

October 6, 2022

Hawaii Public Charter Schools Network



Aloha Committee Chairperson Fallin, Committee Vice Chairperson Barcarse and Members of the BOE Commission Outcomes Committee:

The Hawaii State Public Charter Schools Commission was established under §302D-3 to have “statewide chartering jurisdiction and authority.” The commission was placed within the Department of Education “for administrative purposes only.” In 2017 the chair of the BOE, Lance Mizumoto, included the attached list of “Board of Education Policies and Applicability to Charter Schools.” Only about five percent (5%) of the BOE policies apply to charter schools, according to this chart. One policy listed as applying to charter schools is Policy 400-2, Policies and Policy-Setting. In defining the implementation and oversight, the policy says, “The Board of Education shall establish matrices and targets to monitor the implementation of board policies, standards and programs by the Department of Education, Charter Schools and the Hawaii State Public Library System.”

The Commission is responsible for following Policy 201-1 (Ethics and Code of Conduct). It says, “This policy is applicable to charter schools, SPCSC, and HSPLS in terms of ethical compliance and conduct in accordance with all federal and state laws, rules and regulations. SPCSC and HSPLS shall be responsible to develop, promulgate, and implement a Code of Conduct for their respective organizations.” Unfortunately the Commission has not developed, promulgated, or implemented a “Code of Conduct.” They have merely regurgitated State Ethics Commission guidance and advisory opinions on their website. The only documents they have promulgated are some of the administrative rules they were required to develop when they were established in 2012. These administrative rules were not duly promulgated until 2014 with changes made in 2018. The Commission has still not promulgated the administrative rules prescribing the form of the petitions and the procedure for requesting declaratory rulings required by §91-8.

Since 2014, the Commission has denied most requests to promulgate administrative rules. On July 14, 2016 Connections Public Charter School Director, John Thatcher, asked the Commission to adopt administrative rules to clarify the Intervention Protocol in the school’s contract. He recognized that the contract was clearly a legal procedure and practice essential in defining the legal parameters charter schools must operate under in the state of Hawaii. Thatcher received a letter from Commission Chairperson Payne denying the request on August 12, 2016. Payne wrote, “Regarding your request for the adoption of administrative rules to clarify the Intervention Protocol in the Connections School Contract, the Commission declines to do so and will not be promulgating any administrative rules pursuant to HRS Chapter 91. The Commission declines to promulgate such administrative rules because the Intervention Protocol is part of the contract

between the Commission and Connections allowing Connections to operate as a public charter school. The Intervention Protocol which is part of Connections School Contract, does not come within the requirement for rule-making under HRS Chapter 91. The Intervention Protocol in the Connections School Contract provides for the Commission's management of its oversight duties and powers regarding Connections past and present liabilities related to its performance and legal compliance. Therefore, the Intervention Protocol does not come within the definition of agency statements that are required to be a rule under HRS Chapter 91. The Intervention Protocol also comes within the exception under HRS Chapter 91 for the internal management of the Commission that does not affect the privacy rights of the public or the procedures available to the public. The Intervention Protocol is part of Connections School Contract with the Commission, a public contract between two public entities that allows Connections to operate as a public charter school. Pursuant to HRS Chapter 302D, the Commission has statutory duties/power to monitor, in accordance with charter contract terms, the performance and legal compliance of Connections. The Intervention Protocol specifies the Commission's actions regarding the oversight and monitoring of Connections' performance and legal compliance. Such actions are the internal management of the Commission's oversight duties and powers related to Connections' performance and legal compliance. Furthermore, the Connections School Contract, including the Intervention Protocol, does not affect the private right of the public nor does the Contract, including the Intervention Protocol, affect public procedures as the Contract only sets forth the contractual rights and obligations between Connections and the Commission, not the general public. Accordingly, the Commission is not required to promulgate administrative rules clarifying the Intervention Protocol that is part of Connections School Contract and declines your request for the adoption of such administrative rules.”

