



**STATE OF HAWAII  
BOARD OF EDUCATION**  
P.O. BOX 2360  
HONOLULU, HAWAII 96804

March 1, 2016

TO: Board of Education

FROM: Lance A. Mizumoto  
Chairperson, Board of Education

AGENDA ITEM: Action on Board process for appointing members of the State  
Public Charter School Commission

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I. BACKGROUND

There are currently vacancies on the State Public Charter School Commission ("Commission"), and it is the responsibility of the Board of Education ("Board") to appoint members to fill vacancies on the Commission whenever they occur, pursuant to Hawaii Revised Statutes Section 302D-3. Historically, the Board Chairperson nominated individuals for the Board to appoint to the Commission. However, charter school stakeholders and members of the public have recently asked for a nomination or application process that is open to the public. Further, some Board members have asked for a process whereby they can provide input on nominees.

II. ANALYSIS

A proposed process is attached as **Exhibit A**. For mid-term vacancies, the process takes approximately one and a half months from the time the Board is notified of a vacancy to the time of appointment. For vacancies that will occur after June 30 due to the expiration of terms, the Board will complete appointments for new terms, beginning on July 1, by approximately mid-May, well enough in advance for the Commission to begin any necessary transition planning, if applicable.

The proposed process includes the following key elements:

- An open call for nominations and applications from the public to encourage more applications and public engagement;
- Confidentiality of all applicants to prevent unwarranted invasion of privacy and avoid dissuading potential applicants;
- A final nomination process in a public meeting that ensures an open and transparent discussion, allows each Board member the opportunity to provide input on nominees, and protects the identity of any applicants that do not end up as final nominees; and

- The public announcement of all final nominees sufficiently in advance of appointment to ensure transparency and provide the public with an opportunity to testify on each final nominee.

There is currently a vacancy for a term ending on June 30, 2017 left by the resignation of former Commissioner Peter Tomozawa. If the Board adopts the proposed process and considers March 1, 2016 as the date of notification of this vacancy, the Board could appoint a new Commissioner to fill this vacancy by its May 3, 2016 general business meeting. An approximate timeline is attached as **Exhibit B**.

There are also three Commissioners whose terms expire on June 30, 2016—Mitch D'Olier, Peter Hanohano, and Kalehua Krug. Under the proposed process, the Board could reappoint these Commissioners or appoint new Commissioners, with three-year terms beginning on July 1, 2017, by the Board's May 17, 2016 general business meeting. An approximate timeline is attached as **Exhibit C**. The Board could also decide to follow the same timeline for the appointment of the current vacancy.

Lastly, the process requires that prospective applicants submit an application. The application form would be similar to the application form used by the Office of the Governor for other boards and commissions and would require basic applicant information, such as the applicant's place of residence and contact information. The application would also require an applicant to attach a resume and any other information, such as a cover letter or short biography, that demonstrates that the applicant meets the statutory minimum qualifications pursuant to HRS §302D-3(d) and the statutory recommended qualifications pursuant to HRS §302D(e).<sup>1</sup>

### III. **RECOMMENDATION**

I recommend the adoption of the proposed process through the following motion:

**“Moved to adopt the Board process for appointing members to the State Public Charter School Commission, as attached to the memorandum dated March 1, 2016.”**

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<sup>1</sup> HRS §302D-3(d) states: “Understanding that the role of the commission is to ensure a long-term strategic vision for Hawaii's public charter schools, each nominee to the commission shall meet the following minimum qualifications:

- (1) Commitment to education. Each nominee's record should demonstrate a deep and abiding interest in education, and a dedication to the social, academic, and character development of young people through the administration of a high performing charter school system;
- (2) Record of integrity, civic virtue, and high ethical standards. Each nominee shall demonstrate integrity, civic virtue, and high ethical standards and be willing to hold fellow commission members to the same;
- (3) Availability for constructive engagement. Each nominee shall commit to being a conscientious and attentive commission member; and
- (4) Knowledge of best practices. Each nominee shall have an understanding of best practices in charter school educational governance or shall be willing to be trained in such.”

HRS §302D-3(e) states: “Each nominee to the commission shall ideally meet the following recommended qualifications:

- (1) Experience governing complex organizations. Each nominee should possess experience with complex organizations, including but not limited to performance contract management, and a proven ability to function productively within them; and
- (2) Collaborative leadership ability. Each nominee should have substantial leadership experience that ideally illustrates the nominee's ability to function among diverse colleagues as an effective team member, with the ability to articulate, understand, and help shape consensus surrounding commission policies.”

