

This document lists feedback from the public on the Charter Contract, effective July 1, 2014.

Comment/Feedback	Response
Section 1: General Terms	
I don't understand why the contract went from 3 years to 2 years.	Schools whose 3-year average percentile ranking placed them at the 50 th average percentile ranking or above were eligible for a four or five-year contract. Schools whose 3-year average percentile ranking placed them lower than the 50 th percentile ranking were eligible for a two or three-year contract.
1.1 - Why were no schools considered for the 2 year extension? What is constitutes exemplary performance?	Schools whose 3-year average percentile ranking was 90 were considered exemplary and had the option of either a 2 year or five year contract.
1.3 – Who determines applicability of laws?	The Commission appreciates this question and will consider this in the development.
Section 2: Governance of School	
2.1 - Does the "independent board" determine how they will comply with the laws? If not, who does?	The governing board has the statutory responsibility to ensure the school is in compliance with the laws.
2.2 – Who approves conflict of interest policy? Who defines nepotism?	The Commission appreciates this question and will consider this in the development.
Section 3: Educational Program	
There is no mention of innovative educational opportunities with culturally relevant assessments in all areas of the program. Charter schools are not meant to be DOE/traditional style schools. It appears that we have lost the most basic original intent of charter schools in Hawaii.	In the Academic Performance Framework (APF), approved by the Commission on March 9, 2017, charter schools may add culturally relevant assessments as an optional student performance outcome measure. In addition, the APF includes a value-added component which allows charter schools to add a target that captures the innovative, cultural or mission-based practices of the school.
3.1 – Do changes to the educational program need approval?	Any change that affects the Educational program as described in Exhibit A requires approval from the Commission.
3.2 – Who defines “unreasonably withheld” and intent “to improve educational outcomes”?	The Commission appreciates this question and will consider this in the development.
3.3.2 – What exactly does “autonomy” mean and who defines “consistent with the Common Core or	The Commission appreciates this question and will consider this in the development.

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other State academic standards”	
3.4 – Are schools required to follow the specific course requirements when classes are taught through a project-based or integrated curricular approach? What is the process/timeline for granting waivers?	Schools are required to adhere to BOE graduation requirements unless the school is granted a waiver from such requirements. The school has the autonomy to determine how such requirements are satisfied.
3.5.2 – What if the DOE decides not to offer “staff, funding or both, to the charter school”? Change “may” to “shall”. What is the process for negotiating the “offer” or appealing a funding decision?	The Commission appreciates this question and will consider this in the development.
3.5.3 – Who defines applicability?	The Commission appreciates this question and will consider this in the development.
3.6 – Who decides whether services will be provided by the Commission or the DOE?	The Commission appreciates this question and will consider this in the development.
3.7 – Why would the Commission provide ELL technical assistance (instead of the DOE)? Who determines whether or not the technical assistance is “similar to those services provided by the DOE complex areas”?	The Commission appreciates this question and will consider this in the development.
Section 4: School Performance	
Again, loss of the original intent of creating charter schools.	The Commission appreciates this question and will consider this in the development.
4.2 – Who defines “best effort” and “reasonably consistent”?	The Commission appreciates this question and will consider this in the development.
4.4 – The BOE has never forced charter schools to use their graduation requirements.	The BOE has determined that Policy 102-15: High School Graduation Requirements and Commencement is applicable to charter schools.
Section 5: Student Admission, Enrollment, Withdrawal, & Dismissal	
Charter schools should be allowed to maintain their mission, vision and program by advising applicants of the specific requirements of the program and assist them in finding an optimal educational option before enrollment.	The Commission appreciates this question and will consider this in the development.
5.6 - The law (§302A-1134) allows a principal to exclude students from attendance if they are "a	This specific law is now included in the proposed Organizational Performance Framework; schools

