

TESTIMONY

HB 674 HD1

LATE



Esther Kiaaina

HB 674 HD 1 RELATING TO HAWAIIAN AFFAIRS

Senate Committee on Water, Land, Agriculture & Hawaiian Affairs

March 10, 2010
229

2:45 p.m.

Room

The Office of Hawaiian Affairs (OHA) **STRONGLY OPPOSES** HB 674 HD 1. Our objections center on three issues: 1) the Legislature's attempt to direct the expenditure of public land trust fund resources to fund specific programs, specifically Hoʻokulāiwi, Achieving the Dream, and the Hawai'i Institute of Marine Biology; 2) the method of providing funds to these "set aside" programs; and 3) the reallocation of trust funds and general funds to these set asides. However, OHA's opposition to the bill should not be interpreted as a lack of support for these three programs.

The Bill Inappropriately Attempts to Control the Use of OHA Trust Funds

We respectfully submit that by directing OHA's trust fund resources to fund the programs named above through budget provisos, the Legislature is overstepping its bounds and disrespecting the authority and decision-making duties of the OHA Trustees. This is a grave concern.

Opinion No. 03-04 of the Department of the Attorney General states on page 2:

The State Constitution expressly makes native Hawaiians the beneficiaries of the § 5(f) trust lands, see Haw. Const. Art XII, § 4, directs the Legislature to quantify the extent of native Hawaiians' interest in ceded land receipts, see Haw. Const. art. XII, § 6, and makes the elected trustees of OHA, not the Legislature, responsible for determining how the native Hawaiians' portion of ceded land receipts are spent to further § 5(f)'s purposes, see Haw. Const. art. XII, §§ 5 and 6. [emphasis added]

Page 8 of the Attorney General's opinion states:

LATE TESTIMONY

The Constitution limits the Legislature's role to quantifying the extent of the native Hawaiians ceded land interest. Responsibility for "controlling" the native Hawaiians' share and determining how best to use it to better the conditions of native Hawaiians is exclusively that of the trustees of OHA... [emphasis added]

Underpinning the Attorney General's opinion is, among other things, Article XII, § 5 of the State Constitution, which states that "OHA shall hold title to all the real and personal property now or hereafter set aside or conveyed to it which shall be held in trust for native Hawaiians."

In light of the above, we believe that the Legislature lacks authority to direct the expenditure of OHA's trust fund resources as set forth in the bill. Furthermore, the bill does not show respect for the traditional fiduciary roles and responsibilities of a trustee.

The Bill Would Undermine the Rigorous Vetting Process and Level Playing Field for Those Who Seek OHA Funding

Generally, programs that seek funding from OHA go through our rigorous grants review process. Moreover, our grants process ensures that our Board of Trustees retains final approval authority on the expenditure of trust funds.

Funding the three programs through specific budget provisos circumvents the OHA vetting process. Furthermore, the preferential treatment afforded to the programs by the bill creates a negative perception that there is no level playing field for programs seeking OHA funding and diminishes the public's confidence in government's ability to allocate resources in a fair, prudent, and effective way.

This bill would set a bad precedent and open the doors for others to lobby the Legislature for funding for their programs through "set asides" in the OHA budget law. Such set asides can be avoided by the entities going through the grant process under Chapter 42F, HRS, or through direct appropriations.

The Bill's Reallocation of OHA Resources Would Harm Existing OHA Programs and Services

The reallocation of OHA's general and trust fund resources to fund the three programs identified above will mean a reduction in resources to fund existing programs and services at

LATE TESTIMONY

OHA. This will have a direct negative impact on Native Hawaiian beneficiaries who benefit from these services.

OHA recognizes that Hoʻyokulāiwi, Achieving the Dream and the Hawaiʻi Institute of Marine Biology are successful programs that provide positive benefits to the Native Hawaiian community. In fact, from FY 2008 to FY 2010, hundreds of thousands of dollars in OHA's trust fund resources were allocated to the Hoʻyokulāiwi program. However, approval of the allocation of resources to this program occurred after a thorough review of the funding request in light of all of OHA's priorities and other competing applications for funds.

The following example demonstrates the direct negative impact of this bill. At the direction of the Legislature in Sections 5, 6, and 7 of Act 140, SLH 2009, OHA procured and funded contracts utilizing OHA 175 funds.

Should funding be reallocated from OHA 175 as proposed in the current measure, funding for these procured contracts would then become "unavailable," threatening the continued existence of these programs and services to OHA's beneficiaries.

