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STATE OF HAWAII
STATE PUBLIC CHARTER SCHOOL COMMISSION
(‘AHA KULA HO‘ĀMANA)

MINUTES OF THE APRIL 23, 2020 GENERAL BUSINESS MEETING

VIA ONLINE ZOOM MEETING

PRESENT

Makalapua Alencastre
Harald Barkhoff
Shannon Cleary
Mitch D’Olier
Cathy Ikeda
John Kim (Chairperson)
Matthew Kodama
Roger Takabayashi (Vice Chairperson)

ALSO PRESENT

Yvonne Lau, Interim Executive Director
Danny Vasconcellos, Finance & Operations Director
Lauren Endo, Application & Start-up/Performance Specialist

I. Call to Order

Commission Chair John Kim called the meeting to order at 9:35 a.m. No conflicts of interest stated by Commissioners.

Commissioner Kim called for public testimony on all agenda items. Written testimony submitted by Rana and Daria Boone.

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Rana Boone, Maui Academy of Arts and Science prospective applicant, provided testimony on agenda item III. A. 2. Application Cycle & Request for Proposal. She shared her background and need for a charter school in north shore and upcountry Maui. She discussed the group's intent to apply submission and response from the Commission regarding its denial based on the requirements of submission. The applicant group consulted with three attorneys that stated the applicant group met the requirements of the intent to apply packet. She asked that the Commission review the situation. She stated the applicant board approved its intent to apply twice and has been working diligently to apply.

Daria Boone, Maui Academy of Arts and Science prospective applicant, provided testimony on agenda item III. A. 2. Application Cycle & Request for Proposal. She asked that the Commission continue with the application cycle and to not cancel. She discussed the work of the applicant team for the past two years. She stated cancelling the application cycle will limit the ability to pursue grants and provide another model of education opportunity for the community. She provided details on the community outreach and facility search. She shared understanding of the unprecedented time but asked the Commission to continue in the process.

II. Action on the Approval of the General Business Meeting Minutes

A. March 12, 2020

Commissioner Roger Takabayashi stated that the draft minutes for the action on the federal Impact Aid does not state the Administration & Operations Committee's recommendation and asked to include it.

ACTION: Motion to approve the March 12, 2020 General Business Meeting Minutes with amendments (Takabayashi/D'Olier). The motion passed unanimously.

B. March 27, 2020

Commissioner Harald Barkhoff noted that his enter time is incorrect. He was present during the meeting and although his video was frozen, his audio was connected. He asked that the language be changed to technical issues or removed entirely. Commissioners agreed to remove the time indication from the minutes.

ACTION: Motion to approve the March 27, 2020 General Business Meeting minutes with amendments (Takabayashi/D'Olier). The motion passed unanimously.

III. Update/Action on the State Public Charter School Commission's Response to the Coronavirus (COVID-19) Threat:

A. Governor's Memo (link to [Executive Memorandum No. 20-02 and No. 20-01](#))

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Interim Executive Director Yvonne Lau provided an update on the Governor's memos 20-01- and 20-02. She reminded the Commission of the action taken at the March 27, 2020 General Business meeting to open an executive director search and hire by July 1, 2020. She stated on April 3, 2020, the Governor issued restrictions on filling vacancies which in turn prevents the Commission from filling the executive director position. She shared staff is recommending the Commission consider whether to continue the search at this time.

1. Executive Director Position & Search

Commission Chair Kim stated the Commission will need to enter into executive session to discuss personnel issues that involve matters affecting privacy in regards to the executive director position and search.

ACTION: Motion to enter into executive session at 9:46 a.m. (Takabayashi/Cleary). The motion passed unanimously.

ACTION: Motion to exit out of executive session at 10:08 a.m. (Takabayashi/Cleary). The motion passed unanimously.

a. Executive Session

This portion of the meeting is a closed meeting under Section 92-4 and Section 92-5(a)(2), Hawaii Revised Statutes to consider the hire, evaluation . . . of an employee, where consideration of matters affecting privacy will be involved; provided that if the individual concerned requests an open meeting, an open meeting shall be held:

i. Discussion regarding the Interim Executive Director position

Commission Chair Kim stated in the executive session the Commission discussed the vacancy of the executive director position and its options. He stated no action was taken in the executive session.

