



**STATE OF HAWAII**  
**BOARD OF EDUCATION**  
P.O. BOX 2360  
HONOLULU, HAWAII 96804

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,

A handwritten signature in black ink that reads "Catherine Payne". The signature is written in a cursive style with a large, sweeping flourish at the end.

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



**STATE OF HAWAII**  
**BOARD OF EDUCATION**  
P.O. BOX 2360  
HONOLULU, HAWAII 96804

**RESOLUTION OF THE BOARD OF EDUCATION**

1           DIRECTING THE DEPARTMENT OF EDUCATION TO PREPARE FOR THE  
2           REOPENING OF SCHOOLS FOR THE 2020-2021 SCHOOL YEAR AMID THE  
3           GLOBAL COVID-19 PANDEMIC; URGING SCHOOL COMMUNITIES TO GIVE HOPE,  
4           ACT WITH KINDNESS, AND WORK TOWARD TOGETHERNESS; AND  
5           AUTHORIZING BOARD MEMBERS TO REPRESENT THE BOARD OF EDUCATION  
6           IN MID-TERM BARGAINING OF COLLECTIVE BARGAINING AGREEMENTS  
7

8           **WHEREAS**, On March 4, 2020, Governor David Y. Ige issued an emergency  
9           proclamation declaring a disaster emergency relief period due to the COVID-19  
10          pandemic;  
11

12          **WHEREAS**, The COVID-19 pandemic has required our public school system to  
13          pivot and adjust roles and responsibilities quickly;  
14

15          **WHEREAS**, On March 24, 2020, the Hawaii State Department of Education (the  
16          “Department”) announced the closure of school facilities and the stoppage of traditional,  
17          in-school instruction through April 30, 2020;  
18

19          **WHEREAS**, On April 17, 2020, the Department extended the closure of school  
20          facilities and announced the continuation of enrichment using distance learning through  
21          the end of the 2019-2020 school year;

22           **WHEREAS**, On May 21, 2020, the State of Hawaii Board of Education (the  
23 “Board”) adopted a resolution directing the Department to offer summer school in a way  
24 that supports students disproportionately impacted by school closures caused by the  
25 COVID-19 pandemic, to ensure clear coordination between each level of the tri-level  
26 system, and to communicate data and information timely and effectively with the public;

27  
28           **WHEREAS**, An educated citizenry is necessary to preserve, promote, and  
29 improve a democratic, multicultural society, as described in Board Policy E-1, and the  
30 mission of our public education system is to ensure that all students reach their  
31 aspirations from early learning through college, career, and citizenship, pursuant to  
32 Board Policy E-2;

33  
34           **WHEREAS**, Ensuring the health and safety of students and staff is the most  
35 important concern of the public education system;

36  
37           **WHEREAS**, Students need predictability to feel safe, secure, and hopeful about  
38 the future and need a quality education to be ready for college, careers, and citizenship;

39  
40           **WHEREAS**, The foremost challenge for the public education system in the  
41 COVID-19 era is implementing appropriate measures to mitigate health risks to a  
42 reasonable extent while delivering effective instruction to all students, especially  
43 students who are the most vulnerable to school closures and disruptions to learning;

44  
45           **WHEREAS**, A public education system with reliable and regular operations that  
46 allows parents to work rather than care for their children all day is a critical component  
47 to economic recovery;

48  
49           **WHEREAS**, The public education system can strengthen community and  
50 economic recovery and resiliency by building a culture of care and collaboration within  
51 its school communities, and the students, families, school employees, and community

52 members of each school community can contribute to a culture of care and  
53 collaboration by applying three simple principles:

- 54
- 55 a. By Giving Hope, particularly to students, it gives them confidence to set  
56 goals and use their voice to ask for help in finding opportunities and  
57 meeting their goals, and the students and their hope-inspired actions in  
58 turn become our hope as the future of our world;
- 59
- 60 b. By Acting with Kindness, we show empathy for each other and the great  
61 deal of change and loss we have all experienced in a short amount of  
62 time, thus creating a sense of community, especially for people who need  
63 the most help, and serving as a bridge between hope and togetherness;  
64 and
- 65
- 66 c. By Working toward Togetherness, we acknowledge that we cannot do  
67 everything required of us under the current conditions unless we do them  
68 together, allowing us to understand and recognize the importance of our  
69 relationships with each other, how our actions affect others, and how we  
70 can strengthen our community;

71

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

- 75
- 76 a. At the School Level, schools are empowered to make decisions about  
77 students, including student learning, delivery of curriculum and instruction,  
78 and learning assessment because administrators, teachers, and staff are  
79 closest to the students;
- 80
- 81 b. The Complex Area Level is primarily responsible for supporting and  
82 supervising School Level leaders in the complex area, coordinating

