



STATE OF HAWAII  
DEPARTMENT OF EDUCATION  
KA 'OIHANA HO'ONA'AUAO  
P.O. BOX 2360  
HONOLULU, HAWAII 96804

June 1, 2023

TO: The Honorable Bruce D. Voss  
Chairperson, Board of Education

FROM: Bill Arakaki, Board of Education Representative  
Cara Tanimura, Board of Education Designee

SUBJECT: **Board Action on School Community Council ("SCC") request for exceptions to collective bargaining agreements, statutory waivers, and waivers of Board Policy for School Year 2023-2024 for: Moanalua Middle School and Webling Elementary School**

1. RECOMMENDATION

The Hawaii State Department of Education (Department) recommends that the Hawaii State Board of Education (Board) approve the School Community Council (SCC) Requests for Exceptions to the Hawaii State Teachers Association (HSTA) Collective Bargaining Agreement (CBA) and Waivers of Section 302A-251, Hawaii Revised Statutes (HRS) as noted in the table below.

School	Request Subject	Policy or Regulation	CBA Provision	Request Summary	Student time lost
Moanalua Middle	Waiver Days	HRS 302A-251	HSTA CBA Article XVI: Section A.B.	3 Waiver Days Professional Development (PD)	18 Hours
Moanalua Middle	Waiver Days	HRS 302A-251	HSTA CBA Article XVI: Section A.B.	Waiver Days (Student-Led Conferences)	10 Hours
Moanalua Middle	Teaching Conditions and Hours	HSTA CBA Article XVI: Section B.	HSTA CBA Article XVI: Section B.	Move 1 Teacher Work Day	
Webling Elementary	Waiver Days	HRS 302A-251	HSTA CBA Article XVI: Section A.B.	1 Waiver Day (PD)	6 Hours

2. RECOMMENDED EFFECTIVE DATE

The start of the School Year 2023-2024 and upon Board approval.

3. RECOMMENDED COMPLIANCE DATE

Upon Board approval.

4. DISCUSSION

a. Conditions leading to the recommendation:

Sections 302A-1124 to 1127, HRS, authorizes schools to request waivers from existing state agency rules, policies, regulations, and procedures as well as exceptions to collective bargaining agreements as negotiated in accordance with current collective bargaining agreements and the provisions of Chapter 89, HRS.

Moanalua Middle School and Webling Elementary School submitted their waiver request forms prior to the submission deadline, but due to oversight, their documents were not included amongst the other 250 waiver requests that the Board reviewed and approved on April 20, 2023. The waivers from both schools have been reviewed by the Exception Review Committee (ERC) and are recommended for approval.

b. Previous action of the Board on the same or similar matter:

On April 20, 2023, the Board approved a total of 250 SCC Waiver requests. The Board approved 219 requests to waive the number of student instructional days required in Section 302A-251, HRS, pursuant to Board Policy 106-5 Student Instructional Hours and School Year Requirements Policy and Waiver Process and twenty requests for exceptions to provisions in the HSTA CBA. The remaining waivers were for other Board Policies or DOE Regulations as outlined below.

c. Other policies affected:

- Section 302A-251, HRS: School year; student hours (180 days, 1080 student hours), Attachment A;
- Hawaii State Teachers Association CBA:
  - Article VI - Teaching Conditions and Hours, Sections D, E, R, X, Y, CC, DD
  - Article XV - Department and Grade Level Chairpersons, Section F
  - Article XVI - Work Year, Sections A, B, CC, DD

d. Arguments in support of the recommendation:

Schools throughout the state are struggling with the effects the COVID-19 pandemic has had on students academically, socially, and emotionally. To address students' learning loss and social-emotional needs and to strengthen instructional practices, schools are requesting additional days to train teachers and staff on school-level and/or complex-wide initiatives to implement new curriculum in areas such as Computer

Science, Language Arts, Math, Science, Social-Emotional Learning, Project-Based Learning, and Nā Hopena A'o (HĀ) or to vertically align K-12 Career and Technical Education/Career Academy efforts.

Moanalua Middle School and Webling Elementary School are requesting waiver days for professional development and have stated that such training is integral to the schools' academic goals; for Moanalua Middle School, the training is recommended through their WASC accreditation process. Moanalua Middle School has also stated that teachers and staff need extended periods of time to analyze student data, create a school-wide plan for implementing the General Learner Outcomes (GLOs), and develop Tier 1 strategies aligned with the Hawaii Multi-Tiered Systems of Support. They are also requesting flexibility to conduct student-led conferences.

Moanalua Middle School and Webling Elementary School submitted their waiver request forms prior to the submission deadline, but due to oversight, their documents were not included amongst the other 250 waiver requests that the Board reviewed and approved on April 20, 2023.

