STATE OF HAWAII
STATE PUBLIC CHARTER SCHOOL COMMISSION
(ʻAHA KULA HOʻĀMANA)

GENERAL BUSINESS MEETING

Minutes of the meeting of Thursday May 8, 2014 and Tuesday, May 20, 2014

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

ATTENDANCE
Mitch D'Olier
Peter Hanohano (arrived at 8:56 a.m.)
Usha Kotner (arrived at 9:58 a.m.)
Curtis Muraoka (arrived at 9:58 a.m.)
Catherine Payne (Chairperson)
Karen Street
Roger Takabayashi
Peter Tomozawa (Vice Chairperson)

ALSO PRESENT
Tom Hutton, Commission Executive Director
Alison Kunishige, Chief Operations Officer
Stephanie Klupinski, Organizational Performance Manager
Doug Muraoka, Academic Performance Manager
Danny Vasconcellos, Organizational Performance Specialist
Kenyon Tam, Operations and Applications Specialist

I. Call to Order

Commission Chair Catherine Payne called the meeting to order at 8:35 a.m.

Commission Chair Payne proposed revising the order of the agenda to move up item V.B.1 Action on Revision to the Educational Program, Exhibit A of the Charter Contract, of Waialae Elementary Public Charter School by adding a Special Education Program Beginning in SY2014-15 and item V. Action on Recommendation of Approval to the

Educational Program, Exhibit A, for inclusion in the Charter Contract, effective July 1, 2014 for thirteen schools to follow the approval of the minutes and continue to the Applications Committee agenda items.

Commission Chair Payne welcomed representatives from Hālau Lōkahi Charter School ("Halau Lokahi") to present on their student project.

II. Update by Hālau Lōkahi Charter School on Student Project

Micah Lau, Senior at Halau Lokahi provided testimony and shared that Halau Lokahi has prepared him for life, and shared his work experience. Lau thanked Commissioners for listening and opportunity to speak.

Jeremy Cesneros, Senior at Halau Lokahi provided testimony and shared he is happy he attends Hālau Lōkahi Charter School.

Christian Tenguan, Senior at Halau Lokahi provided testimony and shared his experiences at the school. Tenguan also shared his interest in the stock market and provided information on school event. Commissioner Peter Tomozawa shared his interest in working with the student on a project.

Commission Chair Payne asked the students what their future plans are after graduation.

Tenguan shared he will be attending Northern Arizona University to study finance. Cesneros is interested in attending York to wrestle and study sports training or sports medicine. Lau shared he will attend Honolulu Community College to study plumbing.

Commissioner Roger Takabayashi asked the students to elaborate on the school's drone project. Tenguan shared that due to time and funding constraints they were unable to finish the project.

III. Approval of Minutes

A. April 10, 2014 General Meeting

Commission Chair Payne shared that the Commission will be following a strict two minute oral testimony limit because of the number of items that are on agenda, the public interest in the items, and the anticipated number of people testifying. Commission Chair Payne shared there would be no yielding of time to testifiers and any late written testimony would be distributed to Commissioners after the meeting.

Motion (Takabayashi/D'Olier) to approve the April 10, 2014 General Meeting minutes passed unanimously.

IV. Performance & Accountability Committee

A. Action on Revision to the Educational Program, Exhibit A of the Charter Contract, of Waialae Elementary Public Charter School by adding a Special Education Preschool Program Beginning in SY2014-15

Organizational Performance Specialist Danny Vasconcellos presented background on Waialae Elementary Public Charter School's ("Waialae") request to revise its Exhibit A to add a special education program. Vasconcellos noted that any material change to a school's Exhibit A of the Charter School's Contract requires a written approval by the Commission. Waialae is requesting a revision to its charter contract by adding a special education program beginning in the 2014-15 school year.

Waialae is a conversion school that has an obligation to serve a geographic area. Vasconcellos shared the school is currently unable to accommodate preschool SPED students, who have been placed in other Department of Education ("DOE") schools. Vasconcellos shared Waialae believes it has a responsibility to serve the students in its attendance area. In order to provide the service, they will provide space for the preschool and have secured funding for special education teachers and tutors.

Vasconcellos shared that Waialae is aware that it will not be receiving per-pupil funding for the preschool SPED students. He said the staff commends the school for its commitment to serving these children despite this situation.

Commission Chair Payne called for public testimony. No public testimony provided.

Motion (D'Olier/Tomozawa) to approve the request from Waialae Elementary Public Charter School to revise its Educational Program, Exhibit A of the Charter Contract, by adding a Special Education Preschool Program beginning in SY2014-15 passed unanimously.

V. Action on Recommendation for Approval to the Educational Program, Exhibit A, for inclusion in the Charter Contract, effective July 1, 2014, for Connections Public Charter School; Hawaii Academy of Arts & Science Public Charter School (HAAS); Hawaii Technology Academy; Kamaile Academy, PCS; Kawaikini New Century Public Charter School; Ke Kula ʻo Nāwahīokalaniʻōpuʻu Iki, LPCS; Ke Kula ʻo Samuel M. Kamakau, LPCS; Kualapuʻu School: A Public Conversion Charter; Myron B. Thompson Academy; University Laboratory School; Volcano School of Arts & Sciences; Voyager: A Public Charter School; and Waimea Middle Public Conversion Charter School

Vasconcellos shared the recommendation to the Commission is to approve the Educational Program, Exhibit A, for 13 charter schools for the next charter contract. Vasconcellos shared that in March 2013 the Commission approved charter schools Exhibit A. Vasconcellos shared that Exhibit A provides basic demographics, mission, vision, and essential terms. Vasconcellos provided background on the essential terms process. Vasconcellos shared the recommendation is for the approval of the Exhibit A's of the thirteen charter schools listed in the submittal and on the agenda to be incorporated into the next charter contract.

Motion (D'Olier/Takabayashi) to approve the Educational Program, Exhibit A, for Connections Public Charter School; Hawaiʻi Academy of Arts & Science Public Charter School; Hawaiʻi Technology Academy; Kamaile Academy; Kawaikini New Century Public Charter School; Ke Kula ʻO Nāwahīokalaniʻōpuʻu iki; Ke Kula ʻO Samuel M. Kamakau; Kualapuʻu School; Myron B. Thompson Academy; University Laboratory School, Volcano School of Arts and Sciences; Voyager: A Public Charter School; and Waimea Middle Public Conversion Charter School be approved for inclusion in the Charter Contract, effective July 1, 2014 passed unanimously.

VI. Action on Committee Reports

A. Applications Committee

1. Update on Decision-Making Stage of the Application Cycle and Commissioner and Applications Committee Questions Regarding Current Charter School Applications

Commission Chair Payne called for public testimony.

