



The Senate

STATE CAPITOL
HONOLULU, HAWAII 96813

September 14, 2020

Honorable Ronald Kouchi
President of the Senate
Thirtieth State Legislature
State of Hawaii

Dear Sir:

Re: Senate Special Investigating Committee on COVID-19

Meeting on September 11, 2020
1:00 p.m.
Hawaii State Capitol

Your Senate Special Investigating Committee on COVID-19, established pursuant to S.R. No. 198, S.D. 1 (Regular Session of 2020), begs leave to report as follows:

The purpose and intent of the Committee is to:

- (1) Assess and advise the Senate regarding the State of Hawaii's COVID-19 plans and procedures;
- (2) Confirm the development of state and county departmental plans and procedures;
- (3) Review and assess current state and county departmental plans and procedures;
- (4) Review and assess whether state and county departmental plans and procedures are properly and timely implemented to safeguard public health and safety;

- (5) Review, assess, and monitor the State's expenditure of federal and state COVID-19 relief funds;
- (6) Communicate and disseminate information obtained therefrom; and
- (7) Issue subpoenas.

On September 11, 2020, your Committee met with the following:

- (1) Ms. Deborah Kobayakawa from the Hawaii State Council on Developmental Disabilities;
- (2) Dr. Christina Kishimoto and Ms. Heidi Armstrong from the Department of Education;
- (3) Dr. Janet Berreman and Mr. Edward Mersereau from the Department of Health; and
- (4) Dr. Victoria Fan from the University of Hawaii at Manoa.

FINDINGS OF THE COMMITTEE

I. Opening Statements

Senator Donna Mercado Kim commented on the recent situation involving Dr. Jennifer Smith, a Department of Health (DOH) case investigator, who was placed on paid leave. Dr. Smith had previously come forward with information about DOH's contact tracing efforts, which led to further inquiries by your Committee and other media outlets. Senator Mercado Kim called for your Committee to request the Governor to intervene and resolve this issue immediately. Senator Michelle Kidani further expressed her gratitude for Dr. Smith's courage for speaking up and providing the reality of the turmoil within DOH.

II. Managing Special Education Services by the Department of Education

Ms. Deborah Kobayakawa, Chair of the Hawaii State Council on Developmental Disabilities, discussed several concerns raised by parents and caregivers related to the Department of Education (DOE) and its efforts in providing special education services to students. More specifically, Ms. Kobayakawa identified the following concerns:

- Parents not receiving the crucial information they need in a timely manner to understand the various models of education and instruction being offered to students;

- Lack of transparency regarding policies and procedures for students with disabilities since school closures;
- The dissemination of infographic information to parents and caregivers in forms other than digital and other accessibility concerns, including language access;
- Clarification and understanding from the DOE in its mission to ensure that all students reach their aspirations;
- Clarification and understanding of the education and instructional model options available to special education students; and
- Training in technology from the DOE for parents and caregivers to support their child's distance learning and other technology-related concerns.

Ms. Kobayakawa further expressed concerns from parents and caregivers about a lack of consistency in information from the DOE as it relates to student services for special education students and the challenges that parents and caregivers encounter when acting as both a parent and teacher in the home.

Senator Kidani requested that the DOE be given time to respond to the specific questions and concerns raised from Ms. Kobayakawa.

Ms. Heidi Armstrong, Assistant Superintendent for the DOE's Office of Student Support Services, addressed some of the concerns raised by Ms. Kobayakawa and acknowledged that while many of these concerns are difficult to solve, these issues were not brought up during Hawaii State Council on Developmental Disabilities meetings, of which the DOE attends. Additionally, Ms. Armstrong reported that communication and collaboration with community partners has been occurring through various Parent Partnership meetings.

Ms. Armstrong then discussed updates and new information regarding COVID-19 Impact Services, including continuing the Learn from Home phase of distance learning until the end of the first quarter and other various memos to support instruction and services for students with disabilities.

Furthermore, Ms. Armstrong briefly spoke about the following:

- The expectation of current instructional models, which the DOE outlines as follows: "During Distance Learning, schools must implement each student's Individualized Education Program and provide special education, related services, and specially designed instruction. This also applies to students whose parents opt-in for Total Distance Learning (to the greatest extent possible)";

- The current instructional models, including distance learning, face-to-face, hybrid/blended learning, and total distance learning;
- Asynchronous versus synchronous instructional models; and
- The various ways the DOE has disseminated information to the public and department, including its website, staff training, and through special education resources.

Senator Kidani requested that the DOE include representation from the Hawaii State Council on Developmental Disabilities in more of its meetings with community groups as it relates to special education.

Senator Sharon Moriwaki expressed concerns that special education teachers were not being provided enough support in having to work with different learning models. Ms. Armstrong responded that training is available to teachers, including assistance from a district education specialist and one-on-one training.

Senator Kidani then asked about special education students opting for distance learning and if doing so waived their right to special education services, to which Ms. Armstrong clarified that it does not. Additionally, Senator Kidani inquired about the steps the DOE is making to maximize the outreach to families who do not have access to technology and whether mobile outreaches were a viable option to reach special education students in certain communities. Ms. Armstrong stated that the DOE would provide figures related to the mobile outreaches at a future date.

Senator Mercado Kim asked Ms. Armstrong to talk about how the DOE has addressed certain community concerns through meetings with various community groups. As an example, Ms. Armstrong identified the success of parent-friendly infographics, which resulted from a collaborative effort.

Senator Mercado Kim then expressed her concerns about the school procedures after a staff member at Dole Middle School tested positive for COVID-19, including the option of telework, contact tracing, and mask use.

