

## **Agenda Item VI.A**

### **Board Action on findings and recommendations of investigative committee (a permitted interaction group pursuant to Hawaii Revised Statutes Section 92-2.5(b)(1)) concerning Board policy positions and legislative reports for 2021 Legislative Session: Board policy positions for the 2021 Legislative Session and Board legislative reports for the 2021 Legislative Session (annual charter school report)**

General Business Meeting

December 17, 2020

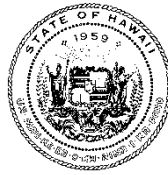
At its December 3, 2020 special meeting, the Board of Education (“Board”) received a report from the Investigative Committee (“Committee”) that the Board tasked with: (1) developing the Board’s legislative policy positions for the 2021 Legislative Session; and (2) drafting any legislative reports due by the Board to the 2021 Legislature.<sup>1</sup> The Committee’s report is attached as Exhibit 1. In accordance with Section 92-2.5(b)(1)(C), Hawaii Revised Statutes (“HRS”), entitled “Permitted interactions of members,” the Board did not take action on any of the Committee’s recommendations.

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<sup>1</sup> The November 11, 2020 memorandum describing the committee and its duties is available here: [http://boe.hawaii.gov/Meetings/Notices/Meeting%20Material%20Library/GBM\\_20201119\\_Action%20on%20Investigative%20Committee%20concerning%202021%20Legislative%20Session.pdf](http://boe.hawaii.gov/Meetings/Notices/Meeting%20Material%20Library/GBM_20201119_Action%20on%20Investigative%20Committee%20concerning%202021%20Legislative%20Session.pdf)

**Exhibit 1**

**Investigative Committee's December 3, 2020 Report**



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

December 3, 2020

TO: Board of Education

FROM: Catherine Payne  
Chairperson, Investigative Committee

AGENDA ITEM: Investigative committee (a permitted interaction group pursuant to Hawaii Revised Statutes Section 92-2.5(b)(1)) concerning Board policy positions, Board legislative proposals, and legislative reports for 2020 Legislative Session: findings and recommendations on Board policy positions for the 2020 Legislative Session and Board legislative reports for the 2021 Legislative Session (annual charter school report)

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**I. BACKGROUND**

At its November 19, 2020 general business meeting, the Board of Education ("Board") established an investigative committee ("Committee") tasked with:

1. Developing the Board's legislative policy positions for the 2021 Legislative Session; and
2. Drafting any legislative reports due by the Board to the 2021 Legislature.

The Board appointed Board Members Lynn Fallin, Kili Namau'u, Bruce Voss, and me as members of the Committee with myself serving as chair of the Committee.

The Board will be establishing an ad hoc committee at a future meeting responsible for presenting, discussing, and negotiating the Board's adopted policy positions at the Legislature.<sup>1</sup> Note that if the Board's adopted policy positions do not relate to any proposed legislation that arises, the Board must adopt a position on such legislation before the ad hoc committee can present, discuss, or negotiate on the subject matter.

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<sup>1</sup> My memorandum dated November 19, 2020 describes the proposed approach for engaging the Legislature for the 2021 Legislative Session. The memorandum is available here: [http://boe.hawaii.gov/Meetings/Notices/Meeting%20Material%20Library/GBM\\_20201119\\_Action%20on%20Investigative%20Committee%20concerning%202021%20Legislative%20Session.pdf](http://boe.hawaii.gov/Meetings/Notices/Meeting%20Material%20Library/GBM_20201119_Action%20on%20Investigative%20Committee%20concerning%202021%20Legislative%20Session.pdf).

## II. FINDINGS

Regarding policy positions for the 2021 Legislative Session, the Committee finds that the Board's policy positions focus primarily on preserving resources and maintaining the quality of learning for students. Relatedly, the Committee also finds that the Board's policy positions should support proposed legislation that addresses the needs identified in the Department of Education and Hawaii State Public Library System's Board-approved biennium budget requests for Fiscal Years 2022 and 2023.<sup>2</sup> Finally, the Committee finds that the Board should take the general policy positions described in the proposed policy positions, attached as **Exhibit A**. As it did last year, the Board can amend its policy positions during legislative session should the need arise.

Regarding the Committee's second task of drafting any legislative reports due by the Board to the 2021 Legislature, the Committee finds that the Board's only report due to the Legislature is its annual report on charter schools, pursuant to Section 302D-21, Hawaii Revised Statutes ("HRS").<sup>3</sup> As required by law, the Committee drew from the annual reports submitted by every authorizer (which currently includes only the State Public Charter School Commission) as well as other additional relevant data to draft a report for covering the 2019-2020 school year, attached as **Exhibit B**.

## III. RECOMMENDATION

The Committee recommends that the Board adopt the policy positions attached to this memorandum for the 2021 Legislative Session and approve the legislative report attached to this memorandum and its issuance to the Governor, Legislature, and public.

