

**Opening of the  
School Year Packet  
for School Year  
2022 - 2023**

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**All  
Department of Education  
Employees**

*An electronic copy of this packet is available on  
DOE Memos & Notices on Lotus Notes  
dated 5/26/2022*

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**STATE OF HAWAII  
DEPARTMENT OF EDUCATION**

P.O. BOX 2360  
HONOLULU, HAWAII 96804

OFFICE OF THE SUPERINTENDENT

**ANNUAL MEMO**

May 26, 2022

TO: Department of Education Employees (All)

FROM: Keith T. Hayashi   
Interim Superintendent

SUBJECT: **Opening of the School Year Packet for School Year 2022-2023**

As we embark upon the beginning of another school year, it is very important to inform all of our employees of the Hawaii State Department of Education's (Department) expectations, so we are all prepared to support student success.

Please be advised that as an employee of the Department, you are required to follow all Board of Education (BOE) policies, as well as Department procedures and regulations, including guidelines and profiles. Failure to do so may subject you to disciplinary action. Any such action will be taken in accordance with laws, policies, regulations, rules, and collective bargaining agreements.

An electronic copy of the Opening of the School Year Packet (OSYP) will be sent to each employee through his/her Department Gmail account and will be accessible via the Intranet. Additional information relevant to school administrators and Bargaining Unit 05 (BU05) employees is located in the "School Administrators and BU05 Employees Section." The documents included in this packet represent some areas of particular importance. You are required to review all of the documents included in this packet and follow all BOE policies and Department procedures and regulations.

BOE policies can be found online at <http://boe.hawaii.gov>. Department supervisors should allow all employees the opportunity to review BOE policies upon the start of the school year or upon employment.

If you have any questions regarding the information included in this packet, please see your school administrator or for State offices, your respective Assistant Superintendent or Director.

Thank you for your service to the Department's students and schools.

KTH:nn  
Attachments

c: Hawaii Teacher Standards Board  
Executive Office of Early Learning  
Hawaii State Teachers Association  
Hawaii Government Employees Association  
United Public Workers



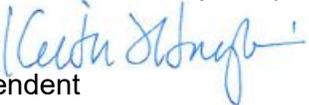
STATE OF HAWAII  
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OFFICE OF THE SUPERINTENDENT

May 26, 2022

**ANNUAL MEMO**

TO: Department of Education Employees (All)

FROM: Keith T. Hayashi   
Interim Superintendent

SUBJECT: **Scope of Duties and Responsibilities**

As we continue to meet the challenges of providing the best education for our students, I wish to emphasize the fact that the success of the Hawaii State Department of Education (Department) depends upon how well we all perform our assigned duties and responsibilities.

In this regard, it has come to my attention that, in certain critical areas, the Department needs to clarify what is and is not within the "scope of duties and responsibilities" of its employees. Being concerned with the Department's ever-present exposure to liability for the acts of its employees, I am compelled to re-issue this memorandum as a reminder to all Department employees as to what is prohibited behavior. An employee engaging in prohibited behavior, which is outside the employee's scope of duties and responsibilities, not only jeopardizes the Department but also puts the employee at risk of being personally liable for such behavior.

The following are examples of prohibited behavior that apply to all Department employees:

1. Corporal Punishment. Section 302A-1141, Hawaii Revised Statutes (HRS), provides that "no physical punishment of any kind may be inflicted upon any pupil." One exception to this law is that reasonable force may be used to restrain a student from hurting himself/herself or any other person or property. Reasonable force may also be used within the purview of §703-309, HRS.

Therefore, if an employee were to physically restrain a student as punishment for the student's behavior or if an employee were to otherwise physically punish a student, those acts would be considered corporal punishment and outside the employee's scope of duties and responsibilities. An employee may use force only when the force is reasonable and not excessive and only when trying to restrain a student from hurting himself/herself or any other person or property. Otherwise, no physical punishment may be inflicted on the student.

AN AFFIRMATIVE ACTION AND EQUAL OPPORTUNITY EMPLOYER

2. Strip Searches. No Department employee is authorized to conduct a strip search of a student. Under Hawaii Administrative Rules §8-19-18, there shall be no searches requiring bodily contact of a student of the opposite sex unless such a search is necessary to prevent imminent harm to the health or safety of a person or persons. Such searches are restricted to the exclusive authority of law enforcement personnel. Any Department employee engaging in such a search may be held liable for engaging in inappropriate behavior that is not within the scope of his/her employment.
  
3. Inappropriate and/or Sexual Relations and/or Dating of Student(s). Department employees or volunteers **shall not** engage in any romantic, any sexual, and/or any other inappropriate relations with a student or students. Inappropriate conduct, including, but not limited to, verbal expressions, inappropriate physical contact, and/or inappropriate communications, is strictly prohibited. Department employees are expected to act in a professional manner and shall refrain from any activity that may be perceived as inappropriate conduct with a student or students. Such conduct may be grounds for disciplinary action against the Department employee, up to and including termination.

The examples listed above are **NOT** exhaustive but represent some areas of particular concern. Other examples of inappropriate conduct include: violation of Board of Education policies and Department procedures and regulations, as well as violent or threatening behavior; any form of harassment; and the use, possession, or distribution of alcohol, drugs, or controlled substances. The conduct described above is not within an employee's scope of duties and responsibilities. Refraining from inappropriate behavior will help you, as well as the Department, to avoid future liability.

Thank you for your ongoing support in this matter.

KTH:nn

c: Hawaii Teacher Standards Board  
Executive Office on Early Learning  
Hawaii State Teachers Association  
Hawaii Government Employees Association  
United Public Workers



**STATE OF HAWAII**  
**DEPARTMENT OF EDUCATION**

P.O. BOX 2360  
HONOLULU, HAWAII 96804

OFFICE OF THE SUPERINTENDENT

**ANNUAL MEMO**

May 26, 2022

TO: Department of Education Employees (All)

FROM: Keith T. Hayashi   
Interim Superintendent

SUBJECT: **Department of Education Code of Conduct Video**

Know the Code!

A video regarding the Hawaii State Department of Education (Department) Code of Conduct has been created to assist employees with their review and understanding of the Code. The Code of Conduct video can be viewed online at [https://hidoeotm.org/rrsc/codeofconduct/story\\_html5.html](https://hidoeotm.org/rrsc/codeofconduct/story_html5.html).

This video may be viewed at any time during your employment with the Department. Please check with your supervisor on any specific instructions regarding the time and location for viewing this video.

After you have viewed this video, you may document so by using the template provided under "Resources" in the upper right corner of the video or via another method as indicated by your supervisor.

If you have any questions regarding viewing this video, please see your school administrator or for State Offices, your respective Assistant Superintendent or Director.

KTH:nn

c: Hawaii Teacher Standards Board  
Executive Office of Early Learning  
Hawaii State Teachers Association  
Hawaii Government Employees Association  
United Public Workers



# Hawaii State Department of Education Code of Conduct

## **Purpose**

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The purpose of this *Code of Conduct* (Code) is to establish standards of conduct for all employees, contractors, and volunteers of the Hawaii State Department of Education (Department). The Board of Education (Board) recognizes that these individuals play an important role in the educational achievements of students. Accordingly, they must exhibit the highest standards of honesty, morality, and fairness. The Department and Board expect each employee, contractor, and volunteer to serve as a positive role model for students and to engage only in conduct and behavior that will contribute to an appropriate learning environment.

## **Policy Statement**

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It is the policy of the Board of Education that all employees, contractors, and volunteers of the public school system, public library system, and Board of Education shall conduct themselves in an ethical manner and comply with federal and state laws, rules, regulations, and departmental policies, procedures, regulations, rules, and guidance to promote public trust and confidence in public education. The Board's policy requires that all personnel strictly adhere to the Hawaii State Code of Ethics and the Code of Ethics for public employees of the State as prescribed in Chapter 84 of the Hawaii Revised Statutes.

## **Application**

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This Code of Conduct shall apply to all individuals employed by the Department, including temporary and casual hires. It also applies to the Department's contractors and volunteers, in connection with their duties and responsibilities to the Department.

## **Guiding Principles**

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- Employees, contractors, and volunteers shall maintain high standards of honesty, integrity, and impartiality.
- The educational and developmental interest of students shall be a priority for employees, contractors, and volunteers. Employees, contractors, and volunteers should conduct themselves in a manner that promotes and supports the development of good character by teaching, enforcing, advocating and modeling ethical principles and values.
- Employees, contractors, and volunteers shall not use, or attempt to use, their official position for personal gain, preferential treatment, or confidential information for personal advantage.

## **Standards of Ethical Conduct**

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All employees, contractors, and volunteers are expected to conduct themselves professionally in order to carry out their duties and responsibilities, as well as to serve as positive role models for students, parents, and the community. The Department expects all employees, contractors, and volunteers to adhere to these standards of ethical conduct, including but not limited to the following:

### **A. Adhere to Generally Recognized Professional Standards**

The employee, contractor, or volunteer shall practice the professional standards of federal, state, and local governing bodies. Any act in deliberate disregard or abandonment of generally recognized

professional standards, in the course of any of the following professional practices, shall be prohibited:

- 1) Service as a positive role model for students, parents, and the community;
- 2) Assessment, treatment, instruction, or supervision of students;
- 3) Employment or evaluation of personnel; and
- 4) Management of funds or property.

**B. Honesty**

The employee, contractor, or volunteer shall maintain honesty in all professional dealings. The employee, contractor, or volunteer shall not engage in conduct involving any form of dishonesty, falsification, deception, misrepresentation or cheating.

**C. Representation of Information in the Course of Professional Practice**

The employee, contractor, or volunteer shall not deliberately falsify, misrepresent, or omit material information concerning any of the following:

- 1) Statement of professional qualifications;
- 2) Application or recommendation for employment, promotion, or licensure;
- 3) Representation of completion of education, training, certification or professional development credits;
- 4) Completion of any official Department forms and/or records;
- 5) Evaluation or grading of students;
- 6) Evaluation of employees;
- 7) Financial or program compliance reports submitted to state, federal, or other governmental agencies;
- 8) Any information provided during the course of an internal investigation or an official inquiry by which an employee, contractor, or volunteer is the subject of the investigation, where that employee, contractor, or volunteer shall be given adequate notice of the allegations and (for employees) may be represented by his/her union representative.

It is noted that it is a criminal offense to falsify government records.

**D. Ethics & Conflicts of Interest**

- 1) An employee, contractor, or volunteer shall not engage in, directly or indirectly, any actions, activities, practices, political activities, or other employment or conduct which conflicts with his/her duties and responsibilities in the Department.
- 2) The employee, contractor, or volunteer shall not solicit any current students or parents of students to purchase equipment, supplies, or services in a private remunerative capacity.
- 3) A teacher shall not tutor for remuneration students currently assigned to his or her class(es).
- 4) No employee, contractor, or volunteer may accept gifts from any person or group desiring to do or doing business with the Department if it can be reasonably inferred that the gift is intended to influence the individual in the performance of his/her official duties, or is intended as a reward for any official action on the part of the employee, contractor or volunteer.
- 5) The above section D.4. shall not apply to or restrict the acceptance of gifts or tokens of minimal value offered and accepted openly from students, parents, or other persons in recognition or appreciation of service, as long as it cannot be reasonably inferred that the gift is intended to influence the individual in the performance of the individual's Department-related duties, or as a reward for any official action.
- 6) An employee, contractor, or volunteer must disclose to his or her immediate supervisor or contracting officer, as applicable, any situation in which there may be a conflict of interest, or a potential conflict of interest.
- 7) The Department's hiring and personnel decisions will be fair and objective. Due to the potential for perceived or actual conflicts, employees and volunteers are restricted from hiring and supervising immediate family members. "Immediate family member" is defined as one of the following: parent, child, grandparent, grandchild, brother, sister, husband, wife, partner, and cohabitating couples. The hiring supervisor is responsible for ensuring compliance. No exception

to this Code of Conduct will be made without the written consent of the Superintendent or the Superintendent's designee prior to any personnel action in question.