Frustrated with no form for submitting petitions for administrative rules, Thatcher submitted a request via email to the Commission. He wrote, “Pursuant to §91-6 Petition for adoption, amendment or repeal of rules. Any interested person may petition an agency requesting the adoption, amendment, or repeal of any rule stating reasons therefor. Each agency shall adopt rules prescribing the form for the petitions and the procedure for their submission, consideration, and disposition. Upon submission of the petition, the agency shall within thirty days either deny the petition in writing, stating its reasons for the denial or initiate proceedings in accordance with section 91-3. [L 1961, c 103, §6; Supp, §6C-6; HRS §91-6] As an interested party I am formally requesting the adoption of administrative rules to define the form and the procedures for petitioning for the adoption, amendment or repeal of administrative rules.”

Interim executive director, Yvonne Lau presented Thatcher's request at a Commission General Business meeting on September 8, 2016. Thatcher requested the promulgation of administrative rules defining the adoption and amendment of administrative rules and establishing the process for future changes to the administrative rules. Lau said that in reviewing the request and the statutes, the request met the requirements and recommended that the Commission move forward with promulgation of those rules. Chair Payne asked for further clarification on the process of drafting the rules. Lau replied that the staff would start drafting the rules, work with the Attorney General to review the proposed rules, have public hearings, make adjustments, and then submit those rules to the Governor for final approval.

Clearly the Commission, and/or their staff were reluctant to go through the process of promulgating administrative rules. It took them four years, at the request of a charter school director, to establish a procedure (required by law) for submitting requests. The most recent request by Thatcher was submitted to the Commission on April 30, 2021. He proposed the initiation of an administrative rule making process, as defined in §8-503-2 for the purpose of interpreting §302D-5 Authorizer powers, duties, and liabilities (4) Negotiating and executing sound charter contracts with each approved charter applicant and with existing public charter schools. On May 27, 2021 the Commission denied Thatcher's request for the following reasons:

- How the Commission negotiates contracts with approved charter applicants and existing public charter schools is not appropriate for rulemaking;
- The proposed rule infringes upon the Commission's authority and responsibility as an authorizer with the power and duty to negotiate and execute sound charter contracts;
- The proposed rule addresses functions that are already being carried out by the Commission in its development and negotiations of public charter school contracts; and
- The proposed rule infringes upon the internal processes of the Commission and the Commission staff which is not appropriate for rulemaking.

The minutes of the May 27, 2021 Commission General Business meeting pointedly summarize commissioners reluctance to promulgate administrative rules. The (approved) minutes reveal, "Commissioner D'Olier shared his thoughts on the denial recommendation which included background on the charter school law adopted by the Legislature, creation of the Authorizer, the purpose of the Authorizer in creating rigorous standards for charter schools, and having best results for the children. He felt that is for the management of the Commission and the petition will take up a lot of time and not get things done. He felt that behind the petition is unhappiness with the process. He commended Commission and staff for its time and work on the charter contract and suggested to accommodate reasonable requests that have been made but that there is no need for rulemaking... Commission Chair Kim shared concern that in his understanding of the petition that it's an attempt for a school to insert itself in the Commission's process. He felt it muddies the water."

The law (§302D-3.5) gives the Commission the power to promulgate administrative rules. It says, "Unless otherwise provided for in this chapter or chapter 302A, the commission may adopt rules pursuant to chapter 91 to administer and implement this chapter; provided that the board shall maintain exclusive rule-making authority over state educational policy." The Commission has challenged almost all attempts to request the promulgation of administrative rules. This leaves the charter schools with no statements of general applicability to help them interpret the laws or policies related to charter schools in Hawaii. The Commission has few procedures or practices that are clearly defined. Another area of the Commission's responsibilities, defined by the law and BOE policy, relates to special education. The Commission, charter schools and the DOE are required to follow the Hawaii State charter schools' law defining the responsibilities of the department relating to special education services at charter schools (§302D-30). The statute begins with, "(a) The department shall collaborate with each authorizer to develop a system of technical assistance related to compliance with federal and state laws and access to federal and state funds." It is unclear if the Commission actually collaborated with the department in the development of the Hawaii State Public Charter School Guidelines for the Implementation of Individuals with Disabilities Education Act of 2004. This document was released in December, 2020 by the DOE