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<sup>2</sup> The Board approved Hawaii State Public Library System's biennium operational and Capital Improvement Program budget requests on November 19, 2020. The Board will be approving the Department of Education's biennium operational and Capital Improvement Program budget requests at a future meeting.

<sup>3</sup> Section 302D-21, HRS, states, "No later than the opening day of each regular session of the legislature, the board shall issue to the governor, the legislature, and the public, an annual report on the State's public charter schools, drawing from the annual reports submitted by every authorizer, as well as any additional relevant data compiled by the board, for the school year ending in the preceding calendar year. The annual report shall include:

- (1) The board's assessment of the successes, challenges, and areas for improvement in meeting the purposes of this chapter, including the board's assessment of the sufficiency of funding for public charter schools, and any suggested changes in state law or policy necessary to strengthen the State's public charter schools;
- (2) A line-item breakdown of all federal funds received by the department and distributed to authorizers;
- (3) Any concerns regarding equity and recommendations to improve access to and distribution of federal funds to public charter schools;
- (4) A summary of the criteria used by the charter school facilities funding working group, established pursuant to section 302D-29.5, in allocating facilities funding;
- (5) A detailed breakdown of the allocation of funding through general funds and bond funds;
- (6) A detailed list of the projects funded by general funds and bond funds;
- (7) The status of funding for projects previously awarded; and
- (8) A discussion of all board policies adopted in the previous year, including a detailed explanation as to whether each policy is or is not applicable to charter schools."

**Proposed Motion: Move to (1) adopt the Board policy positions for the 2021 Legislative Session attached as Exhibit A to Investigative Committee Chairperson Catherine Payne’s memorandum dated December 3, 2020, and (2) approve the Board’s annual report on charter schools, pursuant to Section 302D-21, HRS, and as attached as Exhibit B to Investigative Committee Chairperson Catherine Payne’s memorandum dated December 3, 2020.**

This report completes the work of the Committee.

**Exhibit A**

**Proposed Board Policy Positions for the 2021 Legislative Session**

## **BOARD OF EDUCATION 2021 LEGISLATIVE POLICY POSITIONS**

### **DEPARTMENT OF EDUCATION POLICY POSITIONS**

The Board of Education (“Board”) supports proposed legislation that preserves funding and resources for student learning at the classroom level.

The Board supports proposed legislation that fulfills the needs identified in the Department's Board-approved biennium operating and Capital Improvement Program budget requests for Fiscal Years 2022 and 2023.

### **LIBRARIES POLICY POSITIONS**

The Board supports proposed legislation that addresses the needs identified in the Hawaii State Public Library System's Board-approved biennium operating and Capital Improvement Program budget requests for Fiscal Years 2022 and 2023.

### **CHARTER SCHOOL POLICY POSITIONS**

The Board supports proposed legislation that preserves per-pupil funding for charter schools.

### **GENERAL POLICY POSITIONS**

The Board supports proposed legislation that:

- Support informed decision-making and priority setting through thoughtful and intentional engagement with stakeholders; and/or
- Improve transparency and access to information to encourage an informed and engaged community of citizens.

The Board opposes proposed legislation that:

- Diminishes the Board's power to formulate statewide educational policy as envisioned and established by Article X, Section 3, of the Constitution of the State of Hawaii;
- Requires the Board to assume management responsibilities over employees other than the Superintendent of Education and the State Librarian (or heads of other agencies over which the Board has governance authority) rather than remain focused on its constitutional responsibility of policymaking; and/or
- Creates additional duties or responsibilities for the Department or Board without appropriating adequate, commensurate resources to accomplish such duties or responsibilities.

The Board takes no position on legislation relating to the Board's governance structure, as the Board believes it is most appropriate for the Legislature and Governor to decide such matters. The Board will endeavor to provide the Legislature with any relevant information relating to Board governance matters to enable the Legislature to make informed decisions.

The Board's positions on proposed legislation are from a policy-level standpoint, and the Board defers to the Department (or its administratively attached agencies when appropriate) on operational and implementation matters.

**Exhibit B**

**Board Annual Report on Charter Schools to the 2021 Legislature**





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

## LEGISLATIVE REPORT

### **SUBJECT**

Requesting the Board of Education (the “Board”) provide the Governor, Legislature and the public an annual report on the State’s public charter schools, drawing from the annual reports submitted by every authorizer as well as any additional relevant data compiled by the Board, for the school year ending in 2020. The annual report shall include:

- (1) The Board’s assessment of the successes, challenges, and areas for improvement in meeting the purposes of Hawaii Revised Statutes (“HRS”) Chapter 302D, including the Board’s assessment of the sufficiency of funding for public charter schools, and any suggested changes in state law or policy necessary to strengthen the State’s public charter schools;
- (2) A line-item breakdown of all federal funds received by the Department of Education (the “Department”) and distributed to authorizers;
- (3) Any concerns regarding equity and recommendations to improve access to and distribution of federal funds to public charter schools;
- (4) A summary of the criteria used by the charter school facilities funding working group, established pursuant to HRS §302D-29.5, in allocating facilities funding;
- (5) A detailed breakdown of the allocation of funding through general funds and bond funds;
- (6) A detailed list of the projects funded by general funds and bond funds;
- (7) The status of funding for projects previously awarded; and
- (8) A discussion of all Board policies adopted in the previous year, including a detailed explanation as to whether each policy is or is not applicable to charter schools.

