



**STATE OF HAWAII  
BOARD OF EDUCATION**

P. O. BOX 2360  
HONOLULU, HAWAII 96804

December 28, 2006

Mr. Larry Geller  
via e-mail at: lgeller@igc.org

Dear Mr. Da Silva:

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

Per your request through the Office of Information Practices, enclosed are the redacted minutes of the Board of Education (Board) September 7, 2006, executive session with respect to the executive session item "Evaluation of the Executive Director of the Charter School Administrative Office."

Thank you for the opportunity to respond to your request.

Sincerely yours,

Karen Knudsen  
Chairperson

Enclosure

cc: All Board members  
Attorney General Mark J. Bennett  
Deputy Attorney General Holly T.M. Shikada  
Mr. Leslie Kondo, Director, OIP  
Mr. Galen Onouye, Executive Director, BOE

STATE OF HAWAII  
BOARD OF EDUCATION

Minutes of Executive Session  
Thursday, September 7, 2006

ATTENDANCE

Board of Education

Randall M.L. Yee, Chairperson  
Karen Knudsen, First Vice Chairperson  
Herbert Watanabe, Second Vice Chairperson  
Dr. Lei Ahu Isa  
Darwin L.D. Ching  
Mary J. Cochran  
Margaret Cox  
Breene Harimoto  
Cec Heftel  
Darren Ibara  
Denise Matsumoto  
Shirley A. Robinson  
Garrett Toguchi  
Paul Vierling

Galen Onouye, Executive Director  
Beth McKeen, BOE Ombudsman

Department of Education/Charter School Administrative Office

Patricia Hamamoto, Superintendent  
Stafford Nagatani, Executive Assistant to Superintendent  
Dr. James Shon, Executive Director, Charter School Administrative Office

Department of the Attorney General

Holly Shikada, Deputy Attorney General

## PORTION OF THE SEPTEMBER 7, 2006 BOE EXECUTIVE SESSION

### Evaluation of the Executive Director of the Charter School Administrative Office

Mr. Yee stated that members have received Dr. James Shon's written report. He stated the procedure to be used to evaluate Dr. Shon is that Dr. Shon will be allowed to address the Board, members may ask questions for clarification, the evaluation instrument will be tallied, and members will decide to retain or not to retain Dr. Shon.

Mr. Ching asked if there is a criteria to retain or not retain Dr. Shon. Mr. Yee stated that with regard to criteria, no numbers are used.

Dr. Shon was called upon to enter the room.

Mr. Yee announced the procedure to be used for Dr. Shon's evaluation is that Dr. Shon will be allowed to summarize his report, members may ask questions for clarifications, and upon Dr. Shon's exiting the executive session, Board members will continue their evaluation.

Dr. Shon felt the biggest issue was the creation of a task force by the Legislature that brought together stakeholders, which resulted in good discussions. The Charter School Administrative Office (CSAO) continued to develop mechanisms such as the alternative payroll system, categorization of employees for collective bargaining, and recodification of the law.

Mr. Yee asked Dr. Shon if the Hawaii Charter Schools Network (HCSN) evaluated him this year. Dr. Shon replied no, he does not know. Since the law changed, he believes that HCSN is unaware of the process since Dr. Shon is now under the direction of the Board and not the HCSN.

Ms. Robinson requested Dr. Shon to explain his plan of action for securing funds for school facilities. Dr. Shon stated that CSAO is required to use a formula basis for per pupil request. The new law asks for an estimate on costs for first-time budgets (sick leave and arbitration that smaller schools would not be able to take care of). The administration took the most current budget base for the Department. The task force recommended adding separate per pupil funding for facilities for start-up schools. CSAO allocated all funds out to the charter school and is working with schools. Title I schools (19 charter schools) receive the same per pupil amount. The CSAO is discussing subleasing space with the Hawaii Nature Center and developing video conference on e-rate for technology with the University of Hawaii. Dr. Shon stated that this year's funding for per pupil is an adequate amount for the biennium.

Upon Dr. Shon's exiting the executive session, the Board continued with its evaluation.

Mr. Yee announced that [REDACTED] and that Dr. Shon is not on contract but an at-will employee.

Mr. Yee asked what is the Board's pleasure.

[REDACTED]

Ms. Knudsen asked what is the next step if the Board decides not to retain Dr. Shon. Mr. Yee stated that the Board would need to look for an interim executive director and request that the HCSN begin the process of recommending applicants for the CSAO Executive Director position for Board selection.

Mr. Watanabe asked if there is a specific date for the removal of Dr. Shon and if Dr. Shon is relieved of his duties, it must be for cause. Ms. Cochran stated that no cause is required in dismissing an employee in the State of Hawaii. Ms. Knudsen stated that when former State Librarian Bartholomew Kane was relieved of his duties, those who voted not to retain him were sued personally even without a contract.

[REDACTED]

[REDACTED]

[REDACTED]

[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]

[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]

[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]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[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.