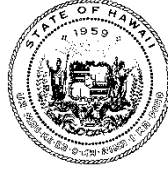


DAVID Y. IGE  
GOVERNOR



BRUCE D. VOSS  
CHAIRPERSON

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

June 1, 2023

TO: Commission Outcomes Committee

FROM: Lynn Fallin  
Chairperson, Commission Outcomes Committee

AGENDA ITEM: Action on Commission continuous improvement plans to address all deficiency findings and selected opportunities for improvement findings in 2022 Board performance evaluation of the Commission

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**I. EXECUTIVE SUMMARY**

- The Board of Education ("Board") created an ad hoc committee charged with monitoring the progress of the State Public Charter School Commission ("Commission") in developing continuous improvement plans required to comply with the outcomes of the Board's performance evaluation of the Commission.
- The committee expected the Commission present continuous improvement plans for (1) every opportunity for improvement the Commission has already addressed or is currently addressing, (2) every opportunity for improvement the Commission acknowledges as an area for further improvement, and (3) every mandatory deficiency at the Committee's June 1, 2023, meeting.
- The committee is to review all of the Commission's provided continuous improvement plans to ensure they contain the previously agreed upon elements.

## II. **BACKGROUND**

On January 20, 2022, the Board adopted and issued a report detailing the results of the Board's performance evaluation of the Commission ("Performance Evaluation Report") and required the Commission to comply with the outcomes described in the Performance Evaluation Report. Those outcomes require the Commission to, among other things, develop continuous improvement plans to address every finding of deficiency contained in the Performance Evaluation Report and consider the development of continuous improvement plans to address the other opportunities for improvement described in the Performance Evaluation Report.

The Board created an ad hoc committee ("Commission Outcomes Committee" or "Committee") charged with monitoring the progress of the Commission in developing the required continuous improvement plans, making a recommendation to the Board when the Commission completes the development of these plans, and existing to carry out this charge until the Board determines that the Commission completed the development of the plans.

At the Committee's first meeting on October 6, 2022, Commission Chairperson Cathy Ikeda presented a work plan using a form template I provided ("Original Work Plan").<sup>1</sup> The Committee asked Commission Chairperson Ikeda to present her work plan to the full Commission for review and approval, and once approved, present the approved work plan to the Committee.<sup>2</sup> The Committee also came to consensus on the elements that each continuous improvement plan should contain and stated an expectation that the Commission's board should review and approve any continuous improvement plans before presenting them to the Committee.

On January 27, 2023, the Commission sent Committee members the memorandum attached as **Exhibit A**, which includes an attachment of a revised work plan template form ("Revised Work Plan"). However, the Revised Work Plan did not include any projected dates for when continuous

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<sup>1</sup> See Exhibit B of my memorandum dated October 6, 2022, available here: [https://boe.hawaii.gov/Meetings/Notices/Meeting%20Material%20Library/COC\\_20221006\\_Presentation%20on%20Commission%20work%20plan.pdf](https://boe.hawaii.gov/Meetings/Notices/Meeting%20Material%20Library/COC_20221006_Presentation%20on%20Commission%20work%20plan.pdf).

<sup>2</sup> See the minutes of the Committee's October 6, 2022, meeting, available here: <https://alala1.k12.hi.us/STATE/BOE/Minutes.nsf/7d59b00aff8d3cf50a2565cb00663e82/00ebf05bce25d64e0a2588ed0001eac9?OpenDocument>.

improvement plans would be ready to present to the Committee. In my March 2, 2023, memorandum, I concluded that because the Original Work Plan projected that a continuous improvement plan would be available to present to the Committee by February 2023, at the latest, for every single finding listed, the Committee would expect the Commission to provide all the required continuous improvement plans at the Committee's June 1, 2023, meeting for our review.<sup>3</sup> At the Committee's March 2, 2023, meeting, I clarified that at the Committee's next meeting, the Commission would present continuous improvement plans for (1) every opportunity for improvement the Commission has already addressed or is currently addressing, (2) every opportunity for improvement the Commission acknowledges as an area for further improvement, and (3) every mandatory deficiency.<sup>4</sup>

### **III. DISCUSSION**

The Commission provided the continuous improvement plans attached as **Exhibit B**.

Consistent with the expectations the Committee has already established, the Commission must have its board review and approve any continuous improvement plans before presenting them to the Committee. Further, the Committee will consider a continuous improvement plan for any particular finding successfully developed only if it contains these following elements:

1. A sufficiently detailed timeline that includes:
  - a. Steps intended to reach outcomes that remedy the finding for which the continuous improvement plan was designed;
  - b. Projected completion dates of each step; and
  - c. Who is responsible for executing each step;
2. Standards of success to assess the effectiveness of the outcomes in remedying the finding for which the continuous improvement plan was designed;
3. A description of how the Commission will use the standards of success to assess the outcomes;

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<sup>3</sup> See my memorandum dated March 2, 2023, available here: [https://boe.hawaii.gov/Meetings/Notices/Meeting%20Material%20Library/COC\\_20230302\\_Update%20on%20Commission%20work%20plan.pdf](https://boe.hawaii.gov/Meetings/Notices/Meeting%20Material%20Library/COC_20230302_Update%20on%20Commission%20work%20plan.pdf).

<sup>4</sup> See the minutes of the Committee's March 2, 2023, meeting, available here: <https://alala1.k12.hi.us/STATE/BOE/Minutes.nsf/7d59b00aff8d3cf50a2565cb00663e82/4862f85272da6f500a25896d00671fef?OpenDocument>.

4. Actions the Commission will take if the outcomes do not meet the defined standards of success; and
5. Any resources required to implement the plan.

If a continuous improvement plan does not contain all of these elements, the Committee will not consider it developed, and the Commission will need to revise that particular plan, have its board review and approve it, and present the revised plan to the Committee.

#### **IV. RECOMMENDATION**

If the Committee finds that the Commission has successfully completed the development of continuous improvement plans to address every finding of deficiency and every selected opportunity for improvement finding contained in the Performance Evaluation Report, the Committee should recommend that the Board make such a determination, which would cease the periodic reporting required by the Performance Evaluation Report and dissolve the Commission Outcomes Committee.

Note that, in accordance with the outcomes of the Performance Evaluation Report, the Commission would still need to include in its annual reports to the Board and legislature a summary of any actions that the Commission took during the year to address the findings in the Performance Evaluation Report through the implementation of the Commission's continuous improvement plans. Also note that at the Board's November 17, 2022, general business meeting, I asked the Commission to specifically describe in its next annual report, in a separate section, the actions it takes during the year to make progress on its continuous improvement plans.<sup>5</sup>

**Proposed Motion: "Moved to determine that the Commission has developed all of the continuous improvement plans required by the Board's 2022 performance evaluation report of the Commission."**

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<sup>5</sup> See the minutes of the Committee's November 17, 2022, meeting, available here: <https://alala1.k12.hi.us/STATE/BOE/Minutes.nsf/ebb43af14ca5cdb30a2565cb006622a8/586a52ead9fdf7930a25891e0071af8c?OpenDocument>.

**Exhibit A**

**January 27, 2023, memorandum from Commission with Revised Work Plan**

**JOSH GREEN. M. D.**  
GOVERNOR

**CATHY K. IKEDA**  
CHAIRPERSON



STATE OF HAWAII  
**STATE PUBLIC CHARTER SCHOOL COMMISSION**  
**(‘AHA KULA HO‘ĀMANA)**  
<http://CharterCommission.Hawaii.Gov>  
1164 Bishop Street, Suite 1100, Honolulu, Hawaii 96813  
Tel: (808) 586-3775

January 27, 2023

Via Email ([lynn.fallin@boe.hawaii.gov](mailto:lynn.fallin@boe.hawaii.gov), [boe.hawaii@boe.hawaii.gov](mailto:boe.hawaii@boe.hawaii.gov))

Lynn Fallin, Committee Chairperson  
Hawaii Board of Education, Commission Outcomes Committee  
P.O. Box 2360  
Honolulu, Hawaii 96804

Re: Commission Continuous Improvement Plans—Commission response to Opportunities suggested by the BOE

Dear Ms. Fallin and the Members of the BOE Commission Outcomes Committee:

The State Public Charter School Commission, through the work and recommendation of its permitted interaction group formed to address the Opportunities suggested by the BOE in the Commission Continuous Improvement Plans Timeline Form, met on January 11, 2023 and approved the following response to the suggested opportunities below. In order to clearly identify the opportunities items referenced, the Commission has identified the specific opportunities in the attached version of the Commission Continuous Improvement Plans Timeline Form. We numbered the specified opportunities to facilitate our response (see Attachment 1).

The Commission has reviewed and responds to the Opportunities identified in the Commission Continuous Improvement Plans as follows:

Opportunities that the Commission <b>has already or are being addressed</b> in the revised strategic plan	Commission <b>acknowledges the opportunity to improve</b> in the following itemized Opportunities	The Commission <b>disagrees</b> with the characterization of these issues <b><i>but will take these as opportunities to work with the BOE on its understanding of the Commission's work and oversight functions</i></b>
A.1.1, A.1.2, A.2.2, A.2.3, A.2.5, A.3.1, A.4.1, A.4.2, A.5.1, A.6.2, A.6.3, A.8.2, A.9.1,  B.1.1, B.1.2, B.1.3, B.3.1, B.3.2, B.3.3, B.3.4, B.3.5, B.4.1, B.4.2,  C.2.4, C.2.5, C.2.6,  D.1.1, D.1.2, D.1.3, D.1.4, D.1.5, D.2.1, and D.2.2	A.5.2, A.9.2,  D.3.1, and  E.3.2	A.2.1, A.2.4, A.3.2, A.6.1, A.8.1,  C.1.1, C.2.1, C.2.2, C.2.3, C.2.7,  D.2.3,  E.1.1, E.1.2, E.1.3, E.2.1, E.2.2, E.2.3, and E.3.1

For the Opportunities in the first column of the table above, these items have already been or are being addressed in the Commission's work in its revised strategic plan and will report them out accordingly in its quarterly reports and in its 2022-2023 annual report.

For the Opportunities in the middle column, the Commission acknowledges the opportunity to improve upon the issues identified and will be adding these items to its current work.

For Opportunities that the Commission has done or will be doing, the Commission will be reporting out at their general business meetings on a quarterly basis as part of its work on implementing its revised Strategic Plan and will specifically identify the Opportunities as itemized in this letter.

For the Opportunities in the last column, the Commission disagrees with the characterization of these issues. However, the Commission will take these areas as opportunities to work with the BOE on its understanding of the Commission's work and oversight functions. The Commission

appreciates the BOE's intent on trying to work with all parties to move the Commission's work forward.

Should the Committee have any questions, please feel free to contact me.

Mahalo,

*Cathy Ikeda*

Cathy K. Ikeda

Chair

Attachment

cc: Alison Kunishige, Executive Director via email ([alison.kunishige@boe.hawaii.gov](mailto:alison.kunishige@boe.hawaii.gov))  
Regina Pascua, Executive Secretary to the Chairperson, via email  
([Regina.Pascua@boe.hawaii.gov](mailto:Regina.Pascua@boe.hawaii.gov))  
Kenyon Tam, Board Analyst, via email ([kenyon.tam@boe.hawaii.gov](mailto:kenyon.tam@boe.hawaii.gov))  
Lady Garrett, Secretary, via email ([lady.garrett@boe.hawaii.gov](mailto:lady.garrett@boe.hawaii.gov))



## Commission Continuous Improvement Plans Timeline Form *with Itemized Opportunities*

This form lists all deficiency and other opportunity for improvement findings found in the Board of Education's ("Board") performance evaluation report in order of performance measure. The Board has required the State Public Charter School Commission ("Commission") to develop continuous improvement plans to address every finding of deficiency (noted as "Deficiency" in this form). The Board has also required the Commission to consider developing continuous improvement plans to address the other opportunities for improvement findings (noted as "Opportunity" in this form).

### Instructions

For each Deficiency listed under the "Findings" column, provide the date (in an "mm/yyyy" format under the "Projected date ready" column in the corresponding row) for when the Commission projects it will have the continuous improvement plan addressing the respective Deficiency completed.

For each Opportunity listed under the "Findings" column, select either "Yes" or "No" under the "Plan to be developed?" column in the corresponding row indicating whether or not the Commission will develop a continuous improvement plan to address the respective Opportunity. If "Yes" is selected for an Opportunity, provide the date (in an "mm/yyyy" format under the "Projected date ready" column in the corresponding row) for when the Commission projects it will have the continuous improvement plan addressing the respective Opportunity completed. If "No" is selected for an Opportunity, put "N/A" under the "Projected date ready" column in the corresponding row. \*

\*Note that if the Commission opts for no continuous improvement plan to address an Opportunity, the Commission will need to provide an explanation later as to why a continuous improvement plan is unnecessary for the respective Opportunity.

## Organizational Capacity and Infrastructure

### Performance Measure A.1: Authorizer Mission

Does the authorizer have a clear and compelling mission for charter school authorizing that aligns with, supports, and advances the intent of law and purpose of charter schools?

Finding	Plan to be developed?	Projected date ready
<b>A.1.1 Opportunity:</b> The Commission can better advance the intent of Board Policy E-700 through its mission when it defines what “high quality” means for charter schools. The Commission should carefully review and incorporate the purposes of charter schools as described in Board Policy E-700 in the Commission’s determination of “high quality.”	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No*	
<b>A.1.2 Opportunity:</b> While a strong majority of charter school leaders felt that the Commission practices its mission, another 25% of survey respondents somewhat disagreed or strongly disagreed. The Commission should consider developing a more robust system for external stakeholders to review and comment on the alignment of the Commission’s mission and vision with the intent of the charter school law and Board Policy E-700.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No*	

### Performance Measure A.2: Strategic Vision and Organizational Goals

Does the authorizer have and evaluate its work against its comprehensive long-term strategic vision for charter school authorizing with clear organizational goals and timeframes for achievement that align with, support, and advance the intent of law and the purpose of charter schools?

Finding	Plan to be developed?	Projected date ready
<b>Deficiency:</b> It is not clear how some of the organizational goals align with the Commission’s vision. While the organizational goals contained within the 2019-2023 Strategic Plan clearly align (PERF Attachment A-2, p. 17-18), the Commission did not provide evidence on how its other organizational goals (PERF Attachments A-3, A-4, A-5) are connected to its vision. These other organizational goals appear to be part of the Commission’s	Mandatory	

**Performance Measure A.2: Strategic Vision and Organizational Goals**

Does the authorizer have and evaluate its work against its comprehensive long-term strategic vision for charter school authorizing with clear organizational goals and timeframes for achievement that align with, support, and advance the intent of law and the purpose of charter schools?

work to revise its strategic plan, but it is not clear whether this is the case nor is it clear how these organizational goals align with a revised vision. Further, these other organizational goals do not have timeframes for achievement, and while most of the strategies attached to each goal have performance indicators (PERF Attachment A-4), the organizational goals themselves are not measurable. The organizational goals within the 2019-2023 Strategic Plan also are not clearly measurable.

**Deficiency:** It is not clear whether the strategies outlined in the 2019-2023 Strategic Plan are appropriate long term strategies to achieve the stated vision. While it seems possible for the portfolio, practice, and policy strategy approach to achieve the Commission’s vision to “Authorize with ALOHA; actualize a learning organization and system; and amplify charter school portfolio and practices” (PERF Attachment A-2, p. 14-15), the document does not describe a clear enough alignment or explain how each of the specific strategies contributes to achieving the vision. The other organizational goals and strategies also do not explain how they contribute to achieving either the vision in the 2019-2023 Strategic Plan or a revised vision (PERF Attachments A 3, A-4, A-5).

**Deficiency:** It is not clear whether the Commission evaluates its work against its vision. The Commission provided a “performance management cycle” document (PERF Attachment B-1), but there is no clear indication that this represents an evaluation process focused on aligning the Commission’s work with its vision. Further, there is a lack of evidence that the Commission implements plans for improvement when falling short of its organizational goals nor is there clear documentation that the Commission accomplished its goals. The Commission provided hundreds of pages of “meeting agendas, submittals, workgroup meetings and Permitted Interaction Group work on the Commission’s strategic plan implementation and revisions” as “evidence” of self-evaluation of its work against its vision and organizational goals (PERF, p. 6; PERF Attachment B-2), but the Commission did not explain what these documents represent and how they are relevant. A quick word search of three of the Commission’s organizational goals (from PERF Attachment A-3) in these documents yielded no results, which suggests that these documents do not contain specific information about how the Commission evaluates its organizational goals or implements plans for improvement when falling short of them. The Commission also provided evidence of its work to revise its strategic plan (PERF Attachment C-1), but revising a strategic plan is not the same as implementing improvement plans.

Mandatory

Mandatory

**Performance Measure A.2: Strategic Vision and Organizational Goals**

Does the authorizer have and evaluate its work against its comprehensive long-term strategic vision for charter school authorizing with clear organizational goals and timeframes for achievement that align with, support, and advance the intent of law and the purpose of charter schools?

**A.2.1. Opportunity:** While the Commission appears to have recently changed its strategic plan, it should consider reopening the strategic planning process to ensure it addresses the findings in this report. The Commission should clarify whether the new strategic plan is a revision of the 2019-2023 Strategic Plan (with the same fundamental vision, values, and principles) or a brand new strategic plan with significant differences from the 2019-2023 Strategic Plan. The new strategic plan should be clear about how the charter school system will work together going forward, including detailed milestones, expectations, and timelines, much of what was missing from the 2019-2023 Strategic Plan. Given the history of the tensions between the Commission and the charter schools, reopening the strategic planning process and including external stakeholders would be a good operational next step that could lead to improved clarity and relations. This is a great opportunity for broadening and strengthening external review processes to build common understanding. Such a process could improve internal and external alignment on roles, expectations, and performance in areas such as innovation and school autonomy that are part of national principles for quality authorizers while continuing to foster and support important areas unique to Hawaii.

☐ Yes  
☒ No\*

**A.2.2 Opportunity:** As communication and trust are foundational to implementation and working relationships between the Commission and the charter schools within its portfolio, the Commission should consider adding metrics to its revised strategic plan to measure progress in improving communication and trust, which are connected to the “Aloha Spirit” values described in the revised plan (PERF Attachment C-1, p. 23).

☒ Yes  
☐ No\*

**A.2.3 Opportunity:** While the 2019-2023 Strategic Plan identifies “operating laboratories of innovation” as one of three strategic anchors (PERF Attachment A-2, p. 11), the Commission does not elaborate further on the role of innovation in the 2019-2023 Strategic Plan or in its revised strategic plan. This is a missed opportunity. Charter schools are supposed to “implement innovative educational practices,” pursuant to Board Policy E-700, which envisions charter schools as laboratories of innovation to strengthen and add value to the public education system, resulting in improved student learning. The Commission should determine how much risk it can accept from charter schools, as innovators, particularly in the educational programmatic areas, and how risk-taking and innovation factor into performance monitoring, contract renewal, and defining a “high-quality charter school.” Further, the Commission should determine a plan and actions for long-term research on the

☒ Yes  
☐ No\*

**Performance Measure A.2: Strategic Vision and Organizational Goals**

Does the authorizer have and evaluate its work against its comprehensive long-term strategic vision for charter school authorizing with clear organizational goals and timeframes for achievement that align with, support, and advance the intent of law and the purpose of charter schools?

lessons learned from its entire portfolio in school innovation areas and effectiveness.

**A.2.4 Opportunity:** The Commission should reflect on whether its organizational goals are ambitious enough and perhaps even ask its stakeholders to weigh in on the ambitiousness of its goals.

☐ Yes  
☒ No\*

**A.2.5 Opportunity:** The Commission should actively measure its organizational goals to help it determine whether it is achieving most goals within the stated timeframes. The Commission should keep its stakeholders abreast of its progress by including in its annual reports its performance in meeting the organizational goals stated in its strategic plan.

☒ Yes  
☐ No\*

**Performance Measure A.3: Structure of Operations**

To what degree does the authorizer operate with a clear structure of duties and responsibilities, including appropriate lines of authority and delegation of duties between decision-makers and staff, and sufficient resources to effectively oversee its portfolio of charter schools?

**Finding**

**Plan to be  
developed?**

**Projected  
date ready**

**A.3.1. Opportunity:** The Commission is aware that it needs to revise its job descriptions and it planned to do it after the revision of its strategic plan. Regularly reviewed and updated job descriptions would ensure duties and responsibilities among all staff are clear.

☒ Yes  
☐ No\*

### Performance Measure A.3: Structure of Operations

To what degree does the authorizer operate with a clear structure of duties and responsibilities, including appropriate lines of authority and delegation of duties between decision-makers and staff, and sufficient resources to effectively oversee its portfolio of charter schools?

**A.3.2. Opportunity:** It is not entirely clear who, aside from those on the Performance Team, are responsible for the essential authorizing duties of the Commission. The Commission identified most of its positions as having authorizing duties, explaining, “Nearly all Commission staff function in some way that provides the Commission’s authorizing arm data that feeds into the overall performance of public charter schools in meeting the requirements of their public charter contracts” (PERF, p. 10). However, providing the data needed for authorizing is not the same as conducting authorizing responsibilities. For instance, the Department of Education (the “Department”) provides the Commission with data it needs for authorizing, but the Department surely does not have authorizing responsibilities. When asked for more clarity, Commission representatives noted that it is difficult to separate those who do its authorizing functions from those who do not. By not being clear about who is responsible for the essential authorizing responsibilities (particularly with a lack of updated job descriptions), the Commission risks reducing the importance of the positions most responsible in delivering its core authorizing mission, which could result in not prioritizing resources for those positions and functions.

Some of the lack of clarity appears to stem from a belief that the Commission is required to do more than authorizing. The Commission asserts that because Hawaii charter schools are state entities unlike charter schools in other parts of the nation, the Commission is “required” to function both as an authorizer and an “administrative state agency that provides fiscal and other state agency liaison functions to the public charter schools it authorizes” (PERF, p. 9). This assertion, however, is not entirely accurate because the only administrative fiscal and liaison functions required of the Commission are to “[a]ct as a point of contact between the department and a public charter school it authorizes” and be responsible for the receipt and distribution of state and federal funds, pursuant to HRS §302D-5(b). Other functions the Commission takes on beyond these requirements are by its own hand. The absence of other services and supports for charter schools, such as those the Department provides to its schools, is one of the justifications for the Commission taking on additional functions (PERF, p. 8), which is noble and laudable. However, the more responsibilities the Commission takes on beyond its essential authorizing responsibilities, the fewer resources are available to support the authorizing needs of the Commission’s portfolio due to mission creep. The 2017 NACSA Report had similar findings and even recommended that the Commission “[n]egotiate with the [Department] to transfer non-authorizing, administrative, and federal program duties back to the [Department] so the Commission can focus its staffing and resources on authorizing” (PERF Attachment C-2, p. 24).

☒ Yes

☐ No\*

**Performance Measure A.3: Structure of Operations**

To what degree does the authorizer operate with a clear structure of duties and responsibilities, including appropriate lines of authority and delegation of duties between decision-makers and staff, and sufficient resources to effectively oversee its portfolio of charter schools?

Through its annual reports to the Legislature, the Board has already expressed its desire to have a formal structure to provide centralized support to charter schools outside of the Commission. It is due time for the Legislature, Board, Commission, Department, and charter schools to explore how to make this happen, and the Board encourages the Commission to have a conversation about an approach that makes sense. In the meantime and to make a transition to this kind of structure more feasible, it is important for the Commission to be clear about the positions and resources it uses strictly on essential authorizing functions only. If positions have administrative or technical support responsibilities in addition to authorizing responsibilities, the Commission should be clear about the percent of time each position spends in each area of responsibility, although the Commission should strive to avoid comingling authorizing responsibilities with other responsibilities as much as possible. Additionally, it would be beneficial if the Commission could help identify any supports that charter schools need that the Commission cannot currently provide by law.

5

**Performance Measure A.4: Authorizer Leadership and Staff Expertise**

To what degree does the authorizing staff have or have access to appropriate experience, expertise, and skills to sufficiently oversee the portfolio of charter schools?

**Finding**

**Plan to be  
developed?**

**Projected  
date ready**

7

**Performance Measure A.4: Authorizer Leadership and Staff Expertise**

To what degree does the authorizing staff have or have access to appropriate experience, expertise, and skills to sufficiently oversee the portfolio of charter schools?

