

MINUTES OF THE CHARTER SCHOOL GOVERNANCE, ACCOUNTABILITY, AND
AUTHORITY TASK FORCE (ACT 130, SESSION LAWS OF HAWAII 2011)

October 12, 2011

Conference Room 225, State Capitol

I. Members Present

Senator Jill Tokuda, Hawaii State Senate
Tammi Chun, Office of the Governor
Roger McKeague, Charter School Administrative Office
Ruth Tschumy, Charter School Review Panel
Aja Siu on behalf of Megan McCorriston, Ho'okako'o Corporation
Gene Zarro, Hawaii Charter Schools Network
Steve Sullivan, Hawaii Charter Schools Network
Lisa Okinaga, Kamehameha Schools

Also present: Stephanie Shipton, National Governors Association

II. Adoption of Minutes

Mr. Zarro moved that the minutes of the September 21, 2011 Task Force meeting be approved. Mr. Sullivan seconded the motion.

The Task Force unanimously adopted the motion and the minutes were adopted.

III. Discussion on Overall Governance Structure, including LEA/SEA Functions and Lines of Authority

Senator Tokuda presented the notes from Working Group 2/3 on the overall governance structure for charter schools. The Working Group 2/3 Report is attached hereto.

The Working Group discussed creating a revised organizational structure which includes the establishment of the Charter School Liaison Office ("CSLO") to be administratively attached to the Office of the Superintendent. The CSLO would be an alternative to setting up a separate LEA for charter schools. See Attachment 1 for a copy of the organizational chart. The Working Group also established specific functions to be carried out by the CSLO. The specific functions are laid out in Attachment 1.

The Working Group also considered an alternative organizational structure presented by a Working Group member. See Attachment 2.

In addition, the Working Group also discussed the option of Special Education Local Plan Areas and Joint Powers of Authority, which are unique to California, as an alternative to establishing a Charter School LEA. A determination was made that their structure would not give charter schools the necessary authority or transparency; however, the Working Group

recommended that the Task Force's report include a desire for further investigation and research at a later time. See Attachment 3.

The Task Force discussed the Working Group's notes and the establishment of the CSLO. The Task Force discussed the functions of the CSLO as well as the method in which the CSLO Director would be hired or selected. Recommendation was made that the Director be appointed by the Superintendent in consultation with charter school stakeholders and with the ultimate approval of the Board of Education, similar to the method in which Complex Area Superintendents are hired.

The Task Force also discussed the relationship between the various charter school entities and the need to separate the LEA and SEA functions within the Department of Education. See Attachment 4 attached hereto.

IV. Overview of All Recommendations Considered by Task Force

Senator Tokuda summarized the recommendations the Task Force has considered up to this point. They include:

- (1) Taking the current charter school organization chart off of the CSAO website;
- (2) Allowing for multiple charter school authorizers;
- (3) Adopting sections of the Charter School Model Law ("Model Law") dealing with authorizers;
- (4) Replacing the Detailed Implementation Plan with a performance contract based on the Model Law;
- (5) Changing the name of the CSRP based on the Model Law;
- (6) Possibly changing the composition and selection process of the CSRP;
- (7) Requiring authorizers to submit an annual report based on the Model Law;
- (8) Having the Board of Education as the entity with ultimate oversight over authorizers based on the Model Law and NACSA recommendations;
- (9) Incorporating Model Law language relating to charter renewal and revocation into the Hawaii Revised Statutes;
- (10) Changing the overall governance structure based on the recommendations of Working Group 2/3 to establish the CSLO; and
- (11) Clearly setting out the roles, relationships, and responsibilities of the various charter school entities based on the Task Force's discussion of Attachment 4.

V. Reassessment of Task Force Timeline and Outline of Next Steps

The following issues have not yet been fully discussed by the Task Force:

- (1) The roles and responsibilities of the Local School Boards and a review of NACSA recommendations on this issue;
- (2) The Bin items;
- (3) Existing Hawaii Revised Statutes, including a determination of what the Task Force will recommend to keeping from existing law;

- (4) The current functions of the CSAO in relation to the functions of the new CSLO;
- (5) Consultation language relating to the appointment of the Director of the new CSLO; and
- (6) How the CSLO will consult with charter school on federal grants.

