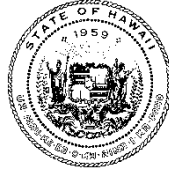


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July 30, 2020

TO: Board of Education

FROM: Catherine Payne
Chairperson, Board of Education

AGENDA ITEM: Board Action on Board expectations regarding: (1) focusing additional training and professional development days included in the revisions to the Department of Education's 2020-2021 school calendar on health, safety, and distance learning; (2) starting student instruction for the 2020-2021 school year in distance learning mode; (3) mandating masks on public school campuses; and (4) detailed, written, publicly posted guidance from the Department of Health

I. **BACKGROUND**

On July 23, 2020, the Board of Education ("Board") held a general business meeting at which several Board members expressed a desire to take action to respond to concerns from people that submitted written and oral testimony relating to the reopening of schools.¹ However, the Board's agenda did not have an item sufficiently specific to the issue for which the Board could deliberate and act while being compliant with the Sunshine Law (Chapter 92, Part I, Hawaii Revised Statutes). Thus, Board members requested a special meeting as soon as possible to deliberate on and address the issues.²

The agenda for today's special meeting already has separate items that focus on changing the school calendar and waiving requirements to school days and student instructional

¹ The minutes of the meeting are not yet available, but a recording of the meeting is temporarily available here (password is "HawaiiBOE2020" if prompted):

<https://hidoe.webex.com/hidoe/lr.php?RCID=c0a1fef0dc1491a82b55ad800055891>. The written testimony for the meeting is available in the testimony links on the meeting agenda webpage, available here: [http://boe.hawaii.gov/Meetings/Notices/Pages/July-23,-2020-General-Business-Meeting-\(Virtual\).aspx](http://boe.hawaii.gov/Meetings/Notices/Pages/July-23,-2020-General-Business-Meeting-(Virtual).aspx).

² Section 6.2 of the By-Laws of the Hawai'i State Board of Education states, "The Board Chairperson may call a special meeting of the Board at any time, subject to statutory notice requirements."

hours related to a calendar change. This agenda item covers the other four main concerns raised by Board members, based on concerns from testifiers, at the Board's last meeting, which are:

1. Focusing additional training and professional development days included in the revisions to the Department of Education's ("DOE") 2020-2021 school calendar on health, safety, and distance learning;
2. Starting student instruction for the 2020-2021 school year in distance learning mode;
3. Mandating masks on public school campuses; and
4. Detailed, written, publicly posted guidance from the Department of Health ("DOH").

II. DISCUSSION

Because each of the aforementioned four areas are primarily implementation and not policy, the intent of this action would be for the Board to clarify its expectations of how the Superintendent and the DOE will be carrying out operations in these areas. To be clear, any formal positions the Board takes regarding the four areas are not policies. Rather, these positions are the Board's expectations of the Superintendent and the DOE.

The four areas are described in more detail below.

Additional training and professional development days. During the Board's last meeting, Board members brought up personal conversations with school administrators who think additional days to train teachers and staff are necessary to prepare for the return of students to campus. Additionally, at least 137 school administrators submitted written testimony expressing concern with the opening schools on August 4, 2020 and their outstanding questions about how schools would be able to execute everything necessary to keep students and staff safe.

All staff and teachers who interact with the public and students need to receive appropriate health and safety training and understand the COVID-19 protocols relevant to their positions. Custodial staff, in particular, need health and safety training related to cleaning and sanitation protocols specific to COVID-19. In addition to relevant health and safety training, teachers should receive training to allow them to provide effective instruction in distance learning mode.

Like with any changes to the school calendar, additional training or professional development days are subject to collective bargaining. Depending on what changes the DOE and exclusive representatives agree to and the Board adopts, a revised calendar may include more professional development days. The Board may want to set expectations for how the DOE focuses these professional development days to ensure schools can safely open.

Starting in distance learning mode. During the Board’s last meeting, Board members discussed the possibility of gradually phasing to on-campus instruction by first having students start the school year in a distance learning instructional mode. Under this proposal, the first day for students on the school calendar would not change, and therefore, a change to the school calendar would not be necessary. Students and teachers would start instruction on August 4, 2020 in distance learning mode, giving teachers and administrators more time to adjust and prepare for students’ return to campus, and continue for at least two weeks. The nine half-days of on-campus instruction described in the Memorandum of Understanding between State of Hawaii and Hawaii State Teachers Association (SY2020-2021 COVID-19 Response), dated June 26, 2020 (hereinafter, “HSTA COVID-19 MOU”) would commence after the end of the full distance learning period.

