



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

Date: 02/06/2013

Committee: House Education
House Ocean, Marine Resources, & Hawaiian
Affairs

Department: Education

Person Testifying: Kathryn S. Matayoshi, Superintendent of Education

Title of Bill: HB 1329 RELATING TO HAWAIIAN LANGUAGE IMMERSION PROGRAMS.

Purpose of Bill: Requires DOE to use a specified percentage of its public land trust revenues to fund Hawaiian language immersion programs. Establishes a commission within OHA to oversee the DOE's allocation and use of those public land trust revenues.

Department's Position:

At this time, the Department of Education (Department) does not have a position on HB 1329. In addition, the Department would like to discuss this bill with its Hawaiian Language Immersion Program stakeholders. Respectfully, the Department requests clarification regarding the role of the proposed Hawaii language immersion program commission. Positions taken will be subsequently shared with the appropriate legislative committees. Bills relating to public education with policy, program, and fiscal implications are being reviewed by the Hawaii State Board of Education (Board) during its General Business Meetings.

Furthermore, the Department would like to ensure that the Board, as provided by law, continues to formulate statewide educational policy (Article X, Section 3, Hawaii State Constitution) and any implementation of HB 1329 would not impact or replace priorities set forth in the Department's Budget for Fiscal Biennium 2013-2015.



HB1329
RELATING TO HAWAIIAN LANGUAGE IMMERSION PROGRAMS
House Committee on Education
House Committee on Ocean, Marine Resources, & Hawaiian Affairs

February 6, 2013

2:10 p.m.

Room 309

The Office of Hawaiian Affairs (OHA) administration will recommend that the OHA Board of Trustees **OPPOSE** HB1329, which would

- place a newly established Hawaiian Language immersion program commission within OHA, and
- require that the Department of Education (DOE) allocate a percentage of its public land revenues to fund the Hawaiian Language Immersion Program.

OHA strongly supports the Hawaiian Language Immersion Program and recognizes that the historical lack of adequate funding has hindered its ability to fully function. OHA has directly funded a number of different Hawaiian immersion projects and activities and has previously submitted legislation that would have increased funding to the program. In light of this, OHA notes for this committee that OHA's administration supports the **spirit and general intent** of HB1329.

However, OHA's Board of Trustees has a policy that requires the Board of Trustees to oppose any legislative measure that places an entity into OHA, or that requires an OHA funding allocation, without prior consultation with, and approval by, the Board of Trustees. OHA has a responsibility to commit its financial and human resources to furthering its statutory mandate of bettering the conditions of Native Hawaiians. Before committing our resources to any legislative initiative, the OHA Board of Trustees needs the opportunity to weigh the costs and benefits to OHA's beneficiaries. **However, we are unable to conduct such an evaluation for this initiative because the bill is unclear regarding the operation and administration of the commission, particularly with respect to administrative staffing and operating and administrative costs.** Moreover, the DOE is the more appropriate agency to administer the commission, as it has the **regulatory authority and expertise to oversee matters of education.**

OHA generally supports allocations by the DOE to the Hawaiian language immersion programs. As an enumerated purpose of the Admissions Act OHA's administration thinks that it is appropriate to use public land trust revenue for

public education purposes. OHA does, however, have suggested amendments to the language of HB1329, to avoid **the same kind of confusion that has occurred in the past regarding OHA's pro rata share of the public land trust.** Section 10-13.5, Hawai'i Revised Statutes, requires that OHA receive 20 percent of "all funds derived from the public land trust." But exactly what formula should be used to determine the 20 percent remains unresolved and may be even further clouded by this additional carve-out. We recommend inserting a fixed dollar amount to be allocated to the Hawaiian Language Immersion Program from the Department of Education's revenue. Moreover, we request that the following language be inserted in a new subsection (c) at page 3, line 14:

"Nothing in this section shall diminish the revenues owed to the office of Hawaiian affairs pursuant to Act 178, session laws of Hawaii 2006, or any other law providing for the office of Hawaiian affairs' pro rata portion of the public land trust, pursuant to article XII, section 6, of Hawaii's constitution."

Mahalo for the opportunity to testify on this important measure.

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Unity, Equality, Aloha for All

To: EDN/OMH, FIN
From: Kenneth R. Conklin, Ph.D.
Re: HB1329
Date: February 1, 2013
TESTIMONY IN OPPOSITION

Three strikes and you're out!

1. OHA already receives 20% of the gross revenues from the ceded lands, including the lands owned by DOE. Taxpayers pay for all the infrastructure, capital improvements, and operating expenses; and OHA takes 20% off the top of the gross revenue without deducting those expenses (actual net income would be less than zero, especially for DOE properties). Now an additional slice of ceded land revenues is to be given away for a program OHA wants? Don't the DOE teachers want a raise? Are the kids getting the textbooks and supplies they deserve? Are you seriously proposing to take money away from the children and teachers of math and science to give to the bureaucratic warm-body positions this bill would create?
2. Consider how well the whole concept of allocating a specific percentage of public land revenues has worked. How many lawsuits have been spawned by this concept? Will there now be calls to create an inventory of these lands (to determine exactly how much revenue is owed)? Will the language immersion commission proposed in this bill start filing lawsuits if DOE wants to sell any parcel of its land (because such a sale would reduce future revenues it would be entitled to)? Have we not yet learned that this concept is a nightmare?
3. OHA has about \$600 Million in assets, mostly invested outside Hawaii. OHA was created for the purpose of coordinating and funding this sort of program. Let OHA pay for it.

ohno2-Jun

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 05, 2013 8:48 PM
To: EDNtestimony
Cc: crystalkpaul@yahoo.com
Subject: *Submitted testimony for HB1329 on Feb 6, 2013 14:10PM*

HB1329

Submitted on: 2/5/2013

Testimony for EDN/OMH on Feb 6, 2013 14:10PM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Crystal Kia Paul	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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