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LESLIE H. KONDO STANLEY K.W. CHONG
Hawaii State Ethics Commission
American Savings Bank Tower, Suite 970
1001 Bishop Street Honolulu, Hawaii 96813

STATE OF HAWAII
STATE ETHICS COMMISSION


RE: Charge No. 13-Cg-2

Dear Hawaii State Ethics Commission Members:

I am in receipt of a charge filed against me by the Hawaii State Ethics Commission alleging possible violations of the State Ethics Code, chapter 84, HRS.

Enclosed, please find my written response to the charge.

Sincerely,



Kurumi Ka'apana-Aki

REC'D BY HAND DELIVERY

Answers to **GENERAL ALLEGATIONS**

Myron B. Thompson Academy, Respondent and Diana Oshiro

4. Myron B. Thompson Academy (“MBTA”) is a public charter school, organized as a result of Senate Bill No. 1501, and Act 62, whereby the Committees on Education and Labor and Public Employment, of the House of Representatives stated that the charter schools “define a new and improved approach to education, one that is free of bureaucratic red tape and accommodates the individual needs of students. New Century Schools will allow schools increased flexibility and autonomy, with a local school board serving as the governing body of each school, in exchange for greater accountability for student performance.”

5. At all times relevant herein, MBTA was located at 629 Pohukaina Street, Honolulu, Hawaii, as well as an additional location at 810 Pohukaina Street, (from August 1, 2006 to August 31, 2009) which housed the elementary teachers.

7. At all times relevant herein, MBTA’s hours of operation on school days, vary for different professional groups within the school, who service the individual and collective needs of our student/parent population. There is no group/individual who commits to an 8:00 a.m. to 4:00 p.m. schedule. However, each employee commits to adequate hours, varying in time spans, in order to fulfill his/her required duties/obligations. As noted in the vision and mission of our school, we provide “equity, access, and excellence for learners anywhere, anytime.” Therefore, staff must flex their schedules to accommodate parents and students who practice this vision.

9. At all times relevant herein, Respondent was the Vice Principal of the elementary division or Chief Operating Officer, and in addition, a secondary teacher, student leadership advisor for the high school, secondary division activities coordinator, and planning and budgeting manager.

MBTA Policies and Procedures

15. Oshiro’s responsibility of granting, approving and/or authorizing sick leave, personal leave, vacation leave, compensatory time, and any other excused leave for all MBTA employees, including Respondent, is a collective task inclusive of recording/documenting by the School Administrative Services Assistant.

19. The amount paid by MBTA to Respondent under the TCE agreements was in addition to her salary as a certificated teacher in the Hawaii State Department of Education.

20. The TCE agreements, generally, were not all for the same services that Respondent was required to perform as part of her duties and responsibilities as the Vice Principal.

21. More specifically, the TCE agreement executed by MBTA and Respondent for the school calendar year, 2007- 2008 describes the services to be performed as follows: "The Contract Employee will provide administrative leadership for the elementary division of MBTA and coordinate all curricular and instructional services required therein."

22. In each TCE agreement, Respondent did not expressly agree to and was not contractually required to perform the services described therein throughout the contract term, i.e., the 12 month period beginning July 1 and ending June 30 of the following year. There was a meeting of the minds between all MBTA TCEs and Principal Oshiro, that the 12 month period specified, referred only to the dates identifying the fiscal year, and did not commit the employee to physically working during the 12 month period. Furthermore, in accordance with stipulation #2: "The TCE agrees to faithfully and personally perform under the supervision of and in a manner satisfactory to MBTA and in such a manner MBTA may from time to time direct," Respondent and other MBTA Temporary Contract Employees have been directed to adhere to the official 10 month school calendar of the Hawaii State Department of Education.

23. Respondent did not agree to and was not required to perform the services under the TCE agreement for the 12 month term, as these dates indicate the fiscal year only and not identifying specific work day parameters. Analogous to the TCE Agreement is the traditional HODOE contract, Certificated Employee Notification of Personnel Action, Form 5A, which specifies effective and ending dates of employment which encompass a 12 month period. It does not commit the employee to work throughout the 12 month period as the employee in reality only works for 190 days. Therefore Respondent is eligible or otherwise entitled to earn compensatory time or other credit for school-related work that she performed during periods when the school was not in session, such as intercession periods and summer breaks.

