

JAN 17 2020

A BILL FOR AN ACT

RELATING TO KA PAPA HANA KAIAPUNI COMPLEX AREA SUPERINTENDENT.

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

1 SECTION 1. The legislature finds that ‘ōlelo Hawai‘i, the
2 Hawaiian language, has long been used by the indigenous
3 inhabitants of Hawai‘i to communicate and pass down the customs
4 and traditions that are the foundations of the Hawaiian culture.
5 The Hawaiian language was a thriving one used by native
6 Hawaiians and non-Hawaiians alike. By the latter half of the
7 twentieth century, however, it was pushed to the brink of
8 extinction by a number of factors. One of these factors was a
9 law passed by the newly formed Republic of Hawai‘i in 1896, three
10 years after the 1893 United States-backed overthrow of the
11 Kingdom of Hawai‘i, officially declaring that "[t]he English
12 language shall be the medium and basis of instruction in all
13 public and private schools . . . Any schools that shall not
14 conform to the provisions of this section shall not be
15 recognized by the [d]epartment." Fortunately, several historic
16 initiatives, including the Ka Papahana Kaiapuni program
17 (Kaiapuni program), established under board of education policy



1 105-8, have helped to preserve and revitalize the islands'
2 native language.

3 The legislature further finds that the Kaiapuni program is
4 intended to provide students with Hawaiian bicultural and
5 bilingual education. The program contributes to the
6 continuation of Hawaiian language and culture and offers
7 students an education in the medium of the Hawaiian Language.
8 The comprehensive program combines the use of Hawaiian teaching
9 methodologies, language, history, culture and values to prepare
10 students for college, careers, and to be community contributors
11 within a multicultural society. Today, the Kaiapuni program is
12 offered at twenty-four Hawai'i public schools and as of the 2017-
13 2018 school year, educates more than two-thousand eight-hundred
14 students statewide. Board of education policy 105-8 contains
15 the mandatory goals of the Kaiapuni program, including:

- 16 (1) The development of Kaiapuni curriculum and standards;
17 (2) Establishment of the office of Hawaiian education
18 under the office of the superintendent with the head
19 of the office serving as a member of the
20 superintendent's leadership team;



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1 (3) The requirement that teachers be qualified in both
2 English and Hawaiian as mediums of instruction and be
3 adequately compensated for these additional;
4 qualifications; and

5 (4) Development and proper administration of Kaiapuni
6 program assessments.

7 Despite the many successes of the Kaiapuni program, and the
8 mandatory goals enumerated in board of education policy 105-8,
9 numerous longstanding issues continue to impede the success and
10 growth of Kaiapuni program schools. These issues include the
11 use of lotteries and waiting lists because existing Kaiapuni
12 program schools do not have the capacity to enroll all
13 interested applicants; closing of Kaiapuni program schools and
14 programs within these schools; inconsistent and incongruent use
15 of weighted student formula allocations for Kaiapuni program
16 teacher positions; insufficient facilities and curriculum;
17 shortage of qualified Kaiapuni program teachers; lack of
18 department of education issued report cards based on board of
19 education approved Kaiapuni program standards; lack of special
20 education services; inequitable access to Kaiapuni program
21 schools due to inequities in busing and use of geographic



1 exemptions; and insufficient support and expertise in department
2 of education complex areas. Many of these issues are overlooked
3 or left to individual Kaiapuni program schools to address. The
4 'Aha Kauleo Kaiapuni Hawai'i, the advisory board to the
5 superintendent to guide and support the Kaiapuni program
6 schools, has taken and continues to take a proactive approach
7 for the development and growth of Kaiapuni program schools.

8 The legislature further finds that in 2014 a parent of two
9 school-aged children brought a lawsuit against the department of
10 education due to the lack of a Hawaiian language immersion
11 program on the island of Lāna'i. The lawsuit maintained that the
12 provision of the Hawai'i State Constitution obligating the State
13 to provide for a Hawaiian education in public schools requires
14 the state to provide the plaintiff's children with access to
15 Hawaiian immersion education. According to the lawsuit, while
16 there are Kaiapuni programs providing instruction in the
17 Hawaiian language on the islands of O'ahu, Maui, Moloka'i, Hawai'i
18 and Kaua'i, there are no such programs for students on Lāna'i.
19 The Hawai'i supreme court agreed with the plaintiffs, holding
20 "that the Hawaiian education provision was intended to require
21 the State to institute a program that is reasonably calculated



1 to revive the Hawaiian language. Because the uncontroverted
2 evidence in the record demonstrates that providing reasonable
3 access to Hawaiian immersion education is currently essential to
4 reviving the Hawaiian language, it is a necessary component of
5 any program that is reasonably calculated to achieve that goal.
6 The State is therefore constitutionally required to make all
7 reasonable efforts to provide access to Hawaiian immersion
8 education."

9 The legislature further finds that currently, there are
10 fifteen complex areas in the state's K-12 public education
11 system, and each is overseen by a complex area superintendent.
12 A complex includes a high school plus the elementary and middle
13 schools that feed students into it, and a complex area is a
14 grouping of two or more complexes. The twenty-four Kaiapuni
15 program schools are in various complex areas based on their
16 region. The existing framework is not conducive to the support
17 of Kaiapuni program schools. Establishment of one complex area
18 for all the Kaiapuni program schools and programs will enable
19 greater cohesion and more consistent servicing of the Kaiapuni
20 program.



1 The purpose of this Act is to codify the position of the
2 Kaiapuni program complex area superintendent within the office
3 of the superintendent to further meet the intent of board of
4 education policy 105-8 relating to Kaiapuni education and aid
5 implementation of the state constitutional requirement that the
6 State make all reasonable efforts to provide access to Hawaiian
7 immersion education.

8 SECTION 2. Section 302A-604, Hawaii Revised Statutes, is
9 amended to read as follows:

10 "**§302A-604 Complex area superintendents.** The
11 superintendent of education, with the approval of the board,
12 shall appoint complex area superintendents for schools[-],
13 including a Ka Papahana Kaiapuni complex area superintendent.
14 The complex area superintendents shall supervise the delivery of
15 administrative and instructional support services within their
16 respective complex areas, including:

- 17 (1) Personnel, fiscal, and facilities support;
18 (2) Monitoring of compliance with applicable state and
19 federal laws;
20 (3) Curriculum development, student assessment, and staff
21 development services; and



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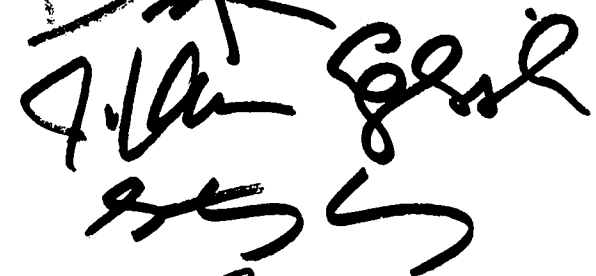

1 (4) Special education programs and special schools within
2 the complex area."

3 SECTION 3. New statutory material is underscored.

4 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:



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Report Title:

Department of Education; Ka Papahana Kaiapuni Program; Complex Area Superintendent

Description:

Establishes the position of Ka Papahana Kaiapuni program complex area superintendent in the office of the superintendent of the department of education.

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

