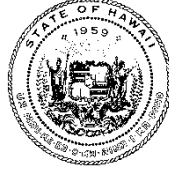


DAVID Y. IGE
GOVERNOR



CATHERINE PAYNE
CHAIRPERSON

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

July 15, 2021

TO: Board of Education

FROM: Catherine Payne
Chairperson, Board of Education

AGENDA ITEM: Board Action on Board Resolution on opening of schools for the
2021-2022 School Year

I. EXECUTIVE SUMMARY

- The Department of Education (“Department”), education stakeholders, and the public are anticipating opening schools at the start of the 2021-2022 school year.
- The proposed resolution is a way for the Board of Education (“Board”) to provide “big picture” guidance to the Department of its expectations for the reopening of public schools in the 2021-2022 school year.
- The proposed resolution focuses on four issues: (1) encouraging vaccination, (2) communication with families on school safety measures, (3) distance learning options, (4) continuing the designation of the Hawaii State Department of Health as the authority for advice and guidance on all COVID-19-related health matters.
- The proposed resolution does not apply to charter schools.

II. BACKGROUND

In response to the COVID-19 pandemic, the Department closed school facilities and stopped traditional, in-school instruction. Consequently, public school students did

not receive traditional in-school instruction during the fourth quarter of the 2019-2020 school year and instead primarily had access to enrichment opportunities through various forms of distance learning. At its May 21, 2020 general business meeting, the Board adopted a resolution to provide high-level guidance to the Department regarding summer school to address possible learning loss and better prepare students for the 2020-2021 school year (“2020 Summer School Resolution”).¹

On May 18, 2020, Governor David Ige signed his Eighth Supplementary Proclamation Related to the COVID-19 Emergency, which allows educational institutions, including public prekindergarten through Grade 12 schools, to restart onsite operations on June 1 with physical distancing and safe practices in place. The proclamation includes a roadmap that would eventually allow educational institutions to continue onsite operations with adjusted safe practices.²

At its June 4, 2020 meeting, the Board solicited and discussed the expectations, questions, and concerns that its members, education stakeholders, and the public have about reopening schools and providing a quality education for students while living with the threat of COVID-19.³ The Board used a framework to identify and organize the various questions, concerns, and issues, and invited the public to provide comments through June 5, 2020.

At its June 18, 2020 meeting, the Board adopted a resolution directing the Department of Education to prepare for the reopening of public schools for the 2020-2021 school year amid the COVID-19 global 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 (“2020 School Reopening Resolution”).⁴ The Board adopted this resolution to provide “big picture” guidance to the Department of

¹ The Board’s May 21, 2020 resolution is available here:

[http://boe.hawaii.gov/Documents/2020%20Summer%20School%20Resolution%20\(executed\).pdf](http://boe.hawaii.gov/Documents/2020%20Summer%20School%20Resolution%20(executed).pdf).

² Governor Ige’s Eighth Supplementary Proclamation is available here: https://governor.hawaii.gov/wp-content/uploads/2020/05/2005088-ATG_Eighth-Supplementary-Proclamation-for-COVID-19-distribution-signed.pdf.

³ For more information on the background and purpose of the discussion, see Board Chairperson Catherine Payne’s memorandum dated June 4, 2020, available here:

http://boe.hawaii.gov/Meetings/Notices/Meeting%20Material%20Library/GBM_20200604_Presentation%20on%20request%20for%20feedback%20regarding%20reopening%20of%20schools.pdf.

⁴ The Board’s June 18, 2020 resolution is available here:

[https://boe.hawaii.gov/Documents/2020%20School%20Reopening%20Resolution%20\(executed\).pdf](https://boe.hawaii.gov/Documents/2020%20School%20Reopening%20Resolution%20(executed).pdf).

The memorandum accompanying the resolution can be accessed here:

https://boe.hawaii.gov/Meetings/Notices/Meeting%20Material%20Library/GBM_20200618_Action%20on%20Resolution%20directing%20school%20reopening.pdf

its expectations for the reopening of public schools in the 2020-2021 school year and communicate its expectations to the Department and the public.

On June 3, 2021, the Department presented on its plans for opening schools for the 2021-2022 school year, which included information on distance learning options, the process for updated guidance from Hawaii State Department of Health, the status of Board Metrics on Health and Safety (personal protective equipment and cleaning supplies, social distance, and classroom ventilation), and its plans to support schools to address requirements of Board Metrics on Health and Safety (“2021 Opening of Schools Presentation”)

At the Board’s June 17, 2021 general business meeting, I proposed that the Board adopt another resolution, similar to the Board’s 2020 School Reopening Resolution, to provide its guidance on opening schools for the 2021-2022 school year and to communicate its expectations to the Department and the public. At that time, my proposal was for discussion purposes only. Board members expressed support for the proposed provisions in my draft resolution.