Office of Student Support Services. There is no record on the Commission's website indicating that this document was ever approved by the Commission. There is absolutely no record of it even being discussed at a Commission meeting.

The Guidelines say, "When students with disabilities (SWD) are enrolled in a PCS, or any other public school, the Hawaii State Department of Education (HIDOE), as authorized by the Board of Education (BOE), is required to ensure the implementation of the Individuals with Disabilities Education Act of 2004 (IDEA). Public Law Number 108-446. See 34 Code of Federal Regulations (CFR) §300.149; § 302D-30, Hawaii Revised Statutes (HRS)." The DOE is the entity that needs to take responsibility for ensuring that special education provisions are followed. Besides assisting the DOE Office of Student Support Services to develop the guidelines related to the provision of SPED services and resources to each charter school, the Commission is also responsible for the following:

- Collaborate and assist the HIDOE complex area or OSSS to inform PCSs of changes to the law, rules, and regulations about SPED.
- Collaborate and assist the HIDOE complex area or OSSS to inform PCSs of training opportunities and professional development opportunities about SPED, including training on relevant student information systems.
- Cooperate with the IDEA DES when issues arise during the HIDOE IDEA General Supervision and Support (GSS) process to monitor the implementation of the IDEA requirements. The GSS process ensures proper implementation and compliance with the IDEA. SPCSC will notify PCS GB of potential issues.

The responsibilities defined in the Guidelines for the Commission relate to informing the schools and cooperating with the IDEA DES. These Guidelines do not give the Commission the authority for punitive actions. However, for charter schools under Contract 4.0, a member of the Commission's staff may issue a notice of concern on behalf of the Authorizer "when appropriate." Contract 4.0 defines "Authorizer" as "an entity established under HRS Chapter 302D with chartering authority to review charter applications, decide whether to approve or deny charter applications, enter into charter contracts with applicants, oversee public charter schools, and decide whether to authorize, renew, deny renewal of, or revoke charter contracts. The term may include the Commission when appropriate. The contract defines "Commission" to include "the Commission members, Commission's staff, employees, or other designee." However, the law (§302D-17) gives the authority of ongoing oversight and corrective actions to the "Authorizer." The Commission's executive director (or any member of their staff) do not have the authority to decide when it is appropriate to issue a notice of concern. This is a decision that needs to be made by the Authorizer at a meeting. The law (§302D-5) also says, "(d) An authorizer may delegate its duties to officers, employees, and contractors." Delegation of authority needs to happen at a Commission meeting. Section 19.5 of the school's contract says, "In the event of a conflict between this Charter Contract, state law, and the administrative rules pertaining to charter schools, the order of precedence shall be state law, followed by administrative rules, followed by the terms and conditions of this Charter Contract."

BOE Policy 105-12 applies to charter schools and clearly defines the Department with the responsibility for "the provision of Free and Appropriate Education for all public school students, including students enrolled in public charter schools." This policy does not mention any obligations

