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GOVERNMENT

NATIVE HAWAIIAN EDUCATION ACT

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HEARING

BEFORE THE

SUBCOMMITTEE ON ELEMENTARY, SECONDARY,
AND VOCATIONAL EDUCATION

AND THE

SUBCOMMITTEE ON
POSTSECONDARY EDUCATION

OF THE

COMMITTEE ON EDUCATION AND LABOR

HOUSE OF REPRESENTATIVES

NINETY-SIXTH CONGRESS

FIRST SESSION

ON

H.R. 93

TO AMEND THE ACT OF SEPTEMBER 30, 1950 (PUBLIC LAW 874,
EIGHTY-FIRST CONGRESS) TO PROVIDE EDUCATION PRO-
GRAMS FOR NATIVE HAWAIIANS, AND FOR OTHER PURPOSES

HEARING HELD IN WASHINGTON, D.C., ON NOVEMBER 14, 1979

Printed for the use of the Committee on Education and Labor



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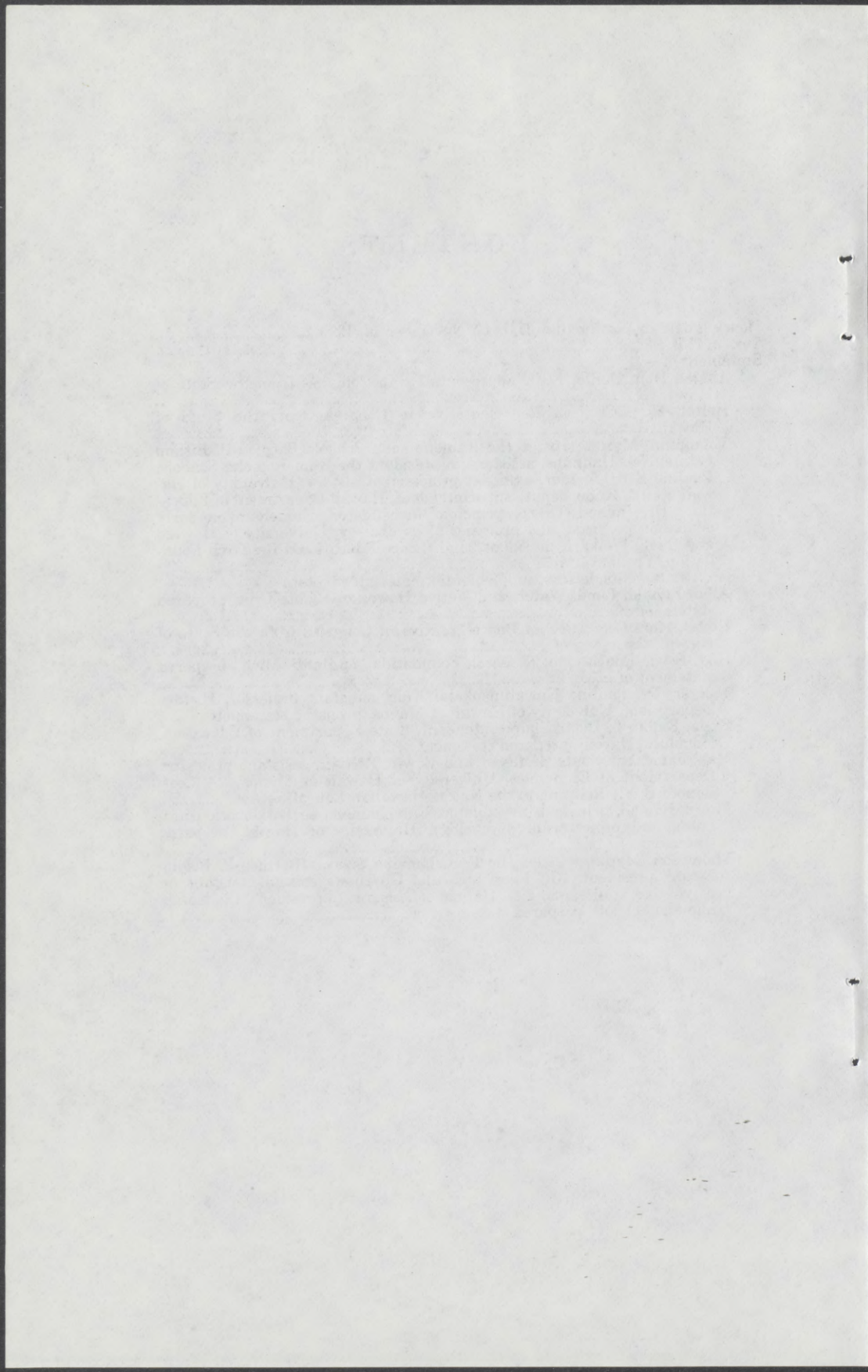
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NATIVE HAWAIIAN EDUCATION ACT

WEDNESDAY, NOVEMBER 14, 1979

HOUSE OF REPRESENTATIVES, SUBCOMMITTEE ON ELEMENTARY, SECONDARY, AND VOCATIONAL EDUCATION, SUBCOMMITTEE ON POSTSECONDARY EDUCATION, COMMITTEE ON EDUCATION AND LABOR,

Washington, D.C.

The subcommittees met, pursuant to notice, at 9:24 a.m., in room 2175, Rayburn House Office Building, Hon. Carl D. Perkins (chairman of the Subcommittee on Elementary, Secondary, and Vocational Education) presiding.

Members present: Representatives Perkins, Kildee, and Erdahl.

Staff present: John F. Jennings, counsel, Nancy Kober, staff assistant, Subcommittee on Elementary, Secondary, and Vocational Education; Thomas R. Wolanin, staff director; Patricia Rissler, deputy staff director, Subcommittee on Postsecondary Education; Bill Clohan, minority assistant education council; and Richard DiEugenio, minority legislative associate.

[The text of H.R. 93 follows:]

To amend the Act of September 30, 1950 (Public Law 874, Eighty-first Congress) to provide education programs for Native Hawaiians, and for other purposes

JANUARY 15, 1979

Mr. AKAKA (for himself and Mr. HEFTEL) introduced the following bill; which was referred to the Committee on Education and Labor.

To amend the Act of September 30, 1950 (Public Law 874, Eighty-first Congress) to provide education programs for Native Hawaiians, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Native Hawaiian Educa-
4 tion Act".

CONGRESSIONAL FINDINGS

SEC. 2. (a) The Congress finds that—

(1) striking similarities exist between Native Hawaiians and other Native American peoples with

1 regard to their historic and political relationships with
2 the United States and their present day circumstances;

3 (2) like other Native Americans, Native Hawai-
4 ians rank among the lowest in level of educational at-
5 tainment and per capita income; and

6 (3) existing Federal assistance in the field of edu-
7 cation fails to address the basic and special needs of
8 Native Hawaiians.

9 DECLARATION OF POLICY

10 SEC. 3. (a) The Congress hereby recognizes the need to
11 develop a uniform Federal policy with respect to the eligibil-
12 ity of Native Hawaiians for special Federal assistance com-
13 mensurate with their status as Native Americans.

14 (b) The Congress declares its commitment to providing
15 the quantity and quality of educational services and opportu-
16 nities which Native Hawaiians need and desire.

17 PART A—REVISIONS OF IMPACTED AREAS PROGRAM AS
18 IT RELATES TO NATIVE HAWAIIAN CHILDREN

19 SEC. 4. The Act of September 30, 1950 (Public Law
20 874, Eighty-first Congress) is amended by redesignating title
21 IV as title V, by redesignating sections 401 through 403 and
22 references thereto as sections 501 through 503, respectively,
23 and by adding after title III the following new title:

1 "TITLE IV—FINANCIAL ASSISTANCE TO LOCAL
2 EDUCATIONAL AGENCIES FOR THE EDUCA-
3 TION OF NATIVE HAWAIIAN CHILDREN

4 "SHORT TITLE

5 "SEC. 401. This title may be cited as the 'Native Ha-
6 waiian Elementary and Secondary School Assistance Act'.

7 "PROGRAM AUTHORIZED

8 "SEC. 402. The Commissioner shall carry out a pro-
9 gram of making grants to local educational agencies in ac-
10 cordance with the provisions of this title.

11 "GRANTS TO LOCAL EDUCATIONAL AGENCIES

12 "SEC. 403. (a) For the purpose of computing the
13 amount to which a local educational agency is entitled under
14 this title for any fiscal year ending prior to October 1, 1983,
15 the Commissioner shall determine the number of Native Ha-
16 waiian children who were enrolled in the schools of a local
17 educational agency, and for whom that agency provided free
18 public education, during that fiscal year.

19 "(b)(1) The amount of the grant to which a local educa-
20 tional agency is entitled under this title for any fiscal year
21 shall be an amount equal to (i) the average per pupil expendi-
22 ture for that agency (as determined under subparagraph (2))
23 multiplied by (ii) the sum of the number of children deter-
24 mined under subsection (a).

1 “(2) For the purposes of this subsection, the average per
2 pupil expenditure for a local educational agency shall be the
3 aggregate current expenditures, during the second fiscal year
4 preceding the fiscal year for which the computation is made,
5 of all the local educational agencies in the State in which that
6 agency is located, plus any direct current expenditures by
7 that State for the operation of those agencies (without regard
8 to the sources of funds from which either of those expendi-
9 tures are made), divided by the aggregate number of children
10 who were in average daily enrollment for whom those agen-
11 cies provided free public education during that preceding
12 fiscal year.

13 “(c) In addition to the sums appropriated for grants to
14 local educational agencies under this title, there is authorized
15 to be appropriated for any fiscal year an amount not to
16 exceed 10 per centum of the amount appropriated for pay-
17 ments computed under subsection (b) for that fiscal year.
18 From the amount appropriated for the purpose of this section,
19 the Commissioner is authorized to provide financial assist-
20 ance to schools which are not local educational agencies or
21 have not been local educational agencies for more than three
22 years.

1 "USES OF FEDERAL FUNDS

2 "SEC. 404. (a) Grants under this title may be used, in
3 accordance with applications approved under section 405,
4 for—

5 "(1) planning for and taking other steps leading to
6 the development of programs specifically designed to
7 meet the special educational needs of Native Hawaiian
8 children, including pilot projects designed to test the
9 effectiveness of plans so developed; and

10 "(2) the establishment, maintenance, and oper-
11 ation of programs including minor remodeling of class-
12 rooms or other space used for these programs and ac-
13 quisitions of necessary equipment, specially designed to
14 meet the special educational needs of Native Hawaiian
15 children.

16 "(b) A program or project assisted under this part may
17 include the participation of non-Native Hawaiian children
18 where that participation does not frustrate or inhibit the
19 achievement of the purpose of the program as set out in sub-
20 section (a).

21 "APPLICATIONS FOR GRANTS: CONDITIONS FOR APPROVAL

22 "SEC. 405. (a) A grant under this title, except as pro-
23 vided in section 403(c), may be made only to a local educa-
24 tional agency or agencies, and only upon application to the
25 Commissioner at such time or times, in such manner, and

1 containing or accompanied by such information as the Com-
2 missioner deems necessary. Such application shall—

3 “(1) provide that the activities and services for
4 which assistance under this title is sought will be ad-
5 ministered by or under the supervision of the applicant;

6 “(2) set forth a program for carrying out the pur-
7 poses of section 404, and provide for such methods of
8 administration as are necessary for the proper and effi-
9 cient operation of the program;

10 “(3) in the case of an application for payments for
11 planning, provide that (A) the planning was or will be
12 directly related to programs or projects to be carried
13 out under this title and has resulted, or is reasonably
14 likely to result, in a program or project which will be
15 carried out under this title, and (B) the planning funds
16 are needed because of the innovative nature of the pro-
17 gram or project or because the local educational
18 agency lacks the resources necessary to plan adequate-
19 ly for programs and projects to be carried out under
20 this title;

21 “(4) provide that effective procedures, including
22 provisions for appropriate objective measurement of
23 educational achievement, will be adopted for evaluating
24 at least annually the effectiveness of the programs and

1 projects in meeting the special educational needs of
2 Native Hawaiian students;

3 “(5) set forth policies and procedures which will
4 ensure that Federal funds made available under this
5 title for any fiscal year will be so used as to supple-
6 ment and, to the extent practical, increase the level of
7 funds from local, State, and other Federal sources that
8 would, in the absence of Federal funds under this title,
9 be made available by the applicant for the education of
10 Native Hawaiian children and in no case supplant such
11 funds;

12 “(6) provide for such fiscal control and fund ac-
13 counting procedures as may be necessary to assure
14 proper disbursement of, and accounting for, Federal
15 funds paid to the applicant under this title; and

16 “(7) provide for making an annual report and such
17 other reports, in such form and containing such infor-
18 mation, as the Commissioner may reasonably require
19 to carry out his functions under this title and to deter-
20 mine the extent to which funds provided under this
21 title have been effective in improving the educational
22 opportunities of Native Hawaiian students in the area
23 served, and for keeping such records and for affording
24 such access thereto as the Commissioner may find nec-

1 essary to assure the correctness and verification of
2 such reports.

3 “(b) An application by a local educational agency or
4 agencies for a grant under this title may be approved only if
5 it is consistent with the applicable provisions of this title
6 and—

7 “(1) meets the requirements set forth in subsec-
8 tion (a);

9 “(2) provides that the program or project for
10 which application is made—

11 “(A) will utilize the best available talents
12 and resources (including persons from the Hawai-
13 ian Native community) and will substantially in-
14 crease the educational opportunities of Native Ha-
15 waiian children in the area to be served by the
16 applicant; and

17 “(B) has been developed—

18 “(i) in open consultation with parents of
19 Native Hawaiian children enrolled in the ap-
20 plicant's schools, teachers of those children,
21 and, where applicable, Native Hawaiian sec-
22 ondary school students, including public
23 hearings at which such persons have had a
24 full opportunity to understand the program

1 for which assistance is being sought and to
2 offer recommendations thereon, and

3 “(ii) with the participation and approval
4 of a committee composed of, and selected by,
5 parents of Native Hawaiian children enrolled
6 in the applicant’s schools, teachers of those
7 children, and, where applicable, Native Ha-
8 waiian secondary school students with such
9 parents constituting a majority of the com-
10 mittee. In the State of Hawaii there shall be
11 seven such committees created in accordance
12 with the boundaries of existing school board
13 districts as set out in title 18, section 296-7
14 of Hawaii Revised Statutes (1968) except
15 that no committee shall be created to serve
16 any at-large district. The participation and
17 approval of each such committee represent-
18 ing an area to be served by the applicant
19 shall be required.

20 “(C) sets forth such policies and procedures
21 as will insure that the program for which assist-
22 ance is sought will be operated and evaluated in
23 consultation with, and the involvement of, parents
24 of the Native Hawaiian children and representa-
25 tives of the area to be served, including the com-

3 “(c) Amendments of applications shall, except as the
4 Commissioner may otherwise provide by or pursuant to regu-
5 lations, be subject to approval in the same manner as original
6 applications.

8 "SEC. 406. (a) The Commissioner shall, subject to the
9 provisions of section 407, from time to time pay to each local
10 educational agency which has had an application approved
11 under section 405, an amount equal to the amount expended
12 by such agency in carrying out activities under its applica-
13 tion.

21 “(2) No payments shall be made under this title to any
22 local educational agency for any fiscal year unless the State
23 educational agency finds that the combined fiscal effort (as
24 determined in accordance with regulations of the Commis-
25 sioner) of that agency and the State with respect to the pro-

1 vision of free public education by that agency for the preced-
 2 ing fiscal year was not less than such combined fiscal effort
 3 for that purpose for the second preceding fiscal year.

