June 19, 2020

VIA EMAIL

Corey Rosenlee, President
Wilbert Holck, Executive Direction
Hawaii State Teachers Association

Re: Board of Education resolution directing the Department of Education to prepare for the reopening of public schools for the 2020-2021 school year amid the COVID-19 global pandemic; urging school communities to Give Hope, Act with Kindness, and Work toward Togetherness; and authorizing board members to represent the Board of Education in mid-term bargaining of collective bargaining agreements

Dear Mr. Rosenlee and Mr. Holck:

At its general business meeting on June 18, 2020, the Board of Education (“Board”) adopted a resolution that, among many other things:

1. Directs the Department of Education (“Department”) to prepare for the reopening of schools for the 2020-2021 school year amid the global COVID-19 pandemic;
2. Urges school communities to Give Hope, Act with Kindness, and Work toward Togetherness; and
3. Authorizes board members to represent the Board in mid-term bargaining of collective bargaining agreements.

The full resolution is attached to this letter, which also serves as my transmission of the resolution to the Hawaii State Teachers Association (“HSTA”) as required by the resolution.

Please note that the resolution directs the Department to coordinate with the State’s Office of Collective Bargaining to engage in mid-term bargaining with HSTA to make any changes, exemptions, or modifications to the current Unit 5 collective bargaining agreement as deemed necessary to meet the policies, directives, and objectives of this resolution (Lines 324-329). The Board also authorized Board Member Kaimana Barcarse to represent the Board in the mid-term bargaining with HSTA (Lines 312-316). However, note that Board Member Barcarse will need to
bring any negotiated mid-term changes to the current Unit 5 collective bargaining agreement to the Board for a vote before the Board executes any agreement (Lines 330-333).

For your information, I am also transmitting a copy of the resolution to the Governor, Legislature, Department of Health, State Public Charter School Commission, Economic and Community Recovery Navigator, and Hawaii Government Employees Association, as directed by the resolution.

Thank you for your dedication to the health, safety, and wellbeing of our public school students and teachers.

Very truly yours,

Catherine Payne
Chairperson

cc: The Honorable David Y. Ige, Governor, State of Hawai‘i (via email)  
    Christina M. Kishimoto, Superintendent, Department of Education (via email)

Enclosure
RESOLUTION OF THE BOARD OF EDUCATION

DIRECTING THE DEPARTMENT OF EDUCATION TO PREPARE FOR THE
REOPENING OF SCHOOLS FOR THE 2020-2021 SCHOOL YEAR AMID THE
GLOBAL COVID-19 PANDEMIC; URGING SCHOOL COMMUNITIES TO GIVE HOPE,
ACT WITH KINDNESS, AND WORK TOWARD TOGETHERNESS; AND
AUTHORIZING BOARD MEMBERS TO REPRESENT THE BOARD OF EDUCATION
IN MID-TERM BARGAINING OF COLLECTIVE BARGAINING AGREEMENTS

WHEREAS, On March 4, 2020, Governor David Y. Ige issued an emergency
proclamation declaring a disaster emergency relief period due to the COVID-19
pandemic;

WHEREAS, The COVID-19 pandemic has required our public school system to
pivot and adjust roles and responsibilities quickly;

WHEREAS, On March 24, 2020, the Hawaii State Department of Education (the
“Department”) announced the closure of school facilities and the stoppage of traditional,
in-school instruction through April 30, 2020;

WHEREAS, On April 17, 2020, the Department extended the closure of school
facilities and announced the continuation of enrichment using distance learning through
the end of the 2019-2020 school year;
WHEREAS, On May 21, 2020, the State of Hawaii Board of Education (the “Board”) adopted a resolution directing the Department to offer summer school in a way that supports students disproportionately impacted by school closures caused by the COVID-19 pandemic, to ensure clear coordination between each level of the tri-level system, and to communicate data and information timely and effectively with the public;

