



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

July 2, 2013

TO: The Honorable Donald Horner, Chairperson
Board of Education

FROM: Douglas Murata, Board of Education Designee
Wilfred Keola, Board of Education Designee

Handwritten signatures of Douglas Murata and Wilfred Keola in black ink.

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

1. **RECOMMENDATION**

That the Board of Education (BOE) approve Leilehua High School's SCC Exception Request allowing the school to implement revised attendance procedures for the 2013-2014 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.

The purpose of the revised attendance procedures is to ensure that students attend school regularly and fully participate in their learning activities. The revised procedures are as follows:

- Students with authorized absences are required to make-up assignments within two (2) class periods upon return or as directed by the teacher.
- Suspensions are unauthorized absences. Students will not be allowed to make-up assignments missed during that period.
- Truancy means that the student is absent from school or class without authorization; therefore, the student will not be allowed to make-up work, quizzes, or exams.
- Two (2) unauthorized tardies in the same class equals one (1) unauthorized absence.
- Students reporting to a class more than halfway through the period are considered absent.

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, Maui High School, Mililani High School, Waiakea High School, Waialua High School, Waianae High School, Waimea 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 Leilehua High School for 2013-2014 school will allow the school to:

- Encourage students to become cognizant of the importance of secondary education and understand their responsibilities as a learner and a citizen.
- Encourage students to be more engaged and successful as they participate in the educational setting.
- Better prepare students for the world of work.
- Provide an atmosphere conducive to learning, engaging the family in their child's education through closer communication between home and school.

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 June 7, 2013.

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.

DM/WK:JZ:ah

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: Leilehua High

DATE: December 10, 2012

DISTRICT: Central

COMPLEX: Leilehua

Achieved AYP: Yes X No

School Status:

School Proficiency Levels:

 In Good Standing, Unconditional

 In Good Standing, Pending

 Needs improvement Yr. 1

 Needs improvement Yr. 2

 Corrective Action

 Planning for Restructuring

 X Restructuring

Reading Gr 10 67 %

Math Gr 10 53 %

*****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, Assessing/Grading Student Performance. "...Grades given to students enrolled in the Hawaii public school system shall be based on their achievement of the Hawaii Content and Performance Standards which specify what students should know and be able to do."

Board of Education Policy #4530, Credits. "Credit shall be basically an expression of progress and learning rather than merely time spent."

- 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 believes that regular school attendance directly impacts student achievement but it is equally critical that students take responsibility for their learning. A part of the school's vision states "Students, motivated to set and achieve their own goals, accept responsibility for their decisions that affect self and society." It is validated by the Hawai'i General Learner Outcome (GLO): "the ability to be responsible for one's own learning." Regular school attendance certainly influences a student's ability to master our standards and fully integrate the GLOs into their lifestyle.

The SCANS report that gave rise to the national School-to-Work movement emphasizes that students need to learn the skills and attitudes important to the business world. Just as important as the foundation skills of reading and mathematics are the personal attitudes based upon a work ethic where students learn to be on time and to make full use of their time to generate quality products and processes. This notion is further supported by the

International Center for Leadership in Education whose “Learning Criteria to Support 21st Century Learners” highlights “Personal Skill Development” as one of the 4 major criteria. Personal skill development includes “measures of personal, social, service, and leadership skills and demonstrations of positive behaviors and attitudes”. The teaching and development of positive character traits and good work habits can only be accomplished when students are held accountable for their learning time and the responsibilities and privileges that accompany that time.

The school community has already put into place policies and practices based on research of time constraints: an assessment schedule which begins later in the day to help students maximize their growth development and longer blocks of class time to encourage depth of learning that hands-on applications require (“Timepiece: Extending and Enhancing Learning Time.”). With this concern for the best use of time in school, it behooves the student to be responsible for his presence and contributions to every class in which he is enrolled. As part of a working system within the classroom, the student needs to fulfill the consequences of absences and tardiness, which impact not only his own learning, but that of the mini-society in which he is a viable member. The proposed attendance guidelines do not penalize the occasional illness and/or family emergency but clearly defines the parameters for school attendance and accountability for unauthorized absences and tardies.

Students are encouraged to fully utilize the school’s extensive extended day program. A Homework Center is available every day after school (2:45 p.m. – 4:30 p.m.) and SMARTS (Students Maximizing Academic Resources and Tutorial Services) every Tuesday and Thursday evenings from 6:00 p.m. – 8:00 p.m. It is important to note that students do not fail a course for attendance/non-attendance. Grades are earned based on the extent to which a student demonstrates their understanding of the content standards.

- 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.)

This exception waiver has been a very significant factor in the improvement of our student attendance. Prior to the implementation of this waiver, the school’s attendance rate was less than satisfactory at 87%. Over the course of this exception waiver, the school attendance rate has risen above 90% and usually fluctuates from year to year between 93% and 94%. This significant improvement has no doubt impacted gains in other performance indicators. It is important to note that Leilehua has had this attendance waiver since SY 2000-01 and ever since its inception, the attendance rate has never been lower than 92% except for school year 2008-2009. Please see the table below for more details.