4 "ADJUSTMENTS WHERE NECESSITATED BY
 5 APPROPRIATIONS

6 "SEC. 407. (a) If the sums appropriated for any fiscal
 7 year for making payments under this title are not sufficient to
 8 pay in full the total amounts which all local educational agen-
 9 cies are eligible to receive under this title for that fiscal year,
 10 the maximum amounts which all such agencies are eligible to
 11 receive under this title for that fiscal year shall be ratably
 12 reduced. In case additional funds become available for
 13 making such payments for any fiscal year, during which the
 14 first sentence of this subsection is applicable, such reduced
 15 amounts shall be increased on the same basis as they were
 16 reduced.

17 "(b) In the case of any fiscal year in which the maxi-
 18 mum amounts for which local educational agencies are eligi-
 19 ble have been reduced under the first sentence of subsection
 20 (a), and in which additional funds have not been made availa-
 21 ble to pay in full the total of such maximum amounts under
 22 the second sentence of such subsection, the Commissioner
 23 shall fix dates prior to which each local educational agency
 24 shall report to him on the amount of funds available to it,
 25 under the terms of section 406(a) and subsection (a) of this

1 section, which it estimates, in accordance with regulations of
 2 the Commissioner, that it will expend under approved appli-
 3 cations. The amounts so available to any local educational
 4 agency, or any amount which would be available to any other
 5 local educational agency if it were to submit an approvable
 6 application therefor, which the Commissioner determines will
 7 not be used for the period of its availability, shall be available
 8 for allocation to those local educational agencies, in the
 9 manner provided in the second sentence of subsection (a),
 10 which the Commissioner determines will need additional
 11 funds to carry out approved applications, except that no local
 12 educational agency shall receive an amount under this sen-
 13 tence which, when added to the amount available to it under
 14 subsection (a) exceeds its entitlement under section 403."

15 PART B—SPECIAL PROGRAMS AND PROJECTS TO IM-
 16 PROVE EDUCATIONAL OPPORTUNITIES FOR NATIVE
 17 HAWAIIAN CHILDREN

18 AMENDMENT TO TITLE VIII OF THE ELEMENTARY AND
 19 SECONDARY EDUCATION ACT OF 1965

20 SEC. 5. (a) Title VIII of the Elementary and Secondary
 21 Education Act of 1965 is amended by adding to the end
 22 thereof the following new section:

1 "IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR
2 NATIVE HAWAIIAN CHILDREN

3 "SEC. 813. (a) The Commissioner shall carry out a pro-
4 gram of making grants for the improvement of educational
5 opportunities for Native Hawaiian children—

6 "(1) to support planning, pilot, and demonstration
7 projects, in accordance with subsection (b), which are
8 designed to test and demonstrate the effectiveness of
9 programs for improving educational opportunities for
10 Native Hawaiian children;

11 "(2) to assist in the establishment and operation
12 of programs, in accordance with subsection (c), which
13 are designed to stimulate (A) the provision of educa-
14 tional services not available to Native Hawaiian chil-
15 dren in sufficient quantity or quality, and (B) the devel-
16 opment and establishment of exemplary educational
17 programs to serve as models for regular school pro-
18 grams in which Native Hawaiian children are educat-
19 ed;

20 "(3) to assist in the establishment and operation
21 of preservice and inservice training programs, in ac-
22 cordance with subsection (d), for persons serving
23 Native Hawaiian children as educational personnel;
24 and

1 “(4) to encourage the dissemination of information
2 and materials relating to, and the evaluation of the ef-
3 fectiveness of, education programs which may offer
4 educational opportunities to Native Hawaiian children.

5 “(b) The Commissioner is authorized to make grants to
6 State and local educational agencies, and Native Hawaiian
7 organizations to support planning, pilot, and demonstration
8 projects which are designed to plan for, and test and demon-
9 strate the effectiveness of, programs for improving educa-
10 tional opportunities for Native Hawaiian children, includ-
11 ing—

12 “(1) innovative programs related to the educa-
13 tional needs of educationally deprived children;

14 “(2) bilingual and bicultural education programs
15 and projects;

16 “(3) special health and nutrition services, and
17 other related activities, which meet the special health,
18 social, and psychological problems of Native Hawaiian
19 children; and

20 “(4) coordinating the operation of other federally
21 assisted programs which may be used to assist in
22 meeting the needs of such children.

23 “(c) The Commissioner is also authorized to make
24 grants to State and local educational agencies and to Native
25 Hawaiian institutions and community organizations to assist

1 and stimulate them in developing and establishing educa-
2 tional services and programs specifically designed to improve
3 educational opportunities for Native Hawaiian children.
4 Grants may be used—

5 “(1) to provide educational services not available
6 to such children in sufficient quantity or quality, includ-
7 ing—

8 “(A) remedial and compensatory instruction,
9 school health, physical education, psychological,
10 and other services designed to assist and encour-
11 age Native Hawaiian children to enter, remain in,
12 or reenter elementary or secondary school;

13 “(B) comprehensive academic and vocational
14 instruction;

15 “(C) instructional materials (such as library
16 books, text books, and other printed, published, or
17 audiovisual materials) and equipment;

18 “(D) comprehensive guidance, counseling,
19 and testing services;

20 “(E) special education programs for handi-
21 capped and gifted and talented Native Hawaiian
22 children;

23 “(F) early childhood programs;

24 “(G) bilingual and bicultural education pro-
25 grams; and

1 “(H) other services which meet the purposes
2 of this subsection; and

3 “(2) for the establishment and operation of exem-
4 plary and innovative educational programs and centers,
5 involving new educational approaches, methods, and
6 techniques designed to enrich programs of elementary
7 and secondary education for Native Hawaiian children.

8 “(d) The Commissioner is also authorized to make
9 grants to institutions of higher education and to State and
10 local educational agencies in combination with institutions of
11 higher education, for carrying out programs and projects—

12 “(1) to prepare persons to serve Native Hawaiian
13 children as teachers, teachers aides, counselors, social
14 workers, and ancillary educational personnel; and

15 “(2) to improve the qualifications of such persons
16 who are serving Native Hawaiian children in such ca-
17 pacities.

18 Grants for the purposes of this subsection may be used for
19 the establishment of fellowship programs leading to an ad-
20 vanced degree, for institutes and, as part of a continuing pro-
21 gram, for seminars, symposia, workshops, and conferences.

22 “(e) The Commissioner is also authorized to make
23 grants to and contract with, public agencies, and institutions
24 and Native Hawaiian organizations for—

1 “(1) the dissemination of information concerning
2 education programs, services, and resources available
3 to Native Hawaiian children, including evaluations
4 thereof; and

5 “(2) the evaluation of the effectiveness of federally
6 assisted programs in which Native Hawaiian children
7 may participate in achieving the purposes of such pro-
8 grams with respect to such children.

9 (f) Applications for a grant under this section shall be
10 submitted at such time, in such manner, and shall contain
11 such information, and shall be consistent with such criteria,
12 as may be established as requirements in regulations promul-
13 gated by the Commissioner. Such applications shall—

14 “(1) set forth a statement describing the activities
15 for which assistance is sought;

16 “(2) in the case of an application for the purposes
17 of subsection (c), subject to such criteria as the Com-
18 missioner shall prescribe, provide for the use of funds
19 available under this section, and for the coordination of
20 other resources available to the applicant, in order to
21 insure that, within the scope of the purpose of the proj-
22 ect, there will be a comprehensive program to achieve
23 the purposes of this section;

24 “(3) in the case of an application for the purposes
25 of subsection (c), make adequate provision for the

1 training of the personnel participating in the project;
2 and

3 "(4) provide for an evaluation of the effectiveness
4 of the project in achieving its purposes and those of
5 this section.

6 The Commissioner shall not approve an application for a
7 grant under subsection (b) or (c) unless he is satisfied that
8 such application, and any documents submitted with respect
9 thereto, show that there has been adequate participation by
10 the parents of the children to be served in the planning and
11 development of the project, and that there will be such a
12 participation in the operation and evaluation of the project.

13 "(g) For the purpose of making grants under this section
14 there are hereby authorized to be appropriated \$4,000,000
15 for the fiscal year ending September 30, 1982, and
16 \$5,000,000 for each of the two succeeding fiscal years."

17 SPECIAL EDUCATION TRAINING PROGRAMS FOR TEACHERS
18 OF NATIVE HAWAIIAN CHILDREN

19 SEC. 6. (a) The Commissioner is authorized to make
20 grants to and enter into contracts with institutions of higher
21 education, and Native Hawaiian organizations, for the pur-
22 pose of preparing individuals for teaching or administering
23 special programs and projects designed to meet the special
24 educational needs of Native Hawaiian children and to provide
25 inservice training for persons teaching in such programs. In

1 carrying out his responsibilities under this section, the Com-
 2 missioner is authorized to award fellowships and traineeships
 3 to individuals and to make grants to, and to enter into con-
 4 tracts with, institutions of higher education and Native Ha-
 5 waiian organizations, for cost of education allowances.

6 (b) In the case of traineeships and fellowships, the Com-
 7 missioner is authorized to grant stipends to, and allowances
 8 for, dependents of persons receiving traineeships and fellow-
 9 ships.

10 (c) There is authorized to be appropriated \$500,000 for
 11 the fiscal year ending September 30, 1981, and for each of
 12 the three succeeding fiscal years to carry out the provisions
 13 of this section.

14 FELLOWSHIPS FOR NATIVE HAWAIIAN STUDENTS

15 SEC. 7. (a) During the fiscal year ending September 30,
 16 1981, and each of the three succeeding fiscal years, the Com-
 17 missioner is authorized to award not to exceed one hundred
 18 fellowships to be used for study in undergraduate, graduate
 19 and professional programs at institutions of higher education.
 20 Such fellowships shall be awarded to Native Hawaiian stu-
 21 dents in order to enable them to pursue a course of study of
 22 not more than four academic years leading toward a profes-
 23 sional or graduate degree in medicine, law, education, and
 24 related fields or leading to an undergraduate or graduate
 25 degree in engineering, business administration, natural re-

1 sources, and related fields. In addition to the fellowships au-
2 thorized to be awarded in the first sentence of this subsec-
3 tion, the Commissioner is authorized to award a number of
4 fellowships equal to the number previously awarded during
5 any fiscal year under this subsection but vacated prior to the
6 end of the period during which they were awarded, except
7 that each fellowship so awarded shall be only for a period of
8 study not in excess of the remainder of the period of time for
9 which the fellowship it replaces was awarded, as the Com-
10 missioner may determine.

11 (b) The Commissioner shall pay to persons awarded fel-
12 lowships under this subsection such stipends (including such
13 allowances for subsistence of such persons and their depend-
14 ents) as he may determine to be consistent with prevailing
15 practices under comparable federally supported programs.

16 (c) The Commissioner shall pay to the institution of
17 higher education at which the holder of a fellowship under
18 this subsection is pursuing a course of study, in lieu of tuition
19 charged such holder, such amounts as the Commissioner may
20 determine to cover the cost of education for the holder of
21 such a fellowship.

22 (d) There is authorized to be appropriated \$500,000 for
23 the fiscal year ending September 30, 1982, and for each of
24 the three succeeding fiscal years to carry out the provisions
25 of this section.

1 PART C—SPECIAL PROGRAMS RELATING TO ADULT
 2 EDUCATION FOR NATIVE HAWAIIANS AMENDMENT
 3 TO THE ADULT EDUCATION ACT
 4 TITLE III OF THE ELEMENTARY AND SECONDARY
 5 EDUCATION AMENDMENTS OF 1966

6 SEC. 8. The Adult Education Act is amended by rede-
 7 signating sections 315 and 316, and all references thereto, as
 8 section 316 and 317, respectively, and by adding after sec-
 9 tion 314 the following new section:

10 “IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR
 11 ADULT NATIVE HAWAIIANS

12 “SEC. 315. (a) The Commissioner shall carry out a pro-
 13 gram of making grants to State and local educational agen-
 14 cies, and to Native Hawaiian institutions and organizations,
 15 to support planning, pilot, and demonstration projects which
 16 are designed to plan for, and test and demonstrate the effec-
 17 tiveness of, programs for providing adult education for Native
 18 Hawaiians—

19 “(1) to support planning, pilot, and demonstration
 20 projects which are designed to test and demonstrate
 21 the effectiveness of programs for improving employ-
 22 ment and educational opportunities for adult Native
 23 Hawaiians;

24 “(2) to assist in the establishment and operation
 25 of programs which are designed to stimulate (A) the

1 provision of basic literacy opportunities to all nonliter-
2 ate Native Hawaiian adults and (B) the provision of
3 opportunities to all Native Hawaiian adults to qualify
4 for a high school equivalency certificate in the shortest
5 period of time feasible;

6 “(3) to support a major research and development
7 program to develop more innovative and effective tech-
8 niques for achieving the literacy and high school equiv-
9 alency goals;

10 “(4) to provide for basic surveys and evaluations
11 thereof to define accurately the extent of the problems
12 of illiteracy and lack of high school completion among
13 Native Hawaiians;

14 “(5) to encourage the dissemination of information
15 and materials relating to, and the evaluation of, the ef-
16 fectiveness of educational programs which may offer
17 opportunities to Native Hawaiian adults.

18 “(b) The Commissioner is also authorized to make
19 grants to, and contracts with, public agencies, and institu-
20 tions, and Native Hawaiian organizations for—

21 “(1) the dissemination of information concerning
22 educational programs, services, and resources available
23 to Native Hawaiian adults, including evaluations there-
24 of; and

1 “(2) the evaluation of the effectiveness of federally
2 assisted programs in which Native Hawaiian adults
3 may participate in achieving the purposes of such pro-
4 grams with respect to such adults.

5 “(c) Applications for a grant under this section shall be
6 submitted at such time, in such manner, and contain such
7 information, and shall be consistent with such criteria, as
8 may be established as requirements in regulations promulgat-
9 ed by the Commissioner. Such applications shall—

10 “(1) set forth a statement describing the activities
11 for which assistance is sought;

12 “(2) provide for an evaluation of the effectiveness
13 of the project in achieving its purposes and those of
14 this section.

15 The Commissioner shall not approve an application for a
16 grant under subsection (a) unless he is satisfied that such
17 application, and any documents submitted with respect there-
18 to, indicate that there has been adequate participation by the
19 individuals to be served in the planning and development of
20 the project, and that there will be such a participation in the
21 operation and evaluation of the project.

22 “(d) For the purpose of making grants under this section
23 there are hereby authorized to be appropriated \$2,000,000
24 for the fiscal year ending September 30, 1982, and
25 \$2,000,000 for each of the two succeeding fiscal years.”.

1 SEC. 9. Section 441 of the Indian Education Act is
2 amended by redesignating subsection (b) of such section, and
3 all references thereto, as subsection (c) and by inserting after
4 subsection (a) the following new subsection:

5 “(b) The Office of Indian Education shall have further
6 responsibility for administering the provisions of title IV of
7 the Act of September 30, 1950 (Public Law 874, Eighty-first
8 Congress), section 813 of title VIII of the Elementary and
9 Secondary Education Act of 1965, and section 315 of title
10 III of the Adult Education Act.”.

