

Agenda Item III.A

Board Action on findings and recommendations of Investigative Committee (a permitted interaction group pursuant to Hawaii Revised Statutes, Section 92-2.5(b)(1)) concerning legislative report for 2020 Legislative Session: annual Board report on the State's public charter schools in accordance with Hawaii Revised Statutes Section 302D-21

General Business Meeting

November 21, 2019

At its August 1, 2019 general business meeting, the Board of Education ("Board") established an Investigative Committee ("Committee") that the Board tasked with developing the Board's legislative policy positions for the 2020 Legislative Session; determining whether the Board needs to request any statutory changes based on the policy positions; developing the Board's legislative proposals based on that determination for the 2020 Legislative Session; and drafting any legislative reports due by the Board to the 2020 Legislature. At its September 19, 2019 general business meeting, the Board adopted the Committee's recommended policy positions for the 2020 Legislative Session and elected not to request any statutory changes, thus completing the Committee's first three tasks.

At its November 21, 2019 general business meeting, the Board received a report from the Committee regarding the Committee's final task of drafting any legislative reports due by the Board to the 2020 Legislature. The Committee's report is attached as **Exhibit A**. In accordance with Section 92-2.5(b)(1)(C), Hawaii Revised Statutes ("HRS"),¹ entitled "Permitted interactions of members," the Board did not take action on the Committee's recommendation.

Action on the Committee's recommendation has been placed on a subsequent Board meeting agenda, the December 5, 2019 general business meeting agenda.

¹ Section 92.25(b)(1), HRS, provides, in pertinent part:

"(b) Two or more members of a board, but less than the number of members which would constitute a quorum for the board, may be assigned to:

- (1) Investigate a matter relating to the official business of their board; provided that:
 - (A) The scope of the investigation and the scope of each member's authority are defined at a meeting of the board;
 - (B) All resulting findings and recommendations are presented to the board at a meeting of the board; and
 - (C) Deliberation and decision making on the matter investigated, if any, occurs only at a duly noticed meeting of the board held subsequent to the meeting at which the findings and recommendations of the investigation were presented to the board;"

(Emphasis added).

Exhibit A

Investigative Committee Report (dated November 21, 2019)



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

November 21, 2019

TO: Board of Education

FROM: Catherine Payne
Chairperson, Investigative Committee

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

I. BACKGROUND

At its August 1, 2019 general business meeting, the Board of Education ("Board") established an investigative committee ("Committee") tasked with:

1. Developing the Board's legislative policy positions for the 2020 Legislative Session;
2. Determining whether the Board needs to request any statutory changes based on the policy positions;
3. Developing the Board's legislative proposals based on that determination for the 2020 Legislative Session; and
4. Drafting any legislative reports due by the Board to the 2020 Legislature.

The Board appointed Board Members Kili Nama'u, Dwight Takeno, Bruce Voss, and me as members of the Committee with myself serving as chair of the Committee. (Note that the Board appointed these same members to an ad hoc committee responsible for presenting, discussing, and negotiating the Board's adopted policy positions at the Legislature.¹)

¹ My memorandum dated August 1, 2019 describes the proposed approach for engaging the Legislature for the 2020 Legislative Session. The memorandum is available here:

http://boe.hawaii.gov/Meetings/Notices/Meeting%20Material%20Library/GBM_20190801_Action%20on%20Investigative%20Committee%20concerning%202020%20Legislative%20Session.pdf. My memorandum dated October 3, 2019 describes the establishment of the ad hoc committee. The memorandum is available here:
http://boe.hawaii.gov/Meetings/Notices/Meeting%20Material%20Library/GBM_20191003_Action%20on%20Ad%20Hoc%20Committee%20re%202020%20Legislative%20Session.pdf.

