

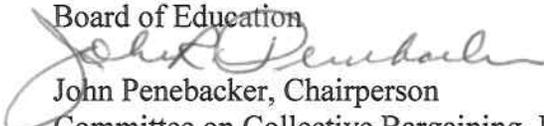


**STATE OF HAWAII
BOARD OF EDUCATION**

P. O. BOX 2360
HONOLULU, HAWAII 96804

February 17, 2011

TO: The Honorable Garrett Toguchi, Chairperson
Board of Education

FROM: 
John Penebacker, Chairperson
Committee on Collective Bargaining, BU 05

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) approve Kohala High School's SCC Exception request allowing the school to implement revised attendance procedures for the 2011-2012 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 BU05 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 School, Honokaa High and Intermediate School, Kahuku High and Intermediate School, Kailua High School, Kaiser High School, Kalaheo High School, Kalani High School, Kauai High School, Kohala High School, Leilehua High School, Maui High School, Mililani High School, Waiakea High School, Waialua High School, Waianae High School, and Waipahu High School.

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 attendance procedures requested by Kohala High School for 2011-2012 school will allow the school to:

- Continue and sustain graduation rate and average daily attendance rate.

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 1401).
- 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 decision (419 US 595-1975) 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 February 3, 2011.

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 organization, 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.

JP:JZ:lt

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: 12/08/10

DISTRICT: Hawaii COMPLEX: Kohala

Achieved AYP: Yes No

School Status:

In Good Standing, Unconditional

In Good Standing, Pending

Needs improvement Yr. 1

Needs improvement Yr. 2

Corrective Action (Yr. 1)

Planning for Restructuring

Restructuring

School Proficiency Levels:

Reading Gr 10 77.5 %Gr %

Math Gr 10 36.6 %Gr %

*****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.

See attached Attendance Policy and Procedure

- 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.

Continue and sustain graduation rate and average daily attendance rate. See attached reports.

- 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.)

2009-2010 96.6% of students graduated on time
2009-2010 92.1% average daily attendance

- 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
2007-2008	98.2%
2008-2009	91.8%
2009-2010	92.1%

Rationale:

Attendance is a vital part of the education process and necessary for participation in a class. This policy has allowed Kohala High School to maintain an average daily attendance rate of over 90% since SY 2002-2003. See attached reports.

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
07/27/10	Full Faculty Meeting	Review of policies and procedures
10/21/10	SCC Meeting Waiver/Exception	Community Meeting/Parent Conf.
11/10/10	SCC Meeting Waiver/Exception Agenda Item	Principal will check to see if we need to file waiver for attendance policy, Chair will check with Registrar, AD and HSTA regarding implications of "early submittal of grades." SCC recommends investigating this option upon recommendation of AD.
12/08/10	Full Faculty Meeting	Discussion on early submittal of grades resulted with AD deciding to meet w/ BIIF to review grade check calendar
12/08/10	SCC Meeting	Reviewed Waiver/Exception Request, signed and submitted

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 Catherine Grant Date 12-8-10

Community Representative(s) Patricia Hoy Date 12-8-10

Parent Representative(s) [Signature] Date 12/8/10

Student Representative(s) [Signature] Date 12/8/10

Noncertificated Staff Representative(s) Christine Kue Date 12-8-10

Teacher Representative(s) Margaret Hoy Date 12-8-10

Samela Mauer Date 12-8-10

Complex Area Superintendent (CAS): ARTHUR F. 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: [Signature] Date Dec 8/10

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.

KOHALA HIGH SCHOOL ATTENDANCE POLICY AND PROCEDURE

Attendance is a vital part of the education process and necessary for participation in a class. Therefore, students are expected to be in school and on time.

Students are only allowed six (6) unexcused absences from any class per quarter. If a student reaches seven (7) unexcused absences in any class, the student will receive an F on his/her report card for that class.

The student's continued participation in the class will be required in order to calculate the grade and attendance grade for the semester/year grade.

Every third unexcused tardy to a class will be converted to one (1) unexcused absence by the classroom teacher. Students tardy to school after 8:05 am will report to the office for a tardy or admit slip.