by the Commission. Despite this policy and the law, on July 26, 2022, the interim executive director of the Commission issued a Notice of Concern to a charter school with threats of punitive action. The DOE and the Commission failed to provide the “system of technical assistance” required by law. The only “technical assistance” that was provided was threats and insults from the DES and the teacher she assigned to “help” the school. The SPED Guidelines say, “The HIDOE designee for a PCS (i.e., PCS Director, Principal, Vice Principal, Po’o Kumu) is identified by the PCS GB, hereafter referred to as “PCS Designee.” The PCS Designee acts on behalf of the HIDOE in making the offer of FAPE. They are required to be knowledgeable about the general education curriculum of their respective PCS; able to provide or supervise the provision of specially designed instruction; familiar with the resources of the HIDOE; and with assistance from the respective Complex Area Superintendent (CAS) or his/her representative, can commit to providing support in the implementation of a student’s IEP.” The Po’o of the school was not be allowed to do her part. She was being undermined by the DES with the support of Commission staff. The Po’o is the one who is most “knowledgeable about the general education curriculum” at the school. The teacher placed at the school by the DES had very little, if any knowledge about indigenous education. She had only lived in Hawaii for a few years. The Guidelines also say, “Good faith collaboration and communication with the complex area and the PCS shall occur in all situations related to the delivery of a FAPE.” This is not happening at many of our charter schools.

With no administrative rules to define the Commission’s obligations to support special education at charter schools or guidelines clearly understood by the Commission and the DOE, schools with high populations of students receiving special education services are ready to implode. On September 8, 2022, the Commission was prepared to “punish” a charter school for “deficiencies” brought to their attention by the DOE. The Commission’s interim executive director, Yvonne Lau, wrote, “Based on the documentation provided, the Commission should consider how to address the Notice of Concern (NOC) #2022.07.O.14 issued to Ke Ana La’ahana Public Charter School regarding noncompliance with the Individuals with Disabilities Education Improvement Act of 2004 (IDEA) and Hawai’i Administrative Rules (HAR) Chapter 60.

Under Charter Contract 4.0, Section 17.9 Notice of Deficiency and Notice of Warning, if a school fails to respond or make progress towards correcting the breach in the time allowed by the Corrective Action Plan, repeatedly fails to comply with applicable law or Contract provision(s), or when the breach presents an immediate concern for student or employee health and safety, the Commission may take any or all of the following actions:

- (a). Issue a Notice of Deficiency which may include prescriptive, specific action plans and conditions for the School; or
- (b). Issue a Notification of Prospect of Revocation, which initiates revocation proceedings, in accordance with HAR §8-505-16.

Under HRS §302D-17, the Commission has the authority to take appropriate corrective actions or exercise sanctions short of revocation in response to apparent deficiencies in public charter school performance or legal compliance. Such actions or sanctions may include, if warranted:

- (1) Requiring a school to develop and execute a corrective action plan within a specified time frame; and
- (2) Reconstituting the governing board of the charter school; provided that the following conditions are met:

- (A) Reconstitution occurs only under exigent circumstances, including the following:
- (i) Unlawful or unethical conduct by governing board members;
 - (ii) Unlawful or unethical conduct by the charter school's personnel that raises serious doubts about the governing board's ability to fulfill its statutory, contractual, or fiduciary responsibilities; and
 - (iii) Other circumstances that raise serious doubts about the governing board's ability to fulfill its statutory, contractual, or fiduciary responsibilities;
- (B) The authorizer shall replace up to, but no more than, the number of governing board members necessary so that the newly appointed members constitute a voting majority in accordance with the governing board's by-laws; except that the authorizer may replace the entire governing board if the alternative is the initiation of revocation of the charter school's charter contract and the governing board opts instead for reconstitution; and
- (C) Reconstitution occurs in accordance with processes set forth by the authorizer that provide the charter school's personnel and parents with timely notification of the prospect of reconstitution."

The Commission's apparent aversion to creating administrative rules and the demonstrated inability to adhere to "guidelines" creates a huge policy issue for the BOE. The Commission and the Hawaii State Library System have the power to create policy according to BOE Policy 400-2. Series 600 contains eight policies created for the libraries. Series 700 contains one policy related to charter schools. Policy E-700 says:

Charter schools fulfill a distinct purpose in public education in Hawaii. Charter schools shall:

1. Address the needs of public education;
2. Provide more public school options for students and families;
3. Implement innovative educational practices;
4. Reflect Hawaii's diverse cultures, places, and values;
5. Provide community-based school models and local control over education; and
6. Provide high-quality public education for the students and communities they serve.