Sheila Buyukacar, IMAG Academy ("IMAG"), provided testimony and shared that she is concerned because IMAG's vision, vision, and curriculum is something the community needs. Buyukacar also shared that she believes that the application process is archaic and reflect a win-lose mentality that is entrenched in the public school setting. Buyukacar shared it seemed that if the application does not pass the test, it is not evaluated correctly as outlined within their applicant response and written testimony. She shared that the experience was frustrating and that it reminds her of the bureaucratic educational system we are trying to improve. She suggested employing a more interactive process in the next application cycle. She shared this type of process always has a loser, and in their case an innovative school will not open in a much needed area. She shared that she believes that the Commission has an obligation and responsibility to rewrite the rules.

Commissioners discussed her concerns with the application cycle with Buyukacar.

Commissioner Tomozawa shared his experience with the last Application cycle. Commissioner Tomozawa thanked Buyukacar for her comments and feedback.

Executive Director Tom Hutton provided a general observation that today's agenda includes two of the most important and difficult responsibilities the Commission has as an authorizer: approving and denying new charter applications and approving contracts for charter schools. Hutton provided an overview and recap of the application cycle. Hutton shared the process began in October which began with orientations for prospective charter applicants. The Request for Applications ("RFA") is released; a completeness check is done; two evaluation teams structured around the Commission's accountability system were established; a capacity interview is conducted to ascertain applicant capacity; and the evaluation teams submit a recommendation report on each application. Hutton quoted Commissioner Muraoka who described the applications process as, "the application is the game and the evaluation team is refereeing" to further illustrate that the role of the authorizer is not the previous model where the staff collaborated with the applicant. As an authorizer, it is important for staff to keep an arm's length position. Hutton shared there will be an opportunity for applicants and evaluation teams to provide feedback on the process. He shared that when the evaluation teams issued the recommendation reports, the applicant team had an opportunity to respond; and the evaluation team had an opportunity to rebut the applicant response. The staff submittal provided to Commissioners was developed by the Operations staff (who are not on the evaluation teams) and takes a fresh look at the recommendation packet and provides a recommendation to Commissioners.

Chief Operations Officer Alison Kunishige clarified that Commissioners should make a decision to approve or deny applications at this meeting. There is no option to remand to the Applications Committee or to the evaluation teams further for deliberation. Kunishige shared that no new information should be considered in their decision-making, because the applicant should have provided all relevant information in its application to allow for a holistic review. Kunishige shared that Commissioners may still look at things like whether the evaluation team gave enough weight to certain areas, or whether all significant information was considered. She shared the submittal includes questions and answers Commissioners submitted in advance of the Applications Committee meeting. It also included a summary of questions and discussion that occurred at the Applications Committee meeting to give commissioners an idea of issues already discussed. Hutton said that staff will present an overview of highlights of the recommendation packet and Commissioners may call upon the evaluation team members, applicant team members, or operations staff to answer any additional questions.

Commissioner Karen Street asked for further details regarding the orientations prior to the evaluation. Kunishige shared that staff organized two orientations, the pre-RFA and post-RFA. The pre-RFA orientation was to generally discuss what it takes to run a charter and the legal structure of charter schools in Hawaii. After the release of the

RFA, staff conducted a post-RFA orientation that went through the document specifically covering the application and evaluation process. Kunishige shared all the information from the pre and post orientations, a recording of the orientations, and questions and answers from the orientations were posted on the Commission's website.

Commissioner Tomozawa asked for clarification on the process once the application is submitted. Kunishige shared once the application is submitted there is a request for clarification. The evaluation teams go through the applications and fill out a preliminary form with their initial evaluation, comments, and items that need more clarification. The evaluation teams submit a formal written request for clarification that is given to the applicants, who then have an opportunity to provide clarifications in writing. After the request for clarification is complete, there is a capacity interview, which is a face-to-face interaction between evaluation team members and applicant team members. The purpose of the capacity interview is to assess the capacity of the applicant team. The purpose of the capacity interview is not to identify the weak points of the application. After the capacity interview, the evaluation teams draft a recommendation report. The applicant team can review the recommendation report and provide a written response, which the evaluation teams can then rebut, if necessary. The recommendation report, applicant response, and evaluation team rebuttal are provided to the Applications Committee along with the staff recommendation.

Commissioner Tomozawa discussed the interaction between the applicant team and evaluation teams. Kunishige noted that the applicant team has an opportunity to point out any disagreement with the evaluation team's recommendation report. She shared that there will be an opportunity for the applicant teams to provide feedback on the applications process. Commissioner Tomozawa shared that is advisable. Kunishige also shared that one of the reasons most of the interaction is in writing is to provide a fair, open, and transparent process. Commission Chair Payne clarified that the role of staff is not to provide coaching and advice to any applicants because that would taint the process. Commission Chair Payne shared clarification is available to applicants but when staff begins helping the applicant create the application, this crosses the line. Commission Chair Payne shared she does not believe that is the case in the current process but is hearing applicants may misunderstand of the role of staff. Commissioners discussed the rigorous process and high standards set in the applications process and the need to have some kind of charter school support organization that could provide technical advice and assistance.

Commissioner Takabayashi asked whether the clarification process addresses any omissions of the application or failure to provide information. Commissioner Takabayashi asked if applicants are able to make changes to their application since no new information is allowed. Kunishige shared that is a gray area because when information changes it becomes new information. Kunishige shared that staff tries to allow the evaluation team enough latitude to make a good evaluation and assessment.

She said if information is absent, the evaluation team will attempt to ask questions that are related within the application to allow for clarification on the absent information.

Commissioners discussed the process further, questioned whose bar we are using, and asked for input from the National Association of Charter School Authorizers at another meeting.

Commission Chair Payne approved late testimony.

Justin Lolofie, member of the Montessori of Oʻahu Public Charter School ("Moʻo") applicant group but speaking as an individual, provided testimony. Lolofie shared that after the application is submitted and the capacity interview is held, the evaluation team asked for written clarification, but the trick is that no new information is to be provided. He shared how difficult this task is, illustrating with an example. Lolofie expressed a concern that the rule against submitting new information could act as a loophole for evaluators to pick and choose which new information to retain. The evaluator could redact some information or choose to allow new information and use it within the report. Lolofie shared that inconsistent application of a vague guideline could result in arbitrary decisions about what is included. Lolofie shared that Commissioners are responsible for soliciting and evaluating charter applications, approving quality applications and declining weak applications. Lolofie shared if the Commission is truly interested in understanding the applicants, and evaluating their clients to bring new educational choices to the families of this state, they should consider all information submitted by applicants, especially written and oral testimony.

Commission Chair Payne requested Lolofie to provide his testimony in writing to the Commission staff.

2. Action on Charter School Application for Hawaii Arts Repertoire & Tech (HART)

Commissioner D'Olier shared the Applications Committee recommended a denial of the application submitted by Hawaii Arts Repertoire & Tech (HART) ("HART"). Hutton provided an overview staff's submittal.

Hutton shared that HART is proposing a school on the west side of the Big Island that specializes in arts, blended learning, career and technical education, and virtual or virtual hybrid. Hutton shared the school proposes grades 6 thru 12 with an eventual capacity of 300 students.

