

MINUTES OF THE CHARTER SCHOOL GOVERNANCE, ACCOUNTABILITY, AND
AUTHORITY TASK FORCE (ACT 130, SESSION LAWS OF HAWAII 2011)

November 2, 2011

Conference Room 225, State Capitol

I. Members Present

Senator Jill Tokuda, Hawaii State Senate
Della Au Belatti, Hawaii State House of Representatives
Tammi Chun, Office of the Governor
Roger McKeague, Charter School Administrative Office
Don Horner, Chair Board of Education
Ruth Tschumy, Charter School Review Panel
Robert Campbell, Department of Education (Superintendent of Education's Designee)
Chris Kono on behalf of Megan McCorriston, Ho'okako'o Corporation
Gene Zarro, Hawaii Charter Schools Network
Lisa Okinaga, Kamehameha Schools

Also present: Representative Roy Takumi

II. Adoption of Minutes

Mr. Zarro moved that the minutes of the October 12, 2011 Task Force meeting be approved. Mr. Horner seconded the motion.

The Task Force unanimously adopted the motion and the minutes were adopted.

III. Discussion of "The Bin" items

Senator Tokuda presented the notes from Working Group on the following items:

A. Collective Bargaining

The recommendation from the Working Group is that collective bargaining issues be addressed at a future meeting with appropriate legislative committee chairs, labor leaders and key stakeholder groups.

The Task Force agreed with this recommendation.

B. Configuration and appointment process of Charter School Review Panel

The Working Group proposed that the composition and appointment process of the Charter School Review Panel, to be called the State Public Charter School Commission ("Commission"), be similar to the composition and appointment process of the Board of Education pursuant to Act 5, Session Laws of Hawaii 2011.

The recommended statutory language can be found in the "Next Steps" Working Group Report attached. Possible consultation language for the hiring of the Executive Director of the Commission was provided by Mitch D'Olier of the Castle Foundation.

The Task Force discussed the possibility of having ex officio members on the Commission. Mr. Zarro agreed to that this idea back to the members of the Hawaii Charter School Network. This issue will be discussed further at the next Task Force meeting.

C. Configuration and appointment process of Local School Boards

The Task Force discussed possible changes to the configuration and appointment process of members of Local School Boards, to be called Governing Boards based on the Charter School Model Law. Areas of discussion included:

- (1) Whether to prohibit any employee or relative of an employee as serving as Chair of a Governing Board;
- (2) Requiring that no more than 1/3 of a Governing Board shall be employees of the charter school;
- (3) Whether, in the long term, the Governing Board's should consider, based on the practice of good non-profit organization, that employees of charter schools only be allowed to serve in an ex officio capacity;
- (4) The importance that Governing Boards be reflective of the school community and the community at-large;

The Task Force will continue to discuss this issue at the next Task Force meeting.

D. Transition plan for schools, Charter School Review Panel, Charter School Administrative Office and Department of Education.

The Task Force discussed the possibility of creating a Follow Up Committee, separate and apart from the Task Force, to assist with charter school entities with transitioning under any statutory changes resulting from the Task Force's recommendations to the Legislature.

The Task Force also discussed the National Association of Charter School Authorizer's ("NACSA") recommendation that there be a one-year moratorium on reauthorization. While the Hawaii Revised Statutes do not provide for a required timeline for reauthorization, the CSRP was asked to make a formal request to the Attorney General's office for an opinion on whether the CSRP may place a one-year moratorium on reauthorization to allow for the implementation to statutory changes resulting from the Task Force's recommendations.

The Task Force also discussed applications during the transition period. It was recommended that December 2011 applicants be made aware that their Detailed Implementation Plan is a charter application and that at the end of the process, should they be authorized, there will be an official performance contract between Commission (CSRP) and their Governing Board (LSB).

One issue that needs to be addressed is what entity would support and staff the Follow Up Committee.

The Task Force will continue to discuss the transition plan at the next Task Force meeting.

E. Model Law & Statutory Definitions

The Task Force discussed amending the definition of Local School Boards by adopting the Charter School Model language. As such, Local School Boards would be referred to as Governing Boards.

The Task Force agreed to change the definition of Local School Boards. The recommended statutory language can be found in the "Next Steps" Working Group Report attached.

F. Inclusion of Other Governmental Agencies as Charter School Authorizers

The Task Force agreed that other governmental agencies could serve as charter school authorizers as provided for in the Charter School Model Law.

G. Funding

The Working Group recommended that funding issues, including facilities funding, should be discussed at a future meeting between legislative money chairs/legislative staff, the Board of Education, Department of Education, Department of Budget and Finance and the charter school community.

The Task Force agreed with this recommendation.

