



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

July 2, 2013

TO: The Honorable Donald Horner, Chairperson
Board of Education

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

Handwritten signatures of Douglas Murata and Wilfred Keola, Board of Education Designees, in black ink.

SUBJECT: Approval of Mililani High School's School Community Council (SCC) Exception
Regarding its Assessment Schedule

1. **RECOMMENDATION**

That the Board of Education (BOE) approve Mililani High School's SCC Exception Request allowing the school to implement a modified school schedule to accommodate testing for the 2013-2014 school year.

Note: BOE approval of exceptions to the BU 05 Collective Bargaining agreement must include all stipulations agreed upon by its two (2) committee members to the SCC Exception Review Committee. The status quo shall remain should the BOE not agree with its committee members' recommendation(s).

2. **RECOMMENDED EFFECTIVE DATE**

Upon approval by the BOE.

3. **RECOMMENDED COMPLIANCE DATE**

Not applicable.

4. **DISCUSSION**

a. **Conditions leading to the recommendation**

Section 302A-1124 to 1127, Hawaii Revised Statutes (HRS), authorizes schools to request waivers from existing state agency rules, policies, regulations, and procedures as well as exceptions to collective bargaining agreements as negotiated in accordance with current collective bargaining agreements and the provisions of Chapter 89, HRS.

AN AFFIRMATIVE ACTION AND EQUAL OPPORTUNITY EMPLOYER

b. Previous action of the Board on the same or similar matter

Similar SCC exceptions were approved for Konawaena Middle School, Pearl City and Waiakea High Schools.

c. Other policies affected

Article VI, Teaching Conditions and Hours; Section R, Evaluation of Students/Grading Preparation.

Article VI, Teaching Conditions and Hours, Section CC, Work Time Distribution, Weekly Totals Within the 7-Hour Day, 5-Day Week.

Article XII, Academic Freedom.

Board Policy 1710-3, School Calendar Policy.

Board Policy 2412, School Community Council Waivers and Exceptions Policy.

d. Arguments in support of the recommendation

The change in bell schedule requested by Mililani High School for 2013-2014 school year will allow the school to:

- Ensure timely reporting of grades to students and parents/guardians.
- Promote student success by having a semester exam schedule and making schedule changes at the start of the semester.
- Allow teachers and students opportunities to prepare and review for the assessments.
- Allow teachers to input grades and report cards in a timely manner.
- Encourage students to use the before and afternoon periods to seek additional tutorial services to improve student performance and understanding.
- Promote timely communication with students and parents.
- Encourage students to apply and complete college applications in a timely manner.

e. Arguments against the recommendation

Approval of the requested waiver/exception may result in potential reduction in the number of school days for students.

f. Findings and conclusions of the Board committee

The BU 05 Committee on SCC Exception Review agreed to this exception on June 7, 2013. Recommend approval of this waiver/exception is with regard to waving collective bargaining agreements and/or DOE/BOE policy and does not constitute a recommendation to waive Act 167/52 requirements.

g. Other agencies or departments of the State of Hawaii involved in the action

None.

h. Possible reaction of the public, professional organizations, unions, DOE staff and/or others to the recommendations

Possible concerns from the public regarding potential reduction in the number of school days.

i. Educational implications

As stated in the school's SCC exception request.

j. Personnel implications

None.

k. Facilities implications

None.

l. Financial implications

None.

5. **OTHER SUPPLEMENTARY RECOMMENDATIONS**

None.

DM/WK:JZ:ah

Attachments

c: Superintendent
Office of Curriculum, Instruction and Student Support

_____ New Request

X Renewal

**SCHOOL COMMUNITY COUNCIL
WAIVER/EXCEPTION REQUEST FORM**

(Please use one form for each request)

SCHOOL: Mililani High School

DATE: December 15, 2012

DISTRICT: Central

COMPLEX: Mililani

Achieved AYP: ___ Yes x No

School Status:

School Proficiency Levels:

Reading Gr 10 88% Gr %

Math Gr 10 61% Gr %

___ In Good Standing, Unconditional

___ In Good Standing, Pending

___ Needs improvement Yr. 1

___ Needs improvement Yr. 2

___ Corrective Action

___ Planning for Restructuring

x Restructuring

*****Attach Trend Report.**

- A. List the specific policy, regulation, rule, procedure or the specific article within the collective bargaining agreement from which the school is seeking relief.

