

**LIVONIA PUBLIC SCHOOLS SCHOOL DISTRICT
WAYNE COUNTY, MICHIGAN**

RESOLUTION

At a regular meeting of the Board of Education of Livonia Public Schools School District, Wayne County, Michigan (the "School District"), held at 15125 Farmington Road, Livonia, Michigan 48154-5474, on the 28th day of July, 2014, at 7:00 p.m., Local Time.

PRESENT: MEMBERS: _____

ABSENT: MEMBERS: _____

The following preamble and resolution were offered by Member _____ and supported by Member _____:

WHEREAS, the Michigan Legislature has provided for the establishment of public school academies as part of the Michigan public school system by enacting Act No. 362 of the Publics Acts of 1993, as amended; and

WHEREAS, according to this enacted law, the Livonia Public Schools School District ("Board"), as the governing body of a general powers school district, is an authorizing body empowered to issue contracts to organize and operate public school academies and has issued a Contract to the Board of Directors of Hinoki, a public school academy (previously known as the Japanese American School of Southeast Michigan) (the "Academy"), which Contract contains specific terms and conditions related to its operation and potential automatic revocation;

WHEREAS, the Academy has operated since September, 2010 and has, since that time, begun to operate in a manner that causes the District to have significant concern about the governance and management activities at the Academy;

WHEREAS, the Academy's lease, negotiated between the Academy and the District to expire on June 30, 2014 has expired and the Academy has quit the premises;

WHEREAS, the Academy has not secured a facility from which to operate for the 2014-15 school year and, in correspondence to its stakeholders, the Academy Board, through its putatively authorized representative has communicated the following:

PLEASE NOTE: Efforts to find a new authorizer and/or location for 2014-15 have not been successful, so Hinoki will not be enrolling students for this fall.
(Full Correspondence Attached as Exhibit A);

WHEREAS, pursuant to the Terms and Conditions of the Academy's Contract, a loss of more than 50% of its student enrollment from the previous year is grounds for automatic revocation of the Contract;

WHEREAS, the Academy is required by its Contract to maintain a physical plant from which to operate and has not, to date, responded to the District's request to furnish information on the proposed physical plant or a Contract amendment addressing the issue of a physical plant, such failure being a default on the terms of the Contract;

WHEREAS, the default by the Academy on any term, condition or promise contained within or incorporated into the Contract is an automatic ground for revocation of the Contract;

WHEREAS, the District has clearly communicated that its Contract is at risk for revocation due to the failure to secure a physical plant from which to operate following the negotiated expiration of the Academy's lease (**Attached as Exhibit B**); and

WHEREAS, continuing to permit Hinoki to enjoy a Contract to operate following its announcement that it is electing not to enroll students for the 2014-15 school year or provide evidence of a physical plant from which to operate imperils public funds due to the resources required by the Authorizer to oversee Hinoki and the resources of the State to maintain reporting, accountability and other functions related to the Academy's continued operation.

NOW, THEREFORE, BE IT RESOLVED:

1. The Academy's Contract is hereby declared automatically revoked by reason of the loss of more than 50% of the Academy's prior year enrollment due to the Academy's election not to enroll for the 2014-15 school year and the Academy's failure to secure a physical plant from which to operate following the negotiated expiration of its facility lease.

2. All Resolutions and parts of Resolutions insofar as they conflict with this Resolution are hereby rescinded.

YEAS: MEMBERS: _____

NAYS: MEMBERS: _____

ABSTAIN: MEMBERS: _____

RESOLUTION DECLARED ADOPTED

Secretary, Board of Education

I hereby certify that the foregoing constitutes a true and complete copy of a resolution duly adopted by the Board of Education of Livonia Public Schools, County of Wayne, Michigan, at a regular meeting held on the 28th day of July, 2014 and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

Secretary, Board of Education

EXHIBIT A



SENDY LIPSA <slip@livoniapublicschools.org>

Message from the Hinoki International School Board - ひのきインターナショナル学校理事会から

1 message

a.hooghart@hinoki-school.org <a.hooghart@hinoki-school.org>

Wed, Jul 16, 2014 at 8:06 AM

To: a.hooghart@hinoki-school.org

Cc: a.damrow@hinoki-school.org, c.ladner@hinoki-school.org, n.picciano@hinoki-school.org, j.cawood@hinoki-school.org, office@hinoki-school.org, angela@castlebond.org, jbutler@employeesonly.net, hinoki.kai.michigan@gmail.com

Greetings, Hinoki International School Stakeholders:
ひのきインターナショナルスクール関係者の皆様へ、

Attached please find the draft minutes of the Hinoki School Board meeting last Thursday evening 7/10, including a summary in Japanese (also posted at <https://sites.google.com/site/hinokiboardofdirectors/minutes>). Our next meeting date is to be determined.