There are competing concerns regarding serving students who do not benefit from distance learning. Board members can discuss whether the Board wants to provide in its expectation that schools should be given the latitude to determine whether there are students that need to have more intensive supports, including in-person supports, during this distance learning period and to provide those supports as schools deem necessary.

Mandating masks. During the Board’s last meeting, Board members discussed whether the Board or DOE should mandate face coverings (either masks, face shields, or a combination of both) on public school campuses.

Currently, no clear mandate exists regarding the use of masks on public school campuses, and there is varied and at times seemingly conflicting guidance from numerous sources. Current guidance from DOH and DOE do not require masks in the classroom but require masks outdoors. The HSTA COVID-19 MOU states that all individuals “should wear face coverings . . . consistent with public health guidance” but then appears to require masks for staff and students and provides an exception for face shields for teachers.³

The July 13, 2020 letter from Superintendent Christina Kishimoto and acknowledged by the Hawaii State Teachers Association (“July 13, 2020 HSTA Letter”) clarifies the Hawaii State Teachers Association and the DOE’s understanding of the HSTA COVID-19 MOU regarding face coverings. The July 13, 2020 HSTA Letter states, “Classroom teachers make decisions in their classrooms throughout the school day based on the instructional methods they are using for curriculum delivery. This many create a need for putting on or taking off masks,

³ Lines 100-109 of the HSTA COVID-19 MOU provides:

- i. All individuals, including employees, students, and campus visitors should wear face coverings that cover the mouth and nose consistent with public health guidance;
 - a. All staff should use face coverings unless HIOSH standards require respiratory protection.
 - b. Students should use face coverings.
 - c. Teachers can use face shields, which enable younger students to see their teachers' faces and to avoid potential barriers to phonological instruction.
- ii. In circumstances where sufficient physical distancing is difficult or impossible, within 6 feet of others, face coverings should be worn; with exceptions for those for whom it is not safe to do so due to age, medical condition, or other considerations.

therefore, in compliance with [the HSTA COVID-19 MOU], teachers will determine routines and rules related to wearing of face covering[s] in their particular classrooms.”

Board members can discuss whether the Board wants to mandate masks, face coverings, or a combination of both on public school campuses.

Department of Health guidance. While this matter did not come up explicitly during the Board’s last meeting, it has been the subject of numerous written testimonies. The absence of detailed, written, and publicly shared guidance from the DOH for schools has resulted in confusion and questioning of the guidance documents issued by the DOE. Without the ability to see the detailed guidance on which the DOE is relying, the public has resorted to questioning the DOE’s guidance. This lack of transparency has caused problems, delayed the implementation of guidance, and led to a general erosion of public trust. The Board should consider urging the DOH to post public, detailed, written guidance for schools and to update this guidance as necessary as new evidence emerges.

III. RECOMMENDATION

I have provided a proposal for each area for discussion purposes only. I am not necessarily in favor of these positions, but I want to provide a starting point for our discussions today.

Proposed motion: “Moved to adopt the following positions as the Board’s expectations for the Superintendent and the DOE on the reopening of schools for the 2020-2021 school year:

1. The Board expects any additional training and professional development days adopted as part of any changes to the school calendar to focus on health, safety, and distance learning to ensure schools can safely open and teachers and administrators are ready to provide instruction to students in distance learning mode;
2. The Board expects schools to begin the school year for students in distance learning instructional mode for at least two weeks or until the Superintendent believes all schools are prepared, whichever is longer. Schools may determine that students who do not benefit from distance learning can be provided more intensive supports, including in-person supports, during this distance learning mode period;
3. The Board expects everyone on public school campuses to wear a face mask (or a face shield if a medical condition prevents the extended use of a face mask); and
4. The Board expects the DOE to rely on detailed, written, publicly available guidance from the DOH when formulating its own guidance to schools and the Board urges the DOH to issue such guidance.”