**A.4.1 Opportunity:** The executive director position has been vacant for a long time. A long-term executive director is critical to implement the revised strategic plan, achieve the organizational goals, stabilize the organization, and build stronger relationships with schools. Further, even though the necessary skills appear to be readily accessible, this performance evaluation identifies areas where the authorizing staff have had trouble effectively applying their experience and expertise. The Commission needs strong leadership to tap into the aptitude the staff seemingly possess to draw out their skills and maximize the overall capacity of the Commission. The Commission needs to find and hire an executive director with this kind of leadership ability as soon as possible. The Commission should proceed with the recruitment of a new executive director immediately.

☒ Yes  
☐ No\*

**A.4.2 Opportunity:** Commission representatives readily admit that the Commission staff need more expertise in the area of academics, especially in light of several vacancies. As academic performance oversight is central to an authorizer's role and responsibilities, the Commission should make bolstering capacity in this area a priority and act immediately to fill vacancies.

☒ Yes  
☐ No\*

**Performance Measure A.5: Capacity and Skill Development of Leadership and Staff**

To what degree does the authorizer ensure a commitment to quality authorizing and enable continual agency improvement through regular professional development of its authorizing leadership and staff that is aligned with its mission, vision, and organizational goals?

**Finding**

**Plan to be  
developed?**

**Projected  
date ready**



**Performance Measure A.5: Capacity and Skill Development of Leadership and Staff**

To what degree does the authorizer ensure a commitment to quality authorizing and enable continual agency improvement through regular professional development of its authorizing leadership and staff that is aligned with its mission, vision, and organizational goals?

**A.5.1 Opportunity:** Commission representatives explained that the Commission does not have a formalized process for determining who needs professional development, noting that the Commission needs to revise its job descriptions first based on its revised strategic plan. Once the Commission revises its job descriptions, it should develop a system for identifying and organizing professional development needs and opportunities with explicit links to the measurable outcomes in the revised strategic plan. Currently, the link to the Commission's strategic plan and alignment with the Commission's mission, vision, and organizational goals can only be assumed. The system should identify both individual capacity needs for each position as well as the overall authorizing needs of the Commission's portfolio and align professional development investments with those needs. Implementing annual reviews of each Commission staff member could help in identifying areas where staff need professional development in addition to areas of strengths.

☒ Yes  
☐ No\*

**A.5.2 Opportunity:** It could be helpful to have governing board members and charter school directors attend some NACSA training sessions to strengthen the alignment between the Commission and the schools and to build a common ground of understanding of authorizer roles and responsibilities, best practices, and expectations.

☒ Yes  
☐ No\*

**Performance Measure A.6: Authorizing Operational Budget**

To what degree is the authorizer's actual resource allocation commensurate with its stated budget and responsibilities of authorizing the portfolio of charter schools?

Finding

Plan to be  
developed?

Projected  
date ready

**Performance Measure A.6: Authorizing Operational Budget**

To what degree is the authorizer's actual resource allocation commensurate with its stated budget and responsibilities of authorizing the portfolio of charter schools?

<b>Deficiency:</b> There is no evidence that the Commission's resource allocations are adequate to fulfill its authorizing responsibilities and the needs and scale of its portfolio. It is not clear that the Commission has determined the costs of the authorizing needs of its portfolio, and its funding or staffing are not tied to the number of schools in its portfolio.	Mandatory	
<b>A.6.1 Opportunity:</b> As noted under Performance Measure A.3, the Board has already expressed its desire to have a formal structure to provide centralized support to charter schools outside of the Commission. To make a transition to this kind of structure more feasible, it is important for the Commission to be clear about the positions and resources it uses strictly on essential authorizing functions only. The Commission should keep track of the resources it uses for its essential authorizing responsibilities under HRS §302D-5(a) separately from resources used for administrative and technical support functions, including those duties under HRS §302D-5(b). Not only will this make a transition to a centralized support structure simpler, it will make it clear whether the Commission has enough dedicated resources to accomplish the work necessary for its core authorizing mission.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No*	
<b>A.6.2 Opportunity:</b> The Commission should more explicitly link the budget to the strategic plan and organizational goals. Performance metrics on organizational and budgetary effectiveness could help.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No*	
<b>A.6.3 Opportunity:</b> The Commission indicated that an issue it has with recruitment and retention of staff is its inability to compete with the higher salaries offered by other state agencies. Under HRS Chapter 89C, the Commission is obligated to make compensation adjustments for its employees "in consideration of the compensation and benefit packages provided for other employees in comparable agencies." The Commission should review the appropriateness of its salaries in conjunction with its job description updates and pursue additional resources for compensation adjustments as necessary. The Commission should tap the Department's Office of Talent Management to assist it, and like two other administratively attached agencies who already receive similar human resources support from the Department—the Executive Office on Early Learning and the Hawaii Teachers Standards Board—the Commission's positions and salaries would best align with those of the Department.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No*	

**Performance Measure A.7: Self-Evaluation of Capacity, Infrastructure, and Practices**

To what degree does the authorizer regularly self-evaluate its internal ability (capacity, infrastructure, and practices) to oversee the portfolio of charter schools and develops continuous improvement plans to address findings of self-evaluation?

Finding	Plan to be developed?	Projected date ready
<b>Deficiency:</b> While the Commission occasionally conducts self-evaluations, they are not regularly scheduled or executed. The Commission does not have a schedule or plan for conducting self-evaluations.	Mandatory	
<b>Deficiency:</b> The Commission does not design continuous improvement plans to address the findings resulting from self-evaluation. The Commission provided revisions to its strategic plan as evidence of a continuous improvement plan (PERF Attachment C-1), but these revisions occurred recently and are not a result of the evaluation NACSA conducted four years ago. Commission representatives explained that while the NACSA evaluation is still relevant to the revision of the strategic plan, the strategic plan changes are a result of challenges in implementing the 2019-2023 Strategic Plan, not a result of a self-evaluation. While the NACSA evaluation was one source of information that informed the strategic plan revisions (PERF Attachment B-2, p. 59), none of the planning documents indicated that the new strategic plan is meant to act as a continuous improvement plan designed to address the specific findings in the 2017 NACSA Report.	Mandatory	

**Performance Measure A.8: Operational Conflicts of Interest**

To what degree does the authorizer implement a clear policy to address conflicts of interest in all decision-making processes concerning the portfolio of charter schools?

Finding	Plan to be developed?	Projected date ready

**Performance Measure A.8: Operational Conflicts of Interest**

To what degree does the authorizer implement a clear policy to address conflicts of interest in all decision-making processes concerning the portfolio of charter schools?

**A.8.1 Opportunity:** The Commission’s conflict of interest policy, processes, and procedures could more clearly avoid decisions and interventions that hold the Commission accountable for a school’s performance. The Commission explained that its decisions and interventions “should be grounded in the evidence and data presented in the submittal, the presentation of the issue by the relevant parties, and the Commission’s discussion on the issue prior to decision-making” (PERF, p. 21), which makes sense, but the conflict of interest policy, processes, and procedures do not state as much. Further, when considered with the charter contract provision that states that a Notice of Deficiency “may include prescriptive, specific action plans and conditions for the School” (PERF Attachment R-3, p. 47), it is possible to conceive a scenario where the Commission intervenes with a school’s operations. The Commission could require a school to take specific actions, and if the school still fails to meet expectations after taking the actions specified by the Commission, the school could pin the failure back on the Commission because it forced the school to take the action that resulted in the failed expectations. This possible scenario would make the Commission accountable for the school’s performance rather than having the school solely accountable for its own performance. While Commission representatives emphasized that the intent of the contract provision is not for the Commission to get involved in internal operations of a school, neither the conflict of interest policy nor the charter contract make it clear that the Commission will not or cannot interfere with internal operations of schools. The Commission should consider amending the charter contract by removing the provision that allows the Commission to require “prescriptive, specific action plans” for schools and including a provision prohibiting the Commission from interfering with the internal operations of a school unless it is to “immediately address serious health and safety issues,” pursuant to HRS §302D-17(e).

☐ Yes  
☒ No\*

**A.8.2 Opportunity:** While the Commission’s practice is to have staff complete an online State Ethics Code training, the Commission should consider formally systemizing and planning regular conflicts of interest training for all staff, especially new staff.

☒ Yes  
☐ No\*

**Performance Measure A.9: Compliance to Statutory Responsibilities and Board Policies**

To what degree does the authorizer comply with its statutory responsibilities, including authorizer reporting and the appropriate distribution of funds to its charter schools, and Board policies?

Finding	Plan to be developed?	Projected date ready
<b>A.9.1 Opportunity:</b> While the Commission reports its progress in achieving priorities and goals in its annual reports, these priorities and goals are not contained within or explicitly attached to the Commission's strategic plan. As stated in Performance Measure A.2, the Commission should keep its stakeholders abreast of its progress by including in its annual reports its performance in meeting the organizational goals stated in its strategic plan. The use of operational metrics that align with the Commission's organizational goals would be helpful in communicating this.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No*	
<b>A.9.2 Opportunity:</b> Recent annual reports contain longitudinal data, but they do not have any kind of comprehensive analyses explaining performance trends of the portfolio of schools. This kind of analysis could be particularly useful in the academic performance areas, especially if incorporating metrics related to Native Hawaiian language and culture-focused education.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No*	

**Application Process and Decision-Making****Performance Measure B.1: Application Process, Timeline, and Request for Proposals**

To what degree does the authorizer have a comprehensive and well-publicized application process that includes realistic timelines, fair and transparent procedures, and guidance that clearly describes each stage of the process? To what degree is the authorizer's request for proposals clear, comprehensive, and aligned to its mission, vision, and organizational goals?

Finding	Plan to be developed?	Projected date ready

**Performance Measure B.1: Application Process, Timeline, and Request for Proposals**

To what degree does the authorizer have a comprehensive and well-publicized application process that includes realistic timelines, fair and transparent procedures, and guidance that clearly describes each stage of the process? To what degree is the authorizer's request for proposals clear, comprehensive, and aligned to its mission, vision, and organizational goals?

**Deficiency:** The vision publicized in the 2020 RFP appears to be an outdated strategic vision. It states, "The Commission's strategic vision for the chartering of these high-quality schools is that they not only provide excellent and diverse educational options for Hawaii's families but that they also contribute meaningfully to the continued improvement of Hawaii's public education system as a whole." (PERF Attachment M-1, p. 7) The 2019- 2023 Strategic Plan states the same strategic vision for historical context only (PERF Attachment A-2, p. 5-6), and it establishes an entirely different strategic vision for the Commission later in the document (PERF Attachment A 2, p. 12-13). Therefore, while the 2020 RFP did publicize a vision, it did not publicize the vision applicable at the time of publication; thus, the relevancy of the publicized chartering priorities to the applicable strategic vision is questionable.

Mandatory

**Deficiency:** It is questionable, at best, whether the Commission's 2020 application process allows sufficient time for each stage of the application process to be carried out with quality and integrity. The Commission touts that the 2017 NACSA Report found the Commission's application process to be strong with the highest rating of "excellent" (PERF, p. 25). However, because NACSA completed its evaluation in 2017, it reviewed an older version of the Commission's application process. The Commission's application process timeline has progressively shortened over the years, lasting approximately eight months in 2016-2017 from the submission of Intent to Apply Packets to the Commission's final decision before shortening to a four-month-long process in 2018 and a three-month-long process in 2020 (PERF, p. 27). The most notable changes include (1) reducing the time applicants have to submit an application from the time the RFP is published from approximately four months in 2016-2017 to just six weeks in 2020 and (2) reducing the time the evaluation team has to review applications and draft recommendation reports from over three and a half months in 2016-2017 to just three weeks in 2020 (PERF Attachment M-1, p. 14-15; PERF Attachment M-3, p. 15). For comparison, the Board gave the Commission three months to provide the initial requested information the Board needed for this performance evaluation of the Commission, and the Commission still needed to request an extension. The information a charter applicant needs to provide is similarly complex and onerous to compile, and six weeks does not appear to be sufficient time to do so. Further, to conduct evaluations of such complex documents with quality and integrity and write recommendation reports based on those evaluations in just three weeks is simply not realistic, especially considering that the Commission could have needed to evaluate up to eight applications in

Mandatory

**Performance Measure B.1: Application Process, Timeline, and Request for Proposals**

To what degree does the authorizer have a comprehensive and well-publicized application process that includes realistic timelines, fair and transparent procedures, and guidance that clearly describes each stage of the process? To what degree is the authorizer's request for proposals clear, comprehensive, and aligned to its mission, vision, and organizational goals?

2020 if it did not suspend its process.

**Deficiency:** While the procedures for the evaluation of completed applications are fair and transparent, the procedures at the Intent to Apply stage are not because, in practice, they did not inform applicants of all of their rights and responsibilities or promptly notify applicants of denial. In Board Appeal No. 20-01, *Lima No'eau Career Academy v. State Public Charter School Commission*, the Board concluded that the Commission's Intent to Apply Packet acts "as part of the charter application," deeming a charter application as incomplete is a *de facto* denial, and "the Commission must issue notifications of denial to all applicant governing boards whose Intent to Apply Packets the Commission denies (*de facto* or otherwise)" (Appeal No. 20-01, p. 14-15). The 2020 RFP states, "Late or incomplete [Intent to Apply Packet] submissions will be rejected," but it does not contain any other information on how the Commission informs applicants about an "incomplete" determination or about the rights of applicants, such as the ability to the appeal to the Board, after the Commission deems the Intent to Apply Packet incomplete (PERF Attachment M-1, p. 18).

Mandatory

**Deficiency:** The 2020 RFP does not clearly explain how the application process is conducted at the Intent to Apply stage. The process allows applicants to propose other school models that might not address the Commission's stated priority needs and states, "Prospective applicants not proposing schools that would meet a Priority Need must describe and cite evidence of other significant, documented educational needs that their school would meet in their targeted community, which would be a noteworthy contribution to Hawaii's public education system. The Commission will assess these alternative needs at the 'Intent to Apply' stage before inviting a prospective applicant to submit a full application." (PERF Attachment M-1, p. 8) However, the 2020 RFP does not explain how the Commission will "assess these alternative needs" and only states, "Commission staff will determine whether the applicant meets the requirements in HRS §302D- 13(b) to submit a charter application. Applicants will be notified on their eligibility to proceed with submitting a charter application" (PERF Attachment M-1, p. 14).

Mandatory

**Performance Measure B.1: Application Process, Timeline, and Request for Proposals**

To what degree does the authorizer have a comprehensive and well-publicized application process that includes realistic timelines, fair and transparent procedures, and guidance that clearly describes each stage of the process? To what degree is the authorizer's request for proposals clear, comprehensive, and aligned to its mission, vision, and organizational goals?

**Deficiency:** While the application process in the 2020 RFP clearly explains how most of the evaluation stage is conducted after applicants submit their full applications, it is not clear about the "Hawaii school experts who will evaluate the applicant's capacity" (PERF Attachment M-1, p. 17, 23), particularly who makes up that group and how they are selected, their relationship to the evaluation team, and their responsibilities in the evaluation process.

Mandatory

**Deficiency:** The Intent to Apply Packet in the 2020 RFP does not articulate comprehensive application questions to elicit the information needed for the rigorous evaluation of applicants' plans. In Board Appeal No. 21-01, *Lima No'eau Career Academy v. State Public Charter School Commission*, the Board concluded, "[T]he Commission's priority needs requirement is ambiguous, particularly in how it applies to the Intent to Apply Packet. The fault of this ambiguity lies with the Commission" (Appeal No. 21-01, p. 11). In this case, the Commission denied an applicant because its Intent to Apply Packet "lacked information in addressing the priority needs and did not describe or cite evidence of other significant, documented educational needs that [the applicant] would meet in [its] targeted community, which would be a noteworthy contribution to Hawaii's public education system and the information provided was inconsistent" (Appeal No. 21-01, p. 6). As summarized in the Board's appeal decision, "The Intent to Apply Packet form appears simply to require a brief description as to which of the Commission's priority needs, as stated in the RFP, the applicant meets, if any. It does not require the applicant to describe how it will meet the selected priority needs, presumably because that is the intent of the full application. [The applicant's] Intent to Apply Packet briefly described two priority needs using language identical to the priority needs stated in the RFP" (Appeal No. 21-01, p. 11).

Mandatory



**Performance Measure B.1: Application Process, Timeline, and Request for Proposals**

To what degree does the authorizer have a comprehensive and well-publicized application process that includes realistic timelines, fair and transparent procedures, and guidance that clearly describes each stage of the process? To what degree is the authorizer's request for proposals clear, comprehensive, and aligned to its mission, vision, and organizational goals?

**B.1.1 Opportunity:** The Commission should put forth a plan and timeline for reopening the current application cycle, which it has suspended for over a year and a half, as soon as possible as some applicants in limbo risk losing funding awards. The timeline should not be dependent upon the availability of state funding for “new programs” (which was the original rationale for the suspension) because (1) it takes a significant amount of time for an approved applicant to even be eligible to receive state funding as a full-fledged charter school and (2) new charter schools are not new budgetary programs for which the State needs to find funds, as the funding for a new charter school is just a piece of a per-pupil funding “pie” made up of charter school and Department program funds. The per-pupil calculation across this figurative budget pie stays the same, regardless of the number of Department and charter schools, unless the total number of students served by the public schools as a whole (Department and charter schools) changes or the whole funding pie itself changes, neither of which have anything to do with a new charter school.

☒ Yes  
☐ No\*

**B.1.2 Opportunity:** In addition to the alignment to an outdated strategic vision, it is unclear how the priority needs stated in the 2020 RFP align with the Commission's organizational goals. The Commission should realign its entire approach to the solicitation and review of new charter school applications to its revised strategic plan and the attached organizational goals and ensure that alignment is explicitly clear in the RFP.

☒ Yes  
☐ No\*

**B.1.3 Opportunity:** With the recent statutory changes to HRS §302D-13, the Commission will need to reexamine its application process to see if changes are necessary to comply with law.

☒ Yes  
☐ No\*

**Performance Measure B.2: Approval Criteria for Charter School Applications**

To what degree does the authorizer have clear and comprehensive approval criteria that align with law and allow it to rigorously evaluate new charter school proposals?

Finding	Plan to be developed?	Projected date ready
<p><b>Deficiency:</b> The approval criteria in the 2020 RFP do not clearly allow for rigorous evaluation of new charter school proposals. Each of the last three versions of the Commission’s RFP state, “Within each section and subsection [of the Application Requirements and Criteria], specific criteria define the expectations for a response that ‘Meets the Standard’” (PERF Attachment M-1, p. 25; PERF Attachment M-2, p. 26; PERF Attachment M-3, p. 26). Each subsection of the Application Requirements and Criteria in the 2016-2017 and 2018 RFPs starts with “An application that meets the standard for approval will have the following elements” and are subsequently followed by detailed application requirements. These detailed application requirements contain subjective descriptors (such as “clear,” “reasonable,” and “effective”) denoting a level of expected quality and allowing these requirements to simultaneously serve as the approval criteria. Many, if not most, of these subjective descriptors appear to be absent from the 2020 RFP’s Application Requirements and Criteria. For example, the 2018 RFP states, “An application that meets the standard for approval will have . . . A clear description of realistic and legally sound procedures for hiring and dismissing school personnel, including procedures for conducting criminal history record checks” (PERF Attachment M-2, p. 50). The 2020 RFP revised this same requirement to state, “Outline the school’s procedures for hiring and dismissing school personnel, including conducting criminal history record checks” (PERF Attachment M-1, p. 49). The 2018 version of this requirement makes it clear that the procedures for hiring and dismissing school personnel need to be “realistic and legally sound” and provide the evaluation team criteria on which to base a quality judgement. The 2020 version of this requirement does not allow for any judgement of the quality of the procedures and therefore does not serve as a clear approval criterion. The 2020 RFP’s Application Requirements and Criteria are full of many more examples of this issue. While Commission representatives explained that this change was intended to make the approval criteria clearer, measurable, and easier for applicants, it may actually have the opposite effect.</p>	Mandatory	

**Performance Measure B.2: Approval Criteria for Charter School Applications**

To what degree does the authorizer have clear and comprehensive approval criteria that align with law and allow it to rigorously evaluate new charter school proposals?

**Deficiency:** While there are distinct questions or requirements for applicants who are existing school operators of proposed conversion charter schools (PERF Attachment M-1, p. 41), proposing to contract with education service or management providers (PERF Attachment M-1, p. 55-58), or proposing to operate virtual charter schools (PERF Attachment M-1, p. 59-61), distinct approval criteria for such applicants are vague, at best, or completely missing, at worst, and the issue described in the paragraph above applies here as well.

Mandatory

**Deficiency:** Other than a distinct requirement for applicants proposing conversion charter schools, the 2020 RFP does not contain any distinct requirements or approval criteria for applicants who are other existing school operators.

Mandatory

**Performance Measure B.3: Evaluation and Decision-Making Process**

To what degree does the authorizer have clear and comprehensive evaluation process standards to ensure qualified internal and external evaluators rigorously evaluate new charter school proposals? To what degree did the authorizer's decisions and resulting actions align to its stated approval criteria and evaluation process standards?

**Finding**

**Plan to be  
developed?**

**Projected  
date ready**

**Performance Measure B.3: Evaluation and Decision-Making Process**

To what degree does the authorizer have clear and comprehensive evaluation process standards to ensure qualified internal and external evaluators rigorously evaluate new charter school proposals? To what degree did the authorizer's decisions and resulting actions align to its stated approval criteria and evaluation process standards?

<b>Deficiency:</b> The evaluation process standards in the 2020 RFP do not require the Commission to provide applicants with its decision that clearly communicates specific reasons for approval or denial. The example of a letter informing an applicant of its denial demonstrates that this is also not a practice of the Commission, as the letter provides a vague reason for the denial, simply stating that "the application did not meet the standard of approval for the criteria detailed in the 2018 RFP" (PERF Attachment O, p. 832).	Mandatory	
<b>B.3.1 Opportunity:</b> While the Commission uses other due diligence in practice, it does not appear to be a formal part of the evaluation process other than a mention in the 2020 RFP of "due diligence" as additional information that evaluators can consider (PERF Attachment M-1, p. 25). Applicants, evaluators, and decision-makers should have a better sense of the type of due diligence to expect even if certain types of due diligence is based on situations or conditions.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No*	
<b>B.3.2 Opportunity:</b> Documenting the Commission's evaluator conflicts of interest practices in process documents provided to applicants and decision-makers (such as the RFP) would make it clear to applicants and decision makers that the application evaluation process is free of conflicts of interest.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No*	
<b>B.3.3 Opportunity:</b> While past evaluation teams have documented evidence to support whether the applicant meets the approval criteria (see PERF Attachment O, p. 659-695, for an example), this does not appear to be a documented evaluation process standard of practice. This should be a documented expectation for evaluators in whatever training materials are provided to evaluators, at a minimum.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No*	
<b>B.3.4 Opportunity:</b> The evaluation process standards in the 2020 RFP do not require the Commission to provide training to evaluators to ensure consistent evaluation standards and practices, observance of essential protocols, and fair treatment of applicants. While the Commission notes that the "Applications Specialist held a meeting with evaluators to go over standards and process for evaluations" during the 2018 application cycle (PERF, p. 35), training for evaluators is not formally required. The RFP should make it clear to applicants, evaluators, and decision-makers that training for evaluators is a required element of the evaluation process.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No*	

**Performance Measure B.3: Evaluation and Decision-Making Process**

To what degree does the authorizer have clear and comprehensive evaluation process standards to ensure qualified internal and external evaluators rigorously evaluate new charter school proposals? To what degree did the authorizer's decisions and resulting actions align to its stated approval criteria and evaluation process standards?

**B.3.5 Opportunity:** Once the Commission defines its vision of a high-quality charter school, it should align its approval criteria to that definition.

☒ Yes  
☐ No\*

**Performance Measure B.4: Pre-Opening Charter School Process**

To what degree does the authorizer have 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?

**Finding**

**Plan to be  
developed?**

**Projected  
date ready**

**B.4.1. Opportunity:** It would be helpful to identify the Commission positions responsible for each area of the pre-opening process and their duties related to the pre-opening process.

☒ Yes  
☐ No\*

**B.4.2 Opportunity:** Because the Commission has not implemented a pre-opening process in the past two years and it does not have a general pre-opening process and criteria to judge, it does not appear that the Commission is eligible for consideration of an "exemplary" rating. The Commission should consider establishing a pre-opening process and criteria template that it periodically updates and makes available to prospective charter applicants.

