

Approved

**STATE OF HAWAII  
CHARTER SCHOOL REVIEW PANEL  
GENERAL MEETING  
THURSDAY OCTOBER 23, 2008**

**University of Hawaii, Hilo campus  
200 W. Kawili St., Hilo, HI  
University Classroom Building  
Room 127**

**Minutes**

Attendance

1. Pualani Akaka
2. Harald Barkhoff
3. Nina Buchanan
4. Thomas Macdonald
5. Denise Matsumoto
6. William Paik
7. Ruth Tschumy – Vice Chairperson
8. Amy Vorderbruegge

Absent

1. Ku Kahakalau
2. Wendy Lagareta
3. Alvin Parker – Chairperson

Charter School Administrative Office  
Maunalei Love – Interim CSAO ED

**I. CALL TO ORDER & OPENING REMARKS**

The meeting was called to order at 9:27am by Ruth Tschumy, Vice Chairperson.

Ms. Tschumy suggested that the Panel agreed to change the order of Agenda Items to accommodate a conference call.

**MOTION: That the discussion regarding Strategic Planning was moved from # 7 to become Agenda Item # 2. Ms. Tschumy moved, Nina Buchanan seconded, and the motion was passed unanimously.**

**II. DISCUSSION ON STRATEGIC PLANING**

A conference call was held with Mr. Douglas Thaman, of the National Association of Charter School Authorizers (NACSA). Calling from St. Louis, Missouri, Mr. Thaman discussed his proposal to conduct an assessment of the Charter School Review Panel's functioning and to help with recommendations for strategic planning. The review will be based on NACSA principles and standards. The proposal included a follow up, to provide continuing support.

The Panel asked if Mr. Thaman could break the proposal into parts in case the Panel could not afford the whole proposal. Since the Panel is a member of NACSA, Mr. Thaman explained that members have access to a resource library via the web, support is provided for members anytime there is a question or a need for guidance, and proposals like the one he has submitted are at a reduced member rate.

The Panel asked whether there was a way for Mr. Thaman or NACSA to review what the Panel has already accomplished, its policies and procedures, and then advise the Panel regarding what areas need assistance and training. Mr. Thaman stated the proposed strategic planning would first evaluate what the Panel has already accomplished, and then look at the strengths and where the Panel could benefit from improvement. This part of NACSA's strategic plan analysis recognizes what already has been accomplished, building on those accomplishments, and helping with appropriate next steps.

Concern was expressed about the concentrated nature of the Mr. Thaman's proposal – a 2-3 day visit – and the cost, \$15,000 for the strategic planning (including three days of on-site assessment, travel, and follow-up) The Panel wondered whether it might be better to use strategic planners who live in Hawaii to save money, particularly in light of the current financial crisis. On the other hand, a strategic planner plugged into the national charter school movement might help the Panel get past its current "piece-meal" strategic planning and perhaps grants might be available to help defray the cost.

The Vice-Chair stated that this will be put on a future agenda as an action item. She also reminded Panel Members to get information to her regarding their committees.

### **III. APPROVAL OF MINUTES**

The Minutes of October 9, 2008 were reviewed by the Panel and approved as amended: last sentence of the first paragraph on page 5 be deleted.

**MOTION: That the Minutes be approved with minor corrections and the deletion of the last sentence as suggested above. Ms. Buchanan moved, Mr. Paik seconded, and the motion passed unanimously.**

### **IV. ANNOUNCEMENTS**

Ms. Tschumy called for announcements. None were offered.

### **V. PUBLIC INPUT**

Patty Cook from Waimea Middle School noted that written testimony has been submitted regarding Waimea Middle School's Restructuring Plan. She said the experience has been a "rough ride", but felt it demonstrates commitment by teachers &

staff. She's seeing great progress: community and family involvement, and added that "the process has made us really look at what we are doing, and examine the structure."

## **VI. DISCUSSION/ACTION ON COMMITTEE REPORTS**

### **A. APPLICATION COMMITTEE:**

Ms. Buchanan reported that the committee meets today, and hopes to be on the agenda next time.

### **B. ADVOCACY AND LEGISLATIVE LIAISON COMMITTEE**

Mr. Macdonald reported as a member of the committee. Last week he was invited to a BOE meeting during which the issue of whether charter schools should be subject to all DOE policies & directives was discussed. Mr. Macdonald felt this would essentially 'gut' the whole concept of Charter Schools. He reports that Mr. Pennebacker of the BOE says that the Attorney General's opinion supports the BOE's authority to require Charter schools to follow all DOE policies. Ms. Matsumoto questioned whether that included all schools and all policies? She said the BOE will consult further with the AG's office. She feels not all policies will apply to Charter Schools, and therefore the BOE needs clarification. She has proposed that BOE have a committee to create a list of policies that Charter Schools must abide by, and has volunteered to be on that committee.

