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

MINUTES OF THE MAY 25, 2023 GENERAL BUSINESS MEETING

Physical Location: 1164 Bishop Street, Suite 1100, Honolulu, HI 96813 and **Online:** Zoom

PRESENT IN PERSON

Shannon Cleary
Cathy K. Ikeda (Chairperson)
Carl Takamura

PRESENT ONLINE

Jill Baldemor
Matthew Kodama

EXCUSED

Makalapua Alencastre (Vice Chairperson)
Alex Harris
Terry Holck
Kama Hopkins

ALSO PRESENT

PJ Foehr, Interim Executive Director
Pua Kaai, Performance Team Specialist & Team Lead
Jackie Bersson, Performance Specialist

I. Call to Order

Commission Chair Cathy Ikeda called the meeting to order at 9:34 a.m.

II. Public Testimony on all Agenda Items¹

Terri York, Hawaii Academy of Arts and Science Public Charter School, provided testimony on agenda item VIII. She went over the school’s renewal conditions and informed the Commission

¹ *The Commission accepted public testimony on all agenda items at the beginning of the meeting and at the beginning of each agenda item.*

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that all required documents regarding its 10 leases have been submitted. She shared confusion as to the agenda item, why the school was asked to be present when it had completed its conditions, and why there was an action for schools who have until May 31st to complete the conditions. She reiterated that the school has provided its 10 leases and was available to answer questions by the Commission.

Steve Hirakami, Hawaii Academy of Arts and Science Public Charter School, provided testimony on agenda item VI. He discussed his concerns which included entering into charter contract (4.0) with unanswered questions; that the comments provided by the charter schools and labor Deputy Attorneys General (DAG) were not considered; that the contract is not a bilateral contract but a unilateral contract; that the Commission has a duty to negotiate and the previous 'talk story' was a one-way conversation and comments were not taken into consideration; leases were not included in the performance reports; that an enrollment cap was included in the renewal and was told informally not to worry; that two minutes for testimony is not enough; the contract given in 2001 is the real charter contract; and that it's not a renewal of contract 3.0 but a new charter contract.

Written testimony submitted by Lennon, Jason, Makoa & Kailea Lord-Alapai, Susan Lord, Reka Starr, Jessica Clanton, Olivia Greenwood, Gene Gregas, John, Dyan Okamoto, Randal M. Fitz, Rebeca Fenenbock, Anthony, Anela, Julian Alike, Makoa, Leo, Donnalynn Casto, Violet Murray, Agnes Repasi, Greg Potor, Csilla Petho Zimmerman, Zoltan Petho, Andrew Gaspar, Kehau Tamala, David Bento, Noehlani Javellana, Clifford Javellana and Shannon Gilbertson.

III. Action on the April 13, 2023 General Business Meeting Minutes

Commission Chair Ikeda called for additional testimony. No additional testimony provided.

ACTION: Motion to approve the April 13, 2023 General Business Meeting minutes (Takamura/Cleary). The motion passed unanimously.

IV. Committee Reports and Recommendations:

- a. Performance & Accountability Committee Meeting Report for May 11, 2023
- b. Action on the Performance & Accountability Committee's Recommendation regarding the Amendment Request to Exhibit A Charter School Contract for DreamHouse 'Ewa Beach
- c. Action on the Performance & Accountability Committee's Recommendation regarding the Amendment Request to Article II Charter School Contract for Nā Wai Ola Public Charter School
- d. Action on the Performance & Accountability Committee's Recommendation regarding Goal 1 of the updated Strategic Plan: Characteristics of Innovative Practices in Public Charter Schools
- e. Applications Committee Meeting Report for May 11, 2023

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- f. Action on the Applications Committee's Recommendation regarding the Pre-K Only Charter School Application and Process
- g. Administration & Operations Committee Meeting Report for April 13, 2023

Commissioner Shannon Cleary reported on behalf of the Performance & Accountability Committee regarding its May 11, 2023 meeting. She discussed the presentations and actions taken which included approving the Committee minutes, recommending approval of the amendment requests for DreamHouse 'Ewa Beach and Na Wai Ola Public Charter Schools, and recommending approval of the Goal 1 Strategic Plan's Characteristics of Innovative Practices in Public Charter Schools document.