83 between schools in the complex area, distributing any funding provided to  
84 the Complex Area Level, and serving as a conduit between the School  
85 Level and State Level; and

- 86
- 87 c. The State Level is primarily responsible for coordinating between complex  
88 areas, allocating funding to the Complex Area Level and School Level,  
89 providing centralized services and support for the School Level and  
90 Complex Area Level, and serving as a conduit between the tri-level  
91 system and the Board, other state entities, the federal government, and  
92 education stakeholders;

93

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

96

97 **WHEREAS**, On May 23, 2017, the Board approved the school calendar for the  
98 2020-2021 school year, in accordance with Board Policy 106-1, with August 4, 2020, as  
99 the first day for students;

100

101 **WHEREAS**, Charter schools are public schools, directly governed by  
102 independent governing boards rather than the Board or Department, with the “flexibility  
103 and independent authority to implement alternative frameworks with regard to  
104 curriculum, facilities management, instructional approach, virtual education, length of  
105 the school day, week, or year, and personnel management,” pursuant to Section 302D-  
106 1, Hawaii Revised Statutes (“HRS”);

107

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

- 110
- 111 a. In-person learning, where the teacher delivers face-to-face instruction in  
112 the same physical space as the students;

114           b. Distance learning, where the teacher delivers instruction virtually or online  
115           through web-based or internet-based mediums or delivers instruction  
116           through other remote mediums; and

117  
118           c. Hybrid learning, where the teacher delivers instruction using both in-  
119           person and distance learning methods;

120  
121           **WHEREAS**, Many students who are socioeconomically disadvantaged or living in  
122           the most rural parts of the state are less likely to have access to an appropriate device  
123           or an adequate internet connection, both of which are necessary for virtual or online  
124           distance learning;

125  
126           **WHEREAS**, The students who are the most vulnerable to school closures and  
127           disruptions to learning include students with special needs, English learners, homeless  
128           students, and students without access to devices or connectivity;

129  
130           **WHEREAS**, Collecting, aggregating, and analyzing data from the tri-level system  
131           and sharing these data with the Board, parents and guardians, education stakeholders,  
132           and the public is essential for strategic decision-making and building community support  
133           for public education;

134  
135           **WHEREAS**, Several government entities, businesses, and community  
136           organizations have formally or informally inquired about how they might be able to  
137           assist the Department in supporting students affected by the health and economic  
138           crises caused by the COVID-19 pandemic; now, therefore,

139  
140           **BE IT RESOLVED** that the Board hereby urges all public school students,  
141           families, employees, and community members to Give Hope, Act with Kindness, and  
142           Work toward Togetherness in preparation for and upon the reopening of public schools  
143           for school year 2020-2021; and

144

145 **BE IT FURTHER RESOLVED** that the Board directs the Department and its  
146 schools to strive to provide as much in-person instruction as practicable in a safe  
147 manner throughout the 2020-2021 school year, especially for the students who are the  
148 most vulnerable to school closures and disruptions to learning; and

149  
150 **BE IT FURTHER RESOLVED** that the Board directs the Department to identify  
151 and prioritize the needs of the students who are the most vulnerable to school closures  
152 and disruptions to learning; and

153  
154 **BE IT FURTHER RESOLVED** that the Board directs the Superintendent to issue  
155 clear protocols to Department schools by July 1, 2020—and to deliver the protocols to  
156 families and make them publicly available by July 8, 2020—regarding transitioning  
157 between instructional delivery modes to address scenarios potentially requiring full or  
158 partial rolling school closures, including:

- 159
- 160 a. Requirements for all Department schools to have plans for in-person  
161 learning, hybrid learning, and distance learning, provided that a school  
162 must meet health and safety requirements set forth in guidance from the  
163 Superintendent, and as directed by Department of Health guidance,  
164 before executing plans for in-person learning or hybrid learning;
  - 165
  - 166 b. Criteria for transitioning between these instructional delivery modes; and
  - 167
  - 168 c. Instructions clearly explaining who is responsible for making  
169 determinations on school closures and instructional delivery mode  
170 transitions and how the decision-making process will work, which must  
171 include the flexibility for decision-making to occur at different levels  
172 (school, complex area, island, statewide) depending on the situation; and

173  
174 **BE IT FURTHER RESOLVED** that the Board directs the Department to provide  
175 instructional models and clear guidance to families that allow parents or guardians who

176 do not feel comfortable sending their children to a school campus to keep their children  
177 at home; and

178

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

183

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

191

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

201

202 **BE IT FURTHER RESOLVED** that the Board directs the Superintendent to  
203 consider whether any changes to the school calendar for the 2020-2021 school year are  
204 necessary to ensure students receive enough instructional time and, if changes are  
205 necessary, to request the Board take action on any proposed changes, pursuant to  
206 Board Policy 106-1, by July 1, 2020; and

