



**STATE OF HAWAII  
BOARD OF EDUCATION**

**Application for Chartering Authority to Become a  
New Charter School Authorizer**

Adopted May 2, 2019

## **Introduction**

This document provides guidance to eligible entities who are interested in obtaining chartering authority and becoming new charter school authorizers. Authorizers play the crucial role in the charter school system of upholding the “charter bargain,” which provides charter schools with relatively more autonomy in exchange for greater accountability. A quality authorizer measures the effectiveness of this bargain, and its portfolio of charter schools, through improved outcomes for students.

Pursuant to Hawaii Revised Statutes (“HRS”) Section 302D-5, authorizers are responsible for executing the following essential powers and duties:

1. Soliciting and evaluating charter applicants;
2. Approving quality charter applications that meet identified educational needs and promote a diversity of educational choices;
3. Declining to approve weak or inadequate charter applications;
4. Negotiating and executing sound charter contracts with each approved charter applicant and with existing public charter schools;
5. Monitoring, in accordance with charter contract terms, the performance and legal compliance of public charter schools; and
6. Determining whether each charter contract merits renewal, nonrenewal, or revocation.

In addition, the Hawai'i Authorizer Performance Evaluation System, established to review the performance of authorizers pursuant to HRS Section 302D-11 and Hawaii Administrative Rules (“HAR”) Section 8-515-10, outlines the performance expectations for authorizers.

## **Eligibility**

Only eligible entities may submit applications for chartering authority. To be eligible, an interested entity must first submit an Intent to Apply Packet to the Board of Education (“Board”). Based on the information provided in the Intent to Apply Packet, the Board will determine whether the entity is legally eligible to submit an application for chartering authority. In accordance with HRS Section 302D-4 and HAR Section 8-515-7, the following entities may apply to become new authorizers:

- The University of Hawaii Board of Regents, as the governing board of all accredited public postsecondary institutions in the state, may apply for statewide, regional, or local chartering authority on behalf of any public postsecondary institution it governs.
- A governing board of an accredited private postsecondary institution may apply for statewide, regional, or local charter authority, in accordance with the institution’s regular operating jurisdiction, provided that the institution is

registered to do business in Hawai'i with the Department of Commerce and Consumer Affairs' Hawaii Post-secondary Education Authorization Program, pursuant to HRS Chapter 305J.

- A state or county agency may apply for statewide, regional, or local chartering authority.
- A governing board of a nonprofit or charitable organization that is exempt from federal taxes under section 501(c)(3) or 501(c)(6) of the Internal Revenue Code may apply for statewide chartering authority. Nonpublic sectarian or religious organizations and any other charitable organization that, describe activities indicating a religious purpose in their federal Internal Revenue Service Form 1023, Part IV, are not eligible to apply to become an authorizer.

Regional chartering authority means chartering authority within a county or an island-wide geographic area. Local chartering authority means chartering authority within one or more designated Department of Education complex areas.

## Timeline and Process

The general timeline below lists the key dates and activities in the chartering authority application process. The Board will publish a timeline with specific dates on its website whenever it releases a notice inviting applications to begin a new application cycle. Applicants and prospective applicants must adhere to the deadlines set by the timeline on the Board's website. The Board Chairperson has the authority to set the timeline each year, based on the general timeline below, and to change any dates and deadlines as necessary.

Date	Activity
Mid-May	Release of notice inviting applications for chartering authority
Early June	Deadline for prospective applicant to submit Intent to Apply Packet
Late June	Board notifies prospective applicant of its eligibility to submit an application for chartering authority
Early July	Application orientation and information webinar
Mid-August	Deadline for eligible applicant to submit chartering authority application
Late August	Board notifies applicant of application completeness

Date	Activity
Late August/Early September	Deadline for applicant to make corrections and submit a completed application (if applicable)
Early September to Mid-October	Application initial evaluation window
Early October	Evaluation Team requests clarification from applicant (optional)
Mid-October	Deadline for applicant to respond to request for clarification (if applicable)
Late October	Evaluation Team interviews applicant's team for additional clarification, if necessary, and to assess the capacity of the applicant
November	Public forum for public input on chartering authority application
Mid-December	Applicant receive Evaluation Team's recommendation reports
Early-January	Deadline for applicant to submit written responses to recommendation report (optional)
Early February	Student Achievement Committee Meeting on application decision
Mid-February	Board General Business Meeting on final application decision
Mid-February	Board notifies applicant of its decision
February through March	Pre-contracting phase
Early April	Student Achievement Committee Meeting on execution of authorizing contract
April	Board General Business Meeting on execution of authorizing contract
April	Deadline for the Board to execute authorizing contract with approved new authorizer

The key components of the application process are described below.

Intent to Apply Packet. All applicants must submit the Intent to Apply Packet by the deadline (date and time) indicated on the timeline on the Board's website. The Board Chairperson has the authority to review Intent to Apply Packets and determine each applicant's eligibility pursuant to law. The Board will not permit any applicants deemed ineligible to continue with the application process or submit an application.

Application. All applicants must submit an application, which includes a narrative proposal and attachments, by the deadline (date and time) indicated on the timeline on the Board's website. The Board Chairperson has the authority to determine whether submitted applications are complete. If the Board Chairperson determines an application is not complete, the applicant must provide any missing information by the deadline determined by the Board Chairperson, which will be no more than three business days after the original deadline to submit a completed application. Applicants who fail to submit a corrected and complete application by the deadline are disqualified from the application cycle.

Request for clarification. After its initial review of the application, the Evaluation Team (consisting of evaluators selected by the Board Chairperson) may request information, in writing, from the applicant to clarify certain elements of the proposal.

