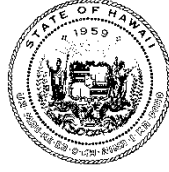


JOSH GREEN, M.D.
GOVERNOR



BRUCE D. VOSS
CHAIRPERSON

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

December 15, 2022

TO: Board of Education

FROM: Bruce D. Voss
Chairperson

AGENDA ITEM: Board Action on findings and recommendations of Investigative Committee (a permitted interaction group pursuant to Hawaii Revised Statutes Section 92-2.5(b)(1)) investigating issues concerning Board policy positions, legislative proposals, and legislative reports for 2023 Legislative Session: Board legislative reports for the 2023 Legislative Session (annual charter school report)

At its November 17, 2022 general business meeting, the Board of Education ("Board") received a second report from the investigative committee known as the 2023 Legislative Investigative Committee with a scope of work that includes the following:

1. Consult with legislators, the Department, education agencies, and other key stakeholders on education policy priorities;
2. Determine whether the Board should consider requesting any statutory changes, and if so, develop, and recommend to the Board for approval, legislative proposals for the 2023 Legislative Session;
3. Vet and recommend to the Board for approval any legislative proposals from the Department to be included in the governor's administrative package for the 2023 Legislative Session;
4. Develop, and recommend to the Board for approval, legislative policy positions for the 2023 Legislative Session; and

5. Identify the reports the Board is required to submit to the Legislature prior to the 2023 Legislative Session and develop, and recommend to the Board for approval, the required legislative reports.

The Board received the 2023 Legislative Investigative Committee's first report on October 20, 2022, which completed the committee's first four tasks in its scope of work. The Board took action on committee's findings and recommendations in its first report on November 17, 2022.

The 2023 Legislative Investigative Committee's second report is attached as **Exhibit 1**. In accordance with Section 92-2.5(b)(1)(C), Hawaii Revised Statutes ("HRS"), entitled "Permitted interactions of members," the Board did not deliberate or take action on any of the 2023 Legislative Investigative Committee's findings or recommendations in its second report at the Board's November 17, 2022 general business meeting.¹

The 2023 Legislative Investigative Committee's second report completes its final task in its scope of work.

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:

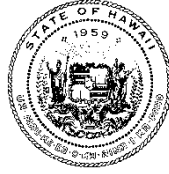
- (1) Investigate a matter relating to the official business of their board; provided that:
 - (A) The scope of the investigation and the scope of each member's authority are defined at a meeting of the board;
 - (B) All resulting findings and recommendations are presented to the board at a meeting of 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 1

2023 Legislative Investigative Committee Report (dated November 17, 2022)

DAVID Y. IGE
GOVERNOR



BRUCE D. VOSS
CHAIRPERSON

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

November 17, 2022

TO: Board of Education

FROM: Bill Arakaki
Chairperson, 2023 Legislative 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, legislative proposals, and legislative reports for 2023 Legislative Session: findings and recommendations on Board legislative reports for the 2023 Legislative Session (annual charter school report)

I. BACKGROUND

At its July 14, 2022 general business meeting, the Board established an investigative committee, known as the 2023 Legislative Investigative Committee, with a scope of work that includes the following:

1. Consult with legislators, the Department, education agencies, and other key stakeholders on education policy priorities;
2. Determine whether the Board should consider requesting any statutory changes, and if so, develop, and recommend to the Board for approval, legislative proposals for the 2023 Legislative Session;
3. Vet and recommend to the Board for approval any legislative proposals from the Department to be included in the governor's administrative package for the 2023 Legislative Session;
4. Develop, and recommend to the Board for approval, legislative policy positions for the 2023 Legislative Session; and

5. Identify the reports the Board is required to submit to the Legislature prior to the 2023 Legislative Session and develop, and recommend to the Board for approval, the required legislative reports.

The Board appointed Board Chairperson Bruce Voss, Board Members Shanty Asher and Makana McClellan, and me as members of the 2023 Legislative Investigative Committee with myself serving as chair of the committee.