Attendance rates before and after the attendance policy waiver

BEFORE attendance policy	Attendance rate
SY 1998-99	87.6%
SY 1999-00	90.4%
AFTER attendance policy	
SY 2000-01	94%
SY 2001-02	94%

SY 2002-03	93.6%
SY 2003-04	93.3%
SY 2004-05	94%
SY 2005-06	94%
SY2006-07	93.5%
SY 2007-08	93.1%
SY 2008-09	91.0%
SY 2009-10	92.6%
SY 2010-11	93.5%
SY 2011-12	93.2%

Overall student achievement has improved tremendously over the years also. While the attendance policy cannot be the sole causal factor for the increase in student achievement, it certainly plays a pivotal role in contributing to a learning environment that emphasizes personal responsibility for one's learning.

While a direct causal correlation between the attendance policy exception and student achievement may not be able to be made, there is no doubt that education at Leilehua High School is realizing improvement over time. The attendance policy exception is an essential part of the many innovations that are in place that contribute to a school culture that focuses on student achievement.

There have been numerous discussions in different venues about the attendance policy exception and every role group supports its continuance. The School Community Council, who has the authority to make policy decisions for the school, unanimously supports the policy. Overturning the decision of the School Community Council undermines the concept of site-based management. This will greatly demoralize all role groups in the Leilehua High School community.

- 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
SY 2009-10	92.6%
SY 2010-11	93.5%
SY 2011-12	93.2%

Rationale:

As noted earlier, Leilehua has had this attendance policy waiver in effect since SY 2000-01. It is important to examine attendance data prior to that time to understand the continued need for an attendance policy exception. The data table presented earlier is repeated below.

Attendance rates before and after the attendance policy waiver

BEFORE attendance policy	Attendance rate
SY 1998-99	87.6%
SY 1999-00	90.4%
AFTER attendance policy	
SY 2000-01	94%
SY 2001-02	94%
SY 2002-03	93.6%
SY 2003-04	93.3%
SY 2004-05	94%
SY 2005-06	94%
SY 2006-07	93.5%
SY 2007-08	93.1%
SY 2008-09	91.0%
SY 2009-10	92.6%
SY 2010-11	93.5%
SY 2011-12	93.2%

Since the inception of the attendance policy, Leilehua's attendance rate has never dropped below 92.6% except in SY 2008-09 while it was at a dismal 87% and 90% in the 2 years prior to the attendance policy.

The attendance policy exception specifically defines unauthorized absences as being absences that students are not allowed to make up work for a grade. However, students are still entitled and expected to do the work missed during an unauthorized absence so that they can keep up with the teaching and learning that is occurring in their classes.

Attached: Attendance Policy and Procedures

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 13, 2012	Instructional Council	Discussion and decision to support continued request
November 13, 2012	School Community Council	Discussion and decision to support continued request
November 14, 2012	Departments	Discussion and consensus
December 10, 2012	School Community Council	Confirmation of support for continued request
January 9, 2013	Faculty	Discussion of exception and attempt to reach consensus

Attendance Policy & Procedures

AUTHORIZED absences include approved school activities, administratively directed absences, family bereavement, up to two parent notes each quarter, and absences with **OFFICIAL DOCUMENTATION** for medical, dental, and court appointments.

Students without official documentation may submit an Attendance Verification Form to appeal an unauthorized absence. It should be noted, however, that approvals will be limited to the above mentioned absences listed under authorized absences. Administrative approvals will not be granted during final assessment periods unless with official documentation.

Students with **AUTHORIZED** absences must make up their assignments within **TWO** class periods or as directed by their teacher. Students who are granted authorized absences through the parent confirmation process will also have **TWO** class periods (from the date the confirmation is accepted) to submit make-up assignments. "Attendance Verification Forms" must be submitted to an administrator within **TWO** days of the student's return to school.

Suspensions are **UNAUTHORIZED** absences. Students will **NOT** be allowed to make-up assignments missed during that period.

TRUANCY means that the student is absent from school or class without authorization of the principal or designee. The student receives a **ZERO** for the class with no possibility for make-up work or exams. The school administration will proceed with consequences as outlined by DOE regulation, in concert with working agreements with HPD and Family Court.

TARDY POLICY:

Students reporting to class more than halfway through the period are considered absent. An unauthorized tardy will result in an automatic **ZERO** for all assignments during that period, including exams. Appeals for authorized "tardies" must be made **IN PERSON** by the parent/guardian at the time the student reports to school. Parent/guardian notes will **NOT** be accepted.