11 ADVISORY COUNCIL ON NATIVE HAWAIIAN EDUCATION

12 SEC. 10. (a) There is hereby established the Advisory
13 Council on Native Hawaiian Education (referred to in this
14 title as the Council), which shall consist of seven members
15 who are Native Hawaiians appointed by the President of the
16 United States. Such appointments shall be made by the
17 President from lists of nominees furnished, from time to time,
18 by Native Hawaiian organizations.

19 (b) The Council shall—

20 (b) advise the Commissioner of Education with re-
21 spect to the administration (including the development
22 of regulations, administrative practices, and policies) of
23 any program in which Native Hawaiian children or
24 adults participate from which they can benefit, includ-
25 ing title IV of the Act of September 30, 1950 (Public

1 Law 874, Eighty-first Congress), as added by this Act,
2 and section 814, title VIII of the Elementary and Sec-
3 ondary Education Act of 1965, as added by this Act
4 and with respect to adequate funding thereof;

5 (2) review applications for assistance under title
6 IV of the Act of September 30, 1950 (Public Law
7 874, Eighty-first Congress), as added by this Act, sec-
8 tion 813 of title VIII of the Elementary and Second-
9 ary Education Act of 1965, as added by this Act, and
10 section 315 of the Adult Education Act, as added by
11 this Act, and make recommendations to the Commis-
12 sioner regarding their approval;

13 (3) evaluate programs and projects carried out
14 under any program of the Department of Health, Edu-
15 cation, and Welfare in which Native Hawaiian children
16 or adults can participate or from which they can bene-
17 fit and disseminate the results of such evaluations;

18 (4) provide technical assistance to local education-
19 al agencies and to Native Hawaiian organizations to
20 assist them in improving the education of Native Ha-
21 waiian children;

22 (5) assist the Commissioner in developing criteria
23 and regulations for the administration and evaluation of
24 grants made under section 403(b) of the Act of Sep-

27

1 (a) the term "Native Hawaiian" means any indi-
 2 vidual whose ancestors were natives of the area which
 3 consisted of the Hawaiian Islands prior to 1778;

4 (b) the term "Native Hawaiian organization" shall
 5 include Native Hawaiian nonprofit institutions and
 6 agencies as well as Native Hawaiian community orga-
 7 nizations; and

8 (c) the term "parent" includes a legal guardian or
 9 other person standing in loco parentis.

Chairman PERKINS. The Subcommittee on Elementary, Secondary, and Vocational Education and the Subcommittee on Postsecondary Education are conducting a joint hearing today on H.R. 93, the Hawaiian Native Education Act.

Congressman Akaka introduced this legislation, with the cosponsorship of Congressman Heftel. I am delighted that both the distinguished sponsors will be testifying this morning on the merits of their bill.

This bill would create several new programs of Federal assistance intended to improve the education of Native Hawaiians. First, it would create a new formula grant program for local educational agencies enrolling Native Hawaiian students. This program would be under a new title of the impact aid law, and funds would be used to meet the special educational needs of Native Hawaiian children.

The bill also authorizes grants for special programs and projects to improve the educational opportunities of Native Hawaiian children, to upgrade training for teachers of Native Hawaiians, and to disseminate information about these programs.

Finally, the bill would create a new fellowship program to enable Native Hawaiian students to pursue degrees in selected fields and a new program of demonstration projects for adult Native Hawaiians under the Adult Education Act.

Last week, the Senate passed a companion bill, S. 916.

In addition to the sponsors of the bill, we will hear from a panel of educators who will testify and be available for questions regarding the need for the legislation.

At this time, we are pleased to recognize the Honorable Daniel K. Akaka, Member of Congress from the State of Hawaii, and will you please introduce those at the table with you.

**STATEMENT OF HON. DANIEL K. AKAKA, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF HAWAII**

Mr. AKAKA. Mr. Chairman, members of the Committee on Education and Labor, thank you for the opportunity to testify on behalf of H.R. 93, the Native Hawaiian Education Act.

Educational help for Native Hawaiians is needed now. Native Hawaiian students represent 12 percent of the total enrollment of public students in Hawaii, a full 33,723 of the 169,575 students. However, they account for a disproportionately higher percentage of suspensions, dropouts, court referrals and disciplinary problems. For many, these problems continue and multiply during adulthood.

Despite their inability to fit into the traditional educational environment, existing Federal programs cannot meet the needs of Native Hawaiian students, since these programs are not designed to deal with educational needs arising out of cultural differences. Gaps in the education of Native Hawaiian students exist. The Native Hawaiian Education Act was drafted to fill in those gaps.

To elaborate more fully on the needs of the Native Hawaiian student, and the cultural, legal, and historical aspects of their educational requirements, a panel of six experts from Hawaii will testify and be available for your questions. They are: Myron Thompson, trustee, the Kamehameha Schools/Bernice P. Bishop Estate; Mr. Neil Hannahs, assistant to president, the Kamehameha Schools; Dr. Pauline King Joerger, assistant professor of history, University of Hawaii; Dr. Emiko Kudo, deputy superintendent, Hawaii Department of Education; Dr. Roland Tharp, principal investigator, Kamehameha Early Education Program, and professor of psychology, University of Hawaii; and Dr. David Weikart, president, High/Scope Educational Research Foundation, Ypsilanti, Mich.

At this time, Mr. Thompson has a statement he wishes to present.

STATEMENT OF MYRON THOMPSON, TRUSTEE, THE KAMEHAMEHA SCHOOLS/BERNICE P. BISHOP ESTATE; NEIL HANNAHS, ASSISTANT TO PRESIDENT, THE KAMEHAMEHA SCHOOLS; PAULINE KING JOERGER, ASSISTANT PROFESSOR OF HISTORY, UNIVERSITY OF HAWAII; EMIKO KUDO, DEPUTY SUPERINTENDENT, HAWAII DEPARTMENT OF EDUCATION; ROLAND THARP, PRINCIPAL INVESTIGATOR, KAMEHAMEHA EARLY EDUCATION PROGRAM, AND PROFESSOR OF PSYCHOLOGY, UNIVERSITY OF HAWAII; AND DAVID WEIKART, PRESIDENT, HIGH/SCOPE EDUCATIONAL RESEARCH FOUNDATION, YPSILANTI, MICH.

Mr. THOMPSON. Mr. Chairman, we appear before you at the request of the Native Hawaiians. We are here today to clarify issues, answer questions, and seek your support for the passage of this act.

Our presentation consists of written testimony which you will have at your disposal by my colleagues and submitted for your review, and I will give a summary of the reports that are submitted, and a question-and-answer period will follow my comments.

My presentation will be, number one, a summary of the genesis of the problem; number two, a description of the educational needs

of Hawaiian youth; number three, the impact of the cultural cleavage between the Hawaiian child and school; and, four, the government's special commitment to the Native Hawaiian people; and, five, an analysis of cost and benefits of educational programs to society and the individuals as proposed in this legislation.

The special educational programs made possible through this legislation would provide the means to turn the tide of an insidious, almost genocidal process of which Native Hawaiians have been the victim. The process began 200 years ago with the arrival of Capt. James Cook. At numerous points in history the process was deliberately and intricately planned. At other points, it was the accidental result of otherwise innocent occurrences. However, the presence or absence of prior intent did not change the result.

For in less than 100 years following the discovery by Cook and his crews, the disease that was left by these members and others who followed decimated the population from 400,000 to 40,000 people.

Two, merchants and mercenaries introduced and controlled an economic system, based on the exploitation and subjugation of the Hawaiian people, which transformed a subsistence economy to one utterly dependent upon trade.

Three, a reactionary band of religious fundamentalists imposed a religious dogma upon Hawaiians that granted absolutely no positive recognition to traditional Hawaiian beliefs and practices. This generated a moral and psychological upheaval which in many Hawaiian families has passed from generation to generation without satisfactory resolution.

Four, a coalition of business and religious leaders introduced the concept of private landholding and quickly stripped virtually all Hawaiians, save those of chiefly rank, of their interest in the land.

Five, this same group later conspired to usurp political power of the natives through their overthrow and imprisonment of the Hawaiian monarch, Queen Liliuokalani. Then President Cleveland declared this action to be illegal but could not reverse it before relinquishing his office.

This genocidal process and other destructive influences left a once healthy, vibrant, self-directed people in a constant state of malaise. The Hawaiians' self-concept was destroyed.

Contemporary Hawaiians are survivors of this attempt at genocide. But they are not without scars. Too many have a low self-image. Too many function in a constant state of depression. This state of mental ill health results in social failure, delinquency, unemployment and unrealized potential. The statistics on these charts will bear this point out.

Mr. Chairman, rather than go through all of it, I would like to just site a few which brings out the point that our people are not faring as well as the rest of the population within the United States.

We have submitted to you social indicators that bear these facts out, but I would like to comment on one very significant statistic. It has to do with criminal offenders. As far as the adult population is concerned, five-tenths of 1 percent of the population is involved in criminal offenses, whereas among the Hawaiian population 1.2 percent are involved, but the more significant figures are the fol-

lowing: 62 percent of the Native Hawaiians who are involved in criminal offenses are prosecuted; 47 percent are incarcerated; juveniles on probation consist of 41 percent, and adults on probation consist of 35 percent, and in comparing this to the general demographics of how the Hawaiians compare statistically with the general population, we constitute 17 percent of the general population of the State of Hawaii. Another important figure is that 50 percent of all whole and part-Hawaiians are 20 years old and younger.

When we take a look at the statistics in the health area, we find people tend to die 10 years younger than the rest of the ethnic groups in the State.

In addition to the above, I would like to comment briefly on some of the educational needs of the Hawaiian youth. We have a case here that shows that the children of Hawaiian ancestry are educationally the lowest achieving ethnic minority in the United States.

An analysis of the scores on Stanford achievement tests administered by the public schools nationally at the 4th, 6th, 8th, and 10th grade levels indicate that more than half—54 percent—of the students rank in the 4th, 5th, and 6th stanine. The 5th stanine constitutes the national norm. Typically, 23 percent of those taking the test score in stanines 1, 2, and 3 and another 23 percent of those taking the test score in stanines 7, 8, and 9.

Results of the 1978 administration indicate that Hawaiian students perform very poorly in each area of the Stanford test. This substandard performance increases in severity with grade level. With each higher grade more students fall into the below-average category on all subtests.

This dismal trend is reflected in the following graphs. In mathematics, at grade 4, 42 percent of the Hawaiian students are performing below average compared to 23 percent nationally, 51 percent are average compared to 54 percent nationally, and 8 percent are above average compared to 23 percent nationally. By grade 8, 65 percent of the Hawaiian students are performing below average, 34 percent are average, and 1 percent are above average.

In reading, at grade 4, 45 percent of the Hawaiian students are performing below average compared to 23 percent nationally, 51 percent are average compared to 54 percent nationally, and 4 percent are above average compared to 23 percent nationally. By grade 8, 69 percent of the Hawaiian students are performing below average, 31 percent are average, and zero percent are above average.

It's not surprising, then, that Hawaiian youth are represented in disproportionately high percentages among school dropouts, suspensions, absentees, and disciplinary cases. These signs of alienation are predictable symptoms of their psychological, educational, social, economical, and political depression.

Cultural cleavage between the Hawaiian child and school: So, it is not simply a matter of scattered individual casualties; the casualty is an entire group. But, as we have shown, this failure does not stem from an inherent inability to learn. Hawaiian children come to school with sufficient faculties to perform at their level of potential which falls along the patterns of national norms. After considerable study, the cause of their failure has been identified as the cultural cleavage between home and school.

I'd like to discuss three cultural characteristics of Hawaiian children which our research has shown have a particularly profound influence on the likelihood of these youth succeeding in schools.

First, because the bulk of a Hawaiian child's interactions are with peers and near-peers, Hawaiian children older than 3 or 4 ordinarily orient and attend to each other very strongly. As a group, Hawaiian children are vigorous, mutually helpful, socially skilled, talkative, and affectionate. These traits in an ordinary classroom can produce confusion.

Hawaiian children in the school continue to be as they are at home, highly peer oriented; the schools are designed for adult orientation. Hawaiian children typically avoid adults; the school adult is inescapable. The school's expectation of close attention and clear orientation to the teacher produces an immediate failure of fit between the two cultures of school and child.

As a consequence of this failure of fit, public school teachers typically view the Hawaiian child as lazy, uninvolved, and unconcerned with learning. These traits are blamed on "the home," and the teacher often views the school as powerless to overcome a massive cultural lethargy.

Second, Hawaiian children exhibit exceptionally strong affiliation tendencies, which generate patterns of cooperation and mutuality in task accomplishment. The most effective social organization of the classroom for these children is small groups that are permitted to work cooperatively on current objectives.

The typical classroom, however, is comprised of one large group. Students are expected to work independently. In this setting, cooperation is a euphemism for cheating. The conflict between these two cultural styles is obvious.

Chairman. PERKINS. Let me suggest that we have an important bill on the floor today, and it would be my hope that you might make your testimony more brief. I personally am going to assist you in every way I can. We can move along here, and if you will insert your prepared remarks in the record, it will be most helpful.

But I do want to ask you a question. From talking to the members of the committee here, two major questions were raised regarding this legislation. First, why should Hawaiians be singled out for special treatment, and, second, why aren't present programs like title I meeting the needs of Hawaiian children?

Would you summarize your views on these two questions?

Mr. THOMPSON. Yes, Mr. Chairman, I will begin with the answer to the question.

Chairman. PERKINS. Just summarize it briefly, and your entire statement will be in the record, without objection.

[The prepared statement of Myron Thompson follows:]

PREPARED STATEMENT OF MYRON THOMPSON, TRUSTEE, THE KAMEHAMEHA SCHOOLS/
BERNICE P. BISHOP ESTATE, PRESIDENT, ALU LIKE, INC., AND GOVERNOR'S SPECIAL
ASSISTANT ON POLYNESIAN AFFAIRS; AND NEIL HANNAHS, ASSISTANT TO PRESIDENT,
THE KAMEHAMEHA SCHOOLS

HR 93 - NATIVE HAWAIIAN EDUCATION ACT

Testimony before a joint committee on elementary and secondary education and
higher education of the United States House of Representatives.

November 14, 1979

Greet representatives present.

Introduce members of the delegation if not introduced by Representative
Akaka.

- | | |
|------------------------|--|
| . Myron Thompson | - Trustee, The Kamehameha Schools/
Bernice P. Bishop Estate.

President, Alu Like, Incorporated

Governor's special assistant on

Polynesian affairs. |
| . Neil Hannahs | - Assistant to President, The

Kamehameha Schools. |
| . Pauline King Joerger | - Assistant Professor of History,

University of Hawaii. |
| . Emiko Kudo | - Deputy Superintendent, Hawaii

Department of Education. |

- Roland Tharp

• David Weikart

- Principal Investigator, Kamehameha Early Education Program.
Professor of Psychology, University of Hawaii.

- President, High/Scope Educational Research Foundation.

We are here today to clarify issues, answer questions and seek your support for the Native Hawaiian Education Act.

The measure is designed to assist private and public educational agencies in meeting the unique educational needs of native Hawaiian people. In effect, it will provide native Hawaiians the same types of educational services which are presently available to American Indians through the Indian Education Act (P.L. 92-318, Title IV as amended through P.L. 93-380).

We will inform not demand. Our presentation consists of the written testimony prepared by my colleagues and submitted for your review, an oral overview and summary statement which I am offering on behalf of the group, and a question and answer period which will follow my comments.

Areas of discussion include:

1. the genesis of the problem;
2. a description of the educational needs of Hawaiian youth;
3. the impact of the cultural cleavage between the Hawaiian child and school on academic performance and skill development;

4. the federal government's special commitment to the Hawaiian people;
5. an analysis of costs and benefits of educational programs to society and the individual.