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detriment to the morals or discipline of any school."	will need to demonstrate that they are in compliance with this law through policy and practice.
6.3 – Who determines that there may be a "possible violation"?	The Commission appreciates this question and will consider this in the development.
6.4 – Who determines that there may be a "possible violation"?	The Commission appreciates this question and will consider this in the development.
6.9 – Is this legal on private property?	Yes, the school operates as a public school even though it may be on private property.
Section 7: Facilities	
7.1 – Why 30 days? Is this in a row or cumulative?	The Commission appreciates this question and will consider this in the development.
7.4 – What if the school has to relocate because of a natural disaster?	The Commission appreciates this question and will consider this in the development.
Section 8: Funding	
The commission should fight for equitable funding for its schools!!!	The Commission appreciates this question and will consider this in the development.
We need funding for charter school facilities! How does this happen and why aren't all charters funded in a similar way to conversion charters.	The Commission appreciates this question and will consider this in the development.
8.1 – If the Legislature does not provide facilities funding, can the school use Commission allocated funds for leases? Who defines "educational purposes"? What if the Legislature doesn't allocate enough facilities funding to cover the cost of existing leases? Would the school be able to use allocated funds to supplement? 8.2 – Who defines "sufficient funds"? This provision could be shutting schools at the end of this fiscal year.	The Commission appreciates this question and will consider this in the development.
8.5 – What is "timely"? What does "work with" mean?	The Commission appreciates this question and will consider this in the development.
Section 9: Financial Matters	
9.6 – Under what circumstances would the Commission require a school "to follow a uniform chart of accounts"?	The Commission appreciates this question and will consider this in the development.
9.7 – Who needs to approve a "written	The Commission appreciates this question and will

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agreement”?	consider this in the development.
Section 10: Personnel	
10.3 – What happens if a Title I school does not have 100% of its core teachers Highly Qualified? Is this the same thing that would happen to a DOE school?	The Commission appreciates this question and will consider this in the development.
10.4 – Does a school's educator evaluation system need to be approved by the Commission?	The Commission appreciates this question and will consider this in the development.
Section 11: Reporting & Data	
11.1.2 – Who defines “timely notification” and “reasonably required”?	The Commission appreciates this question and will consider this in the development.
11.3.2 – Will a template be provided or can the school decide on the format of these reports?	The Commission appreciates this question and will consider this in the development.
11.3.3 – What is “reasonable notice”? What kind of “circumstances”? substantive due process rights they are entitled to under 302D-18.”	The Commission appreciates this question and will consider this in the development.
Section 12: Monitoring & Intervention	
Section 13: Closure & Dissolution	
13.2 – Can a contract be revoked before the “administrative rules and Commission policies and procedures” have been duly promulgated?	The Commission appreciates the question; however, this is not applicable for the development and revision of the next Charter Contract.
Section 14: Miscellaneous Provisions	
14.4 – What happens to conflicts that arise before the needed administrative rules are duly promulgated?	The Commission appreciates the question; however, this is not applicable for the development and revision of the next Charter Contract.
14.5 – The only mention of dispute resolution is between the school and the commission. There should be some responsibility for the commission to help resolve disputes between schools and other departments, primarily the DOE. Either the Commission represents the State or it does not. It is not fair to require Charter schools to comply with requirements when the problem was caused by the DOE. The Commission can take these issues to the BOE, which does have the power over the	The Commission appreciates this question and will consider this in the development.

