

**STATE OF HAWAI'I  
OFFICE OF HAWAIIAN AFFAIRS  
560 N. NIMITZ HIGHWAY, SUITE 200**

**COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT  
MINUTES**

**October 16, 2019 1:00 p.m.**

**ATTENDANCE:**

Chairperson John Waihe'e, IV  
Vice-Chairperson Kaleihikina Akaka  
Trustee Dan Ahuna  
Trustee Keli'i Akina  
Trustee Brendon Kalei'āina Lee  
Trustee C. Hulu Lindsey  
Trustee Robert Lindsey  
Trustee Colette Machado

**BOT STAFF (cont.):**

Lei-Ann Durant  
Lōpaka Baptiste  
Maria Calderon  
Melissa Wennihan  
Nathan Takeuchi  
Zuri Aki

**EXCUSED:**

Trustee Leina'ala Ahu Isa

**ADMINISTRATION STAFF:**

Sylvia Hussey, Ed. D., Ka Pouhana Kūikawā (Interim CEO)  
Jenifer Jenkins, PP  
Jocelyn Doane, PP  
Keola Lindsey, ADV  
Miles Nishijima, RMLA  
Monica Morris, PP  
Wayne Tanaka, PP

**BOT STAFF:**

Alyssa-Marie Kau  
Brandon Mitsuda  
Crayn Akina  
Kauikeaolani Wailehua  
Lehua Itokazu

**I. CALL TO ORDER**

**Chair Waihe'e** calls the Committee on Beneficiary Advocacy and Empowerment meeting for Wednesday, October 16, 2019 to order at **1:00 p.m.**

**Chair Waihe'e** notes for the record that **PRESENT** are:

MEMBERS			AT CALL TO ORDER (1:00 p.m.)	TIME ARRIVED
CHAIR	JOHN	WAIHE'E, IV	PRESENT	
VICE-CHAIR	KALEIHIKINA	AKAKA	PRESENT	
TRUSTEE	DAN	AHUNA	PRESENT	
TRUSTEE	KELI'I	AKINA	PRESENT	
TRUSTEE	BRENDON KALEI'ĀINA	LEE	PRESENT	
TRUSTEE	CARMEN HULU	LINDSEY	PRESENT	
TRUSTEE	ROBERT	LINDSEY	PRESENT	
TRUSTEE	COLETTE	MACHADO	PRESENT	

At the Call to Order, **EIGHT (8) Trustees are PRESENT**, thereby constituting a quorum.

**EXCUSED from the BAE Meeting are:**

MEMBERS			COMMENT
TRUSTEE	LEINA'ALA	AHU ISA	MEMO – REQUESTING TO BE EXCUSED

*Chair Waihe'e would like the record to show that some materials (V. A) were received more recently than 72 hours ago, and that deadline, per practice, has been duly waived.*

**II. PUBLIC TESTIMONY\***

None

**III. APPROVAL OF MINUTES**

Trustee Ahuna moves to approve the minutes of August 21, 2019.

Trustee Robert Lindsey seconds the motion.

Chair Waihe'e asks if there is any discussion or corrections.

Chair Waihe'e calls for a **ROLL CALL VOTE.**

						1:01 p.m.	
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEINA'ALA	AHU ISA						EXCUSED
DAN	AHUNA	1		X			
VICE-CHAIR KALEIHIKINA	AKAKA			X			
KELI'I	AKINA			X			
BRENDON KALEI'AINA	LEE			X			
CARMEN HULU	LINDSEY			X			
ROBERT	LINDSEY		2	X			
COLETTE	MACHADO			X			
CHAIR JOHN	WAIHE'E			X			
<b>TOTAL VOTE COUNT</b>				<b>8</b>	<b>0</b>	<b>0</b>	<b>1</b>

**MOTION: [ X ] UNANIMOUS [ ] PASSED [ ] DEFERRED [ ] FAILED**

**IV. UNFINISHED BUSINESS**

None

## V. NEW BUSINESS

### A. 2020 Legislative Package Concepts Workshop\*\*‡

Chair **Waihe'e** turns it back over to Ka Pouhana Kūikawā Sylvia Hussey.

**Ka Pouhana Kūikawā Hussey:** I will call on our Public Policy Manager Jocelyn Doane to come to the table.

**Public Policy Manager Doane:** Aloha Trustees, we have some ideas for your consideration for next session. We also continue to be open to ideas that you may have. Additionally, there are some issues that are going to require ongoing conversations. Our proposed schedule is included on the PowerPoint.



**Public Policy Manager Doane:** We received approximately 40 legislative proposals during our outreach period. Based on our engagement, our participation, and paying attention to what's happening administratively; in the different Boards and Commissions, and on the County, we had other ideas that we considered as well.

I'm going to go over the criteria that we normally go over that leads us to the ideas that we have.