Interview. All applicants must attend an interview with the Evaluation Team and be prepared to answer specific questions about their respective applications. The primary purpose of the interview is to gauge the applicant's capacity to implement its proposal and its ability to operate as a quality authorizer. The individuals from the applicant's team who will be responsible for plan implementation and authorizer operations should attend. The Evaluation Team may also elect to use the interview to obtain clarification from the applicant on its proposal.

Public forum. A public forum will be held on the Board's behalf, through a mechanism determined by the Board Chairperson, to afford members of the public an opportunity to provide comments on each application for chartering authority. The Evaluation Team will consider public comments as they relate to the approval criteria in developing its recommendation. All written comments and a summary of oral comments from the public forum will be available to the Board for its consideration for decision-making.

Student Achievement Committee Meeting. The Board's Student Achievement Committee will hold a public meeting to consider the application, the Evaluation Team's recommendation report, the applicant's response to the recommendation report (if any), the Evaluation Team's reply to the applicant's response (if any), and any public comments. The committee will make a recommendation to the full Board on whether to approve or deny each application.

Board General Business Meeting. The Board will decide whether to approve or deny each application.

## **Application Submission Instructions**

- Applicants must use the forms and templates provided herein for the Intent to Apply Packet (Exhibit 1), Applicant Information Sheet (Exhibit 2), and Statement

of Assurances Form (Exhibit 3). Applicants must read and adhere to each form's instructions.

- Intent to Apply. Applicants must submit the Intent to Apply Packet (Exhibit 1) via email as a single PDF file, including any necessary attachments, to [boe\\_hawaii@notes.k12.hi.us](mailto:boe_hawaii@notes.k12.hi.us) by the deadline.
- Application. Applicants should review all elements of the application before submitting. The application should be complete and contain all the information necessary to describe a comprehensive and holistic plan for opening and operating a quality authorizer. The Evaluation Team will not consider any information the applicant provides outside of the evaluation period.
- Application submissions should be clearly organized with appropriate headings and page numbers and should be compiled into a single PDF file. Application submissions should be structured as follows:
  1. Applicant Information Sheet (completed) (Exhibit 2);
  2. Statement of Assurances Form (completed and signed) (Exhibit 3);
  3. Narrative response to the standards within the Application Instructions (Exhibit 4); and
  4. Attachments, in this order:
    - A. Conflicts of interest policy;
    - B. Five-year budget;
    - C. Evidence of commitment of funds;
    - D. Application process and request for proposals for new charter schools (including approval criteria and evaluation process standards);
    - E. Template or sample of pre-opening criteria;
    - F. Charter contract template (including performance frameworks and intervention policy);
    - G. Renewal process and application guidance;
    - H. School closure protocol; and
    - I. Additional optional attachments, if any.
- Applicants must submit application submissions via email to [boe\\_hawaii@notes.k12.hi.us](mailto:boe_hawaii@notes.k12.hi.us) by the deadline. Applicants should receive an autoreply message indicating receipt of the email. If an applicant does not receive an autoreply message or receives an error message indicating an undeliverable email, the applicant must contact the Board Support Office **immediately** at 808-586-3334 for submission alternatives.

## Evaluation

The Board Chairperson will select at least three individuals, but no more than five, to serve on an independent Evaluation Team. The Board Chairperson may instruct Board staff to solicit Board members—in a manner that complies with Sunshine Law (HRS Chapter 92, Part I)—for suggestions of individuals to serve as evaluators. The Evaluation Team must have at least one member with expertise in each of the following areas:

- Charter school authorizing at either the state or national level;
- Finance, accounting, or a related field; and
- Hawaii’s charter school legal framework.

A single evaluator with expertise in more than one of the required areas is qualified to fulfill the Evaluation Team’s constitution requirements in those areas. While not required, other desirable areas of expertise include charter school operations, educational program design or data analysis (particularly as it relates to the proposed authorizer’s mission and vision, if possible), human resources, governance, and/or public administration.

The Evaluation Team will evaluate the application against the approval criteria and develop a recommendation to the Board for approval or denial of the application. The Board will decide whether to approve or deny the application.

The following steps describe the evaluation process:

1. Using the published approval criteria, the Evaluation Team will evaluate the application components, including the application submission (narrative and attachments), applicant’s response to the request for clarification, capacity interview, and any other relevant information the Evaluation Team may come across through independent research and due diligence.
2. Based on its evaluation, the Evaluation Team will develop a recommendation report that recommends either approval or denial of the application.
3. The applicant will have an opportunity to compose and submit a written response to the recommendation report.
4. If applicable, the Evaluation Team will have an opportunity to compose and submit a response to the applicant’s response.
5. The Student Achievement Committee will consider the recommendation report, applicant’s response (if applicable), Evaluation Team’s response (if applicable), and public comments and will develop its own recommendation to the full Board.
6. The Board will consider the Student Achievement Committee’s recommendation and any other relevant information and will decide whether to approve or deny the application.

The Application Instructions (Exhibit 4) contain the approval criteria. For the Evaluation Team to recommend approval, the application must meet the criteria and receive a rating of “Satisfactory” in each of the main sections: Organizational Plan, Financial Plan, Authorizing Plan, and Applicant Capacity. The Evaluation Team uses the following rating scale as guidance:

Rating	Characteristics
<b>Satisfactory</b>	The response reflects a thorough understanding of key issues. It addresses the topic with specific and accurate information that shows thorough preparation; presents a clear, realistic picture of how the proposed authorizer expects to operate; and inspires confidence in the applicant’s capacity to carry out the plan effectively.
<b>Needs Improvement</b>	The response meets the criteria in some respects but has substantial gaps, lacks detail, or requires additional information in one or more areas and does not reflect a thorough understanding of key issues. It does not provide enough accurate, specific information to show thorough preparation; fails to present a clear, realistic picture of how the authorizer expects to operate; or does not inspire confidence in the applicant’s capacity to carry out the plan effectively.
<b>Unsatisfactory</b>	The response does not meet the criteria in most respects, is undeveloped, or significantly incomplete; demonstrates lack of preparation; or raises substantial concerns about the viability of the plan or the applicant’s capacity to implement it.

