

**APPROVED****STATE OF HAWAII  
BOARD OF EDUCATION****GENERAL BUSINESS MEETING  
Thursday, May 21, 2009  
Queen Liliuokalani Building, Board Room  
Honolulu, HI****Minutes****ATTENDANCE****BOARD OF EDUCATION**

Garrett Toguchi, Chairperson  
Karen Knudsen, First Vice Chairperson  
Dr. Lei Ahu Isa, Second Vice Chairperson  
Janis Akuna  
Jonathan Allen  
Dr. Eileen Clarke  
Mary Cochran, Esq.  
Margaret Cox  
Breene Harimoto  
Donna Ikeda  
Kim Coco Iwamoto, Esq.  
Carol Mon Lee, Esq. (Excused)  
John Penebacker  
Herbert Watanabe

Camille Masutomi, Interim Executive Director  
Alison Kim, Senior Analyst  
Alex Da Silva, Public Affairs Officer

**DEPARTMENT OF EDUCATION**

Patricia Hamamoto, Superintendent of Education  
Clayton Fujie, Deputy Superintendent  
Stafford Nagatani, Executive Assistant to the Superintendent  
James Brese, Assistant Superintendent/Chief Financial Officer, OFS  
Daniel Hamada, Assistant Superintendent, OCISS  
Randolph Moore, Assistant Superintendent, OSFSS  
Rodney Moriyama, Assistant Superintendent, OITS

Diana Niles-Hansen, Assistant Superintendent, OHR  
Sandra Goya, Director, Communications Branch, SUPT  
Chuck Higgins, Personnel Specialist, OHR  
Katherine Sakuda, Education Specialist, OCISS

## HAWAII STATE PUBLIC LIBRARY SYSTEM

Richard Burns, State Librarian  
Miriam Sato, Head of Business, Science & Technology Section, Hawaii State Library

## OTHERS

COL Sue Horner, Board Military Representative  
Alvin Parker, Chairperson, Charter School Review Panel  
Holly Shikada, Deputy Attorney General  
Tammi Chun, Hawaii P-20 Partnerships for Education  
Leiomalama Desha, Hawaii Government Employees Association  
Matt Gandel, Executive Vice President for Achieve  
Jennifer Vranek, Coach, American Diploma Project

### I. Call to Order

The general business meeting of the Board of Education (Board) was called to order by Board Chairperson Garrett Toguchi at 3:31 p.m. in the Board Room, Queen Liliuokalani Building.

### II. Board Recognition of Achievements

Mr. John Penebacker presented a Board Recognition of Achievement Certificate and Dr. Ahu Isa presented lei to Deputy Superintendent Clayton Fujie for his contributions and service to public education. The Board wished Mr. Fujie well in his retirement.

Mr. Fujie thanked the Board and discussed his career and future plans for retirement.

Ms. Karen Knudsen presented a Board Recognition of Achievement Certificate to Ms. Jean Rolles for being a champion for education through her commitment to the arts, culture, international issues, historic preservation, and the environment. Mr. Jonathan Allen and Superintendent Patricia Hamamoto presented lei to Ms. Rolles.

Ms. Rolles expressed her appreciation to the Board.

A short recess was called at 3:43 p.m. The meeting was reconvened at 3:45 p.m.

### III. Minutes

#### A. Minutes

Ms. Knudsen moved, and Dr. Ahu Isa seconded, that the Board of Education approve the minutes of the Board general business meeting held on May 7, 2009; the executive session held on May 7, 2009; and the special meeting held on May 1, 2009.

The motion carried unanimously with Dr. Ahu Isa, Ms. Akuna, Dr. Clarke, Ms. Cochran, Ms. Cox, Mr. Harimoto, Ms. Iwamoto, Ms. Knudsen, Mr. Penebacker, Mr. Toguchi, and Mr. Watanabe voting aye.

## B. Personnel Appointments

None.

## C. Contracts

None.

## IV. Report

### A. Board Officers and Board Committee Chairpersons

Ms. Knudsen stated that the Committee on External Affairs met to discuss goals and objectives of the committee. She stated that the Committee welcomed Mr. Alex Da Silva, the Board Public Relations Officer.

Dr. Ahu Isa stated that the Committee on Legislation, Public Charter Schools & Public Libraries meeting scheduled for May 28, 2009, has been canceled. She stated that the next meeting is on June 25, 2009.

Mr. Penebacker stated that the Committee on Administrative Services met this past Tuesday. He stated that the committee is recommending several items for Board approval this evening.

Ms. Cox stated she recently attended two meetings, of which she is the Board representative. The Title I Committee for Practitioners was held May 12, 2009. Board members received an update on the federal monitoring. Ms. Cox stated that the federal government said it would be using some of the Board's items as exemplars. The Board will receive a report from the Department of Education (Department) when the final report is completed.

