

Questions from the Pre-RFA Orientation

Commission staff adapted and answered the following questions from the September 6, 2013 Pre-RFA Orientation. Capitalized terms not defined here are used as defined in the RFA.

Application and Process

1. How many applicants will be reviewed and will there be a limit? How many will be approved?

All applicants that submit complete Intent to Apply Packets and are deemed eligible to apply will be able to submit applications for review. There is no limit on the number of applicants that will be reviewed or the number that will be approved. The number of applications that will be approved is not predetermined and depends on the quality of the applications.

2. Where do applicants locate the Intent to Apply Packet?

The Intent to Apply Packet consists of the 2013 Intent to Apply Packet Cover Sheet, Intent to Apply and Eligibility form and all applicable documents listed on the 2013 Intent to Apply Packet Cover Sheet. The 2013 Intent to Apply Packet Cover Sheet and Intent to Apply and Eligibility Form are included as exhibits to the RFA.

3. Which Commissioners serve on the Application Committee?

Peter Hanohano is the Chairperson and Curtis Muraoka is the Vice Chairperson of the Application Committee. The other standing members are Mitch D'Olier and Roger Takabayashi.

4. Is it possible to open for the 2014-15 school year?

The timeline does not allow an applicant to open for the 2014-15 school year. There is too short a window from a May approval to a July/August opening.

5. Is there a template to use for budgets?

There is a Financial Plan Workbook included as an exhibit to the RFA. Applicants must use this template when submitting their budgets.

6. Does the Intent to Apply Packet require proof that the applicant is a nonprofit, 501(c)(3) tax exempt organization?

The Intent to Apply Packet does not require that the applicant be a nonprofit organization in order to submit an application. However, the Commission strongly encourages applicants to consider establishing a nonprofit, tax exempt corporation. If an applicant represents that it is a tax exempt entity, then it must attach evidence of its tax exempt status as a part of its Intent to Apply Packet.

7. Do applicants need to have a facility secured prior to applying?

No. If the applicant has not secured a facility, the application will need to include a plan for identifying and securing a facility that is in compliance with all applicable state and county laws.

8. Will applicants be evaluated by the National Association of Charter School Authorizers (“NACSA”) or another consulting firm?

Evaluation Teams have not been set at this time. However, as a matter of best practice, the Commission plans to have Evaluation Teams made up of Commission staff, national charter school experts, and local evaluators.

9. The federal funding timeline for the Charter Schools Program (“CSP”) charter school start-up grant is expected to be released in March 2014. The RFP provides 16 points for “a written performance contract with an authorizer.” Without these points, Hawaii will not be able to compete. The grant awards \$200k for three years (\$600k total), and the funds can be used for facilities! Will you move the timeline up so we can apply?

The Commission has set the application timeline in order to allow for a rigorous process that affords applicants adequate time to develop and submit high quality applications and that provides approved applicants an adequate start-up period in which to prepare to open new schools.

The Commission is not aware of an expected release date of the next CSP “Non-State Educational Agencies (Non-SEA) Planning, Program Design, and Initial Implementation Grant,” sometimes referred to as the charter school start-up grant. Applications for the most recent CSP start-up grant were due on July 12, 2013, according to the [CSP’s website](#). If CSP stays with the same timeline for the 2014 grant cycle, charter school applicants would know if they are approved prior to the grant application deadline.

10. If an applicant applied last year, will the Evaluation Team look at the previous application or is this a clean slate?

Previous applications, information contained within previous applications, previous submissions of public testimony, and any information relating to any previous application cycles will not be considered. The Evaluation Team will only consider the information contained within the 2013 cycle’s application and application process.

11. Are applicants allowed to reach out to existing charter schools with questions and for help during the application process?

There is no prohibition of applicants communicating with existing charter schools. In fact this is encouraged. However, applicants must adhere to the applicant code of conduct, as described in the RFA. This code of conduct includes a prohibition of communication about an applicant or application with Commissioners or Evaluation Team members, including indirectly through a third party, such as an existing charter school.

Charter Contracts

1. Are performance expectations based on existing public school performance?

Unlike Hawaii Department of Education (DOE) schools, charter school performance is evaluated under the Charter Contract. The Charter Contract establishes the expectations of the school in three performance frameworks: academic, financial, and organizational.

With regards to academic performance, charter schools and DOE schools alike are subject to the State academic performance accountability system, called Strive HI. More information on Strive HI can be found on the [DOE's website on Strive HI](#). Additional academic performance measures may be proposed by the charter school and, if approved by the Commission, included as School-Specific Measures in the school's Charter Contract.

2. How often are charter contracts renewed? How long are the charter contract terms after renewal?

The 2013-14 school year is the first year that Charter Contracts have been put into place, so there is no history of renewal. Hawaii Revised Statutes ("HRS") §302D-18 allows for Charter Contract terms to be up to five years.

