Hakipu'u Learning Center

A Public Charter School

Ma ka hana ka 'ike *Knowing is in the doing*

Date: April 9, 2014

To: Catherine Payne, Chairperson

Cc: Tom Hutton, Executive Director

From: Charlene Hoe, Administrative Team

Re: Current Process for Revision of Bilateral Contract and Performance Framework

The charter school community takes the development of the bilateral contracts seriously and has done so since the early discussions of the Charter School Task Force. The possibility of having true bilateral contracts raised hopes and fears. With that in mind the leaders of charter schools across the state determined that we wanted to contribute to the process to try to realize those hopes and alleviate the fears. Earlier this school year, the HPCS Commission staff informed the charter school community of their efforts to review and update the current bilateral contract and performance framework in preparation for the next round of contracts. From that presentation, I thought I understood that the staff was trying to make the language more flexible and user friendly to both the Commission office and the charter schools, and that this first year of experience with the contract had shed light on areas of the contract that could be improved with language that gave more clarity and flexibility. I went away from that discussion hopeful that some of our concerns raised in the first drafting process were being heard, that this round of negotiation would in fact be bilateral with iterative discussions between individual charter schools boards and the Commission and staff to draft contracts that align with the needs of both the Commission and the individual charter schools.

When we received the draft later in the year and I read through the new draft, I found those hopes were not met. In fact, it felt as if the revisions were going in exactly the opposite direction. So when the opportunities to meet with the Commission staff were posted, I with many others from of our charter school community attended the February 19th discussion session at Leiopapa A Kamehameha Building. Having read through and notated the entire packet, we came prepared to recognize what we considered positive changes and to give feedback and suggestions regarding changes for which we had serious concerns. Though the agenda format and timeframe of the meeting made it challenging, many of the concerns and suggested fixes, some of which were indeed material in nature, were shared but, due to time constraints of facility or staff, not fully discussed or worked out.

Many of the most serious concerns, as noted by the communication from Nā Lei Na'auao and supported by our school, remain in the contract in this current draft. I am disappointed that I was not successful in communicating the breath of my/our concern(s), or that we did not do it often enough or in the correct format to be fully considered. I am also disappointed that our concerns seem to have been deemed immaterial. As with the earlier versions of the charter school law, Act 130 preserves the overall purpose of the law to create genuine, community-based educational initiatives that serve the needs of learners in their communities with innovative educational choices; and, it continues to affirm the autonomy of the Governing Boards to enable them to accomplish this. Elements of the current draft significantly undermine all of this. I trust that the Commission and the staff are trying to insure that all charter schools have the

P.O. Box 1159, Kāne'ohe, Hawai'i 96744 ~ Telephone (808) 235-9155 ~ Fax (808) 235-9160
hakipuu_hlc@yahoo.com

opportunity to succeed and that the Commission has the tools it needs to oversee that effort. I do not trust that both are possible with the current language and tone of the contract.

All of our communities embarked on this initiative to create meaningful learning environments for our youth and their families; and, despite inadequate resources – facilities, funding, and otherwise – have continued to develop our programs, kept the focus on continuous improvement and evolution, engaged students in the learning process, and built community networks to make it all happen. It is the way from which many of the schools were launched and it is the way in which we would like to continue to work - in collaboration with all of the stakeholders including the Commission and its staff. The charter schools are not the enemy; we collectively – students, families, communities, supporters, schools, and the Commission – are a mechanism to add innovation and genuine, community-based schools to the arsenal of Hawai'i public schools striving to prepare our children for their 21st century paths. We are also not preservationists trying to protect our status quo; we sincerely seek continuous improvement to better serve our youth. To do that, the essence of the process for "research and development" needs to be preserved – autonomous boards; flexibility to implement timely, data-driven changes; development and integration of meaningful, whole being accountability processes; and adequate resources. We know the contract does not in itself give all of that but it is the foundational document from which the work to realize that potential can take place. If the contract forces us into a single box, that potential is gone.

Charter school communities inspire commitment and contribution - cohorts of individuals, families, and groups who volunteer time, expertise, and materials. The work done by charter schools to develop school specific measures to enable a more holistic accountability model is a case in point. Collectively, school staff contributed 1000s of hours above and beyond their "jobs;" community groups offered expertise, data collection trials, consultation, and materials; national groups shared their research, exploration of best practices, and encouragement; students and families informed the work with their "in-the-field" feedback and guidance. All of this work is still ongoing.

The approaches that the charter community is asking the commission to recognize and value are not entirely unique; they include elements of what was historically known and practiced and is rediscovered today; they include elements of "best practice" on the international level as demonstrated in Finland, Singapore, and elsewhere; and they include elements of healthy communities everywhere. What is new – or renewed – is the individual communities taking on the kuleana to contribute to finding educational solutions/options for their youth and not waiting for others to solve the problem. These communities and their charter schools are not just talking about setting up for 21st century skills, they are modeling them.