### **REFERENCE**

HRS §302D-21.

### **ACTION REQUESTED**

Report to the 2021 Legislature.

### **REPORT**

This is the ninth annual report provided by the Board pursuant to Act 130, Session Laws of Hawaii (“SLH”) 2012, codified as HRS Chapter 302D and subsequently amended. The goal of Act 130, SLH 2012, was to strengthen the Hawaii charter school governance structure by establishing clear lines of authority that ensures accountability of the charter school system. A

key aspect of HRS Chapter 302D is increased oversight and accountability of charter schools. Measures related to academic performance, financial performance and sustainability, and operational viability are a focus of the law.

The annual report required by HRS §302D-21 is designed to meaningfully assess and support the provisions of the law. Since the first report in 2012, each subsequent report has built upon previous years' reports. These annual reports have provided information on the status of the charter schools, the implementation of accountability measures needed to fulfill the purposes of the law, the status of charter school facilities funding and the implementation of Act 234, SLH 2015<sup>1</sup>, and the Board's efforts to implement charter school law and improve the charter school system. This year's report builds on last year's report.

## **FINDINGS**

### **(1) The Board's assessment of the successes, challenges, and areas for improvement in meeting the purposes of this chapter, including the Board's assessment of the sufficiency of funding for public charter schools, and any suggested changes in state law or policy necessary to strengthen the State's public charter schools.**

#### SUCSESSES

Inaugural applications for chartering authority cycle. In last year's report, the Board reported that it made significant progress in the implementation of Hawaii Administrative Rules ("HAR") Chapter 8-515, entitled "Establishment and Oversight of Charter School Authorizers." The Board adopted an application for chartering authority, authorizing contract, and authorizer performance evaluation system.<sup>2</sup> On May 17, 2019, the Board released its inaugural notice inviting applications for chartering authority from eligible entities interested in becoming authorizers. The Board received two intent to apply packets, but only one of the two interested entities, Lei Ho'olaha, actually submitted an application.

On February 6, 2020, an evaluation team selected by the Board Chairperson to review Lei Ho'olaha's application recommended to the Board's Student Achievement Committee that the Board deny application for chartering authority.<sup>3</sup> The Student Achievement Committee concurred with the evaluation team, and on February 20, 2020, the Student Achievement Committee recommended to the Board that it deny the application for chartering authority. The Board concurred and made the final decision to

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<sup>1</sup> Act 234, SLH 2015, section 1 states that the purpose of the Act is "to provide: (1) A framework for providing facilities funding and support for public charter school facilities with adequate prioritization, oversight, and accountability; and (2) Public charter schools and early learning programs that are affiliated with a public charter school with the opportunity to secure the use of additional state facilities deemed vacant and appropriate for use."

<sup>2</sup> More information about the background and development of the application for chartering authority, authorizing contract, and authorizer performance evaluation system is contained in Student Achievement Committee Chairperson Margaret Cox's memorandum dated May 2, 2019 here: [http://boe.hawaii.gov/Meetings/Notices/Meeting%20Material%20Library/GBM\\_20190502\\_Action%20on%20multiple%20charter%20school%20authorizer%20system%20documents.pdf](http://boe.hawaii.gov/Meetings/Notices/Meeting%20Material%20Library/GBM_20190502_Action%20on%20multiple%20charter%20school%20authorizer%20system%20documents.pdf).

<sup>3</sup> The evaluation team's recommendation is available here: [http://boe.hawaii.gov/Meetings/Notices/Meeting%20Material%20Library/SAC\\_20200206\\_Action%20on%20Lei%20Ho%27olaha%20Recommendation%20Report%20%28with%20Cover%20Sheet%29.pdf](http://boe.hawaii.gov/Meetings/Notices/Meeting%20Material%20Library/SAC_20200206_Action%20on%20Lei%20Ho%27olaha%20Recommendation%20Report%20%28with%20Cover%20Sheet%29.pdf).

deny Lei Ho'olaha's application, and the decision marked the conclusion of the Board's first successfully executed applications for chartering authority cycle.

On May 15, 2020, the Board released the notice inviting applications for chartering authority for its next application cycle. However, the Board did not receive any intents to apply by the deadline of June 5, 2020. The Board will release its next notice inviting applications in May of 2021 and will continue to report the results of its applications for chartering authority cycles in these annual reports.

