

Agenda Item VII.A, Board Action on Investigative Committee (a permitted interaction group pursuant to Hawaii Revised Statutes, Section 92-2.5(b)(1)) investigating issues relating to a search for a Superintendent, including timeline, process, and composition of group conducting search process

General Business Meeting

November 1, 2016

The Hawaii State Constitution grants the Board of education (“Board”) the power to appoint the superintendent of education as the chief executive officer of the public school system. In anticipation of the end of Superintendent Kathryn Matayoshi’s current contract term, which expires on June 30, 2017, the Board of Education (“Board”) will consider initiating a search for a candidate to head the Department of Education.

As an initial step, the Board can consider establishing an investigative committee to investigate issues relating to a search for a Superintendent, including determining a process and timeline for the search and the composition of the group conducting the search. The Board can establish an investigative committee, pursuant to its by-laws¹ and state law², to investigate matters relating to the official business of the Board. If the Board chooses to establish such an investigative committee, it must designate members to serve on the committee and designate a chairperson of the committee.

¹ Section 5.6 of the Board’s by-laws states, “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 of the Board, to investigate matters concerning Board business. The Board members designated by the Board are required to report their resulting findings and recommendations to the entire Board at a properly noticed meeting.

² Section 92-2.5(b)(1), Hawaii Revised Statutes, states, “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 . . . [i]nvestigate 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 decisionmaking 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[.]”