The first thing that we think about is whether-or-not there are funding implications for both OHA and the State, and then how big of an issue it is – *is it going to have a large impact?* The idea behind us engaging in Advocacy is we can't fund everything. Yet, *can we make impacts large enough to effect larger portions of our population?* Then, of course, we think about whether it's a State, County or Federal issue. A lot of times ideas that we get can be addressed administratively, or on the County or Federal level.

## Package Development

- July – August
  - Internal outreach with OHA staff
  - External outreach with key stakeholders, experts and community leaders
- Compiled ~ 40 legislative proposals during this outreach
- Oct. 16 – BAE approval on Legislative Package concepts
- Nov. 6/Nov. 7 – BAE/BOT approval on Legislative Package language

## Criteria

- Funding implications (OHA, state)
- How big of an issue?
  - Does it impact the broader Hawaiian community (broader public)? To what extent?
  - Is it state, county, or federal specific?

**Public Policy Manager Doane:** We also think about feasibility and its likelihood of passing.

- *Are there going to be folks that will help us support the measure to get it through?*
- *What are the ideas and thoughts of the legislators?*

Sometimes we do introduce bills even though we know they're not likely to pass; to make a statement or to educate folks. We've been introducing a Public Land Trust Bill for many years and all but one failed to pass, but we've gotten a lot of traction and we've kept the issue alive about OHA and Native Hawaiians Rights to a fair share of the Public Land Trust. So, we can continue to do that for that purpose.

Another thing we think about is its ability to be resolved in other ways. Sometimes it's about funding and sometimes it's about reorganizing a department, or administrative rules. So, there are different ways. We also ask whether it is an appropriate issue for OHA. We look at what have been OHA's priorities over time. There are issues that are very OHA-specific, that OHA is one of the best advocates at. Then there are newer issues that are showing us that based-on-data, Hawaiians are being disproportionately impacted; our beneficiaries. We oftentimes think - if there are other agencies or community organizations that would be a better lead.

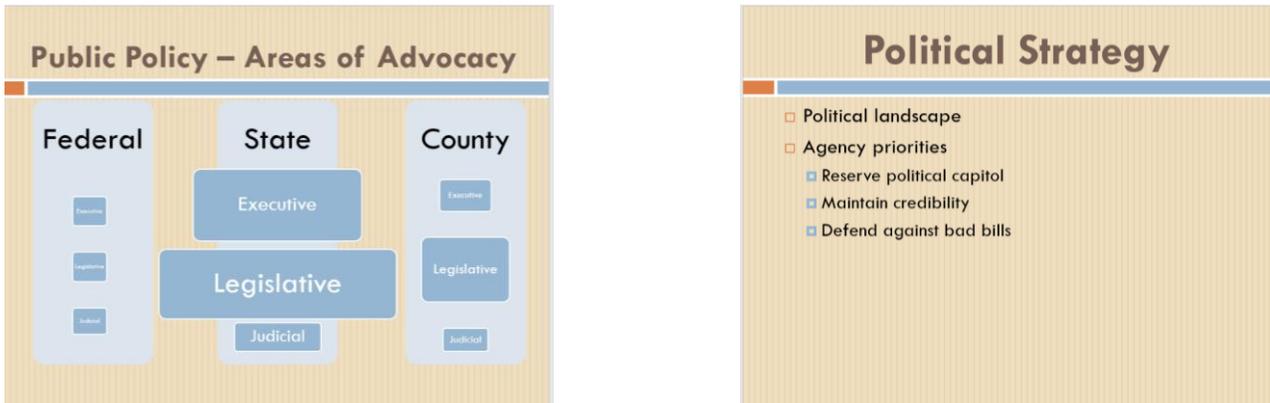
## Criteria

- Feasibility
  - Likelihood of passing
  - Some measures introduced for purposes other than enactment
    - Education (e.g. Konohiki resolution)
    - Make statement (sugar sweetened beverage fee)
    - Start discussion (iwi to KIRC, PLT revenue)
    - For publicity (first year for HLIP assessment)

## Criteria

- Solvability:
  - Have attempts been made to resolve administratively? Through compliance with existing policies?
  - Can it be solved through legislation?
  - Do stakeholders agree on the solution?
- Is OHA the appropriate lead?
  - Does it address our Strategic Plan?
  - Would it address a Hawaiian-specific problem? Would Hawaiians be disproportionately affected by problem/solution?
  - State lead – better chance, esp if impacts broader public
  - Community lead – Too controversial, too radical

**Public Policy Manager Doane:** This is a visual representation of where Public Policy spends most of its time and as you can see, the State Legislative box is the largest because we spend so much time and energy there. We think about what’s happening politically. If we have a lot of things happening and a lot of agency priorities, it may inform what other kinds of measures we want to bring forward for support, etc.