PIG response: The pre-opening assurances, process and requirements have always been publicly posted as part of the Commission's agendas and submittals. The Commission will make these documents part of its webpage on applicants for new charter schools.

☒ Yes  
☐ No\*

## Performance Contracting

### Performance Measure C.1: Charter Contract Terms, Negotiation, and Execution

To what degree does the authorizer negotiate and execute charter contracts that clearly define material terms and rights and responsibilities of the school and the authorizer?

Finding	Plan to be developed?	Projected date ready
<p><b>Deficiency:</b> Charter school representatives did not verify that there is mutual understanding and acceptance of the material terms of the charter contract, and the level of understanding and acceptance of the charter contract by charter schools appears to be insufficient. In a survey of charter school leaders, only 25% of respondents somewhat agreed or strongly agreed that the Commission “negotiates and executes sound charter contracts with each approved charter applicant and with existing public charter schools,” the lowest rate of agreement of all survey questions asked. While the Commission should be commended for the degree of effort it put forth to engage with school representatives during the process to revise the charter contract to Charter Contract 4.0, both the survey and interviews with school representatives indicate that mutual understanding still was not achieved. Notably, the Commission did not appear to respond to the specific comments received during its “working sessions” in January, February, and March 2021, the final round of feedback, which may have left the impression on some that the Commission did not consider the feedback. Additionally, the deputy attorney general for the charter schools reviewed a draft of Charter Contract 4.0, at the request of some of the schools, and offered comments to the Commission’s deputy attorney general. It appears the Commission accepted only a few comments without a clear indication to the schools why it did not accept the other comments offered by their legal counsel. Neither statute nor national standards and best practices prevent an authorizer from using a boilerplate charter contract for the schools within its portfolio, and the Commission can use the feedback session approach as its method for contract negotiation. However, any contract negotiation process must have clear two-way communication throughout to ensure the parties mutually understand and accept (with a clear understanding that acceptance is not the same as agreement) the material terms of the charter contract. The Commission did not appear to maintain clear two-way communication throughout the process.</p>	Mandatory	

**Performance Measure C.1: Charter Contract Terms, Negotiation, and Execution**

To what degree does the authorizer negotiate and execute charter contracts that clearly define material terms and rights and responsibilities of the school and the authorizer?

**Deficiency:** It is not clear whether changes or modifications to school plans or operations that are immaterial or otherwise not mentioned in the charter contract require a contract amendment. Section 19.2 of Charter Contract 4.0 states, in pertinent part, “Changes in operation that require the School to obtain an amendment to this Charter Contract include but are not limited to the following:

- (a). Any material term in Article II of this Charter Contract (Exhibit “A”);
- (b). Any School location changes, such as relocation of site or adding or terminating sites;
- (c). Any School management arrangement(s), such as intention to hire or terminate a ESP;
- and (d). Any admissions or enrollment changes to policies or procedures.”

(PERF Attachment R-3, p. 53)

The charter contract provides a non-exhaustive list of changes or modifications requiring a contract amendment, but it does not describe any types of changes or modifications the school can make without a contract amendment other than changes in “textbooks, formative assessments or other instructional resources” (PERF Attachment R-3, p. 19). Even changes in curriculum require a contract amendment if it results in “any material changes to the Charter Contract such as the School’s mission and/or vision” (PERF Attachment R-3, p. 19), and it is unclear why this provision is necessary because a school’s mission and vision should drive its curriculum, not the other way around. Further, it is unclear why a school needs to obtain a contract amendment to make changes to its admissions policy when the policy itself is not a material term of, or even an attachment to, the charter contract. It is unclear what part of the contract would be amended in the instance of a change to an admission policy.

Mandatory

**Deficiency:** Charter Contract 4.0 does not clearly state and respect the autonomies to which schools are entitled. While there is some acknowledgement of the school’s authority over educational programming, previous iterations of the charter contract acknowledged this autonomy more explicitly. Charter Contract 2.0 and 3.0 both stated, “[T]he School shall have control over and responsibility for the design and delivery of the educational program” (PERF Attachment R-1, p. 2; PERF Attachment R-2, p. 13). The provisions that the Commission points to in its Performance Evaluation Response Form state the responsibilities of the governing board but do not explicitly state the school’s authority over educational programming, staffing, budgeting, and scheduling with the exception of a limited regarding the school’s authority over its curricular and instructional approach (PERF, p. 57- 60).

Mandatory

**Performance Measure C.1: Charter Contract Terms, Negotiation, and Execution**

To what degree does the authorizer negotiate and execute charter contracts that clearly define material terms and rights and responsibilities of the school and the authorizer?

<b>Deficiency:</b> While Charter Contract 4.0 clearly states most of the responsibilities of the school and the authorizer in the event of school closures, it is not entirely clear on the responsibilities of the school in the event of financial insolvency. In the event of financial insolvency, the school is required to “comply with the Commission’s closure policies and protocol” (PERF Attachment R-3, p. 50-51). However, this does not appear to be a requirement for other kinds of school closures. Instead, in the event of other school closures, section 18.13 states, in pertinent part, “The Governing Board and School personnel shall cooperate fully with the dissolution of the affairs of the School.” (PERF Attachment R-3, p. 50-51)	Mandatory	
<b>Deficiency:</b> The Commission does not have additional contractual provisions for any school that contracts with an external (third-party) provider for education design and operation or management to ensure rigorous, independent contract oversight by the governing board and the school’s financial independence from the external provider. Commission representatives noted that no schools currently contract with external providers for this purpose. During an interview with school representatives, a representative described a situation where a school wanted to contract with an external provider, but the Commission required a review of the contract with the provider. Even though none of the schools in the Commission’s portfolio currently contract with external providers, the absence of contractual provisions to address such contracts creates confusion, at best, when the situation does arise and, at worst, could lead to a problematic relationship between the school and the external provider.	Mandatory	
<b>C.1.1 Opportunity:</b> The Commission granted previous iterations of the charter contract on varying terms from one year to five years in length. Only recently has the Commission granted new or renewed charter contracts all with a five-year term. NACSA Standards state that a quality authorizer “grants charter contracts for an initial term of five operating years or longer only with periodic high-stakes reviews every five years.” The Commission has not met this standard for at least the last three years and is therefore ineligible for an “exemplary” rating for this performance measure.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No*	



**Performance Measure C.2: Charter School Performance Standards**

To what degree does the authorizer execute charter contracts with clear, measurable, and attainable performance standards?

Finding	Plan to be developed?	Projected date ready
<b>C.2.1 Opportunity:</b> The way Charter Contract 4.0 presents how the scoring works in the academic performance framework is confusing. The standardized assessments rubric contains more than ten described measures with each measure that “meets/exceeds” being worth seven points (PERF Attachment R-3, p. 63-64), and it was unclear how the scoring on these measures would add up to the maximum of 70 points until Commission representatives explained further. As currently presented in Charter Contract 4.0, there is room for interpretation as to what the Commission’s academic performance expectations might be. At a minimum, the formatting of the academic performance framework needs to be improved.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No*	
<b>C.2.2 Opportunity:</b> Under the academic performance framework in Charter Contract 4.0, it is possible for a school to reach the minimum score required for charter contract renewal without meeting any of the expectations aligned with Strive HI. This is less of an issue if this aligns with the Commission’s vision of a high-quality school, but if it does not, the Commission will need to change its academic performance framework to align with this vision. The Commission should review the findings in the 2017 NACSA Report relating to holding schools accountable for academic performance (PERF Attachment C-2, p. 11-12) before the Commission determines what a high-quality school looks like and changes its academic performance framework.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No*	
<b>C.2.3 Opportunity:</b> While the academic performance framework identifies a postsecondary readiness measure under the standardized assessments indicator in the academic performance framework, it is unclear and it is questionable as to whether it is an appropriate measure of postsecondary readiness, as required by HRS §302D 16(a)(6). The academic performance framework describes this measure as the “percentage of students reading at, or near grade level, and/or promotion rate, depending on grade level,” and it applies only to grades 3, 8, and 9 (PERF Attachment R-3, p. 64). Commission representatives explained that the Department defined these measures as postsecondary measures for Strive HI and pointed to a technical document, entitled “2018-19 Strive HI Measures and Calculations: Technical Guide,” as supposed evidence. However, the document does not define any measures as measures of postsecondary readiness. While it may be appropriate to use literacy and promotion rate as postsecondary readiness indicators for elementary and middle school levels, these are	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No*	

**Performance Measure C.2: Charter School Performance Standards**

To what degree does the authorizer execute charter contracts with clear, measurable, and attainable performance standards?

not indicators typically used to measure postsecondary readiness at the high school level. The Commission needs to reassess how it will measure postsecondary readiness for the high school level.

**C.2.4 Opportunity:** While the mission aligned initiative indicators attempt to emphasize autonomy in a measurable way, they could use some clarification. The academic performance framework needs to be clearer about the data sources for these indicators, and considering their qualitative nature, the framework needs to be more specific as to how these indicators will be judged.

☒ Yes  
☐ No\*

**C.2.5 Opportunity:** Many of the data sources that form the evidence base for the performance frameworks are not explicitly defined or clear in the performance frameworks or elsewhere in Charter Contract 4.0 and require certain assumptions. The sources of academic data that will form the evidence base for ongoing and renewal evaluation are not defined. Indicator 2 in the academic performance framework contains “Strive HI” in the title of the indicator (PERF Attachment R-3, p. 63), but Strive HI is not mentioned anywhere else in the charter contract. Further, it is not entirely clear what the data sources for the other indicators in the academic performance framework are.

☒ Yes  
☐ No\*

**C.2.6 Opportunity:** The sources of organizational data that will form the evidence base for ongoing and renewal evaluation are not entirely clear. While the “Comments” column in the table in the organizational performance framework appears to generally define the data sources for each of the standards, it is not explicitly clear that these “comments” actually define the data sources, and most of the comments lack any specificity (PERF Attachment R-3, p. 69-77).

☒ Yes  
☐ No\*

**C.2.7 Opportunity:** The financial performance framework would also be clearer if it explicitly defined the sources of financial data that will form the evidence base for ongoing and renewal evaluation. The Commission explained that the charter contract “requires quarterly school self-reported financial statements, followed by an annual audit from a licensed auditor” (PERF, p. 105). The assumption is that the financial statements and annual audit act as sources of financial data for the financial performance standards, but neither the charter contract nor the financial performance framework explicitly define them as such. The Commission also noted that it reviews and monitors documents submitted for reimbursement by federal funds and uses the processing of payroll and the availability of funds in school accounts as

☐ Yes  
☒ No\*

**Performance Measure C.2: Charter School Performance Standards**

To what degree does the authorizer execute charter contracts with clear, measurable, and attainable performance standards?

additional information sources of financial data (PERF, p. 105-106). Again, neither the charter contract nor the financial performance framework define these as sources of financial data for the financial performance standards.

**Ongoing Oversight and Evaluation****Performance Measure D.1: Process for Ongoing Oversight of Charter Schools**

To what degree does the authorizer have and implement a comprehensive oversight and monitoring system as defined by the charter contract?

Finding	Plan to be developed?	Projected date ready
<b>D.1.1 Opportunity:</b> Implementation of the Commission’s oversight and monitoring, consistent with its stated processes, could not be verified externally with consistent responses. Based on the interviews with school representatives, it is not clear that all schools have a similar experience with the Commission’s oversight and monitoring system. Additionally, while a majority (58.3%) of charter school leaders who responded to the survey strongly agreed or somewhat agreed that the Commission “monitors, in accordance with charter contract terms, the performance and legal compliance of public charter schools,” a substantial number either had no strong opinion, somewhat disagreed, or strongly disagreed (41.7% altogether).	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No*	

**Performance Measure D.1: Process for Ongoing Oversight of Charter Schools**

To what degree does the authorizer have and implement a comprehensive oversight and monitoring system as defined by the charter contract?

**D.1.2 Opportunity:** The Commission should document its monitoring system through formal processes and procedures. The charter contract describes some elements of the oversight and monitoring system, but it does not comprehensively describe how all the elements work together or explain certain details of the system (such as how often the Commission conducts onsite monitoring or how the Commission determines what to monitor and in what manner). Documented processes and procedures for monitoring could provide clarity to schools and help bring more consistency to their experiences with the oversight and monitoring system.

☒ Yes  
☐ No\*

**D.1.3 Opportunity:** Through systematic monitoring processes and procedures, the Commission should regularly monitor every school with both desk and on-site monitoring. The Commission should set a monitoring schedule that describes the kind of monitoring and makes the frequency of school visits clear.

☒ Yes  
☐ No\*

**D.1.4 Opportunity:** The Commission should consider tracking its monitoring work output (such as the number of site visits and desk reviews, the nature of any visits and reviews, and the number and type of findings resulting from such visits and reviews) and the time and resources spent on monitoring. This will help the Commission better understand the resources it uses on monitoring, areas of monitoring that may need to be reduced or expanded, and additional resources that may be required for monitoring.

☒ Yes  
☐ No\*

**D.1.5 Opportunity:** The Commission should take a more systemic approach to academic performance monitoring. While the Commission issues annual performance reports that summarizes each school's academic performance as defined by the academic performance framework, Commission representatives explained that the Commission takes a "hands off" approach to academic performance monitoring. Considering how critical the data and resulting scores in the academic performance framework are to renewal decisions, the Commission should consider at least presenting the annual academic performance results to governing boards to ensure the governing boards understand how their schools are performing and whether they are on track to hit the academic performance targets by the time of contract renewal.

☒ Yes  
☐ No\*

**Performance Measure D.2: Protecting School Autonomy**

To what degree does the authorizer respect, preserve, and support the essential autonomies of the portfolio of charter schools?

Finding	Plan to be developed?	Projected date ready
<p><b>Deficiency:</b> Provisions within the charter contract related to school autonomy exist but do not clearly ensure school autonomy and recognize the school’s authority over the school’s day-to-day operations and decisions that are clearly within the school’s purview. While there is some acknowledgement of the school’s authority over educational programming, previous iterations of the charter contract acknowledged this autonomy more explicitly. Charter Contract 2.0 and 3.0 both stated, “[T]he School shall have control over and responsibility for the design and delivery of the educational program” (PERF Attachment R-1, p. 2; PERF Attachment R-2, p. 13). The provisions that the Commission points to in its Performance Evaluation Response Form state the responsibilities of the governing board but do not explicitly state the school’s authority over educational programming, staffing, budgeting, and scheduling with the exception of a limited provision regarding the school’s authority over its curricular and instructional approach (PERF, p. 129-130). The Commission explains, “[H]ow the school operates their school is not defined in the contract and is left to the school’s discretion and autonomy” (PERF, p. 132). However, avoiding infringements upon a school’s authority is not the same as explicitly recognizing the school’s authority through contractual provisions.</p>	Mandatory	
<p><b>Deficiency:</b> An issue raised by school representatives provides another example of the lack of recognition of schools’ statutorily granted autonomy. Charter Contract 4.0 includes definitions for “governing board” and “public charter school” that use most of the same language from the statutory definitions of the same terms (PERF Attachment R-3, p. 13-14). However, virtual education is explicitly excluded from these definitions even though it is included in both statutory definitions as an area of “independent authority” (HRS §302D-1). The decision to exclude virtual education from the definitions and as an area of school authority appears to have been intentional, as the charter contract excludes this statutory language while at the same time using other statutory language. While the contractual exclusion does not remove schools’ statutory authority over virtual education, it comes across as the Commission actively ignoring this area of autonomy.</p>	Mandatory	

**Performance Measure D.2: Protecting School Autonomy**

To what degree does the authorizer respect, preserve, and support the essential autonomies of the portfolio of charter schools?

<b>Deficiency:</b> It is unclear how the one documented example that the Commission provided aligns with the school autonomy provisions in the charter contract. In the example, the Commission “temporarily authorize[d] all thirty-seven public charter schools to provide distance, virtual, or other alternative mode of instruction or education in response to the Coronavirus (COVID-19) threat” (PERF Attachment U, p. 3). The Commission apparently needed to grant this temporary authorization because the charter contract prohibits “distance, virtual, or other alternative mode of instruction or education” without approval from the Commission, so it is not clear how this example of an exemption <i>from</i> the charter contract aligns <i>with</i> the charter contract.	Mandatory	
<b>D.2.1 Opportunity:</b> While the Commission did not clearly demonstrate how it minimized administrative burden on its portfolio of charter schools without compromising public interest, as it was unable to provide a documented example, the Commission should continue to annually review its compliance tasks and work with the Department on methods for data collection (PERF, p. 132). The Commission may want to consider finding out directly from charter schools the most onerous parts of its oversight and monitoring system and exploring ways to reduce the administrative burden in those areas.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No*	
<b>D.2.2 Opportunity:</b> As noted in Performance Measure D.1, implementation of the Commission’s oversight and monitoring, consistent with its stated processes, could not be verified externally with consistent responses.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No*	
<b>D.2.3 Opportunity:</b> The Commission should review NACSA’s standards related to respecting school autonomy to ensure its charter contracts, processes, and practices align. It may be beneficial to even consult with NACSA in this area. The Commission could also consider working with the schools within its portfolio on a common understanding of what “autonomy” means as a part of charter contract negotiations and/or the Commission’s strategic planning.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No*	

**Performance Measure D.3: Standards and Processes for Intervention and Corrective Action**

To what degree does the authorizer have clear and comprehensive standards and processes to address intervention and corrective action?

Finding	Plan to be developed?	Projected date ready
<b>Deficiency:</b> When a Notice of Deficiency is needed, the Commission has the latitude to go beyond simply identifying what the school must remedy and can actually prescribe solutions to the school. The charter contract states that a Notice of Deficiency “may include prescriptive, specific action plans and conditions for the School” (PERF Attachment R-3, p. 47). When asked how the Commission reconciles this contract provision with NACSA Standards, which state a quality authorizer “engages in intervention strategies that clearly preserve school autonomy and responsibility [by] identifying what the school must remedy without prescribing solutions,” Commission representatives explained that most authorizers in jurisdictions outside of Hawaii do not need to “enforce state or federal requirements,” and when a school fails to comply, the Commission is “tasked by [HRS Chapter 302D] to interject [itself] and ensure that compliance.” The basis for this justification is factually inaccurate. Most, if not all, authorizers across the nation are responsible for holding charter schools accountable to matters of legal compliance, and the Commission is no different. Further, state statute does not require the Commission to “interject” when there is an issue of legal compliance. The Commission must ensure compliance, and it can do so using its performance frameworks and an intervention process that identifies what the school must remedy without prescribing solutions. The explanation from Commission representatives during the interviews did not provide justification for the contract provision and raised some concerns about their understanding of the fundamental tenets of charter schooling: accountability and autonomy.	Mandatory	
<b>Deficiency:</b> Neither the charter contract, Notice of Concern forms, or documented examples indicate that the intervention process requires the Commission to give timely notice of contract violations or performance deficiencies. One of the documented examples shows that the Commission did not give a formal notice of contract violations for a failed fire inspection through a Notice of Concern until almost a year and a half after the fire inspection (PERF Attachment V-2).	Mandatory	
<b>Deficiency:</b> It is not clear whether the intervention process allows schools reasonable time and opportunity for remediation in non-emergency situations. The most recent documented example provided by the Commission gives the school two weeks to provide what appears to be reports related to a fire inspection (PERF Attachment	Mandatory	

**Performance Measure D.3: Standards and Processes for Intervention and Corrective Action**

To what degree does the authorizer have clear and comprehensive standards and processes to address intervention and corrective action?

V-2, p. 10-11), but it is unclear whether that is a reasonable expectation, especially since it is unclear whether the school would need to schedule and successfully pass a fire inspection within that window. Nothing else in the charter contract or other documents indicate that the Commission is required to provide a reasonable time and opportunity for remediation in non-emergency situations.

**D.3.1 Opportunity:** Section 17.9 of Charter Contract 4.0 is entitled “Notice of Deficiency and Notice of Warning” (PERF Attachment R-3, p. 5, 47). However, a Notice of Warning is not defined or mentioned anywhere else in the charter contract. This appears to be a residual term from previous contract and intervention process iterations and should be removed for clarity.

☒ Yes  
☐ No\*

**Revocation and Renewal Decision-Making****Performance Measure E.1: Charter Contract Renewal Process and Performance Reports**

To what degree does the authorizer have a clear, comprehensive, fair, and transparent process for charter contract renewal?

Finding

Plan to be  
developed?

Projected  
date ready



**Performance Measure E.1: Charter Contract Renewal Process and Performance Reports**

To what degree does the authorizer have a clear, comprehensive, fair, and transparent process for charter contract renewal?

<b>Deficiency:</b> The most recently used criteria for charter renewal were not consistent with the charter contract. The renewal process described the results for schools that did not receive Notices of Deficiency during the charter contract term depending on whether the school meets performance targets, partially meets performance targets, does not meet performance targets, or has major compliance issues (PERF Attachment W-1, p. 2). However, Charter Contract 3.0, which is the charter contract version applicable to this renewal process, does not provide these criteria, and simply states, "If the School did not receive a Notice of Deficiency during the contract period [, it] will submit a renewal application for a five-year contract after receiving the Final Performance Report." (PERF Attachment R-2, p. 58) This statement makes it seem like a school that did not receive a Notice of Deficiency during the contract term would receive a new five-year charter contract, but that is not the case in the renewal process.	Mandatory	
<b>Deficiency:</b> The most recent performance report did not summarize all aspects of the school's performance, state all of the Commission's summative findings concerning the school's performance, or state the school's prospects for renewal. The performance report did not summarize the school's performance on the value-added targets in the academic performance framework or state the Commission's findings of the school's performance on those measures (PERF Attachment W-1, p. 6-8). The performance report also lacked any statement or indication of the school's prospects for renewal based on the summative findings as compared to the renewal criteria.	Mandatory	
<b>Deficiency:</b> In the most recent renewal process, the notifications to each school of the Commission's renewal decisions did not include written explanations of the reasons for the decisions. The notifications stated the Commission's decision to award a new charter contract and the various conditions of the new contract, but they did not include an explanation as to why the Commission was awarding a new contract with the specified term length and renewal conditions (PERF Attachment W-3).	Mandatory	
<b>E.1.1 Opportunity:</b> The most recent process for contract renewal included communication of renewal decisions to the school community and public, but that communication did not appear to be prompt or far-reaching enough. The Commission communicated its renewal decisions through its monthly e-newsletter (PERF Attachment W-4). The communication was not prompt, as the decisions were made on January 10, 2020 but communicated through a February 2020 newsletter. Further, it is unlikely that the communication broadly	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No*	

**Performance Measure E.1: Charter Contract Renewal Process and Performance Reports**

To what degree does the authorizer have a clear, comprehensive, fair, and transparent process for charter contract renewal?

reached the relevant school communities or the public, especially when it was contained in a blurb in a general newsletter rather than targeted through more intentional outreach or communication.

**E.1.2 Opportunity:** The Commission should avoid implementing a renewal process that could potentially attempt to remove the rights of a school to appeal to the Board. In January 2020, the Commission approved charter contract renewal for some schools with a condition that stated, “Should the school not meet this condition, the school shall surrender its charter at the end of the contract term (fifth year)” (see Yvonne Lau’s memorandum to John Kim, dated June 7, 2021, on an agenda item entitled “Action on Renewal of Charter Contract Condition regarding Complex-Like Academic Measure for Hakipu’u Academy, Hālau Kū Māna Public Charter School, Kamaile Academy Public Charter School, Ke Ana La’ahana Public Charter School, Kua o ka Lā New Century Public Charter School, Kona Pacific Public Charter School, Laupāhoehoe Community Public Charter School, Nā Wai Ola Public Charter School, and Waimea Middle Public Conversion Charter School”). While Commission representatives explained that these conditions are no longer applicable, the Commission should not be requiring schools to accept charter contracts with any condition that essentially allows the Commission to terminate the charter contract without revocation or nonrenewal (in this instance, via “surrender”). Although unclear, the result could be an apparent removal of appeal rights or, at the very least, much messier appeal proceedings.

☐ Yes  
☒ No\*

**E.1.3 Opportunity:** The Commission should consider initiating the renewal process as early as possible in a school’s final year of its charter contract and issuing a final renewal decision as quickly as possible. Giving a school as much advance notice as possible on renewal decisions will provide the Commission and the governing board to discuss and come to a mutual understanding and acceptance of the next charter contract before its execution. An earlier timeline would also help with appeal process timing, if necessary.

☐ Yes  
☒ No\*

**Performance Measure E.2: Charter Contract Renewal or Revocation Decisions**

To what degree do the authorizer's renewal and revocation decisions align to its stated performance standards?

