



**STATE OF HAWAII
BOARD OF EDUCATION**

P. O. BOX 2360
HONOLULU, HAWAII 96804

December 13, 2006

Mr. Leslie H. Kondo, Director
Office of Information Practices
No. 1 Capitol District Building
250 South Hotel Street, Suite 107
Honolulu, Hawaii 96813

Re: Appeal from Denial of Access to Executive Session Minutes
(APPEAL 07-9 and APPEAL 07-13)

Dear Mr. Kondo:

The Board of Education (Board) is in receipt of your letter dated December 8, 2006, that requests the Board to disclose copies of the redacted minutes and audio tape recording according to the Office of Information Practices (OIP) opinion of October 30, 2006.

Last month, the Board released the redacted copies of the minutes, as redacted by OIP, to your office and to Mr. Alexandre Da Silva of the Honolulu Star-Bulletin. Attached to the Board's letter to your office dated November 14, 2006, and the letter to Mr. Da Silva dated November 20, 2006, were copies of the redacted minutes of the Board September 7, 2006, executive session in accordance with OIP's opinion issued October 30, 2006.

With regard to the request for copies of the redacted audio tape recording, the Board will consult with the Department of the Attorney General on this matter in executive session at its next meeting. This item will be placed on the January 4, 2007, Board meeting agenda.

Enclosed in the interest of all other individuals copied on this letter are copies of the portion of the redacted minutes of the September 7, 2006, executive session that were sent to your office and Mr. Da Silva previously.

Sincerely yours,

Karen Knudsen
First Vice Chairperson

Mr. Leslie H. Kondo
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Enclosure

cc: All Board members
Mr. Galen Onouye, Board Executive Director
The Honorable Mark J. Bennett, Attorney General
Deputy Attorney General Holly Shikada
Dr. David Rizor
Mr. Larry Geller
Mr. Alexandre Da Silva

[REDACTED]

Ms. Cochran moved, and Mr. Toguchi seconded, to not retain Dr. James Shon as Executive Director of the Charter School Administrative Office.

Ms. Cochran spoke in support of the motion [REDACTED]

[REDACTED]

[REDACTED]

Ms. Cochran and Mr. Toguchi withdrew their motion.

[REDACTED]

[REDACTED]

Ms. Cochran spoke in support of her original motion.

Mr. Watanabe asked if Ms. Cochran's original motion still stands. Ms. Cochran replied in the affirmative.

Having known Dr. Shon for a long time, Ms. Knudren feels it is a difficult decision for some members to make.

Mr. Harimoto agreed with Ms. Cochran's assessment.

[REDACTED]

[REDACTED]

[REDACTED]

Mr. Yee asked if there is an effective date to the motion not to retain Dr. Shon. Ms. Cochran stated that the effective date of the motion is 30 days. Mr. Harimoto suggested taking one step at a time before adding a time frame.

By a show of hands, the main motion carried with Dr. Ahu Isa, Mr. Ching, Ms. Cochran, Ms. Cox, Mr. Harimoto, Ms. Knudsen, Ms. Matsumoto, Ms. Robinson, and Mr. Watanabe, and Mr. Yee voting aye. Mr. Vierling voted nay and Mr. Heftel and Mr. Toguchi abstained.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Ms. Knudsen moved, and Mr. Ching seconded, to give Dr. James Shon a severance pay of one month, with a chance to resign tonight.

Mr. Harimoto suggested that the Board Chair be authorized to appoint an interim executive director. Mr. Watanabe asked if the suggestion will be accepted as a friendly amendment. Mr. Yee agreed to the friendly amendment.

[REDACTED]

Mr. Yee stated that the motion as it now stands is to allow Dr. Shon the opportunity to resign, irrespective of whether he chooses to or not, the Board's decision will become public, and Dr. Shon is entitled to a severance pay of 30 days.

Mr. Harimoto spoke against the motion [REDACTED]

By a show of hands, the motion carried with Dr. Ahu Isa, Mr. Ching, Ms. Cochran, Ms. Cox, Ms. Knudsen, Ms. Matsumoto Ms. Robinson, Mr. Toguchi, and Mr. Watanabe, and Mr. Yee voting aye. Mr. Harimoto voted nay and Mr. Vierling abstained.

Mr. Yee announced that he will inform Dr. James Shon of the Board's action and if anyone wants to join him, they may do so.