Ms. Cox stated that one of the issues discussed at the Hawaii Teacher Standards Board (HTSB) meeting was on vacancies and frozen positions. She stated that the atmosphere at the meeting was very subdued because the Department has taken A funds and HTSB does not feel the funds are part of the Department. Ms. Cox stated that HTSB was told it must request for such funds and justify why it wants the funds back.

Ms. Cox stated that she does not know if the Governor has signed H.B. No. 183, C.D. 1, but if it is signed it will be effective on July 1, 2009. She stated that H.B. No. 183 lists the sharing of information on such items like fingerprinting. Ms. Cox asked Assistant

Superintendent Rodney Moriyama of the Office of Information & Technology Services, if the Department is ready to share information electronically. Mr. Moriyama stated that the Department is not ready to do so. Ms. Cox stated H.B. No. 183 lists all information that should be shared by HTSB, the Department, and the Charter School Administrative Office (CSAO).

Ms. Cox stated that HTSB is preparing to implement a hiring process for the HTSB Executive Director position. Ms. Cox stated that she agreed to be on the interviewing committee but because of the provisions in H.B. No. 183, she is not sure if she needs to remove herself from the interviewing committee. Ms. Cox will consult with Board Leadership on this.

Mr. Toguchi stated he will check with the Attorney General (AG) for advice.

Ms. Cox stated that the Committee on Curriculum, Instruction & Student Support will meet on June 3, 2009. She stated that Complex Area Superintendent (CAS) from Maui will be in attendance and Mr. Rodney Moriyama will present updates on technology. She stated that approximately \$3 million in federal monies were received. The committee will also discuss Board Policy 4540, "High School Graduation Requirements and Commencement Policy."

Ms. Akuna stated that the next meeting of the Committee on Budget & Fiscal Accountability is on May 27, 2009.

Mr. Toguchi gave a brief report on the Board's general and federal funds budget spreadsheet.

Mr. Toguchi stated that the Board has three staff positions that are currently funded with federal funds, and once that funding runs out, the Department will have to seek alternative funding or take other action. He stated the Board is preserving the balance of the federal money so the Board can maintain its current staff as long as possible.

Mr. Penebacker asked Mr. Toguchi to clarify his statement about the federal funds running out.

Mr. Toguchi stated that because the Governor has increased the federal fund ceiling, there is potential for the monies to decrease.

Ms. Cochran asked if Board Leadership will determine what the alternative funding source will be.

Mr. Toguchi stated that the Board will approve the budget when it is available.

## B. Board Executive Director Report

Ms. Camille Masutomi, Interim Board Executive Director, reported and followed-up on items as reflected in Attachment A.

## C. Superintendent

Superintendent Patricia Hamamoto presented a report as reflected in Attachment B.

#### D. State Librarian

State Librarian Richard Burns presented a report as reflected in Attachment C. Mr. Burns introduced Ms. Miriam Sato, Head of the Business, Science & Technology Section, Hawaii State Library, who presented a report to the Board as reflected in Attachment D.

Ms. Ikeda stated that she is amazed at how much the Hawaii State Public Library System (HSPLS) can do with so little, and thanked HSPLS for its work.

#### E. Charter School Review Panel

Mr. Alvin Parker, Charter School Review Panel (CSRP) Chairperson, stated that the charter schools are experiencing growing pains and some of the problems are internal problems with the relationship of the local school board, the administration, and the parent community. He stated that CSRP has been dealing extensively with two charter schools in particular: Halau Ku Mana and Halau Lokahi. Mr. Parker stated that CSRP received testimony at the last May 14, 2009, meeting and has instructed both schools to work closely through their respective local school boards, parent community, and faculty.

CSRP continues to work with CSAO, in collaboration with Assistant Superintendent Rodney Moriyama to bring more schools into the Electronic Student Information System (eSIS).

Mr. Parker reported on the ongoing Waters of Life (WOL) Public Charter School situation. Mr. Parker discussed a case that was dismissed yesterday in Hilo County. Mr. Parker stated it involves WOL's attorney coming before a Hilo court judge and being queried.

Mr. Parker stated that the State was represented by Deputy Attorney General Melissa Chee, and when Ms. Chee was questioned if there were rules in place, Ms. Chee stated that Section 302B-14, Hawaii Revised Statutes (HRS) has the mandates in place to address the questions that Attorney Mr. Gary Zamber was opposing. Mr. Parker stated that CSAO will continue to move forward on June 18, 2009, on a hearing regarding the terms of probation. Mr. Parker stated that this was the recommendation of the AG's office so CSRP is following the AG's guidance.

Mr. Toguchi stated that WOL issues will be discussed in executive session and asked Board members to reserve their questions until that time.

Ms. Iwamoto confirmed with Mr. Parker that WOL was discussed in open court so whatever was said is not confidential.

Regarding Mr. Parker's mention of parents coming forward at one of the committees and providing testimony on the transfer of credits from a charter school to a Department school, Ms. Iwamoto stated that she clarified with Ms. Hamamoto that charter schools could read the Authorized Courses and Code Numbers (ACCN) of the Department and

come up with their own alignment of courses that might be sufficient for the student to present to the Department public school should the student transfer. Ms. Iwamoto stated that the burden to do that alignment is on the charter school.

