

JAN 25 2017

---

---

# A BILL FOR AN ACT

RELATING TO HIGHER EDUCATION.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that Hawaiian is an  
2 official language of the State, and the legislature has a unique  
3 responsibility to assure that opportunities are available to use  
4 and study the Hawaiian language. Over the past three decades,  
5 the legislature has carried out this responsibility through  
6 forming the basis of the current system of preschool through  
7 doctoral level education in Hawaiian.

8           Leadership from the legislature began in 1986 with removal  
9 of a barrier to use Hawaiian as a medium of education. Shortly  
10 thereafter, the legislature mandated the creation of a Hawaiian  
11 language center to produce Hawaiian medium educational materials  
12 and teacher support and a bachelor's degree administered through  
13 Hawaiian. Then, in 1997, the legislature required that a  
14 Hawaiian language college be built that include additional  
15 degrees related to Hawaiian. Before the legislature took  
16 action, less than fifty children in the State were proficient in  
17 Hawaiian. Today, U.S. Census data indicates Hawaiian is the



1 largest non-English language spoken in Hawaii among children  
2 ages five to seventeen, many of whom include over three thousand  
3 students from preschool through twelfth grade that are enrolled  
4 in schools that predominantly teach Hawaiian language and  
5 culture.

6 The legislature finds that S.R. No. 97, S.D. 1, regular  
7 session 2015 initiated the creation of a working group to  
8 consider restructuring the Hawaiian language college to best  
9 serve the needs of the State, and to examine the expansion of  
10 the Hawaiian language instruction throughout the University of  
11 Hawaii system and the role of the Hawaiian language college in  
12 such systemwide expansion. One of the issues presented to the  
13 working group was that the existing structure of the University  
14 of Hawaii system, which mirrors the structure of English  
15 language medium sized institutions of higher education, is not  
16 optimal for a state with two official languages. The working  
17 group submitted a report with recommendations to the  
18 legislature, including the creation of an indigenous university  
19 college model to assist with streamlining and maximizing the use  
20 of scarce financial, human, and time resources.



1           The legislature recognizes that 2017 represents the  
2 twentieth anniversary of its passage of legislation mandating  
3 the establishment of the Hawaiian language college, which  
4 provided key support for Hawaiian language medium education.  
5 The recently constructed building of the Hawaiian language  
6 college provides an opportunity for the college to expand its  
7 services and reach, and to establish itself as an international  
8 leader and innovator in indigenous language medium education.  
9 The legislature also recognizes, however, that in order to  
10 continue addressing the challenges of revitalizing the Hawaiian  
11 language and expanding its reach, the Hawaiian language college  
12 must be granted greater governing autonomy.

13           The purpose of this Act is to create the Hawaiian language  
14 university college and transfer the University of Hawaii at Hilo  
15 Hawaiian language college's rights, duties, powers, and  
16 functions to the Hawaiian language university while maintaining  
17 some shared functions between the two entities, thus  
18 establishing an indigenous university college model for Ka Haka  
19 'Ula o Ke'elikōlani.

20           SECTION 2. Chapter 304A, part IV, subpart C, Hawaii  
21 Revised Statutes, is amended to read as follows:



1 "C. Hawaiian Language University College

2 ~~[§304A-1301]~~ Hawaiian language university college;

3 establishment. (a) There shall be a Hawaiian language

4 university college [a] that shall be an autonomous entity

5 within the University of Hawaii system; provided that it shall

6 share courses, facilities, students, administrators, faculty,

7 and other resources with the University of Hawaii at Hilo[. The

8 ~~college shall provide a Hawaiian liberal education program~~

9 ~~providing education primarily through the Hawaiian language.] to~~

10 establish a distinctively indigenous university college model.

11 (b) The Hawaiian language university college shall be

12 internally administered primarily through the Hawaiian language,

13 operate year round, and offer and administer a variety of

14 programs and qualifications. The programs of the university

15 college shall be offered primarily through the Hawaiian language

16 and may be offered worldwide and on through electronic means.

17 ~~[§304A-1302]~~ **Functions.** In addition to providing a

18 quality education primarily through the medium of the Hawaiian

19 language, the Hawaiian language university college shall:

20 (1) Provide an indigenous and minority language outreach

21 program to involve indigenous and minority language



- 1 scholars and to maintain and develop the program's  
2 Polynesian language database;
- 3 (2) Provide a Hawaiian medium teacher training program  
4 incorporating Nawahiokalani'opu'u school and other  
5 schools, as appropriate, as laboratory schools; [~~and~~]
- 6 (3) Maintain a Hawaiian language support center with  
7 educational specialists in the areas of research,  
8 curriculum development, assessment development and  
9 implementation, dictionary and other reference  
10 material development, language development, archival  
11 work, and educational technology[-];
- 12 (4) Provide a specially facilitated general education,  
13 dual enrollment, and shared courses and programs  
14 pathways through the medium of Hawaiian language to  
15 serve students on state high school and college  
16 campuses, using technology as appropriate;
- 17 (5) Develop, pilot, and disseminate other distinctive  
18 pathways, procedures, and rules that provide for the  
19 support and use of the Hawaiian language and other  
20 endangered languages, including use of such language  
21 in government functions; and



1        (6) Have the authority to develop agreements of  
2                    cooperation and reciprocity with other educational  
3                    entities, including agreements with other University  
4                    of Hawaii campuses, to meet the requirements of  
5                    section 304A-1301."