Governance and Organizational Plan

1. Can a governing board draw members from outside of the geographic area served by the charter school?

Yes. State law does not place geographic restrictions on governing board members. The old charter school law (HRS §302B-7(a)), which was repealed in June 2012, focused relatively more on board composition to represent various constituencies. However, current charter school law (HRS §302D-12) encourages more focus on board composition based on the skill sets necessary for effective governance. Today's communications technology enables remote participation in meetings.

2. How many members on a governing board must be from the community?

There is no minimum or limit on the number of community members a governing board may have as a part of its membership.

The old charter school law (HRS §302B-7(a)), which was repealed in June 2012, required local school boards to have at least one board member from the community. However, current charter school law (HRS §302D-12) does not require a minimum number of board members from the community. Instead, it requires that when selecting board members, consideration be given to people who "provide the governing board with a diversity of perspective and a level of objectivity that accurately represent the interest of the charter school students and the surrounding community." In addition, it encourages boards to consider the relevant skill sets that the board will need among its members.

Note that there are other restrictions on the membership of the governing board. For instance, HRS §302D-12 limits the number of employees or relative of employees of the charter school that can sit on the governing board to no more than one-third of the governing board's membership. For more information on governing board requirements and restrictions, reference HRS §302D-12.

3. How does the Commission perceive governing boards having a few mainland-based board members, selected for their outstanding qualifications?

Hawaii Revised Statutes §302D-12 requires consideration of qualifications when selecting governing board members and allows flexibility in such selection. Having governing board members from out of state is not prohibited by HRS Chapter 302D. Today's communications technology enables remote participation in meetings.

Employment

1. Does teacher tenure apply to charter schools?

Teacher tenure accrued at a charter school applies only at that charter school and does not carry over to other charter schools or to the DOE. Teachers transferring from the DOE to a charter school do not have any tenure at the charter school, and their DOE tenure is frozen in place should they return to the DOE later. Teachers that transfer from the DOE to a charter school will not accrue further DOE tenure for their years employed at a charter school. For more information, see [this DOE memo](#).

2. Do part-time employees ("PTE") receive benefits?

State employees, as defined by HRS §87A, that are at least fifty percent FTE are eligible to receive health benefits, pursuant to the [administrative rules](#) of the Hawaii Employer-Union Health Benefits Trust Fund ("EUTF"). Any employee that falls under one of the classes listed in [§6-21-14](#) of Hawaii Administrative Rules is excluded from membership from the State Employee Retirement System ("ERS").

3. Can charter schools hire unlicensed teachers, especially if their mission requires a specialized approach such as Montessori or Waldorf?

All public school teachers are required to be licensed by the Hawaii Teacher Standards Board ("HTSB"). For more information on teacher licensing, visit [HTSB's website](#).

4. What credentials must charter school teachers hold? Are there any exceptions for teachers in online programs?

Charter school teachers must be licensed in Hawaii and considered "highly qualified" ("HQ") as defined by federal law. In some instances, teachers may be non-HQ as long as they are working toward becoming HQ. There is a "tech exemption" available for online classes, but it is only for situations where the students may not be provided any instruction, assessment, or grading by an onsite teacher. For more information, visit the [DOE website on teacher quality](#) and its flow chart on the [pathway to earning the HQ designation](#).

5. What credentials must charter school administrators hold?

There are no requirements for charter school administrators. It is the governing board's responsibility to hire personnel that can execute the school's mission and deliver on performance expectations.

Collective Bargaining

1. Can a supplemental collective bargaining agreement have different tenure parameters than that of the Master Agreement applicable to teachers in the DOE schools?

Yes, as long as the Hawaii State Teachers Association ("HSTA") agrees to the supplemental agreement.

2. Have charter schools successfully negotiated supplemental collective bargaining agreements with the unions?

Yes. HSTA is the union with which charter schools most frequently negotiate supplemental agreements, although not all charter schools have supplemental agreements in place. There have been a few cases where charter schools have successfully negotiated supplemental agreements with the Hawaii Government Employee Association ("HGEA"). Commission staff has not received reports of charter schools negotiating supplemental agreements with a third union, United Public Workers ("UPW"), which also represents employees of charter schools.

3. Are charter schools able to start teachers under the first step of the Master Agreement?

Yes, but only if the teacher does not qualify for a higher step. In theory a charter school could attempt to negotiate a supplemental agreement with HSTA to depart from the Master Agreement.

4. Are there any sample supplemental agreements from start-up charter schools that applicants can review?

The Commission has copies of charter school supplemental agreements and can provide them upon request.

5. Is there funding or support for legal counsel to secure supplemental agreements to the Master Agreement?

As state entities, the Department of the Attorney General serves as the legal counsel for all charter schools in all legal matters, unless a charter school has obtained a waiver from the Governor. Charter schools need to fund any other costs associated with negotiating supplemental agreements on their own.

6. Can salaries be negotiated?

Yes, salaries can be negotiated with the appropriate union.

Federal Programs

1. Does Hawaii participate in the federal Charter School Program (“CSP”) grant?

Eligible entities in Hawaii may apply for CSP start-up grants. The Commission does not oversee this process. For more information on CSP grants, visit the [CSP website](#).