Genesis of the Problem

The special educational programs sought through this legislation would provide the means to turn the tide of an insidious genocidal process of which native Hawaiians have been the victim. The process began 200 years ago with the arrival of Captain James Cook. At numerous points in history the process was very deliberately and intricately planned. At other points, it was the accidental result of otherwise innocent occurrences. However, the presence or absence of prior intent did not change the results.

1. In less than one hundred years following the arrival of Cook, the diseases introduced by Cook's crew and those who followed had decimated the Hawaiian population from 400,000 to 40,000.
2. Merchants and mercenaries introduced and controlled an economic system, based on the exploitation and subjugation of the Hawaiian people, which transformed a subsistence economy to one utterly dependent upon trade.
3. A reactionary band of religious fundamentalists imposed a religious dogma upon Hawaiians that granted absolutely no positive recognition to traditional Hawaiian beliefs and practices. This generated a

moral and psychological upheaval which in many Hawaiian families has passed from generation to generation without satisfactory resolution.

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Contemporary Hawaiians are survivors of this attempt at genocide. But they are not without scars. Too many have a low self-image. Too many function in a constant state of depression. This state of mental ill health results in social failure, delinquency, unemployment and unrealized potential. The statistics on these charts will bear this point out.

KEY SOCIAL INDICATORS: STATISTICAL COMPARISON BETWEEN
HAWAIIAN ADULTS AND ADULTS STATEWIDE

	<u>STATE POP.</u>	<u>HAWN. POP.</u>
Less Than High School Education	24%	30%
College Degree	16%	5%
Unemployed	4%	6%
Near or Below Poverty	16%	23%
Insufficient Income for Family Size	22%	35%
Professional, Technical, Managerial	27%	19%
Welfare Recipients	15%	22%
Income Less Than \$4,000/Year	26%	31%
Median Income	\$7,400	\$6,900
Criminal Offenders	.5%	1.2%

of Total:

- . Prosecutions Authorized — 62% Native Hawaiians
- . Incarcerated — 47% Native Hawaiians
- . Juveniles on Probation — 41% Native Hawaiians
- . Adults on Probation — 35% Native Hawaiians

GENERAL DEMOGRAPHICS

Whole and Part-Hawaiians comprise 17% of State Population

Whole and Part-Hawaiians comprise 24% of Youth Population

Whole and Part-Hawaiians comprise 13% of Adult Population

50% of all Whole and Part-Hawaiians are 20 Years Old and Younger

Compared with other adults statewide, the Hawaiian-ancestry population also does not fare as well on indicators of health. Data on specific chronic conditions such as cancer, diabetes, gout, high-blood pressure, congenital malformations, prematurity, infant birth complications show that rates for these conditions among those with Hawaiian ancestry are higher than that for the State population. Furthermore, death rates at all ages are higher for the Hawaiians. The East-West Population Institute projects that the life expectancy at birth is shorter by almost a decade for those with Hawaiian ancestry than that for all ethnic groups in the State.

Description of the Educational Needs of Hawaiian Youth

A look at the academic performance of school-age Hawaiians is an equally grim picture of a depressive cycle repeating itself. It is possible to argue that children of Hawaiian ancestry are educationally the lowest-achieving ethnic minority in the United States.

An analysis of scores on Stanford Achievement Tests administered by the public schools nationally at the 4th, 6th, 8th, and 10th grade levels indicate that more than half (54%) of the students rank in the 4th, 5th, and 6th stanine. The 5th stanine constitutes the national norm. Typically, 23% of those taking the test score in stanines 1, 2, and 3 and another 23% of those taking the test score in stanines 7, 8, and 9.

Results of the 1978 administration indicate that Hawaiian students perform very poorly in each area of the Stanford test. This sub-standard performance increases in severity with grade level. With each higher grade more students fall into the below average category on all subtests.

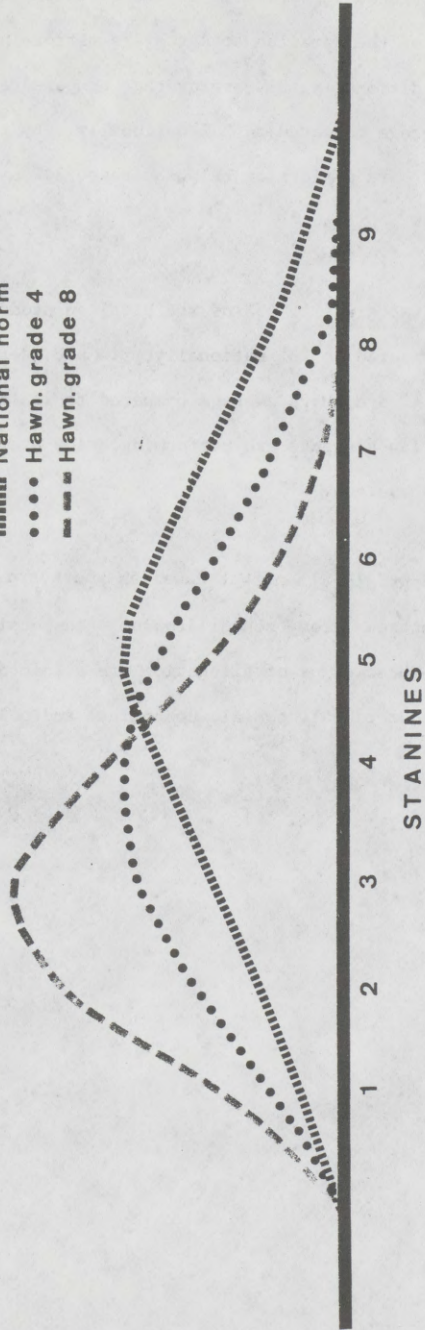
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SAT Scores - Math

- ||||| National norm
- Hawn. grade 4
- - - - - Hawn. grade 8

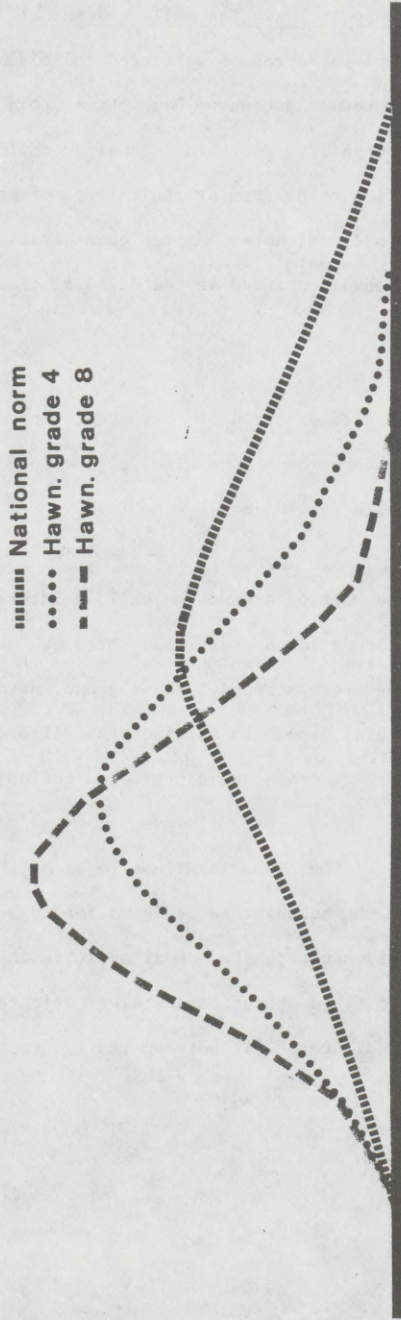


SAT Scores - Reading

■■■■■ National norm
 Hawn. grade 4
 - - - - Hawn. grade 8

1 2 3 4 5 6 7 8 9

STANINES



Cultural Cleavage Between the Hawaiian Child and School

So, it is not simply a matter of scattered individual casualties, the casualty is an entire group. But as we have shown, this failure does not stem from an inherent inability to learn. Hawaiian children come to school with sufficient faculties to perform at their level of potential which falls along the patterns of national norms. After considerable study, the cause of their failure has been identified as the cultural cleavage between home and school.

I'd like to discuss three cultural characteristics of Hawaiian children which our research has shown have a particularly profound influence on the likelihood of these youth succeeding in schools.

First, because the bulk of a Hawaiian child's interactions are with peers and near-peers, Hawaiian children older than three or four ordinarily orient and attend to each other very strongly. As a group, Hawaiian children are vigorous, mutually helpful, socially skilled, talkative and affectionate. These traits in an ordinary classroom can produce confusion.

Hawaiian children in the school continue to be as they are at home, highly peer oriented; the schools are designed for adult orientation. Hawaiian children typically avoid adults; the school adult is inescapable. The school's expectation of close attention and clear orientation to the teacher produces an immediate failure of fit between the two cultures of school and child.

As a consequence of this failure of fit, public school teachers typically view the Hawaiian child as lazy, uninvolved, and unconcerned with learning. These traits are blamed on "the home," and the teacher often views the school as powerless to overcome a massive cultural lethargy.

Second, Hawaiian children exhibit exceptionally strong affiliation tendencies, which generate patterns of cooperation and mutuality in task accomplishment. The most effective social organization of the classroom for these children is small groups that are permitted to work cooperatively on current objectives.

The typical classroom, however, is comprised of one large group. Students are expected to work independently. In this setting, cooperation is a euphemism for cheating. The conflict between these two cultural styles is obvious.

Third, through our linguistic research we have discovered that Hawaiian children learn language best when the instructional materials are embedded within a personal and meaningful context. We call this a talk-story or story-telling approach. A teacher led discussion with a small group of students about details, main ideas, alternative outcomes, speculations about the characters' motives or feelings, and related personal experiences of the children enable the student to experience the instructional materials.

This is in contrast to the phonics-based approach to reading instruction used in most schools. This program requires formal episodic learning,

isolated from meaningful reality, and with no socially mediated explanations. The use of a phonics approach destroys the compatibility of the perception of the teacher and the child. If the content of the lesson is not a story but a relatively meaningless collection of words, sounds, and letters, the Hawaiian child will find it difficult if not impossible to relate the reading lesson to anything he knows or finds important and the results will continue to be those which were reflected in the bell curves shown earlier in our presentation.

Schools can be changed to better accommodate the cultural distinctiveness of Hawaiian youth. The methodology has been developed in pilot programs. And the State Department of Education has the will to change schools so that Hawaiian children will no longer be casualties of an ill-fitting educational model. However, as a steward of public funds, responsible for the education of all children and statutorily governed by non-discriminatory parameters, the Department is unable to effect a substantial impact on the target group of Hawaiian youth without the appropriation of sufficient additional unrestricted resources.

If the Native Hawaiian Education Act is passed and the funds appropriated, it can be used to help schools better accommodate the culture of the Hawaiian child as well as to enact important early childhood education and scholarship programs for which it provides. Passage of the act to assist a group dramatically below national norms surely is productive and necessary. However, we recognize that Congress is faced with many worthwhile bills that would address numerous problems of significance to our society. Therefore, in order

to help determine which of these legislative proposals will merit passage, two questions should be answered: 1) Is it a matter that falls within the jurisdiction of the federal government, and 2) Will there be a return on the investment of federal dollars that may produce benefits to society beyond those immediately apparent in the purpose of the act, thereby making this a particularly good use of public funds?

The Federal Government's Special Relation With Native Hawaiians

Let me first address the matter of jurisdiction. Obviously, we would not be here if we did not believe this is a federal concern. Our position is based on points of law and supported by historical precedents.

The authority granted the Congress to legislate for the benefit of aboriginal peoples is derived from no less a source than the United States Constitution and has been clarified by numerous judicial opinions. But the question of federal recognition of the members of this class has long been considered to be a political question to be determined by the legislative and executive branches of government, and not by the courts.

Are Hawaiians members of the class of native Americans? Absolutely! Felix Cohen in his Handbook of Federal Indian Law discusses several considerations which "singly or jointly, have been particularly relied upon in reaching the conclusion that a group constitutes a tribe" of Indians. Which is to say, native Americans.

Cohen's criteria as they apply to native Hawaiians are shown in the following charts.

I. CRITERIA: "That the group has had treaty relations with the U.S."

EVIDENCE: Two treaties existed.

- 1) 1849 - Treaty of Friendship, Commerce
and Navigation
- 2) 1876 - Treaty of Reciprocity

DETERMINATION: Criteria satisfied.

II. CRITERIA: "That the group has been denominated a tribe by act
of Congress or Executive Order."

EVIDENCE: Congress recognized Hawaiians as an aboriginal group
and formalized its trust responsibility to them in:

- 1) 1920 - Hawaiian Homes Commission Act
- 2) 1959 - Admissions Act
- 3) 1974 - Hawaiians declared eligible for
national programs administered by ANA, OHD,
HEW.
- 4) 1977 - Employment and Training Act

DETERMINATION: Criteria satisfied.

III. CRITERIA: "That the group has been treated as having collective
rights in tribal lands or funds, even though not
expressly designated a tribe."

EVIDENCE: 1) Under the Hawaiian Homes Commission Act (1920),
Congress placed in trust for the benefit of
Native Hawaiians over 200,000 acres of federal
lands in Hawaii.

- 3) In Hawaii a State Office of Hawaiian Affairs was recently created through amendment of the state constitution that will be governed by a board of trustees who shall all be of Hawaiian ancestry.

DETERMINATION: Criteria satisfied.

To summarize, Hawaiians satisfy all five of Cohen's criteria for defining a Native American group. The problems of Hawaiians, particularly those which may have been the direct result of the action of our government's representatives, are therefore addressed appropriately to the federal government for compensatory legislation.

Analysis of Costs and Benefits of Educational Programs

Regarding the economic return on capital expended on educational programs, studies reveal three positive outcomes from investing in the delivery of education services.

First, there is substantial evidence to show that socially undesirable and costly indicators such as welfare eligibility rates and criminal offender rates are negatively correlated with educational achievement among native Hawaiians.

- 2) Employment and Training Act (1977) provides funds specifically for a Native Hawaiian Manpower Program.

DETERMINATION: Criteria satisfied.

IV. CRITERIA: "That the group has been treated as a tribe or band by other Indian tribes."

EVIDENCE: Hawaii's isolated environment pre-empted all contacts with other tribes until only very recent years. These recent contacts have been very positive. Indian tribes represented by the National Congress of American Indians, the Native American Rights Fund, the Hawaii Council of American Indian Nations, and the National Advisory Council on Indian Education have recognized Hawaiians as a native American group and support our efforts to seek passage of this separate legislation.

DETERMINATION: Criteria satisfied.

V. CRITERIA: "That the group has exercised political authority over its members, through a tribal council or other governmental forms."

EVIDENCE:

- 1) Hawaiian sovereigns ruled a unified Hawaiian nation from 1810 to 1893.
- 2) Commissioners governing the Hawaiian Homes Act are required to be of Hawaiian ancestry.

TABLE I

Native Hawaiian "Welfare Eligible" Rates by
Educational Achievement (1976)

Highest Grade Completed

Less than 12	26.3%
12	14.6%
More than 12	8.8%

Offender Rates (per 100) for
Native Hawaiians by Educational Achievement
(1971)

Highest Grade Completed

Less than 12	5.8%
12	0.6%
More than 12	0.1%

Passage of the Native Hawaiian Education Act would impact positively on these trends.