WHEREAS, An educated citizenry is necessary to preserve, promote, and improve a democratic, multicultural society, as described in Board Policy E-1, and the mission of our public education system is to ensure that all students reach their aspirations from early learning through college, career, and citizenship, pursuant to Board Policy E-2;

WHEREAS, Ensuring the health and safety of students and staff is the most important concern of the public education system;

WHEREAS, Students need predictability to feel safe, secure, and hopeful about the future and need a quality education to be ready for college, careers, and citizenship;

WHEREAS, The foremost challenge for the public education system in the COVID-19 era is implementing appropriate measures to mitigate health risks to a reasonable extent while delivering effective instruction to all students, especially students who are the most vulnerable to school closures and disruptions to learning;

WHEREAS, A public education system with reliable and regular operations that allows parents to work rather than care for their children all day is a critical component to economic recovery;

WHEREAS, The public education system can strengthen community and economic recovery and resiliency by building a culture of care and collaboration within its school communities, and the students, families, school employees, and community
members of each school community can contribute to a culture of care and collaboration by applying three simple principles:

a. By Giving Hope, particularly to students, it gives them confidence to set goals and use their voice to ask for help in finding opportunities and meeting their goals, and the students and their hope-inspired actions in turn become our hope as the future of our world;

b. By Acting with Kindness, we show empathy for each other and the great deal of change and loss we have all experienced in a short amount of time, thus creating a sense of community, especially for people who need the most help, and serving as a bridge between hope and togetherness; and

c. By Working toward Togetherness, we acknowledge that we cannot do everything required of us under the current conditions unless we do them together, allowing us to understand and recognize the importance of our relationships with each other, how our actions affect others, and how we can strengthen our community;

WHEREAS, The Department has a tri-level system consisting of (1) the School Level, (2) the Complex Area Level, and (3) the State Level with the following responsibilities:

a. At the School Level, schools are empowered to make decisions about students, including student learning, delivery of curriculum and instruction, and learning assessment because administrators, teachers, and staff are closest to the students;

b. The Complex Area Level is primarily responsible for supporting and supervising School Level leaders in the complex area, coordinating
between schools in the complex area, distributing any funding provided to the Complex Area Level, and serving as a conduit between the School Level and State Level; and

c. The State Level is primarily responsible for coordinating between complex areas, allocating funding to the Complex Area Level and School Level, providing centralized services and support for the School Level and Complex Area Level, and serving as a conduit between the tri-level system and the Board, other state entities, the federal government, and education stakeholders;

WHEREAS, Complex area and state support and coordination bolster the benefits of school empowerment and local control;

WHEREAS, On May 23, 2017, the Board approved the school calendar for the 2020-2021 school year, in accordance with Board Policy 106-1, with August 4, 2020, as the first day for students;

WHEREAS, Charter schools are public schools, directly governed by independent governing boards rather than the Board or Department, with the “flexibility and independent authority to implement alternative frameworks with regard to curriculum, facilities management, instructional approach, virtual education, length of the school day, week, or year, and personnel management,” pursuant to Section 302D-1, Hawaii Revised Statutes (“HRS”);

WHEREAS, A range of instructional delivery modes, which are methods for delivering course instruction, exist that schools can and do use, including:

a. In-person learning, where the teacher delivers face-to-face instruction in the same physical space as the students;
b. Distance learning, where the teacher delivers instruction virtually or online through web-based or internet-based mediums or delivers instruction through other remote mediums; and

c. Hybrid learning, where the teacher delivers instruction using both in-person and distance learning methods;

WHEREAS, Many students who are socioeconomically disadvantaged or living in the most rural parts of the state are less likely to have access to an appropriate device or an adequate internet connection, both of which are necessary for virtual or online distance learning;

WHEREAS, The students who are the most vulnerable to school closures and disruptions to learning include students with special needs, English learners, homeless students, and students without access to devices or connectivity;

WHEREAS, Collecting, aggregating, and analyzing data from the tri-level system and sharing these data with the Board, parents and guardians, education stakeholders, and the public is essential for strategic decision-making and building community support for public education;