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DOE. Why can't a decision be appealed to the BOE or circuit court?	
Exhibit A: Educational Program	
<p>The law (§302D-12(f)) says, "The governing board shall be the independent governing body of its charter school and shall have oversight over and be responsible for the financial, organizational, and academic viability of the charter school, implementation of the charter, and the independent authority to determine the organization and management of the school, the curriculum, virtual education, and compliance with applicable federal and state laws."</p> <p>Section 3.1 of the contract infringes on the "independent" authority of the governing boards through the terms and conditions of the contract. Section 3.2 requires Commission approval of revisions to Exhibit A. This is another infringement on the "independent" authority of governing boards.</p> <p>Administrative rules need to be developed by the Commission to address these conflicts. The Hawai'i State Charter School Commission is required to follow §91-2 (a)(2) HRS by adopting "rules of practice, setting forth the nature and requirements of all formal and informal procedures available, and including a description of all forms and instructions used by the agency."</p> <p>The Title 8, Subtitle 5, Chapter 505 rules are far from meeting this requirement. Revised rules are needed to clarify the general or particular applicabilities and future effects of implementations, interpretations, or prescriptions of applicable laws or policies. Otherwise, a declaratory judgment as to the validity of these rules can be sought in accordance with §91-7 HRS. The court can then declare the rule invalid if it violates constitutional or statutory provisions, exceeds the statutory authority of your agency, or was adopted without compliance with statutory rule-making procedures.</p>	<p>Charter schools have the autonomy to decide what its educational program will be and describe that program in its Exhibit A of the Charter Contract. When a school decides to significantly change its educational program, that is when the school must notify and seek Commission approval of the change.</p> <p>During the last contract term, most amendments to an Exhibit A have been schools that seek to expand by adding additional grades and divisions, cut grades and divisions, or to add blended learning or virtual programs. In these instances, the Commission determines the capacity of the school to enact these changes.</p>
Exhibit C: Educational Service Provider ("ESP")	
This looks like boiler plate language taken from another state. Are there any charter schools in	Some charter schools in the state have utilized educational service providers, either for

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Hawaii with ESPs? Perhaps this language was inserted in the contract for political reasons?	curriculum or for other services.
Exhibit D: Intervention Protocol	
See comments for Section 12. The Commission has a history of applying the Intervention Protocol to many schools (and substantial time spent at all General Business meetings discussing the perceived violations by numerous schools). Administrative rules need to be developed and properly promulgated to define specifics of the Intervention Protocol.	The Commission appreciates this question and will consider this in the development.
Other	
A. WHAT CONSTITUTES A MATERIAL PROBLEM: One of the biggest issues is not resolving the underlying question of when something is a MATERIAL problem that makes a charter contract at risk. If one deadline is missed or a minor requirement avoided; is that enough to strip a contract?	The Commission appreciates this question and will consider this in the development.
B. WHAT SPECIFIC BEHAVIOR SHOULD BE AVOIDED: Key terms must be defined to warn the schools what is critical to respond to. For example, DCCA licensing codes, give a good idea of the types of behaviors that can not be done in different professions.	The proposed Organizational Performance Framework provides a list laws, rules, regulations, and Contract provisions that charters will be assessed under the framework. Some of the specific behaviors requested in this comment are included in the framework.
C. FAIR APPEALS PROCESS: The appeals process must be fair and give the Charter School Governing Board and affected parties such as students, parents and staff a sufficient opportunity to appeal a decision. This is particularly true since Charters do not have the right to appeal to Court.	Charter schools have the opportunity to request to address the Commission at any time during a Commission meeting.
D. MINIMUM TIME LIMITS: There should be time limits placed on the Commission and their staff in demanding information without proper notice. Often the charters are doing a dance to get information to the State without proper time. This issue should be placed in the contract.	The Contract requires the Commission to provide schools a list of anticipated required reports and due dates by June 1 st of every year. The Commission has provided this list throughout the Contract and has made its best effort to forecast the coming year. This requirement will continue to be in the Contract.

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<p>E. RULES AND REGULATIONS: Sending rules and regulations through the Administrative Procedures process strengthens the substantive rules. If a court decides the rules should have gone through promulgation the issue cannot be resolved. The process, as outlined in §91, allows the public to have input and avoid complaints. As such, the contracts should indicate that if the rules are not in affect legally, they are not to be followed until formally adopted.</p>	<p>The Commission appreciates this question and will consider this in the development.</p>
<p>F. SPECIFY APPLICABLE RULES: The contract should specifically detail those rules, statutes and BOE rules that affect the Charter School. The specific rules regulating the Charter should be listed and attached to the Contract.</p>	<p>The proposed Organizational Performance Framework provides a list of specific laws, regulations, policies, and contract provisions that the section will evaluate charter schools on. However, schools are required comply with all relevant laws and regulations at all times, regardless of the specific references in the proposed framework.</p>