

Questions and Answers for the 2015-2016 Application Cycle

Commission staff adapted and answered the following questions from the 2014 Application Cycle Q&A, the 2015 Pre-RFP Orientation, 2015 RFP Orientation, and various independent applicant inquiries. The questions and answers are organized by relevant sections in the RFP and can be easily accessed by using the hyperlinks in the Table of Contents. Capitalized terms not defined here are used as defined in the RFP.

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II. Application and Process

A. Eligibility

1. Who is ineligible to submit an application?

Only an applicant governing board established by a “community, [Department of Education] school, school community council, group of teachers, group of teachers and administrators, or nonprofit organization,” pursuant to Hawaii Revised Statutes (“HRS”) [§302D-13](#), is eligible to submit an application. Therefore, individuals or entities that are not legally-established applicant governing boards are ineligible to submit an application. Any applicant governing board that is formed by a nonprofit organization that is not tax-exempt under the Internal Revenue Code and registered to do business in the State of Hawaii (with the Department of Commerce and Consumer Affairs) is ineligible to submit an application.

2. What constitutes a “community?”

The charter school law does not clearly define “community.” However, the Commission will adopt a very flexible approach to this question and will consider a group of three or more people within a similar geographic area to be a community for the purposes of the application process.

3. Is an applicant governing board required to have a certain number of members?

No. To be eligible to apply, an applicant governing board must have at least one member who has expertise in each of the following areas: academic management, financial management, human resources, and fundraising. However, no minimum or maximum number of board members is required.

4. What qualifies as academic management, financial management, human resources, and fundraising expertise?

There are no specific guidelines for each of these areas of expertise. For eligibility purposes, the Commission accepts broad categorization for each of these areas. An applicant is not required to provide evidence of such expertise in the Intent to Apply Packet, only provide assurance that at least one member has expertise in each of the areas. However, an applicant governing board that represents that it possesses the minimum expertise and is considered eligible to apply does not necessarily meet the applicant capacity criteria, which is assessed by the Evaluation Team after the applicant governing board submits a completed application. The assessment of capacity could include questions about the asserted expertise of the members.

5. Is U.S. citizenship a requirement for applying to open a new charter school?

U.S. citizenship is not relevant because an individual is not eligible to submit an application.

6. Can a private, independent school “convert” to a charter school?

Private schools cannot convert through the statutory conversion charter school process because, by law, only Hawaii Department of Education (“DOE”) schools can utilize this process. However, an eligible group associated with a private school may submit an application for a new start-up charter school to be born out of what was a private school.

7. If an applicant governing board is established by a nonprofit organization, does the Intent to Apply Packet require proof that the nonprofit organization is tax-exempt under the Internal Revenue Code?

Yes. If an applicant governing board represents that it has been established by a tax-exempt entity, then it must submit as a part of its Intent to Apply Packet evidence that its associated nonprofit organization is recognized as a tax-exempt organization under the Internal Revenue Code. Further, the applicant governing board must demonstrate that its associated nonprofit organization is registered to do business in the State of Hawaii in accordance with [HRS Chapter 414D](#). While the Intent to Apply Packet does not require that the applicant be associated with a nonprofit organization, the Commission strongly encourages applicants to consider establishing a nonprofit, tax-exempt corporation for easier fundraising, a smoother start-up process, and continued support of the charter school if it is approved and opens.

8. If an applicant governing board is not established by a nonprofit organization but is partnered with a nonprofit organization for support purposes, does the applicant need to submit the documents required within the Intent to Apply Packet for applicant governing boards that have been established by nonprofit organization?

No. Only applicant governing boards formed by nonprofit organizations need to submit the additional documentation as required by the Intent to Apply Packet. Later in the process, the application will ask for information about the nonprofit partnership.

9. Can a nonprofit organization that is tax-exempt under the Internal Revenue Code but organized in another state be eligible to establish an applicant governing board?

Yes, but only if the nonprofit organization is registered to do business with the State of Hawaii in accordance with [HRS Chapter 414D](#).

B. Applying

1. What does the Commission do to assist applicants through the application process?

The Commission, particularly Operations staff, is available to answering any questions applicants may have about the RFP or the application process. The Commission also conducts orientation sessions for prospective applicants and provides substantial amounts of information documents on its website, including recordings of the orientation sessions and this question and answer document. However, the Commission does not instruct applicants how to write an application,

provide legal advice, or provide any other technical support that is intended to help applicants refine or finalize their applications. Applicants must be able to acquire the necessary expertise, competency, and capacity needed to develop a high-quality application on their own.

The process for applying for a new charter school is similar to applying for a grant. Like a grantor, the Commission assesses applications (through the use of an Evaluation Team), approves strong applications, and denies inadequate applications. Also like a grantor, the Commission does not provide technical support to applicants or provide feedback about the developing application along the way.

2. If the Commission recommends establishing or partnering with a nonprofit organization anyway, is there any reason not to apply as an applicant governing board that is established by a nonprofit organization?

In order to be eligible to form an applicant governing board, a nonprofit organization must be tax-exempt under the Internal Revenue Code and registered to do business in the State of Hawaii in accordance with [HRS Chapter 414D](#). Therefore, any nonprofit organization lacking either of these qualifications should not form an applicant governing board to submit an Intent to Apply Packet. Also, obtaining tax-exempt status under the Internal Revenue Code can be a lengthy and potentially costly process. If the sole purpose of the nonprofit organization is to support the proposed school, it may be best to not invest the time and money into this endeavor until the Commission approves the application.

3. Are there any advantages to applying as an applicant governing board established by a nonprofit organization?

No, applicant governing boards established by nonprofit organizations do not have an advantage over other applicants during the application process. All applicants are evaluated using the same criteria. The advantages relate to the start-up process and the ongoing fundraising efforts of the proposed school.

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

This is not only permitted but encouraged. However, applicants must adhere to the Applicant Code of Conduct, as described in the RFP. 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.

5. Is there a limit on attachments to the application?

Yes, only the attachments required by the RFP may be included with the application. Any attachments must adhere to all specifications, including page limits and use of templates when appropriate. Any additional, unsanctioned attachments that are included will be redacted.

6. Do tables, diagrams, charts, graphs, and other illustrations included within the Narrative Proposal count toward the page limits?

