



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

TO: Donald G. Horner  
Chairperson, Board of Education

Brian De Lima  
Chairperson, Finance and Infrastructure Committee

FROM: Alison Kunishige  
Executive Director, Board of Education

DATE: June 16, 2015

AGENDA ITEM: Board Action on Finance and Infrastructure Committee  
recommendations concerning the following Board policies:

- 400.1 Board Roles and Responsibilities  
(formerly Board Policy 1200-1.5)
- 400.5 Public Board of Education (formerly Board  
Policy 1200-1.9)
- 400.7 Relationship of Board of Education Members  
with Department and Public Library System  
Personnel  
(formerly Board Policy 1200-1.10)
- 500.4 Duties and Responsibilities of the  
Superintendent  
(formerly Board Policy 1300-3)
- 500.18 Summer School Programs (formerly Board  
Policy 2410)
- 500.23 Solicitations by Department Personnel and  
Students  
(formerly Board Policy 1710-5)
- 800.1 Content Standards for Adult Community  
Schools  
(formerly Board Policy 2409)

1200-1.8 Committees of the Board of Education

1200-1.4 Effective Board Member Practices

1200-1.2 Authority Responsibility of Board of Education

1200-1.1 Establishment of the Board of Education

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On May 19, 2015, the Finance and Infrastructure Committee (“Committee”) took the actions listed below on these Board of Education (“Board”) policies:

Approve with amendments	400.1	Board of Education Roles and Responsibilities (formerly Board Policy 1200-1.5)
Approve with amendments	400.5	Public Board of Education (formerly Board Policy 1200-1.9)
Delete	400.7	Relationship of Board of Education Members with Department and Public Library System Personnel (formerly Board Policy 1200-1.10)
Approve with amendments	500.4	Duties and Responsibilities of the Superintendent (formerly Board Policy 1300-3)
Approve with amendments	500.18	Summer School Programs (formerly Board Policy 2410)
Approve with amendments	500.23	Solicitations by Department Personnel and Students (formerly Board Policy 1710-5)
Approve with amendments	800.1	Content Standards for Adult Community Schools (formerly Board Policy 2409)
Delete	1200-1.1	Establishment of the Board of Education
Delete	1200-1.2	Authority Responsibility of the Board of Education
Delete	1200-1.4	Effective Board Member Practices
Delete	1200-1.8	Committees of the Board of Education

The items that were marked for deletion were inadvertently omitted from the list of policies that the Board approved for deletion at its May 19, 2015 General Business Meeting.

The items that were marked “approve with amendments” were to be worked on by Board staff and the Department of Education (“Department”) to incorporate the amendments as directed by the Committee before bringing them to the full Board for consideration. A description of the changes made to each of these policies is included below and a redline showing the changes incorporated into the policy, as directed by the Committee, follows.

## **400.1 Board of Education Roles and Responsibilities (formerly Board Policy 1200-1.5)**

At the May 19, 2015 the Committee meeting, the Committee took action on Board Policy 400.1, Board of Education Roles and Responsibilities and elected to amend the policy and forward the amended policy to the full Board for approval. The amendments were to incorporate the Department's comments, as described in the memorandum dated May 19, 2015 ("Department's Policy Memorandum").<sup>1</sup> Specifically the Department's Policy Memorandum had the following suggestions:

"Suggest removing the following responsibilities:

1. 'approve negotiated contract(s)'
2. 'approve curricular frameworks'

Suggest adding the following language to responsibility number 2:  
'Strategic planning to result in a joint BOE/DOE Strategic Plan that serves as the basis for developing system-wide accountability systems.'

Suggest modifying responsibility number 9 to read: 'Approve mechanism for systematic and periodic review of progress of the public school system against State Strategic Plan goals and targets. ~~school system which includes individual school performances.~~'"

The Committee considered the Department's comments and accepted the first two comments. It accepted a portion of the third comment and proposed the following revised language instead "[a]pprove mechanism for systematic and periodic review or progress of public school system."

The Committee further amended the policy by adding to the listing of roles and responsibilities "any other responsibilities as directed by law" and renumbering the listing accordingly after making the aforementioned changes.

The following redline shows the amendments that were approved by the Committee.

