



State Public Charter School Commission General Meeting

DATE: Thursday, April 10, 2013

TIME: 10:30 a.m.

PLACE: Queen Liliuokalani Building, 1390 Miller Street, Honolulu, HI, 4<sup>th</sup> floor, Room 404

Chair Payne, Vice Chair Tomozawa and Commissioners,

RE: III. Amendments to the Commission Bylaws Relating to Public Testimony and the Promulgation of Commission Meeting Agendas

First of all, HPCSN greatly appreciates the past decisions made by the Commission and staff to improve the experience for the public testifier, i.e. taking testimony during each agenda item instead of at the beginning of the agenda, posting staff submittals online giving context to the title of the agenda item and allowing for more meaningful discussion at the committee level.

Of the three proposals for changes to the Commission bylaws, HPCSN respectfully disagrees with the amendments to Section 7.1 Submission of Data, Views, or Arguments and offers suggestions.

Changing deadline for on-time written testimony. At times, staff submittals are not posted online at the same time as the agenda. This causes one to have to do periodic checks back and lessens the time to review staff submittals and draft and submit testimony, especially if there is a meaty and lengthy staff submittal to be reviewed. We would like to offer a suggestion to change the deadline to 24 hours prior to the meeting, the same as the state legislature.

Not allowing late written testimony to be distributed to Commissioners. This language seems too restrictive. At the very least, the language could read, "Written materials considered late may be distributed to the Commissioners at the discretion of the Chairperson." Using the state legislature as an example, testifiers sometimes request for written materials to be distributed to committee members when testifying. Often times these materials are very helpful in guiding decision making.

Mahalo for the opportunity to testify.

Sincerely,

A handwritten signature in black ink, appearing to read "Lynn Finnegan".

Lynn Finnegan  
Executive Director

# Halau Lōkahi

## CHARTER SCHOOL

401 Waiakamilo 1A Honolulu, Hawai'i  
832-3594 www.halaulokahi.com

To: Catherine Payne, Chairperson  
Performance and Accountability Committee

From: Halau Lokahi Local School Board

Thank you for taking the time to review our documents. Much thought has gone into reviewing the contract by the Board and we ask that Commissioners revisit the many concerns expressed by charter schools. The following items are but a partial list of things the Board is concerned with.

**1. The current contract template undermines the intent of Act 130 which clearly states that each school shall have the opportunity to negotiate a bilateral contract.**

Halau Lokahi was one of the schools that felt the bi-lateral contract being forced upon charter schools for 2013-14 was not written to support the school, but instead it seemed to be geared to assuring compliance. Thirteen years of work in the field were not taken into consideration when staff compiled the onerous contract, seemingly based on recommendations of a non-Hawaii organization. NACSA has no knowledge of the culture of Hawai'i or the political thread that exists in the educational system. NACSA does not have experience with assisting a "one school district" state. In spite of the strong opposition to the contract which was in no way a "bi" lateral contract, the threat of per pupil funds being withheld left no choice for the Halau Lokahi School Board but to sign what we opposed in order to receive essential funding in July. It seemed an unnecessary strong arm approach to securing the signatures even though schools were in strong opposition to the contract. A letter was sent to the Commission along with the signed contract in June of 2013 yet no word was ever received by the Board to address our concerns. Denying school governing boards the opportunity to negotiate individual bilateral contracts is in direct opposition with Act 130.

**2. The complexity of the contract and the implications and timeframe for our Board to review such an important document and act on the new draft make it imperative that governing boards have immediate access to legal counsel to guide them through the process.**

Charter schools lack appropriate counsel and there is much for the schools to lose if contract language and potential hidden impacts are not scrutinized with a legal lens and fully understood by all parties.

**3. In its current format, the contract directly threatens the legal right and authority of governing boards and their autonomy to control and be held accountable for the management of their respective charter schools.**

The Commission cannot act as if they have the authority of a Governing Board yet the contract is rife with undermining, i.e., charters needing Commission approval for a plethora of things that actually fall under the Governing Board.

