STATE OF HAWAI'I
BOARD OF EUCATION
P.O. BOX 2360
HONOLULU, HAWAI'I 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 Waimea High School's School Community Council (SCC) Exception Regarding its Revised Attendance Procedures

1. RECOMMENDATION

That the Board of Education (BOE) approves Waimea 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 Waimea High School for the 2014-2015 school year will allow the school to change the Definition of Absent to read: "Absent means the student is not physically present in school or in a scheduled class for at least half of the school day or is absent from each class after 15 minutes from the ending of the tardy bell except if the student is on an authorized school activity."

Waimea High School's attendance rate has remained fairly constant since the 2001-2002 school year. This is attributed largely to the current policy where 15 minutes are used as the cut off time before a student is marked absent, as compared to missing "half of a class period." According to attendance records and teacher reports, students who are tardy report to class between 1 to 5 minutes of the tardy bell ringing, which still leaves a reasonable amount of time for them to be involved and engaged in student learning. Although tardies are a concern, teachers believe the present policy holds students accountable for their learning time.

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

_X_ Renewal

SCHOOL COMMUNITY COUNCIL
WAIVER/EXCEPTION REQUEST FORM
(Please use one form for each request)

SCHOOL: Waimea High

DATE: March 10, 2014

DISTRICT: Kauai

COMPLEX: West

Achieved AYP: ___Yes _X_No

School Proficiency Levels:

Reading Gr 10 72.8 % Gr ___ ___%

Math Gr 10 34.4 % Gr___ ___%
(2010-11 Baseline)

School Status:
____ In Good Standing, Unconditional
____ In Good Standing, Pending
____ Needs improvement Yr. 1
____ Needs improvement Yr. 2
_X_ Corrective Action
____ Planning for Restructuring
____ Restructuring

*****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.

BOE Attendance Policy 4145 – The Department of Education shall establish procedures for the admission and attendance of students in the public schools of Hawaii in accordance with laws, rules, policies and regulations.

Revised DOE Attendance Policy September 2008 –
Definition of Absent – Means that the student is not physically present in school or in a scheduled class for at least half of the school day or class period except if the student is on an authorized school activity.

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.

1. Waimea High School would like to change the definition for our purpose to read "Absent means the student is not physically present in school for at least half of the school day or "absent from each class after 15 minutes from the ending of the tardy bell except if the student is on an authorized school activity.

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.)

Waimea High School is, presently, on a 79 minute block schedule. A student would miss up to 39.5 minutes of the class period before being marked absent if we adhere to the DOE policy. The faculty voted on implementing 15 minutes because the attendance is taken within that time and the majority of direct instruction is beginning to be presented. Teachers feel that the DOE policy is too lenient and that some of the students will deliberately miss half of the class knowing it would only be counted as a tardy and not as an absence. Missing so much information will lead to probable failure and possibly, more attendance issues. With the present 15 minute policy, the majority of the students are getting to class on time. According to our attendance records and teacher reports, students who are tardy, report to class between 1 to 5 minutes of the tardy bell ringing, still within a reasonable time to be involved. Since SY 2001-2002 Waimea High has been below the DOE's 95% average daily attendance benchmark averaging just over 91%, but the data that is important to us is that more than 95% of our students are in class on time and we feel it is because students are aware that they will be marked absent if they do not get to class within 15 minutes of the tardy bell. The faculty understands that implementing the DOE's policy would decrease our daily absentee rate and increase our daily attendance rate because students could not be reported as absent until half of the period is over but, they would rather only allow 15 minutes to send the message that being in class on time is very important. Although tardies are a concern, teachers feel that the present policy holds the students accountable for learning from bell to bell.

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
2012-2013	94.2%
2011-2012	94.5%
2010-2011	93.4%

Rationale: Our average daily attendance rate has remained fairly constant since SY 2001-2002. We attribute a major portion of it to the fact that we are using 15 minutes as the cut off for absences as opposed to the "half a class period" definition. We feel using the DOE's definition would improve our daily average attendance rate drastically, but it would increase our tardy rates and cause tardy students to miss more time in class, therefore missing more information which may lead to possible failure or other attendance issues. We would rather decrease the time a student has of missing valuable information be enforcing a stricter policy. Thus only allowing 15 minutes before a student is marked as absent. Our tardies still remain a problem but the time missed is minimal compared to half of a period.