Article VI, Section R states, "The deadline for the submittal of grades shall be no earlier than the fourth student day following the end of the quarter except for the fourth quarter."

- B. Describe 1) the desired change, and 2) what the school hopes to accomplish as it relates to improving student learning and increasing student achievement. Include specific quantitative, qualitative and longitudinal data to support the need for the request.

The desired change is to submit 2nd quarter, 1st semester grades on the last day of the 2nd quarter for three (3) reasons:

- (1) Encourage students to apply and complete college applications in a timely manner.*
- (2) Promote student success by having a semester exam schedule and making schedule changes at the start of the semester.*
- (3) Promote timely communication with our parents and students.*

- C. If a renewal, describe and evaluate the outcomes of the requested change. Explain what was achieved and the impact on student learning. (Include specific quantitative and/or qualitative data.)

- (1) With help from the college and career coordinator, seniors were able to send their college applications and scholarship requests promptly.*
- (2) Students were able to receive tutoring before/after scheduled exams on incomplete semester projects, assignments, etc. to improve student performance and understanding. (According to a school wide survey, 40% of teachers responded*

that approximately 928 students received tutoring during 1st semester final exam week. Additionally, in a student survey with a ranking of 1-5; 5 being the highest, 80% of our students ranked our school as a 4 or 5 for providing adequate support for their learning needs)

- (3) *Students were able to experience a post high environment and concentrate on specific subjects when taking their semester exams.*
- (4) *Counselors were able to make any necessary changes or adjustments in student's schedules for the start of the third quarter. (According to a school wide survey, approximately 25 students were serviced in this capacity)*
- (5) *Promoted timely communication with parents and students by mailing mid-year report cards during winter vacation instead of two (2) weeks after the start of third quarter.*

D. Please provide additional information (data and narrative) for the following type of request applicable:

D1.) Parent-Teacher Conferences:

For a waiver from the DOE Regulation 4510.3 Released Time for Conferences to Report Student Progress, the Superintendent requires that a parent satisfaction survey be conducted and the survey results submitted.

Number of surveys distributed	
Number of surveys returned	
Number of parents in favor	
Number of parents not in favor	
Number of parents undecided	

Summary:

D2.) School Attendance Procedures:

For a waiver from the DOE School Attendance Procedures, Revised August 2001, a comparison of attendance data over a three (3) year period of time is required. Explain the increase or decrease in attendance rates. Provide provisions for allowing students to make-up missed work.

School Year	% of average daily attendance

Rationale:

D3.) Withholding the Posting of Probationary Teacher Positions:

For an exception from the collective bargaining contract for teachers for Withholding the Posting of Probationary Teacher Positions to Retain Probationary Teachers, a rationale stating

a compelling or unique reason for the request is required (i.e. time and funds invested in teachers for professional development.)

Number of probationary teachers in your school	
Number of probationary one (1) teachers	
Number of probationary two (2) teachers	
Number of probationary three (3) teachers	
Number of probationary four (4) teachers	

Rationale:

D4.) Reporting of Quarterly Grades:

For an exception from the collective bargaining contract for teachers for Reporting Quarterly Grades for Schools, an explanation of the interventions provided and the impact on student learning is required.

Number of Students needing assistance	1066
Number of students who received tutorial assistance/interventions	1329
Number of students whose grades improved after receiving tutorial assistance/interventions	1055

Explanation: Data was collected from a student survey in combination with a school-wide survey to obtain the above information. We have an after school tutoring program and a number of support systems to help students needing assistance. Teachers are also available for tutoring during our TAP periods on certain Wednesdays and after school and/or by appointment.

Previous votes by certified staff members for this current waiver:

2003 and 2004

90% in favor

2006, 2008, 2009, 2010, 2011, 2012

100% in favor

All certified staff members agreed to semester one exam schedule. The faculty and community have embraced this change as a positive practice at Mililani High School.

D5.) Modified Assessment Schedule:

For an exception from the collective bargaining contract for teachers for a Modified Assessment Schedule, an explanation of the interventions provided and the impact on student learning is required. Describe tutorial opportunities provided for students during the assessment week.