Please contact the Board Support Office at (808) 586-3334 with questions regarding the process described herein.



**Exhibit 1**

**Intent to Apply Packet**

# Intent to Apply Packet

## Overview:

The Intent to Apply Packet expresses an entity's interest in becoming a new charter school authorizer. The Board of Education ("Board") reviews it to determine applicant eligibility and to assemble an appropriate number of evaluators. If the Board confirms eligibility, the applicant may undertake the more comprehensive application process.

## Instructions:

1. Complete this Intent to Apply Packet form by providing word-processed responses to all applicable fields.
2. Attach all applicable required documents as indicated in this form.
3. Email an electronic copy of your completed Intent to Apply Packet, as a single PDF file, including appropriate attachments, to [boe\\_hawaii@notes.k12.hi.us](mailto:boe_hawaii@notes.k12.hi.us) by the deadline (date and time) indicated on the timeline on the Board's website.
4. You will receive notice of your eligibility by the date indicated on the timeline on the Board's website.

**Organization Name (entity that intends to apply to be a new charter school authorizer):**

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**Primary Contact Name:**

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**Primary Contact Address:**

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**City/State/Zip:**

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**Primary Contact Phone:** ( \_\_\_\_\_ ) \_\_\_\_\_ - \_\_\_\_\_

**Primary Contact Email Address:**

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**Type of Organization (check the appropriate box(es)):**

- University of Hawaii Board of Regents

Required Attachments

- 1) A signed resolution or approved public minutes from the Board of Regents authorizing the submission of this application

- Governing board of an accredited private postsecondary institution (check the appropriate institution type):

Community college

Technical college

Four-year university

Other accredited postsecondary institution (specify): \_\_\_\_\_

Required Attachments

- 1) A signed resolution from the governing board authorizing the submission of this application
- 2) Documentation certifying the governing board has governing authority over the institution
- 3) Sufficient documentation proving the institution is registered as an accredited postsecondary institution with the Department of Commerce and Consumer Affairs' Hawaii Post-secondary Education Authorization Program, pursuant to Hawaii Revised Statutes Chapter 305J
- 4) Documentation describing the institution's operating jurisdiction

- County agency (check the appropriate county):

City and County of Honolulu

County of Hawai'i

County of Kauai

County of Maui

Required Attachments

- 1) A signed letter from the Mayor authorizing the submission of this application

- State agency

Required Attachments

- 1) A signed letter from the agency's director or, if applicable, a signed resolution or approved public minutes from the governing board of the agency authorizing the submission of this application

- Governing board of a nonprofit or charitable organization exempt from federal taxes under section 501(c)(3) or 501(c)(6) of the Internal Revenue Code

Required Attachments

- 1) A signed resolution from the board authorizing the submission of this application
- 2) Documentation certifying the governing board has governing authority over the organization
- 3) Proof of nonprofit registration with the Hawai'i Department of Commerce and Consumer Affairs and a Certificate of Good Standing
- 4) A copy of federal tax-exempt certification from the Internal Revenue Service ("IRS") or an acknowledgement letter from the IRS regarding the tax status of the nonprofit

**Geographic Chartering Authority (check the appropriate box and provide applicable information):**

*Note: See the Eligibility section in the application document for information on which entities may apply for statewide, regional, and local chartering authority.*

- Statewide chartering authority

- Regional chartering authority  
Specify region (e.g., County of Hawai'i or Island of Maui):

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- Local chartering authority  
Specify local area (e.g., Campbell-Kapolei Complex Area):

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**Certification:**

As the person identified as the primary contact on behalf of the applicant, I certify that I have the authority granted by the applicant to submit this application and that all information contained herein is complete and accurate. I recognize that any misrepresentation could result in disqualification from the application process.

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Signature of Primary Contact

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Date

**Exhibit 2**

**Applicant Information Sheet**

# Applicant Information Sheet

Provide the appropriate information. Responses, particularly the information regarding the type of organization, should align with responses provided in the applicant's Intent to Apply Packet.

**Organization Name (applicant):**

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**Proposed Authorizer Name (if different from organization name):**

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**Primary Contact Name:**

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**Primary Contact Address:**

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**City/State/Zip:**

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**Primary Contact Phone:** ( \_\_\_\_\_ ) \_\_\_\_\_ - \_\_\_\_\_

**Primary Contact Email Address:**

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**Type of Organization (check the appropriate box(es)):**

- University of Hawaii Board of Regents
  
- Governing board of an accredited private postsecondary institution (check the appropriate institution type):
  - Community college
  - Technical college

- Four-year university
- Other accredited postsecondary institution (specify): \_\_\_\_\_
  
- County agency (check the appropriate county):
  - City and County of Honolulu
  - County of Hawai'i
  - County of Kauai
  - County of Maui
  
- State agency
  
- Governing board of a nonprofit or charitable organization exempt from federal taxes under section 501(c)(3) or 501(c)(6) of the Internal Revenue Code