**1200-1.5**

### **POLICY 400.1**

#### **BOARD OF EDUCATION ROLES AND RESPONSIBILITIES**

1. Develop vision and mission statements.
2. Conduct short- and long-term strategic planning to reach consensus on goals

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<sup>1</sup> A copy of the Department's Policy Memorandum is available at:  
[http://www.hawaiiboe.net/Meetings/Notices/Documents/2015-05-19%20FIC/FIC\\_VA\\_05192015\\_BoardProposed400-900%20Policy%20Series.pdf](http://www.hawaiiboe.net/Meetings/Notices/Documents/2015-05-19%20FIC/FIC_VA_05192015_BoardProposed400-900%20Policy%20Series.pdf)

and objectives, school performance indicators and student assessment outcomes, policies on budget, curriculum frameworks and student assessment, personnel and staff development. Strategic planning to result in a joint Board and Department strategic plan that serves as the basis for developing system-wide accountability systems.

**Comment [B1]:** Department recommendation.

3. Hire, evaluate and define roles of Superintendent/State Librarian; with Superintendent/State Librarian, define roles, hiring and evaluation of senior administrators; establish policies for hiring personnel.

4. Review and approve the Board/Department/Public Library budgets; ensure congruence of spending priorities with the Board's goals and objectives. Establish policies to guide restrictions and expenditures.

5. Set policies and guidelines for negotiating contracts and approve the negotiated contract.

**Comment [B2]:** Department recommendation.

6. Approve curricular frameworks and standards for student achievement.

**Comment [B3]:** Department recommendation.

7. Ensure linkage of policies and reform initiatives with student outcome objectives, curricular frameworks and assessment.

8. Establish staff development policies that ensure congruence with the Board's educational goals and objectives.

9. Approve mechanism for systematic and periodic review of school system which includes individual school performances progress of the public school system.

**Comment [B4]:** Department recommendation, modified by the Committee on May 19, 2015 to remove phrase "against State Strategic Plan goals and targets" from the end of the sentence.

10. Establish Board procedures to address petitions from the public.

11. Establish policies to encourage and facilitate collaboration with other agencies and entities.

12. Provide leadership in public education/public library system.

13. Periodically conduct Board self-assessment.

14. Any other roles and responsibilities provided for by law.

**Comment [B5]:** Added as directed by the Committee at its May 19, 2015 meeting.

Approved: 9/16/95

**400.5 Public Board of Education  
(formerly Board Policy 1200-1.9)**

At the May 19, 2015 the Committee meeting, the Committee took action on Board Policy 400.5, Board of Education Roles and Responsibilities and elected to amend the policy and forward the amended policy to the full Board for approval. The amendments were to make the policy consistent with the By-Laws of the Hawai'i State Board of Education ("By-Laws") and to have the matter referred to the appropriate standing committee.

Section 7.3 of the By-Laws, entitled "Communication from the Public" provides that:  
"Any member of the public or any organization may submit written communication to the Executive Director of the Board on any matter involving public education or the public library system. The communication shall be filed with the Board of Education and all members of the Board shall be advised of the communication."

In order to make the policy consistent with the By-Laws, the phrase "or the Board Chair" was deleted because Board By-Laws place the burden of advising all Board members of communications from the public on the Executive Director, not on the Board Chair. The sentence that was added is modeled after the language in Section 7.3 of the By-Laws.

Language to refer the matter to the appropriate standing committee was not added because with the aforementioned change, the request will only go to the Executive Director. The By-Laws do not authorize the Executive Director to refer matters to committees, so referral language was not included. When a request is received, the matter will be referred to all members. At that time, the Board Chairperson, with input from the Committee Chairpersons can determine if the matter will be placed on an agenda and, if so, what the committee referral will be.

**1200-1.9**

**POLICY 400.5**

**PUBLIC BOARD OF EDUCATION MEETINGS**

**POLICY**

The regular meetings of the Board shall be open to the public. Citizens desiring to place an item on the Board agenda regarding statewide educational policy may make a written request to the Executive Director of the Board ~~or the Board Chair. -The request shall be filed with the Board of Education and all members of the Board shall be advised of the request.~~

Approved: 9/16/95

**Comment [B6]:** Changes made per the Committee's May 19, 2015 directive to make the policy consistent with the Board's By-laws.