III. DISCUSSION

A draft of the resolution is attached as **Exhibit A**; I did not make any changes to the draft that was proposed at the Board’s June 17, 2021 general business meeting. As I did with the 2020 Summer School Resolution and 2020 Reopening Resolution, I opted to use this resolution as the vehicle again to establish an interim policy guidance document, which is less permanent than Board policies, tailored to the specific situation while still setting forth the Board’s positions. Note that while I prefer a resolution as the vehicle, I am still urging my fellow Board members to consider and deliberate on the contents to ensure it sets sensible policy guidance and sends a meaningful message.

The proposed resolution considers the feedback from Board members at both the Board’s June 3, 2021 special meeting on the Department’s Opening of Schools Presentation and the June 17, 2021 general business meeting on the proposed resolution, as well as questions and concerns from the public. Many of the specific comments received regarding the Department’s Opening of Schools presentation were detailed concerns best addressed by the Department in its guidance and implementation, but given the wide variation in opinions and concerns, I do not expect the Department to make everyone happy, nor is that the point of guidance.

The intent of this draft resolution is to provide “big picture” guidance of the Board’s expectations for the opening of public schools in the coming school year. Once adopted, the Department (and charter schools, if they so choose) would use this resolution to guide its implementation work with the hope of keeping everyone in the public education system on the same page. The resolution is also a means to communicate to parents, guardians, the public, and education stakeholders about the Board’s expectations for the reopening of public schools.

Much has changed over the past year since the Board adopted the 2020 School Reopening Resolution. We know more about COVID-19 and how to effectively prevent its spread through vaccines and mitigation measures. There is a more established system for establishing and communicating guidance relating to COVID-19 at the federal, state, and local levels. As a result, this resolution is not as broad as the 2020 School Reopening Resolution and instead focuses on four issues: (1) encouraging vaccination, (2) communication with families on school safety measures, (3) distance learning, and (4) continuing the designation of the Hawaii State Department of Health as the authority for advice and guidance on all COVID-19-related health matters.

Encouraging Vaccination. Last year, the Board took the position that in-person instruction, where the teacher delivers face-to-face instruction in the same physical space as students, was the preferred instructional delivery method. At the time, the Board understood that it was unlikely that most schools would be able to provide in-person instruction, which is why it adopted definitions of distance and hybrid learning (as discussed below). I believe that in-person instruction remains the preferred instructional delivery method for most students and that COVID-19 vaccination is an important key to get as many students and teachers as possible back in physical classrooms quickly and safely. One of the most significant changes from last year is the availability of effective COVID-19 vaccinations for individuals over the age of 12. The data indicate that these vaccines are able to effectively reduce spread and minimize the seriousness of the illness.

The Board and Department do not have the authority to make COVID-19 vaccinations mandatory for students to attend school. That is the purview of the state Department of Health. I believe, however, that it is important for the Board to encourage schools and their communities to vaccinate as many people as possible to help us bring our students and staff back into classrooms quickly and safely. Schools and communities can help to remove barriers to vaccination by doing things like hosting mobile vaccination sites to provide access; sharing personal stories;

ensuring vaccination information is distributed in languages common to the school community; and educating students, families, and communities about vaccination.

Communication with Families. Another key element in bringing students back to classrooms is ensuring that their families are comfortable with the health and safety measures schools have put in place. Over the past year, schools have worked diligently to ensure that layers of mitigation measures are in place. Schools have focused on three main mitigation strategies (masking and cleaning, social distancing, and ventilation) and the Board has tracked health and safety metrics relating to these strategies over the past year.⁵ Data on health and safety metrics are publicly available for each school, but most parents and families do not have the time to monitor data dashboards. I would like to encourage schools to reach out to families, particularly those that are reluctant to send their children back to a school campus, to explain what the schools are doing to ensure the health and safety of their children. Invite families to school campuses to show them what is being done and share their data. Schools should distribute this information in languages common to the school community. I am confident that many parents will feel reassured by what they see and appreciate the care and thoughtfulness that schools have put into their health and safety procedures.

While the health and safety measures show the likelihood of preventing the transmission of COVID-19 in schools, there is evidence that public schools have successfully mitigated or eliminated COVID-19 spread over the past year. I believe that this information should be publicly shared. Having reviewed daily reports on reported, positive cases (both suspected and confirmed) at each Department and charter school, I am confident that schools have demonstrated their ability to successfully mitigate or eliminate COVID-19 spread in public schools. This confidence, however, is the result of being able to see the reports for each school. Currently, the Department releases weekly reports of cases by complex area. It is difficult to tell from these reports whether there is spread in a particular school, as information on the COVID-19 cases at each school is not available.

