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**RECOMMENDATION SUBMITTAL**

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DATE OF SUBMITTAL: March 20, 2017  
DATE OF MEETING: March 23, 2017  
TO: Catherine Payne, Chairperson  
Performance and Accountability Committee  
FROM: Sione Thompson, Executive Director  
AGENDA ITEM: V. Presentation and Action on Organizational Performance Framework for the State Public Charter School Contract, Effective July 1, 2017

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I. DESCRIPTION

Deliberation and action on the updated Organizational Performance Framework (“Framework”) for the State Public Charter School Contract (Contract), effective July 1, 2017.

II. POLICY CONTEXT

Pursuant to §302D-16(a), Hawaii Revised Statutes (“HRS”), the performance provisions within the Contract shall be based on a performance framework that clearly sets forth the academic, financial, organizational, and operational performance indicators, measures, and metrics that will guide the authorizer’s evaluations of each public charter school.

III. BACKGROUND

The National Association of Charter School Authorizers’ (NACSA) states that charter school authorizers are responsible for maintaining high standards for school performance, upholding school autonomy, and protecting student and public interests. The Commission manages the core authorizer responsibility to protect the public interest by its Organizational Performance Framework.

On September 10, 2015 the Commission approved the Organizational Performance Framework for the second Charter Contract, which runs from July 1, 2014 through June 30, 2017. In this Contract, the Organizational Performance Framework incorporates a single annual rating system that was approved by the Commission in September 2015. This annual rating system was intended to assist the Commission in evaluating a school's Organizational Performance.

Several discussions and meetings were held with charter school leaders, staff, and other stakeholders to solicit feedback on proposed changes to the Organizational Performance Framework for the next charter contract. Meetings were held on the Big Island on January 11, 2017 and January 13, 2017 on Oahu. Directors, staff, and governing board members from twenty schools attended the two meetings; stakeholder groups such as Kamehameha Schools and the Office of Hawaiian Affairs were also in attendance.

Staff created a feedback form for both the Academic and Organizational Performance Frameworks that was made available to everyone through February 7, 2017. The feedback, comments, and suggestions from these meetings have assisted in the development of this proposed framework. Staff also reviewed organizational frameworks from other authorizers; in particular, the concepts and models from New Jersey and Colorado authorizers were incorporated into this proposal.

#### IV. INFORMATION FOR CONSIDERATION AND DELIBERATION

Staff requests that the committee recommend the Commission adopt the Organizational Performance Framework proposed in this submittal as **Exhibit 1**. This framework clearly defines the areas of compliance that the Commission will hold schools accountable for while protecting school autonomy and minimizing schools' administrative and reporting burdens.

##### **Components of the Organizational Performance Framework**

The proposed framework provides a different approach to the evaluation and monitoring of compliance requirements. The proposed framework requires charter schools to complete an Assurance of Compliance Statement (Statement) annually. The Statement identifies specific federal, state, and local laws and regulations and contractual requirements. It should be noted that, regardless of the specific references to law, regulation, policy, or contractual provision listed in the Statement, schools are required to comply with all relevant laws and regulations at all times.

**Exhibit 2** of this submittal provides an overview of the items assessed under the framework, the evidence that schools could submit to demonstrate compliance, and the method of collection.

A charter school's performance under this Framework will be evaluated by:

1. Conducting audits of any compliance requirements associated with the references listed in the Statement;
2. Conducting at least one school site visit during the term of the Charter Contract; and

3. Requiring submission of documentation verifying compliance through the Commission's online compliance management system.

Audits and site visits and notification of required documents will be scheduled in advance. Audits will consist of desk audits (which would require submission of documentation), site visits, or a combination of a desk audit and site visit, if needed. Throughout the term of the next contract, the Organizational Performance section intends to focus audits on specific areas identified by the Commission or on areas that require further review and attention.

Document submission will be managed through the Commission's online compliance management system, Epicenter. Staff will make its best efforts to schedule all compliance documentation requests by June 1st of each year as required by the Charter Contract; however, schools should be aware that compliance requirements and requests from government agencies may be unforeseen at that time. Currently, there are fewer than ten compliance requirements for the Organizational Performance section scheduled in Epicenter for the 2016-2017 school year.