Mr. Iwamoto asked if CSRP or CSAO will be sending a memo to all charter schools to inform them that if a charter school student transfers from one of the charter schools to a Department school, the burden is on the charter school to do the alignment.

Mr. Parker stated there must be an understanding that children may transition back to a Department public school and it behooves charter schools to understand the process. Mr. Parker stated that part of the responsibility is to make that transition possible and the only way that can be accomplished is to have accepted credits.

Mr. Penebacker stated that Mr. James Hakuole, a parent of a public school student, appeared before a committee of the Board to bring his concerns to the committee.

Ms. Knudsen stated that the Department has replied to Mr. Hakuole but the issue will be referred to the Committee on Legislation, Public Charter Schools & Public Libraries for follow-up with the charter schools.

Mr. Parker stated that Ms. Ruth Tschumy, CSRP Vice Chairperson, has been working closely with CSAO and has directed CSAO to give Mr. Hakuole a formal response through the local school board.

Ms. Knudsen expressed her appreciation to Mr. Parker for his attendance at all Board meetings.

#### F. Military Representative

Colonel Sue Horner stated that the Hawaii P-20 Partnerships for Education will provide a presentation at the school liaison retreat on June 12, 2009.

Colonel Horner stated that the bill on Interstate Compact on Educational Opportunity for Military Children is now on the Governor's desk awaiting signature. The Governor has until sometime in July to determine whether to sign the bill.

Colonel Horner stated that the Joint Venture Education Forum (JVEF) meeting is on June 4, 2009, at the Oahu Veterans Center from 9:00-11:00 a.m. All Board members are invited to attend.

#### G. Hawaii State Student Council

Mr. Allen introduced the incoming Hawaii Student Board Member, Mr. Kelly Maeshiro.

Mr. Maeshiro stated that the primary objective of the Hawaii State Student Council (HSSC) for the remainder of this year is planning the Student Leadership Workshop (SLW). All Board members will receive invitations. The Board Chairperson and Superintendent will receive a letter asking them to address HSSC student leaders from across the State at the

opening session on July 17, 2009, at the University of Hawaii at Manoa Campus Center.

HSSC will hold its transition meeting of the current council and the incoming council on June 9-10, 2009. Mr. Maeshiro stated that the Secondary Student Conference (SSC) student planners for next year will be having their first meeting on June 11-12, 2009. He stated that SCC is scheduled for October 6-8, 2009, during intersession so as not to disrupt student coursework.

HSSC thanked the Board for their continued support of student activities.

Mr. Maeshiro stated that an informal survey of Student Activities Coordinator (SAC) positions was conducted. The counselor reported that for Keaau, Kohala, and Kauai schools, the 12-month SAC positions are changing to 10-month positions. Hana and Lanai schools will have only half-time SACs. Middle schools reported status quo; schools have half-time 10-month SACs.

Mr. Maeshiro stated HSSC would like to unanimously express the importance of student activities in a student's life. He asked for continued support of student activities at the school, district, and state levels.

Mr. Allen stated that his last Board general business meeting is on June 18, 2009.

#### H. Other Boards, Commissions, Councils

Ms. Tammi Chun, Executive Director, Hawaii P-20 Partnerships for Education (P-20), presented a report to the Board. She stated that P-20 has been coming to the Board to talk about a variety of issues, particularly to ensure students graduate from high school prepared for career and college. The work P-20 has been doing is related to the American Diploma Project, which is coordinated by a group called Achieve.

Ms. Chun introduced Mr. Matt Gandel, Executive Vice President for Achieve, and Ms. Jennifer Vranek, coach for the American Diploma Project and Founding Partner for Education First Consulting.

Mr. Gandel stated that Achieve is about ten years old and was created by governors and business leaders to be an independent non-profit organization to help states improve academic expectations in K-12 public schools, and to ultimately improve the performance of students. He stated that for the last three to four years, Achieve has been highly focused on the nexus between the K-12 system and post-secondary, and careers to help states create a more seamless transition for young people.

Mr. Gandel presented a report to the Board on Achieve, the American Diploma Project network, and federal resources.

#### I. Board Members' Concerns

Mr. Harimoto recently attended the National Obesity Prevention Policy Summit, which was possible through a grant, at no cost to the State. Mr. Harimoto stated that it was an

excellent discussion. He requested staff to go through the materials and come up with recommendations. He stated that the summit shared examples of exemplary programs where all spectrums of government work together. Mr. Harimoto will write up a trip report and share it with the Board.

Mr. Harimoto stated that the May Day programs have been wonderful. He thanked Superintendent Hamamoto for all the principals' and teachers' efforts. Mr. Harimoto recognized Ms. Shelly Ferreira the new principal at Mauka Lani Elementary School in Makakilo, who rallied her staff in the community to hold their first May Day program in 12 years.