Based on the above objections, we ask that your Committee hold this bill.

Thank you for the opportunity to testify.

LINDA LINGLE
GOVERNOR
STATE OF HAWAII



KAULANA H. R. PARK
CHAIRMAN
HAWAIIAN HOMES COMMISSION

ANITA S. WONG
DEPUTY TO THE CHAIRMAN

ROBERT J. HALL
EXECUTIVE ASSISTANT

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

P.O. BOX 1879
HONOLULU, HAWAII 96805

TESTIMONY OF KAULANA H. R. PARK, CHAIRMAN
HAWAIIAN HOMES COMMISSION
BEFORE THE SENATE COMMITTEE ON WATER, LAND, AGRICULTURE AND
HAWAIIAN AFFAIRS

ON HB 674 HD 1 - RELATING TO HAWAIIAN AFFAIRS

March 10, 2010

Chair Hee, Vice-Chair Tokuda and Members of the Committee:

The Department of Hawaiian Home Lands supports the intent of HB 674, which provides financial support to Ho'okulāiwi: 'Aha Ho'ona'auao 'Ōiwi, a program that prepares teachers for Native Hawaiian communities.

This program is planned to be housed in the Nānākuli Village Center which has been identified as a Priority Project in our Nānākuli Regional Plan. The Department has provided support for the Nānākuli Village Center by issuing a license for a 13.57-acre parcel and awarding a \$48,450 grant for the development of the center to the Nānākuli Hawaiian Homestead Community Association in West O'ahu.

As we have previously testified on an identical measure previously heard by your committee, our concern is that passage of this bill may impact priorities set forth in the Executive Supplemental Budget for Fiscal Year 2010-2011.

Thank you for your consideration of our testimony.

LATE TESTIMONY

Malia Rivera, Ph.D
Support

The Senate
Committee on Water, Land, Agriculture and Hawaiian Affairs
RE: Support for HB674 HD1

March 9, 2010

Dear Senator Hee and members of the committee:

I am writing this letter to express my support for HB674 HD1 Section 9 relating to marine science research training for local students and students of native Hawaiian ancestry at the Hawai'i Institute of Marine Biology. As a local student born and raised in Hawai'i, I was fortunate enough to receive training in a marine biology lab under a similar research internship program at UH. The experience gave me the confidence I needed to pursue becoming a graduate student at UH, getting a Master's degree in Zoology. I then went on to complete my Ph.D. in marine population genetics at the University of California at Berkeley, and I am proud to say I now hold a faculty position with the University of Hawai'i at Mānoa. Note I submit this statement as personal testimony; my statements do not represent an institutional position of the University.

I strongly believe that the internship opportunity I had as an undergraduate had a significant impact on my life, both personally and professionally. Despite my lifelong interest in science, I probably would not have even considered pursuing a scientific research career if I had not been part of such a program, being greatly influenced by my mentors during the internship. The experience gave me not only the hands on research experience I needed, but gave me that 'leg up' to succeed in a competitive field of study and demanding career track. More importantly, it gave me the confidence that local kids like myself so often lack, but truly need, in order to be successful in careers in science and research. Often high school students or recent graduates I meet tell me how much they would love to go into marine science, but don't even try because they say they are 'not smart enough' or don't think they could compete.

Today as a faculty member at UH, much of my time is dedicated to creating pathways for local students into science studies and career tracks, a pursuit that is very much modeled after my personal experience. There is still much work to be done in closing the gap for Hawai'i's students in the science and math fields, and programs such as the one proposed in HB674 HD1 are crucial to this endeavor. I fully support the measure proposed as it would be of invaluable benefit to our island students, and the State of Hawai'i.

Thank you for the opportunity to provide comments.

Aloha,



Malia Rivera, Ph.D.

LATE TESTIMONY

To: Senator Clayton Hee, Chair, Committee on Water, Land, Agriculture, and Hawaiian Affairs
Senator Jill Tokuda, Vice-Chair, Committee on Water, Land, Agriculture, and Hawaiian Affairs
Members, Senate Committee on Water, Land, Agriculture, and Hawaiian Affairs

Date: March 10, 2010

Subject: Testimony in Support of House Bill 674 HD1: Relating to Hawaiian Affairs
Hearing Date: March 10, 2010 at 2:45 p.m.