**Public Policy Manager Doane:** We have six ideas for your consideration today; this is just an opportunity to have a conversation about them. We are still doing research on these issues and solutions. So, even based on your input and further research these issues may dramatically change from now until November; or we may drop them completely. So, this is an opportunity for Trustees to ask questions or say if they don’t like something and it gives us an idea of how we move from here to November.

The first idea is related to Land Use and Resource Management in Hawai‘i. The goal of this idea is to integrate and incorporate Hawaiian perspectives and expertise in land-use and resource management decision-making. As you know OHA was successful in passing a bill that requires certain Board and Commission members to attend a training course every year. We pay to have the training course put on twice a year and it is highly successful.

We usually have at least 100 people at these trainings, but there are still certain Board and Commission members that don’t comply and there’s no real enforcement teeth; so that’s one of the issues that we identified. That also means that their decision-making potentially is less informed than it could otherwise be.

The other issue we’ve talked about at length as it relates to Mauna Kea specifically, regardless of the issue is that the BLNR & LUC have huge power in determining how Hawai‘i’s management and land-use of both ceded and private lands. Also, there is only one seat on these Boards for a member with appropriate consideration of Native Hawaiian knowledge. Additionally, OHA doesn’t even play a role in selecting that person. So, the idea to address the training course requirement would be to require an annual report so that everybody knows who hasn’t complied with the training course requirement.

## New Proposals

### Ensuring Native Hawaiian Expertise in Land Use and Resource Management

- **Goal:** Greater recognition and incorporation of Hawaiian perspectives, expertise, and rights in land use and resource management decision-making.
- **Issues:**
  - Certain board and commission members (BLNR, CWRM, LUC) must attend a Native Hawaiian Law and Public Trust training course w/in 1 year, but not all comply.
  - Although BLNR & LUC have 1 dedicated seat for a member with NH expertise, decisions do not consistently reflect an appropriate consideration of NH knowledge, concerns, and rights.

## New Proposals

### Ensuring Native Hawaiian Expertise in Land Use and Resource Management (cont'd)

- **Legislation:**
  - For training course compliance:
    - Require an **annual report** by the state Boards and Commissions office of all individuals who fail to meet the one-year training deadline under the law;
    - **Prohibit** individuals who fail to meet their training requirement from **serving on a permitted interaction group or voting on any matter** before their respective boards or commissions, until they attend a training course; and
    - Require untrained individuals to take the training course or **be reconfirmed by the Senate** by the end of the regular legislative session following their deadline to attend a training;
    - Make untrained board or committee members **personally liable** for breaches of trust.
  - For more meaningful NH perspectives:
    - At least **half** of LUC & BLNR members must be appointed from a list of nominees submitted by OHA.

**Public Policy Manager Doane:** The next measure is related to reducing barriers to employment for formerly incarcerated individuals. Formerly incarcerated individuals are much less likely to get a job offer and employment. Hawai'i recognized this as being an issue decades-ago and passed a law that doesn't allow employers to access beyond ten years of criminal records. They can only do that if they've made a conditional offer and they can only decline employment if it's rationally related to the job.

There are expressed authorities for certain kinds of positions. For example, the Department of Education can look at someone's criminal records for the purpose of determining suitability for working with children. We're trying to assess if the 'ten years' is too much. We know that recidivism is most likely to occur within the first two years. We know that housing and the cost of living in Hawai'i is extraordinary and the inability to get a job makes it more likely that formerly incarcerated turn to alternative, non-legitimate employment. So, the idea that we're proposing to the trustees is to dramatically reduce that ten-year prohibition to potentially one year, which would be a dramatic decline. We do want you to understand that there are expressed provisions in the law that allow stricter employers to look at criminal background for entities like; education and the judiciary. The idea is to try to help our people get jobs after being released from jail. Right now, you can access publicly-accessible information; but employers are not supposed to use that to not hire somebody, unless it's reasonably related to the job.

**Trustee Hulu Lindsey:** I just think that the one year would not pass, so maybe we should drop it to a number that would be more realistic.

**Public Policy Manager Doane:** Right, so we're having rambunctious conversations about this now. As far as we know, the only other jurisdiction that has less than ten years; has seven years. Then there are two states that have five years for misdemeanors and ten years for felonies. Hawai'i has been really progressive on this issue though. Hawai'i was the first state to pass a law that prohibited access for convictions. We are talking about different options.

We picked 'one year' for two reasons. First-of-all, it complements current tax incentives; the State offers tax incentives to employers who hire formerly incarcerated within the first year. The second reason was if they're likely to infract in two years, what can we do to try to help them get a job, so that they don't infract. I hear you Trustee. We're having conversations about that.

The next idea is related to Section 8 discrimination - the latest data shows that Native Hawaiians are more likely than the general population to receive Section 8 or be waitlisted for it. Most advertisements for rentals expressly discriminate against Section 8 vouchers. There has been a bill introduced almost every year for the last five years to prohibit this from happening. So, we've learned about why the bills haven't moved. The most likely reason is that the landlords wait a long time to be certified.