**E. Appropriate Interaction with Students**

The Department is committed to providing a caring environment conducive to the physical, mental, social, and emotional well-being of students while they are participating in school activities. Therefore, employees, contractors, and volunteers who interact with students will maintain appropriate teacher/student and adult/child relationships.

- 1) The employee, contractor, or volunteer shall not commit any abusive act or sexual exploitation with, to, or in the presence of a student, whether or not that student is or has been under the care or supervision of that employee, contractor, or volunteer, as defined below:
  - a) Any use of inappropriate language that is considered profane, vulgar or demeaning;
  - b) Any sexual act;
  - c) Any solicitation of a sexual act, whether written, visual, verbal, or physical;
  - d) Any act of child abuse, as defined by law;
  - e) Any act of sexual harassment, or any other type of discrimination, as defined by law;
  - f) Any intentional solicitation, encouragement, or consummation of a romantic or physical relationship with a student, or any sexual contact with a student. The term "romantic relationship" shall include dating a student.
- 2) No Department employee, contractor, or volunteer is authorized to conduct a strip search of a student.
- 3) No physical punishment of any kind may be inflicted upon any student. An employee, contractor, or volunteer may only use force when the force is reasonable to restrain a student from hurting himself/herself or any other person or property.
- 4) An employee, contractor, or volunteer is strictly prohibited from discriminating against, including harassing, any student based on his/her race, color, national origin, sex, disability, and/or age.
- 5) The Department also prohibits any employee, contractor, or volunteer from harassing or bullying a student for any reason, including, but not limited to gender identity and expression, socio-economic status, physical appearance and characteristic, and sexual orientation.

**F. Confidential Information**

The employee, contractor, or volunteer shall maintain the confidentiality of all information considered confidential, including, but not limited to, student information, student records, personnel information, and employee information, unless disclosure is required pursuant to the Freedom of Information Act, Family Education and Privacy Rights Act, state or federal law, or is necessary for the personal safety of the student or others.

**G. Non-Discrimination and Anti-Harassment**

The Department is committed to maintaining a workplace free from discrimination and harassment. Therefore, employees, contractors, and volunteers shall not discriminate against or harass a person because of his/her race, sex, including gender identity or expression, sexual orientation, age, religion, color, ancestry, national origin, disability, marital status, arrest and court record (except as permitted by law, including determining whether a person is suitable for working in close proximity to children, as permitted by HRS section 302A-601.5), domestic or sexual violence victim status if the employer has received notice or has knowledge of such status, income assignment for child support, National Guard absence, breastfeeding, citizenship status, veteran's status, or any other basis protected by federal or state law.

**H. Anti-Bullying**

The Department will not tolerate bullying behavior. Bullying is defined as inappropriate behavior, either direct or indirect, whether verbal, physical, psychological or otherwise, conducted by one or more persons against another or others, which is repeated over time. It is noted that isolated or one-time incidents of intentional inappropriate behavior may not fall within the definition of bullying; however, it may still be considered inappropriate and subject to corrective action.

**I. Mandatory Reporting**

The employee, contractor, or volunteer shall make all reports required under *Chapter 19, Student Misconduct (HAR §8-19)* and any other federal or state laws or Department policies or procedures which require mandatory reporting of child abuse or neglect.

**J. Drug and Alcohol Free Workplace**

The unlawful manufacture, distribution, possession, sale or use of any illegal drug, any inappropriately used prescription drug, or any alcohol by employees, contractors, and volunteers of the Department is strictly prohibited on school premises, in Department offices, and/or as part of any Department-sponsored activity, whether or not the activity is performed on campus. Reporting for duty, remaining on duty or performing services to the Department while under the influence of, or impaired by any illegal substance, inappropriately used prescription drug, or alcohol is also prohibited.

**K. Safe Workplace & Safe Learning Environment**

All employees, contractors, and volunteers are responsible for maintaining a safe and harmonious work environment. Workplace violence will not be tolerated under any circumstances. Workplace violence includes, but is not limited to, acts involving physical attack, property damage, as well as verbal statements that a reasonable person would perceive as expressing or suggesting intent to cause physical or mental harm to another person.

The Department is also committed to maintaining a safe and healthy learning environment for students. Intimidation, bullying, harassment and discrimination of students under any program, service, or activity of the Department are prohibited.

**L. Appropriate Use of Department Funds and Property**

The employee, contractor, or volunteer shall not misuse any funds or property of government, school, school-related organizations, or the funds or property of any employee, volunteer or contractor.

**M. Authorized Professional Practice**

The employee, contractor, or volunteer shall not perform any act for the Department as an employee, contractor, or volunteer in a position for which licensure is required during any period in which the employee's, contractor's, or volunteer's license has been suspended or revoked.

**N. Non-Retaliation**

The employee, contractor, or volunteer shall not threaten, harass, punish or discriminate against any individual who in good faith reports, discloses, divulges, or otherwise brings to the attention of the Department management any practices or actions believed to be inappropriate under this Code, or in violation of any Department policies or procedures, or state or federal laws.

**O. Appropriate Use of Electronic Communication, Technology, and Internet**

All employees, contractors, and volunteers shall limit access to the Department's Internet connections and use of Department-issued technology such as cellular phones, wireless devices, computers, and software to business transactions and business communications necessary to conduct their duties as a Department employee, contractor, or volunteer. Department networks and Internet connections shall be used in accordance with the Department Acceptable Use Guidelines and procedures.

**Responsibility to Comply**

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It is each employee's, contractor's, and volunteer's responsibility to ensure compliance with all provisions of this Code and seek guidance where necessary from their supervisor, manager, Office of Human Resources [Office of Talent Management effective 7/1/18] or contracting officer. To "do the right thing" and ensure the highest standards of integrity is each employee's, contractor's, and volunteer's personal responsibility. When in doubt, employees, contractors, and volunteers should look to the Guiding Principles stated at the beginning of this Code. Any failure to comply with this Code may result in disciplinary action, including the possibility of termination or other cessation of services and, if warranted, legal proceedings or criminal sanctions.

## **Reporting Violations**

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Employees, contractors, and volunteers shall report any practices or actions believed to be inappropriate under this Code, or any illegal practices, to their supervisor, manager, contracting officer or the Department of Education Fraud & Ethics Hotline. If it is appropriate, in view of the nature of the reported matter, reports of violations may be made directly to higher levels including the Complex Area Superintendent, Assistant Superintendent, Deputy Superintendent, or the Superintendent. The Department prohibits retaliation against any individual for such reports made in good faith. Attempts to use the Department's processes to libel, slander, or otherwise harm another individual through false accusations, malicious rumors, or otherwise irresponsible actions are prohibited.

## **Investigations of Suspected Violations**

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The manager, principal, Complex Area Superintendent, other appropriate manager or contracting officer will review complaints. If warranted, an investigation will be conducted. Each employee, contractor, and volunteer is expected to cooperate in the investigation of suspected violations.

## **Hotline Access**

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To make a confidential report, please contact:

**Department of Education Fraud & Ethics Hotline**

Telephone: (855) 233-8085

To file online: [reportlineweb.com/hidoe](http://reportlineweb.com/hidoe)

## **REFERENCES**

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- Board of Education Policy 301.7 (formerly 1200-1.19) *Employee Electronic Communication and Technology Use and Access*
- Board of Education Policy 201.1 *Ethics and Code of Conduct* (formerly 1200-1.41 *Employee, Contractor, and Volunteer Ethics and Conflict of Interest* and 5511 *Employee Code of Ethics*)
- Board of Education Policy 201.2 (formerly 1200-1.42) *Accountability of Employees*
- Department of Education 2170.1 *Internet Access Regulations*
- Board of Education Policy 305.1 (formerly 4200) *Student Safety and Welfare*
- Board of Education Policy 305.10 (formerly 4211) *Anti-Harassment, Anti-Bullying, and Anti-Discrimination Against Student(s) by Employees*
- Board of Education Policy 500.21 (formerly 4610) *Student Information and Confidential Records*
- Department of Education Drug-Free Workplace Statement
- Hawaii Administrative Rules, Title 8, Chapter 19 *Student Misconduct, Discipline, School Searches and Seizures, Reporting Offenses, Police Interviews and Arrests, and Restitution for Vandalism*
- Hawaii Revised Statutes, Chapter 84 *Standards of Conduct*
- *Family Educational Rights and Privacy Act* (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99)
- Hawaii State Ethics Commission, telephone: (808) 587-0460, email: [ethics@hawaiiethics.org](mailto:ethics@hawaiiethics.org)

Note: This Code of Conduct is not intended to alter, and does not alter, the terms of applicable collective bargaining agreements, state or federal laws, Hawaii Administrative Rules, or contract terms.

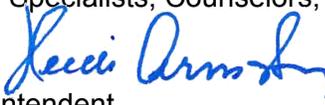


**STATE OF HAWAII**  
DEPARTMENT OF EDUCATION  
P.O. BOX 2360  
HONOLULU, HAWAII 96804

OFFICE OF STUDENT SUPPORT SERVICES

March 11, 2022

TO: Complex Area Superintendents, Public Charter School Executive Director, Principals (All), Public Charter School Directors, Vice Principals, District Educational Specialists, School Renewal Specialists, Counselors, Student Support Coordinators

FROM: Heidi Armstrong   
Assistant Superintendent

SUBJECT: **Restraint and Seclusion Guidelines and Video**

Pursuant to Hawaii Revised Statutes §302A-1141.4, Restraint and Seclusion Law, the Hawaii State Department of Education (Department) has developed Restraint and Seclusion Guidelines for data collection and reporting. This memorandum provides information about the key requirements and implications for schools and complex areas. The purpose of this law is to protect students from:

- (1) physical and mental abuse;
- (2) aversive behavioral interventions that compromise health and safety; and
- (3) any restraint imposed solely for purposes of discipline or convenience.

The Restraint and Seclusion Guidelines and the Video Presentation to school staff with voice over and closed caption can be viewed at <http://bit.ly/HIDOERestraintAndSeclusion>. A copy of the guidelines and video are also available on the Department website in the Hawaii Multi-Tiered System of Support section under Documents and Featured Resources, (at <https://hidoe.sharepoint.com/sites/offices-oss/programs/csss/Pages/default.aspx>). The video presentation is to be reviewed annually by staff and a signed verification is kept by the school administrator.

Should you have any questions, please contact Jennifer Renfro, Administrator, Student Support Section, at (808) 305-9787 or via email at [jennifer.renfro@k12.hi.us](mailto:jennifer.renfro@k12.hi.us).

HA:jr

c: Interim Superintendent  
Deputy Superintendent  
Assistant Superintendents  
Hawaii State Public Charter School Commission

**POLICY 305-1**

**STUDENT SAFETY AND WELFARE**

The Department of Education shall provide a caring environment conducive to the physical, mental, social, and emotional well-being of students while they are participating in school activities. Attention shall be given to the personal safety of each student during these activities and such attention shall include instruction in safety practices and attitudes; proper maintenance of buildings, grounds, and equipment; establishment and enforcement of proper rules of conduct at each school including a no use, no possession, and no distribution of tobacco, alcohol and other non-prescription drugs; and provision of services to safeguard students from the deviant behavior of those who fail to conform to standards of conduct compatible with the best interests of all.

[Approved: 02/17/2015 (as Board Policy 305.1); amended: 06/21/2016 (renumbered as Board Policy 305-1)]

*Former policy 4200 history: approved: 10/1970; amended: 03/1988, 07/1991*

## **POLICY 305-2**

### **SAFE WORKPLACE**

The Department of Education is responsible for providing a safe and harmonious workplace. All employees are responsible for maintaining a safe and harmonious work environment. Workplace violence will not be tolerated under any circumstances and may result in disciplinary action, up to and including termination. Employees shall report all suspected or potential incidents of workplace violence to their supervisors. Supervisors shall process all reported or observed incidents in accordance with any applicable statute, policy, rule, regulation, program requirement, or contract agreement.

Workplace violence includes but is not limited to acts involving physical attack, property damage, as well as verbal statements that a reasonable person would perceive as expressing or suggesting intent to cause physical or mental harm to another person. Examples of violent behaviors include but are not limited to hitting, pushing, or shoving; throwing or breaking of an object; shouting or yelling, threatening gestures or remarks; disruptive or hostile actions; abusive or belligerent language; sabotage of equipment; repetitive unwanted phone calls, notes, e-mails; or other similar acts.