Hawaiian Airlines Policies and Procedures

25. For flights departing Honolulu on which she worked, Respondent, on school days, left MBTA's Pohukaina Street location no later than 20 minutes before she was required to report to work for the flight, i.e., she left at least 95 minutes before the scheduled departure time.

26. At all times relevant herein, HAL flight attendants arriving into Honolulu on a domestic flight are on duty until the last passenger leaves the aircraft.

27. At all times relevant herein, HAL flight attendants arriving into Honolulu on an international flight are on duty until he/she clears U.S. Customs and Immigrations.

28. For flights arriving in Honolulu on which she worked, Respondent reported to work at MBTA on school days as early as 30 minutes after a flight's arrival time and no later than 1.5 hours after a flight's arrival time.

29. Under the HAL's policy governing employees' non-revenue travel privileges, travelling as a non-revenue passenger in order to perform MBTA related duties at a certain location does not qualify as "private business purposes." Example in point: A University of Hawaii professor travels non-revenue daily to and from home on neighbor island to Oahu to teach at the Manoa campus.

30. At all times relevant herein, Respondent's absences during school hours when travelling interisland on HAL as a non-revenue passenger were for personal travel and simultaneously performing MBTA-related business. Respondent has not received personal or monetary gain from such travel.

31. For interisland and domestic travel, check-in and receipt of boarding pass can be done electronically at least 30 minutes prior to the flight's scheduled departure time, without traveler being physically present at a check-in podium.

32. Respondent is not familiar with this allegation.

Fair Treatment, HRS sections 84-13 and 84-13 (3):

35. Under the Fair Treatment law, Respondent did not use or attempt to use her official position "to secure or grant unwarranted privileges, exemptions, advantages, contracts, or treatment, for oneself or others." Further, Respondent did not use state time, equipment or other facilities for private business purposes."

36. Respondent's physical absence from MBTA during school hours were all legitimized by personal leave days and accrued compensatory time acquired through her performing of duties for MBTA on non-school days, during non-school hours, which were imperative to the continued operations and success of the MBTA program.

37. Respondent did account for those absences during school hours as personal leave or compensatory time.

38. Respondent's salary and employment benefits that she received from MBTA should not be reduced or otherwise affected by her absences during school hours since out of fairness and equity she had earned those days through personal leave allowances afforded to DOE employees and by having to work additional days during the intercession periods, summer break, and on special school activity days.

39. What Respondent does on days designated as excused from MBTA work which in fact, Respondent fairly and equitably earned, is irrelevant.

40. Respondent did not misuse her position as a Vice Principal, to secure for herself unwarranted privileges, exemptions, advantages and treatment that enabled her to work as a HAL flight attendant or otherwise be absent during school hours without accounting for those absences. All days physically absent from MBTA were warranted and fairly earned by working well above and beyond the required instructional days and hours for MBTA. Furthermore, Respondent can account for all absences through records and common practices. It is unfair for the Ethics Commission to assume that Respondent cannot account for absences when in fact, the attorneys did not provide more than one hundred dates and times in question covering a period of six years, until the very moment of their inquiry, when Respondent was inadequately prepared with no records in hand.

NOTE:

- The term “school hours” stated herein, refers to any frame of 8 hours (which includes lunch and prep time) or any frame of 3.5 hours if referencing a half day.
- Respondent’s common practices include reporting to MBTA regularly, no later than 7:00 a.m. on certain compensatory days.
- Respondent’s common practices include extending hours regularly, on certain compensatory days, whereby Respondent departs MBTA no sooner than 7:00 p.m. or 8:00 p.m. , dependent on report time.

SCHOOL YEAR 2006-2007

Count 1: On Tuesday, March 6, 2007, Respondent attended an MBTA visitation on Kauai and returned to Honolulu on the same day. Respondent proceeded to MBTA to return equipment and confidential record folders and left no sooner than 7:00 p.m. on March 6, 2007.

Count 2: Compensatory time earned, used on March 12, 2007

Count 3: On March 14, 2007, Respondent arrived at MBTA no later than 1:15 p.m., and worked an extended day departing school no sooner than 8:00 p.m.