Waiver requests have been reviewed and approved by school administrators, HSTA members, SCCs and respective Complex Area Superintendents and thoroughly vetted by the SCC ERC.

e. Arguments against the recommendation:

Of the four SCC Waiver/Exception requests, 75% (three) will result in a decrease in student instructional hours for all students or for students in particular grade levels. Less student instructional hours may make it difficult for students, especially vulnerable learners, to make gains in their academic achievement.

f. Findings and conclusions of the Board committee:

The SCC Exception Review Committee, composed of the Board designees, and representatives from the HSTA Bargaining Unit (BU) 05 and the Hawaii Government Employees Association (HGEA) BU 06, has agreed to this request.

g. Other agencies or departments for the State of Hawaii involved in the action:

None.

h. Possible reaction of the public, professional organizations, unions, Department staff and/or others to the recommendations:

Positive. All waiver requests have been reviewed and approved by administrators, HSTA members, and SCCs at the school-level and Complex Area Superintendents. Waiver requests have also been thoroughly vetted by the SCC Exception Review Committee composed of Board designees and members of both the HSTA BU 05 and the HGEA BU 06.

There may be questions or concerns about why the SCC Waiver Requests for Moanalua Middle School and Webling Elementary School were recommended for approval separately. However, the proper deadlines and procedures were followed by both schools.

i. Educational implications:

Explained on a case-by-case basis as stated in the school's SCC waiver request.

j. Personnel implications:

None.

k. Facilities implications:

None.

l. Financial implications:

None.

5. OTHER SUPPLEMENTARY RECOMMENDATIONS

None.

BA/CT:ktm

Attachments: Attachment A: Section 302A-251, HRS: School year; student hours

Attachment B: DOE Regulation 4510.3 Released Time for Conferences to Report  
Student Progress

c: Superintendent

Deputy Superintendents

Office of Strategy, Innovation and Performance

## B. Curriculum and Instruction

### Law Journals and Reviews

Helping Hawaii's Diverse Community of English Language Learners:  
Does the Hawai'i Department of Education Meet Federal Standards for  
English Language Learner Programs? 38 UH L. Rev. 35 (2016).

**§302A-251 School year; student hours.** (a) Notwithstanding any other law to the contrary, beginning with the 2011-2013 school years, all public schools, excluding charter schools and multi-track public schools, shall implement a school year of one hundred eighty days, excluding professional development days and other non-instructional days negotiated pursuant to chapter 89.

(b) Notwithstanding any other law to the contrary:

- (1) For the 2011-2012 school year, fifty per cent of all public elementary schools in the State, excluding charter schools and multi-track public schools, shall implement a school year that includes nine hundred fifteen student hours; and
- (2) Beginning with the 2012-2013 school year, all public elementary schools in the State, excluding charter schools and multi-track public schools, shall implement a school year that includes nine hundred fifteen student hours.

(c) Notwithstanding any other law to the contrary, for the 2015-2016 school year, all public secondary schools, excluding charter schools and multi-track public schools, shall implement a school year that includes nine hundred ninety student hours.

(d) Notwithstanding any other law to the contrary, beginning with the 2016-2017 school year, all public schools, excluding charter schools and multi-track public schools, shall implement a school year of one hundred eighty days, excluding professional development days and other non-instructional days negotiated pursuant to chapter 89, that shall include one thousand eighty student hours for both elementary and secondary school grades.

(e) The board, in its discretion, may grant a waiver to any individual school subject to the student hours or one hundred eighty day school year requirements in this section. The board shall adopt policies and procedures to grant a waiver under this subsection.

(f) For purposes of this section, "student hours" shall be inclusive of the full school day in alignment with the State's general learner



outcomes.

(g) The department of education, with the board of education and office of the governor, and in consultation with representatives of the affected collective bargaining units, shall submit to the legislature, no later than twenty days prior to the convening of the regular sessions of 2013, 2014, 2015, and 2016, a report on its progress and efforts to meet the requirements of subsections (a), (b), (c), and (d). [L 2010, c 167, §3; am L 2011, c 52, §1; am L 2015, c 21, §1]

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## **SP 4510: Parent Teacher Conference (Under Revision)**

Released time for conferences to report student progress are subject to the following regulations:

1. That dismissal of classes be limited to:
  1. The hour immediately before the end of the student day;
  2. Ten days in any one year.
2. That appropriate means to be determined by the principal that a majority of the parents approves the dismissal of classes for the purpose of holding conferences to report student progress.
3. That the plans for released time be made known to the district superintendent and approved in advance of the scheduled dates for dismissing classes.
4. That specific provisions be made for the evaluation of the released time project, including programs encountered.
5. That a report be made to the district superintendent on the results and evaluation of the first released time project in any schools.
6. That provisions be made to supervise students in school when dismissal prior to the regular time creates undue hardship on the parents.
7. That students not be penalized when the parents are unable or unwilling to participate in early dismissal provisions in the conferences.