Clarifying charter school law. On October 27, 2020, the Board, in its capacity as the final arbitrator pursuant to HRS §302D-15, issued a landmark decision on an appeal from a denied charter applicant in *Lima No'eau Career Academy v. State Public Charter School Commission*.<sup>4</sup> The decision clarified portions of HRS §§302D-13 and 302D-15 and, in the Board's view, ensures the implementation of new charter school application processes, HRS §302D-13, are fair for charter applicants. Among the holdings, the Board's decision:

- Makes it clear that a party may appeal to the Board when its charter application is denied regardless of the completeness of the charter application;
- Establishes the intent of the letter of intent as a notice requirement that is informational only;
- Clarifies that an authorizer has the power to approve or deny a charter application but not to deny an applicant governing board's right to develop and submit a charter application;
- Determines that any information required by an authorizer as part of its charter school application process that the authorizer can subsequently review and act on must be considered part of the charter application;
- Clarifies that statute allows an authorizer to deny a charter application that is incomplete; and
- Determines that an ejection of a charter application from an application cycle by an authorizer, for any reason, is a *de facto* denial of the charter application.

Fiscal stability. For the 2019-2020 fiscal year, the State Public Charter School Commission (the "Commission"), currently the sole charter school authorizer in Hawaii, assessed the financial performance of all charter schools with a financial performance framework that examines the potential risk of fiscal insolvency. Based on the results of this new financial performance framework, only three charter schools out of the 37 assessed received risk ratings lower than "acceptable," illustrating that the majority of charter schools remain fiscally sound.<sup>5</sup> The results suggest that the financial status of charter schools, as a group, continues to be relatively stable. Note, however, that fiscal stability is likely more indicative of sound fiscal management by the majority of charter schools rather than the sufficiency of funding for charter schools. As described below, facilities funding continues to be an ongoing challenge. More importantly, both the Board and the Commission are concerned about the fiscal viability of charter schools,

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<sup>4</sup> The Board's decision on *Lima No'eau Career Academy v. State Public Charter School Commission* is available here: [http://boe.hawaii.gov/About/Documents/Charter%20Schools/Appeal\\_No\\_20-01\\_LNCA\\_v\\_Commission.pdf](http://boe.hawaii.gov/About/Documents/Charter%20Schools/Appeal_No_20-01_LNCA_v_Commission.pdf).

<sup>5</sup> The Commission's 2019-2020 annual report is available on its website here: <http://www.chartercommission.hawaii.gov/reports>. See table 39 on page 220 for the financial performance framework results.

especially small charter schools, with impending budget cuts resulting from the current economic crisis.

## CHALLENGES

Facilities funding. As noted in previous reports, a major and ongoing challenge is the lack of funding for charter school facilities. Act 234, SLH 2015, took a step toward addressing this perennial problem. This report addresses the reporting requirements of Act 234, but the Legislature has not appropriated general funds or authorized bonds for charter school facilities to date.

Last year, the Board reported that the Commission adopted a charter school facilities funding framework with criteria to determine the distribution of facilities funds, pursuant to HRS §302D-29.5. For many years, the Board has recommended that the Legislature provide some form of facilities funding to charter schools to address this unmet need, especially with the facilities funding criteria in place. However, given the State's dire economic situation, the Board is less concerned with facilities funding for charter schools this year and instead urges the Legislature to preserve as much funding for charter schools, and public education in general, as possible.

Centralized support. As reported for the past three years, another major challenge is the lack of a system of support for charter schools. Unlike Department schools, charter schools do not have a centralized department or agency that allows them to take advantage of economies of scale and maximize their financial resources. The Commission attempts to fill this void by providing some supports. However, the Commission's statutory role as an authorizer conflicts with the role of a true support organization. Statute acknowledges this and restricts the level and type of support the Commission can provide.<sup>6</sup> In addition, the approval of another authorizer without a non-authorizer centralized support agency would add complexity to the charter school system and expose it to potential conflicts of interests, fairness and equity issues, and unnecessary inefficiencies.<sup>7</sup> While the Board still does not have a specific recommendation to resolve this issue (as other priorities have taken precedent), it encourages the Legislature to begin conversations regarding how statute would need to change to include some kind of centralized support for charter schools.

## AREAS FOR IMPROVEMENT

Continued implementation of multiple charter school authorizer system. As noted above and in last year's report, the Board made significant progress in the implementation of HAR Chapter 8-515. Still, the State (the Board, Legislature, and other agencies) has much work to do to create a charter school system that can support more than one authorizer. The issue of centralized support for charter schools noted above directly

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<sup>6</sup> Pursuant to HRS §302D-5(g), the Commission "shall not provide technical support to a prospective charter school applicant, an applicant governing board, or a charter school it authorizes in cases in which the technical support will directly and substantially impact any authorizer decision related to the approval or denial of the charter application or the renewal, revocation, or nonrenewal of the charter contract."