There's a pilot program that was started in the Hawai'i Public Housing Authority (HPHA), the entity that manages the State vouchers for pre-certification, to potentially reduce that waitlist. We'll get a little more information about what that looks like. The different counties also manage the different Section 8 vouchers. So, there is more research that needs to be done to figure out if we can overcome that.

The other issue that has been raised is property damage and recovery. We're looking into ideas about insurance that would cover potential property damage. Those are things we need to do more research on before we come back in November.

**Trustee Hulu Lindsey:** I'm a property manager, so I'm very familiar with what you're talking about. One of the biggest issues is the fact that in Maui County there's all kinds of rentals and the Section 8 does not allow many things. In the certification, they require so much improvement, yet the homeowner or landlord doesn't have the money to do, what they want done. As a result, that unit does not become available. Also, when you do have a Section 8 recipient in a unit, you don't get paid for two months. It takes them that long to process the paperwork. If the homeowner depends on the rent to pay a mortgage it becomes a challenge.

### New Proposals

**Addressing Employment Discrimination Against Former Pa'ahao**

- **Goal:** Reduce barriers to employment for former pa'ahao and facilitate successful re-entry.
- **Issue:** Allowing employers to access 10-year criminal records may unreasonably inhibit former pa'ahao from obtaining legitimate employment and re-integrating into society.
- **Legislation:** Limit background checks to a maximum time period of one year (down from ten years) prior to employment, except where employers are expressly permitted to inquire into criminal history (e.g. DOE – suitability to work with children, DPS – risks to dept, inmates, public).
  - National studies show criminal records have a significant impact on employment opportunities even for relatively minor and old convictions.
  - Recidivism mostly likely to occur within 2 year period following release.
  - Complements existing tax incentive for hiring pa'ahao in first year after release.

### New Proposals

**Addressing Systemic Housing Discrimination Against Indigent Native Hawaiians**

- **Goal:** Provide housing relief for indigent Native Hawaiians on Section 8.
- **Issue:** NHs more likely to receive Section 8 housing vouchers or be on the waitlist for Section 8; however, **express discrimination** against prospective Section 8 tenants is rampant.
- **Likely Opposition:**
  - Wait times for landlord certification
  - Concerns about property damage and recovery
- **Legislation:**
  - Prohibit Section 8 discrimination in rental advertisements and decision-making
  - Note: HPHA started pre-certification program to reduce landlord eligibility wait times.

**Public Policy Manager Doane:** Right, we totally hear you and we're trying to educate ourselves as much as possible to see how we can improve it.

**Senior Public Policy Advocate Wayne Tanaka:** The next idea most recently came to the Board at the Moloka'i Community Meeting. There was a concern raised that there's no real after-the-fact enforcement for impacts to iwi kūpuna and historic sites when landowners or contractors, grade or build without permits. We have talked to the OHA compliance staff who work on these issues and with folks in the community. It does seem as though this is a widespread issue, with long-standing and growing concern.

## New Proposals

### Protecting Our Ancestors

- **Goal:** Better protect iwi kupuna and historic/archaeological sites.
- **Issue:** SHPD declines to investigate potential impacts to iwi kupuna/historic sites for unpermitted grading or construction activities after-the-fact:
  - Lack of risk creates financial incentive to build first, apply for permits later.
  - No permits means no HP review, no mitigation or protections as conditions of work.

## New Proposals

### Protecting Our Ancestors (cont'd)

- **Legislation:**
  - **Mandatory minimum fines to disincentivize** unpermitted grading or construction activities that would **otherwise trigger HP review;**
  - Prohibit, subject to significant fines, any further work or permit issuance for the subject property, unless and until a SHPD **site inspection, paid for by landowner;**
  - Hold landowners and contractors jointly liable for all **assessment and mitigation costs** associated with unpermitted activities;
  - Establish a **citizen complaint process** and informational resources for citizens to document/report (anonymously, if necessary) impacts to iwi kupuna or historic sites;
  - Require the **posting of notice** at worksites regarding iwi kupuna and historic preservation laws, and informing workers and the public of the citizen complaint process; and
  - Expressly affirm that **Historic Preservation Special Fund** monies can be used for enforcement activities.

**Senior Public Policy Advocate Tanaka:** The next proposal is similarly looking at iwi kūpuna and historic preservation issues; this would be a resolution. For about 23 years, there have been no changes to the administrative rules regarding to policy and procedures that protect burial sites and historic sites, notwithstanding, the fact that in that time there's been numerous audits from the State outlining deficiencies with SHPD's programming. We do understand that they're fine in looking at doing rule changes for SHPD, but it's not clear what exactly they're going to try to address with these rules. So, we would like to introduce a resolution that essentially urges SHPD to address specific issues that we care about in those rules.

