

## Agenda Item VI.A

### Board Action on findings and recommendations of Investigative committee (a permitted interaction group pursuant to Hawaii Revised Statutes Section 92-2.5(b)(1)) concerning Board and standing committee strategic priorities for the 2020-2021 school year

General Business Meeting

July 23, 2020

At its July 9, 2020 general business meeting, the Board of Education (“Board”) received a report from the Investigative Committee (“Committee”) that the Board tasked with: (1) Gathering and analyzing the information necessary to develop annual strategic priorities; and (2) developing proposed Board and Committee Strategic Priorities for the Board’s consideration, pursuant to the Board’s Strategic Priority Setting Process.<sup>1</sup> The Committee’s report is attached as **Exhibit 1**. In accordance with Section 92-2.5(b)(1)(C), Hawaii Revised Statutes (“HRS”), entitled “Permitted interactions of members,” the Board did not take action on any of the Committee’s recommendations.<sup>2</sup>

---

<sup>1</sup> Board Chairperson Catherine Payne’s September 5, 2019 memorandum explains the purpose of the Committee and the formal process for setting the Board’s annual strategic priorities. The Board-adopted Strategic Priority Setting Process is attached to the memorandum as Exhibit A. The memorandum is available here: [http://boe.hawaii.gov/Meetings/Notices/Meeting%20Material%20Library/GBM\\_20190905\\_Action%20on%20Investigative%20committee%20concerning%20Board%20and%20Committee%20strategic%20priorities%20%281%29.pdf](http://boe.hawaii.gov/Meetings/Notices/Meeting%20Material%20Library/GBM_20190905_Action%20on%20Investigative%20committee%20concerning%20Board%20and%20Committee%20strategic%20priorities%20%281%29.pdf).

<sup>2</sup> Section 92.25(b)(1), HRS, provides, in pertinent part:

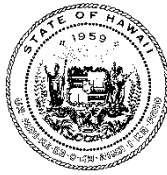
“(b) Two or more members of a board, but less than the number of members which would constitute a quorum for the board, may be assigned to:

- (1) Investigate a matter relating to the official business of their board; provided that:
  - (A) The scope of the investigation and the scope of each member’s authority are defined at a meeting of the board;
  - (B) All resulting findings and recommendations are presented to the board at a meeting of the board; and
  - (C) Deliberation and decision making on the matter investigated, if any, occurs only at a duly noticed meeting of the board held subsequent to the meeting at which the findings and recommendations of the investigation were presented to the board;”

(Emphasis added).

**Exhibit 1**

**Investigative Committee Report (dated July 9, 2020)**



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

July 9, 2020

TO: Board of Education

FROM: Kaimana Barcarse  
Chairperson, Investigative Committee

AGENDA ITEM: Investigative committee (a permitted interaction group pursuant to Hawaii Revised Statutes Section 92-2.5(b)(1)) concerning Board and standing committee strategic priorities for the 2020-2021 school year

---

**I. BACKGROUND**

For the past several years, the Board of Education (“Board”) has adopted strategic priorities, which are intended to guide the work of the Board, its standing committees and the Department of Education (“Department”). On June 20, 2019 the Board adopted Board strategic priorities<sup>1</sup> and on July 18, 2019 it adopted strategic priorities for each of its standing committees.<sup>2</sup>

At its September 5, 2019 general business meeting, the Board established an investigative committee (“Committee”) tasked with (1) gathering and analyzing the information necessary to develop annual strategic priorities and (2) developing proposed Board and Committee Strategic Priorities for the Board’s consideration, pursuant to the Board’s Strategic Priority Setting Process.<sup>3</sup> The Board appointed Board Vice Chairperson Brian De

---

<sup>1</sup> The memorandum on the Board’s strategic priorities is available here:

[http://boe.hawaii.gov/Meetings/Notices/Meeting%20Material%20Library/Special\\_2019-06-20\\_Action%20on%20Board%20and%20Department%20Strategic%20Priorities%20rev.pdf](http://boe.hawaii.gov/Meetings/Notices/Meeting%20Material%20Library/Special_2019-06-20_Action%20on%20Board%20and%20Department%20Strategic%20Priorities%20rev.pdf)

<sup>2</sup> The memorandum on the committee strategic priorities is available here:

[http://boe.hawaii.gov/Meetings/Notices/Meeting%20Material%20Library/GBM\\_20190718\\_Action%20on%20standing%20committee%20strategic%20priorities%20for%20SY%202019-2020.pdf](http://boe.hawaii.gov/Meetings/Notices/Meeting%20Material%20Library/GBM_20190718_Action%20on%20standing%20committee%20strategic%20priorities%20for%20SY%202019-2020.pdf)

<sup>3</sup> Board Chairperson Catherine Payne’s September 5, 2019 memorandum explains the purpose of the Committee and the formal process for setting the Board’s annual strategic priorities. The Board-adopted Strategic Priority Setting Process is attached to the memorandum as Exhibit A. The memorandum is available here:

[http://boe.hawaii.gov/Meetings/Notices/Meeting%20Material%20Library/GBM\\_20190905\\_Action%20on%20investigative%20committee%20concerning%20Board%20and%20Committee%20strategic%20priorities%20%281%29.pdf](http://boe.hawaii.gov/Meetings/Notices/Meeting%20Material%20Library/GBM_20190905_Action%20on%20investigative%20committee%20concerning%20Board%20and%20Committee%20strategic%20priorities%20%281%29.pdf)

Lima, Board Members Kili Namau'u and Bruce Voss, and me as members of the Committee with myself serving as chair of the Committee.

## II. **FINDINGS**

The Committee notes that the 2019-2020 standing committee priorities have not been completed in accordance with the originally contemplated timeline. The Committee's understanding is that Board Members and the Department will continue working on these committee priorities. Once the disaster emergency relief period<sup>4</sup> has passed, the committees and working groups tasked with completing these priorities will present their work to the respective committees and the Board or they will publish revised timelines detailing when the work will be completed. This is beyond the jurisdiction of this Committee, but it is important to clarify that the recommendations contained herein do not preclude the completion of the work that the Board tasked itself with last year.

The Committee finds it necessary for the Board to approach its Board Strategic Priorities differently than it has for the past few years due to two major circumstances and the opportunities they present. First, the Board and Department 2017-2020 Joint Strategic Plan ("Joint Strategic Plan") expired on June 30, 2020.<sup>5</sup> Second, by adopting a resolution providing broad guidance on the reopening of schools,<sup>6</sup> the Board has indicated that it expects the 2020-2021 school year to be unpredictable and unlike any past years due to the ongoing global COVID-19 pandemic.

With the expiration of the Joint Strategic Plan, the Board no longer has a strategic plan on which to base its Board Strategic Priorities as it has in past years. Per the Strategic Priority Setting Process, however, the Board Strategic Priorities should still "support the long-term goals and objectives of Board-approved strategic plans from the Department, the [Hawaii State Public Library System], or any other agencies over which the Board has direct authority." The Department of Education ("Department") presented a draft of the *2030 Promise Plan* to the Board on February 20, 2020,<sup>7</sup> and unlike the Joint Strategic Plan, it is a plan solely for the Department. While the Department's *2030 Promise Plan* is the only contemplated strategic plan on which it is possible to base strategic priorities, the Board has oversight responsibilities and policymaking authority that go beyond the Department's

---

<sup>4</sup> On April 2, 2020, the Board adopted Temporary Rules of Operation of the Hawaii Board of Education. One of the provisions of these rules limits the Board and its standing committees to only conduct essential business to avoid adding communal stress on resources.

<sup>5</sup> The expired Joint Strategic Plan is available here:  
<http://www.hawaiipublicschools.org/DOE%20Forms/Advancing%20Education/SP2017-20.pdf>.

<sup>6</sup> The resolution that the Board adopted on June 18, 2020, is available here:  
[http://boe.hawaii.gov/Documents/2020%20School%20Reopening%20Resolution%20\(executed\).pdf](http://boe.hawaii.gov/Documents/2020%20School%20Reopening%20Resolution%20(executed).pdf).

<sup>7</sup> The draft *2030 Promise Plan* is attached to Superintendent Christina Kishimoto's memorandum dated February 20, 2020, available here:  
[http://boe.hawaii.gov/Meetings/Notices/Meeting%20Material%20Library/GBM\\_02202020\\_Action%20on%2010-year%20Department%20of%20Education%20Strategic%20Plan,%20The%20Power%20and%20Promise%20of%20Public%20Education.pdf](http://boe.hawaii.gov/Meetings/Notices/Meeting%20Material%20Library/GBM_02202020_Action%20on%2010-year%20Department%20of%20Education%20Strategic%20Plan,%20The%20Power%20and%20Promise%20of%20Public%20Education.pdf).

focus on its pre-kindergarten to grade 12 system, including adult and community education, charter schools, and public libraries.

