



**STATE OF HAWAII
BOARD OF EDUCATION**

P. O. BOX 2360
HONOLULU, HAWAII 96804

July 15, 2011

TO: The Honorable Donald Horner, Chairperson
Board of Education

FROM: Douglas Murata, Board of Education Designee
Wilfred Keola, Board of Education Designee

SUBJECT: Approval of Mililani Middle School's School Community Council (SCC)
Exception Regarding its Consecutive Instructional Time for Teachers

1. **RECOMMENDATION**

That the Board of Education (BOE) approves Mililani Middle School's SCC exception request allowing the school to exceed the 180 consecutive instructional minutes for teachers without a break, lunch or recess for the 2011-2012 school year.

Note: BOE approval of exceptions to the BU 05 Collective Bargaining Agreement must include all stipulations agreed upon by its two committee members to the SCC Exception Review Committee. The status quo shall remain should the BOE not agree with its committee members' recommendation(s).

2. **RECOMMENDED EFFECTIVE DATE**

Upon approval by the BOE.

3. **RECOMMENDED COMPLIANCE DATE**

Not applicable.

4. **DISCUSSION**

a. **Conditions leading to the recommendation**

Section 302A-1124 to 1127, Hawaii Revised Statutes (HRS), authorizes schools to request waivers from existing state agency rules, policies, regulations, and procedures as well as exceptions to collective bargaining agreements as negotiated in accordance with current collective bargaining agreements and the provisions of Chapter 89, HRS.

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

None

Board Policy 2412 was amended on January 19, 2006.

c. Other policies affected

Article VI, Teaching Conditions and Hours; Section E, Consecutive Instructional Time; Section X, Preparation Periods; Section CC, Work Time Distribution, Weekly Totals Within the 7 Hour Day, 5-Day Week; paragraph 2a, Departmental Classes, Items 2a, b and d; Section DD, Work Load, paragraph 1 and 2.

Board Policy 2412, School Community Council Waivers and School Community Council Exceptions Policy.

d. Arguments in support of the recommendation

The increase in the consecutive instructional time for teachers requested by Mililani Middle School for the 2011-2012 school year will allow the school to:

- Provide a consistent and cohesive flow of classes.
- Provide teachers and students with an uninterrupted block of instruction..
- Provide for student safety by creating three lunch periods during the school day in order to ensure that all students have the opportunity to eat lunch.
- Provide track equity for all teachers and students by rotating through three bell schedules with the rotating track assuming the schedule of the leaving track.

e. Arguments against the recommendation

None.

f. Findings and conclusions of the Board committee

The BU 05 Committee on SCC Exception Review agreed to this exception on July 11, 2011.

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

None.

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

Positive.

i. Educational implications

As stated in the school's SCC exception request.

j. Personnel implications

None.

k. Facilities implications

None.

l. Financial implications

None.

5. OTHER SUPPLEMENTARY RECOMMENDATIONS

None.

DM:JZ:lt

Attachments

c: Superintendent
Office of Curriculum, Instruction and Student Support

**SCHOOL COMMUNITY COUNCIL
WAIVER/EXCEPTION REQUEST FORM**

(Please use one form for each request)

SCHOOL: Mililani Middle School DATE: May 15, 2011

DISTRICT: Central COMPLEX: Central

Achieved AYP: ___ Yes No

School Status:

School Proficiency Levels:

Reading Gr 6 75% Gr 7 88% Gr. 8 87%

Math Gr 6 62% Gr 7 68% Gr. 8 50%

- In Good Standing, Unconditional
- In Good Standing, Pending
- Needs improvement Yr. 1
- Needs improvement Yr. 2
- Corrective Action
- Planning for Restructuring
- Restructuring

*****Attach Trend Report.**

A. List the specific policy, regulation, rule, procedure or the specific article within the collective bargaining agreement from which the school is seeking relief.

Article VI, E-Consecutive Instructional Time

"Teachers shall not be required to teach more than one hundred eighty (180) consecutive minutes without a break, lunch or recess."