Rationale: The Board believes that charter schools are valuable components of and contributors to public education in Hawaii, and charter schools must fulfill all the roles outlined in this policy.

[Approved: 05/16/2019]

Boards govern through the policies they make. The policies that are set are the collective voice of the board and a vehicle through which the board can express their vision, mission, and purpose. Members of the Commission should be willing to devote the time and study needed for a thorough and thoughtful exploration of the important issues for the charter schools they are empowered to lead. Multiple perspectives should be sought and valued. The Commission should strive to make the broadest statements possible through their policies and to provide sufficient direction and clarity. Their policies should clearly state their intent and direction but not be overly prescriptive or detailed. When the Commission votes in public meetings, their actions have the force of policy but they are not a substitute for clear, powerful policy statements. When the Commission finds itself continually reacting to certain issues, they should explore the policy implications of those issues and develop policy statement that proactively guide distinct actions. The leadership of the

Commission should always refer to current policy when addressing the policy implications inherent in issues.

In conclusion, in 2017 BOE chair Lance Mizumoto wrote, “As explained in last year’s report, the Board authorized a special review of the State Public Charter School Commission (the “Commission”) due to a pattern of well-founded complaints from those in the charter school community. The Board designated a committee to conduct the special review and assess the Commission’s performance in executing its statutory duties. On February 21, 2017, the Board approved the committee-recommended special review report, which rated the Commission as “partially meets” the standard of review. The report found five key areas of deficiency from which most of the Commission’s other weaknesses derive: lack of a strategic vision or organizational goals, lack of a system for regular self-evaluation, poor communication, unclear standards and conditions for charter contract renewal, and not protecting school autonomy. However, the report also highlights that the Commission has some well-developed processes and a qualified personnel who should be able to find solutions to address many of the identified weaknesses.

In accordance with the Board’s special review process and based on the Commission’s final rating, the Board required the Commission to: 1) provide corrective action plans to address deficiencies relating to strategic vision and organizational goals, operational conflicts of interest, and self-evaluation of capacity, infrastructure, and practices; and 2) report to the Board quarterly on, as well as include in the Commission’s annual report to the Board, the corrective actions taken to address the deficiencies found in the special review report until the Board determines sufficient progress. The Board is working with the Commission on a regular reporting schedule, and the Commission included in its report this year the required corrective action plans and descriptions of the corrective actions taken to date. However, the Board is concerned with the Commission’s lack of specificity in addressing areas of deficiency identified by the Board’s special review. For example, while the corrective action plans appear to indicate that the Commission is planning to receive a recommended strategic plan in February 2018, it is not clear what years the strategic plan will cover. The Board will continue to monitor the Commission’s progress in addressing the identified areas.

In addition to the required outcomes of the special review, the Board requested that the Commission: 1) work with the charter school community to develop a purpose of charter schools and propose a Board policy codifying the purpose; 2) provide a plan to the Board for improving communication and relationships with the charter schools; and 3) provide a plan to the Board for reducing the time and resources spent by charter schools in selecting and developing acceptable school-specific measures.

While the Commission is going through the strategic planning process, it is not clear from its report whether part of that planning includes working with charter school stakeholders to determine a purpose and mutual understanding of why charter schools exist. The Board found it essential to identify charter schools’ place in the greater public education system and requested assistance from the Commission in developing a purpose policy. The Board hopes to receive a recommendation from the Commission in the future.

In regards to improving communication and relationships, although the Commission did not include a plan specifically to improve communication and relationships with the charter schools in its report, the Commission is clearly making communication a priority. The Commission's priorities for the 2017-2018 school year include increasing direct communication with governing boards and participating in governing board meetings. The Board looks forward to reviewing how these efforts improve working relationships and charter school performance next year."

