

Nā Kumu o Kamehameha

December 8, 1997

Attorney General Margery S. Bronster
and Deputy Attorney General Kevin T. Wakayama
Department of the Attorney General, State of Hawai'i
Ke'elikōlani Building
830 Punchbowl Street, Room 219
Honolulu, Hawai'i 96813

Dear Attorney General Bronster and Deputy Attorney General Wakayama:

We, the members of Nā Kumu o Kamehameha (a K-12 Kamehameha faculty organization of 210 members), are writing to provide additional information for your investigation of the Kamehameha Schools Bishop Estate Board of Trustees (Board). The increased severity of our situation prompted us to communicate directly with you. This correspondence is not intended to document comprehensively all that we might add to your investigation. We could provide more information should you request that we expand upon our comments or address additional issues. To substantiate the issues we do raise, and to establish a context for our comments, we are submitting the accompanying attachments. A set of materials supporting specific statements in this letter are grouped as Attachment A. Attachment B is a timeline summarizing our past efforts to positively impact the controversy surrounding the Board. The remaining set of materials (Attachment C) was originally presented to our administrators to document our group's philosophy, goals, and efforts. Key aspects of our concerns have already been conveyed by others in our community. We echo and add to those concerns.

The *Broken Trust II* article, published on November 27, 1997, gives an accurate sense of the deepening agony of our Kamehameha community these past few years. We are grateful to the five author-educators who came to our school's support. We appreciate their insightful commentary on the issues of trustee disregard for faculty and students, distrust of staff, ad-hoc elimination of successful programs, and lack of faculty involvement in the education plan. Trustee Lokelani Lindsey's response is substantively inconsistent with our experience at Kamehameha since she was appointed trustee.

The Kamehameha faculty is mindful that Pauahi's gift exacts a special responsibility for the education of Hawai'i's children and a high standard for the teacher-student relationship that is at the heart of a successful school. Good schooling is a complex, challenging and fragile endeavor. As we stated in a letter to the *Honolulu Advertiser* (published 6/13/97, see Attachment C) for which our representatives were reprimanded, we must be able to instill

in students "a capacity for critical thinking and creative problem solving, a strong sense of self-worth, a commitment to the principles and values of our community, and a willingness to take personal action to improve that community. It is our firm belief that these qualities foster an informed citizenry disposed to work toward the well being of our world." As our students' role models, we must also be able to practice these values as we participate in the life of our school community. We recognize that serious systemic problems at Kamehameha challenge us to apply these values. We are writing to address these problems.

Despite the storm raging around us, teachers, administrators, and students continue to hold our educational task at the forefront. Quality education continues. Our students are achieving at high levels. We thank Dr. Kathleen Kukea and Dr. Kathy Tibbetts for their recent public documentation of this fact. To claim anything less, as Trustee Lindsey does, is inaccurate and does not honor our students' achievements and the support they received from Kamehameha and their families. Though not exclusive indicators, standardized test scores are evidence of student success.

- On standardized achievement verbal tests in 1997, Kamehameha students scored above or comparable to national private school norms at each of the tested grades along the K-12 continuum and achieved at significantly higher levels than national norms for suburban public schools in more affluent communities. In math, K-12 Kamehameha students scored significantly higher than national private school norms and strongly out-performed national averages for more affluent suburban schools (see Attachments A-1a and A-1b).
- There has been a steady trend of improvement in College Board scores since 1981. When compared to national college-bound students (the top 40% of the nation's students), Kamehameha seniors since 1990 have scored at or above the national average for verbal aptitude and since 1985 have scored substantially above average in math (see Attachments A-2a and A-2b).

In recent public statements, Trustee Lindsey characterized Kamehameha Schools' programs as deficient. The above student performance indicators would suggest otherwise. These facts call Trustee Lindsey's motives into question. Selected examples discussed below (and others could be added) help establish Trustee Lindsey's pattern of purposeful misinformation.

- The *Broken Trust II* authors reported that Trustee "Lindsey recently demanded that all Kamehameha kindergartners be able to identify each of the trustees by Christmas." In response, Trustee Lindsey called this "an outrageous lie." However, the objective was indeed added to the kindergarten social studies curriculum in the fall of 1997. The addition was "a result of trustee review of the curriculum draft" originally submitted by faculty (see Attachment A-3, memorandum dated 9/19/97). The specific deadline of Christmas was communicated verbally to our staff, but the learning objective to "identify by picture and by name the 5 Bishop Estate Trustees" is included in the amended written curriculum (see Attachment A-3) over the strong objections of the teachers involved.

- Trustee Lindsey criticized the Education Group for not having an adequate curriculum and implied that none existed prior to her appointment to the Board. Neither is true. Good school curricula reflect current educational research, the needs of the specific student body and the projected needs of the society. They exist as living, evolving documents. Over the years we have gone through a number of major curriculum reviews within our various departments (for a sample, see Attachment A-4). Each review resulted in updating and redirecting the existing documents.
- The *Honolulu Advertiser* on November 27, 1997, reported Trustee Lindsey's claim that she "initiated work on an educational plan" and that none existed prior to her involvement. This claim is inaccurate. Kamehameha has systematically and consistently planned for its future. President Michael Chun initiated one of the more recent examples of strategic planning in the spring of 1990. The entire staff of the Education Group divisions worked from the fall of 1990 through the spring of 1992 to produce a secondary school strategic plan (see Attachments A-5a and A-5b). This plan was implemented during the 1992-1993 school year but soon thereafter was undermined by the trustees. At the elementary school level, administrators and teachers developed a ten-year plan to accommodate the transition from a "lottery" to a "select" student body, as directed by trustees. This plan provided for a phase-in of facilities, services, staffing and curriculum needs. Trustees disregarded this plan. The existence of both these plans stands in contradiction to Trustee Lindsey's claim that none existed prior to her initiatives.