WHEREAS, Several government entities, businesses, and community organizations have formally or informally inquired about how they might be able to assist the Department in supporting students affected by the health and economic crises caused by the COVID-19 pandemic; now, therefore,

BE IT RESOLVED that the Board hereby urges all public school students, families, employees, and community members to Give Hope, Act with Kindness, and Work toward Togetherness in preparation for and upon the reopening of public schools for school year 2020-2021; and
BE IT FURTHER RESOLVED that the Board directs the Department and its schools to strive to provide as much in-person instruction as practicable in a safe manner throughout the 2020-2021 school year, especially for the students who are the most vulnerable to school closures and disruptions to learning; and

BE IT FURTHER RESOLVED that the Board directs the Department to identify and prioritize the needs of the students who are the most vulnerable to school closures and disruptions to learning; and

BE IT FURTHER RESOLVED that the Board directs the Superintendent to issue clear protocols to Department schools by July 1, 2020—and to deliver the protocols to families and make them publicly available by July 8, 2020—regarding transitioning between instructional delivery modes to address scenarios potentially requiring full or partial rolling school closures, including:

a. Requirements for all Department schools to have plans for in-person learning, hybrid learning, and distance learning, provided that a school must meet health and safety requirements set forth in guidance from the Superintendent, and as directed by Department of Health guidance, before executing plans for in-person learning or hybrid learning;

b. Criteria for transitioning between these instructional delivery modes; and

c. Instructions clearly explaining who is responsible for making determinations on school closures and instructional delivery mode transitions and how the decision-making process will work, which must include the flexibility for decision-making to occur at different levels (school, complex area, island, statewide) depending on the situation; and

BE IT FURTHER RESOLVED that the Board directs the Department to provide instructional models and clear guidance to families that allow parents or guardians who
do not feel comfortable sending their children to a school campus to keep their children at home; and

BE IT FURTHER RESOLVED that the Board urges the Department to ensure all students are able to access the devices and connectivity necessary to learn from home, particularly students who are socioeconomically disadvantaged or living in the most rural parts of the state, by August 4, 2020; and

BE IT FURTHER RESOLVED that the Board decrees that the Department may consider distance learning and hybrid learning equivalent to in-person learning for purposes of calculating instructional days and student hours and meeting the requirements of Section 302A-251, HRS, provided that the Department issues clear directives to schools and guidance to families and the public regarding how Department schools must calculate instructional days and student hours in distance learning and hybrid learning settings; and

BE IT FURTHER RESOLVED that the Board decrees that public school students engaged in distance learning being delivered by the Department or a charter school shall be considered in attendance at a public school for compulsory attendance purposes, pursuant to Section 302A-1132, HRS, provided that the Department issues clear directives to Department schools and guidance to families and the public regarding how Department schools are to determine whether a student is engaged in distance learning and in attendance, and the State Public Charter School Commission issues clear directives to charter schools regarding how charter schools are to determine whether a student is engaged in distance learning and in attendance; and

BE IT FURTHER RESOLVED that the Board directs the Superintendent to consider whether any changes to the school calendar for the 2020-2021 school year are necessary to ensure students receive enough instructional time and, if changes are necessary, to request the Board take action on any proposed changes, pursuant to Board Policy 106-1, by July 1, 2020; and
BE IT FURTHER RESOLVED that the Board considers the Department of Health to be the State of Hawaii’s designated public health authority and the sole source of expertise on COVID-19 for state departments and agencies; and

BE IT FURTHER RESOLVED that the Board directs the Department to continuously work with and rely on the Department of Health for any and all updated and current advice and guidance on all COVID-19-related health matters affecting the Department’s operations as the Department of Health deems necessary; and

BE IT FURTHER RESOLVED that the Board urges the Department of Health to commit to providing timely, accurate, and up-to-date advice and guidance to the Department to allow it to operate with maximum flexibility while ensuring the health and safety of thousands of students, families, and employees, including guidance on self-isolation protocols, contact tracing strategies, social distancing and spatial requirements, dealing with sick students and staff, student-teacher contact ratio, and sharing of devices, equipment, and supplies; and