Second, rates of return to society can be computed by comparing the additional incomes generated by increased education against the additional costs incurred by society to provide that education. Even when these rates are computed on the low side by not including the lower welfare dependency rates and lower criminal offender rates associated with higher educational achievement, investment in native Hawaiian education pays handsome dividends.

TABLE II

<u>From</u>	<u>To</u>	<u>% Return to Society</u>	
		<u>Males</u>	<u>Females</u>
Junior high school	High school graduate	23.50%	10.49%
High school dropout	High school graduate	14.23	24.55
High school graduate	B. A. degree	6.87	18.40
B. A. degree	Graduate degree	10.85	n.a.

Returns at all incremental levels more than meet the market test of adequate returns, assumed to be between 5 and 10%.

Third, the viability of this passive data which is based on hypothetical comparisons of the average circumstances of different individuals with varying degrees of educational attainment has been substantiated by an independent study performed by the High/Scope Educational Research Foundation. The findings of the High/Scope study indicate that educational intervention will bear out these hypothesized results. That is, the children who were provided

services through High/Scope's Ypsilanti-Perry Preschool required reduced costs for their elementary and secondary education and had higher projected lifetime earnings than their counterparts who did not receive this educational service. The discounted ratio of these benefits to program costs was 136%.

Compared to alternative uses of society's capital, we conclude that providing educational services to native Hawaiians will yield very attractive dividends. Indeed, these funds would be better described as a sound fiscal investment rather than an expenditure on a social service.

Conclusion

I hope that our presentation and written testimony has provided you with useful background material on this legislation and will help you to better understand the condition of native Hawaiians. This legislation is an enormous source of hope for the Hawaiian people and it is their wish that the legislature of this land will see sufficient reason to make the Native Hawaiian Education Act law. However, should that day come, it will represent only half a victory. The act will not meet its objectives, nor will it overcome the troubles of the Hawaiian people, by simply throwing money at the problems. Success will ride on the quantity and quality of the programs implemented. The impact that these programs have on their intended beneficiaries will be the ultimate measure of the legislation's success. If it assists Hawaiians in their efforts to become effective citizens in contemporary society, if it snaps the current cycle of frustrations and despair, if it enables Hawaiians to become educationally self-sufficient, if it lifts Hawaiian achievement to points representing national averages, if it breaks what Jencks refers to as a "rags to rags"

syndrome, then will it be labeled wisely implemented and a success, then will the taxpayers' investment have had a proper return.

Honorable Representatives, it is our fervent wish that you will pass this bill and that the programs implemented by it will be successful. We are not attempting to reclaim some inalienable right in perpetuity. What is being sought by Hawaiians are the resources to use in redressing a serious need. Furthermore, I hope that many of us in this hearing today will be present when, in perhaps 15-20 years, one of the beneficiaries of these programs comes before our Congress to say, thank you very much, but we don't need this support any longer, please extend it to others who have a more significant need.

I would like to express my deep appreciation for your time and attention. My colleagues and I are prepared to respond to any questions you may have or to offer any needed clarification.

Mr. THOMPSON. There is a close similarity between the relationship of the National Government with different ethnic groups, in particular the American Indians and Hawaiians. This is shown in a matter of law and history generated over the years in our relationship with the international government. Therefore, there is a question of has equal treatment been accorded to the Native Americans, and the Hawaiians have been considered Native Americans as defined in the Community Services Act of 1974.

Chairman PERKINS. You have given very good testimony, so far as I am concerned. It is very clear and understandable. Let me compliment you on your testimony.

Mr. Erdahl?

Mr. ERDAHL. Thank you, Mr. Chairman. I have been looking over the comments and testimony. My understanding is that Secretary Harris, of HEW, has been in opposition to this bill basically because she believes these students are already taken care of in other titles and other acts. Would you care to comment?

Mr. THOMPSON. Yes, I would like to refer part of the question to Mrs. Kudo, the deputy superintendent of schools for the Department of Education of the State of Hawaii to address that question.

Dr. KUDO. The department's commitment to equal educational opportunity is manifested in the proportionate distribution of State resources as well as the Federal resources, but having that commitment then, it is very difficult for us to treat the Native Hawaiian children very differently, and we feel they have different needs. The kind of funding we have, except for the act IV fund, which is under the Hawaiian Homes Commission—that specifically is categorically for Hawaiian children, so nobody questions that. But

should we use any State funds or Federal funds that are for a target group that is characterized by underachieving or that kind of category, we would be hit for discriminatory kinds of actions.

Therefore, we feel that if it came through specifically for Native Hawaiian children because of their special needs over and beyond what we are doing in the regular programs; I think that is what we are asking for.

Also, title I is what is mentioned quite often, but title I funds are servicing only about 25 percent of those that need it in the State. We have about 41,000 students identified as needing that kind of help, and yet we are servicing only 11,000, not quite 12,000 at the moment, from title I funds; so we just don't have enough resources, let alone the category specifically earmarked for Native Hawaiian children.

Mr. ERDAHL. The other question that comes to mind follows up on that. Is the State of Hawaii doing something in this area? You seem to indicate if Hawaii went ahead without Federal backing, it probably would be classified as being discriminatory. Did I understand you correctly, or is the State of Hawaii trying to provide some special assistance for Native Hawaiians?

Dr. KUDO. We do. The only source is the Hawaiian Homes Commission Act, but the problem with that is that the legislation that authorized the special funds for helping Native Hawaiian children expires as of this year. So there is a limitation there.

Mr. ERDAHL. Sir, maybe you want to answer, if you have a response.

Mr. THOMPSON. In this regard, Mr. Congressman, there is another organization which is a private school, of which I am one of the trustees, one staff member is here and consultant associated with the school that deals primarily with Native Hawaiian youngsters. We have been doing a lot of research, given the kind of statistics outlined this morning, done a lot of research over a period of time, and we see certain areas in which we can assist in improving our educational system. But it goes beyond the financial capability of that.

Mr. ERDAHL. Another question, and I raise it out of interest and not out of opposition to the concept at all, would this apply as you visualize it to Native Hawaiians living in some other State than Hawaii, say, California?

Mr. THOMPSON. Yes, it would. I think the concerns that are raised in this presentation would apply. We really don't have the statistics to know how many are out there.

Mr. ERDAHL. Thank you very much.

Thank you, Mr. Chairman.

Chairman PERKINS. Let me thank you ladies and gentlemen for your testimony and for your assistance. You have been most helpful to the committee, and I will call a markup of the legislation within the next few days. It may be immediately after Thanksgiving, sometime the following week, Mr. Akaka. We will certainly let Mr. Akaka and Congressman Heftel know when this markup is going to take place, both in subcommittee and in the full committee, so they can be here and answer any questions that may come up.

It has always been my policy to have open markup and let interested parties, especially Members of Congress, make an explanation of the legislation they are interested in.

So both of your Congressmen, Mr. Akaka and Mr. Heftel, will be advised, and may ask any questions or respond to any questions that may be in the minds of members of the committee at that time. And I am delighted to work with your Congressmen. You have outstanding Members in both Mr. Akaka and Mr. Heftel, and we will work with them in every way possible.

The record will remain open for Congressman Heftel's statement and any other statements.

I understand that Mr. Heftel is now on his way, and we will do the very best we can to move the legislation along.

Mr. AKAKA. Mr. Chairman?

Chairman PERKINS. Yes.

Mr. AKAKA. We thank you very much again for your deep interest and those of the committee members, and thank you for moving the bill as quickly as you intend to.

I also ask unanimous consent to have each of the testimonies of the members seated at the table to be included in the record.

Chairman PERKINS. Without objection, all of it will be included in the record.

[The testimonies referred to above follow:]

PREPARED STATEMENT OF DR. PAULINE NAWAHINEOKALAI KING JOERGER,
ASSISTANT PROFESSOR, HISTORY DEPARTMENT, UNIVERSITY OF HAWAII AT MANOA

TO: United States Sub-Committee on Elementary, Secondary and Vocational
Education, Chairman Carl Perkins and
Sub-Committee on Post Secondary Education, Chairman William Ford

FROM: Dr. Pauline Nawahineokalai King Joerger, Assistant Professor,
History Department, University of Hawaii at Manoa

RE: Native Hawaiian Education Act

Chairman Perkins and Chairman Ford and members of the sub-committees,
Aloha kakou a nui loa.

I am Dr. Pauline Nawahineokalai King Joerger, assistant professor of
history at the University of Hawaii at Manoa.

I wish to testify in regard to the Native Hawaiian Education Act to
urge its passage by these committees and the Congress of the United States.

We, Hawaiians, feel that as an aboriginal people of the United States,
recognized in Title VIII of P.L. 93-644 as Native Americans, we are eligible
for special legislation enacted by Congress to address the particular needs
of Native Hawaiians.

There is historic precedent for the consideration by the United States
of a special responsibility for the Hawaiian people. In fact, the bond
between the United States and the Hawaiian People has been a close and meaning-
ful one. We have been more closely associated with the United States than
with any other world power since our contact with the Western world in 1778.

The contact between Americans and Hawaiians started in the 1790s when
American entrepreneurs either passed through Hawaii in pursuit of Pacific
trade or began to reside in Hawaii to engage in commercial activities.
By 1820 American Protestant missionaries had arrived and began to influence
the native Kings, chiefs and people in every aspect of their social, political
and economic life. Educational institutions and principles, cultural values

and mores, Christian theology and churches, and the like were part of that extraordinary influence.

This association has been confirmed through treaty relations between two sovereign (albeit unequal) nations. In 1842 President Tyler and his Secretary of State, Daniel Webster, recognized the Hawaiian Kingdom as an independent nation and a sovereign entity. The United States was the first Pacific power to do so. Secretary Webster informed Hawaii's diplomatic representatives, Timothy Haalilio and William Richards, that :

The United States have regarded the existing authorities in the Sandwich Islands as a Government suited to the condition of the people, and resting on their own choice; and the President is of the opinion that the interests of all the commercial nations require that this Government should not be interfered with by foreign powers. Of the vessels which visit the islands, it is known that a great majority belong to the United States. The United States, therefore, are more interested in the fate of the islands, and of their Government, than any other nation can be; and this consideration induces the President to be quite willing to declare, as the sense of the Government of the United States, that the Government of the Sandwich Islands ought to be respected; that no power ought either to take possession of the islands as a conquest, or for the purpose of colonization, and that no power ought to seek for any undue control over the existing Government, or any exclusive privileges or preferences in matters of commerce.

(Ref: Webster to Haalilio and Richards. Dec. 19, 1842, original in Archives Hawaii; printed in Sen. Ex. Docs., 52 Cong., 2 Sess., No. 77, pp. 40-41.)

President Tyler in a message to Congress in December of 1842 reiterated this special concern for the Hawaiian Kingdom and its people:

Considering, therefore, that the United States possesses so very large a share of the intercourse with those islands, it is deemed not unfit to make the declaration that the Government seeks ... no peculiar advantages, no exclusive control over the Hawaiian Government, but is content with its independent existence, and anxiously wishes for its security and prosperity.

(Ref: Sen Ex. Docs., 52 Cong, 2 Sess, No. 77, pp. 35-37.)

A formal diplomatic treaty of commerce, friendship and navigation was negotiated and signed in 1849. The treaty was a fully negotiated instrument between two sovereign entities. Article I of the treaty reads "There shall be perpetual peace and amity between the United States and the King of the Hawaiian Islands, His heirs and His successors." Article XVI reads in part "Any citizen or subject of either party infringing the articles of this treaty shall be held responsible for the same, and the harmony and good correspondence between the two governments shall not be interrupted thereby, each party engaging in no way to protect the offender or sanction such violation."

Thus, the Kingdom of Hawaii was recognized as having sovereign powers over all our lands, interior waters, and coastal waters of the Hawaiian Islands and of the archipelago as a whole, and the integrity of the nation was assured.

In 1876 the United States made a special treaty or convention of reciprocity with the Hawaiian Kingdom. It was argued in Congress at the time that the historical precedent for such a special treaty had been set by Americans and American interests in Hawaii in the missionary activities and the commercial and industrial endeavors of American businessmen and whalers. It was also argued that the United States Government had long had a protective attitude toward the government of the Hawaiian Kingdom.

(Ref: Cong Rec, IV, 3348, 5677-5678, 4261, 4265-4266; 5099, 5118. 5356-5357, 5431, 5452, 5461-5463, 5485-5491, 5533-5535, 5563-5572.)

On its part the Hawaiian Government expressed its good faith by agreeing to enter into special relationship with the United States so long as the treaty was in force. In Article IV a provision read:

It is agreed, on the part of His Hawaiian Majesty, that, so long as this treaty shall remain in force, he will not lease or otherwise dispose of, or create any lien upon any port, harbor, or other terri-

tory in his dominions, or grant any special privileges or rights of use therein, to any other power, state or government, nor make any treaty by which any other nation shall obtain the same privileges relative to the admission of any articles free of duty, hereby secured to the United States.

In 1887 the Reciprocity Treaty was renewed for seven years and the Hawaiian Government gave greater assurance of its good faith by providing in Article II that the Hawaiian King "grants the Government of the United States the exclusive right to enter the harbor of Pearl River...to establish and maintain there a coaling and repair station for the vessels of the United States...."

Despite the provisions to secure an advantage to the United States in Hawaiian affairs, the United States in effect abrogated the Reciprocity Treaty when the McKinley tariff placed sugar on the free list in 1890. Thus Hawaii had agreed to a reciprocal arrangement and American law had made it meaningless.

During this time when Hawaiian sovereignty was vested in a Hawaiian monarchy, then, diplomatic relations with the United States were in constant operation. In other words, sovereignty was exercised, continuous and recognized.

In a revolution in 1893 United States marines and sailors came ashore in Honolulu and assisted a small group of businessmen in ending our monarchy. The presence of these US troops was instrumental in making a revolution a success. These troops were the strongest military force in Honolulu and made it possible for the revolution to succeed.

In 1898 the United States annexed the Republic of Hawaii. The agreement was made for Hawaiians by the leaders of the government who were the revolutionists of 1893. Thus external sovereignty was passed from the government of Hawaii to the United States. It was done without the consent of the Hawaiian people and that sovereignty of the Hawaiians as a people has never

been extinguished.

XXXXXXXXXXXXXXXXX

On another plane we believe we can maintain our continuity as a people with our ancient past by pointing to our treatment of our lands as maintaining some collective entity. Ancient Hawaii had a feudal-like land system with multiple and complex mutual dependencies between king and chiefs, between chiefs, and between king-chiefs and the common people. Hawaiians believed that the highest governmental authority held all the land in trust as an agent of the gods. As ideas changed and with Christian and American influence on Hawaiians the concept changed in a significant way. In 1840 Kamehameha III granted a constitution to his people and in the document it was stated that in ancient times although all the land belonged to Kamehameha I, "It was not his own private property. It belonged to the Chiefs and People in Common, of whom Kamehameha I was the head, and had management of the landed property."

This treatment of the public lands as a trust for the chiefs and people runs as a consistent theme throughout Hawaiian history. In 1848 when we adopted a system of private property in place of the ancient system of co-operative occupancy and use of land, King Kamehameha III set aside over half of his domain, 1.5 million acres of land "to the chiefs and people forever."

At the same time the King kept for his private property approximately 1 million acres. Despite this seeming change from the trustee relationship in the past, it was not an absolute change from the ancient system. For in 1864 in a Supreme Court of the Kingdom of Hawaii case, a decision was handed down that the Crown Lands of Kamehameha III were not private property in the western sense of the term but a trust relationship of land held inalienable for the monarchs of Hawaii for their support as they fulfilled their

responsibilities as leaders of their People.