Trustee Lindsey's recently released statements are misleading and appear to be primarily focused on personally vindicating herself while vilifying key personnel. Her statements are replete with half-truths – false impressions created by omission of facts, faulty analysis, and statistical manipulation, as the above discussion indicates. Such misrepresentations do not paint Trustee Lindsey and her trustee supporters as saviors of the school but as self-serving individuals willing to sacrifice anything—Kamehameha's standing as a quality school, the self-esteem of thousands of students, the confidence of the parents, the long-standing pride of alumni, and the reputation of hundreds of teachers—to salvage their public image.

These recent developments are symptomatic of managerial methods the trustee majority (Trustees Peters, Wong, and Lindsey) has employed over the past several years. The methods of this trustee majority illustrate their focus on "empire building" rather than "trust keeping":

- 1) The trustee majority makes decisions which on occasion seem designed to forward personal motives rather than to benefit the Kamehameha Schools community. This is exemplified in their spending estate resources on public relations campaigns, lobbying efforts, and legal fees to defend trustee interests, as opposed to estate interests.
- 2) The trustee majority minimizes the value of staff expertise. Communication from the trustee majority is one-way. Contributions from front-line staff are not only discouraged but often disallowed. Faculty should have played a critical

role in the development of the recently released education plan. However, Trustee Lindsey states that the faculty's role will be limited to "spelling out the operational plan" without being able to respond to the plan's goals, specific objectives, and underlying assumptions.

- 3) The trustee majority responds negatively to any perceived threat to their authority regardless of its potential positive impact on the estate's mission. Their responses to faculty efforts to bring the staff together through Nā Kumu o Kamehameha were to ignore all Nā Kumu requests for faculty-trustee meetings, to refuse use of facilities for a Nā Kumu meeting, to cancel a previously approved school-wide prayer meeting that Nā Kumu initiated, and to threaten its leaders.
- 4) The trustee majority seems to turn professional disagreements with individual staff members into personal vendettas. Programs, staff, resources, and ultimately students have been impacted negatively as a result of staff members daring to speak out. Professional staff members can document numerous examples of these situations if necessary. Many such accounts have already been provided to the court-appointed fact-finder, retired Judge Patrick Yim.

Each of these common management patterns of the trustee majority reflect the actions of individuals who are protecting personal empires rather than exercising their fiduciary duties on behalf of a trust and its beneficiaries.

In recent weeks the beneficiaries of Pauahi's legacy (Nā Pua A Ke Ali'i Pauahi), prominent leaders in our community (the *Broken Trust I* and *Broken Trust II* authors), Court-appointed Master Colbert Matsumoto, Judge Patrick Yim, and your own office have gathered evidence which in its totality indicates the need for at least the temporary removal of the five Board members. We feel our experience and this statement add to this growing body of evidence. There is a sense of urgency for you to act.

Positive initiatives are underway and, if allowed to continue, can produce significant improvements at Kamehameha Schools Bishop Estate. K-12 faculty and administrators are working together to address a variety of systemic problems at our school. Trustees Stender and Jervis are committed to working with our Education Group to resolve the current crisis. A large majority of our K-12 faculty has joined together in Nā Kumu o Kamehameha to restore and improve our school community (see Attachments B and C). However, the management methods of the trustee majority described above may not allow for the full benefit of these initiatives to be realized.

We are similarly concerned about the trustee majority's impact on our 1998 Western Association of Schools and Colleges (WASC) accreditation process. As part of our secondary schools' preparation for the accreditation review, the faculty created a draft document that articulates our vision for a better Kamehameha (see Attachment A-6). This includes 23 action plans through which our shared vision can be achieved. Sadly, it is anticipated that the autocratic management style of our trustee majority will block key elements for implementation, particularly relating to recommendations on school governance. The WASC review committee in 1992 similarly recommended "greater faculty and staff involvement in major school-wide changes which may personally and

professionally affect them." (see Attachment A-7). This recommendation was largely ignored. In fact, the trustees justified their inaction to WASC in a 1995 follow-up report noting that the "faculty and staff do not have a major role in the decision making process" at Kamehameha and that "when changes are made, all KSBE staff members are *informed* of the rationale for such changes" and the timing of them (see Attachment A-8; emphasis added). If the 23 actions plans to be submitted to WASC in several months are similarly ignored, our accreditation could be in serious jeopardy.

For all of the above reasons, we call for the immediate removal of the entire Board of Trustees and ask the court to place the estate in receivership. Although perhaps not all of the trustees deserve to be removed, their removal at this time would be in the best interest of the School. Each trustee is now overwhelmed by the controversy swirling around them. When your investigation and any other relevant litigation involving the trustees is complete, trustees deemed to have consistently acted in the best interest of Pauahi's trust can be reinstated. Others should be permanently removed.

Today we saw in our classrooms the most important reason for the Board to be immediately removed. Our students have been deeply and personally affected by recent statements Trustee Lindsey offered the media. While they know they are achieving at high levels, they were outraged and bewildered to see themselves and Kamehameha degraded in the manner that Trustee Lindsey employed. We, their teachers, will not let this continue. The controversy must be resolved. Your removal of the Board will allow this resolution to proceed.

We implore you to act upon our request and the requests of others in the community to remove immediately the current Board of Trustees. We see this as absolutely necessary if positive changes are to occur at Kamehameha.

Please contact our interim representatives if you need additional information regarding the above discussion (Gary Obrecht at 239-6235, Charlene Hoe at 239-6518; David Kāwika Eyre at 941-3312, and Carolyn Kēhau Abad at 685-1740).

Submitted by: Nā Kumu o Kamehameha