<sup>7</sup> More information about how the centralized support issue relates to a multiple charter school authorizer system is contained in Student Achievement Committee Chairperson Margaret Cox's memorandum dated April 5, 2018 here:

[http://boe.hawaii.gov/Meetings/Notices/Meeting%20Material%20Library/SAC\\_20180405\\_Action%20on%20charter%20school%20support%20structure.pdf](http://boe.hawaii.gov/Meetings/Notices/Meeting%20Material%20Library/SAC_20180405_Action%20on%20charter%20school%20support%20structure.pdf).

connects to a comprehensive multiple authorizer system. Further, the Board still has to develop an application form and process for charter transfers to implement HAR Chapter 8-517, entitled “Charter Contract Transfers,” but the Board may want to consider amending its administrative rules first to address some previously raised issues, such as the transfer of funds between authorizers when a charter school transfers. Finally, in its report last year, the Board explained a fundamental issue regarding funding for authorizers other than the Commission.

While the Board had hoped to report more progress on finding a resolution to some of these issues and the continued implementation of a comprehensive multiple authorizer system this year, the reality is none of these issues are currently high priorities for the Board given the breadth and urgency of other issues before the Board. The Board hopes to make some headway in the coming years on addressing these issues. In the meantime, the Board encourages the Legislature and other major stakeholders to analyze, discuss, and engage the Board with potential solutions.

**(2) A line-item breakdown of all federal funds received by the Department and distributed to authorizers.**

Please see attached, Exhibit A.

**(3) Any concerns regarding equity and recommendations to improve access to and distribution of federal funds to public charter schools.**

In its report this year, the Commission notes that it continues to “raise awareness regarding access and equity of funding for public charter schools within the public school system.” The Commission also notes that it communicates and coordinates with multiple state agencies, including the Department of Budget and Finance, the Department of Accounting and General Services, and the Department of Education.<sup>8</sup>

Based on the Commission’s report, the Board does not currently have any concerns regarding equity or recommendations to improve access to and distribution of federal funds to public charter schools.

**(4) A summary of the criteria used by the charter school facilities funding working group, established pursuant to HRS §302D-29.5, in allocating facilities funding.**

As noted above and last year’s report, the Commission adopted a charter school facilities funding framework with criteria to determine the distribution of facilities funds.<sup>9</sup> The Commission’s framework includes a process for soliciting and evaluating applications for facilities funding. Charter schools with virtual education as the primary method of delivering core subject instruction or with school facilities already paid for by the State are ineligible to apply.

The criteria for prioritizing applications for facilities funding include:

- Needs of the charter school, such as the existence of substandard facilities, other equity and adequacy needs, and issues of health, safety, and legal compliance;

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<sup>8</sup> Commission 2019-2020 annual report, page 36.

<sup>9</sup> Commission 2019-2020 annual report, pages 279-292.

- Overall benefit to its surrounding community, such as overcrowding relief for Department schools or providing options for families whose Department school is low performing;
- Amount of risk and availability of recourse to the State;
- Whether the charter school received facilities funding through other state funding;
- School facilities located on State property or under an agreement whereby the State controls the property with at least 20 years remaining; and
- Title I status.

The Charter School Facilities Funding Working Group has not yet used the criteria described above to allocate facilities funding because the Legislature has not yet appropriated general funds or issued bond authorization to charter schools for facilities, pursuant to HRS §302D-29.5.

**(5) A detailed breakdown of the allocation of funding through general funds and bond funds.**

The Legislature has not yet appropriated general funds or issued bond authorization to charter schools for facilities.

**(6) A detailed list of the projects funded by general funds and bond funds.**

There are currently no charter school facilities projects being funded by general funds or bond funds.

**(7) The status of funding for projects previously awarded.**

No charter school facilities projects have been awarded general funds or bond funds.

**(8) A discussion of all board policies adopted in the previous year, including a detailed explanation as to whether each policy is or is not applicable to charter schools.**

As it has done in past reports, the Board is again providing a full list of all current policies, attached as Exhibit B, indicating whether each policy is applicable to charter schools.

Since its last report, the Board has adopted the following new policies or amendments to existing policies:

- Board Policy 105-13, entitled “Inclusion” (amended)
- Board Policy 105-16, entitled “English Learners (EL)” (new)
- Board Policy 301-10, entitled “Equitable Allocation of Facilities Resources” (new)
- Board Policy 500-20, entitled “School Community Council Waivers” (amended)

None of these amendments to existing policies or newly adopted policies apply to charter schools.

**FUTURE ACTIONS**

The Board will continue to implement components of the multiple authorizer system. The Board will also continue to examine other pieces necessary for a comprehensive multiple authorizer system as it is able, and the Board encourages the Legislature to begin conversations about some kind of centralized support system or structure. While the issue of long-term financial stability and equity has been a clear issue in each of the Board's nine annual reports, this year the Board is urging the Legislature to preserve as much charter school funding as possible rather than asking for facilities funding for charter schools due to the economic crisis.