Yes, the Narrative Proposal is limited to 100 pages. There are some specifications stated in the RFP, such as font size and including criteria text. However, other than the stated specifications, the applicant has freedom in composing the Narrative Proposal. The Commission highly recommends that applicants start with the Narrative Proposal Template to ensure the required specifications are being met.

7. When is the notification of completeness issued?

Notifications of completeness are issued on February 19, 2016, after applicants submit their applications. Commission staff will inform applicants if there is any missing or incomplete information that is required for the application, and applicants will have 48 hours to resubmit a completed application.

8. If the completeness determination discovers that there is missing or incomplete information in the application, why are only 48 hours given to rectify the issue(s)? Is this deadline flexible?

Simply put, the application already should be the completed, *final* proposal for starting and operating a new charter school. If the outstanding issues are so significant that they cannot be rectified within 48 hours, the applicant should withdraw and try again in another application cycle. The 48 hour deadline is not flexible.

9. If an applicant misinterprets or misunderstands a section of the RFP, is this flagged in the completeness determination?

The completeness review does not review the application's content except to ensure that the applicant has completed all required sections and attached all required documentation.

10. Can an applicant governing board have more than one primary contact?

No, it is necessary for an applicant governing board to have a single primary contact, for two main reasons. First, the web-based application system that the Commission uses for the application process, FluidReview, only allows one person to be the primary registered user (although other users may be added to help complete the online forms and tasks). Second, the Commission needs to be able to easily track all communications with applicants, and having multiple contacts per applicant governing board would make this difficult for both the Commission and the applicant.

C. Evaluation

1. How many applications will be evaluated? Is there a limit? How many will be approved?

All applicants that submit complete Intent to Apply Packets and are deemed eligible to apply will be permitted to submit applications to be evaluated. There is no limit on the number of

applicants that will be evaluated or the number that will be approved. The number of applications that will be approved is not predetermined and depends on the quality of each application standing on its own merits.

2. Who is on the Evaluation Team(s)?

The Evaluation Team has not been formed at this time. However, as a matter of best practice, the Commission plans to have any Evaluation Team made up of Commission staff and external local and national evaluators. The Evaluation Team or Teams will be established later in the process because the Commission endeavors to create Evaluation Teams that have the skill sets and experience necessary to evaluate the applications submitted. For example, if there is a language immersion school, the Commission would make efforts to get an evaluator who has experience with language immersion. Also, the Commission will not know how many Evaluation Teams will need to be formed until applications are submitted.

3. Who decides the Evaluation Team(s)?

Commission Operations staff recruit external evaluators familiar with charter schools and who possess expertise in variety of areas. Based on the applications received and the expertise of both staff and external evaluators, Operations staff put together the Evaluation Team(s). The Commission Executive Director ultimately approves the composition of the Evaluation Team(s).

4. When will the Evaluation Team(s) be announced?

Prospective external local and national evaluators will be recruited after Intent to Apply Packets are received. The Evaluation Team(s) will be selected after the application submission deadline and will be announced soon thereafter.

5. Will all applications be evaluated by the same Evaluation Team or will different Evaluation Teams evaluate different applications?

Ideally, one Evaluation Team will evaluate all of the applications. However, circumstances may warrant more than one Evaluation Team. As an example, two Evaluation Teams were created during the 2013 application cycle because of the number of applications submitted.

6. If different Evaluation Teams evaluate different applications, how is fairness ensured?

Evaluation Teams will use the same criteria, as indicated in the RFP, to evaluate all applications. They will receive the same training, and they will use standardized forms.

7. If an applicant applied during a previous application cycle, will the Evaluation Team look at the previous application?

No previous applications, information contained within previous applications, previous submissions of public testimony, or information relating to any previous application cycles will be considered. The Evaluation Team will consider only the information contained within the

2015-2016 cycle's application and application process (although that includes any due diligence conducted by the Evaluation Team). However, the Commission can consider a broader range of information, including previous applications, when making decisions.

8. If an applicant or any of its partners already operates a charter school, or has another pending application, in another state, does this affect how the application is evaluated?

All applications are evaluated using the same criteria and receive no preferential treatment. However, the Evaluation Team may consider information relating to existing out-of-state charter schools operated by an applicant and pending applications in other states. Further, if the applicant is partnering with a Service Provider that manages and operates charter schools elsewhere, there are additional application requirements and criteria.

9. How important is providing evidence, research, and other references in the application?

There is no minimum requirement for evidence and research on the strategies described in an application. While the Evaluation Team will take into account documented evidence and research on proposed methodologies in determining the likelihood of success of the overall plan, it is not necessary for the applicant to substantiate every aspect of the proposal. The evaluation criteria indicate when providing evidence is important. Please note that applicants that provide research and evidence need to be sure to practice academic integrity when writing the application, as described in the RFP, and accurately cite any data, information, and ideas.

10. When will capacity interviews conducted?

Interviews will be scheduled between April 4 and April 8, 2016.

11. How many people from the applicant governing board will be allowed at the applicant interview conducted by the Evaluation Team?

Generally no more than five people from the applicant group will be allowed to attend the applicant interview, but the Commission reserves the right to increase or decrease that number as it deems necessary.

D. Decision-Making

1. How is public testimony solicited?

The Commission holds a public hearing specifically to hear public comments on all charter applications. However, by law, all Commission meetings are open to the public, and any interested person may provide written or oral testimony on any Commission agenda item, subject to public testimony procedures. Because the Commission provides the public hearing specifically for this purpose, the primary purpose of other Commission meetings in the process is not to receive public input, even if that input is allowed.

2. Are public hearings held on neighbor islands?

The Commission holds one public hearing on Oahu, but neighbor island citizens are able to weigh in through remote verbal testimony or through written testimony. Both methods are equally effective.

3. What kinds of comments will the Commission solicit from the DOE?

The RFP states that the Commission may solicit comments from the DOE. If comments are solicited, they will most likely be from any Complex Area Superintendent (“CAS”) who oversees a geographic area from which the applicant proposes to draw students.

4. If an applicant feels that the Recommendation Report misrepresents or misinterprets information contained in the application, what is the applicant’s recourse?

The applicant has an opportunity to submit an Applicant Response, responding to the Evaluation Team’s Recommendation Report in writing.

5. Can the Commission make a decision on an application that is different than the recommendation of the Evaluation Team?

Yes. Decisions to approve or deny charter applications lie solely with the Commission.

