

JOSH GREEN, M.D.

GOVERNOR



CATHY K. IKEDA

CHAIRPERSON

STATE OF HAWAII
STATE PUBLIC CHARTER SCHOOL COMMISSION
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PERFORMANCE & ACCOUNTABILITY COMMITTEE

DATE OF POSTED SUBMITTAL: November 3, 2023

DATE OF MEETING: November 9, 2023

TO: Lehua Veincent, Chairperson
Performance & Accountability Committee

FROM: PJ Foehr, Interim Executive Director
State Public Charter School Commission

AGENDA ITEM: VI. Action on Request to Amend Admission Policy for Kawaikini New Century Public Charter School

I. DESCRIPTION

Presentation/action on requested amendment to the Kawaikini New Century Public Charter School (“Kawaikini”) Admission Policy to expand language for admission eligibility in accordance with Hawaii Revised Statutes (“HRS”) §302D-34 and add an additional enrollment preference for students of “families of fluent Hawaiian-speaking persons” in accordance with HRS §302H-2.

II. POLICY CONTEXT

Pursuant to [HRS §302D-34\(b\)](#), Hawaii Revised Statutes (“HRS”):

“(b) A start-up charter school:

- (1) Shall be open to any student residing in the State who is entitled to attend a department school;
- (2) Shall enroll all students who submit an application, unless the number of students who submit an application exceeds the capacity of a program, class, grade level, or building; provided that a student who is currently enrolled in a charter school that has been notified of the prospect of revocation in accordance with section 302D-18, or is closing in accordance with section 302D-19, whichever occurs first, may be given first priority to enroll at another charter school to which the student applies, or placed at the top of the waitlist for enrollment;
- (3) Shall select students through a public lottery if, as described in paragraph (2), capacity

is insufficient to enroll all students who have submitted a timely application;

(4) May give an enrollment preference to students within a given age group or grade level and may be organized around a special emphasis, theme, or concept as stated in the charter school's application and as approved by the charter school's authorizer;

(5) May give an enrollment preference to students enrolled in the charter school during the previous school year and to siblings of students already enrolled at the charter school;

(6) May give an enrollment preference through a weighted lottery to educationally disadvantaged students. For the purposes of this paragraph:

"Educationally disadvantaged students" means students who are economically disadvantaged, students with disabilities, migrant students, limited English proficient students, neglected or delinquent students, and homeless students.

"Weighted lottery" means any lottery that gives additional weight to individual students who are identified as part of a specified set of students but does not reserve or set aside seats for individual students or sets of students; and

(7) May give any other enrollment preference permitted by the charter school's authorizer, on an individual charter school basis, if consistent with law; provided that nothing in this subsection shall preclude the formation of a start-up charter school whose mission is focused on serving students with disabilities, who are of the same gender, who pose such severe disciplinary problems that they warrant a specific educational program, or who are at a risk of academic failure."

Additionally, pursuant to [HRS §302H-2](#):

"All children of compulsory school age choosing to enroll in the Hawaiian language medium program in families of fluent Hawaiian-speaking persons may be given preference for admittance. Other persons may enroll at the discretion of individual school sites under the conditions described above and in compliance with applicable state and federal laws. All students and their families shall abide by the special rules of the program with respect to family participation."

Section 7.3 of Kawaikini's State Public Charter School Contract ("Charter Contract") provides:

"The School shall comply with its admission policies and procedures as approved by the Commission. If the number of applicants exceeds the School's capacity of a program, class, grade level, or building, the School shall select students to enroll using a public lottery that shall be publicly noticed; provided that if the School is a conversion charter school serving as the home school for the HIDOE district, then the School shall follow HRS §302D-34(c).

The School shall submit a description of its current lottery process to the Commission and shall provide notice to the Commission if there is a material change made to the current lottery process. The School shall provide the Commission with a written notice of any material change to the lottery process at least thirty (30) days prior to the date of the proposed implementation for comment. The admission policies and procedures, including the lottery procedure, must be posted on the School's official website."

Additionally, regarding Charter Contract amendments, Section 19.2 provides:

“Changes in operation that require the School to obtain an amendment to this Charter Contract include but are not limited to the following: [...]

