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INFORMATIONAL SUBMITTAL

DATE: August 13, 2015

TO: Catherine Payne, Chairperson

FROM: Tom Hutton, Executive Director

AGENDA ITEM: Presentation on 2014-2015 Charter Application Cycle Process and Decision-Making Stage

I. DESCRIPTION

Information on the process and decision-making stage of the current application cycle.

II. BACKGROUND

The Commission received three Final Applications and convened an Evaluation Team to evaluate each application. The Evaluation Team was comprised of three Commission staff members and three external evaluators. **Exhibit A** briefly describes each evaluator’s qualifications and is also included in each Final Application Recommendation Report.

While it is the Evaluation Team’s duty to evaluate and develop a recommendation on each Final Application for a new charter school, and the Applications Committee holds a hearing to consider these recommendations and in turn makes recommendations to the full Commission, the Commission is solely responsible for deciding whether to approve or deny each application. It is important for Commissioners to keep in mind, as the authorizer, that the purpose of the application process is to approve only high-quality charter applications and deny those that do not meet the high standards set forth in Request for Proposals (“RFP”) and evaluation criteria. This aligns with the authorizer duties set forth in §302D-5, Hawaii Revised Statutes, which states that authorizers are responsible for, among other things, “[a]pproving quality charter applications that meet identified educational needs and promote a diversity of educational choices” and “[d]eclining to approve weak or inadequate charter applications.” Importantly, the purpose of the application process is not to assist applicants in refining and finalizing their proposals; this is one of the fundamental reasons for

not accepting and considering new information provided by applicants after the Evaluation Team made its recommendations, as will be discussed further later in this submittal.

The rigor and seriousness of the application process is evidenced by the amount of time (at least 500 collective hours) that the Evaluation Team dedicated to the thorough and careful evaluation of applications and that other staff members have dedicated to review of the resulting materials produced by the Evaluation Team and applicants. The Evaluation Team's evaluation included a capacity interview of each applicant and a Request for Clarification ("RFC"). The purpose of the interview and RFC was to assist the Evaluation Team in determining applicant capacity and better understanding the application, not to provide the applicant with feedback or to afford the applicant an opportunity to revise its application or to provide new, post-evaluation information to the Commission. Additionally, Operations staff has been involved in managing the process from its inception and has developed recommendations on each application after a thoughtful review of all relevant materials.

The Evaluation Team developed Final Application Recommendation Reports ("Recommendation Report"), which recommend approval or denial of applications. Each applicant had an opportunity to provide a written response ("Applicant Response") to its Recommendation Report, and the Evaluation Team had an opportunity to provide a written rebuttal ("Evaluation Team Rebuttal") to any Applicant Response. Together the Recommendation Report, Applicant Response, and Evaluation Team Rebuttal form the Recommendation Packet.

III. DECISION-MAKING STAGE

Staff Recommendation. In developing the recommendations to the Committee, staff was mindful of the application evaluation process and scope of the Commission's review, as set forth in the RFP: "The Commission's Application Committee will consider the staff recommendation, Recommendation Packet, and public hearing testimony, DOE comments, and any other relevant information and make a recommendation to the full Commission regarding approval or denial of each application. At its General Business Meeting, the Commission will consider the staff recommendation, Recommendation Packet, public hearing testimony, DOE Comments, any other relevant information, and the recommendations of the Commission's Application Committee and decide whether to approve or deny each application."

While the Recommendation Report, Applicant Response, and Evaluation Team Rebuttal cover a variety of issues, staff has attempted to focus on the few issues that appear to be the most significant and would have the biggest impact on an applicant's ability to successfully start and operate a high-quality charter school. The omission of an issue from the staff's review is not meant to indicate that the staff believes that the issue was resolved one way or another, only that it is not a major point of contention or is not a critical point that warrants further analysis in the submittal. For each key point, staff reaches a conclusion for the Committee's consideration, but at a minimum, the inclusion of these points in the submittal are intended to draw out the key points for an approval or denial of the application.