Staff will maintain an online resource page that will include all laws, rules, regulations, and other associated information associated with Organizational Performance compliance to assist schools in understanding requirements.

#### **Implementation of the Organizational Performance Framework**

Under the proposed framework, a school's director and governing board chair will need to attest that compliance requirements have been met by signing the Assurance of Compliance Statement at the end of the school year.

Schools with compliance breaches identified by the Commission or other agencies, including the school itself, must submit a corrective action plan that describes how the school will resolve the breach. A school should not attest that it has met the compliance requirements for any items are not fully resolved.

Within the first quarter of the fiscal year, Staff will provide an annual Organizational Framework Report to all charter schools that evaluates the school's performance the previous year. The report will include a narrative of the school's compliance with requirements of the framework, and will disclose any compliance breaches.

Oversight of the compliance requirements will be varied based on a school's past performance. For example, schools with numerous compliance breaches that require corrective action may be subject to monitoring and site visits. Charter schools that have limited or no compliance breaches may be eligible for more flexibility in reporting and reduction of submission requirements.

Under this proposal, there is no target to meet under the Organizational Performance Framework other than meeting compliance requirements.

**Exhibit 1**

**Proposed Organizational Performance Framework For the State Public  
Charter School Contract, Effective July 1, 2017**

# The Organizational Performance Framework

The Organizational Performance Framework serves as the means by which the Commission addresses one of an authorizer's core responsibilities: protecting the public interest. The framework ensures that charter schools meet all applicable federal, state, and local laws and regulations as well as contractual requirements.

The Commission pledges to exercise its best efforts to meet NACSA's standards on performance evaluation and compliance monitoring by implementing an accountability system that effectively streamlines federal, state, and local performance expectations and compliance requirements while protecting schools' legally entitled autonomy and minimizing school's administrative and reporting burdens.

The Organizational Performance Framework requires charter schools to complete the Assurance of Compliance Statement (included in this framework) on an annual basis. The Assurance of Compliance Statement identifies the specific federal, state, and local laws and regulations and contractual requirements that the Organizational Performance Framework will hold schools accountable for. Regardless of the specific references to law, rule, regulation, or contractual provision contained in the Statement, schools are required comply with all relevant laws and regulations at all times.

The Commission will evaluate and assess performance under the framework by:

1. Conducting audits of any compliance requirements associated with the references identified in the Statement;
2. Conducting at least one school site visit during the term of the Charter Contract;
3. Requiring submission of documentation verifying compliance through the Commission's online compliance management system; and
4. Reporting on the charter school's ability to fulfill the compliance requirements specified in this framework.

Within the first quarter of the fiscal year, the Commission will provide an annual Organizational Framework Report to all charter schools individually that covers the previous year. The report will include a narrative of the school's performance under the framework, including disclosure of any compliance breaches that required action through the Intervention Protocol (**Exhibit D** of this Charter Contract).

The level of oversight charter schools will receive may vary during the term of the Charter Contract. For example, charter schools with compliance breaches addressed through the Intervention Protocol may be subject to monitoring and additional site visits. Charter schools that have limited or no compliance breaches may be eligible for more flexibility in reporting and submission of compliance requirements.

# ASSURANCE OF COMPLIANCE STATEMENT

This document provides assurances to the Commission that the School is in compliance with the laws, rules, regulations, policies, and Charter Contract provisions set forth below. This document will be assigned to each school through the Commission’s online compliance management system and must be completed, signed, and dated by the school’s board chair and school leader annually.

In addition to this Assurance of Compliance Statement, the School are required comply with all relevant laws and regulations at all times, regardless of the specific references in this document,

Schools should read through each reference below, and then check the corresponding box to assure the Commission that the school is in compliance with the specified items identified below for the specified school year. Schools with compliance breaches identified by the Commission or other agencies, including the School itself, will need to resolve the compliance breach and/or submit a corrective action plan that describes how the school will work towards resolving the compliance breach.

