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RECOMMENDATION SHEET

DATE: June 18, 2015

TO: Catherine Payne, Chairperson
State Public Charter School Commission

FROM: Catherine Payne, Chairperson
Performance and Accountability Committee

AGENDA ITEM: Action on Criteria for Special Exemption to Increase the Enrollment Preference Limit for Children of Staff and Governing Board Members from 10% to 15% of a Charter School’s Total Student Population

I. DESCRIPTION

Recommendation from the Performance and Accountability Committee (“Committee”) that the State Public Charter School Commission (“Commission”) delegate authority to the executive director to grant waivers to the 10% limit for the enrollment preference for children of staff and governing board members, up to 15% of the school’s total student population, according to the criteria provided as **Exhibit 1**. Any waivers granted by the executive director will be reported in the executive director’s monthly written report to the Commission.

II. POLICY CONTEXT

The Commission has requested staff to provide written criteria that will be used to determine whether a school’s request for exceeding the usual 10 percent cap on admissions made under staff and governing board member preferences, up to 15 percent.. These written criteria are intended to provide an understanding of the decision-making process, as well as an understanding of the actions that a school will need work towards to ensure that the exemption is temporary.

III. AUTHORITY

Pursuant to §302D-34(b), Hawaii Revised Statutes (“HRS”) (2014):

“(b) A start-up charter school:

(1) Shall be open to any student residing in the State; who is entitled to attend a department school;

(2) Shall enroll all students who submit an application, unless the number of students who submit an application exceeds the capacity of a program, class, grade level, or building;

(3) Shall select students through a public lottery if, as described in paragraph (2), capacity is insufficient to enroll all students who have submitted a timely application;

(4) May give an enrollment preference to students within a given age group or grade level and may be organized around a special emphasis, theme, or concept as stated in the charter school's application and as approved by the charter school's authorizer;

(5) May give an enrollment preference to students enrolled in the charter school during the previous school year and to siblings of students already enrolled at the charter school; and

(6) May give any other enrollment preference permitted by the charter school's authorizer, on an individual charter school basis, if consistent with law; provided that nothing in this subsection shall preclude the formation of a start-up charter school whose mission is focused on serving students with disabilities, who are of the same gender, who pose such severe disciplinary problems that they warrant a specific educational program, or who are at a risk of academic failure.”

IV. BACKGROUND

At its General Business Meeting on September 11, 2014, the Commission approved an enrollment preference for the children of full-time employees, provided that student admitted to the school using this preference account for no more than 10% of the total student population. A school still could request a higher enrollment cap under this preference, but such a request was to be considered on a case-by-case basis.

At its November 13, 2014 General Business Meeting, the Commission added to this enrollment preference the children of the school's governing board. Subsequently, as the Commission reviewed the admission policies of all the charter schools, some schools requested that this preference be expanded to grandchildren of staff, part-time school employees, and founding board members. The Commission allowed the enrollment preferences for these groups as well, with the understanding that these groups be included in, and not be in addition to, the 10% limit.

An enrollment preference for children of full-time employees, as well as children of governing board members, set at a 10% limit was a best practice advocated in the National Alliance for Public Charter Schools' Model Law for Charter Schools. The approval of this preference also allowed for the

Commission to review and approve, on a case-by-case basis, any situations, in which, a school might exceed the 10% limit imposed.

At its May 14, 2015 General Business Meeting, the Commission deferred a measure to delegate authority to the executive director to grant waivers to the 10% limit for the enrollment preference for children of staff and governing board members, up to no more than 15% of the total student enrollment, until criteria were developed to clarify the process by which such waivers would be granted.

At the May 28, 2015, Performance and Accountability Committee meeting, staff presented the criteria, which are provided as **Exhibit 1**, for review. Following discussion and review, the Committee recommended approval of the criteria by the full Commission.

V. DECISION MAKING STATEMENT

Staff recommends the Commission delegate the authority to grant future requests for waivers to the 10% limit to the executive director, up to no more than 15% of the school's total student population. As requested by the Commission, staff has developed criteria and procedures that would be utilized by the executive director to grant waivers. These criteria and procedures are provided as **Exhibit 1**.

The criteria proposed allows the executive director to grant a waiver if:

- The percentage of children who utilize the preference does not exceed 15% of the total student population;
- The number of children who will have been admitted under the enrollment preference will not exceed one-third of the total enrollment in any single grade level; and
- The request is not for a third consecutive year.

Waiver requests should be submitted in accordance with that year's deadline for requesting Commission approval of other revisions to the school's admissions and enrollment practices and procedures, or before the beginning of the school's admissions cycle, whichever comes first. Any request submitted later than this date shall be made only for unforeseeable circumstances and is to be considered on a case-by-case basis. The charter school will need to submit information that is specified in the proposed criteria.

