



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

March 18, 2021

TO: Board of Education

FROM: Catherine Payne
Chairperson, Board of Education

AGENDA ITEM: Board Action on 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

I. BACKGROUND

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 Christina Kishimoto's current contract term, which expires on July 31, 2021, the Board should establish its next steps for determining who will lead 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 transition process, recommendation for an interim superintendent, and establishing a search timeline, process, and composition of the group conducting the search. The Board can establish an investigative committee, pursuant to its by-laws¹ and state law,² to investigate matters relating to the official

¹ Section 5.6 of the Board's by-laws provides, in pertinent part:

"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."

Available at: [https://boe.hawaii.gov/Documents/By-Laws%20\(amended%202019-07-18\).pdf](https://boe.hawaii.gov/Documents/By-Laws%20(amended%202019-07-18).pdf)

² Section 92.25(b)(1), Hawaii Revised Statutes, 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:

business of the Board. If the Board chooses to establish such an investigative committee, it must designate between two and four Board members to serve on the committee and designate the Board member that will serve as the chairperson of the investigative committee.

Note that this investigative committee would not be responsible for actually conducting the search; those responsibilities would be assigned to a different investigative committee.

II. RECOMMENDATION

I recommend that the Board establish an investigative committee (a permitted interaction group pursuant to Hawaii Revised Statutes Section 92-2.5(b)(1)) tasked with 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 the search. I recommend assigning the chairpersons of the Board's standing committees, Student Achievement Committee ("SAC") Chairperson Margaret Cox, Human Resources ("HR") Chairperson Dwight Takeno, Finance and Infrastructure ("FIC") Chairperson Bruce Voss, and myself to the investigative committee, with me serving as committee chairperson.

Proposed Motion

Move to:

- 1. Establish an investigative committee (a permitted interaction group pursuant to Hawaii Revised Statutes Section 92-2.5(b)(1)) tasked with:
 - a. Developing a transition timeline and process,**
 - b. Recommending an interim superintendent,**
 - c. Developing a search timeline and process, and**
 - d. Determining the composition of the group that will conduct the superintendent search.****
- 2. Designate Board Chairperson Catherine Payne and SAC Chairperson Margaret Cox, HR Chairperson Dwight Takeno, and FIC Chairperson**

(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"

Available at: https://www.capitol.hawaii.gov/hrscurrent/Vol02_Ch0046-0115/HRS0092/HRS_0092-0002_0005.htm

Bruce Voss to serve on the investigative committee, with Board Chairperson Payne serving as chairperson.