



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

March 3, 2022

TO: Student Achievement Committee

FROM: Kili Namau'u  
Committee Chairperson, Student Achievement Committee

AGENDA ITEM: Committee Action on distance and hybrid learning issue to proceed with policy development in accordance with Board Policy 400-2, entitled Policies and Policy-Setting

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**I. BACKGROUND**

Definition of Terms. The Board adopted a resolution on June 18, 2020 ("2020 Reopening Resolution"), which included definitions of different instructional delivery modes.<sup>1</sup> The Board adopted a resolution on July 15, 2021 ("2021 Opening Resolution"), which included the same definitions of different instructional delivery modes.<sup>2</sup> The definitions of in-person learning, distance learning, and hybrid learning are included below.

- a. In-person learning, where the teacher delivers face-to-face instruction in the same physical space as the students;
- b. Distance learning, where the teacher delivers instruction virtually or online through web-based or internet-based mediums or delivers instruction through other remote mediums; and
- c. Hybrid learning, where the teacher delivers instruction using both in-person and distance learning methods[.]<sup>3</sup>

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<sup>1</sup> June 18, 2020 Board Resolution directing the Department of Education to prepare for the reopening of schools for the 2020-2021 school year amid the global COVID-19 pandemic; urging school communities to give hope, act with kindness, and work toward togetherness; and authorizing board members to represent the board of education in mid-term bargaining of collective bargaining agreements, available at: <https://boe.hawaii.gov/Documents/2020%20School%20Reopening%20Resolution%20%28executed%29.pdf>

<sup>2</sup> July 15, 2021 Board Resolution encouraging vaccination, directing the department of education to communicate with families on school safety measures, to offer distance learning for the 2021-2022 school year, and to rely on the department of health for advice and guidance on all COVID-19 related health matters, available at: <https://boe.hawaii.gov/Documents/2021%20Opening%20of%20Schools%20Resolution%20%28final%29.pdf>

<sup>3</sup> 2020 Reopening Resolution, Lines 111-119 and 2021 Opening Resolution, Lines 27-35.

I will use these terms as defined in aforementioned resolutions to ensure that we are working from a common understanding for the discussion and proposed action. This in no way limits the future use of these terms.

February 17, 2022 Meeting. Interim Superintendent Keith Hayashi presented the Department of Education's ("Department") virtual<sup>4</sup> school plan at the Student Achievement Committee's ("Committee") February 17, 2022 meeting.<sup>5</sup> The presentation included plans for distance learning, hybrid learning, a new learning management system, Kaiapuni education, multiple physical sites (both existing and to be constructed) for a virtual school and professional development, the use of commercially available curriculum and the development of teacher-created curriculum, standards for online teaching and learning, training for project-based learning, and desired outcomes.

Committee members asked a number of questions at the February 17, 2022 meeting. While they asked a number of questions regarding whether the Department was ready to implement this plan for the 2022-2023 school year and the use of the physical sites, many of the questions centered around how this virtual school plan fit in to the overall public education system and how education is delivered in schools. At the meeting, Committee Member Kenneth Uemura stated that the virtual school plan appears to be in the conceptual stage and that there is no Board policy that guides how distance learning will fit into the way the Department delivers education in public schools or meet student needs. He recommended that the Board establish a policy before considering the approval of the Department's plan for a virtual school.

Policy-Setting Process. Board Policy 400-2, entitled "Policies and Policy-Setting," (attached as **Exhibit A**)<sup>6</sup> defines Board policies; sets standards, policy initiation process, a sequence for policy development; and designates the individuals responsible for policy compliance. The policy states that Board policies may be initiated by Board members, among others. The policy was initiated by Committee Member Kenneth Uemura at the February 17, 2022 Committee meeting. In accordance with Step 1 of the Sequence of Policy Development, Board

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<sup>4</sup> Note that the term "virtual" was not defined in the Board's 2020 Reopening Resolution or 2021 Opening Resolution, but it is included in the definition of distance learning, specifically, "where the teacher delivers instruction virtually or online through web-based or internet-based mediums[.]" It is unclear whether the Department's proposed virtual school will fall into the distance or hybrid learning model, so I will use the term virtual to refer to the school described in the Department's plan.

