



STATE OF HAWAII
BOARD OF EDUCATION
P.O. BOX 2360
HONOLULU, HAWAII 96804

April 23, 2014

TO: The Honorable Donald Horner, Chairperson
Board of Education

FROM: Stephen Schatz, Board of Education Designee
Sean Bacon, Board of Education Designee

SUBJECT: Approval of Kohala High School's School Community Council (SCC) Exception
Regarding its Revised Attendance Procedures

1. **RECOMMENDATION**

That the Board of Education (BOE) approves Kohala High School's SCC Exception Request allowing the school to implement revised attendance procedures for the 2014-2015 school year.

Note: By agreement with HSTA, the school's attendance procedures are "incorporated by reference" to the BU 05 Collective Bargaining Agreement. BOE approval of exceptions to the BU 05 Collective Bargaining agreement must include all stipulations agreed upon by its two (2) committee members to the SCC Exception Review Committee. The status quo shall remain should the BOE not agree with its committee members' recommendation(s).

2. **RECOMMENDED EFFECTIVE DATE**

Upon approval by the BOE.

3. **RECOMMENDED COMPLIANCE DATE**

Not applicable.

4. **DISCUSSION**

a. **Conditions leading to the recommendation**

Section 302A-1124 to 1127, Hawaii Revised Statutes (HRS), authorizes schools to request waivers from existing state agency rules, policies, regulations, and procedures as well as exceptions to collective bargaining agreements as negotiated in accordance with current collective bargaining agreements and the provisions of Chapter 89, HRS.

b. Previous action of the Board on the same or similar matter

Similar exceptions were approved for Hilo High, Honokaa High and Intermediate, Kahuku High and Intermediate, Kailua High, Kaiser High, Kalaheo High, Kalani High, Kauai High, Kohala High, Leilehua High, Maui High, Mililani High, Waiakea High, Waialua High, Waianae High, and Waipahu High Schools.

c. Other policies affected

Article VI, Teaching Conditions and Hours; Section R, Evaluation of Students/Grading Preparation.

Board Policy 4501, Assessing/Grading Student Performance, Amended 06/03.

DOE, School Attendance Procedures, Revised 08/01.

Board Policy 2412, School Community Council Waivers and Exceptions Policy.

d. Arguments in support of the recommendation

The revised attendance procedures requested by Kohala High School for the 2014-2015 school year will allow the school to:

- Decrease the rate of unexcused absences.
- Insist on student accountability to make up work and time for unexcused absences.

Attendance is an integral factor in a student's ability to learn and provides opportunities that can only be accessed by being present. Kohala High School's attendance policy will encourage student presence in school in order to help students reach their academic and career goals. Habits developed as a high school student will transfer to the student's post high school plans. School attendance rates appear to have a direct relationship to graduation rates. It is likely that a student who is chronically absent will not be successful in passing classes and earning credit towards graduation.

e. Arguments against the recommendation

The following concerns/cautions were expressed by the Department of the Attorney General when this request was initially approved and are reiterated as cautions for the implementation of these types of requests:

- If this proposed change is applied to all students, the school must ensure that these procedures do not conflict with the Individuals with Disabilities Education Act (IDEA) as it is applied to Special Education (SPED) students. For example, if applied to a SPED student, it must be a part of the student's Individualized Education Program (IEP). (IDEA, 20 USC, Section 14501).

- Section 504 of the Rehabilitation Act of 1973, (20 USC, Section 794), says that for the persons who require special accommodations because of some disability, “reasonable accommodations” must be made.
- Section 302A-1132, HRS, Attendance, compulsory; exceptions, states that “all children...shall attend either a public or private school...and any parent, guardian...shall send the child to some such school.” The statute also delineates when such attendance shall not be compulsory. “The law does not say that schools may determine other exceptions to compulsory attendance such as allowing a number of unquestioned absentee days.” Technically, any unexcused absence is a violation of the compulsory education law.
- Goss vs. Lopez, Supreme Court decisions (419 US 5905-1975) states that a student cannot be excluded from school for more than ten (10) days without a formal due process hearing. If a student stops attending classes because the school has already declared that he/she will not pass or if a teacher remarks to the student that attending classes is no longer necessary because he/she will fail anyway, this Supreme Court decision would impact that kind of action.
- The attendance procedures (especially Saturday School) perpetuate the mindset that learning is measured by the amount of time spent in class, rather than performance and/or application of what is learned.
- Department staff also expressed concerns that this kind of exception is philosophically contrary to Board policy/directions and to some extent contrary to what the Department has been trying to accomplish with the emphasis on standards-based reform. Data may not show increased learning, i.e., emphasis is being put on “credit for just showing up.”