Finding	Plan to be developed?	Projected date ready
<p><b>Deficiency:</b> The Commission granted renewals to schools that did not meet the academic performance standards. While the Commission followed its renewal criteria, the criteria allowed schools who only partially met performance standards to receive new five-year charter contracts with conditions and allowed schools who did not meet performance standards to receive a one-year contract extension (PERF Attachment W-1, p. 2). For example, the Commission granted at least one charter school that did not meet any of its student academic outcome targets in the academic performance framework with a five-year contract with conditions to improve its academic performance (see Commission's general business meeting minutes of January 10, 2020), and it is not clear that the Commission "[g]round[ed] its decisions in evidence of the school's performance over the term of the charter contract in accordance with the performance framework set forth in the charter contract," pursuant to HRS §302D-18(f)(1). Commission representatives even acknowledged that the academic performance data for some of these schools fell below expectations, but they noted that they wanted to give these schools a chance to improve because it felt uncomfortable not renewing their charter contracts.</p> <p>This implies that the Commission may have made this renewal decision "solely on promises of future improvement" (as described in the NACSA Standards on renewal decisions and the indicator specifications of this Performance Measure). When asked, Commission representatives explained that while promises of future improvement were one factor in the decision to renew, the Commission considered other factors, such as the capacity of the governing board and the school's financial performance, noting that there was discomfort with having an "academic trip wire." However, grounding renewal decisions in evidence of only the school's organizational and financial performance and promises of future improvement in academic performance does not align with NACSA Standards or the spirit and intent of HRS Chapter 302D. A critical role of an authorizer is to hold charter schools accountable to rigorous academic performance expectations, not just organizational and financial expectations.</p> <p>It is evident that many of findings in the 2017 NACSA Report relating to holding schools accountable for academic performance, which it rated as an area needing improvement, are still present today (PERF</p>	Mandatory	

**Performance Measure E.2: Charter Contract Renewal or Revocation Decisions**

To what degree do the authorizer's renewal and revocation decisions align to its stated performance standards?

Attachment C-2, p. 11-12). One of the key findings from the report is that the Commission needs to “[s]et a higher bar for renewal and make the difficult decision to non-renew or revoke the charters of schools that have chronically failed to make sufficient improvement or progress” (PERF Attachment C-2, p. 9). To date, the Commission has still never closed a school for failing to meet academic performance expectations even though several schools fall into that category. The story of the Commission's academic performance accountability woes appears to be either setting the academic performance bar so low that all schools can clear it or setting a higher bar but not taking appropriate action when schools fail to meet it.

**E.2.1 Opportunity:** For the schools that did not meet the academic performance expectations but the Commission still renewed, Commission representatives explained that the Commission placed unique academic performance expectations on each of these schools, such as specific targets benchmarked to the complex area or like demographics, as a condition of the renewal. These conditions were separate from the expectations contained in the charter contract and the performance frameworks. While these conditions appear to be moot according to the Commission representatives, the Commission should avoid creating renewal or performance expectations that are not explicitly captured in the performance frameworks to comply with HRS §302D-18(f)(1).

☐ Yes  
☒ No\*

**E.2.2 Opportunity:** It is not clear whether the Commission “[p]rovide[s] a public report summarizing the evidence and basis for each [renewal] decision,” pursuant to HRS §302D-18(f)(3). It would be useful to produce this kind of report immediately following a renewal decision as well as including the information in the Commission's annual report.

☐ Yes  
☒ No\*

**E.2.3 Opportunity:** The Commission should consider the feasibility of compressing the revocation process. When the Commission seriously considers the closure of a school, it should take final action as quickly as possible to minimize the costs to students, families, and the State.

☐ Yes  
☒ No\*

**Performance Measure E.3: School Closure Protocol**

To what degree does the authorizer have a closure protocol that is clear and comprehensive?

Finding	Plan to be developed?	Projected date ready
<b>E.3.1 Opportunity:</b> The Commission should consider a review of its closure protocols with the intention of compressing the timeline wherever possible.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No*	
<b>E.3.2 Opportunity:</b> The Commission should consider developing a closure protocol for a charter school whose contract is not renewed with more precise timelines that are tied to the renewal process timeline and based on the notification of non-renewal.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No*	

**Exhibit B**

**Commission's continuous improvement plans**

JOSH GREEN, M.D.  
GOVERNOR



CATHY K. IKEDA  
CHAIRPERSON

STATE OF HAWAII  
**STATE PUBLIC CHARTER SCHOOL COMMISSION**  
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### Commission Outcomes Committee

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DATE OF SUBMITTAL:	May 25, 2023
DATE OF MEETING:	June 1, 2023
TO:	Lynn Fallin, Chairperson Commission Outcomes Committee
FROM:	Cathy K. Ikeda, Chairperson State Public Charter School Commission
SUBJECT:	Action on Commission continuous improvement plans to address all deficiency findings and selected opportunities for improvement findings in 2022 Board performance evaluation of the Commission

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#### I. DESCRIPTION

Action on Commission continuous improvement plans to address all deficiency findings and selected opportunities for improvement findings in 2022 Board performance evaluation of the Commission.

#### II. INFORMATION FOR CONSIDERATION

The Commission will be updating the Board of Education’s Commission Outcomes Committee on June 1, 2023 on the continuous improvement plan’s deficiencies and selected opportunities from 2022 Board of Education (“Board”) performance evaluation. **Exhibit 1** includes the continuous improvement plan – deficiencies and selected opportunities. Included is the Continuous Improvement Plan Timeline Form (**Exhibit 2**) that has been modified to correspond with the numbering system in Exhibit 1 column A.

**Exhibit 1**

Continuous Improvement Plan – Deficiencies and Selected Opportunities



Section and No.	O = opportunity; D = Deficiency	Finding (summarized) - some findings were too long to put here, and so section and no markers are used. Opportunities use numbers. Deficiencies use letters.	Timeline 1a: <b>Steps</b> to reach outcomes that remedy the finding for which the CIP was designed; and/or Response from Permitted Interaction Group	Timeline 1b: <b>projected</b> completion date	Timeline 1c: <b>responsible party</b>	2. Standards of success to <b>assess</b> effectiveness of outcomes of CIP	3. Description of how C will use <b>standards of success</b> to <b>assess</b> outcomes	4. <b>Actions</b> the "Committee" will take if outcomes not met	5. <b>Resources</b> required to implement
A.1.1 Authorizer Mission	O, yes	The Commission should carefully review and incorporate the purposes of charter schools as described in Board Policy E-700 in the Commission's determination of "high quality"	Plan completed: Definition of high quality, using Board Policy E-700, passed in July 2022 Gen Meeting. In addition, as part of its work revising application process, passed high quality definition included in application materials, adopted and released on Feb 9, 2023	July 2022	Staff	From the revised strategic plan, milestone effectiveness assessments look like: Improve, evolve based on data and context, actualize the work throughout the different frames and amplify vision and mission	Yearly strat plan milestones, BOE EOY report, monthly Commission meetings, standing committee meetings, weekly staff meetings, continuous work with schools	<a href="#">This is tied to the revised strategic plan Goal 1 - 3 and the strategies and milestones set forth in the strategic plan, including the milestones for SY 22-23 and SY23-24</a>	
A.1.2 Authorizer Mission	O, yes	The Commission should develop a more robust system for external stakeholders to review and comment on the alignment of the Commission's mission and vision	Completed. Our revised mission (final 9.3.21) is drawn directly from Hawai'i Revised Statutes, section 302D-3 and 302D-5. The C has continued to articulate its revised mission and vision and over time schools and external stakeholders will better understand the Commission's statutory mission and vision.	Completed and ongoing. Part of our work with the revised strategic plan's goals and milestones	All	Board Policy E-700; Improve, evolve based on data and context, actualize the work throughout the different frames and amplify vision and mission	Align C's mission and vision with Board Policy E-700	Tied to Goal 3, strategy 3.2, year 3 and beyond: % increase in the no. of times and methods C shares high-quality schools, models, and practices throughout Hawai'i; % increase in the # of stakeholders aware of the C's high quality schools, models, practices	
A.2a Strategic vision and organizational goals	D	Organizational goals are not clearly measurable. Provide evidence on how organizational goals are connected to vision. No timeframes for achievement	<a href="#">Plan: 1. Continue to report out to Commissioners and public on yearly strategy performance indicators, data sources and strategy indicator targets on pp 7-15</a> of the final revised strategic plan adopted on 9/23/21. 2. Using organizational values in revised strategic plan, continue to co-create and integrate (staff and Commissioners) tangible, observable action indicators based on current mission, the future facing vision and the scope and sequenced strategy indicator targets.	Ongoing	All	Improve, evolve based on data and context, actualize the work throughout the different frames and amplify vision and mission	Yearly strat plan milestones, BOE EOY report, monthly Commission meetings, standing committee meetings, weekly staff meetings, continuous work with schools	Provide consistent and ongoing training for all Commissioners and staff on their role and commitments to quality charter school authorizing	
A.2b Strategic vision and organizational goals	D	Not clear whether strategies are appropriate to achieve the stated vision or contribute to achieving the vision.	Plan: Continue to follow the additional milestones for 2022-2023 and 2023-2024 of the revised strategic plan as a way to actualize the mission. The mission, pulled from statute is the statement of the Commission's purpose and describes what the Commission does/should do as well as for whom in order to realize its vision. The vision is the future facing portrayal of the Commission in its ideal form, illustrating this organization at its best and the greater good it serves.	Ongoing	all	<a href="#">The HI revised report of Jan 2023: NACSA authorizer evaluation report conducted in December 2022 used the Principles and Standards for Quality Charter School Authorizing (pp. 10-15) to commend the Commission on its clear mission and well-defined strategi</a>	Continue with the work set forward in the revised strategic plan	Provide consistent and ongoing training for all Commissioners and staff on their role and commitments to quality charter school authorizing	
A.2c	D	Not clear whether Commission evaluates its work against its vision. Not clear how Commission evaluates organizational goals or implements plans for improvement when falling short of them	Plan: Continue to evaluate our work against our mission (versus vision which takes a more longitudinal look at this process as we close out this current strategic plan in AY 23-24 and work on our next strategic plan). The evaluation of our mission aligned milestones, strategy performance indicators, data sources and strategy indicator targets happens in the yearly, monthly, weekly, daily reflections of doing better. The specific evaluation process is housed in the values of mohala, pili and pono and represent a formative evaluation process. The summative evaluation processes are housed in our yearly BOE report, the reporting out of milestones and targets at general business meetings, standing committee meetings, and permitted interaction groups. In addition, the Continuous Improvement timeline form states that a word search of the three organizational goals was not found. They are on page 5 of the revised strategic plan (linked in row 4, column D of this document.	Ongoing	All	The HI revised report of Jan 2023: NACSA authorizer evaluation report conducted in Decemboer 2022 used the Principles and Standards for Quality Charter School Authorizing (pp. 10-15) to commend the Commission on its ability to use the straegic plan as a guiding document that is attempting to connect the strategic pillars, the definition of high-quility, the charter contract (4.0 version), the performance framework, and the related monitoring processes. (p. 11 of NACSA evaluation, strength #5).	Continue with the work set forward in the revised strategic plan	Tied to goal 3, strategy 3.2, milestone 3.2.1 and strategy 3.3	

Section and No.	O = opportunity; D = Deficiency	Finding (summarized) - some findings were too long to put here, and so section and no markers are used. Opportunities use numbers. Deficiencies use letters.	Timeline 1a: <b>Steps</b> to reach outcomes that remedy the finding for which the CIP was designed; and/or Response from Permitted Interaction Group	Timeline 1b: <b>projected</b> completion date	Timeline 1c: <b>responsible party</b>	2. Standards of success to <b>assess</b> effectiveness of outcomes of CIP	3. Description of how C will use <b>standards of success</b> to <b>assess</b> outcomes	4. <b>Actions</b> the "Committee" will take if outcomes not met	5. <b>Resources</b> required to implement
A2.2	O, yes	Commission should consider adding metrics to its revised strategic plan to measure progress in improving communication and trust, which are connected to the "Aloha Spirit" values	Plan and Response: We are and are <b>continuing</b> to work to improve communications with our schools (strategy 3.2). The Commission's strategic plan adds the values of Mohala, Pili, and Pono to the "Aloha Spirit" and these values are and continue to be practiced by the Commission. Commissioners have joined staff on visits and are satisfied with the staff's working relationship with our schools. Communication and trust continue to be built as the Commission and its staff will continue to go out and visit schools after a 2 year hiatus due to restrictions from COVID-19 and travel. Additionally, the Communications plan has been implemented as part of Goal 3 of the revised strategic plan.	Updates were provided in the Commission's March 9, 2023 General Business Meeting. At most General Business meetings in this SY22-23, Frameworks team has invited a charter school to share bright spots and metrics around their program.	All	Board Policy E-700; Improve, evolve based on data and context, actualize the work throughout the different frames and amplify vision and mission	Yearly strat plan milestones, BOE EOY report, monthly Commission meetings, standing committee meetings, weekly staff meetings, continuous work with schools	Tied to goal 3, strategy 3.2, milestone 3.2.1 and strategy 3.3 as well as Goal 2, strategy 2.3, milestone 2.3.2	
A.2.3	O, yes	The Commission does not elaborate further on the role of innovation in the 2019-2023 strategic plan or its revised strategic plan	Response: In Goal 3, strategy 3.3 of the revised strategic plan (p.8), we are already doing this. Additionally, the Commission's general business meeting has begun including bright spots with one public charter school as a regular item on the agenda. The Commission General Business meeting brights spots have been: Halau Ku Mana - 10/13/22; Kona Pacific - 11/10/22; Malama Honua 11/8/22 and Waimea Middle 3/9/23. There was no school presentation in April but there was a presentation on the early learning program.	ongoing - see specific dates for innovation bright spots in column D, row 9	all	From the revised strategic plan, milestone effectiveness assessments look like: Improve, evolve based on data and context, actualize the work throughout the different frames and amplify vision and mission	Yearly strat plan milestones, BOE EOY report, monthly Commission meetings, standing committee meetings, weekly staff meetings, continuous work with schools		
A.2.5	O, yes	The Commission should actively measure its organizational goals to help it determine whether it is achieving most goals within the stated timeframes.	Response: The purpose of the Commission's strategic plan is to provide a roadmap for the Commission and its staff to do its work. Feedback from external stakeholders is built into the Commission's strategic plan process as progress on the strategic plan will be publicly reported out on a quarterly basis providing opportunities for feedback via testimony.	Strategic plan update was at the March 9, 2023 General Business Meeting. Quarterly updates will continue to provide the Commission and the public with this information	Staff	Using NACSA's Principles and Standards for Quality Charter School Authorizing, the NACSA evaluation commended the Commission (strength #2, p. 9) for a well-defined strategic plan outlining clear goals associated with strategies and milestones.	Revised strategic plan goal 2, strategy 2.1, milestone 2.1.1, p. 7		
A.3.1: Structure of Operations	O, yes	Regularly review, update and revise job descriptions to ensure duties and responsibilities among all staff are clear	Plan Completed. The Commission has already revised and updated all of its job descriptions, including the executive director position description. Documentation can be provided if nexessary.	Done	Staff, Commissioner s (in case of ED)				
A.4.1: Authorizer leadership and staff expertise	O, yes	Executive director position	Plan: The permitted interaction group was formed to address this issue. They reported out at the Feb. 9, 2023 Commission meeting. The PIG recommendations for a timeline, process and position description was approved at the 3/9/23 general business meeting. An RFP went out for firms to handle the screening and recommendation of candidates.	June 2023	Commission			Because of the delay in the RFP, the projected completion date has been moved to July 2023	
A4.2	O, yes	Commission staff needs more expertise in the area of academics, especially in light of several vacancies	Plan Commenced. The Commission has already added qualified academic staff and will continue to fill vacancies to meet this need.	ongoing					
A.5.1: Capacity and Skill Development of Leadership and Staff	O, yes	Professional development	Response: The revised strategic plan, goal 2 and 3 is designed to identify areas of additional capacity and professional development and will articulate that process as an action in its revised strategic plan	ongoing	Commission	From the revised strategic plan, milestone effectiveness assessments look like: Improve, evolve based on data and context, actualize the work throughout the different frames and amplify vision and mission	Yearly strat plan milestones, BOE EOY report, monthly Commission meetings, standing committee meetings, weekly staff meetings, continuous work with schools	Using spiral inquiry, continue to use data-informed inquiry process and determined findings to improve (Milestone 3.3.1)	
A.5.2	O, yes	NACSA training sessions to strengthen alignment between Commission and schools to build common ground understanding of authorizer roles and responsibilities, best practices and expectations	Plan: The Commission will invite NACSA to provide training to schools and to the broader public about what authorizers do and it authorizing principles, as there continues to be misinterpretation of what NACSA is and what they represent and do as well as the role of the Commission in its oversight of public charter schools.	July 2023	Staff, new ED	From the revised strategic plan, milestone effectiveness assessments look like: Improve, evolve based on data and context, actualize the work throughout the different frames and amplify vision and mission	Yearly strat plan milestones, BOE EOY report, monthly Commission meetings, standing committee meetings, weekly staff meetings, continuous work with schools	Using spiral inquiry, continue to use data-informed inquiry process and determined findings to improve (Milestone 3.3.1)	

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A.6a: Authorizing Operational Budget	D	No evidence that the Commission's resource allocations are adequate	Plan Commenced and ongoing. The Commission has and continues to articulate to the Governor through Budget and Finance as well as the legislature during the legislative session, its budgetary needs.	Ongoing	ED, exec team	Using NACSA's Principles and Standards for Quality Charter School Authorizing, the NACSA evaluation commended the Commission (strength #3, p. 9) for a strong, well-qualified, conscientious, and committed staff that carries out a wide range of responsibilities on a tight budget for a sizable portfolio of schools.	Continue with the work set forward in the revised strategic plan	Using spiral inquiry, continue to use data-informed inquiry process and determined findings to improve.	The assistance of the BOE and HDOE would be appreciated in clarification of roles and responsibilities as it relates to compliance and monitoring of public charter schools; this would cut down on duplication of work for the Commission.
A.6.2	O, yes	Link the budget to the strategic plan and organizational goals with performance metrics on organizational and budgetary effectiveness.	<a href="#">Plan Completed. The link between budget and strategic plan has been incorporated into the strategic plan. (see Footnotes for Strategy Performance Measures, pp. 10-11). In addition, see Department of Education budgetary measures of effectiveness document, p. 651</a>	Completed	all	Measures of Effectiveness as stated in the Budget Worksheet for EDN 612 and then in 2023-2024, will replace this measure with the number of applicants to the new RFP that articulate a school that meets the definition of high-quality and add to the portfolio of diverse educational option to the Measures of Effectiveness for EDN 612	see strategic plan, goal 1 strategy indicator targets, year 3.	After year 3, new strategic plan created	
A.6.3	O, yes	Align staff salaries with that of the Department in order to recruit and retain staf	Plan On-going. The Commission seeks additional funding for its respective positions to improve retention of its staff.	On-going	on-going	Realistically, if we were able to solve our teacher shortage in this state and nation, we would have the answers for recruiting and retaining staff interested in working in education.			
A.7a Self-evaluation of capacity, infrastructure, and practices	D	Regularly scheduled plan for conducting self-evaluations	Plan: Hiring an Executive Director must come first. The suggestion for self-evaluation by ED, commissioners and staff starts with the hiring of an executive director. We welcome an opportunity to self evaluate and grow and look for a leader to lead this effort.	Upon hiring of ED	ED	Formal performance evaluations that have been used before may be necessary for things such as compensation adjustments. Ongoing informal performance assessments are also critical to ensure Commission is staying focused on strategic priorities and agreed upon goals and outcomes	Using the NACSA Nexus Authorizer Evaluation Report, with a permanent ED (Recommendation #1, p. 16), we will be able to tackle Recommendation #2 and Recommendation #3 for Commissioners		
A.7b	D	Designing continuous improvement plans to address findings resulting from self-evaluation	Plan: Like A.7a, the steps hinge on obtaining a permanent Executive Director. Regardless of the strength of any individual serving in an interim leadership role, the uncertainty - for both the individual and the rest of staff that comes with having interim leadership is detrimental to optimal organization performance.	Upon hiring of ED	ED	NACSA's Principles and Standard for Quality Charter School Authorizing; Leadership, Commitment, Judgment: Elements of Successful Charter School Authorizing: Findings from the Quality Practice Project	Using the NACSA Nexus Authorizer Evaluation Report, with a permanent ED (Recommendation #1, p. 16), we will be able to tackle Recommendation #2 and Recommendation #3 for Commissioners		
A.8.2	O, yes	Conflict of interest, State Ethics Code training for all staff	Plan: Commenced and ongoing. All staff are already required to take the online state ethics training and the new ethics law requires that staff and Commissioners meet the required live trainings.	All Commissioners have taken the live training prior to new Commissioners coming on board in July.	Staff				
A.9.1: Compliance to Statutory Responsibilities and Board Policies	O, yes	Keep stakeholders abreast of its progress by including reports on performance in meeting the organizational goals stated in its strategic plan. Use of operational metrics.	Plan: Commenced and ongoing. The Commission has reported out on its revised strategic plan and does so on a quarterly basis with metrics.	Latest strategic plan update happened at March 9, 2023 General Business Meeting and will happen each quarter.	Staff	Strategy indicator targets are in the revised strategic plan	Included in Strategic Plan		

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A.9.2	O, yes	Comprehensive analyses explaining performance trends of portfolio schools should be in annual reports, especially with incorporating metrics related to Native Hawaiian language and culture-focused education	Plan Commenced and ongoing. Strategic Plan goal 3: to <b>sustain</b> a high-quality, diverse public charter school portfolio that contributes to Hawai'i's public education system - ensures that the Commission will review the performance framework data to inform and improve the portfolio. There was a roadblock with the COVID-19 pandemic and its effect on assessments, as well as changes to the assessments being used. This affected longitudinal analyses. However, the revised Academic Performance Framework provides a new way of sharing out how schools are meeting their unique missions and visions and their impacts on student learning. This data is coming in now for the first schools on 4.0	Framework data is analyzed yearly for schools	all	The Academic Performance Framework in 4.0 addresses how STRIVE HI scores (one day in the life of a child data) can be rounded out by multi-faceted methods to demonstrate students' learning. More information can be shored on the Academic Performance Framework outcomes and successes.	The revised Academic Framework allows public charter schools to finally tell the narrative accurately as to the uniqueness of teaching and learning that is relevant to the community in which the school exists.	Continue to follow procedures to bring data to Commissioners	
B.1.a: Application Process, Timeline, and Request for Proposals	D	Vision publicized in 2020 RFP appears to be an outdated strategic vision.	Plan: 1. Edit RFP application to align to both current revised vision as well as approved definition for high quality educational opportunities 2. Report out to applications committee 3. Applications committee reports out to Commission General Business meeting 4. Once application and process approved, staff executes the plan	Completed for 2022-2023 RFP and currently in the midst of the application process	All	Using NACSA's Principles and Standards for Quality Charter School Authorizing, the NACSA evaluation commended the Commission (strength #1 under applications and school openings, p.10) ability to execute a robust charter application process, including publicly issuing a Request for Proposals aligned to national best practices, using a clear evaluation rubric which is included in the RFP, utilizing external and local expert evaluators as part of application review teams, interviewing all qualified applicants, and providing a public hearing of all applicants.	Use of expertise from NACSA as well as contracting external expert reviewers with relevant professional experience and knowledge of the Hawai'i charter context to evaluate all complete submissions.	Decisions are made in an open public meeting and applicants as well as reviewers are welcome to present	
B.1.b	D	Commission's 2020 application process does not allow sufficient time for each stage of the application process to be carried out with quality and integrity.	Response: Current application process is happening right now. The current process has been evaluated by NACSA in their 2022 NACSA Performance Evaluation	End of June 2023	All	Besides strength #1 (column above, p.10), the NACSA performance evaluation (sent to BOE in January) states that strength #2 The Commission's RFP includes a clearly publicized timeline that allows sufficient time for each stage of the application process and clearly explains the review components.	The Commission offers guidance to prospective applicants through information sessions prior to application submission to clarify expectations and respond to questions. Full information from the RFP Orientation is posted afterward on the Commission website. This practice demonstrates the Commission's commitment to an intentionally rigorous, but clear and attainable application process.		
B.1.c	D	Board Appeal No. 20-01, <i>Lima No'eau v SPCSC</i>	Response: The Commission has eliminated the intent to apply process and if an applicant submits an incomplete application, the application will be denied for that reason and will be provide with their notice of appeal to the BOE	Completed	Staff	We are currently in the midst of the process			
B.1.d	D	2020 RFP Intent to Apply	Response: The intent to apply process has been eliminated from the 2023 applicator process. The commission's strategic priority has been incorporated into the application and assessed against stated criteria	Completed	Staff	Stated Criteria	Currently in the midst of the process		
B.1.e	D	2020 RFP and evaluation of applicant's capacity through Hawaii school experts	Plan: For the 2023 application, all evaluators are external experts. Two (2) from NACSA and three (3) from local Hawaii school experts with knowledge of charter schools in Hawaii or who have knowledge of the communities of which the applicants are seeking to serve.	Completed	Staff	Stated Criteria from application	Currently in the midst of the process	There is already a process with BOE	
B.1.f	D	2020 Intent to apply criteria	Plan: The intent to apply process has been eliminated from the 2023 applications process. The Commission's strategic priority has been incorporated into the application and assessed against stated criteria.	Completed	Staff	Specific criteria articulated	Currently in the midst of the process	There is already a process with BOE	