ACTION: Motion to suspend any action regarding the Executive Director search at this time (Takabayashi/Cleary). The motion passed unanimously.

ACTION: Motion that the salary increase be negotiated dated back to February 21, 2020 for the Interim Executive Director (Takabayashi/Cleary). The motion passed unanimously.

Commissioner Takabayashi asked if the motion should include that the negotiation will be between the Commission Chair and Interim Executive Director. Finance and Control Director Danny Vasconcellos responded it is not necessary as it will be captured in the minutes of the meeting.

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2. Application Cycle & Request for Proposal

Application & Startup/Performance Specialist Lauren Endo recalled at its March 27, 2020 General Business meeting, the Commission initiated the Application Cycle and on April 3, 2020, Commission staff conducted a mandatory orientation for applicants. That day, April 3, 2020, the Governor released a memo that indicated certain funding restrictions, *“No new programs should be contemplated because they may not be sustainable in the future. This does not apply to programs directly addressing the COVID-19 situation that are funded by coronavirus (COVID-19) federal funds.”* She shared the memo restricts state departments to increase the amount of programs the state supports at this time.

Commissioner Mitch D’Olier asked how many applications were received. Endo responded 12 intents to apply packets were submitted but only one has moved forward. The other 11 intents to apply packets were incomplete. Commissioner Takabayashi asked if the Maui group is moving forward. Endo responded no, they did not qualify. Endo provided background on the intent to apply process and its requirements. She provided details as to why the Maui group received an incomplete status. Commission Chair Kim stated that the discussion on reasons for incomplete intent to apply packets should be discussed further in the Applications Committee. He reiterated the intention of the agenda item is to deliberate on the overall process.

Commissioner D’Olier recommended to freeze or stop the process and allow continuation for those who applied and qualified. He noted that the discussion on who can occur in the Applications Committee.

Commissioner Makalapua Alencastre asked if the application cycle should be suspended until the Commission has more information about funding restrictions. Commissioner Barkhoff asked if the Commission has a choice as it seems clear that it's mandated. Commission Chair Kim clarified the decision of the Commission is whether to suspend or stop and restart the process when available.

Commissioner Takabayashi asked that if the Commission suspends, only one applicant moves forward in the process. Commission Chair Kim responded yes, if the vote is to suspend the applications cycle. He noted that the Commission could vote to stop the process which would then restart the entire process. Commissioner Barkhoff asked if there is a reason why the Commission would not recognize the work or credit those who did the work. He shared his desire to honor those who did the work and revisit when there is a clearer picture of the budget. Commissioner Takabayashi summarized that if the Commission honors those who met the timeline and requirements, they would be the only one to continue at the appropriate time.

Commissioner D’Olier said the Commission can sort out who can continue at an Applications Committee meeting. Commissioner Matthew Kodama asked that if the Commission suspends,

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are the 11 incomplete intents to apply able to clear up their incompleteness. Lau clarified in the current process, under the RFP that is approved, only one applicant is qualified to move forward. If the Commission were to stop or cancel the process, then all applicants can apply at that time. She added in response to Commissioner Barkhoff's comments, the Applications Committee can honor the one applicant who did the work to move forward. She reiterated that suspending the process allows the one applicant to move forward. If the Commission stops and restarts, all applicants are eligible to apply when the application cycle opens up.

Commissioner Alencastre added that if the Commission stops and restarts, it will also allow those who missed the first round to apply. She asked if the 11 applicants that received an incomplete are clear of what they were missing. Endo provided examples on the incomplete intent to apply packets which included not establishing a separate applicant governing board, failing to sign the packet, to not submitting the resumes and bios of its governing board members.

Vasconcellos provided background on the state's budget biennium and legislative session. He noted that 2020-2021 will be the first of the next biennium and that it will be interesting to see what the budget will look like for the next two years. He shared the next agenda item will discuss the Commission's budget.

Commissioner Takabayashi asked if it would be appropriate to defer the discussion and recommendation to the Applications Committee. Commissioner D'Olier agreed. Commission Chair Kim responded it would be best for the Commission to decide now whether to suspend or stop the process. He added that regardless of the decision, the Applications Committee should sort out what and when the Commission should move forward in that process.