For the protection of both employees and students, no firearms are permitted on any school campus or Department of Education workplace except for (a) those carried by law enforcement officers while on duty, (b) those used in school Junior Reserve Officer Training Corps programs and (c) those used in school athletics, such as riflery teams and starter guns for athletic events.

[Approved: 02/17/2015 (as Board Policy 305.2); amended: 06/21/2016 (renumbered as Board Policy 305-2)]

*Former policy 1110-7 history: approved: 01/08/1998; amended: 08/02/2007, 06/07/2011*



STATE OF HAWAII  
DEPARTMENT OF EDUCATION

P.O. BOX 2360  
HONOLULU, HAWAII 96804

OFFICE OF THE SUPERINTENDENT

**ANNUAL MEMO**

May 26, 2022

TO: All Hawaii State Department of Education Employees

FROM: Keith T. Hayashi *Keith T. Hayashi*  
Interim Superintendent

SUBJECT: **Department of Education Drug-Free Workplace Statement**

The Hawaii State Department of Education (Department) does not condone any illegal drugs, or the inappropriate use of illegal drugs, prescription drugs, or alcohol. It shall maintain its commitment to a drug-free and alcohol-free school and workplace.

In order to comply with federal and state laws, a copy of this memorandum and the Drug-Free Workplace Notification to Employees, provided with this memorandum, shall be distributed to all Department employees by their respective State, complex, or school administrator. Please read the notification and be familiar with the conditions of employment outlined in the notification.

Employees should be aware that **the unlawful manufacture, distribution, possession, sale, or use of any illegal drug, any inappropriately used prescription drug, or any alcohol by any officer or employee of the Department is strictly prohibited on school premises, in Department offices, and/or as a part of any Department-sponsored activity, whether or not the activity is performed on campus.** Specific action shall be taken by Department administrators upon notice of possible inappropriate conduct by its students or employees. Such conduct will include, but not be limited to, Chapter 19 proceedings for students (in addition to investigation), and discipline and/or corrective action, up to and including termination of employees, for any violation of the Drug-Free Workplace Statement.

Employees are also reminded that they must immediately notify their supervisor, in writing, of any workplace-related criminal drug convictions no later than five (5) calendar days after such conviction. Failure to provide such notification may result in disciplinary action, up to and including discharge.

Thank you for your continued cooperation in our efforts to keep our school system free of drugs and alcohol. Please address any questions to your supervisor.

KTH:nn  
Attachment

c: Hawaii Teacher Standards Board  
Executive Office of Early Learning  
Hawaii State Teachers Association  
Hawaii Government Employees Association  
United Public Workers

**DRUG-FREE WORKPLACE NOTIFICATION TO EMPLOYEES  
HAWAII STATE DEPARTMENT OF EDUCATION**

**I. COMMITMENT TO DRUG-FREE WORKPLACE**

The Hawaii State Department of Education (Department) is committed to maintaining a drug-free workplace pursuant to the Federal Drug-Free Workplace Act of 1988 (P.L. 100-690) and Drug-Free Schools and Communities Act Amendments of 1989 (P.L. 101-226). As part of this commitment, the Department has issued a Drug-Free Statement along with this Notification. This Notification is issued to remind administrators that they must take immediate action under Title 8, Chapter 19, Hawaii Administrative Rules, for violations including the possession, use, or distribution of illicit drugs. The Drug-Free Workplace Notification illustrates the Department's expectations concerning the conduct of its employees, both on campus and during Department-sponsored activities. The intent of this notice is to help maintain a healthy, safe, and exemplary school environment that promotes the education of students.

**II. DRUG-FREE WORKPLACE STATEMENT**

**“...[T]he unlawful manufacture, distribution, possession, sale or use of any illegal drug, any inappropriately used prescription drug, or any alcohol by all officers and employees of the Department is strictly prohibited on school premises, in Department offices, and/or as a part of any Department-sponsored activity, whether or not the activity is performed on campus.” (Department of Education Drug-Free Workplace Statement, May 26, 2022).**

For the purposes of this notification, examples of prohibited drugs and alcohol are provided below. Please see the appropriate cited statute for a complete listing of a particular prohibited substance. Prohibited drugs and alcohol include, but are not limited to:

1. “Intoxicating liquor” such as brandy, whiskey, rum, sake, beer, wine, and other alcoholic beverages (Section 281-1, Hawaii Revised Statutes).
2. “Dangerous,” “detrimental,” or “harmful drugs” or “intoxicating compounds” such as cocaine, heroin, marijuana, hashish, amphetamines, methamphetamines, barbiturates, hallucinogens, and other substances which cause, or are used for the purpose of causing, an “intoxicated condition.” (Section 712-1240, Hawaii Revised Statutes).

3. Anabolic steroids (Section 329-18, Hawaii Revised Statutes).
4. Drug paraphernalia (Section 329-1, Hawaii Revised Statutes).

**III. DISCIPLINE AND DISCHARGE**

Disciplinary action shall be imposed upon any employee who engages in prohibited activity in violation of the Drug-Free Workplace Notification. Employees may be placed on Department Directed Leave or Leave Pending Investigation in accordance with the applicable collective bargaining agreement, Department School Code, or any equivalent standards of practice until a final determination based on the investigative findings. Depending upon the severity of the violation, the Department's action may include immediate discharge. In addition, the Department has the right to notify local, State, and/or federal authorities of suspected illegal activity relating to illegal drugs, inappropriately used prescription drugs, or alcohol.

**IV. CONDITION OF EMPLOYMENT**

All employees must abide by the terms of the Drug-Free Workplace Statement. In accordance with the Federal Drug-Free Workplace Act of 1988, employees must notify the Department, through his or her supervisor, in writing, of any workplace-related criminal drug conviction no later than five (5) working days after such conviction. An employee's failure to comply with this provision may result in disciplinary action, up to and including, immediate discharge.

**V. COUNSELING AND REHABILITATION PROGRAMS**

Any employee who suspects he or she may have a drug or alcohol abuse problem is encouraged to seek assistance before the problem affects the employee's employment status. The cost for such programs is the employee's responsibility. However, an employee's medical plan may include alcohol and drug dependence benefits. Employees enrolled in a medical plan should contact their medical insurance carriers to determine the types of services provided by their respective plans.

Employees may be subject to requirements under their collective bargaining agreement.

## POLICY 301-7

### **EMPLOYEE ELECTRONIC COMMUNICATION AND TECHNOLOGY USE AND ACCESS**

All employees shall limit access to the Internet and use of Department-issued technology such as cellular phones, wireless devices, computers, and software for business transactions and business communications necessary to conduct their work as a Department employee. Furthermore, it is the Board of Education's policy that all employees shall adhere to all applicable laws, rules, and regulations with respect to confidentiality of personally identifiable information. Use other than that provided for by this policy may be considered a misuse of Department assets or resources. Any employee found to be in violation of this policy may be disciplined in accordance with applicable Department policies, regulations, rules, or collective bargaining agreements, or other Department civil service laws, rules or regulations.

The Superintendent of Education shall develop standards of practice to implement this policy.

**Rationale:** Access to the Internet, personally identifiable information, and use of Department-issued technology such as cellular phones, wireless devices, computers, and software are required in order to support the efforts of the Department of Education ("Department") generally by enhancing educational research activities, providing a conduit for transmitting and receiving information, and for sharing information about the Department. Internet use also provides access to appropriate national and international resources.

[Approved: 02/17/2015 (as Board Policy 301.7); amended: 06/21/2016 (renumbered as Board Policy 301-7)]

*Former policy 1200-1.9 history: approved: 11/19/2009*

## POLICY 301-6

### INTERNET USE

In the schools, priority for Internet access shall be given to student and classroom teachers for educational use. To ensure students in the Department use technology appropriately and ethically, the Department shall provide training to students regarding inappropriate or questionable uses, or both, of Internet materials and equipment. Any student conduct found to be in violation of this policy, shall be addressed through Title 8, Chapter 19, Hawaii Administrative Rules, Student Misconduct, Discipline, School Searches and Seizures, Reporting Offenses, Police Interviews and Arrests, and Restitution for Vandalism and Negligence.

The Superintendent of Education is instructed to develop regulations, guidelines, or both to implement this policy.

**Rationale:** Internet access supports the efforts of the Department of Education and the Hawaii State Public Library System. It enhances educational and research activities, provides a conduit for the transmission and sharing of information, provides access to appropriate national and international resources, and assists in developing the literacy skills necessary in a technology-rich society.

[Approved: 02/17/2015 (as Board Policy 301.6); amended: 06/21/2016 (renumbered as Board Policy 301-6)]

*Former policy 1110-12 history: approved: 11/19/2009*

**Hawaii State Department of Education (HIDOE)**  
**Acceptable Use Guidelines**  
**Network and Internet Services**

1. HIDOE-assigned user accounts inactive for three or more months (i.e., no logins or file uploads) will be deleted as they pose a security risk and tie up valuable system resources.
2. Users are responsible for their account(s). Users should make appropriate use of the system and network-provided protection features and take precautions against others obtaining access to their computer resources. Individual password security is the responsibility of each user.
3. Users are forbidden from using techniques designed to cause damage to, deny access by legitimate users of computers or network components connected to the Internet or result in the loss of the recipient's work.
4. Users shall not use another user's account or password without proper authorization from their supervisor (e.g., principal, VP, CAS, director, AS, etc.) and the system administrator.
5. Users are forbidden from circumventing security measures on school or remote computers and the HIDOE network.
6. Users shall not download, install or run security programs or utilities which reveal weaknesses in and/or bypass the security of a system. For example, the users shall not run password cracking programs on any of HIDOE's computer systems or install rootkits which bypass system security.
7. Users are prohibited from sending unsolicited, commercial and/or offensive e-mail.
8. Users are prohibited from using any form of electronic media to harass, intimidate or otherwise annoy another person/group.
9. Users shall not make copies of system configuration files for their own unauthorized personal use or to provide to other people/users with unauthorized uses.
10. Use of HIDOE network resources to illegally distribute or duplicate unauthorized copyrighted or licensed material is prohibited.
11. Use of the HIDOE network to post, send, or retrieve pornographic material, inappropriate text or graphic files, or files that could damage the network (i.e., files containing malware/worms/viruses) are prohibited.
12. Use of the HIDOE network system in a manner that encumbers system and network resources to the point that usage causes interference with others' services is prohibited.
13. HIDOE network and computing resources shall not be used for political lobbying or outside interests not related to HIDOE business.

14. HIDOE is a non-commercial user of the web and use of the web must remain noncommercial. No personal money-making activity may be conducted through the use of the HIDOE computing and networking resources.
15. HIDOE is not responsible or liable for materials in violation of copyright laws. Users are responsible for the content of their postings and obtaining all necessary permissions or licenses for any material used.
16. Users shall not make unauthorized copies of copyrighted software, except as permitted by law or by written approval from the owner of the copyright.
17. Sending or receiving unlawful information via electronic communications; using electronic communications illegally in ways that violate local, state, federal, or international laws or statutes are prohibited.
18. Users shall always cooperate with requests from the system administrators for information about the users' computing activities.
19. Users are requested to report any weaknesses/compromises in HIDOE's computer security, any incidents of possible misuse or violation of this agreement to the proper authorities by contacting HIDOE's Enterprise Infrastructure Services Branch via email: eisb-sas@notes.k12.hi.us.
20. HIDOE reserves the right to investigate and monitor any accounts, servers, or machines suspected of policy violation. HIDOE reserves the right to disconnect any device or freeze an account during the pendency of any investigation.
21. HIDOE reserves the right to disconnect any device that is the source of malicious or suspicious activities without notice until the machine in violation is cleaned or fixed.
22. HIDOE reserves the right without notice to freeze and delete an account that is engaging in activities that violate the HIDOE's policy or is the source of spamming, abusive or malicious activities.

