

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

July 18, 2017

TO: Board of Education

FROM: Lance Mizumoto
Chairperson, Board of Education

AGENDA ITEM: Board Action on amendment of the By-Laws of the Hawai'i
State Board of Education: Thursday meetings

I. BACKGROUND

The By-Laws of the Hawai'i State Board of Education ("By-Laws") were originally approved on April 26, 2011. The By-Laws were last amended on December 1, 2015. The change in December amended Section 6.1 to clarify that the Board of Education ("Board") would hold an evening meeting in each of the counties only if there were sufficient funds available for these meetings and also made technical corrections.

The present proposal is the further amendment of the By-Laws to hold meetings on Thursdays instead of Tuesdays. The relevant language of the proposed change to Section 6.1 and Section 6.3 are shown below:

Section 6.1 General Business Meetings. The Board shall 1) meet regularly on the first and third Thursday of each month, 2) with one general business meeting scheduled to begin on or after 5:00 p.m. once a quarter and that meeting shall be scheduled in each of the counties once a year, and may be held in conjunction with a community meeting, provided, however that the Board has sufficient funds to hold meetings in each of the counties, as determined by the Board Chairperson. Any Board general business meeting date, time, or location may be changed or canceled by the Board Chairperson, subject to statutory notice requirements.

Section 6.3 Committee Meetings. All committees shall meet at the discretion of the Committee Chairperson. Meetings may be held in conjunction with regular Board meetings on the first and third Thursday of the month or at the call of the Committee Chairperson. The Committee Chairperson, may change or cancel any committee meeting date, time, or location, subject to statutory notice requirements.

A full copy of the By-Laws with the proposed amendments redlined into the document is attached as **Exhibit A**.



Before presenting this proposal to the Board, Board staff reached out to Board Members, Student Representative advisor, Military Liaison, Deputy Superintendent and Assistant Superintendents, Hawaii State Public Library System, and State Public Charter School Commission to get feedback on the proposal. Board staff also reached out to stakeholder organizations that frequently submit testimony for items on Board agendas, including the Office of Hawaiian Affairs, Hawaii State Teachers Association, Hui for Excellence in Education, Native Hawaiian Education Council, Special Education Advisory Council of Hawaii, and Kamehameha Schools. The responses received were used to help draft the arguments for and against the proposals.

II. ARGUMENTS FOR THE AMENDMENT

Currently, the Board holds meetings on the first and third Tuesday of the month. It appears, however, that there are a number of reasons that Thursday meetings could be better for the public and Department operations.


Public Testimony. Currently, the Board posts its agendas on Wednesdays. This gives the public two working days separated by the weekend and then another partial working day before the 24-hour testimony deadline. Generally, it is difficult to rush to finalize and submit testimony on a Monday after a weekend. Often testimony must be submitted just a couple of days after the agenda is posted or after the testimony deadline because of holiday conflicts, which are further described below.

Tuesday Meeting Testimony Schedule

			Wednesday Agenda Posting	Thursday	Friday	Saturday
						
Sunday	Monday Testimony Deadline	Tuesday Meeting Day				
						

With a Thursday meeting day, the agenda would be posted on a Friday, giving the public the weekend to review the agenda and material and then approximately two and a half consecutive working days to submit testimony. The Thursday meeting schedule seldom has holiday conflicts that fall on the day testimony is due, so even with a Monday holiday, the public has the long weekend to review the agenda and material and approximately one and a half consecutive working days to submit testimony by deadline.

Thursday Meeting Testimony Schedule

			Wednesday	Thursday	Friday Agenda Posting	Saturday
						
Sunday	Monday	Tuesday	Wednesday	Thursday Meeting Day		

			Testimony Deadline			
→						

Holiday conflicts. Typically holidays are on Mondays and Fridays and generally there are four times a year where a holiday lands on a Monday before a Board meeting. Holidays the day before a meeting creates issues for the public submitting testimony and the Department and Board staff in preparing for the meetings. As noted above, because of the lack of a working day immediately preceding the meeting, the public either has to submit testimony early or late when there is a holiday conflict. The Tuesday schedule with a holiday conflict is illustrated below.