Mr. Harimoto stated that the Leeward District Technology Fair had outstanding displays of talent from elementary, middle, and high school students in the areas of science and technology. Mr. Harimoto thanked Complex Area Superintendents (CAS) Keith Hayashi, Lisa DeLong, and Vernon Young for their leadership.

Mr. Harimoto stated his concern is about the Board ad hoc committee that was recently created. He stated that his concern has to do with the Board's authority. He stated that the Constitution and laws are clear that the Board is the policy making body and the Superintendent manages the Department. Mr. Harimoto stated that it would be more appropriate for the Board to direct Ms. Hamamoto to develop an appropriate plan, and the Board, if necessary, can give Ms. Hamamoto direction and guidance and then hold her accountable. He stated that this goes for the internal organization, as well as preparing for the American Recovery & Reinvestment Act (ARRA) funds.

Mr. Harimoto stated his second issue is one of transparency. Mr. Harimoto agrees with the statements made by Ms. Ikeda, as he is also concerned that the ad hoc committee is being set up as an investigative committee that operates outside of the Sunshine Law requirements for notification and public purview.

Mr. Harimoto stated his last concern relates to the Board's Public Affairs Officer (PAO) position. Mr. Harimoto stated that what he is about to say has no reflection on Mr. Alex Da Silva, who Mr. Harimoto is sure, will do a wonderful job.

Mr. Harimoto stated that at a previous Board meeting he made a specific request that the issue regarding the PAO position be put on the Board agenda for discussion before filling the position. He stated that in this budget crisis, the need to fill this position should be put in perspective. Mr. Harimoto stated that in the past, the Board supported this position and felt there was a need for it, but that was before the budget crisis. Mr. Harimoto stated that although he requested such a discussion, the discussion did not occur. He requested that his comments be entered into the record.

Ms. Iwamoto gave general appreciation to Board staff. She stated that she had pointed out in many Board meetings that she saw a lot of potential in Board staff to really do more analysis and research on behalf of the Board. She stated that she has witnessed and experienced in the last six months the incredible amount of work that they are doing.



Ms. Iwamoto stated she was concerned about the tasing of a student on the Big Island. Ms. Iwamoto did some research on this issue and shared her research findings with the Board (Attachment E).

Dr. Ahu Isa stated that one of the opportunities discussed at the last Committee on External Affairs meeting was to have Board members visit schools. She stated that public school students do not know who the Board members are. Dr. Ahu Isa asked Board members to attend graduation and other events in their communities.

Ms. Cochran stated that she has a concern with respect to the establishment of the ad hoc committee. Her concern is that the Board's policymaking seems to be done after the fact. She stated that it seems the ad hoc committee is doing the proper thing, as the Board should investigate, find out what the issues are, and then decide if the issues and problems can be resolved through policy or other means.

Ms. Ikeda stated that based on comments regarding the ad hoc committee she feels the real concern is the lack of communication. She stated that Board Leadership can do a better job of informing all Board members of what is going on so the Board is aware of what is happening. Ms. Ikeda stated that even if the Board may not agree, at least Board members can ask questions or be involved in some way.

Ms. Ikeda stated that the announcement of the ad hoc committee was done by way of an announcement at a Board meeting, and there was no formal memo from the Chair outlining the reasons for the ad hoc committee or what it is supposed to do. Ms. Ikeda stated that her major concern is that the Board is going around the Sunshine Law by calling the committee investigative and not agendizing it.

Ms. Ikeda stated that her second concern is that the Board member concerns portion of the meeting is the only time and forum when Board members can bring up experiences, and share new information or items.

Ms. Ikeda stated that for common courtesy: (1) If the Board is going to do something like set up an ad hoc committee, a memo or e-mail should be sent out to all Board members; and (2) In this portion of the Board meeting, she feels every Board member as an elected member of the Board should have the opportunity to express their concerns, raise issues, or discuss whatever they feel is important at the time.

Ms. Cox asked that Board procedures be developed to specify when the public or members of the audience can speak on an issue.

Mr. Toguchi responded that the Board will provide specifics.

#### V. Executive Session on Personnel, Collective Bargaining, and Legal Matters

Ms. Knudsen moved, and Dr. Ahu Isa seconded, that the Board of Education go immediately into executive session to: (1) discuss/take action on collective bargaining and personnel matters related to Bargaining Units 05 and 06; and (2) consult with the Attorney General on personnel and legal matters.

The motion carried unanimously with Dr. Ahu Isa, Ms. Akuna, Dr. Clarke, Ms. Cochran, Ms. Cox, Mr. Harimoto, Ms. Ikeda, Ms. Iwamoto, Ms. Knudsen, Mr. Penebacker, Mr. Toguchi, and Mr. Watanabe voting aye.

The meeting recessed at 5:13 p.m. and was called back to order at 7:08 p.m.

#### VI. Requests and Petitions from the Public, Including Input on Board Action Items

Ms. Lakida McNair, a parent of a five-year-old student, testified on behalf of her daughter who has been bullied in school.