Count 4: Compensatory time earned, used on April 3, 2007

Count 5: Compensatory time earned, used on April 12, 2007

Count 6: Compensatory time earned, used on April 19, 2007

Count 7: Compensatory time earned, used on May 8, 2007

Count 8: Compensatory time earned, used on May 15, 2007

Count 9: On May 18, 2007, Respondent left MBTA no sooner than 12:00 p.m. and departed for Kauai to attend a parent meeting and attend to school closure duties.

Count 10: On May 21, 2007, Respondent met with parents and completed school closure duties. She returned to MBTA after her arrival to Honolulu at approximately 2:00 p.m. to return MBTA non-consumables and left the school no sooner than 7:00 p.m.

Count 11: Personal Leave earned, used on May 22, 2007

Count 12: Personal Leave earned, used on May 29, 2007

Count 13: Personal Leave earned, used on June 5, 2007

Count 14: On June 7, 2007, Respondent attended a parent informational session on Maui.

Count 15: On June 7, 2007, Respondent travelled from Maui to Kona to attend a parent informational session in Kona. On June 8, 2007, Respondent attended a parent informational session in Waimea and in Kohala, then returned to Honolulu at approximately 4:30 p.m. Respondent proceeded to MBTA in order to return equipment/parent documents and did not leave school any sooner than 7:00 p.m.

SCHOOL YEAR 2007-2008

Count 16: Compensatory time earned, used on August 15, 2007

Count 17: Personal Leave earned, used on September 5, 2007

Count 18: Respondent was not absent for more than one-half of the school hours on September 6, 2007. She reported to MBTA no later than 1:00 p.m. and departed MBTA no sooner than 8:00 p.m.

Count 19: Personal Leave earned, used on September 26, 2007

Count 20: On September 27, 2007, Respondent flew to Hilo at 2:38 p.m. to retrieve MBTA property. Respondent arrived in Honolulu at approximately 6:30 p.m. She delivered items to MBTA and did not leave MBTA any sooner than 10:00 p.m.

Count 21: Personal Leave earned, used on October 10, 2007

Count 22: Respondent was not absent for more than one-half of the school hours on October 11, 2007. She reported to MBTA no later than 1:00 p.m. and departed MBTA no sooner than 8:00 p.m.

Count 23: Personal Leave earned, used on October 17, 2007

Count 24: Respondent was not absent for more than one-half of the school hours on October 18, 2007. She reported to MBTA no later than 1:30 p.m. and departed MBTA no sooner than 8:00 p.m.

Count 25: Respondent left MBTA and flew to Kona to attend an educational conference, representing MBTA on November 2, 2007, departed at 1:44 p.m.

Count 26: Compensatory time earned, used on November 8, 2007

Count 27: Respondent was not absent for more than one-half of the school hours on November 9, 2007. She reported to MBTA no later than 1:45 p.m. and departed MBTA no sooner than 8:00 p.m.

Count 28: Personal Leave earned, used on December 20, 2007

Count 29: Compensatory time earned, used on January 23, 2008

Count 30: Respondent was not absent for more than one-half of the school hours on January 24, 2008. She reported to MBTA no later than 1:30 p.m. and departed MBTA no sooner than 8:00 p.m.

Count 31: Compensatory time earned, used on January 30, 2008

Count 32: Respondent was not absent for more than one-half of the school hours on January 31, 2008. She reported to MBTA no later than 1:30 p.m. and departed MBTA no sooner than 8:00 p.m.

Count 33: Compensatory time earned, used on February 7, 2008

Count 34: Compensatory time earned, used on February 26, 2008

Count 35: Compensatory time earned, used on March 12, 2008

Count 36: Respondent was not absent for more than one-half of the school hours on March 13, 2008. She reported to MBTA no later than 1:30 p.m. and departed MBTA no sooner than 8:00 p.m.

Count 37: Compensatory time earned, used on April 16, 2008

Count 38: Respondent was not absent for more than one-half of the school hours on April 17, 2008. She reported to MBTA no later than 1:00 p.m. and departed MBTA no sooner than 8:00 p.m.

Count 39: Compensatory time earned, used on April 30, 2008

Count 40: Respondent was not absent for more than one-half of the school hours on May 1, 2008. She reported to MBTA no later than 1:00 p.m. and departed MBTA no sooner than 8:00 p.m.

Count 41: Respondent flew to Kona at 5:50 a.m. on May 29, 2008 to attend an MBTA parent orientation. She arrived back in Honolulu at approximately 8:30 p.m.