Hutton shared that the recommendation report noted the application did not adequately explain how the arts would be delivered, and had concerns on the heavy reliance of volunteers to deliver the component. He shared that the evaluation team had concerns regarding the organizational plan due to the absence of a plan to renovate

the proposed facility to be compliance with building codes and to install the technology infrastructure required for the proposed curriculum. He shared that the evaluation team had concerns with the financial plan due to the absence of an adequate contingency plan in the event enrollment figures fall short of projections and the failure to budget for facilities renovation. He shared that the application's information technology capacity was questionable because the applicant did not provide an adequate solution for economically disadvantaged students that may not have internet access at home.

Hutton shared the applicant response to the evaluation team's concerns was that the proposed facility was not the only option and that the school had a "back-up plan B" facility that would not require renovations. The omission of some technology infrastructure, especially a server, was noted in the applicant response. The applicant also stated that the school's revenue is based on 90% of enrollment projections while expenses are based on 100% of enrollment projections.

In its rebuttal, the evaluation team still maintained that there is no evidence in the application that the arts are essential to the proposed curriculum and philosophy. Hutton shared that the evaluation team's concerns with retrofitting costs were not allayed by the applicant's response. In addition, the evaluation team maintained that the absence of a facilities budget for physical and technology infrastructure is a major weakness of the application.

Kunishige shared the plan B site is Hawaii Community College in Kealakekua. Applicant did not provide an approximate square footage of the space or make a statement that the space would accommodate the opening year student population. Kunishige shared that during the Applications Committee meeting there was a question regarding certified instructors. The application lists four certified teachers for core subjects and one teacher is designated as "special" for each division in middle and high school for a total of ten teachers in the first year for 200 students. Kunishige shared that the applicant team mentioned during the Applications Committee meeting that there will be incremental increases in teachers as enrollment increases. Kunishige shared the designated teacher as "special" would have to be certified.

Commission Chair Payne called for public testimony. No public testimony provided

Commissioner Tomozawa asked the applicant group if it had any comments.

Denise McAndrews, proposed school leader, shared appreciation for the opportunity to speak and the hard work of everyone on behalf of innovative and creative of schools. McAndrews shared they believe their application covered how they will deliver the arts and other areas. McAndrews shared it is described in their application on page 11. McAndrews discussed the application further. McAndrews shared there is a 20 to 1 ratio between teachers and students, and budgeted for ten teachers for curriculum

leader development. McAndrews shared the plan B facility is addressed in their application. McAndrews shared they have a blended learning model and budgeted for all students that would have an opportunity to learn at home if they met requirements. McAndrews discussed the technology piece further. McAndrews shared they will look into getting a server, apply for 501(c)(3) status, and apply for grants. McAndrews shared their hope for another chance and their appreciation for everyone's work.

Commission Chair Payne encouraged applicant not to give up on their dream.

Commissioner Hanohano stated that he wanted his vote registered as "silent" during vote.

Motion (Applications Committee) to deny Hawaii Arts Repertoire & Tech's (HART) 2013 charter school application passed with 5 ayes (D'Olier, Payne, Street, Takabayashi, Tomozawa) and 1 abstention (Hanohano) passed.

Commissioner Tomozawa shared the idea of an arts school is a great idea and encouraged HART to come back. Commissioner D'Olier shared the struggle they had with this application. Commission Chair Payne shared the innovation is present but the question is readiness and ensuring they will be successful.

3. Action on Charter School Application for iLEAD Kauai Charter School

Commission Chair Payne recognized written testimony submitted by application team members Deena Moraes, Dawn Evenson, Amber Raskin, Denise Trentham, and Matt Watson.

Commissioner D'Olier shared the Applications Committee recommended a denial of the application submitted by iLEAD Kauai Charter School ("iLEAD Kauai").

Hutton shared the proposed school is to serve Kauai and specialize in arts, college prep, cultural focus, and project-based learning. The project-based learning has a focus on college and career readiness, emphasizing entrepreneurship and 21st –century technological literacy. Hutton shared the school proposes grades kindergarten thru 8 with an eventual capacity of 450 students. He shared this is a proposal from a Charter Management Organization ("CMO") that runs charter schools in California.

Hutton shared that the RFA requests additional information from CMOs already operating charter schools. Hutton said that, broadly speaking, CMOs bring an added layer of organizational capacity. But in this application, there were concerns about lack of a different kind of capacity. Hutton shared that the recommendation report highlighted some lack of understanding of Hawaii's unique education environment. The application frequently referenced California. The applicant's response stated it would make a meaningful adaptation to Kauai, but the application did not include these

meaningful adaptations. Hutton also shared another important issue is the academic performance of the CMO's existing schools, which is low. Hutton shared that the applicant responded that the low academic scores of its existing California schools are due to the transition between the previous assessment system to an assessment system that is based on common core, and the applicant expects its scores will improve. Hutton shared that the evaluation team would like to see this predicted academic performance growth of the existing schools, as well as better grounding with the local community, in a future application. Hutton shared that the applicant team responded graciously to the process and indicated it had an understanding of what the Commission is looking for. Commission Chair Payne recognized in their written testimony their desire to apply again.

Commission Chair Payne asked the applicant team if it had any comments.

Denise Moraes, proposed school leader, thanked the Commission for the opportunity to speak. Moraes shared her background and passion to change the educational system on Kauai. Moraes noted there are things they will work and improve but are committed and requesting the eventual approval of their application. She shared her future plans to learn more about the CMO and bring that knowledge back to Hawaii.

Commission Chair Payne thanked representatives and encouraged them to continue the process and wished much success.

Commissioners and applicant team discussed the relationship between the CMO and Kauai and application. Commissioners discussed with Moraes her future plans and relationship and knowledge of the CMO.

Commissioner Hanohano stated that he wanted his vote registered as "silent" during vote.

Motion (Applications Committee) to deny iLEAD Kauai Charter School 2013 charter school application passed with 6 ayes (D'Olier, Kotner, Muraoka, Street, Takabayashi, Tomozawa) and 1 abstention (Hanohano) passed.

4. Action on Charter School Application for IMAG Academy

Commission Chair Payne requested any Commissioners with conflicts to recuse themselves. Commission Chair Payne recognized written testimony by Sheila Buyukacar.

Commissioner D'Olier shared the Applications Committee recommended a denial of the application submitted by IMAG.

Hutton shared the proposed school is to serve the Waipahu complex and identifies its school model specializing in college prep, STEM and V-Base (Value Added Business, Arts, Science, and Engineering) and will also include International Baccalaureate and Conscious Discipline, which is a social and emotional development framework. Hutton shared the school proposes grades kindergarten thru 12 with an eventual capacity of 930 students.

Hutton shared the application appears to still be in the development process. Hutton shared the evaluation team felt the academic plan failed to describe the curriculum or a plan to develop curriculum and there were had serious concerns with the coherency of the academic plan. He shared the evaluation team had concerns regarding the organizational plan due to the gaps in facility and location planning. He shared the concern regarding the planning was due to the applicant proposing various sites which would likely result in different student populations. He shared there was a lack of evidence of community support, an unrealistic staff to student ratio based on current funding levels, and an overall concern with financial capacity.

