

Agenda Item V.C

Board Action on findings and recommendations of Investigative Committee (a permitted interaction group pursuant to Hawaii Revised Statutes, Section 92-2.5(b)(1)) investigating issues relating to the search for a superintendent, including transition timeline and process, recommendation for an interim superintendent, search timeline and process, and composition of group conducting search: timeline and process for selecting and transitioning to an interim superintendent and searching and selecting a permanent superintendent

General Business Meeting
May 20, 2021

At its April 15, 2021 general business meeting, the Board of Education (“Board”) received a report from the investigative committee (“Committee”) that the Board tasked with (1) developing a transition timeline and process, (2) recommending an interim superintendent, (3) developing a search timeline and process, and (4) determining the composition of the group that will conduct the superintendent search. The Committee’s report is attached as **Exhibit 1**. In accordance with Section 92-2.5(b)(1)(C), Hawaii Revised Statutes (“HRS”), entitled “Permitted interactions of members,” the Board did not take action on any of the Committee’s recommendations.¹

¹ Section 92.25(b)(1), HRS, provides, in pertinent part:

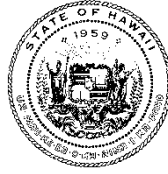
“(b) Two or more members of a board, but less than the number of members which would constitute a quorum for the board, may be assigned to:

- (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;”

(Emphasis added).

Exhibit 1

Investigative Committee Report (dated April 15, 2021)



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

April 15, 2021

TO: Board of Education

FROM: Catherine Payne
Chairperson, Investigative Committee

AGENDA ITEM: Investigative Committee (a permitted interaction group pursuant to Hawaii Revised Statutes, Section 92-2.5(b)(1)) investigating issues relating to the search for a superintendent, including transition timeline and process, recommendation for an interim superintendent, search timeline and process, and composition of group conducting search: findings and recommendations on timeline and process for selecting and transitioning to an interim superintendent and searching and selecting a permanent superintendent

I. EXECUTIVE SUMMARY

The Transition Committee recommends:

- The selection of an interim superintendent using an open application process with a two-week application window ending on April 30, 2021; Board action on selecting an interim superintendent on June 17, 2021; and that the term of the interim superintendent start on August 1, 2021.
- Superintendent Kishimoto be responsible for closing out the 2020-2021 school year, implementing summer learning for 2021, and preparing schools for opening for the 2021-2022 school year.
- Superintendent Kishimoto and the interim superintendent fill any vacant leadership positions with individuals who can act in these capacities temporarily to allow the permanent superintendent to select their leadership team.
- The Board should forego the rest of this year's superintendent evaluation process.
- The Board use a search process similar to the one used in 2017 with an advisory group, search firm, and public input.

II. **BACKGROUND**

On March 18, 2021, the Board of Education (“Board”) took action and formed an 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 a transition timeline and process, a recommendation for an interim superintendent, a search timeline and process, and the composition of group conducting search (this investigative committee is herein referred to as the “Transition Committee”). The Board designated Student Achievement Committee Chairperson Margaret Cox, Human Resources Committee Chairperson Dwight Takeno, Finance and Infrastructure Committee Chairperson Bruce Voss, and me as members of the Transition Committee. The Board designated me as the chairperson of the Transition Committee.

Since March 18, 2021, members of the Transition Committee met virtually several times to discuss the aforementioned issues.

III. **FINDINGS**

Selecting and Transition to an Interim Superintendent

Process for selecting interim superintendent. The Transition Committee finds that it is in the best interest of the Board, Department of Education (“Department”), and public if the Board selects an interim superintendent as quickly as possible while still providing an open application process. An application process for the interim superintendent position ensures the Transition Committee has the broadest pool of candidates in a relatively short time. It also promotes fairness and reduces real or perceived preferential treatment.

Under this process, the Transition Committee would publish an interim superintendent job announcement on the Board and Department’s websites on April 16, 2021 with a deadline for applications of April 30, 2021, a two-week application window. The Transition Committee would present its recommendation for the interim superintendent to the Board at a special meeting on June 3, 2021, and the Board would act on the recommendation on June 17, 2021.

The Transition Committee finds that the Board should allow whomever it selects as interim superintendent to apply for the permanent superintendent position. To have the strongest pool of candidates as possible, the Board should not restrict itself on who is eligible to apply. Further, the Transition Committee finds that an interim superintendent who decides to apply for the permanent superintendent position would not have an unfair advantage over other candidates but simply an opportunity to demonstrate whether they are what the Board wants from a permanent superintendent. While performing well in an interim capacity could

certainly help a candidate's prospects, the converse is that poor performance in an interim capacity could hurt the candidate's prospects.

