

UNAPPROVED



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

GENERAL BUSINESS MEETING

Minutes of the Thursday, July 28, 2016
8:30 am

Queen Liliuokalani Building
1390 Miller Street, Honolulu, Hawaii
Fourth Floor, Room 404

PRESENT

Jill Baldemor
Mitch D’Olier
Sylvia Hussey
John Kim

Kalehua Krug

(left at 9:28 a.m.)

Ernest Nishizaki (Vice Chairperson)

Catherine Payne (Chairperson)

Karen Street

(left at 9:15 a.m. and returned at 3:43 p.m.)

Roger Takabayashi

EXCUSED

ALSO PRESENT

Leila Shar, Financial Performance Manager

Danny Vasconcellos, Organizational Performance Manager

I. Call to Order:

Commission Chair Catherine Payne called the meeting to order at 8:45 a.m.

II. Update and Action on Amendment to the Educational Program, Exhibit A of the Charter Contract, of Ka’u Learning Academy (“KLA”)

Danny Vasconcellos, Organizational Performance Manager, recommends to the Commission that they rescind the Commission’s approval of KLA’s expansion to the seventh grade due to KLA’s lack of facilities to accommodate seventh graders. According to Hawaii County, KLA does not have sufficient room for their seventh grade class as the existing building’s occupancy limit, currently at 98, will not accommodate the additional students. Additionally, KLA has been operating under a temporary occupancy permit that will expire on July 31, 2016. The staff has been in contact with Hawaii County as the school has not been informing staff on the status of the issue and the inspector called in to the meeting and is available to answer any questions Commissioners

may have. Vasconcellos explained the timeline that led to today's recommendation to rescind the Commission's approval. Vasconcellos reiterated that the school has had several months to address its facility needs for the expansion to seventh grade, but KLA failed to do so.

Commissioner Kim inquired about the temporary extension of the occupancy permit the school received from the county and how long it would last.

Neil Erickson, Hawaii County Permit Department, stated that the temporary extension of the occupancy permit would last for 3 months. Erickson added that the only thing preventing the school from receiving a permanent occupancy permit is the ADA compliance issue concerning the school's bathroom which the school was advised to address when the first temporary occupancy permit was issued to the school in June, 2015. Erickson stated the facility currently the facility is limited to only 71 people – students and staff. Erickson further elaborated that there is a cafeteria adjacent to the room that can accommodate 27 people; however, this 27 count is included in, not in addition to, the building's occupancy capacity of 71.

Commissioner Kim asked for clarification on the request from KLA to increase the occupancy limit. Erickson confirmed that the request was rejected.

Chair Payne shared that the Director of Ka'u Learning Academy had submitted a document by the contractor working with KLA. Erickson confirmed that document was the request and that it was rejected.

Commissioner D'Olier expressed his concern about the 7th graders who are planning to show up to school. D'Olier suggested that the Commission not approve anything until the certificate of occupancy is approved.

Commissioner Takabayashi shared that the real issue is one of health and safety because the school can only accommodate 71 but they have currently enrolled 84. He pointed out that there are already too many students enrolled at the school.

Commissioner Kim shared that after reading the motion approved at the March, 2016 meeting and since the condition upon which the approval was to granted has not been met; the Commission's approval is void.

Chair Payne called for public testimony.

Kathryn Tydlacka-McCown, Director of Ka'u Learning Academy, shared that the school is a blended learning model. She pointed out that there is a need for a school in the area. Tydlacka-McCown commented that they did not violate occupancy because they have a placard in their building stating that the occupancy capacity is 89 people. She points to the success of the 6th graders who tested in the 51 percentile and the students would be devastated if the school were to not have a 7th grade.

Joe Iacuzzo, Managing Director at Ka'u Learning Center, stated that 71 is the current occupancy limit but the placard says 89. Their number was based on their work that changed the cafeteria into a classroom. He stated there have never been that many kids at one time at the capacity. Iacuzzo addressed the ADA restroom situation by stating they don't have a need for it but will have accessibility if need be. He also shared that staff should not have contacted the building permit department.

Tydlacka-McCown shared that things began to get complicated when Commission staff began to call. She stated that they have spent \$15,000.00 for an architect already. She claimed that they were misrepresented by staff in the March meeting and alleged that Commission staff muted them when they called into the meeting. Tydlacka-McCown listed the schools effort of attaining a building and wished they school could go back in time but

couldn't. This detail of why the efforts were not successful was not reported to the Commission staff. The number of students is the same as last year because they have decreased the enrollment in other grades.

Iacuzzo pointed out that despite all the bad publicity for the school, there is still a long waitlist. He shares that he felt uncomfortable due to being purposely sabotaged by the staff for not responding last meeting. Iacuzzo comment that it is scary to think that staff has an ulterior motive by not responding when the schools need guidance.