Ms. Tschumy added that she felt strongly that a Panel member or a representative from the Unified Network be included on that committee.

### **C. CSAO COMMITTEE**

Ms. Akaka presented for review a generic draft of the employment contract for the candidate selected for the position of CSAO-ED. It has been forwarded to the AG's office for review.

### **D. FACT FINDING COMMITTEE**

1. Waters of Life: This will be a later agenda item.

2. Kawaihona LSB: The Panel has received a letter from Ms. Roberta Searle in response to the Panel's letter expressing concerns regarding concerns that the LSB has not held yearly elections of board members since 2004-2005. Ms. Tschumy noted that the same members have served since then and the Chair has served since 2003. Further, minutes of board meetings were not being posted publicly. The Panel has stated that elections must be held. Ms. Tschumy reports 'on the plus side', that the school Board is meeting more often and that board meeting minutes are being posted on the school's website & in the office.

3. Halau Ku Mana: Ms. Tschumy noted that the Panel would normally refer a matter like this to the Local School Board (LSB). But in this case, the concern was *with* the LSB, so the Panel is involved. A letter went out concerning three issues: employment grievances, graduation & grading policies, and adherence to the school's restructuring plan. The school has not responded sufficiently, and the Panel has requested further documentation.

#### E. FINANCE COMMITTEE

Mr. Macdonald reported that the Finance Committee is awaiting the BOE's Budget & Finance's response to our proposal. The CSAO budget was approved by the Panel. However, when Maunalei Love (CSAO Interim Executive Director) and Bob Roberts (CSAO Chief Financial Officer) went before the BOE's Budget & Finance Committee, they were not allowed to present. They had prepared a Power Point presentation for the BOE, but it was not heard.

Ms. Matsumoto explained that the BOE did not know that a presentation was being requested. She apologized and said that better communication is needed on both sides.

#### F. ACCOUNTABILITY COMMITTEE

Ms. Vorderbruegge stated that the committee will be meeting today after the public meeting.

### **VII. CSAO INTERIM EXECUTIVE DIRECTOR'S REPORT**

Maunalei Love, Interim Executive Director of the CSAO submitted a written report, and highlighted certain portions of her report:

- The Governor announced a partnership on the STEM initiative, and has opened it up to charter schools.
- The BOE Budget Meeting. CSAO was surprised it was not allowed to give a presentation when the budget was submitted.
- Kamehameha Schools Meeting allowed open dialogue between charter schools, Panel members and Senator Sakamoto and Representative Takumi.
- The SPED Video Conference: DOE SPED is offering a 17 hr position, not certified. This will impact charter schools' ability to be compliant.. Shows the importance of SSC's. CSAO is asking for another meeting with SPED dept re solutions.
- A reception was held at the East West Center for Indonesian Islamic educators. Some are visiting today with Connections Charter School.
- International School Peace Gardens: Julia Morton-Marr of the International Holistic Tourism Education Centre (IHTEC) will be visiting in December. She will be hosted at Connections (on the Big Island) and at the University Lab School on Oahu.

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- There will be a CSAO admin conference in early December. No dates yet.
- The Kamaile Charter Academy on the Waianae Coast has many homeless students, due to their location near the shelter. So the official Oct 15<sup>th</sup> count might not reflect their real numbers of students – it may be 50-100 more. The CSAO is discussing how to help with the increased costs. Due to the McKinney Vento lawsuit, we need to discuss how to assist homeless students in our Charter Schools.
- Memorandum of Understanding for DOE system services: There are various issues outlined, one is that costs are higher for courier services & FMS personnel.
- Official Enrollment Count: The CSAO needs to verify the numbers of students at the schools on October 15<sup>th</sup>. Some schools are having trouble verifying numbers.
- Liaison with the Governor's office. Attached to her report is suggested language for Charter School Omnibus bill.
- Newsletter deadline is next week.

#### **VIII. PROCESS FOR HIRING FOR CHARTER SCHOOL ADMINISTRATIVE OFFICE (CSAO) EXECUTIVE DIRECTOR POSITION**

Steve Hirakami, Selection Committee Chairperson, first reviewed the selection process which the committee used. The committee was formed with individuals from around the state. The committee received 41 applications which were narrowed down to 31 who met the minimum qualifications. The Committee used a screening process (a weighted rubric), scoring each applicant on a scale of 1-10. The committee then interviewed 6 people on October 8th. The committee has forwarded two applicants to the Panel for selection.