As is not uncommon from applicants whose applications are recommended for denial, Applicant Responses may criticize the application process and may even go so far as to imply that the process is the reason for the application's deficiencies. Staff recommendations may directly address some of these criticisms, but the recommendations generally ignore process critiques as they are rarely

relevant to the quality of the application. While staff believes the application process to be carefully and effectively designed for the purposes of vetting applications, any opportunities to further refine the process are highly unlikely to have caused any application not to meet standards. Pursuant to state law, the Commission’s applications process is aligned to national principles and standards for quality authorizing as well as national best authorizer practices. For reference, an excerpt from the National Association for Charter School Authorizers’ *Principles & Standards for Quality Charter School Authorizing, 2012 Edition* relating to standards for a quality application process is attached as **Exhibit B**.

Some concerns that were raised at the Applications Committee meeting, along with brief responses, are set forth in the table below:

Applicant Concern	Response
The Evaluation Team did not provide feedback during the process, and the process does not allow for discussion or collaboration between the applicant and the Evaluation Team.	Again, the purpose of the application process is not to assist applicants in refining their applications or to provide them feedback on how to improve. Rather, the purpose of a rigorous application process is to “[grant] charters only to applicants that have demonstrated competence and capacity to succeed in all aspects of the school , consistent with the stated approval criteria” (page 13, NACSA <i>Principles & Standards</i>). Applicants must present a clear, cohesive, and implementable plan to open and operate a high-quality charter school, and that plan must be finalized and memorialized within the application in order to be recommended for approval. With that said, at the end of the application process, the Commission invites denied applicants to meet with the evaluators so that they may discuss the recommendation for denial.
The RFP and evaluation criteria are not specific or clear enough.	The RFP and evaluation criteria are based on, and very similar to, application questions and criteria used by many strong authorizers across the country. The questions and criteria are clear and specific but broad and unrestricting enough to allow for creativity and innovation.
The online platform for completing the application does not provide enough space to allow for detailed answers.	The total word count allowed for narrative answers equals approximately 75 pages, more than the 60 pages allowed in the narrative during the last cycle. In addition, the Initial Proposal Amendment form allowed for another five pages for applicants to make minor amendments to their academic plans. Lastly, many attachments applicants could submit did not have any page limits.
There was not enough time to develop a quality application.	The 2013 application cycle provided applicants with about 15 weeks to submit complete applications from the date the Commission released the RFP, although successful applicants begin planning their school long before the RFP is issued. The 2014 application cycle provided applicants with about six weeks to submit Initial Proposals, which includes just the academic plan, and 20 weeks to submit a Final Application from the RFP release date.
Staff did not adequately inform applicants of the process.	Staff held a total of three orientations for prospective applicants and presented a significant amount of information regarding Hawaii’s charter school system, the application process, and the RFP. Each of those orientations were also recorded and posted on the Commission’s website. In addition, staff compiled and posted on the Commission’s

	<p>website a detailed question and answer document that covers a variety of topics surrounding the process and the contents of the RFP. Lastly, the Commission has a mailing list for those interested in receiving periodic updates about the application process, and anyone may sign up. Materials from past application cycles, including past RFPs, applications, evaluations, and orientation materials, are available online and highlighted in orientations.</p>
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Scope of Commissioner Review. Unlike the last application cycle, applicants had a chance to make minor changes to their applications through the Initial Proposal Amendment or Request for Clarification. However, applicants were advised at the beginning of the application process that the application should be a complete and accurate depiction of their proposed plan, and that no new information would be accepted after the Recommendation Reports were issued, as the Evaluation Team would not have had an opportunity to holistically evaluate such information.

Further, the RFP states, “[T]he Commission shall disregard any new information that was not available to the Evaluation Team prior to the issuance of the Final Application Recommendation Report.” The RFP defines “new information” as “any information that substantially differs from what is provided in the Components of the Application and is revisionary in nature, versus information that simply clarifies factual inaccuracies or misunderstandings represented in the Final Application Recommendation Report.”