BE IT FURTHER RESOLVED that the Board directs the Department’s State Level to coordinate with the Complex Area and School Levels to:

a. Understand their personal protective equipment and sanitation supplies needs based on the Department’s health and safety requirements;

b. Procure for any required personal protective equipment and sanitation supplies needed by the School Level;

c. Work collaboratively with government entities, businesses, community organizations, and individuals interested in supporting efforts to get these equipment and supplies; and
d. Equitably distribute to the School Level any required personal protective equipment and sanitation supplies; and

BE IT FURTHER RESOLVED that the Board directs the Superintendent to issue comprehensive and cohesive guidance to all public schools, including charter schools, by July 1, 2020—and to deliver the guidance to Department school families and make them publicly available by July 8, 2020—regarding:

a. Applying the principles of Giving Hope, Acting with Kindness, and Working toward Togetherness to build a culture of care and collaboration within each school community, which may include existing guidelines or recommendations for the implementation of Board Policy E-3, entitled “Nā Hopena A‘o”;

b. Specific school-level requirements for ensuring clean and sanitary facilities and the health and safety of students and school personnel, as directed by Department of Health guidance;

c. Specific school-level strategies for school sanctioned events, such as field trips, athletics, and competitions, including strategies and protocols in the event of school closures;

d. Identifying any required personal protective equipment and sanitation supply needs and coordinating with the Department’s State Level to obtain them;

e. Providing additional support for students who are the most vulnerable to school closures and disruptions to learning, especially accommodations, modifications, and services for students with special needs, to ensure schools can serve every student in the event of additional closures;
f. Specific school-level strategies for, in the event of school closures and a return to distance learning, supporting teachers with managing class assignments, content, and assessments delivered remotely, including strategies and protocols for providing backup support for teachers who are themselves caring for children or elderly parents or who are sick themselves and cannot be as attentive to their jobs;

g. Specific school-level strategies for providing technical support for students, families, teachers, and administrators in distance learning contexts;

h. Developing plans for instructional models that allow parents and guardians to continue their children’s education while keeping them at home;

i. Testing distance learning systems and procedures before they are needed;

j. Developing comprehensive communication plans to quickly and easily reach students, families, teachers, and administrators;

k. Providing meals to students in accordance with Department of Health recommendations or guidelines; and

l. Specific school-level strategies to support the wide range of student needs—including needs assessments, social and emotional learning practices, traditional counseling support, and telemedicine counseling services—understanding that many students have faced numerous causes of trauma during school closures; and

BE IT FURTHER RESOLVED that the Board directs each Department school to use the Superintendent’s comprehensive guidance to provide its students, families, and
school personnel with clear guidance on the steps it is taking to ensure their health and safety; and

**BE IT FURTHER RESOLVED** that the Board encourages each charter school to use the Superintendent’s comprehensive guidance as it sees fit and to provide its students, families, and school personnel with clear guidance on the steps the charter school is taking to ensure their health and safety; and

**BE IT FURTHER RESOLVED** that the Board directs the Superintendent to issue guidance to complex areas, by July 1, 2020, on specific complex-area-level strategies for coordinating schedules between schools at the complex or complex area level to address the needs of families who have multiple children in multiple schools;

**BE IT FURTHER RESOLVED** that the Board authorizes Board Member Kaimana Barcarse to represent the Board in mid-term bargaining with the Hawaii State Teachers Association and to identify and negotiate any changes, exemptions, or modifications to the current Unit 5 collective bargaining agreement as deemed necessary to meet the policies, directives, and objectives of this resolution; and

**BE IT FURTHER RESOLVED** that the Board authorizes Board Member Dwight Takeno to represent the Board in mid-term bargaining with the Hawaii Government Employees Association and to identify and negotiate any changes, exemptions, or modifications to the current Unit 6 collective bargaining agreement as deemed necessary to meet the policies, directives, and objectives of this resolution; and