For absences due to suspensions, teachers are required to provide make-up work. However, automatic zeros may be given for assignments students are not allowed to make up. F's and zeros may be given to students who are truant to school and/or cut class.

Parents will contact the school office by 9:00am when a student is absent. The school will notify parents by phone or mail within five (5) school days of unexplained absences/tardies from school/class. Parents will also be notified if a student has been absent four (4) or more days.

Special exemption for student absence may be granted under the following conditions:

- a. Parent/guardian submits in writing prior to the absence the reason for the absence, the number of days the student will be absent, and an Academic Plan.
- b. Academic Plans must include activities/projects relating to each of the student's classes with the current course of study and have each teacher's approval.
- c. The Academic Plan is the responsibility of the student and parent/guardian.
- d. The student may still receive a failing grade if the goals of the Academic Plan are not met.

ATTENDANCE REVIEW BOARD

The review board will be guided by the principles of fairness and will pay special attention to the attendance history, class participation, class work performance, grades, social adjustment, and attitudes of students affected by this policy

Students who have seven (7) or more absences may appeal to the Attendance Review Board by filing an application at the school office. Only absences related to the illness or family crisis may be considered for appeal.

The Board will have representation from all SCC components, elected by their constituents, and serve for one year. Decisions will be made by a majority vote and in a timely manner.

Board decisions may be appealed to SCC; SCC decisions may be appealed to the Department of Education.

The principal may declare a student's absence excused if the absence has the required verification by a doctor/school Health Aide, or if there is a confidentiality issue.

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Kohala High
Trend Report:
Educational and Fiscal Accountability



School Report for School Year 2009-2010

A Guide to Understanding Trend Reports explains the educational and fiscal measures and lists schools in each of the 42 complexes for school year 2009-10. 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	#	#	%	#	%	#	%	%
2007-2008	283	64	22.6%	11	3.9%	124	43.8%	na
2008-2009	281	69	24.6%	19	6.8%	127	45.2%	na
2009-2010	272	53	19.5%	12	4.4%	136	50.0%	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	%	%	%	#
2007-2008	26	84.6%	14.5	65%	52%	15.4%	na
2008-2009	28	85.7%	13.5	61%	53%	25.0%	na
2009-2010	23	91.3%	13.9	70%	70%	21.7%	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																
2007-2008	na	na	na	na	na	na	62.5	na	na	na	na	na	na	20.8		
2008-2009	na	na	na	na	na	na	62.7	na	na	na	na	na	na	8.5		
2009-2010	na	na	na	na	na	na	77.5	na	na	na	na	na	na	36.6		

Hawaii State Assessment Standards-Based	Science % Proficient by Grade Level					
	4	5	6	7	10	11
School Year						
2007-2008	na	na	na	na	--	20.3
2008-2009	na	na	na	na	--	16.9
2009-2010	na	na	na	na	15.5	--

TerraNova Assessment National sample scoring at Average & above = 77	Grade Level	Reading % Average & Above								Math % Average & Above							
		3	4	5	6	7	8	10	3	4	5	6	7	8	10		
School Year																	
2007-2008		na	na	na	na	na	na	69.4	na	na	na	na	na	na	69.4		
2008-2009		na	na	na	na	na	na	74.6	na	na	na	na	na	na	69.5		
2009-2010		na	na	na	na	na	na	80.3	na	na	na	na	na	na	77.5		

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

Academic Achievement (continued)

School Year	Proportion Ready for Kindergarten	Retention Rate %			Dropout Rate % (4-year rate)	Graduate On-Time %	Others %
		Elementary	Middle	Grade 9			
2007-2008	na	na	na	2.9%	0.0%	100.0%	0.0%
2008-2009	na	na	na	5.3%	4.8%	88.9%	6.3%
2009-2010	na	na	na	2.7%	3.4%	96.6%	0.0%

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
2007-2008	na	98.2%	na	67	na	28	na	39
2008-2009	na	91.8%	na	25	na	4	na	28
2009-2010	na	92.1%	na	18	na	11	na	0