**4. The proposed Performance Framework is also problematic. It directly impacts a charter school's ability to meet the purpose of ACT 130 "to provide genuinely community-based education."**

Charter schools experienced inordinate challenges in getting school specific measures that were developed with clear intent to address curriculum, instruction and assessment tailored to native learning styles and multiple intelligences recognized and accepted with fair and meaningful assessment weights after months of intensive work on these measures.

The push back from 40% to 25% weight is difficult to comprehend. We stand united in our quest for a 40% weight on school specific measures and request a three-year pilot period. In a committee meeting, it appeared to the schools in attendance that Commissioner Tomozawa's acknowledgment of the importance of giving weight to the school specific measures developed by the Na Lei schools along with the other committee members and in total alignment with the Office of Hawaiian Affairs and the Native Hawaiian Education Council goals was clear and schools were very grateful. However as of today, the contract does not reflect that important detail. This issue has also not been placed on the agenda as requested by creators. According to Halau Lokahi Board Chair June Nagasawa, a seasoned teacher, this document embraces the whole concept of Hawaiian charter schools, clearly showing that our schools are in alignment with generally accepted academic performance. Having spent 13 years in charter schools after working for the DOE for 30+ years, June was excited to see the work done by Na Lei Na'auao schools to assure that appropriate assessments were made for our unique schools.

Charter schools are being tasked to perform at the same level of regular schools who, according to the Department are valued between \$12-14,000 per child. That exorbitant shortage seems to make no difference when imposing the authoritative tone incorporated into the contract. The reality is that progress of students to date is amazing considering the limitations charters have had to contend with since inception.

With regards to enrollment, entire families continue to seek the means of tapping into their child's potential. They leave system schools in search of a place where their child's talents and gifts will be recognized and nurtured. Another reality faced by this urban school is that many families struggle economically so to send their entire family to a school that cannot provide their children with breakfast or lunch is a huge sacrifice many make. Eventually it wears thin no matter how much one may love the purpose of our charter school. We are surrounded by multiple DOE schools who enjoy all of the perks of the system. Parents eventually figure out the disparity and often choose to move back to the system they left based on resources.

Unreasonable unilateral policies have no justification until equitable treatment is in place.

Any reserve is to be related only to state funds. There is little to reserve after paying for rent and the multiple needs of being an active, project based school. Charters are also held to highly prescriptive requirements and requests for information that places an overwhelming burden on already strapped, minimally staffed administration. There needs to be a balance between funding and expectations of student or staff production.

Mahalo for your aloha for the charter schools, we ask for your help to navigate this challenging time.

DATE: April 9, 2014

TO: Thomas Hutton, Charter School Commission Executive Director  
Catherine Payne, Performance and Accountability Committee Chairperson

FROM: Allyson Tamura & Patricia Bergin, Kanu o ka 'Āina NCPCS Co-Administrators

Thank you for copying us when communicating with Kanu o ka 'Āina NCPCS's Governing Board members. We'd like to comment on a few items.

In a letter dated March 21, 2014 from Tom Hutton to Kanu o ka 'Āina NCPCS (Kanu) Governing Board members Taffi Wise and Mason Maikui, it states:

*"Thank you for your letter of March 12, 2014, requesting "formal negotiations as soon as possible" on the new Charter Contract. We hope that Pat Bergin and Allyson Tamura found the February 20 meeting in Kona on the development of the new Contract as valuable as did the Commission staff..."*

- While we participated at the February 20<sup>th</sup> meeting in Kona, we did not feel that it was a meeting where open dialogue was welcomed regarding proposed charter contract changes. While Commission Staff did a great job at presenting their proposed changes, we were told more than once that all of our feedback, questions and comments needed to wait till the end of the presentation.
- While you thanked our Governing Board for their request for formal negotiations, you failed to say whether or not this would be granted or scheduled. The letter states *"We also would be amendable to setting up a phone call with your governing board for staff to hear and respond to additional input you may have."*
  1. Would this phone call with our Governing Board be considered "formal negotiations"?
  2. Not allowing our board to negotiate Kanu's bilateral contract is a direct opposition of ACT 130. Legal counsel to guide our Governing Board is also needed and imperative.