Even though students are marked absent after 15 minutes, they are still allowed in class to participate in the daily lesson and make up what was missed in the first 15 minutes or so. If a student is absent for the day they are allowed to make up work per the DOE's attendance policy. Teachers are allowed 24 hours from the time of request to provide it to our counselors where parents and/or student may pick it up. Students are given make up work from day 1 of their absences.

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
November 18, 2013	SCC Meeting	Consensus - Positive
November 15, 2013	Faculty Memo	Consensus - Positive
February 10, 2014	SCC Meeting	Consensus - Positive
March 6, 2014	Faculty Meeting	Consensus - Positve

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 [signature] Date 3-10-2014

Community Representative(s) Arlene Kuapahi Date March 10, 2014

Parent Representative(s) [signature] Date 3/10/14

Student Representative(s) Julia Hirano Date 3/10/14

Noncertificated Staff Representative(s) Michael Lazar Date 3/10/14

Teacher Representative(s) [signature] Date 03/10/14

_____ Date _____

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

CAS Signature: [signature] Date 3/10/14

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: School Renewal and Redesign Section
475 22nd Avenue, Building 302, Room 109
Honolulu, Hawaii 96816

Or FAX: 735-8379

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

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Trend Report: Educational and Fiscal Accountability

School Report for School Year 2012-2013

A Guide to Understanding Trend Reports explains the educational and fiscal measures and lists schools in each of the complexes for the school year 2012-13. 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	#	#	%	#	%	#	%	%
2010-2011	679	61	9.0%	34	5.0%	275	40.5%	na
2011-2012	618	50	8.1%	34	5.5%	278	45.0%	na
2012-2013	606	54	8.9%	29	4.8%	299	49.3%	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	%	%	%	#
2010-2011	45	95.6%	17.0	71%	84%	42.2%	na
2011-2012	41	95.1%	16.5	76%	82%	34.1%	na
2012-2013	39	100.0%	16.7	79%	75%	41.0%	na

Academic Achievement

Hawaii State Assessment Standards-Based	Reading % Proficient by Grade Level							Math % Proficient by Grade Level						
School Year	3	4	5	6	7	8	10	3	4	5	6	7	8	10
2010-2011	na	na	na	na	na	na	53.8	na	na	na	na	na	na	21.3
2011-2012	na	na	na	na	na	na	72.8	na	na	na	na	na	na	34.4
2012-2013	na	na	na	na	na	na	68.9	na	na	na	na	na	na	31.1

Hawaii State Assessment Standards-Based	Science % Proficient by Grade Level			
School Year	4	8	10	HS
2010-2011	na	na	12.6	--
2011-2012	na	na	31.1	--
2012-2013	na	na	--	13.0

School Year	Proportion Ready for Kindergarten	Retention Rate %			Dropout Rate % (4-year rate)	Graduate On-Time %	Others %
		Elementary	Middle	Grade 9			
2010-2011	na	na	na	5.4%	12.3%	85.0%	2.7%
2011-2012	na	na	na	12.5%	11.8%	84.8%	3.4%
2012-2013	na	na	na	11.3%	12.4%	85.7%	1.9%

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

Safety and Well-Being

Students	Average Daily Attendance %		Offenses by Type of Incident (number of citations per 1,000 students)					
			Violence		Property		Illicit Substances	
School Year	Elementary	Secondary	Elementary	Secondary	Elementary	Secondary	Elementary	Secondary
2010-2011	na	93.4%	na	50	na	19	na	34
2011-2012	na	93.5%	na	45	na	11	na	18
2012-2013	na	93.3%	na	23	na	3	na	17