<http://www.hawaiipublicschools.org/ParentsAndStudents/AntiBullyingWork/Pages/Internet-and-computer-use-rules.aspx>



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

OFFICE OF THE SUPERINTENDENT

May 1, 2022

**ANNUAL MEMORANDUM**

TO: All Department of Education Employees  
FROM: Keith T. Hayashi   
Interim Superintendent

SUBJECT: **Leaves of Absence**

The purpose of this memorandum is to remind all employees of their responsibility to report and submit proper documents when requesting a leave of absence.

All employees shall file for a leave of absence on a form prescribed by the Hawaii State Department of Education (Department) within the number of workdays cited in the School Code 5400 and/or respective collective bargaining unit contracts.

*NOTE: Untimely submission of completed leave forms may delay the processing of leave accounting, impacting balance payouts as well as reporting to the Employees' Retirement System (ERS).*

**Certificated Employees (Bargaining Units 05 and 06)**

All employees are responsible and required to give **prior** notification to their principal/supervisor before taking any leave of absence except for unanticipated sick leave and emergencies. Use the proper form shown below to report any leaves of absence.

*NOTE: Teachers should use the SmartFindExpress (SFE) System to arrange for their substitute teachers. Please also complete and submit to your school or office your leave request form (DOE OTM 300-001) with authorizing documentation if applicable.*

<b>Bargaining Unit</b>	<b>Employee</b>	<b>Form</b>
05	Teachers	DOE OTM 300-001 <i>Application for Leave of Absence Certificated School-Level Employees</i>
06	Principals Vice-Principals	DOE OTM 300-001 <i>Application for Leave of Absence Certificated School-Level Employees</i>
06	District/State Educational Officers	G-1, <i>Application for Leave of Absence</i>

**Certificated Employees (Bargaining Units 05 and 06) continued**

**Sick Leave** - All employees are responsible and required to call their principal/supervisor each day of absence and submit the proper form on the first day of return. Absences of more than five (5) consecutive workdays must obtain a licensed practitioner’s statement. For teachers, principals, and vice-principals, the licensed practitioner should sign Section IV, Licensed Physician’s Statement on form DOE OTM 300-001, *Application for Leave of Absence Certificated School-Level Employees* or attach a licensed practitioner’s statement to the form DOE-OTM 300-001. For district/state educational officers, use Form G-1, *Application for Leave of Absence*, and attach the licensed practitioner’s statement. Note: Leave of absence application DOE OTM Form 300-001/Form G-1 for sick leave is filed on the first day of return to work.

**Unauthorized Leave without Pay** - Employees absent from work without proper authorization shall be considered on unauthorized leave without pay until an accurate determination of the actual leave status can be made. Any period of unauthorized absence from work shall not be considered service rendered.

**Certificated Employees (Bargaining Unit 05)**

**Personal Leave** - Personal leave (charged to sick leave) shall be granted for personal business, which can be transacted only during school hours. Employees shall give at least forty-eight (48) hours advanced notice except in emergencies. Personal leave is not intended to extend vacations, intersessions, and holidays or avoid attending waiver, planning, and collaboration days.

**Classified Civil Service and School Support Personnel (Bargaining Units 01, 02, 03, 04, 09, 10, 13, 23, and their excluded counterparts)**

All employees are responsible and required to give **prior** notification and obtain approval from their principal/supervisor **prior** to taking any leave of absence except for unanticipated sick leave and emergencies. Use Form G-1, *Application for Leave of Absence*, to report any leave of absence.

**Sick Leave** - All employees are responsible and required to notify their principal/supervisor within a reasonable time as circumstances permit. For absences of five (5) or more consecutive workdays, the employee shall submit a licensed physician's certificate/statement to substantiate that the absence was due entirely to sickness and the employee is physically and/or mentally able to resume the duties of the employee's position, with or without restrictions. Note: Leave of absence application Form G-1 for sick leave shall be filed within five (5) workdays after return to work.

**Personal Leave** - Employees who are eligible to take paid personal leave (charged to sick leave) shall be granted leave for business that can only be done during the normal work hours of the employee, and employees desiring to use such leave shall give at least twenty-four (24) hours advance notice, except in emergencies. Such personal leave is subject to approval by the supervisor.

**Unauthorized Leave** - Any absence from work that does not meet the requirements for an authorized leave, with or without pay, shall be charged as an unauthorized absence from work. Any period of unauthorized absence from work shall not be considered service rendered.

For further information regarding leaves of absence, please contact your respective Personnel Regional Officer.

KTH:mh

c: Hawaii State Teachers Association  
Hawaii Government Employees Association  
United Public Workers



STATE OF HAWAII  
DEPARTMENT OF EDUCATION

P.O. BOX 2360  
HONOLULU, HAWAII 96804

OFFICE OF TALENT MANAGEMENT

May 1, 2022

ANNUAL MEMORANDUM

TO: All Department of Education Employees

FROM: Sean Bacon   
Sean Bacon (Mar 5, 2022 11:28 HST)  
Interim Assistant Superintendent

SUBJECT: **Family Leave Notice for All Employees**

The federal Family and Medical Leave Act (FMLA) and the State of Hawaii Family Leave Law (HFLL) are to be used concurrently and are available to all Hawaii State Department of Education (Department) employees who meet the following eligibility:

- Employees with 12 months of cumulative employment and a minimum of 1,250 hours of service (employee must be at least 62.5% FTE) in the previous 12-month period qualify for FMLA for up to 12 weeks of Leave Without Pay (equivalent to 60 workdays).
- Employees with at least six (6) months of consecutive employment (in-service) qualify for HFLL for up to four (4) weeks (equivalent to 20 workdays). An employee may also use up to 20 workdays of accrued paid leave (sick or vacation).

Qualifying reasons for taking FMLA and/or HFLL include:

- To care for a spouse, child, or parent with a serious health condition (FMLA and HFLL).
- For birth and to bond with a newborn child, or placement of a child for adoption or foster care (FMLA and HFLL).
- For a serious health condition of an employee (FMLA only).
- For any qualifying exigency for a spouse, child, or parent in the military on active duty (FMLA only).
- To care for a covered service-member with a serious injury or illness (military caregiver leave, FMLA only).
- To care for a civil union partner, reciprocal beneficiary, parent-in-law, sibling, grandparent, grandparent-in-law, or grandchild with a serious health condition (HFLL only).

All Department of Education Employees  
May 1, 2022  
Page 2

The FMLA poster should be posted at your school or office and be visible to all employees. The poster may be accessed, viewed, and printed at:

<https://www.dol.gov/agencies/whd/posters/fmla>

For more information regarding the DOE's family leave provisions, please visit:

<https://hidoe.sharepoint.com/sites/offices-otm/recordsandtransactions/Pages/fmla.aspx>

For any questions related to FMLA and HFLL, if you are a certificated employee, please contact Maile Horikawa at (808) 441-8348 or via email at [maile.horikawa@k12.hi.us](mailto:maile.horikawa@k12.hi.us) or for classified employees, please contact Julia English at (808) 441-8349 or via email at [julia.english@k12.hi.us](mailto:julia.english@k12.hi.us).

SB:mh:je



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

OFFICE OF TALENT MANAGEMENT

**Annual Notice of Non-Discrimination and Anti-Harassment Statement**

The Hawaii State Department of Education (Department) does not discriminate on the basis of race, color, national origin, ancestry, sex, gender identity, gender expression, sexual orientation, age, disability, and religion. This requirement extends to all of the Department's programs and activities, including employment and admissions as applicable. If you have difficulty understanding English, you have the right to receive language assistance at no cost to you. Please contact your school's principal for more information.

For the Department high schools that offer Career and Technical Education (CTE) Programs of Study in arts and communications, business, health services, industrial and engineering technology, natural resources, and public and human services, there are no admission criteria. The Department high schools will take steps to assure that the lack of English language skills will not be a barrier to admission and participation in CTE programs, and will provide equal access to designated youth groups.

In addition, the Department does not tolerate acts of harassment on the basis of race, color, national origin, ancestry, sex, gender identity, gender expression, sexual orientation, age, disability, and religion. Any student who believes that he or she has been subjected to harassment on the basis of race, color, national origin, ancestry, sex, gender identity, gender expression, sexual orientation, age, disability, and religion, is encouraged to report such harassment. Students and parents may report allegations of discrimination or harassment to the school's administrator or to the Department's Civil Rights Compliance Branch at the address listed below.

The Department is committed to conducting prompt investigations. Support, including counseling and educational resources, will be available to students who are harassed, as well as to students found to have engaged in acts of harassment on the basis of race, color, national origin, ancestry, sex, gender identity, gender expression, sexual orientation, age, disability, and religion. Students found to have engaged in harassment may be disciplined, up to and including suspension, if circumstances warrant. Students, parents, and Department staff should work together to prevent harassment on the basis of race, color, national origin, ancestry, sex, gender identity, gender expression, sexual orientation, age, disability, and religion.

The Department will not tolerate retaliation for reporting discrimination and/or harassment on the basis of race, color, national origin, ancestry, sex, gender identity, gender expression, sexual orientation, age, disability, and religion, and will take steps to protect those who wish to report the harassment. Please direct inquiries regarding Department nondiscrimination policies to:

Beth Schimmelfennig, Director  
Rhonda Wong, Compliance  
Aaron Oandasan, Title VI  
Toby Yamashiro, Title VII  
Nicole Isa-Iijima, Title IX  
Krysti Sukita, ADA/504

Civil Rights Compliance Branch  
Hawaii State Department of Education  
P.O. Box 2360  
Honolulu, Hawaii 96804  
(808) 586-3322 or relay  
CRCB@k12.hi.us

Inquiries concerning discrimination and/or harassment may also be referred to the Office for Civil Rights, United States Department of Education.

AN AFFIRMATIVE ACTION AND EQUAL OPPORTUNITY EMPLOYER

## POLICY 900-1

### **DEPARTMENT OF EDUCATION APPLICANT AND EMPLOYEE NON-DISCRIMINATION**

The Department of Education strictly prohibits any form of discrimination, including harassment based on a person's membership in a protected class. Protected classes covered by this policy include race, color, sex (including gender identity or expression), sexual orientation, condition of pregnancy, act of breastfeeding or expressing milk, religion, national origin, ancestry, age, physical or mental disability, genetic information, marital status, arrest and court record (except as permitted by applicable laws), income assignment for child support, national guard absence, uniformed service, veteran status, citizenship status (except as permitted by applicable laws), credit history or credit report (unless directly related to a bona fide occupational qualification), domestic or sexual violence victim status (if the domestic or sexual violence victim provides notice to the victim's employer of such status or the employer has actual knowledge of such status), or any other classification protected under applicable state or federal laws.

The Department of Education expressly prohibits retaliation against anyone because they engaged in protected activity. Protected activity is defined as anyone who files a complaint of discrimination, participates in complaint proceedings dealing with discrimination, inquires about their rights under discrimination laws, or otherwise opposes acts of discrimination.

The Department of Education provides reasonable accommodations to applicants and employees with physical or mental disabilities, including pregnancy-related disabilities, breastfeeding or expressing milk, victims of sexual or domestic abuse, or for bona fide religious purposes, upon request, if needed and to the extent required by law.

The Department of Education shall develop regulations and procedures relating to this policy.

[Approved: 05/19/2015 (as Board Policy 900.1); amended: 06/21/2016 (renumbered as Board Policy 900-1); amended: 08/01/2017]

*Former policy 1110-11 history: approved: 09/01/2005*

**POLICY 305-10**

**ANTI-HARASSMENT, ANTI-BULLYING, AND ANTI-DISCRIMINATION AGAINST  
STUDENT(S) BY EMPLOYEES**

The Department of Education strictly prohibits discrimination, including harassment, by any employee against a student based on the following protected classes: race, color, national origin, sex, physical or mental disability, and/or religion. In addition to the above protected bases, the Department of Education strictly prohibits any form of harassment and/or bullying based on the following: gender identity and expression, socio-economic status, physical appearance and characteristic, and sexual orientation.

A student shall not be excluded from participation in, be denied the benefits of, or otherwise be subjected to harassment, bullying, or discrimination under, any program, services, or activity of the Department of Education.