6            SECTION 3. All rights, powers, functions, and duties of  
7 the Hawaiian language college at the University of Hawaii at  
8 Hilo are transferred to the Hawaiian language university college  
9 established by section 2 of this Act.

10        All employees who occupy civil service positions and whose  
11 functions are transferred to the Hawaiian language university  
12 college by this Act shall retain their civil service status,  
13 whether permanent or temporary. Employees shall be transferred  
14 without loss of salary, seniority except as prescribed by  
15 applicable collective bargaining agreements, retention points,  
16 prior service credit, vacation and sick leave credits previously  
17 earned, and other rights, benefits, and privileges, in  
18 accordance with state personnel laws and this Act; provided that  
19 the employees possess the minimum qualifications and public  
20 employment requirements for the class or position to which they  
21 are transferred or appointed; provided further that subsequent

1 changes in status may be made pursuant to applicable civil  
2 service and compensation laws.

3 Any employee who, prior to this Act, was exempt from civil  
4 service and is transferred as a consequence of this Act may  
5 retain the employee's exempt status, but shall not be appointed  
6 to a civil service position as a consequence of this Act. Any  
7 exempt employee who is transferred by this Act shall not suffer  
8 any loss of prior service credit, vacation or sick leave credits  
9 previously earned, or other employee benefits or privileges as a  
10 consequence of this Act; provided that the employees possess  
11 legal and public employment requirements for the position to  
12 which transferred or appointed; provided further that subsequent  
13 changes in status may be made pursuant to applicable employment  
14 and compensation laws. The president of the faculty senate of  
15 the Hawaiian language university college may prescribe the  
16 duties and qualifications of these employees and fix their  
17 salaries without regard to chapter 76, Hawaii Revised Statutes.

18 SECTION 4. The Hawaiian language university college  
19 established pursuant to section 2 of this Act shall be  
20 considered the same entity as the Hawaiian language college of  
21 the University of Hawaii at Hilo for the purposes of receiving



1 any grants, awards, or funding that has been awarded to the  
2 Hawaiian language college of the University of Hawaii at Hilo  
3 prior to the effective date of this Act.

4 SECTION 5. By the end of the 2017-2018 academic year, the  
5 faculty senate of the Hawaiian language university college  
6 established pursuant to section 2 of this Act and the chancellor  
7 of the University of Hawaii at Hilo shall enter into a  
8 memorandum of agreement determining the details of the shared  
9 operations and administration between the Hawaiian language  
10 university college and the University of Hawaii at Hilo. The  
11 memorandum of agreement may be amended as agreed upon by the  
12 faculty senate of the Hawaiian language university college and  
13 the chancellor of the University of Hawaii at Hilo.

14 Upon execution of the memorandum of agreement, the Hawaiian  
15 language university college shall give priority attention to  
16 programs and qualifications that directly serve and provide  
17 resources to preschool through high school students being  
18 educated through Hawaiian, as well as their parents and other  
19 adults affiliated with schooling through Hawaiian.

20 SECTION 6. Statutory material to be repealed is bracketed  
21 and stricken. New statutory material is underscored.

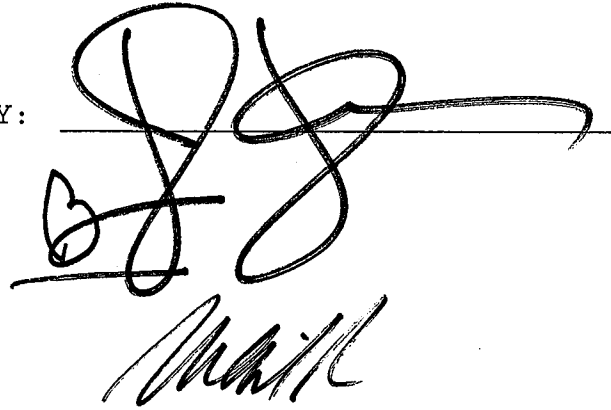




1 SECTION 7. This Act shall take effect upon its approval.

2

INTRODUCED BY:

A handwritten signature in black ink, appearing to be the name "Mark", is written over a horizontal line. The signature is stylized and cursive.

# S.B. NO. 848

**Report Title:**

Hawaiian Language College; University of Hawaii at Hilo;  
Hawaiian Language University College

**Description:**

Establishes the Hawaiian language university college as an autonomous entity within the University of Hawaii system to be located at the University of Hawaii at Hilo. Implements an indigenous university college model by transferring the University of Hawaii at Hilo Hawaiian language college's rights, duties, powers, and functions to the Hawaiian language university college. Mandates the Hawaiian language university college and University of Hawaii at Hilo to enter into a memorandum of agreement by the end of the 2017-2018 academic year to establish shared operations and administration.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