Commissioner Takabayashi recommended to suspend the RFP process until the time appropriate and that the one organization that met the qualifications be allowed to continue in the process. Commissioner D'Olier suggested amending the recommendation to state any that met, in addition read the three legal opinions stated in the testimony. Lau cautioned on reviewing outside legal opinions and that the Commission is only obligated to follow the state's Attorney General. Commissioner D'Olier asked if the Commission's Deputy Attorney General had reviewed the letters. Lau responded no. Commissioner D'Olier suggested that the Applications Committee submit the three letters to the Deputy Attorney General.

Commission Chair Kim reiterated the motion on the floor to suspend the application cycle. He reiterated that it does not reopen to all and will move forward with only those who qualify the first time.

ACTION: Motion to suspend the current RFP process and any organizations who qualify may continue at the appropriate time (Takabayashi/D'Olier). The motion passes with five ayes (Cleary, D'Olier, Ikeda, Kodama, and Takabayashi) and two nays (Alencastre and Barkhoff).

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3. Commission Budget/Operations

Lau shared the Hawaii State Senate's Ways and Means Committee (WAM) has asked state departments to submit three budgets ranging from 16%, 20%, and 25% budget cuts. She stated Commission staff continues to monitor the Governor's initial proposal of 20% cuts across the board. She added that she and Vasconcellos will be meeting with WAM staff on the impact of the proposed cuts. She added that charter schools are not like the Hawaii Department of Education (HIDOE) and any reduction to the HIDOE budget will reflect a change in the per pupil allocation for charter schools. She shared the Commission continues to work with HIDOE and is waiting on the federal funding. She provided some details on what the federal funds can be used for.

Lau thanked Superintendent Dr. Kishimoto for including Lau in the leadership meetings. She shared her role in the meetings and with charter schools in providing all the information.

Commissioner Alencastre shared appreciation on the update and asked if charter schools have been contacted regarding their needs in moving forward. She asked in anticipation of the federal funds, how can it help meet some of the gaps being experienced. Lau responded that she has been in email contact with the schools which has slowly calmed down since the start. She noted schools have been conducting distance learning opportunities for their students. She added that the Commission's services team has reached out to the schools regarding assistance with the Hawaii Emergency Management Agency. She has asked school leaders and governing board chairs to let the Commission know if they need any help. She added that HIDOE has purchased Acellus credit recovery program for 11th and 12th graders. If schools want to use it for other grades, there is a cost of \$25 per class. She discussed graduation and commencement activities for charter schools.

Commission Advisor Trinidad reaffirmed Lau's communication and accessibility to the charter schools. She reiterated Lau's weekly communications and from her perspective, has been accessible. She thanked Lau and the Commission staff.

- B. Extension of Charter Contract and Renewal Condition Deadlines for: Hālau Kū Māna Public Charter School, Hakipu'u Learning Center, Ka Waihona o Ka Na'auao, Kamaile Academy Public Charter School, Ke Ana La'ahana Public Charter School, Kona Pacific Public Charter School, Kua o ka Lā New Century Public Charter School, Laupāhoehoe Community Public Charter School, Nā Wai Ola Public Charter School, SEEQS: the School for Examining Essential Questions of Sustainability, Volcano School of Arts and Sciences, Waimea Middle Public Conversion School, and West Hawai'i Explorations Academy

Endo reminded the Commission of the recently approved 13 charter schools whose contracts expire on June 30, 2020. She stated each school received a five-year charter contract with

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conditions specific to the school and that certain conditions were required to be completed by the start of the next contract, July 1, 2020. She asked that the Commission consider extending the current charter contract for one-year to allow schools time to meet the conditions. She provided examples of the conditions which ranged from securing a lease to submitting who is on the governing board. She added that since HIDOE is not testing this school year, Commission staff anticipates making future adjustments to all schools under the current charter contract.

ACTION: Motion to extend the current 3.0 charter contract to Hālau Kū Māna Public Charter School, Hakipu‘u Learning Center, Ka Waihona o Ka Na‘auao, Kamaile Academy Public Charter School, Ke Ana La‘ahana Public Charter School, Kona Pacific Public Charter School, Kua o ka Lā New Century Public Charter School, Laupāhoehoe Community Public Charter School, Nā Wai Ola Public Charter School, SEEQS: the School for Examining Essential Questions of Sustainability, Volcano School of Arts and Sciences, Waimea Middle Public Conversion School, and West Hawai‘i Explorations Academy for one year to allow schools time to complete conditions prior to the commencement of the new charter contract (Takabayashi/D’Olier). The motion passed unanimously.

