



STATE OF HAWAII
BOARD OF EDUCATION
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November 21, 2019

TO: Kenneth Uemura
Committee Chairperson, Finance and Infrastructure Committee

FROM: Bruce Voss
Committee Vice Chairperson, Finance and Infrastructure Committee

AGENDA ITEM: Committee Action on a new Board policy, Equitable Allocation of Facilities Resources, to ensure Board of Education policies and structures enable the Department of Education to complete all facilities projects at its schools with the greatest socioeconomic and academic needs as determined by an equity priority order (FIC Strategic Priority 2)

I. EXECUTIVE SUMMARY

- The proposed policy sets forth the Board of Education's ("Board") goal that all students have safe, accessible, and supportive facilities.
- The goal has two parts: (1) a baseline requirement of safe and accessible facilities and (2) facilities that support the socioeconomic and academic needs of a school's student population.
- The Department of Education ("Department") will reach the Board's goal by allocating repair and maintenance ("R&M") and Capital Improvement Program ("CIP") resources equitably, taking into account student socioeconomic and academic needs. Equity means that everyone gets an amount proportionate to their needs; it does not guarantee that everyone will get something.
- The Board's expectation is that the Department's implementation of the policy will result in priority lists for the Department's CIP and R&M projects, which are designed to achieve the two goals, are made public, and are incorporated into the Department's budget preparation and approval process.

II. BACKGROUND

At its July 18, 2019 general business meeting, the Board of Education (“Board”) adopted committee strategic priorities for the 2019-2020 school year.

At its August 15, 2019 Finance and Infrastructure Committee (“FIC”) meeting, FIC established a work plan and timeline for FIC Strategic Priority 2, which had the committee considering and recommending for Board approval: (1) a policy relating to equitable school facilities by September 19, 2019, and (2) a repair and maintenance (“R&M”) priority list based on equity and criteria to determine CIP project priority order by November 21, 2019. The Department will be sharing its draft plan for reducing the R&M backlog with FIC at its February 20, 2020 meeting.¹

On September 19, 2019, Superintendent Christina Kishimoto presented FIC a draft Board policy entitled “Equitable School Facilities.”² FIC elected to defer action on the draft Board policy.

At its October 3, 2019 meeting, FIC issued a new timeline where the draft policy would be revised by me and be presented to FIC at its November 21, 2019 meeting.

III. RATIONALE AND ANALYSIS

Board policies are directives established by the Board to guide the operation of the school system and the public library system. Policies are designed to specify the desired results and are narrow enough in scope to provide clear guidance. Using the guidance in these policies, the Department establishes rules and regulations to set clear directions for staff to implement the policies.

It is vitally important to keep policies and implementation separate, but at the same time understand their relationship. To do that, I will start by explaining the intent of the proposed policy language, then go on to explain how the intent and the language provides implementation guidance and clarify Board expectations of how the Department will implement this policy.

¹ The memorandum regarding the timeline and work plan is available at: http://boe.hawaii.gov/Meetings/Notices/Meeting%20Material%20Library/FIC_20190815_Action%20on%20work%20plan%20and%20timeline%20for%20FIC%20Priority%202%20%281%29.pdf

² The memorandum with the September 19, 2019 version of the draft policy is available at: http://boe.hawaii.gov/Meetings/Notices/Meeting%20Material%20Library/FIC_09192019_Committee%20Action%20on%20Board%20Policy%20301-10%2c%20Entitled%20Equitable%20School%20Facilities.pdf

The proposed policy is as follows:

“The Department shall strive to ensure that all students have safe, accessible, and supportive school facilities by allocating Capital Improvement Program and repair and maintenance resources equitably, effectively, and transparently. This equitable allocation must take into account the socioeconomic and academic needs of each school’s student population.”

Policy Intent. The proposed policy provides the Department with guidance as to what the Board wants to see when the Department allocates CIP and R&M resources. The goal, ultimately, is that all students have safe, accessible, and supportive facilities. Note that there are two parts to this goal: (1) safe and accessible facilities and (2) facilities that support the needs of a school’s student population. I will go through each of these goals separately.

