

State of Hawaii  
Charter School Review Panel Meeting  
Friday, July 20, 2007  
Charter School Administrative Office  
1111 Bishop Street, Suite #516  
Honolulu, Hawaii 96813  
10:00 a.m. – 2:00 p.m.

Minutes

Attendance:

Fred Birkett – Co-Chair  
Nina Buchanan – Co-Chair (excused)  
Pualani Akaka  
Ku Kahakalau  
Denise Matsumoto (excused)  
Manulani Meyer (excused)  
Alvin Parker  
Ardith Renteria

Maunalei Love, Charter School Administrative Office

Melissa Chee, Department of the Attorney General

I. Call to Order

The meeting was called to order at 10:45 a.m. by Mr. Birkett.

II. Approval of Minutes

Ms. Akaka approved the minutes, seconded by Mr. Parker. Five (5) ayes, no (0) nays and abstentions.

Mr. Birkett was reminded that regarding the June 27 meeting, that the Panel needs to null and void the Executive Session part of the meeting since they will have to disregard and make non-existent in that meeting any award of a charter. Ms. Akaka asked if this requires a motion. Mr. Birkett said no, that the minutes could still be approved but to make null and void the Executive Session. Ms. Chee said yes. Ms. Akaka made a motion for approval, seconded by Mr. Parker. Five (5) ayes, no (0) nays and abstentions.

Ms. Renteria motioned to add the Panel Concerns after Public Input on the agenda, seconded by Ms. Kahakalau. Five (5) ayes, no (0) nays or abstentions.

### III. Public Input

#### Maunalei Love – Interim Executive Director, CSAO

Ms. Love read her statement dated July 20, 2007 to the CSRP into testimony. She spoke of her June 20, 2007 report and the CSAO role that as mentioned in the report, there are many who support the intent of Act 115 to add additional support to charter schools. Ms. Love spoke about Senator Norman Sakamoto, Representative Roy Takumi and the Governor's support and commends the Panel for stepping up to its responsibility. She recommended a Panel retreat to address the importance of meaningful communication, and a need to have a working process in place, and addressed the \$250,000 Panel allocation, and the CSAO's need for discussion with the Panel other than in a report. Ms. Love said there is a real need for dialogue besides a report. Ms. Love thanked the Panel for its commitment. (Attachment A)

#### Paul Vierling

Mr. Vierling said he is a concerned citizen and that he had submitted his written testimony to the staff. He said thank you for this meeting. He said he helped to create amendments to Act 115. He said he is appearing to ask the Panel to please implement the spirit of Act 115. He said when the legislature passed the Act, they were responding to parents' request for School Startup Charter Schools. Mr. Vierling said he is encouraged by the CSRP. Mr. Vierling said this will provide increased access to charter schools. He is speaking for Kamaile Conversion School, Kona Pacific and Hawaii Virtual Academy, and if the application request is approved, he is excited to say that all three (3) schools plan to start up this year, even if they have to begin a little late. Mr. Vierling said they are awaiting the Panel's supportive actions today. Mr. Vierling asked to please approve the schools' applications. (Attachment B)

#### Wyatt Kahapea – Hau'ula

Mr. Kahapea said he is here to show his support on behalf of Dovey Silva. He said he wanted to share his experience of his two sons who are learning under Dovey. He said his youngest son couldn't read but now under Dovey he has learned. His oldest son now reads higher than himself. Kamehameha Schools has tested the boys and found that they are above grade level. He said he is proud of his boys, and he hopes Hau'ula gets approved.

#### Jim Konantz, Hawaii Technology Academy

Mr. Konantz said he is making his presentation on behalf of Hawaii Technology Academy. He said he is again looking forward to approval and to moving forward. He asked if the school can start in August and that it is ready to go. He said he presented a package at the Panel's last meeting and that he is looking forward for approval to start. (Attachment C)

Tracy Calderwood – Hawaii Technology Academy

Ms. Calderwood said she would like to extend her thanks. She said she is impressed with the way it is working. She said it is enlightening for her and the children as well. Today is the anniversary of the first walk on the moon – one step for man, one giant step for mankind. She said she feels the same way about the school too.