Ms. Kristi Lundell, a homeschool parent/teacher, testified in support of amending Chapter 12, Hawaii Administrative Rules, which would allow the homeschool community equal access to extra-curricular activities at their neighborhood public school.

Mr. Andrew Zimmerman, a homeschool student, testified in support of homeschool children participating in extra-curricular activities offered by the Department.

Ms. Debra Zimmerman, a homeschool parent/teacher, testified in support of the proposal that would allow homeschool students access to Department extra-curricular activities.

Mr. Will Cockett, a homeschool student, testified in support of the proposal to participate in public school extra-curricular activities.

Ms. Gracie Cockett, a homeschool student, testified in support of homeschool students participating in extra-curricular activities at the public school system.

Ms. Lissa Cockett, a homeschool parent/teacher of three children, testified to the Board as to why some families choose to homeschool their children.

Mr. Kevin Cocker, a homeschool parent/teacher, testified to support homeschooling. Mr. Crocker stated he supports allowing homeschool students to participate in extra-curricular activities in the public school system.

#### VII. Recommendations for Action

Ms. Iwamoto moved, and Mr. Penebacker seconded, to move Agenda Item G to the top of the agenda.

The motion carried unanimously with Dr. Ahu Isa, Ms. Akuna, Dr. Clarke, Ms. Cochran, Ms. Cox, Mr. Harimoto, Ms. Ikeda, Ms. Iwamoto, Ms. Knudsen, Mr. Penebacker, Mr. Toguchi, and Mr. Watanabe voting aye.

G. Discussion/Action on Proposed Chapter 12, Hawaii Administrative Rules, Compulsory Attendance (*Committee on Curriculum, Instruction & Student Support*)(Attachment F)

By direction of the Committee, Ms. Cox moved, that the Board of Education approve for

public hearings, proposed amendments to Chapter 12, Hawaii Administrative Rules (HAR), Compulsory Attendance Exceptions.

Ms. Iwamoto moved, and Dr. Ahu Isa seconded, to amend the main motion to allow homeschool students to participate in co-curricular activities at the local public school, if applicable.

Mr. Toguchi stated that Ms. Iwamoto is proposing to amend Section 8-12-13(d), HAR, as follows:

The parent(s) submitting a notice to home school a child shall be responsible for the child's total educational program including **meeting the requirements for participation in athletics and other co-curricular activities [.] at the local public school, if applicable.**

Ms. Iwamoto stated that her proposed amendment aligns with several Board goals, which is to build partnerships and communications with the community. Ms. Iwamoto stated that homeschooled students and their families are definitely a part of the community. Ms. Iwamoto stated that if homeschool students join up with traditional public school students, whether it is through competition or collaboration in a team sport or in a play, it will increase the level of success for students.

Ms. Iwamoto stated that one aspect the Board should consider is the budget impact of such a proposal. She stated that a team must be in existence so it will not create additional expense to create more teams or more spots on a team. She stated that homeschool families would participate in fundraising and pay the expenses of participating in a sport.

Ms. Iwamoto stated that the conditions leading to this recommendation are that the proposal was in the Superintendent's recommendation on a bill this session, and then when the bill came up in the Legislature, the Board voted to support the bill.

Ms. Cox stated that when the Board addressed this issue, it was via a bill during session, the Board was talking about having homeschool students counted on the schools' attendance list so that the schools could get more Weighted Student Formula (WSF) money.

Ms. Hamamoto stated that in order to get WSF funds from the Legislature, homeschool students must be enrolled. Enrolled means you must be taking classes at the school, otherwise there is no money for the student.

Ms. Cox stated that when the coaches have students sign contracts, it is not just about grades, but it is also behavior, so if a student does not uphold his or her contract, they can be kicked off the team.

Mr. Penebacker stated point of information. He stated that the motion is to send the proposed amendments to Chapter 12, to public hearing.

Mr. Toguchi stated that Ms. Iwamoto's motion is to amend the proposed rules by amending

a section.

Mr. Penebacker stated that if this amendment is adopted, it becomes part of the proposed administrative rules that go out to public hearings. He asked what if there is public testimony in opposition to the proposed amendment by Ms. Iwamoto, if the amendment is adopted. Mr. Penebacker asked if this would trigger another round of public hearings.

Mr. Toguchi stated that it would be open to interpretation but the guidance that he has been given is that it is safer if a provision is inserted prior to public hearing and taken out later, versus not being inserted now and added later.

Mr. Penebacker spoke in favor of Ms. Iwamoto's proposed amendment to the motion even though he is apprehensive about this measure, as he is not sure if the homeschool parents here today reflect the entire homeschool movement with the same level of commitment.

Mr. Penebacker stated that different standards may be used on the 2.0 rule to determine if students meet the qualifications of the contract and the calculation of the grade point average (GPA). Mr. Penebacker stated that for the purpose of the proposed amendment going to public hearing to seek public input, he will vote in favor of the motion.