## **Policy 500.4 Duties and Responsibilities of the Superintendent (formerly Board Policy 1300-3)**

At the May 19, 2015 Committee meeting, the Committee took action on Board Policy 500.4, Duties and Responsibilities of the Superintendent and elected to amend the policy and forward the amended policy to the full Board for approval. The amendments were to incorporate the Department of Education's ("Departments") comments, as described in the Department's Policy Memorandum dated May 19, 2015.<sup>2</sup> Specifically the Department's Policy Memorandum recommended deletion of the first listed responsibility, "[s]erving as secretary to the board of education."

There was a section of the Hawaii State Constitution ("Constitution") and a section of the Hawaii Revised Statutes ("HRS") referenced for the responsibility of serving as secretary. The policy, however, was approved in 1970; it appears both sections referenced were amended subsequently and neither section currently contains a requirement that the Superintendent serve as the secretary of the Board. The Constitution section referenced, Article IX, Section 3 is now entitled "Public Assistance" and is inapplicable. The legislative history for the Public Assistance section states that it was added at the Hawaii State Constitutional Convention in 1978. Because the Board policy was approved in 1970, it is likely that the section numbering was changed at the 1978 Constitutional Convention. The Board of Education is now covered under Article X of the State Constitution. Article X does not require the Superintendent to be an officer of the Board of Education.

Section 26-12, HRS, is also referenced as authorizing the secretary responsibility, however, this statute also does not provide for this requirement.<sup>3</sup> The statute has been

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<sup>2</sup> A copy of the Department's Policy Memorandum is available at:  
[http://www.hawaiiboed.net/Meetings/Notices/Documents/2015-05-19%20FIC/FIC\\_VA\\_05192015\\_BoardProposed400-900%20Policy%20Series.pdf](http://www.hawaiiboed.net/Meetings/Notices/Documents/2015-05-19%20FIC/FIC_VA_05192015_BoardProposed400-900%20Policy%20Series.pdf)

<sup>3</sup> Section 26-12, HRS, entitled "Department of education" provides as follows:

"The department of education shall be headed by an executive board to be known as the board of education.

Under policies established by the board, the superintendent shall administer programs of education and public instruction throughout the State, including education at the preschool, primary, and secondary school levels, adult education, school library services, health education and instruction (not including dental health treatment transferred to the department of health), and such other programs as may be established by law. The state librarian, under policies established by the board of education, shall be responsible for the administration of programs relating to public library services and transcribing services for the blind.

The functions and authority heretofore exercised by the department of education (except dental health treatment transferred to the department of health), library of Hawaii, Hawaii county library, Maui county library, and the transcribing services program of the

amended twice since 1970, once in 1981 and another time in 1997. Either of these amendments may have removed this requirement.

1300-3

**POLICY 500.4**

**DUTIES AND RESPONSIBILITIES OF THE SUPERINTENDENT**

**POLICY**

The superintendent shall be responsible for:

~~1. Serving as secretary to the board of education.~~

21. Performing all duties necessary to the proper conduct of the department, subject, however, to the approval of the board.

32. Planning, organizing, staffing, directing and controlling the educational program, finances, personnel and facilities of the department.

Comment [B7]: Department recommended removal.

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bureau of sight conservation and work with the blind, as heretofore constituted are transferred to the public library system established by this chapter.

The management contract between the board of supervisors of the county of Kauai and the Kauai public library association shall be terminated at the earliest time after November 25, 1959, permissible under the terms of the contract and the provisions of this paragraph shall constitute notice of termination, and the functions and authority heretofore exercised by the Kauai county library as heretofore constituted and the Kauai public library association over the public libraries in the county of Kauai shall thereupon be transferred to the public library system established by this chapter.

The management contracts between the trustees of the library of Hawaii and the Friends of the Library of Hawaii, and between the library of Hawaii and the Hilo library and reading room association, shall be terminated at the earliest time after November 25, 1959, permissible under the terms of the contracts, and the provisions of this paragraph shall constitute notice of termination.

Upon the termination of the contracts, the State or the counties shall not enter into any library management contracts with any private association; provided that in providing library services the board of education may enter into contracts approved by the governor for the use of lands, buildings, equipment, and facilities owned by any private association.