Mary Anne Long – Hau'ula

Ms. Long is a resident and retired teacher, and was instrumental in implementation of the Felix Consent Decree – Kahuku Complex. She has watched and supported Dovey Silva and her school and noticed she needs help with her curriculum. Ms. Long is doing some mentoring and teacher training, and said she sees a need for an alternative way of educating, and wants to see this happen. She said she admires what the Panel is doing. She said she has seen Mr. Kahapea's two sons and admires what Ms. Silva has done.

Nani Medeiros – Linda Smith, Senior Policy Advisor – Governor's Policy Office

Ms. Medeiros testified on behalf of the Senior Policy Advisor Linda Smith, Governor's Policy Office. She read her testimony into the record. (Attachment D)

Lynn Fallin – Ho'okako'o Corporation

Ms. Fallin said she would submit written remarks later. She spoke about Act 2 and Ho'okako'o Corporation working with two (2) schools. She urged approval for Kamaile Elementary's application and thanked them for their hard work. She spoke of the pioneering implementation of Act 2 and understands what it takes along the way.

Written testimony was submitted by letter dated July 20, 2007 to Charter Schools Review Panel from Steve Hiramaki, President, Hawaii Charter Schools Network. (Attachment E)

Ms. Kahakalau asked if it was appropriate to ask questions of people who testified. Mr. Birkett said that it is not typical to engage in dialogue, but that it would be okay.

Ms. Kahakalau asked Nani Medeiros, representing the Governor's Office, in terms of charter schools, by the Governor's recommendations, has the Governor had the privilege of getting details of the plans for the schools that are currently applying? Ms. Medeiros said no, her recommendations were based on the minutes. Ms. Medeiros said she had recommended approval for Kamaile Elementary School, Hawaii Technology Academy, Kona Pacific Public Charter School and one additional start-up charter school. Ms. Medeiros said that if it looks like the Panel will approve, to go ahead and support. She said that it is not necessarily the opinion of the Governor.

Mr. Birkett motioned for the Panel to go into Executive Session for discussion regarding the Sunshine Law. Mr. Parker seconded. Five (5) ayes, no (0) nays and abstentions.

**Meeting recessed at 11:10 a.m. in Executive Session.**

**Meeting reconvened at 11:35 a.m.**

IV. Announcements

Mr. Birkett said there will be a slight re-order of the agenda items, and that the next item for discussion would be moved from VIII. to V., Panel Concerns.

V. Panel Concerns

Ms. Renteria said she has two concerns. She read her July 20, 2007 letter to My Fellow Panel Members into the record. (Attachment F) She said her second issue is that she thinks it is beneficial to hear from CSAO on a regular basis, not just through its reports.

Ms. Akaka asked about the last sentence in Ms. Renteria's letter requesting careful consideration be made regarding the points she presented or she will not be able to continue down the particular path should the group decide to proceed. She asked if she was saying the Panel needs to correct all things in order for her to participate further? Ms. Renteria said the Panel is not on the right path because as a group it has not addressed all of these things stated in her letter. Ms. Renteria said that the boundaries as a whole exceeds her comfort level. She said she is uncomfortable that these items haven't been addressed.

Ms. Kahakalau discussed what was set up to be in effect as to 2006 was not able to take place until the end of that year. She said she told BOE that the Panel needed more time to put procedures into place, to feel comfortable making decisions, and to be able to go by the law. She said that finally, when they did get the go ahead, it was too much of a rush job. She said they were going to be told they did not do their job. Ms. Kahakalau said that they didn't have enough time to do their job. She said she is very concerned that this is being done without having operational procedures in place. There is now a legal question -- there's supposed to be twelve (12) Panel members, but there are only five (5). If the Panel voted in favor of charter schools, every one of the five (5) members would have to vote yes. She said that for the Panel to take action it would maybe not be in their best interest, and that by the Panel's approvals there may be challenges and may be setting themselves up. She feels strongly that the Charter School Director needs to be a part of the Panel as a non-voting member so they can give their input as well, having been a part of the process for a long time. She said there is a need for dialogue with the Attorney General's office and the legislature and the people who pushed for passage of the bill.