6. Does the Commission consider the Recommendation Packet, public testimony, and DOE input equally, or are these components weighted differently?

Each Commissioner has the discretion to consider all components as he or she chooses and may vote accordingly. Ultimately, the decision to approve or deny an application lies solely with the full Commission, but historically, the Commission has typically relied on the expert analysis of the Evaluation Team.

7. Who are the Commissioners? Which Commissioners serve on the Application Committee?

A roster of the Commissioners can be found on the [Commission’s website](#). Mitch D’Olier is the Chairperson of the Applications Committee and Jill Baldemor is the Vice Chairperson. The other standing members of the committee are Peter Hanohano, Ernest Nishizaki, and Roger Takabayashi. Again, the Applicant Code of Conduct, as contained in the RFP, prohibits applicants from directly communicating with Commissioners.

8. Does the Commission itself have criteria for making their decisions on applications?

No. The Commission’s decision on applications is discretionary and based upon the recommendation from the Applications Committee, the recommendation from staff, public testimony, and any other information the Commission deems relevant. The staff recommendations, however, will be based on the criteria set forth in the evaluation criteria.

E. Start-Up Process and Opening

1. Is it possible to open for the 2016-2017 school year?

The timeline does not allow an applicant to open in the 2016-2017 school year. The Commission's decision is made in August of 2016, but new schools must be ready to open in July of 2017. The start-up process is challenging and complex, and the launch of the new school will be more successful when enough time is afforded for that process.

2. Once an application is approved, how can the school's program be amended?

While an approved applicant is not free to depart entirely from the application, during the start-up period between approval and opening, the Commission anticipates that some applicants will need to adjust their plans somewhat as they make the transition from proposal to reality. The Commission will be engaged with approved applicants during the start-up process so that these issues can be discussed.

The major aspects of the educational program will be included in the school's Educational Program, Exhibit A ("Exhibit A") of the [Charter Contract](#). Note that the provisions of the Charter Contract are identical for all charter schools except for Exhibit A, which is the only part that is unique to individual schools. Any changes to educational program, as contained within Exhibit A, must be made using the [Charter Contract Amendment Form](#). The school is free to make changes to other parts of its program not contained within the Charter Contract, provided that the changes do not violate the contract, law, or other regulations.

3. Can an application contain a growth plan (*i.e.*, adding grades each year)?

Yes. However, the Charter Contract that is executed is based on the school's first year of operation. Therefore, each year that the charter school plans to add grades, the governing board must seek a contract amendment with the Commission using the [Charter Contract Amendment Form and process](#). This helps ensure that the new school is on solid footing before it continues to expand to serve more children.

4. If an application is approved but the applicant then fails to meet the pre-opening assurances, the application is considered withdrawn, pursuant to [HRS Chapter 302D](#), and the applicant must reapply. Would the application be approved again in the next cycle?

Not necessarily. Each year the application and process evolve based on the Commission's experiences and the need to adapt to policy changes affecting the State's charter school system. An application approved in one cycle may not necessarily meet the Commission's standards in a subsequent cycle.

5. How much legwork needs to be done in advance in order to successfully meet the start-up period timeline?

The answer depends on a variety of factors, but much of the necessary early work will already be completed during the writing of a high-quality application. The difficulty of the start-up period is yet another reason for necessity of a strong plan that meets the standards laid out in the evaluation criteria.

F. General

1. Is a charter school considered a nonprofit organization?

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

2. Does the Commission plan to solicit proposals for new charter schools annually? Will there ever be a dormant period between application cycles?

The Commission currently sets the application cycle and process each year. The Commission considered forgoing the 2016-2017 application cycle but ultimately decided against that proposition. While the Commission has not decided to hold application cycles less frequently than annually, this is not outside of the realm of possibility.

3. Are there different types of applications?

Every applicant uses the same specifications and forms to submit an application. There are, however, some questions within the RFP that are only applicable to certain kinds of applicants or proposals, such as conversion charter school applicants, applicants that already operate one or more charter schools, or applicants proposing academic plans with virtual or blended learning programs. Ultimately, though, each application will be unique.

4. Does the Commission recommend that applicants contact the relevant DOE Complex Area Superintendent(s) ("CAS") for support and relationship-building?

This will be the applicant's decision to make, but applicants should consider the CAS's background and history, how well-received the charter school will be in the community, and the applicant's current relationship with the CAS (among other things) when making this decision.

III. Academic Plan

A. Academic Plan Overview, Academic Philosophy, and Student Population

1. How is alternative education defined (for purposes of the application)?

In some states, alternative schools are carefully defined as schools that serve exceptionally large populations of “high-risk” students. States that make these designations typically assess the academic performance of these schools differently from other schools. However, at this time all public schools in Hawaii are held accountable under the State’s Strive HI Performance System, and no alternative accountability model has been created for alternative schools.

2. How is college prep defined (for purposes of the application)?

For purposes of this application, a college prep school is understood to be a secondary school with the mission of preparing students to succeed in post-secondary education.

B. Curriculum and Instructional Design

1. Are charter schools required to adopt the Common Core State Standards?

Yes, Hawaii charter schools are subject to the standards of student achievement set by the State Board of Education (“BOE”), which currently are the Common Core State Standards. For more information about the Common Core in Hawaii, visit the DOE’s [Common Core website](#).

2. Are charter schools exempt from Strive HI results (and any subsequent consequences) for the first two years?

The Strive HI Performance System is the State’s academic performance accountability and improvement system. DOE uses this system to measure and understand school performance and allocate rewards, supports, and interventions for improvement. The system categorizes a school as Recognition, Continuous Improvement, Focus, or Priority and allocates appropriate resources for each category. More information on Strive HI can be found on the DOE’s [Strive HI website](#). All charter schools are public schools and therefore receive no special exemptions from this system. The DOE annually calculates Strive HI results for all charter schools. Results are provided several months after the end of each school year. If a new school does not initially serve any tested grades, it will still be subject to any other applicable accountability measures under Strive HI.

3. How much detail is required within the academic plan (*e.g.*, explaining Common Core State Standards for each grade)?

The application should include enough detail to show that the applicant has a well thought out plan to educate children effectively. Certain elements and ideas that are well defined in education circles, such as popular standards (*i.e.*, Common Core), and that can easily be found

online do not need to be explained in detail in the application. However, in these instances, the applicability of these concepts to the proposed plan, as well as the applicant's understanding of the concepts, still must be demonstrated.