下記の資料をお送りしますのでご参照ください。

* 7月10日(木)開催のひのき臨時理事会議事録(案)

※ 概要は日本語でもお読みいただけます。

※ ※ 以下のサイトにも掲載されています。

<https://sites.google.com/site/hinokiboardofdirectors/minutes>

次回の理事会開催日は追ってご連絡します。



PLEASE NOTE: Efforts to find a new authorizer and/or location for 2014-15 have not been successful, so Hinoki will not be enrolling students for this fall. We have asked LPS to maintain our charter through June 2015. Hinoki is exploring options for resuming in the 2015-2016 school year.

2014-15年度の新しい認可機関および校舎は、残念ながらまだ見つからないため、ひのきは来年度生徒を受け入れることはできません。ひのき理事会は、2015年6月までチャーターの認可を続けてほしい旨をLPSに伝えました。その上で、2015-2016年度の学校再開に関してどのような選択肢があるか検討していく予定です。

In an effort to keep the Hinoki community and network together outside of school-related activities, an organization called the Hinoki International Organization (HIO, or "Hinoki Kai") is being formed. The goal of this organization is to foster the Hinoki International School mission: "To provide Japanese and American students with an opportunity to learn from each other, and become bilingual, bilcultural, globally-minded individuals." It will hold events 4-6 times a year, so our community can continue to share in cross-cultural exchange, cultivate opportunities to stay connected, and create new friendships. Sign-up sheets are attached and posted on the hinoki-school.org website.

今後もひのきのコミュニティのつながりを維持し、学校外での行事を企画・運営するため、ひのき会(仮)(Hinoki International Organization: HIO)を発足します。本組織は、ひのきインターナショナルスクールの教育理念「英語話者と日本語話者の児童がお互いから学び、国際的感覚を身に付け、バイリンガル・バイカルチュラルに成長する機会を提供すること」の促進を目的としています。年に4~6回程度の行事を企画し、コミュニティのメンバーが異文化交流し親交の輪を広げられる機会を提供する予定です。申込用紙を添付しましたのでご覧ください。hinoki-school.orgのサイトにも掲載されています。

Thank you for your support of Hinoki!

今後ともどうぞよろしく願いいたします。

Hinoki International School Board of Directors

Anne M. Hooghart, Ph.D.

EXHIBIT B



LIVONIA PUBLIC SCHOOLS

15125 Farmington Road • Livonia, Michigan 48154

Phone (734) 744-2500

July 8, 2014

Ms. Anne Hooghart
Hinoki International School
39111 W. Six Mile Road, #152
Livonia, MI 48152

RE: **Hinoki, A Michigan Public School Academy**

Dear Ms. Hooghart:

I write regarding the status of Hinoki, A Michigan Public School Academy (the "Academy").

You have requested that we appoint one or more members to your Board of Directors. While we continue to consider this request, the ultimate resolution to the issue depends on the solution to the questions related to the Academy's facility, set forth below. We will not be in a position to entertain the appointment of any additional Directors until the compliance issues identified below are addressed.

With regard to the Academy facility, applicable law requires that a description of the Academy's physical plant be included in the Contract between the Academy and its authorizer, and the address of the Academy's physical plant, and its description, are set forth in the Contract, to which they are material terms.

The Academy's lease terminated on June 30, 2014 and, although we understood from the tenor of your presentations and discussions with the public that you were looking to operate from another facility, we have not, to date, received any evidence that you have been able to secure an alternate facility. Our attorney's inquiry to your counsel on July 2, 2014 regarding this matter (attached) has gone without response.

The lack of a physical plant for the Academy is a default under the Contract and triggers Section 9.4, Other Grounds for Automatic Revocation. Therefore, please provide us with the description of the Academy's proposed physical plant, complete with all documentation permitting legal occupancy for the instruction of children, no later than close of business Friday, July 11, 2014 so that we may undertake action appropriate to our oversight responsibilities.

Sincerely,


Randy A. Liepa, Ph.D.
Superintendent

c: Mr. Joseph Urban