At its September 19, 2019 general business meeting, the Board adopted the Committee's recommended policy positions for the 2020 Legislative Session and elected not to request any statutory changes, thus completing the Committee's first three tasks.²

II. FINDINGS

Regarding the Committee's final task of drafting any legislative reports due by the Board to the 2020 Legislature, the Committee finds that the Board's only report due to the Legislature is its annual report on charter schools, pursuant to Section 302D-21, Hawaii Revised Statutes ("HRS").³ As required by law, the Committee drew from the annual reports submitted by every authorizer (which currently includes only the State Public Charter School Commission) as well as other additional relevant data to draft a report for covering the 2018-2019 school year, attached as **Exhibit 1**.

III. RECOMMENDATION

The Committee recommends that the Board approve the legislative report attached to this memorandum and its issuance to the Governor, Legislature, and public.

Proposed Motion: Move to approve the Board's annual report on charter schools, pursuant to Section 302D-21, HRS, and as attached as Exhibit 1 to Investigative Committee Chairperson Catherine Payne's memorandum dated November 21, 2019.

This report completes the work of the Committee.

² My memorandum dated September 5, 2019 describes the policy positions for the 2020 Legislative Session and includes the policy positions adopted by the Board as Exhibit A. The memorandum is available here: http://boe.hawaii.gov/Meetings/Notices/Meeting%20Material%20Library/GBM_20190905_Report%20on%20Investigative%20Committee%20concerning%20Board%202020%20legislative%20policy%20positions.pdf.

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

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

Exhibit 1

Board Annual Report on Charter Schools to the 2020 Legislature



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

LEGISLATIVE REPORT

SUBJECT

Requesting the Board of Education (the "Board") provide the Governor, Legislature and the public an annual report on the State's public charter schools, drawing from the annual reports submitted by every authorizer as well as any additional relevant data compiled by the Board, for the school year ending in 2019. The annual report shall include:

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

REFERENCE

HRS §302D-21.

ACTION REQUESTED

Report to the 2020 Legislature.

REPORT

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

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

The annual report required by HRS §302D-21 is designed to meaningfully assess and support the provisions of the law. Since the first report in 2012, each subsequent report has built upon previous years' reports. These annual reports have provided information on the status of the charter schools, the implementation of accountability measures needed to fulfill the purposes of the law, the status of charter school facilities funding and the implementation of Act 234, SLH 2015¹, and the Board's efforts to implement charter school law and improve the charter school system. This year's report builds on last year's report.

FINDINGS

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

SUCSESSES

Charter school purpose policy. The Board reported last year that it was in the midst of developing a Board policy codifying the purpose of charter schools. At its May 16, 2019, general business meeting, the Board adopted Board Policy E-700, entitled "Public Charter Schools," based on the opinions and perspectives of various stakeholder groups gathered through a public survey and in consideration of public comments.² This report describes more details about the applicability of this policy to charter schools in section (8) of this report below.

Initial implementation of multiple charter school authorizer system. The past two years' reports noted that the Board still had several tasks to complete to implement Chapter 8-515, Hawaii Administrative Rules ("HAR"), entitled "Establishment and Oversight of Charter School Authorizers," and Chapter 8-517, HAR, entitled "Charter Contract Transfers." The outstanding tasks included developing an application and process for eligible entities to apply to become authorizers and an authorizer performance evaluation system. The Board reported last year that it had not made much progress on the development the key documents due to other Board priorities taking precedent.

The Board is pleased to report that it has made significant progress in the implementation of Chapter 8-515, HAR. At its May 2, 2019 general business meeting, the Board adopted an application for chartering authority, authorizing contract, and

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

² More information about the background and development of Board Policy E-700 is contained in Board Chairperson Catherine Payne's memorandum dated May 16, 2019 here: http://boe.hawaii.gov/Meetings/Notices/Meeting%20Material%20Library/GBM_20190516_Action%20on%20Board%20Policy%20E-700%20Public%20Charter%20Schools.pdf.

authorizer performance evaluation system.³ While the State (the Board, Legislature, and other agencies) will need to resolve several issues borne from a charter school system that allows multiple authorizers to exist, the Board believes the initial implementation of this system will help to identify some of these issues.