The Committee finds the Board should focus on developing a plan to clarify its vision for all of the public education domains under its jurisdiction through a comprehensive and cohesive review of its “ends policies.” A result of a years-long policy audit<sup>8</sup>, the Board reorganized its policies and created these ends policies to describe the outcomes the Board is seeking for the public education system. The policy reorganization also grouped all other Board policies under the ends policies as “means policies,” which are policies describing the methods for achieving or maintaining the outcomes contemplated in the respective ends policies. The Committee believes that the Board should eventually conduct comprehensive and cohesive reviews of its means policies after completing a review of its ends policies, which is already an ambitious goal unto itself. A full review of all the Board’s policies would be a multiyear effort, which would require the development of a policy review plan, a priority recommended by this Committee. The Board currently has the following 26 ends policies (all policies that begin with “E” are ends policies):

<u>Policy Number</u>	<u>Policy Title</u>
E-1	<a href="#"><u>Philosophy of Education in Hawaii’s Public Schools</u></a>
E-2	<a href="#"><u>Mission, Vision, Values, and Beliefs</u></a>
E-3	<a href="#"><u>Nā Hopena A’o (HĀ)</u></a>
E-100	<a href="#"><u>Student Success</u></a>
E-101	<a href="#"><u>Whole Student Development</u></a>
E-102	<a href="#"><u>Academic Mastery and Assessment</u></a>
E-103	<a href="#"><u>Health and Wellness</u></a>
E-105	<a href="#"><u>Well Rounded Academic Program</u></a>
E-106	<a href="#"><u>Supports for Effective Learning</u></a>
E-200	<a href="#"><u>Staff Success</u></a>
E-201	<a href="#"><u>High Performing Employees</u></a>
E-202	<a href="#"><u>Highly Effective School Administration (Strong, Visible School Leadership)</u></a>
E-203	<a href="#"><u>Highly Effective Teaching</u></a>
E-204	<a href="#"><u>Hiring, Training and Retention of Employees</u></a>
E-300	<a href="#"><u>Effective Systems of Support</u></a>
E-301	<a href="#"><u>Facilities and Technology</u></a>
E-302	<a href="#"><u>Transportation</u></a>
E-303	<a href="#"><u>Financial Systems, Business Processes and Organizational Resources</u></a>
E-304	<a href="#"><u>Communications (Family and Community Engagement)</u></a>

---

<sup>8</sup> The policy audit started with an informal taskforce in May 2011 and culminated in a report to the Board from an investigative committee on November 18, 2014 with findings and recommendations. The report, dated November 7, 2014, is archived and available here: [https://alala1.k12.hi.us/STATE/BOE/Minutes.nsf/ebb43af14ca5cdb30a2565cb006622a8/dcbcb4af8d2ff8e80a257da8007c862d/\\$FILE/Attachment%20C%20-%20POLICY%20PIG%20REPORT3.pdf](https://alala1.k12.hi.us/STATE/BOE/Minutes.nsf/ebb43af14ca5cdb30a2565cb006622a8/dcbcb4af8d2ff8e80a257da8007c862d/$FILE/Attachment%20C%20-%20POLICY%20PIG%20REPORT3.pdf).

E-305	<a href="#">Safe Schools, Safe Students</a>
E-400	<a href="#">Board of Education Governance</a>
E-500	<a href="#">Department of Education</a>
E-600	<a href="#">Libraries</a>
E-700	<a href="#">Public Charter Schools</a>
E-800	<a href="#">Adult Education</a>
E-900	<a href="#">Legal Requirements, Implementation and Limitation</a>

The Committee finds the Board should consider restructuring its standing committees. Relevant to this Committee’s proposed Board Strategic Priorities for next school year, the amount and scope of ends policies the Board would need to review might necessitate reassessing the delineation of duties and responsibilities in its standing committee structure. Further, similar to its past strategic priorities, the Board largely based its standing committee structure on its joint strategic plans with the Department. Thus, the expiration of the Joint Strategic Plan presents an opportunity to review the adequacy of the current standing committee structure, and the Committee does not recommend any Committee Strategic Priorities for the 2020-2021 school year.