<sup>5</sup> Interim Superintendent Hayashi's February 17, 2022 memorandum is available at: [https://boe.hawaii.gov/Meetings/Notices/Meeting%20Material%20Library/SAC\\_02172022\\_Presentation%20on%20DOE%27s%20Virtual%20School%20Plan.pdf](https://boe.hawaii.gov/Meetings/Notices/Meeting%20Material%20Library/SAC_02172022_Presentation%20on%20DOE%27s%20Virtual%20School%20Plan.pdf)

<sup>6</sup> Board Policy 400-2, Policies and Policy-Setting is available at: <https://boe.hawaii.gov/policies/Board%20Policies/Policies%20and%20Policy-Setting.pdf>

Chairperson Catherine Payne referred the issue to this Committee. As the Committee Chairperson, I placed it on this agenda for discussion and action.

## II. AUTHORITY

Board Policy 400-2. Board Policy 400-2, entitled Policies and Policy-Setting provides, in pertinent part,

“[u]pon agreement by a standing committee that further action on an issue is warranted, it shall study it to develop a common core of knowledge such as (a) the current status of the issue in the State, (b) what research says about the issue, and (c) what other States are doing or have done regarding the issue.”

## III. ANALYSIS

Statement of Issue. Board Policy 400-2, Sequence of Policy Development, Step #2 requires the relevant standing committee to agree that further action on an issue is warranted. Based on Interim Superintendent Hayashi’s memorandum and presentation and the discussion at the February 17, 2022 Committee meeting, I believe that the issue that the Committee needs to consider is distance and hybrid learning.

Further Action is Warranted. Based on the discussion at the February 17, 2022 Committee meeting, I believe that further action on the issue of distance and hybrid learning is warranted. The description of the virtual school concept and topics in the memorandum raised a number of policy questions. Committee members started to ask some of those policy questions at the meeting, which I believe is a clear indication that further discussion, learning, data gathering, and public engagement is necessary. The policy-setting process in Board Policy 400-2 provides the structure to make this possible.

Explanation of next steps. If the Committee determines that the issue of distance and hybrid learning warrants further action, the Committee would proceed with the sequence of policy development, as laid out in Board Policy 400-2. I have provided a summary of the steps below, but they are laid out in detail in the policy. These are only the steps for which this Committee is responsible.

Step 2, Issue Evaluation: The Committee develops a common core of knowledge, which can include studying the current status of the issue in

the state, what research says about the issue, and what other states are doing or have done regarding the issue.

Step 3, Data Gathering: The superintendent and/or Board staff gathers the data the Committee needs to formulate its views and policy parameters.<sup>7</sup>

Step 4, Public Engagement: The relevant communities will be engaged about the need and purpose of the policy and the feedback will be used to develop the policy. Communication with the governor and key legislators is required to evaluate the political climate.

Step 5, Drafting Policy: The Committee will guide the development of the policy, starting with a statement of the Board's intent. The superintendent will be informed of the elements of policy language that should be included in the policy and will notify the Committee of any additional elements that should be included in the policy.

Step 6, Additional Engagement: The Committee sends a policy draft to the appropriate unions to consult and confer. It may also take it to key constituents and policy partners for further review.

Step 7, Policy Approval: The Committee will approve the policy and recommend its approval to the Board.

In accordance with Board Policy 400-2, Board approval or involvement is not necessary until the Step 7, Policy Approval, when the Committee approves the policy draft and recommends its approval to the Board. As such, this agenda item will not appear on a Board general business meeting agenda until the Committee recommends a policy to the Board for approval.

Delegation of Authority. I believe that it would be cumbersome for the Committee to execute many of the steps described above in a timeline and effective manner. I would like the Committee to delegate its authority to a Committee member to carry out the Steps 2-6. However, the Committee member should bring a draft of the policy to the Committee for preliminary approval before sending it to the relevant unions to consult and confer. Because Board staff has limited resources, the Committee should also direct the Department to provide any support requested so the Committee member can carry out their tasks.

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<sup>7</sup> Steps 2 and 3 could happen simultaneously.