On May 17, 2019, the Board released its inaugural notice inviting applications for chartering authority from eligible entities interested in becoming authorizers. The Board received two intent to apply packets, but only one of the two interested entities actually submitted an application. As of this writing, an evaluation team is reviewing the application, and it will make a recommendation to the Board's Student Achievement Committee. The Board will decide whether to approve or deny the application for chartering authority at its February 20, 2020 general business meeting. The Board looks forward to reporting the results of its inaugural application for chartering authority cycle in next year's annual report.

Fiscal stability. For the 2018-2019 fiscal year, the State Public Charter School Commission (the "Commission"), currently the sole charter school authorizer in Hawaii, assessed the financial performance of all charter schools with a financial performance framework that examines the potential risk of fiscal insolvency. Based on the results of this new financial performance framework, only four charter schools out of the 37 assessed received risk ratings lower than "acceptable," illustrating that the majority of charter schools remain fiscally sound.⁴ The results suggest that the financial status of charter schools, as a group, continues to be relatively stable. Note, however, that fiscal stability is likely more indicative of sound fiscal management by the majority of charter schools rather than the sufficiency of funding for charter schools. As described below, facilities funding continues to be an ongoing challenge.

CHALLENGES

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

Last year, the Board reported that the Commission still had not adopted finalized criteria to determine the distribution of facilities funds, as required by HRS §302D-29.5, and the Board urged the Commission to complete and adopt the facilities funding criteria. Since then, the Board is encouraged to see that the Commission adopted a charter school facilities funding framework with criteria to determine the distribution of facilities funds.⁵ The Board again recommends that the Legislature provide some form of facilities

³ More information about the background and development of the application for chartering authority, authorizing contract, and authorizer performance evaluation system is contained in Student Achievement Committee Chairperson Margaret Cox's memorandum dated May 2, 2019 here: http://boe.hawaii.gov/Meetings/Notices/Meeting%20Material%20Library/GBM_20190502_Action%20on%20multiple%20charter%20school%20authorizer%20system%20documents.pdf.

⁴ The Commission's 2018-2019 annual report is available on its website here: <http://www.chartercommission.hawaii.gov/reports>. See page 36 for the financial performance framework results.

⁵ Commission 2018-2019 annual report, pages 292-294.

funding to charter schools to address this unmet need, especially now that the required criteria are in place.

Centralized support. As reported for the past two years, another major challenge is the lack of a system of support for charter schools. Unlike Department schools, charter schools do not have a centralized department or agency that allows them to take advantage of economies of scale and maximize their financial resources. The Commission attempts to fill this void by providing some supports, and it even reorganized its structure to “support charter schools within the Commission’s portfolio through a System of Support.”⁶ However, the Commission’s statutory role as an authorizer conflicts with the role of a true support organization. Statute acknowledges this and restricts the level and type of support the Commission can provide.⁷ In addition, the approval of another authorizer without a non-authorizer centralized support agency would add complexity to the charter school system and expose it to potential conflicts of interests, fairness and equity issues, and unnecessary inefficiencies.⁸ While the Board still does not have a specific recommendation to resolve this issue (as other priorities have taken precedent, including the implementation of the multiple authorizer system), it urges the Legislature to consider changing statute to include some kind of centralized support for charter schools.

AREAS FOR IMPROVEMENT

Continued implementation of multiple charter school authorizer system. As noted above, the Board made significant progress in the implementation of Chapter 8-515, HAR, since its last annual report. Still, the State has much work to do to create a charter school system that can support more than one authorizer. The issue of centralized support for charter schools noted above directly connects to a comprehensive multiple authorizer system. Further, the Board still has to develop an application form and process for charter transfers to implement Chapter 8-517, HAR, but the Board may want to consider amending its administrative rules first to address some previously raised issues, such as the transfer of funds between authorizers when a charter school transfers.