Because this was what was communicated to all applicants, and applicants submitted their applications with this understanding, Commissioners should not consider new information that was or may be provided after the issuance of the Recommendation Reports in their review and decision-making. New information is specifically flagged in the Evaluation Team Rebuttal and, where relevant, is noted in the staff submittal. Commissioners can consider whether the Evaluation Team had an adequate basis for recommending denial of an application. This includes considerations like whether the Evaluation Team gave enough weight to certain aspects of the application or whether the Applicant Response points out significant information that the Evaluation Team overlooked.

Decision-Making Procedure. The Commission should make decisions to approve or deny each application at this meeting. It would be highly inappropriate to remand an application to the Applications Committee or the staff or the Evaluation Team for further deliberation or modifications of the application, because—in accordance with the application process as approved by the Commission and communicated to all prospective, withdrawn, and current applicants—the Commission is not to consider new information not included in the application. Applicants should have provided all relevant information in their applications so that the Evaluation Team could fulfill its responsibility to conduct a holistic review. If, based on the presentations, testimony, and answers to questions about the application, Commissioners believe that the Evaluation Team and/or Applications Committee did not give enough weight to certain aspects of the application and that these factors are significant enough to warrant disagreement with the Evaluation Team and Applications Committee’s recommendations, as applicable, Commissioners can vote accordingly.

Exhibit A

Evaluator Biographies

Danny Vasconcellos

Mr. Vasconcellos is the Commission's Organizational Performance Manager. He previously worked at the State Office of the Auditor as an Analyst where he worked on or lead projects (such as the audit of Hawaii's charter schools and a study of the Hawaii Teacher Standards Board) where he analyzed agency effectiveness and efficiency and identified internal control weaknesses. He also served as a researcher for the Hawaii State Legislature's House Finance Committee and has extensive knowledge of Hawaii's legislative process and funding. He holds a Master of Public Administration from the University of Hawaii at Manoa.

Beth Bulgeron

Ms. Bulgeron is the Commission's Academic Performance Manager. She previously worked as an administrator in charter schools in Chicago, Illinois and Santa Cruz, California. She has developed standards-based curriculum and assessments for public school districts and charter schools and has served as a curriculum consultant. Prior to that, she taught for five years in charter high schools. She earned her BA at the University of Wisconsin, Madison and her JD and LL.M. in Education Law and Policy at the University of the Pacific, McGeorge School of Law.

Jeff Poentis

Mr. Poentis is the Commission's Financial Performance Specialist. He has extensive accounting experience and is a Certified Public Accountant with over 18 years of experience in both the private and public sectors. He holds a Bachelor of Business Administration from the University of Hawaii at Manoa.

Kirsten Rogers

Ms. Rogers is an Evaluation Specialist in the Department of Education's Accountability Section, which administers the public school system's statewide accountability program with a focus on developing and implementing educational indicators on school performance. She formerly served the Commission as its Academic Performance Specialist. She has experience as a middle school teacher at both a charter school in Tennessee and at Wheeler Intermediate, a DOE school in Hawaii. She is a Teach for America alumnus, a former corps member advisor, and former content community leader for the organization. She also holds a Master of Education in Teaching from the University of Hawaii at Manoa.

Kenneth Surratt

Mr. Surratt has nearly 20 years of business and operations management and analysis experience, half of which has been in education-related roles. He has worked for Charter Management Organizations, including management positions with KIPP (the largest charter school network in the nation) and as the Chief Financial Officer of Breakthrough Charter Schools. He also served as the Assistant Director of CREDO (Center for Research on Education Outcomes) at Stanford University when it authored one of the largest charter school studies in the country. He holds an MBA from Duke University's Fuqua School of Business.