2. Can charter schools get federal funds for a school lunch program?

Charter schools may receive federal funds if they qualify for the National School Lunch Program. For more information, contact the Department of Education School Food Services Branch at 733-8400.

3. What is federal Impact Aid? Is it military specific?

Impact Aid funds are paid to the State as compensation for federal installations resulting in no tax revenues generated from federally-held lands. They are calculated annually via parent surveys of federal employment. Allocations to schools are not dependent on the military dependents the schools serve or other federal impacts. The funds fluctuate each year, and the federal government imposes no restrictions as to their use. The Commission receives an enrollment-based percentage of charter school funds.

Special Education

1. The DOE determines the number of special education (“SPED”) personnel allocated to each charter school based on a formula (determined by October). In their first year of operation, are new charter schools expected to hire teachers in advance (between March and May of the previous school year) without knowing the number of SPED students and formula results?

To clarify, the DOE’s SPED count is done in December of the preceding school year. All charter schools must ensure that a Free and Appropriate Public Education (“FAPE”) can be provided for all enrolled students with disabilities. Once approved, a new charter school should consult with its District Education Specialist (“DES”) to explore options for meeting the requirements of the offer of FAPE.

2. If a charter school has a few SPED students, does the DOE partially pay for a SPED full-time employee (“FTE”)?

No. The DOE only provides FTEs for SPED, not part-time or partially funded FTEs. The DES will review all of the current student Individualized Education Programs (“IEP”) of special education students enrolled in a charter school and may offer staff, funding, or both to the charter school based upon the same per-pupil weighted formula used to allocate resources for special education students in traditional public schools.

3. How many SPED students are needed in order for the DOE to allocate a SPED FTE to a charter school?

The calculation is based on total estimated need as calculated via the student IEP, not on the number of SPED students. In other words, some students may need full-time attention, while others only need a few hours per week.

Again, the DES will review all of the current IEPs of special education students enrolled in a charter school and may offer staff, funding, or both to the charter school based upon the same per-pupil weighted formula used to allocate resources for special education students in traditional public schools.

Facilities

1. Who can address facilities questions, specifically if a nonprofit landlord does not have the required facilities documentation?

It is the responsibility of the charter school to provide the Commission with the necessary facilities documentation as required by the Charter Contract. How the school obtains that information, whether by contacting the appropriate county agency department to get a Certificate of Occupancy, having an architect write a report, or by any other acceptable means, is ultimately up to the school. Schools may need to retain professionals for advice if the landlord does not have required documentation.

2. Does the Commission have a facilities consultant to judge if a facility meets applicable codes?

No. It is the responsibility of the charter school to ensure that the facility it selects is in compliance with all applicable laws and to provide the Commission with documentation showing that the facility meets all applicable laws.

3. Who makes the decision on whether to share underutilized DOE facilities with a charter school?
The administration of the school?

If an applicant is aware of underutilized DOE facilities, it should contact the administration at the DOE school. In regards to DOE schools that are being closed, HRS §302D-24 requires DOE to submit a notice of possible availability of a public school when it is considering whether to close a public school. The Commission has received one notification of available facilities in Hakalau on the Big Island.

4. Is there a possibility of leasing rooms within an existing DOE school?

Theoretically, yes, although the Commission is not aware of any charter schools that currently do so. However, some charter schools have unique facility and/or land arrangements with various state agencies.

Funding

1. What does the per-pupil allocation of \$5,994.69 cover?

The charter school has flexibility as to the use of per-pupil allocation funds, which generally are used for the operating costs of the charter school.

Academic Plan

1. Are there any rules relating to the amount of face-to-face time a student must spend with a teacher, particularly in regards to an online learning program.

No. There is no requirement regarding face-to-face time. However, a school must account for daily attendance for each enrolled student.

2. Can charter schools use field experts or parent coaches to teach students as long as a licensed teacher is supervising?

Assuming the individual is not employed by the school (i.e., a guest speaker), this is acceptable.

3. How can applicants engage in discussions about the possibility of alternative measures for at-risk populations?

Currently, the Commission cannot offer an alternative accountability system from Strive HI. Strive HI is designed in part to credit schools for growth in academic achievement by students and the narrowing of achievement gaps between high-needs and non-high-needs populations, not just absolute achievement levels. In addition, outcomes related to the delivery of education to at-risk populations can be addressed in the School-Specific Measures section of the academic performance framework.

Miscellaneous

1. Is a charter school considered a nonprofit organization?

No. A charter school in Hawaii is a public school and a state entity.

2. Are there any Articles of Incorporation and bylaws samples to be shared for nonprofit development of a 501(c)(3)?

The Commission does not oversee or provide support for nonprofit organizations that may be affiliated with charter schools.

3. How does Ho'olako Like define Hawaiian-focused charter schools?

Contact Ho'olako Like at 534-3983 for information.

4. What is the status of the legislative plan on funding pre-K?

Currently, the Legislature has not indicated that it will fund Pre-K or Junior-Kindergarten for the 2015-16 school year.