



STATE OF HAWAII
STATE PUBLIC CHARTER SCHOOL COMMISSION
(‘AHA KULA HO‘ĀMANA)

PERFORMANCE AND ACCOUNTABILITY COMMITTEE MEETING

Minutes of the meeting of Thursday March 27, 2014

**Queen Liliuokalani Building
1390 Miller Street, Honolulu, Hawaii
Fourth Floor, Room 404**

ATTENDANCE

Peter Hanohano

Usha Kotner

Catherine Payne (Chair)

EXCUSED

Peter Tomozawa (Vice Chair)

ALSO PRESENT

Tom Hutton, Commission Executive Director

I. Call to Order

Committee Chair Catherine Payne called the meeting to order at 1:00 p.m.

II. Approval of February 27, 2014 Committee Minutes

Motion (Payne/Kotner) to approve the Performance and Accountability Committee meeting minutes on February 27, 2014 passed unanimously.

III. Update on Hawaii Technology Academy’s Auditor’s Semi-Annual Financial Report in Accordance With Financial Monitoring of School

Executive Director Tom Hutton reported on the audit report for Hawaii Technology Academy’s (“HTA’s”) semi-annual financial report in accordance with financial monitoring of the school.

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Hutton shared the school is in a different relationship with K12. Commissioner Usha Kotner shared the concerns that the Charter School Review Panel had had with HTA's audit.

IV. Action on Revisions to the State Public Charter School Contract Template

Organizational Performance Manager Stephanie Klupinski shared that since the last committee meeting staff held another webinar for schools. Klupinski shared feedback that the schools provided at the webinar. The feedback provided included some discomfort with proposed earlier deadlines for financial information and concern over Commission approval of governing board policies.

Klupinski reported on the second revised version of the Charter Contract, which was attached to the staff submittal as Exhibit 4. Klupinski highlighted changes, including the intervention protocol, which will now include a preliminary step before issuing a formal Notice of Deficiency. Klupinski shared that staff did not receive a great deal of feedback. During the webinar, there was discussion of several contract sections, including Section 3.5 (Special Education); Section 7.4 (Relocation or Expansion); Section 11.1.3 (a new proposed section that would add a new provision requiring schools to submit data to state agencies) and Section 5.6 (Dismissal).

Commissioners discussed issues relating to the contract sections. Commissioner Kotner expressed concerns with Section 11.1.3, especially with blanket reporting requests from multiple state entities, and suggested having Commission staff be the clearing house for reporting requests and that Commission staff vet reporting requests. Klupinski shared that Commission staff currently vets requests received and ensures that schools are required to comply but is not ready at this point to be an all-purpose clearing house or to condition school compliance with legal requirements on those requirements be communicated in all instances via the Commission. Commissioner Kotner suggested not including this new Section in the Charter Contract so that State entities would have to send requests through the Commission. Organizational Performance Specialist Danny Vasconcellos indicated that staff is still working on language for Section 11.1.3.

Klupinski shared that governing board agendas and minutes would now have to be posted on the school website, instead of having to be posted on the website and also uploaded on the Commission website. Commissioners discussed governing board reporting requirements. Vasconcellos discussed Section 11.9 (Immediate Notice), regarding notification of school closures due to emergencies. Staff is working on language for this section, however, at this time schools should alert the Department of Education ("DOE") then contact Commission staff if there are any school closures.

Commissioners discussed the motion in Commission staff's recommendation.

Committee Chair Payne called for public testimony.

Taffi Wise, Kanu o ka 'Āina Public Charter School Governing Board provided testimony on the agenda item. Wise indicated she represents fourteen Hawaiian Focused Charter Schools and asked that Commissioners to not approve the proposed revisions to the Charter Contract. Wise shared her concerns with the proposed contract provisions and that the current contract sets schools up to be non-compliant. Wise also shared that a unilateral contract does not serve the

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intention of the charter movement. Wise asked Commissioners to consider an ad hoc Committee regarding revisions to the Charter Contract and stated that schools are willing to pay their own expenses to bring their perspective and move together for a better process.