207 **BE IT FURTHER RESOLVED** that the Board considers the Department of Health  
208 to be the State of Hawaii’s designated public health authority and the sole source of  
209 expertise on COVID-19 for state departments and agencies; and

210  
211 **BE IT FURTHER RESOLVED** that the Board directs the Department to  
212 continuously work with and rely on the Department of Health for any and all updated  
213 and current advice and guidance on all COVID-19-related health matters affecting the  
214 Department’s operations as the Department of Health deems necessary; and

215  
216 **BE IT FURTHER RESOLVED** that the Board urges the Department of Health to  
217 commit to providing timely, accurate, and up-to-date advice and guidance to the  
218 Department to allow it to operate with maximum flexibility while ensuring the health and  
219 safety of thousands of students, families, and employees, including guidance on self-  
220 isolation protocols, contact tracing strategies, social distancing and spatial  
221 requirements, dealing with sick students and staff, student-teacher contact ratio, and  
222 sharing of devices, equipment, and supplies; and

223  
224 **BE IT FURTHER RESOLVED** that the Board directs the Department’s State  
225 Level to coordinate with the Complex Area and School Levels to:

- 226
- 227 a. Understand their personal protective equipment and sanitation supplies  
228 needs based on the Department’s health and safety requirements;
  - 229
  - 230 b. Procure for any required personal protective equipment and sanitation  
231 supplies needed by the School Level;
  - 232
  - 233 c. Work collaboratively with government entities, businesses, community  
234 organizations, and individuals interested in supporting efforts to get these  
235 equipment and supplies; and
- 236

237 d. Equitably distribute to the School Level any required personal protective  
238 equipment and sanitation supplies; and

239  
240 **BE IT FURTHER RESOLVED** that the Board directs the Superintendent to issue  
241 comprehensive and cohesive guidance to all public schools, including charter schools,  
242 by July 1, 2020—and to deliver the guidance to Department school families and make  
243 them publicly available by July 8, 2020—regarding:

244  
245 a. Applying the principles of Giving Hope, Acting with Kindness, and Working  
246 toward Togetherness to build a culture of care and collaboration within  
247 each school community, which may include existing guidelines or  
248 recommendations for the implementation of Board Policy E-3, entitled “Nā  
249 Hopena A‘o”;

250  
251 b. Specific school-level requirements for ensuring clean and sanitary facilities  
252 and the health and safety of students and school personnel, as directed by  
253 Department of Health guidance;

254  
255 c. Specific school-level strategies for school sanctioned events, such as field  
256 trips, athletics, and competitions, including strategies and protocols in the  
257 event of school closures;

258  
259 d. Identifying any required personal protective equipment and sanitation  
260 supply needs and coordinating with the Department’s State Level to obtain  
261 them;

262  
263 e. Providing additional support for students who are the most vulnerable to  
264 school closures and disruptions to learning, especially accommodations,  
265 modifications, and services for students with special needs, to ensure  
266 schools can serve every student in the event of additional closures;

267

- 268 f. Specific school-level strategies for, in the event of school closures and a  
269 return to distance learning, supporting teachers with managing class  
270 assignments, content, and assessments delivered remotely, including  
271 strategies and protocols for providing backup support for teachers who are  
272 themselves caring for children or elderly parents or who are sick  
273 themselves and cannot be as attentive to their jobs;  
274
- 275 g. Specific school-level strategies for providing technical support for  
276 students, families, teachers, and administrators in distance learning  
277 contexts;  
278
- 279 h. Developing plans for instructional models that allow parents and guardians  
280 to continue their children’s education while keeping them at home;  
281
- 282 i. Testing distance learning systems and procedures before they are  
283 needed;  
284
- 285 j. Developing comprehensive communication plans to quickly and easily  
286 reach students, families, teachers, and administrators;  
287
- 288 k. Providing meals to students in accordance with Department of Health  
289 recommendations or guidelines; and  
290
- 291 l. Specific school-level strategies to support the wide range of student  
292 needs—including needs assessments, social and emotional learning  
293 practices, traditional counseling support, and telemedicine counseling  
294 services—understanding that many students have faced numerous  
295 causes of trauma during school closures; and  
296

297 **BE IT FURTHER RESOLVED** that the Board directs each Department school to  
298 use the Superintendent’s comprehensive guidance to provide its students, families, and

299 school personnel with clear guidance on the steps it is taking to ensure their health and  
300 safety; and