Count 42: Personal Leave earned, used on June 1, 2008

Count 43: Respondent was not absent for more than one-half of the school hours on June 3, 2008. She reported to MBTA no later than 12:30 p.m. and departed MBTA no sooner than 7:00 p.m.

SCHOOL YEAR 2008-2009

Count 44: Personal Leave earned, used on August 4, 2008

Count 45: Respondent was not absent for more than one-half of the school hours on August 5, 2008. She reported to MBTA no later than 12:30 p.m. and departed MBTA no sooner than 7:00 p.m.

Count 46: Compensatory time earned, used on September 10, 2008

Count 47: Respondent was not absent for more than one-half of the school hours on September 11, 2008. She reported to MBTA no later than 12:30 p.m. and departed MBTA no sooner than 7:00 p.m.

Count 48: Personal Leave earned, used on September 17, 2008.

Count 49: Respondent was not absent for more than one-half of the school hours on September 18, 2008. She reported to MBTA no later than 2:00 p.m. and departed MBTA no sooner than 8:00 p.m.

Count 50: Compensatory time earned, used on September 22, 2008

Count 51: Personal Leave earned, used on September 24, 2008.

Count 52: Respondent was not absent for more than one-half of the school hours on September 25, 2008. She reported to MBTA no later than 2:30 p.m. and departed MBTA no sooner than 8:00 p.m.

Count 53: Compensatory time earned, used on October 15, 2008

Count 54: Respondent was not absent for more than one-half of the school hours on October 16, 2008. She reported to MBTA no later than 12:30 p.m. and departed MBTA no sooner than 7:00 p.m.

Count 55: Compensatory time earned, used on October 22, 2008

Count 56: Respondent was not absent for more than one-half of the school hours on October 23, 2008. She reported to MBTA no later than 2:30 p.m. and departed MBTA no sooner than 8:00 p.m.

Count 57: Compensatory time earned, used on November 10, 2008

Count 58: Compensatory time earned, used on November 12, 2008

Count 59: Respondent was not absent for more than one-half of the school hours on November 13, 2008. She reported to MBTA no later than 1:00 p.m. and departed MBTA no sooner than 8:00 p.m.

Count 60: Compensatory time earned, used on December 3, 2008

Count 61: Personal Leave earned, used on December 4, 2008

Count 62: Personal Leave earned, used on December 5, 2008

Count 63: Compensatory time earned, used on December 12, 2008.

Count 64: Compensatory time earned, used on December 15, 2008

Count 65: Respondent was not absent for more than one-half of the school hours on December 16, 2008. She reported to MBTA no later than 1:30 p.m. and departed MBTA no sooner than 8:00 p.m.

Count 66: Compensatory time earned, used on January 21, 2009

Count 67: Respondent was not absent for more than one-half of the school hours on January 22, 2009. She reported to MBTA no later than 2:30 p.m. and departed MBTA no sooner than 8:00 p.m.

Count 68: Personal Leave earned, used on January 26, 2009

Count 69: Respondent was not absent for more than one-half of the school hours on January 27, 2009. She reported to MBTA no later than 1:00 p.m. and departed MBTA no sooner than 8:00 p.m.

Count 70: Compensatory time earned, used on January 29, 2009

Count 71: Respondent was not absent for more than one-half of the school hours on January 30, 2009. She reported to MBTA no later than 12:45 p.m. and departed MBTA no sooner than 7:00 p.m.

Count 72: Compensatory time earned, used on February 4, 2009

Count 73: Respondent was not absent for more than one-half of the school hours on February 5, 2009. She reported to MBTA no later than 2:30 p.m. and departed MBTA no sooner than 8:00 p.m.

Count 74: Compensatory time earned, used on February 11, 2009

Count 75: Respondent was not absent for more than one-half of the school hours on February 12, 2009. She reported to MBTA no later than 2:30 p.m. and departed MBTA no sooner than 8:00 p.m.

Count 76: Compensatory time earned, used on February 25, 2009

Count 77: Respondent was not absent for more than one-half of the school hours on February 26, 2009. She reported to MBTA no later than 2:30 p.m. and departed MBTA no sooner than 8:00 p.m.

Count 78: Compensatory time earned, used on March 4, 2009

Count 79: Respondent was not absent for more than one-half of the school hours on March 5, 2009. She reported to MBTA no later than 1:00 p.m. and departed MBTA no sooner than 8:00 p.m.