Number of Students who need assistance	1066
Number of students who received tutorial assistance/interventions	1329
Number of students whose grades improved after receiving tutorial assistance/interventions	1055

Explanation: Data was collected from a student survey in combination with a school-wide survey to obtain the above information. We have an after school tutoring program and a number of support systems to help students needing assistance. Teachers are also available for tutoring during our TAP periods on certain Wednesdays and after school and/or by appointment. The modified assessment schedule also allows for students to obtain extra help during exam week.

Previous votes by certified staff members:

2003 and 2004

90% in favor

2006, 2008, 2009, 2010, 2011, 2012

100% in favor

All certified staff members agreed to semester one exam schedule. The faculty and community have embraced this change as a positive practice at Mililani High School.

E. All Other Requests:

Provide information and explanation as indicated in Sections A, B, and C, and other additional information applicable.

F. Provide a chronology and summary of discussions and activities that document an inclusive, collaborative, and consensus-building decision-making process.

Date	Type of Meeting	Summary of Outcome
11/28/12	Faculty Meeting: discussion on contract exception and process	MHS staff notified
12/5/12	SCC	SCC notified of proposed Waiver
11/29/12	Follow-up email to faculty regarding SCC Waiver	MHS staff notified of proposed waiver; faculty input, questions, discussions, etc.
12/12/12	Faculty meeting and discussion	Faculty input, questions, discussion, etc.

12/12/12	Faculty voted on best schedule	Faculty consensus for 5 day final exam schedule
12/15/12	HSTA Process Check Completed	Acknowledged by APC representative
12/15/12	SCC	Pending

F. SCC Waiver/Exception Signature Page

WAIVER/EXCEPTION SIGNATURE PAGE

The signatures on this page acknowledge that the decision to request the attached waiver/exception was reached through a collaborative process. If this request is an exception to a collective bargaining agreement, the decision by members of the bargaining unit was achieved through consensus. (Because exceptions to collective bargaining agreements involve the rights of other employees, consensus, specifically by affected unit members, is necessary to waive those rights. It is possible for these unit members to agree on a fallback decision-making option provided that the agreement on the fallback option was reached through consensus.)

Administration [Signature] Date 5/22/13

Community Representative(s) Kyle [Signature] Date 5/24/13

Parent Representative(s) Roger Babush Date 5/24/13

Student Representative(s) [Signature] Date 5/23/13
[Signature] 5/23/13

Noncertificated Staff Representative(s) [Signature] Date 5/22/13

Teacher Representative(s) [Signature] Date 5/22/13

[Signature] Date 5/23/13

Complex Area Superintendent (CAS): DR. JOHN BRUNNEL (print name)

This waiver/exception request aligns with the goals and objectives of the school's strategic plan/academic and financial plan.

CAS Signature: [Signature] Date 5/24/13

HSTA PROCESS CHECK REQUIREMENT:

To ensure that the process to reach the decision for a contract exception request was followed, (the faculty either reached consensus or failing to reach consensus, the faculty held a secret ballot vote that resulted in active faculty members casting a ballot with 75% or higher affirmative vote), the Teacher Representative should email the UniServ Director with a cc to Kate MacPherson (kmacpherson@hsta.org). Please attach a copy of the email sent to the UniServ Director.

RETURN FORM TO: School and Community Leadership Branch
475 22nd Avenue, Building 302, Room 109
Honolulu, Hawaii 96816

Or FAX: 735-8379

FAILURE TO SUBMIT A COMPLETE AND TIMELY WAIVER/EXCEPTION REQUEST MAY RESULT IN THE REQUEST NOT BEING PROCESSED.

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Mililani High**Trend Report:
Educational and Fiscal Accountability****School Report for School Year 2011-2012**

A *Guide to Understanding Trend Reports* explains the educational and fiscal measures and lists schools in each of the 42 complexes for school year 2011-12. The *Guide* is available on-line at <http://arch.k12.hi.us>.

