

NEIL ABERCROMBIE
GOVERNOR



TERRI FUJII
CHAIRPERSON

STATE OF HAWAII
STATE PUBLIC CHARTER SCHOOL COMMISSION
(‘AHA KULA HO‘ĀMANA)

<http://CharterCommission.Hawaii.Gov>
1111 Bishop Street, Suite 516, Honolulu, Hawaii 96813
Tel: 586-3775 Fax: 586-3776

November 8, 2013

ORGANIZATIONAL PERFORMANCE FRAMEWORK

One of the core responsibilities of the Hawaii Public Charter School Commission is to protect the public interest. As state entities, Hawaii public charter schools must respect the rights of students, staff, and families within the schools, as well as the interests of the general public. The Organizational Performance Framework communicates to the charter school and the public the compliance-related standards which the charter school must meet. The Commission is committed to implementing an accountability system that effectively streamlines federal, state, and contractual compliance requirements while protecting the autonomy of schools and minimizing their administrative and reporting burden.

To that end, the Commission will conduct a preliminary assessment of school performance on the Organizational Performance Framework. The Commission is using the Organizational Performance Framework as the starting point for compliance because the Framework helps address **why** schools must comply with certain legal and contractual requirements. For example, the Charter Contract (Sections 6.1 and 11.4) requires schools to submit their policies on student conduct and discipline, but the Organizational Framework connects that contractual requirement to an important measure: Is the school protecting the rights of all students?

For the preliminary assessment, the Commission aims to ensure that basic and fundamental measures are being met. Drawing from information received by Commission staff—including through the monitoring exercise conducted in July with school leaders, and through conversations with individual schools and the Hawaii Public Charter Schools Network—the data used to assess performance on the Organizational Framework this year will **only** come from school submissions or third-party sources. The Commission will not conduct any site visits to assess performance on the Organizational Performance Framework in 2013-14.

This preliminary assessment is formative in nature. It is designed to help the Commission determine whether schools are meeting basic requirements captured in the Organizational Performance Framework and to learn which parts of the Framework pose challenges to schools, why such challenges exist, and what the Commission or other organizations can do to minimize or eliminate the challenges. The Commission recognizes that some information may be more difficult for schools to obtain, and schools that have difficulties submitting certain required information may request more time by submitting a Request for Extension form no later than December 16, 2013. For example, schools planning to negotiate their own educator evaluation systems in accordance with Commission Guidelines may wish to apply for an extension.

Schools are asked to submit all requested materials no later than January 13, 2014. The Commission will issue all schools a Preliminary Organizational Performance Assessment (“POPA”) by January 24, 2014. Upon receiving their preliminary assessment, schools may submit additional information and/or respond to their assessment. Schools

are also encouraged to submit feedback on both the measures of the Organizational Performance Framework and the methods used to assess performance. School performance on the POPA and feedback from schools will help inform changes that may be made to the second-generation contracts and to the performance Frameworks included therein.

The following page includes a timeline of important dates and deadlines. The Organizational Performance Rubric begins on page four, with explanations of how schools will be assessed this year and what data will be used. Additionally, each school will receive a checklist of documents that they need to submit by the January 13 deadline. Finally, Commission staff will discuss the POPA and address questions and concerns in a webinar scheduled for Tuesday, November 19, at 10 a.m.

The POPA is the first step in the development of a fair and effective monitoring system that protects school autonomy while assuring stakeholders that charter schools are meeting their legal and contractual obligations. Over time, the Commission will continue to work with schools to modify and improve the Organizational Performance Framework. Thank you in advance for your cooperation.

Timeline

(Deadlines for schools indicated in red)

November 8, 2013: Schools receive Organizational Performance Rubric and individualized Organizational Performance Checklist. Schools may begin compiling and submitting information and/or requesting extensions using the approved form.

November 19, 2013: Webinar on the Preliminary Organizational Performance Assessment.

December 16, 2013: Deadline for schools to request an extension for required information. Schools must request an extension. Staff will provide extensions for certain requirements so long as the school notifies us on time and provides a detailed and reasonable plan for obtaining the information.

December 20, 2013: Staff notify schools whether their requests for extensions have been granted. Note that if schools request extensions in advance of the December 16, 2013 deadline, staff will respond on a rolling basis.