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	% of student	% of teacher	
School Year	Passed?	Yes/No			Positive Responses		School mean (range 1-3)
2007-2008	Yes	No	2	0.0%	45.6%	74.3%	na
2008-2009	Yes	No	1	0.0%	53.2%	71.4%	na
2009-2010	Yes	No	--	--	55.2%	76.6%	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
2007-2008	37	--	--	79.9%	53	34
2008-2009	--	246	87.5%	84.0%	94	40
2009-2010	--	--	--	96.7%	73	16

Fiscal Accountability

School Year	State General Funds				Significant Budget Changes*
	School Salaried Payroll	Allocation Excluding School Salaried Payroll	Expended	Carryover	
2007-2008	\$2,601,570	\$621,953	\$554,720	\$67,233	none
2008-2009	\$2,836,901	\$433,610	\$390,325	\$43,285	none
2009-2010	\$2,460,239	\$315,560	\$236,451	\$79,109	none

*Explanation of Significant Budget Changes

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
2004-2005	na	97.0%	na	14	na	7	na	33
2005-2006	na	97.6%	na	21	na	0	na	32
2006-2007	na	97.6%	na	37	na	20	na	17

School	Facilities Inspection	Persistently Dangerous Schools (NCLB)	Workers' Compensation Claims		Student and Teacher Perceptions on School Quality Survey (bi-ennial)		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)
2004-2005	Yes	No	8	25.0%	48.8%	85.1%	na
2005-2006	Yes	No	1	0.0%	--	--	na
2006-2007	Yes	No	1	0.0%	52.3%	87.8%	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
	2004-2005	11	194	70.3%	90.9%	9
2005-2006	1	--	--	86.7%	40	28
2006-2007	20	131	44.1%	82.8%	51	98

Fiscal Accountability

School Year	State General Funds				Significant Budget Changes*
	School Salaried Payroll	Allocation Excluding School Salaried Payroll	Expended	Carryover	
2004-2005	\$2,181,730	\$327,015	\$289,889	\$37,126	none
2005-2006	\$2,363,414	\$472,525	\$447,021	\$25,504	none
2006-2007	\$2,571,442	\$678,170	\$609,995	\$68,175	none

*Explanation of Significant Budget Changes

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
2002-2003	na	92.3%	na	--	na	--	na	--
2003-2004	na	94.6%	na	27	na	27	na	7
2004-2005	na	97.0%	na	14	na	7	na	33

School	Facilities Inspection	Persistently Dangerous Schools (NCLB)	Workers' Compensation Claims		Student and Teacher Perceptions on School Quality Survey (bi-ennial)		Transition from home/preschool to Kindergarten
			Total # of claims	% of claims resulting in loss-time	% of student positive responses	% of teacher positive responses	
School Year	Passed?	Yes/No	Total # of claims	% of claims resulting in loss-time	% of student positive responses	% of teacher positive responses	School mean (range 1-3)
2002-2003	Yes	No	--	--	53.4%	87.9%	na
2003-2004	Yes	No	--	--	--	--	na
2004-2005	Yes	No	8	25.0%	48.8%	85.1%	na

Civic Responsibility

School Year	Young Voter Registration	Kids Voting Hawaii		Students Who Are Not Suspended	Service to School/Community	Parent Volunteers
	# of students participating	# of students participating	% of students participating	% of Enrollment	# of projects	# of PCNC parent hours per 100 students
2002-2003	--	94	31.5%	86.2%	--	--
2003-2004	22	--	--	88.9%	0	--
2004-2005	11	194	70.3%	90.9%	9	281

Fiscal Accountability

School Year	State General Funds				Significant Budget Changes*
	School Salaried Payroll	Allocation Excluding School Salaried Payroll	Expended	Carryover	
2002-2003	\$2,311,467	\$277,945	\$257,337	\$20,608	none
2003-2004	\$2,153,327	\$318,457	\$286,973	\$31,484	none
2004-2005	\$2,181,730	\$327,015	\$289,889	\$37,126	none

*Explanation of Significant Budget Changes