B. Describe 1) the desired change, and 2) what the school hopes to accomplish as it relates to improving student learning and increasing student achievement. Include specific quantitative, qualitative and longitudinal data to support the need for the request.

- 1) Desired Change: To be allowed to exceed the consecutive instructional time by 6 minutes.
- 2) What the school hopes to accomplish: Consistent and cohesive flow of classes and to provide teachers and students with an uninterrupted block of instruction.

C. If a renewal, describe and evaluate the outcomes of the requested change. Explain what was achieved and the impact on student learning. (Include specific quantitative and/or qualitative data.)

N/A

D. Provide a chronology and summary of discussions and activities that document an inclusive, collaborative and consensus-building decision-making process.

Consecutive Instructional Time

E. CONSECUTIVE INSTRUCTIONAL TIME

Teachers shall not be required to teach more than one hundred eighty (180) consecutive minutes without a break, lunch or recess.

Mililani Middle School is asking for an exception to the above stated agreement. Our bell schedule would exceed the 180 minutes by six (6) minutes (186 minutes when teachers rotate through Bell Schedule A).

RATIONALE:

Student Safety

Our current enrollment (projected at 1748 for 2011-2012) and existing facilities requires us to provide for three (3) lunch periods during the school day in order to ensure that all students have the opportunity to eat lunch.

Mililani Middle School has three bell schedules for the 2011-2012 school year: Schedule A, Schedule B and Schedule C. Each lunch period (for all three schedules) is for 30 minutes, at which time the cafeteria will be servicing approximately 450 students (grades 6-8).

In order to accommodate three lunch periods during the school day and to also ensure that the third lunch is served at a reasonable time, the first lunch (Schedule A) needs to start at 10:56 am. Four core classes follow the lunch period on Schedule A, which results in the six (6) minute overage.

Track Equity

All teachers and all students will rotate through the three bell schedules, with the returning track assuming the schedule of the leaving track. Thus, at any given point, only one-fourth of the school's teachers and students will be on Schedule A; however, all of the teachers and students will rotate through Schedule A at some point during the school year.

**Mililani Middle School Bell Schedule
Grade 6**

Monday, Tuesday, Thursday, Friday					
Schedule A		Schedule B		Schedule C	
8:20 – 9:07	Elective	8:20 – 9:07	Core 1	8:20 – 9:07	Core 1
9:09 – 9:54	Wheel 1	9:09 – 9:54	Core 2	9:09 – 9:54	Core 2
9:54 – 10:09	Recess	9:54 – 10:09	Recess	9:54 – 10:09	Recess
10:11 – 10:56	Wheel 2	10:11 – 10:56	Elective	10:11 – 10:56	Core 3
10:56 – 11:26	Lunch	10:58 – 11:43	Wheel 1	10:58 – 11:43	Core 4
11:29 – 12:14	Core 1	11:43 – 12:13	Lunch	11:45 – 12:30	Wheel 1
12:16 – 1:01	Core 2	12:16 – 1:01	Wheel 2	12:30 – 1:00	Lunch
1:03 – 1:48	Core 3	1:03 – 1:48	Core 3	1:03 – 1:48	Wheel 2
1:50 – 2:35	Core 4	1:50 – 2:35	Core 4	1:50 – 2:35	Elective

Wednesday					
Schedule A		Schedule B		Schedule C	
8:20 - 9:10	Elective	8:20 – 9:10	Core 1	8:20 – 9:10	Core 1
9:12 - 10:01	Core 1	9:12 – 10:01	Core 2	9:12 – 10:01	Core 2
10:01 - 10:16	Recess	10:01 – 10:16	Recess	10:01 – 10:16	Recess
10:18 - 11:07	Core 2	10:18 – 11:07	Elective	10:18 – 11:07	Core 3
11:07 - 11:37	Lunch	11:09 – 11:58	Core 3	11:09 – 11:58	Core 4
11:39 - 12:28	Core 3	11:58 – 12:28	Lunch	12:00 – 12:49	Elective
12:30 - 1:19	Core 4	12:30 – 1:19	Core 4	12:49 – 1:19	Lunch
1:21 - 2:05	Advisory	1:21 – 2:05	Advisory	1:21 – 2:05	Advisory