The Task Force will add an additional meeting on November 2, 2011 in room 225 from 10:00 a.m. to 12:00 p.m. to discuss outstanding issues. If the Task Force feels another meeting is necessary, it will meet again on November 30, 2011.

A working group meeting will be held on October 21, 2011 in room 225 from 1:00 p.m. to 3:00 p.m.

VI. Adjournment

The meeting was adjourned.

**Charter School Governance, Accountability & Authority Task Force
Working Group 2/3 Report
October 12, 2011**

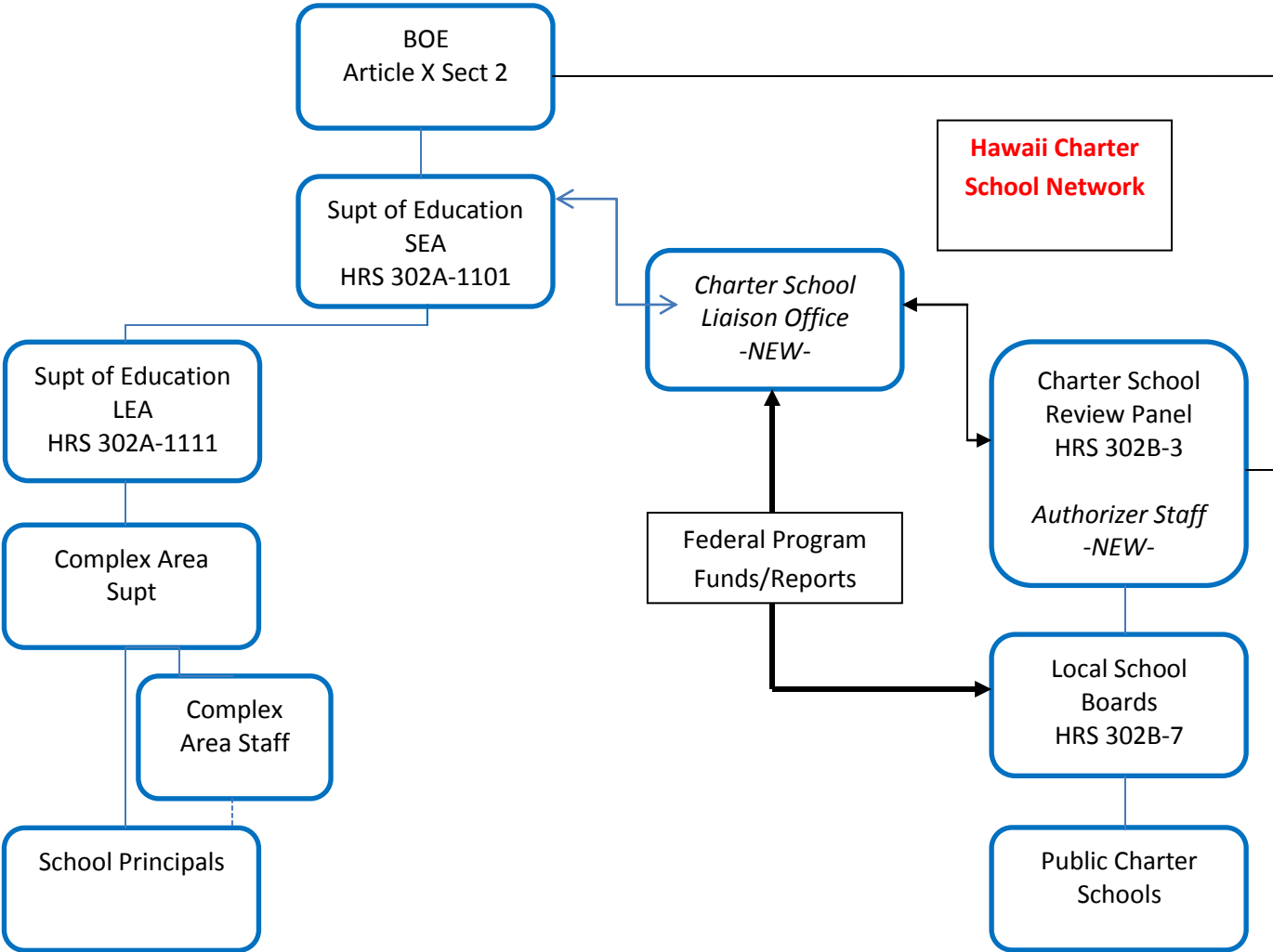
Organizational Chart:

- Using the Draft Plan B that was discussed at the September 21st task force meeting, the working group proposed and discussed various variations to the chart. (see attachment #1)
- An alternate draft was submitted for consideration by task force members which helped to better identify where areas of concern existed. (see attachment #2)
- The group had a discussion of what constituted “statewide educational policy.” In looking through HRS, the term is never specifically defined and appears in both the constitution and HRS as the primary function of the BOE, and the responsibility of the Superintendent and Principals to execute and administer. Recommendation was made that given the universal nature of the term, that it be a separate discussion with BOE and DOE leadership for inclusion in the 2012 HRS Audit package of bills.
- Request was made to explore the option of SELPA’s (Special Education Local Plan Area) or JPA’s (Joint Powers Authority) as an alternative to a Charter School LEA. SELPA’s and JPA’s are very unique to California charter schools. After investigating the idea further with NGA and others, determination was made that the structure would not give charter schools the kind of authority or transparency they were looking for. Recommendation was made to include in our report a desire for further investigation and research into the concept of MOU’s or SELPA/JPA’s. Dr. Vicki Barber will be in Hawaii in November and is an expert in this area. She has indicated her willingness to discuss this with us further. (see attachment #3)
- Request was also made to explore the viability of the Fix America’s Schools Act measure going through Congress and determine whether or not a single LEA system would be a detriment in regards to possible additional Title I funds. Determination was made after consultation with NGA and Congressional offices that because the bill was tied to the Jobs Act, passage will be difficult. Further, the way additional funds would be granted to states would result in a zero sum gain for Hawaii IF the bill did pass and IF we qualified for additional funds.
- In considering the Board of Education’s role, recommendation was made to have the BOE serve as the final arbitrator for any conflicts that may exist between DOE and charter school entities. Recommendation was also made to have the BOE approve the Charter School Liaison Office Director, similar to how their approval is required for a Complex Area Superintendent.

- The group worked on developing specific function statements for the Charter School Liaison Office.
 - Provides technical assistance to charter school entities in regards to state and federal laws.
 - Serves as the point of contact between the Superintendent and the Authorizer on issues relating to compliance with all applicable federal funds, including but not limited to the collection of required data and reports.
 - Responsible for communicating and consulting with charter school entities on any SEA or LEA applications, proposals and requirements for federal grant funds.
 - Serves as the point of contact for all questions or inquiries relating to the distribution of federal funds to charter schools.
 - Serves as an ombudsman for charter schools as it relates to departmental issues and concerns.

- Request was made to create a narrative description of the relationship between various entities on the organizational chart. (see attachment #4)

Working Group #2 Plan B - DRAFT 1 (10-5-11)