(d). Any admissions or enrollment changes to policies or procedures.”¹

III. BACKGROUND

Admissions and enrollment are among the key distinguishing features of charter schools in Hawai‘i. Charter schools are “schools of choice” for public school students in the State. With the exception of conversion schools, students are not automatically assigned to charter schools based on residency, and state law (HRS §302D-34) requires start-up charter schools to be open to any student residing in the state who is entitled to attend a department school and to enroll all students who submit an application, unless the number of students who submit applications exceeds the capacity of the program.

The State Public Charter School Commission (“Commission”), as provided for in the Charter Contract, is to review and approve the admission policies of the charter schools. The Charter Contract requires each charter school to seek an amendment if there is a material change made to their admission policy. HRS §302D-34 allows schools to give enrollment preferences, on an individual charter school basis, if consistent with law and approved by the Commission.

IV. INFORMATION FOR CONSIDERATION

On October 19, 2023, Kawaikini submitted an amendment request to revise their Admission Policy (See **Exhibit 1 - Kawaikini Charter Contract 4.0 Amendment Form**). The amendment request was approved by the school’s Governing Board on December 15, 2022 (See **Exhibit 2 - Kawaikini Governing Board Agenda and Minutes**).

Kawaikini’s current Admission Policy was last approved by the Commission on March 12, 2015 (See **Exhibit 3 - Currently Approved Admission Policy for Kawaikini**).

Kawaikini’s proposed revised Admission Policy was approved by the school’s Deputy Attorney General, Gregg Ushiroda, and reflects the following requested revisions (See **Exhibit 4 - Proposed Revised Admission Policy for Kawaikini**):

- Expanded language for admission eligibility in accordance with HRS §302D-34 (“regardless of race, color, ethnicity, national origin, religion, gender, sexual orientation, income level, disability, level of proficiency in the English language, need for special education services, or academic or athletic ability”); and
- Add an additional enrollment preference for students of “families of fluent Hawaiian-speaking persons” in accordance with HRS §302H-2.

¹ See link to the **Public Charter School Contract with Kawaikini, effective July 1, 2023**: https://www.chartercommission.hawaii.gov/images/for-families-and-communities/find-a-charter-school/kawaikini-new-century-public-charter-school/contracts/Kawaikini-New-Century-Public-Charter-School_4.0-Charter-Contract_2023-2028_Redacted.pdf

Additionally, the Kawaikini Governing Board Chair Leimakana Ornellas requested that the following message, dated October 19, 2023, is shared with Commissioners:

“Aloha e ka ‘Aha Kula Ho‘āmana,

Please accept my acknowledgement and apology for failing to have a comprehensive understanding of Kawaikini's Contract 3.0 as related to amending the admissions policy. Our board amended the admissions policy during the Contract 4.0 application process, and while the policy was approved by our Deputy Attorney and voted on by our board, it was my shortcoming, and mine alone, as a new governing board chair to not have submitted the policy to the Commission for approval. It was an honest lack of understanding on my part and now in re-reading Contract 3.0, I clearly see in Section 2.2. Amendments, that any changes to admissions or enrollment policies also require commission approval. Moving forward, I will be certain that this does not happen again.

I pray that my shortcoming has not put our school in jeopardy of grounds for revocation of our Charter. If it is of any reassurance, the amendments made to the admission policy do not stray from our mission, principles or practices that were already in place at the school.

*Na‘u nō me ka ‘oia‘i‘o
In truth,
Leimakana Ornellas”*

V. DECISION MAKING

Given the documentation provided by Kawaikini, the Committee should consider a recommendation to the full Commission regarding Kawaikini’s proposed amended Admission Policy.

Exhibit 1

Kawaikini's Admission Policy Amendment Form

SPCSC Admission Policy Amendment Form

The Commission must review and approve the admission policy processes for each Charter School based upon the provisions in its Charter Contract (Charter Contract 3.0 Sections 2.2, 7.3 and 7.4, and Charter Contract 4.0 Section 2.3 and Article IX) and against the statutory requirements of HRS§302D-34 Enrollment which prohibits discrimination or limits on enrollment of a student based on race, color, ethnicity, national origin, religion, gender, sexual orientation, income level, disability, level of proficiency in the English language, need for special education services, or academic or athletic ability.