#### **IV. RECOMMENDATION**

Based on the foregoing, I recommend the Committee agree that further action on the issue of distance and hybrid learning is warranted, delegate its authority to a Committee member tasked with carrying out Steps 2-6 of the Sequence of Policy Development in Board Policy 400-2, direct the Committee member to bring a draft policy to the Committee for approval before proceeding with Step 6, and direct the Department to provide said Committee member with any requested support so the Committee member can carry out their tasks. I recommend that the Committee delegate its authority to Committee Member Catherine Payne, as described above.

#### **Proposed Motion**

**“Move to:**

- 1. Agree that further action on distance and hybrid learning is warranted, in accordance with Board Policy 400-2; and**
- 2. Delegate the Student Achievement Committee’s authority to Committee Member Catherine Payne, who will be tasked with carrying out Steps 2-6 of the Sequence of Policy Development in Board Policy 400-2;**
- 3. Direct said Committee Member Catherine Payne to bring a draft policy to the Committee for approval before proceeding with Step 6**
- 4. Direct the Department of Education to provide Committee Member Catherine Payne any requested support to carry out their tasks.”**

**EXHIBIT A**  
**Board Policy 400-2**

## POLICY 400-2

### **POLICIES AND POLICY-SETTING**

Definition. Hawaii educational policies are directives established by the Board of Education to guide the operation of the school system and the public library system. Policies specify what the desired ends are and may be supplemented by reasons as to "why" and "to what extent." Policies broadly indicate the desired results and are narrow enough in scope to provide clear guidance. The administration, guided by policies, establishes rules and/or implementing regulations to set clear directions for the department and public library system.

Standards for Policy-Setting. All Board policies shall:

1. be explicitly identified as such;
2. be developed for school and/or public library systems operations which need direction and guidance;
3. be capable of implementation and evaluation;
4. be limited to a single topic;
5. be relevant to current and future departmental and public library operations; and
6. be written clearly and concisely so that they may be interpreted without difficulty.

Policy Initiation. Board policies may be initiated by Board members and by the Superintendent and State Librarian, through recommendations to the Board. The Superintendent/State Librarian shall be responsible for informing the Board of policies and changes to existing policies which they believe may be necessary.

#### Sequence of Policy Development

##### 1. Issue Statement

Any issue brought to the attention of the Board shall be referred by the Board Chairperson to an appropriate standing committee for action. A standing committee shall handle any issue brought to it.

##### 2. Issue Evaluation

Upon agreement by a standing committee that further action on an issue is warranted, it shall study it to develop a common core of knowledge such as (a) the current status of the issue in the State, (b) what research says about the issue, and (c) what other States are doing or have done regarding the issue.

##### 3. Data Gathering

While the standing committee is expanding its knowledge about the issue, the Superintendent, State Librarian and/or Board staff shall gather data the committee needs to formulate its views and policy parameters such as, how many and which students or library patrons the policy will affect and what resources are needed and available for implementation.

##### 4. Public Engagement

The general and education or public library communities shall be engaged meaningfully and comprehensively about the need and purpose of the policy. The information obtained shall be used in developing the policy. The political climate pertinent to the policy shall be evaluated by communicating with the governor and key legislators.

#### 5. Drafting Policy

The committee shall guide the development of the policy, beginning with a statement that reflects the Board's intent. The Superintendent and/or State Librarian shall be told of the elements of policy language that should be included in the policy. Board staff may coordinate the work. The committee must be notified of any additional elements which should be included in the policy before a draft is brought to the Board.

#### 6. Additional Engagement

After committee approval, the draft shall be sent for consult and confer to the appropriate unions. The draft may also be taken to key constituents and policy partners for further review.

#### 7. Policy Approval

The committee shall approve the policy draft and recommend its approval to the Board. The final language in the policy must be adopted by the Board.

#### 8. Implementation and Oversight

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.

9. Board staff shall keep track of the inventory of policies. Each standing committee shall be responsible for the timely review and evaluation of policies which it developed and recommended to the Board for adoption. The Superintendent or State Librarian shall render appropriate assistance.

Policy Compliance. The Superintendent/State Librarian shall be responsible for assuring that all department/library actions are consistent with Board policy.

[Approved: 06/07/2016 (as Board Policy 400.2); amended 06/21/2016 (renumbered as Board Policy 400-2)]

*Former policy 1200-1.3 history: approved: 09/16/1995; amended: 09/21/2000*

*Former policy 1200-1.6 history: approved: 10/02/1997*