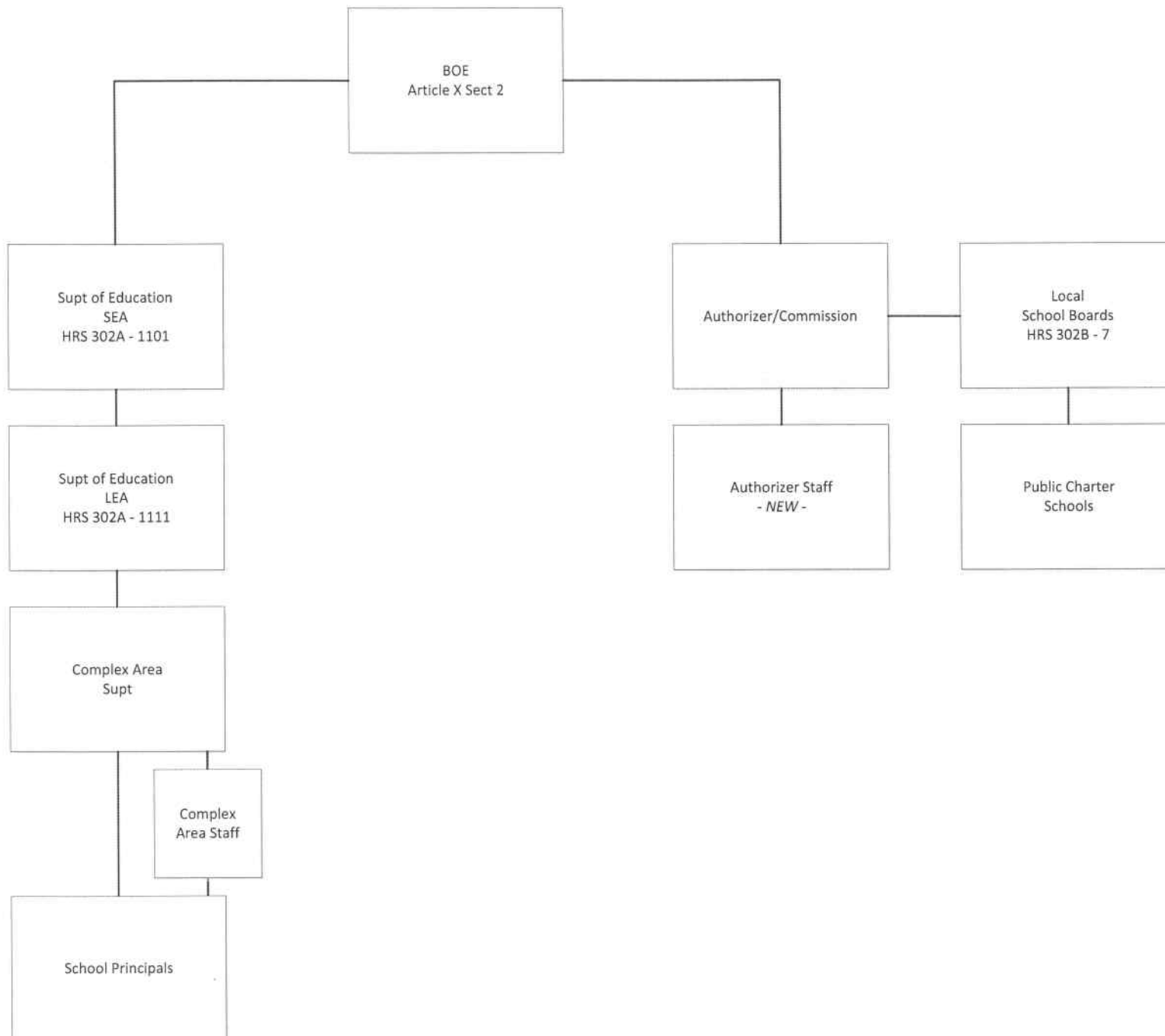
Charter School Liaison Office:

There shall be within the Office of the Supt a Charter School Liaison Office which shall be responsible for the overall administration of statewide educational policy & development of standards for compliance w/state & federal laws as they are applicable to public charter schools (HRS302A-1102)

The Director of the Charter School Liaison Office shall serve as the liaison within the DOE for the purpose of coordinating PCS involvement and/or required participation in any SEA or LEA applications & proposals for federal grant funds.

