

**STATE OF HAWAI'I
OFFICE OF HAWAIIAN AFFAIRS
560 N. NIMITZ HIGHWAY, SUITE 200**

**COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT
MINUTES**

July 27, 2016 1:30 p.m.

ATTENDANCE:

Chairperson John Waihe'e, IV
Vice-Chairperson Peter Apo
Trustee Lei Ahu Isa
Trustee Dan Ahuna
Trustee Haunani Apoliona
Trustee Carmen Hulu Lindsey
Trustee Robert Lindsey
Trustee Colette Machado

EXCUSED:

Trustee Rowena Akana

BOT STAFF:

Alvin Akee
A. U'ilani Tanigawa
Crayn Akina
Kauikeaolani Wailehua
Lehua Itokazu
Liana Pang
Makana Chai
Melissa Wennihan

ADMINISTRATION STAFF:

Kamana'opono Crabbe, Ph.D., Pouhana / CEO
Lisa Victor, Pou Nui / COO
Jocelyn Doane, PUBL
Monica Morris, ADV
Sterling Wong, PUBL

GUESTS:

Charlene Hoe
Kaihikapu Maikui
Katie Benioni
Keali'i Makekau
Taffi Wise

I. CALL TO ORDER

Chair Waihe'e calls the Committee on Beneficiary Advocacy and Empowerment meeting for Wednesday, July 27, 2016 to order at **1:32 p.m.**

Chair Waihe'e notes for the record that **PRESENT** are:

MEMBERS			AT CALL TO ORDER (1:32 p.m.)	TIME ARRIVED
CHAIR	JOHN	WAIHE'E, IV	PRESENT	
VICE-CHAIR	PETER	APO	PRESENT	
TRUSTEE	LEI	AHU ISA	PRESENT	
TRUSTEE	DAN	AHUNA	PRESENT	
TRUSTEE	HAUNANI	APOLIONA	PRESENT	
TRUSTEE	CARMEN "HULU"	LINDSEY	PRESENT	
TRUSTEE	ROBERT	LINDSEY	PRESENT	
TRUSTEE	COLETTE	MACHADO	PRESENT	

At the Call to Order, **EIGHT (8) Trustees are PRESENT**, thereby constituting a quorum.

EXCUSED from the BAE Meeting are:

MEMBERS			COMMENT
TRUSTEE	ROWENA	AKANA	MEMO – REQUESTING TO BE EXCUSED

II. APPROVAL OF MINUTES

A. May 4, 2016

Trustee Ahuna moves to approve the minutes of May 4, 2016.

Vice-Chair Apo seconds the motion.

Chair Waihe'e asks if there is any discussion. There is none.

Chair Waihe'e asks if anyone votes NO or ABSTAINS. There are no replies.

TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	1:33 p.m. EXCUSED
LEI	AHU ISA			X			
DAN	AHUNA	1		X			
ROWENA	AKANA						EXCUSED
VICE-CHAIR PETER	APO		2	X			
HAUNANI	APOLIONA			X			
CARMEN HULU	LINDSEY			X			
ROBERT	LINDSEY			X			
COLETTE	MACHADO			X			
CHAIR JOHN	WAIHE'E			X			
TOTAL VOTE COUNT				8	0	0	1

MOTION: [X] UNANIMOUS [] PASSED [] DEFERRED [] FAILED

Chair Waihe'e notes for the record that all members present vote 'AE (YES) and the MOTION CARRIES.