**Geographic Chartering Authority (check the appropriate box and provide applicable information):**

*Note: See the Eligibility section in the application document for information on which entities may apply for statewide, regional, and local chartering authority.*

- Statewide chartering authority
  
- Regional chartering authority
  - Specify region (e.g., County of Hawai'i or Island of Maui):
  - \_\_\_\_\_
  
- Local chartering authority
  - Specify local area (e.g., Campbell-Kapolei Complex Area):
  - \_\_\_\_\_

**Exhibit 3**

**Statement of Assurances**



## Statement of Assurances

*Please print this form, and initial each item on the line provided. The "Applicant," as indicated on the first line, is the name of the organization applying for chartering authority. An authorized representative of the applicant must sign this form.*

\_\_\_\_\_ (the "Applicant") seeks to serve as an authorizer in fulfillment of the expectations, spirit, and intent of Chapter 302D, Hawaii Revised Statutes, and if approved as an authorizer, the Applicant agrees to:

- \_\_\_\_\_ Operate in compliance with, and hold the charter schools within its portfolio accountable to, all applicable state and federal laws and policies of the Board of Education, including but not limited to:
  - Article X, Section 4 of the Constitution of the State of Hawai'i promoting the study of Hawaiian culture, history, and language in public schools;
  - Article XV, Section 4 of the Constitution of the State of Hawai'i establishing English and Hawaiian as official languages of Hawai'i;
  - Collective bargaining under Chapter 89, Hawaii Revised Statutes, as applicable;
  - Any requirements specific to entities of the State, as applicable; and
  - Board of Education Policy 105-7 relating to Hawaiian education for all students in grades K-12;
- \_\_\_\_\_ Fully participate in any authorizer training provided and required by the State;
- \_\_\_\_\_ Ensure public accountability and transparency in all matters concerning its charter-authorizing practices, decisions, and expenditures;
- \_\_\_\_\_ Ensure a commitment to quality authorizing by building the knowledge and skill base of its authorizing leadership and staff through professional development and engaging in regular self-evaluation;
- \_\_\_\_\_ Comply with reporting requirements and other statutory responsibilities;
- \_\_\_\_\_ Ensure that any charter school it oversees shall have a fully independent governing board and exercise autonomy in all matters, to the extent permitted by law, in such areas as budget, personnel, and educational programs;
- \_\_\_\_\_ Permit the Board of Education to audit, review, and inspect the Applicant's activities, books, documents, papers, and other records;
- \_\_\_\_\_ Read, understand, and comply with all parts of the Authorizing Contract, including, but not limited to, the performance standards and requirements established by the Hawai'i Authorizer Performance Evaluation System.

I, the undersigned, do hereby agree to the assurances contained above on behalf of the Applicant.

\_\_\_\_\_  
Signature of Authorized Representative

\_\_\_\_\_  
Title

\_\_\_\_\_  
Printed Name of Authorized Representative

\_\_\_\_\_  
Date

**Exhibit 4**

**Application Instructions**

# Application Instructions

The standards and criteria in this application align with the performance measures, indicators, and specifications in the Hawai'i Authorizer Performance Evaluation System ("HAPES"). The Board of Education ("Board") established HAPES to review the performance of charter school authorizers pursuant to law. By aligning to HAPES, these application standards and criteria seek to ensure authorizer accountability and promote high-quality charter schools and authorizing excellence on the front end before an aspiring authorizer ever begins operations.

An application that satisfactorily meets the standards and criteria reflects a thorough understanding of key issues. It addresses the Organizational Plan (Part A), Financial Plan (Part B), and Authorizing Plan (Part C) with specific and accurate information that shows thorough preparation; presents a clear, realistic picture of how the proposed authorizer expects to operate; and inspires confidence in the Applicant's capacity to carry out the plan effectively (Part D).

An application must be a narrative response that clearly responds to the standards and criteria in Parts A through D. The narrative should include standard headings that organize the narrative response. Attach all required attachments indicated in these instructions. Additional attachments that provide more information are allowable, but organize such attachments after the required attachments. Do not expect evaluators to understand the information an attachment is trying to convey if the narrative does not reference the attachment in connection to the standards and criteria.

It is unnecessary to restate information in the application. In other words, do not repeat information in the narrative that is provided in an attachment or another part of the narrative. Reference the attachment, section, and/or page number instead of duplicating the information in the narrative.

## PART A: ORGANIZATIONAL PLAN

### **Standard A.1: Authorizer Mission** (*HAPES Performance Measure A.1*)

The Applicant has a clear and compelling mission for charter school authorizing that aligns with, supports, and advances the intent of law and purpose of charter schools.

Approval Criteria. A satisfactory response:

- Identifies the Applicant's clear and compelling mission; and
- Clearly describes how the mission aligns with, supports, and advances the intent of Hawaii Revised Statutes ("HRS") Chapter 302D and the purpose of charter schools pursuant to Board Policy.

### **Standard A.2: Strategic Vision and Organizational Goals** (*HAPES Performance Measure A.2*)

The Applicant has a comprehensive long-term strategic vision for charter school authorizing with clear organizational goals and timeframes for achievement that are aligned with, support, and advance the intent of law and the purpose of charter schools.

Approval Criteria. A satisfactory response:

- Identifies the Applicant's comprehensive long-term strategic vision for charter school authorizing;
- Identifies the Applicant's organizational goals (at least three) that are specific, measurable, achievable, and relevant to the Applicant's strategic vision and include indicators, metrics, and realistic timeframes for achievement (*important note: these goals go into the authorizing contract and establish the specific performance terms for the first five years of authorizer operations*);
- Clearly describes how the strategic vision and organizational goals align with, support, and advance the intent of HRS Chapter 302D and the purpose of charter schools pursuant to Board Policy, including appropriate strategies for charter school authorizing;
- Explains how the Applicant will evaluate its work against its strategic vision and organizational goals; and
- Explain how the Applicant will implement plans for improvement when falling short of its organizational goals.