Notwithstanding any law to the contrary, the board of education may establish, specify the membership number and quorum requirements for, appoint members to, and disestablish a commission in each county to be known as the library advisory commission, which shall in each case sit in an advisory capacity to the board of education on matters relating to public library services in their respective county."



| 43. Advising the board in relation to general policies and keeping them informed as to important educational developments.

| 54. Bearing final responsibility to the board for the proper functioning of the department.

Approved: 8/70

See: Generally: S.296-11, HRS; Plan of Organization, 9/69

Secretary: S.3, Art. IX, State Consti.; S.26-12, HRS

Voc. Ed.: Act 71, SLH 1968

Tchr. Ed.: Coord. Com.; S.304-20, HRS

**Policy 500.18 Summer School Programs  
(formerly Board Policy 2410)**

At the May 19, 2015 the Committee meeting, the Committee took action on Board Policy 500.18, Summer School Programs and elected to amend the policy and forward the amended policy to the full Board for approval. The amendments were to incorporate the changes proposed by the Special Education Advisory Council ("SEAC") in its testimony dated May 19, 2015, a copy of which is also included as **Exhibit A** below.<sup>4</sup> Specifically, the testimony recommended a number of changes for reasons including that the phrase "special education summer school programs" is not referenced in the Individuals with Disabilities Education Action, but some students are eligible to receive Extended School Year services.

The two numbered sections, "1. Regular Summer School Programs" and "2. Special Education Summer School Programs" were deleted to address SEAC's comment that separate sections suggested that special education summer school programs were segregated programs and thereby conflicting with the Board Policy 105.13, Inclusion and that both IDEA and Section 504 require that services to qualified students with disabilities be delivered in the least restrictive environment.

The reference to "district superintendent" was replaced with "complex area superintendent" because, while certain functions still operate at the district level, this decision would be the responsibility of the complex area superintendent.

The third sentence regarding students with disabilities was inserted to address SEAC's comment that the policy should state that students with disabilities may be entitled to services during summer break. The sentence begins with "notwithstanding the foregoing" to address SEAC's comment that providing services for students with disabilities is not optional or dependent on a critical mass of students to express interest; the two sentences before state that summer school programs are organized when 125 or more students indicate interest in attending summer school.

A draft of the revised policy has been circulated to the Department, which will provide comments if necessary.

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<sup>4</sup> A full copy of the testimony is available at:  
<http://www.hawaiiboer.net/Meetings/Notices/Documents/2015-05-19%20FIC/FIC%20Testimony%202015-05-18.pdf> (June 10, 2015)

Exhibit A



**S E A C**  
**Special Education Advisory Council**

919 Ala Moana Blvd., Room 101

Honolulu, HI 96814

Phone: 586-8126 Fax: 586-8129

email: [spin@doh.hawaii.gov](mailto:spin@doh.hawaii.gov)

May 19, 2015

**Special Education  
Advisory Council**

Ms. Ivalee Sinclair, *Chair*  
Ms. Martha Guinan, *Vice  
Chair*

Ms. Brendelyn Ancheta  
Dr. Tammy Bopp  
Dr. Robert Campbell  
Ms. Deborah Cheeseman  
Ms. Annette Cooper  
Ms. Shari Dela Cuadra-Larsen,  
*liaison to the Superintendent*  
Ms. Gabriele Finn  
Ms. Jenny Gong  
Ms. Natalie Haggerty  
Ms. Barbara Ioli  
Ms. Valerie Johnson  
Ms. Deborah Kobayakawa  
Ms. Bernadette Lane  
Ms. Dale Matsuura  
Ms. Stacey Oshio  
Ms. Zaidarene Place  
Ms. Barbara Pretty  
Ms. Kau'i Rezentes  
Ms. Rosie Rowe  
Dr. Patricia Sheehey  
Mr. Tom Smith  
Ms. Lani Solomona  
Dr. Todd Takahashi  
Dr. Daniel Ulrich  
Dr. Amy Wiech  
Ms. Cari White  
Ms. Jasmine Williams  
Ms. Susan Wood