Hutton shared the applicant responded that the curriculum development plan was included in the application. In addition, the various proposed locations were an attempt to be transparent with evaluation team in hopes that any concerns would be discussed. Hutton shared the applicant responded that the community involvement is "rooted in the applicant team's ties to the community." He said the applicant team responded to the staff-to-student ratio by saying that there will be a teacher assistant for every two regular full-time teachers.

Hutton shared that the evaluation team's rebuttal stated that there were too many instances where the application established a working group to address items that should have been in the application already. Staff's general overview is that the application seemed to be "a plan for a plan," rather than the actual plan here and now. Hutton shared that staff felt the evaluation team correctly evaluated this application and that this application needs a lot of work.

Commission Chair Payne called for public testimony.

Sheila Buyukacar, proposed school leader of IMAG, provided testimony in support. Buyukacar shared they trusted the evaluators to use the application process to support and inform recommendations, but do not believe that they have. Buyukacar provided examples of how evaluator could have used the process more diligently. She shared the review of their application convinced the applicant team that they were incompetent, unskilled and naïve to the work ahead of them and made them start to doubt their plans and thought processes. She shared she spent over 100 hours preparing responses and found many items evaluators said were missing. Her own extensive analysis and supporting documentation ensured Buyukacar of the applicant team's competency to open a high quality charter school in tuned with the students and community needs.

Buyukacar asked Commissioners to approve their charter school. Buyukacar clarified that she is not asking for help in developing their plan, but to have evaluators interact with them to help evaluators go through the application so Commissioners do not have pages of written testimony identifying erroneous items.

Commissioners discussed with Buyukacar the erroneous items. Buyukacar requested the Commissioners to reference the request for clarification.

Commissioner Hanohano stated that he wanted his vote registered as "silent" during vote.

Motion (Applications Committee) to deny IMAG Academy 2013 charter school application with 7 ayes (D'Olier, Kotner, Muraoka, Payne, Street, Takabayashi, Tomozawa) and 1 abstention (Hanohano) passed.

Commissioner Tomozawa shared with Buyukacar that they will take her suggestions into consideration, confirmed that her effort has not been wasted, shared his appreciation of the constructive criticism, and shared that he believes the process has improved from the past and will continue to improve.

Commission Chair Payne recessed at 10:15 a.m. and reconvened at 10:30 a.m.

5. Action on Charter School Application for Ka'u Learning Academy (KLA)

Commission Chair Payne requested any Commissioners with conflicts to recuse themselves.

Commissioner D'Olier shared the Applications Committee recommended an approval of the application submitted by Ka'u Learning Academy (KLA) ("KLA").

Hutton shared the proposed school is to serve the Ka'u district and that the school model specializes in blended learning and virtual or virtual hybrid. Hutton shared the school proposes grades kindergarten thru 8 with an eventual capacity of 300 students.

Hutton shared the evaluation team felt the academic plan is feasible and that to implement it the applicant group has an experienced and qualified proposed school director with a proven track record of serving this community and its population. The evaluation team felt the academic plan has rigorous academic achievement standards and several intervention strategies for students who fall behind. The proposed school director has experience in public education and has developed instructional strategies that have resulted in significant proficiency improvements for students in the geographic area. Hutton shared the evaluation team felt the school leader and the advisory board had the requisite capacity. He shared KLA has secured a facility for two years, and the applicant has a plan for recruiting teachers.

Hutton shared the evaluation team had some initial concerns with a projected deficit in the proposed school's the opening year, but the concern was addressed at the capacity interview. Hutton shared there were concerns regarding the virtual program transition from grades 6 to 7 and enrollment capacity. Hutton shared this is an illustration of how the bar is high but the expectation is not for perfection but a solid overall plan. He shared the school's board had members with requisite skill sets that follow the new model of governance under Act 130. He shared the capacity is reflected in the policies that comply with state laws, securing a donation of land, securing a favorable lease of facility for the next two years, a coherent financial plan, and successful fundraising. He concluded that the evaluation team, staff, and Applications Committee all recommend approval of this application.

Kunishige shared the submittal contains additional questions and answers received from Commissioners. Kunishige highlighted two questions. The first was regarding the virtual transition plan for grades 7 and 8, and how will a 6th grader transition from a traditional brick and mortar class to a virtual setting. Kunishige shared this plan will be developed during the start-up period. Kunishige shared that during the Applications Committee meeting there was a discussion regarding the school's application for a Castle Foundation grant.

Commission Chair Payne called for public testimony.

Dr. Richard P. Creagan, State Representative, District 5, provided testimony in support of KLA. Representative Creagan shared he is a retired physician and former teacher who has lived in Kaʻu for 23 years. Representative Creagan related his familiarity with the struggles of Naalehu School; part of the struggle is due to the student population. Representative Creagan shared he was a part of the Peace Corps in the Marshall Islands, and recently volunteered at Naalehu School, so he understands the need for further integration into the community. He agreed that KLA has a strong governing board, financial plan, facility, community support and education team, tailored curriculum, and lastly, strong support in the Legislature.

Kathy Tydlacka, proposed school's Executive Director and Joe Iacuzzo, proposed school's Managing Director, expressed the applicant group's appreciation on behalf of the children of Kaʻu and for the opportunity to expand their vision for KLA.

Motion (Applications Committee) to approve Kaʻu Learning Academy (KLA) 2013 charter school application, provided that the applicant works with staff during the start-up period to address the concerns described in this submittal dated April 24, 2014 passed unanimously.

6. Action on Charter School Application for Montessori of Oʻahu Public Charter School

Commission Chair Payne recognized written testimony by Michael Lawrence Gallagher.

Commissioner D'Olier shared that the Applications Committee recommended a denial of the application submitted by Mo'O.

Hutton said the applicant is proposing to serve East Honolulu and specializing in Montessori. Hutton indicated that Mo'O has an associated non-profit that will offer a private preschool in conjunction with the proposed public charter school. He shared the school proposes grades kindergarten thru 6 with an eventual capacity of 280 students.

Hutton shared the evaluation team and staff felt the proposed school and applicant team has potential but will need to work on reconciling their proposal to fit a public school model. He said the evaluation team had a concern regarding the absence of a timeline for aligning the curriculum with the Common Core, as well as a serious concern with the proposed enrollment preference for students with Montessori experience when there are no public or free Montessori options available on Oahu at this time. Other concerns included: failure to demonstrate how the curriculum and instruction would be modified for at-risk and special needs students; an organizational plan that includes a significant overlap between non-profit board members and the proposed charter school governing board; having a private preschool share a classroom and staff with a public school; the potential impact of the mandatory Montessori certification on collective bargaining; and the transition between the private and public school model and how that would work.

Hutton said the applicant response stated that the enrollment preference policy does not discriminate against any suspect class. The applicant responded that Mo'O will conduct an outreach to attract new students and seek the advice from the State Ethics Commission regarding its governing board and any comingling of funds. Hutton shared the evaluation team still had concerns regarding special education, private preschoolers sharing the facilities with the proposed public school, and favoring experienced Montessori students. He said there are legal policy issues about the application's ability to provide an equal opportunity public education.

