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INFORMATIONAL SUBMITTAL

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TO: Catherine Payne, Chairperson

FROM: Yvonne Lau, Acting Executive Director

AGENDA ITEM: VI. Presentation on 2015-2016 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 seven applications and convened an Evaluation Team to evaluate each application. The Evaluation Team members were comprised of five Commission staff members and three external evaluators.

The Evaluation Team is tasked with evaluating and developing a recommendation on each application for a new charter school, and the Applications Committee holds a hearing to consider these recommendations to make recommendations to the full Commission. The Commission is solely responsible for deciding whether to approve or deny each application.

It is essential 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 Section 302D-5, HRS which states that among other things, authorizers are responsible for, "approving quality charter applications that meet identified educational needs and promote a diversity of educational choices" and "declining to approve weak or inadequate charter applications." Because of this, the purpose of the application process is not

designed to assist applicants in refining and finalizing their proposals, and the consideration of new information provided by applicants after the Evaluation Team has made its recommendation is not allowed. Each evaluation conducted by the Evaluation Team included a capacity interview of the applicant and a Request for Clarification in which applicants were given the opportunity to clarify in writing parts of their application that were identified as unclear. The purpose of the interview and Request for Clarification was to assist the Evaluation Team in determining applicant capacity and better understand the application, not to provide the applicant with feedback or to afford the applicant an opportunity to revise its application or provide new, post-evaluation information to the Commission.

The rigor and seriousness of the application process is evidenced by the amount of time that the Evaluation Team dedicated to the thorough and careful evaluation of the applications, and the time and effort that other staff members have dedicated to review the resulting materials produced by the Evaluation Team and applicants. 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 Recommendation Reports, 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 the option to provide a written rebuttal (“Evaluation Team Rebuttal”) to any Applicant Response. The Recommendation Report, Applicant Response, and Evaluation Team Rebuttal (if any) comprise 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 being 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 recommendation of denial. 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 well-designed for the purposes of vetting applications, any possible flaws with the process are highly unlikely to have caused any application to not meet standards.

Scope of Commissioner Review. 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 are issued, as the Evaluation Team would not have an opportunity to completely 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 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 Recommendation Report.”

Because of this, Commissioners should not consider new information provided after the issuance of the Recommendation Reports in their review and decision-making. New information is specifically flagged in the staff submittal. Commissioners can consider whether the Evaluation Team has an adequate basis for denial of an application. This includes considerations such as 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.