Temporary Rules of Operation of the Hawaiʻi Board of Education

On March 4, 2020, Governor David Y. Ige issued an emergency proclamation (the "Proclamation") declaring a disaster emergency relief period due to the COVID-19 pandemic. On March 16, 2020, Governor Ige issued a supplementary emergency proclamation (the "Supplementary Proclamation") suspending Chapter 92, Hawaii Revised Statutes ("HRS"), "to the extent necessary to enable boards to conduct business in person or through remote technology without holding meetings open to the public."

To comply with the Supplementary Proclamation and "engage in emergency management functions, including, but not limited to, implementing social distancing measures" while still providing as much transparency and access to the public as practicable, the Board of Education (the "Board"), through approval by at least two-thirds of its total membership, is instituting the temporary Rules of Operation herein. The Rules of Operation, effective immediately upon the approval of the Board, are as follows:

1. The Board shall hold its meetings by interactive conference technology as defined by Section 92-2, HRS. To the extent possible, the Board shall conduct its meetings in a manner that avoids face-to-face interaction among and between Board members, Board staff, and other meeting participants and attendees.

2. The Board and its standing committees shall meet only to conduct essential business to avoid adding communal stress on resources. The Board Chairperson may define criteria for determining essential business.

3. To the extent possible, the Board shall continue complying with Section 92-7, HRS, regarding written public notices of its meetings, provided that notices may not include a physical location. The locations where participating Board members will be physically present shall not be disclosed or accessible to the public unless the location is intended to be open to the public.

4. Any Board member participating in a meeting by interactive conference technology shall be considered present at the meeting for the purpose of determining compliance with the quorum and voting requirements of the Board.

5. A meeting shall be recessed when audio communication cannot be maintained with a quorum of members and shall be terminated when audio communication cannot be reestablished with a quorum of members.

6. To the extent possible, the Board shall make a live stream and recording of the audio of each its meetings accessible to the public unless the Board encounters technological difficulties or the Board is unable to manage the live stream in a reasonable manner.

7. The Board and its standing committees shall continue affording all interested persons an opportunity to submit data, views, or arguments, in writing, on any agenda item, consistent with Section 92-3, HRS. The Board and its standing committees shall prohibit any oral testimony at its meetings until the Board Chairperson determines a technically feasible manner to permit oral testimony and enable the Board to conduct its essential business.

8. To the extent possible, the Board shall continue complying with Section 92-9, HRS, regarding minutes of meetings.

9. The Board Chairperson shall establish protocols and procedures, consistent with these Rules of Operation, for the conduct of meetings by interactive conference technology applicable to the general business, special, and standing committee meetings of the Board.

10. Pursuant to and in accordance with the authority afforded by the Supplementary Proclamation, these Rules of Operation supersede Chapter 92, HRS, and any related administrative rules where applicable. Where these Rules of Operation conflict with bylaws or other rules or policies of the Board, these Rules of Operation control.

11. These Rules of Operation shall be in effect only for the duration of the disaster emergency relief period declared by the Proclamation, and as subsequently extended by supplementary proclamations, or until the Governor ends the suspension of Chapter 92, HRS, whichever shall occur first.