III. COMMUNITY CONCERNS*

None

IV. NEW BUSINESS

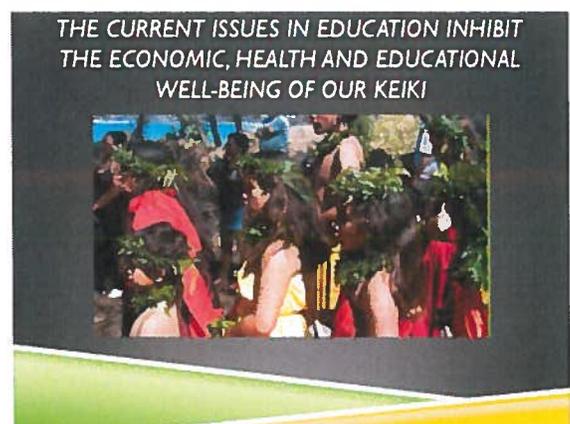
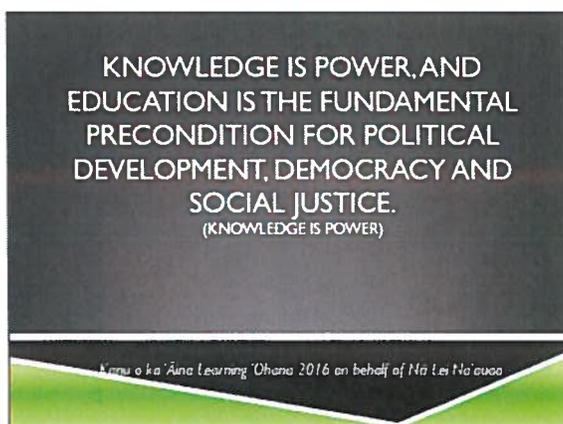
A. Nā Lei Na‘auao – Alliance for Native Hawaiian Education: Updates on the important changes occurring in our native education system

Chair Waihe‘e turns it over to BOT Chair Robert Lindsey to introduce the group.

Trustee Robert Lindsey: Thank you so much Chair Waihe‘e. It’s my honor this afternoon to introduce Taffi Wise. She serves as the Executive Director for Kanu o Ka ‘Āina Learning ‘Ohana (KALO, or also *Kanu*) and she’ll be doing this presentation on behalf of Nā Lei Na‘auao - our Alliance for Native Hawaiian Education, along with Katie Benioni. *Education* is one of the strategic priorities in OHA’s strategic plan; and a very important one. I’d like to also mention that I sit on the KALO board and of all the non-profits and community organizations that I volunteer for, KALO is the most special to me. If you’re ever having a challenging day, just go to one of our Hawaiian-focused Charter Schools to fill your cup with joy and put a smile on your face; they do wonderful work.

Taffi Wise: A most humble *Mahalo* to you all; you always make me emotional because I am filled with so much gratitude being here today. With me today, I have: Katie my partner-in-crime, as well as Aunty Charlene Hoe who I hold dear to my heart as a champion for us. Also with us, is one of our *haumana* products, Kaihikapu Maikui. Kaihikapu will share directly answer whatever questions you may have. They’re the reason. Anything I say doesn’t matter, it’s all about them. We have had several conversations over the past few years. So our goal today was to share with you what’s been happening, where we’re going, the *pilikia* we still face, to thank you for your continued support, and to let you see some of our blessings and products.

(Taffi begins going through the PowerPoint, as included below)



NA LEI NA'AUAO MISSION:

The mission of Na Lei Na'auao—Alliance for Native Hawaiian Education is to establish, implement, and continuously strengthen models of education throughout the Hawaiian islands and beyond, which are community-designed and -controlled and reflect, respect and embrace 'ōlelo Hawai'i, 'ike Hawai'i and Hawaiian cultural values, philosophies and practices.

WHO WE ARE

- 4 Islands
- 17 Communities
- Students: 4200
- 74% Hawaiian
- Economically Disadvantaged Schools 100%



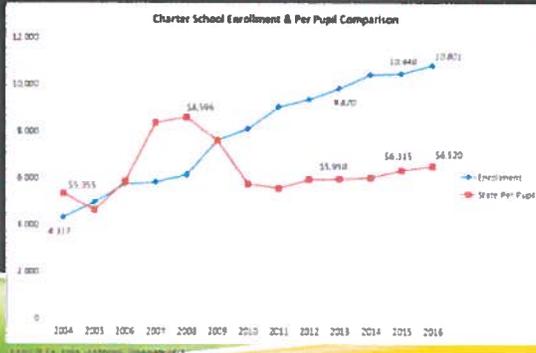
WHAT DO WE DO

"EA" Hawaiian system of education EA- Education with Aloha are addressing the distinctive needs of Hawaii's largest undereducated ethnic group. Through public, private partnerships and sharing of resources, we are developing this parallel system of education, grounded in culture that is culturally-driven, family-oriented and community-based.