**Exhibit A**

**Board process for appointing members to the State Public Charter School  
Commission**

## **BOARD PROCESS FOR APPOINTING MEMBERS TO THE STATE PUBLIC CHARTER SCHOOL COMMISSION**

The purpose of this document is to set the general process for the Board of Education (“Board”) to solicit applications for, nominate, and appoint Commissioners to the State Public Charter School Commission (“Commission”), pursuant to Hawaii Revised Statutes (“HRS”) §302D-3.

<b>Time (Duration)</b>	<b>Activity</b>
For vacancies that will occur due to the expiration of a term, by April 1 prior to the anticipated vacancy  For mid-term vacancies, within five business days of receiving written notification of the vacancy	The Board publishes on its website a call for nominations and an application form and notifies charter school stakeholders, including governing boards, charter school directors, and the Commission.
Next General Business Meeting after the publishing of the call for nominations	The Board announces the call for nominations and directs the public to its website.
Window to apply begins with the publishing of the call for nominations and ends two weeks after the announcement is made at a General Business Meeting	The public and charter school stakeholders submit applications and resumes. An individual may apply directly or may be nominated by another individual or organization, provided that an application nominating an individual includes a certification from that individual that he or she is willing to serve as a Commissioner. The Commission may nominate individuals through this application process as well.
Within three business days after the application deadline	Board staff compiles applicants into a “long list” and circulates the long list, applications, and resumes to all Board members. <sup>2</sup>
By the next General Business Meeting, provided that there is at least five business days between receiving the long list and the next meeting	The Board Chairperson and Vice Chairperson develop a “short list” of names of no more than two people per vacant position from the long list based on criteria in HRS §302D-3. <sup>3</sup> The Chairperson or Vice Chairperson may request Board staff conduct research on any potential nominees, provided that such research does not violate privacy rights.

<sup>2</sup> The long list, applications, and resumes are confidential records protected by HRS §92F-13. Board members will observe Sunshine Law and privacy rights of applicants and refrain from discussing the applications among themselves (except for discussions between the Chairperson and Vice Chairperson for purposes of developing recommendations) or with members of the public. The long list, applications, and resumes are circulated to Board members for the sole purpose of ensuring Board members are well informed of potential nominees to be discussed in a public meeting.

<sup>3</sup> HRS §302D-3 states, in pertinent part:

“(c) The commission shall consist of nine members to be appointed by the board. The board shall appoint members who will be tasked with authorizing public charter schools that serve the unique and diverse needs of public school students. [...] The board shall consider the combination of abilities, breadth of experiences, and characteristics of the commission, including but not limited to reflecting the diversity of the student population, geographical representation, and a broad representation of education-related stakeholders. The commission shall be exempt from sections 26-34 and 26-36.

(d) Understanding that the role of the commission is to ensure a long-term strategic vision for Hawaii’s public charter schools, each nominee to the commission shall meet the following minimum qualifications:

(1) Commitment to education. Each nominee’s record should demonstrate a deep and abiding interest in education, and a dedication to the social, academic, and character development of young people through the administration of a high performing charter school system;

Time (Duration)	Activity
Next General Business Meeting, provided it is at least five business days after the circulation of the long list	In public session, the Chairperson and Vice Chairperson provide the short list recommendations to the Board. Board members may recommend other candidates from the long list be considered for nomination. The Board deliberates and decides upon one final nominee for each vacant position. The Board may also designate backup nominees in the case a final nominee declines the Board's nomination. The Board will use special identifiers instead of names during discussion at this meeting to protect the identities of applicants. <sup>4</sup>
Within two days following the General Business Meeting	Board staff notifies final nominees of the Board's nomination and request, in writing, each final nominee's approval to place his or her name on the next General Business Meeting agenda for appointment. <sup>5</sup>
Next General Business Meeting following nomination(s)	In public session, the Board hears any public testimony on final nominees and deliberates, as necessary, prior to making appointment decisions. If a final nominee is not approved for appointment for whatever reason, the Board may discuss and decide upon a different final nominee whose appointment will be acted on at the next General Business Meeting.

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(2) Record of integrity, civic virtue, and high ethical standards. Each nominee shall demonstrate integrity, civic virtue, and high ethical standards and be willing to hold fellow commission members to the same;

(3) Availability for constructive engagement. Each nominee shall commit to being a conscientious and attentive commission member; and

(4) Knowledge of best practices. Each nominee shall have an understanding of best practices in charter school educational governance or shall be willing to be trained in such.

(e) Each nominee to the commission shall ideally meet the following recommended qualifications:

(1) Experience governing complex organizations. Each nominee should possess experience with complex organizations, including but not limited to performance contract management, and a proven ability to function productively within them; and

(2) Collaborative leadership ability. Each nominee should have substantial leadership experience that ideally illustrates the nominee's ability to function among diverse colleagues as an effective team member, with the ability to articulate, understand, and help shape consensus surrounding commission policies."