At the Board's October 20, 2022 general business meeting, the 2023 Legislative Investigative Committee reported its findings and recommendations on its first four tasks in its scope of work.¹

II. **FINDINGS**

The 2023 Legislative Investigative 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").² 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 covering the 2021-2022 school year,

¹ For more information on the 2023 Legislative Investigative Committee's findings and recommendations regarding its first four tasks in its scope of work, see my memorandum dated October 20, 2022, available here:

https://boe.hawaii.gov/Meetings/Notices/Meeting%20Material%20Library/GBM_20221020_Report%20on%20Investigative%20Committee%20concerning%20Board%202023%20legislative%20policy%20positions.pdf.

² 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."

attached as **Attachment A**. The format and substance of the proposed report are similar to past annual reports.

III. RECOMMENDATION

The 2023 Legislative Investigative Committee recommends that the Board approve the proposed legislative report attached as **Attachment A** to this memorandum. The committee also recommends authorizing the Board Chairperson to make any technical, non-substantive changes to the report for clarity and consistency before issuing it to the Governor, Legislature, and public.

Proposed Motion: “Moved to approve the Board’s annual report on charter schools, pursuant to Section 302D-21, HRS, as attached as Attachment A to 2023 Legislative Investigative Committee Chairperson Bill Arakaki’s memorandum dated October 20, 2022, and authorize the Board Chairperson to make any technical, non-substantive changes to the report for clarity and consistency before issuing it to the Governor, Legislature, and public.”

This report completes the work of the 2023 Legislative Investigative Committee.

Attachment A

Board Annual Report on Charter Schools to the 2023 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 2022. 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 2023 Legislature.

REPORT

This is the 11th 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, roles, and responsibilities that ensure accountability of the

charter school system. A key aspect of HRS Chapter 302D is increased oversight and accountability of charter schools and the authorizers that oversee them.

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

First regular performance evaluation of an authorizer. In previous reports, the Board reported that it made significant progress in the implementation of Hawaii Administrative Rules ("HAR") Chapter 8-515, entitled "Establishment and Oversight of Charter School Authorizers." The Board adopted an application for chartering authority, authorizing contract, and authorizer performance evaluation system.²

As reported last year, on May 14, 2021, the Board initiated the first regular performance evaluation of the State Public Charter School Commission (the "Commission") in accordance with HAR §8-515-11. The Board successfully completed this performance evaluation when it issued its performance evaluation report of the Commission on January 21, 2022.³ The Board gave the Commission an overall rating of "Improvements Necessary."

As a result of the rating, the Board has required the Commission to:

1. Develop continuous improvement plans to address every finding of deficiency contained in the report and consider the development of continuous improvement plans to address the other opportunities for improvement described in the report;

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 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.

³ The Board's performance evaluation report of the Commission is available here: <https://boe.hawaii.gov/About/Documents/Charter%20Schools/2021%20Commission%20Performance%20Evaluation%20Report.pdf>.

2. Report periodically to an ad hoc committee created by the Board known as the Commission Outcomes Committee on the Commission's development of the continuous improvement plans until the Board determines that the Commission has developed all of the required continuous improvement plans; and
3. 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 this report through implementation of the Commission's continuous improvement plans.

The Board charged the Commission Outcomes Committee with monitoring the progress of the Commission in developing the required continuous improvement plans and making a recommendation to the Board when the Commission completes the development of these plans. The Commission Outcomes Committee is still engaging in this work, and next year's report to the Legislature will include an update on the committee's work.

Applications for chartering authority. On May 16, 2022, the Board released the notice inviting applications for chartering authority for its next application cycle. However, the Board did not receive any intents to apply by the deadline of June 6, 2022. The Board will release its next notice inviting applications in May of 2023 and will continue to report the results of its applications for chartering authority cycles in these annual reports.

Fiscal stability. For the 2021-2022 fiscal year, 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 financial performance framework, only three charter schools out of the 37 assessed received risk ratings lower than "acceptable," illustrating that the majority of charter schools remain fiscally sound.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.