Commission Chair Ikeda called for additional testimony.

Makoa, Anela, Noa, Willow and Chase, Students from Na Wai Ola Public Charter School Student Government, provided testimony in support of agenda item IV. C. They expressed their strong support for the expansion of grades 6-8. They discussed the importance for the expansion which included: having a seamless and less stressful transition to middle school, a consistent and familiar environment that would drive the students academically and socially, continuing their high quality education; and meeting the demand for a middle school. The students urged the Commission to carefully consider the proposal and allow the school to provide the best education to its students that want to attend Na Wai Ola Public Charter School. The students thanked the Commission for their time and consideration.

Commissioner Cleary shared appreciation for the students' testimony. She reiterated the recommendations by the Performance & Accountability Committee.

ACTION: Motion to approve the Amendment request to Exhibit A Charter School Contract for DreamHouse 'Ewa Beach (Performance & Accountability Committee). The motion passed unanimously.

ACTION: Motion to approve the Amendment request to Article II Charter School Contract for Nā Wai Ola Public Charter School to the full commission (Performance & Accountability Committee). The motion passed unanimously.

ACTION: Motion to approve the Characteristics of Innovative Practices in Public Charter Schools to the full Commission (Performance & Accountability Committee). The motion passed unanimously.

Commissioner Jill Baldemor reported on behalf of the Applications Committee regarding its May 11, 2023 meeting. She discussed the presentation and actions taken which included approving the Committee minutes and recommending approval of the Pre-K Only Charter School Application and process.

ACTION: Motion to recommend approval of the Pre-K Only Charter School Application and Process to the full commission (Applications Committee). The motion passed unanimously.

Commissioner Matthew Kodama reported on behalf of the Administration & Operations Committee regarding its April 13, 2023 meeting. He discussed the presentations and actions taken which included approving the Committee minutes, adding in language to the Commission's procurement policy and Commissioners participation in social or ceremonial events pursuant to Sunshine Law.

V. Information on the Charter Contract and Conditions for Kamalani Academy

Commission Chair Ikeda called for additional testimony. No additional testimony provided.

Interim Executive Director PJ Foehr provided a summary of the Commission's actions that led to the nonrenewal of the charter school's contract and the Board of Education's (BOE) decision and directive. He stated the Commission is to deliberate on the types of conditions per the BOE's decision.

VI. Update on the 2023 Charter Contract Renewal Conditions and/or Execution of the Charter Contract (4.0) for Alaka'i O Kaua'i Public Charter School; Connections Public Charter School; Hawai'i Academy of Arts & Science Public Charter School (HAAS); Hawai'i Technology Academy (HTA); Innovations Public Charter School; Ka 'Umeke Kā'eo Public Charter School; Ka'ōhao Public Charter School; Kapolei Charter School by Goodwill; Ke Kula 'o Nāwahīokalani'ōpu'u Iki, LPCS; Ke Kula 'o Samuel M. Kamakau, LPCS; Kula Aupuni Niihau A Kahelelani Aloha (KANAKA) A New Century Public Charter School; Kanu o ka 'Āina New Century Public Charter School; Kanuikapono Public Charter School; Kawaikini New Century Public Charter School; Kihei Charter School; Ke Kula Niihau O Kekaha Learning Center (KKNOK); Kualapu'u School: A Public Conversion Charter; Mālama Honua Public Charter School; Myron B. Thompson Academy; University Laboratory School; Voyager: A Public Charter School; and Wai'ālae Elementary Public Charter School

Commission Chair Ikeda called for additional testimony.

Gene Zarro, Hawaii Public Charter School Network, provided testimony. He shared his concern of the Commission completing the renewal of 23 charter school contracts by the end of June. He stated some schools have not received the contract and once the contract is received, a school can begin its negotiations. He stated there are serious concerns with the charter contract (4.0) that was brought up by the Board of Education's decision in the Kamalani Academy's appeal. He requested extending the charter contract (3.0) to iron out the major issues and allow time for negotiations. He felt that without the extension some charter schools would be signing under duress. In addition, he personally felt perplexed for a high stakes meeting to take place on the last day of school and right before graduation.