			Wednesday Agenda Posting	Thursday	Friday	Saturday
Sunday	Monday HOLIDAY Testimony Deadline	Tuesday Meeting Day				
→						→

Department Operations. The Department would benefit from consecutive working days and significantly fewer holiday conflicts in the same way that the public benefits. Consecutive working days and fewer holiday conflicts should allow for smoother operations in the development of meeting material and presentations. The hope is that this will also allow for the timely posting of most of the meeting material at the time the agenda is posted. This will benefit the public and Board Members, who will have more time to review meeting material before drafting testimony or attending meetings.

Moreover, the Assistant Superintendents and Complex Area Superintendents (“CAS”) meet regularly every month. Changing to a Thursday meeting would allow CAS, who are the direct link to principals and schools in their complex areas, to provide feedback and vet proposals going to the Board before the meeting material is posted with the agendas. Being able to incorporate this feedback into the material or revise proposals based on this feedback should result in better quality proposals and meeting material that has consistent input from the complex area and school levels.

State Public Charter School Commission Meetings. The State Public Charter School Commission (“Commission”) currently meets on the second and fourth Thursday of each month. The Board would meet on the first and third Thursday of each month, so there should not be a negative impact on the Commission’s meeting schedule.

III. ARGUMENTS AGAINST THE AMENDMENT AND WAYS TO ADDRESS ISSUES

Conflicts with Scheduled Department Meetings. Changing to Thursday meetings would result in a conflict with two Department meetings involving principals, one on March 15th and one on April 19th. A series of meetings are scheduled leading up to these meetings or forums, so it is very difficult to move these two meetings. Consequently, the proposed calendar (attached as **Exhibit B**)

keeps Board meetings on Tuesdays during the third week of March and April to avoid disrupting these Department meetings. Note that this proposed calendar is scheduled for action in a subsequent agenda item.

Conflicts with Other Meetings. There was one notable conflict for the military liaison that could not be rescheduled and would result in him missing one Board meeting every other month. Most of the conflicts noted could be remedied by rescheduling and changing future schedules. In order to address this, the proposal would not be implemented until January 2018 to give people enough time to change their existing schedules.

IV. PROPOSED MOTION

Move to amend Section 6.1 and Section 6.3 of the By-Laws of the Hawai'i State Board of Education ("By-Laws") to allow the Board to meet on the first and third Thursday of each month instead of Tuesday, as reflected in the By-Laws attached as **Exhibit A** of this memorandum. The aforementioned amendment, however, shall not be effective until January 1, 2018.

Exhibit A

**BY-LAWS OF THE
HAWAI'I STATE BOARD OF EDUCATION**

ARTICLE I

PREAMBLE

Section 1.1 The Constitution of the State of Hawai'i provides that the State shall establish, support and control a statewide system of public schools and libraries, free from sectarian control and discrimination.

ARTICLE II

BOARD MEMBERS

Section 2.1 The Board consists of nine voting members appointed by the Governor, with the advice and consent of the Senate, in accordance with Article X, Section 2, of the Hawai'i State Constitution and Chapter 302A, Hawai'i Revised Statutes, each of whose term shall be three years, except as provided for in the initial appointment.

Section 2.2 The members of the Board shall serve without pay, but shall be entitled to reimbursement for necessary expenses, including travel and lodging expenses, while attending meetings of the Board or when actually engaged in business relating to the work of the Board.

Section 2.3 There shall be a student member and a military representative as provided by law.

ARTICLE III

OFFICERS AND TERM OF OFFICE

Section 3.1 The officers of the Board shall be the Chairperson and Vice Chairperson.

Section 3.2 The governor shall select the Chairperson as provided by law.

Section 3.3 The Vice Chairperson shall be elected from among and by the Board membership and shall serve as interim chairperson in the event the chairperson's seat becomes vacant. A vacancy in the office of Vice Chairperson shall be filled by the Board at the next regular or special meeting of the Board.

Section 3.4 The term of Chairperson shall be set by the Governor. The term of Vice Chairperson shall be for one (1) year, commencing immediately following the election, except that the term of the first Vice Chairperson elected shall expire on June 30, 2012.

ARTICLE IV

DUTIES OF OFFICERS AND BOARD MEMBERS

Section 4.1 Chairperson. The Board Chairperson shall call meetings of the Board and shall preside at all meetings of the full Board. The Board Chairperson shall delegate assignments and duties to other Board members, manage all matters of the Board, and perform such other duties as are incident to the office or are required by the Board or by law.