**BE IT FURTHER RESOLVED** that the Board directs the Department to coordinate with the State’s Office of Collective Bargaining to engage in mid-term bargaining with the Hawaii State Teachers Association and Hawaii Government Employees Association to make any changes, exemptions, or modifications to the current Unit 5 and Unit 6 collective bargaining agreements as deemed necessary to meet the policies, directives, and objectives of this resolution; and
BE IT FURTHER RESOLVED that the Board directs Board Members Kaimana Barcarse and Dwight Takeno to bring any negotiated mid-term changes to the current Unit 5 and Unit 6 collective bargaining agreements to the Board for a vote before the Board executes the agreement; and

BE IT FURTHER RESOLVED that the Board directs the Department to provide pertinent professional development at no cost for its teachers and staff:

a. To ensure they can support students with special needs by providing accommodations, modifications, and services and support for English learners in the event of additional school closures; and

b. Tailored to the tools, services, and content schools use, particularly those related to online teaching if it proves necessary, either as part of a hybrid delivery model or during rolling closures next fall; and

BE IT FURTHER RESOLVED that the Board directs the Department’s School Level to continue to guide and instruct curriculum, instruction, and assessment of students; and

BE IT FURTHER RESOLVED that the Board directs the Department’s State and Complex Area Levels to clearly communicate to the School Level how resources and services will work and be coordinated between each level of the tri-level system and to listen to and address issues and concerns raised by the School Level; and

BE IT FURTHER RESOLVED that the Board directs the Department to make every effort to contact and communicate with students who are the most vulnerable to school closures and disruptions to learning and with their parents and guardians to ensure that they understand the how the Department plans to mitigate any disruptions to learning these students might experience from potential school closures; and
BE IT FURTHER RESOLVED that the Board directs the Department to communicate timely and work collaboratively with government entities, businesses, community organizations, and individuals interested in supporting school reopening efforts or economic recovery efforts understanding the role public education plays in such efforts, including providing childcare to the state’s workforce and access to devices and connectivity; and

BE IT FURTHER RESOLVED that the Board directs the Department’s State Level to collect, aggregate, and analyze data from the School and Complex Area Levels, in a manner that is not unduly burdensome to the School Level, and to provide these data and data analyses to:

a. The Board to inform its decision-making and enable it to fulfill its oversight responsibilities; and

b. Education stakeholders and the public, as appropriate, to clearly communicate system status, needs, and concerns; and

BE IT FURTHER RESOLVED that the Board directs the Superintendent to provide the Board with a comprehensive plan, by July 1, 2020, for reopening schools and maintaining quality educational programs throughout the school year, including reasonable and helpful metrics by which the plan can be monitored and evaluated, which should include, at a minimum, metrics that relate to student access to devices and connectivity, personal protective equipment and sanitation supply needs, student attendance, and student academic status and progress; and

BE IT FURTHER RESOLVED that the Board directs the Superintendent to provide monthly, detailed reports to the Board on the implementation process and metric outcomes of school reopenings and maintenance of quality educational programs as described in this resolution; and
BE IT FURTHER RESOLVED that the policies, directives, requests, and positions contained herein shall be effective immediately and expire on June 30, 2021, unless terminated earlier or extended to a later date by a subsequent action of the Board; and

BE IT FURTHER RESOLVED that the Board directs the Board Chairperson to transmit this resolution to the Governor, Legislature, Department of Health, State Public Charter School Commission, Economic and Community Recovery Navigator, Hawaii State Teachers Association, and Hawaii Government Employees Association; and

BE IT FURTHER RESOLVED that the Board directs the Superintendent to distribute this resolution to all Department Assistant Superintendents, Complex Area Superintendents, Directors, and Principals; and

BE IT FURTHER RESOLVED that the Board requests the State Public Charter School Commission to distribute this resolution to all charter schools and their governing boards.

This resolution was proposed and approved by the Board at its June 18, 2020 General Business Meeting.

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Catherine Payne