Student's Responsibility:

- *Within TWO days of returning to school*, present a completed Attendance Verification Form to an administrator, along with official documentation for medical, dental, and court appointments.
- Have all teachers acknowledge and sign Verification. For authorized absences, turn in all work due and obtain all missed assignments within two class periods of the date signed by an administrator.
- Keep all documents on file for future reference.
- Students must monitor their own attendance through the quarter.
- For authorized absences, complete make-up assignments and submit to the appropriate teacher as directed.

Parent's Responsibility:

- Provide official documentation for medical, dental, or court appointments.
- Monitor student's attendance, "tardies", and academic performance.
- Schedule vacations and student appointments during non-instructional time.
- When necessary, sign the completed Attendance Verification Form.

Teacher's Responsibility:

- Inform students of the LHS Attendance Policy & Procedures.
- Maintain accurate attendance records.
- Meet with student and contact parent/guardian at the THIRD unauthorized absence and review the Attendance Policy & Procedures. Complete the RFA (Request for assistance form) and send a copy to the counselor for follow up.
- Meet with students at the FIFTH unauthorized absence and review Attendance Policy & Procedures. Complete the RFA and send a copy of the form to the counselor for further action. Keep the original copy on file.
- Attend scheduled parent conferences.
- Seek administrative approval for field trips/school activities by due date. Distribute an attendance list for field trips in a timely manner.

***Additional Attendance Verification Forms are available in the front office at all times and may be found in this planner on page 29. For the complete LHS Attendance Policy & Procedures, please call the school office.

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 ACofemas Date 11/13/12

Community Representative(s) Wayne n. Yoshino Date 11/13/12

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

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

Noncertificated Staff Representative(s) Kathy John Date 11-13-12

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

[Signature] Date 11/13/12

Complex Area Superintendent (CAS): Dr. John Brummel (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 1/7/13

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: 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.

214

Leilehua 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	1,900	251	13.2%	109	5.7%	784	41.3%	na
2010-2011	1,958	271	13.8%	100	5.1%	827	42.2%	na
2011-2012	1,930	241	12.5%	86	4.5%	924	47.9%	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	126	91.3%	11.2	64%	76%	37.3%	na
2010-2011	127	90.6%	12.5	68%	81%	38.6%	na
2011-2012	126	94.4%	11.7	66%	80%	38.1%	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	73.5	na	na	na	na	na	na	46.4		
2010-2011	na	na	na	na	na	na	66.8	na	na	na	na	na	na	42.9		
2011-2012	na	na	na	na	na	na	64.5	na	na	na	na	na	na	48.3		

Hawaii State Assessment Standards-Based	Science % Proficient by Grade Level			
	4	6	8	10
School Year				
2009-2010	na	na	na	28.9
2010-2011	na	na	na	18.0
2011-2012	na	na	na	15.8

School Year	Proportion Ready for Kindergarten	Retention Rate %			Dropout Rate % (4-year rate)	Graduate On-Time %	Others %
		Elementary	Middle	Grade 9			
2009-2010	na	na	na	11.0%	18.1%	79.9%	2.0%
2010-2011	na	na	na	8.7%	15.5%	81.6%	2.9%
2011-2012	na	na	na	5.2%	13.6%	84.2%	2.1%

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)

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
2009-2010	na	92.6%	na	19	na	4	na	12
2010-2011	na	93.5%	na	39	na	4	na	16
2011-2012	na	93.7%	na	33	na	4	na	12

School	Facilities Inspection	Persistently Dangerous Schools (NCLB)	Workers' Compensation Claims		Student and Teacher Perceptions on School Quality Survey		Transition from home/preschool to Kindergarten
School Year	Passed?	Yes/No	Total # of claims	% of claims resulting in loss-time	Positive Responses		School mean (range 1-3)
					% of student	% of teacher	
2009-2010	Yes	No	4	25.0%	53.7%	82.4%	na
2010-2011	--	No	2	0.0%	50.9%	78.4%	na
2011-2012	--	No	4	0.0%	72.1%	92.4%	na

Civic Responsibility

	Young Voter Registration	Kids Voting Hawaii		Students Who Are Not Suspended	Service to School/Community	Volunteer Hours
School Year	# of students participating	# of students participating	% of students participating	% of Enrollment	# of projects	# of PCNC volunteer hours per 100 students
2009-2010	149	--	--	95.6%	70	--
2010-2011	--	1,619	82.7%	93.3%	--	--
2011-2012	--	--	--	95.0%	--	--

Fiscal Accountability

School Year	State General Funds				Significant Budget Changes*
	School Salaried Payroll	Allocation Excluding School Salaried Payroll	Expended	Carryover	
2009-2010	\$9,376,573	\$1,179,032	\$1,050,168	\$128,864	none
2010-2011	\$9,771,007	\$1,315,993	\$901,808	\$414,185	none
2011-2012	\$9,748,358	\$1,029,123	\$1,004,573	\$24,550	none

*Explanation of Significant Budget Changes