In previous reports, the Board reported that the Commission adopted a charter school facilities funding framework with criteria to determine the distribution of facilities funds, pursuant to HRS §302D-29.5. For many years, the Board has recommended that the Legislature provide some form of facilities funding to charter schools to address this

⁴ The Commission's 2021-2022 annual report is available on its website here: <http://www.chartercommission.hawaii.gov/reports>. See page 41 for a summary of charter schools' overall financial performance.

unmet need, especially with the facilities funding criteria in place. The Board once again urges the Legislature to consider providing facilities funding for charter schools.

Centralized support. As reported for several years, another major challenge is the lack of a system of support for charter schools. Unlike Department schools, charter schools do not have a centralized department or agency that allows them to take advantage of economies of scale and maximize their financial resources. The Commission attempts to fill this void by providing some supports. However, the Commission's statutory role as an authorizer conflicts with the role of a true support organization. Statute acknowledges this and restricts the level and type of support the Commission can provide.⁵ 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.⁶ The Legislature, Board, and other stakeholders could begin addressing this issue as part of an overall reassessment of the charter school system as discussed below.

AREAS FOR IMPROVEMENT

Holistic assessment of charter school system. As explained in last year's report, it has been over a decade since the Legislature passed Act 130, SLH 2012, overhauling the charter school system. The charter school system could benefit from another holistic reassessment of governance, authority, and accountability structures, especially in regards to powers, duties, and responsibilities.

One aspect of charter school law that has seen incremental yet consistent changes since 2012 is the expansion of powers and responsibilities of authorizers, particularly the Commission. It is important to analyze the structural implications and practical effects of these policy changes. For example, since the original codification of HRS Chapter 302-D, it seems that an authorizer now has the ability to *de facto* close a school without corresponding relief or due process. It is necessary to examine whether this is the intent of the Legislature and the implications this has on the charter school system.

In addition, structural improvements will be necessary for the Board to successfully implement and oversee a system with multiple charter school authorizers. As noted above and in previous reports, the Board made significant progress in the implementation of HAR Chapter 8-515. Still, the State (the Board, Legislature, and other agencies) has much work to do to create a charter school system that can support more than one authorizer. The issue of centralized support for charter schools noted above directly connects to a comprehensive multiple authorizer system. Further, the Board still has to develop an application form and process for charter transfers to implement HAR Chapter 8-517, entitled "Charter Contract Transfers," but the Board may want to first

⁵ 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."

⁶ 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.

consider amending its administrative rules or wait for a centralized support system to address some previously raised issues, such as the transfer of funds between authorizers when a charter school transfers. Finally, in its report to the 2020 Legislature (and referenced its subsequent annual reports), the Board explained a fundamental issue regarding funding for authorizers other than the Commission. Specifically, statute does not provide for a stable source of funds from the state budget for any authorizer other than the Commission, which makes it difficult for any other authorizer to exist.⁷

Because the task force the Legislature established in 2011 to address issues on charter school governance, accountability, and authority was successful in recommending comprehensive system changes that led to Act 130, SLH 2012,⁸ the Board recommends that the Legislature convene another task force to examine similar opportunities for improvement.

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

Please see attached, Exhibit A.

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

In its report this year, the Commission notes that it continues to “collaborate with the [Department] on disbursement and monitoring of funding provided by the federal government through the American Rescue Plan Elementary and Secondary School Emergency Relief Fund.” The Commission also notes that it engages and collaborates with multiple state agencies, including the Department of Budget and Finance, the Department of Accounting and General Services, and the Department of Education.⁹

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. However, the Board notes that several charter school leaders have advocated for the removal of the exemption of charter schools and the Commission from HRS §302A-1401, which they argue allows the Commission to withhold more federal funds for the Commission’s own central administration rather than distributing those funds to the charter schools. The Board has not analyzed this issue.