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B.1.1	O, yes	Put forward a new cycle	Response: The 2020 RFP was completed and two schools were approved. The last application cycle was affected by the COVID 19 pandemic and the Commission was directed by the Governor and the Department of Budget and Finance to stop the process until such time the State's budget would allow for authorizing schools.	Completed. The 2023 application is in place	Staff	Specific criteria articulated	Currently in the midst of the process		
B.1.2	O, yes	2020 RFP not aligned to organization goals	Plan: Align application with strategic plan, its definition of high quality and its existing diverse educational options, as well as the BOE Policies E0700 and 102-3	Completed	Staff	Specific criteria articulated	Currently in the midst of the process		
B.1.3	O, yes	Reexamine application process based on recent statutory changes to HRS 302D-13	Plan: Revise 2023 application in alignment with changes to HRS 302D-13	Completed	Staff				
B.2.a: Approval Criteria for Charter School Applications	D	2020 RFP did not allow for rigorous evaluations	Plan: Revise 2023 application to incorporate BOE Policy E-700 as well as the Commission's definition of high quality charter schools. Additionally, ensure that every question asked has stated criteria by which applicants responses will be evaluated.	Completed	Staff	NACSA assessment of Applications, p 10, see strength #1, 2, 3, 4 and Practice Spotlight	Completed and analyzed by NACSA		
B.2.b	D	Distinct approval criteria vague, missing or worst	Plan: Revise 2023 application and every question asked, including for those applying for a conversion charter school or those who propose to use a education service or management provider. Provide criteria by which applicants responses will be evaluated on.	Completed	Staff	NACSA assessment of Applications, p 10, see strength #1, 2, 3, 4 and Practice Spotlight	Completed and analyzed by NACSA		
B.2.c	D	2020 RFP does not contain distinct requirements or approval criteria for applicants who are other existing school operators	Plan: Revise 2023 application to include asked for criteria.	Completed	Staff	NACSA assessment of Applications, p 10, see strength #1, 2, 3, 4 and Practice Spotlight	Completed and analyzed by NACSA		
B.3.a: Evaluation and Decision-Making Process	D	2020 RFP do not require decision that clearly communicates specific reasons for approval or denial.	Plan: Revise 2023 application to incorporate BOE Policy E-700 as well as the Commission's definition of high quality charter schools. Additionally, ensure that every question asked has stated criteria by which applicants responses will be evaluated.	Completed revision, but in the midst of the 2023 process	All	Ongoing, new applicants who are approved or denied will be provided with specific reasons for approval or denial	Currently in the midst of the process		
B.3.1	O, yes	Due diligence	Response: Although the Commission has always done due diligence on the applicants, the Commission will work with NACSA to strengthen its due diligence process	On going	All				
B.3.2	O, yes	Documenting evaluator conflicts of interest	Response: Yes, the Commission will make the process explicit in its applications process. All evaluators were always required to state in writing any conflicts of interest and would not have been allowed to evaluate an application if there was a conflict of interest.	On going	All				
B.3.3	O, yes	No documented evaluation process standard of practice	Plan and Response: Evaluators did document their evaluation in an evaluation report	On going	All				
B.3.4	O, yes	Training for evaluators	Plan: The Commission will work with NACSA to implement an evaluator training	Ongoing	Staff				
B.3.5	O, yes	Align approval criteria to definition of high quality	Plan: Revise application in alignment with strategic plan, definition of high quality and existing diverse educational options, as well as BOE Policy E-700 and 102-3.	Completed					
B.4.1: Pre-Opening Charter School Process	O, yes	Identify Commission positions responsible for each area of pre-opening process	Plan response: In addition to the pre-opening assurances document provided to all newly approved charter schools, the Commission staff has implemented a process for each newly approved school to meet with each of the teams within the Commission office prior to opening: Frameworks Team, Federal Programs Team, Services Team, and the Fiscal Operations Team prior to the opening of the school to students. Thus, nearly every Commission staff member has contact with each charter school.	Completed	Staff	We are in the midst of pre-opening for the two new schools			
B.4.2	O, yes	Commission did not open schools in the past two years, so not eligible for exemplary rating. Establish a process.	Plan: Make processes more visible to public. Response: The pre-opening assurances, process and requirements have always been publicly posted as part of the Commission's agendas and submittals. The Commission will make these documents part of its webpage on applications for new charter schools.	Completed	Staff	Referenced online and provided in the new application 2023 packets			
C.1.a Charter Contract Terms, Negotiation, and Execution	D	Charter school reps did not verify that there is mutual understanding and acceptance of the material terms of the charter contract	Plan: Mutual understanding of contract between Commission and School Boards starts and continues with communication. Effective communication systems are directly tied to the revised Strategic Plan Strategy 3.2, Milestone 3.2.1 - SPCSC has designed a Communications system that shares out and informs Stakeholders/Public.	Ongoing	Staff	NACSA's Principles and Standards for Quality Charter School Authorizing, Standard 3: Performance Contracting and Standard 4: Ongoing Oversight and Evaluation; and Leadership Commitment, Judgment: Elements of Successful Charter School Authorizing: pps. 13-15.	From 2022 NACSA Performance Evaluation, pp. 11-12, please see Strength #1 - 5 and the Practice Spotlight		

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C.1.b	D	Clarity of material change vs. not on contract	Plan: Next iteration of charter contract will provide specific provisions on amendments. However, in the meantime, Amendment forms for specific requests will be uploaded and provided to all schools. Spring training will also include a session on these amendment forms and the process by which the Commission will consider these requests.	March 2023	Staff	Revised Strategic Plan milestones, NACSA's Principles and Standards for Quality Charter School Authorizing, Standard 3	From NACSA 2022 Review, see Strength #1, p. 11		
C.1.c	D	Charter Contract 4.0 does not clearly state and respect autonomies to which schools are entitled.	Response: We disagree. Contract 4.0 states that "The School shall retain the autonomy to select a particular curricular and/or instructional approach consistent with applicable statewide content and performance standards." (Section 6.3; page 19)  The Academic Performance Framework (APF) in Contract 4.0 provides a multiple criteria approach to academic progress including indicators that highlight the unique mission of the school. This indicator allows school to self-rate and analyze their progress formatively through the years of the contract. In addition to this example of a school being able to share their uniqueness, indicators 3 and 4 in the APF provide the venue for schools to choose to compare themselves to other charter schools, complex, or complex areas and/or provide a site-relevant data set to round out their individual academic profile.  The provision for schools to have this multiple criteria opens the reporting up for them to demonstrate the value of their autonomous program.	Addressed	All				
C.1.d	D	Responsibility of school in event of financial insolvency.	Response: In alignment with HRS: §302D-28.5, the Commission follows the stipulations regarding financial insolvency: "(a) In the event that any public charter school becomes financially insolvent, the school shall be deemed to have surrendered its charter. For purposes of this section, a school shall be determined to be financially insolvent when it is unable to pay its staff when payroll is due. (b) In the event that any public charter school becomes financially insolvent, the authorizer shall adopt a closure protocol as described under section 302D-19(a)."	Ongoing					
C.1.e	D	Contractual provisions for third-party providers	Plan: Conduct ongoing research and review for the schools on Contract 4.0. Response: While the education design lives with the autonomy of the school, an external (third-party) provider (termed an "Educational Service Provider" (ESP) in Contract 4.0) is defined in Contract 4.0 as, "a non-profit or for-profit entity that is contracted by the School to provide services that would otherwise be handled by employees of the School, which include, but are not limited to, operational back office functions and services related to the instructional design or operation of the School, in return for fees."  Explicit additional contractual provisions are outlined in detail in Article XI of Contract 4.0.	Ongoing	All	See Article IX of Contract 4.0			
C.2.4	O, yes	Clarification around mission aligned initiative indicators.	<a href="#">Plan: Continue to show exemplars from schools on Contract 4.0. See BOE Policy E-700 Public Charter Schools link.</a> Contract 4.0 section 2.2 states, "The school shall operate in accordance with its mission statement." As such, it follows that charter schools are required to self-report by providing the mission statement, educational goals, rubrics, and disaggregated data as documentation on how the school has developed and implemented its model based on its mission statement.	Commenced and ongoing	All	In academic performance framework indicator 1 (A), the measure for "Basic" would be a simple articulation of school mission/vision on their website and in their documents that go to their stakeholders. A school that is deemed "Practiced" in their mission alignment has articulated units/lessons (curriculum instruction, and assessment) that target an aspect of the school mission/vision. "Ingrained" mission alignment requires schools to demonstrate articulation of a yearlong curriculum with units/lessons and assessments that target an aspect of the school mission/vision.	To provide clarification, a school's mission alignment is scored on a range from community visibility to implementation in some areas of the school to the full institutionalization of the mission. Scoring is awarded in accordance with the range.		



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C.2.5	O, yes	Unclear performance framework, indicator 2, data sources	Plan: Clarify for BOE. Response: The data source for indicator 1 is self-reported by schools by providing their mission statement, educational goals, rubrics, and disaggregated data as documentation on how the school has developed and implemented its model based on its mission statement. Indicator 1(A), "Basic" would be a simple articulation of school mission/vision on their website and in their documents. . . (see Standards of Success, Column G for C.2.4); The data source for Indicator 2 is StriveHI. While StriveHI is not mentioned specifically in the Contract, other than in the title of Indicator 2, nor is it not specifically mentioned in Statute, the following is stated in HRS 302D-16, "The performance framework, as established by the authorizer, shall include indicators, measures, and metrics for, at a minimum: (1) Student academic proficiency; (2) Student academic growth; (3) Achievement gaps in proficiency and growth between major student subgroups; (4) attendance; (5) enrollment variance; (6) Postsecondary readiness, as applicable for high schools." Each of the measures are plainly evident in StriveHI. (the data source for indicators 3 and 4 in column G, this row)	Commenced and ongoing	Staff	The data source for Indicator 3 is comparative StriveHI proficiency levels by school, complex, complex area, and all charter schools. Indicator 3 provides clarity and a deeper understanding of where a school sits in comparison to their community schools. The data source for indicator 4 depicts student achievement/growth at critical points throughout the school year utilizing site-relevant diagnostics. The data sources can include, but are not limited to, Adaptive Diagnostic Tool (a type of computer adaptive test that matches the difficulty of the test questions to the ability of the student), Local-specific /diagnostic Tool (school developed tool/task that utilizes locally developed norms to assess student growth), and Universal Screener (a brief assessment typically administered three times per year (fall, winter, and spring)).	In order to provide a multiple dimensional profile, the Contract 4.0 academic performance framework has compiled data from the State (Indicator 2), the community in which the school exists (Indicator 3), individual school mission alignment (Indicator 1), and specific diagnostic tools that are relevant to each school's unique demographic (Indicator 4). The multiple data sources in the Contract 4.0 academic performance framework indicators include qualitative and quantitative measure which allows us to triangulate data to better capture the work that charter schools are engaged in. The multiple indicators honor both formative and summative assessments over time.		
C.2.6	O, yes	Not clear that "comments" actually define the data sources, and most of the comments lack specificity	Plan: Clarify for BOE. Response: The organizational framework specifically outlines requirements as seen in the "Comments" column. Through informational meetings and regular site visits, schools will track their contract health over the duration of the contract. The "Comments" column in the table is used to document data sources to support the requirements listed in the left hand column. Many of the requirements are also tracked through the Commission's accountability portal. Additionally, the Organizational Framework table is used as a tool to formatively monitor the school's organizational contract health.	Commenced and ongoing	Staff	We are in year one of a 5 year Contract 4.0, so success, adjustments outcomes of effectiveness are on going.			
D.1.1 Process for Ongoing Oversight of Charter Schools	O, yes	Implementation of the Commission's oversight and monitoring, consistent with its stated processes	Plan: Continue to visit the schools, to monitor, in accordance with charter contract terms. . . and be consistent about what we are looking for, looking at for every school. Response: Commission has implemented and engages in a process for oversight and monitoring. Beginning in AY2020-2021, staff implemented regular visits with schools via Zoom. Once pandemic travel restrictions were lifted in AY2021-2022, the Federal Programs and Frameworks teams as well as the School Leads renewed efforts to regularly visit schools to oversee and monitor the implementation of the contract. In school year 2021-2022, the Frameworks team completed 60+ site visits to monitor schools on contract 4.0 and provide information for schools on contract 3.0 that are up for renewal. A robust professional development menu was provided to all charter schools receiving federal funds to enrich and expand existing programs. The professional development design was based on a forensic study of need in the portfolio of schools. Once schools enrolled in professional development the process has become iterative and generative over the past few years, even through the pandemic. Another significant aspect of professional development is that schools may partake in any of the professional development opportunities when they are ready.	Commenced and ongoing	All - Commissioner s have been invited to tag along with Frameworks and (soon) Federal teams not to actually monitor, but more to observe the Commission staff and their processes and procedures with schools	Reference: NACSA's Principles and Standards for Quality Charter School Authorizing, Standard 3: Performance Contracting and Standard 4: Ongoing Oversight and Evaluation; and Leadership, Commitment, Judgment: Elements of Successful Charter School Authorizing : Findings from the Quality Practice Project, pp. 13-15.	Based on the 2022 NACSA Performance Evaluation, pp. 11-12, please see strength #1, 2, 3, 5, and Practice Spotlight.		

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D.1.2	O, yes	Commission should document its monitoring system through formal processes and procedures.	Plan: Continue to implement a process for oversight and monitoring. Response: The Commission conducts regular monitoring through onsite visits and Informational video sessions via Zoom. Schools are provided a schedule of visits and Zoom sessions. Documentation of the visits is done through a post site visit follow up letter. Documentation of the informational Zoom session is done through sharing of slides, follow up email, and subsequent visits as requested by the school. Next steps include the launch of a Frameworks website that will house all monitoring and oversight materials and resources. The Commission's accountability portal, the Kuleana Portal, is a repository accountability system for school monitoring and oversight.	Commenced and ongoing	All	See 2022 NACSA Performance Evaluation, pp. 11-12			
D.1.3	O, yes	Commission should regularly monitor every school with both desk and on-site monitoring.	Plan: Build an effective communication system (strategy 3.2, milestone 3.2.1, revised strategic plan). Response: Commission has already implemented a process for oversight and monitoring. Formal desk monitoring, in accordance with charter contract terms, occurs prior to each onsite visit. For schools on Contract 4.0, formative annual onsite visits are scheduled in Spring of every year for the duration of the contract. Additional onsite visits are conducted at the school's or Commission's request. Additional desk monitoring is part of the ongoing work of the Frameworks team.	Commenced and ongoing	All	See 2022 NACSA Performance Evaluation, pp. 11-12			
D.1.4	O, yes	Commission should consider tracking its monitoring work output and the time and resources spent on monitoring.	Plan: Continue to hit milestones for Strategic plan goals 2 and 3 (maintain and sustain a high quality, diverse public charter school portfolio that contributes to Hawai'i's public education system). Response: The Commission has already implemented a process for oversight and monitoring. Currently, a minimum of 100 visits are conducted annually to the portfolio of 37 schools (between the Frameworks team, Federal program, and school leads). How these visits are monitored can be seen in the responses above (D.1.3) With respect to the school leads, documentation of these visits can be seen in the school governing board meeting minutes.	Completed and ongoing	All	Milestones revisited from Revised strategic plan, goals 2 and 3			
D.1.5	O, yes	Commission should take a more systemic approach to academic performance monitoring rather than a "hands off" approach to academic performance monitoring.	Plan: Take a more hands on approach to academic performance monitoring by continuing to implement the processes for oversight and monitoring described in previous opportunities in section D.1 Response: Beginning in school year 2021-2022, all schools on Contract 4.0 are provided an annual visit wherein formal assessment of their academic performance is conducted. Informational Zoom sessions are provided to enhance the onsite visits. A portion of the onsite visits are to ensure shared understanding of the academic performance of the schools. School leaders should make it a regular part of every governing board meeting to report the academic progress at their school. School Leads have noticed in the last year that with an increased conversation around academic performance between the Frameworks team and the schools, governing boards are routinely having conversations about academic performance. School Leads are also hearing specific information around academic performance as it relates to Title I.	Commenced and ongoing	All	Strategic Plan Goals 2 and 3			
D.2.a: Protecting School Autonomy	D	Provisions within the charter contract related to school autonomy exist but do not clearly ensure school autonomy and recognize the school's authority over the school's day-to-day operations and decisions that are clearly within the schools purview.	Plan: Continue to build an effective communication system that shares out and informs Stakeholders/Public. Response: Contract 4.0 is explicit about autonomy in section 6.3 with respect to curriculum and/or instructional approach consistent with statewide content and performance standards.						



Section and No.	O = opportunity; D = Deficiency	Finding (summarized) - some findings were too long to put here, and so section and no markers are used. Opportunities use numbers. Deficiencies use letters.	Timeline 1a: <b>Steps</b> to reach outcomes that remedy the finding for which the CIP was designed; and/or Response from Permitted Interaction Group	Timeline 1b: <b>projected</b> completion date	Timeline 1c: <b>responsible party</b>	2. Standards of success to <b>assess</b> effectiveness of outcomes of CIP	3. Description of how C will use <b>standards of success to assess</b> outcomes	4. <b>Actions</b> the "Committee" will take if outcomes not met	5. <b>Resources</b> required to implement
D.2.b	D	The decision to exclude virtual education from the definitions and as an area of school authority appears to have been intentional, as the charter contract excludes this statutory language while at the same time using other statutory language.	<p>Response: The BOE'S opinion contradicts what our deputy AG has advised the Commission with respect to HRS 302d-12(f) which says:  §302D-12 Charter school governing boards; powers and duties.  (f) The governing board shall be the independent governing body of its charter school and shall have oversight over and be responsible for the financial, organizational, and academic viability of the charter school, implementation of the charter, and the independent authority to determine the organization and management of the school, the curriculum, virtual education, and compliance with applicable federal and state laws. The governing board shall ensure its school complies with the terms of the charter contract between the authorizer and the school. The governing board shall have the power to negotiate supplemental collective bargaining agreements with the exclusive representatives of their employees.</p> <p>The schools are authorized to provide the model of education that their contracts provide which are determined by what the schools have applied for. If schools want a virtual program, they may request a contract amendment and if they meet the guidelines that ensure that the program meets requirements (that also include applicable federal and state laws like HTSB licensure and criminal background checks, etc.) then schools can get approval from their school boards and after that, come to the Commission to add that program to their school. If the Contract is to mean anything, then the model of education must be honored.</p>		All	Virtual education is not a model that every school has the capacity to run, as the BOE and HIDOE has experienced and seen during COVID. As a Commission, we have also heard feedback from parents when a virtual program is not providing equitable education through a licensed HTSB teacher that has both the mission and vision of the charter school as well as the HIDOE student learner outcomes, including Nā Hopena A'o (HĀ) in the forefront of what and how they create that specialized environment for learning, even virtually.			The Commission is meeting its statutory duties and if the BOE feels otherwise, there is a need to implement changes to the Charter School Law.
D.2.c	D	Lack of clarity around the COVID temporary provision to provide distance, virtual or other alternative mode of instruction	Response: This was an example of how the Commission allowed each individual charter school to determine how best to address the needs of their existing students and staff during the COVID-19 crisis. Unlike the larger HIDOE system that must pivot using a one size fits all directive for their schools, the Public Charter Schools individual contracts allow for more autonomous decision making by the schools. Some of the contracts may not explicitly allow for virtual learning, so the Commission took action to provide that flexibility during an emergency situation in their community and school. When the COVID numbers at schools started to increase amongst students and sometimes even staff, this temporary action allowed schools who may not have a virtual program in their contract to be able to pivot for the two week quarantine period in order to still offer education for their students while also giving time and space for the numbers to go down. Some schools had to all go virtual multiple times during the Pandemic, but it allowed the schools the flexibility to not shut down completely.						
D.2.1	O, yes	Annually review compliance tasks and work with the Department on methods for data collection	Response: The Commission is unable to reduce the amount of requirements as what is stated in the Contract and Kuleana portal as they all relate to statutorily required items. The BOE should work with HIDOE to identify areas of data that are required for all public schools to enter into the HIDOE data systems so as to reduce the Commission and HIDOE work in having to chase down data, often self reported by charter schools which raised questions over reliability of the data required for accountability. The Commission has already worked to align all Federal Programs requirements into a comprehensive system of assessment and implementation and impacts.						

Section and No.	O = opportunity; D = Deficiency	Finding (summarized) - some findings were too long to put here, and so section and no markers are used. Opportunities use numbers. Deficiencies use letters.	Timeline 1a: <b>Steps</b> to reach outcomes that remedy the finding for which the CIP was designed; and/or Response from Permitted Interaction Group	Timeline 1b: <b>projected</b> completion date	Timeline 1c: <b>responsible party</b>	2. Standards of success to <b>assess</b> effectiveness of outcomes of CIP	3. Description of how C will use <b>standards of success to assess</b> outcomes	4. <b>Actions</b> the "Committee" will take if outcomes not met	5. <b>Resources</b> required to implement
D.2.2	O, yes	Implementation of the Commission's oversight and monitoring cannot be verified externally with consistent responses.	Plan: Make the process transparent and clear (Strat goal 3.2). Response: Commissioners have accompanied staff to go on site visits and monitoring. Multiple engagements with schools on monitoring and compliance visits along with documentation provided after visits have been implemented.	Implemented and ongoing	All	From 2022 NACSA Performance evaluation (pp. 22-23) The Commission continues to carry out its work with Aloha and with the values of Mohala, Pili, and Pono, throughout all its oversight activities. . . The discussion on pp. 22-23 as well as the short term and long term recommendations starting on p. 23 are our improvement plan steps (for those items that we have direct control over). For some of the long term goals, we need to wait for a permanent executive director in order to advocate and partner beyond the Commission.			
D.3.a: Standards and Processes for Intervention and Corrective Action	D	When a NOD is needed, the Commission must ensure compliance. Commission reps did not provide justification for the contract provision and raised some concerns about understanding	Plan: As NODs are not widely used, and Commissioners are switched out or termed out, implement training for common understanding. Response: When NOCs are issued and the matter is presented to the full Commission, if there is a disagreement over what the school has stated in the remedy or that they have remedied the noncompliance, the Commission may order the school to address the issue by directing the governing board to ensure that the issue is addressed or the compliance task completed. I.e. fire inspections, or failure to comply with English Learner requirements. What specifically is the BOE referring to where the Commission has prescribed solutions? We have only referred schools to source documents or HIDOE offices responsible for the compliance task to ensure that they are completing the requirements. So, this appears to be an issue of semantics.	ongoing	all	NACSA has reviewed our process and has this to say about the matter (p. 22) The Notice of Concern (NOC) practice is an example of this conflation. It is being utilized per contractual and legal guidance, but it is not being used to make, inform, or guide high-stakes decisions. NOCs are oftentimes further complicated due to the nature in which the Hawai'i charter school law creates a difficult environment for accountability given the ways charter schools are defined and limited by state law and the lack of clarity between the authorizer and Department of Education roles.			
D.3.b	D	Neither the charter contract, NOC forms, or documented examples indicate that the intervention process requires the Commission to give timely notice of contract violations or performance deficiencies.	Plan: The Commission staff has put in place systems of monitoring for desk and in person review and regular reporting to Commissioners The team has a process of reminding schools of upcoming deadlines, the Kuleana portal also adds a layer of monitoring.	Process has been refined and ongoing	all	From 2022 NACSA Performance evaluation (pp. 22-23) The Commission continues to carry out its work with Aloha and with the values of Mohala, Pili, and Pono, throughout all its oversight activities. . . The discussion on pp. 22-23 as well as the short term and long term recommendations starting on p. 23 are our improvement plan steps (for those items that we have direct control over). For some of the long term goals, we need to wait for a permanent executive director in order to advocate and partner beyond the Commission.		Agree that a year and a half is too long, so the process was refined, implemented and is ongoing.	