The Department of Education expressly prohibits retaliation against anyone engaging in protected activity. Protected activity is defined as anyone who files a complaint of harassment, bullying, or discrimination; participates in complaint or investigation proceedings dealing with harassment, bullying, or discrimination under this policy; inquires about his or her rights under this policy; or otherwise opposes acts covered under this policy.

The Department of Education shall develop regulations and procedures relating to this policy to include personnel action consequences for anyone who violates this policy.

[Approved: 02/17/2015 (as Board Policy 305.10); amended: 06/21/2016 (renumbered as Board Policy 305-10)]

*Former policy 4211 history: approved: 02/21/2008*



**STATE OF HAWAII**  
**DEPARTMENT OF EDUCATION**

P.O. BOX 2360  
HONOLULU, HAWAII 96804

OFFICE OF THE SUPERINTENDENT

May 26, 2022

TO: Complex Area Superintendents  
Principals (All)

FROM: Keith T. Hayashi  
Interim Superintendent

A handwritten signature in blue ink, appearing to read "Keith T. Hayashi".

SUBJECT: **Statement on Equity for Students of All Socioeconomic Backgrounds**

This memorandum is being re-issued as a reminder (refer to memorandum dated September 24, 2007) that informs employees of a concern regarding school staff working with community groups and requiring students to engage in activities, including bringing in items for fundraising purposes, as a condition to earning a grade or to gain extra credit. This action can be construed as an unequal treatment for those students who cannot otherwise afford to bring in certain items or participate fully in these activities due to a lack of finances. This action shall not be allowed as a condition for a grade or for extra credit if it involves students purchasing things or bringing in money.

In addition, requiring students to bring in custodial supplies such as paper towels or copier paper as part of the student supply list shall not be continued as a condition for a grade or extra credit if it involves students having to purchase things or bring in money.

Please share this information with your staff to ensure that we treat every student equitably.

KTH:nn

c: Deputy Superintendent  
Assistant Superintendents



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

OFFICE OF STRATEGY, INNOVATION, AND PERFORMANCE

May 1, 2022

**ACTION REQUIRED**  
**Annual Memo**

TO: All Department of Education Employees

FROM: Cara Tanimura *Cara Tanimura*  
Interim Assistant Superintendent

SUBJECT: **General Confidentiality Notice**

**Action is required within thirty (30) calendar days from the beginning of SY 2021-2022.**

Protecting the confidentiality of sensitive and personally identifiable information of students and employees is a necessity for the Hawaii State Department of Education (HIDOE). Federal and state regulations, such as the Family Educational Rights and Privacy Act, Hawaii Administrative Rules Chapter 8-34 and Chapter 487N, and the Federal Privacy Act of 1974, govern the collection, access, and use of sensitive and personally identifiable information. To ensure that HIDOE employees understand their responsibilities in protecting the confidentiality of this information, HIDOE implemented an acknowledgement of general confidentiality expectations.

All employees, particularly all new employees upon hire, are expected to read the attached documents and sign the Acknowledgement of General Confidentiality Expectations form. Principals, Complex Area Superintendents, Assistant Superintendents, or Directors in the Office of the Superintendent are to secure the signed forms of all employees annually. Staff hired after the date of this memo must complete documentation within thirty (30) days of hire. Volunteers who have access to students or student information in schools are likewise required to sign the Acknowledgement of General Confidentiality Expectations.

Signed forms may be maintained alphabetically by surname in a single, secure file at the respective office; and should be easily recoverable upon request. If you have any questions regarding this memo or information privacy procedures, please contact Jessica Honbo, Student Information Privacy Specialist, Data Governance and Analysis Branch, at (808) 784-6050 or via email at [ferpa@k12.hi.us](mailto:ferpa@k12.hi.us).

CT:jh

Attachments: 1) Acknowledgement of General Confidentiality Expectations  
2) BOE Policy 500-21

c: Superintendent  
Data Governance and Analysis Branch

## **Hawaii State Department of Education Acknowledgement of General Confidentiality Expectations**

I understand that to fulfill the duties and responsibilities of my job, I may need to access personally identifiable information (PII) of students which is sensitive and/or confidential in nature. Such information may include, but is not limited to:

- Social Security number, home and mailing address, home phone number, date of birth/age, ethnicity, etc.
- Admission and academic records
- Job applicant records (names, transcripts, etc.)
- Employment and payroll records
- Usernames, passwords, "secret questions and answers" or other ID/password combinations for applications that contain or use personally identifiable information
- Credit card, debit card or credit-related information
- Bank account information
- Driver's license number

I understand that confidentiality of PII is protected by Chapter 92F (Uniform Information Practices Act) of the Hawai'i State Revised Statutes, the Federal Privacy Act of 1974, Federal Family Educational Rights and Privacy Act (FERPA), and other applicable state and federal laws and Hawaii State Department of Education (HIDOE) rules, regulations, policies, and/or procedures.

I understand the confidential nature of private information regarding our students, faculty, staff, and other members of the HIDOE community and understand that it is my responsibility to respect and protect the confidentiality of this information.

I understand that accessing or seeking to gain access to PII, except in the course of fulfilling my job responsibilities, is prohibited. I further understand that disclosing, using and/or altering any such information without proper authorization is also prohibited. If I have any questions regarding access, use, or disclosure of such information, I understand that it is my responsibility to consult with my supervisor prior to taking any action.

I understand that it is my responsibility to keep my own username and password confidential and that I am not to allow others to use my active sessions other than to resolve specific problems. I also understand that using another person's username and password is prohibited, unless given explicit permission to do so to resolve a reported problem. It is my responsibility to keep my username/password combination(s) for all electronic applications confidential and sharing or transferring it to any other person is not allowed. I understand that it is my responsibility to notify my supervisor if my user name and password, PII data, or personal computer access have been compromised.

I understand that electronic transactions on HIDOE's information systems may be automatically logged and that the logs of my actions may be routinely reviewed as part of the HIDOE information security assurance program. I have read and understand my responsibilities under Board of Education Policy 500.21 "Student Information and Confidential Records."

I understand that failure to abide by this notice may result in disciplinary action in accordance with HIDOE policies and procedures, State and federal laws, and applicable collective bargaining agreement up to and including dismissal. In addition, persons with access to confidential PII information may be subject to criminal penalties for the unauthorized access, use, and/or release of such information.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name (print): \_\_\_\_\_

Title: \_\_\_\_\_

**POLICY 500-21**

**STUDENT INFORMATION AND CONFIDENTIAL RECORDS**

Information relating to individual students or former students in the public schools shall not be divulged or released by Department of Education (“Department”) personnel, except as authorized by the individual student, parent, or guardian, permitted by the Department, or specified by law. Reports designated as “confidential” contain information of an intimate and personal nature, and shall be safeguarded and respected in accordance with professional ethics. Such reports shall not be placed in files of general accessibility.

No questionnaire or other device for securing any kind of information, opinions, or statistical data from students shall be permitted in the public schools, except where the request is approved by the Department.

All public schools shall maintain individual files of permanent student records as required by the Department or by law.

[Approved: 05/19/2015 (as Board Policy 500.21); amended: 06/21/2016 (renumbered as Board Policy 500-21)]

*Former policy 4610 history: former code no. 1151; former policy approved: 01/1950; amended: 09/1955, 03/1988, 11/18/2004; reviewed: 04/1960*



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

OFFICE OF THE SUPERINTENDENT

May 13, 2022

TO: Department of Education Employees (All)

FROM: Keith T. Hayashi  
Interim Superintendent

SUBJECT: **School Year 2022-2023 Annual Notice of Consequences for Failure to Report Chapter 19 Student Misconduct, Discipline, School Searches and Seizures, Reporting Offenses, Police Interviews and Arrests, and Restitution for Vandalism, Class A or Class B Offenses Occurring in School**

Hawaii Administrative Rules (HAR) 8-19-19 clearly states that Hawaii State Department of Education (Department) employees shall promptly report an incident to the school principal or his/her designee if the employee:

- witnesses a Class A or Class B offense;
- has reasonable cause to believe that a Class A or Class B offense has been committed or will be committed against a Department student, teacher, official, or other employee; or
- has knowledge regarding a Class A or Class B offense involving school property.

Failure to report Class A or Class B offenses may result in disciplinary action for offenses occurring:

- on campus or other Department premises;
- on Department transportation; or
- during a Department-sponsored activity or event on or off school property.

This memorandum and attachments shall be shared with all Department employees. Should you have any questions, contact Ms. Sheli Suzuki, Educational Specialist, Student Support Section, at (808) 305-9787 or via email at [sheli.suzuki@k12.hi.us](mailto:sheli.suzuki@k12.hi.us).

Thank you for your prompt action on this matter.

KTH:ss  
Attachments

c: Hawaii State Public Charter School Commission

## HAWAII ADMINISTRATIVE RULES

## CHAPTER 19

STUDENT MISCONDUCT, DISCIPLINE, SCHOOL SEARCHES AND SEIZURES,  
REPORTING OFFENSES, POLICE INTERVIEWS AND ARRESTS AND RESTITUTION  
FOR VANDALISM, COMPLAINT PROCEDURE AND INVESTIGATION OF  
DISCRIMINATION, HARASSMENT (INCLUDING SEXUAL HARASSMENT), BULLYING  
AND/OR RETALIATION

## SUBCHAPTER 5

## REPORTING OFFENSES

**§8-19-19 Reporting class A and class B Offenses occurring in school.** (a) Any teacher, official, or other employee of the department who is a witness to a class A or class B offense as defined in this chapter, or who has reasonable cause to believe that a class A or class B offense has been committed or will be committed, against a student, teacher, official, or other employee of the department, or involving school property, shall promptly report the incident to the principal or designee. Nothing in this subsection shall be construed to prohibit or prevent a teacher, official, or other employee of the department from reporting class C or class D offenses to the principal or designee.

(b) Upon receiving a class A or class B offense report, the principal or designee shall conduct an investigation to determine whether the behavior requires a direct call to the police or whether the behavior can be handled through school disciplinary procedures. The principal or designee shall call the police whenever there is perceived danger and the behavior cannot be handled by the school staff.

(c) The principal or designee shall record the incident information into the department's electronic database system within five school days of the reported offense. [Eff 9/1/82; am and ren §8-19-11, 5/23/86; am and comp 7/19/93; comp 5/19/97; comp 2/22/01; am and comp 9/10/09; am and comp **NOV 17 2019**] (Auth: HRS §§302A-1112, 302A-1002) (Imp: HRS §§302A-1112, 302A-1002)

**§8-19-20 Indemnity upon reporting offenses.** Any teacher, official, or other employee of the department who in good faith reports as required under §8-19-19 shall be indemnified and held harmless in accordance with section 302A-1003, Hawaii Revised Statutes. [Eff 9/1/82; am and ren §8-19-12, 5/23/86; am and comp 7/19/93; comp 5/19/97; comp 2/22/01; am and comp 9/10/09; comp **NOV 17 2019**] (Auth: HRS §§302A-1112, 302A-1003) (Imp: HRS §§302A-1112, 302A-1003)

**§8-19-21 Failure to report class A or class B offenses occurring in school; consequences.** (a) The superintendent of education shall furnish an annual written notice to all schools and offices that failure to report class A or class B offenses occurring on campus, or other department premises, on department transportation, or during a department-sponsored

activity or event on or off school property may result in disciplinary actions against responsible teachers, officials, or other employees of the department. Disciplinary actions may include:

- (1) Oral warning;
- (2) Written warning;
- (3) Suspension without pay;
- (4) Demotion; or
- (5) Dismissal.

(b) Teachers, officials, or other employees of the department who fail to report offenses as required by section 8-19-19 may be disciplined in accordance with the regulations and procedures of the department.