Dr. Christina Kishimoto, Superintendent of Education, addressed the concerns raised by Senator Mercado Kim by discussing the information in the DOE's Health and Safety Handbook, which includes guidance on safety protocols, cleaning and sanitation procedures, and notification steps. Additionally, Dr. Kishimoto stated that the DOE is working with the DOH to: 1) redesign protocols for contact tracing to provide a more consistent follow-up with students, parents, and community members; and 2) develop metrics that the DOE can use as triggers to shut down schools if necessary.

Senator Kidani expressed similar concerns about the situation at Dole Middle School and asked how the DOE is ensuring the safety of students, teachers, and staff at the school with its current contact tracing protocols.

Senator Kurt Fevella then asked Superintendent Kishimoto to clarify whether the DOE was charging a fee for the use of school facilities for the free COVID-19 testing on Oahu. Superintendent Kishimoto indicated that the DOE did charge a fee to cover the cost of cleaning the campus in a timely manner.

Senator Moriwaki expressed concerns about the actions health aides should take when assisting students with symptoms of COVID-19 who are on campus. Superintendent Kishimoto stated that there is training available for health aides and mentioned the requirement that all schools have an isolation area for students who are sick or suspected of being sick.

III. Department of Health's COVID-19 Dashboard

Mr. Edward Mersereau, Deputy Director of Behavioral Health Services Administration for the DOH, introduced the COVID-19 Data Dashboard, stating that it is a work-in-progress. Mr. Mersereau indicated that the primary goal of the dashboard is to get data out as broadly as possible to the public and that the dashboard is a coordinated effort involving various groups to push the State toward a universal methodology on data regarding COVID-19.

Dr. Janet Berreman, Kauai District Health Officer for the DOH, shared DOH's COVID-19 metrics, including pandemic control actions (prevention, detection, containment, and treatment), and the commitments of the dashboard work group, such as providing regular updates, reporting by state and county, collaboration, and refining and making improvements over time. Dr. Berreman also discussed multi-source data for decision-makers, expanding on the broad categories of prevention, detection, containment, and health care. In response to a question by Senator Sharon Moriwaki, Dr. Berreman clarified that data from the recent surge testing efforts are included in PCR testing data.

Dr. Victoria Fan, Assistant Professor at the University of Hawaii at Manoa, navigated the COVID-19 dashboard, which is compiled from data from about a dozen sources. The dashboard is organized categorically by Prevention and Detection, Current Situation, and Treatment and Outcome and can be found at www.HawaiiCOVID19.com. Dr. Fan noted that her team is working to make the site interactive, provide information on the timeliness of case and contact interview data, and further improve Hawaii's COVID tracking page dashboard grade.

Senator Jarrett Keohokalole questioned the accuracy of the data on the dashboard related to cases from school clusters, which reports that forty-three cases are linked to

one school cluster. Dr. Fan clarified that the number of cases related to the particular school cluster was compiled from two different sources and that the actual number of cases associated with the particular school cluster is four. Mr. Mersereau further acknowledged that clarification about where the data comes from would be something that needs to be addressed in the future.

Senator Mercado Kim expressed concerns about contact tracing, including the number of active and reserved contact tracers and why some individuals who have tested positive with COVID-19 have not been contacted by contact tracers. Mr. Mersereau responded by indicating that clarification could be added to the dashboard to further explain the differences between an "active" and "trained" contact tracer and that DOH would provide your Committee with figures as to the number of people being activated as contact tracers.

Senator Kidani expressed similar concerns about contact tracing and why the State is not using people who were trained for contact tracing, instead of using members of the Hawaii National Guard who could be utilized for other enforcement activities instead. She noted that the deployment of these available resources should be raised with both the Governor and Mayor.

Senator Mercado Kim asked that Dr. Mersereau inform DOH that trained contact tracers from the University of Hawaii are not being deployed and that someone, presumably DOH, should coordinate their deployment.

Senator Moriwaki added that including information about the amount of people who have been contacted by contact tracers to the dashboard would be helpful.

Dr. Berreman stated that the effectiveness of contact tracing is not just about the number of active contact tracers, but also the public's willingness to answer phone calls being made by contact tracers, which has been a challenge.

Mr. Mersereau indicated that he would follow-up on concerns by Senator Mercado Kim about the Hawaii Bar Association being contacted to help DOH with contact tracing.

Senator Fevella stated that he wanted DOH to take a more proactive approach when it comes to contact tracing in the community. Mr. Mersereau replied that he hoped the COVID-19 Dashboard would be a step for DOH in being more proactive.

Senator Keohokalole sought clarification about DOH's guidance regarding the initial recommendation from the Centers for Disease Control and Prevention that only symptomatic individuals should take the PCR test. Dr. Berreman indicated that the recommendations have evolved over time to allow for more circumstances in which asymptomatic individuals can or should get tested. Senator Keohokalole further indicated

that he would hope that the updated medical advisory guidance as it relates to testing would be more accessible to the public.

IV. Closing Remarks

Senator Kidani recognized the importance of making the public aware of the data expressed on the COVID-19 Dashboard and that DOH needs to improve on communicating this critical information with the community.

Your Committee adjourned the meeting at 3:47 p.m.

Respectfully submitted,

Senate Special Investigating Committee
on COVID-19

Sen. Donovan M. Dela Cruz
Sen. Jarrett Keohokalole
Sen. Michelle Kidani
Sen. Donna Mercado Kim
Sen. Sharon Moriwaki
Sen. Kurt Favella

cc: All Senators