4. If an applicant is proposing to use a slow growth model by expanding grade levels gradually, what years (and grades) should the curriculum and instructional design include?

The curriculum and instructional design should include each division proposed to be added during a five-year period. Example: If a school is proposed to begin as a K-5 but plans to expand to K-10 within five years, the curriculum and instructional design should include both the middle and high school divisions.

5. Are charter schools subject to the same graduation requirements as traditional DOE schools?

Yes. However, charter schools have the option of seeking a waiver from the BOE.

6. Are charter schools required to obtain a graduation requirements waiver in order to impose additional graduation requirements?

Yes, even if the waiver is to allow for higher or more requirements, the waiver must be obtained.

7. What is a charter school's obligation to the official languages (both English and Hawaiian) relative to instruction?

[BOE Policy 2104](#) regarding Hawaiian Education Programs establishes the goal that all students in Hawaii public schools will graduate with proficiency in and appreciation for the indigenous culture, history, and language of Hawaii. This policy applies to charter schools, but a charter school may request a waiver from this policy from the BOE.

C. Special Populations and At-Risk Students

1. Is it possible to have alternative measures for at-risk populations?

Currently, the Commission cannot offer an alternative accountability system from Strive HI, the statewide academic performance system for all public schools. 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. More information on Strive HI can be found on the [DOE's website on Strive HI](#). 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 of the [Charter Contract](#).

2. How does special education ("SPED") apply to charter schools?

Charter schools, as public schools, are obligated to admit and serve students with special needs. The DOE is statutorily responsible for the provision of a Free and Appropriate Public Education ("FAPE"). When a charter school enrolls a SPED student or identifies one of its students as eligible for SPED, the charter school is responsible for providing educational and related services required by a student's Individualized Education Program ("IEP"). The programs and services for the student are determined collaboratively by the student's IEP team, which includes the charter school, the DOE, and the student's parents or legal guardians. Section 3.5 of the [Charter Contract](#) contains further information on how SPED applies to charter schools.

3. How does the DOE allocate SPED resources to charter schools?

While the DOE's SPED count is done in December of the preceding school year, the calculation is based on total estimated SPED services, as determined by the students' IEPs, rather than the number of SPED students. In other words, schools that have a few SPED students with high service needs may receive more SPED resources than a school that has more SPED students who require minimal SPED services. Once the SPED count is taken, DOE allocates resources to the districts based on the percentage of the total statewide SPED population. For example, if a district has 10 percent of the total SPED population, it will receive 10 percent of the total SPED resources.

The District Education Specialist ("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 DOE schools.

4. If a charter school has a few SPED students, does the DOE partially pay for a SPED full-time employees ("FTE")?

As previously stated, it depends on the level of services that the SPED students at the charter school require. The DOE could allocate half-time (*i.e.*, 0.5 FTE) or part-time positions. 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.

5. In their first year of operation, are new charter schools expected to hire SPED teachers in advance without knowing their SPED enrollment numbers or IEPs?

While a new charter school is not expected to hire a SPED teacher in advance, all charter schools must ensure that FAPE is provided to all enrolled students with special needs. A new charter school should consult with its DES immediately after the conclusion of its initial admissions process to explore options for meeting the requirements of all enrolled SPED students' IEPs.

D. School Culture

No questions asked.

E. Professional Culture and Staffing

1. Are all charter school employees (including janitorial, cafeteria, administrative, and other staff) state employees?

Yes. The charter school law states that the charter school governing board is considered the employer of all charter school employees.

2. Does teacher tenure apply to charter schools?

Teacher tenure is included in the master collective bargaining agreement between the DOE and the Hawaii State Teachers Association (“HSTA”). However, labor arbitrators have upheld the right of charter schools to place their teachers on one-year contracts, with the possibility of non-renewal for financial reasons. Therefore, while teacher tenure does apply to charter schools, it is not always clear exactly how it applies. The specifics may be negotiated between HSTA and the school in a supplemental agreement.

Teacher tenure, if any, accrued at a charter school applies only at that charter school and does not carry over to other charter schools or to DOE schools. Similarly, 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 who 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](#).

3. Do part-time employees (“PTE”) receive benefits?

State employees, as defined by [HRS Chapter 87A](#), who 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 who falls under one of the classes listed in [HAR §6-21-14](#) is excluded from membership from the State Employee Retirement System (“ERS”). Employees who are full-time or part-time (at least 50% FTE) and work more than three months are required by law to become ERS members.

4. Can charter schools hire unlicensed teachers, especially if their mission requires a specialized approach?

In order to teach in a Hawaii public school, including a charter school, a teacher must be licensed by the Hawaii Teacher Standards Board (“HTSB”). The only instance in which a school may hire an unlicensed teacher is if the teacher is hired as an emergency hire. As an emergency hire, the teacher still must register with HTSB and receive an emergency hire permit, and he or she must be working toward licensure. State law allows a teacher to be hired as an emergency hire for only three years.

There are limited circumstances in which a license may not be available for the subject area being taught. In such a case, the school must consult with HTSB, which makes the final determination on all licensing issues. For more information on teacher licensing, visit [HTSB's website](#).

5. 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, according to HTSB. However, if the same individual provides regular or semi-regular instruction (once or more than once a week), there may be concerns regarding whether the individual should be considered as an instructor at the school. In addition, if the class being taught is a core class, there would be Highly Qualified Teacher requirements, as defined by the federal No Child Left Behind Act, to which the school and the individual may be subject if instruction is regular or semi-regular.

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

Charter school teachers must be licensed in Hawaii or have an emergency hire permit if unlicensed. Teachers of core subjects also must be “highly qualified” (“HQ”) as defined by the federal No Child Left Behind Act. HQ is distinct and separate from licensure. In some instances, core subject teachers may be non-HQ as long as they are working toward becoming HQ. However, the school is required in this situation to follow federal reporting requirements and inform parents that their children are being taught by a teacher who is non-HQ.

There is a “tech exemption” to this requirement for online learning 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](#).

7. Does the National Board Certification for teachers satisfy the Hawaii teacher licensure requirement?

No. All public school teachers must be licensed by the Hawaii Teacher Standards Board.

8. Do charter schools experience difficulties in hiring qualified teachers?

Yes, many charter schools have some difficulty recruiting and hiring qualified and effective teachers, but this is an issue all public schools face, including DOE schools. This is a reality of which charter school applicants should be cognizant and plan to address within their proposals.