(c) Any teacher, official, or other employee of the department who is disciplined for failure to report class A or class B offenses occurring on campus, or other department premises, on department transportation, or during a department sponsored event on or off property shall have the right to appeal the disciplinary action as provided by state law or the regulations and procedures of the department or applicable collective bargaining agreements. [Eff 9/1/82; am and ren §8-19-13, 5/23/86; am and comp 7/19/93; comp 5/19/97; comp 2/22/01; am and comp 9/10/09; am and comp **NOV 17 2019**] (Auth: HRS §§302A-1112, 302A-1002) (Imp: HRS §§302A-1112, 302A-1002)

## SUBCHAPTER 2

## STUDENT MISCONDUCT AND DISCIPLINE DURING THE REGULAR SCHOOL YEAR

**§8-19-6 Prohibited student conduct; class offenses.** (a) The following prohibited conduct applies to all students in the public school system, on campus, or other department premises, on department transportation, or during a department sponsored activity or event on or off school property.

- (1) Class A offenses:
  - (A) Assault;
  - (B) Bullying (for students in grades 9-12);
  - (C) Burglary;
  - (D) Cyberbullying (for students in grades 9-12);
  - (E) Dangerous instrument, or substance; possession or use of;
  - (F) Dangerous weapons; possession, or use of;
  - (G) Drug paraphernalia; possession, use, or sale of;
  - (H) Extortion;
  - (I) Fighting;
  - (J) Firearms; possession or use of;
  - (K) Harassment (for students in grades 9-12);
  - (L) Homicide;
  - (M) Illicit drugs; possession, use, or sale of;
  - (N) Intoxicating substances; possession, use, or sale of;
  - (O) Property damage or vandalism;
  - (P) Robbery;
  - (Q) Sexual assault;
  - (R) Sexual exploitation;
  - (S) Sexual harassment (for students in grades 5-12);
  - (T) Stalking; or
  - (U) Terroristic threatening.
- (2) Class B offenses:
  - (A) Bullying (for students in grades K-8);
  - (B) Cyberbullying (for students in grades K-8);
  - (C) Discrimination;
  - (D) Disorderly conduct;
  - (E) False alarm;
  - (F) Forgery;
  - (G) Gambling;
  - (H) Harassment (for students in grades K-8);
  - (I) Hazing;
  - (J) Inappropriate or questionable uses, or both of internet materials or equipment, or both;
  - (K) Retaliation;

- (L) Sexual harassment (for students in grades K-4);
- (M) Theft; or
- (N) Trespassing.
- (3) Class C offenses:
  - (A) Abusive language;
  - (B) Class cutting;
  - (C) Insubordination;
  - (D) Laser pen/laser pointer; possession or use of;
  - (E) Leaving campus without consent;
  - (F) Smoking or use of tobacco substances; or
  - (G) Truancy.
- (4) Class D offenses:
  - (A) Contraband; possession or use of;
  - (B) Minor problem behaviors; or
  - (C) Other school rules.
    - (i) Any other conduct as may be prescribed and prohibited by school rules. Individual school rules shall be published or made available for inspection at the school office and shall inform students, school staff, and parents of the prohibited conduct under class A through D of this section.
    - (ii) No disciplinary action amounting to serious discipline shall be imposed for violation of any individual school rule as a class D offense.

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# **School Administrators and Bargaining Unit 05 Employees Section**

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**GUIDELINES ON DUTIES AND RESPONSIBILITIES OF PRINCIPALS  
RELATING TO STUDENT BEHAVIORS  
2022-23 School Year (SY)  
May 2022**

The **GUIDELINES ON DUTIES AND RESPONSIBILITIES OF PRINCIPALS RELATING TO STUDENT BEHAVIORS** has been prepared for distribution to each principal. This document is in consonance with the guiding principles of positive behavioral interventions and supports and the Hawaii Administrative Rules (“HAR”) Title 8, Chapter 19, Student Misconduct, Discipline, School Searches and Seizures, Reporting Offenses, Police Interviews and Arrests, and Restitution for Vandalism, Complaint Procedure and Investigation of Discrimination, Harassment (Including Sexual Harassment), Bullying and/or Retaliation (“Chapter 19”).

The following guidelines have been proposed as suggestions for the principal to support the implementation of Guidelines on Duties and Responsibilities of Teachers Relating to Student Behaviors:

1. Make available the following and provide assistance to and support to teachers (including substitute teachers and volunteers), to ensure an understanding of the following Hawaii State Department of Education (“DOE”) documents referred to in the “Guidelines on Duties and Responsibilities of Teachers Relating to Student Behaviors:”
  - a. Student Bill of Rights and Responsibilities;
  - b. Board of Education (“BOE”) Policies:

<b>Policy #</b>	<b>BOE Policy</b>	<b>Approved Date</b>
101-1	Student Code of Conduct	10/06/15
101-15	Focus on Students	10/06/15
101-2	Character Education	10/06/15
101-6	Comprehensive Student Support System	10/06/15
101-7	School Climate and Discipline	09/01/15
203-3	Guidance Regarding Student Rights and Disciplinary Practices	04/07/15
305-1	Student Safety and Welfare	02/17/15
305-10	Anti-Harassment, Anti-Bullying, and Anti-Discrimination Against Student(s) by Employees	02/17/15
305-8	Youth Gangs	02/17/15

305-9	Practice of Hazing Students	02/17/15
305-4	Use of Force	02/17/15
900-6	Student Rights and Due Process	05/19/15

c. Hawaii Administrative Rules (“HAR”):

HAR Title 8 Chapter	Title	“Chapter”
<b>19</b>	Student Misconduct, Discipline, School Searches and Seizures, Reporting Offenses, Police Interviews and Arrests, and Restitution for Vandalism, Complaint Procedure and Investigation of Discrimination, Harassment (Including Sexual Harassment), Bullying and/or Retaliation.	<b>“Chapter 19”</b>
<b>34</b>	Relating to the Protection of Educational Rights and Privacy of Students and Parents	<b>“Chapter 34”</b>
<b>60</b>	Provision of a Free Appropriate Public Education for a Student With a Disability	<b>“Chapter 60”</b>
<b>61</b>	Nondiscrimination on the Basis of Disability in Programs or Activities Receiving Federal Financial Assistance	<b>“Chapter 61”</b>
<b>89</b>	Civil Rights Policy and Complaint Procedure for Student(s) Complaints Against Adult(s)	<b>“Chapter 89”</b>

d. DOE Safety and Accident Prevention Program/Policy and Safety Index, Vol. VII, 994 and;

e. Emergency Preparedness Handbook, DOE, Chapter 3, Section 11, Campus Disturbances.

2. Inform all employees of their responsibilities under HAR Chapter 89:

a. Under HAR Chapter 89, students, parents or legal guardians, employees, or volunteers who witness or are otherwise aware of any incidents of protected class discrimination, harassment (including sexual harassment), or bullying against a student in any program, activity, or service of the department by employees, volunteers, or third parties may file a complaint regarding an alleged violation under this chapter;

- b. Protected classes covered under this chapter are: race, color, religion, sex, sexual orientation, gender identity, gender expression, age, national origin, ancestry, disability, physical appearance and characteristics, and socio-economic status;
  - c. An administrator who receives a complaint under this chapter shall immediately forward the complaint to the Civil Rights Compliance Branch or their school's Complex Area Equity Specialist for investigation; and
  - d. If deemed appropriate, the principal shall ensure that immediate interventions are provided for individuals involved in the complaint investigation.
3. Know and implement with fidelity the prerequisites and provisions of HAR Chapter 19:
- a. The principal shall establish a continuum of proactive student behavioral supports to address school-wide discipline;
  - b. Interventions to teach students appropriate behaviors must be instituted when disciplinary actions are imposed (HAR Chapter 19, §8-19-6 (d));
  - c. The principal or designee shall conduct investigations of reported incidents and appeals, when appropriate, in accordance with the provisions of HAR Chapter 19:
    - The principal or designee shall make a good faith effort at the earliest point possible to inform the parent(s)/legal guardian(s) about the school's investigation;
    - Investigations should be conducted as quickly as possible;
    - No disciplinary action under HAR Chapter 19 except for crisis removal, shall be implemented without the completion of a thorough investigation; and
    - A preliminary inquiry and supporting findings are required for a crisis removal.
  - d. The principal or designee may authorize a crisis removal for one (1) to ten (10) school days:
    - A principal or designee may crisis remove a student immediately if the preliminary inquiry finds that the student's conduct presents a clear immediate threat to the physical safety of self or others or is extremely disruptive to the educational setting as to make the student's immediate removal necessary;
    - The purpose is to maintain proper student conduct to ensure that educational activities and responsibilities remain uninterrupted; and
    - Upon the end of the crisis situation and prior to the student's return to school, the principal or designee shall have developed a safety plan for the student.
  - e. The principal or designee may authorize a suspension for one (1) to ten (10) school days:
    - For consecutive or cumulative suspension of 11 or more school days of serious discipline, the principal or designee shall recommend serious discipline to the complex area superintendent and obtain verbal authorization to initiate disciplinary proceedings; and

- Manifestation Determinations must be conducted for Individuals with Disabilities Education Act (IDEA) or Section 504 eligible students when the accumulated suspension exceeds ten (10) school days.
- f. Any suspension regardless of its length requires written notification to the parent(s)/legal guardian(s) of the following HAR Chapter 19 confidential forms:
    - Investigation Notice;
    - Investigation Findings and Discipline; and
    - Should the student be suspended for 11 or more school days or for a serious disciplinary action, the parent(s)/legal guardian(s) should be provided the Request for Appeal form.
  - g. If a parent(s)/legal guardian(s) appeals the school's serious discipline actions, the student shall be permitted to attend his/her school pending the appeal, unless the principal finds the continued presence of the student creates a substantial risk to self or hinders the rights of other students to pursue their education free from disruption:
    - However, the student shall not participate in any extracurricular activities, including but are not limited to athletics, trips or clubs.
  - h. The principal or designee shall have the trained school screener conduct the substance use screening when a student is found to be in violation of an intoxicating substance or illicit drug offense. The principal or designee shall inform the student and his/her parent(s)/legal guardian(s) of the screening results, the early return provisions of the law, and provide a contact list of medical insurance agencies;
  - i. The principal or designee shall mail a copy of the Investigation Notice and Investigations Findings and Discipline forms to their respective complex area superintendent for all suspensions and serious discipline;
  - j. The principal or designee shall inform the school personnel that the State shall indemnify and hold harmless anyone participating in good faith in the making of a report of crimes relating to arson, assault, burglary, disorderly conduct, dangerous weapons, dangerous drugs, harmful drugs, extortion, firearms, gambling, harassment, intoxicating drugs, marijuana or marijuana concentrate, murder, attempted murder, sexual offenses, rendering a false alarm, criminal property damage, robbery, terroristic threatening, theft or trespass (Act 89, 1996; HRS 302A-1002, 302A-1003);
  - k. The principal or designee may be disciplined in accordance with the regulations and procedures of the DOE for failing to report Class A and Class B offenses to the complex area superintendent. The principal or designee has the right of appeal as provided by State law, contractual provisions or the regulations and procedures of the DOE;
  - l. The principal or designee shall make an effort to notify parent(s)/legal guardian(s) of a police interview and the right to be present for school-related offenses;

- m. The principal or designee shall not allow a police officer to interview a student for a non-school-related offense until parental consent is first obtained. Exceptions are child abuse and neglect cases in which parental consent for a police interview is not necessary;
  - n. The principal or designee shall make a good faith effort to inform the student's parent(s)/legal guardian(s) or legal custodian(s) when a student is arrested;
  - o. The principal or designee may adopt local school rules, which would be classified as Class D offenses. If local school rules are desired, the principal must follow the procedure outlined in the Due Process Handbook for Administrative Action. Involve students, staff and parent(s)/legal guardian(s) in developing, reviewing, and adopting guidelines, which prescribe acceptable standards of conduct, behavior and general consequences of misconduct;
  - p. The principal or designee shall ensure maintenance of student incident records as collected and inputted into the electronic Infinite Campus (“IC”) behavior management database system for Class A, Class B, Class C, and Class D offenses. All Class A and Class B offenses are to be entered into IC within five (5) days of the reported incident;
  - q. The principal or designee shall follow the procedural steps of the Chapter 19 complaint procedure for Discrimination, Harassment (Including Sexual Harassment), Bullying and/or Retaliation;
  - r. The principal or designee shall follow procedures in Chapter 60 in disciplining students eligible for services under the “IDEA;” and
  - s. The principal or designee shall follow the requirements of Chapter 61 in disciplining students with disabilities who qualify under Section 504 of the Rehabilitation Act of 1973 (“Section 504”).
4. Provide time for detailed discussion of maintaining positive teaching and learning environments through proactive strategies, the school’s continuum of behavioral supports and HAR Chapter 19, Student Misconduct, Discipline, School Searches and Seizures, Reporting Offenses, Police Interviews and Arrests, and Restitution for Vandalism, Complaint Procedure and Investigation of Discrimination, Harassment (Including Sexual Harassment), Bullying and/or Retaliation:
- a. Clarify for teachers the differences between minor student behaviors which are managed by the classroom teacher and major, serious, and illegal student behaviors which would require action by the principal or designee under HAR Chapter 19; and
  - b. Teachers need to be aware that, should a teacher provide information about a student's behavior which eventually leads to serious discipline action by the school, the teacher may need to testify should the student and parent(s)/legal guardian(s) request an appeal.