## Exhibit A – Summary of Fiscal Year 2019-2020 Federal Fund Allocations to Charter Schools

Federal Program	Grant Purpose and Basis for Allocation	All Funds distributed to the Charter Schools via the Commission in Fiscal Year 2019-2020
U.S. DOE Impact Aid	Grant provided financial assistance to local education agencies affected by Federal presence. Distribution based on proportion of total public school enrollment. FY 2019-2020 share of \$3,476,486 was provided in FY 2018-2019	Please see “Basis for Allocation”
Impact Aid – Innovative Programs	Grant is to provide awards for innovative projects to advance the goals of the Strategic Plan through high impact strategies.	\$64,749
DoD – PCS CARES ESSER	To provide charter schools with an equivalent pro-rata share of the Federal Coronavirus, Relief, and Economic Security(CARES) Act funding.	\$2,071,482
DoD Supplement to Impact Aid	Grant provided financial assistance to local education agencies affected by military presence. Distribution based on proportion of total public school enrollment.	\$231,997
DOD Supplement to Impact Aid funds for Compact Impact funds	To provide charter schools with a pro-rata share based on enrollment of the federal Compact Impact funds received from the U.S. Department of the Interior. In lieu of directly allocating Compact Impact funds that carry with them spending restrictions and reporting requirements, this allocation was made using Department of Defense (DoD) Supplement to Impact Aid funds that only requires the funds be expended pursuant to State law.	\$117,807
ESSA Title I – Centralized LEA	Grant is to provide all children significant opportunity to receive a fair, equitable, and high-quality education and to close educational achievement gaps.	\$1,296,188
ESSA Title I LEA Grant-School Improvement	Grant provides supplemental services and supports to Priority, Focus, and low performing schools.	\$2,880,376



## Exhibit A – Summary of Fiscal Year 2019-2020 Federal Fund Allocations to Charter Schools

Federal Program	Grant Purpose and Basis for Allocation	All Funds distributed to the Charter Schools via the Commission in Fiscal Year 2019-2020
ESSA Title I LEA Grant-Schools	Grant provided to help disadvantaged students in school with the highest concentrations of poverty meet the same high standards expected of all students. Distribution made to only schools with 47.2% or more students receiving free or reduced-price meals. Distribution to these schools based on Title I formula using number of free or reduced-price eligible students multiplied by the per pupil amount for the school's county.	\$3,137,477
ESSA Title I LEA Grant-Parent Engagement	Grant to provide support for parent involvement activities, including but not limited to family literacy training, training to enhance parenting skills, etc. Distribution based on Title I formula.	\$32,798
Education for Homeless Children & Youth	Grant provided to support all homeless children to have equal access to free and appropriate public education. Funds support staffing for personnel that provide technical assistance to various groups. Distribution is based on the cost of a homeless liaison position and related expenses.	\$18,875
Title VIB Special Education Project I (IDEA)	Grant provided special education and related services to eligible students in accordance with federal regulations. NOTE: IDEA funds are primarily allocated to Complex Areas to assist in supporting special education related services for all public school students, including charter school students.	\$17,367
ESSA Title IIA Assist Non-Highly Qualified Teachers to Highly Qualified Teachers	To provide charter schools with funding to support professional development and other activities that assist Non-Highly Qualified Teachers (NHQT) to become Highly Qualified (HQ) in core academic subjects.	\$4,620

## Exhibit A – Summary of Fiscal Year 2019-2020 Federal Fund Allocations to Charter Schools

Federal Program	Grant Purpose and Basis for Allocation	All Funds distributed to the Charter Schools via the Commission in Fiscal Year 2019-2020
ESSA Title IIA Professional Development	Grant provided to improve teacher quality and increase the number of highly qualified teachers in the classroom. Distribution based on an approved Title IIA Highly Qualified Plan.	\$517,653
Perkins – Program Improvement FY20	Grant to provide resource and services to identified project schools that are developing and implementing improved and expanded CTE programs during the school year. Distribution of funds based on SY18-19 CTE one-year plans that have been submitted and approved.	\$5,090
Vocational Education – Program Improvement FY19	Grant to provide resource and services to identified project schools that are developing and implementing improved and expanded CTE programs during the school year. Distribution of funds based on SY18-19 CTE one-year plans that have been submitted and approved.	\$835
ESSA Migrant Education	Grant provided to support education programs that address the needs of migratory children. Distribution made based on a percentage formula incorporating at-risk factors and the number of migrant students at each school.	\$40,812
ESSA Title III Language Instruction	Grant provides funds to supplement efforts to improve the education of limited English proficient children. Distribution based on the number of ELL students enrolled in schools after submission and approval of written plans.	\$48,000
Native Hawaiian Mohala I Ke Ao-UH FY18	Grant to improve educational outcomes for Native Hawaiian students in the elementary grade level. Distribution to various elementary schools that serve high percentages of students of Hawaiian ancestry that have also submitted a proposed budget and signed an agreement to implement project activities.	\$42,000

## Exhibit A – Summary of Fiscal Year 2019-2020 Federal Fund Allocations to Charter Schools

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<b>Federal Program</b>	<b>Grant Purpose and Basis for Allocation</b>	<b>All Funds distributed to the Charter Schools via the Commission in Fiscal Year 2019-2020</b>
Total		\$10,528,126