f. Findings and conclusions of the Board committee

The BU 05 Committee on SCC Exception Review agreed to this exception on April 22, 2014.

g. Other agencies or departments of the State of Hawaii involved in the action

Department of the Attorney General.

h. Possible reaction of the public, professional organizations, unions, DOE staff and/or others to the recommendations

Positive.

i. Educational implications

As stated in the school’s SCC exception request.

j. Personnel implications

None.

k. Facilities implications

None.

l. Financial implications

None.

5. **OTHER SUPPLEMENTARY RECOMMENDATIONS**

None.

SS/SB:JZ:pk

Attachments

c: Superintendent
Office of Curriculum, Instruction and Student Support

____New Request

____Renewal

**SCHOOL COMMUNITY COUNCIL
WAIVER/EXCEPTION REQUEST FORM**

(Please use one form for each request)

SCHOOL: Kohala High School DATE: 12/11/13

DISTRICT: West Hawaii Complex Area COMPLEX: Kohala

Achieved AYP: Yes No X N/A School Status: **Strive HI index: 251**

<p>School Proficiency Levels:</p> <p>Reading Gr_10 <u> 77 </u>%</p> <p>Math Gr_10 <u> 63 </u>%</p>	<p><u> </u> In Good Standing, Unconditional</p> <p><u> </u> In Good Standing, Pending</p> <p><u> </u> Needs improvement Yr. 1</p> <p><u> </u> Needs improvement Yr. 2</p> <p><u> </u> Corrective Action</p> <p><u> </u> Planning for Restructuring</p> <p><u> </u> Restructuring</p>
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*****Attach Trend Report.**

A. List the specific policy, regulation, rule, procedure or the specific article within the collective bargaining agreement from which the school is seeking relief.

Board of Education Policy 4501 (Policies and Regulations, Student Series 4000) The Department is responsible for evaluating and reporting student achievement. Student attendance and the General Learner Outcome performance ratings will appear in student evaluations but shall be reported separately from academic grades.

B. Describe 1) the desired change, and 2) what the school hopes to accomplish as it relates to improving student learning and increasing student achievement. Include specific quantitative, qualitative and longitudinal data to support the need for the request.

The school is seeking a waiver to amend to the school's attendance policy in order to:

- 1) decrease the rate of unexcused absences
- 2) insist on student accountability to make up work and time for unexcused absences

Attendance is an integral factor in a student's ability to learn and provides opportunities that can only be accessed by being present. In addition, students who are absent are unable to receive the direct benefits of rich discussion and access to meeting the learning objectives and GLO's. Kohala High School's attendance policy will encourage student presence in school in order to help students reach their academic and career goals. School should be regarded as a student's primary "job" as the habits developed as a high school student will transfer to students' post high school plans of college and career readiness.

School attendance rates have a direct relationship to the school's graduation rate. It is likely that a student who is chronically absent will not be able to be successful in passing classes and earning credit towards graduation.

In the past three years since the school revoked the previous attendance policy, annual attendance rates have dropped from 92% to 90%. A larger concern is the rate of chronic absenteeism at the school. In 2012, Kohala High School data extracted at state level indicated a chronic absenteeism rate of approximately 35% of the student population as documented by the number of students with 15 or more absences. Family Court referrals have proved to be an ineffective means to address this issue with students who are referred to court remaining in the system for over three years with no changes in attendance.

As a means of emphasizing the importance of school attendance, the proposal is to a student who violates the attendance policy may receive the consequences of a failing grade if assigned make up opportunities are not taken and school discipline.

