



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

October 18, 2016

TO: Board of Education

FROM: Lance Mizumoto  
Chairperson, Board of Education

AGENDA ITEMS: Board Action on termination of the Investigative Committee (a permitted interaction group pursuant to Hawaii Revised Statutes, Section 92-2.5(b)(1)) conducting the special review of the State Public Charter School Commission (formed on September 6, 2016) and designation of Board Members to a new Investigative Committee to conduct the Special Review

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On September 6, 2016, the Board of Education ("Board") formed an investigative committee tasked with conducting a special review of the State Public Charter School Commission ("Commission") and making any resulting recommendations to the Board. The Board designated four members to be on the committee: Jim Williams (chairperson), Brian De Lima, Hubert Minn, and Bruce Voss. Mr. Williams resigned from the Board, effective September 29, 2016, so the committee does not currently have a chairperson.

The law governing permitted interaction groups<sup>1</sup> does not explicitly allow members to be added to or removed from permitted interaction groups or for the scope of a member's

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<sup>1</sup> Hawaii Revised Statutes, Section 92-2.5, entitled "Permitted interactions of members," 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; or

authority to be changed. As such, in order to effectively add new members or to designate one of the members as the chairperson, the current investigative committee must be terminated and a new investigative committee formed if any changes in membership or scope of authority is desired.

Given the circumstances and recognizing the departure of a critical member of the current investigative committee, I recommend the Board terminate the current investigative committee and form a new investigative committee with a new chairperson to conduct the special review of the Commission. The new investigative committee will not be bound to any work done by the previous committee but may choose to continue with the efforts begun by the previous investigative committee. Board Vice Chairperson De Lima, and Board Members Minn and Voss have expressed their interest in serving on the new investigative committee, with Board Vice Chairperson De Lima willing to serve as chairperson of the new investigative committee. If a Board Member is interested in serving on the new investigative committee dedicated to this task, he or she must notify the Board before it takes action on this agenda item so that the member can be included on the new investigative committee.

**Proposed Motion: Moved that 1) the investigative committee created on September 6, 2016 and tasked with conducting a special review of the State Public Charter School Commission be terminated; 2) a new investigative committee (a permitted interaction group pursuant to Hawaii Revised Statutes §92-2.5(b)(1)) be established and tasked with conducting the special review and making any resulting recommendations to the Board; and 3) Board Members Brian De Lima, Hubert Minn, and Bruce Voss serve on the new investigative committee, with Board Member De Lima serving as chairperson.**

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(2) Present, discuss, or negotiate any position which the board has adopted at a meeting of the board; provided that the assignment is made and the scope of each member's authority is defined at a meeting of the board prior to the presentation, discussion, or negotiation.