

MAR 13 2013

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# SENATE CONCURRENT RESOLUTION

REQUESTING THE UNITED STATES DEPARTMENT OF EDUCATION AND THE HAWAII DEPARTMENT OF EDUCATION TO DEVELOP AND IMPLEMENT A STANDARDIZED ASSESSMENT TEST IN THE HAWAIIAN LANGUAGE THAT MEETS OR EXEMPTS HAWAIIAN LANGUAGE IMMERSION SCHOOLS FROM THE STANDARDS OF THE FEDERAL NO CHILD LEFT BEHIND ACT OF 2001 AND MORE ACCURATELY MEASURES THE ACADEMIC ACHIEVEMENT OF HAWAIIAN LANGUAGE IMMERSION STUDENTS.

1           WHEREAS, the Hawaiian language has a unique importance to  
2 the State and is recognized under article XV, section 4, the  
3 Hawaii State Constitution as an official language of the State;  
4 and

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6           WHEREAS, article X, section 4, of the Hawaii State  
7 Constitution requires that the State promote the study of the  
8 Hawaiian culture, history, and language and provide for a  
9 Hawaiian education program consisting of language, culture, and  
10 history in public schools; and

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12           WHEREAS, the Hawaiian language was once a thriving language  
13 used by Native Hawaiians and foreigners alike; and

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15           WHEREAS, by the late twentieth century, the Hawaiian  
16 language was pushed to the brink of extinction due to a number  
17 of factors, including an 1896 law that functioned to ban the  
18 speaking of the Hawaiian language in Hawaii's schools; and

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20           WHEREAS, the Hawaiian language was saved by several  
21 historic initiatives, including the Department of Education's  
22 Hawaiian language immersion program, which was launched in the  
23 1980s; and

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25           WHEREAS, today, the Hawaiian language immersion program is  
26 offered at twenty-one public schools and educates more than two  
27 thousand students in kindergarten through the twelfth grade; and  
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1           WHEREAS, the assessments required by the No Child Left  
2 Behind Act of 2001 (No Child Left Behind) present a challenge  
3 for the Hawaiian immersion program; and  
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5           WHEREAS, because English is not formally introduced in the  
6 Hawaiian immersion program classrooms until the fifth grade,  
7 third and fourth graders take assessments in the Hawaiian  
8 language to comply with the requirements of No Child Left  
9 Behind; and  
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11           WHEREAS, Hawaiian language immersion students in the fifth  
12 grade are then expected to take the Hawaii State Assessment in  
13 English for the first time; and  
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15           WHEREAS, Hawaiian language immersion educators find these  
16 English language-based standardized assessment unfair and are  
17 calling for the development of standardized assessments in the  
18 Hawaiian language, especially because the Hawaii State  
19 Assessments are tied to the performance indicators and  
20 benchmarks pursuant to No Child Left Behind; and  
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22           WHEREAS, there is considerable pressure for publicly funded  
23 schools to achieve No Child Left Behind standards because  
24 schools that fail to achieve adequate yearly progress in student  
25 proficiency for two consecutive years may be subject to varying  
26 sanctions, including state intervention and the replacement of  
27 school staff; and  
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29           WHEREAS, furthermore, some Hawaiian language immersion  
30 educators are requesting the federal government to grant an  
31 exemption from English language-based testing standards and  
32 other No Child Left Behind mandates because these requirements  
33 present obstacles for Hawaiian language immersion schools and  
34 potentially jeopardize these Hawaiian language immersion  
35 programs that are vital to maintaining and perpetuating the  
36 Native Hawaiian language; and  
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38           WHEREAS, Hawaiian language immersion educators and  
39 advocates urge the federal government to develop a fair method  
40 of testing Hawaiian language immersion students; and  
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42           WHEREAS, in December 2012, 'Aha Kauleo, the statewide  
43 advisory council for the Department of Education's Hawaiian



1 language immersion program, urged parents of Hawaiian language  
2 immersion students to not allow their children to take the  
3 Hawaii State Assessment translated in the Hawaiian language  
4 because the test was inaccurate; and