GG Weisenfeld

Dr. Weisenfeld has nearly 28 years of experience in education, specializing in elementary and early childhood education. She most recently served as the Director of the Executive Office on Early Learning in the Office of the Governor and wrote the state's federal Preschool Development Grant application for Hawaii's charter schools. She also has extensive experience teaching, training, and managing teachers and served as Board President of Lanikai Elementary Public Charter School. She holds an MS in Elementary Education from Bank Street College and an Ed.M. and Ed.D. in Educational Administration from Columbia University's Teachers College.

Exhibit B

Excerpt from the National Association of Charter School Authorizers' *Principles & Standards for Quality Charter School Authorizing, 2012 Edition* relating application process and decision making

2. Application Process and Decision Making

A quality authorizer implements a comprehensive application process that includes clear application questions and guidance; follows fair, transparent procedures and rigorous criteria; and grants charters only to applicants who demonstrate strong capacity to establish and operate a quality charter school.³

Standards	A Quality Authorizer ...
<p><i>Proposal Information, Questions, and Guidance</i></p>	<p>Issues a charter application information packet or request for proposals (RFP) that:</p> <ul style="list-style-type: none"> - States any chartering priorities the authorizer may have established; - Articulates comprehensive application questions to elicit the information needed for rigorous evaluation of applicants' plans and capacities; and - Provides clear guidance and requirements regarding application content and format, while explaining evaluation criteria. <p>Welcomes proposals from first-time charter applicants as well as existing school operators/replicators, while appropriately distinguishing between the two kinds of developers in proposal requirements and evaluation criteria.</p> <p>Encourages expansion and replication of charter schools that demonstrate success and capacity for growth.</p> <p>Is open to considering diverse educational philosophies and approaches, and expresses a commitment to serve students with diverse needs.</p> <p>Advanced Standards</p> <p>Broadly invites and solicits charter applications while publicizing the authorizer's strategic vision and chartering priorities, without restricting or refusing to review applications that propose to fulfill other goals.</p>
<p><i>Fair, Transparent, Quality-Focused Procedures</i></p>	<p>Implements a charter application process that is open, well publicized, and transparent, and is organized around clear, realistic timelines.</p> <p>Allows sufficient time for each stage of the application and school pre-opening process to be carried out with quality and integrity.⁴</p> <p>Explains how each stage of the application process is conducted and evaluated.</p> <p>Communicates chartering opportunities, processes, approval criteria, and decisions clearly to the public.</p>

Informs applicants of their rights and responsibilities and promptly notifies applicants of approval or denial, while explaining the factors that determined the decision.

*Rigorous
Approval
Criteria*

Requires all applicants to present a clear and compelling mission, a quality educational program, a solid business plan, effective governance and management structures and systems, founding team members demonstrating diverse and necessary capabilities, and clear evidence of the applicant's capacity to execute its plan successfully. (See NACSA resources at www.qualitycharters.org)

Establishes distinct requirements and criteria for applicants who are existing school operators or replicators. (See Box 1)

Establishes distinct requirements and criteria for applicants proposing to contract with education service or management providers. (See Box 2)

Establishes distinct requirements and criteria for applicants that propose to operate virtual or online charter schools. (See NACSA resources at www.qualitycharters.org)

*Rigorous
Decision
Making*

Grants charters only to applicants that have demonstrated competence and capacity to succeed in *all* aspects of the school, consistent with the stated approval criteria.

Rigorously evaluates each application through thorough review of the written proposal, a substantive in-person interview with the applicant group, and other due diligence to examine the applicant's experience and capacity, conducted by knowledgeable and competent evaluators.

Engages, for both written application reviews and applicant interviews, highly competent teams of internal and external evaluators with relevant educational, organizational (governance and management), financial, and legal expertise, as well as thorough understanding of the essential principles of charter school autonomy and accountability.

Provides orientation or training to application evaluators (including interviewers) to ensure consistent evaluation standards and practices, observance of essential protocols, and fair treatment of applicants.

Ensures that the application-review process and decision making are free of conflicts of interest, and requires full disclosure of any potential or perceived conflicts of interest between reviewers or decision makers and applicants.