An even more fundamental issue raised in public comments during the development of the key documents to implement Chapter 8-515, HAR, is funding for authorizers other than the Commission. Nationally, funding structures for authorizers generally fall into three categories: (1) budget allocations from authorizers’ parent organizations, (2) state budget appropriations, or (3) fees from authorized charter schools.⁹ The first option does not require a statutory change but makes it difficult for another authorizer to exist because an authorizer (other than the Commission) would need to rely on sources of

⁶ Commission 2018-2019 annual report, pages 17-19.

⁷ Pursuant to HRS §302D-5(g), the Commission “shall not provide technical support to a prospective charter school applicant, an applicant governing board, or a charter school it authorizes in cases in which the technical support will directly and substantially impact any authorizer decision related to the approval or denial of the charter application or the renewal, revocation, or nonrenewal of the charter contract.”

⁸ More information about how the centralized support issue relates to a multiple charter school authorizer system is contained in Student Achievement Committee Chairperson Margaret Cox’s memorandum dated April 5, 2018 here:

http://boe.hawaii.gov/Meetings/Notices/Meeting%20Material%20Library/SAC_20180405_Action%20on%20charter%20school%20support%20structure.pdf.

⁹ National Association of Charter School Authorizers. “Charter School Authorizer Funding,” July 2009. Accessed November 14, 2019 at <https://files.eric.ed.gov/fulltext/ED544285.pdf>.

funds outside of the state budget in perpetuity to execute a state function. The second option can be done year to year without a statutory change through line-item state funding or grants-in-aid, but it would be more ideal to have statutory language putting other authorizers on equal footing as the Commission in terms of source of funding. The third option would require a statutory change, but it has more significant systemic downsides than the other two options, including placing financial burden on charter schools within those authorizers' portfolios and incentivizing authorizers to approve or keep open charter schools that should not be operating. A hybrid model combining different structures is also an option, but the Board recommends further analysis before taking action to change policy.

The Board hopes to report more progress on finding a resolution to some of these issues and the continued implementation of a comprehensive multiple authorizer system next year. In the meantime, the Board encourages the Legislature and other major stakeholders to analyze and discuss approaches to funding for authorizers.

Other issues. Stakeholders and the public have raised other charter-school-related issues that the Board has not yet examined but feels important enough to record in this report. These concerns include inadequacies in charter school students' ability to participate in sports and other elective or extracurricular opportunities provided by the Department and difficulties teachers face when transitioning between Department schools and charter schools.

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

Please see attached, Exhibit A.

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

In its report this year, the Commission notes that its efforts have "resulted in increased communication and collaboration with multiple state agencies" and that its collaboration with the Department in particular has "resulted in significant improvements in efficiency and accountability through implementation of effective procedures for the draw-down of federal funds." In addition, the Commission reports that it "continues to strengthen its communication and collaboration with [the Department of Budget and Finance] and [the Department of Accounting and General Services] to clarify the Commission's responsibilities ... pertaining to budget requirements and charter school funding management."¹⁰

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

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

¹⁰ Commission 2018-2019 annual report, page 45.

As noted above, the Commission adopted a charter school facilities funding framework with criteria to determine the distribution of facilities funds.¹¹ The Commission's framework includes a process for soliciting and evaluating applications for facilities funding. Charter schools with virtual education as the primary method of delivering core subject instruction or with school facilities already paid for by the State are ineligible to apply.

The criteria for prioritizing applications for facilities funding include:

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

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

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

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

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

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

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

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

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

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

The only policy changes that occurred since the Board's last report was the adoption of new Board Policy E-700, entitled "Public Charter Schools," as mentioned earlier in this

¹¹ Commission 2018-2019 annual report, pages 292-294.

report. The plain language of Board Policy E-700 makes it clearly applicable to all charter schools. In addition, Chapter 8-515, HAR, Board Policy E-700 applicable to charter school authorizers as well.