Amanda Kaahanui, Staff  
Susan Rocco, Staff

Mr. Brian De Lima, Chair  
Finance and Infrastructure Committee  
Hawaii State Board of Education  
P. O. Box 2360  
Honolulu, HI 96804

RE: Agenda Item V. A. Recommendation for Action - Committee  
Action on Committee recommendation concerning the following  
policies in the Board's proposed 400-900 policy series: Policy 500.18 –  
SUMMER SCHOOL PROGRAMS POLICY

Dear Chair De Lima and Members of the Committee,

The Special Education Advisory Council (SEAC) recommends changes  
to your policy on summer school programs for the following reasons:

- The second sentence under Regular Summer School Programs refers to District Superintendents.
- The phrase *special education summer school programs* is not referenced in the Individuals with Disabilities Education Act (IDEA), Chapter 60, Section 504 of the Rehabilitation Act or Chapter 61. However, some students with disabilities who require special education and related services beyond the usual school year, or as an extension of the usual school day, in order to receive a free appropriate public education (FAPE) are entitled to *Extended School Year (ESY)* services under these laws. Historically, many parents and teachers have referred informally to ESY services that are school based and delivered during summer break as “special education summer school.”
- ESY services are not optional or dependent on a critical mass of students to indicate an interest before receiving these services. While the need for ESY services for an individual student is determined individually by his or her IEP team using specific criteria, it is common practice for schools to offer ESY programming over the summer to groups of students with similar needs.



- The draft policy suggests that special education summer school programs are segregated programs, thereby conflicting with the Board’s Policy on Inclusion (105.13). Both IDEA and Section 504 require that services to qualified students with disabilities be delivered in the least restrictive environment.

SEAC’s recommended revisions to the policy include the following:

- 1) Change the reference in paragraph 1, sentence 2 to “Complex Area Superintendent.”
- 2) Eliminate the two subcategories “Regular Summer School Programs” and “Special Education Summer School Programs;”
- 3) Eliminate the description of Special Education Summer School Programs;
- 4) Add language to the effect that students with disabilities may be entitled to educational services/ extended school year services during the summer break at no cost to the student, when it is determined by an IEP team that these services are required to maintain readiness to begin the next school year.

Thank you for your consideration of our recommendations. If you have any questions or concerns, please feel free to contact us.

Respectfully,

Ivalee Sinclair, Chair

**POLICY 500.18**

**SUMMER SCHOOL PROGRAMS**

~~1. Regular Summer School Programs~~

Summer school programs shall be organized and conducted to meet the needs of students when 125 or more students indicate interest in attending summer school. Such programs may be organized and conducted at the discretion of the ~~district complex area~~ superintendent when less than 125 students indicate interest in attending summer school. ~~Notwithstanding the foregoing, students with disabilities that have an Individual Education Program may be entitled to educational services and/or extended school year services during summer break at no cost to the student when it is determined by the student's educational team that these services are required.~~ Summer school programs are to be conducted to provide students with remedial and enrichment experiences and for such other purposes as may be approved in resolutions adopted by the Board of Education.

Comment [B8]: SEAC recommended deletion.

Comment [B9]: SEAC recommended replacement.

Comment [B10]: SEAC recommended addition.

~~2. Special Education Summer School Programs~~

~~Summer school programs shall be organized and conducted to meet the needs of students with mental or physical challenges when a sufficient number of students indicate interest in attending summer school that organization of such programs is feasible in accordance with established rules, regulations, and procedures.~~

Comment [B11]: SEAC recommended deletion.

Former Code No. 6154

Policy Approved: 6/60; Amended: 10/70, 3/77, 3/88

### **500.23 Solicitations by Department Personnel and Students (formerly Board Policy 1710-5)**

At the May 19, 2015 the Committee meeting, the Committee took action on Board Policy 500.18, Summer School Programs and elected to amend the policy and forward the amended policy to the full Board for approval. The Committee wanted to find out whether Hawaii State Public Library ("Library") employees should be included and whether there needed to be a description of the Department's hierarchy.

The policy was revised to include Library employees (see following redline) and was circulated to the State Librarian, who was asked to provide comments. The State Librarian agreed to the revisions.

