



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

July 21, 2015

TO: Lance Mizumoto
Chairperson, Board of Education

FROM: Alison Kunishige
Executive Director, Board of Education

SUBJECT: Board Action on designation of Board members to investigative committee(s) (a permitted interaction group pursuant to Hawaii Revised Statutes Section 92-2.5(b)(1)), concerning the Department of Education's Fiscal Year 2017 supplemental budget and recommendations of the Committee on Weights ("COW") regarding the Weighted Student Formula ("WSF") fund allocation

The Department of Education is recommending the creation of a Permitted Interaction Group ("PIG") to investigate the Fiscal Year 2016-2017 supplemental budget recommendation and the recommendations of the Committee on Weights IX.

The purpose of this memorandum is to clarify the requirements for forming a PIG. A PIG is formed in accordance with law and is considered an investigative committee under the Hawai'i State Board of Education's By-Laws ("By-Laws").

Hawaii Revised Statutes, Section 92-2.5(b)(1), entitled "Permitted interactions of members,"¹ allows for 2-4 members to be assigned to investigate a matter relating to the official business of their board. There are certain requirements that go along with

¹ Hawaii Revised Statutes, Section 92-2.5(b)(1) provides, in pertinent part:

"(b) Two or more members of a board, but less than the number of members which would constitute a quorum for the board, may be assigned to:

(1) Investigate a matter relating to the official business of their board; provided that:

(A) The scope of the investigation and the scope of each member's authority are defined at a meeting of the board;

(B) All resulting findings and recommendations are presented to the board at a meeting of the board; and

(C) Deliberation and decision making on the matter investigated, if any, occurs only at a duly noticed meeting of the board held subsequent to the meeting at which the findings and recommendations of the investigation were presented to the board;"

the formation of this group. First, the scope of the investigation and the scope of each member's authority are defined at a meeting of the board. Second, all resulting findings and recommendations are presented to the board at a meeting of the board. Third, deliberation and decision-making on the matter investigated, if any, occurs at a board meeting held subsequent to the meeting at which the findings and recommendations of the investigation were presented to the board.

The By-Laws allow for the formation of investigative committees and has language similar to that which is found in statute. Section 5.6 of the By-Laws state that the Board, as provided by law, may designate two or more board members, but less than the number of members that would constitute a quorum to investigate matters concerning Board business. Board members are required to report their resulting findings and recommendations to the entire Board at a properly noticed meeting.²

As such, the Board would form an investigative committee with no more than four Board members, which is by statute considered to be a permitted interaction of Board members, provided that the three foregoing requirements are met.

² Note that, under the Board's By-Laws, Investigative Committees are different from Ad Hoc Committees. Ad Hoc Committees are created for a definite time period or until its specific function has been completed, but these committees are not allowed to exist longer than one year from the date of authorization unless specifically authorized by its charge. By-Laws, Section 5.5.