**Standard A.3: Structure of Operations** (*HAPES Performance Measure A.3*)

The Applicant has a clear structure of duties and responsibilities, including appropriate lines of authority and delegation of duties between decision-makers and staff, to effectively oversee its portfolio of charter schools.

Approval Criteria. A satisfactory response:

- Provides an organizational chart that shows clear lines of reporting, authority, and decision-making and, if applicable, showing projected organizational changes due to proposed expansion over the first five years of authorizer operations;
- Identifies the positions (e.g., board members, employees, contractors, volunteers; both paid and unpaid positions) allocated to authorizing duties and the full-time equivalencies of those positions;
- Clearly demonstrates how the Applicant's structure of operations supports its strategic vision and its ability to execute the responsibilities of a quality authorizer in accordance with HRS Chapter 302D; and
- Clearly explains how the Applicant's structure of operations is specifically tailored to meet the authorizing needs of its projected portfolio of charter schools.

**Standard A.4: Capacity and Skill Development of Leadership and Staff** (*HAPES Performance Measure A.5*)

The Applicant ensures a commitment to quality authorizing and has an adequate plan to enable continual agency improvement through regular professional development of its authorizing leadership and staff. The Applicant's plan for professional development aligns with its mission, vision, and organizational goals.

Approval Criteria. A satisfactory response:

- Describes the Applicant’s plan to offer adequate professional development that builds the skill base of its authorizing leadership and staff, including:
  - The frequency and nature of potential professional development as well as the personnel expected to attend; and
  - An explanation of how professional development will help the authorizing leadership and staff accomplish the Applicant’s mission, vision, and organizational goals.

**Standard A.5: Self-Evaluation of Capacity, Infrastructure, and Practices** (*HAPES Performance Measure A.7*)

The Applicant has an adequate plan to self-evaluate its internal ability (capacity, infrastructure, and practices) to oversee its portfolio of charter schools and develop continuous improvement plans to address findings of self-evaluation.

Approval Criteria. A satisfactory response:

- Describes the Applicant’s plan to regularly evaluate its internal ability (capacity, infrastructure, and practices) to oversee its projected portfolio of charter schools, including:
  - A sample schedule of self-evaluations demonstrating regular reviews;
  - The process the Applicant will use to adequately evaluate its internal ability (capacity, infrastructure, and practices) against national standards and its organizational goals; and
  - The Applicant’s process to develop and implement continuous improvement plans to sufficiently address findings of its self-evaluations.

**Standard A.6: Operational Conflicts of Interest** (*HAPES Performance Measure A.8*)

The Applicant has a clear policy to address conflicts of interest in all decision-making processes concerning the portfolio of charter schools.

Approval Criteria. A satisfactory response:

- Includes, as **Attachment A**, the Applicant’s clear policy to address conflicts of interest in all decision-making processes concerning the portfolio of charter schools; and
- Describes adequate processes and procedures for implementing and executing the Applicant’s conflict of interest policy to avoid conflicts of interest that might affect the Applicant’s capacity to make objective, merit-based application and renewal decisions and avoid decisions and interventions that hold the Applicant accountable for a school’s performance rather than holding the school solely responsible for its own performance.

**Standard A.7: Compliance to Statutory Responsibilities** (*HAPES Performance Measure A.9*)

The Applicant has an adequate plan to comply with its statutory responsibilities, including authorizer reporting and the appropriate distribution of funds to its charter schools.

Approval Criteria. A satisfactory response:

- Describes the Applicant’s internal process demonstrating that it will submit its annual reports on time and with complete information;
- Describes the Applicant’s internal process demonstrating that it will appropriately distribute state and federal funds to the charter schools within its portfolio in accordance with law; and
- Describes how the Applicant will adequately act as a point of contact between its portfolio of schools and the Department of Education.

## **PART B: FINANCIAL PLAN**

*Note: Hawai’i law does not expressly allow authorizers to charge charter schools fees for operating costs. The authorizing contract prohibits an authorizer from receiving payments from the charter schools within its portfolio of schools for anything other than services purchased by charter schools at their own discretion in accordance with HRS Section 302D-10. The authorizing contract further clarifies that an authorizer shall not charge charter schools within its portfolio of schools fees for any activities, functions, or operations required of authorizers by law. Further, Hawai’i law does provide dedicated state resources to authorizers other than the State Public Charter School Commission.*

### **Standard B.1: Authorizing Operational Budget** (HAPES Performance Measures A.3 and A.6)

The Applicant has a budget with sufficient resources to effectively oversee its portfolio of charter schools. The Applicant has an adequate plan to obtain and allocate the resources stated in its budget.