9. 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 who can execute the school's mission and deliver on performance expectations.

10. Are the master collective bargaining agreements available to see the requirements relevant to charter schools?

The Commission website provides links to the HSTA master collective bargaining agreement, contracts with the Hawaii Government Employee Association ("HGEA"), and salary schedules [here](#).

11. Can salaries be negotiated?

Yes, salaries can be negotiated with the appropriate union through a supplemental collective bargaining agreement. It is important to note, however, that the unions have not historically agreed in negotiations to lower salaries for charter school employees than are provided for in the master collective bargaining agreements.

12. 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 HGEA, which typically represents administrative staff. Commission staff has not received reports of charter schools negotiating supplemental agreements with a third union, United Public Workers ("UPW"), which typically represents blue collar workers, such as groundskeepers, janitors, and cafeteria staff.

13. Are charter schools able to start teachers under the first step of the master collective bargaining agreement?

Yes, but only if the teacher does not qualify for a higher step. A charter school could attempt to negotiate a supplemental agreement with HSTA to depart from the master agreement, but HSTA has not historically agreed to lower pay for charter school teachers.

14. Are charter schools able to provide bonus pay to teachers based on performance?

This is also something that would need to be negotiated with HSTA.

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

Charter schools are required to submit their supplemental agreement to the Commission within 14 days of execution, and the Commission currently has copies of several charter school supplemental agreements on file. These can be provided to an applicant upon request.

16. Is there funding or support for legal counsel to secure supplemental agreements?

As state entities, charter schools are served by the Department of the Attorney General as the legal counsel in all legal matters, unless a charter school has obtained a waiver from the Governor. This representation is free to the school. Some charter schools have retained consultants to assist with negotiations, as opposed to providing legal counsel. Charter schools need to fund any other costs associated with negotiating supplemental agreements on their own.

F. School Calendar and Schedule

1. Are there any rules relating to the amount of face-to-face time a student must spend with a teacher, particularly in regard 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. Are charter schools required to deliver a minimum number of instructional hours?

No. There is no requirement regarding instructional hours. However, any deviations from instructional hours set within the master collective bargaining agreement must first be negotiated through a supplemental agreement. Further, the DOE has a required minimum number of minutes for high school courses in order for students to receive credit.

G. Supplemental Programs

1. Are there any supplemental programs that do not need to be included in the application?

Any program designed to enhance or enrich student learning should be mentioned in the application.

2. Does work study qualify as a supplemental program?

Yes.

3. Can a charter school serve pre-kindergarten ("pre-K")?

[HRS §302D-34](#) states that a start-up charter school "shall be open to any student residing in the State who is entitled to attend a [DOE] school." There currently is no entitlement to pre-K education, with the exception of children with special needs. Special education is delivered in conjunction with the DOE, and a few charter schools do serve pre-kindergarteners with IEPs. In addition, the Commission has obtained a federal grant to fund pre-K in 18 existing charter schools over four years, but the number of schools served by the grant cannot be expanded.

A charter school can provide a general education pre-kindergarten program, possibly through the school itself, but more commonly as a private program through the school's affiliated nonprofit organization. Importantly, however, public funding for students in such a program

cannot be assumed. In addition, attendance in a private pre-kindergarten program affiliated with the school cannot be used to guarantee students admission into the school's public kindergarten program.

4. Does pre-K qualify as a supplemental program?

General education pre-K is not a supplemental program and generally is not considered part of the school. Per-pupil funding is not available for preschool enrollment. The situation may be different for programs funded under the Commission's federal pre-K grant, but this grant will not cover new schools.

5. 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 2017-18 school year.

6. Can charter schools charge fees for supplemental programs?

It is the Commission's current understanding that the collection of fees by charter schools for supplemental programs, such as after-school care or summer enrichment programs, is permissible. However, fee-based supplemental programs are not considered a part of the school's general education program; therefore, the state funding charter schools receive cannot be used to fund the costs associated with these supplemental programs. The school must use the fees charged for these supplemental programs to support the associated costs.

7. For already approved applicants or existing charter schools, does adding a supplemental program require a Charter Contract amendment?

The only types of programmatic changes that require a Charter Contract amendment are those that change material terms within the contract—i.e., those contained in [Exhibit A](#). Typically supplemental programs are not included in the Charter Contract, and thus do not require an amendment. Generally, charter schools are free to add and take away supplemental programs as they see fit. If, however, a school chooses to include a supplemental program in its material terms in some way, a Charter Contract amendment would be required.

H. Third-Party Service Providers

No questions asked.

IV. Organizational Plan

A. Governance

1. Can governing board members be compensated? What about advisory board members?

It is not currently clear whether governing board members can be compensated. Nothing in the charter school law, the State Ethics Code, or other State board statutes explicitly prohibit this. Statewide, the majority of boards are made up of volunteers who do not receive compensation for their duties, and no charter school governing board currently compensates its members for their duties as governing board members.

However, the charter school law does set legal limitations on the number of current and former charter school employees, vendors and contractors, and relatives of employees, vendors, and contractors who can serve on the governing board.

Governing boards are not required to have advisory boards, and advisory boards are not established by statute. If the advisory board is separate from the governing board, compensating advisory board members would be similar to contracting with a consultant.

2. Can a governing board draw members from outside of the geographic area served by the charter school, including some members from the mainland?

Yes. State law does not place any geographic restrictions on governing board members. The previous charter school law (HRS Chapter 302B), which was repealed in June 2012, focused relatively more on board composition to represent various constituencies. However, current charter school law ([HRS §302D-12](#)) replaced that representational model with a new model focused more on the substantive skill sets necessary for effective governance. Today's communications technology enables remote participation in meetings and thus widens the potential pool from which a school can draw governing board members. However, if a governing board opts to use technology to conduct meetings, it still must ensure meetings are accessible to the public.

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

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

The previous charter school law (HRS Chapter 302B), which was repealed in June 2012, required what were then called "local school boards" to have at least one board member from the community. However, the current charter school law ([HRS §302D-12](#)) does not require a minimum number of governing board members from the community. Instead, it requires that when selecting governing 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, the law now requires boards to consider the relevant skill sets that the board will need among its members. These identified skills and experience are now included in the RFP, which asks the applicant governing board to identify which of its members bring these skills and experience.