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## GOVERNANCE

- Section 302D-12(a), HRS: Governing Board Composition
- Section 302D-12(c), HRS: Governing Board Composition- Chair
- Section 302D-12(b), HRS: Governing Board Recruitment
- Section 302D-12(f), HRS: Oversight
- Section 302D-12(g), HRS: Procurement
- Section 302D-12(h), HRS: Open Meeting Requirements
- Section 302D-12(i), HRS: State Code of Ethics

## HEALTH AND SAFETY

- Charter Contract Section 11.4: Facilities- Compliance with Codes
- Charter Contract Section 9.1: Safe Environment
- Chapter 12-45.2, Hawaii Administrative Rules: State Fire Code

## ACCESS AND EQUITY

- Section 302D-34(a), HRS: Enrollment
- Charter Contract Section 7.3- Admissions
- Americans with Disabilities Act: 42 U.S.C. 12101
- Individuals with Disabilities Educational Act: 20 U.S.C. 1400 et seq.
- Section 302D-30, HRS: Special Education Services
- Section 504 of the Rehabilitation Act of 1973: 29 U.S.C 794

- Title VI of the Civil Rights Act of 1964 and the Equal Educational Opportunities Act of 1974; English Language Learners

**STUDENT CONDUCT AND DISCIPLINE**

- Section 302A-1132, HRS: Compulsory Education Law
- Section 302A-1134, HRS: Exclusion from School
- Section 302A-1134.6, HRS: Zero Tolerance Policy
- Section 302A-1141, HRS: Punishment of Students
- Section 302A-1141.3: Seclusion and Chemical and Mechanical Restraint Prohibited
- Section 302A-1141.4, HRS: Use of Physical Restraint Limited

**PERSONNEL**

- Section 302D-33, HRS: Criminal History Record Checks
- Section 302A-804, HRS: Teacher Credentials
- Charter Contract Section 9.4: Reporting Crime-related Incidents

**SCHOOL OPERATIONS**

- Family Educational Rights and Privacy Act (FERPA) of 1974
- Charter Contract Section 7.6: Attendance
- Charter Contract Section 7.9: Withdrawal and Transfer
- Charter Contract Section 8.6: Complaints Process
- Charter Contract Section 8.9: School Policies
- Board of Education Policy 102-15: High School Graduation Requirements and Commencement (*if applicable*)
- Section 286-181, HRS: Pupil Transportation Safety (*if applicable*)

X

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School Governing Board Chair

X

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School Director





**Exhibit 2**  
**Overview of the Assurance of Compliance Statement**

STATEMENT OF ASSURANCES	EVIDENCE	METHOD OF COLLECTION
<b>GOVERNANCE</b>		
Section 302D-12(a) & (c), HRS: Governing Board Composition	Completed roster of Governing Board Members, which identifies any members who are employees, former employees, relatives of employees, relatives of former employees, vendors, or contractors.	Submitted annually through Epicenter; unless posted on the school website with all required information
Section 302D-12(b), HRS: Governing Board Recruitment	Governing board bylaws and/or policies or procedures	Submit once through Epicenter; unless posted on the school website
Section 302D-12(f), HRS: Oversight	Governing board bylaws and/or policies or procedures	Submit once through Epicenter; unless posted on the school website
Section 302D-12(g), HRS: Procurement	Procurement policy approved by the governing board	No submission required; post policy on the school website
Section 302D-12(h), HRS: Open Meeting Requirements	Posting of meeting agendas and meeting minutes that meet the statutory requirements	Post items on the school website; and/or Submission, only upon request, to the Commission
Section 302D-12(i), HRS: State Code of Ethics	Governing board bylaws and/or policies or procedures	Submit once through Epicenter; unless posted on the school website
<b>HEALTH AND SAFETY</b>		
Charter Contract Section 11.4: Facilities- Compliance with Codes	Items that show compliance with applicable state and county laws, rules, and regulations for every location listed in Exhibit A of the Contract; including: 1. Certificate of Occupancy 2. Lease Agreement 3. MOA/MOU 4. Permits	Submit once through Epicenter, unless expired or amended
Charter Contract Section 9.1: Safe Environment	School Safety Plan	Submit once through Epicenter; unless posted on the school website