Section and No.	O = opportunity; D = Deficiency	Finding (summarized) - some findings were too long to put here, and so section and no markers are used. Opportunities use numbers. Deficiencies use letters.	Timeline 1a: <b>Steps</b> to reach outcomes that remedy the finding for which the CIP was designed; and/or Response from Permitted Interaction Group	Timeline 1b: <b>projected</b> completion date	Timeline 1c: <b>responsible party</b>	2. Standards of success to <b>assess</b> effectiveness of outcomes of CIP	3. Description of how C will use <b>standards of success to assess</b> outcomes	4. <b>Actions</b> the "Committee" will take if outcomes not met	5. <b>Resources</b> required to implement
D.3.c	D	Intervention process is too timely and time may be unreasonable	Plan: Clarify process for Board. Response: The present intervention process includes systematic visits to schools a minimum of twice a year, in addition to a minimum of two informational sessions to help to ensure that expectations are shared in understanding. In this respect, "intervention" is proactive and includes formative checks throughout the duration of the life of the contract.	Ongoing	Staff	Reference: NACSA's Principles & Standards for Quality Charter School Authorizing, Standard 3: Performance Contracting and Standard 4: Ongoing Oversight and Evaluation; and Leadership, Commitment, Judgment: Elements of Successful Charter School Authorizing: Findings from the Quality Practice Project, pp. 13-15.	From 2022 NACSA Performance Evaluation, p. 11, Strength #2 for School monitoring and Intervention: The Commission provides clearn and transparent timelines related to key oversight requirements and reporting structures.		
D.3.1	O, yes	Notice of Deficiency and Notice of Warning for Contract 4.0, section 17.9 is missing definition of Notice of Warning	Plan: Revise next contract.	Next contract					
E.1a: Charter Contract Renewal Process and Performance Reports	D	Confusing renewal process	<p>Plan: Clarify process for the Board.</p> <p>Response: The new Performance Framework in Charter Contract 4.0 provides for defined metrics and performance expectations that illustrate the schools mission aligned initiatives, StriveHI required reporting, and optional comparative data and site relevant data of the school's choosing. In the renewal process we were ensuring that the Performance Frameworks for 3.0 were the focus of attention, with the intent to "close" Contract 3.0 and move to Contract 4.0.</p> <p>Contract 4.0 Section 18.1 Charter Contract Renewal states: "<i>Pursuant to HRS §302D-18, a Charter Contract may be renewed for a successive five-year term of duration. Schools seeking to renew their Charter Contract will submit an Application for Contract Renewal in the final year of their contract. The Final Performance Report shall summarize the School's performance record to date as well as the due process afforded to the School through HAR §§8-505-10 through 8-505-13. Each school will have thirty (30) days from the time of receipt of the Final Performance Report to respond to the Performance Report, and to complete and submit the contract renewal application. The Commission will conduct a performance review within fortyfive (45) days of receiving the School's application for renewal. During the performance review, the Commission will determine whether or not the School has earned a renewal of the Charter Contract and may apply conditions if applicable.</i>"</p> <p>Of the 36 schools submitting renewal applications between January 2020 and January 2023, just one NOD was issued. The renewal applications were thus completed by the schools and submitted. (PERF Attachment R-2, p. 58) This statement makes it seem like a school that did not receive a Notice of Deficiency during the contract term would receive a new five-year charter contract, but that is not the case in the renewal process."</p> <p>Additionally, the revised Strategic Plan Goal 2 works to establish a decision-making framework for the Commission.</p>	Commenced and ongoing	All				
E.1.b	D	Most recent performance report did not summarize all aspects of the school's performance, state all of the Commission's summative findings concerning the school's performance, or state the school's prospects for renewal.	Plan: Clarify process. Response: The new Performance Framework 4.0 provides the basis of the annual Performance Reports that will provide prospects for the schools renew at the end of the 5 year contract. The revised strategic plan Goal 2 work also establishes processes to engage and inform on an on-going basis the performance of schools throughout their contract term as well as provides for various indicators of success/distress.	Commenced and ongoing	All				
E.1.c	D	In the most recent renewal process, the notifications to each school of the Commission's renewal decisions did not include written explanations of the reasons for the decisions.	Plan: Moving forward, the Commission will include written explanations detailing the reasons for the decisions.	Ongoing	All				

Section and No.	O = opportunity; D = Deficiency	Finding (summarized) - some findings were too long to put here, and so section and no markers are used. Opportunities use numbers. Deficiencies use letters.	Timeline 1a: <b>Steps</b> to reach outcomes that remedy the finding for which the CIP was designed; and/or Response from Permitted Interaction Group	Timeline 1b: <b>projected</b> completion date	Timeline 1c: <b>responsible party</b>	2. Standards of success to <b>assess</b> effectiveness of outcomes of CIP	3. Description of how C will use <b>standards of success to assess</b> outcomes	4. <b>Actions</b> the "Committee" will take if outcomes not met	5. <b>Resources</b> required to implement
E.2a: Charter Contract Renewal or Revocation Decision	D	Commission may have made renewal decisions "solely on promises of future improvement". Hold schools to higher standard for academic performance. The story of the Commission's academic performance accountability woes appears to be either setting the academic performance bar so low that all schools can clear it or setting a higher bar but not taking appropriate action when schools fail to meet it. To date, the Commission has still never closed a school for failing to meet academic performance expectations even though several schools fall into that category.	Response: Previous renewal decisions were based on the performance targets of Charter Contract 3.0. The Contract 3.0 academic targets were set arbitrarily by: schools, hired consultants, and non-academics.  Plan: Charter Contract 4.0 Academic Performance Framework (APF) is designed to focus upon the intent of the charter school: to serve the unique culture of its unique school community. Therefore, Contract 4.0's APF places high value on the mission aligned initiative. StriveHI scores are also included in the evaluation of a school's academic performance. Comparative data and site-relevant data are additional options for schools to demonstrate their academic growth. It is our understanding that no school in Hawaii has been closed to date due to lack of academic growth. We are fortifying our schools' means to tell the story by including a comparative study should they choose to do so. Charters can take a look at surrounding schools, complexes, charter schools, or complex areas to help them calibrate and understand their schools progress.  Together with the APF, measures of organizational and financial progress and health are equally as important	July 2023 (minus Dream House July 2024)	All	The number of schools that are renewed following Contract 4.0	Commissioners receive yearly updates on school performance		
E.3.2	O, yes	Consider a closure protocol for a charter school whose contract is not renewed	Plan: Will add to Strategic Plan. Closure protocol for nonrenewal is a process that is determined by statute and administrative rules. If the Board is asking the Commission to shorten the time frame, administrative rules will need to be changed in alignment with statute.						

**Exhibit 2**

**Modified Continuous Improvement Plan Timeline Form**

## Commission Continuous Improvement Plans Timeline Form

This form lists all deficiency and other opportunity for improvement findings found in the Board of Education's ("Board") performance evaluation report in order of performance measure. The Board has required the State Public Charter School Commission ("Commission") to develop continuous improvement plans to address every finding of deficiency (noted as "Deficiency" in this form). The Board has also required the Commission to consider developing continuous improvement plans to address the other opportunities for improvement findings (noted as "Opportunity" in this form).

### Instructions

For each Deficiency listed under the "Findings" column, provide the date (in an "mm/yyyy" format under the "Projected date ready" column in the corresponding row) for when the Commission projects it will have the continuous improvement plan addressing the respective Deficiency completed.

For each Opportunity listed under the "Findings" column, select either "Yes" or "No" under the "Plan to be developed?" column in the corresponding row indicating whether or not the Commission will develop a continuous improvement plan to address the respective Opportunity. If "Yes" is selected for an Opportunity, provide the date (in an "mm/yyyy" format under the "Projected date ready" column in the corresponding row) for when the Commission projects it will have the continuous improvement plan addressing the respective Opportunity completed. If "No" is selected for an Opportunity, put "N/A" under the "Projected date ready" column in the corresponding row.\*

\*Note that if the Commission opts for no continuous improvement plan to address an Opportunity, the Commission will need to provide an explanation later as to why a continuous improvement plan is unnecessary for the respective Opportunity.

### Organizational Capacity and Infrastructure

#### Performance Measure A.1: Authorizer Mission

Does the authorizer have a clear and compelling mission for charter school authorizing that aligns with, supports, and advances the intent of law and purpose of charter schools?

Finding	Plan to be developed?	Projected date ready
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<p><b>A.1.1 Opportunity:</b> The Commission can better advance the intent of Board Policy E-700 through its mission when it defines what “high quality” means for charter schools. The Commission should carefully review and incorporate the purposes of charter schools as described in Board Policy E-700 in the Commission’s determination of “high quality.”</p>	<p>X Yes <input type="checkbox"/> No*</p> <p>Strat plan (cat.1)</p>	<p>completed</p>
<p><b>A.1.2 Opportunity:</b> While a strong majority of charter school leaders felt that the Commission practices its mission, another 25% of survey respondents somewhat disagreed or strongly disagreed. The Commission should consider developing a more robust system for external stakeholders to review and comment on the alignment of the Commission’s mission and vision with the intent of the charter school law and Board Policy E-700.</p>	<p>X Yes <input type="checkbox"/> No*</p> <p>Strat plan (cat.1)</p>	<p>completed</p>
<p><b>Performance Measure A.2: Strategic Vision and Organizational Goals</b> Does the authorizer have and evaluate its work against its comprehensive long-term strategic vision for charter school authorizing with clear organizational goals and timeframes for achievement that align with, support, and advance the intent of law and the purpose of charter schools?</p>		
<p><b>Finding</b></p>	<p><b>Plan to be developed?</b></p>	<p><b>Projected date ready</b></p>
<p><b>A.2.a Deficiency:</b> It is not clear how some of the organizational goals align with the Commission’s vision. While the organizational goals contained within the 2019-2023 Strategic Plan clearly align (PERF Attachment A-2, p. 17-18), the Commission did not provide evidence on how its other organizational goals (PERF Attachments A-3, A-4, A-5) are connected to its vision. These other organizational goals appear to be part of the Commission’s work to revise its strategic plan, but it is not clear whether this is the case nor is it clear how these organizational goals align with a revised vision. Further, these other organizational goals do not have timeframes for achievement, and while most of the strategies attached to each goal have performance indicators (PERF Attachment A-4), the organizational goals themselves are not measurable. The organizational goals within the 2019-2023 Strategic Plan also are not clearly measurable.</p>	<p>Mandatory</p>	

<p><b>A.2.b. Deficiency:</b> It is not clear whether the strategies outlined in the 2019-2023 Strategic Plan are appropriate long term strategies to achieve the stated vision. While it seems possible for the portfolio, practice, and policy strategy approach to achieve the Commission’s vision to “Authorize with ALOHA; actualize a learning organization and system; and amplify charter school portfolio and practices” (PERF Attachment A-2, p. 14-15), the document does not describe a clear enough alignment or explain how each of the specific strategies contributes to achieving the vision. The other organizational goals and strategies also do not explain how they contribute to achieving either the vision in the 2019-2023 Strategic Plan or a revised vision (PERF Attachments A 3, A-4, A-5).</p>	Mandatory	
<p><b>A.2.c Deficiency:</b> It is not clear whether the Commission evaluates its work against its vision. The Commission provided a “performance management cycle” document (PERF Attachment B-1), but there is no clear indication that this represents an evaluation process focused on aligning the Commission’s work with its vision. Further, there is a lack of evidence that the Commission implements plans for improvement when falling short of its organizational goals nor is there clear documentation that the Commission accomplished its goals. The Commission provided hundreds of pages of “meeting agendas, submittals, workgroup meetings and Permitted Interaction Group work on the Commission’s strategic plan implementation and revisions” as “evidence” of self-evaluation of its work against its vision and organizational goals (PERF, p. 6; PERF Attachment B-2), but the Commission did not explain what these documents represent and how they are relevant. A quick word search of three of the Commission’s organizational goals (from PERF Attachment A-3) in these documents yielded no results, which suggests that these documents do not contain specific information about how the Commission evaluates its organizational goals or implements plans for improvement when falling short of them. The Commission also provided evidence of its work to revise its strategic plan (PERF Attachment C-1), but revising a strategic plan is not the same as implementing improvement plans.</p>	Mandatory	
<p><b>A.2.1. Opportunity:</b> While the Commission appears to have recently changed its strategic plan, it should consider reopening the strategic planning process to ensure it addresses the findings in this report. The Commission should clarify whether the new strategic plan is a revision of the 2019-2023 Strategic Plan (with the same fundamental vision, values, and principles) or a brand new strategic plan with significant differences from the 2019-2023 Strategic Plan. The new strategic plan should be clear about how the charter school system will work together going forward, including detailed milestones, expectations, and timelines, much of what was missing from the 2019-2023 Strategic Plan. Given the history of the tensions between the Commission and the charter schools, reopening the strategic planning process and including external stakeholders would be a good operational next step that could lead to improved clarity and relations. This is a great opportunity for broadening and strengthening external review processes to build common understanding. Such a process could improve internal and external alignment on roles, expectations, and</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No*  Disagree (cat. 3)	



performance in areas such as innovation and school autonomy that are part of national principles for quality authorizers while continuing to foster and support important areas unique to Hawaii.		
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<b>A.2.2 Opportunity:</b> As communication and trust are foundational to implementation and working relationships between the Commission and the charter schools within its portfolio, the Commission should consider adding metrics to its revised strategic plan to measure progress in improving communication and trust, which are connected to the “Aloha Spirit” values described in the revised plan (PERF Attachment C-1, p. 23).	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No*  Strat plan (cat.1)	
<b>A.2.3 Opportunity:</b> While the 2019-2023 Strategic Plan identifies “operating laboratories of innovation” as one of three strategic anchors (PERF Attachment A-2, p. 11), the Commission does not elaborate further on the role of innovation in the 2019-2023 Strategic Plan or in its revised strategic plan. This is a missed opportunity. Charter schools are supposed to “implement innovative educational practices,” pursuant to Board Policy E-700, which envisions charter schools as laboratories of innovation to strengthen and add value to the public education system, resulting in improved student learning. The Commission should determine how much risk it can accept from charter schools, as innovators, particularly in the educational programmatic areas, and how risk-taking and innovation factor into performance monitoring, contract renewal, and defining a “high-quality charter school.” Further, the Commission should determine a plan and actions for long-term research on the lessons learned from its entire portfolio in school innovation areas and effectiveness.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No*  Strat plan (cat.1)	Ongoing, Comm GB and already sharing out
<b>A.2.4 Opportunity:</b> The Commission should reflect on whether its organizational goals are ambitious enough and perhaps even ask its stakeholders to weigh in on the ambitiousness of its goals.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No*  Disagree (cat. 3)	

<b>A.2.5 Opportunity:</b> The Commission should actively measure its organizational goals to help it determine whether it is achieving most goals within the stated timeframes. The Commission should keep its stakeholders abreast of its progress by including in its annual reports its performance in meeting the organizational goals stated in its strategic plan.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No*  Strat plan (cat.1)	Already underway quarterly updates will provide the Commission and the public with that info.

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<b>Performance Measure A.3: Structure of Operations</b> To what degree does the authorizer operate with a clear structure of duties and responsibilities, including appropriate lines of authority and delegation of duties between decision-makers and staff, and sufficient resources to effectively oversee its portfolio of charter schools?		
Finding	Plan to be developed?	Projected date ready
<b>A.3.1. Opportunity:</b> The Commission is aware that it needs to revise its job descriptions and it planned to do it after the revision of its strategic plan. Regularly reviewed and updated job descriptions would ensure duties and responsibilities among all staff are clear.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No*  Strat plan (cat.1)	Commenced and nearly completed

<p><b>A.3.2. Opportunity:</b> It is not entirely clear who, aside from those on the Performance Team, are responsible for the essential authorizing duties of the Commission. The Commission identified most of its positions as having authorizing duties, explaining, “Nearly all Commission staff function in some way that provides the Commission’s authorizing arm data that feeds into the overall performance of public charter schools in meeting the requirements of their public charter contracts” (PERF, p. 10). However, providing the data needed for authorizing is not the same as conducting authorizing responsibilities. For instance, the Department of Education (the “Department”) provides the Commission with data it needs for authorizing, but the Department surely does not have authorizing responsibilities. When asked for more clarity, Commission representatives noted that it is difficult to separate those who do its authorizing functions from those who do not. By not being clear about who is responsible for the essential authorizing responsibilities (particularly with a lack of updated job descriptions), the Commission risks reducing the importance of the positions most responsible in delivering its core authorizing mission, which could result in not prioritizing resources for those positions and functions.</p> <p>Some of the lack of clarity appears to stem from a belief that the Commission is required to do more than authorizing. The Commission asserts that because Hawaii charter schools are state entities unlike charter schools in other parts of the nation, the Commission is “required” to function both as an authorizer and an “administrative state agency that provides fiscal and other state agency liaison functions to the public charter schools it authorizes” (PERF, p. 9). This assertion, however, is not entirely accurate because the only administrative fiscal and liaison functions required of the Commission are to “[a]ct as a point of contact between the department and a public charter school it authorizes” and be responsible for the receipt and distribution of state and federal funds, pursuant to HRS §302D-5(b). Other functions the Commission takes on beyond these requirements are by its own hand. The absence of other services and supports for charter schools, such as those the Department provides to its schools, is one of the justifications for the Commission taking on additional functions (PERF, p. 8), which is noble and laudable. However, the more responsibilities the Commission takes on beyond its essential authorizing responsibilities, the fewer resources are available to support the authorizing needs of the Commission’s portfolio due to mission creep. The 2017 NACSA Report had similar findings and even recommended that the Commission “[n]egotiate with the [Department] to transfer non-authorizing, administrative, and federal program duties back to the [Department] so the Commission can focus its staffing and resources on authorizing” (PERF Attachment C-2, p. 24).</p> <p>Through its annual reports to the Legislature, the Board has already expressed its desire to have a formal structure to provide centralized support to charter schools outside of the Commission. It is due time for the Legislature, Board, Commission, Department, and charter schools to explore how to make this happen, and the</p>	<p><input type="checkbox"/> Yes  <input checked="" type="checkbox"/> No*</p> <p>Disagree  (cat. 3)</p>	
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Board encourages the Commission to have a conversation about an approach that makes sense. In the meantime and to make a transition to this kind of structure more feasible, it is important for the Commission to be clear about the positions and resources it uses strictly on essential authorizing functions only. If positions have administrative or technical support responsibilities in addition to authorizing responsibilities, the Commission should be clear about the percent of time each position spends in each area of responsibility, although the Commission should strive to avoid commingling authorizing responsibilities with other responsibilities as much as possible. Additionally, it would be beneficial if the Commission could help identify any supports that charter schools need that the Commission cannot currently provide by law.		
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<b>Performance Measure A.4: Authorizer Leadership and Staff Expertise</b> To what degree does the authorizing staff have or have access to appropriate experience, expertise, and skills to sufficiently oversee the portfolio of charter schools?		
Finding	Plan to be developed?	Projected date ready
<b>A.4.1 Opportunity:</b> The executive director position has been vacant for a long time. A long-term executive director is critical to implement the revised strategic plan, achieve the organizational goals, stabilize the organization, and build stronger relationships with schools. Further, even though the necessary skills appear to be readily accessible, this performance evaluation identifies areas where the authorizing staff have had trouble effectively applying their experience and expertise. The Commission needs strong leadership to tap into the aptitude the staff seemingly possess to draw out their skills and maximize the overall capacity of the Commission. The Commission needs to find and hire an executive director with this kind of leadership ability as soon as possible. The Commission should proceed with the recruitment of a new executive director immediately.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No*  Strat plan (cat.1)	Started and proposed completion date is June of 2023.

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<p><b>A.4.2 Opportunity:</b> Commission representatives readily admit that the Commission staff need more expertise in the area of academics, especially in light of several vacancies. As academic performance oversight is central to an authorizer's role and responsibilities, the Commission should make bolstering capacity in this area a priority and act immediately to fill vacancies.</p>	<p>X Yes <input type="checkbox"/> No*</p> <p>Strat plan (cat.1)</p>	<p>commenced</p>
<p><b>Performance Measure A.5: Capacity and Skill Development of Leadership and Staff</b> To what degree does the authorizer ensure a commitment to quality authorizing and enable continual agency improvement through regular professional development of its authorizing leadership and staff that is aligned with its mission, vision, and organizational goals?</p>		
Finding	Plan to be developed?	Projected date ready
<p><b>A.5.1 Opportunity:</b> Commission representatives explained that the Commission does not have a formalized process for determining who needs professional development, noting that the Commission needs to revise its job descriptions first based on its revised strategic plan. Once the Commission revises its job descriptions, it should develop a system for identifying and organizing professional development needs and opportunities with explicit links to the measurable outcomes in the revised strategic plan. Currently, the link to the Commission's strategic plan and alignment with the Commission's mission, vision, and organizational goals can only be assumed. The system should identify both individual capacity needs for each position as well as the overall authorizing needs of the Commission's portfolio and align professional development investments with those needs. Implementing annual reviews of each Commission staff member could help in identifying areas where staff need professional development in addition to areas of strengths.</p>	<p>X Yes <input type="checkbox"/> No*</p> <p>Strat plan (cat.1)</p>	<p>commenced</p>
<p><b>A.5.2 Opportunity:</b> It could be helpful to have governing board members and charter school directors attend some NACSA training sessions to strengthen the alignment between the Commission and the schools and to build a common ground of understanding of authorizer roles and responsibilities, best practices, and expectations.</p>	<p>X Yes <input type="checkbox"/> No*</p> <p>Will add to Strat Plan (cat. 2)</p>	

**Performance Measure A.6: Authorizing Operational Budget**

To what degree is the authorizer's actual resource allocation commensurate with its stated budget and responsibilities of authorizing the portfolio of charter schools?

