STATE OF HAWAI'I  
OFFICE OF HAWAIIAN AFFAIRS  
560 N. NIMITZ HIGHWAY, SUITE 200  
COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT  
MINUTES  
July 27, 2016  1:30 p.m.

ATTENDANCE:  
Chairperson John Waihe‘e, IV  
Vice-Chairperson Peter Apo  
Trustee Lei Ahu Isa  
Trustee Dan Ahuna  
Trustee Haunani Apoliona  
Trustee Carmen Hulu Lindsey  
Trustee Robert Lindsey  
Trustee Colette Machado

EXCUSED:  
Trustee Rowena Akana

BOT STAFF:  
Alvin Akee  
A. U'ilani Tanigawa  
Crayn Akina  
Kauikeaolani Wailehua  
Lehua Itokazu  
Liana Pang  
Makana Chai  
Melissa Wennihan

ADMINISTRATION STAFF:  
Kamana'opono Crabbe, Ph.D., Pouhana / CEO  
Lisa Victor, Pou Nui / COO  
Jocelyn Doane, PUBL  
Monica Morris, ADV  
Sterling Wong, PUBL

GUESTS:  
Charlene Hoe  
Kaihikapu Maikui  
Katie Benioni  
Keali'i Makekau  
Taffi Wise

I. CALL TO ORDER

Chair Waihe‘e calls the Committee on Beneficiary Advocacy and Empowerment meeting for Wednesday, July 27, 2016 to order at 1:32 p.m.

Chair Waihe‘e notes for the record that PRESENT are:

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<th>MEMBERS</th>
<th>AT CALL TO ORDER (1:32 p.m.)</th>
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At the Call to Order, EIGHT (8) Trustees are PRESENT, thereby constituting a quorum.
EXCUSED from the BAE Meeting are:

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<td>AKANA MEMO - REQUESTING TO BE EXCUSED</td>
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II. APPROVAL OF MINUTES

A. May 4, 2016

Trustee Ahuna moves to approve the minutes of May 4, 2016.

Vice-Chair Apo seconds the motion.

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

Chair Waihe’e asks if anyone votes NO or ABSTAINS. There are no replies.

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

Chair Waihe’e notes for the record that all members present vote 'AE (YES) and the MOTION CARRIES.

III. COMMUNITY CONCERNS*

None
IV. NEW BUSINESS

A. Nā Lei Na‘auao – Alliance for Native Hawaiian Education: Updates on the important changes occurring in our native education system

Chair Waihe‘e turns it over to BOT Chair Robert Lindsey to introduce the group.

Trustee Robert Lindsey: Thank you so much Chair Waihe‘e. It’s my honor this afternoon to introduce Taffi Wise. She serves as the Executive Director for Kanu o Ka ‘Āina Learning ‘Ohana (KALO, or also Kanu) and she’ll be doing this presentation on behalf of Nā Lei Na‘auao - our Alliance for Native Hawaiian Education, along with Katie Benioni. Education is one of the strategic priorities in OHA’s strategic plan; and a very important one. I’d like to also mention that I sit on the KALO board and of all the non-profits and community organizations that I volunteer for, KALO is the most special to me. If you’re ever having a challenging day, just go to one of our Hawaiian-focused Charter Schools to fill your cup with joy and put a smile on your face; they do wonderful work.

Taffi Wise: A most humble Mahalo to you all; you always make me emotional because I am filled with so much gratitude being here today. With me today, I have: Katie my partner-in-crime, as well as Aunty Charlene Hoe who I hold dear to my heart as a champion for us. Also with us, is one of our haumana products, Kahiikapu Maikui. Kahiikapu will share directly answer whatever questions you may have. They’re the reason. Anything I say doesn’t matter, it’s all about them. We have had several conversations over the past few years. So our goal today was to share with you what’s been happening, where we’re going, the pilikia we still face, to thank you for your continued support, and to let you see some of our blessings and products.