STATEMENT OF ASSURANCES	EVIDENCE	METHOD OF COLLECTION
Chapter 12-45.2, Hawaii Administrative Rules: State Fire Code	County Fire Inspection Report	Submitted annually through Epicenter
<b>ACCESS AND EQUITY</b>		
Section 302D-34(a), HRS: Enrollment	Commission-approved admission policy, including the admission application	No submission required; post policy on the school website
Charter Contract Section 7.3: Admissions	Commission-approved admission policy, including the admission application	No submission required; post policy on the school website
Americans with Disabilities Act: 42 U.S.C. 12101	Commission-approved admission policy, including the admission application	No submission required; post policy on the school website
Individuals with Disabilities Educational Act: 20 U.S.C. 1400 et seq.	Confirmation that the school is in compliance with federal requirements.	Submission, only upon request, to the Commission and/or site visit review
Section 302D-30, HRS: Special Education Services	Confirmation that the school is in compliance with federal and state requirements.	Submission, only upon request, to the Commission and/or site visit review
Section 504 of the Rehabilitation Act of 1973: 29 U.S.C 794	Confirmation that the school is in compliance with federal requirements.	Submission, only upon request, to the Commission and/or site visit review
Title VI of the Civil Rights Act of 1964 and the Equal Educational Opportunities Act of 1974; English Language Learners	Items that show compliance with the federal requirements for English Learners, such as: <ol style="list-style-type: none"> <li>1. ELL Plan;</li> <li>2. ELL Self Study; and</li> <li>3. Confirmation that the school has conducted WIDA/ACCESS testing for the appropriate students</li> </ol>	Items submitted annually through Epicenter

STATEMENT OF ASSURANCES	EVIDENCE	METHOD OF COLLECTION
<b>STUDENT CONDUCT AND DISCIPLINE</b>		
Section 302A-1132, HRS: Compulsory Education Law	Confirmation that the school Student Conduct and Discipline Policy is in compliance with statutory requirements	No submission required; post policy on the school website
Section 302A-1134, HRS: Exclusion from School		
Section 302A-1134.6, HRS: Zero Tolerance Policy		
Section 302A-1141, HRS: Punishment of Students		
Section 302A-1141.3: Seclusion and Chemical and Mechanical Restraint Prohibited		
Section 302A-1141.4, HRS: Use of Physical Restraint Limited		
<b>PERSONNEL</b>		
Section 302D-33, HRS: Criminal History Record Checks	Confirmation that criminal history record checks for hires have been completed by the Hawaii Criminal Justice Data Center	Submission, upon request, to the Commission and/or site visit review
Section 302A-804, HRS: Teacher Credentials	Teacher Licensure Information	Submitted annually through Epicenter
Charter Contract Section 9.4: Reporting Crime-related Incidents	Policy on reporting crime-related incidents	No submission required; post policy on the school website

STATEMENT OF ASSURANCES	EVIDENCE	METHOD OF COLLECTION
<b>SCHOOL OPERATIONS</b>		
Family Educational Rights and Privacy Act (FERPA) of 1974	Confirmation that the school is in compliance with federal requirements, which could include completion of the Student Information Privacy Notification Checklist	Submitted annually through Epicenter
Charter Contract Section 7.6: Attendance	School policy, procedures, and/or practices for daily attendance	Submission, only upon request, to the Commission and update at site visit review
Charter Contract Section 7.9: Withdrawal and Transfer	School policy, procedures, and/or practices for withdrawal and transfer	Submission, only upon request, to the Commission and/or site visit review
Charter Contract Section 8.6: Complaints Process	School policy and/or procedures to address complaints from students, families, and the public	No submission required; post policy on the school website
Charter Contract Section 8.9: School Policies	Accessibility to current versions of the school's policies and procedures	No submissions required; post policies on the school website
Board of Education Policy 102-15: High School Graduation Requirements and Commencement <i>(if applicable)</i>	Confirmation that the school follows BOE policy or a BOE-approved waiver from state high school graduation requirements	Submission, only upon request, to the Commission and/or site visit review
Section 286-181, HRS: Pupil Transportation Safety <i>(if applicable)</i>	<p>Items that show compliance with the Department Of Transportation's requirements for school transportation; such as:</p> <ol style="list-style-type: none"> <li>1. Driver Qualification Folder Audit Reports from the Department of Transportation; and</li> <li>2. Vehicle Inspection reports</li> </ol>	Submission, only upon request, to the Commission and/or site visit review