At the time of the revolution of 1893 the revolutionists took over the Crown Lands as well as the public or government lands. At annexation to the United States in 1898 the government of the Republic of Hawaii gave over to the United States all the government and Crown Lands of Hawaii amounting to about 2 million acres.

It was this same principle of trust relationship between the government and the Hawaiian People that motivated Hawaii's Congressman, Delegate Jonah Kalaniana'ole, to introduce the Hawaiian Homes Commission Act of 1920. It was the recognition of this trust relationship that impelled the United States Congress to pass the bill. The Hawaiian Homes Commission was further recognised in the statehood admissions act and as a necessary part of our state constitution.

Thus, the passage of a Native Hawaiian Education Act does not set new precedents for the United States Congress. Nor does it necessarily commit Congress to extraordinary measures for the benefit of the Hawaiian People in perpetuity. Rather it represents a continuing recognition of responsibility for the development to their fullest potential of a remarkable people, the Native Hawaiians.

Mahalo.

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A COST-BENEFIT STUDY
RELATING TO THE
NATIVE HAWAIIAN EDUCATION ACT
Funded by and Submitted to ALU LIKE, INC.

by

James Mak, Associate Professor
Edwin T. Fujii, Assistant Professor

Department of Economics
University of Hawaii at Manoa

November, 1979

E alu like mal kākou. E nā o'īwīō Hawai'i
Let us work together, natives of Hawaii

Introduction

Compared to all ethnic groups in Hawaii, Native Hawaiians are a disadvantaged people. Their relative disadvantage is reflected in the following table of selected socioeconomic indicators (Table 1).

Compared to all ethnic groups in Hawaii, Table 1 shows that Native Hawaiians experience higher rates of unemployment, poverty, welfare eligibility, and criminal offenders, and lower incidence of occupational achievement.

Substantial evidence link some of these indicators to the lack of educational achievement. Table 2 clearly shows that both welfare eligibility rates and criminal offender rates are negatively correlated with educational achievement among Native Hawaiians.

Data specific to Native Hawaiians relating incidence of poverty to educational achievement are not readily available. However, the incidence of poverty across all ethnic groups in Hawaii are clearly much higher for those who have less than 12 years of schooling compared to those with high school or more than high school education (Table 3).

Native Hawaiians and Educational Achievement

How do Native Hawaiians compare with all ethnic groups in terms of educational achievement? Data from the OEO 1975 Census Update Survey for Hawaii shows that Native Hawaiians are much more likely to "drop-out" before completing high school (Table 4). Among those who complete 12 years of schooling, most consider high school as their terminal level of education. Few go on to pursue college and post-graduate education. In 1975, only 3.5% of Native Hawaiian adults had earned bachelors degrees compared to 9.9% for all ethnic groups in Hawaii; and only 1% of the Native Hawaiian adults had received graduate degrees compared to 3.9% for all ethnic groups in Hawaii. This disparity in educational achievement between Native Hawaiians

TABLE 1

Some Recent Social Indicators: Native Hawaiians vs. All Ethnic Groups in Hawaii

	<u>Native Hawaiians</u>	<u>All Ethnic Groups</u>
Unemployment rate (adults)	6.0%	3.9%
% of population poor	23.9%	11.3%
% eligible for welfare	22.0%	15.0%
% in professional, technical and managerial occupations	19.0%	27.3%
Offender rates	1.2%	0.5%

TABLE 2

Native Hawaiian "Welfare Eligible" Rates by Educational Achievement (1976)

Highest Grade Completed

Less than 12	26.3%
12	14.6%
More than 12	8.8%

Offender Rates (per 100) for
Native Hawaiians by Educational Achievement
(1971)

Highest Grade Completed

Less than 12	5.8%
12	0.6%
More than 12	0.1%

TABLE 3

Poverty and Educational Achievement Among All Ethnic Groups
in Hawaii (1975)

<u>Highest Grade Completed</u>	<u>% of All Population</u>	<u>% Poor</u>
Less than 12	49.2	68.3
12	25.2	17.6
More than 12	27.5	14.1

TABLE 4

Educational Achievement Among Adults*:
Native Hawaiians vs. All Ethnic Groups: 1975

% of Population 18 years of Age and Over

<u>Highest Schooling Achievement</u>	<u>Native Hawaiians</u>	<u>All Ethnic Groups</u>
Less than 12 years	29.7%	24.4%
12 years	48.3	37.1
BA degree	3.5	9.9
Graduate degree	1.0	3.9

Note: The percentages do not sum to 100 because some categories (e.g. "some college education") are not included.

*18 years of age and over

and all other ethnic groups in Hawaii clearly explains a large part of the disparity in socioeconomic status between these two population groups.

Hopefully, passage of the Native Hawaiian Education Act will eventually lead to narrowing this differential.

The Value of Education to Society

Calculations in this study show that for each additional year of schooling completed, an individual Native Hawaiian's income rises by a little over \$700 per year in "constant" 1975 dollars. (See Appendix B for a discussion of the methodology used.)

Does the gain in income represent an adequate rate of return to society to justify the expenditures to provide that education?

Using data from the Office of Economic Opportunity 1975 Census Update for Hawaii, we have calculated the rates of return to society and to the individual Hawaiian obtainable from different levels of educational achievement. Results of these calculations are presented in Table 5. (A detailed description of the methodology used is contained in Appendix A.) Separate rates of return (where possible) are calculated for Hawaiians and Part-Hawaiians and for males and females.

In computing the rates of return to society, we have not included in our calculations the cost savings due to lower welfare dependency rates and lower criminal offender rates associated with higher educational achievement. Our calculated returns compare only the additional incomes due to more education against the additional costs incurred by society to provide that education to Native Hawaiians.

Even so, Table 5 clearly shows that investment in Native Hawaiian education pays handsome dividends. For example, by inducing a potential high school drop-out to finish high school, society reaps dividends (over additional

TABLE 5
Real Rates of Return to Society and to Individual Native Hawaiians Due to Education: 1975

From	To	% Return to Society		% Return to Individuals	
		Before Taxes		After Taxes ^d	
		Males	Females	Males	Females
Males vs. Females					
Junior high school ^a	High school graduate	23.50%	10.49%	42.35%	18.18%
High school drop-out ^b	High school graduate	14.23	24.55	41.30	45.55
High school graduate	B.A. degree	6.87	18.40	8.32	27.26
B.A. degree	Graduate degree ^c	10.85	n.a.	13.61	n.a.
Part-Hawaiians vs. Hawaiians					
Junior high school ^a	High school graduate	Part-Hawaiians 17.27%	Pure Hawaiians n.a.	Part-Hawaiians 32.67%	Pure Hawaiians n.a.
High school drop-out ^b	High school graduate	15.81	30.00%	27.91	61.86%
High school graduate	B.A. degree	14.56	n.a.	19.31	n.a.
B.A. degree	Graduate degree ^c	12.64	n.a.	15.78	n.a.

Notes: (a) Completed 8th grade.

(b) Dropped out after grade 10.

(c) Master degree assumed.

(d) No data are available on individual tax liabilities. We assume income taxes represent 20% of income. This undoubtedly over-states tax liabilities at the lower income levels and under-states tax liabilities at the upper income levels.

educational costs) in the amount of 14.23% for males and 24.55% for females, after accounting for inflation. Corresponding rates are 15.81% for Part-Hawaiians, and an impressive 30% for Hawaiians.

In general, Table 5 indicates that social rates of return decline for each incremental level of educational achievement. This is to be expected. Nonetheless, returns at all incremental levels more than meet the market test of adequate returns, which are in the range of 5% to 10%. Compared to alternative uses of society's capital, we conclude that returns to educational investment for Native Hawaiians are sufficient.

The Value of Education to Individual Native Hawaiians

We also calculated private rates of return to education for Native Hawaiians to see if returns provide sufficient incentives to individuals to seek more education. As shown in Table 5, pre-tax returns to individuals are higher than returns to society. This is not surprising, because students typically do not bear the total costs of education. However, the relevant measure of returns to the individual student is the after-tax return to education. While more education may indeed raise an individual's income, it also increases his/her tax liability. The appropriate rate of return to the individual thus is the rate of return after taxes.

Our calculations (Table 5) show that, in all cases post-tax rates of return to individuals are about as high or higher than returns to society.

Do these rates of return provide sufficient incentives to individuals to seek more education? What is an attractive rate of return to one individual may be inadequate to another individual, depending on each person's time preference. Some individuals have a stronger preference to forego income today and therefore choose to pursue more education in favor of earning higher incomes later. The converse is true of other individuals.

Indeed, Table 5 raises the possibility that the post-tax return (6.66%) is inadequate to induce sufficient numbers of Native Hawaiian males to enroll in college. Thus, the Native Hawaiian Education Act must provide for scholarships to raise the economic incentive among Hawaiians to seek post-high school education.

By contrast, the individual net benefits of finishing high school are remarkably high. Why then the high drop-out rates among Native Hawaiian children? We suggest that the reason is principally cultural. That is, Hawaiian children do not respond well to the kind of educational environment (i.e. public school system) that essentially treats all ethnic groups alike. This means that to raise the level of educational achievement among Native Hawaiian children would require specialized educational programs beyond the standard mode offered in Hawaii's public schools. This is precisely what the Native Hawaiian Education Act promises to offer.

Conclusion

In conclusion, we feel that the aim of the Native Hawaiian Education Act is correct by recognizing that Native Hawaiians are educationally disadvantaged and seeks to correct this deficiency accordingly. Moreover, the provisions of the Act adequately addresses all the problems that have been identified in this study. We feel that money wisely spent to implement the Act will yield attractive dividends to society.

APPENDIX A

Methodology Underlying the Calculation of Rates of Return

Consider an individual who confronts two alternative earnings streams X and Y, one which involves no additional skill acquisition (X) and one which requires him/her to invest in the acquisition of additional skills (Y). For example, consider the typical decision confronted by a high school graduate, age 18, as to whether or not to continue on to college. Let $Z_t = Y_t - X_t$ be the differential return in period $t = \text{Age} - 18$ (see Figure A-1). Note that Z_t will be negative initially as college involves costs in the form of foregone earnings and educational expenses. However, Z_t will soon turn positive as the earnings of college graduates generally exceed those of high school graduates.

The internal rate of return λ is that for which the sum

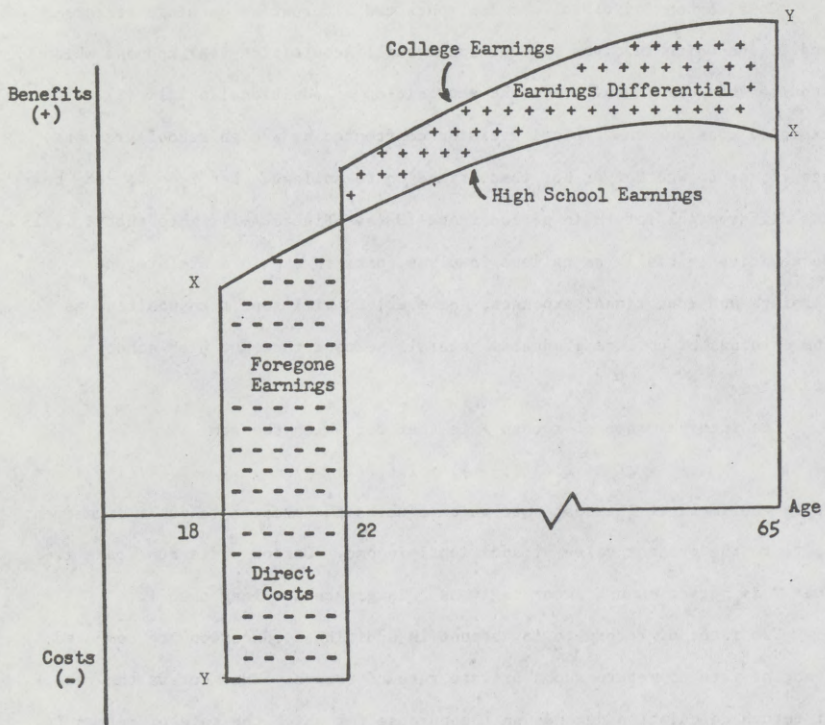
$$Z_0 + Z_1(1/(1+\lambda)) + Z_2(1/(1+\lambda))^2 + \dots + Z_n(1/(1+\lambda))^n = 0$$

It is the implicit interest rate which equates the present value of investment costs to the present value of additional income. Define a discount rate i . Then Y is better than X accordingly as λ is greater or less than i .

Two rates of return to investment in additional education are computed, a social rate of return and a private rate of return. What enters the rate of return calculation depends on the purpose for which the rate of return is desired.

A private rate of return estimates the private profitability of investment in education. Income differentials are therefore computed on after-tax earnings and costs of education are limited to private costs incurred by individuals such as tuition and incidental expenses. The investment is thus privately profitable if the rate of return exceeds the rate at which the individual discounts future income.

FIGURE A-1



COST-BENEFIT EVALUATION OF INVESTMENT
IN COLLEGE EDUCATION, ILLUSTRATED

A social rate of return, on the other hand, estimates the value to society of investment in education. Income differentials are based on before tax earnings and educational costs must be estimated with respect to total outlays related to education and not the small part paid by the student. An investment is thus socially profitable if the social rate of return exceeds the rate at which society as a whole discounts present vs. future income.

Estimates of income streams associated with alternative levels of education were extracted from the 1975 OEO Census Update Survey.

Per pupil public school costs were extracted from Government in Hawaii, 1976 (Honolulu: Tax Foundation of Hawaii, 1976) and Growth Management Issues in Hawaii (Honolulu: State Department of Budget and Finance, 1977). Per pupil instructional costs for both undergraduate and graduate students were obtained from University of Hawaii Instructional Unit Cost Study For Fiscal Year Ended June 30, 1976 (Honolulu: State of Hawaii Contracts and Grants Accounting Office, 1977).

Out of pocket private costs of education (as distinguished from opportunity costs) were assumed to be nominal for elementary and secondary students. The cost to students of attending college were extracted from University of Hawaii at Manoa, 1975-1977 General Information Catalog (Honolulu: University of Hawaii, 1975).