Finding	Plan to be developed?	Projected date ready
<b>A.6.a. Deficiency:</b> There is no evidence that the Commission's resource allocations are adequate to fulfill its authorizing responsibilities and the needs and scale of its portfolio. It is not clear that the Commission has determined the costs of the authorizing needs of its portfolio, and its funding or staffing are not tied to the number of schools in its portfolio.	Mandatory	Commenced and on-going
<b>A.6.1 Opportunity:</b> As noted under Performance Measure A.3, the Board has already expressed its desire to have a formal structure to provide centralized support to charter schools outside of the Commission. To make a transition to this kind of structure more feasible, it is important for the Commission to be clear about the positions and resources it uses strictly on essential authorizing functions only. The Commission should keep track of the resources it uses for its essential authorizing responsibilities under HRS §302D-5(a) separately from resources used for administrative and technical support functions, including those duties under HRS §302D-5(b). Not only will this make a transition to a centralized support structure simpler, it will make it clear whether the Commission has enough dedicated resources to accomplish the work necessary for its core authorizing mission.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No*  Disagree (cat. 3)	
<b>A.6.2 Opportunity:</b> The Commission should more explicitly link the budget to the strategic plan and organizational goals. Performance metrics on organizational and budgetary effectiveness could help.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No*  Strat plan (cat.1)	completed

<p><b>A.6.3 Opportunity:</b> The Commission indicated that an issue it has with recruitment and retention of staff is its inability to compete with the higher salaries offered by other state agencies. Under HRS Chapter 89C, the Commission is obligated to make compensation adjustments for its employees “in consideration of the compensation and benefit packages provided for other employees in comparable agencies.” The Commission should review the appropriateness of its salaries in conjunction with its job description updates and pursue additional resources for compensation adjustments as necessary. The Commission should tap the Department’s Office of Talent Management to assist it, and like two other administratively attached agencies who already receive similar human resources support from the Department—the Executive Office on Early Learning and the Hawaii Teachers Standards Board—the Commission’s positions and salaries would best align with those of the Department.</p>	<p>X Yes  <input type="checkbox"/> No*    Strat plan (cat.1)</p>	<p>on-going</p>
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<p><b>Performance Measure A.7: Self-Evaluation of Capacity, Infrastructure, and Practices</b>  To what degree does the authorizer regularly self-evaluate its internal ability (capacity, infrastructure, and practices) to oversee the portfolio of charter schools and develops continuous improvement plans to address findings of self-evaluation?</p>		
Finding	Plan to be developed?	Projected date ready
<p><b>A.7.a Deficiency:</b> While the Commission occasionally conducts self-evaluations, they are not regularly scheduled or executed. The Commission does not have a schedule or plan for conducting self-evaluations.</p>	<p>Mandatory</p>	

<p><b>A.7.b Deficiency:</b> The Commission does not design continuous improvement plans to address the findings resulting from self-evaluation. The Commission provided revisions to its strategic plan as evidence of a continuous improvement plan (PERF Attachment C-1), but these revisions occurred recently and are not a result of the evaluation NACSA conducted four years ago. Commission representatives explained that while the NACSA evaluation is still relevant to the revision of the strategic plan, the strategic plan changes are a result of challenges in implementing the 2019-2023 Strategic Plan, not a result of a self-evaluation. While the NACSA evaluation was one source of information that informed the strategic plan revisions (PERF Attachment B-2, p. 59), none of the planning documents indicated that the new strategic plan is meant to act as a continuous improvement plan designed to address the specific findings in the 2017 NACSA Report.</p>	Mandatory	
<p><b>Performance Measure A.8: Operational Conflicts of Interest</b> To what degree does the authorizer implement a clear policy to address conflicts of interest in all decision-making processes concerning the portfolio of charter schools?</p>		
Finding	Plan to be developed?	Projected date ready
<p><b>A.8.1 Opportunity:</b> The Commission’s conflict of interest policy, processes, and procedures could more clearly avoid decisions and interventions that hold the Commission accountable for a school’s performance. The Commission explained that its decisions and interventions “should be grounded in the evidence and data presented in the submittal, the presentation of the issue by the relevant parties, and the Commission’s discussion on the issue prior to decision-making” (PERF, p. 21), which makes sense, but the conflict of interest policy, processes, and procedures do not state as much. Further, when considered with the charter contract provision that states that a Notice of Deficiency “may include prescriptive, specific action plans and conditions for the School” (PERF Attachment R-3, p. 47), it is possible to conceive a scenario where the Commission intervenes with a school’s operations. The Commission could require a school to take specific actions, and if the school still fails to meet expectations after taking the actions specified by the Commission, the school could pin the failure back on the Commission because it forced the school to take the action that resulted in the failed expectations. This possible scenario would make the Commission accountable for the school’s performance rather than having the school solely accountable for its own performance. While Commission representatives emphasized that the intent of the contract provision is not for the Commission to get involved in internal operations of a school, neither the conflict of interest policy nor the charter contract make it clear</p>	<p><input type="checkbox"/> Yes  <input checked="" type="checkbox"/> No*    Disagree  (cat. 3)</p>	



that the Commission will not or cannot interfere with internal operations of schools. The Commission should consider amending the charter contract by removing the provision that allows the Commission to require “prescriptive, specific action plans” for schools and including a provision prohibiting the Commission from interfering with the internal operations of a school unless it is to “immediately address serious health and safety issues,” pursuant to HRS §302D-17(e).		
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<b>A.8.2 Opportunity:</b> While the Commission’s practice is to have staff complete an online State Ethics Code training, the Commission should consider formally systemizing and planning regular conflicts of interest training for all staff, especially new staff.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No*  Strat plan (cat.1)	Commenced and on-going
<b>Performance Measure A.9: Compliance to Statutory Responsibilities and Board Policies</b> To what degree does the authorizer comply with its statutory responsibilities, including authorizer reporting and the appropriate distribution of funds to its charter schools, and Board policies?		
<b>Finding</b>	<b>Plan to be developed?</b>	<b>Projected date ready</b>
<b>A.9.1 Opportunity:</b> While the Commission reports its progress in achieving priorities and goals in its annual reports, these priorities and goals are not contained within or explicitly attached to the Commission’s strategic plan. As stated in Performance Measure A.2, the Commission should keep its stakeholders abreast of its progress by including in its annual reports its performance in meeting the organizational goals stated in its strategic plan. The use of operational metrics that align with the Commission’s organizational goals would be helpful in communicating this.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No*  Strat plan (cat.1)	Commenced and on-going

<p><b>A.9.2 Opportunity:</b> Recent annual reports contain longitudinal data, but they do not have any kind of comprehensive analyses explaining performance trends of the portfolio of schools. This kind of analysis could be particularly useful in the academic performance areas, especially if incorporating metrics related to Native Hawaiian language and culture-focused education.</p>	<p>X Yes  <input type="checkbox"/> No*</p> <p>Will add to Strat Plan (cat. 2)</p>	<p>Commenced and on-going (Strat Plan Goal 3 work will review the performance framework data to inform and improve the portfolio.)</p>
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## Application Process and Decision-Making

<p><b>Performance Measure B.1: Application Process, Timeline, and Request for Proposals</b></p> <p>To what degree does the authorizer have a comprehensive and well-publicized application process that includes realistic timelines, fair and transparent procedures, and guidance that clearly describes each stage of the process? To what degree is the authorizer's request for proposals clear, comprehensive, and aligned to its mission, vision, and organizational goals?</p>		
Finding	Plan to be developed?	Projected date ready

<p><b>B.1.a Deficiency:</b> The vision publicized in the 2020 RFP appears to be an outdated strategic vision. It states, “The Commission’s strategic vision for the chartering of these high-quality schools is that they not only provide excellent and diverse educational options for Hawaii’s families but that they also contribute meaningfully to the continued improvement of Hawaii’s public education system as a whole.” (PERF Attachment M-1, p. 7) The 2019- 2023 Strategic Plan states the same strategic vision for historical context only (PERF Attachment A-2, p. 5-6), and it establishes an entirely different strategic vision for the Commission later in the document (PERF Attachment A 2, p. 12-13). Therefore, while the 2020 RFP did publicize a vision, it did not publicize the vision applicable at the time of publication; thus, the relevancy of the publicized chartering priorities to the applicable strategic vision is questionable.</p>	Mandatory	
<p><b>B.1.b Deficiency:</b> It is questionable, at best, whether the Commission’s 2020 application process allows sufficient time for each stage of the application process to be carried out with quality and integrity. The Commission touts that the 2017 NACSA Report found the Commission’s application process to be strong with the highest rating of “excellent” (PERF, p. 25). However, because NACSA completed its evaluation in 2017, it reviewed an older version of the Commission’s application process. The Commission’s application process timeline has progressively shortened over the years, lasting approximately eight months in 2016-2017 from the submission of Intent to Apply Packets to the Commission’s final decision before shortening to a four-month-long process in 2018 and a three-month-long process in 2020 (PERF, p. 27). The most notable changes include (1) reducing the time applicants have to submit an application from the time the RFP is published from approximately four months in 2016-2017 to just six weeks in 2020 and (2) reducing the time the evaluation team has to review applications and draft recommendation reports from over three and a half months in 2016-2017 to just three weeks in 2020 (PERF Attachment M-1, p. 14-15; PERF Attachment M-3, p. 15). For comparison, the Board gave the Commission three months to provide the initial requested information the Board needed for this performance evaluation of the Commission, and the Commission still needed to request an extension. The information a charter applicant needs to provide is similarly complex and onerous to compile, and six weeks does not appear to be sufficient time to do</p>	Mandatory	

so. Further, to conduct evaluations of such complex documents with quality and integrity and write recommendation reports based on those evaluations in just three weeks is simply not realistic, especially considering that the Commission could have needed to evaluate up to eight applications in 2020 if it did not suspend its process.		
<p><b>B.1.c Deficiency:</b> While the procedures for the evaluation of completed applications are fair and transparent, the procedures at the Intent to Apply stage are not because, in practice, they did not inform applicants of all of their rights and responsibilities or promptly notify applicants of denial. In Board Appeal No. 20-01, <i>Lima No’eau Career Academy v. State Public Charter School Commission</i>, the Board concluded that the Commission’s Intent to Apply Packet acts “as part of the charter application,” deeming a charter application as incomplete is a <i>de facto</i> denial, and “the Commission must issue notifications of denial to all applicant governing boards whose Intent to Apply Packets the Commission denies (<i>de facto</i> or otherwise)” (Appeal No. 20-01, p. 14-15). The 2020 RFP states, “Late or incomplete [Intent to Apply Packet] submissions will be rejected,” but it does not contain any other information on how the Commission informs applicants about an “incomplete” determination or about the rights of applicants, such as the ability to the appeal to the Board, after the Commission deems the Intent to Apply Packet incomplete (PERF Attachment M-1, p. 18).</p>	Mandatory	
<p><b>B.1.d Deficiency:</b> The 2020 RFP does not clearly explain how the application process is conducted at the Intent to Apply stage. The process allows applicants to propose other school models that might not address the Commission’s stated priority needs and states, “Prospective applicants not proposing schools that would meet a Priority Need must describe and cite evidence of other significant, documented educational needs that their school would meet in their targeted community, which would be a noteworthy contribution to Hawaii’s public education system. The Commission will assess these alternative needs at the ‘Intent to Apply’ stage before inviting a prospective applicant to submit a full application.” (PERF Attachment M-1, p. 8) However, the 2020 RFP does not explain how the Commission will “assess these alternative needs” and only states, “Commission staff will determine whether the applicant meets the requirements in HRS §302D- 13(b) to submit a charter application. Applicants will be notified on their eligibility to proceed with submitting a charter application” (PERF Attachment M-1, p. 14).</p>	Mandatory	

<p><b>B.1.e Deficiency:</b> While the application process in the 2020 RFP clearly explains how most of the evaluation stage is conducted after applicants submit their full applications, it is not clear about the “Hawaii school experts who will evaluate the applicant’s capacity” (PERF Attachment M-1, p. 17, 23), particularly who makes up that group and how they are selected, their relationship to the evaluation team, and their responsibilities in the evaluation process.</p>	Mandatory	
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<p><b>B.1.f Deficiency:</b> The Intent to Apply Packet in the 2020 RFP does not articulate comprehensive application questions to elicit the information needed for the rigorous evaluation of applicants’ plans. In Board Appeal No. 21-01, <i>Lima No’eau Career Academy v. State Public Charter School Commission</i>, the Board concluded, “[T]he Commission’s priority needs requirement is ambiguous, particularly in how it applies to the Intent to Apply Packet. The fault of this ambiguity lies with the Commission” (Appeal No. 21-01, p. 11). In this case, the Commission denied an applicant because its Intent to Apply Packet “lacked information in addressing the priority needs and did not describe or cite evidence of other significant, documented educational needs that [the applicant] would meet in [its] targeted community, which would be a noteworthy contribution to Hawaii’s public education system and the information provided was inconsistent” (Appeal No. 21-01, p. 6). As summarized in the Board’s appeal decision, “The Intent to Apply Packet form appears simply to require a brief description as to which of the Commission’s priority needs, as stated in the RFP, the applicant meets, if any. It does not require the applicant to describe how it will meet the selected priority needs, presumably because that is the intent of the full application. [The applicant’s] Intent to Apply Packet briefly described two priority needs using language identical to the priority needs stated in the RFP” (Appeal No. 21-01, p. 11).</p>	Mandatory	Completed, the new Application no longer has an Intent to Apply process and the Commission’s strategic priority is captured in the new Application with specific criteria articulated.
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<p><b>B.1.1 Opportunity:</b> The Commission should put forth a plan and timeline for reopening the current application cycle, which it has suspended for over a year and a half, as soon as possible as some applicants in limbo risk losing funding awards. The timeline should not be dependent upon the availability of state funding for “new programs” (which was the original rationale for the suspension) because (1) it takes a significant amount of time for an approved applicant to even be eligible to receive state funding as a full-fledged charter school and (2) new charter schools are not new budgetary programs for which the State needs to find funds, as the funding for a new charter school is just a piece of a per-pupil funding “pie” made up of charter school and Department program funds. The per-pupil calculation across this figurative budget pie stays the same, regardless of the number of Department and charter schools, unless the total number of students served by the public schools as a whole (Department and charter schools) changes or the whole funding pie itself changes, neither of which have anything to do with a new charter school.</p>	<p>X Yes <input type="checkbox"/> No*</p>	<p>Completed</p>
<p><b>B.1.2 Opportunity:</b> In addition to the alignment to an outdated strategic vision, it is unclear how the priority needs stated in the 2020 RFP align with the Commission’s organizational goals. The Commission should realign its entire approach to the solicitation and review of new charter school applications to its revised strategic plan and the attached organizational goals and ensure that alignment is explicitly clear in the RFP.</p>	<p>X Yes <input type="checkbox"/> No*</p>	<p>Completed the Commission’s strategic priority is captured in the new Application with specific criteria articulated.</p>
<p><b>B.1.3 Opportunity:</b> With the recent statutory changes to HRS §302D-13, the Commission will need to reexamine its application process to see if changes are necessary to comply with law.</p>	<p>X Yes <input type="checkbox"/> No*</p>	<p>completed</p>

**Performance Measure B.2: Approval Criteria for Charter School Applications**

To what degree does the authorizer have clear and comprehensive approval criteria that align with law and allow it to rigorously evaluate new charter school proposals?

Finding	Plan to be developed?	Projected date ready
<p><b>B.2.a Deficiency:</b> The approval criteria in the 2020 RFP do not clearly allow for rigorous evaluation of new charter school proposals. Each of the last three versions of the Commission’s RFP state, “Within each section and subsection [of the Application Requirements and Criteria], specific criteria define the expectations for a response that ‘Meets the Standard’” (PERF Attachment M-1, p. 25; PERF Attachment M-2, p. 26; PERF Attachment M-3, p. 26). Each subsection of the Application Requirements and Criteria in the 2016-2017 and 2018 RFPs starts with “An application that meets the standard for approval will have the following elements” and are subsequently followed by detailed application requirements. These detailed application requirements contain subjective descriptors (such as “clear,” “reasonable,” and “effective”) denoting a level of expected quality and allowing these requirements to simultaneously serve as the approval criteria. Many, if not most, of these subjective descriptors appear to be absent from the 2020 RFP’s Application Requirements and Criteria. For example, the 2018 RFP states, “An application that meets the standard for approval will have . . . A clear description of realistic and legally sound procedures for hiring and dismissing school personnel, including procedures for conducting criminal history record checks” (PERF Attachment M-2, p. 50). The 2020 RFP revised this same requirement to state, “Outline the school’s procedures for hiring and dismissing school personnel, including conducting criminal history record checks” (PERF Attachment M-1, p. 49). The 2018 version of this requirement makes it clear that the procedures for hiring and dismissing school personnel need to be “realistic and legally sound” and provide the evaluation team criteria on which to base a quality judgement. The 2020 version of this requirement does not allow for any judgement of the quality of the procedures and therefore does not serve as a clear approval criterion. The 2020 RFP’s Application Requirements and Criteria are full of many more examples of this issue. While Commission representatives explained that this change was intended to make the approval criteria clearer, measurable, and easier for applicants, it may actually have the opposite effect.</p>	Mandatory	Completed, the new Application provides criteria for every question asked of the Applicant.

<p><b>B.2.b Deficiency:</b> While there are distinct questions or requirements for applicants who are existing school operators of proposed conversion charter schools (PERF Attachment M-1, p. 41), proposing to contract with education service or management providers (PERF Attachment M-1, p. 55-58), or proposing to operate virtual charter schools (PERF Attachment M-1, p. 59-61), distinct approval criteria for such applicants are vague, at best, or completely missing, at worst, and the issue described in the paragraph above applies here as well.</p>	Mandatory	Completed, the new Application provides criteria for every question asked of the Applicant.
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<p><b>B.2.c Deficiency:</b> Other than a distinct requirement for applicants proposing conversion charter schools, the 2020 RFP does not contain any distinct requirements or approval criteria for applicants who are other existing school operators.</p>	Mandatory	Completed, the new Application provides criteria for every question asked of the Applicant.
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### Performance Measure B.3: Evaluation and Decision-Making Process

To what degree does the authorizer have clear and comprehensive evaluation process standards to ensure qualified internal and external evaluators rigorously evaluate new charter school proposals? To what degree did the authorizer's decisions and resulting actions align to its stated approval criteria and evaluation process standards?

Finding	Plan to be developed?	Projected date ready
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<p><b>B.3.a Deficiency:</b> The evaluation process standards in the 2020 RFP do not require the Commission to provide applicants with its decision that clearly communicates specific reasons for approval or denial. The example of a letter informing an applicant of its denial demonstrates that this is also not a practice of the Commission, as the letter provides a vague reason for the denial, simply stating that “the application did not meet the standard of approval for the criteria detailed in the 2018 RFP” (PERF Attachment O, p. 832).</p>	Mandatory	On-going, new Applicants who are approved or denied will be provided with specific reasons for approval or denial.
<p><b>B.3.1 Opportunity:</b> While the Commission uses other due diligence in practice, it does not appear to be a formal part of the evaluation process other than a mention in the 2020 RFP of “due diligence” as additional information that evaluators can consider (PERF Attachment M-1, p. 25). Applicants, evaluators, and decision-makers should have a better sense of the type of due diligence to expect even if certain types of due diligence is based on situations or conditions.</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No*	on-going
<p><b>B.3.2 Opportunity:</b> Documenting the Commission’s evaluator conflicts of interest practices in process documents provided to applicants and decision-makers (such as the RFP) would make it clear to applicants and decision makers that the application evaluation process is free of conflicts of interest.</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No*	on-going
<p><b>B.3.3 Opportunity:</b> While past evaluation teams have documented evidence to support whether the applicant meets the approval criteria (see PERF Attachment O, p. 659-695, for an example), this does not appear to be a documented evaluation process standard of practice. This should be a documented expectation for evaluators in whatever training materials are provided to evaluators, at a minimum.</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No*	on-going

<b>B.3.4 Opportunity:</b> The evaluation process standards in the 2020 RFP do not require the Commission to provide training to evaluators to ensure consistent evaluation standards and practices, observance of essential protocols, and fair treatment of applicants. While the Commission notes that the “Applications Specialist held a meeting with evaluators to go over standards and process for evaluations” during the 2018 application cycle (PERF, p. 35), training for evaluators is not formally required. The RFP should make it clear to applicants, evaluators, and decision-makers that training for evaluators is a required element of the evaluation process.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No*	On-going

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<b>B.3.5 Opportunity:</b> Once the Commission defines its vision of a high-quality charter school, it should align its approval criteria to that definition.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No*	completed
<b>Performance Measure B.4: Pre-Opening Charter School Process</b> To what degree does the authorizer have 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?		
<b>Finding</b>	<b>Plan to be developed?</b>	<b>Projected date ready</b>
<b>B.4.1. Opportunity:</b> It would be helpful to identify the Commission positions responsible for each area of the pre opening process and their duties related to the pre-opening process.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No*	completed

<b>B.4.2 Opportunity:</b> Because the Commission has not implemented a pre-opening process in the past two years and it does not have a general pre-opening process and criteria to judge, it does not appear that the Commission is eligible for consideration of an “exemplary” rating. The Commission should consider establishing a pre-opening process and criteria template that it periodically updates and makes available to prospective charter applicants.	X Yes <input type="checkbox"/> No*	Completed, referenced and provided in the new Application

## Performance Contracting

<b>Performance Measure C.1: Charter Contract Terms, Negotiation, and Execution</b> To what degree does the authorizer negotiate and execute charter contracts that clearly define material terms and rights and responsibilities of the school and the authorizer?		
Finding	Plan to be developed?	Projected date ready
<b>C.1.a Deficiency:</b> Charter school representatives did not verify that there is mutual understanding and acceptance of the material terms of the charter contract, and the level of understanding and acceptance of the charter contract by charter schools appears to be insufficient. In a survey of charter school leaders, only 25% of respondents	Mandatory	Commenced and on-going

<p>somewhat agreed or strongly agreed that the Commission “negotiates and executes sound charter contracts with each approved charter applicant and with existing public charter schools,” the lowest rate of agreement of all survey questions asked. While the Commission should be commended for the degree of effort it put forth to engage with school representatives during the process to revise the charter contract to Charter Contract 4.0, both the survey and interviews with school representatives indicate that mutual understanding still was not achieved. Notably, the Commission did not appear to respond to the specific comments received during its “working sessions” in January, February, and March 2021, the final round of feedback, which may have left the impression on some that the Commission did not consider the feedback. Additionally, the deputy attorney general for the charter schools reviewed a draft of Charter Contract 4.0, at the request of some of the schools, and offered comments to the Commission’s deputy attorney general. It appears the Commission accepted only a few comments without a clear indication to the schools why it did not accept the other comments offered by their legal counsel. Neither statute nor national standards and best practices prevent an authorizer from using a boilerplate charter contract for the schools within its portfolio, and the Commission can use the feedback session approach as its method for contract negotiation. However, any contract negotiation process must have clear two-way communication throughout to ensure the parties mutually understand and accept (with a clear understanding that acceptance is not the same as agreement) the material terms of the charter contract. The Commission did not appear to maintain clear two-way communication throughout the process.</p>		
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<p><b>C.1.b</b></p> <p><b>Deficiency:</b> It is not clear whether changes or modifications to school plans or operations that are immaterial or otherwise not mentioned in the charter contract require a contract amendment. Section 19.2 of Charter Contract 4.0 states, in pertinent part, “Changes in operation that require the School to obtain an amendment to this Charter Contract include but are not limited to the following:</p> <ul style="list-style-type: none"> <li>(a). Any material term in Article II of this Charter Contract (Exhibit “A”);</li> <li>(b). Any School location changes, such as relocation of site or adding or terminating sites;</li> <li>(c). Any School management arrangement(s), such as intention to hire or terminate a ESP;</li> <li>and (d). Any admissions or enrollment changes to policies or procedures.”</li> </ul> <p>(PERF Attachment R-3, p. 53)</p> <p>The charter contract provides a non-exhaustive list of changes or modifications requiring a contract amendment, but it does not describe any types of changes or modifications the school can make without a contract amendment other than changes in “textbooks, formative assessments or other instructional resources” (PERF Attachment R-3, p. 19). Even changes in curriculum require a contract amendment if it results in “any material changes to the Charter Contract such as the School’s mission and/or vision” (PERF Attachment R-3, p. 19), and it is unclear why this provision is necessary because a school’s mission and vision should drive its curriculum, not the other way around. Further, it is unclear why a school needs to obtain a contract amendment to make</p>	Mandatory	Commence d.
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<p>changes to its admissions policy when the policy itself is not a material term of, or even an attachment to, the charter contract. It is unclear what part of the contract would be amended in the instance of a change to an admission policy.</p>		
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<p><b>C.1.c</b>  <b>Deficiency:</b> Charter Contract 4.0 does not clearly state and respect the autonomies to which schools are entitled. While there is some acknowledgement of the school’s authority over educational programming, previous iterations of the charter contract acknowledged this autonomy more explicitly. Charter Contract 2.0 and 3.0 both stated, “[T]he School shall have control over and responsibility for the design and delivery of the educational program” (PERF Attachment R-1, p. 2; PERF Attachment R-2, p. 13). The provisions that the Commission points to in its Performance Evaluation Response Form state the responsibilities of the governing board but do not explicitly state the school’s authority over educational programming, staffing, budgeting, and scheduling with the exception of a limited regarding the school’s authority over its curricular and instructional approach (PERF, p. 57- 60).</p>	Mandatory	
<p><b>C.1.d</b>  <b>Deficiency:</b> While Charter Contract 4.0 clearly states most of the responsibilities of the school and the authorizer in the event of school closures, it is not entirely clear on the responsibilities of the school in the event of financial insolvency. In the event of financial insolvency, the school is required to “comply with the Commission’s closure policies and protocol” (PERF Attachment R-3, p. 50-51). However, this does not appear to be a requirement for other kinds of school closures. Instead, in the event of other school closures, section 18.13 states, in pertinent part, “The Governing Board and School personnel shall cooperate fully with the dissolution of the affairs of the School.” (PERF Attachment R-3, p. 50-51)</p>	Mandatory	on-going
<p><b>C.1.e</b>  <b>Deficiency:</b> The Commission does not have additional contractual provisions for any school that contracts with an external (third-party) provider for education design and operation or management to ensure rigorous, independent contract oversight by the governing board and the school’s financial independence from the external provider. Commission representatives noted that no schools currently contract with external providers for this purpose. During an interview with school representatives, a representative described a situation where a school wanted to contract with an external provider, but the Commission required a review of the contract with the provider. Even though none of the schools in the Commission’s portfolio currently contract with external providers, the absence of contractual provisions to address such contracts creates confusion, at best, when the situation does arise and, at worst, could lead to a problematic relationship between the school and</p>	Mandatory	

the external provider.		
<b>C.1.1 Opportunity:</b> The Commission granted previous iterations of the charter contract on varying terms from one year to five years in length. Only recently has the Commission granted new or renewed charter contracts all with a five-year term. NACSA Standards state that a quality authorizer “grants charter contracts for an initial term of five operating years or longer only with periodic high-stakes reviews every five years.” The Commission has not met this standard for at least the last three years and is therefore ineligible for an “exemplary” rating for this performance measure.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No*  Disagree	