Distance Learning. The Board's 2020 School Reopening Resolution directed the Department to strive to provide as much in-person instruction as practicable in a safe manner, but the Board realized that, given the circumstances in June 2020, it was highly unlikely that all schools would be able to use in-person instruction every day during the 2020-2021 school year. Because of this, the Board's 2020 School

⁵ The Board's metrics and current data are available on the 2020-2021 Board of Education (BOE) Metrics dashboard, which can be accessed here: <https://www.hawaiipublicschools.org/ConnectWithUs/MediaRoom/PressReleases/Pages/Return-to-Learn--Metrics.aspx>

Reopening Resolution included definitions of the terms in-person learning, distance learning, and hybrid learning. These terms were categories, not limitations, which allowed a wide variety of scenarios to fit into each of these categories. I believe that these definitions were helpful and should be adopted in the 2021 School Opening resolution. I further believe that the definition of distance learning needs to be expanded to allow for the delivery of instruction via software programs. The Department entered into a contract with K12/STRIDE to replace Acellus Learning Accelerator distance learning program (“Acellus”). My understanding is that K12/STRIDE can be used in a variety of ways, ranging from a stand-alone software program that can be used by a student with an adult at home to a teacher using the K12/STRIDE content to deliver instruction online or supplement teacher-created content. The definition of distance learning should be expanded to include the scenario where the software delivers instruction. I do not believe that software-delivered distance learning is the best way to deliver instruction for most students, but I am also cognizant that school resources are stretched thin and many schools may not be able to offer much more than software-delivered distance learning for students who do not want to return to a school campus. That being the case, there are still families who are not comfortable with sending their children to a school campus or whose children have performed well in a distance learning setting. I want to ensure that as many students as possible have an option in public education and are not forced to exit the public education system. To be clear, these definitions only go to the delivery of instruction; student progress, among other things, will still need to be monitored by a school and a teacher must still issue grades.

Schools and families should work together when determining whether a student being in a full distance learning program is in the best interest of the child. Schools should share information on the student’s progress and needs and how the different instructional modes could help to address those needs and enhance the student’s strengths. Families need to be able to take this information and weigh it against competing needs or desires. Both parties need to work together to determine what is in the best interest of the child.

During the Department’s 2021 Opening of Schools Presentation, Superintendent Christina Kishimoto made it clear that she was not requiring schools to offer distance learning and that each school could elect to offer a distance learning option if it had the inclination and resources. While I understand that schools will be making these decisions, the Department should collect information on which schools are offering distance learning programs and make it easily for families to access this information. The Department should also get a description of the distance learning program schools are offering so families understand things like whether the distance learning

program is teacher led or if instruction is primarily being delivered by software. The Department should also track whether the school is able to accept students in its distance learning program so that families do not have to call multiple schools only to be told that nothing is available.

In order to reduce further burden on schools, I would also like the Board to direct the superintendent to consider the feasibility of offering distance learning at the state or complex area levels. If there is a way to centralize the provision of these services so that resources are used more efficiently, then we should explore this option. The state and complex area levels may also be able to provide additional support for schools by coordinating the consolidation of students that elect for a full distance learning model. I am aware of similar existing models where students in alternative learning programs remain on the roster of their home school while receiving instruction elsewhere. Before the beginning of the next school year, the superintendent should report on the Department's plans for distance learning so that families can plan accordingly.

I believe that we have learned a lot over the last year about ways to use technology to deliver instruction. There are strengths and weaknesses in the technology itself. There are teachers and students who have excelled in using distance learning and technology, and I do not want to lose the opportunity to incorporate this knowledge into our system. I would like the superintendent to look at the costs and benefits of offering distance learning as a long-term option and to use this information to examine possible policy changes.

Because distance and hybrid learning will likely be features of the 2021-2022 school year, the Board should continue to ensure that when schools calculate instructional days and hours, distance and hybrid learning hours are equivalent to in-person learning. This was in the Board's 2020 School Reopening Resolution and should be extended through the next school year.

