



**STATE OF HAWAII
BOARD OF EDUCATION**

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May 3, 2018

TO: Board of Education

FROM: Lance A. Mizumoto
Chairperson, Board of Education

AGENDA ITEM: Board Action on charter school waivers from Board Policy 102-15, High School Graduation Requirements and Commencement, for the following schools:

Hakipu'u Learning Center
Hawaii Technology Academy
Kanu o ka 'Āina New Century Public Charter School
University Laboratory School

I. BACKGROUND

At its July 16, 2013, general business meeting, the Board of Education ("Board") granted a waiver to University Laboratory School from the graduation requirements set forth in Board Policy 4540, High School Graduation Requirements and Commencement Policy, a predecessor to current Board Policy 102-15, High School Graduation Requirements and Commencement.¹ At its June 7, 2016, general business meeting, the Board granted waivers to Hakipu'u Learning Center, Hawaii Technology Academy, and Kanu o ka 'Āina New Century Public Charter School from the graduation requirements set forth in Board Policy 104.1, Graduation and Related, also a predecessor to Board Policy 102-15.

The graduation requirements set forth in University Laboratory School's plan were comparable to requirements set forth by the Board's policy. However, University Laboratory School set higher requirements in core subject areas in lieu of as many elective courses, while the Board's policy required less credits in core subject areas and a higher amount of

¹ View Board Policy 102-15 here:

<http://boe.hawaii.gov/policies/Board%20Policies/High%20School%20Graduation%20Requirements%20and%20Commencement.pdf>.

credits in elective courses. University Laboratory School required more credits for graduation in most of its core areas, except for language arts and social studies, in which it required the same number as required by the Board's policy. Rather than seeking permission to set lower requirements for core subject or to substitute project-based or proficiency-based requirements for Authorized Courses and Code Numbers, University Laboratory School sought permission to set academic requirements higher than those the Board's policy required.²

Hakipu'u Learning Center sought a waiver from the Board that would allow the school to depart from the Board's policy by requiring students to earn more credits for graduation than the Board's policy required.³ The State Public Charter School Commission ("Commission") recommended that the Board deny the school's waiver request because of concerns related to the school's credit hours being equivalent to the state credit hours. While Board members shared some of the Commission's credit equivalency concerns, it decided to grant the waiver because the school was not lowering the graduation requirements.

Hawaii Technology Academy sought a waiver from the Board to allow the school to depart from high school graduation requirements for Social Studies by making Modern History of Hawaii and Participation in a Democracy full credit courses. This requested change resulted in students needing to take only the four specified courses for Social Studies. Specifically, the Board's policy did not require these social studies elective courses as graduation requirements. Apart from Hawaii Technology Academy's requested waiver, the total number of credits and other course requirements were identical to the Board policy's requirements. In order to accommodate the additional half-credit Social Studies requirement that it requested, Hawaii Technology Academy built out a curriculum for Modern History of Hawaii and Participation in Democracy to ensure that the scope of the classes included enhanced content, multi-unit performance based assessments, and experiential learning activities.⁴

Similarly, Kanu o 'Āina New Century Public Charter School sought a waiver from the Board to allow the school to depart from high school graduation requirements for Mathematics by requiring an additional credit of math, specifically requiring students to complete Algebra II. The rest of Kanu o 'Āina New Century Public Charter School's graduation requirements were identical to the Board policy's requirements. The purpose of expanding the Mathematics requirement was to address the issue of an achievement gap between Native Hawaiians and their peers, as measured by annual state assessments, by providing

² Recommendation memorandum for University Laboratory School's waiver request: <http://boe.hawaii.gov/Meetings/Notices/Documents/07-16-13%20SAC/ULS%20Waiver%20Request%20-%20Submittal.pdf>.

³ Recommendation memorandum for Hakipu'u Learning Center's waiver request: http://boe.hawaii.gov/Meetings/Notices/Documents/2016-06-07%20SAC/SAC_20160607_Committee%20Action%20on%20Charter%20School%20Grad%20Waivers%20Hakipuu.pdf.

⁴ Recommendation memorandum for Hawaii Technology Academy's waiver request: http://boe.hawaii.gov/Meetings/Notices/Documents/2016-06-07%20SAC/SAC_20160607_Committee%20Action%20on%20Charter%20School%20Grad%20Waivers%20HTA.pdf.

additional instruction to close math achievement gaps targeting the school's disadvantaged students, ensuring a seamless transition between high school and college level math, which promotes college first-year retention, and strengthening the school's early college school culture by providing dual credit opportunities and advanced math courses to align with the school's mission.⁵

While the charter contract requires charter schools to comply with the Board's policy on graduation requirements and meet the state high school graduation requirements as determined by the Board, it also allows charter schools to deviate from Board graduation requirements contingent upon the Board granting a waiver from the requirements to a requesting school.

II. ISSUES

While the Board granted requested waivers at its July 16, 2013, and June 7, 2016, general business meetings, it appears to have been for only one school year. This would mean that no charter school currently holds a waiver from the graduation requirements set forth in Board Policy 102-15, but the Board did not make this explicitly clear to the schools to which it previously granted waivers.

It has become apparent that there needs to be clarification regarding the duration of waivers from graduation requirements. While the Board grants waivers to Department of Education ("Department") schools for a single school year, Department schools do not request waivers from graduation requirements. Waivers from graduation requirements would likely be for more than a single school year and would apply to graduating classes rather than specific school years because it would be unfair to change graduation requirements mid-way through a student's high school career.

While the Department follows a process—authorized through Board Policy 500-20, School Community Council Waivers and School Community Council Exceptions⁶—to request waivers from specific Board policies, no such formal process exists for charter schools. Furthermore, it is unclear which Board policies apply to charter schools and how these policies apply other than the list of Board policies that the Board produces as part of its annual charter school report to the Legislature.

⁵ Recommendation memorandum for Kanu o 'Āina New Century Public Charter School's waiver request: http://boe.hawaii.gov/Meetings/Notices/Documents/2016-06-07%20SAC/SAC_20160607_Committee%20Action%20on%20Charter%20School%20Grad%20Waivers%20KANU.pdf.

⁶ View Board Policy 500-20 here: <http://boe.hawaii.gov/policies/Board%20Policies/School%20Community%20Council%20Waivers%20and%20School%20Community%20Council%20Exceptions.pdf>.

III. RECOMMENDATIONS

In order to remedy the issue with the expired waivers for the four schools and assess how Board policies should apply to charter schools, I recommend that the Board:

1. Grant a waiver extension from Board Policy 102-15 and any previous versions of it, to apply retroactively, to University Laboratory School for the graduating classes of 2014 through 2022;
2. Grant waiver extensions from Board Policy 102-15 and any previous versions of it, to apply retroactively, to Hakipu'u Learning Center, Hawaii Technology Academy, and Kanu o ka 'Āina New Century Public Charter School for the graduating classes of 2017 through 2022;
3. Request that the Commission review the Board's policies and determine, in consultation with the charter school community, which Board policies should apply to charter schools and how, and direct Board staff to assist the Commission as necessary; and
4. Request that the Commission develop guidelines and/or criteria for charter schools to request waivers from graduation requirements, and direct Board staff to assist the Commission as necessary.

To be clear, I am recommending that the waiver extensions apply to the class of students who will be incoming freshman in the 2018-2019 school year. However, it is incumbent on these schools to return to the Board next year to request a waiver from graduation requirements for future graduating classes.