Kunishige shared there was a lot of discussion of this application at the Applications Committee meeting. Kunishige reported that staff had done additional research and found that out of 450 Montessori public schools, 150 have private preschools attached. A handful of the schools have enrollment preferences and two schools in the sample group had enrollment preferences similar to the applicant's preference, but these schools are located in areas that have other public Montessori options available. Regarding the enrollment preferences, she noted it was originally proposed for founding families and students with one year prior Montessori experience. Kunishige shared a Commissioner expressed concern that the Montessori experience requirement could act as an enrollment filter for special education students who could not receive that

experience using current private options. Kunishige shared that the applicant stated that the preference is fundamental and that it was not willing to compromise on it because of its importance for creating an authentic Montessori experience.

Kunishige shared that at the Applications Committee the federal CSP grant was discussed because the enrollment preference, as proposed, would affect Mo'O's ability to receive the grant. Under the program rules, such a preference is explicitly prohibited.

Kunishige shared that when the abandonment of the enrollment preference for founding families was discussed at the Applications Committee, there seemed to be a degree of disagreement among the applicant team members themselves.

Kunishige stated that another issue discussed at the Applications Committee was the mixed-age classroom consisting of private and public students taught by a public school teacher. A Commissioner expressed concern about how the teacher's salary would be paid if the teacher were teaching both private and public students. The Applications Committee asked if the applicant team would compromise on the Montessori model and whether it would consider separating the private and public school students. The applicants responded that they would not if this would affect the quality of the education provided or its fidelity to the Montessori model.

Kunishige shared that the Applications Committee discussed enrollment preferences and asked for a copy of the state statute regarding enrollment. She related the Commission's recent discussion regarding a current charter school's approval for an enrollment preference. She reported that after the Applications Committee meeting, Mo'O submitted written public testimony that included a revised enrollment policy and provided additional research on other Montessori schools preferences. Hutton observed that this is not the time to be re-writing the application, since changes to one section affect the entire application. Hutton highlighted other concerns regarding the revised enrollment policy. Commissioner discussed the enrollment statute.

Commissioners called up applicant team members Michael Lawrence Gallagher, Carla Pilato, and Minnie Wales. Gallagher shared that in the revised enrollment policy a preference for the children of founding members was removed. He shared that the challenge for Mo'O is reconciling an open admission policy with providing an authentic Montessori experience. He said they want to provide students with wide latitude and expect the Mo'O students to become peer educators. Commissioners asked what percentage of the lottery would be designated for students with Montessori experience. Lawrence shared up to 80% would have to have Montessori experience. Gallagher clarified that if the number of applicants with Montessori experience exceeds the 80% enrollment cap, there would be a lottery for those students. Wales shared the evaluation team asked how the school was going to assist students without Montessori experience transition into the school. Wales shared that having the enrollment preference will help. Lawrence shared the struggle to transition from a private to a

public school. Lawrence shared the last thing they want to do is compromise the program to be less high quality, less productive, and give Montessori a bad name.

Commissioner Muraoka acknowledged desire for a "critical mass," but said his understanding was that the Montessori approach is to meet kids where they are developmentally, even without prior experience. Lawrence agreed but noted when there is a classroom of students who do not have Montessori experience, the teacher may have to revert back to a more traditional classroom approach. Commissioner Muraoka shared his experience with West Hawaii Explorations Academy, which is a project-based learning charter school and has similar challenges with accepting students who are inexperienced in project-based learning. The school makes the accommodations necessary to get these students up to speed with project-based learning. Commissioners discussed further.

Commissioner Kotner thanked the applicant team for attending and enduring the difficult questions. Commissioner Kotner shared her experience as a charter school director that has a Waldorf curriculum. She related how she had shared the many concerns voiced today during her own experience with the Waldorf movement. She encouraged the applicant team to participate at the national level of the public school Montessori movement. She noted some parallels between the Waldorf and Montessori movements, as well as with other unique approaches to education. She shared that charter schools are first and foremost public schools and that it is acceptable not to have a public Montessori if the core values really cannot be compromised.

Wales shared that reconciling the public model and Montessori core values has been a challenge for Mo'O while writing the application. Wales shared that today's meeting and the Applications Committee meeting have been most informative and have helped them understand what is not acceptable. Commissioner Kotner shared her thoughts on the enrollment preference and encouraged Mo'O to consider an open policy to reach more children. Gallagher shared that Montessori can work for any child and did not want to give an impression otherwise. Commissioners discussed the limitations.

Commissioner D'Olier shared his struggle regarding the mixed classrooms with private preschool students and public school kindergarteners. Commissioner Takabayashi requested further clarification on preschool tuition. Gallagher shared financial aid would be available based on adjusted gross income. Gallagher shared their interest in applying again if the application is denied.

Commissioner D'Olier shared that a public Montessori school is a wonderful idea for Hawaii but he struggles with the enrollment policy, the private and public comingling of funds, and other issues discussed. Commissioner Takabayashi stated his support in denying the applying and noted that he would like to see them succeed but there are too many unanswered questions at this time to approve the application.

Commissioner Tomozawa asked the evaluation team to share any other important concerns or issues within the application. Evaluation Team Member Kirsten Rogers shared concerns with the mixed-age public-private classroom, special needs issues and the revisions to the enrollment policy. Rogers reminded Commissioners that a major revision changes the holistic review of the application. Commissioners discussed the application further.

Commissioner Hanohano stated that he wanted his vote registered as "silent" during vote.

Motion (Applications Committee) to deny Montessori of Oahu Public Charter School 2013 charter school application passed with 7 ayes (D'Olier, Kotner, Muraoka, Payne, Street, Takabayashi, Tomozawa) and 1 abstention (Hanohano).

7. Action on Charter School Application for North Shore Middle School

Commissioner D'Olier shared that the Applications Committee recommended a denial of the application submitted by North Shore Middle School ("NSMS"). Commissioner D'Olier shared that the Applications Committee struggled with its recommendation to the Commission because of community support and geographic need.

Hutton shared this was the only applicant that submitted an application last year. He noted that the evaluation team members reviewing the current application were not a part of the evaluation team that reviewed last year's application.

Hutton shared the applicant proposed a school that would serve the north shore of Oahu and specialize in arts, blended learning, college prep, and career and technical education. The proposed school would incorporate service learning, required music and world language courses, various after-school programs and a morning workshop, among other things. Hutton shared the school proposes to serve grades 7 and 8 with an eventual capacity of 200 students.

Hutton shared the evaluation team had concerns that the application had too many elements without having a clear and coherent plan for successful implementation. Hutton said the evaluation team felt that academically, the application lacked cohesion between online and project-based curriculum and curricular standards in certain aspects of the proposed program. He said the team also had concerns on the organizational plan in regards to the amount of responsibilities placed on teachers without clearly setting aside needed preparation time and a lack of understanding of the collective bargaining implications of the additional responsibilities for teachers. The evaluation team also had concerns with the way the applicant team planned to use a reading and math specialist. Hutton shared the application placed a heavy reliance on volunteers without a clear implementation plan. Hutton shared the evaluation team was concerned that the financial plan included a cost-cutting contingency plan that would

reduce the hours of low-cost, non-essential employees, and that this would include the already part-time volunteer coordinator, even though the school relies heavily on volunteers.