If you have reached this point in my letter, I thank you for your courtesy and your willingness to consider this mana'o. You, like our individual charter schools, are charting a new path for education in Hawai'i. We look forward to working with you to make it a path that aligns well with the aloha and waiwai of this place and its communites, and honors the rich diversity of those communities. Thank you for all that you contribute – time, expertise, caring, and more.

Mālama pono,

Charlene Hoe
Administrative Team

P.O. Box 1159, Kāne'ohe, Hawai'i 96744 ~ Telephone (808) 235-9155 ~ Fax (808) 235-9160
hakipuu_hlc@yahoo.com

Kawaikini New Century Public Charter School 3-1821J Kaumuali`I Hwy Lihu'e, HI 96766 (808) 632-2032; (808)246-4835 fax

Date: April 8, 2014

To: Catherine Payne, Chairperson
Performance and Accountability Committee

Cc: Tom Hutton, Executive Director

From: Kawaikini New Century Public Charter School

Kawaikini New Century Public Charter School is concerned with several large overarching issues within the bilateral contract. There are proposed material changes to the contract that are of critical concern. We believe that these changes inhibit our governing board's ability to manage the school in the spirit and intent of our individual vision and mission.

This letter is written in the spirit of aloha with the intent to share our concerns regarding the contract in its current form. It is our desire to engage in open dialogue to help us understand the rationale or reasoning behind these changes as they are contrary to our understanding and interpretation of ACT 130.

The following are major overarching issues we wish to bring to your attention -

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

Charter Schools signed with a clear understanding that individual contract negotiations would occur the following year, pursuant to Act 130. This has not materialized. Denying school governing boards the opportunity to negotiate individual bilateral contracts is in direct opposition with Act 130.

2. **The complexity of the contract, its possible detrimental implications and the timeline in which our Boards are required to review 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 are left without appropriate counsel for this purpose and have much to lose if contract verbiage and the unilateral nature of the contract are not scrutinized with a legal lens, and fully understood by all parties.

3. **The proposed contract, as it currently exists, 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.**

By Hawaiʻi law, a charter school governing board is an autonomous entity with sole responsibility and authority for the financial, organizational and academic viability of the charter school, and implementation of the vision and mission of the charter. With this accountability comes control.

Repeated proposed requirements for commission approval of policies and procedures seems to place the Commission in the role of the Governing Board for all charter schools, thus removing the local governing board's autonomy, accountability and control of the individual charter school. In the commission staff's desire to mitigate potential challenges on behalf of charter schools, they have compromised governing board authority.

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

Charter schools have experienced inordinate challenges in obtaining school specific measures that were developed with clear intent to address curriculum, instruction and assessments, tailored to native learning styles and multiple intelligences.

The reduction from 40% to 25% weight is incomprehensible. The Hawaiian Focused Charter Schools (HFCS) stand united in our quest for a **40% weight** on school specific measures and request a **three-year pilot period.** This pilot period will allow the HFCS adequate time to develop additional tools to measure student growth and readiness throughout the schools, allow time for trial data runs, and will allow adequate time to collect feedback from a national and international audience of experts in the field of culturally relevant evaluation and assessment.

5. Finally, we are requesting that the Commission allow Kawaikini and all Hawaiian Immersion Charter Schools to identify alternative assessments to replace the translated HSA and upcoming Smarter Balance Assessment in our Academic Performance Framework Assessment for all grades.

The use of the current state assessment data has the potential to gravely influence our APF results and is NOT an indication of achievement for our Hawaiian speaking students. We believe the current assessment lacks the requisite literary and lingual foundation to adequately measure any Hawaiian Language Immersion student's knowledge and we do not believe it is fair to the students or the schools, to administer incomprehensible assessments. Positive results on these assessments are not reasonably achievable. Additionally, as an official language of the State of Hawaiʻi, Hawaiian language should be afforded the same accommodations as

English. As the English language based assessment (HSA) is not translated from any other language and is created in English by English language speakers, the Hawaiian language assessment should be created in Hawaiian by Hawaiian language speakers. The DOE and BOE have recognized the need for a federal waiver to exclude ALL grades in Immersion schools from State testing until an appropriate assessment in the Hawaiian language is developed and we are eager for the opportunity to participate in the creation of an appropriate assessment. However, in the mean time, while understanding the importance of accurate assessments, we want the ability to discuss/identify alternative solutions.

In closing, we would like to thank the commission and staff for this opportunity to share these broad areas of concern as we continue to pursue our vision and mission, within the confines of Act 130 and consistent with the Native Hawaiian Education Act.

In the best interests of the local communities and the students we represent, we look forward to engaging in open dialogue with commission staff at the April 15, 2014 meeting to exchange ideas and share perspectives on these concerns and other issues that may arise. Our ultimate goal is for the commission and staff to work with us in a collaborative process so that we speak with one voice. We believe that this collaboration is essential to an exemplary contract that will benefit our children, families and communities.

Sincerely,

D. Leiilima Rapozo, Board President
Kawaikini New Century Public Charter School