H. Multiple Charter School Authorizers

The Task Force discussed whether to allow for multiple charter school authorizers in light of NACSA's recommendation that Hawaii should delay allowing multiple authorizers for approximately two years. The Task Force discussed allowing for multiple authorizers but requiring the Board of Education to promulgate administrative rules first. The Task Force also discussed the possibility of having benchmarks for rule making, an evaluation of the existing process with the current authorizer, and requiring the Board of Education, as part of its annual reporting requirements, to provide the Legislature a status of the adoption of rules.

This issue, including what specific benchmarks must be met, will be discussed further at the next Task Force meeting.

J. Establishment of a Uniformed Education Reporting System (Separate Financial System/Data Reporting)

The Task Force discussed the need to develop and implement a Uniform Education Reporting System, which shall include standards and procedures for collecting fiscal, student, and personnel information. The Task Force also discussed the need for key stakeholders to be included on discussions related to developing and implementing such a system.

Potential statutory language can be found in the "Next Steps" Working Group Report attached.

K. Reconcile Potential Task Force Changes with Existing Chapter 302B

The Task Force discussed what specific language in the existing Charter School Law, Chapter 302B, Hawaii Revised Statutes, should be included in any new statutory language that will be recommended to the Legislature. The Task Force also discussed changes to some of the Model Law language it wishes to include in its recommendations to the Legislature.

A Working Group will continue to go through the details of Chapter 302B and the Model Law to craft language for statutory recommendations to the Legislature and report back to the Task Force.

IV. Hawaii Charter School Network Road Show

Mr. Zarro announced that the Hawaii Charter School Network ("HCSN") will be having a "road show" on the different islands to share the work of the Task Force with HCSN members. The schedule will be posted on the Task Force website once it is finalized.

V. Announcements

A working group meeting will be held on Wednesday, November 9, 2011 in room 225 from 1:00 p.m. to 3:00 p.m.

The next Task Force meeting is scheduled for November 30, 2011 in room 225 from 10:00 a.m. to 12:00 p.m.

VI. Adjournment

The meeting was adjourned.

**Charter School Governance, Accountability & Authority Task Force
"Next Steps" Working Group Report
November 2, 2011**

While the working group met twice, it is important to note that a number of members were not present at the October 26, 2011 meeting, so as with all of our working group reports, the recommendations below are in DRAFT form and are being presented for discussion purposes at the task force meeting.

Area of Discussion	Level of Follow Through for Task Force/Next Steps
BIN ITEMS	
Collective Bargaining	-Would like a separate meeting w/labor chairs, labor, DOE and ATG. Discuss issues of autonomy as it relates to school personnel management.
Configuration and Appointment Process of CSR	<p>Proposed Statutory Changes:</p> <p><u>"§302B-A State public charter school commission; establishment; appointment.</u> (a) <u>There is established the state public charter school commission with statewide chartering jurisdiction and authority. The commission shall be placed within the department of education for administrative purposes only. Notwithstanding section 302B-9 and any law to the contrary, the commission shall be subject to chapter 92.</u></p> <p style="padding-left: 40px;"><u>(b) The mission of the commission shall be to authorize high-quality charter public charter schools throughout the State.</u></p> <p style="padding-left: 40px;"><u>(c) The commission shall consist of nine members to be appointed by the board of education. The board shall appoint members who will be tasked with authorizing public charter schools that serve the unique and diverse needs of public school students. The board shall consider the combination of abilities, breadth of experiences,</u></p>

and characteristics of the commission, including but not limited to reflecting the diversity of the student population, geographical representation, and a broad representation of education-related stakeholders.

(d) Understanding that the role of the commission is to ensure a long-term strategic vision for Hawaii's public charter schools, each nominee to the commission shall meet the following minimum qualifications:

(1) Record of integrity, civic virtue, and high ethical standards. Each nominee shall demonstrate integrity, civic virtue, and high ethical standards and be willing to hold fellow commission members to the same;

(2) Availability for constructive engagement. Each nominee shall commit to being a conscientious and attentive commission member;

(3) Knowledge of best practices. Each nominee shall have an understanding of best practices in charter school educational governance or shall be willing to be trained in such; and

(4) Commitment to education. Each nominee's record should demonstrate a deep and abiding interest in education, and a dedication to the social, academic, and character development of young people through the administration of a high

performing charter school system.

(e) Each nominee to the commission shall ideally meet the following recommended qualifications:

(1) Experience governing complex organizations. Each nominee should possess experience with complex organizations, including but not limited to performance contract management, and a proven ability to function productively within them; and

(2) Collaborative leadership ability. Each nominee should have substantial leadership experience that ideally illustrates the nominee's ability to function among diverse colleagues as an effective team member, with the ability to articulate, understand, and help shape consensus surrounding board policies.

(f) Five members of the commission shall constitute a quorum to conduct business and a concurrence of at least five members shall be necessary to make any action of the commission valid.

(g) Commission members shall serve not more than three consecutive three-year terms, with each term beginning on July 1; provided that the initial terms that commence after June 30, 2012 shall be staggered as follows:

(1) Three members to serve three-year terms;

(2) Three members to serve two-year terms;

(3) Three members to serve one-year terms.