(Taffi begins going through the PowerPoint, as included below)
NA LEI NA'AUAO MISSION:

The mission of Na Lei Na'aua'o—Alliance for Native Hawaiian Education is to establish, implement, and continuously strengthen models of education throughout the Hawaiian islands and beyond, which are community-designed and -controlled and reflect, respect and embrace 'olelo Hawai'i, the Hawaiian cultural values, philosophies and practices.

WHO WE ARE

- 4 Islands
- 17 Communities
- Students: 4200
- 74% Hawaiian
- Economically Disadvantaged Schools 100%

WHAT DO WE DO

"E'A" Hawaiian system of education (E.A. Education with Aloha) are addressing the distinctive needs of Hawai'i's largest undereducated ethnic group. Through public-private partnerships and sharing of resources, we are developing this parallel system of education, grounded in culture that is culturally-driven, family-oriented and community-based.

WHO WE ARE: Na Lei Na'aua'o—Alliance for Native Hawaiian Education Na 'A 'A 'O

WHERE WE ARE:

HAWAII'S CS MOVEMENT HISTORICALLY

DOE PER PUPIL EXPENDITURE APROXIMATELY $12,000 (EXCLUDING CIP)

HOW: PUBLIC PRIVATE PARTNERSHIPS

PUBLIC
- Annual State Allocated Per Pupil $12,000 (NEN Personnel, Kī hō kā lana Ke ʻE Na Hawai'i)
- UDOE FormulaDriven Variable Funding (Title I, Title II, Impact Aid)
- U.S. Government Discretionary Funding
- DHEC (Land)
- University of Hawai'i (student supports)

PRIVATE
- Office of Hawaiian Affairs
- $1,500,000 (NEN Personnel)
- Annual Average Kamāmalu Schools Per Pupil $11,000
- Individual Schools Philanthropies: Partners

EMPOWERED OUR COMMUNITIES COMMITTED.

- United States provides for Equal Justice Under Law and a Free and Appropriate Public Education
- Hawai'i State Constitution: ARTICLE X, EDUCATION PUBLIC EDUCATION AND HAWAIIAN EDUCATION PROGRAM: Section 4 "The State shall promote the study of Hawaiian culture, history, and language...
- HAWAII LEGISLATURE ACT 62: Session Law 1999 authorizing the creation of charter schools in Hawai'i: "To nurture the ideal of more autonomous and flexible decision-making at the school level, the legislature supports the concept of new-century charter schools. The legislature finds that this concept defines a new approach to education..."
16 YEARS LATER...REALITY
Community driven and controlled public charter schools continue to:
- beg for funding
- validate their existence
- prove their worth
- exceed the traditional public school bar
- constantly recruit community-minded partners willing to invest
- endure hostile regulatory environment

ACADEMIC EXCELLENCE - SY2015-16
- NLN Graduation Rate is 94% - of that 86% are Hawaiian
- DOE Graduation Rate is 81% (last published 2015)
- NLN Students Accepted into Post Secondary Institutions (vocational schools, community colleges, military, universities) SY 15-16 92% - of that 85% are Hawaiian
- 71 NLN high school students were dual enrolled in college level courses during high school

PUBLIC EDUCATION IS BEING REDEFINED
NLN Schools are:
- Accountable
- Transparent
- Committed & Persistent
& their public school students deserve equitable and adequate resources for their education to include the basic necessities of food, shelter and transportation.

CULTURAL EXCELLENCE - SY2015-16
- HISTORY & CULTURE IS THE FOUNDATION
- CULTURAL ACTIVITIES ARE THE VEHICLE
- PERPETUATING CULTURE & ACADEMIC EXCELLENCE IS THE GOAL.
- Integration of Hokule'a's World Wide Voyage
- Mele Marah Project
- Kū ā Lono Annual Conference (SN)
- Place Based Projects in Community
- Civic Engagements
- Hulu to schools and indigenous places around the world
- Cultural and educational exchanges
- Teacher & Administrator Education