## New Proposals

### Protecting our Ancestors Part 2 (Rulemaking Resolution)

- **Goal:** Ensure long-awaited rule amendments address concerns relating to iwi and archaeological site protection.
- **Issue:** Rule amendments are being proposed to SHPD rules for the first time in two decades; however, uncertainty exists as to whether longstanding iwi and archaeological site protection issues will be addressed.

## New Proposals

### Protecting our Ancestors Part 2 (Rulemaking Resolution)

- **Legislation:** Resolution urging SHPD rule amendments including, but not limited to, provisions that:
  - Improve accountability for archaeologists responsible for surveying development sites;
  - Broaden the authority and responsibilities of the Island Burial Councils;
  - Amend assessment requirements to reduce the likelihood of "inadvertently discovered" burial sites during construction activities;
  - Expand protections of "inadvertently discovered" burial sites and iwi kupuna;
  - Improve requirements for consistent consultation with descendants and knowledgeable individuals throughout the historic preservation review process;
  - Require the metes and bounds recordation of preservation sites at the Bureau of Conveyances; and
  - Create a process to document and address rule violations by cultural resource contractors.

**Senior Public Policy Advocate Tanaka:** As you know, the constitution and our statutes allow Native Hawaiian Cultural Practitioners to access less than fully developed lands, including even private lands, for the purpose of reasonably exercising Native Hawaiian Traditional and Customary practices. Unfortunately, landowners are often hesitant to facilitate this because of perceived liability concerns. As a result, practitioners often: either risk getting into conflict with property managers or landowners, or even risk potential citation arrests from law enforcement for trespassing.

What this proposal would do is clarify and limit landowner liability when they expressly facilitate access to Native Hawaiian practitioners who seek to exercise their traditional and customary practices on their lands, including public and private. We're still doing some research to identify what liability concerns there may be and how we can address them in the context of practitioners.

**Public Policy Manager Doane:** The last idea is related to assisting our land division with their Kūkaniloko plans. As you know, OHA is working on planning and preparing for construction of a water storage distribution system on property in Wahiawā; which is an important part of our larger plan. We are proposing to get our water through ADC, but we need storage and delivery infrastructure, and the estimated cost of that is \$3 million. Our land staffers have been in conversation with the Senator of that district, who also happens to be the WAM Chair. The Senator has not only played a big role in helping OHA acquire the land when he was at the City, but also has been a supporter. He urges us to move along, so that his vision for Wahiawā to have more agriculture, comes to fruition. So, they're proposing to do a Capital Improvement Request of \$3 million.

**New Proposals**

---

**Facilitating Practitioner Access On Private Lands**

- **Goal:** Encourage private landowner accommodation of cultural practitioners and facilitate the perpetuation of Native Hawaiian traditional and customary practices.
- **Issue:** Landowners are reluctant to provide access to cultural practitioners due to liability concerns; practitioners must risk conflict or citation/arrest to exercise their right to perpetuate their practices.
- **Legislation:**
  - Provide liability protection to landowners who expressly permit practitioners to access their lands, from legal claims arising from such access.

**New Proposals**

---

**Capital Improvement Project Budget Request for OHA's Wahiawā Lands**

- **Goal:** OHA is working to plan, permit, and otherwise prepare for the construction of a water storage and distribution system on OHA's 511-acre property in Wahiawā.
- **Issue:** Water is integral to OHA's plans for Wahiawā; while OHA has secured water from ADC, need to build storage and delivery infrastructure (est. cost of \$3 million).
- **Legislation:** Capital Improvement Budget Request for \$3 million.
  - Note: OHA has committed funding in FY 20 (\$200k) and 21 (\$300k) for the planning and permitting of the system and is starting the procurement process.

**Public Policy Manager Doane:** There are a couple of other issues relevant to session that we're not fully prepared to talk about today, but that are important in the context of our package. The one thing that is not on here is the Public Land Trust bill. We need to talk a little more about these other issues before we come up with a recommendation to have a PLT bill in our package.

Last year we had a PLT bill in our package. It wasn't a money bill – the money bill was moved by Community folks and the Hawaiian Caucus. We had a meeting with the Hawaiian Caucus Chair in the House, who continues to be supportive of helping to educate his colleagues about the ridiculous state of Hawaiians' access to their fair share of the Public Land Trust. So, I anticipate that there will be a measure moving – not necessarily introduced by OHA.

**Public Policy Manager Doane:** Before session we're expecting the CLA Audit to come out, so we assume there will be recommendations in there of what we can do better. As you may remember, there was language in our Budget Bill that conditioned access to our 2021 General Fund Appropriations to the completion of an audit by the auditor. We've had many, fun conversations. So, we still don't know what the status of that will be, once the session starts.

**Ka Pouhana Kūikawā Hussey:** Chair, I just wanted to toss something out there for the trustees to consider; given what everyone has expressed. If you think that we need to have a much more intentional, specific strategy short term going into the 2020 legislature and long term beyond the legislature, there are a couple ways that the trustees can approach a strategy discussion of all the implications.