Noe Kamahele testified in support of Ka'u Learning Academy. Kamahele shared that her kids are happy there. She listed that there are only two public schools in the area. The vicinity of the school makes it easy for her family due to transportation issues. She shared that she is shocked to hear these allegations and that her nieces and nephews want to go back to KLA. She wants the Commission to open their hearts and let the school have a 7th grade.

Stephan Moskalkenko testified in support of Ka'u Learning Academy. He is a parent of a student attending KLA. Moskalkenko was happy to hear the school was planning to expand. He elaborated that he came from a country where bureaucrats took the country from the people and he feels like this situation is similar. He stated it is his right to fight for his child and asks the Commission to allow a 7th grade expansion.

Chair Payne calls for the meeting to be recessed at 9:28 a.m. and reconvened at 3:43 p.m.

Chair Payne call for additional public testimony.

Rebecca Ray testified in support of Ka'u Learning Academy. She is a working mother and has a child at the school. Ray detailed her son's struggle to find a good school until she enrolled him at KLA where he is now happy. She stated there are good teachers at the school and they respect her child and vice versa.

Jeff Darrow, a planner employed by the Land Use Department of Hawaii County, was available to answer questions from Commissioners. Commissioner Hussey requested a synopsis of the situation related to KLA. Darrow stated the school originally requested special permits in 2014 to operate a charter school of up to 65 students. He noted that the school received overwhelming approval from the Planning Commission and supported an increase of students.

Commissioner D'Olier stated that the Commission's biggest concern is for the health and safety of the children. Darrow replied the planning committee is only one part of the Hawaii County. He reassures that the Planning Commission does not foresee any issues.

Commissioner Takabayashi reiterated that according to the Planning and Permitting Department, the current capacity is at 71 people. Darrow shared that the earlier caller from the Permitting Department was Erickson and that Darrow does not understand how the capacity for occupancy got down to 71 because it has always been 89. He also mentioned that they have architects looking at the plans and according to preliminary reviews; the occupancy for the building is actually higher than the placard.

Commissioner Hussey inquired if the extension to the temporary permit is from Mr. Erickson. Darrow confirmed that Erickson is the one that granted the temporary permit.

Steve Hirakami, Director of Hawaii Academy of Arts and Sciences, shared that this situation should not be considered an expansion to 7th grade, but a continuation of 6th graders at KLA. He wanted to point out that there are systematic issues with startup charters. Hirakami implored the Commission and charter schools should work together so the kids can continue their education.

Gene Zarro, Vice Chair of Kihei Charter School, shared that the blended learning model is a respected learning model. He pointed out that blended learning is not restricted to occupancy. Zarro also shared it is admirable that KLA is trying to get a building but it is not really required.

Commissioner D'Olier acknowledges Zarro's comments but states that there are two things that need to happen: 1) the Commission needs to approve 7th grade; and 2) also make sure the KLA will not exceed occupancy. Commissioner Kim reverted back to the motion passed at the Commission's March meeting where the Commission would approve the 7th grade expansion contingent on the school having a portable.

Chair Payne shared that the school told the staff they wanted to do this and now the issue is confused since the school is continually changing its plans. This was the main issue that caused the confusion and mistrust.

Commissioner Takabayashi moved that the Commission rescind the March 12th meeting approval and approve a new motion. Commissioner Nishizaki wanted to make it clear that it was KLA that wanted to expand to seventh grade, and it was not the Commission or Commission staff who sought the KLA expansion.

Chair Payne called for the Commission to vote on rescinding the March 12, 2016 approval and to approve an amended motion for the current meeting.

Action: Moved that the Commission rescind the motion adopted at the March 10, 2016 general business meeting granting Ka'u Learning Academy conditional approval to amend its Educational Program, Exhibit A of the Charter Contract, to allow the school's expansion to grade seven beginning in school year 2016-2017. (Takabayashi/Kim) The motion passed with 6 Ayes (Baldemor, Kim, Hussey, D'Olier, Street, Takabayashi) and 1 Nay (Nishizaki)

Action: Moved that the Commission conditionally approve the request to amend its Educational Program, Exhibit A of the Charter Contract, to allow the school's expansion to grade seven beginning in school year 2016-2017, contingent on the school meeting the requirements for Hawaii County. (Takabayashi/Kim) The motion passed with 6 Ayes (Baldemor, Kim, Hussey, D'Olier, Street, Takabayashi) and 1 Abstention (Nishizaki)

Commission Chair Payne called for additional public testimony. No public or written testimony provided.

III. Adjournment

Commissioner Chair Payne adjourned the meeting at 4:19 p.m.