KEEA HAWAII - YOUTH LEADERSHIP

PARITY ISSUES (continued)
- 2010 Takamine working group Equity Study
  - Findings: Equity not achieved with Federal & EDN funds, direct access to services & grant noncompliance not allow inspections. Charters need access to Impact Fees, no mechanism to access facilities financing - CIP
- 2011 Charter School Funding Task Force
  - Findings: variation in federal funding, SPED and other non-general fund appropriations
  - Remaining/Unresolved issues: access to federal funding, access to special education services, funding and access to other funds, general funds
- 2012 Task Force Charter Governance Accountability and Authority
  - Findings: "Task force recognizes the enormity of challenges facing Hawaii's charter schools..."

PARITY ISSUES
Charter School Leadership has engaged with the Legislature for years to clarify the issues and find amicable solutions.
- 2003 Legislative Reference Bureau Study "On The Level! Policy, Law and the Charter School Movement"
- lndings: Federal regulations require states to track charter schools and public schools alike
  - Findings: 1. funds for special education are excluded; 2. charters are excluded from funds necessary for state-named services; 3. excluded from resources for new facilities
- 2005 Task force on Charter School Governance

CURRENT ISSUES
After our good faith attempts & validation of the issues there still remains...
- No location
- No food
- No transportation services
- Inconsistent IDEA/SPED support
- No formula driven federal funding
- No after school services
- Overall inequity and social injustice
- Unconscionable contract manipulation
- No legal support
- Inadequate resources
- Punitive and Retaliatory Regulation
Taffi Wise: The last time we were here, you challenged us to do a feasibility study. We did do a feasibility study, with a very trusted advisor and legal counsel.

The study focuses on three key areas: **Facilities, Food, and Funding**.

**Facilities** - Basically the legislature has never committed to facilities for Charter Schools. Out of the gate they've said "you can do this, but you're on your own". The intent was very clear and nothing has ever changed that. So in this attorney's opinion, we have nothing to stand-on for this issue; as we are a school of choice. The students do not have to attend Kanu. They could attend another Waimea school, so they don't have to provide for facilities.

Taffi Wise: The **Food** issue was the biggest shock, in that it was considered the one argument that the attorneys thought they could win, but as you can see on the slide (above left) this is not the case;

"The State's decision to terminate its administration of the lunch program to underfunded charter schools serving large numbers of Title I eligible students, even if inhumanly callous and financially oppressive, is a lawful exercise of the State's authority and discretion under the National School Lunch Program (NSLP)."
In regards to Funding inequity, the right to education was never explicitly nor implicitly guaranteed by the Constitution.

**Taffi Wise:** So moving forward, we’re open to any thoughts or recommendations you may have as this is just one opinion (which we do respect). Listed on the slide (above right) are the issues that we have with the Hawai‘i State Public Charter School Commission; the top 5 being the most important.

The next slide (below left) states what we have done to try to holomua.

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**UNITED WE HAVE:**
- Regularly provided Commission Testimony
- Submitted Numerous Legislation Proposals
- Requested Legal Support – AG & Governor
- Obtained Hawai‘i Civil Code Resolution
- Filed BOE Complaints
- Filed OIP Complaints
- Engaged in Workshops @ Legislative w/ Schools & Commissioners
- Sourced BOE & Commission Candidates
- BOE Litigating with Conclusion
- Commission ED Change
- Ethics Case Prevailed
- BOE SRO Issued
- Administrative Rules released by Governor for Public Comment
- New BOE Members (Bergin/Doss)
- New Commission Members (Eichen)
- Engaged with Cons BRA

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**BOE LISTENING TOUR CONCLUSION**

The concerns that have been expressed during this listening tour are of such significant breadth and depth that more formal investigation by the Board is warranted. I recommend the establishment of an investigative committee (a permitted investigation group pursuant to Hawai‘i Revised Statutes, Section 82-23) to determine if a special review is warranted and in response to legislative proposals relating to charter schools (as described in my memorandum relating to Boyd vs. State of Hawai‘i on designation of Board members to an investigative committee (a permitted investigation group pursuant to Hawai‘i Revised Statutes, Section 82-23(i)), concerning board responsibilities under Hawai‘i Revised Statutes, Section 202A-11, Oversight of public charter school authorizers and review of proposed charter school legislation, dated January 17, 2016).