Off the top of my head – Permitted Interaction Groups (PIGs) to investigate all the implications, can be formed and then recommendations brought to the full Board is one approach.

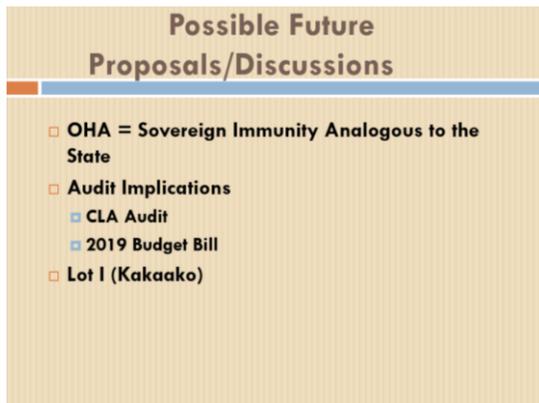
Another is that administration can complete a white paper analysis of all the issues and recommendations. We can then bring that back to the trustees for discussion and consideration along with anything in between. We can get to a coordinated, aligned approach for session short term, and then aim long term, beyond session.

**Chair Waihe'e:** Ok, Thank you.

**Public Policy Manager Doane:** The last issue is conversations about pa'akai. I don't have anything to report at this point, but of course if it's something that may come up then we want to be ready.

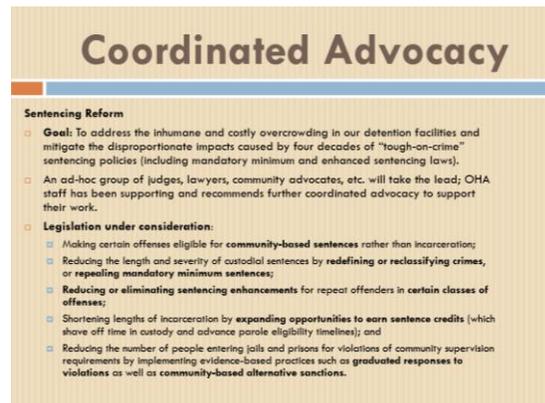
Finally, the last idea that Wayne will review, is advocacy with other groups that we may work with.

**Senior Public Policy Advocate Tanaka:** So, as you know OHA has been intimately involved in sentencing reform, specifically and most-recently around pre-trial policies and procedures, while also looking at reforming our prison system. What's happening is that over the years we've established several statutes and sentencing policies; including minimum mandatory sentences and sentence enhancements. What's resulted is essentially the mass incarceration of a disproportionate number of Native Hawaiians. This group has been working on numerous ideas about how to look at our sentencing policies to try and see if they can be addressed to reduce the impact that they've had on our incarcerated population. Two of the specific areas that they're focusing on now is looking at repealing mandatory minimum sentences along with addressing some of the sentencing enhancement provisions in statute.



**Possible Future Proposals/Discussions**

- OHA = Sovereign Immunity Analogous to the State
- Audit Implications
  - CLA Audit
  - 2019 Budget Bill
- Lot I (Kakaako)



**Coordinated Advocacy**

**Sentencing Reform**

- **Goal:** To address the inhumane and costly overcrowding in our detention facilities and mitigate the disproportionate impacts caused by four decades of "tough-on-crime" sentencing policies (including mandatory minimum and enhanced sentencing laws).
- An ad-hoc group of judges, lawyers, community advocates, etc. will take the lead; OHA staff has been supporting and recommends further coordinated advocacy to support their work.
- **Legislation under consideration:**
  - Making certain offenses eligible for **community-based sentences** rather than incarceration;
  - Reducing the length and severity of custodial sentences by **redefining or reclassifying crimes, or repealing mandatory minimum sentences;**
  - **Reducing or eliminating sentencing enhancements** for repeat offenders in certain classes of offenses;
  - Shortening lengths of incarceration by **expanding opportunities to earn sentence credits** (which shave off time in custody and advance parole eligibility timelines); and
  - Reducing the number of people entering jails and prisons for violations of community supervision requirements by implementing evidence-based practices such as **graduated responses to violations** as well as **community-based alternative sanctions.**

**Public Policy Manager Doane:** That's all that we have. I just want to remind the trustees about where we go from here; we'll be back on November 6<sup>th</sup>.

**Chair Waihe'e:** We're not going to be able to meet on the 6<sup>th</sup>, due to the Joint Committee Meeting. So, we may have to coordinate a different day.