Note that there are other restrictions on the membership of the governing board. For instance, [HRS §302D-12](#) limits the number of current or recent school employees (including vendors or contractors) or relatives of employees of the charter school who 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](#).

4. Are governing boards required to have a certain number of members?

No. There is no minimum or maximum number of members a governing board may have as a part of its membership. Governing boards must adhere only to the requirements and restrictions set forth in [HRS §302D-12](#).

5. Can the application propose that the applicant governing board be a “founding board” with a transition plan to a governing board?

Yes, the applicant governing board can be a temporary board. If this is the case, the application must describe a transition plan to a permanent governing board composition and structure. The applicant governing board is still the entity with authority to execute the initial Charter Contract with the Commission, and upon execution, the applicant governing board becomes the governing board of the Pre-Opening Charter School. At any point after approval of the application the membership of either the applicant governing board or governing board may change in accordance with the board’s bylaws.

6. Is there a list of policies used by DOE schools that charter schools may adopt “as is” or use as a template?

Internal DOE policies usually do not apply to charter schools, but there may be instances when a charter school may want to use a DOE policy as a model. It is important to note that most DOE policies cannot be adopted wholesale by charter schools without at least some modification. To obtain the DOE’s parent handbook or other policies, contact the DOE.

In addition, the charter school law does require charter school employees and members of governing boards to adhere to the State Ethics Code. Moreover, the BOE has tasked the Commission with adopting a Code of Conduct for charter school employees.

7. Which BOE policies apply to charter schools?

It is not always clear which BOE policies apply to charter schools, other than those specifically mentioned in the [Charter Contract](#) or those that specifically indicate that they apply to charter

schools. The Commission is working with the BOE and the DOE to clarify applicability of the policies to charter schools.

B. Performance Management

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

Unlike Hawaii 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. Charter schools are also subject to the Commission's Academic Performance Framework, pursuant to the Charter Contract. 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 was the first year that Charter Contracts were put into place, so there is no history of renewal. The first round of renewals is expected to begin in the fall of 2016. [HRS §302D-18](#) allows for Charter Contract terms to be up to five years.

C. Ongoing Operations

1. How does school lunch work in charter schools?

Schools are not obligated to provide school lunch ([HRS §302A-404](#) requires that school meals are "made available under the school meals program in every school where the students are required to eat meals at school"). For those schools that do provide lunch, if they (or their vendor) meet the requirements of the National School Lunch Program ("NSLP"), there is a partial reimbursement for the free and reduced-rate lunches provided to low-income students. Note that the NSLP involves substantial ongoing documentation.

2. Is there one central student information system for charter schools and DOE? Or does each charter school select, purchase, and utilize its own student information system?

Two student information systems currently are in use by charter schools: eSIS and PowerSchool. The DOE utilizes eSIS as its student information system and provides the system to charter schools at no charge; a majority of charter schools currently use eSIS. Five charter schools currently use PowerSchools as their information system. Schools opting to use PowerSchool or any other student information system are responsible for any costs incurred to ensure that the required data can be transferred to the DOE in an acceptable format.

The DOE plans to implement a new student information system, Infinite Campus, to replace eSIS in school year 2016-17 and will include charter schools at no cost.

3. Same question for payroll system. Is there a central system or does each charter school select, purchase, and utilize its own?

Two payroll systems currently are in use by charter schools. Some schools pay an annual fee, based on the number of employees, to use the DOE's payroll and human resource management systems. Others contract with Ceridian for their payroll services and some human resource management. Schools opting for Ceridian or any other payroll services and human resource management system are responsible for any costs incurred to ensure that the required data can be transferred to the DOE in an acceptable format.

4. How about comprehensive student support systems?

The DOE provides, at no cost to charter schools, access and training to its comprehensive student support system ("eCSSS") to manage programs and services delivered to special needs students (*e.g.*, SPED and Section 504). Schools opting for any other comprehensive student support system are responsible for any costs incurred to ensure that the required data can be transferred to the DOE in an acceptable format.

D. Student Recruitment, Admission, and Enrollment

1. Can a charter school require an assessment or exam as a condition of admission or enrollment?

No. [HRS §302D-34](#) states that a "public charter school shall not discriminate against any student or limit admission based on race, color, ethnicity, national origin, religion, gender, sexual orientation, income level, disability, level of proficiency in the English language, need for special education services, or academic or athletic ability." (Emphasis added.) As public schools, charter schools cannot screen students.

After the student is enrolled, the school may administer an assessment or exam for educational program purposes, such as designing a personalized learning plan, but this may not occur before enrollment. However, the results of this assessment cannot be used to affect the enrollment of the student in any way.

2. Can a charter school have an enrollment preference based on ethnicity?

No. [HRS §302D-34](#) states that a "public charter school shall not discriminate against any student or limit admission based on race, color, ethnicity, national origin, religion, gender, sexual orientation, income level, disability, level of proficiency in the English language, need for special education services, or academic or athletic ability." (Emphasis added.)

3. Can a charter school enroll at-risk (formally dropped-out) young adults (*e.g.*, 19-year-olds)?

[HRS §302A-1134\(c\)](#) states, “Unless otherwise required by the Individuals with Disabilities Education Act, 20 U.S.C. 1400, et seq., no person who is twenty years of age or over on the first instructional day of the school year shall be eligible to attend a public school; provided that if a person reaches twenty years of age after the first instructional day of the school year, the person shall be eligible to attend public school for the full school year.” Further, [HRS §302D-34](#) states that a start-up charter school “shall be open to any student residing in the State who is entitled to attend a [DOE] school.” There currently is no entitlement to adult education for young adults, with the exception of students with special needs who are under 22 years of age. Special education is delivered in conjunction with the DOE. A charter school cannot provide an adult education program for persons who will be 20 years of age by the first day of instruction, but the school’s affiliated nonprofit organization could provide a private program for such persons.

4. Can a charter school limit its enrollment to a defined geographical area?

A start-up charter school cannot limit enrollment to a geographical area, pursuant to [HRS §302D-34\(b\)\(1\)](#), which states “A start-up charter school [. . .] shall be open to any student residing in the State who is entitled to attend a [DOE] school[.]” However, the Commission has granted enrollment preferences through a weighted lottery for families living in geographic locations as designated by the respective school. For more information on enrollment preferences, see the [Commission’s website](#).