A school must request to amend its admission policy if it is proposing an admission and/or enrollment procedural change to its current Commission approved admission policy. Please note that the admission policy must be approved by the Commission and takes effect for the application period for the following school year.

School Name:	Kawaikini NCPCS
Submission Date:	10/19/2023
Contact Person (GB Chair or School Leader):	M. Leimakana Ornellas
Contact's Email Address:	[REDACTED]
Contact's Phone Number:	[REDACTED]
Date/School year amendment will be effective:	SY2024-2025
Date approved by School's Governing Board:	12/15/2022
Names of Governing Board Members present at meeting:	Leimakana Ornellas, Ku'ulei Hamberg, Wahineu'i Waiamau, Pomai Burkart, Kalei Carvalho, Noe Haumea, Chad Schimmelfennig (ex-officio)
Governing Board Motion:	MOTION: by Leimakana Ornellas (second by Ku'ulei Hamberg) to accept and approve the AG-approved Policy 2101A - Admissions & Student Selection which rescinds Policy 2101 - Admissions & Student Selection. Discussion: Policy will be uploaded to the admissions tab on the school website.
Governing Board Votes:	Leimakana Ornellas - aye Kuulei Hamberg - aye Wahineu'i Waiamau - aye Pomai Burkart - aye Kalei Carvalho - aye Noe Haumea - aye

Please fill out the information below, and attach supporting documents.

1. State changes to be made in amended policy:

Current language	Amended language <i>(Highlight changes)</i>
<p>Kawaikini Charter School will serve children who are Kaua'i residents in grades K-12. The school invites students of families who have a strong desire to live and speak the Hawaiian language and who support Kawaikini activities and initiatives to be part of this educational system. Registration is open to all students in a particular grade range on a space-available basis and students will be eligible for admission regardless of race, cultural background, intellectual ability or physical impairment.</p> <p>Admission requires completion of an application. In grades K-2, no Hawaiian language background is required. In grades 3-6, students must have a background supportive of Hawaiian language development, determined by an interview process.</p> <p>Preference in admission will be given in accordance with law to the following applicants:</p> <ul style="list-style-type: none"> • Siblings of students who are already enrolled in the program • Children of teachers and/or employees of the school • Students entering with grade level proficiency in Hawaiian <p>A public lottery will be used to determine the order of applicants beyond preference requirements.</p>	<p>Kawaikini New Century Public Charter School will serve children who are Kaua'i residents in grades K-12. The school invites students of families who have a strong desire to live and speak the Hawaiian language, support Kawaikini's mission, activities and initiatives to be part of this educational system. Registration is open to all students in a particular grade range on a space-available basis and students will be eligible for admission regardless of race, color, ethnicity, national origin, religion, gender, sexual orientation, income level, disability, level of proficiency in the English language, need for special education services, or academic or athletic ability.</p> <p>Admission requires completion of an application. In grades K-2, no Hawaiian language background is required. In grades 3-12, students must have a background supportive of Hawaiian language development, determined by an interview process. Students in grades 6-8 with no grade level Hawaiian language proficiency may enter through the Ke Ala Hūlili program.</p> <p>Preference in admission will be given in accordance with law to the following applicants:</p> <ul style="list-style-type: none"> • Families of fluent Hawaiian-speaking persons • Siblings of students who are already enrolled in the program • Children of teachers and/or employees of the school • Students entering with typical grade level ability in Hawaiian <p>A public lottery will be used to determine the order of applicants beyond preference requirements.</p>

2. *Explain the school’s rationale for amending its Admission Policy.*

During the charter renewal process for Contract 4.0, the Frameworks team advised that we revise our admission policy to expand the language for admission eligibility (“regardless of race, color, ethnicity, national origin, religion, gender, sexual orientation, income level, disability, level of proficiency in the English language, need for special education services, or academic or athletic ability”). When Deputy Ushiroda reviewed the policy draft, he suggested we may also include language that describes giving admission preference to “families of fluent Hawaiian-speaking persons” in accordance with §302H-2.

