

**THIRD AMENDMENT TO KANU O KA 'ĀINA NEW CENTURY PUBLIC CHARTER SCHOOL JULY 01, 2017
PUBLIC CHARTER SCHOOL CONTRACT**

I. Background

This Third Amendment to the July 01, 2017 Public Charter School Contract (the "Amendment") effective as of July 01, 2022 (the "Effective Date"), is by and between the **STATE PUBLIC CHARTER SCHOOL COMMISSION** located at 1164 Bishop Street, Suite 1100, Honolulu, Hawaii, 96813 (the "Commission"), and **KANU O KA 'ĀINA NEW CENTURY PUBLIC CHARTER SCHOOL** whose mailing address is P.O. BOX 398 KAMUELA, HAWAI'I 96743, (the "School"), (collectively "Parties").

WHEREAS, the State Public Charter School Commission and Kanu o ka 'Āina New Century Public Charter School (the "Parties") entered into a Public Charter School Contract effective July 01, 2017 (the "Charter Contract") for the purposes of authorizing Kanu o ka 'Āina as a public charter school in the state of Hawaii;

WHEREAS, in response to increasing enrollment, the School submitted a request for amendments to the Exhibit "A" Educational Program of the School's Public Charter School Contract to affecting the Virtual Learning Program and the Blended Learning Program beginning School Year 2018-2019;

WHEREAS, at the February 18, 2018, General Business Meeting, the Commission unanimously approved the Motion to amend the Exhibit "A" of the Charter Contract as follows:

Virtual Learning Program:

- Decrease the maximum enrollment of the virtual program from 200 to 95.
- Decrease the maximum percentage of total student population enrolled in the Virtual Learning Program from 40% to 15%.
- Expand the grades served in the Virtual Learning Program from K-8 to K-12.

Blended Learning Program:

- Increase the maximum enrollment of the Blended Learning Program from 50 to 200.
- Increase the maximum percentage of total student population enrolled in the Blended Learning Program from 10% to 32%.
- Expand the grades served in the Blended Learning Program from K-8 to K-12;

WHEREAS, the Amendment approved by the Commission on February 18, 2018, (the "2018 Amendment"), while recognized by the Commission as being implemented and in effect, was never formally memorialized by both Parties in a written Amendment to the July 01, 2017 Public Charter School Contract;

WHEREAS, on June 19, 2019 the Commission received a request from the School for new amendments to the Exhibit "A" Educational Program of the School's Public Charter School contract affecting the Virtual Learning Program and the Blended Learning Program beginning School Year 2019-2020;

WHEREAS, at the August 08, 2019, General Business meeting, the Commission unanimously approved a Motion to amend Exhibit "A", Educational Program, of the Public Charter School Contract to allow Kanu o ka 'Āina New Century Public Charter School a total enrollment count of 295 students for both its blended and virtual programs, not to exceed 21 students for its virtual program as follows:

Virtual Learning Program:

- Decrease the maximum enrollment of the virtual program from 95 to 21.
- Grades served in the Virtual Learning Program are K-12.

Blended Learning Program:

- Increase the maximum enrollment of the Blended Learning Program from 200 to 274.
- Grades served in the Blended Learning Program are K-12;

WHEREAS, in addition, the Commission at the August 08, 2019, General Business meeting, required the School to report all sites of its Blended and Virtual Learning Programs;

WHEREAS, the Amendment approved by the Commission on August 08, 2019, (the "2019 Amendment"), while recognized by the Commission as being implemented and in effect, was never formally memorialized by both Parties in a written Amendment to the July 01, 2017 Public Charter School Contract;

WHEREAS, for reasons including closures due to COVID-19, the Commission and the School needed additional time to implement and participate in the renewal process;

WHEREAS, on October 08, 2020, the Commission passed a Motion to Extend the current Charter Contract for one year, ending on June 30, 2022, this First Amendment would allow both the Commission and the School time to implement and participate in the renewal process;

WHEREAS, for reasons including the continued impact of COVID-19 on State assessments and the lack of reliable data to make high stakes decisions on renewal, the Commission and the School needed additional time to implement and participate in the renewal process;

WHEREAS, on October 28, 2021, the Commission unanimously passed a Motion to Extend the current Charter Contract for an additional year, ending on June 30, 2023, this Second Amendment would allow both the Commission and the School time to implement and participate in the renewal process;

WHEREAS, on June 14, 2021 the Commission received a request from the School to amend the Exhibit "A", Educational Program of the School's Public Charter School contract to consolidate the online programs, resulting in the removal of their Blended Learning Program and increasing the enrollment in their Virtual Learning Program beginning School Year 2022-2023;

WHEREAS, at the March 10, 2022, General Business meeting, the Commission passed a motion to approve the amendment request to Exhibit "A", Educational Program, of the Public Charter School Contract for Kanu o ka 'Āina New Century Public Charter School to move its Blended Learning/Virtual Learning to a fully virtual program (405 students); and

WHEREAS, effective July 01, 2022, the parties agree to Amend the July 01, 2017 Public Charter School Contract to incorporate into and make part of this Amendment the “2018 Amendment” and the “2019 Amendment referenced in the above recitals, and to the following changes set forth in this Third Amendment, it is hereby understood and agreed as follows,

II. Amendments

Incorporation of Recitals

The matters recited above referencing the “2018 Amendment” and the “2019 Amendment”, are hereby incorporated into and made part of this Amendment.