Hutton shared the applicant responded that the proposed blended learning program is modeled after similar programs across the country. He said that the applicant responded that the reading and math specialist would use computer programs as the "main means of instruction," which "allows the teacher to take an evaluator and support role." The applicant's response contends that the program does not rely on volunteers to deliver core curriculum and that professional development is included in the start-up plan and school calendar.

Hutton shared that in its rebuttal the evaluation team felt that the applicant's response did not address its initial concerns. Hutton shared that the academic plan included four non-core classes which had no curriculum or standards, which together represented 42% of total instructional minutes. The team still felt that the interface between the online and project-based learning was not explained in the application and that the amount of responsibility placed on teachers was high and the blended learning program did not appear to have adequate IT support.

Kunishige reminded Commissioners that the application and application process is significantly different from last year. She addressed questions Commissioners submitted prior to the Applications Committee meeting and also questions that came up during the Applications Committee meeting. She shared that the evaluation team was asked to refrain from reading last year's application to avoid bias. There were questions from Commissioners about the educational experience of the applicant team. Kunishige noted that proposed school leader Dali Pyzel has K-12 experience and that another board member has educational experience in post-secondary education.

Kunishige noted that the applicant questioned whether the evaluation criteria were being followed, so the RFA evaluation criteria was included in the staff submittal. Kunishige clarified that the capacity evaluation does not focus solely on credentials, but rather is an evaluation of capacity demonstrated by the plan presented in the application and also during the capacity interview. She shared that the national expert that the applicant team referenced as a supporting organization was Charter School Management Corporation. Kunishige shared that staff reviewed the Charter School Management Corporation's website, which states that it provides application development support but does not provide any additional details. Kunishige also that Charter School Management Corporation has a financial interest in the applicant's approval because if the applicant is approved for a charter, it would contract with the company to service the school.

Kunishige provided additional information on the Federal CSP grant that NSMS applied for, because statements were made by the applicant about how it received excellent

scores and only failed to obtain the grant because it did not have a charter. Kunishige shared that it is difficult to ascertain with any degree of certainty that the applicant was close to receiving the grant because the only information available was for applicants that received the grant. Out of the 71 groups that applied, 16 were awarded grants, and the lowest of these awardees had a score of 84. NSMS scored 76. Kunishige shared the scores do not necessarily translate to the application approval process since it is a different process with a different purpose and criteria. However, staff provided a comparison of scores from the Hawaii Education Council (Malama Honua's affiliated nonprofit who received the award previously) with NSMS's scores. The applicant scores showed parallels to the evaluation team's recommendation report as to weaknesses in areas like personnel, management plan, strategy for achievement and strengths in areas like community support. Kunishige shared that generally the sections of the CSP where NSMS received high scores were areas that were outside of the applicant's control (like diverse student population), and that the CSP grant allocated fewer points to these areas. She also reported that there was another applicant that was awarded a grant that did not have an approved charter, so holding a charter was not a necessity.

Kunishige said that the Applications Committee had questions regarding the staffing plan and collective bargaining agreements. She shared that applicant said that it would be using devices which will have software support from a service provider.

Commission Chair Payne called for public testimony.

State Senator Clayton Hee provided testimony in support of the NSMS application. Senator Hee shared he is a former teacher and that teaching is one of the hardest jobs. He shared the importance of volunteers and shared his experience with volunteer work with Aha Punana Leo, Ke Kula ʻo Nāwahīokalaniʻōpu'u Iki, LPCS ("Nawahi"), and as Chairman of OHA. Senator Hee said NSMS should not be penalized because it would have volunteers. He expressed sadness that the staff is providing reasons not to open the school and said instead the staff should be providing reasons and making proposals to make it work.

Commissioner Hanohano shared his appreciation for Senator Hee's attendance. Commissioner Hanohano asked if Senator Hee has been involved with the charter application. Senator Hee responded his involvement has been peripheral due to his busy schedule. Senator Hee shared his main experience with charter schools has been with immersion education. Senator Hee said he has been involved with an effort to secure the Crawford Home for the proposed school. Senator Hee said he has spoken to Senator Jill Tokuda and has learned the approval standards have been upgraded for good reason. He said he believes we need to paddle the canoe together.

Commissioner Tomozawa related the history of the previous application cycle. Commissioner Muraoka thanked Senator Hee for attending and asked if he is aware of any reason why the DOE has not has opened up a new middle school in this community

since there apparently is so much community support. Senator Hee said he did not know. Commissioner Takabayashi noted as a former teacher that having middle school students in a high school setting is concerning, but as a Commission the application must pass the evaluation first. Commissioner Takabayashi shared the evaluation team is not convinced and shared his concern with the operations as proposed. Senator Hee shared that Nawahi started on a belief and did not have a structure, and this sounds very familiar, but that school had "the will to win." Senator Hee acknowledged that the Commission has a hard job but asked the Commission to give NSMS an opportunity, and said that he would "paddle the canoe" with them.

Ms. Pyzel, proposed school leader of NSMS, provided testimony in support of NSMS. Pyzel shared she has spent the last three years writing over 1,000 pages, organizing fundraisers creating petitions and surveys, and attending dozen of board meetings and public hearings for the purpose of opening a high quality charter school. She claimed they pointed out errors and discrepancies in the recommendation report and hired experts, and she asked Commissioners to listen to their hearts and approve the application. Pyzel clarified that they received 76 points for the federal CSP grant and the lowest score receiving an award is 84, while their application lost 16 points due to not having an approved charter.

Monique Moronesco, board member for NSMS, testified in support of the NSMS. Moronesco shared she is discussing the blended program, which meets and exceeds the educational needs. Moronesco shared they are being dinged for trying to do too much and had been encouraged to revise down their goals and creativity. Moronesco shared they believe there is a flaw in the process, the proposed school leader has tons of experience and years of learning at an online school, as a teacher at Kahuku High School, and a librarian at Sunset Beach Elementary. Moronesco is also confused about what is needed to demonstrate the capacity if the criteria keeps changing. Moronesco shared the North Shore community is resilient and has the capacity and asked the Commission to approve the application.

Melissa Ginella, Board Member of NSMS, provided testimony in support of NSMS. Ginella said the proposed school is a quality program. She shared the evaluation team's view has flaws, they have a qualified leader and a capable plan, they have budgeted for everything and they will fundraise. She shared they have created an innovative program and have the need and motivation to succeed. She asked for the support and belief to approve the application.