School	Persistently Dangerous Schools (NCLB)	Workers' Compensation Claims		Student and Teacher Perceptions on School Quality Survey		Transition from home/preschool to Kindergarten
School Year	Yes/No	Total # of claims	% of claims resulting in loss-time	Positive Responses		School mean (range 1-3)
				% of student	% of teacher	
2010-2011	No	8	0.0%	39.9%	58.3%	na
2011-2012	No	4	0.0%	65.7%	84.3%	na
2012-2013	No	3	0.0%	69.3%	92.8%	na

Civic Responsibility

	Young Voter Registration	Kids Voting Hawaii		Students Who Are Not Suspended	Volunteer Hours
School Year	# of students participating	# of students participating	% of students participating	% of Enrollment	# of PCNC volunteer hours per 100 students
2010-2011	--	511	75.3%	82.8%	5
2011-2012	--	--	--	85.1%	302
2012-2013	--	236	38.9%	88.3%	--

Fiscal Accountability

	State General Funds				Significant Budget Changes*
School Year	School Salaried Payroll	Allocation Excluding School Salaried Payroll	Expended	Carryover	
2010-2011	$4,381,892	$442,310	$298,384	$143,926	none
2011-2012	$4,178,812	$349,770	$246,300	$103,470	none
2012-2013	$3,783,914	$508,011	$464,891	$43,120	none

*Explanation of Significant Budget Changes

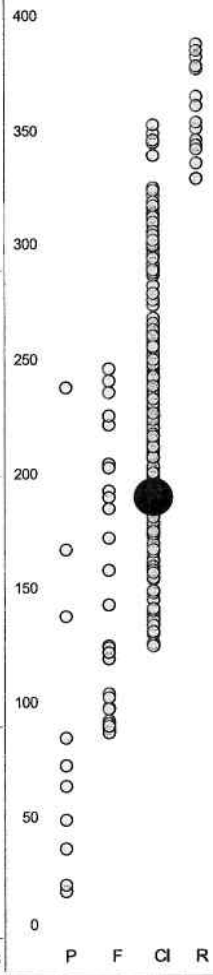
Waimea High Strive HI 2012-13 Step: **Continuous Improvement** Index Score: **189**

Automatic Classification: None

	Step 1		Step 2 - Unweighted Points		Step 3	Step 4 - Weighted Points	
Achievement	Math Proficiency **32%**	**Math Achievement** (Math Proficiency Rate) x (40pts)	13	43 pts of 100 pts	**Achievement** (High School Weight) 43 x (1.0) = 43	13	43 pts of 100 pts
	Reading Proficiency **69%**	**Reading Achievement** (Reading Proficiency Rate) x (40pts)	28			28	
	Science Proficiency **13%**	**Science Proficiency** (Science Proficiency Rate) x (20pts)	3			3	
Growth	Math Median SGP **31**	**Math SGP** Points assigned based on growth category	0	0 pts of 100 pts	**Growth** (High School Weight) 0 x (0.6) = 0	0	0 pts of 60 pts
	Reading Median SGP **38**	**Reading SGP** Points assigned based on growth category	0			0	
Readiness	11th Grade ACT **30%**	**11th Grade ACT** (11th Grade ACT Rate) x (45pts)	14	60 pts of 100 pts	**Readiness** (High School Weight) 60 x (2.0) = 121	27	121 pts of 200 pts
	Grad Rate **85%**	**On-Time Graduation** (Graduation Rate) x (50pts)	43			87	
	College-Going Rate **71%**	**College-Going** (College-Going Rate) x (5pts)	4			7	
Achievement Gap	Non-High Needs Proficiency **63%**	**Current-Year Gap** Points assigned based on Current-Year Gap Rate*	34	69 pts of 100 pts	**Achievement Gap** (High School Weight) 69 x (0.4) = 28	14	28 pts of 40 pts
	High-Needs Proficiency **42%**	* *(NHN - HN) / (NHN)*					
	Gap Reduction **25%**	**Two-Year Gap Reduction** Points assigned based on Gap Reduction Rate* * *(2010 gap - 2012 gap) / (2010 gap)*	35			14	

189 pts of 400 pts

Step 5 - All Schools



For more information: hawaiipublicschools.org

‡ Numbers may be rounded for presentation purposes.