Specific Functions:

- Provides technical assistance to charter school entities in regards to state and federal laws.
- Serves as the point of contact between the Superintendent and the Authorizer on issues relating to compliance with all applicable federal funds, including but not limited to the collection of required data and reports.
- Responsible for communicating and consulting with charter school entities on any SEA or LEA applications, proposals and requirements for federal grant funds.
- Serves as the point of contact for all questions or inquiries relating to the distribution of federal funds to charter schools.
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Sen. Jill Tokuda

From: Shipton, Stephanie [SShipton@NGA.ORG]
Sent: Wednesday, October 05, 2011 9:44 AM
To: Sen. Jill Tokuda
Cc: Joe Nathan
Subject: SELPA and joint provisional authority

Senator Tokuda,

Joe and I both strongly advise you against establishing a SELPA like structure as the mechanism for charter schools to interface with the department and other state entities. SELPAs and JPAs are often used in larger states as a way to consolidate back office functions - I.e shifting school level bureaucracy associated with procurement of materials and HR from a single school to an intermediary organization that services multiple schools. These are not structures designed to provide the complete portfolio of services that a school district would provide. If anything, the creation of a SELPA like structure to handle interface with the department and others, would create an additional layer of bureaucracy that the schools would have to deal with; making an already complex situation more complex. However, some schools may want to come together to work with a third party to only consolidate back office operations. That may be beneficial during a time of constrained budgets. Let me know if you have any more questions for either Joe or I on this topic.

Stephanie

Please excuse typos; sent from my iPhone The information contained in this electronic transmission, including any attachments, is for the exclusive use of the intended recipient(s) and may contain information that is privileged, proprietary, and/or confidential. If the reader of this transmission is not an intended recipient, or a person responsible for delivering it to the intended recipient, you are hereby notified that any review, dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify the sender and delete this message.

Joint Powers Authority

What is a JPA? A JPA is an entity permitted under the laws of some states, whereby two or more public authorities (e.g. local governments, or utility or transport districts) can operate collectively.

How are JPAs used? JPAs may be used where:

- * an activity naturally transcends the boundaries of existing public authorities. An example would be the Transbay JPA, set up to promote the construction of a new transit centre in San Francisco, with several transportation boards and counties around the San Francisco Bay Area as members;

- * by combining their commercial efforts, public authorities can achieve economies of scale or market power. An example is U.S. Communities, a purchasing consortium of local government agencies.

How are JPAs run? They have separate operating boards. These boards can be given any of the powers inherent in all of the participating agencies. The authorizing agreement states the powers the new authority will be allowed to exercise. The term, membership, and standing orders of the board of the authority must also be specified. The joint authority may employ staff and establish policies independently of the constituent authorities.

How are JPAs authorized?

JPAs receive existing powers from the creating governments.

In California, the state established a Joint Exercise of Powers Law (Government Code section 6500 et seq.) (“JPA Act”). The JPA Act authorizes two or more state and/or local governmental agencies to enter into a joint powers agreement to jointly exercise any power common to the contracting parties. There are two types of joint powers agreements.

Under one type of agreement, the government agency parties contract under the JPA Act to create a new government agency, known as a joint powers authority (sometimes also known as a joint powers agency). A joint powers authority is a legal entity separate and distinct from the member agencies that created it.

Under the other type of joint powers agreement, the parties do not create a separate joint powers authority. Instead, the agreement delegates to one of the parties the power and responsibility to perform some task and/or exercise some power on behalf of all the parties, usually subject to some oversight and control by a governing board or other mechanism established by the agreement.

(Source: http://en.wikipedia.org/wiki/Joint_Powers_Authority)

Special Education Local Plan Area (SELPA)

What is a SELPA? In California from 1977, all school districts and county school offices were mandated to form consortiums in geographical regions of sufficient size and scope to provide for all special education service needs of children residing within the region boundaries. Each region, Special Education Local Plan Area (SELPA), developed a local plan describing how it would provide special education services.

SELPA's are dedicated to the belief that all students can learn and that special needs students must be guaranteed equal opportunity to become contributing members of society. SELPA's facilitate high quality educational programs and services for special needs students and training for parents and educators. The SELPA collaborates with county agencies and school districts to develop and maintain healthy and enriching environments in which special needs students and families can live and succeed.

(Source: <http://www.cde.ca.gov/sp/se/as/caselpas.asp>)

SELPA's coordinate with school districts and the County Office of Education to provide a continuum of programs and services for disabled individuals from birth through 22 years of age. SELPA's are also available as a resource to the community on issues related to special education.