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**BOYD VS. STATE OF HAWAI‘I (ETHICS)**

Thus, we conclude that the Commission lacked authority to adjudicate proceedings...

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**CALL TO ACTION**

- BOE Initiate Special Review
- Continue succession training (teachers & administration)
- Establishment of another Authorizer—perhaps Hawaiian
- Legal Support... protect schools during the process
Taffi Wise: Next Steps - we got together in June, and your OHA staff members are some of the most amazing people I know and I cannot thank them enough. Our To-Do List is listed on the slide above (above left) and our reasons are our haumana. Kahiikapu will share a little about her experience and we also received this letter from one of our graduates (slide above right). We didn’t want to just leave you with our pilikia. We wanted to share with you some of our successes and Kahiikapu is one of them. So we’ll share a video clip with you and then allow her some time to share.

BAE Committee views the Mele Murals and Kanu o ka 'Āina on 'OiwiTV video

http://www.kalo.org/apps/video/watch.jsp?v=52932

Kahiikapu Maikui: Aloha, I am Kahiikapu Maikui; I’m 17 and a recent graduate of Kanu o ka ‘Āina. Through Kanu and Project Ho’oku‘i, which was a group that funded a few of our students to take college classes during our junior and senior year of high school, I am a proud product of that and have graduated with my ASC (Academic Subject Certificate) from Pālamanui (Hawai‘i Community College). I just wanted to mahalo you guys for your support, because without it, we wouldn’t have the opportunities and experiences that we’ve been blessed with. I will be continuing my education at Hawai‘i Pacific University and will be studying Biology and Human Science and would like to become a doctor and eventually create my own Native Hawaiian Health Clinic; balancing both Hawaiian and Western medicines to bring both cultures together and to cure our Native Hawaiian people.
Trustee Apo: You are a public school, and on the financial-end under the Admissions Act, one of the five purposes is for Public Education funding. So there’s got to be some kind of connection under the Admissions Act for equal treatment.

- Why aren’t you treated the same as all the other Public Schools on the facilities issue?

Public Policy Manager Wong: Really, and speaking candidly about the political will at the legislature regarding Charter Schools, every year we come to them with all this research and results about how good the schools are doing and that only gets them so far. We’ve tried for six or seven years and have gotten facilities-funding formulas and working groups created, yet every opportunity has died for whatever reason. In talking with legislators regarding funding for facilities, their concern is that most charter schools are not in State facilities; so their concern is giving public money to private entities.

Trustee Robert Lindsey: Sterling, you spoke about political will and I think we’re beginning to realize around our table that in order for the State to have political will, action needs to be taken. I think that we should look seriously at taking action against the Board of Education and the State of Hawai’i for discriminating against our charter schools. I am going to propose that we create an Ad-Hoc Committee to look specifically at how we can help Nā Lei Na’aüao and our other charter schools.

Taffi Wise: Thank you very much again Trustees, for your time and commitment to this.

V. UNFINISHED BUSINESS

None

VI. BENEFICIARY COMMENTS*

None
VII. ANNOUNCEMENTS

None

VIII. ADJOURNMENT

Vice-Chair Apo moves to adjourn the BAE meeting.

Trustee Ahuna 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.

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3:04 p.m.

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

Chair Waihe’e adjourns the BAE meeting at 3:04 p.m.
Respectfully submitted,

[Signature]

Melissa Wennihan
Trustee Aide
Committee on Beneficiary Advocacy and Empowerment

As approved by the Committee on Beneficiary Advocacy and Empowerment on August 24, 2016.

[Signature]

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

ATTACHMENT(s):

- Notice of Excused Absence (1)