-safe-way-to-get-to-new-kihei-high-school/>

HE'E Coalition Members and Participants

Academy 21
Alliance for Place Based Learning
American Civil Liberties Union
Atherton YMCA
Castle Complex Community Council
Castle-Kahuku Principal and CAS
Education Institute of Hawai'i
*Faith Action for Community Equity
Fresh Leadership LLC
Girl Scouts Hawai'i
Harold K.L. Castle Foundation
*HawaiiKidsCAN
*Hawai'i Afterschool Alliance
*Hawai'i Appleseed Center for Law and Economic Justice
*Hawai'i Association of School Psychologists
Hawai'i Athletic League of Scholars
*Hawai'i Children's Action Network
Hawai'i Education Association
Hawai'i Nutrition and Physical Activity Coalition
* Hawai'i State PTSA
Hawai'i State Student Council
Hawai'i State Teachers Association
Hawai'i P-20
Hawai'i 3Rs
Head Start Collaboration Office
It's All About Kids
*INPEACE
Joint Venture Education Forum
Junior Achievement of Hawaii
Kamehameha Schools
Kanu Hawai'i
Kaua'i Ho'okele Council
Keiki to Career Kaua'i
Kupu A'e
*Leaders for the Next Generation
Learning First
McREL's Pacific Center for Changing the Odds
Native Hawaiian Education Council
Our Public School
*Pacific Resources for Education and Learning
*Parents and Children Together
*Parents for Public Schools Hawai'i
Special Education Provider Alliance
*Teach for America
The Learning Coalition
US PACOM
University of Hawai'i College of Education
* Youth Service Hawai'i
Voting Members () Voting member organizations vote on action items while individual and non-voting participants may collaborate on all efforts within the coalition.*