Department of Health. While much has changed over the past year, one thing that has not is the importance of health and safety. I continue to believe it is imperative for the Board to identify a single designated expert source on COVID-19. We know more about COVID-19 than we did before, but information continues to change rapidly and much of the information circulating is outdated, inaccurate, or even disingenuous. The wide-ranging opinions the Board has received and continues to receive from families, staff, and the public about the severity of COVID-19 and how to combat it illustrates the challenges of sifting through the onslaught of information and misinformation. Neither the Board nor Department are medical experts or public

health authorities. Therefore, we must rely on a designated expert source of information on COVID-19 to inform our decisions. As part of Hawaii's state government, the expert source for the Board and Department should be the state Department of Health. There will be changes to the Department of Health's guidance as we learn more about COVID-19; some of the new guidance may contradict the old guidance. That is a reality that we have to accept, but we must adapt and change when it makes sense to do so. Part of relying on the state Department of Health is understanding that changes to guidance will take more time. If the Centers for Disease Control and Prevention ("CDC") releases guidance, it will take additional time for the state Department of Health to review this guidance and determine how it applies to Hawaii given the context of local conditions and laws. There may be an additional step if the state Department of Health needs to determine whether to provide guidance to schools that differs from guidance to the general public. While this process may take more time, I believe that it brings greater stability to the overall system so that schools and families are not forced to make last-minute reactionary decisions to every study or recommendation released from other sources.

Charter Schools. Each charter school is governed by its own governing board, not by the Board. The proposed resolution is not designed to apply to charter schools. Charter school governing boards can elect to follow the provisions in the resolution if they want or modify them to meet their situations. Whatever charter school boards decide to do, the Board urges charter schools to communicate clearly to students, families, and school personnel. I would also like to encourage charter schools to share data on the areas that the Board will be tracking through its metrics so that the Board and larger public education system can understand charter school needs and issues, but in no way are charter schools required to do so.

IV. RECOMMENDATION

Proposed Motion: "Motion to adopt the resolution attached as Exhibit A to Board Chairperson Payne's memorandum dated July 15, 2021."

Exhibit A

Proposed Board Resolution



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

RESOLUTION OF THE BOARD OF EDUCATION

1 ENCOURAGING VACCINATION, DIRECTING THE DEPARTMENT OF EDUCATION
2 TO COMMUNICATE WITH FAMILIES ON SCHOOL SAFETY MEASURES, TO OFFER
3 DISTANCE LEARNING FOR THE 2021-2022 SCHOOL YEAR, AND TO RELY ON THE
4 DEPARTMENT OF HEALTH FOR ADVICE AND GUIDANCE ON ALL COVID-19-
5 RELATED HEALTH MATTERS
6

7 **WHEREAS**, On March 4, 2020, Governor David Y. Ige issued an emergency
8 proclamation declaring a disaster emergency relief period due to the COVID-19
9 pandemic;
10

11 **WHEREAS**, Public schools were not open for traditional, in-person learning
12 during the fourth quarter of the 2019-2020 school year;
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14 **WHEREAS**, On June 18, 2020, the State of Hawaii Board of Education (the
15 “Board”) adopted a resolution directing the Hawaii State Department of Education (the
16 “Department”) to prepare for the reopening of schools for the 2020-2021 school year
17 amid the COVID-19 pandemic;
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19 **WHEREAS**, The COVID-19 pandemic required our public school system to pivot,
20 adjust, and add new capacities and capabilities to mitigate health risks to a reasonable
21 extent while delivering effective instruction to all students;

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WHEREAS, Public schools used a range of instructional delivery modes, which are methods for delivering course instruction, during the 2020-2021 school year, including:

- 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;

WHEREAS, The Department plans to make in-person learning the default instructional delivery mode for all public school students for the 2021-2022 school year;

WHEREAS, COVID-19 vaccines are currently available for adults and children 12 and over;

WHEREAS, The Department provided information on COVID-19 cases in schools by complex area during the 2020-2021 school year;

WHEREAS, The Department plans to offer hybrid and distance learning only on a school-by-school basis for the 2021-2022 school year as determined by the respective school principal and as resources permit;

WHEREAS, The Department made a significant investment in time, energy, and resources during the 2020-2021 school year to ensure schools would be able to

52 implement hybrid and distance learning, including investments in professional
53 development, devices, connectivity, and online learning programs and platforms;

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55 **WHEREAS**, Distance learning appears to be more effective than in-person
56 learning for some students even if in-person learning appears to be more effective than
57 distance learning for the majority of students; now, therefore,

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59 **BE IT RESOLVED** that the Board encourages all staff, students, and their
60 families to get vaccinated from COVID-19 and urges communities to support efforts to
61 get all students back to in-person learning quickly and safely by helping to remove
62 barriers to vaccination, leading by example, and through education; and

63
64 **BE IT FURTHER RESOLVED** that the Board directs the Department and schools
65 to communicate with families openly and frequently about the measures the schools are
66 taking to keep students healthy and safe in schools and the number of cases at each
67 school to build and strengthen family confidence in the schools' ability to minimize or
68 avoid the spread of COVID-19 in schools; and

69
70 **BE IT FURTHER RESOLVED** that the Board hereby adopts the following
71 definitions of instructional delivery modes for the 2021-2022 school year; schools can
72 do and use a range of instructional delivery modes within this spectrum: Department
73 having an opportunity to share what is being done to bring kids back safely.