5. The principal or designee shall comply with HAR Chapter 19, §8-19-14 regarding the policy on Canine Detection Program and Student Locker Screening Program Pursuant to Positive Dog Sniffs. Compliance is also to be followed regarding required conditions under which general school searches and seizures may be carried out (§8-19-17) and prohibited searches and seizures (§8-19-18).

As a general policy, searches and seizures are permissible if there are reasonable grounds to suspect that the search will turn up the evidence. The following conditions must be met in order to conduct a general search and seizure:

- a. At the time of the search, there are reasonable grounds to suspect based on the facts and circumstances that the search will turn up evidence that the student(s) have violated the law or provisions of this chapter;
  - b. The manner in which the search is to be conducted is reasonably related to the purpose of the search; and
  - c. The student who is the subject of the search shall be given the opportunity to voluntarily relinquish the evidence sought. Weapons should not be handled by the student.
6. Inform teachers about the 1989 statutory changes relating to assaults on educational workers and teacher's responsibilities under HAR Chapter 19:
    - a. Report Class A or B offenses to the principal or designee. (A teacher witnesses offense or has reasonable cause to believe a Class A or B offense was or may be committed.);
    - b. Teachers are indemnified for reporting in good faith Class A and Class B offenses;
    - c. Failure of a teacher to report Class A or Class B offenses may result in disciplinary action in accordance with the regulations and procedures of the DOE; and
    - d. A teacher who is disciplined has the right to appeal the disciplinary action as provided by State law, or contractual provisions, or the regulations and procedures of the DOE.
  7. Implement the discipline provisions of the IDEA/Chapter 60 and Section 504/Chapter 61:
    - a. A principal or designee may initiate action that results in the suspension or crisis removal of a student with a disability from the student's current educational placement for not more than ten (10) school days in any given school year in the same manner as students without disabilities for a violation of HAR Chapter 19 provisions;
    - b. A principal or designee shall not initiate any disciplinary action that results in a suspension and/or removal for more than ten (10) school days or cumulative suspensions/removals of more than ten (10) school days in a given school year unless:

- The student is removed to an interim alternative educational setting (“IAES”) as authorized under Chapter 60, §8-60-75 subsection (g)(2) on the removal of a student with a disability while at school, on school premises, or at a school function under the jurisdiction of the DOE for:
    - carrying or possessing a weapon;
    - possessing or using illegal drugs or selling or soliciting the sale of a controlled substance; or
    - inflicting serious bodily injury upon another person.
  - A Manifestation Determination Review has been conducted and the Modification Plan (“MP”) team or the principal or designee, parent(s)/legal guardian(s) and relevant members of the Individualized Education Program (“IEP”) team determines that the behavior is not a manifestation of the student’s disability; or
  - The change in placement is made by a group of persons, including the parent(s)/legal guardian(s), and is in accordance with procedural safeguards and includes the provision of a prior written notice to the parent(s)/legal guardian(s) of the proposed change of placement and the parent(s)/legal guardian(s) does not request a hearing; or
  - The basis for a crisis removal exists and school personnel determine that together with previous days of suspension and disciplinary removal, a pattern does not exist.
- c. When an IDEA/Section 504 eligible student will be suspended for more than ten (10) consecutive or cumulative days in a given school year, the following provisions are triggered:
- A Manifestation Determination Review must be held within ten (10) school days after the date on which the decision to suspend/remove a student is made. In conducting the review, the (IEP/MP) team may determine that the behavior subject to disciplinary action was not a manifestation of the student’s disability only if the team considers all information relevant to the behavior subject to disciplinary action (e.g., evaluation and diagnostic results, information from the parent(s)/legal guardian(s), observations of the student, and the student’s IEP and placement), then the team determines that:
    - The conduct in question was not caused by or did not have a direct and substantial relationship to, the student’s disability; or
    - The conduct in question was not the direct result of the DOE’s failure to implement the IEP; and
    - If it is determined that the behavior was a manifestation of the student’s disability, then the student may not be suspended and the IEP team immediately reviews the current Functional Behavioral Assessment (FBA) and Behavior Intervention Plan (BIP); and the IEP team should take appropriate action regarding the student’s program and/or placement.

- For IDEA eligible students, if the student does not already have an FBA, within ten (10) business days after the student is suspended, the IEP team must conduct a functional behavioral assessment and implement a BIP;
  - If a BIP for the student is already in place, the IEP team shall meet to review the plan and its implementation to determine if modifications are necessary to address the behavior;
  - For IDEA eligible students, beginning on the 11<sup>th</sup> day of suspension (consecutive or cumulative), the school must continue to provide a Free Appropriate Public Education (“FAPE”). Services must be provided to the extent necessary to enable the student to progress in the general curriculum and advance toward achieving the goals in his/her IEP and provided an interim alternative educational setting; and
  - For Section 504 eligible students, beginning on the 11<sup>th</sup> day of suspension (consecutive or cumulative), the school must arrange alternate educational activities.
- d. If a parent(s)/legal guardian(s) disagrees with the Manifestation Determination, the parent(s)/legal guardian(s) may request a due process hearing. The DOE shall arrange for and provide an expedited hearing. The student will remain in the current placement pending the decision of the hearing officer. For IDEA eligible students, the student shall remain in the interim alternative educational setting; and
- e. Documentation of FBAs, BIPs, and Manifestation Determinations must be maintained on file in each school.
8. Inform and discuss with teachers and staff the school procedures of referring a student with behavioral concerns and the follow-up procedures for implementing appropriate consequences and interventions;
9. Distribute a copy of school’s proactive student behavioral guidelines to teachers, students, and parent(s)/legal guardian(s) at the beginning of each school year;
10. Develop, review, maintain, and implement school emergency plans to address school and student safety and emergency crisis response preparedness;
11. Provide guiding principles of proactive school-wide student behavior to teachers that includes, but is not limited to:
- a. Effective classroom management is quality instruction in which students are actively engaged in productive learning;
  - b. Every adult models appropriate, moral, and ethical behaviors;
  - c. School-wide and classroom behavioral expectations are routinely taught and acknowledged;

- d. Promote problem prevention before problem solving. Prevent problem behaviors from arising by:
- Acknowledging students demonstrating appropriate behaviors with a minimum ratio of six (6) positives to one (1) negative;
  - Model school-wide behavioral expectations;
  - Utilize pre-correction and active supervision strategies to maintain safe and orderly student behaviors; and
  - Be familiar with the seven (7) stages of escalation and its intervention strategies.
- di. Provide a clear and consistent message that “good behavior leads to positive consequences and problem behavior leads to negative consequences.” Use consequences calmly, consistently and immediately;
- dii. Recognize the signs of agitation that include both the increase and decrease of student behaviors prior to possible escalation;
- diii. Recommended Strategies:
- School culture will be improved and the need for restraints will be reduced when the student voice is valued and the needs of the whole child are addressed. Schools should ensure that every student has equitable access to student support services. Students should be provided with appropriate services necessary to meet their individual needs;
  - Along with the Safety-Care strategies, Help, Prompt, Wait, schools should employ a wide array of prevention and intervention strategies to prevent and minimize challenging behaviors; and
  - The State strongly believes that students are more likely to achieve and perform at higher levels when positive approaches are used. This law explicitly requires the training of evidenced-based skills relating to positive behavior interventions and supports (PBIS). For specific strategies visit: <http://www.pbisworld.com>. This site provides tiered interventions for a variety of behaviors commonly displayed in the school setting.
- div. Use of Force Policy:
- The law governing the use of force in public schools is HRS §703-309(2). This law provides the authority for BOE Policy 305-4 and is referenced in HRS §302A-1141;
  - The continuum for levels of appropriate force can be very broad depending on the circumstances of each incident;
  - There are many instances in which a physical interaction will not rise to the level of a physical restraint;
  - The use of force policy provides guidance for such uses of force; and
  - When a restraint is imposed it must be imposed in a manner consistent with BOE policies and HRS §703-309(2) and §302A-1141.4.

- i. Physical Restraint is defined as a personal restriction, other than a chemical or mechanical restraint, that immobilizes or reduces the ability of a student to move the student's arms, legs, or head freely. A physical restraint may only be imposed when:
- A student's behavior poses an imminent danger of property damage or physical injury to self or others and only for so long as the danger persists;
  - Other less intrusive interventions have failed or been determined to be inappropriate for the student; and
  - The restraint imposed is not life-threatening, including a physical restraint that may restrict breathing.

**GUIDELINES ON DUTIES AND RESPONSIBILITIES OF TEACHERS  
RELATING TO STUDENT BEHAVIORS  
2022-23 School Year (SY)  
May 2022**

The **GUIDELINES ON DUTIES AND RESPONSIBILITIES OF TEACHERS RELATING TO STUDENT BEHAVIORS** has been prepared for distribution to each teacher. This document is in consonance with the guiding principles of positive behavioral interventions and supports and the Hawaii Administrative Rules (“HAR”) Title 8, Chapter 19, Student Misconduct, Discipline, School Searches and Seizures, Reporting Offenses, Police Interviews and Arrests, and Restitution for Vandalism, Complaint Procedures and Investigation of Discrimination, Harassment (Including Sexual Harassment), Bullying and/or Retaliation (“Chapter 19”).

All students have the right to be nurtured and supported to achieve their greatest potential in a risk-free learning environment. Teachers have a wide range of responsibilities and activities to manage simultaneously. Teachers are to be positive and proactive in their classroom actions and shall:

1. Routinely model, teach and acknowledge students for demonstrating school-wide behavioral expectations;
2. Explain, discuss, and practice classroom behavioral expectations with students emphasizing the safety and well-being of all students.
  - a. Acknowledge students for demonstrating appropriate behaviors with a minimum ratio of six (6) positives to one (1) negative;
  - b. Model school-wide behavioral expectations;
  - c. Utilize pre-correction and active supervision strategies to maintain safe and orderly student behaviors; and
  - d. Be familiar with the seven (7) stages of escalation and its intervention strategies.
3. Exemplify and demonstrate responsible behavior as illustrated in the Profile of an Effective Teacher by following the Hawaii State Department of Education’s (“DOE”) rules, regulations and procedures which consists of:
  - a. Being fair;
  - b. Exercising good judgment; and