January 13, 2014: “Drop dead” deadline for schools to submit all information, as noted on the Preliminary Organizational Performance Assessment. Failure to submit any information by this date without an approved extension (which must be submitted by December 16) will result in a rating of “Falls Far Below Standard.”

January 24, 2014: Commission staff will issue preliminary assessments on the Organizational Performance Framework. Schools may begin submitting additional information and/or offering feedback on the Organizational Performance Framework and the Charter Contract.

February 21, 2014: Deadline for schools to respond to preliminary assessments on the Organizational Performance Framework, provide additional information needed for Framework, and offer feedback on the framework and/or the Charter Contract, in preparation for the second-generation contracts.

February 27, 2014: Staff provides update to the Performance and Accountability Committee on the preliminary assessments and provides suggestions for revisions to the charter contract and performance frameworks.

March 27, 2014: Performance and Accountability Committee votes on second-generation contracts.

April 10, 2014: Commission votes on second-generation contracts.

ORGANIZATIONAL PERFORMANCE RUBRIC

This document contains the Organizational Performance Framework as it appears in your charter contract, with two notable differences. First, for the Preliminary Organizational Performance Assessment only, please note the changes to the rating system, as described below. Second, this Framework includes a “Data Source” column that explains what information the Commission will use to assess the schools on each measure.

For the POPA, the Commission will assign one of three ratings: Meets Standard, Does Not Meet Standard, or Falls Far Below Standard. Commission staff may provide more substantive feedback in the preliminary assessments (for example, staff may offer suggestions to improve personnel policies), but the rating will be based on whether the information was submitted on time and whether the school has any unaddressed Notices of Deficiency for that measure. **An unaddressed Notice of Deficiency means that the school has received a Notice of Deficiency and has not successfully resolved it as described in the Intervention Protocol provided in the Charter Contract. A school that is implementing a Corrective Action Plan for a Notice of Deficiency will not be deemed as having an unaddressed Notice because the school is addressing the deficiency through the Corrective Action Plan.**

Note that while the final, “drop dead” deadline to submit information required for the Preliminary Organizational Performance Assessment is January 13, 2014, some information has earlier deadlines, as determined by Commission staff, by the DOE, or by law. The rubric will score schools differently based on whether the school met the actual deadline as determined in law, by DOE, or by the Commission (or if the school was approved for an extension); whether the school missed the actual deadline but submitted the information by the POPA “drop dead” deadline of January 13; or whether the school never turned in the information. For example, ELL plans were due September 27. A school that submitted the plan by the actual deadline will be rated “meets standard,” provided there are no unaddressed Notices of Deficiencies. If a school submitted the ELL plan after September 27, it would receive a rating of “Does Not Meet Standard,” again provided there are no unaddressed Notices of Deficiency. If the school does not submit an ELL Plan by the January 13 “drop dead,” the rating will be “Falls Far Below Standard.” Finally, if the school submitted the ELL plan by the September 27 deadline, but has received a Notice of Deficiency pertaining to Measure 1d, Protecting the Rights of Students with Disabilities and has not addressed the Notice of Deficiency, the school would also receive a “Falls Far Below Standard” for that measure.

Following the Commission’s January 24 issuance of Preliminary Organizational Performance Assessments, schools will have until February 21, 2014, to respond to the Preliminary Organizational Performance Assessment and/or to provide additional information to change their ratings. Feedback on the Preliminary Organizational Performance Assessment is always welcome and may be used to suggest modifications to the Organizational Performance Framework.

RATINGS FOR PRELIMINARY ASSESSMENT

Meets Standard

Schools will receive a rating of “meets standard” if Commission receives the required information by the actual deadline, if applicable, or has been approved for an extension, **and** if the school either has no unaddressed Notices of Deficiency pertaining to the measure. **or** if the school is addressing a Notice of Deficiency through a Corrective Action Plan that has been approved by the Commission.

Does Not Meet Standard

Schools will receive a rating of “does not meet standard” if the documentation was turned in after the actual deadline, if applicable, but before the POPA “drop dead” deadline of January 13, 2014.

Falls Far Below Standard

Schools will receive a rating of “falls far below standard” if the Commission never receives any information by the January 13, 2013 deadline, and the school did not receive an extension, **or** if the school has any unaddressed Notices of Deficiency pertaining to the measure.