In an email dated April 3, 2014 from Tom Hutton to Kanu o ka 'Āina NCPCS (KANU) Governing Board members Taffi Wise and Mason Maikui, it states:

*"...The mark-up proposed extensive changes to the draft contract beyond those raised by the schools, including Kanu o Ka Aina, during the Commission process..."*

- We do not appreciate the above statement "proposed changes by our Board are beyond those raised by the schools, including Kanu..." Again, while we participated at the February 20<sup>th</sup> meeting in Kona, it was a presentation with some time at the end for questions or comments. Participants were told that they could still submit feedback and comments by email.
- We are not Kanu Governing Board members. Our school's Governing Board should be able to submit their own comments and feedback regarding proposed charter contract changes

We believe that it is quite obvious that schools continue to be concerned about the proposed bilateral contract and thank the Commission for deferring decisions to allow more time for open dialogue. We will be present at the April 15<sup>th</sup> meeting to continue this process and share perspectives on remaining concerns and issues. Thank you for that opportunity and for setting up a phone conference with our Governing Board to respond to their feedback.



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Chair Payne, Vice Chair Tomozawa and Commissioners,

RE: V. Revisions to the State Public Charter School Contract Template

HPCSN supports the revised plan that allows the parties to the contracts more time to review and clarify language regarding the contract template.

The implementation of Act 130, SLH 2012 has not been easy for the Commission staff or for charter schools. The time in which we are all given to complete sweeping changes for a new system of accountability and monitoring is insufficient. The Commission staff and charter schools are overwhelmed with these new projects, tasks and responsibilities that are placed upon them in such a condensed period of time while trying to also conduct their many other daily responsibilities. HPCSN appreciates all of the progress that has been made.

Upon reading the Background and Decision Making Statements of the Commission staff recommendation submittal, one would come to the conclusion that there was a multitude of opportunities and a sufficient amount of time for schools to give feedback on the contract template. HPCSN respectfully disagrees with this sentiment and offers a different perspective.

Act 130 states that the Commission and each charter school would negotiate bilateral contracts. Some believe Act 130 is interpreted to mean individually negotiated contracts, others believe that using a contract template with exhibits and other school specific information is also an acceptable interpretation. Either way, most would agree that the process should have ample time to suggest amendments, understand the parties' reasons for suggestions for amendments and attempt to work through contract ideas and specific contract language.

Early on, as soon as the one year contracts took effect, we began requesting a timeline for the year ahead. At the Commission staff meeting with charter school leaders held on July 15, 2013, charter school leaders were assured that, "There will be a lot of chance for review and learning from this year's experience so that second generation contract (next year) will be further improved." Four months or one third of the year had passed before the charter school community received the first timeline (November 8, 2013) that laid out the contract template revision process. Keep in mind that over time as the POPA was developed and more monitoring experiences occurred, charter schools and the Commission staff were now building experiences to help them feedback on the contract. The open ended "send in feedback" process was not at the forefront for schools, especially over the holidays and among other pressing issues like the Academic Performance Framework to include School Specific Measures and Weighting. Also, some schools were waiting for more one-on-one opportunities to discuss

negotiating contracts. The Commission staff emailed their suggested contract revisions to schools on January 24, 2014 and this prompted schools to actively feedback. This was a little less than a month away from the deadline. Please take a look at the timeline. Commission staff meetings took place with schools within two days of the feedback deadline until as late as five days after the deadline.

We are concerned with page 5, paragraph 2 of the staff's recommendation submittal. During the initial drafting of the contract template with NACSA, if there was a concern from one school it was reviewed through the lens that asked, "Should this suggestion be applied to all schools or should this be removed for all schools?" as the contract template should try to adhere to minimum requirements for all schools. By doing this, the contract template attempts to maximize the autonomy of the governing board. Also, we hope that during the remaining meetings that the staff would be more fluid with contract template discussions and more willing to discuss other and new areas of the contract template. We understand that this can be problematic; however, we should all be willing to address new areas of concern throughout the rest of this process. Our hope is that the intent is to bring as much clarity to this contract before it is in its final form as it contains the terms for life or death of a school. Areas of concern should not go unaddressed simply because they were not shared or discovered before the February 21, 2014 deadline.