3. *Provide evidence of how the contract amendment would impact your school’s ability to actualize your mission and vision.*

Amending the admission policy to include giving preference to families of fluent Hawaiian-speaking persons is most pertinent to Kawaikini’s mission: creating a productive community of bi-lingual and bi-literate citizens. Ensuring that we are able to welcome families with language fluency when they apply bolsters the program's means and ends. Additionally, detailing the grade levels and associated language background requirement for admission adds clarity for applicants and the school, and aligns with the optimal timing of adding in new language learners to the academic program as it strives to achieve the mission and vision.

4. *Provide evidence of how you engaged your community (including students, family, staff, and other stakeholders) in this decision making process.*

Our school community, from students to the governing board, understands the mission of Kawaikini and that ‘ōlelo Hawai’i is at its core. The board always attempts to make balanced decisions in the best interest of the stakeholders according to the mission, as is the case with this small modification of the admissions policy. The mission buy-in is assumed, and so in this particular decision, there was no need for actively engaging the school community in this decision.

In addition to this completed form, complete the following steps and attach supporting documentation:

- Governing Board agenda **and** approved minutes from the meeting in which the Governing Board voted to pursue the charter contract amendment. The Governing Board meeting approved minutes must:
 - Indicate that the request has been approved and be consistent with the form;
 - Indicate the date and votes of each governing board member; and
 - Be posted publicly to the school website (both agenda and minutes).
- Current Commission Approved Admission Policy
 - Current Commission Approved Admission Policy must be publicly posted on the schools website
- Proposed amended Admission Policy as approved by the school’s Governing Board.

Exhibit 2

Kawaikini Governing Board Agenda and Approved Minutes

December 15, 2022

Ka Papa Hana
NO KA HĀLĀWAI PAPA ALAKA‘I O KAWAIKINI
Agenda for
KAWAIKINI GOVERNING BOARD MEETING

Date/Time: Po‘ahā, 15, Kekemapa, 2022 Thursday, December 15, 2022, 5pm

Location: Kawaikini NCPCS Campus/Hale Akamai Bldg.

I. Kāhea no ka Ho‘omalu | Meeting Call to Order

II. ‘Āpono i ka Papa Hana | Adoption of Agenda

HE NOI | MOTION: e ‘āpono i ka papa hana | to adopt agenda

III. ‘Āpono i ka Mo‘olelo | Approval of Minutes

HE NOI | MOTION: e ‘āpono i ka mo‘olelo o 17.Nowemapa.2022 | to approve minutes of Nov 17, 2022

IV. Nā Palapala Hō‘ike Luna | Officers Reports

A. Nā palapala hō‘ike Pelekikena | President’s Report (L. Ornellas)

B. Nā palapala mo‘o waiwai a ka Pu‘ukū | Financial reports (J. Kaina)

HE NOI | MOTION: E ‘ae i nā palapala mo‘o waiwai | to accept & approve financial reports

V. Nā Palapala Hō‘ike Po‘o | Administrative Reports

A. Nā Palapala Hō‘ike Po‘o Kula | [Executive Director’s Report](#)

B. Nā Palapala Hō‘ike Po‘o Kumu | [Academic Director’s Report](#)

C. Nā Palapala Hō‘ike ‘Ē A‘e | Other Staff Reports

HE NOI | MOTION: E ‘ae i nā palapala hō‘ike a pau a nā po‘o | to accept all administrative reports

VI. Nā Palapala Hō‘ike Kōmike | Committee Reports

A. Education/Curriculum (R. Waiamau /P. Burkart)

HE NOI | MOTION: to approve a request to the Charter Commission regarding a waiver in administering the Kindergarten Entry Assessment KEA waiver

B. Facilities (P. Burkart / K. Hamberg)

C. Resource Development (K. Carvalho / K. Hamberg)

HE NOI | MOTION: To approve Resource Development priority document

D. Finance & Audit (J. Kaina/ N. Haumea)

E. Communications (L. Ornellas / K. Carvalho)

F. Human Resources (R. Waiamau / K. Hamberg)

G. Parent Relations (L. Ornellas / N. Haumea)

H. Board Development (L. Ornellas / J. Kaina)

I. Admissions & Student Selection (K. Hamberg / L. Ornellas)

HE NOI | MOTION: Ratify the appointment of K. Hamberg as chair and L. Ornellas as co-chair of the Admission & Student Selection Committee.

HE NOI | MOTION: To accept & approve the electronic ‘ōlelo Hawai‘i and English language versions of the 2022-2023 Admissions applications.