This second evaluation of the Commission by the BOE has created hope for some in the charter school community and disbelief that anything will change in others. The National Association of Charter School Authorizers (NACSA) published a document on Authorizer Accountability. They wrote, "Good charter school policy must be part of the solution to address our public education system's greatest problem: too many children lack access to a transformative education. Getting authoring policy right is critical because good authorizing has the power to transform the lives of not just a few children, but millions. When done well, authorizing is a catalyst for charter school quality and growth. Unfortunately, the quality of charter laws and authorizing institutions varies across the country, leading to uneven charter school availability and quality..."

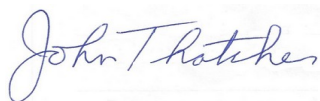
KEY PRINCIPLES OF AUTHORIZER ACCOUNTABILITY

- Authorizers should be held accountable. This should be both front-end accountability, ensuring authorizers are aware of and prepared for the requirements of the job, as well as back-end accountability, ensuring authorizers are doing their job well.
- There should be strong consequences for bad authorizing. State oversight should include consequences for low-performing authorizers, such as freezing their ability to authorize new schools, removing schools from their authority, or terminating their authorizing authority altogether.
- Removing low-performing authorizers is only an option when there is a quality alternative. When a jurisdiction's applicants and schools have access to only one authorizer, removing that authorizer is not an acceptable option...

State policy should endorse professional standards for quality charter school authorizing. By endorsing authorizer standards in legislation, policymakers guide professional practice. This depoliticizes authorizing and oversight, protecting authorizers, schools, and ultimately, students and families. Once the standards are in legislation, authorizers and other leaders can further refine practice. State policy should endorse professional standards for charter school authorizing and require authorizers to meet them in their everyday work. The goals of authorizer standards are to maintain high standards for schools; uphold school autonomy; and protect student and public interests."

The Network applauds the work you are doing to strengthen authorizing in Hawaii. Please feel free to contact us if there is anything we can do to help.

Me ka ha'aha'a,



John Thatcher, HPCSN Secretary

Exhibit B – Board of Education Policies and Applicability to Charter Schools

As of 10/17/2017

Policy #	Policy	Applicable to Charter Schools?
E-1	Philosophy of Education in Hawaii's Public Schools	No
E-2	Mission, Vision, Values, and Beliefs	No
E-3	Nā Hopena A'o (HĀ)	No
E-100	Student Success	No
E-101	Whole Student Development	No
101-1	Student Code of Conduct	No
101-2	Character Education	No
101-3	Student Activities	No
101-4	Community Sponsored Activities	No
101-5	Guidance, Counseling and Related Services	No
101-6	Comprehensive Student Support System	No
101-7	School Climate and Discipline	No
101-8	Extended Learning Opportunities	No
101-9	School-Sponsored Student Publications	No
101-10	School Service	No
101-11	Surfing	No
101-12	Academic Requirements for Participation in Co-Curricular Activities	No
101-13	Controversial Issues	No
101-14	Family and Community Engagement/Partnership	No
101-15	Focus on Students	No
101-16	High School Athletics	No
E-102	Academic Mastery and Assessment	No
102-1	Effective Schools Reporting	No
102-2	K-12 Literacy	No
102-3	Statewide Content and Performance Standards	Yes
102-4	Diverse Stakeholder Inclusion in the Development of Content and Performance Standards	No
102-5	Comprehensive Assessment and Accountability System	No
102-6	Statewide Assessment Program	Yes
102-7	Recruitment and Testing of Students by Private Schools and Other Agencies	No
102-8	Student Promotion	No
102-9	Middle Level Education Promotion	No
102-10	Educational Research and Evaluation	No
102-11	Pilot and Innovative Projects	No
102-12	Reporting Student Progress and Achievement	No
102-13	Credits	No
102-14	Homework	No
102-15	High School Graduation Requirements and Commencement	Yes