**Public Policy Manager Doane:** Ok, I'll coordinate with your staff.

## 2020 Legislative Schedule

- Aug./Sept. – Internal/External Outreach
- Aug. 21 – 2019 Legislative Overview with BAE
- Oct. 16 – Legislative Package Concepts Workshop with BAE
- Oct. 17 – Legislative Package Concepts Workshop with BOT
- Nov. 6 – Legislative Package Final Language Approval with BAE\*
- Nov. 7 – Legislative Package Final Language Approval with BOT\*
- Jan. 3 – Deadline to submit OHA Annual Report
- Jan. 6\*\* – Deadline to submit OHA Legislative Package\*
- Jan. 15 – Opening of 2020 Legislative Session\*

\* Pending confirmation and approval  
 \*\*Need to confirm date

# Pau

**Trustee Hulu Lindsey:** I recently had a meeting on Maui with the Hawaiian member and Maui member of the Board of Education, the Vice-Chancellor of the University of Hawai‘i – Maui, and our own Monica Morris, via telephone. I think they brought up something very critical for education, which I notice, is not on here. I’d like to ask Monica to come up because I know she can describe it better than I can.

**Public Policy Manager Doane:** Yes.

**Public Policy Advocate Monica Morris:** Aloha, thank you for inviting me to the table. We have 23 Hawaiian Immersion schools, these are schools or programs where students are instructed in the Hawaiian language. In the ‘Charter Schools world’, all these schools are completely immersed; so, it’s not an immersion program within a school.

Three priorities were identified by Kahele Dukelow:

1. Establishing a kaiapuni complex that would be set apart from the other complexes.
2. Appropriate compensation for kaiapuni teachers – that derives from a DOE policy that talks about appropriate compensation because kaiapuni teachers need to be able to instruct both Hawaiian and English.
3. Kaiapuni curriculum – the first schools started twenty years ago and there is still not any uniformed curriculum or appropriate resources.

With respect to the first issues – kaiapuni complex - right now there are 15 complex areas in Hawai‘i. Each complex is geographically situated so within the complex there are elementary, middle and high schools. So, we have 15 complex areas and each area has a superintendent that presides over it. In total we have 15 CASs (Complex Area Superintendents). There’s sentiment that the CASs are not as sensitive as they could be to are Hawaiian Immersion schools and it’s probably because of the large number of schools in general.

I think there are about 280 schools statewide and only 23 are kaiapuni; so, our kaiapuni schools’ needs are not being met. The idea is that because Hawaiian is an official State language there should be equality for our kaiapuni schools. We’re in discussion on how to address these issues. The approach may either be through bills in legislation or something that can be addressed working directly with the Department of Education. So, whether you would like to include this in our OHA package or to assist Aha Kaleo with their effort, would be at your discretion.

**Public Policy Manager Doane:** I'm not sure that the CASs are determined by statute. They may be determined by policy. So, I want to know that better before I have a recommendation on what OHA can do. Also, Monica will not be with us next session, so we will lose her expertise and may not have somebody half-as-good. We may not have the same sort of expertise that we have had with Monica. With that said, even if we internally decide that it makes more sense to pursue the idea through the administration, we absolutely will still draft the bill for others.

**Public Policy Advocate Monica Morris:** The Aha Kaleo meets again on Saturday November 16<sup>th</sup> and we will discuss further at that time.

**VI. COMMUNITY CONCERNS\***

**Samson Malani of Kinai 'Eha:** Aloha, thank you for having us. My name is Samson Malani and I'm a mentor for Kinai 'Eha - we distributed some pamphlets for your information.

**Kinai 'Eha: To Extinguish Pain**  
2018-19 PROGRAM OVERVIEW

**OUR KULEANA**  
Kinai 'Eha translated from Hawaiian means "To Extinguish Pain" and to this end, the aim of the program is to provide an alternative vocational education option for 'Ōpio youth that are in the need of and seeking purpose and direction in their lives. Through the Kinai 'Eha program, cultural identity and leadership, earn a high school diploma and participate in community service and workplace training in the construction trades.

**OUR 'ŌPIO**  
We focus our hana in the Ko'olauopoko region, with most of the 'Ōpio coming from the Waimānalo Hawaiian Homestead or nearby beaches and parks along the coast.

**KĀHEA FOR KŌKUA**  
Cost per juvenile incarcerated in Hawaii (2 months): \$59,264  
Cost per hauiana in the Kinai 'Eha Program (11 months): \$25,585

We work with ages 14-24; young adults – houseless, incarcerated and under-privileged persons who are now in our program and working on job skills that can provide for their families. We teach them labor skills, life skills and better decision making. We teach labor skills in the construction field mainly, but we also do other stuff. We just wanted to introduce ourselves and have some of the boys introduce themselves and then I'll explain why we're here.

*Howzit – my name is Jabien Lagmay from Kaua'i and I'm 18 years old, Thank you.*

*Aloha everyone - my name is Zane Chai, I'm 18 and I grew up in Kāne'ōhe.*

*Howzit Everybody – my name is Zachariah Abejon, you can call me Kalena. I'm 21 and I grew up on Maui.*

*Howzit – I'm Kama, I grew up all over the island and I'm 20.*

**Samson Malani of Kinai 'Eha:** We had a bunch of guys when we came to the earlier meeting, but a lot of them had to go back to the job site; so these are the guys that I could pull. You wouldn't know it by just looking at them, but one of them is currently incarcerated and I have to take him back after this meeting and two of them don't have a house – they're blessed to stay in a shelter for now and hopefully we can work on getting them housing.