**Mililani Middle School Bell Schedule
Grades 7 and 8**

Monday, Tuesday, Thursday, Friday					
Schedule A		Schedule B		Schedule C	
8:20 – 9:07	Elective 1	8:20 – 9:07	Core 1	8:20 – 9:07	Core 1
9:09 – 9:54	Elective 2	9:09 – 9:54	Core 2	9:09 – 9:54	Core 2
9:54 – 10:09	Recess	9:54 – 10:09	Recess	9:54 – 10:09	Recess
10:11 – 10:56	Core 1	10:11 – 10:56	Elective 1	10:11 – 10:56	Core 3
10:56 – 11:26	Lunch	10:58 – 11:43	Elective 2	10:58 – 11:43	Core 4
11:29 – 12:14	Core 2	11:43 – 12:13	Lunch	11:45 – 12:30	Core 5
12:16 – 1:01	Core 3	12:16 – 1:01	Core 3	12:30 – 1:00	Lunch
1:03 – 1:48	Core 4	1:03 – 1:48	Core 4	1:03 – 1:48	Elective 2
1:50 – 2:35	Core 5	1:50 – 2:35	Core 5	1:50 – 2:35	Elective 1

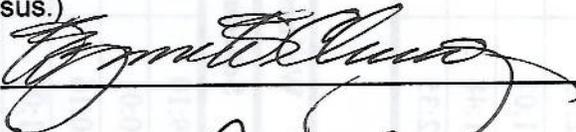
Wednesday					
Schedule A		Schedule B		Schedule C	
8:20 – 9:10	Core 1	8:20 – 9:10	Core 1	8:20 – 9:10	Core 1
9:12 - 10:01	Core 2	9:12 – 10:01	Core 2	9:12 – 10:01	Core 2
10:01 - 10:16	Recess	10:01 – 10:16	Recess	10:01 – 10:16	Recess
10:18 - 11:07	Core 3	10:18 – 11:07	Core 3	10:18 – 11:07	Core 3
11:07 - 11:37	Lunch	11:09 – 11:58	Core 4	11:09 – 11:58	Core 4
11:39 - 12:28	Core 4	11:58 – 12:28	Lunch	12:00 – 12:49	Core 5
12:30 - 1:19	Core 5	12:30 – 1:19	Core 5	12:49 – 1:19	Lunch
1:21 - 2:05	Advisory	1:21 – 2:05	Advisory	1:21 – 2:05	Advisory

Date	Type of Meeting	Summary of Outcome
May 11, 2011	Faculty Meeting	-Faculty discussion/ understanding of calendar, bell schedule & submission of Waiver/ Exception request -Faculty consensus to submit Waiver/Exception Request
May 12, 2011	Contacting absentee teachers by APC Representatives	-Consensus reached

G. SCC Waiver/Exception Signature Page

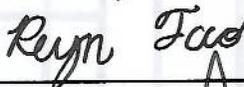
WAIVER/EXCEPTION SIGNATURE PAGE

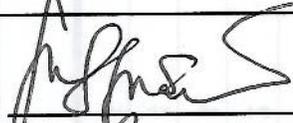
The signatures on this page acknowledge that the decision to request the attached waiver/exception was reached through a collaborative process. If this request is an exception to a collective bargaining agreement, the decision by members of the bargaining unit was achieved through consensus. (Because exceptions to collective bargaining agreements involve the rights of other employees, consensus, specifically by affected unit members, is necessary to waive those rights. It is possible for these unit members to agree on a fallback decision-making option provided that the agreement on the fallback option was reached through consensus.)