<b>Performance Measure C.2: Charter School Performance Standards</b> To what degree does the authorizer execute charter contracts with clear, measurable, and attainable performance standards?		
<b>Finding</b>	<b>Plan to be developed?</b>	<b>Projected date ready</b>
<b>C.2.1 Opportunity:</b> The way Charter Contract 4.0 presents how the scoring works in the academic performance framework is confusing. The standardized assessments rubric contains more than ten described measures with each measure that “meets/exceeds” being worth seven points (PERF Attachment R-3, p. 63-64), and it was unclear how the scoring on these measures would add up to the maximum of 70 points until Commission representatives explained further. As currently presented in Charter Contract 4.0, there is room for interpretation as to what the Commission’s academic performance expectations might be. At a minimum, the formatting of the academic performance framework needs to be improved.  <b>Explanation</b> If you are a school that uses Smarter Balanced Assessments (SBA) and you follow the Measure descriptors in the chart, there are ten measures each worth seven points with a possible 70 total points. If you use	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No*  Disagree (cat. 3)	

<p><b>Kā‘EO</b> (see lavender Description boxes) and you follow the measure descriptors in the chart, there are ten measures each worth seven points with a possible 70 total points. Post-Secondary Readiness is relevant to the grade levels served at the school (Elementary: grade 3, Elem/Middle: grade 8, High: grade 9). Post-Secondary Readiness is the readiness of students when they exit secondary school and <i>may</i> include college, community, <i>and/or</i> career.</p>		
<p><b>C.2.2 Opportunity:</b> Under the academic performance framework in Charter Contract 4.0, it is possible for a school to reach the minimum score required for charter contract renewal without meeting any of the expectations aligned with Strive HI. This is less of an issue if this aligns with the Commission’s vision of a high-quality school, but if it does not, the Commission will need to change its academic performance framework to align with this vision. The Commission should review the findings in the 2017 NACSA Report relating to holding schools accountable for academic performance (PERF Attachment C-2, p. 11-12) before the Commission determines what a high-quality school looks like and changes its academic performance framework.</p>	<p><input type="checkbox"/> Yes  <input checked="" type="checkbox"/> No*    Disagree</p>	
<p><b>C.2.3 Opportunity:</b> While the academic performance framework identifies a postsecondary readiness measure under the standardized assessments indicator in the academic performance framework, it is unclear and it is questionable as to whether it is an appropriate measure of postsecondary readiness, as required by HRS §302D 16(a)(6). The academic performance framework describes this measure as the “percentage of students reading at, or near grade level, and/or promotion rate, depending on grade level,” and it applies only to grades 3, 8, and 9 (PERF Attachment R-3, p. 64). Commission representatives explained that the Department defined these measures as postsecondary measures for Strive HI and pointed to a technical document, entitled “2018-19 Strive HI Measures and Calculations: Technical Guide,” as supposed evidence. However, the document does not define any measures as measures of postsecondary readiness. While it may be appropriate to use literacy and promotion rate as postsecondary readiness indicators for elementary and middle school levels, these are not indicators typically used to measure postsecondary readiness at the high school level. The Commission needs to reassess how it will measure postsecondary readiness for the high school level.</p>	<p><input type="checkbox"/> Yes  <input checked="" type="checkbox"/> No*    Disagree  (cat. 3)</p>	



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<p><b>C.2.4 Opportunity:</b> While the mission aligned initiative indicators attempt to emphasize autonomy in a measurable way, they could use some clarification. The academic performance framework needs to be clearer about the data sources for these indicators, and considering their qualitative nature, the framework needs to be more specific as to how these indicators will be judged.</p>	<p>X Yes <input type="checkbox"/> No*</p>	<p>commenced and on-going.</p>
<p><b>C.2.5 Opportunity:</b> Many of the data sources that form the evidence base for the performance frameworks are not explicitly defined or clear in the performance frameworks or elsewhere in Charter Contract 4.0 and require certain assumptions. The sources of academic data that will form the evidence base for ongoing and renewal evaluation are not defined. Indicator 2 in the academic performance framework contains “Strive HI” in the title of the indicator (PERF Attachment R-3, p. 63), but Strive HI is not mentioned anywhere else in the charter contract. Further, it is not entirely clear what the data sources for the other indicators in the academic performance framework are.</p>	<p>X Yes <input type="checkbox"/> No*</p>	<p>Commenced and on-going</p>
<p><b>C.2.6 Opportunity:</b> The sources of organizational data that will form the evidence base for ongoing and renewal evaluation are not entirely clear. While the “Comments” column in the table in the organizational performance framework appears to generally define the data sources for each of the standards, it is not explicitly clear that these “comments” actually define the data sources, and most of the comments lack any specificity (PERF Attachment R-3, p. 69-77).</p>	<p>X Yes <input type="checkbox"/> No*</p>	<p>Commenced and on-going</p>

<p><b>C.2.7 Opportunity:</b> The financial performance framework would also be clearer if it explicitly defined the sources of financial data that will form the evidence base for ongoing and renewal evaluation. The Commission explained that the charter contract “requires quarterly school self-reported financial statements, followed by an annual audit from a licensed auditor” (PERF, p. 105). The assumption is that the financial statements and annual audit act as sources of financial data for the financial performance standards, but neither the charter contract nor the financial performance framework explicitly define them as such. The Commission also noted that it reviews and monitors documents submitted for reimbursement by federal funds and uses the processing of payroll and the availability of funds in school accounts as additional information sources of financial data (PERF, p. 105-106). Again, neither the charter contract nor the financial performance framework define these as sources of financial data for the financial performance standards.</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No*	

## Ongoing Oversight and Evaluation

<b>Performance Measure D.1: Process for Ongoing Oversight of Charter Schools</b> To what degree does the authorizer have and implement a comprehensive oversight and monitoring system as defined by the charter contract?		
Finding	Plan to be developed?	Projected date ready

<p><b>D.1.1 Opportunity:</b> Implementation of the Commission’s oversight and monitoring, consistent with its stated processes, could not be verified externally with consistent responses. Based on the interviews with school representatives, it is not clear that all schools have a similar experience with the Commission’s oversight and monitoring system. Additionally, while a majority (58.3%) of charter school leaders who responded to the survey strongly agreed or somewhat agreed that the Commission “monitors, in accordance with charter contract terms, the performance and legal compliance of public charter schools,” a substantial number either had no strong opinion, somewhat disagreed, or strongly disagreed (41.7% altogether).</p>	<p>X Yes <input type="checkbox"/> No*</p>	<p>Commenced and ongoing</p>
<p><b>D.1.2 Opportunity:</b> The Commission should document its monitoring system through formal processes and procedures. The charter contract describes some elements of the oversight and monitoring system, but it does not comprehensively describe how all the elements work together or explain certain details of the system (such as how often the Commission conducts onsite monitoring or how the Commission determines what to monitor and in what manner). Documented processes and procedures for monitoring could provide clarity to schools and help bring more consistency to their experiences with the oversight and monitoring system.</p>	<p>X Yes <input type="checkbox"/> No*</p>	<p>Commenced and on-going.</p>
<p><b>D.1.3 Opportunity:</b> Through systematic monitoring processes and procedures, the Commission should regularly monitor every school with both desk and on-site monitoring. The Commission should set a monitoring schedule that describes the kind of monitoring and makes the frequency of school visits clear.</p>	<p>X Yes <input type="checkbox"/> No*</p>	<p>Commenced and on-going</p>
<p><b>D.1.4 Opportunity:</b> The Commission should consider tracking its monitoring work output (such as the number of site visits and desk reviews, the nature of any visits and reviews, and the number and type of findings resulting from such visits and reviews) and the time and resources spent on monitoring. This will help the Commission better understand the resources it uses on monitoring, areas of monitoring that may need to be reduced or expanded, and additional resources that may be required for monitoring.</p>	<p>X Yes <input type="checkbox"/> No*</p>	<p>Completed and on-going</p>

<p><b>D.1.5 Opportunity:</b> The Commission should take a more systemic approach to academic performance monitoring. While the Commission issues annual performance reports that summarizes each school's academic performance as defined by the academic performance framework, Commission representatives explained that the Commission takes a "hands off" approach to academic performance monitoring. Considering how critical the data and resulting scores in the academic performance framework are to renewal decisions, the Commission should consider at least presenting the annual academic performance results to governing boards to ensure the governing boards understand how their schools are performing and whether they are on track to hit the academic performance targets by the time of contract renewal.</p>	<p>X Yes  <input type="checkbox"/> No*</p>	Commenced and on-going

<b>Performance Measure D.2: Protecting School Autonomy</b> To what degree does the authorizer respect, preserve, and support the essential autonomies of the portfolio of charter schools?		
Finding	Plan to be developed?	Projected date ready
<p><b>D.2.a</b>  <b>Deficiency:</b> Provisions within the charter contract related to school autonomy exist but do not clearly ensure school autonomy and recognize the school's authority over the school's day-to-day operations and decisions that are clearly within the school's purview. While there is some acknowledgement of the school's authority over educational programming, previous iterations of the charter contract acknowledged this autonomy more explicitly. Charter Contract 2.0 and 3.0 both stated, "[T]he School shall have control over and responsibility for the design and delivery of the educational program" (PERF Attachment R-1, p. 2; PERF Attachment R-2, p. 13). The provisions that the Commission points to in its Performance Evaluation Response Form state the responsibilities of the governing board but do not explicitly state the school's authority over educational programming, staffing, budgeting, and scheduling with the exception of a limited provision regarding the school's authority over its curricular and instructional approach (PERF, p. 129-130). The Commission explains, "[H]ow the school operates their school is not defined in the contract and is left to the school's discretion and autonomy" (PERF, p. 132). However, avoiding infringements upon a school's authority is not the same as</p>	Mandatory	

explicitly recognizing the school's authority through contractual provisions.		
<b>D.2.b</b> <b>Deficiency:</b> An issue raised by school representatives provides another example of the lack of recognition of schools' statutorily granted autonomy. Charter Contract 4.0 includes definitions for "governing board" and "public charter school" that use most of the same language from the statutory definitions of the same terms (PERF Attachment R-3, p. 13-14). However, virtual education is explicitly excluded from these definitions even though it is included in both statutory definitions as an area of "independent authority" (HRS §302D-1). The decision to exclude virtual education from the definitions and as an area of school authority appears to have been intentional, as the charter contract excludes this statutory language while at the same time using other	Mandatory	

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statutory language. While the contractual exclusion does not remove schools' statutory authority over virtual education, it comes across as the Commission actively ignoring this area of autonomy.		
<b>D.2.c</b> <b>Deficiency:</b> It is unclear how the one documented example that the Commission provided aligns with the school autonomy provisions in the charter contract. In the example, the Commission "temporarily authorize[d] all thirty seven public charter schools to provide distance, virtual, or other alternative mode of instruction or education in response to the Coronavirus (COVID-19) threat" (PERF Attachment U, p. 3). The Commission apparently needed to grant this temporary authorization because the charter contract prohibits "distance, virtual, or other alternative mode of instruction or education" without approval from the Commission, so it is not clear how this example of an exemption <i>from</i> the charter contract aligns <i>with</i> the charter contract.	Mandatory	

<p><b>D.2.1 Opportunity:</b> While the Commission did not clearly demonstrate how it minimized administrative burden on its portfolio of charter schools without compromising public interest, as it was unable to provide a documented example, the Commission should continue to annually review its compliance tasks and work with the Department on methods for data collection (PERF, p. 132). The Commission may want to consider finding out directly from charter schools the most onerous parts of its oversight and monitoring system and exploring ways to reduce the administrative burden in those areas.</p>	<p>X Yes <input type="checkbox"/> No*</p>	
<p><b>D.2.2 Opportunity:</b> As noted in Performance Measure D.1, implementation of the Commission's oversight and monitoring, consistent with its stated processes, could not be verified externally with consistent responses.</p>	<p>X Yes <input type="checkbox"/> No*</p>	<p>Implemented and on-going</p>
<p><b>D.2.3 Opportunity:</b> The Commission should review NACSA's standards related to respecting school autonomy to ensure its charter contracts, processes, and practices align. It may be beneficial to even consult with NACSA in this area. The Commission could also consider working with the schools within its portfolio on a common understanding of what "autonomy" means as a part of charter contract negotiations and/or the Commission's strategic planning.</p>	<p><input type="checkbox"/> Yes X No*  Disagree</p>	
<p><b>Performance Measure D.3: Standards and Processes for Intervention and Corrective Action</b> To what degree does the authorizer have clear and comprehensive standards and processes to address intervention and corrective action?</p>		
<p><b>Finding</b></p>	<p><b>Plan to be developed?</b></p>	<p><b>Projected date ready</b></p>
<p><b>D.3.a</b> <b>Deficiency:</b> When a Notice of Deficiency is needed, the Commission has the latitude to go beyond simply identifying what the school must remedy and can actually prescribe solutions to the school. The charter contract states that a Notice of Deficiency "may include prescriptive, specific action plans and conditions for the School"</p>	<p>Mandatory</p>	

<p>(PERF Attachment R-3, p. 47). When asked how the Commission reconciles this contract provision with NACSA Standards, which state a quality authorizer “engages in intervention strategies that clearly preserve school autonomy and responsibility [by] identifying what the school must remedy without prescribing solutions,” Commission representatives explained that most authorizers in jurisdictions outside of Hawaii do not need to “enforce state or federal requirements,” and when a school fails to comply, the Commission is “tasked by [HRS Chapter 302D] to interject [itself] and ensure that compliance.” The basis for this justification is factually inaccurate. Most, if not all, authorizers across the nation are responsible for holding charter schools accountable to matters of legal compliance, and the Commission is no different. Further, state statute does not require the Commission to “interject” when there is an issue of legal compliance. The Commission must ensure compliance, and it can do so using its performance frameworks and an intervention process that identifies what the school must remedy without prescribing solutions. The explanation from Commission representatives during the interviews did not provide justification for the contract provision and raised some concerns about their understanding of the fundamental tenets of charter schooling: accountability and autonomy.</p>		
<p><b>D.3.b</b>  <b>Deficiency:</b> Neither the charter contract, Notice of Concern forms, or documented examples indicate that the intervention process requires the Commission to give timely notice of contract violations or performance deficiencies. One of the documented examples shows that the Commission did not give a formal notice of contract violations for a failed fire inspection through a Notice of Concern until almost a year and a half after the fire inspection (PERF Attachment V-2).</p>	Mandatory	
<p><b>D.3.c</b>  <b>Deficiency:</b> It is not clear whether the intervention process allows schools reasonable time and opportunity for remediation in non-emergency situations. The most recent documented example provided by the Commission gives the school two weeks to provide what appears to be reports related to a fire inspection (PERF Attachment V-2, p. 10-11), but it is unclear whether that is a reasonable expectation, especially since it is unclear whether the school would need to schedule and successfully pass a fire inspection within that window. Nothing else in the charter contract or other documents indicate that the Commission is required to provide a reasonable time and opportunity for remediation in non-emergency situations.</p>	Mandatory	

<b>D.3.1 Opportunity:</b> Section 17.9 of Charter Contract 4.0 is entitled “Notice of Deficiency and Notice of Warning” (PERF Attachment R-3, p. 5, 47). However, a Notice of Warning is not defined or mentioned anywhere else in the charter contract. This appears to be a residual term from previous contract and intervention process iterations and should be removed for clarity.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No*	

## Revocation and Renewal Decision-Making

<b>Performance Measure E.1: Charter Contract Renewal Process and Performance Reports</b> To what degree does the authorizer have a clear, comprehensive, fair, and transparent process for charter contract renewal?		
<b>Finding</b>	<b>Plan to be developed?</b>	<b>Projected date ready</b>
<b>E.1.a</b> <b>Deficiency:</b> The most recently used criteria for charter renewal were not consistent with the charter contract. The renewal process described the results for schools that did not receive Notices of Deficiency during the charter contract term depending on whether the school meets performance targets, partially meets performance targets, does not meet performance targets, or has major compliance issues (PERF Attachment W-1, p. 2). However, Charter Contract 3.0, which is the charter contract version applicable to this renewal process, does not provide these criteria, and simply states, “If the School did not receive a Notice of Deficiency during the contract period[, it] will submit a renewal application for a five-year contract after receiving the Final Performance Report.” (PERF Attachment R-2, p. 58) This statement makes it seem like a school that did not receive a Notice of Deficiency during the contract term would receive a new five-year charter contract, but that is not the case in the renewal process.	Mandatory	Commenced and on-going



<p><b>E.1.b</b>  <b>Deficiency:</b> The most recent performance report did not summarize all aspects of the school's performance, state all of the Commission's summative findings concerning the school's performance, or state the school's prospects for renewal. The performance report did not summarize the school's performance on the value-added targets in the academic performance framework or state the Commission's findings of the school's performance on those measures (PERF Attachment W-1, p. 6-8). The performance report also lacked any statement or indication of the school's prospects for renewal based on the summative findings as compared to the renewal criteria.</p>	Mandatory	Commenced and on-going
<p><b>E.1.c</b>  <b>Deficiency:</b> In the most recent renewal process, the notifications to each school of the Commission's renewal decisions did not include written explanations of the reasons for the decisions. The notifications stated the Commission's decision to award a new charter contract and the various conditions of the new contract, but they did not include an explanation as to why the Commission was awarding a new contract with the specified term length and renewal conditions (PERF Attachment W-3).</p>	Mandatory	
<p><b>E.1.1 Opportunity:</b> The most recent process for contract renewal included communication of renewal decisions to the school community and public, but that communication did not appear to be prompt or far-reaching enough. The Commission communicated its renewal decisions through its monthly e-newsletter (PERF Attachment W-4). The communication was not prompt, as the decisions were made on January 10, 2020 but communicated through a February 2020 newsletter. Further, it is unlikely that the communication broadly reached the relevant school communities or the public, especially when it was contained in a blurb in a general newsletter rather than targeted through more intentional outreach or communication.</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No*	

<p><b>E.1.2 Opportunity:</b> The Commission should avoid implementing a renewal process that could potentially attempt to remove the rights of a school to appeal to the Board. In January 2020, the Commission approved charter contract renewal for some schools with a condition that stated, “Should the school not meet this condition, the school shall surrender its charter at the end of the contract term (fifth year)” (see Yvonne Lau’s memorandum to John Kim, dated June 7, 2021, on an agenda item entitled “Action on Renewal of Charter Contract Condition regarding Complex-Like Academic Measure for Hakipu’u Academy, Hālau Kū Māna Public Charter School, Kamaile Academy Public Charter School, Ke Ana La’ahana Public Charter School, Kua o ka Lā New Century Public Charter School, Kona Pacific Public Charter School, Laupāhoehoe Community Public Charter School, Nā Wai Ola Public Charter School, and Waimea Middle Public Conversion Charter School”). While Commission representatives explained that these conditions are no longer applicable, the Commission should not be requiring schools to accept charter contracts with any condition that essentially allows the Commission to terminate the charter contract without revocation or nonrenewal (in this instance, via “surrender”). Although unclear, the result could be an apparent removal of appeal rights or, at the very least, much messier appeal proceedings.</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No*	
<p><b>E.1.3 Opportunity:</b> The Commission should consider initiating the renewal process as early as possible in a school’s final year of its charter contract and issuing a final renewal decision as quickly as possible. Giving a school as much advance notice as possible on renewal decisions will provide the Commission and the governing board to discuss and come to a mutual understanding and acceptance of the next charter contract before its execution. An earlier timeline would also help with appeal process timing, if necessary.</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No*	
<p><b>Performance Measure E.2: Charter Contract Renewal or Revocation Decisions</b>  To what degree do the authorizer’s renewal and revocation decisions align to its stated performance standards?</p>		
Finding	Plan to be developed?	Projected date ready
<p><b>E.2.a</b>  <b>Deficiency:</b> The Commission granted renewals to schools that did not meet the academic performance standards. While the Commission followed its renewal criteria, the criteria allowed schools who only partially met performance standards to receive new five-year charter contracts with conditions and allowed schools who did not meet performance standards to receive a one-year contract extension (PERF Attachment W-1, p.</p>	Mandatory	

<p>2). For example, the Commission granted at least one charter school that did not meet any of its student academic outcome targets in the academic performance framework with a five-year contract with conditions to improve its academic performance (see Commission’s general business meeting minutes of January 10, 2020), and it is not clear that the Commission “[g]round[ed] its decisions in evidence of the school’s performance over the term of the charter contract in accordance with the performance framework set forth in the charter contract,” pursuant to HRS §302D-18(f)(1). Commission representatives even acknowledged that the academic performance data for some of these schools fell below expectations, but they noted that they wanted to give these schools a chance to improve because it felt uncomfortable not renewing their charter contracts.</p> <p>This implies that the Commission may have made this renewal decision “solely on promises of future improvement” (as described in the NACSA Standards on renewal decisions and the indicator specifications of this Performance Measure). When asked, Commission representatives explained that while promises of future improvement were one factor in the decision to renew, the Commission considered other factors, such as the capacity of the governing board and the school’s financial performance, noting that there was discomfort with having an “academic trip wire.” However, grounding renewal decisions in evidence of only the school’s organizational and financial performance and promises of future improvement in academic performance does not align with NACSA Standards or the spirit and intent of HRS Chapter 302D. A critical role of an authorizer is to hold charter schools accountable to rigorous academic performance expectations, not just organizational and financial expectations.</p> <p>It is evident that many of findings in the 2017 NACSA Report relating to holding schools accountable for academic performance, which it rated as an area needing improvement, are still present today (PERF Attachment C-2, p. 11-12). One of the key findings from the report is that the Commission needs to “[s]et a higher bar for renewal and make the difficult decision to non-renew or revoke the charters of schools that have chronically failed to make sufficient improvement or progress” (PERF Attachment C-2, p. 9). To date, the Commission has still never closed a school for failing to meet academic performance expectations even though several schools fall into that category. The story of the Commission’s academic performance accountability woes appears to be either setting the academic performance bar so low that all schools can clear it or setting a higher bar but not taking appropriate action when schools fail to meet it.</p>		
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<p><b>E.2.1 Opportunity:</b> For the schools that did not meet the academic performance expectations but the Commission still renewed, Commission representatives explained that the Commission placed unique academic performance expectations on each of these schools, such as specific targets benchmarked to the complex area or like demographics, as a condition of the renewal. These conditions were separate from the expectations contained in the charter contract and the performance frameworks. While these conditions appear to be moot according to the Commission representatives, the Commission should avoid creating renewal or performance expectations that are not explicitly captured in the performance frameworks to comply with HRS §302D-18(f)(1).</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No*	
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<p><b>E.2.2 Opportunity:</b> It is not clear whether the Commission “[p]rovide[s] a public report summarizing the evidence and basis for each [renewal] decision,” pursuant to HRS §302D-18(f)(3). It would be useful to produce this kind of report immediately following a renewal decision as well as including the information in the Commission’s annual report.</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No*	
<p><b>E.2.3 Opportunity:</b> The Commission should consider the feasibility of compressing the revocation process. When the Commission seriously considers the closure of a school, it should take final action as quickly as possible to minimize the costs to students, families, and the State.</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No*  Disagree	
<p><b>Performance Measure E.3: School Closure Protocol</b>            To what degree does the authorizer have a closure protocol that is clear and comprehensive?</p>		
<p><b>Finding</b></p>	<p><b>Plan to be developed?</b></p>	<p><b>Projected date ready</b></p>

<b>E.3.1 Opportunity:</b> The Commission should consider a review of its closure protocols with the intention of compressing the timeline wherever possible.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No*  Disagree	
<b>E.3.2 Opportunity:</b> The Commission should consider developing a closure protocol for a charter school whose contract is not renewed with more precise timelines that are tied to the renewal process timeline and based on the notification of non-renewal.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No*  Will add to Strat Plan (cat. 2)	