Mr. Hirakami asked the Panel to select from these two applicants, and asked the Panel to consider expediting the process, saying, "We've lost a lot of ground." The Legislative session will begin soon. Although all the candidates were very well qualified, the committee felt Charter School experience was important. They wanted the successful applicant to be able to "hit the ground running."

The Vice-Chair called for a brief five minute break.

[BREAK]

Vice-Chair noted that Mr. Hirakami has discussed the process used by the selection committee, then opened the floor for questions by Panel members.

**MOTION: Ms. Buchanan moved, Mr. Paik seconded, and the Motion passed unanimously that the Panel go into executive session to meet with its attorney to discuss the process used by the selection Committee.**

11:01am – 11:24am [EXECUTIVE SESSION]

Approved

The Vice-Chair called the meeting back into session. She stated that the Panel has some questions and will need to speak to the Employment Attorney at the AG's office. The Panel will expedite this with Mr. Halvorson this afternoon.

The Panel asked that the Committee submit a third name as requested. Mr. Hirakami replied that the committee had deliberated on that, and concluded that only two names would be forwarded because these two were "up to speed." Ms. Tschumy noted that the Panel is aware that the Network wants to move forward quickly on this selection. Mr. Hirakami stated that the Selection Committee will reconvene and the Panel will have a third name within next week.

### **IX. DRAFT EMPLOYMENT CONTRACT FOR CSAO/ED**

The Vice-Chair noted that the contract is being reviewed by the Attorney General's office.

The Panel wants to make sure it is following the right process in hiring. Setting up the process, and then following the process is important because if not followed, it leaves the Panel open to criticisms of fairness which is not the intent or wish of the Panel. The Panel is very appreciative of work the Selection Committee and the Panel wants to make sure that that there are no legal challenges based on EEO; so the Panel will consult the AG.

**MOTION: That the Panel requests the CSAO Committee to draft questions for the interviews after looking at questions previously asked and that 'soft questions' be included as well. Ms. Buchanan moved, Mr. Macdonald seconded, and the motion passed unanimously.**

**MOTION: That the process will be as follows. The final three candidates will be interviewed. The Panel will use questions drafted by the CSAO Committee in consultation with the Selection Committee, and approved by the Panel, and will use a rating instrument and rate the candidates individually. The Panel also requests CVs and all materials already submitted to the Selection Committee be forwarded to the Panel. Ms. Tschumy moved, Mr. Paik seconded, and the motion passed unanimously.**

A discussion ensued regarding the checking of candidates' references -- the timing and responsibility for checking.

**MOTION: That the Panel Assistant be authorized to contact the three final candidates for permission to check their references, using the same wording with each candidate in asking for their permission. Ms. Tschumy and Mr. Paik will be**

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**authorized to call the references. Ms. Tschumy moved, Mr. Paik seconded, and the motion passed unanimously.**

#### **X. PROPOSED PLAN FOR RESTRUCTURING SUBMITTED BY WAIMEA MIDDLE SCHOOL**

Ms. Lynn Fallin, Executive Director of the Ho'okako'o Corporation, and Mr. John Colson, addressed the Panel. Ms. Fallin stated that Waimea Middle School and the Ho'okako'o Corporation offer a unique model. Act 2 of 2002 allowed a non-profit to partner with an existing school, and to act as the governing body of the school. This partnership provides a \$1 match for every \$4 state dollars. Waimea Middle School was one of three conversion charter schools that the nonprofit, Ho'okako'o, provides resources and technical support.

Ms. Fallin, Mr. Colson and members of the local school board stated there were conditions important for charter school success, primarily an effective and strong school leadership Principal and CEO. Waimea Middle has seen steady growth in reading and math, an increase in parent awareness, and positive success in student attitudes. There has been a decrease in the schools special education population, and an increase in attendance. Waimea Middle School is a pioneer school in this effort.

John Colson, Principal at Waimea Middle School presented the restructuring plan. (He noted that the school did meet benchmarks except for special education and math.) Mr. Colson discussed several concepts he feels are important and are part of the restructuring plan such as Continuity - he is the sixth principal in five years, which detracts from goal of school and Commitment to instructional time - students were taking 8 subjects when he arrived. Some classes only saw their teachers 2 times/week. National research shows there is room for only 6 subjects. Keep class size small – help teachers learn how to teach diverse classes using an inclusion model, etc. He believes Waimea Middle School to be a school in good standing in a couple of years.

Maunalei Love commented that the overall Restructuring Plan addresses needs and a plan to move forward, and CSAO supports the plan. The Panel asked that a quarterly update using a check list be submitted to the Panel as an update on how the restructuring is going.