During this last school year charter schools have been strapped much work to include::

- additional work including rewriting their policies and other requirements of the POPA;
- working on accreditation;
- negotiating supplemental collective bargaining agreements;
- dealing with new governing board members and required changes to governing board leadership;
- advocating for charter school issues at the capitol;
- raising money;
- dealing with StriveHI and new assessments;
- working on School Specific Measures; and,
- building and maintaining facilities.

All of this, while taking care of daily operations and needing to ensure student success.

HPCSN believes additional time is necessary for adequate formulation of the contract template. It is worth repeating that the one year time frame was insufficient and unrealistic to get the many substantial projects done, both at the Commission and at the school level. Nonetheless, in good faith, charter schools are apprehensively moving forward to satisfy this requirement.

Mahalo for the opportunity to testify.

Sincerely,



Lynn Finnegan  
Executive Director



# KAMEHAMEHA SCHOOLS

## WRITTEN TESTIMONY TO THE STATE CHARTER SCHOOL COMMISSION

By Wai‘ale‘ale Sarsona  
Kamehameha Schools

Meeting Date: April 10, 2014  
Queen Liliuokalani Building, Room 404

To: Chair Payne and Members of the Commission

RE: Academic Performance Framework including School Specific Measures and Weighting Plan.

As an organization dedicated to the education of Native Hawaiians, Kamehameha Schools provides these comments in connection to proposed May 10<sup>th</sup> date for the Commission to approve the Academic Performance Framework including School Specific Measures and Weighting Plan.

The long-standing achievement gap of Native Hawaiian students in the state’s public schools is a significant concern for Kamehameha Schools and for many diverse stakeholders including the legislature, the Department of Education, the Board of Education and the Charter School Commission. Increasingly, data and practice in indigenous communities demonstrate the importance of culturally relevant education as a means for engaging and empowering students and their families in the learning process. To that end, Kamehameha Schools supports promoting the achievement and success of Hawai‘i’s public school students and, as such, has been a collaborator with the Hawai‘i public charter schools for over a decade. Through our work with public charter schools, we hope to significantly impact more children and their families through education. We believe charter schools provide positive choices for education and ultimately enhance both achievement and engagement for students across Hawai‘i.

We would like the commission to consider the weights of School Specific Measures at the level discussed at the Performance and Accountability Committee, which was 40%. Secondly for the commission to allow a 3-year period to develop and pilot the tools developed for the School Specific Measures. As the commission, the final percentage is a statement on the value in which this committee supports innovation, mission-driven and/or community-based education. We do not believe the weight diminishes or waters down the StriveHI Academic requirements, but rather recognizes that charter schools provide a holistic education that nurtures the entire child and ‘ohana.

With the passing of the BOE Policies 2104 and 2105, Hawaiian-Culture-Based Education was elevated throughout our entire public school system. Soon, the HIDOE will establish a plan for the implementation and monitoring of these policies. However, the commission has the opportunity now to lead the implementation of these policies by ensuring the Academic Framework includes the intended outcomes of these BOE policies.

We continue to work hand-in-hand with these schools to develop clear measures and tools to document both academic and cultural outcomes for students. To-date we are providing support via our Research and Evaluation Department to ensure these tools are established through assessment development best

practice and will hold through validity and reliability testing. However, we do believe that it will take at least 3 years to accomplish these tasks.

Founded in 1887, Kamehameha Schools is a statewide educational system supported by a trust endowed by Princess Bernice Pauahi Bishop, whose mission is to improve the capability and well-being of Native Hawaiian children through education. We serve K-12 students through campus programs on O'ahu, Hawai'i and Maui, and three-and-four-year-olds at preschool sites statewide. We believe that by continuing to be a part of the dialog around these policies, we can contribute in a positive and meaningful way.