HAWAII'S CS MOVEMENT HISTORICALLY

DOE PER PUPIL EXPENDITURE APPROXIMATELY \$12,000 (EXCLUDING CIP)

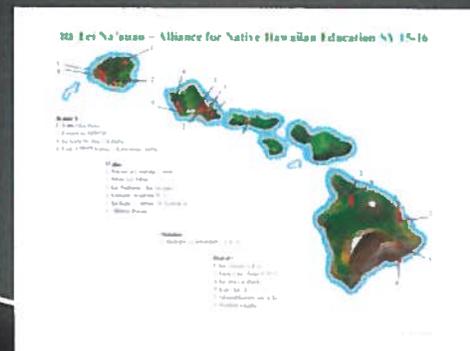


WHO WE ARE: NĀ LEI NA'AUAO

NLN is a consortium of 17 Hawaiian Focused Charter Schools (HFCS), currently serving 4200 students on four islands, of which 74% are considered economically disadvantaged. Hosted by KALO a 501(c)(3) – NLN assists charter schools committed to "Education with Aloha" by centralizing and/or sharing certain functions and resources among the schools



WHERE WE ARE:



HOW: PUBLIC PRIVATE PARTNERSHIPS

PUBLIC

- ▶ Annual State Allocated Per-Pupil SY15-16 \$29,574,720
- ▶ USDOE Formula Driven Variable Funding (i.e. Title I, Title II, Impact Aid)
- ▶ US Government Discretionary Funding
- ▶ DHHL (Land)
- ▶ University of Hawaii (student supports)

PRIVATE

- ▶ Office of Hawaiian Affairs \$1,500,000 (NLN Personnel, Ku'i Ika Iona, Ke Ea Hawaii)
- ▶ Annual Average Kamehameha Schools Per-Pupil \$6,820,000
- ▶ Individual Schools Philanthropic Partners

EMPOWERED OUR COMMUNITIES COMMITTED.

- ▶ United States provides for *Equal Justice Under Law and a Free and Appropriate Public Education.*
- ▶ Hawaii State Constitution - ARTICLE X, EDUCATION, PUBLIC EDUCATION & HAWAIIAN EDUCATION PROGRAM, Section 4 "The State shall promote the study of Hawaiian culture, history and language..."
- ▶ HAWAII LEGISLATURE ACT 62, Session Law 1999 authorizing the creation of charter schools in Hawaii... "To nurture the ideal of more autonomous and flexible decision-making at the school level, the legislature supports the concept of new century charter schools. The legislature finds that this concept defines a new approach to education..."

16 YEARS LATER...REALITY

Community driven and controlled public charter schools continue to:

- ▶ beg for funding
- ▶ validate their existence
- ▶ prove their worth
- ▶ exceed the traditional public school bar
- ▶ constantly recruit community minded partners willing to invest
- ▶ endure hostile regulatory environment

ACADEMIC EXCELLENCE - SY2015-16

- NLN Graduation Rate is **94%** - of that 86% are Hawaiian
- DOE Graduation Rate is **82%** (last published 2015)
- NLN Students Accepted into Post Secondary Institutions (vocational schools, community colleges, military, universities) SY 15-16 **93%** - of that 85% are Hawaiian
- 71 NLN high school students were dual enrolled in college level courses during high school

• "HIDOE will not calculate or report each school's Serve HI 2.0 performance index score. 2015-2016 performance data will be produced in Fall 2016. When ever possible, these reports will provide information about the school's performance over multiple years and comparison information (i.e. complex area and state performance). DOE memo March 1, 2016

KE EA HAWAII – YOUTH LEADERSHIP



PARITY ISSUES (continued)

- ▶ 2010 Takamine working group Equity Study
 - ▶ Findings: Equity not achieved with Federal & EDN150 funding Access to services & grant notification inconsistencies. Charters need access to Impact Fees. No mechanism to access facilities financing – CIP
- ▶ 2011 Charter School Funding Task Force
 - ▶ Findings: variation in federal funding, SPED and other non-general fund appropriations
 - ▶ Remaining/Unresolved Issues: access to federal funding, access to special education services/funding, and access to other non-general funds
- ▶ 2012 Task Force Charter Governance Accountability and Authority
 - ▶ Findings: "Task force recognizes the enormity of challenges facing Hawaii's charter schools..."