Background

Student Enrollment	Total	SPED		ELL		Free & Reduced-Cost Lunch Program		Kindergartners Who Attended Preschool
School Year	#	#	%	#	%	#	%	%
2009-2010	2,460	319	13.0%	53	2.2%	283	11.5%	na
2010-2011	2,456	297	12.1%	41	1.7%	334	13.6%	na
2011-2012	2,423	269	11.1%	14	0.6%	330	13.6%	na

Teachers	Total	Licensed	Years Experience	5+ Years at This School	Classes Taught by Teachers Meeting NCLB Requirements	Advanced Degree	Early Childhood Endorsement (Gr. K teachers)
School Year	#	%	Average	%	%	%	#
2009-2010	138	88.4%	11.8	52%	87%	34.1%	na
2010-2011	139	93.5%	11.8	53%	90%	36.0%	na
2011-2012	138	94.9%	11.8	57%	90%	37.7%	na

Academic Achievement

Hawaii State Assessment Standards-Based	Reading % Proficient by Grade Level								Math % Proficient by Grade Level							
School Year	3	4	5	6	7	8	10		3	4	5	6	7	8	10	
2009-2010	na	na	na	na	na	na	83.3		na	na	na	na	na	na	na	54.6
2010-2011	na	na	na	na	na	na	77.0		na	na	na	na	na	na	na	48.0
2011-2012	na	na	na	na	na	na	87.9		na	na	na	na	na	na	na	61.2

Hawaii State Assessment Standards-Based	Science % Proficient by Grade Level			
School Year	4	6	8	10
2009-2010	na	na	na	50.7
2010-2011	na	na	na	42.3
2011-2012	na	na	na	42.6

School Year	Proportion Ready for Kindergarten	Retention Rate %			Dropout Rate % (4-year rate)	Graduate On-Time %	Others %
		Elementary	Middle	Grade 9			
2009-2010	na	na	na	7.4%	9.6%	88.7%	1.7%
2010-2011	na	na	na	6.7%	¹ 10.1%	¹ 88.9%	¹ 0.9%
2011-2012	na	na	na	5.6%	¹ 7.9%	¹ 90.5%	¹ 1.6%

1- Starting in 2010-2011 the new Adjusted Cohort Graduation Rate methodology is used (for a brief explanation see Trend Report Guide)

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

Safety and Well-Being

Students	Average Daily Attendance %		Offenses by Type of Incident (number of citations per 1,000 students)					
			Violence		Property		Illicit Substances	
School Year	Elementary	Secondary	Elementary	Secondary	Elementary	Secondary	Elementary	Secondary
2009-2010	na	95.5%	na	10	na	8	na	12
2010-2011	na	95.5%	na	13	na	4	na	10
2011-2012	na	95.5%	na	9	na	6	na	7

School	Facilities Inspection	Persistently Dangerous Schools (NCLB)	Workers' Compensation Claims		Student and Teacher Perceptions on School Quality Survey		Transition from home/preschool to Kindergarten
School Year	Passed?	Yes/No	Total # of claims	% of claims resulting in loss-time	Positive Responses		School mean (range 1-3)
					% of student	% of teacher	
2009-2010	Yes	No	11	0.0%	46.9%	85.2%	na
2010-2011	--	No	3	0.0%	50.1%	81.3%	na
2011-2012	--	No	8	0.0%	72.6%	93.4%	na

Civic Responsibility

	Young Voter Registration	Kids Voting Hawaii		Students Who Are Not Suspended	Service to School/Community	Volunteer Hours
School Year	# of students participating	# of students participating	% of students participating	% of Enrollment	# of projects	# of PCNC volunteer hours per 100 students
2009-2010	90	--	--	94.4%	133	--
2010-2011	3	1,659	67.5%	95.8%	--	--
2011-2012	115	--	--	96.6%	--	--

Fiscal Accountability

School Year	State General Funds				Significant Budget Changes*
	School Salaried Payroll	Allocation Excluding School Salaried Payroll	Expended	Carryover	
2009-2010	\$10,405,444	\$2,071,340	\$1,349,665	\$721,675	none
2010-2011	\$10,686,349	\$1,598,526	\$1,441,210	\$157,316	none
2011-2012	\$10,483,805	\$2,092,715	\$1,402,538	\$690,177	none

*Explanation of Significant Budget Changes



Fw: contract exception

Robin Miller to: Jeni Nishimura

05/16/2013 10:46 AM

----- Forwarded by Robin Miller/MILILANH/HIDOE on 05/16/2013 10:49 AM -----

From: "Tsuchiya, Jeanine [HI]" <jtsuchiya@hsta.org>
To: Linda_Kenui/MILILANH/HIDOE<Linda_Kenui/MILILANH/HIDOE@notes.k12.hi.us>,
Cc: Fred_Murphy/MILILANH/HIDOE <Fred_Murphy/MILILANH/HIDOE@notes.k12.hi.us>,
"Camacho, Ray [HI]" <rcamacho@hsta.org>, Robin_Miller/MILILANH/HIDOE
<Robin_Miller/MILILANH/HIDOE@notes.k12.hi.us>, Russell_Robison/MILILANH/HIDOE
<Russell_Robison/MILILANH/HIDOE@notes.k12.hi.us>
Date: 05/13/2013 12:31 PM
Subject: Re: contract exception

Which year are you referring to? Next year right?