TABLE A-1
 Relationship Between Income and Age - Education: Native Hawaiian Males
 (in 1975 \$)

Age	Education	Grade		High School		Some College		Bachelor's Degree		Some Graduate Work		Graduate Degree	
		1 - 8	9 - 11	Graduate	College	Degree	Degree	Graduate Work	Degree	Some Graduate Work	Degree	Degree	Degree
18 - 20		\$ 2,060	\$ 1,234	\$ 3,222	\$ 1,508	\$	\$	\$	\$				
21 - 25		4,614	7,231	6,619	6,450	6,400							
26 - 30		5,732	9,103	9,722	9,711	12,727		9,697				14,690	
31 - 35		5,636	10,854	12,912	15,943	16,344		15,844				11,194	
36 - 40		6,712	11,618	12,879	15,897	11,601		22,500				19,016	
41 - 45		10,589	12,005	13,441	18,012	16,258		21,604				25,276	
46 - 50		9,389	11,272	11,417	11,401	19,125		17,500				45,000	
51 - 55		10,772	12,927	14,519	14,864	13,500		9,500				22,500	
56 - 60		9,456	9,277	11,764	17,500	19,683		13,851				27,450	
61 - 65		8,016	8,750	10,828	21,864	(24,591)		11,000				(34,295)	

"_" = not available

Incomes in () are interpolated

TABLE A-2
 Relationship Between Income and Age - Education: Native Hawaiian Females
 (in 1975 \$)

Age	Education		Grade 9 - 11	High School Graduate	Some College	Bachelor's Degree	Some Graduate Work	Graduate Degree
	18 - 20	21 - 25						
	\$ 1,100	\$ 1,207	\$ 1,430	\$ 1,207	\$ 1,207	\$ 1,207	\$ 1,207	\$ 1,207
18 - 20	\$ 1,100	\$ 1,207	\$ 1,430	\$ 1,207	\$ 1,207	\$ 1,207	\$ 1,207	\$ 1,207
21 - 25	2,397	1,624	2,631	3,255	5,729	3,901	9,500	11,067
26 - 30	3,105	1,065	2,903	4,287	8,793	5,564	12,819	17,500
31 - 35	1,300	1,872	3,281	5,615	7,976	12,819	17,500	17,500
36 - 40	1,498	2,327	3,955	6,426	6,295	12,819	17,500	17,500
41 - 45	1,216	2,697	4,012	6,874	9,106	12,819	17,500	17,500
46 - 50	1,975	2,625	5,130	6,353	2,514	-	17,500	17,500
51 - 55	3,758	3,848	5,147	4,485	11,000	-	22,500	22,500
56 - 60	1,997	5,323	4,314	5,679	4,966	-	-	-
61 - 65	2,409	2,560	2,011	3,716	3,249	-	-	-

"-" = not available

TABLE A-3
Relationship Between Income and Age - Ethnicity: Part-Hawaiians

(in 1975 \$)

Age	Education		Grade 9 - 11	High School Graduate	Some College	Bachelor's Degree	Some Graduate Work	Graduate Degree
	Grade 1 - 8	Grade 9 - 11						
18 - 20	\$ 1,675	\$ 1,054	\$ 2,440	\$ 1,297	\$	\$	\$	\$
21 - 25	3,464	4,680	4,349	4,764	5,954	3,108	4,291	
26 - 30	4,428	5,814	6,025	7,345	11,230	7,428	13,462	
31 - 35	3,518	5,169	8,140	10,484	14,188	11,265	11,158	
36 - 40	3,159	6,373	7,807	11,648	11,982	16,019	17,337	
41 - 45	5,268	8,049	9,151	14,356	16,630	24,248	25,276	
46 - 50	5,997	6,828	7,729	8,262	12,885	(18,671)	24,795	
51 - 55	7,572	8,609	8,785	8,680	12,494	9,500	22,500	
56 - 60	5,359	7,070	9,302	8,134	10,552	(7,980)	27,450	
61 - 65	4,777	6,013	6,535	(8,000)	(10,000)	11,000	(25,000)	

Incomes in () are interpolated

TABLE A-4
 Relationship Between Income and Age - Ethnicity: Hawaiians
 (in 1975 \$)

Age	Education		Grade 1 - 8	Grade 9 - 11	High School Graduate	Some College	Bachelor's Degree	Some Graduate Work	Graduate Degree
18 - 20	\$	-		\$ 599	\$ 953	\$ 3,450	\$	\$	
21 - 25		-		4,597	2,895	7,059	-	-	-
26 - 30		2,327		1,878	6,868	7,309	-	-	-
31 - 35		2,252		5,976	7,973	-	-	-	-
36 - 40		487		5,842	9,468	6,699	-	-	-
41 - 45		11,905		6,240	6,122	-	-	-	-
46 - 50		5,558		6,793	5,132	-	-	-	-
51 - 55		6,290		5,211	7,054	-	-	-	-
56 - 60		5,861		8,180	(6,500)	-	-	-	-
61 - 65		-		5,637	6,111	-	-	-	-

"-" = not available

Incomes in () are interpolated

APPENDIX B

Determinants of Income Across Population Groups

Regression equations were also computed to examine the determinants of differences in income across population groups. Table B-1 indicates that the mean income of Hawaiians and Part-Hawaiians were substantially less than that of established economic groups such as the Chinese, Japanese, and Caucasians.* It suggests that part of the differential may be attributable to the 1-2 year differential in educational achievement. Analysis of the determinants of income suggests another reason: labor market discrimination in the sense that payoffs to given amounts of education are less for Native Hawaiians than for established economic groups.

To examine the determinants of income, we fitted an equation similar to the one below for each racial group. In the case of Hawaiians and Part-Hawaiians, the specification was:

$$\text{INC} = a_0 + a_1\text{ED} + a_2\text{AGE} + a_3\text{AGESQ} + a_4\text{SEX} + a_5\text{MS} + a_6\text{NI} + a_7\text{HPW} + a_8\text{ETH}$$

where INC = income

ED = highest grade attained

AGE = age in years

AGESQ = (age)²

SEX = 1 if respondent is male

0 otherwise

MS = 1 if respondent is married

0 otherwise

*These ethnic groups are used for comparison because they have been established in Hawaii the longest and therefore more comparable to the Native Hawaiians in length of residence.

NI = 1 if respondent lives on an island other than Oahu

0 otherwise

HPW = hours worked per week

ETH = 1 if respondent is a Native Hawaiian

0 otherwise

YRH* = years in Hawaii

CTZ* = 1 if respondent is a citizen of the U.S.

0 otherwise

The data were extracted from the 1975 OEO Census Update Survey. Income is assumed to depend on the level of skill (captured in the ED and AGE, experience, variables), sex, marital status, intensity of work effort (HPW) and location of residence (NI).

The results show that an extra year of education increases Hawaiian and Part-Hawaiian income by \$712. Chinese, Japanese, and Caucasian incomes, however, increase by approximately \$940 for each year of education, thus suggesting labor market discrimination.

*These two determinants were added to the equation for non-Native Hawaiians to take into consideration differences in years of residence in Hawaii and U.S. citizenship.

TABLE B-1

Mean Values For Population Groups in Sample

	<u>Hawaiians and Part-Hawaiians</u>	<u>Chinese</u>	<u>Japanese</u>	<u>Caucasians</u>
INC	9,490	11,691	10,780	12,434
ED	12	14	13	14
AGE	36	40	41	36
HPW	38	37	38	38
YRH	36	33	38	12
CTZ ¹	1.00	0.94	0.98	1.00

¹Indicate the proportion of citizens.

TABLE B-2

Determinants of Income Across Population Groups*

	<u>Hawaiians and Part-Hawaiians</u>	<u>Chinese</u>	<u>Japanese</u>	<u>Caucasians</u>
ED	712.03* (11.82)	934.75* (8.63)	944.17* (23.71)	942.61* (13.83)
AGE	663.72* (9.85)	857.27* (4.83)	731.57* (13.80)	783.19* (8.79)
AGESQ	-6.38* (7.44)	-7.95* (3.71)	-6.79* (10.51)	-6.16* (5.55)
SEX	5070.95* (21.51)	5230.75* (9.33)	5480.47* (31.82)	6871.47* (22.12)
MS	1310.94* (4.45)	1280.56 (1.66)	1616.46* (6.77)	903.82* (2.55)
NI	-949.58* (4.18)	-642.76 (0.58)	-1131.58* (6.22)	-2115.74* (6.55)
HPW	113.38* (7.90)	156.79* (4.73)	163.87* (14.08)	189.42* (11.16)
ETH	-177.45 (0.45)			
YRH				-10.84 (0.86)
CTZ		3258.86* (2.76)	1691.26* (2.58)	
Constant	-21848.59	-33843.11	-30590.04	-31274.95
$\bar{R}^2$	0.37	0.40	0.41	0.44
F	153.45	56.42	404.33	283.23

*Absolute t statistics are indicated in parentheses below each coefficient; coefficients significant at the 95% level (2-tail test) are indicated with an asterisk. All F statistics are significant at the 95% level.

PREPARED STATEMENT OF HIGH-SCOPE EDUCATIONAL RESEARCH FOUNDATION,
YPSILANTI, MICH.

(This paper presents the results of economic analysis of the Ypsilanti Perry preschool program, and intervention effort demonstrated to be cost-beneficial. Application is made to the needs of Hawaiian children.)

THE COSTS AND BENEFITS OF EDUCATIONAL INTERVENTIONS

The economic benefits of actual programs of educational intervention are seldom weighed against the costs of operating them. There are, however, a few studies which have attempted to document the costs and benefits of innovative educational programs. One such study was an economic cost-benefit analysis of the Ypsilanti Perry Preschool Project*, a longitudinal study of the effects of early childhood education on educationally disadvantaged children. This study began in 1962 and has been following two randomly assigned groups of children from age three to their current age of 19. The one group, an experimental group of children, attended a program of preschool education while the other, a control group, did not.

The economic benefits of this preschool program already outweigh the costs, and these benefits continue to accrue as children become adults. The cost of preschool program operation is more than offset by the economic benefits that have been calculated for children who attended preschool through a reduction in the costs of their education and through projected increase in their lifetime earnings. There is further evidence for other economic benefit that has been detected, but as of yet has not been calculated, in the areas of reduced crime and delinquency and increased need for welfare assistance and other social services.

In 1979 constant dollars (corrected for inflation and used throughout this paper) the cost of program implementation was \$2,861 per year per child, a total of \$5,722 per child for the two-year program. Partial benefits, calculated as of 1973 when children were in elementary school, amounted to \$13,531 per child. The undiscounted ratio of these benefits to program costs was 236 percent. The benefits calculated at that time were:

- \$3,206 per child saved by the reduced cost of special education services used by children who attended preschool (38 percent of the control group received special education while only 24 percent of the experimental group did so) and
- \$10,325 per child in increased lifetime earnings, projected from the higher educational attainment of children who attended preschool. These findings are applied to the Hawaiian situation in the table on the following page.

*Weber, C. U., Foster, P. W., & Weikart, D. P., An Economic Analysis of the Ypsilanti Perry Preschool Project. Monographs of the High/Scope Educational Research Foundation, No. 5, 1978; also cited in the Report to the Congress by the Comptroller General, Early Childhood and Family Development Programs Improve the Quality of Life for Low-Income Families. Washington, D. C.: U. S. General Accounting Office, February, 1979.

There is further evidence of program benefits that have not yet been calculated. The delinquency rate of teenagers who attended preschool is lower; 60 percent of the control group reported committing at least two serious offenses while only 40 percent of the experimental group did so. There is preliminary evidence that the group who attended preschool are less involved in a number of social problems: unemployment, welfare assistance, high school dropout, and serving time in prison.

When children enter school with an educational disadvantage the standard educational system often fails to give them the preparation they need to lead satisfying and productive lives. The evidence presented here suggests that certain innovative educational programs can help them to better achieve these benefits, while obtaining considerable savings for the taxpayers.

APPLICATION OF THE PERRY PRESCHOOL STUDY IN NATIVE HAWAIIAN EDUCATION

RANGE:	PRESCHOOL (Ages 3 - 4)
STRATEGY:	HALF-DAY CENTER PROGRAM AND WEEKLY VISITS
INDICATORS:	MORE EFFECTIVE SCHOOLING INCREASED ECONOMIC PRODUCTIVITY DECREASED NEED FOR GOVERNMENTAL SUPPORT
COST PER CHILD:	\$5,722 OVER TWO YEARS AT 1979 MICHIGAN COST LEVELS
BENEFIT PER CHILD:	AT LEAST \$13,531
POSSIBLE NEED:	4000 CHILDREN 3 - 4 (50% of the Hawaiian 3 - 4 population)
TOTAL COST TO MEET NEED:	\$22,888,000 OVER TWO YEARS AT 1979 MICHIGAN COST LEVELS
TOTAL BENEFIT IF NEED IS MET:	
GROSS:	AT LEAST \$54,124,000
NET:	AT LEAST \$31,236,000

PREPARED STATEMENT OF EMIKO I. KUDO, DEPUTY SUPERINTENDENT, STATE
DEPARTMENT OF EDUCATION, HONOLULU, HAWAII

SPECIAL EDUCATIONAL NEEDS OF NATIVE HAWAIIANS

Presented By:

Emiko I. Kudo, Deputy Superintendent
State Department of Education, Honolulu, Hawaii
November, 1979

INTRODUCTION:
PUBLIC EDUCA-
TION IN HAWAII

As early as 1840, prior to annexation, the Hawaiian islands had public school laws imposing compulsory attendance through the age of fourteen. With annexation in 1898, the public school system faced awesome challenges, among which was the almost instantaneous expansion of secondary schooling in Hawaii largely due to stimulus from the federal government.

Resulting from aggressive transformations through periods of dualism (English Standards Schools for the English-speakers and Territorial Schools for the native and immigrant non-English-speakers), plantation paternalism, and rapid diversification of economic, political and social interests, the Hawaii Department of Education today represents a unique system of public education. It is the only single, statewide school system, funded centrally

by tax revenues appropriated by the State Legislature, and administered by an elected State Board of Education through an appointed State Superintendent. The Department's commitment to equal educational opportunity is manifested in the proportionate distribution of State resources and the establishment of a basic Foundation Program for all schools throughout the State. This commitment is accompanied by the recognition that there is also a requirement in many communities to emphasize certain programs and expand services to meet special needs. With limitations on fiscal resources, the meeting of special needs of groups within the total student population has been and continues to be our greatest challenge. The profile of our student population of approximately 170,000 illustrates the magnitude of this effort. There is no single ethnic or racial group which comprises the majority in this population. In addition, there have been forty-five different languages identified as spoken in the homes and thirty-five of these are the dominant languages of groups of public school students. These characteristics taken together with other demographic information such as socio-economic status and

geographic isolation contribute to the complexity of the special student needs.

It is in light of the Department's commitment to provide equal educational opportunity and to meet the special needs of students that we support passage of the Native Hawaiian Education Act.

THE TARGET GROUP:
THE NATIVE
HAWAIIAN
CHILDREN

As steward of public funds, responsible for the education of all children and statutorily governed by nondiscriminatory parameters, the Department has not been unaware of, nor oblivious to the special needs of the Native Hawaiian children as a group (33,723 of 169,575 or 12%). Rightfully, this target group should represent the State's Hawaiian heritage which continues to influence our educational system. Most significant is the influence on the cultural environment--not only because the Hawaiian culture is different from the "native" cultures which may predominate in mainland school districts, but because the culture is lauded for its acceptance of other cultures and its ability to integrate without diminishing the values that the people of other cultures hold dear.

It is Hawaiian cultural factors such as this that serve as bases for our public education system and which, when transcribed to today's society, strengthens the social-political fiber of the State of Hawaii. And it is the Native Hawaiian children that must serve as the epitome of this cultural strength.

SPECIAL NEEDS:

Unfortunately, many of the cultural strengths of the once proud and independent Hawaiian people who lived in relative security and abundance for many centuries prior to the advent of Westerners have been lost to today's Native Hawaiian children. This loss has had the effect of reducing Hawaiian children to the status of an underprivileged minority. Based on the assessment of the needs of these children, the adaptations of regular instructional programs, provision of supplementary services within the constraints of the categorical sources of funding, and special allocations of State resources to meet basic academic deficiencies among various groups of

students were attempted. However, there is still an indication of the need for additional services and resources for the Native Hawaiian children in order that the Native Hawaiians as a people may be restored to a sound and responsible position in the community as a whole. Toward this end, the special needs of the Native Hawaiian children are identified from three broad expectations of our public education system: (1) Mastery of Basic Education -- to be able to effectively read, write, speak, compute and think, together with the desire to apply these skills for further, life-long learning; (2) Personal Development -- to have a positive concept of self and others and to continually seek improvement in physical and emotional health; and (3) Life Skills and Contributions -- to value one's heritage and those of others, to appreciate beauty and the environment, to actively participate in the democratic process of our country, and to seek the optimum in vocational and avocational pursuits.