FUTURE ACTIONS

The Board will continue to implement components of the multiple authorizer system, including making a decision on its first application for chartering authority. The Board will also continue to examine and address other pieces necessary for a comprehensive multiple authorizer system, and the Board encourages the Legislature to consider some kind of centralized support system or structure. The Board is pleased with the Commission's adoption of criteria to determine the distribution of facilities funds, and importantly, the Board again urges the Legislature to provide facilities funding to address the issue of long-term financial stability and equity, which has been a clear issue in each of the Board's eight annual reports.

Exhibit A – Summary of Fiscal Year 2018-2019 Federal Fund Allocations to Charter Schools

| Federal Program | Grant Purpose and Basis for Allocation | All Funds distributed to the Charter Schools via the Commission in Fiscal Year 2018-2019 |
|---|--|--|
| U.S. DOE Impact Aid | Grant provided financial assistance to local education agencies affected by Federal presence. Distribution based on proportion of total public school enrollment. | \$5,997,275 |
| DoD Supplement to Impact Aid | Grant provided financial assistance to local education agencies affected by military presence. Distribution based on proportion of total public school enrollment. | \$652,888 |
| DOD Supplement to Impact Aid funds for Compact Impact funds | To provide charter schools with a pro-rata share based on enrollment of the federal Compact Impact funds received from the U.S. Department of the Interior. In lieu of directly allocating Compact Impact funds that carry with them spending restrictions and reporting requirements, this allocation was made using Department of Defense (DoD) Supplement to Impact Aid funds that only requires the funds be expended pursuant to State law. | \$110,691 |
| ESSA Title I LEA Grant-Schools | Grant provided to help disadvantaged students in school with the highest concentrations of poverty meet the same high standards expected of all students. Distribution made to only schools with 47.2% or more students receiving free or reduced-price meals. Distribution to these schools based on Title I formula using number of free or reduced-price eligible students multiplied by the per pupil amount for the school's county. | \$2,519,440 |
| ESSA Title I – Centralized LEA | Grant is to provide all children significant opportunity to receive a fair, equitable, and high-quality education and to close educational achievement gaps. | \$1,294,588 |

Exhibit A – Summary of Fiscal Year 2018-2019 Federal Fund Allocations to Charter Schools

| Federal Program | Grant Purpose and Basis for Allocation | All Funds distributed to the Charter Schools via the Commission in Fiscal Year 2018-2019 |
|--|---|---|
| ESSA Title I LEA Grant-School Improvement | Grant provides supplemental services and supports to Priority, Focus, and low performing schools. | \$2,955,256 |
| ESSA Title I LEA Grant-CA Initiatives | Grant supports focus on providing students the diverse, integrated curriculum and learning experiences necessary for a well-rounded education. Title I schools can support student achievement through a wide array of services, including counseling, specialized instructional support services, mentoring services, preparation for post-secondary education and the workforce, behavior supports, early intervening services, violence prevention programs, professional development and other activities for school staff. | \$182,500 |
| ESSA Title I LEA – Homeless Children | Grant provides funds for educationally related support services to homeless children who do not attend Title I schools, including providing services to children at the shelters and other locations where children may live. | \$7,259 |
| ESSA Title I LEA Grant-Parent Engagement | Grant to provide support for parent involvement activities, including but not limited to family literacy training, training to enhance parenting skills, etc. Distribution based on Title I formula. | \$27,269 |
| ESSA Title I LEA-Trans & Supplemental Services | Grant to support school improvement/turnaround at the complex and school level with supplemental education supports and services for Priority, Focus, and low performing schools. | \$-8,409 |
| ESSA Title III Language Instruction | Grant provides funds to supplement efforts to improve the education of limited English proficient children. Distribution based on the number of ELL students enrolled in schools after submission and approval of written plans. | \$22,853 |