Aloha mai kākou:

Mahalo nui for this opportunity to present testimony on HB674 HD1

I strongly support HB674 HD1 which provides funds to support critically needed Native Hawaiian educational and cultural programs and initiatives. In particular, I particularly support Section 9A, which includes the provision of funds to support the Sovereign Councils of the Hawaiian Homelands Assembly (SCHHA)/Hookulaiwi Partnership. This legislation offers the SCHHA/Hookulaiwi Partnership the privilege of partnering with the Office of Hawaiian Affairs and the Department of Hawaiian Home Lands for the common purpose of providing educational opportunities for Native Hawaiians.

As you know, the SCHHA oversees the 30,000 beneficiaries of the Hawaiian Home Lands Trust. The UH Manoa Hookulaiwi Center for Native Hawaiian and Indigenous Education is the educational arm of the SCHHA. The Ho'okulaiwi program has already garnered tremendous community support because those in the community (children, parents, teachers, and community leaders) have already seen the impact of the Ho'okulaiwi program, where locally grown teachers are trained and prepared through the application of the best educational theories, while simultaneously taking into account the local context and culture.

At the moment, Ho'okulaiwi through its partnership at Kawaihuelani Center for Hawaiian Language of UH Mānoa, and the Hawai'i State DOE Hawaiian Immersion Program are providing inservice training for current Hawaiian Immersion teachers and pre-service training for Ho'okulaiwi graduate students focusing on a new Hawaiian language pedagogy. This new pedagogy has been developed here in Hawai'i, in our classes at Ānuenu School and Pū'ōhala Elementary Schools over the past 10 years. It is a pedagogy, while still in progress, that is being piloted as we speak, and is already showing much promise in shifting the teacher's knowledge and understanding of Hawaiian, their ideas about their role in teaching Hawaiian, and is providing them with new ideas about how they can change the children's Hawaiian language by shifting the way they interact and speak with the children. Most importantly, there is already feedback from the teacher's that the children's use of Hawaiian is shifting as well.

As part of this project, 31 brand new Hawaiian languages have recently been published to support the teachers' shift in pedagogy. The books are designed to foster acquisition of specific language structures, (including high level grammatical structures such as relative clauses, which is the most complex and difficult structure for children to acquire) vocabulary, and cultural norms. Sets of these 31 books have already been provided to every Hawaiian Immersion teacher, classroom, and library at all Hawaiian Immersion schools across the state, including the 3 Ni'ihau Schools, as well as to every family with a child in these schools. Preliminary feedback is that there has already been a huge impact on the literacy development of children, where even kindergarten children can now read all 31 books.

Legislative findings clearly show that there is a critical need for excellent teachers, curriculum developers, researchers, teacher educators, and educational leaders, especially to work with Native Hawaiian communities. Now, more than ever, a concerted effort is needed to raise educational opportunities for Native Hawaiians. Ho'okulaiwi and its partnership with Kawaihuelani and the DOE Hawaiian Immersion Program are at the cutting edge with respect to Hawaiian language. As such I strongly support the concerted effort that is reflected in the goals of the SCHHA/Hookulaiwi Partnership:

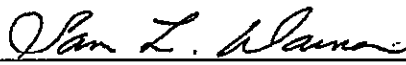
LATE TESTIMONY

- o To prepare teachers for the Department of Education Hawaiian Language Immersion Program; for Title I schools with large numbers of Hawaiian children (especially those schools in Hawaiian Homestead communities); and for Hawaiian charter schools; and
- o To prepare Native Hawaiian educational leaders in areas such as curriculum research, school administration, and teacher education through study at the master's and doctoral levels

The SCHHA/Hookulaiwi Partnership has a proven history of preparing excellent educators who are well grounded in both the Hawaiian and Western languages and cultures and who are committed to ensuring the educational well-being of Hawaii's diverse population of children, especially Native Hawaiian children. This effort will grow exponentially if the SCHHA/Hookulaiwi Partnership is established as a permanent part of the University of Hawaii system. Lasting systemic changes in the quality of education and in the academic outcomes for Hawaii's children in Hawaii's public schools must be given the highest priority by Hawaii's lawmakers.

In conclusion, I stand in strong support of HB674 HD1 and send my sincere aloha to those legislators who have demonstrated their unwavering advocacy for public education in Hawaii.