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6 WHEREAS, advocates state that the No Child Left Behind  
7 standards conflicts with the Native American Languages Act of  
8 1990, which defines Native Americans as Indians, Native  
9 Hawaiians, or Native Pacific Islanders; and

10  
11 WHEREAS, the Native American Languages Act of 1990  
12 recognizes that the traditional languages of Native Americans  
13 are an integral part of their cultures and identities and form  
14 the basic medium for the transmission, and thus survival, of  
15 Native American cultures, literatures, histories, religions,  
16 political institutions, and values; and

17  
18 WHEREAS, the Native American Languages Act of 1990 also  
19 declares as a federal policy the encouragement and support for  
20 the use of Native American languages as a medium of instruction  
21 in order to encourage and support:

- 22  
23 (1) Native American language survival;  
24  
25 (2) Educational opportunity;  
26  
27 (3) Increased student success and performance;  
28  
29 (4) Increased student awareness and knowledge of their  
30 culture and history; and  
31  
32 (5) Increased student and community pride; and

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34 WHEREAS, accordingly, the Department of Education must  
35 provide the students with an assessment system that more  
36 accurately measures their academic achievement; and

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38 WHEREAS, the Legislature is aware that the Board of  
39 Education is currently reviewing issues regarding assessments as  
40 part of its development of a comprehensive Hawaiian studies  
41 program within Hawaii's public school system; now, therefore,  
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43 BE IT RESOLVED by the Senate of the Twenty-seventh  
44 Legislature of the State of Hawaii, Regular Session of 2013, the



1 House of Representatives concurring, that the United States  
2 Department of Education and the Hawaii Department of Education  
3 are requested to develop and implement a standardized assessment  
4 test in the Hawaiian language that meets or exempts Hawaiian  
5 language immersion school from the standards of the federal No  
6 Child Left Behind Act of 2001 and more accurately measures the  
7 academic achievement of Hawaiian language immersion students;  
8 and  
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10 BE IT FURTHER RESOLVED that in developing a standardized  
11 assessment test in the Hawaiian language, the United States  
12 Department of Education and the Hawaii Department of Education  
13 consult with representatives from the following entities:  
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- 15 (1) Hawaiian language immersion schools;
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- 17 (2) The University of Hawaii System;
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- 19 (3) The Office of Hawaiian Affairs;
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- 21 (4) Kamehameha Schools; and
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- 23 (5) Any other entity or organization the departments deems  
24 relevant; and  
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26 BE IT FURTHER RESOLVED that the Hawaii Department of  
27 Education is requested to report findings and recommendations to  
28 the Legislature no later than twenty days prior to the convening  
29 of the Regular Session of 2014; provided that the Department of  
30 Education is requested to include in its report:  
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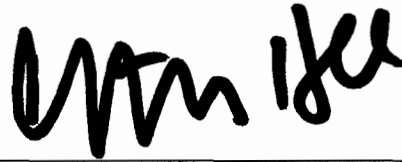
- 32 (1) A timeline for when specific grade levels will be able  
33 to take assessments in language arts, mathematics, and  
34 science in the Hawaiian language;  
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- 36 (2) A summary of the discussion and any decisions  
37 regarding exempting Hawaiian language immersion  
38 schools from English language-based testing standards  
39 and other No Child Left Behind mandates;  
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- 41 (3) Any proposed legislation; and  
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- 43 (4) Any requests for necessary funding; and  
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1 BE IT FURTHER RESOLVED that certified copies of this  
2 Concurrent Resolution be transmitted to the Secretary of the  
3 United States Department of Education, Superintendent of  
4 Education, Chairperson of the Board of Education, President of  
5 the University of Hawaii System, Chief Executive Officer of the  
6 Office of Hawaiian Affairs, and Chief Executive Officer of  
7 Kamehameha Schools.

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OFFERED BY:

A large, bold, handwritten signature in black ink, appearing to read "M. M. I. H. C.", positioned above a horizontal line.A smaller, cursive handwritten signature in black ink, positioned below a horizontal line.