**Exhibit B – Board of Education Policies and Applicability to Charter Schools**

**As of 11/20/2020**

<b>Policy #</b>	<b>Policy</b>	<b>Applicable to Charter Schools?</b>
E-1	Philosophy of Education in Hawaii's Public Schools	No
E-2	Mission, Vision, Values, and Beliefs	No
E-3	Nā Hopena A'o (HĀ)	No
E-100	Student Success	No
E-101	Whole Student Development	No
101-1	Student Code of Conduct	No
101-2	Character Education	No
101-3	Student Activities	No
101-4	Community Sponsored Activities	No
101-5	Guidance, Counseling and Related Services	No
101-6	Comprehensive Student Support System	No
101-7	School Climate and Discipline	No
101-8	Extended Learning Opportunities	No
101-9	School-Sponsored Student Publications	No
101-10	School Service	No
101-11	Surfing	No
101-12	Academic Requirements for Participation in Co-Curricular Activities	No
101-13	Controversial Issues	No
101-14	Family and Community Engagement/Partnership	No
101-15	Focus on Students	No
101-16	High School Athletics	No
E-102	Academic Mastery and Assessment	No
102-1	Effective Schools Reporting	No
102-2	K-12 Literacy	No
102-3	Statewide Content and Performance Standards	Yes
102-4	Diverse Stakeholder Inclusion in the Development of Content and Performance Standards	No
102-5	Comprehensive Assessment and Accountability System	No
102-6	Statewide Assessment Program	Yes
102-7	Recruitment and Testing of Students by Private Schools and Other Agencies	No
102-8	Student Promotion	No
102-9	Middle Level Education Promotion	No
102-10	Educational Research and Evaluation	No
102-11	Pilot and Innovative Projects	No
102-12	Reporting Student Progress and Achievement	No
102-13	Credits	No
102-14	Homework	No
102-15	High School Graduation Requirements and Commencement	Yes

<b>Policy #</b>	<b>Policy</b>	<b>Applicable to Charter Schools?</b>
E-103	Health and Wellness	No
103-1	Health and Wellness	No
103-3	Emergency Care for Sick or Injured Students	No
103-4	School Health Services	No
103-5	Sexual Health Education	No
103-6	School Food Services	No
103-7	Food Sales	No
103-8	Prophylactics in the Public Schools	No
E-105	Well Rounded Academic Program	No
105-1	Academic Program	No
105-2	Responsibility for Curriculum Development and Implementation	No
105-3	Curriculum	No
105-4	Instructional Materials	No
105-5	Gifted and Talented	No
105-6	Career and Technical Education	No
105-7	Hawaiian Education Programs	Yes
105-8	Ka Papahana Kaiapuni	Yes
105-9	Fine Arts Program	No
105-10	Alternative Programs and Services for Secondary Students	No
105-11	Pregnant/Parenting Students	No
105-12	Special Education and Related Services	Yes
105-13	Inclusion	No
105-14	Multilingualism for Equitable Education	No
105-15	Seal of Biliteracy	No
105-16	English Learners (EL)	No
105-18	Field Trips and Student Travel	No
E-106	Supports for Effective Learning	No
106-1	School Calendar	No
106-2	Class Size	No
106-3	Admission and Attendance	No
106-4	Dress Code and School Uniforms	No
106-5	Student Instructional Hours and School Year Requirements and Waiver Process	No
E-200	Staff Success	No
E-201	High Performing Employees	No
201-1	Ethics and Code of Conduct	Yes
201-2	Accountability of Employees	No
201-3	Collective Bargaining	Yes
201-4	Leaves of Absence	No
E-202	Highly Effective School Administration (Strong, Visible School Leadership)	No
202-1	School Leadership	No

<b>Policy #</b>	<b>Policy</b>	<b>Applicable to Charter Schools?</b>
202-2	School Year for Principals	No
202-3	School Year for Vice Principals	No
202-4	Principal Performance Evaluation	No
E-203	Highly Effective Teaching	No
203-1	Duties and Responsibilities of Teachers	No
203-2	Developmentally-Appropriate Teaching Strategies	No
203-3	Guidance Regarding Student Rights and Disciplinary Practices	No
203-4	Teacher Performance Evaluation	No
203-5	Substitute Teachers	No
E-204	Hiring, Training and Retention of Employees	No
204-1	Teacher Recruitment, Retention, and Employment	No
204-2	Educational Officer Appointment and Probation	No
204-3	Personnel Development	No
204-4	Employee Certification	No
204-5	Compensation and Classification	No
204-6	Department of Education Housing	No
204-7	Department of Education New Employee Orientation Program	No
204-8	Department of Education Employee Dress Code	No
204-9	Strike Situation	No
204-10	Personnel Relations	No
204-11	Student Teachers from Out-of-State Universities	No
E-300	Effective Systems of Support	No
E-301	Facilities and Technology	No
301-1	Facilities Standards	No
301-2	Creating Communities of Learners	No
301-3	Use of School Buildings, Facilities and Grounds	No
301-4	School Lavatories	No
301-5	Use of School Equipment	No
301-6	Internet Use	No
301-7	Employee Electronic Communication and Technology Use and Access	No
301-8	Naming of Schools and School Facilities	No
301-9	Sustainability	No
301-10	Equitable Allocation of Facilities Resources	No
E-302	Transportation	No
302-1	Student Transportation	No
E-303	Financial Systems, Business Processes and Organizational Resources	No
303-1	Department of Education Budgets	No
303-2	Department of Education's Budget Public Input Required	No
303-3	Department of Education Program Evaluations	No
303-4	Federal Funds	No
303-5	Capital Improvement Program	No

