



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

January 10, 2017

TO: Board of Education

FROM: Lance Mizumoto
Chairperson, Board of Education

AGENDA ITEMS: Board Action on Board designee and Board representative to the School Community Council ("SCC") Exception Review Committee for purposes of reviewing SCC requests for waivers from Board policies and exceptions to collective bargaining agreements

I. BACKGROUND

State law (Hawaii Revised Statutes ("HRS") Section 302A-1126)¹ and a memorandum of understanding ("MOU")² between the Board of Education ("Board") and Hawaii State

¹ HRS Section 302A-1126, entitled Waiver of policy, rule, or procedures, provides as follows:

"Any state agency that may be required to act under state law on a matter affecting an individual school or its school community, shall waive otherwise applicable policies, rules, or procedures when requested to do so by a school community council unless the agency, within thirty days, can justify a denial to the appropriate authority. The board shall adopt procedures necessary to process waivers initiated by a school community council. Any general waiver of policy, rule, or procedures granted by the board to a specific school or schools may be extended by the board to apply to other schools under comparable circumstances. This section shall apply to collective bargaining agreements as provided for in all relevant collective bargaining agreements negotiated pursuant to chapter 89."

² The MOU provides, in pertinent part, as follows:

"A State Committee to be called the SCC Exception Review Committee shall be established.

1. This Committee shall be comprised of two (2) representatives appointed by the Association and two (2) representatives appointed by the BOE.
2. This Committee shall establish its own rules of operation.
3. This Committee shall review SCC's requests for exceptions to the Agreement, including those items incorporated by reference.
4. Both parties must approve exceptions to the Agreement.
5. Any exceptions to the Agreement shall not extend past the duration of the Agreement.
6. Unless otherwise specified by the Committee, all exceptions shall be renewed if all role groups at the school agree to continue them. The school shall submit a notification of renewal to the Committee.

Teachers Association (“HSTA” contain the requirements relating to the process for reviewing requests for waivers from Board policies and collective bargaining agreements. State law requires the Board to “adopt procedures necessary to process waivers initiated by a school community council.” Among other things, the MOU provides that the SCC Exception Review Committee will be comprised of two representatives appointed by HSTA and two representatives appointed by the Board, which is why the committee is at times also referred to as the “2+2 Committee.”

At times, Board Members have served on the SCC Exception Review Committee, but more recently the Board as appointed representatives from the Department of Education. The two most recent appointments are described below.

On January 21, 2014, the Board approved the appointment of Stephen Schatz (at the time Assistant Superintendent of the Office of Strategy, Innovation, and Planning) and Office of Human Resources Personnel Specialist Sean Bacon.

On November 3, 2015 the Board approved the appointment of Aloha Dayton as the Board designee to the School Community Council (“SCC”) Exception Review Committee for the purpose of reviewing SCC requests for waivers from Board policies and exceptions to collective bargaining agreements. Ms. Dayton replaced Mr. Schatz as the Board’s designee.

Board Member Margaret Cox has offered to represent the Board on the SCC Exception Review Committee. She would replace Ms. Dayton as the Board’s representative on the SCC Exception Review Committee. Mr. Bacon would remain as the Board’s second representative on the SCC Exception Review Committee.

I would like to extend my appreciation and thanks for Ms. Dayton’s service as the Board’s representative on the committee.

II. RECOMMENDATION

Based on the foregoing, I am proposing, for the Board’s consideration, the appointment of Board Member Margaret Cox as the Board’s representative on the SCC Exception Review Committee, replacing Ms. Dayton.

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7. If Bargaining Unit 05 members object to renewing an exception, they must go through the exception process before the request is submitted to the Committee.
 8. If there are modifications to an exception, the role groups must go through the exception process before the request is submitted to the Committee.
 9. The exceptions granted shall be applicable only to the school submitting the exception request.
 10. Properly processed requests for exceptions granted by this Committee shall not be subject to the Grievance Procedure as provided for in the Agreement for the duration of the exception.

This Memorandum of Understanding (MOU) shall expire on June 30, 2017.”