(Source: <http://www.sccoe.k12.ca.us/depts/selpa/>)

What role does a SELPA play? In general, the SELPA provides the following services to its participating Local Educational Agencies (LEAs):

Program:

- Consult with LEAs to improve the effectiveness of special education through program review and modification.
- Coordinate services among LEAs and community agencies.
- Identify needs for new classes and services.
- Provide standardized policies and procedures for the operation of special education programs within the SELPA region.

Support Services:

- Provide direct assistance to administrators, individual teachers,

resource specialists, and support staff as requested.

- Provide regional staff development programs in areas of need specified by participating LEAs, specialists, and parents.
- Provide clinical counseling services to eligible special education students.
- Facilitate the education of students with learning problems in the general education environment.
- Coordinate interagency agreements.
- Promote community awareness.
- Assure the education of persons with disabilities in the least restrictive environment.
- Arrange for specialized assessments.
- Facilitate professional collaboration groups.
- Coordinate transition services from school to work.

How are SELPAs run?

(Source: <http://www.lake-coe.k12.ca.us/apps/Comm.asp?Q=38>)
SELPAs are a government agency. All SELPA governance structures all have Superintendents Council (policy matters); Steering Committee (procedural matters); Community Advisory Committee (made up of at least 51% of parent members)

Narrative Description of Relationships Between Charter School Entities

Entities	Description of Relationship
Board of Education & the Charter School Review Panel (authorizer)	<ul style="list-style-type: none"> -BOE oversees authorizers (per model law recommendations). -Appoints CSRP members. -CSRP required to submit annual reports to the BOE & the Legislature for review. -BOE will hold the CSRP accountable to adhere to the principles and standards of the applicable portions of the model law (recommended additions from Sec. 5 &7)
Superintendent & Charter School Liaison Office	<ul style="list-style-type: none"> -CSLO within the Office of the Superintendent. Director of the Office to go through BOE approval process (HRS302A-604). Recommended language: "<i>The Superintendent of Education, with the approval of the Board, shall appoint a Director of the Charter School Liaison & Support Office.</i>" -CSLO Director to be included in appropriate & applicable discussions as set forth in statute (recommended changes).
Charter School Liaison Office & Charter School Review Panel	<ul style="list-style-type: none"> -CSLO to provide CSRP with technical assistance as it relates to state & federal laws. -CSLO will inform the CSRP of school status in regards to compliance with state and federal requirements. -CSLO to serve as ombudsman for charter schools as it relates to departmental issues and concerns. -CSRP to provide data to CSLO for the purposes of state funds (ie. Per pupil, facilities)
Charter School Liaison Office & Local School Board	<ul style="list-style-type: none"> -Distribution of federal funds and all related reporting requirement requests will go from the CSLO (ie. DOE) directly to the LSB for appropriate use and data collection. -CSLO to provide LSB with technical assistance and guidance as it relates to state and federal laws. -Serve as liaison between DOE & CS's on any SEA or LEA applications and proposals for federal grant funds. -CSLO to serve as ombudsman for charter schools as it relates to departmental issues and concerns.
Charter School Review Panel & Local School Board	<ul style="list-style-type: none"> -CSRP will execute and monitor a charter contract that includes a performance framework with LSB.

	-Any corrective or enforcement actions needed will be worked through the LSB.
Board of Education & All Charter School Entities	- (Existing) The BOE deals with all appeals on charter school applications, revocations & DIP amendments. Would expand role & make the BOE the final arbitrator for any conflicts that may exist between DOE & CS entities.
Other Entities	
Hawaii Charter School Network to Charter Schools	-The activities of the Network shall include linking charter schools in the State of Hawaii to each other and to the charter efforts in other states, providing information and services to schools and individuals interested in establishing or improving the performance of charter schools in Hawaii, promoting and conducting research on educational reform, serving as a “vendor” for services needed by charter schools, and promoting partnerships with businesses and organizations for both the Network and its member schools. -Could be contracted to provide technical assistance and support, as is done in other jurisdictions and states.