VII. Nā Palapala Hō‘ike ‘Ē A‘e a me Nā Hō‘ike Hou | Other Reports and Updates

HE NOI | MOTION: To accept & approve AG-approved Policy “2101A - Admissions and Student Selection” which rescinds Policy “2101 - Admissions and Student Selection”.

VIII. Nā Hana i Pau ‘Ole | Unfinished Business

IX. Nā Hana Hou | New/Other Business

X. Ho‘oku‘u | Adjournment

HE NOI | MOTION: E ho‘oku‘u | to adjourn

Next Governing Board Meeting: Thursday January 19, 2022

REFERENCE: [Nā Lula Hālāwai: A Parliamentary Guide to Conducting Meetings in Hawaiian](#)

‘Āpono- adopt, ratify, approve

‘Ae - accept

Palena ‘emi - quorum

Noi- motion

Kōkua - second

Minutes for
KAWAIKINI GOVERNING BOARD MEETING

Date/Time: Pō'ahā 17 Nowemapa 2022 (5:00 pm) | *Thursday, December, 15 2022 @ 5:00 pm*

Location: Kawaikini New Century Public Charter School

- I. Kāhea no ka Ho'omalū | *Meeting Called to Order* at 5:07 pm
 - A. Voting Members in attendance: Leimakana Ornellas (President), Ku'ulei Hamberg (Vice President), Wahineu'i Waiamau (Secretary), Pomai Burkart, Kalei Carvalho, Noe Haumea [joined at 5:08]
 - B. Non-Voting Members in attendance: Chadley Schimmelfenning
 - C. Members excused: Jackie Kaina
 - D. Other: Pua Ka'ai (Charter Commission Liaison)

- II. 'Āpono i ka Papa Hana | *Adoption of Agenda*
MOTION: by Leimakana Ornellas (second by Ku'ulei Hamberg) to adopt the agenda. No discussion. Motion passed unanimously.

- III. 'Āpono i ka Mo'olelo | *Approval of Minutes*
MOTION: by Wahineu'i Waiamau (second by Ku'ulei Hamberg) to approve the minutes of November 17, 2022. No Discussion. Motion passed unanimously.

[Noe Haumea joined at 5:08]

- IV. Nā Palapala Hō'ike Luna | *Officer's Reports*
 - A. [Ka Palapala Hō'ike Pelekikena](#) | *President's Report* - written report submitted
 - B. Nā Palapala Mo'o Waiwai a ka Pu'ukū | *Treasurer's Report*
Approval of financial reports deferred to January's official meeting.

- V. Nā Palapala Hō'ike Po'o | *Administrative Reports*
 - A. [Ka Palapala Hō'ike Po'o Kula](#) | Executive Director's Report - written report submitted highlights include hiring of Zuri Shanklin as secondary-program science teacher, 'Aha Haumāna's participation in Mayor's inauguration, and retiring of the south/west bus driver.
 - B. [Ka Palapala Hō'ike Po'o Kumu](#) | Academic Director's Report - written report submitted.
MOTION: by Wahineu'i Waiamau (second by Noe Haumea) to accept all administrative reports. No discussion. Motion passed unanimously.
 - C. Other Staff Reports - no other staff reports

VI. Nā Palapala Hō‘ike Kōmike | *Committee Reports*

A. Education/Curriculum - no report

MOTION: by Wahineu‘i Waiamau (second by Leimakana Ornellas) to approve a request to the Charter Commission regarding a waiver in administering the Kindergarten Entry Assessment. Discussion: GB Chair to send an official letter to the Charter Commission requesting a waiver with the approved agenda and minutes of this meeting. Motion passed unanimously.

B. Facilities - written report submitted.

C. Resource Development - no report

D. Finance & Audit - no report

E. Communications - written report submitted

F. Human Resource - no report

MOTION: by Wahineu‘i Waiamau (second by Noe Haumea) to ratify the hiring of Zuri Shaklin as the secondary-program science teacher. No discussion. Motion passed unanimously.