PUBLIC EDUCATION IS BEING REDEFINED

NLN Schools are:

- ▶ Accountable
- ▶ Transparent
- ▶ Committed & Persistent



& their public school students deserve equitable and adequate resources for their education to include the basic necessities of food, shelter and transportation.

CULTURAL EXCELLENCE - SY2015-16

- HISTORY & CULTURE IS THE FOUNDATION
- CULTURAL ACTIVITIES ARE THE VEHICLE
- PERPETUATING CULTURE & ACADEMIC EXCELLENCE IS THE GOAL

- Integration of Hokule'a World Wide Voyage
- Mele Murals Project
- Ku'i ka Lono Annual Conference (ISN)
- Place Based Projects in Community
- Civic Engagements
- Huaka'i to schools and indigenous places around the world for cultural and educational exchanges
- Teacher & Administrator Education

PARITY ISSUES

Charter School Leadership has engaged with the Legislature for years to clarify the issues and find amicable solutions.

- ▶ 2002 Legislative Reference Bureau Study "On The Level! Policy, Law and the Charter School Movement"
 - ▶ Finding: Federal regulations require states to treat charter schools and public schools alike
- ▶ 2003 New Century Charter Schools Allocation Project FY02-03
 - ▶ Findings: 1. funds for special education are excluded. 2. charters are excluded from funds necessary for state-level services 3. excluded from resources for new facilities
- ▶ 2005 Task force on Charter School Governance

CURRENT ISSUES

After our good faith attempts & validation of the issues there still remains...

- ▶ No facilities
- ▶ No food
- ▶ No transportation services
- ▶ Inconsistent IDEA/SPED support
- ▶ No formula driven federal funding
- ▶ No after-school services
- ▶ Overall inequity and social injustice
- ▶ Unconscionable contract manipulation
- ▶ No legal support
- ▶ Inadequate resources
- ▶ Punitive and Retaliatory Regulation

YOU ASKED ABOUT ANOTHER OPTION FOR RESOLVE

1. Ten schools gathered evidence and perspective on the greatest challenges facing charter schools.
2. A trusted legal expert provided an analysis of constitutional issues raised
3. The legal experts chose three main areas of focus: **Facilities, Food, and Funding**

FACILITIES NO STATUTORY MANDATE FOR EQUAL ACCESS TO FACILITIES FOR FACILITIES FUNDING

- ▶ "...Notwithstanding the objectionable and disturbing nature of these state actions, the State's exercise of authority appears to comport with the legislative intent of the operative state and federal statutes. As such, the plain language of the statutes precludes the court from remedying any charter school funding disparity by legislating from the bench, and underscores the importance of amending charter school legislation to include strong and clear language providing for the parity of funding and services...."

Taffi Wise: The last time we were here, you challenged us to do a feasibility study. We did do a feasibility study, with a very trusted advisor and legal counsel.

The study focuses on three key areas: **Facilities, Food, and Funding.**

Facilities - Basically the legislature has never committed to facilities for Charter Schools. Out of the gate they've said "*you can do this, but you're on your own*". The intent was very clear and nothing has ever changed that. So in this attorney's opinion, we have nothing to stand-on for this issue; as we are a *school of choice*. The students do not have to attend Kanu. They could attend another Waimea school, so they don't have to provide for facilities.

FOOD NO CAUSE OF ACTION EXISTS TO COMPEL THE STATE TO PROVIDE FREE & REDUCED PRICE LUNCH PROGRAMS TO ALL ELIGIBLE CHARTER SCHOOL STUDENTS

The States decision to terminate its administration of the lunch program to underfunded charter schools serving large numbers of Title I eligible students, even if inhumanly callous and financially oppressive, is a lawful exercise of the State's authority and discretion under the NSLP.