Exhibit “A” Educational Program

The Amended Exhibit “A” Educational Program for Kanu o ka ‘Āina New Century Public Charter School shall reflect the following increase of enrollment in the School’s Virtual Learning Program and a removal of the Blended Learning Program:

Virtual Learning Program:

- Increase the maximum enrollment of the virtual program to 405.
- Increase the maximum percentage of total student population enrolled in the Virtual Learning Program to 55%.
- Grades served in the Virtual Learning Program are K-12.

Blended Learning Program: Removed

The Exhibit “A”, Educational Program of the Public Charter School Contract is amended as follows:

EXHIBIT A

EDUCATIONAL PROGRAM

SCHOOL INFORMATION	
School Name:	Kanu o ka ‘Āina New Century Public Charter School
Shortened School Name:	KANU
Grades Served in School Year:	2017-2021: K-12 2021-2023: K-12

Grade Levels that Comprise Each Division:	Elementary: K-5 Middle: 6-8 High: 9-12	
Mission and Vision:	<p>Kanu’s mission is to kūlia i ka nu’u, or strive for the highest. A philosophy of excellence guides KANU as we collectively design, implement and continuously evaluate a quality, culturally-driven, intergenerational Hawaiian model of education with Aloha.</p> <p>As a community-based learning ‘ohana, KANU is steadfast in cultivating compassionate, empowered, highly competent learners of all ages, grounded in Native Hawaiian culture and language.</p>	
Essential Term #1:	Hawaiian language and KANU’s cultural benchmarks drive its rigorous academic program and instructional practice through an interdisciplinary and thematic-based curriculum.	
Essential Term #2:	By their conduct, students, staff, and members of the KANU learning ‘ohana model and exemplify school wide behavioral expectations based on four core values or ‘ōlelo no‘eau that guide engagement and interactions with one another.	
Essential Term #3:	As an indigenous model of education, KANU believes that student progress should be measured through multiple measures that include quantitative and authentic performance assessments such as hō’ike.	
Essential Term #4:	KANU’s instructional strategies for its learners include a place-based, project or inquiry-based learning as well as blended and virtual learning approaches.	
Essential Term #5:	Instruction may be delivered in multi-age groups and / or hui. Multi-age groupings align with traditional Hawaiian learning and teaching styles and allow older students to be alaka’i or leaders and serve as peer teachers and role models.	
Targeted Geographic Area:	Island-wide on Hawai’i Island for onsite students; statewide for virtual/online students.	
Instructional Sites and Maximum Occupancy:	64-1043 Hi’iaka St., Kamuela, Hawai’i 96743	Max Occupancy: 330
Educational Service Provider:	N/A	

For the purposes of this section, a virtual learning program is defined as a form of distance education that uses the Internet and computer technologies to connect teachers and students and deliver curriculum with students fewer than five hours per week of instruction at a supervised brick and mortar school site location.

Does the school have a virtual learning program? Yes No

Maximum enrollment of the virtual learning program: 405

Maximum percentage of total student population enrolled in the virtual learning program: 55%

Grades served by the virtual learning program: K-12

For the purposes of this section, blended learning is defined as a program where students receive instruction at a supervised brick and mortar school site location for five hours or more per week and in part through a virtual learning program or alternative learning experience in which students have some element of control over time, place, path, and/or pace.

Does the school have a blended learning program? Yes No

Maximum enrollment of the blended learning program: -0-

Maximum percentage of total student population enrolled in the blended learning program: -0-

Grades served by the blended learning program: -0-

This Third Amendment to the Kanu o ka 'Āina New Century Public Charter School July 01,2017 Public Charter School Contract, along with the attached original Charter Contract forms the entire agreement between the Parties. Except as otherwise expressly provided in this Amendment, all of the terms or conditions of the July 01, 2017 Charter Contract remain unchanged and in full force and effect.

State Public Charter School Commission

Kanu o ka 'Āina New Century Public Charter
School



Signature

Yvonne W.M. Lau
Interim Executive Director

August 17, 2022

Date

APPROVED AS TO FORM



Stuart N. Fujioka 8/17/22

Deputy Attorney General



Signature

Marion K. A. Kapuni'ai (Print Name)

Governing Board Chairperson

Aug 16, 2022

Date

APPROVED AS TO FORM

Deputy Attorney General