**MOTION: That the Panel accept the Waimea Middle School's Restructuring Plan and ask the School to report to the Panel on a quarterly basis using the a check list. Mr. Macdonald moved, Mr. Paik seconded, and the motion passed unanimously.**

[LUNCH BREAK.....]

## **XI. WATERS OF LIFE (WOL) COMPLIANCE WITH TERMS OF PROBATION**

The Vice-Chair called the meeting to order at 12:59p.m.

Ms. Crayton-Shay, Director of the Waters of Life Charter School introduced Mr. Steve Strauss the school's attorney, and Mr. Steven Shartner, Local School Board Chairperson. Vice-Chair stated that late-arriving documents will be reviewed at the next meeting, and reminded WOL that this policy (documents to be discussed at a meeting must be received no later than 24 hrs. before the meeting) was sent to WOL's.

The Vice-Chair reported the auditor selected to do a full audit of WOL (05-06, 06-07, 07-08) said he has been trying to get certain financial info from WOL for several weeks, and the Panel wants the school to comply. Ms. Crayton-Shay replied that the auditor didn't have the correct email address for her. She has been meeting with a local accountant so the information can be in electronic form and emailed directly to the Auditor.

The Panel asked Ms.Crayton-Shay about information the Panel received regarding possible foreclosure on the Ala Loop property. Mr. Steven Strauss, school attorney, said there is no foreclosure, but a letter of intent that there will be a foreclosure on Friday, October 31, 2008 has been filed. He stated there are ongoing negotiations, and the school hopes to reach a resolution because here are several options on the table.

Ms. Crayton-Shay addressed the concerns about compliance which were itemized in the Panel's October 16, 2008 letter to the school. This letter stated that the school was not in compliance with most of the terms of probation. Ms. Crayton-Shay stated that the (1) Budget for 2008-2009 submitted is the "final" budget, (2) that Planning Director Chris Yuen has given approval of Congregational site for this year, reiterating that WOL is not using the Kurtistown Assembly of God site, because they were notified by the Planning Dept that the application was not approved, (3) that the school is now working with both the Fire Dept & Building Dept and has requested visits to the site (in July & August letters). The visits have not occurred. There has been no response from the Building Dept to the requests, (4) that regarding the St. Theresa Parrish site, that the school has provided an update from Valerie Simpson, an architect, who is meeting with them later today. She has had to re-draft the plans -- her report is forthcoming, (5) that regarding requested leases (Terms of Probation # 6), the Puna Congregational Community Church is signing a lease, that as to # 7, the CSAO is reviewing the document, and the Panel should have an update from CSAO as to whether the document is in compliance, (6) that Terms of Probation (TP) # 8, regarding the Ala Loop property, has already been reviewed, (7) that TP #9, regarding other satellite schools, the school does not have any satellite schools, (8) that regarding #10, the amendments to the school's Detailed Implementation Plan, she will contact the Panel Assistant for the process.

Ms.Crayton-Shay requested a change regarding #12, the due date for financial reports:

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The school requests a later date than the 10<sup>th</sup> of the month deadline for receiving the preceding month's financials. The school doesn't receive the bank statement until after that date, and the LSB then needs to review and sign off on it before forwarding it to the Panel. In response to the Panel's question as to what would be a better date for the school, Ms. Crayton-Shay said that after the fourth Thursday of each month would allow the school to get all the signatures on the documents. She would then mail the documents the next morning.

**MOTION: That the Panel change the date for receipt of monthly financials regarding Terms of Probation #12 be changed to immediately after the Fourth Thursday of the month. Ms. Tschumy moved, Mr. Macdonald seconded, and the motion was passed unanimously.**

In terms of requested salary breakdown, the schools' attorney, Mr. Steve Strauss, stated a protective order for confidential salary information is being drafted.

With regards to Terms of Probation #13, the submission of an accounting policies and procedures manual, the school has not submitted the revisions as requested. The Panel asked Ms. Crayton-Shay to read the July 16<sup>th</sup> letter to WOL, and noted that the CSAO CFO says the school can't operate without financial policies & procedures. The Panel's main concern about WOL is its financial viability. So the Panel urges WOL to revise its manual immediately.

Ms. Crayton-Shay reported on #14 Term of Probation, the requirement that the school provide notice of the terms of probation to the school's parents. She said it is an ongoing process. The school provided the first set of parent sign-offs, and will be continuing to gather sign-offs from other sites. The school had a meeting with parents, and invited parents to view the Probation Terms in a binder.

Ms. Crayton-Shay noted that, regarding Term of Probation #15, the school's enrollment was 153 students, which has been verified by CSAO.