FUNDING INEQUITY

The right to education was never explicitly nor implicitly guaranteed by the Constitution.



Taffi Wise: The **Food** issue was the biggest shock, in that it was considered the one argument that the attorneys thought they could win, but as you can see on the slide (above left) this is not the case;

"The State's decision to terminate its administration of the lunch program to underfunded charter schools serving large numbers of Title I eligible students, even if inhumanly callous and financially oppressive, is a lawful exercise of the State's authority and discretion under the National School Lunch Program (NSLP)."

In regards to **Funding** inequity, the right to education was never explicitly nor implicitly guaranteed by the Constitution.

ANALYSIS CONCLUSION

Petitioning the legislature versus the judiciary may be a more efficient means of addressing the funding gap and its adverse impacts on Hawaii's charter school students.

THE CHARTER SCHOOL COMMISSION

- ▶ 1. Breach of contract;
- ▶ 2. Disregard for State and Federal law;
- ▶ 3. Disregard for National Best Practice, Principles and Standards of Charter School Authorizing;
- ▶ 4. Disregard for Generally Accepted Accounting Standards;
- ▶ 5. Disregard for due process;
- ▶ 6. Commission advice and mandates contrary to the charter contract and state law resulting in potential liabilities and/or fines for the school;
- ▶ 7. Reprisal against the school for requesting BOE intervention, ultimately resulting in the resignation of the commission ED, and formal investigation of the commission by the BOE Progressive Inquiry Group;
- ▶ 8. Reprisal through the issuance of unwarranted Notices of Concern/Deficiency which impact contract renewal;
- ▶ 9. Reprisal against the school by providing misinformation to other State agencies causing unwarranted inquiries;
- ▶ 10. Reprisal against the school for questioning the commission's annual audit report, resulting in inappropriate per pupil funding distribution, and delayed federal funding and fringe benefits reimbursement distributions;
- ▶ 11. Attempts by commission staff to undermine and control philanthropic grant funding to charter;
- ▶ 12. Inaccurate and misreplicated official commission documentation memorializing their actions, but not the position of school, and;
- ▶ 13. Breach of public trust regarding the per-pupil allocation distribution for students as outlined in state law.

Taffi Wise: So moving forward, we're open to any thoughts or recommendations you may have as this is just one opinion (which we do respect). Listed on the slide (above right) are the issues that we have with the Hawai'i State Public Charter School Commission; the top 5 being the most important.

The next slide (below left) states what we have done to try to *holomua*.

UNITED WE HAVE:

- ▶ Repeatedly Provided Commission Testimony
- ▶ Submitted Numerous Legislative Proposals
- ▶ Requested Legal Support -- AG & Governor
- ▶ Obtained Hawaiian Civic Club Resolution
- ▶ Filed BOE Complaints
- ▶ Filed OIP Complaints
- ▶ Engaged in Kukakuka @ Capital with Schools & Commission
- ▶ Solicited BOE & Commission Candidates
- ▶ BOE Listening Tour with Conclusion
- ▶ Commission ED Change
- ▶ Ethics Case Prevailed
- ▶ BOE PIG Initiated
- ▶ Administrative Rules released by Governor for Public Comment
- ▶ New BOE Members (Bergin/Voss)
- ▶ New Commission President (Hussey)
- ▶ Engaged with Gov ESSA

BOE LISTENING TOUR CONCLUSION

▶ The concerns that have been expressed during this listening tour are of such significant breadth and depth that more formal investigation by the Board is warranted. I recommend the establishment of an investigative committee (a Permitted Interaction Group pursuant to Hawaii Revised Statutes Section 92-2.5(b)(1)) to determine if a special review is warranted and to review legislative proposals relating to charter schools (as described in my memorandum relating to "Board Action on designation of Board members to an investigative committee (a permitted interaction group pursuant to Hawaii Revised Statutes Section 92-2.5(b)), concerning Board responsibilities under Hawaii Revised Statutes Section 302D-11, Oversight of public charter school authorizers and review of proposed charter school legislation," dated January 19, 2016).

BOYD VS. STATE OF HAWAII (ETHICS)

Thus, we conclude that the Commission lacked authority to adjudicate proceedings...