1. EDUCATION PROGRAM

Measure 1a Is the school implementing the material elements of its Educational Program as defined in the charter contract?	Data Source for 2013-14
<p>Meets Standard:</p> <p>The school implemented the material elements of its Educational Program in all material respects, and, in operation, the education program reflects the essential terms as defined in the charter contract, or the school has obtained approval for a modification to the essential terms.</p>	<p>For the preliminary assessment, staff will look simply at whether the School has submitted Essential Term. The school’s Preliminary Organizational Performance Checklist notes whether schools have turned these in. Please note that for the 2014-15 contract, schools will need to have their Essential Terms approved by the Commission, but approval is not necessary for the 2013-14 preliminary assessment.</p>
Measure 1b Is the school complying with applicable education requirements?	Data Source for 2013-14
<p>Meets Standard:</p> <p>The school materially complies with applicable laws, rules, regulations and provisions of the charter contract relating to education requirements, including but not limited to:</p> <ul style="list-style-type: none"> • Academic standards, including Common Core • Graduation requirements • State assessment and student testing • Implementation of mandated programming as a result of state or federal funding, including Title I and Title II funding 	<p>For the preliminary assessment, staff will use data from the Longitudinal Data System and the ARCH DB to ensure that schools are complying with administration requirements for state assessments and student testing.</p>

Measure 1c Is the school protecting the rights of students with disabilities?	Data Source for 2013-14
<p>Meets Standard:</p> <p>Consistent with the school's status and responsibilities as a school within a single LEA under the State Department of Education, the school materially complies with applicable laws, rules, regulations and provisions of the charter contract (including the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act Amendment Act) relating to the treatment of students with identified disabilities and those suspected of having a disability, including but not limited to:</p> <ul style="list-style-type: none"> • Equitable access and opportunity to enroll • Identification and referral • Appropriate development and implementation of Individualized Education Plans (IEPs) and Section 504 plans • Operational compliance including the academic program, assessments and all other aspects of the school's program and responsibilities • Discipline, including due process protections, manifestation determinations and behavioral intervention plans • Access to the school's facility and program to students in a lawful manner and consistent with students' IEPs or Section 504 plans • Appropriate use of all available, applicable funding 	<p>For the preliminary assessment, staff will use data from the Department of Education to ensure that schools have done referrals in a timely manner and that they submit their Child Count information by December 1, 2013.</p>
Measure 1d Is the school protecting the rights of English Language Learner (ELL) students?	Data Source for 2013-14
<p>Meets Standard:</p> <p>The school materially complies with applicable laws, rules, regulations and provisions of the charter contract relating to ELL requirements (including Title III of the Elementary and Secondary Education Act [ESEA] and U.S. Department of Education authorities), including but not limited to:</p> <ul style="list-style-type: none"> • Equitable access and opportunity to enroll • Required policies related to the service of ELL students • Proper steps for identification of students in need of ELL services • Appropriate and equitable delivery of services to identified students • Appropriate accommodations on assessments • Exiting of students from ELL services • Ongoing monitoring of exited students 	<p>For the preliminary assessment, staff will ensure that the school has submitted a Comprehensive ELL Plan. The Comprehensive Plan was due September 27, and whether it has been turned in on time is noted on the school's Preliminary Organizational Performance Assessment.</p>

2. FINANCIAL MANAGEMENT AND OVERSIGHT

Measure 2a Is the school meeting financial reporting and compliance requirements?	Data Source
<p>Meets Standard:</p> <p>The school materially complies with applicable laws, rules, regulations and provisions of the charter contract relating to financial reporting requirements, including but not limited to:</p> <ul style="list-style-type: none">• Complete and on-time submission of financial reports, including annual budget, revised budgets (if applicable), periodic financial reports as required by the authorizer and any reporting requirements if the board contracts with an Education Service Provider (ESP)• On-time submission and completion of the annual independent audit and corrective action plans, if applicable• No charging of tuition• Adequate management and financial controls• All reporting requirements related to the use of public funds	<p>For the preliminary assessment, staff will check that schools have submitted the following documents in a timely manner to Leila Shar, Financial Performance Framework: Annual Budget, Unaudited Annual Financial Statements, and the First Quarter Financial Statements.</p>
Measure 2b Is the school following Generally Accepted Accounting Principles (GAAP)?	Data Source
<p>Meets Standard:</p> <p>The school materially complies with applicable laws, rules, regulations and provisions of the charter contract relating to financial management and oversight expectations as evidenced by an annual independent audit, including but not limited to:</p> <ul style="list-style-type: none">• An unqualified audit opinion• An audit devoid of significant findings and conditions, material weaknesses or significant internal control weaknesses• An audit that does not include a going concern disclosure in the notes or an explanatory paragraph within the audit report	<p>For the preliminary assessment, staff will look at the Audited Financial Statements for FYE 6/30/13 (due November 15) to determine if schools follow GAAP.</p>