Mr. Harimoto spoke in favor of the motion. He supports the concept of allowing homeschool students to participate in these activities. Mr. Harimoto asked if there was anything in the law that would preclude this from happening, as he wants to be sure there is not a law that the Board is trying to supercede.

Ms. Knudsen spoke in favor of the motion. She stated that this has been a long time coming. She stated that regarding the enrollment question, if there is a problem and financial hardship, the Board can look at this in terms of legislation in the future and check if there are legal problems in the meantime.

Mr. Toguchi stated for clarification that if the Board approves this, the AG still needs to review the proposed amendments to Chapter 12, HAR.

Ms. Iwamoto stated that as she saw with testimony several meetings ago, there may be some inconsistent applications of the 2.0 rule. She suggested that parents validate the information on a form.

Dr. Clarke stated that the public school system's obligation is to educate and accept all students. She stated that the challenge will be to individual coaches and schools as to how they can insure that students they accept for their teams will be good students.

Ms. Cochran stated her reservations on this issue. She stated that the Board does not know how widespread homeschooling is and what the financial implications will be. She stated that private school parents choose not to attend public schools, and here is a situation where homeschool students do not want to attend public schools but also want to participate in extra-curricular activities. Ms. Cochran has reservations about voting on this proposed amendment without further study on the implications to the current athletic structure.

Mr. Allen spoke against the amendment. He stated that every member has spoken in support of this amendment, but as a student elected by public school students who attend public schools he cannot support this amendment. He stated that if current public school students are not making the grade, they can become homeschool students and there is no way to test if a student is meeting the 2.0 rule. He stated that it is all about fairness to homeschool students as well as fairness to students currently enrolled in public schools.

Ms. Ikeda stated her reservations on the amendment. She stated that if this rule passes, she can envision problems where homeschool children will try out and maybe not make a team, and in not making the team, file a complaint alleging that they were not accepted because they were homeschooled. She questioned how those kinds of cases will be determined what is true or not. She is not comfortable voting on the proposed amendment at this juncture.

Ms. Iwamoto stated some charter schools have an arrangement with traditional public schools to play sports.

Dr. Ahu Isa spoke in favor of the motion that amends the main motion so the proposed language can go out to public hearing.

Mr. Harimoto stated that the Board had an earlier discussion about public school students paying an activities fee that in part pays for the activities. He stated that the discussion was about fairness in the sense that students enrolled are paying all activities fees so the bill reflected that homeschool students would pay the appropriate fees.

Ms. Cox stated that activities' fees do not pay for sports. Activities' fees are for student government and things that go on during the school day. Ms. Cox stated that she speaks in favor of the motion just so the proposed amendment can get out to public hearing, but she may change her mind once she hears what the public has to say.

Mr. Toguchi asked the Attorney General (AG) if the Board is to include homeschoolers in participating in school activities, the proposed amendments to the rules also take out Section 8-12-14, HAR, which is for special education students that are homeschooled. Mr. Toguchi asked if this would then create discriminatory treatment because Department services would then be provided to homeschoolers, who are not Department students, and special education or related services are not being provided to special education homeschool students.

Ms. Shikada stated that she does not think that this creates a problem with respect to the difference between the types of services that are provided, but it does mean that when homeschool students can participate in extra-curricular activities, it applies to all homeschool students, whether the student is special education or not.

Mr. Penebacker called for the question.

The motion to call for the question carried unanimously with Dr. Ahu Isa, Ms. Akuna, Dr. Clarke, Ms. Cochran, Ms. Cox, Mr. Harimoto, Ms. Ikeda, Ms. Iwamoto, Ms. Knudsen, Mr.

Penebacker, Mr. Toguchi, and Mr. Watanabe voting aye.

The motion to amend the main motion carried with Dr. Ahu Isa, Ms. Akuna, Dr. Clarke, Ms. Cochran, Ms. Cox, Mr. Harimoto, Ms. Iwamoto, Ms. Knudsen, Mr. Penebacker, Mr. Toguchi, and Mr. Watanabe voting aye. Ms. Ikeda voted nay. There were no abstentions.

The main motion, as amended, carried with Dr. Ahu Isa, Ms. Akuna, Dr. Clarke, Ms. Cochran, Ms. Cox, Mr. Harimoto, Ms. Iwamoto, Ms. Knudsen, Mr. Penebacker, Mr. Toguchi, and Mr. Watanabe voting aye. Ms. Ikeda abstained. There were no nays.

A. Discussion/Action on Proposed Amendments to the 2009 Board of Education General Business Meeting Calendar (*Chairperson*) (Attachment G)

Ms. Knudsen moved, and Dr. Ahu Isa seconded, that the Board of Education approve the proposed amendments to the 2009 Board of Education General Business Meeting Calendar.

Mr. Toguchi stated that the proposed amendments move all general business meetings for the rest of the calendar year to the Queen Liliuokalani Building. He stated that the primary reason is due to budgetary cuts and considerations. He stated if the Governor signs the State Budget, the Department will incur a \$38,600 cut. He stated that by moving Board general business meetings back to the Queen Liliuokalani Building, \$26,000 is saved. Mr. Toguchi stated that if the Board were to carry this practice forward from January through June, another \$12,000 would be saved.