...the circuit court erred in its partial affirmation of the Commission's Decision and Order

...we remand the case to the Commission with instructions to dismiss the case.



Electronically Filed
Supreme Court
SCWC-14-0000352
19 JUL 2016

CALL TO ACTION

- ▶ BOE Initiate Special Review
- ▶ Continue succession training (teachers & administration)
- ▶ Establishment of another Authorizer...perhaps Hawaiian
- ▶ Legal Support... protect schools during the process

NEXT STEPS:

- ▶ COMMENTS ON FEDERAL ESSA RULES 8/1/16
- ▶ LETTER TO USDOE SECRETARY OF EDUCATION
- ▶ BOE/DOE ESSA TASK FORCE MEETING-- 8/3/16 @ Kanu
- ▶ ADMIN RULES PUBLIC INPUT Multiple Authorizers Expected BOE Meeting 9/24/16 Public Input – Pass February 2017
- ▶ ADMIN RULES ADHMENDMENTS Policy vs. Substantive Changes
- ▶ SOLIDIFY AUTHORIZER ENTITIES
- ▶ LEGISLATIVE SPONSORS: Main structural issues
- ▶ AGREEMENT ON LEGISLATIVE PRIORITIES. NHEC Leg summit 9/22/16
- ▶ FACILITIES TASK FORCE REQUEST
- ▶ AG FOLLOW-UP
- ▶ KU I KA LONO CONFERENCE PA'A WISN COLLABORATION 2/20/17 - 2/21/17

WHY... 2016 GRADUATE ... ERNEST TAVARES - UNIVERSITY OF PENNSYLVANIA, WHARTON SCHOOL OF BUSINESS

It has been an honor learning alongside my peers and teachers who are like crew mates sailing with me into the unknown like our ancestors did eons ago. Kanu is and forever will be a place for pioneers. It is the first Hawaiian charter school and it has bathed a curriculum so radical that I myself am amazed at what I learn each day.

My experiences at Kanu have shaped me into a confident, young Hawaiian ready to tackle any challenge. I am confident not because of what I know, but because I recognize how much more there still is to learn. I anticipate taking the knowledge that Kanu has bestowed upon me and applying it to the world of business as I attend the Wharton School of Business at The University of Pennsylvania this fall. Without my learning family, who over the years have literally become my family, I could not have achieved all of the things that I have. Thank you to all of the students, administration and especially the teachers who are like blood flowing through the veins of our school, for teaching and learning alongside me. I am humbled to be a product of such extraordinary people.

Taffi Wise: Next Steps - we got together in June, and your OHA staff members are some of the most amazing people I know and I cannot thank them enough. Our To-Do List is listed on the slide above (above left) and our reasons are our *haumana*. Kaihikapu will share a little about her experience and we also received this letter from one of our graduates (slide above right). We didn't want to just leave you with our *pilikia*. We wanted to share with you some of our successes and Kaihikapu is one of them. So we'll share a video clip with you and then allow her some time to share.

BAE Committee views the Mele Murals and Kanu o ka 'Āina on 'OiwīTV video

<http://www.kalo.org/apps/video/watch.jsp?v=52932>



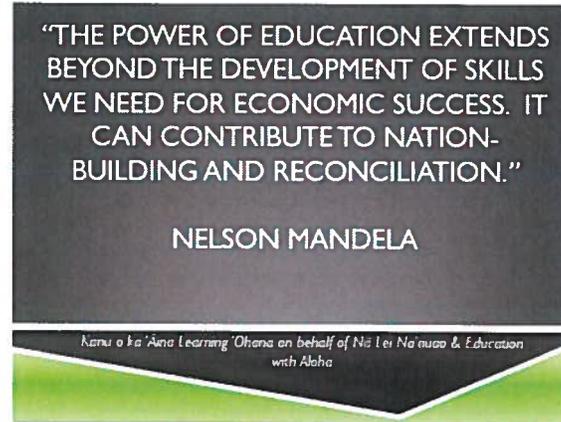
Education improves quality of life providing choices, increasing income, allowing the ability to define ones own path.