Policy #	Policy	Applicable to Charter Schools?
E-103	Health and Wellness	No
103-1	Health and Wellness	No
103-3	Emergency Care for Sick or Injured Students	No
103-4	School Health Services	No
103-5	Sexual Health Education	No
103-6	School Food Services	No
103-7	Food Sales	No
103-8	Prophylactics in the Public Schools	No
E-105	Well Rounded Academic Program	No
105-1	Academic Program	No
105-2	Responsibility for Curriculum Development and Implementation	No
105-3	Curriculum	No
105-4	Instructional Materials	No
105-5	Gifted and Talented	No
105-6	Career and Technical Education	No
105-7	Hawaiian Education Programs	Yes
105-8	Ka Papahana Kaiapuni	Yes
105-9	Fine Arts Program	No
105-10	Alternative Programs and Services for Secondary Students	No
105-11	Pregnant/Parenting Students	No
105-12	Special Education and Related Services	Yes
105-13	Inclusion	No
105-14	Multilingualism for Equitable Education	No
105-15	Seal of Biliteracy	No
105-18	Field Trips and Student Travel	No
E-106	Supports for Effective Learning	No
106-1	School Calendar	No
106-2	Class Size	No
106-3	Admission and Attendance	No
106-4	Dress Code and School Uniforms	No
106-5	Student Instructional Hours and School Year Requirements and Waiver Process	No
E-200	Staff Success	No
E-201	High Performing Employees	No
201-1	Ethics and Code of Conduct	Yes
201-2	Accountability of Employees	No
201-3	Collective Bargaining	Yes
201-4	Leaves of Absence	No
E-202	Highly Effective School Administration (Strong, Visible School Leadership)	No
202-1	School Leadership	No
202-2	School Year for Principals	No

Policy #	Policy	Applicable to Charter Schools?
202-3	School Year for Vice Principals	No
202-4	Principal Performance Evaluation	No
E-203	Highly Effective Teaching	No
203-1	Duties and Responsibilities of Teachers	No
203-2	Developmentally-Appropriate Teaching Strategies	No
203-3	Guidance Regarding Student Rights and Disciplinary Practices	No
203-4	Teacher Performance Evaluation	No
203-5	Substitute Teachers	No
E-204	Hiring, Training and Retention of Employees	No
204-1	Teacher Recruitment, Retention, and Employment	No
204-2	Educational Officer Appointment and Probation	No
204-3	Personnel Development	No
204-4	Employee Certification	No
204-5	Compensation and Classification	No
204-6	Department of Education Housing	No
204-7	Department of Education New Employee Orientation Program	No
204-8	Department of Education Employee Dress Code	No
204-9	Strike Situation	No
204-10	Personnel Relations	No
204-11	Student Teachers from Out-of-State Universities	No
E-300	Effective Systems of Support	No
E-301	Facilities and Technology	No
301-1	Facilities Standards	No
301-2	Creating Communities of Learners	No
301-3	Use of School Buildings, Facilities and Grounds	No
301-4	School Lavatories	No
301-5	Use of School Equipment	No
301-6	Internet Use	No
301-7	Employee Electronic Communication and Technology Use and Access	No
301-8	Naming of Schools and School Facilities	No
301-9	Sustainability	No
E-302	Transportation	No
302-1	Student Transportation	No
E-303	Financial Systems, Business Processes and Organizational Resources	No
303-1	Department of Education Budgets	No
303-2	Department of Education's Budget Public Input Required	No
303-3	Department of Education Program Evaluations	No
303-4	Federal Funds	No
303-5	Capital Improvement Program	No
303-6	Carryover Funds	No
303-7	Personal Services Contracts	No