They know how to build their own houses now, parts of it at least – so they're getting those skills and hopefully one day they can become productive members of society too. The bill for an Act that's in front of you guys; the 2019 Legislative Session successfully passed the Kinai 'Eha law, Act 271 SB388. The law aims to disrupt the pathway to prison. I was informed by the work that we've done at Kinai 'Eha with our most vulnerable 'opio, many who have dropped out of school - almost all of them are Native Hawaiian. The bill was sponsored by Senator Donovan Dela Cruz, who is a big supporter of Kinai 'Eha and other alternative education programs like ours that support 'opio.

The Kinai 'Eha law calls for trauma screening for all children in the DOE as an early intervention to identify potential academic, social, emotional and health challenges; and more importantly what we view as each haumana's strength and assets.

For example if someone has ADHD, that doesn't necessarily mean it's a weakness, but we look at finding ways to use that as a strength – he/she may be a lot more creative and diverse and can move from one job to another faster. So we try to identify those things and make it work in a real workforce. We have an instagram and facebook account if you guys want to follow us; that would be awesome. @kinaieha on instagram or <https://www.facebook.com/kinaieha.pono> - We're located at Kawailoa in Kailua which was the former Hawai'i Youth Correctional Facility, so a lot of our employees are from Waimānalo.

If you guys could find the time to come visit us that would be awesome. You could: see first-hand all the students, see how our curriculum works and everything, and see the solutions that we're trying to provide. If we would be able to be on an upcoming Board agenda, I would like for our Executive Director to be able to come and talk about our program in more detail. I would like to invite all of you to visit and I wasn't sure who to talk to about that.

**Trustee Ahuna:** You did a good job.

**Trustee Hulu Lindsey:** *That's how we can help you?*

**Samson Malani of Kinai 'Eha:** Yes, I'm not too familiar with all the different things you offer, but I know you guys have a lot of capacity and definitely this population needs help. When you guys come in person and get to see everybody and where they're coming from. One guy lives on the side of shopping center – but he comes every morning at 6:30 a.m. to get his breakfast; 7:00 a.m., he starts and stays on his feet, all day working. Then at 3:30 p.m. work is done. When he leaves at the end of the day there's not much we can help with, I can stay as long as I can to cruise with him or buy him dinner, but at the end of the day they're back to their vices when they're stuck out there on the street. So whatever you guys would be able to help us out with would be awesome.

**Trustee Akaka:** I just want to mahalo you for being a part of this wonderful organization and for being a solution for our keiki here. Also, mahalo to all of you for taking the time to be here to help bring awareness on how we can perhaps collaborate down the line and look at further solutions.

**Samson Malani of Kinai ‘Eha:** Mahalo everyone for your time.

**VII. ANNOUNCEMENTS**

None

**VIII. ADJOURNMENT**

**Trustee Ahuna moves to adjourn the BAE meeting.**

**Trustee Lee seconds the motion.**

**Chair Waihe’e asks if there is any discussion.** There is none.

**Chair Waihe’e asks if any members vote NO or ABSTAIN.** There are no dissenting votes.

						2:35 p.m.	
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEINA'ALA	AHU ISA						EXCUSED
DAN	AHUNA	1		X			
VICE-CHAIR KALEIHIKINA	AKAKA			X			
KELI'I	AKINA			X			
BRENDON KALEI'ĀINA	LEE		2	X			
CARMEN HULU	LINDSEY			X			
ROBERT	LINDSEY			X			
COLETTE	MACHADO			X			
CHAIR JOHN	WAIHE'E			X			
<b>TOTAL VOTE COUNT</b>				<b>8</b>	<b>0</b>	<b>0</b>	<b>1</b>

**MOTION: [ X ] UNANIMOUS [ ] PASSED [ ] DEFERRED [ ] FAILED**

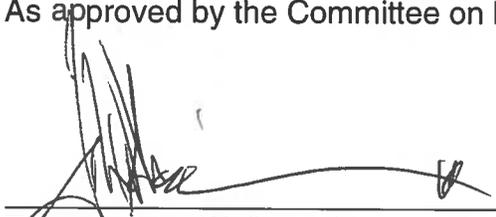
**Chair Waihe’e adjourns the BAE meeting at 2:35 p.m.**

Respectfully submitted,



Melissa Wennihan  
Trustee Aide  
Committee on Beneficiary Advocacy and Empowerment

As approved by the Committee on Beneficiary Advocacy and Empowerment on November 27, 2019.



Trustee John Waihe'e, IV  
Chair  
Committee on Beneficiary Advocacy and Empowerment

ATTACHMENT(s):

None