Exhibit A – Summary of Fiscal Year 2018-2019 Federal Fund Allocations to Charter Schools

| Federal Program | Grant Purpose and Basis for Allocation | All Funds distributed to the Charter Schools via the Commission in Fiscal Year 2018-2019 |
|--|--|--|
| ESSA Title IIA Assist Non-Highly Qualified Teachers to Highly Qualified Teachers | To provide charter schools with funding to support professional development and other activities that assist Non-Highly Qualified Teachers (NHQT) to become Highly Qualified (HQ) in core academic subjects. | \$9,270 |
| ESSA Title IIA Professional Development-OCISS | Grant provided to improve teacher quality and increase the number of highly qualified teachers in the classroom. Distribution based on an approved Title IIA Highly Qualified Plan. | \$178 |
| Title VIB Special Education Project I (IDEA) | Grant provided special education and related services to eligible students in accordance with federal regulations. NOTE: IDEA funds are primarily allocated to Complex Areas to assist in supporting special education related services for all public school students, including charter school students. | \$553,350 |
| Title VIB Special Education Project II (IDEA) | Grant provided special education and related services to eligible students in accordance with federal regulations. | \$8,939 |
| Special Education Pre-School Grant | Funds are provided for supplemental services to support the special education of students with disabilities 3 to 5 years of age in accordance with the Individuals with Disabilities Education Improvement Act of 2004 (IDEA) and Hawaii Administrative Rules, Chapter 60. | \$376 |
| Education for Homeless Children & Youth | Grant provided to support all homeless children to have equal access to free and appropriate public education. Funds support staffing for personnel that provide technical assistance to various groups. Distribution is based on the cost of a homeless liaison position and related expenses. | \$18,875 |

Exhibit A – Summary of Fiscal Year 2018-2019 Federal Fund Allocations to Charter Schools

| Federal Program | Grant Purpose and Basis for Allocation | All Funds distributed to the Charter Schools via the Commission in Fiscal Year 2018-2019 |
|---|---|--|
| ESSA 21 st CCLC – SY 2018-2019 | Grant to provide academic enrichment opportunities during non-school hours for students that focus on opportunities for academic enrichment, including tutorial services in core academic subjects; an array of additional services, programs, and activities, such as youth development and violence prevention programs; and opportunities for family literacy and other educational development. | \$27,320 |
| ESSA Migrant Education | Grant provided to support education programs that address the needs of migratory children. Distribution made based on a percentage formula incorporating at-risk factors and the number of migrant students at each school. | \$32,594 |
| Vocational Education – Program Improvement FY19 | Grant to provide resource and services to identified project schools that are developing and implementing improved and expanded CTE programs during the school year. Distribution of funds based on SY18-19 CTE one-year plans that have been submitted and approved. | \$808 |
| Vocational Education – Program Improvement FY18 | Grant to provide resource and services to identified project schools that are developing and implementing improved and expanded CTE programs during the school year. Distribution of funds based on SY18-19 CTE one-year plans that have been submitted and approved. | \$6,199 |
| Native Hawaiian Mohala I Ke Ao-UH FY18 | Grant to improve educational outcomes for Native Hawaiian students in the elementary grade level. Distribution to various elementary schools that serve high percentages of students of Hawaiian ancestry that have also submitted a proposed budget and signed an agreement to implement project activities. | \$70,000 |

Exhibit A – Summary of Fiscal Year 2018-2019 Federal Fund Allocations to Charter Schools

| Federal Program | Grant Purpose and Basis for Allocation | All Funds distributed to the Charter Schools via the Commission in Fiscal Year 2018-2019 |
|-----------------------|---|--|
| DHHS-Project HI AWARE | Grant works both within the HIDOE and with community partners to build cross-system capacity for comprehensive approaches to school based behavioral health. Through inter-agency collaboration and commitment, grant funding will support coordination and integration of mental health interventions across service systems (education, mental health, juvenile justice and law enforcement) both at the state level and within three identified complex areas: Kau-Keaau-Pahoa, Leilehua-Mililani-Waialua, and Nanakuli-Waianae. | \$190 |
| Total | | \$14,489,709 |

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

As of 11/14/2019

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

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

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

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

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

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