Background

In 2002, HEPC and the Dean of the College of Education, at UH Mānoa provided policy makers with the following list of questions that might be asked for any educational reform effort. Not all reforms have a direct impact on student learning and the classroom. Some system reforms are aimed at clarifying governance, adding more community input, decentralizing accountability, and distribution of authority among stakeholders. Some proposals may have both positive and negative impacts. The questions listed below focus attention on the primary goals for education. It may be helpful to examine each proposed reform in terms of these issues. They represent a checklist to measure the value, scope, and unintended consequences of educational reform proposals.

1. Does it improve the school or classroom physical environment?

2. Does it increase or decrease the ability of the school to know what is going on with each student, student recognition that they are not or cannot be lost in the crowd, or the amount of unsupervised time in each student’s day?

3. Does it change student attitudes toward learning, opportunities/time/requirements to read and write challenging materials, ability to complete homework, or the use of technology, quality textbooks and take-home materials?

4. Does it increase or decrease critical thinking components of the curriculum, achievement of performance standards in each subject, the danger of only teaching for the test, the school’s ability to respond to diverse styles, paces or cultural preferences for learning, and individual talents among students?

5. Does it change teacher attitudes toward teaching, time for teachers to prepare lessons, acquire in-service training, assign (and correct) challenging homework, or build on what was taught the previous semester or year?

6. Does it increase or decrease paperwork for the teachers, school administrators, or staff?
7. Does it increase or decrease the school administrator’s time or ability to support teachers?

8. Does it change community and parental attitudes toward education and the school, or the quality of the communication between the school, its parents, and the community?

9. Does it increase or decrease the ability of the parents, the school and teachers to compare data and achievements with others?

10. Does it increase or decrease the desire to attend, teach at or work at a school?

The above list, generated at a time of significant reforms, illustrates that many of the general concerns over reform are applicable to general policy making as well.

**Additional Questions for the Assessment of Policies**

In the context of the policy making process, there are additional questions that might be asked in a major policy review and update. These include:

(1) Is the purpose of the policy clear and understood the same way by various stakeholders?
(2) Is the policy intended to apply to all public schools in Hawai‘i or only to Department schools? This is a major issue for revising the policies.
(3) Is there agreement as to how the Board would determine if the policy was successful?
(4) Does the policy contain terms for which clear definitions are required?
(5) What are the assumptions about the policy in terms of time, resources, approvals, stakeholder and public input?
(6) Does the budget need to reflect the assumptions of adopting the policy?
(7) Is the policy consistent with flexibility and authority in existing laws, rules, plans and collective bargaining agreements?
(8) What aspects of the policy are designed to meet several goals?
(9) What unintended possible consequences might result from the policy?
(10) Is the policy consistent with independent research or experiences from other states?

In the wake of the two-day conference sponsored by the Educational Institute of Hawai‘i, HEPC began an initial review Board of Education existing and proposed policy revisions. HEPC found that there were significant indications of a continued preference for decision-making above the school level.

The following policies were copied directly from the HIDOE web page. Sections selected in the brief include wording that is highlighted in bold and underlined. For each section which may justify re-consideration, HEPC has added comments in brackets explaining the potential link to a future school empowerment agenda.
POLICY 500.4 - DUTIES AND RESPONSIBILITIES OF THE SUPERINTENDENT

The superintendent shall be responsible for:
1. Serving as secretary to the board of education.
2. Performing all duties necessary to the proper conduct of the department, subject, however, to the approval of the board.
3. Planning, organizing, staffing, directing and controlling the educational program, finances, personnel and facilities of the department.
4. Advising the board in relation to general policies and keeping them informed as to important educational developments.
5. Bearing final responsibility to the board for the proper functioning of the department.

[Comment: This policy makes it very clear that schools do not have approval authority for planning organizing, staffing, directing and controlling program or finances. While it is common to hold a Superintendent accountable for management of the department, management, guidance, support, and departmental functioning are not the same as having “control” overall all functions at a school. If this is not the intent, clarification may be justified.]

POLICY 500.10    FUNCTIONS OF DISTRICT OFFICES

The major functions of the district office shall be:
1. Administering and supervising the programs of the department, except the public libraries, in all public schools within the district.
2. Planning, directing and evaluating all activities of the schools within the district.
3. Keep the board members of the district and the district school advisory council informed of the activities within the district.

[Comment: The district offices, where the CAS resides, reports to the Superintendent. This policy suggests that it is the District that “plans” and “directs” all the schools.]

POLICY 500.24 - OPENING AND CLOSING HOURS OF SCHOOL

Each Complex Area Superintendent shall establish the opening and closing hours of a new school and may alter the same in an existing school.