Damon Murphy, Connections Public Charter School, provided testimony. He went over the status of the conditions set during renewal which included the school filling two governing board member positions and submitting the DAG signed lease agreements. He discussed and shared concern for the last condition set by the Commission, "The school posts annual reductions in the achievement gap between high needs and non-high needs students." He noted that it was not included in the November 2022 performance report. In addition, he provided past Strive HI performance data, an analogy, and Connections achievements.

Performance Specialist Jackie Bersson provided an update on the 2023 charter contract renewal conditions and execution of the Charter Contract (4.0) for 22 charter schools which included the renewal of five charter contracts with no conditions and 17 charter contracts with conditions. She referenced the submittal that included information on the status of the schools' condition or contract execution. She added the Frameworks Team has been in close communication with the charter schools.

Table 1: Seven (7) Charter Contracts (4.0) have been routed to schools for signature and three (3) out of the seven (7) have completed the signatory process;

Table 2: Five (5) charter schools have submitted documentation in fulfillment of the conditions set by the Commission

Table 3: Three (3) charter schools have not submitted all of the required documentation to fulfill the conditions set by the Commission; Commission staff received requests from Connections Public Charter School requesting removal of the condition set by the Commission and Ka 'Umeke Kaeo Public Charter School requesting removal of a site location listed in the renewal application; and

Table 4: Seven (7) charter schools have not submitted any of the required documentation to fulfill the conditions set by the Commission.

Bersson shared within 48-hours of the meeting, Kanu o ka 'Āina New Century Public Charter School submitted its lease that was not signed by the nonprofit; Ka 'Umeke Kaeo submitted its two leases signed by its DAG; and Kihei Charter School submitted documentation regarding its blended learning program, lease for facility, governing board minutes, and consultation with Ethics regarding the lease process. She added that the Frameworks Team will be updating the commission at its next meeting following the May 31st deadline. She noted there were a number of school representatives online to answer questions.

Commissioners thanked the schools for their hard work.

VII. Executive Session

This portion of the meeting is a closed meeting under Section 92-4 and Section 92-5(a)(4), Hawaii Revised Statutes to consult with the board's attorney on questions and issues pertaining to the board's powers, duties, privileges, immunities, and liabilities regarding renewal of the expiring Charter School Contracts

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Commission Chair Ikeda called for additional testimony. No additional testimony provided.

ACTION: Motion to enter into the executive session at 10:15 a.m. (Cleary/Takamura). The motion passed unanimously.

ACTION: Motion to exit out of the executive session at 11:21 a.m. (Cleary/Takamura). The motion passed unanimously.

Commission Chair Ikeda reconvened the meeting at 11:33 a.m.

Commission Chair Ikeda reported that the Commission consulted with its Deputy Attorney General on questions and issues pertaining to the board's powers, duties, privileges, immunities, and liabilities regarding renewal of the expiring Charter School Contracts. She stated there was no action.

- VIII. Action on the 2023 Charter Contract Renewal Conditions and/or Execution of the Charter Contract (4.0) for Alaka'i O Kaua'i Public Charter School; Connections Public Charter School; Hawai'i Academy of Arts & Science Public Charter School (HAAS); Hawai'i Technology Academy (HTA); Innovations Public Charter School; Ka 'Umeke Kā'eo Public Charter School; Ka'ōhao Public Charter School; Kapolei Charter School by Goodwill; Ke Kula 'o Nāwahīokalani'ōpu'u Iki, LPCS; Ke Kula 'o Samuel M. Kamakau, LPCS; Kula Aupuni Niihau A Kahelelani Aloha (KANAKA) A New Century Public Charter School; Kanu o ka 'Āina New Century Public Charter School; Kanuikapono Public Charter School; Kawaikini New Century Public Charter School; Kihei Charter School; Ke Kula Niihau O Kekaha Learning Center (KKNOK); Kualapu'u School: A Public Conversion Charter; Mālama Honua Public Charter School; Myron B. Thompson Academy; University Laboratory School; Voyager: A Public Charter School; and Wai'ālae Elementary Public Charter School

Commission Chair Ikeda called for additional testimony.