Sent from my iPhone

On May 13, 2013, at 11:15 AM, "
Linda_Kenui/MILILANH/HIDOE@notes.k12.hi.us" <
Linda_Kenui/MILILANH/HIDOE@notes.k12.hi.us> wrote:

I just noticed that the exam schedule referenced does have a time that grades are due - 10:00. So, teachers agreed to that for next year. I think the exception should be for one year, then we can fully discuss in the fall what we want to do. Most teachers likely don't even know that the contract now says grades are due at the end of the teachers' work day.

Linda Kenui
Student Services Coordinator
627-4320
FAX 627-7375

<graycol.gif> "Tsuchiya, Jeanine [HI]" ---05/13/2013 11:00:49 AM---Thanks Ray!!!
Does the exception show a duration approved by t's? Does that need clarification? I

From: "Tsuchiya, Jeanine [HI]" <jtsuchiya@hsta.org>
To: "Camacho, Ray [HI]" <rcamacho@hsta.org>,
Cc: Linda_Kenui/MILILANH/HIDOE <Linda_Kenui/MILILANH/HIDOE@notes.k12.hi.us>,

Fred_Murphy/MILILANH/HIDOE <Fred_Murphy/MILILANH/HIDOE@notes.k12.hi.us>,
Robin_Miller/MILILANH/HIDOE <Robin_Miller/MILILANH/HIDOE@notes.k12.hi.us>
Date: 05/13/2013 11:00 AM
Subject: Re: contract exception

Thanks Ray!!! Does the exception show a duration approved by t's?
Does that need clarification? If nothing else we can do this for one year
and revote for years 2-3-4. Right? Tx. J

Sent from my iPhone

On May 13, 2013, at 10:08 AM, "Camacho, Ray [HI]" <rcamacho@hsta.org>
> wrote:

Hi Linda,

Just got your email and phone message from last week. I looked up the
exception request that you submitted back in Dec. 12, 2012.

The question posed to the faculty was:

"Teachers were asked for consensus on the following: "I agree with
the proposed contract exception to require me to turn 1st
semester/2nd quarter grades in before winter break in exchange
for having the semester exam schedule currently in effect for Dec.
2012."

As you have noted, the new contract language in Article VI, Section R, changed
from "no earlier than the fourth student day" to "no earlier than the end of the
work day on the fourth day." I am of the opinion that despite the change to
the contract language, the question posed to teachers would apply to the new
language as well.

Therefore, I believe it may not be necessary to redo the process. I realize that teachers' time is very tight and could be spent on less bureaucratic activities. Please feel free to forward my email as needed. Thank you.

Ray Camacho

Negotiations Specialist

Hawaii State Teachers Association

(808) 833-2711

rcamacho@hsta.org

Go Green! Print Only When Necessary

"The time is always right to do what is right."

- Martin Luther King Jr.

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From: Linda Kenui/MILILANH/HIDOE@notes.k12.hi.us [
mailto:Linda_Kenui/MILILANH/HIDOE@notes.k12.hi.us]

Sent: Friday, May 10, 2013 1:33 PM

To: Fred Murphy/MILILANH/HIDOE@notes.k12.hi.us;
Robin_Miller/MILILANH/HIDOE@notes.k12.hi.us

Subject: contract exception

I see the problem.

Cannot reach Ray Camacho at HSTA today, he is out. I will email him for advice to resolve this.

The new contract states, "The deadline for the submittal of grades shall be no earlier than end of the work day on the fourth student day following the end of each quarter"

The correct language would have to be used (from the contract covering next year) and the contract exception does not address what time teachers agree to turn in grades. If we wait until the end of the work day - 2:55 (?) then we are asking the registrar to work over winter break and it is non-work time for him.

This is what I think and I am consulting with Ray.

Linda Kenui
Student Services Coordinator
627-4320
FAX 627-7375

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