Transition to interim superintendent. The Transition Committee finds that the Board does not have funds to overlap the service of the interim superintendent with Superintendent Christina Kishimoto's term, which ends on July 31, 2021. Therefore, the committee recommends starting the interim superintendent on August 1, 2021, unless Superintendent Kishimoto decides to leave the position prior to the expiration of her term, in which case the interim superintendent could start immediately thereafter, if available. If Superintendent Kishimoto decides to leave the position before the Board selects an interim superintendent or before the selected interim superintendent can start, standard Department protocol would have the deputy superintendent act in the capacity of superintendent until an interim superintendent begins.

The Transition Committee understands that the 2021-2022 school year will be underway by the projected start for the interim superintendent of August 1, 2021, with the first day for teachers being July 28 and the first day for students being August 3, 2021. The committee does not believe that this timing would affect the opening of school, as the planning for the 2021-2022 school year should already be well underway and complete before the beginning of the school year. Superintendent Kishimoto is currently responsible for closing out the 2020-2021 school year, implementing summer learning for 2021, and preparing schools for opening for the 2021-2022 school year. Additionally, the Board can take other actions in advance of selecting an interim superintendent to ensure schools and the Department are appropriately prepared for the 2021-2022 school year.

The Transition Committee finds that neither Superintendent Kishimoto nor the interim superintendent should be filling leadership vacancies—including positions at the deputy and assistant superintendent, complex area superintendent, and director levels—with permanent hires. Thus, the committee recommends that the Board not approve any deputy, assistant, or complex area superintendent appointments until such appointments are recommended by the new permanent superintendent. The committee also requests that Superintendent Kishimoto refrain from filling vacant director positions with permanent hires. The committee understands that these are critical positions, and Superintendent Kishimoto and the interim superintendent should fill them with individuals who can act in these leadership capacities temporarily. However, the permanent superintendent should have the ability to fill out their leadership team as necessary.

The Transition Committee finds that it is unnecessary for the Board to devote time and energy toward conducting the final evaluation of Superintendent Kishimoto

and recommends forgoing the rest of this year's superintendent evaluation process.

Searching for and Selecting a Superintendent

The Transition Committee examined the search process the Board adopted and implemented the last time the Board conducted a superintendent search in 2017.¹ The Transition Committee finds that many of the aspects and components of the 2017 search process are still desirable and recommends a similar process with some changes. As with the 2017 search process, the group conducting the search ("Search Committee") should have flexibility. As such, elements of the search process described herein intend to provide guidance to the Search Committee, allowing the Search Committee to make decisions and adjust the process as necessary.

Board. The Board establishes the Search Committee and delegates authority to conduct the search to the Search Committee. The Board reviews and decides on recommendations from the Search Committee, including recommendations to:

1. Adopt a job description for the superintendent position and superintendent characteristics, both of which can be used to qualify and evaluate candidates;
2. Enter into a contract with the Search Firm; and
3. Select and appoint a finalist to the superintendent position.

Search Committee. The Search Committee selects individuals to serve on the Advisory Group. The Search Committee selects and negotiates a contract with the Search Firm for review and approval of the Board. The Search Committee may run a process to develop the job description and superintendent characteristics, with input from the Advisory Group and/or Search Firm, and makes a recommendation to the Board.

The Search Committee, with assistance from the Advisory Group and Search Firm, reviews the applicants for the position. Taking into consideration the advice of the Advisory Group and the Search Firm, the Search Committee makes a recommendation to the Board. Only the Search Committee, which solely consists of Board members, determines the final candidate(s) it recommends to the Board, but with consideration of the input from the Advisory Group and Search Firm.

¹ For details on the search process the Board adopted and implemented in 2017, see this memorandum: https://boe.hawaii.gov/Meetings/Notices/Meeting%20Material%20Library/GBM_20161206_Investigative%20Committee%20on%20Superintendent%20Search%20Process%20-%20Findings%20and%20Recommendations.pdf.

Advisory Group. The Advisory Group consists of individuals representing key stakeholder groups, such as students, parents, teachers, school administrators, classified/non-certificated employees, Hawaiian education, charter schools, early learning, higher education, and nonprofit and community organizations.² The Advisory Group advises the Search Committee on its recommendation of the final candidate(s) to the Board. Advisory Group members do not vote on the final candidate(s) but provide the Search Committee with advice regarding the selection of the final candidate(s) to present to the Board.