Attendance policy:

- o Students who accrue seven or more absences per quarter will be assigned to evening and/or Saturday make up sessions with the opportunity to complete make up work.
- o Failure to attend assigned make up session(s) will result in unsatisfactory progress towards meeting class standards and GLO attainment (no credit and an unsatisfactory grade for the quarter).

If a waiver is granted, specifics of the policy will be developed for school year 2014-15 with staff, parent, and SCC input and agreement.

- C. If a renewal, describe and evaluate the outcomes of the requested change. Explain what was achieved and the impact on student learning. (Include specific quantitative and/or qualitative data.)

N/A

- D. Please provide additional information (**data and narrative**) for the following type of request applicable:

D1.) Parent-Teacher Conferences:

For a waiver from the DOE Regulation 4510.3 Released Time for Conferences to Report Student Progress, the Superintendent requires that a parent satisfaction survey be conducted and the survey results submitted.

Number of surveys distributed	
Number of surveys returned	
Number of parents in favor	
Number of parents not in favor	
Number of parents undecided	

Summary:

D2.) School Attendance Procedures:

For a waiver from the DOE School Attendance Procedures, Revised August 2001, a comparison of attendance data over a three (3) year period of time is required. Explain the increase or decrease in attendance rates. Provide provisions for allowing students to make-up missed work.

School Year	% of average daily attendance
2012-13	90%
2011-12	90%
2010-11	92%

Rationale:

Attendance is an integral factor in a student's ability to learn and provides opportunities that can only be accessed by being present. In addition, students who are absent are unable to receive the direct benefits of rich discussion. Kohala High School's attendance policy will encourage student presence in school in order to help students reach their academic and career goals. School should be regarded as a student's primary "job" as the habits developed as a high school student will transfer to students' post high school plans of college and career readiness.

School attendance rates have a direct relationship to the school's graduation rate. It is likely that a student who is chronically absent will not be able to be successful in passing classes and earning credit towards graduation.

D3.) Reporting of Quarterly Grades:

For an exception from the collective bargaining contract for teachers for Reporting Quarterly Grades for Schools, an explanation of the interventions provided and the impact on student learning is required.

Number of students failing	
Number of students who received tutorial assistance/interventions	
Number of students whose grades improved after receiving tutorial assistance/interventions	

Explanation:

D4.) Modified Assessment Schedule:

For an exception from the collective bargaining contract for teachers for a Modified Assessment Schedule, an explanation of the interventions provided and the impact on student learning is required. Describe tutorial opportunities provided for students during the assessment week.

Number of students failing	
Number of students who received tutorial assistance/interventions	
Number of students whose grades improved after receiving tutorial assistance/interventions	

Explanation:

E. All Other Requests:

Provide information and explanation as indicated in Sections A, B, and C, and other additional information applicable.

- F. Provide a chronology and summary of discussions and activities that document an inclusive, collaborative and consensus-building decision-making process.

Date	Type of Meeting	Summary of Outcome
10/14/13	Classified Staff Meeting	Discussion regarding the concern of growing number of students arriving at school 20 or more minutes after the start of school and the disproportionate amount of absences on Mondays.
12/5/13	Administrative Team Mtg	Analysis of chronic absences and referrals for tardies
12/11/13	Faculty Meeting	Teacher input regarding the need for an attendance policy that would foster student accountability for attendance and timely report to class. Staff consensus to pursue amended attendance policy.
12/11/13	SCC Meeting	SCC presentation of the status of school attendance data; input provided from parent, classified, teacher, and student shareholders. SCC vote to support the pursuit of an amendment to the current attendance policy.

G. SCC Waiver/Exception Signature Page

WAIVER/EXCEPTION SIGNATURE PAGE

The signatures on this page acknowledge that the decision to request the attached waiver/exception was reached through a collaborative process. If this request is an exception to a collective bargaining agreement, the decision by members of the bargaining unit was achieved through consensus. (Because exceptions to collective bargaining agreements involve the rights of other employees, consensus, specifically by affected unit members, is necessary to waive those rights. It is possible for these unit members to agree on a fallback decision-making option provided that the agreement on the fallback option was reached through consensus.)