3. GOVERNANCE AND REPORTING

Measure 3a Is the school complying with governance requirements?	Data Source for 2013-14
<p>Meets Standard:</p> <p>The school materially complies with applicable laws, rules, regulations and provisions of the charter contract relating to governance by its board, including but not limited to:</p> <ul style="list-style-type: none">• Governing board composition and membership requirements pursuant to Ch. 302D, HRS• Governing board policies• Governing board reporting requirements• Procurement policies• State Ethics Code (Ch. 84, HRS), including conflict of interest policy	<p>For the preliminary assessment, staff will check whether schools have submitted their updated governing board membership lists, that they are posting agenda and minutes regularly as required by law, and that they submitted their conflict of interest and procurement policies by the November 1 deadline. Whether this information has been turned in is noted on the school's Preliminary Organizational Performance Assessment.</p>

Measure 3b Is the school holding management accountable?	Data Source for 2013-14
<p>Meets Standard:</p> <p>The school materially complies with applicable laws, rules, regulations and provisions of the charter contract relating to oversight of school management, including but not limited to:</p> <ul style="list-style-type: none"> • (For Education Service Providers [ESPs]) maintaining authority over management, holding it accountable for performance as agreed under a written performance agreement and requiring annual financial reports of the ESP • (For Others) oversight of management that includes holding it accountable for performance expectations that may or may not be agreed to under a written performance agreement 	<p>For the preliminary assessment, staff will ensure that the school has submitted their plan for developing their principal evaluation system in accordance with the guidance provided by the 10/21/13 memo sent from the Commission.</p>
Measure 3c Is the school complying with data and reporting requirements?	Data Source for 2013-14
<p>Meets Standard:</p> <p>The school materially complies with applicable laws, rules, regulations and provisions of the charter contract relating to relevant reporting requirements to the State Public Charter School Commission, State Department of Education as the State Education Agency (SEA) and sole Local Education Agency (LEA) and/or federal authorities, including but not limited to:</p> <ul style="list-style-type: none"> • Compliance with minimum educational data reporting standards established by the BOE • Maintaining and reporting accurate enrollment and attendance data • Maintaining and reporting accurate personnel data • Annual reporting and immediate notice requirements • Additional information requested by the State Public Charter School Commission 	<p>For the preliminary assessment, staff will use December 2013 data from DOE to ensure schools are submitting attendance data in a timely manner.</p>

4. STUDENTS AND EMPLOYEES

Measure 4a Is the school protecting the rights of all students?	Data Source for 2013-14
<p>Meets Standard:</p> <p>The school materially complies with applicable laws, rules, regulations and provisions of the charter contract relating to the rights of students, including but not limited to:</p> <ul style="list-style-type: none"> • Compliance with admissions, enrollment and dismissal requirements (including nondiscrimination and rights to enroll or maintain enrollment) • The collection and protection of student information (that could be used in discriminatory ways or otherwise contrary to law) • Due process protections, privacy, civil rights and student liberties requirements, including First Amendment protections and the Establishment Clause restrictions prohibiting public 	<p>For the preliminary assessment, staff will check whether schools have submitted an admissions policy and a student conduct and discipline policy.</p> <p>The conduct and discipline policy was due November 1, and whether a school has submitted it is noted on the Preliminary Organizational Performance Assessment.</p> <p>The Admissions Policy and Procedures was not required for the 2013-14 contract, but will be required for the 2014-15 contract as part of Exhibit A. For more information on</p>