James O'Shea, Board Member of NSMS, provided testimony in support of NSMS. O'Shea echoed how long the application was and while the application was criticized for inadequate information on some points, they had submitted over 800 pages of application, testimony, replies, etc. O'Shea shared that although the application was 360 pages, they took out pages due to the limitation and space of the application. He they removed sections because of the criteria of the application. He shared that

regarding the technology portion, the funding for equipment and services covers what is needed. He shared that they have new generation laptops that do not require as much tech support. He thanked the Commissioners for their time and requested approval of their application.

Commissioner Muraoka asked for more information regarding the Crawford Home. Pyzel shared that the facility is run by the Hawaii State Department of Land and Natural Resources and has been vacant since last September. Pyzel shared NSMS is one of three applicants who want to use the facility and the only applicant that has community support. The facility is near Wailea, between Sunset Beach and Turtle Bay. Commissioners discussed the facility further and last year's proposed facility.

Commissioner Street asked for further clarification on the staffing chart. Pyzel shared that for the first year there will be four full-time equivalent certified teachers to serve 100 students, in addition there will be a part-time (.5) reading and world teacher and a part-time (.25) reading and math specialist who will be responsible for the morning workshop among other things. Commissioner Takabayashi shared his concern (which he brought up at the Applications Committee) regarding the budget and amount allocated for teachers based on the hours teachers will work and the bell schedule. Commissioner Takabayashi discussed further concerns with the proposed budget. Pyzel provided clarification on the bell schedule and shared that they would negotiate a supplemental collective bargaining agreement and expressed a willingness to redact the bell schedule to match the collective bargaining agreement. Commissioners discussed the staffing plan further.

Commission Chair Payne shared with the Commission they would have to vacate the room the meeting was being held in because of a scheduling conflict and proposed taking public testimony from neighbor island testifiers before taking action on the remaining agenda items.

Commissioner Tomozawa went on record to share his support of NSMS. Commissioner Tomozawa shared his thoughts on his support.

Motion (Takabayashi/Muraoka) to postpone decision on North Shore Middle School until receiving public testimony on the State Public Charter School Contract template passed unanimously.

8. Action on Revisions to the State Public Charter School Contract Template

Commission Chair Payne provided background on the action on revisions to the State Public Charter School contract template. Commissioner Chair Payne reminded Commissioners that contracts must be signed by July 1.

Commission Chair Payne called for public testimony.

Mapuana Waipa, Interim School Director for Ke Ana Laʻahana ("Ke Ana"), provided testimony. Waipa shared Ke Ana serves grades 7 thru 12 in Hilo. Ke Ana's curriculum perpetuates the culture of the community, and core academics for post high school careers. Waipa shared their school was developed based on the strong efforts of the community. Waipa shared their students are comprised of 92% are native Hawaiians 78% come within the community, and 72% receive free and reduced lunch. Waipa shared the revisions in the contract what we set out to do, and how we expect to deliver the type of curriculum to make our students successful. Waipa shared their student success. Waipa shared they are looking staying true to who they are and still be able to continue their mission and vision.

Commissioner Tomozawa asked if the contract impedes that, and what part of the contract does that. Waipa deferred to her colleagues.

Haunani Seward, Director of Ke Kula o Niihau o Kekaha Learning Center ("KKNOK"), provided testimony. Seward shared suggestion for the Commission to consider amendments to the Academic Performance Framework of the bilateral contract for Hawaiian medium schools and whether KKNOK could implement a Niihau language assessment in lieu of a translated Hawaiian language assessment. Seward shared that Niihau speakers are the only people qualified to determine the language proficiency and benchmarks. Seward shared a Niihau language assessment could also be part of its School-Specific Measures but only if given an adequate weight that honors an official language of Hawaii. She shared the irony of the fact that the kupuna of the Niihau community desire to start a school for Niihau children because the needs of these children were not being met in mainstream DOE public education. Seward quoted Commissioner Tomozawa, "when a school fails, the community fails." Seward requested that the Commission and staff work collaboratively with Hawaiian medium schools to ensure individual schools successes.

Louisa Lee, Ka ʻUmeke Kāʻeo ("Ka Umeke") Governing Board member, provided testimony. Lee shared concern with specific sections of the contract, more specifically section 4.3, which requires schools to comply with state assessment requirements. Lee requested a delay on the approval of the contract until such time for further discussion to remedy the assessment piece. Lee would like the contract to be aligned with BOE policy 2104/2105 regarding Hawaiian language education. Lee suggested in addition to the requested change to section 4.3 of the contract, they would like 1B in Exhibit B2 be amended so that it does not mandate school participation in the state assessment where there is no appropriate assessment in the Hawaiian language. Lee reminded Commissioners that in fourth grade they begin language arts, which is only for an hour a day. Lee shared there was a discussion about having a minimum of participation for a baseline and if many opt out it would be difficult requirement to meet.

Huihui Kanahele-Mossman, Director of Ka Umeke, provided testimony. Kanehele-Mossman shared they participated in a conference call with charter schools' Deputy Attorney General, Carter Siu. Kanahele-Mossman shared concerns with Common Core standards and mandatory assessment for Hawaiian immersion schools. Kanahele-Mossman discussed Hawaiian as an official language, and the civil rights implications in requiring her family to take a test that is in English. She requested suspension of those items of the contract relating to common core assessments until such time as the Hawaiian immersion schools can come up with an appropriate assessment. Kanahele-Mossman discussed the Hawaiian language further. Commissioners discussed board policies.

Commissioner Takabayashi asked Seward if DOE is working on a test for the Niihau language. Seward shared KKNOK is the only school in the world that instructs in the Niihau language. Seward shared they are having a field test this year on the Niihau language by videotaping students to determine if a child is proficient at their age.

Commissioner Kotner asked if they have any suggestions in the contract timeframe for a tool to be used to ensure students are receiving quality instruction while it is being developed. Lee shared that for Ka Umeke, they are not opposed to creating assessments with the Commission that are aligned with their educational program. Lee shared reusing the Hawaiian Aligned Portfolio Assessment ("HAPA") has come up as an option. Kanehele-Mossman shared Hela Waʻi is a 1:1 assessment with a teacher to student in the language to determine proficiency. Commission Chair Payne asked if they are using any of those assessments as a School-Specific Measure. Kanahele-Mossman shared if HAPA was not deemed valid, Hela Waʻi could be used. Kanahele-Mossman discussed the bigger issue and moving forward with dynamic assessments. Seward shared they have received a grant this year to develop a tool and hopes to finish by the end of June which will then be implemented.

Taffi Wise, Kanu o ka ʻĀina New Century Public Charter School, shared that Nā Lei Naʻauao ("NLN"), a Native Hawaiian charter school alliance provided written testimony. Wise claimed that they do not have the ability to reciprocate with staff and that is why they need to take more time, and perhaps, extend current contracts to allow more dialogue with the deputy attorney general. Wise shared that 25 public charter schools met voluntarily to discuss the proposed contract template and spent 16 hours with the deputy attorney general reviewing.

Commissioners commended the group for providing insight on the issues discussed.