The policy states that a principal, Complex Area Superintendent or Superintendent can approve an activity. The concern expressed at the Committee meeting was that individuals seeking to get an activity approved could ask each of these individuals until he or she obtained an approval. For example, if the Complex Area Superintendent did not approve an activity, the individual could approach a principal and possibly get approval. The thought was that the policy could include the Department's chain of command to make it clear that a principal's decision would not supersede a decision made by a Complex Area Superintendent. However, the Department's hierarchy was not included in this policy. The Department has provided comments to Board Policy 500.9, Establishment of Complex Areas, which includes describing the Department's chain of command. Because a policy describing the Department's chain of command is contemplated, it should not be described in this policy. A reference to Board Policy 500.9 is not necessary either since it is implicit that Board Policy 500.9 will apply if there is a question regarding approval. Otherwise, any time that Board policies include a decision that can be made at more than one level, Board policy 500.9 would have to be referenced to make it consistent. This is not necessary. If the Board approves the version of the policy that follows, then the Board's intent described in this submittal (that the Department's hierarchy will apply if there is a difference in decisions) will also serve as clarification if a question arises.

1710-5

**POLICY 500.23**

**SOLICITATIONS BY DEPARTMENT AND LIBRARY PERSONNEL AND STUDENTS  
POLICY**

Solicitations of any kind within the school and in the community by department personnel and students shall not be permitted except for activities approved by the principal, Complex Area Superintendent or Superintendent of Education. Solicitations of any kind within state libraries and in the community by library personnel shall not be permitted except for activities approved by the State Librarian.

**Comment [B12]:** FIC requested that libraries be included in this policy.

Approved: 8/70

See: Rule 5, relating to schools, school personnel, or students soliciting from business firm

### **800.1 Content Standards for Adult Community Schools (formerly Board Policy 2409)**

At the May 19, 2015 the Committee meeting, the Committee took action on Board Policy 800.1, Content Standards for Adult Community Schools and elected to amend the policy and forward the amended policy to the full Board for approval. Comments in the Department's Policy Memorandum suggested "adding language to require alignment to the Department's academic standards, for instances where adult learners are seeking to earn a GED."<sup>5</sup>

The policy was revised to include this sentence: "For programs where learners are working to attain a high school diploma equivalency, The Community Schools for Adults should address the Board of Education approved statewide content and performance standards." The term "GED" was not used because the Department uses more than one test to award high school diploma equivalencies.

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<sup>5</sup> A copy of the Department's Policy Memorandum is available at:  
[http://www.hawaiiboe.net/Meetings/Notices/Documents/2015-05-19%20FIC/FIC\\_VA\\_05192015\\_BoardProposed400-900%20Policy%20Series.pdf](http://www.hawaiiboe.net/Meetings/Notices/Documents/2015-05-19%20FIC/FIC_VA_05192015_BoardProposed400-900%20Policy%20Series.pdf)



**POLICY 800.1**

**CONTENT STANDARDS FOR ADULT COMMUNITY SCHOOLS**

**~~POLICY~~**

The Community School for Adults shall implement the *Equipped for the Future* Content Standards for Adults developed by the National Institute for Literacy. The sixteen Content Standards enable learners to fulfill their roles as parents, citizens, and workers by focusing on student acquisition of:

- Communication Skills;
- Decision-making Skills;
- Interpersonal Skills; and
- Lifelong Learning Skills.

The Community Schools for Adults shall use these standards to:

- Assure a purposeful approach to education where students use the standards to clarify their purposes for learning and identify the skills and knowledge necessary to achieve their goals, and where teachers structure an on-going goal-setting/needs assessment dialogue with students;
- Provide students opportunities to learn and practice skills in real life contexts;
- Encourage students to reflect on prior knowledge and develop more complex ways of constructing meaning and understanding experiences; and
- Assess students' learning progress and measure results using the *Equipped for the Future*.

The implementation of the standards shall be accompanied by an alignment of the Community School for Adults education program and system practices, including curriculum, instruction, assessment, and reporting. For programs where learners are working to attain a high school diploma equivalency, The Community Schools for Adults should address the Board of Education approved statewide content and performance standards.

The Department of Education shall develop and implement a plan to regularly assess the effectiveness of the Community School for Adults Program, including implementation of the content standards.

Approved: 01/10/02

**Comment [B13]:** Language proposed by Department