Safety and Accessibility Baseline. Ensuring that students are in safe school facilities and can access these facilities are basic requirements. Any kind of resource allocation should take into account safety and accessibility before moving on to the second goal. Safety is referenced in a number of Board policies,³ laws, and regulations. The intent of including the word “safe” in this proposed policy is to reference these policies, laws, and regulations. Since other policies define and describe safety, it is not necessary to reiterate all of that here. Its inclusion, however, is intended to be a clear signal that the Department needs to take this into consideration when implementing this policy.

The word “accessible” was used instead of Americans with Disability Act (“ADA”) compliance. This is to make clear that the Board’s expectation is that the Department looks at whether students can truly access school facilities and not solely whether it is in legal compliance. While using this word sets a higher standard in some respects, at the same time, it gives the Department the flexibility

³ Safety is included in a number of Board policies, including, but not limited to [Ends Policy E-305, Safe Schools, Safe Students](#) (providing that “[t]he Department shall institute proceedings for ensuring the safety and security of pupils, personnel and school buildings.”); [Board Policy 305-1, Student Safety and Welfare](#) (providing that “[t]he Department of Education shall provide a caring environment conducive to the physical, mental, social, and emotional well-being of students while they are participating in school activities. Attention shall be given to the personal safety of each student during these activities and such attention shall include instruction in safety practices and attitudes; proper maintenance of buildings, grounds and equipment[.]”); and [Board Policy 301-4, School Lavatories](#) (providing that “[s]chools, in collaboration with their students, teachers, administrators, and custodians shall establish a plan and initiate programs to ensure the health, safety, and cleanliness of their restroom facilities . . . [a]ll schools should strive to make their restrooms safe and usable facilities[.]”).

and latitude to look at things that are not covered by ADA compliance and to address them if they are hindering student access.

Supportive of Student Populations. The second goal goes beyond the baseline requirements of safe and accessible. Once the Department is assured that students are safe and can access their school facilities, the proposed policy then directs it to look at whether the school facilities support their student populations' needs. This is where equity comes into play because while safety and accessibility is more of a baseline standard, supports will vary depending on the needs of each unique student population. This idea is based in one of the Board's core values; a commitment to equity and excellence, which states, in part, that "[s]tudents succeed when their specific needs are met."⁴ Moreover, the proposed policy makes it clear that the Board is directing the Department to look at the socioeconomic and academic needs of students, in particular.

To be clear, the point of equity is to give everyone an amount proportionate to their needs. It does **not** mean that every school gets something. Schools that have students with greater socioeconomic and academic needs should get more. This may mean that schools with few students with great needs in these two areas get nothing. While the goal is equality, the process that we need to use to get there is equity.

Implementation Guidance. Policy is the domain of the Board and implementation is the Department's responsibility. Consequently, every effort has been made to exclude implementation language in the policy. The proposed policy language, however, was not created in a vacuum. It was based on ideas and expectations of how implementation would work. Ultimately, it is the Department's responsibility to create an implementation plan, rules, and procedures to explain to the Board and the public how it will implement Board policies, but this section is to set forth the basic elements the Board is interested in seeing.

Priority List. When the Board adopted this strategic priority, what was envisioned as end products were lists that would be used to establish the priority order in which the Department executes R&M and CIP projects. The resulting lists would be designed to reach the outcome that was described in the proposed policy. While the proposed policy does not explicitly direct the Department to develop an R&M priority list and CIP criteria and priority list,⁵ that is the Board's

⁴ [E-2, Mission, Vision, Values, and Beliefs](#), provides in pertinent part: "COMMITMENT TO EQUITY & EXCELLENCE: We believe every child is unique and deserves an excellent education—one that develops the whole student. Students succeed when their specific needs are met and their innate gifts and abilities are nurtured."

⁵ I would like to note that a CIP priority list was not explicitly part of the original charge that the Board provided in its strategic priority. The strategic priority directed the Department to develop CIP criteria, but

expectation. If the Department believes that it has a better way to implement the proposed policy, the proposed policy gives it the flexibility to provide its recommendations to the Board.