Alika McNicoll, ʻAha Punana Leo provided testimony on behalf of Nawahi's Governing Board. McNicoll shared Nawahi's Governing Board requests a delay of approving the contract template, deny the request to delegate authority to Commission's Executive Director and form an ad hoc committee. McNicoll expressed concern with last year's lack of attention to the unique needs of schools taught through Hawaiian by signing last

year's contract under duress and attaching references to unique laws that relate to education through the Hawaiian language. Additional areas of concerns have come to light due to the new contract and more discussion is needed. McNicoll shared Nawahi has been featured as an exemplary program by the DOE and Race to the Top application. It has also been featured in a webinar on education through medium language sponsored by the USDOE. However, Nawahi has been categorized at the very bottom in the State as a priority school. McNicoll shared they believe Strive HI categorization is inappropriate and lack sufficient attention to the unique Hawaiian language features when they wrote Strive HI plan.

Meahilahila Kelling, Director of Ke Kula 'o Samuel M. Kamakau, LPCS provided testimony. Kelling shared support of the previous testifiers. Kelling read a section of written testimony, "Kamakau supports the mark-up attached to Na Lei Na'auao's testimony. However, there are still school specific issues and Hawaiian school issues that need to be addressed with many governing boards in addition to those revisions. Particularly, the contract term below will significantly impact Kamakau and other Hawaiian Medium/Immersion schools whose parents will continue to opt out of the State testing, being offered only in English in the 2014-15 school year. Therefore, Kamakau is requesting the following change to the contract draft language to address this issue. Kamakau is proposing to add language whereby schools are not penalized for parents opting out of the state assessments. We would like assurance that a parent's right to opt out is not counted against the school in the APF measures. Also, until an appropriate Hawaiian language assessment is developed by the state, we would like to request that the results from the state assessment not be used in our student achievement and growth API measures in the Academic Performance Framework. As an alternative, we are ready with school-developed student achievement assessments that measure both Hawaiian and English Reading and Math subject proficiencies." Kelling acknowledged and shared appreciate the efforts taken by the Commission staff, especially Doug Muraoka to address this issue of a Hawaiian language assessment. Kelling also thanked the Commissioners for your support and understanding that all students deserve a fair and valid state assessment. Kelling also wanted to clarify the process since Kamakau was brought up at two different Performance and Accountability committee meetings have not received clarification on how to make such changes.

Mahina Duarte, Director of Halau Ku Mana Public Charter School, provided testimony. Duarte affirmed the testimony given from colleagues especially regarding the Hawaiian language assessment and protection from endangered language especially from the Niihau community. Duarte requests a delay of the proposed contract and request to deny any authority to Commission Executive Director. Duarte shared concerns regarding sections 3.5 and 3.6 of the contract. Duarte thanked staff for help in regards to the committee working group around special education. Duarte shared 22% students receive special education services.

Melissa Pavlicek, Kamehameha Schools, shared with the Commission that she submitted written testimony and offered to speak at the continued meeting to allow others to testify.

Monica Morris, Office of Hawaiian Affairs provided testimony. Morris shared she is speaking in an individual capacity. Morris was the former deputy attorney general for charter schools for two years up until last year. Morris shared that she suggested to the Performance and Accountability Committee that they contact the current deputy attorney general for charter schools, Carter Siu, regarding the contract. Morris shared that prior to April 24, 2014, Carter Siu had not seen the contract. Morris shared that the charter schools deputy attorney general will be looking for compliance with Act 130. Morris shared that charter schools only recently availed themselves of counsel and the Commission should consider an extension to do their due diligence. Commissioner Tomozawa questioned Morris' assertion that the charter schools' deputy attorney general had not seem the contract before April 24, 2014.

Commissioners discussed legal representation for charter schools and the contract timeline.

Wise shared that last year there was a budget proviso that mandated a timeline with Act 130 and 131. At that time, charter leaders were told it was a transition contract with no weight and that they would be able to negotiate. Wise shared many schools signed under duress. Wise shared NLN developed a survey of all charter schools regarding schools' attitude, understanding, and interaction with Commission staff about the contract template. Wise shared that 73% out of 28 schools answered yes to, "Was it your school's understanding that at the end of the SY13-14 interim contract your school would be able to independently negotiate the following year's contract?" Wise shared they signed in good faith last year with the understanding that they would be able to negotiate the contract this year.

Commissioner Tomozawa shared that he requested statistics on the contract from staff. Commissioner Tomozawa shared there were changes to 54 sections of the contract. Commissioner Tomozawa reported on the number of changes made to the charter contract using input from Commission staff, schools, and other organizations. Additionally, some changes resulted from prior Commission actions and anticipated passage to the clean-up bill. Commissioner Tomozawa shared that it suggests there has been substantive changes to the contract on a bilateral basis suggested by schools.

John Thatcher, Principal of Connections Public Charter School provided testimony. Thatcher shared the recital of the proposed contract defines the "charter contract" as a fixed-term, bilateral, renewable contract between a public charter school and a charter school authorizer that outline the role, powers, responsibilities and performance expectations for each party to the contract. It also states, through this contract the parties are desirous of ensuring clear requirements for accountability while preserving

the autonomy of the school to support new, innovative approaches to education and contribute to the development of high quality public charter schools throughout the state. Thatcher encourages the Commission to look if the contract supports that.

Thatcher shared his understanding of a bilateral agreement is one where each party makes promises to the other. The Commission's promise is to develop requirements of accountability while preserving the autonomy of the school to support the development of innovation education. Thatcher shared he will email his written testimony. Thatcher made it clear that the majority of the charter schools are working with the deputy attorney general. Thatcher shared the law states that charter schools are to negotiate a sound contract.

Steve Hirakami, Hawaii Academy of Arts & Science Public Charter School (HAAS) provided testimony. Hirakami shared the difference between each school that we individually negotiate. Hirakami shared they need more time and that staff has spent a lot of time with some of the schools, listening and creating spreadsheets but ignored others. Hirakami shared they met with the charter schools' deputy attorney general and spent a lot of time with him. Hirakami shared the contract starts off with the length of term of the contract and that a great school can be terminated in three years because of a violation within a contract. Hirakami shared the contract should be separated from the charter which cannot expire. Hirakami suggested there should be a renewal process instead of a termination process.

Commission Chair Payne recessed the meeting at 1:47 p.m. to reconvene on Tuesday, May 20, 2014 at 9:30 a.m. location to be determined.

Commission Chair Payne reconvened the meeting on May 20, 2014 at 9:32 a.m. Commission Chair Payne shared the May 8, 2014 meeting was recessed before confirming a location. Commission Chair Payne shared that to ensure procedural compliance, the Commission would adjourn the May 8, 2014 meeting and call a new meeting to order. Commission Chair Payne shared the intent is to continue where the conversation left off and to postpone the remaining agenda items to the next general business.

Motion (Takabayashi/D'Olier) to postpone the remaining agenda items: Update on 2014 Legislative Session, Presentation of Executive Director's Report, and Future of Executive Director's Report to the next general business meeting, scheduled for May 20, 2014 passed unanimously.

VII. Adjournment

Commission Chair Payne adjourned the meeting at 9:34 a.m. on May 20, 2014.