Mr. Toguchi stated that the money saved from having meetings in the Board Room include staff mileage and staff time spent in preparing for a district meeting. There is also money and time by the complex and schools that prepare for the Board to come to their schools.

Ms. Knudsen spoke in favor of the motion because the Board has community meetings. Ms. Knudsen stated that Board general business meetings at the Queen Liliuokalani building are covered by Olelo.

Mr. Harimoto stated that he understands the budgetary constraints; however, he wants to address one statement that was made and offer another viewpoint. Mr. Harimoto stated that he can only speak for himself as a Leeward district representative, but the Board will be missed by the community. He stated that having the Board meet in the Leeward District means a lot to the community. Mr. Harimoto stated that there are communities that look forward to the Board meeting in their area. He stated he understands the budget constraints, but requested meeting on the Leeward Coast if at all possible. He asked that there be more emphasis on community meetings if the Board goes forward with the amended general business meeting schedule.

Mr. Toguchi clarified that he was speaking to the effort schools put out to accommodate the Board.

Mr. Penebacker stated that he is inclined to support the motion but if the Board is going to cut back on Board meetings because of the financial crisis, he cannot in good conscience

have staff being paid mileage to carry out community meetings. He stated that Board meetings like this evening generate a lot more following than some of the community meetings. He stated that if this passes he will ask Board Leadership to consider a similar approach in reducing the requirement to have community forums.

Ms. Ikeda asked if Board general business meetings broadcast on Olelo can be viewed by the Neighbor Islands, and if there is any way the Board can technologically allow the Neighbor Islands to participate via videoconferencing. She stated that while e-mails and phone calls may be fine there is still a major difference between this and testifying in person before the full Board.

Dr. Ahu Isa stated that crisis gives opportunities to look at problems in a different light. She stated that perhaps this will open up video conferencing as Ms. Ikeda suggested. Dr. Ahu Isa stated that the Board should look at districts like Nanakuli and Waianae because when Ms. Kendra Ito-Mizota, Policy Analyst, reported at the community meetings in Waianae and Nanakuli, the numbers were large. She stated that it would be great if the Board could look at specific communities and service them.

Ms. Cochran stated that it is not as though the Board will continue this practice once things improve, and communities understand that there is a budget crunch.

Mr. Toguchi stated that there are no statutory requirements to have Board meetings out in the districts.

Ms. Cox spoke in favor of the motion. She stated that as far as community meetings go on Kauai, she and another person attend so the cost is much less than sending the entire Board to the Neighbor Island. She believes that the Board can do this for a while and see how things go.

Mr. Watanabe agreed that perhaps instead of the whole Board attending a meeting that maybe just two or three members should attend a community meeting.

The motion carried unanimously with Dr. Ahu Isa, Ms. Akuna, Dr. Clarke, Ms. Cochran, Ms. Cox, Mr. Harimoto, Ms. Ikeda, Ms. Iwamoto, Ms. Knudsen, Mr. Penebacker, Mr. Toguchi, and Mr. Watanabe voting aye.

B. Discussion/Action on the Reorganization of the Department of Education's Office of Curriculum, Instruction, and Student Support (*Committee on Audit*)(Attachment H)

By direction of the Committee, Mr. Penebacker moved that the Board of Education approve the reorganization of the Department of Education's Office of Curriculum, Instruction, and Student Support.

Mr. Watanabe moved, and Mr. Penebacker seconded, to amend the main motion, to incorporate the proposed revisions as presented by the Department of Education, into the proposed reorganization plan of the Department of Education Office of Curriculum, Instruction and Student Support that was recommended out of Committee to the full Board for approval.

Mr. Penebacker stated that Ms. Hamamoto has given the Board an update because of the process that it has to go through with Consult & Confer (C&C) and the recommendation has been addressed based on C&C input.

Ms. Knudsen stated that she supports this motion with grave reservations. Ms. Knudsen asked if this is the proposal that combines the Visual and Performing Arts into one position. Assistant Superintendent Daniel Hamada responded yes.

The motion, to amend the main motion, carried unanimously with Dr. Ahu Isa, Ms. Akuna, Dr. Clarke, Ms. Cochran, Ms. Cox, Mr. Harimoto, Ms. Ikeda, Ms. Iwamoto, Ms. Knudsen, Mr. Penebacker, Mr. Toguchi, and Mr. Watanabe voting aye.

The main motion, as amended, carried unanimously with Dr. Ahu Isa, Ms. Akuna, Dr. Clarke, Ms. Cochran, Ms. Cox, Mr. Harimoto, Ms. Ikeda, Ms. Iwamoto, Ms. Knudsen, Mr. Penebacker, Mr. Toguchi, and Mr. Watanabe voting aye.