Approval Criteria. A satisfactory response:

- Includes, as **Attachment B**, the Applicant’s anticipated five-year budget that clearly aligns with the Organizational and Authorizing Plans and outlines the following:
  - Secured and anticipated revenue sources, such as dedicated annual operating funds from the Applicant’s parent organization and additional funds from outside sources;
  - Anticipated expenditures, such as staff, travel, consultants, professional development, rent, equipment, and supplies; and
  - Anticipated staff expenditures and personnel budget increases in relation to charter school portfolio growth;
- Specifies the sources of funds that will fund each of the paid positions identified under Standard A.3;
- Indicates which sources of funds outlined in the budget are secured and which are anticipated; includes, as **Attachment C**, evidence of commitment for all such funds (e.g., grant award letters, letters of commitment, memoranda of

understanding); and describes any restrictions on any of the aforementioned funds;

- Describes adequate contingencies should anticipated, unsecured revenue sources fail to materialize;
- Provides the target number of schools for the portfolio of charter schools for the first five years of authorizer operations that clearly aligns with the Organizational and Authorizing Plans (*Important note: this number goes into the authorizing contract and establishes the maximum portfolio size for the Applicant's first five years of authorizer operations*);
- Clearly demonstrates how the Applicant's budget supports its strategic vision and its ability to execute the responsibilities of a quality authorizer in accordance with HRS Chapter 302D; and
- Clearly explains how the Applicant's budget is specifically tailored to meet the authorizing needs of its projected portfolio of charter schools.

## **PART C: AUTHORIZING PLAN**

### **Standard C.1: Application Process, Timeline, and Request for Proposals** (*HAPES Performance Measure B.1*)

The Applicant has a comprehensive application process for new charter schools that includes realistic timelines, fair and transparent procedures, and guidance that clearly describes each stage of the process. The Applicant has a request for proposals for new charter schools that is clear, comprehensive, and aligned to its mission, vision, and organizational goals.

Approval Criteria. A satisfactory response:

- Includes, as **Attachment D**, the Applicant's clear and comprehensive application process and request for proposals for new charter schools that align to its mission, vision, and organizational goals;
- Demonstrates that the application process:
  - Broadly invites and solicits charter applications;
  - Publicizes the Applicant's vision and chartering priorities without restricting or refusing to review applications that propose to fulfill other goals;
  - Allows sufficient time for each stage of the application process to be carried out with quality and integrity;
  - Has fair and transparent procedures, including informing charter applicants of their rights and responsibilities and promptly notifying charter applicants of approval or denial while explaining the factors that determined the decision;
  - Clearly explains how each stage of the application process is conducted and evaluated, including the approval criteria and evaluation and decision-making processes; and
  - Complies with HRS Section 302D-13;
- Demonstrates that the request for proposals:
  - Clearly states the authorizer's chartering priorities that align to its organizational goals;

- Articulates comprehensive application questions to elicit the information needed for rigorous evaluation of charter applicants' plans and capacities; and
- Complies with HRS Section 302D-13(c)(1); and
- Provides a detailed timeline with specific dates of the first application process the Applicant anticipates to implement, including every major milestone and deadline from the release of the request for proposals to the final decision-making on each application.

**Standard C.2: Approval Criteria for Charter School Applications** (*HAPES Performance Measure B.2*)

The Applicant has clear and comprehensive approval criteria that align to law and allow it to rigorously evaluate new charter school proposals.

Approval Criteria. A satisfactory response:

- Demonstrates that the approval criteria contained within the Applicant's request for proposals (included as part of **Attachment D**):
  - Require all charter applicants to present a clear and compelling mission;
  - Require all charter applicants to present strong academic, financial, organizational, and operational plans that are likely to satisfactorily meet the indicators, measures, and metrics set forth in the Applicant's performance framework provided under Standard C.6 and are in compliance with all applicable laws and Board policies;
  - Require all charter applicants to present clear evidence of the charter applicant's capacity to execute its plans; and
  - Provide distinct criteria for charter applicants who are existing school operators, proposing to contract with education service or management providers, or proposing to operate virtual charter schools.

**Standard C.3: Evaluation and Decision-Making Process** (*HAPES Performance Measure B.3*)

The Applicant has clear and comprehensive evaluation process standards to ensure qualified internal and external evaluators rigorously evaluate new charter school proposals. The Applicant has an adequate plan to ensure its decisions and resulting actions align to its stated approval criteria and evaluation process standards.

Approval Criteria. A satisfactory response:

- Demonstrates that the evaluation process standards described within the Applicant's application process (included as part of **Attachment D**) include:
  - Rigorous evaluation of each charter application through thorough review of the written proposal, a substantive in-person interview with each qualified charter applicant, and other due diligence to examine the charter applicant's experience and capacity, conducted by knowledgeable and competent evaluators;
  - Documentation of evidence by evaluators to support whether each charter applicant meets each of the approval criteria;



- Training from the Applicant to evaluators to ensure consistent evaluation standards and practices, observance of essential protocols, and fair treatment of charter applicants;
- Clear communication of the resulting evaluation and authorizer decision to charter applicants specifying reasons for approval or denial; and
- The Applicant ensuring that the application evaluation process and decision making are free of conflicts of interest and require full disclosure of any potential or perceived conflicts of interest between evaluators or decision makers and applicants;
- Describes how the Applicant will adequately ensure it recruits an evaluation team with internal and external evaluators who have relevant expertise or experience in the essential areas of educational planning, governance, financial management, and school accountability; and
- Describes how the Applicant will adequately ensure it grants charter contracts only to charter applicants that have demonstrated competence and capacity to succeed in all aspects of the school, consistent with its stated approval criteria, as described under Standard C.2, and its evaluation process standards.

**Standard C.4: Pre-Opening Charter School Process** (*HAPES Performance Measure B.4*)

The Applicant has clear and comprehensive pre-opening processes and criteria to determine the readiness of a pre-opening charter school to commence operations on a reasonable timeline.