Ms. Crayton-Shay reported regarding TP #16, that the LSB Minutes requested were sent to the Panel on the 15<sup>th</sup> -- over 50 pages. The Panel responded it had received only one set of minutes (for July 25, 2007), and another could be Minutes, but is marked "notes". The rest of the package is Director reports, not Minutes. No agendas, no minutes. The Panel requires minutes of all LSB meetings for last school year and up to date this year. Also the Minutes should conform to a 'best practices' format.

The Panel stated that WOL is not in compliance with most of the terms of probation and has missed most deadlines that the school has known about since June 13, 2008. In addition, for reasons explained in several letters to WOL, the panel denied the school's request for a 4 day school week; yet the school is only a 4-day school week this school year. In addition, the school still does not have the permits it needs for the use of SPACE, St. Theresa's and the Puna Congregational school sites, and the school has been ordered to close down its sites until it has the proper permits. The school has not

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complied.

The Panel is trying to make sure children are safe and getting a good education. The school has had eight years to get things in place, and still has financial viability problems, including declaring itself financially insolvent for the school year 06-07. Other charter schools had the same start-up problems, but never an eight-year problem. Though the school says it is trying to get permits, Ms. Crayton-Shay testified last May she had never asked the Fire Dept to come to inspect her 07-08 sites.

Without accounting policies and procedures, the school doesn't have procedures in place to assure that State money is being spent properly. Mr. Steve Shartner, LSB Chair, said someone previously did make a mess of the books. He said the only reason the County closed WOL's school sites last year was because of complaints. There are charter schools operating in Paradise Park right now, in lower Puna in unsafe buildings.

Mr. Paul Saviskas, asked to give testimony to the panel but was given misinformation by the Panel as to when this would occur; so he missed the Public In-put agenda item. The panel agreed to hear him briefly.

He is a sculptor who lives on Ala Loop for 16 years. WOL came in 5 years ago next door. There's a court order against WOL using the property more than several hours a week; yet school buses are constantly going and coming. Also there is construction work on the property by WOL. He knows that children are using the front building, that power saws are being used next the children, and that children are left without adult supervision.

## **XII. PRESENTATIONS FROM CHARTER SCHOOLS**

### **A. HAWAII ACADEMY OF ARTS AND SCIENCES PUBLIC CHARTER SCHOOL (HASS)**

Steve Hiramami, Director, introduced two students and a teacher to the Panel. The teacher, Jeanine Baker, has taught at HAAS for 8 years and is proud of the school's community service requirements and the fact that HAAS is a faculty-run school, where teachers collaborate on all the decisions. Bailey, an 8<sup>th</sup> grader, commented on the school's student discipline committee, a panel of students that deals with student behavior issues. Roger, a senior, has been at HAAS since 7<sup>th</sup> grade. When he arrived they were in tents and Matson containers. Now there are enough classrooms for everyone. Students have a voice at HAAS and this is important to him.

### **B. CONNECTIONS NEW CENTURY PUBLIC CHARTER SCHOOL**

John Thatcher, Director, presented a slide show about the school. Connections began as a school- within-a-school at Mountain View in 1995. When Hawaii's charter schools

law was passed, this school-within-a-school became a charter school.

After becoming a charter school, the only facility the school could find was the old Kress Bldg. in Hilo; a private foundation loaned the school's non-profit the money to buy the building. The school has no intention to expand its current enrollment of 360 or so students, though it owns 74 acres outside Hilo that one day may be developed and become Connections new school.

#### C. VOLCANO SCHOOL OF ARTS AND SCIENCE A COMMUNITY PCS

David Rizer, Director, presented a slide show and discussed the school which is student-centered, as well as arts and environmentally centered. A prime concept is "place-based education", and in this case, the school is based on the volcano environment. Resources are the nearby National Park, local artists, lots of native plants, native birds on campus, they use the Kilauea Military Camp theater, and the Jagger Observatory.

The school is an elementary and middle school. Enrollment is 147 K-8 students. Small classes are capped at 16 per class due to facilities. They have a full Inclusion model for special education, so special needs students learn with regular education students. There is a lot of learning outside the classroom: hiking, using a local restaurant for cooking classes, building projects. With an emphasis on Technology, they have 1:1 ration for computers. Also arts are integrated into classes.

#### **XIII. DISCUSSION/ACTION ON FUTURE AGENDA ITEMS**

Ms. Tschumy noted that the Panel has lost its quorum, but invited people to mail suggestions for future agenda items.

#### **XIV. ADJOURNMENT**

Ms. Tschumy adjourned the meeting at 3:05pm.