G. Parent Relations - no report

H. Board Development - written report submitted

I. Admissions & Student Selection - written report submitted

MOTION: by Leimakana Ornellas (second by Ku‘ulei Hamberg) to ratify the appointment of K. Hamburg as chair and L. Ornellas as co-chair of the Admission & Student Selection Committee. No discussion. Motion passed unanimously.

MOTION: by Leimakana Ornellas(second by Ku‘ulei Hamberg) to accept and approve the AG-approved Policy 2101A - Admissions & Student Selection which rescinds Policy 2101 - Admissions & Student Selection. Discussion: Policy will be uploaded to the admissions tab on the school website. Motion passed unanimously.

Acceptance and approval of the electronic ‘ōlelo Hawai‘i and English versions of the 2022-2023 admissions applications deferred.

VII. Nā Palapala Hō‘ike ‘Ē A‘e a me Nā Hō‘ike Hou | *Other Reports and Updates*

VIII. Nā Hana i Pau ‘Ole | *Unfinished Business* - no unfinished business

IX. Nā Hana Hou | *New/Other Business* - no new/other business

X. Ho‘oku‘u | *Adjournment*

MOTION: by Wahineu‘i Waiamau (second by Noe Haumea) to adjourn the meeting at 6:21 p.m. No discussion. Motion passed unanimously. Meeting adjourned at 6:21 p.m.

Next Governing Board Meeting: Thursday, January 19, 2022

Next Governing Board Working Meeting: Thursday, January 5, 2022 via Zoom

Minutes submitted by:

Wahineu'i Waiamau

Governing Board Secretary

Exhibit 3

Currently Approved Admission Policy for Kawaikini

(Approved March 12, 2015)

Kawaikini New Century Public Charter School Enrollment/Student Selection Policy

Kawaikini Charter School will serve children who are Kaua'i residents in grades K-12. The school invites students of families who have a strong desire to live and speak the Hawaiian language and who support Kawaikini activities and initiatives to be part of this educational system. Registration is open to all students in a particular grade range on a space-available basis and students will be eligible for admission regardless of race, cultural background, intellectual ability or physical impairment.

Admission requires completion of an application. In grades K-2, no Hawaiian language background is required. In grades 3-6, students must have a background supportive of Hawaiian language development, determined by an interview process.

Preference in admission will be given in accordance with law to the following applicants:

- Siblings of students who are already enrolled in the program
- Children of teachers and/or employees of the school
- Students entering with grade level proficiency in Hawaiian

A public lottery will be used to determine the order of applicants beyond preference requirements.

Approved at GB Mtg on 2/19/15.

Exhibit 4

Proposed Revised Admission Policy for Kawaikini

ADMISSION / STUDENT SELECTION

EDU

2101A

Policy overview: Sets guidelines for admission and student selection.

* * *

Kawaikini New Century Public Charter School will serve children who are Kaua'i residents in grades K-12. The school invites students of families who have a strong desire to live and speak the Hawaiian language, support Kawaikini's mission, activities and initiatives to be part of this educational system. Registration is open to all students in a particular grade range on a space-available basis and students will be eligible for admission regardless of race, color, ethnicity, national origin, religion, gender, sexual orientation, income level, disability, level of proficiency in the English language, need for special education services, or academic or athletic ability.

Admission requires completion of an application. In grades K-2, no Hawaiian language background is required. In grades 3-12, students must have a background supportive of Hawaiian language development, determined by an interview process. Students in grades 6-8 with no grade level Hawaiian language proficiency may enter through the Ke Ala Hūlili program.

Preference in admission will be given in accordance with law to the following applicants:

- Families of fluent Hawaiian-speaking persons
- Siblings of students who are already enrolled in the program
- Children of teachers and/or employees of the school
- Students entering with typical grade level ability in Hawaiian

A public lottery will be used to determine the order of applicants beyond preference requirements.

* * *

ADOPTED:	12/15/2022
REPLACES:	2/28/08, 9/6/07, 2/19/15,
SOURCE:	<i>Kawaikini Detailed Implementation Plan</i>

ADMISSION / STUDENT SELECTION

EDU

2101A

LEGAL BASIS:	§302D-34 , §302H-2 , Charter Contract
DOCUMENTS IMPACTED:	Admission application, website, Policy 2102A - Kawaikini Admission Selection Process
DATE APPROVED BY AG:	12/05/2022 (AG Ushiroda)