Approval Criteria. A satisfactory response:

- Includes, as **Attachment E**, a template or sample of the Applicant’s pre-opening criteria that clearly requires an approved charter applicant provide the Applicant with the following prior to opening as a charter school:
  - Documentation and/or assurances that all health, safety, and other legal requirements are met;
  - Evidence of sufficient staffing and governance;
  - A demonstration of adequate operating funds; and
  - Evidence of a facility that supports the school’s needs;
- Clearly describes the Applicant’s pre-opening process that complies with HRS Section 302D-14.5 and explains how it allows sufficient time for pre-opening charter schools to meet the pre-opening criteria with quality and integrity;
- Describes how the Applicant will adequately ensure it approves commencement of operations only for charter schools that have demonstrated readiness consistent with the pre-opening criteria; and
- Demonstrates how the pre-opening process and criteria ensure that a charter school will not be significantly different upon opening from what was described in its authorizer-approved application.

**Standard C.5: Charter Contract Terms, Negotiation, and Execution** (*HAPES Performance Measure C.1*)

The Applicant has an adequate plan to execute charter contracts that clearly define material terms and rights and responsibilities of the school and the authorizer.

Approval Criteria. A satisfactory response:

- Includes, as **Attachment F**, the Applicant’s charter contract template that clearly:
  - Defines material terms of the charter contract;
  - Allows—and requires contract amendments for—occasional material changes to a school’s plans, but does not require amending the contract for non-material modifications to the school’s plans;
  - States the rights and responsibilities of the school and the Applicant;
  - States and respects the autonomies to which schools are entitled—based on statute, waiver, or authorizer policy—including those relating to the school’s authority over educational programming, staffing, budgeting, and scheduling;
  - Defines performance standards, criteria, and conditions for renewal, intervention, revocation, and nonrenewal while establishing the consequences for meeting or not meeting standards or conditions;
  - States the statutory, regulatory, and procedural terms and conditions for the school’s operation;
  - States the responsibility and commitment of the school to adhere to essential public education obligations, including admitting and serving all eligible students so long as space is available, and not expelling or counseling out students except pursuant to a legal discipline policy approved by the Applicant;
  - States the responsibilities of the school and the Applicant in the event of school closures;
  - For any school that contracts with an external (third-party) service provider for education design and operation or management, includes additional provisions that ensure rigorous, independent service contract oversight by the charter school governing board and the school’s financial independence from the third-party education service provider; and
  - Aligns with state law; and
- Describes adequate practices, processes, and procedures to:
  - Execute charter contracts with legally constituted governing boards independent of the Applicant;
  - Grant charter contracts for an initial term of five operating years; and
  - Ensure mutual understanding and acceptance of the terms of the charter contract by school governing boards prior to execution of charter contracts by the Applicant.

**Standard C.6: Charter School Performance Standards** (*HAPES Performance Measure C.2*)

The Applicant has an adequate plan to execute charter contracts with clear, measurable, and attainable performance standards.

Approval Criteria. A satisfactory response:

- Demonstrates that the performance frameworks contained within the Applicant’s charter contract template (included as part of **Attachment F**) clearly:
  - Define measurable and attainable academic, financial, and organizational performance standards and targets under which the Applicant will evaluate schools and that schools must meet as a condition of charter contract renewal;
  - Include expectations for appropriate access, education, support services, and outcomes for students with disabilities;
  - Define the sources of academic data that will form the evidence base for ongoing and renewal evaluation, such as state-mandated and other standardized assessments, student academic growth measures, internal assessments, qualitative reviews, and performance comparisons with other public schools in the state;
  - Define the sources of financial data that will form the evidence base for ongoing and renewal evaluation grounded in professional standards for sound financial operations and sustainability;
  - Define the sources of organizational data that will form the evidence base for ongoing and renewal evaluation, focusing on fulfillment of legal obligations, fiduciary duties, and sound public stewardship; and
  - Comply with HRS Section 302D-16.

**Standard C.7: Process for Ongoing Oversight of Charter Schools** (*HAPES Performance Measure D.1*)

The Applicant has an adequate plan to implement a comprehensive oversight and monitoring system as defined by its charter contract.

Approval Criteria. A satisfactory response:

- Describes a comprehensive oversight and monitoring system, including any criteria, processes, or procedures that the Applicant will use, that:
  - Provides clear guidance to schools to ensure their timely compliance with charter contract provisions, applicable laws, and Board policies;
  - Protects student rights, including ensuring fair and transparent selection processes open to all students, legally compliant access and services to students with disabilities, equitable access and inclusive services for all students, and fair and legal student discipline policies;
  - Provides the Applicant with the information necessary to make rigorous and standards-based intervention, revocation, and renewal decisions; and
  - Fairly and consistently enforces the consequences stated in the charter contract for failing to meet performance expectations or compliance requirements;
- Demonstrates that the described oversight and monitoring system is clearly defined by the charter contract template (included as **Attachment F**); and
- Describes adequate practices, processes, and procedures for how the Applicant will:
  - Implement its oversight and monitoring system consistently across its portfolio of schools; and

- Ensure communication to schools, including both school leadership and governing boards, regarding oversight and monitoring is clear, regular, and timely.

**Standard C.8: Protecting School Autonomy** (*HAPES Performance Measure D.2*)

The Applicant has an adequate plan to respect, preserve, and support the essential autonomies of the portfolio of charter schools.

Approval Criteria. A satisfactory response:

- Identifies clear provisions within the Applicant’s charter contract template (included as **Attachment F**) that adequately establish and recognize the school’s authority over its day-to-day operations and decisions that are clearly within its purview, including those pertaining to the school’s academic, operational, and financial needs; and
- Describes adequate practices, processes, and procedures for respecting, preserving, and supporting the essential autonomies guaranteed by the charter contract to the portfolio of schools that demonstrate the Applicant will, at a minimum:
  - Collect information from schools in a manner that minimizes their administrative burdens while still ensuring that the Applicant collects performance and compliance information with sufficient detail and timeliness to protect student and public interests;
  - Periodically review compliance requirements and evaluate the potential to increase school autonomy based on flexibility in the law, streamlining requirements, demonstrated school performance, or other considerations; and
  - Refrain from directing or participating in educational decisions or choices that are appropriately within a school’s purview under the law or charter contract.