IV. Presentation/Action on the State Public Charter School Commission’s Quarterly Financial Report

Vasconcellos presented the Commission’s third quarter financial report. He referred to exhibit 2 of the submittal which focused on the annualized expenses. He highlighted areas that included costs for personnel, facilities, travel, Epicenter, and website. He stated the Commission has used roughly $\frac{3}{4}$ of its budget and is projected to break even. He shared further discussion around cost savings and projection will be up for discussion at its next Administration & Operations Committee.

Commissioner Kodama and Vasconcellos discussed the personnel position count for the office, 27 positions. In addition, the office’s operation costs which personnel costs are included. Commissioner Takabayashi asked if fringe is paid by state. Vasconcellos responded that it is paid under the Department of Budget & Finance. He clarified the difference of FICA/Medicare payments which are paid by the Commission and charter schools initially and reimbursed on a quarterly basis.

Commissioner Kodama and Vasconcellos discussed the old and new office spaces. Vasconcellos shared that the old office is vacated but there is some furniture left in the building. He shared the building has been shut down due to the crisis and they are aware of the furniture. He added that he has been working with DAGS surplus on providing unused desks as work stations for the convention center.

V. Action on Charter School Teacher of the Year & State of Hawaii Teacher of the Year Nomination

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Lau discussed the Charter School Teacher of the Year and State of Hawaii Teacher of the Year nominations. She asked if there are any two Commission volunteers to assist with selection of the teacher of the year. Commissioner Alencastre noted that she is happy to serve, if needed.

ACTION: Motion to designate Commissioners Alencastre, Ikeda, and Takabayashi to review and select the 2021 Hawaii State Public Charter School Teacher of the Year (Cleary/Barkhoff). The motion passed unanimously.

VI. Executive Director's Report

A. Update on the Draft Performance Framework and Next Charter School Contract

Lau provided an update on the draft performance framework and next charter school contract (contract 4.0). She stated Commission staff felt strongly for more time to engage with charter schools to go over the draft performance framework. She reminded the Commission of the recent presentation by WINHEC.

Endo discussed the new dates and events for the performance framework and contract 4.0 that will begin in September 2020 and end in June 2021. The timeline included feedback sessions, discussion with Commissioners, individualized contracts with each school, and approval of the charter contracts.

Performance Specialist Martha Evans discussed the draft performance framework. She shared the difficulty in determining if a school is delivering on its mission. In the draft performance framework, it focuses on how well a school is aligned to its mission, the inputs and outputs rather than outcomes, and how it helps student achievement. She referenced the presentation by WINHEC and the importance of mission alignment. She discussed the statutory reporting requirements and what the Commission must measure and areas not currently measured. She shared the connection with early learning and working with the early learning team on what measures should be included in the performance framework to measure a child's progress through its entire school career.

Commission Advisor Trinidad asked if the timeline for charter schools that are coming up for renewal will be delayed. Endo responded that the Commission staff anticipates it will be delayed but there is uncertainty on how HIDOE will handle the reporting for Strive HI this school year. She stated the Commission staff is waiting on guidance but anticipates there will be an extension. Commission Advisor Trinidad asked if the staff is willing to receive feedback before September. She shared she is a part of a hui that has been reviewing the draft performance framework. Endo responded she will follow-up with times to discuss the feedback.

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Commissioner Alencastre thanked the performance team on the work. She reiterated ways to look at individualizing for a particular school through its mission. She agreed that the timeline is more realistic and allows more opportunity for input. She shared appreciation for the proposal.

Endo added that the performance team will report back to the Performance & Accountability Committee on the feedback sessions.

Commissioner Takabayashi asked how does this timeline affects the 13 renewed charter schools. Endo shared since the Commission approved the extension, the 13 renewed charter schools would be the first group of charters to be under the new performance framework and contract.

Commission Chair Kim thanked everyone for attending the meeting. He acknowledged the trying times and adjusting to technology to meet. He shared that this is an opportunity to take the time to get some of the postponed projects accomplished and not rush. He thanked all for their participation and attendance.

VII. Adjournment

Commission Chair Kim adjourned the meeting at 11:12 a.m.