Count 80: Compensatory time earned, used on March 9, 2009

Count 81: Respondent was not absent for more than one-half of the school hours on March 10, 2009. She reported to MBTA no later than 12:00 p.m. and departed MBTA no sooner than 7:00 p.m.

Count 82: Compensatory time earned, used on March 18, 2009

Count 83: Respondent was not absent for more than one-half of the school hours on March 19, 2009. She reported to MBTA no later than 12:00 p.m. and departed MBTA no sooner than 7:00 p.m.

Count 84: Respondent was not absent for more than one-half of the school hours on April 27, 2009. She reported to MBTA no later than 12:30 p.m. and departed MBTA no sooner than 7:00 p.m.

Count 85: Compensatory time earned, used on April 29, 2009

Count 86: Respondent was not absent for more than one-half of the school hours on April 30, 2009. She reported to MBTA no later than 12:30 p.m. and departed MBTA no sooner than 7:00 p.m.

Count 87: Respondent was not absent for more than one-half of the school hours on May 5, 2009. She reported to MBTA no later than 12:30 p.m. and departed MBTA at 10:50 p.m.

Count 88: Compensatory time earned, used on May 11, 2009

Count 89: Respondent was not absent for more than one-half of the school hours on May 12, 2009. She reported to MBTA no later than 1:00 p.m. and departed MBTA no sooner than 8:00 p.m.

Count 90: Compensatory time earned, used on May 18, 2009

Count 91: Respondent was not absent for more than one-half of the school hours on May 19, 2009. She reported to MBTA no later than 12:30 p.m. and departed MBTA no sooner than 7:00 p.m.

Count 92: Respondent was not absent for more than one-half of the school hours on May 26, 2009. She reported to MBTA no later than 11:30 a.m. and departed MBTA no sooner than 7:00 p.m.

Count 93: Compensatory time earned, used on June 5, 2009

SCHOOL YEAR 2009-2010

Count 94: Respondent was not absent for more than one-half of the school hours on August 3, 2009. She reported to MBTA no later than 12:00 p.m. and departed MBTA no sooner than 7:00 p.m.

Count 95: Respondent was not absent for more than one-half of the school hours on August 10, 2009. She reported to MBTA no later than 12:30 p.m. and departed MBTA no sooner than 7:00 p.m.

Count 96: Respondent was not absent for more than one-half of the school hours on August 24, 2009. She reported to MBTA no later than 12:30 p.m. and departed MBTA no sooner than 7:00 p.m.

Count 97: Compensatory time earned, used on August 31, 2009

Count 98: Respondent was not absent for more than one-half of the school hours on September 1, 2009. She reported to MBTA no later than 12:30 p.m. and departed MBTA no sooner than 7:00 p.m.

Count 99: Respondent was not absent for more than one-half of the school hours on September 8, 2009. She reported to MBTA no later than 12:30 p.m. and departed MBTA no sooner than 7:00 a.m.

Count 100: Respondent was not absent for more than one-half of the school hours on September 10, 2009. She reported to MBTA no later than 2:00 p.m. and departed MBTA no sooner than 8:00 a.m.

Count 101: Respondent was not absent for more than one-half of the school hours on September 14, 2009. She reported to MBTA no later than 12:30 p.m. and departed MBTA no sooner than 7:00 p.m.

Count 102: Respondent was not absent for more than one-half of the school hours on September 21, 2009. She reported to MBTA no later than 12:30 p.m. and departed MBTA no sooner than 7:00 p.m.

Count 103: Personal Leave earned, used on October 2, 2009

Count 104: Compensatory time earned, used on October 12, 2009

Count 105: Respondent reported to MBTA no later than 7:00 a.m. on November 10, 2009. She left MBTA no sooner than 12:30 p.m. Respondent used compensatory time earned on November 12, 2009.

Count 106: Compensatory time earned, used on November 12, 2009

Count 107: Respondent was not absent for more than one-half of the school hours on November 13, 2009. She reported to MBTA no later than 1:30 p.m. and departed MBTA no sooner than 8:00 p.m.

Count 108: Respondent was not absent for more than one-half of the school hours on November 16, 2009. She reported to MBTA no later than 1:30 p.m. and departed MBTA no sooner than 8:00 p.m.