Gene Zarro, Kihei Charter School, provided testimony. He referenced the maximum enrollment number that was included in the school's letter regarding renewal and shared his concerns. He stated all charter schools submit annual enrollment projections. He was told that the maximum enrollment was a non-issue as schools may request for an amendment but felt concerned of the possibility of being denied that request. He felt the Commission was led down the wrong path and requested that it be removed and to continue providing the annual projection numbers.

Commission Chair Ikeda reminded that the Frameworks Team provided information regarding the 2023 Charter Contract Renewal Conditions and execution of the Charter Contract (4.0). In addition, the Commission had an opportunity to consult with its DAG.

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Foehr stated there could be an action by the Commission if necessary. He stated there were requests submitted. Commission Chair Ikeda stated the Commission could deliberate on Ka 'Umeke Kā'eo Public Charter School's request regarding removal of a site.

Steve Hirakami, Hawai'i Academy of Arts & Science Public Charter School (HAAS), provided testimony. He referenced the contract renewal notification letter dated January 26, 2023, regarding the condition regarding DAG approved leases for all campuses. In addition, it listed the maximum enrollment at the end of the five-year contract. He stated that any amendment must be approved by the Commission. He felt that it was the Commission acting in excess of its jurisdiction. He referenced the testimony provided by Terri York. He requested a formal retraction of the letter.

Foehr responded that 15 charter contracts will be sent out for signature. He stated that the maximum enrollment numbers are not in the contract.

Commission Advisor Jennifer Hiro felt that the request for redaction to the letter with the maximum enrollment would be good as it would alleviate concerns, acknowledge the error, and that there is some trust about the overreach. Commission Chair Ikeda deferred to the Commission staff. Foehr shared appreciation for everyone's comments and would take the concerns into consideration.

Commission Chair Ikeda recapped the two requests. She discussed the request from Ka 'Umeke to remove a site from the approved application as it is not used for an educational site. Foehr clarified that the site is used for its ho'ike. Commissioner Cleary noted that the school would request the use through the indemnification process. Foehr responded yes.

ACTION: Motion to approve the request from Ka 'Umeke Kā'eo Public Charter School to remove the Kaumau site (Takamura/Cleary). The motion passed unanimously.

Commission Chair Ikeda discussed the request from Connections Public Charter School to remove a condition. She stated that she was not present at that renewal meeting and would not be comfortable taking up the request at this meeting. She deferred the request to the June 8th meeting.

IX. Action on the Charter Contract and Conditions for Kamalani Academy

Commission Chair Ikeda called for additional testimony. No additional testimony provided.

Commissioners discussed a motion to offer a two-year charter contract with conditions. The conditions included reconstitution of the governing board, evaluation of the school director, and monthly financial reports, and student record keeping.

ACTION: Motion to offer a two-year Charter Contract (4.0) to Kamalani Academy with the following conditions (Takamura/Baldemor):

- 1. The Commission will conduct a reconstitution of the governing board as outlined in Hawaii Revised Statutes (HRS) 302D-17;**
- 2. Kamalani Academy will submit a baseline evaluation of the school director conducted by the reconstituted governing board with a report to the Commission on the result of the evaluation;**
- 3. Kamalani Academy will submit monthly financial reports; and**
- 4. Use the Contract frameworks monitoring tool to demonstrate evidence of a working effective student record keeping system.**

The motion passed unanimously.

Commissioner Takamura and Foehr discussed next steps for processing the contract which included the Frameworks Team drafting the contract with the necessary information and sending it to the Commission's DAG and school. Foehr stated that should the school not accept the two-year charter contract (4.0) with conditions, according to the BOE directive, the contract would revert to charter contract (3.0) for one-year.

Foehr introduced newest Commission staff member Michael Clark. He shared that Clark will be working with the Frameworks Team and in the data gathering space. He discussed Clark's work background and personal connections to Hawai'i.

X. Adjournment

Commission Chair Ikeda adjourned the meeting at 12:25 p.m.