<p>schools from engaging in religious instruction</p> <ul style="list-style-type: none"> • Conduct of discipline (discipline hearings, suspension and expulsion) • Treatment of students that qualify for services under the McKinney-Vento Act <p><i>Note: Proper handling of discipline processes for students with disabilities is addressed more specifically in Section 1c.</i></p>	<p>requirements for Admission Policies and Procedures, please see Sections 5.1 and 5.2 of the Charter Contract and HRS § 302 D-C.</p>
<p>Measure 4b</p> <p>Is the school meeting teacher and other staff requirements?</p>	<p>Data Source for 2013-14</p>
<p>Meets Standard:</p> <p>The school materially complies with applicable laws, rules, regulations, and provisions of the charter contract, including the State licensing requirements and federal Highly Qualified Teacher and Paraprofessional requirements within Title II of the Elementary and Secondary Education Act, hiring of qualified non-instructional staff, criminal history background checks and teacher/principal evaluations.</p>	<p>For the preliminary assessment, staff will utilize data already collected through the HTSB and DOE eHR for HQ systems; staff will also check whether schools have conducted criminal background checks and whether schools have submitted their plan for developing their teacher evaluation system in accordance with the guidance provided by the 10/21/13 memo sent from the Commission.</p>
<p>Measure 4c</p> <p>Is the school respecting employee rights?</p>	<p>Data Source for 2013-14</p>
<p>Meets Standard:</p> <p>The school materially complies with applicable laws, rules, regulations and provisions of the charter contract relating to employment considerations, including those relating to state employment law, the Family Medical Leave Act, the Americans with Disabilities Act and nondiscrimination. The school follows collective bargaining requirements.</p>	<p>For the preliminary assessment, staff will check whether schools have submitted personnel policies (which were due November 1) and whether they have submitted their executed supplemental collecting bargaining agreements, if any, within fourteen days of full execution.</p>

5. SCHOOL ENVIRONMENT

<p>Measure 5a</p> <p>Is the school complying with facilities and transportation requirements?</p>	<p>Data Source for 2013-14</p>
<p>Meets Standard:</p> <p>The school materially complies with applicable laws, rules, regulations and provisions of the charter contract relating to the school facilities, grounds and transportation, including but not limited to:</p> <ul style="list-style-type: none"> • Compliance with building, zoning, fire health and safety codes • Fire inspections and related records • Viable certificate of occupancy or other required building use authorization • Compliance with DOE requirements for schools occupying DOE facilities • Student transportation 	<p>For the preliminary assessment, staff will check whether schools have submitted a Certificate of Occupancy; a zoning clearance letter and/or building permit; a state fire inspection report; and a log or documentation of fire drills.</p>

Measure 5b Is the school complying with health and safety requirements?	Data Source for 2013-14
<p>Meets Standard:</p> <p>The school materially complies with applicable laws, rules, regulations and provisions of the charter contract relating to health and safety, including but not limited to:</p> <ul style="list-style-type: none"> • Health clearances and immunizations • Prohibiting smoking on campus • Appropriate student health services • Safety plan 	<p>For the preliminary assessment, staff will check whether schools have submitted a safety/emergency plan and a list of required training for administrators and staff.</p>
Measure 5c Is the school handling information appropriately?	Data Source for 2013-14
<p>Meets Standard:</p> <p>The school materially complies with applicable laws, rules, regulations and provisions of the charter contract relating to the handling of information, including but not limited to:</p> <ul style="list-style-type: none"> • Maintaining the security of and providing access to student records under the Family Educational Rights and Privacy Act and other applicable authorities • Complying with the Uniform Information Practices Act and other applicable authorities • Transferring of student records • Proper and secure maintenance of testing materials 	<p>For the preliminary assessment, staff will check whether schools have submitted a written confirmation of the annual notification of privacy rights (FERPA statement posted on school website).</p>

6. ADDITIONAL OBLIGATIONS

Measure 6a Is the school complying with all other obligations?	Data Source for 2013-14
<p>Meets Standard:</p> <p>The school materially complies with all other legal, statutory, regulatory or contractual requirements contained in its charter contract that are not otherwise explicitly stated herein, including but not limited to requirements from the following sources:</p> <ul style="list-style-type: none"> • Revisions to state charter law • Consent decrees • Intervention requirements by the Commission • Requirements by other entities to which the charter school is accountable (e.g., Hawaii Department of Education) 	<p>For the preliminary assessment, staff will check whether the school has any unaddressed Notices of Deficiency that do not fall under other measures in the Organizational Performance Framework.</p>