(h) Commission members shall receive no compensation. When commission duties require that a commission member take leave of the members duties as a state employee, the appropriate state department shall allow the commission member to be placed on administrative leave with pay and shall provide substitutes, when necessary, to provide that member's duties. Members shall be reimbursed for necessary travel expenses incurred in the conduct of official commission business.

(i) The commission shall establish operating procedures that shall include conflict of interest procedures for any member whose school of employment or governing board is before the commission.

(j) The commission shall operate with dedicated resources and staff qualified to execute the day-to-day responsibilities of the commission pursuant to this chapter."

Session law language:

"Notwithstanding any law to the contrary, the members of the charter school review panel serving on the day of the effective date of this Act shall serve on the state public charter school commission until the appointment of no fewer than five members to the state public charter school commission pursuant to this Act, at which time all members of the charter school review panel shall discharged from and the members of the state public charter school commission shall begin their service; provided that any vacancy in charter school review panel occurring between the effective date of this Act and the discharge from

	<p>office of all charter school review panel members shall remain vacant until appointed to the state public charter school commission by the board of education pursuant to this Act. "</p>
<p>Configuration and Appointment Process of LSB; Overall Function of LSB</p>	<p>-Ideally, would like to recommend specific changes to the composition of the governing board. Will circulate guidelines used for BOE appointment process. <i>Come back to next meeting with ideas/research. Should we allow vs. require; or create ex-officio status for employees?</i></p> <p>-NACSA</p>
<p>Transition Plans (for schools, CSR/CSAO, DOE)</p>	<p>-ATG Opinion (regarding contract language; phase in)</p> <p>-Follow Up Committee: members strongly vested in accountability (includes School Directors; LSB members; authorizers). Look at converting to a contract; changes in practice; establishment of CSLO. Deal with transitional issues that result from legislative action (ie. CSR & LSB composition) & those transitions can take place now (ie. Performance contract).</p> <p>-Follow Up Committee will be administratively attached to CSR.</p> <p>-Reauthorizations: Recommend that the task force adopt NACSA recommendations to push back reauthorization for a year until performance contracts in place.</p> <p>-Authorizations: Recommend that December 2011 applicants are well aware that the DIP is their charter application and that at the end of the process should they be authorized, there will be an official performance contract between CSR and their LSB.</p>
<p>Model Law & Statutory Definitions</p>	<p>(REPLACE LSB DEFINITION)</p> <p>A "governing board" means the independent board of a public charter school that is party to</p>

	<p>the charter contract with the authorizer that:</p> <ol style="list-style-type: none"> (1) Is responsible for the financial, organizational and academic viability of the charter school and implementation of the charter; (2) Possesses the independent authority to determine the organization and management of the school, the curriculum, virtual education; and (3) Ensure compliance with applicable federal and state laws; and (4) Has the power to negotiate supplemental collective bargaining agreements with exclusive representatives of their employees.
Other State or County Agencies as Authorizers	-Would be allowed through model law language.
Chapter 92 as it relates to Governing Boards	-Discuss at Task Force Mtg on November 2 nd .
Funding (including transportation)	-Seek a facilitated meeting between legislative money chairs/legislative staff and charter school community.
Facilities Funding	-Seek a facilitated meeting between legislative money chairs/legislative staff, DOE, B&F and charter school community.
Multiple Authorizers (NACSA)	<p>-Put in statute the possibility; benchmarks for rule making; evaluation of existing process with current authorizer.</p> <p>-Include in annual reporting requirements for the BOE their status on rules adoptions for multiple authorizers.</p>
<p>REQUIRED REPORTING:</p> <p>-Data Reporting Uniformity (David Wu)</p> <p>-Separate Financial System</p> <p>-Personnel data</p>	<p><i>Issue: Need to develop and implement a Uniform Education Reporting System, which shall include standards and procedures for collecting fiscal, student, and personnel information.</i></p> <p>"The State BOE shall establish a Uniform</p>

	<p>Education Reporting System that shall include requirements for reporting fiscal, personnel, and student data, by means of electronic transfer of data files from charter schools to the Department. All charter schools shall comply with the requirements of the Uniform Education Reporting System by the beginning of the 2012-13 school year."</p> <p>Recommendation: Request that HCSN facilitate communications with the Department (David Wu) to address this issue and identify what changes need to take place in both practice and policy.</p> <p>Key Stakeholders to be included in communications: David Wu, Business Managers/Fiscal Administrators, Executive Directors</p>
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TASK FORCE ISSUES

<p>Definition of Consultation for use in appointment of Director position; when dealing with SEA/LEA grant applications & proposals</p>	
<p>Reconcile Changes with Overall Existing 302B</p>	
<p>Evaluation of Existing CSAO functions; assignment to other entities under new structure?</p>	
<p>Other NACSA Recommendations: ie, tighten application process.</p>	