The purpose of delegating this authority is to alleviate the administrative burden for both the schools and staff as waiver requests would not require formal Commission action and approval. It is noted that Commissioners have expressly stated that there is no intention to raise the limit to 15% permanently and that any schools that were granted waiver requests should be monitored to ensure that actions are being taken to return to the 10% maximum allowed per the Commission's approved enrollment preference. For reporting purposes, waiver requests granted by the executive

director would be reported to the Commission in the written executive director's report that is provided at each Commission general business meeting.

VI. RECOMMENDATION

Recommendation from the Performance and Accountability Committee:

Moved to recommend that the Commission delegate authority to the executive director to grant waivers to the 10% limit for the enrollment preference for children of staff and governing board, up to no more than 15% of the total student population, according to the criteria provided as Exhibit 1. Any waivers granted by the executive director will be reported in the executive director's monthly report that is provided at each Commission general business meeting.

Exhibit 1

Process and Criteria for Obtaining a Temporary Waiver from Maximum Enrollment Under Preferences for Children of School Employees and Governing Board Members

Process and Criteria for Obtaining a Temporary Waiver from Maximum Enrollment Under Preferences for Children of School Employees and Governing Board Members

At its June 18, 2015 General Business meeting, the State Public Charter School Commission (“Commission”) delegated to the Commission’s executive director the authority to grant a temporary waiver to the normal 10 percent limit for the enrollment preference for children of staff and governing board. Such a waiver could be for up to 15 percent of the total student population. This document sets forth the process and the criteria, as approved by the Commission, for obtaining such a waiver. The Commission’s intent is that such a waiver be of a temporary nature and that the percentage of student admitted using this enrollment preference return as soon as possible to a maximum of 10 percent.

❖ CRITERIA

- The executive director is authorized to grant waivers to the normal 10 percent limit on the enrollment of a charter school’s students under an enrollment preference for children of staff and governing board members, only up to 15 percent of the total student population. Any waiver request to exceed 15 percent will need to be approved by the Commission.
- Waiver requests shall be granted only for a one-school year period. A charter school granted a waiver will need to resubmit a waiver request for the following school year, if needed. The executive director is authorized to grant a waiver to a charter school for no more than two consecutive years. A waiver for an additional year must be approved by the Commission.
- Waiver requests should be submitted in accordance with that year’s deadline for requesting Commission approval of other revisions to the school’s admissions and enrollment practices and procedures, or before the beginning of the school’s admissions cycle, whichever comes first. Any request submitted later than this date shall be made only for unforeseeable circumstances and is to be considered on a case-by-case basis.
- The charter school will be allowed to submit either the October 15 enrollment count or projected enrollment figures for review of the enrollment preference. If the school submits projected enrollment figures, variances of up to 10 percent from the October 15 enrollment count may be considered. Note: the size of the school may be factored into the decision on how much a variance will be allowed.
- Waiver requests shall be submitted in writing to the executive director from the chair of the school’s governing board. In the request, the school will provide the following information:
 - A representation that the governing board has duly approved the request and the date on which that approval was granted;
 - The total number of children attending the school in the current school year, by grade level, who originally were admitted under the enrollment preference;

- The total number of staff members and governing board members whose children are attending the school in the current school year and originally were admitted under the enrollment preference;
 - The number of children projected to be enrolled in the following school year, by grade level, who originally will have been admitted under the enrollment preference;
 - The number of staff and governing board members whose children are projected to be attending the school in the following school year and will have been admitted under the enrollment preference;
 - An explanation of why the school is requesting the waiver, including, if the request is submitted after the deadline for requesting approval of revisions to the school's admission and enrollment policies and practices, an explanation of the unforeseeable circumstances resulting in the request; and
 - An action plan detailing the steps the school will take so that, as soon as possible, the waiver is no longer required.
- Commission staff will review the submitted information to determine the following:
 - That the number of children who will have been admitted under the enrollment preference will not exceed 15 percent of the school's total student population;
 - That the number of children who will have been admitted under the enrollment preference will not exceed one-third of the total enrollment in any single grade level; and
 - That the request is not for a waiver for a third consecutive year.
 - The executive director may approve any waiver that meets the criteria set forth above as to the total percentage of enrollment, the proportion of any single grade level, and the consecutive years of requests. In all other cases, the executive director will either deny the request or refer it to the Commission for review. A school may appeal a denial of its request by the executive director to the Commission.
 - All waivers granted by the executive director will be reported in the written Executive Director's Report that is provided to the Commission at its monthly general business meeting.