Publicly Published. The proposed policy also does not explicitly require the Department to publicly publish the R&M priority list or the CIP criteria and priority list. The proposed policy does, however, require that the allocation of R&M and CIP resources be done transparently. This means that the Board wants the process that the Department uses to allocate resources (whether by an R&M priority list and CIP criteria and priority list or some other means) to be made public.

Budget Preparation and Approval Process. The proposed policy also does not reference the budget preparation process or specify how or when the R&M priority list or CIP criteria and priority list would be made public. The expectation is that the Department would develop the R&M priority list and CIP criteria and priority list as a part of the process it will use to prepare its budget requests. The lists generated would inform the funds that the Department would need to request for CIP and R&M via the budget process. The budget process is public and the budget request must come to the Board for approval at a public meeting. Committee Chairperson Kenneth Uemura is working on the Committee's strategic priority 1, which is to establish a transparent, accessible, and credible Department budget. If his working group sees fit, it can incorporate the R&M priority list and CIP criteria and priority list into the implementation recommendations associated with that strategic priority.

School's Student Populations. The proposed policy does not specify the indicators that the Department will use to determine socioeconomic or academic needs. What the Board is concerned about is that the indicators that are used are ones that reflect the needs of a school's students. This means indicators that are reflective of an entire school, like Title I status, Comprehensive Support and Improvement or Targeted Support and Improvement designations under Strive HI, or percentages of high-needs students can be used. This does not preclude the use of indicators that are reflective of the needs of a group of students (versus an entire school).

Placement in Subseries. The Board's policies are arranged by series and subseries. The first three series are aligned with the three goals of the Board and

the criteria would clearly be used to develop a CIP priority list, so the Department should produce a CIP priority list as well. It is imperative that the Department develop a CIP priority list and make it public so that the schools and the public at large understands the Department's priorities and sees that its priorities are based on its criteria. This helps to keep all of us accountable to the public.

Department's 2017-2020 Joint Strategic Plan (student success, staff success, and successful systems of support). Series 100 of the Board's policies covers Student Success, Series 200 covers Staff Success, and Series 300 covers Effective Systems of Support. Each series is further divided into subseries, which group the policies further by subject matter. Each subseries begins with one or two "ends policies," which describe the outcomes the Board is seeking for the subject matter area.⁶ While the proposed policy straddles two subsections,⁷ I believe that the most appropriate place for the proposed policy is under Series 300, Effective Systems of Support and under Subseries 301, Facilities and Technology. I leave it to the Board staff to administratively determine the appropriate placement of the policy within the subseries after Board approval.

IV. RECOMMENDATION

Based on the analysis, I recommend the Committee approve the policy attached as **Exhibit A** and forward its recommendation to the Board for consideration.

Proposed Motion: Moved to adopt Board Policy 301-___, entitled "Equitable Allocation of Facilities Resources," as provided in Exhibit A of this memorandum dated November 21, 2019 and forward this recommendation to the Board for consideration.

⁶ Note that there are also overarching ends policies which enumerate the outcomes the Board is seeking for the educational system as a whole: [E-1, Philosophy of Education](#); [E-2, Mission Vision, Values, and Beliefs](#); and [E-3, N ā Hopena A'o \(HĀ\)](#).

⁷ The proposed policy references two ends policies, [E-301, Facilities and Technology](#) and [E-303, Financial Systems, Business Processes and Organizational Resources](#). The proposed policy language "all students have safe, accessible, and supportive school facilities" is reflective of the language in E-301, Facilities and Technology, which states that "all students and staff will have access to school facilities of similar standard." The proposed policy language directing the Department to allocate resources "equitably, effectively, and transparently" references E-303, Financial Systems, Business Processes and Organizational Resources, which states that the Department "shall implement transparent procedures and best practices that promote efficiency and effective use of funds."

Exhibit A
Proposed Policy

POLICY 301-__

EQUITABLE ALLOCATION OF FACILITIES RESOURCES

The Department shall strive to ensure that all students have safe, accessible, and supportive school facilities by allocating Capital Improvement Program and repair and maintenance resources equitably, effectively, and transparently. This equitable allocation must take into account the socioeconomic and academic needs of each school's student population.