Search Firm. The Search Firm conducts a search for candidates for the position of Superintendent. It assists the Search Committee, Advisory Group, and Board in the search process.

Unlike the search process in 2017, the Transition Committee prefers hiring a search firm without funding from donors to eliminate any real or perceived third-party influence on the search process. However, the committee also understands that if time or funding becomes short, the Search Committee may need to explore all options.

Public input. The process provides a number of opportunities for the public and Advisory Group to provide input. The Transition Committee encourages seeking input but leaves it to the Search Committee to make a determination of how and when to solicit this input.

1. Superintendent characteristics and job description. The superintendent characteristics and job description provide the Search Committee, Advisory Group, and Search Firm with guidance on soliciting applicants and selecting the final candidate(s). The public can comment on the superintendent characteristics and job description through conventional means, such as testimony to the Board. The Search Committee can also run a different process to reach out to the public for input on the superintendent characteristics, such as a needs assessment through an online survey or town halls. The Search Committee can also ask the Advisory Group for advice on developing the superintendent characteristics and job description.
2. Final candidate(s). The Advisory Group provides advice to the Search Committee on its selection of the final candidate(s). The Transition

² Note that these constituencies have significant interest in public education in Hawaii, and the Search Committee may consider representatives from them for the Advisory Group. It is not an exhaustive or limiting list. While it is impossible to ensure that the Advisory Group represents everyone, the Search Committee should aim to select Advisory Group members that will represent large numbers of people in each of their areas.

Committee also advocates for a process where the Board holds forums that allow the public to meet the final candidate(s) before selecting a finalist as the next superintendent. The Board should also post the name of the final candidate(s) on the agenda where the Board makes a decision and allow the public to provide input on the final candidate(s) via testimony before the Board takes action.

Interim Superintendent Transition and Superintendent Search Timeline and Process Overview

The general timeline below maps out the major activities and estimated dates relating to the interim superintendent transition and superintendent search. The dates are approximate, based on various assumptions, and may change as the process develops and the Search Committee makes its determinations regarding the process.

Date	Activity
April 15, 2021	Transition Committee reports findings and recommendations on timeline and process for selecting and transitioning to an interim superintendent and searching and selecting a permanent superintendent
April 16	Transition Committee publishes interim superintendent job announcement on the Board and Department’s websites
April 30	Deadline for all interim superintendent application materials
May 20	Board takes action on Transition Committee findings and recommendations on timeline and process for selecting and transitioning to an interim superintendent and searching and selecting a permanent superintendent Transition Committee reports findings and recommendations on the composition of group conducting search (<i>i.e.</i> , Search Committee)
June 3	Board takes action on Transition Committee findings and recommendations on the composition of group conducting search Transition Committee recommends an interim superintendent to the Board
June 17	Board takes action on Transition Committee’s recommendation for interim superintendent
July	Search Committee selects individuals to serve on the Advisory Group

Date	Activity
August 1*	Interim superintendent starts
August	Board adopts superintendent job description and characteristics
October**	Board contracts with Search Firm
October— November**	Search Committee and Search Firm post superintendent position internally and externally
December 2021 — February 2022**	Search Committee, Advisory Group, and Search Firm develops list of final candidates
February**	Search Committee recommends final candidate(s) to the Board
March**	Board takes action on Search Committee’s recommendation and selects finalist

*Interim superintendent start date assumes Superintendent Kishimoto completes her term ending on July 31, 2021.

**These dates are conservative estimates and may change substantially depending upon when the Board is able to contract with the Search Firm, which depends on funding source and procurement method.

IV. RECOMMENDATION

Based on the foregoing, the Transition Committee unanimously agreed and recommends that the Board adopt the findings and recommendations, including the timeline and process for selecting and transitioning to an interim superintendent and searching for and selecting a permanent superintendent, as described in this memorandum, provided that the Search Committee, once formed, may make any revisions it determines necessary to complete its tasks.

Proposed Motion

“Move to adopt the Board adopt the findings and recommendations, including the timeline and process for selecting and transitioning to an interim superintendent and searching for and selecting a permanent superintendent, as described in Investigate Committee Chairperson Catherine Payne’s memorandum dated April 15, 2021, provided that the Search Committee, once formed, may make any revisions it determines necessary to complete its tasks.”