<sup>4</sup> While Sunshine Law does not allow the Board to discuss potential nominees and applicants in private or executive session, the Uniform Information Practices Act does allow the Board to protect the confidentiality of such potential nominees and applicants. Only the names of individuals that agree to nomination by the Board and are up for appointment will be made public.

<sup>5</sup> Any nominee being considered for appointment to the Commission must allow his or her name to be placed on the agenda for a public meeting of the Board before being appointed to ensure transparency by informing the public of the pending appointment and allowing for public comment. Any nominee who does not agree to place his or her name on the agenda forfeits his or her nomination and is not eligible for appointment.

## **Exhibit B**

### **Approximate timeline for appointing new Commissioner to fill current vacancy**

<b>Time (Duration)</b>	<b>Activity</b>
By March 8, 2016	The Board publishes on its website a call for nominations and an application form and notifies charter school stakeholders, including governing boards, charter school directors, and the Commission.
March 15, 2016 General Business Meeting	The Board announces the call for nominations and directs the public to its website.
March 8 (or whenever the call for nominations is published) to March 29, 2016	The public and charter school stakeholders submit applications and resumes. An individual may apply directly or may be nominated by another individual or organization, provided that an application nominating an individual includes a certification from that individual that he or she is willing to serve as a Commissioner. The Commission may nominate individuals through this application process as well.
By April 1, 2016	Board staff compiles applicants into a “long list” and circulates the long list, applications, and resumes to all Board members.
By April 19, 2016 General Business Meeting	The Board Chairperson and Vice Chairperson develop a “short list” of names of no more than two people per vacant position from the long list based on criteria in HRS §302D-3. The Chairperson or Vice Chairperson may request Board staff conduct research on any potential nominees, provided that such research does not violate privacy rights.
April 19, 2016 General Business Meeting	In public session, the Chairperson and Vice Chairperson provide the short list recommendations to the Board. Board members may recommend other candidates from the long list be considered for nomination. The Board deliberates and decides upon one final nominee for each vacant position. The Board may also designate backup nominees in the case a final nominee declines the Board’s nomination. The Board will use special identifiers instead of names during discussion at this meeting to protect the identities of applicants.
By April 21, 2016	Board staff notifies final nominees of the Board’s nomination and request, in writing, each final nominee’s approval to place his or her name on the next General Business Meeting agenda for appointment.
May 3, 2016 General Business Meeting	In public session, the Board hears any public testimony on final nominees and deliberates, as necessary, prior to making appointment decisions. If a final nominee is not approved for appointment for whatever reason, the Board may discuss and decide upon a different final nominee whose appointment will be acted on at the next General Business Meeting.

### **Exhibit C**

**Approximate timeline for reappointing incumbent Commissioners whose terms expire on June 30, 2016 or appointing new Commissioners to begin on July 1, 2017**

<b>Time (Duration)</b>	<b>Activity</b>
By April 1, 2016	The Board publishes on its website a call for nominations and an application form and notifies charter school stakeholders, including governing boards, charter school directors, and the Commission.
April 5, 2016 General Business Meeting	The Board announces the call for nominations and directs the public to its website.
April 1 (or whenever the call for nominations is published) to April 19, 2016	The public and charter school stakeholders submit applications and resumes. An individual may apply directly or may be nominated by another individual or organization, provided that an application nominating an individual includes a certification from that individual that he or she is willing to serve as a Commissioner. The Commission may nominate individuals through this application process as well.
By April 22, 2016	Board staff compiles applicants into a “long list” and circulates the long list, applications, and resumes to all Board members.
By May 3, 2016 General Business Meeting	The Board Chairperson and Vice Chairperson develop a “short list” of names of no more than two people per vacant position from the long list based on criteria in HRS §302D-3. The Chairperson or Vice Chairperson may request Board staff conduct research on any potential nominees, provided that such research does not violate privacy rights.
May 3, 2016 General Business Meeting	In public session, the Chairperson and Vice Chairperson provide the short list recommendations to the Board. Board members may recommend other candidates from the long list be considered for nomination. The Board deliberates and decides upon one final nominee for each vacant position. The Board may also designate backup nominees in the case a final nominee declines the Board’s nomination. The Board will use special identifiers instead of names during discussion at this meeting to protect the identities of applicants.
By May 5, 2016	Board staff notifies final nominees of the Board’s nomination and request, in writing, each final nominee’s approval to place his or her name on the next General Business Meeting agenda for appointment.
May 17, 2016 General Business Meeting	In public session, the Board hears any public testimony on final nominees and deliberates, as necessary, prior to making appointment decisions. If a final nominee is not approved for appointment for whatever reason, the Board may discuss and decide upon a different final nominee whose appointment will be acted on at the next General Business Meeting.