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

As noted above and in previous reports, the Commission adopted a charter school facilities funding framework with criteria to determine the distribution of facilities funds.¹⁰ The Commission’s framework includes a process for soliciting and evaluating

⁷ The Board’s report to the 2020 Legislature on charter schools is available here: [https://boe.hawaii.gov/policies/Documents%20/BOE%20Charter%20School%20Report%20to%202020%20Legislature%20\(transmittal\).pdf](https://boe.hawaii.gov/policies/Documents%20/BOE%20Charter%20School%20Report%20to%202020%20Legislature%20(transmittal).pdf).

⁸ The task force’s report to the 2012 Legislature is available here: https://www.capitol.hawaii.gov/session2011/studies/CSGTF_REPORT.pdf.

⁹ Commission 2021-2022 annual report, page 51.

¹⁰ Commission 2019-2020 annual report is available on its website here: <http://www.chartercommission.hawaii.gov/reports>. See pages 279-292.

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.

Since its last report, the Board has not adopted new policies or amended existing policies.

FUTURE ACTIONS

In next year's report, the Board will report on the Commission Outcomes Committee's work and the progress the Commission has made in addressing the outcomes of the Board's performance evaluation. As it did last year, Board again recommends that the Legislature establish a task force to reexamine governance, authority, and accountability structures, including the expansion of authorizers' powers and responsibilities, centralized support for charter schools, and a system with multiple charter school authorizers. As it has done nearly every year, 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 11 annual reports.

Exhibit A – Summary of Fiscal Year 2021-2022 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 2021-2022 |
|------------------------------------|---|---|
| ESEA TITLE I-Centralized LEA | The purpose of Title I is to provide all children significant opportunity to receive a fair, equitable, and high-quality education and to close educational achievement gaps. | 404,132 |
| ESEA TITLE I-LEA Parent Engagement | To provide school and Local Educational Agency (LEA) level parent and family engagement activities and strategies consistent with Title I, Part A of the Elementary and Secondary Education Act (ESEA) as amended by the Every Student Succeeds Act (ESSA), Section 1116. | 1,250 |
| ESEA TITLE I-Parent Engagement | To provide school and LEA level parent and family engagement activities and strategies consistent with Title I, Part A of the ESEA as amended by ESSA, Section 1116. | 33,985 |
| ESEA TITLE I-Schools | The purpose of Title I is to provide all children a significant opportunity to receive a fair, equitable, and high-quality education and to close educational achievement gaps. | 2,987,388 |
| ESSA 21ST CCLC | The 21st Century Community Learning Centers program supports the creation of community learning centers that provide academic enrichment opportunities during non-school hours for children, particularly students who attend high-poverty and low-performing schools. The program helps students meet state and local student standards in core academic subjects, such as reading and math; offers students a broad array of enrichment activities that can complement their regular academic programs; and offers literacy and other educational services to the families of participating children. | 5,297 |

Exhibit A – Summary of Fiscal Year 2021-2022 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 2021-2022 |
|---|---|--|
| ESSA Assessment | ESSA Assessment funds support the development, administration, and maintenance of the Department of Education's statewide summative assessments in the areas of English Language Arts, Mathematics, and Science: the Smarter Balanced Assessments, the Hawaii State Assessments in Science, the Biology 1 End-of-Course Exam, the Hawaii State Alternate Assessments, the Kaiapuni Assessment of Educational Outcomes (KA'EO) developed in the Hawaiian Language, and the World-Class Instructional Design and Assessment (WIDA) ACCESS for English Language Learners (ELL)s 2.0 assessments. | 1,294 |
| ESSA Migrant Education Program Consortium Incentive Grant | To provide high-quality, and comprehensive educational and support programs for migratory children to help reduce problems associated with frequent moves, cultural and language barriers, and health related problems that inhibit their success in school. | 1,800 |
| ESSA Migrant Education | To provide high-quality, and comprehensive educational and support programs for migratory children to help reduce problems associated with frequent moves, cultural and language barriers, and health related problems that inhibit their success in school. | 49,771 |
| ESSA TITLE IIA Professional Development | Provide funding to support professional development for teachers of all subjects and grade levels, para-educators, educational specialists, district and state administrators. | 191,172 |
| ESSA TITLE III Language Instruction | Title III English Language Acquisition State Formula Grant funds will be used by recipient schools and oversight offices to implement the required and authorized activities. | 46,592 |