Administration *Arthur Souza* Date 12/11/13

Community Representative(s) *Patrick Hoy* Date 12/13/13

Parent Representative(s) *[Signature]* Date 12/11/13

Student Representative(s) *[Signature]* Date 12-11-13

Noncertificated Staff Representative(s) *Chun Kim* Date 12/11/13

Teacher Representative(s) *Margaret Hoy* Date 12/11/13

Afor White Date 12/13/13

Complex Area Superintendent (CAS): Arthur Souza (print name)
This waiver/exception request aligns with the goals and objectives of the school's strategic plan/academic and financial plan.

CAS Signature: *Arthur Souza* Date Dec 12/13

HSTA PROCESS CHECK REQUIREMENT:

To ensure that the process to reach the decision for a contract exception request was followed, (the faculty either reached consensus or failing to reach consensus, the faculty held a secret ballot vote that resulted in active faculty members casting a ballot with 66-2/3% or higher affirmative vote), the Teacher Representative should email the UniServ Director with a cc to Raymond Camacho (rcamacho@hsta.org). Please attach a copy of the email sent to the UniServ Director.

RETURN FORM TO: OCISS, School Renewal and Redesign Section
475 22nd Avenue, Room 109
Honolulu, Hawaii 96816

OR FAX TO: 735-8379

FAILURE TO SUBMIT A COMPLETE AND TIMELY WAIVER/EXCEPTION REQUEST MAY RESULT IN THE REQUEST NOT BEING PROCESSED.

Updated as of 12/03/2012

373 Kohala High
Trend Report:
Educational and Fiscal Accountability
School Report for School Year 2011-2012



A Guide to Understanding Trend Reports explains the educational and fiscal measures and lists schools in each of the 42 complexes for school year 2011-12. The Guide is available on-line at <http://arch.k12.hi.us>.

Background

Student Enrollment	Total	SPED		ELL		Free & Reduced-Cost Lunch Program		Kindergartners Who Attended Preschool
		#	%	#	%	#	%	
School Year	#	#	%	#	%	#	%	%
2009-2010	272	53	19.5%	12	4.4%	136	50.0%	na
2010-2011	259	50	19.3%	13	5.0%	148	57.1%	na
2011-2012	266	45	16.9%	3	1.1%	162	60.9%	na

Teachers	Total	Licensed	Years Experience	5+ Years at This School	Classes Taught by Teachers Meeting NCLB Requirements	Advanced Degree	Early Childhood Endorsement (Gr. K teachers)
School Year	#	%	Average	%	%	%	%
2009-2010	23	91.3%	13.9	70%	70%	21.7%	na
2010-2011	23	91.3%	15.9	70%	84%	26.1%	na
2011-2012	22	100.0%	16.6	77%	82%	31.8%	na

Academic Achievement

Hawaii State Assessment Standards-Based	Reading % Proficient by Grade Level							Math % Proficient by Grade Level						
	3	4	5	6	7	8	10	3	4	5	6	7	8	10
School Year														
2009-2010	na	na	na	na	na	na	77.5	na	na	na	na	na	na	36.6
2010-2011	na	na	na	na	na	na	64.3	na	na	na	na	na	na	30.0
2011-2012	na	na	na	na	na	na	80.6	na	na	na	na	na	na	47.6

Hawaii State Assessment Standards-Based	Science % Proficient by Grade Level			
School Year	4	6	8	10
2009-2010	na	na	na	15.5
2010-2011	na	na	na	7.1
2011-2012	na	na	na	11.5

School Year	Proportion Ready for Kindergarten	Retention Rate %			Dropout Rate % (4-year rate)	Graduate On-Time %	Others %
		Elementary	Middle	Grade 8			
2009-2010	na	na	na	2.7%	3.4%	96.6%	0.0%
2010-2011	na	na	na	8.8%	0.0%	96.4%	3.6%
2011-2012	na	na	na	12.1%	2.7%	94.7%	2.7%

1- Starting in 2010-2011 the new Adjusted Cohort Graduation Rate methodology is used (for a brief explanation see Trend Report Guide)