Lynn Finnegan, Executive Director of the Hawaii Public Charter School Network, provided testimony on the agenda item. Finnegan shared that the previous year allowed more meetings with schools and one of the issues discussed with charter schools is the Charter Contract template. Finnegan shared that the template should contain minimal requirements and that there needs to be more opportunity for schools to come together. Finnegan stated that the proposed contract is not ready yet and supported Wise's request in having more time with Commission staff to work on the Charter Contract.

Hutton shared that Commission staff had previously presented a timeline and process for soliciting feedback on proposed revisions, presenting contract revisions, and contract execution. Commission staff solicited feedback multiple times, but had not received a great deal of feedback; feedback that was received was addressed. Staff had also offered to speak with governing boards, but did not receive any requests. Then Commission does need to be mindful of time constraints, with the existing Charter Contract expiring at the end of June and other important priorities.

Finnegan suggested offering schools another full day with Commission staff to discuss the Charter Contract. Finnegan shared that schools need to understand and embrace the Charter Contract and advocated for the Commission forming an ad hoc committee that will allow schools to have that opportunity.

Klupinski shared her appreciation of Finnegan's comments. Klupinski shared the Charter Contract timeline: the first revisions were made available in January 2014; staff received feedback up till February 22, 2014. Staff also traveled to the island of Hawaii and had two in-person meetings with schools, had one in-person meeting with schools on Oahu and conducted one webinar for the Kauai schools and any other schools that did not attend the previous meetings. Commissioner Kotner suggested that Commission staff have a dialogue with schools to discuss comments. Hutton shared that when considering the Charter Contract, the Commission has to consider fairness and transparency in the process; further dialogue would not necessarily be fair to schools that had taken time to participate in the original process; and that a potential problem is finding a way to provide a process that is fair to all charter schools. Hutton also shared that he confirmed with NACSA and other authorizers that the Commission's contract revision process is not unusual. Commissioners discussed the possibility of convening an ad hoc committee or having an all schools meeting. Hutton shared there are aspects of the contract which allows schools to provide unique information specific to the school: Exhibit A (Educational Program) and School-Specific Measures. Commissioners discussed the Charter Contract and the dialogue with Commission staff and charter schools. Hutton shared Commission staff will meet and discuss issues further with Finnegan.

Commissioner Kotner recused herself from voting on the motion. Due to lack of quorum, no action on revisions to the State Public Charter School Contract template was taken.

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V. Action on Length of Terms of the State Public Charter School Contract

Klupinski shared Commission staff is recommending that all schools enter a three-year contract beginning July 1, 2014. If a school meets exemplary performance under the three performance frameworks (academic, organizational, and financial) it will receive an automatic two-year extension. The performance criteria will be developed by Commission staff. Klupinski shared that there is a potential drawback to the recommendation on automatic extensions and renewal process: That exemplary schools might receive an automatic extension through 2019, while non-exemplary schools could go through the renewal process in the 2016-17 school year and, as a result, receive a new contract of up to five years, which would expire in 2022. Klupinski shared that there is the possibility of adding a potential timeline for contract renewal based on the proposed recommendation.

Committee Chair Payne called for public testimony.

Finnegan provided testimony in support of the agenda item. Finnegan shared the recommendation is a good approach because baseline data is needed and with a three-year contract there is time to address schools concerns.

Wise provided testimony on the agenda item. Wise shared she understands the recommendation, but asked that Commissioners consider qualified audits, to extend the length of contract terms. Wise shared that facility support can be limited and it can impact other partnerships when a charter school has a contract with a short term.

Commissioner Kotner recused herself from voting on the motion. Due to lack of quorum, no action on length of terms of the State Public Charter School Contract was taken.

VI. Action on Approval of Academic Performance Framework including School-Specific Measures and Weighting Plans.

Academic Performance Manager Doug Muraoka provided background on the approval of the Academic Performance Framework. Muraoka shared that NACSA's Whitney Spalding Spencer was on the phone and available to answer any questions. Muraoka shared staff's meeting with charter school leaders Meahilahila Kelling, Charlene Hoe, and Mahina Duarte to discuss the Academic Performance Framework. Muraoka shared that they had good conversations and moved forward on a lot of issues. He recapped the Performance and Accountability committee's establishment of a 25% and 10% cap on School-Specific Measures. Muraoka shared that staff had received feedback on the Academic Performance Framework from schools through informational meetings, surveys, and direct emails and attached a report on the feedback received. He shared that the staff submittal showed scenarios using a weighted system of 0%, 10% and 25%.