Exhibit A – Summary of Fiscal Year 2021-2022 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 2021-2022 |
|---|--|--|
| ESSA TITLE IV SSAE | The purpose of the Title IV-A Student Support and Academic Enrichment (SSAE) grant is to improve students' academic achievement by increasing the capacity of states, local educational agencies, schools, and local communities to provide all students with access to a well-rounded education, improve school conditions for student learning, and improve the use of technology in order to improve the academic achievement and digital literacy of all students. | 386,000 |
| IMPACT AID-Charter Schools | This Grant provides financial assistance to local education agencies affected by Federal presence. Allocation is based on charter school's proportion of total public school enrollment. | 3,264,946 |
| TITLE VIB - SEA Activities | These funds are to be used for statewide administration and general supervision of special education and related services. General supervision activities include monitoring and enforcement, complaint investigation, administering an administrative hearing process, and establishing and implementing a mediation system. | 144 |
| TITLE VIB Special Education | To provide special education and related services to eligible students with disabilities, age 3 up to 22, in accordance with the Individuals with Disabilities Education Improvement Act and Hawaii Administrative Rules, Chapter 60 | 116,186 |
| Education For Homeless Children & Youth | To ensure that homeless children and youth have access to a free appropriate public education. States are called upon to review and revise laws and policies to eliminate barriers to the enrollment, attendance, and success in school of homeless children and youth, and to include homeless students in the mainstream school environment. | 18,875 |

Exhibit A – Summary of Fiscal Year 2021-2022 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 2021-2022 |
|----------------------------------|---|--|
| Middle School UPLINK-DHS FY22 | To proactively prevent students in grades 6-8 from engaging in risky behaviors through activities offered in the out-of-school hours (before and/or afterschool, weekends, intersessions and summer). Funds allocated to approved middle and intermediate schools. | 24,997 |
| ESSER III-PCS | To provide charter schools with an equivalent pro-rata share of the federal American Rescue Plan (ARP) Act, 2021 funding for the Elementary and Secondary School Emergency Relief III (ESSER III) Fund. This program is intended to provide charter schools with funds to address the impact that COVID-19 has had, and continues to have, on their schools. | 27,617,888 |
| DOD-Charter Schools 810 | To provide charter schools with a proportionate share of Department of Defense (DoD) Supplement to Impact Aid funds received by the Department of Education. | 295,370 |
| DOD-PCS COFA | To provide charter schools with a pro-rata share based on enrollment of the federal Compact of Free Association (COFA) Impact funds received from the U.S. Department of the Interior. | 147,453 |
| PERKINS-Program Improvement FY22 | As described in The Strengthening Career and Technical Education for the 21st Century Act, Title I, Part B, funds are allocated to provide resources and services to identified project schools and complex areas that are developing and implementing improved and expanded Career and Technical Education (CTE) programs. To provide resources and services to support statewide CTE program improvement initiatives. | 3,682 |
| Total | | \$35,598,222 |

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

As of 11/17/2022

| 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 |
| 105-16 | English Learners (EL) | No |
| 105-18 | Field Trips and Student Travel | No |
| E-106 | Supports for Effective Learning | No |
| 106-1 | School Calendar | No |
| 106-2 | Class Size | No |
| 106-3 | Admission and Attendance | No |
| 106-4 | Dress Code and School Uniforms | No |
| 106-5 | Student Instructional Hours and School Year Requirements and Waiver Process | No |
| E-200 | Staff Success | No |
| E-201 | High Performing Employees | No |
| 201-1 | Ethics and Code of Conduct | Yes |
| 201-2 | Accountability of Employees | No |
| 201-3 | Collective Bargaining | Yes |
| 201-4 | Leaves of Absence | No |
| E-202 | Highly Effective School Administration (Strong, Visible School Leadership) | No |
| 202-1 | School Leadership | No |

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

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

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

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