Count 109: Compensatory time earned, used on December 3, 2009

Count 110: Respondent was not absent for more than one-half of the school hour on December 4, 2009. She reported to MBTA no later than 2:30 p.m. and departed MBTA no sooner than 8:00 p.m.

Count 111: On Friday, December 18, 2009, MBTA employees were dismissed at 12:00 p.m. Respondent was not absent for two or more school hours on December 18, 2009

Count 112: Personal Leave earned, used on January 4, 2010

Count 113: Personal Leave earned, used on January 5, 2010

Count 114: Personal Leave earned, used on January 11, 2010

Count 115: Respondent was not absent for more than one-half of the school hours on January 12, 2010. She reported to MBTA no later than 1:30 p.m. and departed MBTA no sooner than 8:00 p.m.

Count 116: Personal Leave earned, used on May 3, 2010

Count 117: Respondent was not absent for more than one-half of the school hours on May 4, 2010. She reported to MBTA no later than 12:00 p.m. and departed MBTA no sooner than 7:00 p.m.

Count 118: Respondent was not absent for more than one-half of the school hours on June 1, 2010. She reported to MBTA no later than 1:00 p.m. and departed MBTA no sooner than 8:00 p.m.

SCHOOL YEAR 2010-2011

Count 119: Compensatory time earned, used on August 4, 2010

Count 120: Compensatory time earned, used on October 11, 2010

Count 121: Compensatory time earned, used on October 27, 2010

Count 122: Compensatory time earned, used on October 28, 2010

Count 123: Respondent was not absent for more than one-half of the school hours on October 29, 2010. She reported to MBTA no later than 1:30 p.m. and departed MBTA no sooner than 8:00 p.m.

Count 124: Compensatory time earned, used on November 1, 2010

Count 125: Compensatory time earned, used on November 3, 2010

Count 126: Respondent was not absent for more than one-half of the school hours on November 4, 2010. She reported to MBTA no later than 1:00 p.m. and departed MBTA no sooner than 8:00 p.m.

Count 127: Respondent was not absent for more than one-half of the school hours on November 9, 2010. She reported to MBTA no later than 1:00 p.m. and departed MBTA no sooner than 8:00 p.m.

Count 128: Compensatory time earned, used on November 19, 2010

Count 129: Respondent was not absent for more than one-half of the school hours on November 23, 2010. She reported to MBTA no later than 1:30 p.m. and departed MBTA no sooner than 8:00 p.m.

Count 130: Respondent was not absent for more than one-half of the school hours on November 29, 2010. She reported to MBTA no later than 1:30 p.m. and departed MBTA no sooner than 8:00 p.m.

Count 131: Compensatory time earned, used on January 6, 2011

Count 132: Personal Leave earned, used on January 7, 2011

Count 133: Respondent was not absent for more than one half of the school hours on January 10, 2011. She reported to MBTA no later than 1:30 p.m. and departed MBTA no sooner than 8:00 p.m.

Count 134: Compensatory time earned, used on January 13, 2011.

Count 135: Compensatory time earned, used on January 21, 2011

SCHOOL YEAR 2011-2012

Count 136: Compensatory time earned, used on September 2, 2011

Count 137: Respondent reported to MBTA Windward field site at approximately 8:00 a.m. and left MBTA no sooner than 1:00 p.m. on September 21, 2011. Respondent used compensatory time earned, on September 21, 2011.

Count 138: Compensatory time earned, used on September 22, 2011

Count 139: November 11, 2011 was a state holiday, Veteran's Day and therefore not a school day.

Count 140: Compensatory time earned, used on November 14, 2011

Count 141: Compensatory time earned, used on January 13, 2011

Count 142: Respondent departed MBTA no later than 2:00 p.m. on February 10, 2012. Respondent used compensatory time earned, on February 10, 2012.

Count 143: Personal Leave earned, used on February 13, 2012.

Count 144: Respondent was not absent for more than one-half of the school hours on February 14, 2012. She reported to MBTA no later than 1:00 p.m. and departed MBTA no sooner than 8:00 p.m.

Count 145: Respondent was not absent for two or more school hours on April 23, 2012. She reported to MBTA no later than 12:00 a.m. and departed MBTA no sooner than 7:00 p.m.

Count 146: Respondent was not absent for two or more school hours on April 30, 2012. She reported to MBTA no later than 12:00 a.m. and departed MBTA no sooner than 7:00 p.m.