<b>Policy #</b>	<b>Policy</b>	<b>Applicable to Charter Schools?</b>
303-6	Carryover Funds	No
303-7	Personal Services Contracts	No
303-8	Real Estate Transaction	No
303-9	Collecting Third-Party Dues and Assessments	No
303-10	Fee for Service	No
303-11	After School Plus (A+) Fees	No
303-12	Commercialism	No
303-13	Sale of Merchandise	No
303-14	Inventory	No
303-15	Disposals/Transfers	No
E-304	Communications (Family and Community Engagement)	No
304-1	E Komo Mai	No
304-3	Open Communication	No
304-4	Department of Education Data information Availability and Access	No
304-5	Public Complaints	No
E-305	Safe Schools, Safe Students	No
305-1	Student Safety and Welfare	No
305-2	Safe workplace	No
305-3	Safe Schools	No
305-4	Use of Force	No
305-5	Cooperation with Law Enforcement Agencies	No
305-6	Closing Schools in the Event of Disaster and/or other Emergencies	No
305-7	Alcohol and Illicit Drug Use	No
305-8	Youth Gangs	No
305-9	Practice of Hazing Students	No
305-10	Anti-Harassment, Anti-Bullying, and Anti-Discrimination Against Student(s) by Employees	No
305-11	Classroom and Laboratory Safety	No
E-400	Board of Education Governance	No
400-1	Board of Education Roles and Responsibilities	No
400-2	Policies and Policy-Setting	Yes
400-3	Implementation of Board of Education Policy	No
400-4	Budget Restrictions and Reductions	No
400-5	Public Board of Education	No
400-6	Involvement of School Advisory Councils, Library Advisory Commission and Hawaii State Student Council	No
400-8	Board of Education Student Member Selection	No
E-500	Department of Education	No
500-1	Organization of the Department	No
500-2	Plan of Organization	No
500-3	Employment of the Superintendent of Education	No
500-4	Duties and Responsibilities of Superintendent	No

<b>Policy #</b>	<b>Policy</b>	<b>Applicable to Charter Schools?</b>
500-5	Evaluation of the Superintendent of Education and the State Librarian	No
500-6	Salaries of Subordinate Superintendents	No
500-7	Temporary Assumptions of the Superintendent's Office Due to Absence or Illness	No
500-8	Accreditation of Schools	No
500-9	Establishment of Complex Areas	No
500-11	School Attendance Areas	No
500-12	Geographic Exceptions to the Mandatory School Attendance Law	No
500-14	Pre-Kindergarten and Kindergarten	No
500-16	Middle Level Education	No
500-17	High School Education	No
500-18	Summer School Programs	No
500-19	School Community Councils	No
500-20	School Community Council Waivers and School Community Council Exceptions	No
500-21	Student Information and Confidential Records	No
500-22	School Visitations by Non-School Personnel	No
500-23	Solicitations by Department Personnel and Students	No
500-24	Opening and Closing Hours of School	No
500-25	Establishment of Articulated School Complexes	No
500-26	New Student Orientation	No
500-27	Multi-Track Year-Round Education	No
E-600	Libraries	No
600-1	Hawaii State Public Library System Collection Development	No
600-2	Hawaii State Public Library System Budgets	No
600-3	Hawaii State Public Library System Safe Workplace	No
600-4	Naming of Hawaii State Public Library Facilities	No
600-5	Hawaii State Public Library System Internet Acceptable Use	No
600-6	Access to Hawaii State Public Library System Facilities	No
600-7	Hawaii State Public Library System Wireless Security Disclaimer and Use	No
E-700	Public Charter Schools	Yes
E-800	Adult Education	No
800-1	Content Standards for Adult Community Schools	No
E-900	Legal Requirements, Implementation and Limitations	Yes
900-1	Department of Education Applicant and Employee Non-Discrimination	No
900-2	Copyright	No
900-3	Religion and Public Schools	No
900-4	Gender Equity in Education	No
900-5	Rights of Students Who Are Deaf, Hard of Hearing, or Deaf-Blind	No
900-6	Student Rights and Due Process	No
8300	Board Appointment of Charter School Review Panel Members*	Yes*



\*Board Policy 8300 is a carryover policy from the old numbering system. The Board has not yet revised this policy to reflect current law (as the Charter School Review Panel was repealed in 2012).