Name: Sam L. Warner

Signature: 

Organization: Kawaihuelani Center for Hawaiian Language

2540 Maile Way, Spalding 253, University of Hawai'i at Mānoa, Honolulu, Hawai'i 96822

LATE TESTIMONY

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 10, 2010 12:53 PM
To: WTLTestimony
Cc: annie@schha.org
Subject: Testimony for HB674 on 3/10/2010 2:45:00 PM

Testimony for WTL 3/10/2010 2:45:00 PM HB674

Conference room: 229
Testifier position: support
Testifier will be present: No
Submitted by: Annie K. Au Hoon
Organization: Individual
Address: 2136 Kapahu St. Honolulu, HI 96813
Phone: 808.529.1627
E-mail: annie@schha.org
Submitted on: 3/10/2010

Comments:

LATE TESTIMONY

To: Senator Clayton Hee, Chair, Water, Agriculture, and Hawaiian Affairs Committee
 Senator Tokuda, Vice-Chair, Water, Agriculture, and Hawaiian Affairs Committee

Fr: Michael Kahikina, Legislative Chair SCHHA *MK*

Date: March 7, 2010

Subject: Testimony in **SUPPORT** for **HB 674 HD1**:
 Relating to Hawaiian Affairs

Hearing Date: March 11, 2010 at 2:45pm

Aloha mai Kakou:

HB 674 HD1 represents the budget provisos that were publicly voted upon on April 30, 2009, in open budget session by the Conference Committee members, but were inadvertently deleted from the final budget document. As a result of the inadvertent omission of these items, this measure was introduced by Representative Carroll to rectify the omission and to include the legislation in the 2010 budget. Similarly, SB 2391 was co-introduced by Senators Hanabusa, Kim and Hee for the same purpose.

I stand in strong support of HB 674 HD1 which provides funds to support critically needed Native Hawaiian educational and cultural programs and initiatives. In particular, I support Section 9A, which includes the provision of matching funds to support the Sovereign Councils of the Hawaiian Homelands Assembly (SCHHA)/Hookulaiwi Partnership to provide a teacher certification program for the people on the island of Moloka'i. This legislation offers the SCHHA/Hookulaiwi Partnership the privilege of partnering with the Office of Hawaiian Affairs and the Department of Hawaiian Home Lands for the common purpose of providing educational opportunities for Native Hawaiians.

As you know, the SCHHA oversees the 30,000 beneficiaries of the Hawaiian Home Lands Trust. The UH Manoa Hookulaiwi Center for Native Hawaiian and Indigenous Education is the educational arm of the SCHHA. Legislative findings clearly show that there is a critical need for excellent teachers, curriculum developers, researchers, teacher educators, and educational leaders, especially to work with Native Hawaiian communities. Now, more than ever, a concerted effort is needed to raise educational opportunities for Native Hawaiians. This type of concerted effort is reflected in the goals of the SCHHA/Hookulaiwi Partnership:

- o To prepare teachers for the Department of Education Hawaiian Language Immersion Program; for Title I schools with large numbers of Hawaiian children (especially those schools in Hawaiian Homestead communities); and for Hawaiian charter schools; and
- o To prepare Native Hawaiian educational leaders in areas such as curriculum research, school administration, and teacher education through study at the master's and doctoral levels

The SCHHA/Hookulaiwi Partnership has a proven history of preparing excellent educators who are well grounded in both the Hawaiian and Western languages and cultures and who are committed to ensuring the educational well-being of Hawaii's diverse population of children, especially Native Hawaiian children. This effort will grow exponentially if the SCHHA/Hookulaiwi Partnership is established as a permanent part of the University of Hawaii system. Lasting systemic changes in the quality of education and in the academic outcomes for Hawaii's children in Hawaii's public schools must be given the highest priority by Hawaii's lawmakers.

In conclusion, I stand in strong support of **HB 674 HD1** and send my sincere Aloha to those legislators who have demonstrated their unwavering advocacy for public education in Hawaii.

LATE TESTIMONY

To: Senator Clayton Hee, Chair, Committee on Water, Land, Agriculture, and Hawaiian Affairs
Senator Jill Tokuda, Vice-Chair, Committee on Water, Land, Agriculture, and Hawaiian Affairs
Members, Senate Committee on Water, Land, Agriculture, and Hawaiian Affairs

Date: March 10, 2010

Subject: Testimony in Support of House Bill 674 HD1: Relating to Hawaiian Affairs
Hearing Date: March 10, 2010 at 2:45 p.m.