5. Are returning students of a charter school automatically enrolled the following school year?

Charter schools have the autonomy to determine the administrative procedures that will be used to handle re-enrolling returning students. A school could automatically re-enroll students, require returning students to submit a form or other type verification, or any other process that the school would like to do. However, the same anti-discriminatory laws still apply to returning students.

6. Can an applicant solicit letters of interest or intents to enroll in its proposed charter school from families in the proposed communities to be served?

Yes, but at no time can an applicant represent that it is a charter school until it receives approval from the Commission, fulfills any pre-contracting criteria, and executes a pre-opening Charter Contract with the Commission. In addition, admission into an approved charter school cannot be “reserved” for those that submitted intents to enroll.

7. Can an approved charter applicant start a list of families that intend to enroll in lieu of a lottery?

No, if a start-up charter school receives more admission applications than there are seats available, the school must hold a public lottery, pursuant to [HRS §302D-34\(b\)](#).

8. Do charter schools have waitlists, or are charter schools having a difficult time filling seats?

The answer to this question depends on the school. Some charter schools have extensive waiting lists for all or certain grades while others may be seeing a trend of declining enrollment for various reasons.

E. Parent Involvement and Community Outreach

No questions asked.

F. Nonprofit Involvement

1. What does a successful relationship between the charter school and a nonprofit organization look like?

Ideally, the nonprofit organization should support the charter school in delivering its mission. This support could include fundraising, coordinating volunteers and donations, grant writing and administering, and facilities support, especially since charter schools, as state entities, cannot incur long-term debt.

2. Could a nonprofit organization be the governing board of the charter school?

The answer depends, but this generally is not advisable. In such a situation, there would need to be clear lines of authority and clearly separate accounting. The governing board and the nonprofit board of directors are completely different entities (with the exception to a nonprofit organization that serves as the governing body of a conversion charter school, pursuant to [HRS §302D-13\(b\)\(4\)\(B\)](#)) with different responsibilities and powers, so it would be important for any member serving on both boards to understand when they are wearing which “hat” and to act appropriately. Further, any contracts between the charter school and the nonprofit organization become very “sticky” in this situation, and there are many legal ramifications to consider, including possible State Ethics Code violations. For more information, see [this advisory opinion](#) from the State Ethics Commission about charter school employees and governing board members also serving as employees or board members of an affiliated nonprofit organization.

3. Does the Commission have authority over nonprofit organizations affiliated with charter schools?

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

4. If a nonprofit organization already supports an existing charter school, can that nonprofit organization also support a new charter school?

Charter schools are not required to be supported by a nonprofit organization. However, nearly all existing charter schools do receive some kind of support from at least one nonprofit

organization. There is nothing prohibiting a nonprofit organization from supporting multiple charter schools.

G. Geographic Location and Facilities

1. 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.

2. Are there any resources for information on charter school facilities in Hawaii?

Unfortunately, the Commission does not have any information on resources for charter school facilities in Hawaii.

3. 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, as required by the Charter Contract. How the school obtains that information—whether by contacting the appropriate county agency or department to get a Certificate of Occupancy, by having a certified architect write a report, or by any other acceptable means—is ultimately up to the school. Schools may need to retain professionals for assistance if the landlord does not have required documentation.

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

If not a direct lease, schools can make arrangements to use rooms within an existing DOE school. The Commission's understanding is that this conversation would be initiated with the principal of the existing DOE school and would require some kind of documentation, like a memorandum of understanding, to memorialize the agreement.

5. 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 the DOE to submit a notice of possible availability of a public school when it is considering whether to close a public school. To date, the Commission has received only one notification of an available facility in Hakalau on the island of Hawaii.

6. What is the Department of Land and Natural Resources' ("DLNR") policy on leasing property to charter schools?

Pursuant to [HRS §171-95.5](#):

“Notwithstanding any limitations to the contrary, the [Board of Land and Natural Resources] may lease to charter schools, at nominal consideration, by direct negotiation and without recourse to public auction, public lands and buildings under the control of the [Department of Land and Natural Resources]. Except as provided in this section, the terms and conditions of sections [171-33](#) and [171-36](#) shall apply. The lands and buildings leased under this section shall be used by the charter schools for educational purposes only. This section shall not apply to conversion charter schools.”

Please contact the DLNR Land Division for information about the availability of state lands and the process for acquiring a state lease.

7. Can charter schools lease out school space during non-school hours (e.g., renting out the school kitchen for a community culinary class)?

Generally speaking, yes. Public institutions do have some special considerations, however, such as not discriminating against potential lessees. The charter school also must ensure that appropriate precautions are taken to protect the safety of the children if they are still on campus during non-school hours, such as for after-school care or other supplemental programs.

H. Start-Up Period

No questions asked.

V. Financial Plan

A. Financial Oversight and Management

1. Does each charter school need to provide its own financial management system?

Yes.

2. Do charter applicants need to have a tax-exempt nonprofit organization to accept donations?
What are the tax liabilities associated with such donations?

The Commission does not provide tax or legal advice. Applicants should consult a tax expert or attorney.

3. What are some examples of internal financial controls?

Generally, internal controls include processes and procedures that enable the organization to safeguard its assets. The most effective procedures are those that have the greatest segregation of duties. For example, the person who writes the checks should not be the person signing the checks. As another example, the person who receives payments for the organization should not be the person preparing bills for the organization.

B. Operating Budget

1. What is the source of charter school funding?

Private funds and grants aside, the main source of charter school funding comes from the state general fund on a per-pupil basis. Charter schools also receive federal Impact Aid funds. There are other federal funds for which charter schools may be eligible, but these funds are generally restricted as to how they are spent.

2. What does the per-pupil allocation of \$6,500 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. This includes personnel salaries; however, fringe benefits for charter school employees are covered by the State Department of Budget and Finance and do not come out of the school's operating budget.

3. Is there funding for supplemental programs?

Federal grant funds are available for various purposes; however, applicants should not expect to receive any of these funds, especially in the first year of operation, and these funds should not be relied on to fund essential components of the school.

Title I funds are available to schools with at least 47.2% low-income students, to be used for overall school improvement. If a school meets the 47.2% threshold, the amount the school

receives is based on the number of qualifying children and is island-specific, currently approximately \$402 for Kauai, \$386 for Maui, \$388 for the island of Hawaii, and \$463 for Oahu. Title II funds are for teacher and administrator professional development, based currently on \$150-\$250 per teacher at the school. Small amounts of specific-use funds are available for schools with significant numbers of homeless or English language learner students.