[Comment: This makes it clear that the CAS is in charge of the opening and closing hours of a school, not the school principal.]
POLICY 500.23 - SOLICITATIONS BY DEPARTMENT PERSONNEL AND STUDENTS

Solicitations of any kind within the school and in the community by department personnel and students shall not be permitted except for activities approved by the principal, Complex Area Superintendent or Superintendent of Education.

[Comment: It is not really clear if the intent is that all three must approve, or any one of the three.]

POLICY 500.28 - APPLICATION AND ALLOCATION OF FINANCIAL RESOURCES

All funds available to the department shall be considered as means of financing approved programs of the board and shall be allocated by the superintendent except that federal funds must be used as approved by the appropriate agency of the United States Government.

[Comment: On its face this policy is understandable, except when a school receives a direct grant or donation to support its programs. It may be appropriate to consider if there are some funds that a school would have control over, rather than the superintendent.]

POLICY 500.19 SCHOOL COMMUNITY COUNCILS

Implementation of a school community council requires the collaborative involvement of the stakeholders of the school: principal, teachers, non-certificated staff, parents, students, and other community members. The functions of the school community council are to:

- review the academic and financial plan and either recommend revisions of the plans to the principal, or recommend the plans for approval by the complex area superintendent; ensure that the school’s Academic and Financial Plan is aligned with the educational accountability system;

- participate in the selection and evaluation of the principal; provide opportunities for input and collaboration;

- recommend to the principal the school’s repair and maintenance needs; recommend, develop, amend, or approve school-level policies and rules;

- request waivers from state agency policies, rules, procedures, and exceptions to collective bargaining agreements, if such exceptions or waivers will improve student achievement.

The Department of Education (Department), through the Board and the Superintendent, shall establish a school community council system for Hawai’i’s public schools.
The Department shall establish school community councils in all public schools as specified by state law and shall establish procedures to support implementation of school community councils. The procedures shall:

1. Encourage and facilitate increased participation and input by parents, students, community members, and the school staff in the affairs of their schools;

2. Provide clear and concrete delineation of powers and responsibilities among the school community council, principal, complex area superintendent, and Board;

3. Provide an outline of decision making processes that may be used by the school community council; provided that each school community council decision making process includes a fallback procedure whereby the final recommendations of the school community council are made by majority vote, by the principal, or by some other method that is agreed upon by the school community council;

4. Require a well-articulated vision, mission, school improvement process, Academic and Financial Plan, School Community Council By-laws, a commitment to collaboration, and procedures for the recommendation of the Academic and Financial Plan to the complex area superintendent for approval as delineated in Act 51, Session Laws of Hawai‘i 2004;

5. Specify that decisions regarding the Academic and Financial Plan shall be guided by the legal responsibilities of the Department in the areas of federal and state laws, safety and health, fiscal responsibility, civil rights, and collective bargaining;

6. Define the authority and responsibility of the school principal to facilitate the school community council process, handle the day-to-day operations of the school, implement the policies of the Board, and provide technical assistance in sharing collective bargaining agreements, federal and state laws, policies, and guidelines in the decision making process;

7. Require a focus on student achievement and provision for objective periodic assessment of the school community council process at the school; and

8. Require conformance with all state laws, rules, and Board policies. Upon request, schools shall provide the results of their objective periodic assessment of the school community council process and other information to the Department and/or Board.

SCC functions and Links from the HIDOE Web Page:  
http://www.hawaiipublicschools.org/ConnectWithUs/GetInvolved/SCCs/Pages/Functions.aspx
Board of Education Policy 2411 describes the major functions of the School Community Councils:

- Review the school Academic Plan and Financial Plan and either recommend revisions of the plans to the principal, or recommend the plans for approval by the complex areas superintendent. Learn more.
- Review evidence of school progress on the implementation of the Academic Plan.
- Participate in the principal selection and evaluation process. Learn more.
- Submit requests for waivers to policies, rules, procedures and exceptions to collective bargaining agreements to improve student achievement. Learn more.
- Provide recommendations for revising or creating new school level policies and procedures;
- Review principal’s determination of school’s repair and maintenance needs; and
- Provide opportunities for community input and collaboration.

The role of the SCCs is to focus their responsibilities on the goals of the school, and, in an advisory capacity, provide direction, coordination, and communication to improve teaching and learning that results in greater student achievement.

The School Community Council:

- **Is not a governing board;**
- Does not hire and fire the principal;
- Does not control school finances;
- Does not evaluate teachers or other staff;
- Is not a forum for promoting personal agendas; and
- Is not a body whose members “represent” constituencies.

The SCC Activities Checklist and Timeline provides a calendar of activities and key due dates for the above functions and responsibilities.

**Approval and Appeal Process**

There is a clear and concrete delineation of powers and responsibilities among the school community council, principal, complex area superintendent, superintendent and Board of Education. The Matrix of Act 51/221 Requirements summarizes the responsibilities of each role group as described in the state statute.