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- 75 a. In-person learning, where the teacher delivers face-to-face instruction in
76 the same physical space as the students;
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 - 78 b. Distance learning, where a software program delivers instruction or the
79 teacher delivers instruction virtually or online through web-based or
80 internet-based mediums or delivers instruction through other remote
81 mediums; and

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83 c. Hybrid learning, where the teacher delivers instruction using both in-
84 person and distance learning methods;

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86 **BE IT FURTHER RESOLVED** that the Board hereby directs the Department to
87 work with families who want their children in a full distance learning program because
88 (a) they do not feel comfortable sending their children to a school campus and would
89 like to keep their children at home, or (b) their children performed well academically,
90 socially, and emotionally in a distance learning setting, provided that the child's school
91 works with the child's parents or guardians to determine whether a full distance learning
92 program is in the best interest of the child; and

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94 **BE IT FURTHER RESOLVED** that the Board directs the Superintendent to
95 develop and maintain an easily accessible listing of schools that offer full distance
96 learning programs along with a description of the distance learning program and
97 whether those schools are currently accepting geographic exceptions to make it easy
98 for families to find full distance programs; and

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100 **BE IT FURTHER RESOLVED** that the Board directs the Superintendent to
101 consider the feasibility and viability of offering distance learning at the state or complex
102 area levels for the 2021-2022 school year rather than on a school-by-school basis in
103 order to pool resources and expertise and reduce the burden on individual schools; and

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105 **BE IT FURTHER RESOLVED** that the Board directs the Superintendent to report
106 to the Board on July 15, 2021 with plans to offer distance learning for the 2021-2022
107 school year, including a communication plan to students, parents and guardians,
108 teachers, and principals; and

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110 **BE IT FURTHER RESOLVED** that the Board directs the Superintendent to
111 analyze and evaluate the costs and benefits of offering statewide distance learning
112 options report to and work with the Board's Student Achievement Committee on
113 potential long-term policy changes; and

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BE IT FURTHER RESOLVED that the Board decrees that the Department may consider distance learning and hybrid learning equivalent to in-person learning for purposes of calculating instructional days and student hours and meeting the requirements of Section 302A-251, Hawaii Revised Statutes (“HRS”), provided that the Department issues clear directives to schools and guidance to families and the public regarding how Department schools must calculate instructional days and student hours in distance learning and hybrid learning settings; and

BE IT FURTHER RESOLVED that the Board decrees that public school students engaged in distance learning being delivered by the Department shall be considered in attendance at a public school for compulsory attendance purposes, pursuant to Section 302A-1132, HRS, provided that the Department issues clear directives to Department schools and guidance to families and the public regarding how Department schools are to determine whether a student is engaged in distance learning and in attendance; and

BE IT FURTHER RESOLVED that the Board considers the Department of Health to be the State of Hawaii’s designated public health authority and the sole source of expertise on COVID-19 for state departments and agencies; and

BE IT FURTHER RESOLVED that the Board directs the Department to continuously work with and rely on the Department of Health for any and all updated and current advice and guidance on all COVID-19-related health matters affecting the Department’s operations as the Department of Health deems necessary, including guidance on social distancing, face masks, and ventilation; and

BE IT FURTHER RESOLVED that the Board urges the Department of Health to commit to providing timely, accurate, and up-to-date advice and guidance to the Department to allow it to operate with maximum flexibility while ensuring the health and safety of thousands of students, families, and employees; and

145 **BE IT FURTHER RESOLVED** that the policies, directives, requests, and
146 positions contained herein shall be effective immediately and expire on June 30, 2022,
147 unless terminated earlier or extended to a later date by a subsequent action of the
148 Board; and

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150 **BE IT FURTHER RESOLVED** that the Board directs the Board Chairperson to
151 transmit this resolution to the Governor, Legislature, and Department of Health; and

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153 **BE IT FURTHER RESOLVED** that the Board directs the Superintendent to
154 distribute this resolution to all Department assistant superintendents, complex area
155 superintendents, directors, and principals; and

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 This resolution was proposed and approved by the Board at its _____, 2021
General Business Meeting.

Catherine Payne