- c. treating all students courteously and impartially.
4. Recognize that students have citizenship rights as documented in Student Rights and Responsibilities and the DOE Code, which may not be abridged, obstructed or altered in any way except in accordance with the due process of law (e.g., Student Bill of Rights and Responsibilities):
    - a. Board of Education (“BOE”) 900-6 Student Rights and Due Process;
    - b. HAR, Title 8, Chapter 34, Relating to the Protection of Educational Rights and Privacy of Students and Parents (“Chapter 34”);
    - c. HAR, Title 8, Chapter 60, Provision of a Free Appropriate Public Education for a Student with a Disability (“Chapter 60”); and
    - d. HAR, Title 8, Chapter 61, Nondiscrimination on the Basis of Disability in Programs or Activities Receiving Federal Financial Assistance (“Chapter 61”).
  5. Become familiar with and comply with the provisions of:
    - a. Hawaii Administrative Rules Title 8 Chapter 19 Student Misconduct, Discipline, School Searches and Seizures, Reporting Offenses, Police Interviews and Arrests, and Restitution for Vandalism;
    - b. BOE policies, and DOE rules and regulations related to student behavior and teacher-student responsibilities: e.g.,
      - BOE Policy 101-1 Student Code of Conduct
      - BOE Policy 101-2 Character Education
      - BOE Policy 101-6 Comprehensive Student Support System
      - BOE Policy 101-7 School Climate and Discipline
      - BOE Policy 101-15 Focus on Students
      - BOE Policy 203-3 Guidance Regarding Student Rights and Disciplinary Practices
      - BOE Policy 305-1 Student Safety and Welfare
      - BOE Policy 305-8 Youth Gangs
      - BOE Policy 305-9 Practice of Hazing Students
      - BOE Policy 305-10 Anti-Harassment, Anti-Bullying, and Anti-Discrimination Against Student(s) by Employees
      - BOE Policy 305-4 Use of Force
      - BOE Policy 900-6 Student Rights and Due Process

- DOE Safety and Accident Prevention Program/Policy and Safety Index, Vol. VII, 1994
6. Provide a seamless system of instructional support within the multi-tiered interventions of a school for all students. A referral to the school’s instructional leadership team and/or student-focused team shall be made if students are unresponsive to the core instructional program;
  7. Integrate assessments and interventions within a multi-tiered prevention system to maximize student achievement and to reduce problem behaviors. Teachers are responsible to work as a team member to:
    - a. Identify students at risk for poor learning outcomes;
    - b. Monitor student progress;
    - c. Provide evidence-based interventions;
    - d. Adjust the intensity and nature of the interventions dependent on the student’s responsiveness; and
    - e. Identify students with learning disabilities.
  8. Seek assistance from principal and/or counselor for students with special needs or “difficult-to-teach” students by:
    - a. Obtaining assistance in classroom instructional and behavioral strategies and interventions; and
    - b. Requesting assistance through the school-wide leadership team when implementation of classroom instructional interventions have not produced desired student outcomes.
  9. Comply with the DOE’s directive that **no corporal punishment may be inflicted upon any pupil by any DOE personnel**. For the purpose of this section, corporal punishment shall mean the paddling, spanking or otherwise striking of a pupil by any school personnel. Failure of a teacher to comply with this directive may result in disciplinary action in accordance with the regulations and procedures of the DOE;
  10. Teachers must comply with the requirements of Hawaii Administrative Rules Title 8 Chapter 19, Student Misconduct, Discipline, School Searches and Seizures, Reporting Offenses, Police Interviews and Arrests, and Restitution for Vandalism:

- a. The prerequisite to the application of HAR Chapter 19 is the establishment of a proactive systems approach to school-wide discipline [§8-19-1 (b)];
  - b. Interventions to teach students appropriate behavior must be instituted when disciplinary actions are imposed [§8-19-6 (d)];
  - c. HAR Chapter 19 is applicable to offenses committed on school campus, or other DOE premises, on DOE transportation, or during a DOE-sponsored activity or event on or off school property [§8-19-1 (b), [§8-19-2];
  - d. Teachers shall report class A and class B offenses to the principal or designee if witnessed the offense as defined in HAR Chapter 19 or you have reasonable cause to believe that a class A or class B offense has been committed or will be committed against a student, teacher, official, or other employee of the DOE or involving school property {§8-19-19 (a)}.
  - e. Teachers are indemnified for reporting in good faith class A and class B offenses {§8-19-20}.
  - f. Failure of a teacher to report a class A or class B offenses occurring on campus, on DOE transportation, or during a DOE-sponsored activity or event on or off school property may result in disciplinary action in accordance with the regulations and procedures of HAR Chapter 19 §8-19-21 [8-19-21 (a)];
  - g. A teacher who is disciplined for the failure to report class A or class B offense has the right to appeal the disciplinary action as provided by state law or the regulations and procedures of the DOE or applicable collective bargaining agreements [§8-19-21 (b)]; and
  - h. A teacher shall report any Discrimination, Harassment (Including Sexual Harassment), Bullying and/or Retaliation occurring on campus, on DOE transportation, or during a DOE-sponsored activity event on or off school property to their school principal or designee. Failure to report any Bullying, Harassment (Including Sexual Harassment), Bullying and/or Retaliation may result in disciplinary action in accordance with the regulations and procedures of HAR Chapter 19 §8-19-21 [§8-19-21 (a)].
11. Comply with HAR Chapter 19, §8-19-18, **Prohibited Searches and Seizures**. Prohibited searches and seizures except as provided in section 8-19-14 regarding student lockers include:

- a. Random searches;
  - b. Strip searches; and
  - c. A school official shall not conduct a search requiring bodily contact of a student except when such a search is necessary to prevent harm to the health or safety, or both of a person or persons.
12. Teachers shall provide alternate educational activities and other assistance when students are found to be in violation of Chapter 19:
- a. For all students who are suspended for one (1) to ten (10) school days, the principal or designee may consider providing alternate educational activities based on the student's need(s) [§8-9-11 (b)];
  - b. For all students who are crisis removed for a period exceeding ten (10) school days or suspended for a period exceeding ten (10) school days, the complex area superintendent shall ensure that alternate educational activities or active participation of the public or private agencies as appropriate [§8-19-11 (a)]; and
  - c. If a student is dismissed from school for a firearm violation, the student shall be provided alternate educational activities or other appropriate assistance [§8-19-6 (b)].
13. The teachers are responsible for maintaining an environment in the school that is conducive to the physical, social/emotional, and mental well-being of all students and shall follow the following if a conflict is observed:
- a. Identifying potential times and situations that may lead to conflict;
  - b. Increase supervision when appropriate;
  - c. Change schedule;
  - d. Change assigned classrooms, recess areas, seating location such as lunch rooms;
  - e. Recommended Strategies:
    - School culture will be improved and the need for restraints will be reduced when the student voice is valued and the needs of the whole-child are addressed. Schools should ensure that every student has equitable access to student support services. Students should be provided with appropriate services necessary to meet their individual needs;

- Along with the Safety-Care strategies, Help, Prompt, Wait, schools should employ a wide array of prevention and intervention strategies to prevent and minimize challenging behaviors; and
- The State strongly believes that students are more likely to achieve and perform at higher levels when positive approaches are used. This law explicitly requires the training of evidenced-based skills relating to positive behavior interventions and supports (PBIS). For specific strategies visit: <http://www.pbisworld.com>. This site provides tiered interventions for a variety of behaviors commonly displayed in the school setting.

f. Use of Force Policy:

- The law governing the use of force in public schools is HRS §703-309(2). This law provides the authority for BOE Policy 305-4 and is referenced in HRS §302A-1141;
- The continuum for levels of appropriate force can be very broad depending on the circumstance of each incident;
- There are many instances in which a physical interaction will not rise to the level of a physical restraint;
- The use of force policy provides guidelines for such uses of force; and
- When a restraint is imposed it must be imposed in a manner consistent with BOE policies and HRS §703-309(2) and §302A-1141.4.

g. Physical Restraint is defined as a personal restriction, other than a chemical or mechanical restraint, that immobilizes or reduces the ability of a student to move the student's arms, legs, or head freely. A physical restraint may only be imposed when:

- A student's behavior poses an imminent danger of property damage or physical injury to self or others and only for so long as the danger persists;
- Other less intrusive interventions have failed or been determined to be inappropriate for the student; and
- The restraint imposed is not life-threatening, including a physical restraint that may restrict breathing.

## **STUDENT BILL OF RIGHTS AND RESPONSIBILITIES**

### **PREAMBLE**

*The primary function of schools is to nurture the educative process of students and to equip them constructively to meet the challenges of the future.*

*If we, the students of the State of Hawaii, are to become citizens trained in the democratic process, we should be provided full opportunity to inquire, to question, and to exchange ideas. Our rights and responsibilities, then, are analogous to those of an adult citizen.*

#### **I. CONSTITUTIONAL RIGHTS**

*All students shall enjoy rights guaranteed by the Constitution of the United States.*

*Students shall be governed by all laws and ordinances of the State of Hawaii and the County of residence.*

*Moreover, students shall respect all rules, policies, and regulations of the Department of Education and of respective schools.*

#### **II. ACADEMIC RESPONSIBILITIES**

*Students shall have the responsibility to learn, and to respect the rights of others to learn.*

*Students shall also respect the rights of others to teach.*

#### **III. FREEDOM OF EXPRESSION AND COMMUNICATION**

*Students shall have the right to hear and express publicly, various points of view on subjects without fear of reprisal or penalty.*

*However, students recognize the rights of others and the limitations imposed by the laws of libel, slander, obscenity and incitement to riot.*

#### **IV. INVOLVEMENT OF STUDENTS IN THE DECISION-MAKING PROCESS**

*Students shall have the right to be involved in the decision-making process that affects the educational system.*

**V. FREEDOM OF ASSEMBLY AND RIGHT TO PETITION**

1. *Students shall have the right to assemble peaceably.*
2. *Students shall have the right to "petition the government for redress of grievance."*

**VI. FREEDOM OF ASSOCIATION**

*Students shall have the right to organize clubs or associations within the school as provided in the SCHOOL CODE.*

**VII. STUDENT DISCIPLINE**

*Students have the right to due process.*

**VIII. RIGHT TO PRIVACY**

*Students have the right to privacy as provided in the Hawaii State Constitution, Article I, Section 5.*

**IX. INSTRUCTION AND ADMINISTRATION**

*Students have the right to be concerned about teachers selected to instruct them and administrators who supervise the schools and educational system they attend.*

*To this end, we should be given an opportunity to express our opinions concerning the instruction we receive from teachers and the administration of Hawaii's public schools, recognizing that the evaluation of teachers and administrators rests with the appropriate supervisor established by collective bargaining contracts, the policies and regulations of the DOE, and the laws of the State of Hawaii.*

**X. MISCELLANEOUS**

*Students shall have access to all statutes, rules, policies and regulations to which they are subjected. Copies of these and the Student Bill of Rights and Responsibilities shall be available for inspection either in the school office or in some designated location convenient to all.*



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

OFFICE OF SUPERINTENDENT

ANNUAL MEMO

May 4, 2022

TO: Department of Education Employees (ALL)

FROM: Keith T. Hayashi   
Interim Superintendent

SUBJECT: **Notice on Board of Education Policy 101-13 Controversial Issues**

This memorandum is intended to provide formal notification to all teachers and school administrators regarding Board of Education (BOE) Policy 101-13 (formerly Policy 2210) and Hawaii State Department of Education (HIDOE) Regulation 2210.1, as they relate to controversial issues and to remind all teachers and school administrators of the requirement to follow all BOE policies.

Before engaging in any lesson or activity that may touch upon potentially controversial matters, teachers must discuss the potentially controversial matters with their principal to determine whether a letter concerning a potentially controversial topic should be sent out to parents or legal guardians. Teaching controversial issues resources can be found at <https://bit.ly/3tAwwg1>.

The HIDOE Regulation 2210.1 requires instructional staff or administration to notify parents or legal guardians of controversial issues discussed in the classroom or through other school activities. This notification may be done through a general letter about the lesson or activity utilizing the e-template at <http://goo.gl/VzgQj5>. The parents or legal guardians may also, of their own volition, write a letter to the school administrators or teacher to have their child excluded from a specific lesson or activity. If such a letter is received, the student must be provided with an alternative learning activity. The parent(s) or legal guardian(s) have an obligation to notify the school administrator or teacher before the lesson or activity.

Principals are asked to review the policy and guidelines relevant to BOE Policy 101-13 with each of their teachers and go over the procedures for handling controversial issues. The policy and regulation can be accessed by searching "101-13" or "2210.1" in the HIDOE Portal at <https://intranet.hawaiipublicschools.org>.

Should you have any questions, please contact Mr. Charles Souza, Educational Specialist for the Digital Design Team, at (808) 305-9786 or via email at [charles.souza@k12.hi.us](mailto:charles.souza@k12.hi.us). Complex Area Superintendents should make themselves available as a resource to principals on this topic.

KTH:cs  
c: Board of Education