The Committee finds the Board should establish a policy and legal framework as a formal organizational structure for the Board’s policies and any subordinate policies, procedures, rules, regulations, or guidelines needed by the agencies the Board oversees to implement the Board’s policies. While clarifying the Board’s vision for all aspects of the public education system is essential, of equal importance are the means to achieve the vision the Board sets. The Board has its means policies to provide specific direction to achieve its vision. Moving down the authority hierarchy, the Department and other agencies under the Board’s jurisdiction implement the Board’s policies. The implementation results are inconsistent, and a report from the Board’s Human Resources Committee provides a recent example identifying an issue with implementing the Board’s policies.<sup>9</sup> Agencies should establish their own sets of policies, procedures, and guidelines to operationalize the Board’s policies and directions. However, this Committee does not have a good understanding of how clear and effective the current systems are for setting and implementing internal policies, procedures, and guidelines, and the Committee suspects that it could be a contributing factor to the aforementioned implementation difficulties.

---

<sup>9</sup> The Human Resources (“HR”) Committee issued a report on February 20, 2020 on ensuring Board policies support the recommendations of the Special Education Task Force’s 2018 Summative Report and the English Learners Task Force’s 2018 Summative Report. The HR Committee found that “any issues relating to the implementation of Board policies under its jurisdiction are likely due to a lack of clarity around whether a formal system of clear, written internal operating policies, procedures, and guidelines exists for [Department] employees to follow.” The HR Committee recommended the Board to “investigate the aforementioned issues more closely [in the 2020-2021] school year.” The HR Committee’s report is attached as Exhibit A to HR Committee Chairperson Dwight Takeno’s February 20, 2020 memorandum, available here: [http://boe.hawaii.gov/Meetings/Notices/Meeting%20Material%20Library/HR\\_20200220\\_Action%20on%20HR%20Strategic%20Priority%201%20Draft%20Reports%20%28with%20exhibits%29.pdf](http://boe.hawaii.gov/Meetings/Notices/Meeting%20Material%20Library/HR_20200220_Action%20on%20HR%20Strategic%20Priority%201%20Draft%20Reports%20%28with%20exhibits%29.pdf).

The Committee finds the Board should help the Department identify any policies from which it may need temporary statewide waivers. The purpose of this policy assessment is twofold. Primarily, it is to ensure the Department has adequate flexibility in addressing pandemic-related challenges. Secondly, it could meaningfully build the Board's understanding of its existing policies to prime it for the comprehensive and cohesive policy review this Committee recommends the Board conduct later after developing a plan to do so.

Relatedly, the Committee finds the Board should adopt procedures for School Community Councils ("SCC") to request waivers from policies, rules, and procedures. Section 302A-1126, Hawaii Revised Statutes, requires the Board to "adopt procedures necessary to process waivers initiated by [an SCC]."<sup>10</sup> While the Board has a Board policy related to SCC waiver requests,<sup>11</sup> this Committee understands that the Board does not have procedures as required by law. The timing and nature of past SCC waiver requests raises some concerns as to whether schools have the flexibility to obtain waivers that may be necessary given the extenuating circumstances of the current school year, thus making formal waiver request procedures more important.

### **III. RECOMMENDATION**

Based on the forgoing, the Committee recommends that the Board adopt the following proposed Board Strategic Priorities for the 2020-2021 school year:

1. The Board will reassess its procedures for SCCs to request waivers from policies, rules, and procedures to ensure it is a tool that provides Department schools with the flexibility necessary to navigate the challenges this year presents;
2. The Board will assess its policies and identify any from which the Department may need to request statewide waivers to be able to operate under the current conditions;
3. The Board will reassess its standing committee structure to ensure it adequately oversees all domains of public education for which the Board is responsible;

---

<sup>10</sup> Section 302A-1126, Hawaii Revised Statutes, states, "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."

<sup>11</sup> Board Policy 500-20, entitled "School Community Council Waivers and School Community Council Exceptions," is available here:

<http://boe.hawaii.gov/policies/Board%20Policies/School%20Community%20Council%20Waivers%20and%20School%20Community%20Council%20Exceptions.pdf>.

4. The Board will develop a multiyear policy review plan with the goal of providing clear, comprehensive, and cohesive vision and direction for all aspects of education under its jurisdiction through appropriate policies; and
5. To promote the successful effectuation of its vision for public education, the Board will provide a policy and legal framework that establishes a clear organizational structure for the Board's policies and any subordinate policies, procedures, or guidelines needed by the agencies the Board oversees to implement the Board's policies.

**Proposed Motion: Move to adopt the five Board Strategic Priorities for the 2020-2021 school year proposed in Investigative Committee Chairperson Kaimana Barcarse's memorandum dated June 9, 2020.**

This report completes the work of the Committee.