Section 4.2 Vice Chairperson. In the absence or unavailability of the Chairperson, the Vice Chairperson shall perform all of the duties of the Chairperson, and when so acting shall have all the powers of and be subject to all the restrictions upon the Chairperson. The Vice Chairperson shall assist the Chairperson as the Chairperson deems necessary and shall have such powers and perform such other duties as from time to time may be prescribed by the Chairperson or the Board.

Section 4.3 Board Members. Board members shall fulfill duties and responsibilities as provided by law and delegated by the Board Chairperson and shall comply with the Code of Conduct attached hereto as Attachment A and with Conflicts of Interest provisions provided by law.

Section 4.4 Committee Chairpersons. Committee Chairpersons shall report activities and decisions of their respective committees to the full Board and shall inform the Board Chairperson when items need to be placed on the agenda for the Board general business meeting or special meeting.

ARTICLE V

COMMITTEES

Section 5.1 Standing Committees. The Board shall have four standing committees: Audit, Finance and Infrastructure, Student Achievement, and Human Resources.

Section 5.2 Scope, Authority and Mission. The scope of authority and mission of each of the Board's standing committees shall be memorialized in a committee charter. Each charter shall be recommended for approval to the full Board by the chairperson of the respective committee.

Section 5.3 Standing Committee Members and Officers. Each Standing Committee shall have a Committee Chairperson and a Committee Vice Chairperson who shall be elected from among and by the Board membership. The Board shall vote on the appointment of Standing Committee members. All Board members not appointed to a Standing Committee shall be an ad hoc member of that Standing Committee.

Section 5.4 Advisors/Consultants to Committees. Each committee may consult with or be advised by non-BOE members, as determined appropriate by the Committee Chairperson.

Section 5.5 Ad Hoc Committees. The Board Chairperson may, as circumstances warrant, authorize the creation of an ad hoc committee for a discrete and specific purpose of interest to the Board and shall appoint all members and officers of such ad hoc committee(s). The Board shall approve

the charge of any ad hoc committee. Such committee may be created for a definite time period or until its specific function has been completed, but shall not exist longer than one year from the date of authorization unless specifically authorized by its charge.

Section 5.6 Investigative Committees. The Board, as provided by law, may designate two or more Board members, but less than the number of members that would constitute a quorum of the Board, to investigate matters concerning Board business. The Board members designated by the Board are required to report their resulting findings and recommendations to the entire Board at a properly noticed meeting.

Section 5.7 Committee Reports. Committees may submit written reports in advance of any regular meeting in lieu of an oral report unless the report contains action items.

ARTICLE VI

MEETINGS OF THE BOARD

Section 6.1 General Business Meetings. The Board shall 1) meet regularly on the first and third Thursday of each month, 2) with one general business meeting scheduled to begin on or after 5:00 p.m. once a quarter and that meeting shall be scheduled in each of the counties once a year, and may be held in conjunction with a community meeting, provided, however that the Board has sufficient funds to hold meetings in each of the counties, as determined by the Board Chairperson. Any Board general business meeting date, time, or location may be changed or canceled by the Board Chairperson, subject to statutory notice requirements.

Section 6.2 Special Meetings. The Board Chairperson may call a special meeting of the Board at any time, subject to statutory notice requirements.

Section 6.3 Committee Meetings. All committees shall meet at the discretion of the Committee Chairperson. Meetings may be held in conjunction with regular Board meetings on the first and third Thursday of the month or at the call of the Committee Chairperson. The Committee Chairperson, may change or cancel any committee meeting date, time, or location, subject to statutory notice requirements.

Section 6.4 Community Meetings and Notice. The Board shall hold not less than six community meetings annually which shall include one community meeting in each county in addition to regular meetings to discuss and receive input from the community on public education and public library issues. The Board Chairperson shall designate Board members to attend the community meetings. These community meetings shall not be held for the purpose of formulating educational policy. As provided by law, the community meetings shall be exempt from sections 91-2.5, 92-7, 92-9, and 92-41, Hawai'i Revised Statutes; provided that the Board shall give written public notice of each community meeting indicating the date, time, and place of the meeting, and such notice shall be filed in the Office of the Lieutenant Governor and in the Board's office for public inspection six calendar days before the meeting. The notice shall also be posted at the site of the meeting.