*Results suppressed to protect student identity, in accordance with the Family Educational Rights and Privacy Act (FERPA)

Updated as of 12/03/2012

Safety and Well-Being

Students	Average Daily Attendance %		Offenses by Type of Incident (number of citations per 1,000 students)					
			Violence		Property		Illicit Substances	
			Elementary	Secondary	Elementary	Secondary	Elementary	Secondary
School Year	Elementary	Secondary	Elementary	Secondary	Elementary	Secondary	Elementary	Secondary
2009-2010	na	92.1%	na	18	na	11	na	0
2010-2011	na	92.1%	na	12	na	4	na	4
2011-2012	na	89.4%	na	15	na	4	na	11

School	Facilities Inspection	Persistently Dangerous Schools (NCLB)	Workers' Compensation Claims		Student and Teacher Perceptions on School Quality Survey		Transition from home/preschool to Kindergarten
			Total # of claims	% of claims resulting in loss-time	Positive Responses		
					% of student	% of teacher	
School Year	Passed?	Yes/No					School mean (range 1-3)
2009-2010	Yes	No	--	--	55.2%	76.6%	na
2010-2011	--	No	2	0.0%	55.0%	67.9%	na
2011-2012	--	No	2	0.0%	74.2%	92.9%	na

Civic Responsibility

School Year	Young Voter Registration	Kids Voting Hawaii		Students Who Are Not Suspended	Service to School/Community	Volunteer Hours
	# of students participating	# of students participating	% of students participating	% of Enrollment	# of projects	# of PCNC volunteer hours per 100 students
2009-2010	--	--	--	96.7%	73	16
2010-2011	--	225	86.9%	96.1%	--	--
2011-2012	37	--	--	92.5%	--	--

Fiscal Accountability

School Year	State General Funds				Significant Budget Changes*
	School Salaried Payroll	Allocation Excluding School Salaried Payroll	Expended	Carryover	
2009-2010	\$2,460,239	\$315,580	\$236,451	\$79,109	none
2010-2011	\$2,459,244	\$315,720	\$253,612	\$62,108	none
2011-2012	\$2,306,286	\$281,477	\$226,371	\$55,106	none

*Explanation of Significant Budget Changes

Margaret
Hoy/KOHALAHI/HIDOE
12/13/2013 12:11 PM

To isimms@hsta.org
cc Colleen Pasco/KOHALAHI/HIDOE@HIDOE,
rcamacho@hsta.org, Christine
Kise/KOHALAHI/HIDOE@HIDOE

bcc

Subject Attendance Waiver for Kohala High School

A vote was taken of the faculty and consensus was achieved for Kohala High School to apply for an Attendance Waiver from the DOE for 2014 school year.

Margaret Hoy
Teacher Representative Kohala HS SCC

*Strive HI: Student Group Performance Report
 Kohala High*

	Reading		Math		Science		Graduation Rate	
	Participation 95%	Proficiency 72%	Participation 95%	Proficiency 64%	Participation 95%	Proficiency 34%	Objective >= 82%	
Target	%	Met?	%	Met?	%	Met?	%	Met?
All Students	96%	Yes	77%	Yes	96%	Yes	63%	No
Disadvantaged	n/a		n/a		n/a		3%	No
Disabled (SPED)	n/a		n/a		n/a		n/a	n/a
Limited English (ELL)	n/a		n/a		n/a		n/a	n/a
Asian/Pacific Islander	n/a		n/a		n/a		4%	No
Black	n/a		n/a		n/a		n/a	n/a
Hispanic	n/a		n/a		n/a		n/a	n/a
Native American	n/a		n/a		n/a		n/a	n/a
White	n/a		n/a		n/a		n/a	n/a
Asian	n/a		n/a		n/a		n/a	n/a
Pacific Islander	n/a		n/a		n/a		n/a	n/a
Native Hawaiian	n/a		n/a		n/a		n/a	n/a
							92%	Yes

Index Classification: Continuous Improvement

** Graduation Rates have been revised.

Source of Displayed Percentage Value

- i ELL and ELL Exits Proficiency Rate
- ii SPED and SPED Exits Proficiency Rate