HULO HULO CLIPS

MAHALO NUI FOR ALL YOU DO – BOT & STAFF!



Kaihikapu Maikui: Aloha, I am Kaihikapu Maikui; I'm 17 and a recent graduate of Kanu o ka 'Āina. Through Kanu and Project Ho'oku'i, which was a group that funded a few of our students to take college classes during our junior and senior year of high school, I am a proud product of that and have graduated with my ASC (Academic Subject Certificate) from Pālanuanui (Hawai'i Community College). I just wanted to *mahalo* you guys for your support, because without it, we wouldn't have the opportunities and experiences that we've been blessed with. I will be continuing my education at Hawai'i Pacific University and will be studying Biology and Human Science and would like to become a doctor and eventually create my own Native Hawaiian Health Clinic; balancing both Hawaiian and Western medicines to bring both cultures together and to cure our Native Hawaiian people.



Trustee Apo: You are a public school, and on the financial-end under the Admissions Act, one of the five purposes is for Public Education funding. So there's got to be some kind of connection under the Admissions Act for equal treatment.

- *Why aren't you treated the same as all the other Public Schools on the facilities issue?*

Public Policy Manager Wong: Really, and speaking candidly about the political will at the legislature regarding Charter Schools, every year we come to them with all this research and results about how good the schools are doing and that only gets them so far. We've tried for six or seven years and have gotten facilities-funding formulas and working groups created, yet every opportunity has died for whatever reason. In talking with legislators regarding funding for facilities, their concern is that most charter schools are not in State facilities; so their concern is giving public money to private entities.

Trustee Robert Lindsey: Sterling, you spoke about political will and I think we're beginning to realize around our table that in order for the State to have political will, action needs to be taken. I think that we should look seriously at taking action against the Board of Education and the State of Hawai'i for discriminating against our charter schools. I am going to propose that we create an Ad-Hoc Committee to look specifically at how we can help Nā Lei Na'auao and our other charter schools.

Taffi Wise: Thank you very much again Trustees, for your time and commitment to this.

V. UNFINISHED BUSINESS

None

VI. BENEFICIARY COMMENTS*

None

VII. ANNOUNCEMENTS

None

VIII. ADJOURNMENT

Vice-Chair Apo moves to adjourn the BAE meeting.

Trustee Ahuna seconds the motion.

Chair Waihe'e asks if there is any discussion. There is none.

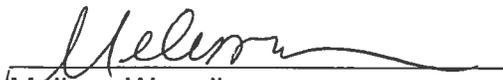
Chair Waihe'e asks if any members vote NO or ABSTAIN. There are no dissenting votes.

TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	3:04 p.m. EXCUSED
LEI	AHU ISA			X			
DAN	AHUNA		2	X			
ROWENA	AKANA						EXCUSED
VICE-CHAIR PETER	APO	1		X			
HAUNANI	APOLIONA						Departed at 2:57 p.m.
CARMEN HULU	LINDSEY			X			
ROBERT	LINDSEY			X			
COLETTE	MACHADO			X			
CHAIR JOHN	WAIHE'E			X			
TOTAL VOTE COUNT				7	0	0	2

MOTION: [X] UNANIMOUS [] PASSED [] DEFERRED [] FAILED

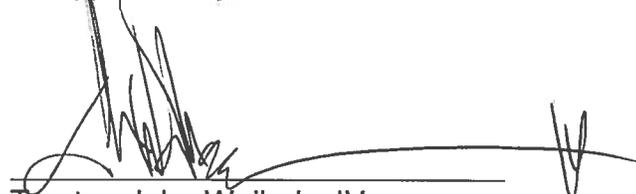
Chair Waihe'e adjourns the BAE meeting at 3:04 p.m.

Respectfully submitted,



Melissa Wennihan
Trustee Aide
Committee on Beneficiary Advocacy and Empowerment

As approved by the Committee on Beneficiary Advocacy and Empowerment on August 24, 2016.



Trustee John Waihe'e, IV
Chair
Committee on Beneficiary Advocacy and Empowerment

ATTACHMENT(s):

- Notice of Excused Absence (1)