Section 6.5 Meeting Agenda. The Agenda shall be promulgated by the Board Chairperson, with input from the Superintendent, State Librarian, Committee Chairpersons, and Board members, and shall docket items in the order received, provided that Board member recommendations are placed on an agenda for Board review within ninety (90) days of written request and Committee recommendations are placed on an agenda for Board review within ninety (90) days of Committee approval. All meetings of the Board and its committees shall be held in accordance with the law.

Section 6.6 Executive Session. An affirmative vote, taken at an open meeting, of two-thirds of the Board members present shall be required to convene an executive session; provided that the affirmative vote constitutes a majority of the members to which the Board is entitled. A meeting closed to the public may be convened only as provided by law.

Section 6.7 Quorum and Voting. A majority of all the voting members to which the Board is entitled shall constitute a quorum to conduct business. At any time the Board has fewer than five voting members, three voting members of the Board shall constitute a quorum to conduct business and the concurrence of at least three voting members shall be necessary to make any action of the Board valid.

ARTICLE VII

PUBLIC TESTIMONY AND SUBMISSION OF DATA, VIEWS OR ARGUMENTS

Section 7.1 Submission of Data, Views, or Arguments. Any interested person may submit data, views, or arguments in writing to the Board on any agenda item. Said written submittals shall be considered by Board members before taking action on any agenda item. Written comments are strongly encouraged.

Section 7.2 Public Testimony. All interested persons shall be provided an opportunity to present testimony on any agenda item. An individual or representative wishing to testify should register prior to the meeting. Testimony must be related to an item that is on the agenda and such person shall be required to identify the agenda item to be addressed by the testimony. Each individual or representative of an organization is allotted four minutes, or an amount of time otherwise designated by the Chairperson, to provide testimony to the Board.

Section 7.3 Communication from the Public. 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.

ARTICLE VIII

AMENDMENTS TO BYLAWS

Section 8.1 Notice Regarding Proposed Amendments. These bylaws can be amended at any General Business or Special Meeting provided that previous written notice was given to all Board members, including the specific language for the proposed amendment, and the matter was properly placed on the Board's agenda.

Section 8.2 Approval of Amendments. Any amendment to the Board's bylaws requires the approval of two-thirds of the total membership of the Board.

ARTICLE IX

LEGAL COUNSEL

Section 9.1 Advice. An Officer or Committee Chairperson may seek informal, verbal advice from the Board's assigned Deputy Attorney General as the Officer or Committee Chairperson deems necessary. The Committee Chairperson may request that the Board Chairperson seek formal written advice or opinion from the Attorney General. The Board Chairperson may seek formal written advice or opinion from the Attorney General.

Section 9.2 Written Opinion. Whenever a formal legal opinion is issued by the Attorney General or a Deputy Attorney General, such opinion and request shall be distributed to all members of the Board.

ARTICLE X

PARLIAMENTARY AUTHORITY

Section 10.1 The rules contained in *Robert's Rules of Order*, newly revised, shall govern meetings where they are not in conflict with the law, these bylaws, or other rules of the Board. In making a ruling or interpretation of the rules, the order of determination shall be 1) the law, 2) these bylaws, 3) Board policy, and 4) *Robert's Rules of Order*, newly revised.

Approved: 04/26/2011

Amended: 05/17/2011, 12/02/2014, 01/20/2015, 12/01/2015, 07/18/2017 (eff. 01/01/2018)

Exhibit B

State of Hawaii – Department of Education

2017-2018 OFFICIAL SCHOOL CALENDAR

Teachers' Work Year - 1st Semester: August 1, 2017 - January 5, 2018; 2nd Semester: January 8, 2018 - June 1, 2018
Students' Work Year - 1st Semester: August 7, 2017 - December 21, 2017; 2nd Semester: January 8, 2018 - May 31, 2018