301

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

306

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

311

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

317

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

323

324 **BE IT FURTHER RESOLVED** that the Board directs the Department to  
325 coordinate with the State’s Office of Collective Bargaining to engage in mid-term  
326 bargaining with the Hawaii State Teachers Association and Hawaii Government  
327 Employees Association to make any changes, exemptions, or modifications to the  
328 current Unit 5 and Unit 6 collective bargaining agreements as deemed necessary to  
329 meet the policies, directives, and objectives of this resolution; and

330 **BE IT FURTHER RESOLVED** that the Board directs Board Members Kaimana  
331 Barcarse and Dwight Takeno to bring any negotiated mid-term changes to the current  
332 Unit 5 and Unit 6 collective bargaining agreements to the Board for a vote before the  
333 Board executes the agreement; and

334  
335 **BE IT FURTHER RESOLVED** that the Board directs the Department to provide  
336 pertinent professional development at no cost for its teachers and staff:

- 337
- 338 a. To ensure they can support students with special needs by providing  
339 accommodations, modifications, and services and support for English  
340 learners in the event of additional school closures; and
  - 341
  - 342 b. Tailored to the tools, services, and content schools use, particularly those  
343 related to online teaching if it proves necessary, either as part of a hybrid  
344 delivery model or during rolling closures next fall; and

345  
346 **BE IT FURTHER RESOLVED** that the Board directs the Department's School  
347 Level to continue to guide and instruct curriculum, instruction, and assessment of  
348 students; and

349  
350 **BE IT FURTHER RESOLVED** that the Board directs the Department's State and  
351 Complex Area Levels to clearly communicate to the School Level how resources and  
352 services will work and be coordinated between each level of the tri-level system and to  
353 listen to and address issues and concerns raised by the School Level; and

354  
355 **BE IT FURTHER RESOLVED** that the Board directs the Department to make  
356 every effort to contact and communicate with students who are the most vulnerable to  
357 school closures and disruptions to learning and with their parents and guardians to  
358 ensure that they understand the how the Department plans to mitigate any disruptions  
359 to learning these students might experience from potential school closures; and

360

361 **BE IT FURTHER RESOLVED** that the Board directs the Department to  
362 communicate timely and work collaboratively with government entities, businesses,  
363 community organizations, and individuals interested in supporting school reopening  
364 efforts or economic recovery efforts understanding the role public education plays in  
365 such efforts, including providing childcare to the state’s workforce and access to devices  
366 and connectivity; and

367  
368 **BE IT FURTHER RESOLVED** that the Board directs the Department’s State  
369 Level to collect, aggregate, and analyze data from the School and Complex Area  
370 Levels, in a manner that is not unduly burdensome to the School Level, and to provide  
371 these data and data analyses to:

- 372
- 373 a. The Board to inform its decision-making and enable it to fulfill its oversight  
374 responsibilities; and
  - 375
  - 376 b. Education stakeholders and the public, as appropriate, to clearly  
377 communicate system status, needs, and concerns; and

378  
379 **BE IT FURTHER RESOLVED** that the Board directs the Superintendent to  
380 provide the Board with a comprehensive plan, by July 1, 2020, for reopening schools  
381 and maintaining quality educational programs throughout the school year, including  
382 reasonable and helpful metrics by which the plan can be monitored and evaluated,  
383 which should include, at a minimum, metrics that relate to student access to devices  
384 and connectivity, personal protective equipment and sanitation supply needs, student  
385 attendance, and student academic status and progress; and

386  
387 **BE IT FURTHER RESOLVED** that the Board directs the Superintendent to  
388 provide monthly, detailed reports to the Board on the implementation process and  
389 metric outcomes of school reopenings and maintenance of quality educational programs  
390 as described in this resolution; and

391

392           **BE IT FURTHER RESOLVED** that the policies, directives, requests, and  
393 positions contained herein shall be effective immediately and expire on June 30, 2021,  
394 unless terminated earlier or extended to a later date by a subsequent action of the  
395 Board; and

396  
397           **BE IT FURTHER RESOLVED** that the Board directs the Board Chairperson to  
398 transmit this resolution to the Governor, Legislature, Department of Health, State Public  
399 Charter School Commission, Economic and Community Recovery Navigator, Hawaii  
400 State Teachers Association, and Hawaii Government Employees Association; and

401  
402           **BE IT FURTHER RESOLVED** that the Board directs the Superintendent to  
403 distribute this resolution to all Department Assistant Superintendents, Complex Area  
404 Superintendents, Directors, and Principals; and

405  
406           **BE IT FURTHER RESOLVED** that the Board requests the State Public Charter  
407 School Commission to distribute this resolution to all charter schools and their  
408 governing boards.

409  
          This resolution was proposed and approved by the Board at its June 18, 2020  
General Business Meeting.

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Catherine Payne