Muraoka shared that staff's recommendations are based on the feedback received from schools. He noted that for measures 1a (State and Federal Accountability) and 1b (School Status), no feedback was received and remained intact. For Measure 1.c. (Annual Measurable Outcomes) staff recommends including the measure but having it be unweighted. Muraoka discussed the purpose of Measure 2.a. (High Needs Proficiency) and Measure 2.b. (High Needs

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Growth) and recommended keeping both measures intact. Staff recommended keeping Measure 2.c. (Adequate Growth Percentile) as a placeholder measure until DOE finalizes and releases Adequate Growth Percentile results; staff received positive feedback on this. Based on the negative feedback received, staff recommended removing Measure 3.a. (Standard Goals: Comparison of Similar Schools) from the Academic Performance Framework and reallocating the weight for this measure to Measure 2.b. (High Needs Growth). Measure 4 (School-Specific Measures), staff recommended keeping at the current maximum weight of 25%.

Muraoka shared there has been several trial runs during the process of developing the Academic Performance Framework using academic data from the 2012-13 school year. Muraoka shared December was the last trial run. Any additional trial runs would require the Commission to incur additional expense. Staff is not recommending additional trial runs because the additional information gained from another trial run does not warrant the expense.

Commissioner Kotner asked about the status of assessments of Hawaiian Focused schools. Kelling, Hoe, and Duarte were asked if they would survey all Hawaiian Focused schools to see what assessments (in addition to the Hawaii State Assessment (“HSA”)) are administered in each school and what grade levels are tested. They agreed and will follow up at a subsequent meeting. Commissioner Kotner asked if the HSA will only be implemented in English. Muraoka shared that there is no translation of the test for the lower grades. Commissioners discussed the Hawaiian immersion schools test.

Committee Chair Payne called for public testimony.

Wise provided testimony on the agenda item. Wise asked for a 40% weight for School-Specific Measures and a pilot program for School-Specific Measures. Wise stated all Hawaiian language schools, including University of Hawaii at Manoa, University of Hawaii at Hilo, charter schools, and DOE schools, are working together. Wise shared they are applying for a federal waiver from the state assessment. Wise shared that the Office of Hawaiian Affairs is assisting in the process.

Commissioner Kotner shared her concern that for Hawaiian Focused schools, 75% or more of the Academic Performance Framework is based entirely on the test that is administered in English.

Finnegan provided testimony on the agenda item. Finnegan shared the process of developing the Academic Performance Framework. Finnegan shared charter schools want to see the Academic Performance Framework used as a tool that the Commission can use to more accurately measure schools, not measuring schools on the basis of the DOE’s system.

Muraoka shared that staff is aware of the Hawaiian language assessment issue and is always cognizant of it. Staff was tasked with developing an Academic Performance Framework based on statute. Staff welcomes dialogue with stakeholders and awaits the development of BOE policy 2104. Hutton shared staff will continue the discussion with DOE in the interim and assist with BOE Policies 2104 and 2105 along the way.

NACSA’s Whitney Spalding Spencer shared it is not uncommon for authorizers to develop guidelines for schools that may qualify for alternative frameworks under certain special

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circumstances. Hawaii is special in having two official languages, and the idea of an alternative framework may not apply in this instance, but it has been done elsewhere on different issues.

Commissioner Kotner suggested exploring alternative frameworks with an adequate Hawaiian language assessment could be an interim solution.

Commissioner Kotner recused herself from voting on the motion. Due to lack of quorum, no action on approval of Academic Performance Framework including School-Specific Measures and weighting plans was taken.

VII. Future Committee Meetings and Agenda Items

The next General Business meeting is Thursday, April 10, 2014. Committee meetings are Thursday, April 24, 2014: Applications Committee meeting at 10:30 a.m., Administration and Operations Committee at 1:00 p.m. and Performance and Accountability Committee meeting at 2:30 p.m.

VIII. Adjournment

Committee Chair Payne adjourned the meeting at 3:20 p.m.