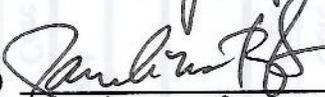
Administration  Date 5/13/11

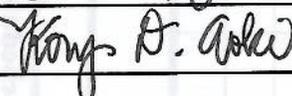
Community Representative(s)  Date 5/12/11

Parent Representative(s)  Date 5-12-11

Student Representative(s)  Date 5-13-11

Non-certificated Staff Representative(s)  Date 5-13-11

Teacher Representative(s)  Date 5-13-11

 Date 5-13-11

Complex Area Superintendent (CAS): Patricia Park (print name)

This waiver/exception request aligns with the goals and objectives of the school's strategic plan/academic and financial plan.

CAS Signature:  Date 5/16/11

HSTA PROCESS CHECK REQUIREMENT:

To ensure that the process to reach the decision for a contract exception request was followed, (the faculty either reached consensus or failing to reach consensus, the faculty held a secret ballot vote that resulted in active faculty members casting a ballot with 66-2/3% or higher affirmative vote), **the Teacher Representative should email the UniServ Director with a cc to Raymond Camacho (rcamacho@hsta.org). Please attach a copy of the email sent to the UniServ Director.**

RETURN FORM TO: School Renewal and Redesign Section
475 22nd Avenue, Building 302, Room 109
Honolulu, Hawaii 96816

Or FAX: 735-8379

FAILURE TO SUBMIT A COMPLETE AND TIMELY WAIVER/EXCEPTION REQUEST MAY RESULT IN THE REQUEST NOT BEING PROCESSED.



MMS HSTA-Reps
<mmshstareps@gmail.com>

05/15/2011 02:51 PM

To Raymond Camacho <rcamacho@hsta.org>, jtsuchiya
<jtsuchiya@hsta.org>

cc Elynn_chung <Elynn_chung@notes.k12.hi.us>

bcc

Subject SCC Waiver/Exception Request

We am sending this e-mail to inform you that our faculty reached a consensus for the following action:

Desired Change: "To be allowed to exceed the consecutive instructional time by 9 minutes."

Specific policy, regulation rule, procedure or the specific article within the collective bargaining agreement from which the school is seeking relief.

Article VI, E-Consecutive Instructional Time

"Teachers shall not be required to teach more than one hundred eighty (180) consecutive minutes without a break, lunch or recess."

What the school hopes to accomplish: "Consistent and cohesive flow of classes and to provide teachers and students with an uninterrupted block of instruction.

Thank you,

Laurie Sogawa and Lori Morimoto

This email was scanned by the MessageLabs Security System contracted by the Hawaii Dept Of Education. If you receive suspicious/phish email, forward a copy to spamreport@k12.hi.us This helps us monitor suspicious/phish email getting thru. You will not receive a response from us, but rest assured the information received will help to build additional protection. For info about this service please visit <http://www.messagelabs.com/email>

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Mililani Middle**Trend Report:
Educational and Fiscal Accountability****School Report for School Year 2008-2009**

A *Guide to Understanding Trend Reports* explains the educational and fiscal measures and lists schools in each of the 42 complexes for school year 2008-09. The *Guide* is available on-line at <http://arch.k12.hi.us>.

Background

Student Enrollment	Total	SPED		ELL		Free & Reduced-Cost Lunch Program		Kindergartners Who Attended Preschool
		#	%	#	%	#	%	
School Year	#	#	%	#	%	#	%	%
2006-2007	1,822	213	11.7%	33	1.8%	261	14.3%	na
2007-2008	1,814	215	11.9%	28	1.5%	243	13.4%	na
2008-2009	1,730	190	11.0%	32	1.8%	223	12.9%	na

Teachers	Total	Licensed	Years Experience	5+ Years at This School	Classes Taught by Teachers Meeting NCLB Requirements	Advanced Degree	Early Childhood Endorsement (Gr. K teachers)
School Year	#	%	Average	%	%	%	#
2006-2007	110	88.2%	9.0	51%	60%	36.4%	na
2007-2008	109	89.0%	9.4	56%	58%	40.4%	na
2008-2009	107	90.7%	9.9	60%	71%	40.2%	na