4. Should federal funds (Title I, Title II, etc.) be included the operating budget?

Because many federal program funds can only be used for specific purposes and require a school to qualify, it is generally inadvisable to include such funds in the operating budget. In addition, information used to determine some federal fund allocations, such as Title I funds, is based on a school's student demographics in May of the prior fiscal year. The exception, however, is federal Impact Aid funds, which charter schools historically receive and have relatively more flexibility as to their use.

5. Would the State fund a year-round charter school?

All charter schools receive the same amount per pupil, regardless of program. Assuming the charter school successfully negotiated a supplemental collective bargaining agreement with HSTA to allow for year-round school, the charter school could provide the program but would not receive extra per-pupil funds for it. The same applies to other extended learning opportunity programs, such as longer school days or Saturday school.

6. Are virtual learning students funded at the same per-pupil rate?

Yes. All charter school students are funded at the same per-pupil rate.

7. What insurance is provided by the State?

State entities are covered by the state insurance plan, administered by the Department of Accounting and General Services Risk Management Office. Visit the [Risk Management Office's website](#) for more information.

8. Is there a template to use for budgets?

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

9. Can the Commission provide a sample budget for an existing, successful charter school in Hawaii?

No sample budget will be provided. Each application is unique, and the assumptions behind the numbers are not available, making the value/helpfulness of the document questionable.

10. Are there resources to help with budget planning?

Resource links are available on the Commission website for teachers' salaries and other general information. The Hawaii Public Charter Schools Network also offers a variety of technical assistance to applicants.

11. Is a start-up budget (for the 12-month period following application approval) required in the application?

Yes. Year 0 in the Financial Plan Workbook is the start-up year. The start-up budget must fund and align to the start-up management plan presented in the application.

12. How is the per-pupil funding for a new charter school calculated and distributed?

Charter school per-pupil funds are distributed in three allocations: (1) funds equal to 60% of the May 15 enrollment projection are distributed by July 20; (2) an additional allocation is distributed by December 1, after the per-pupil allocation is recalculated (or tried up) based on the October 15 official enrollment count, and is equal to 30% of the official total allocation; and (3) the remaining 10% of per-pupil funds are distributed by June 30.

New charter schools do not have a May 15 enrollment projection, so the first allocation is based on the projected enrollment of the school set within its pre-opening criteria.

13. How does Ho'olako Like define Hawaiian culture-focused charter schools for purposes of receiving Kamehameha Schools and Bishop Estate funding?

Contact Ho'olako Like at 808-534-3983 for information.

C. Federal Programs

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

Hawaii currently does not receive a state CSP grant. However, eligible entities in Hawaii may apply for the CSP "Non-State Educational Agencies (Non-SEA) Planning, Program Design, and Initial Implementation Grant," sometimes referred to as the charter school start-up grant. The Commission does not oversee this process. Historically, about 20% of CSP charter school start-up grant applicants are awarded a grant. Therefore, while the Commission strongly encourages applicants to pursue this and other grant opportunities, applicants should not rely on this grant to fund essential components of the school. 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, visit the [Hawaii Child Nutrition Office's website](#). Note that the Hawaii Child Nutrition Office administers the National School Lunch Program and does not field general questions about lunch requirements.

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 and has discretion on how to distribute the Impact Aid funds.

4. Are Title I funds available during the first year of operation for a new charter school?

This depends on the location of the new charter school. If the school is located within a “high-needs” area, as defined by the DOE, then the school could be eligible for federal funding within its first year of operation. Otherwise, new charter schools are not typically eligible for Title I funding until the second year of operation.

5. How are Title III funds calculated and allocated to charter schools?

While all schools must have a core English Language Learner (“ELL”) program, Title III funds can only be used for supplemental instructional materials or language software programs or for extended learning programs that occur either before or after school for ELL students whose status is “Active.” Title III funds can only be used on supplemental programs that are vetted and approved by the DOE, such as Imagine Learning, Achieve3000, Raz Kids, Biz Kids, Rosetta Stone, and professional development from West Ed and World Class Instructional Design and Assessment. Title III funds cannot be used for other things related to the core ELL program, such as the salary of an ELL teacher.

Because of the restrictiveness of Title III funding and how the funds are appropriated, it is generally inadvisable for Title III funds to be included in a charter application’s budget. While available Title III funding is roughly based on ELL student counts (approximately \$150 per ELL student whose status is either “Potential” or “Active”), the funding a school can request depends entirely on the needs of the school and its ELL program. Further, calculating the amount of Title III funds for which a proposed school may be eligible is difficult. ELL statistics may be misleading for these purposes because only supplemental programs for ELL students whose status is either “Potential” or “Active”—not “Monitoring”—are eligible for Title III funding. Newly approved charter schools are required to attend a mandatory Title III training after which time they can discuss with the Commission’s federal programs staff any supplemental ELL programs that may be eligible for Title III funding.

Charter schools follow the DOE’s policies on services, assessments, timelines, and data collection, tracking, and reporting for ELL program students. Charter schools differ in that each school has the autonomy to determine how to provide the services to ELL students based on each student’s educational needs, provided that ELL services are provided by a licensed Highly

Qualified teacher, based on sound educational theory, adequately staffed, and regularly evaluated. More information about the DOE's ELL program can be found on the [DOE's website](#).

6. Is there funding for career and technical education?

The federal Perkins grant for Career and Technical Education ("CTE") is only available as supplementary funds for existing school programs. The two uses of the funds are to "provide resources and services to identified project schools and districts that are developing and implementing improved and expanded CTE programs of study during the school year" and "provide resources and services to support statewide CTE program improvement initiatives." For further information contact, the DOE program manager, Sherilyn Lau, at (808) 203-5533 or sherilyn_lau@notes.k12.hi.us.

7. Why must required data be "transferred to the DOE in an acceptable format?"

Pursuant to [HRS §302D-23](#) and the Charter Contract, charter schools shall comply with the BOE's "minimum educational data reporting standards," which include fiscal, personnel, and student data elements required for federal reporting.

Because the DOE is required to provide school data to meet its federal reporting requirements, charter schools must provide the required data in formats that are compatible to the DOE's student information systems.