



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

OFFICE OF THE SUPERINTENDENT

June 7, 2016

TO: The Honorable Patricia Halagao
Chairperson, Student Achievement Committee

FROM: 
Kathryn S. Matayoshi
Superintendent

SUBJECT: **Committee Action on Board Policy 103.8, Prophylactics in the Public Schools**

1. RECOMMENDATION

The Department of Education (Department) recommends that the Board withdraw the motion on the table to delete the policy and instead renumber the policy to conform with the new numbering convention and an additional proposed revision for consistency in formatting.

2. RECOMMENDED EFFECTIVE DATE

The Department recommends that the committee approve and adopt the policy as described in section 1.0, with immediate effective and compliance dates.

3. RECOMMENDED COMPLIANCE DATE (if different from the effective date)

See section 2.0.

4. DISCUSSION (if different from the effective date)

a. Conditions leading to the recommendation:

The Department used a cross-office strategy to review and provide proposed revisions to the policy listed above. The proposed revision is to maintain consistent formatting with other policies.

In addition, the Department offered an opportunity for complex area superintendents (CASs) and principals to provide feedback on the proposed revisions, including the proposal to delete the policy which had previously

been proposed during previous consideration of the board policy. Four (4) principals and one (1) CAS provided feedback. A summary of the results is as follows:

- Three (3) respondents against deleting the policy because prophylactics are outside the realm of a school's responsibility.
- One (1) respondent against deleting the policy with revisions to allow for distribution via partnerships with other agencies.
- One (1) respondent in favor of deleting the policy given the data on how sexually active students are and the wide availability of prophylactics in stores.

The original policy (policy number 2245) recognizes the importance of discussing birth control devices as part of health education, but prohibits the distribution of such devices during class/on-campus.

The proposed revisions from the Permitted Interaction Group (PIG) would renumber the policy, consistent with the new numbering schema. The Department also proposes changing "Board of Education" to "Board," which is consistent with the formatting of other policies.

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

- November 19, 2014: Administratively referred to the Student Achievement Committee;
- April 1, 2015: Scheduled for action by the Student Achievement Committee; and
- April 7, 2015: Deferred action on motion to delete policy.

c. Other policies affected:

No other policies are affected by this policy.

d. Arguments in support of the recommendation:

The proposed revisions from the Department would maintain the existing policy, with the exception of minor revisions for formatting. Maintaining the policy allows schools and their staff continued clarity on roles and responsibilities relative to prophylactics. Deleting the policy would require the establishment of new Department guidelines and regulations and would place an additional workload burden on state office and school staff. Furthermore, school-based access to prophylactics is a controversial topic in the community, and communication to the public will be challenging if a change in policy is established without sufficient community conversation leading up to the decision.

e. Arguments against the recommendation:

The recommendation is only to renumber the policy and make one conforming amendment. Some may oppose the policy in general and may prefer deletion of the policy.

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

No other agencies or departments were involved in the development of these proposed revisions.

g. Possible reaction of the public, professional organizations, unions, DOE staff and/or others to the recommendation:

See section 4.e.

h. Educational implications:

There are no educational impacts at this time, based on approval of the Department's proposed revisions.

i. Facilities implications:

There are no facilities impacts at this time, based on approval of the Department's proposed revisions.

j. Financial implications:

There are no financial impacts at this time, based on approval of the Department's proposed revisions.

5. OTHER SUPPLEMENTARY RECOMMENDATIONS

None.

KSM:TOC:SS:kp

Attachments: Exhibit A: Policy 103.8 – Recommended changes (mark up)
Exhibit B: Policy 103.8 – “Clean” version of recommended changes

c: Office of Strategy, Innovation, and Performance
Office of Curriculum, Instruction, and Student Support

Exhibit A: Policy 103.8 – Recommended changes (mark up)

[2245]

POLICY 103.8

PROPHYLACTICS IN THE PUBLIC SCHOOLS

[POLICY]

The Board [~~of Education~~] is committed to the health education of our students which may include, within its study of human reproduction, a discussion of birth control devices but the distribution of condoms and other prophylactic devices to students shall be prohibited in the classroom, on the school campus or at any school-related activities.

Approved: 11/94

Key

Bold and Blue: edits made by the permitted interaction group.

Italics and black: edits proposed by the Department.

Underlines: additional proposed text, beyond what was in the original policy.

~~Strikethrough:~~ proposed deletions, limited to the text that is struck-through and bracketed.

Exhibit B: Policy 103.8 – “Clean” version of recommended changes

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