Policy #	Policy	Applicable to Charter Schools?
303-8	Real Estate Transaction	No
303-9	Collecting Third-Party Dues and Assessments	No
303-10	Fee for Service	No
303-11	After School Plus (A+) Fees	No
303-12	Commercialism	No
303-13	Sale of Merchandise	No
303-14	Inventory	No
303-15	Disposals/Transfers	No
E-304	Communications (Family and Community Engagement)	No
304-1	E Komo Mai	No
304-3	Open Communication	No
304-4	Department of Education Data information Availability and Access	No
304-5	Public Complaints	No
E-305	Safe Schools, Safe Students	No
305-1	Student Safety and Welfare	No
305-2	Safe workplace	No
305-3	Safe Schools	No
305-4	Use of Force	No
305-5	Cooperation with Law Enforcement Agencies	No
305-6	Closing Schools in the Event of Disaster and/or other Emergencies	No
305-7	Alcohol and Illicit Drug Use	No
305-8	Youth Gangs	No
305-9	Practice of Hazing Students	No
305-10	Anti-Harassment, Anti-Bullying, and Anti-Discrimination Against Student(s) by Employees	No
305-11	Classroom and Laboratory Safety	No
E-400	Board of Education Governance	No
400-1	Board of Education Roles and Responsibilities	No
400-2	Policies and Policy-Setting	Yes
400-3	Implementation of Board of Education Policy	No
400-4	Budget Restrictions and Reductions	No
400-5	Public Board of Education	No
400-6	Involvement of School Advisory Councils, Library Advisory Commission and Hawaii State Student Council	No
400-8	Board of Education Student Member Selection	No
E-500	Department of Education	No
500-1	Organization of the Department	No
500-2	Plan of Organization	No
500-3	Employment of the Superintendent of Education	No
500-4	Duties and Responsibilities of Superintendent	No
500-5	Evaluation of the Superintendent of Education and the State Librarian	No
500-6	Salaries of Subordinate Superintendents	No

Policy #	Policy	Applicable to Charter Schools?
500-7	Temporary Assumptions of the Superintendent's Office Due to Absence or Illness	No
500-8	Accreditation of Schools	No
500-9	Establishment of Complex Areas	No
500-11	School Attendance Areas	No
500-12	Geographic Exceptions to the Mandatory School Attendance Law	No
500-14	Pre-Kindergarten and Kindergarten	No
500-16	Middle Level Education	No
500-17	High School Education	No
500-18	Summer School Programs	No
500-19	School Community Councils	No
500-20	School Community Council Waivers and School Community Council Exceptions	No
500-21	Student Information and Confidential Records	No
500-22	School Visitations by Non-School Personnel	No
500-23	Solicitations by Department Personnel and Students	No
500-24	Opening and Closing Hours of School	No
500-25	Establishment of Articulated School Complexes	No
500-26	New Student Orientation	No
500-27	Multi-Track Year-Round Education	No
E-600	Libraries	No
600-1	Hawaii State Public Library System Collection Development	No
600-2	Hawaii State Public Library System Budgets	No
600-3	Hawaii State Public Library System Safe Workplace	No
600-4	Naming of Hawaii State Public Library Facilities	No
600-5	Hawaii State Public Library System Internet Acceptable Use	No
600-6	Access to Hawaii State Public Library System Facilities	No
600-7	Hawaii State Public Library System Wireless Security Disclaimer and Use	No
E-800	Adult Education	No
800-1	Content Standards for Adult Community Schools	No
E-900	Legal Requirements, Implementation and Limitations	Yes
900-1	Department of Education Applicant and Employee Non-Discrimination	No
900-2	Copyright	No
900-3	Religion and Public Schools	No
900-4	Gender Equity in Education	No
900-5	Rights of Students Who Are Deaf, Hard of Hearing, or Deaf-Blind	No
900-6	Student Rights and Due Process	No
8300	Board Appointment of Charter School Review Panel Members*	Yes*

*Board Policy 8300 is a carryover policy from the old numbering system. The Board has not yet revised this policy to reflect current law (as the Charter School Review Panel was repealed in 2012).