Week	Student Days	Teacher Days	Su	M	T	W	Th	F	Sa	Notes	
			July 18, 2017 Meeting								
	0	0	July 2017								1st SEMESTER - 89 Student Days (Ends December 21)
1	0	4	23	24	25	26	27	28	29	August 1: Teachers' First Day	
2	5	9	August								August 1-4: Teacher Work Days (no students)
3	9	13	6	7	8	9	10	11	12	August 7: Students' First Day	
4	14	18	13	14	15	16	17	18	19	August 18: Statehood Day	
5	19	23	20	21	22	23	24	25	26	<div style="border: 1px solid red; padding: 2px; display: inline-block;">Q1 43 days</div>	
6	23	27	27	28	29	30	31	1	2		September 4: Labor Day
7	28	32	September								Ends October 6
8	33	37	3	4	5	6	7	8	9	October 9-13: Fall Break***	
9	38	42	10	11	12	13	14	15	16		
10	43	47	October								<div style="border: 1px solid red; padding: 2px; display: inline-block;">Q2 46 days</div>
11			17	18	19	20	21	22	23	November 10: Veterans Day (obs.)	
12	48	52	22	23	24	25	26	27	28	November 23: Thanksgiving	
13	53	57	29	30	31	1	2	3	4	November 24: School Holiday	
14	58	62	November								Ends December 21
15	62	66	5	6	7	8	9	10	11	December 22-January 4: Winter Break***	
16	67	71	12	13	14	15	16	17	18	December 25: Christmas	
17	70	74	19	20	21	22	23	24	25	CHANGE TO THURSDAY MEETINGS	
18	75	79	26	27	28	29	30	1	2		
19	80	84	December								
20	85	89	3	4	5	6	7	8	9		
21	89	93	10	11	12	13	14	15	16		
22			17	18	19	20	21	22	23		
23		94	2nd SEMESTER - 93 Student Days (Ends May 31)								
24	94	99	24	25	26	27	28	29	30	January 1: New Year's Day	
25	98	103	31	1	2	3	4	5	6	January 5: Teacher Workday (no students)*	
26	103	108	January 2018								January 15: Dr. Martin Luther King Jr. Day
27	108	113	7	8	9	10	11	12	13	February 12-16: Institute Day (One day with no students during the week. Date for each island TBD.)	
28	113	118	14	15	16	17	18	19	20	<div style="border: 1px solid red; padding: 2px; display: inline-block;">Q3 47 days</div>	
29	117	123	21	22	23	24	25	26	27		February 19: Presidents' Day
30	121	127	28	29	30	31	1	2	3	Ends March 16	
31	126	132	February								
32	131	137	4	5	6	7	8	9	10	March 19-23: Spring Break***	
33	136	142	11	12	13	14	15	16	17	March 26: Kuhio Day	
34			March								Kept on Tuesday to avoid principal meeting conflict
35	139	145	18	19	20	21	22	23	24	March 30: Good Friday	
36	144	150	25	26	27	28	29	30	31	<div style="border: 1px solid red; padding: 2px; display: inline-block;">Q4 48 days</div>	
37	149	155	April								
38	154	160	1	2	3	4	5	6	7		
39	159	165	8	9	10	11	12	13	14		
40	164	170	15	16	17	18	19	20	21		
41	169	175	22	23	24	25	26	27	28		
42	174	180	29	30	1	2	3	4	5		
43	179	185	May								
44	182	189	6	7	8	9	10	11	12	May 28: Memorial Day	
			13	14	15	16	17	18	19	May 31: Last Day for Students and Second Semester Ends**	
			20	21	22	23	24	25	26		
			27	28	29	30	31	1	2		
	-2^	+1^^	June								
	180	190	3	4	5	6	7	8	9	June 1: Last Day for Teachers	
			June 21, 2018 Meeting								

Approved October 20, 2015; Amended on October 21, 2015; Further Amended on May 23, 2017

OFFICIAL STATE HOLIDAYS: 2017-2018 SCHOOL YEAR

^{A2} Instructional days shall be converted to a non-student day for school planning and collaboration.

^{^^}The employer may assign up to 6 additional hours, in half hour blocks (an "equivalent day") for training and meetings beyond the teacher's regular work day.

Statehood Day:
Labor Day:
Veterans Day (observed):
Thanksgiving Day:
Christmas Day:

August 18, 2017
September 4, 2017
November 10, 2017
November 23, 2017
December 25, 2017

New Year's Day:
Dr. Martin Luther King Jr. Day:
Presidents' Day:
Prince Jonah Kuhio Kalaniana'ole Day:
Good Friday:
Memorial Day:

January 1, 2018
January 15, 2018
February 19, 2018
March 26, 2018
March 30, 2018
May 28, 2018

*Teacher work day between semesters: January 5 **Commencement exercises: No sooner than May 25, 2018
 ***For 10-month teachers - Intersession: Oct. 9-13; Recesses: Dec. 22-Jan. 4 & March 19-23
 Educational Officer & Teacher Institute Days: Feb. 12-16 (one day per island)