C. Discussion/Action on the Appointment of Members to the Charter School Review Panel (*Committee on Legislation, Public Charter Schools & Public Libraries*)(Attachment I)

By direction of the Committee, Dr. Ahu Isa moved, that the Board of Education approve the appointments of the following members to the Charter School Review Panel for a three-year term starting on July 1, 2009, and ending on June 30, 2012:

- (1) Ms. Amy Vorderbruegge, licensed teacher regularly engaged in teaching: employed at a start-up charter school;
- (2) Ms. Pualani Akaka, licensed teacher regularly engaged in teaching: employed at a conversion charter school;
- (3) Ms. Ku Kahakalau, representative of Hawaiian culture-focused charter schools; and
- (4) Ms. Ruth Tschumy, representative from the Hawaii Association of Independent Schools;

and that the Board send an affirmation letter to all Charter School Review Panel members stating the start and end dates of their terms.

By friendly amendment, Mr. Watanabe asked if "Ms. Ku Kahakalau" could be changed to "Dr. Ku Kahakalau."

The motion carried unanimously with Dr. Ahu Isa, Ms. Akuna, Dr. Clarke, Ms. Cochran, Ms. Cox, Mr. Harimoto, Ms. Ikeda, Ms. Iwamoto, Ms. Knudsen, Mr. Penebacker, Mr. Toguchi, and Mr. Watanabe voting aye.

D. Discussion/Action on the Approval of the Review of the Current Classification and Compensation System of Educational Officers and Professional Employees and Recommendations (*Committee on Administrative Services*)(Attachment J)



By direction of the Committee, Mr. Penebacker moved that the Board of Education approve the Review of the Current Classification and Compensation System of Educational Officers and Professional Employees and Recommendations.

The motion carried unanimously with Dr. Ahu Isa, Ms. Akuna, Dr. Clarke, Ms. Cochran, Ms. Cox, Mr. Harimoto, Ms. Ikeda, Ms. Iwamoto, Ms. Knudsen, Mr. Penebacker, Mr. Toguchi, and Mr. Watanabe voting aye.

E. Discussion/Action on the Composition of the Committee on Weights V (*Committee on Budget & Fiscal Accountability*)(Attachment K)

By direction of the Committee, Ms. Akuna moved that the Board of Education approve the composition of the Committee on Weights V.

The motion carried unanimously with Dr. Ahu Isa, Ms. Akuna, Dr. Clarke, Ms. Cochran, Ms. Cox, Mr. Harimoto, Ms. Ikeda, Ms. Iwamoto, Ms. Knudsen, Mr. Penebacker, Mr. Toguchi, and Mr. Watanabe voting aye.

F. Discussion/Action on the Proposed Adoption of the World Class Instructional Design and Assessment (WIDA) English Language Proficiency (ELP) Standards (*Committee on Curriculum, Instruction & Student Support*)(Attachment L)

By direction of the Committee, Ms. Cox moved that the Board of Education approve the proposed adoption of the World-Class Instructional Design and Assessment (WIDA) English Language Proficiency (ELP) Standards.

The motion carried unanimously with Dr. Ahu Isa, Ms. Akuna, Dr. Clarke, Ms. Cochran, Ms. Cox, Mr. Harimoto, Ms. Ikeda, Ms. Iwamoto, Ms. Knudsen, Mr. Penebacker, Mr. Toguchi, and Mr. Watanabe voting aye.

G. Discussion/Action on Proposed Chapter 12, Hawaii Administrative Rules, Compulsory Attendance (*Committee on Curriculum, Instruction & Student Support*)

This agenda item was discussed earlier in the meeting.

## VIII. Adjournment

The meeting was adjourned at 8:39 p.m.

Submitted for Approval

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CAMILLE M. MASUTOMI  
Interim Executive Director

Approved by the Board

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GARRETT TOGUCHI  
Board Chairperson

### **Attachments**

Attachment A Interim Board Executive Director's Report

Attachment B Superintendent's Report

Attachment C State Librarian's Report

Attachment D Ms. Miriam Sato, Head of the Business, Science & Technology Section Report

Attachment E Articles on tasering

Attachment F Recommendation Memo on the Proposed Chapter 12, Hawaii Administrative Rules, Compulsory Attendance

Attachment G Proposed Amendments to the 2009 Board of Education General Business Meeting Calendar

Attachment H Recommendation Memo on the Reorganization of the Department of Education's Office of Curriculum, Instruction, and Student Support.

Attachment I Recommendation Memo on the Appointment of Members to the Charter School Review Panel

Attachment J Recommendation Memo on the Approval of the Review of the Current Classification and Compensation System of Educational Officers and Professional Employees and Recommendations

Attachment K Recommendation Memo on the Composition of the Committee on Weights V

Attachment L Recommendation Memo on the Proposed Adoption of the World Class Instructional Design and Assessment (WIDA) English Language Proficiency (ELP) Standards



Attachments A thru D for posting.pdf



Attachments E thru H for posting.pdf



Attachments I -L for posting.pdf



TESTIMONIES.pdf