**Standard C.9: Standards and Processes for Intervention and Corrective Action** (*HAPES Performance Measure D.3*)

The Applicant has clear and comprehensive standards and processes to address intervention and corrective action.

Approval Criteria. A satisfactory response:

- Identifies a clear and comprehensive intervention policy within the Applicant’s charter contract template (included as **Attachment F**) that includes conditions that may trigger intervention and the types of possible actions and consequences that may ensue; and
- Describes the Applicant’s processes for intervention and corrective action that:
  - Adequately implement the intervention policy contained in the charter contract;
  - Give schools clear, adequate, evidence-based, and timely notice of contract violations or performance deficiencies;

- Allow schools reasonable time and opportunity for remediation in non-emergency situations;
- Identify what the school must remedy without prescribing solutions when intervention is needed; and
- Apply professional discretion when intervention is needed and consider context and a range of effective solutions rather than relying solely on tools or protocols to make decisions.

**Standard C.10: Charter Contract Renewal Process and Performance Reports**  
(HAPES Performance Measure E.1)

The Applicant has a clear, comprehensive, fair, and transparent process for charter contract renewal.

Approval Criteria. A satisfactory response:

- Includes, as **Attachment G**, the Applicant’s renewal process and application guidance that complies with HRS Section 302D-18; and
- Demonstrates that the renewal process and application guidance:
  - Include criteria for charter revocation, renewal, and nonrenewal decisions that are consistent with the charter contract and performance standards, as described under Standard C.6;
  - Clearly explain available appeal rights through which a school may challenge the authorizer’s decision;
  - Provide regular updates and publication of the process for renewal decision making;
  - Provide a meaningful opportunity and reasonable time for a school to respond to its performance report; to correct the record, if needed; and to present additional evidence regarding its performance;
  - Send a performance report to the school in advance of a renewal decision;
  - Ensure the performance report summarizes the school’s performance and states the Applicant’s summative findings concerning the school’s performance and its prospects for renewal;
  - Notify each school of the Applicant’s decision, including written explanation of the reasons for the decision; and
  - Ensure prompt communication of renewal or revocation decisions to the school community and public that allows parents and students to exercise choices for the coming school year.

**Standard C.11: Charter Contract Renewal or Revocation Decisions** (HAPES Performance Measure E.2)

The Applicant has an adequate plan to ensure its renewal and revocation decisions align to its stated performance standards.

Approval Criteria. A satisfactory response:

- Describes how the Applicant will adequately ensure it:

- Grants charter contract renewals only to schools that have met the Applicant's performance standards, as described under Standard C.6, and have been faithful to the terms of the charter contract;
- Does not make renewal decisions (including granting probationary or short-term renewals) on the basis of political or community pressure or solely on promises of future improvement; and
- Bases its revocation decisions on clear evidence of extreme underperformance or violation of law to protect student and public interests and proceeds with revocation as soon as practicable if becomes aware of such evidence.

**Standard C.12: School Closure Protocol** (*HAPES Performance Measure E.3*)

The Applicant has a school closure protocol that is clear and comprehensive.

Approval Criteria. A satisfactory response:

- Includes, as **Attachment H**, the Applicant's clear and comprehensive school closure protocol with reasonable timelines; and
- Demonstrates that the closure protocol includes:
  - Procedures that require the Applicant to not only oversee, but also to work with the school's governing board and leadership;
  - Details to cover all of major situations that would arise in a closure process;
  - Timely notification to parents;
  - Orderly transition of students and student records to new schools;
  - Disposition of school funds, property, and assets in accordance with law; and
  - Sufficient time for the school to comply with Applicant's closure protocol without compromising the interests of students or the public.

**PART D: APPLICANT CAPACITY**

**Standard D.1: Authorizer Leadership and Staff Expertise** (*HAPES Performance Measure A.4*)

The Applicant has appropriate experience, expertise, and skills to sufficiently oversee the portfolio of charter schools.

Approval Criteria. A satisfactory response:

- Includes, as **Attachment I**, the resumes of individuals anticipated to fill any paid or unpaid positions identified under Standard A.5 and job descriptions for the remaining positions that the Applicant has not yet identified individuals to fill;
- Demonstrates how the positions identified under Standard A.5, including the individuals anticipated to fill any of those positions, possess or require the *experience, expertise, and skills* in the *essential authorizing areas* necessary to implement the Applicant's Organizational, Financial, and Authorizing Plans;
- Demonstrates, through an in-person interview with evaluators, that the Applicant:
  - Can clearly and effectively articulate its proposed plans;

- Is well informed and understands the challenges, issues, and requirements associated with operating a quality authorizer;
- Has comprehensive and holistic knowledge of its written application; and
- Is genuinely interested in and committed to becoming a quality authorizer.

Use the definitions below for Standard D.1:

- *Essential authorizing areas* includes, but is not limited to, education leadership; curriculum, instruction, and assessment; special education, English learners, and other diverse learning needs; performance management and accountability; federal, state, and county law and Board policies; finance; facilities; and nonprofit governance and management.
- *Expertise* is defined as having knowledge, education, or training in the *essential authorizing areas*.
- *Experience* is defined as the length of time working in the *essential authorizing areas*.
- *Skills* is defined as the effective application of *experience* and *expertise* in the *essential authorizing areas*.