Academic Achievement

Hawaii State Assessment Standards-Based	Reading % Proficient by Grade Level							Math % Proficient by Grade Level						
	3	4	5	6	7	8	10	3	4	5	6	7	8	10
School Year														
2006-2007	na	na	na	74.7	76.4	74.3	na	na	na	na	54.7	59.2	36.1	na
2007-2008	na	na	na	75.9	83.8	79.8	na	na	na	na	52.9	63.3	48.2	na
2008-2009	na	na	na	80.4	81.8	86.5	na	na	na	na	53.6	64.8	55.0	na

Hawaii State Assessment Standards-Based	Writing Average (range 0 to 4)				Science % Proficient by Grade Level		
	4	6	9	11	5	7	11
School Year							
2006-2007	na	--	na	na	na	--	na
2007-2008	na	2.6	na	na	na	68.7	na
2008-2009	na	2.5	na	na	na	60.0	na

TerraNova Assessment National sample scoring at Average & above = 77	Grade Level	Reading % Average & Above							Math % Average & Above						
		3	4	5	6	7	8	10	3	4	5	6	7	8	10
School Year															
2006-2007		na	na	na	91.5	81.7	89.2	na	na	na	na	86.1	84.1	84.3	na
2007-2008		na	na	na	86.3	87.1	90.2	na	na	na	na	83.6	87.8	85.9	na
2008-2009		na	na	na	91.4	85.4	91.9	na	na	na	na	83.2	81.6	88.0	na

*Results suppressed to protect student identity, in accordance with the Family Educational Rights and Privacy Act (FERPA)

Academic Achievement (continued)

School Year	Proportion Ready for Kindergarten	Retention Rate %			Dropout Rate % (4-year rate)	Graduate On-Time %	Others %
		Elementary	Middle	Grade 9			
2006-2007	na	na	1%	na	na	na	na
2007-2008	na	na	0%	na	na	na	na
2008-2009	na	na	0%	na	na	na	na

Safety and Well-Being

Students	Average Daily Attendance %		Offenses by Type of Incident (number of citations per 1,000 students)					
			Violence		Property		Illicit Substances	
School Year	Elementary	Secondary	Elementary	Secondary	Elementary	Secondary	Elementary	Secondary
2006-2007	na	95.7%	na	23	na	19	na	25
2007-2008	na	96.4%	na	13	na	8	na	15
2008-2009	na	95.4%	na	15	na	12	na	23

School	Facilities Inspection	Persistently Dangerous Schools (NCLB)	Workers' Compensation Claims		Student and Teacher Perceptions on School Quality Survey		Transition from home/preschool to Kindergarten
			Total # of claims	% of claims resulting in loss-time	Positive Responses		
School Year	Passed?	Yes/No			% of student	% of teacher	School mean (range 1-3)
2006-2007	Yes	No	11	0.0%	45.0%	88.7%	na
2007-2008	Yes	No	6	0.0%	56.0%	85.5%	na
2008-2009	Yes	No	1	0.0%	54.5%	80.9%	na

Civic Responsibility

School Year	Young Voter Registration	Kids Voting Hawaii		Students Who Are Not Suspended	Service to School/Community	Volunteer Hours
		# of students participating	% of students participating			
2006-2007	na	559	30.7%	93.4%	4	--
2007-2008	na	--	--	96.1%	27	25
2008-2009	na	553	32.0%	94.6%	29	0

Fiscal Accountability

School Year	State General Funds				Significant Budget Changes*
	School Salaried Payroll	Allocation Excluding School Salaried Payroll	Expended	Carryover	
2006-2007	\$7,944,683	\$715,862	\$432,956	\$282,906	none
2007-2008	\$8,487,510	\$732,790	\$676,742	\$56,048	none
2008-2009	\$8,598,661	\$446,231	\$464,622	(\$18,391)	none

*Explanation of Significant Budget Changes