The SCC will be involved in making decisions regarding school improvement with a focus on increasing student achievement. Decision making will include approving or not approving issues brought before the SCC. It is important for the council to understand the approval process and the authority within the DOE, BOE, and respective Unions who are authorized to provide the final approval for such decisions. Learn more about the Approval Process.
An appeal process provides steps and timelines for SCCs to appeal decisions made by the principal, complex area superintendent, or superintendent.

- Learn more about the Appeal Process.

[Comment: The HIDOE web page makes it very clear that the School Community Council has little to no authority in terms of governance. It reports to the Principal sometimes, and the Complex Area Superintendent mostly. Links on the web page prescribes forms, timelines, and makes it clear that the SCC is to managed and directed from above.]

POLICY 500.20 - SCHOOL COMMUNITY COUNCIL WAIVERS AND SCHOOL COMMUNITY COUNCIL EXCEPTIONS

The Board of Education (Board) has established procedures whereby School Community Councils (SCC), upon application to the Board, may be granted waivers from specific Board policies or rules and/or may be granted exceptions to specific provisions of labor agreements to which the Board is a signatory. The Department of Education (Department) shall administer the procedures and make them widely available to the public.

Requests for waivers from rules not under the direct control of the Board shall be forwarded to the appropriate governmental agency by the Department.

Waivers and exceptions are designed to enhance flexibility in order to facilitate school improvement. Schools are encouraged to explore alternate solutions before seeking waivers or exceptions to collective bargaining agreements.

Schools shall ensure that requests for waivers and exceptions align with their respective school's Academic and Financial Plan and demonstrate how the waiver or exception will improve student learning and increase student achievement.

To facilitate its commitment to School Community Councils and to make the process of obtaining waivers less burdensome and less time-consuming, the Board hereby establishes the category, "Generic Waiver and/or Exception" to which the Board may assign any request.

Generic waivers and/or exceptions have been found by the Board to have sufficient merit or be sufficiently routine so as to justify automatic approval* upon application by a school. The Superintendent shall maintain an up-to-date list of SCC Waivers and SCC Exceptions.

Exceptions that have been designated "Generic" by the Board, and shall approve upon receipt, all requests from schools for such waivers or exceptions.* A list of SCC Waivers and SCC Exceptions, along with the stipulations for automatic approval, that have been designated “Generic” by the Board, is provided in the attachment.
The Board, for reasons it finds appropriate, may remove the "Generic" designation from a waiver or exception at any time without necessarily affecting the status of schools previously granted such waivers or exceptions under this policy.

All requests for waivers or exceptions not designated by the Board to be "Generic" shall require Board approval.

[Comment: This policy appears to encourage innovation by schools through two kinds of waivers. For anything other than routine or generic requests, the waiver requests must always go all the way up the chains of command to an agenda item at the BOE level. It is not clear how long this typically will take, or if this is something that a school cannot handle.]

GENERIC WAIVERS/EXCEPTIONS

1. Creating No More Than Two (2) Staff Development Days by Adjusting the School’s Calendar (October 24, 1996)

The following stipulations shall apply:
- The school shall submit a chronology of involvement that documents community support for this initiative;
- An evaluation shall be conducted to include the use of student achievement data and full-day teacher attendance information, and the results shall be available as a public document;
- The complex area superintendent shall review the request to assure that the request is in alignment with the school’s Academic and Financial Plan;
- There shall be no additional cost to the Department of Education; and
- There shall be a definite plan/agenda for the time spent on staff development.

2. Withholding the Posting of Probationary Teacher Positions to Retain Probationary Teachers (October 24, 1996)
3. Distributing Grade Level Chairpersons’ Pay Differentials to Other Faculty Members (November 5, 1998)
4. Reporting Quarterly Grades for Schools (November 5, 1998)

The following stipulations shall apply:
- The school shall be flexible to accommodate students who need up to the last day of the quarter to turn in their work; and
- This expectation shall not be punitive on its application to grades.

[Comment: The above attachment to the policy suggests that there may be a considerable level of time, effort and paperwork involved in seeking a waiver. It also suggests that the CAS is more than an advisor but must actually agree with and approve the waiver request before it can be
implemented. The policy should be compared to the following section of State law that appears to encourage waivers.

§302A-1126 Waiver of policy, rule, or procedures. 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. [L 1996, c 89, pt of §2; am L 2004, c 51, §26]

Conclusions

This initial review of selected BOE policies was done through the lens of school level empowerment. The new Governor of Hawai‘i, as well as the Education Institute Hawai‘i and other stakeholders are beginning to question the highly vertical, top-down approach to compliance and accountability within the HIDOE. Many general statements and assertions have been made regarding the existing management and governance system.

HEPC concludes that even with the currently proposed Board of Education policy revisions, the overall approach continues to place authority for many decisions above the school level.