Mr. Birkett made a Motion to go back into Executive Session and have the Panel members speak to Ms. Chee, the representative for the Attorney General's office. Mr. Parker seconded. Five (5) ayes, no (0) nays and abstentions.

**Meeting recessed at 11:50 a.m. in Executive Session.**

**Meeting reconvened at 12:32 p.m.**

Mr. Birkett read a statement to the public. He said that due to concerns, the Panel needs to have procedural discussions and a process to address what was not covered on today's agenda. He said there is a need for a quorum. Motion made by Mr. Birkett to continue today's agenda items to the next meeting. He said in essence, the Panel will not be making decisions today. Mr. Parker seconded. Five (5) ayes, no (0) nays and abstentions.

Ms. Kahakalau said that the agenda items for Discussion/Action will not be at the next meeting but at the following meeting because of procedures, such as quorum and a majority vote and things like that. Motion made by Mr. Birkett, seconded by Mr. Parker. Five (5) ayes, no (0) nays or abstentions.

Ms. Akaka thanked Mr. Birkett, the Principal at Lanikai, a conversion school. His new assignment is at the Lab School which is not a conversion school, but a startup school. She thanked him very much for his hours, acceptance and his advocacy.

Motion to adjourn by Mr. Birkett, seconded by Mr. Parker. Five (5) ayes, no (0) nays and abstentions.

Per Ms. Chee, there is a need for a new meeting date before adjournment. Mr. Birkett said that the Panel would again meet in Executive Session.

**Meeting recessed at 12:36 p.m. in Executive Session.**

**Meeting reconvened at 12:46 p.m.**

Ms. Kahakalau said there is a need to fulfill the law and that the Panel will meet again on Monday, August 6 to cover procedures that were mentioned before. The Panel will reconvene on August 7, and at that time will take under review the rest of the agenda that they did not cover today. She said she hoped that at that time the Panel will have Mr. Birkett's replacement as well.

Ms. Kahakalau clarified that the times of the meetings are on August 6 from 10:00 a.m. to 4:00 p.m., and on August 7 from 9:00 a.m. to 2:00 p.m. Ms. Love said that the meetings will be at the Capitol. Ms. Akaka said the law says there is a need for twelve (12) Panel members rather than what is in place now. She said regarding

the DIPs and actions now before the Panel, it seems that the twelve (12) need to take a look at the applications, and the timing of the change is unclear.

Ms. Love said the targeted date for twelve (12) Panel members is September 1. Ms. Akaka said that she hopes that everyone will be on board and that the procedures in place will make a lot of sense.

Mr. Parker said that it is not lost on this Panel that there is an urgency. He said that the Panel has been tasked to prevent any legal challenges that may happen, and to assist as well whoever requests to open a charter school. He said the Panel does not want to take on a legal challenge that could have been prevented.

Jim Konantz asked whether the Panel would make decisions on what was not covered today at the August 7 meeting. Ms. Kahakalau said that the agenda states Discussion/Action on the agenda. The Panel does not want to set up anything for failure. She said the law is not clear, and once there is clarity then they will know whether they can make a decision. She said she and the Panel have also been where they are, but said it depends on the Attorney General's procedures which are being looked into.

Lynn Fallin asked regarding Kamaile Elementary School, per the notice in the newspaper, Kamaile is a conversion charter school that will open its doors on July 31. She asked whether she needs to relay to them is Kamaile under DOE or are they a conversion charter. She asked for a decision on that as they will open their doors anyway.

Ms. Akaka said it is her understanding that Kamaile is under DOE. An action by the Panel cannot go forward until the August 6-7 meetings.

Mr. Birkett said the Panel had to null and void the decisions made in executive sessions, and that the decision for Kamaile to go forward was also nulled. Ms. Fallin asked whether there will be an official communication to the DOE so that Kamaile is not caught in a confusing situation.

## VI. Adjournment

Mr. Birkett said there is nothing further for Panel discussion. Mr. Birkett moved for adjournment, seconded by Ms. Kahakalau. Five ayes (5), no (0) nays or abstentions.

The meeting was adjourned at 12:55 p.m.