Aloha mai kākou:

Mahalo nui for this opportunity to present testimony on HB674 HD1

I strongly support HB674 HD1 which provides funds to support critically needed Native Hawaiian educational and cultural programs and initiatives. In particular, I particularly support Section 9A, which includes the provision of funds to support the Sovereign Councils of the Hawaiian Homelands Assembly (SCHHA)/Hookulaiwi Partnership. This legislation offers the SCHHA/Hookulaiwi Partnership the privilege of partnering with the Office of Hawaiian Affairs and the Department of Hawaiian Home Lands for the common purpose of providing educational opportunities for Native Hawaiians.

As you know, the SCHHA oversees the 30,000 beneficiaries of the Hawaiian Home Lands Trust. The UH Manoa Hookulaiwi Center for Native Hawaiian and Indigenous Education is the educational arm of the SCHHA. The Ho'okulāiwi program has already garnered tremendous community support because those in the community (children, parents, teachers, and community leaders) have already seen the impact of the Ho'okulāiwi program, where locally grown teachers are trained and prepared through the application of the best educational theories, while simultaneously taking into account the local context and culture.

At the moment, Ho'okulāiwi through its partnership at Kawaihuelani Center for Hawaiian Language of UH Mānoa, and the Hawai'i State DOE Hawaiian Immersion Program are providing inservice training for current Hawaiian Immersion teachers and pre-service training for Ho'okulāiwi graduate students focusing on a new Hawaiian language pedagogy. This new pedagogy has been developed here in Hawai'i, in our classes at Ānuenu School and Pū'ōhala Elementary Schools over the past 10 years. It is a pedagogy, while still in progress, that is being piloted as we speak, and is already showing much promise in shifting the teacher's knowledge and understanding of Hawaiian, their ideas about their role in teaching Hawaiian, and is providing them with new ideas about how they can change the children's Hawaiian language by shifting the way they interact and speak with the children. Most importantly, there is already feedback from the teacher's that the children's use of Hawaiian is shifting as well.

As part of this project, 31 brand new Hawaiian languages have recently been published to support the teachers' shift in pedagogy. The books are designed to foster acquisition of specific language structures, (including high level grammatical structures such as relative clauses, which is the most complex and difficult structure for children to acquire) vocabulary, and cultural norms. Sets of these 31 books have already been provided to every Hawaiian Immersion teacher, classroom, and library at all Hawaiian Immersion schools across the state, including the 3 Ni'ihau Schools, as well as to every family with a child in these schools. Preliminary feedback is that there has already been a huge impact on the literacy development of children, where even kindergarten children can now read all 31 books.

Legislative findings clearly show that there is a critical need for excellent teachers, curriculum developers, researchers, teacher educators, and educational leaders, especially to work with Native Hawaiian communities. Now, more than ever, a concerted effort is needed to raise educational opportunities for Native Hawaiians. Ho'okulāiwi and its partnership with Kawaihuelani and the DOE Hawaiian Immersion Program are at the cutting edge with respect to Hawaiian language. As such I strongly support the concerted effort that is reflected in the goals of the SCHHA/Hookulaiwi Partnership:

LATE TESTIMONY

- To prepare teachers for the Department of Education Hawaiian Language Immersion Program; for Title I schools with large numbers of Hawaiian children (especially those schools in Hawaiian Homestead communities); and for Hawaiian charter schools; and
- To prepare Native Hawaiian educational leaders in areas such as curriculum research, school administration, and teacher education through study at the master's and doctoral levels

The SCHHA/Hookulaiwi Partnership has a proven history of preparing excellent educators who are well grounded in both the Hawaiian and Western languages and cultures and who are committed to ensuring the educational well-being of Hawaii's diverse population of children, especially Native Hawaiian children. This effort will grow exponentially if the SCHHA/Hookulaiwi Partnership is established as a permanent part of the University of Hawaii system. Lasting systemic changes in the quality of education and in the academic outcomes for Hawaii's children in Hawaii's public schools must be given the highest priority by Hawaii's lawmakers.

In conclusion, I stand in strong support of HB674 HD1 and send my sincere aloha to those legislators who have demonstrated their unwavering advocacy for public education in Hawaii.

Name: Sam L. Warner

Signature: 

Organization: Kawaihuelani Center for Hawaiian Language

2540 Maile Way, Spalding 253, University of Hawai'i at Mānoa, Honolulu, Hawai'i 96822

TESTIMONY
HB 674 HD1

LATE
(END)