MASTERY OF BASIC
EDUCATION:

Using the Stanford Achievement Test scores as indices of academic achievement, there are about 41,000 students in the total population in need of special assistance in the mastery of basic skills. Of this number, supplementary State and federal services can reach only 27,000 or 65.8%. Of these services, only one statutorily provides specific assistance to Hawaiian or Part-Hawaiian children. (Act 4, SLH 1965, amendment to the Hawaiian Homes Commission Act of 1920.)

The largest federal grant, ESEA Title I, of \$8.3 million in 1978-79 enabled the providing of services to 11,776 educationally disadvantaged children in 104 schools throughout the State. Twenty-three of these are in school attendance areas heavily populated by Hawaiian families, but even within the 23 schools, not all children received supplementary services.

State funding of over \$3.8 million was used in 1978-79 to support special, supplementary projects designed to assist students who fall below average (Stanines 1-3 on the Stanford Achievement) in basic skills. One hundred twenty-eight (128) elementary schools throughout the State,

in consultation with teachers, parents and community members, provided these services. All the schools serving large numbers of Hawaiian children were included.

However, these efforts require support and supplementary resources in view of the severe needs of the Hawaiian children. Based on analysis of the Stanford test data, students of Hawaiian background are found to perform very poorly on standardized achievement tests. Results of the fall 1978 administration indicate that Hawaiian students perform very poorly on all subtests of the Stanford. This poor performance increases in severity with grade level as more students fall into the below average category on all subtests in the higher grades. (See Attachment.)

To alleviate the academic depression evidenced by the Hawaiian children as a group, the Native Hawaiian Education Act will enable provision of additional services, categorically and specifically directed to this group. With coordination among all existing resources, the additional services would enable greater emphasis on raising readiness

level (preschool and early childhood programs), early intervention and expansion of Language-Experience-Thinking (LET) approach to instruction, and individual/small group remediation.

PERSONAL
DEVELOPMENT:

In 1971, the State established a special program to meet problems of school alienation: "Overt actions such as drug abuses, hijacking and student unrest threaten the safety and welfare of the entire school populace. Concurrently, the subtle implications of problems including high absenteeism and recalcitrant attitudes are requiring more attention. The alienation of youths is symptomatic of deeper underlying factors -- psychological, educational, social, economical and political. More specifically, their alienation stems from the lack of success in various areas. Some of the deterrents to success in the conventional curriculum are unmet social and personal needs, poor health, inadequate language competence, and disinterest in the conventional values represented by the present day school. "

While limited resources have been made available to provide special, individual help to students, much more needs to be done for the Native Hawaiian as

evidenced by the disproportionate percent of students dropping out of school or being suspended from school. For 1976-77 and 1977-78, the Native Hawaiian students comprised 17% of the students withdrawing from school (official dropouts), 28.4% of the suspensions for various offenses on campus, and 27.5% of the serious disciplines for major offenses or infractions.

The need for additional special assistance targeted specifically at early intervention in the personal development of these youths with maximum cooperation among the school, home, related agencies and community is even more critical when viewed within the ramifications to the adult population. The Honolulu Police Department's Statistical Report for 1978 which covers only one of the four counties in the State reported that 13.2% of the adults (18 years and over) arrested were Hawaiian.

Additional services to assist the Hawaiian children in personal development are gravely needed in order that they may be provided with appropriate role-models from within the community, community-school linkers who serve as confidants/advocates

for the youth, and supportive/positive home environments.

LIFE SKILLS AND
CONTRIBUTIONS:

Parallel to the need for personal development, the strengthening of cultural and personal values, is the need to provide the youths with the skills and attitudes necessary for successful participation in the adult community. Although subject to debate, some of the significant measures of "successful participation" include individual and family educational attainment, occupational achievement, financial well-being, home environment, and social, political and community relations. The current status of the native Hawaiians relative to these indices appears to indicate the need for special attention. As reported by Fujii, Mak and Wehrman (1979), native Hawaiians experience higher rates of unemployment, poverty, and welfare eligibility, and lower incidence of educational and occupational achievement. Further, of 71,000 eligible Hawaiian voters, 18,000 or 25.4% voted in the last State election.

Additional resources will enable a more comprehensive, joint effort of the home, school and

community in career education. Development of awareness of the vocational and avocational opportunities, provision of success-oriented preparation and training, and assistance in actual job placement are major components of programs which can help the youth. In addition, role-modeling, strengthening of the home and establishing of a concerned/supportive larger community are essential to the success of the youth.

CONCLUSION:

We have more than suggested that substantial improvement for the Hawaiian people rests with the children through education in its broadest sense. However, as we work toward educational achievement, we recognize the heavy dependency on student motivation. The lack of motivation noted in a sterile school situation requires additional comprehensive attention by the school, the home and other facets of the student's immediate environment.

To cite Dinell, Horwitz, Doi, Meriwether, and Spitz (1964):

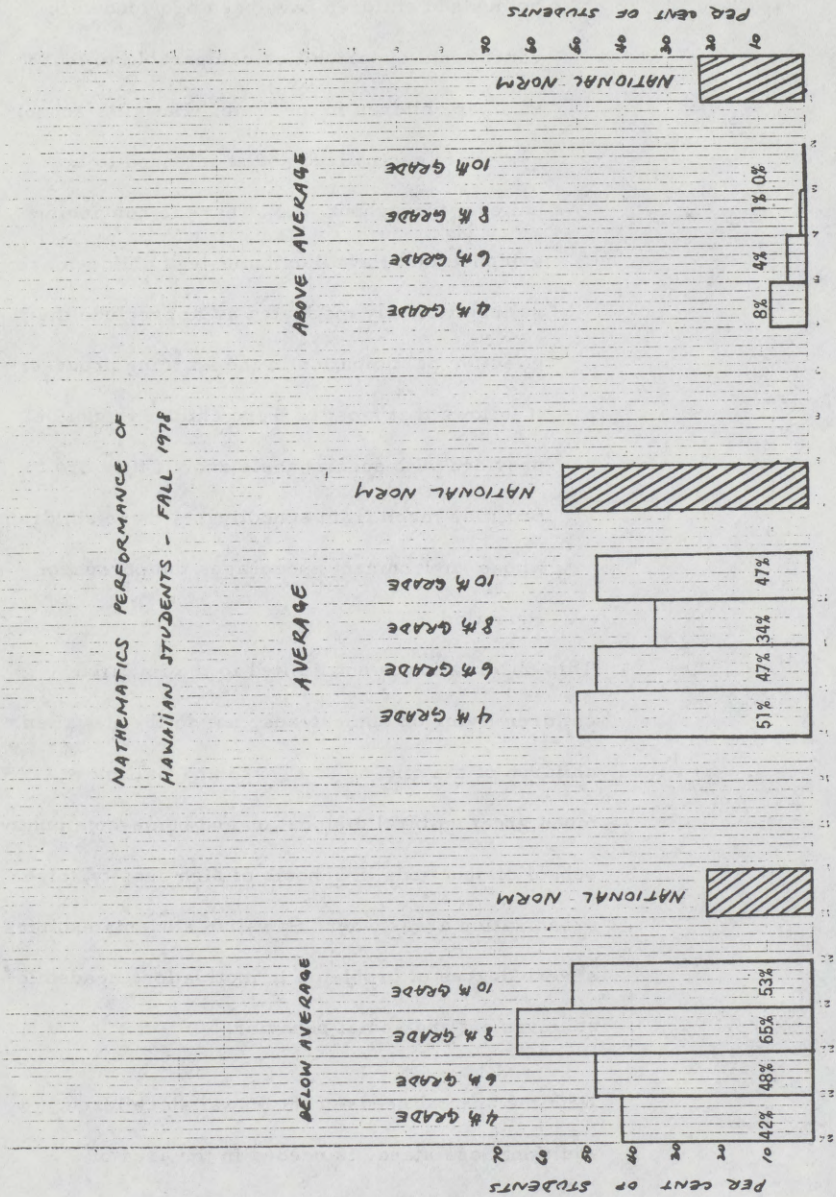
"This problem of motivation must be considered separately from the contention that Hawaiian

homestead children have been provided with educational opportunities comparable to those of other children in the State. Hawaii's school system is centralized and is intended to be uniform throughout. ... There is convincing evidence that Hawaiian homestead children are so insufficiently motivated as to preclude their effective participation in the learning process. It follows that most of these children must be provided with special assistance if they are to profit as much from schooling as those children whose environment encourages the pursuit of education."

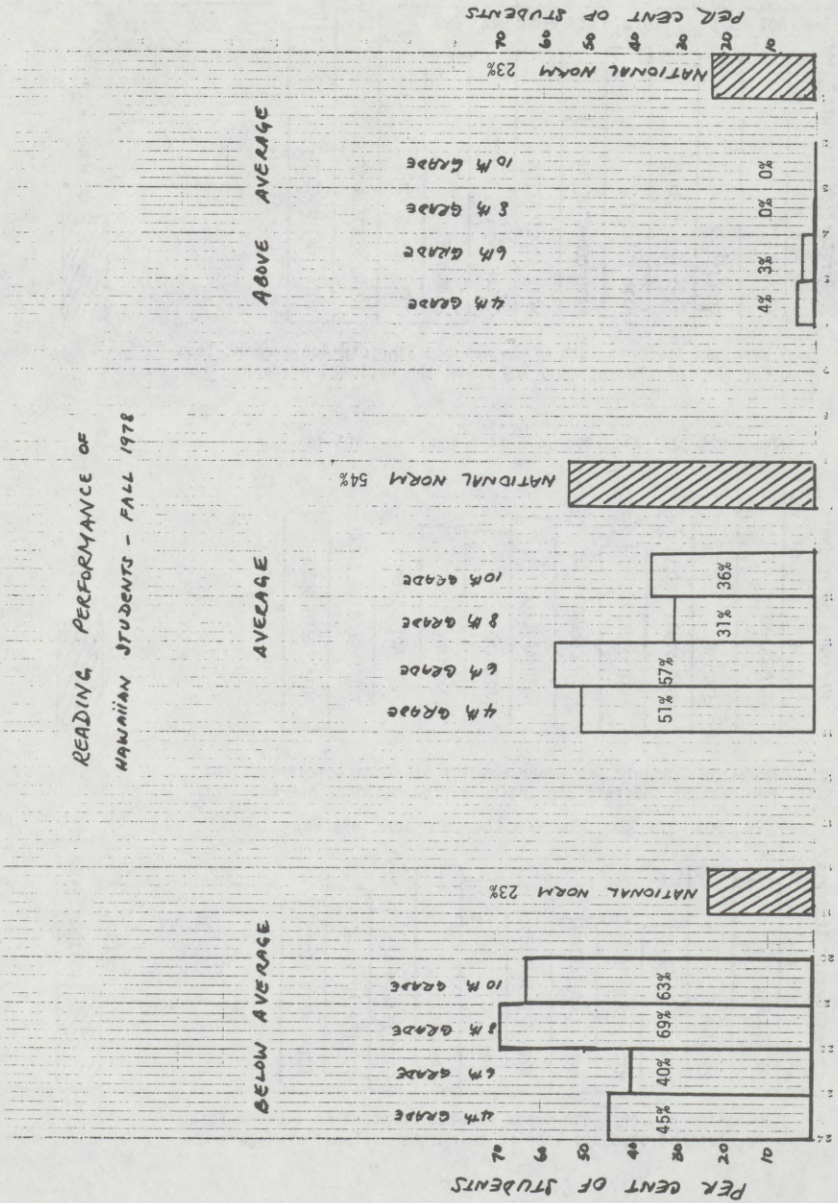
This observation is not limited to the Hawaiian children living on homesteads, nor to the Hawaiian children of the mid-60's. Tharp and Gallimore (1975) found great cultural dislocation and home-community-school disjunctions in schools of high density, high urbanization areas where Hawaiian students exhibit severe degree of problems in motivation, academic achievement and social behavior.

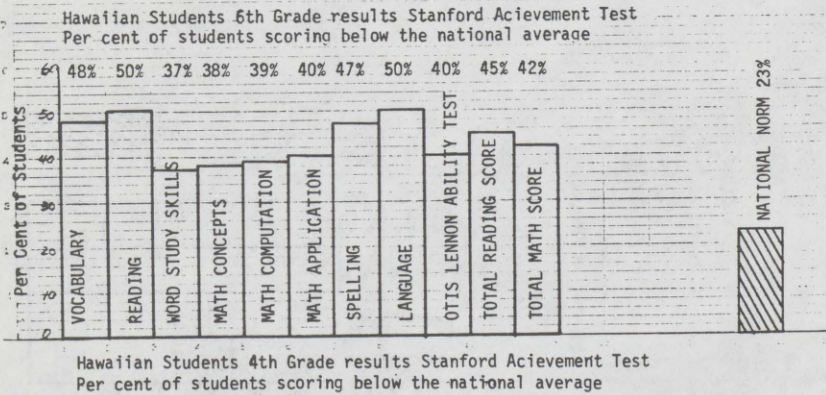
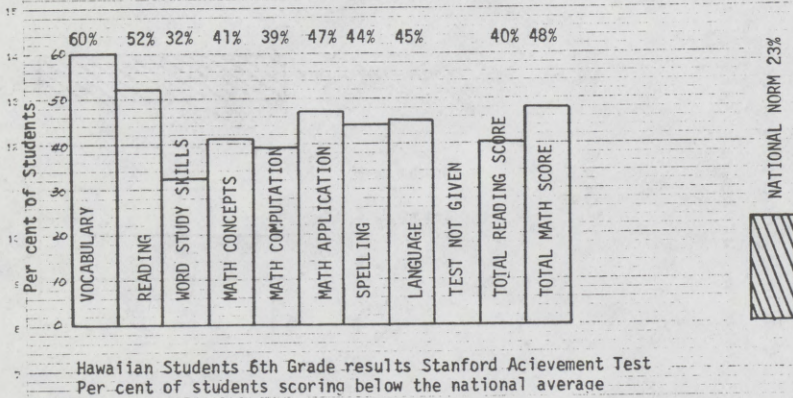
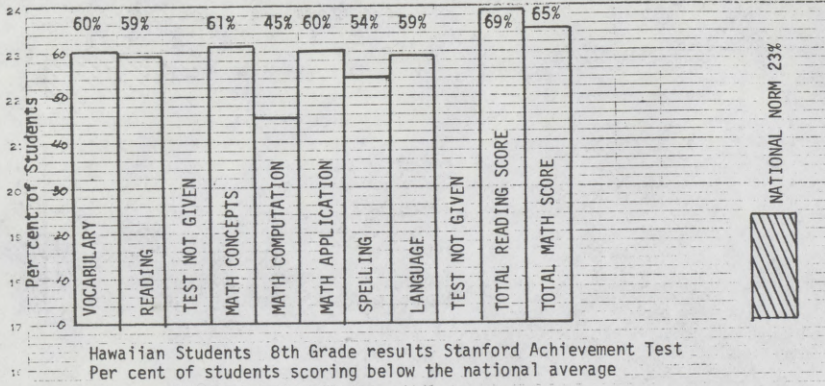
With the special needs of the Hawaiian children, additional assistance is needed in the area of education. But this reliance on and commitment to education cannot be substituted for concrete and substantial action on the part of all parties involved: the public education system, the home, the community, and other related agencies and organizations.

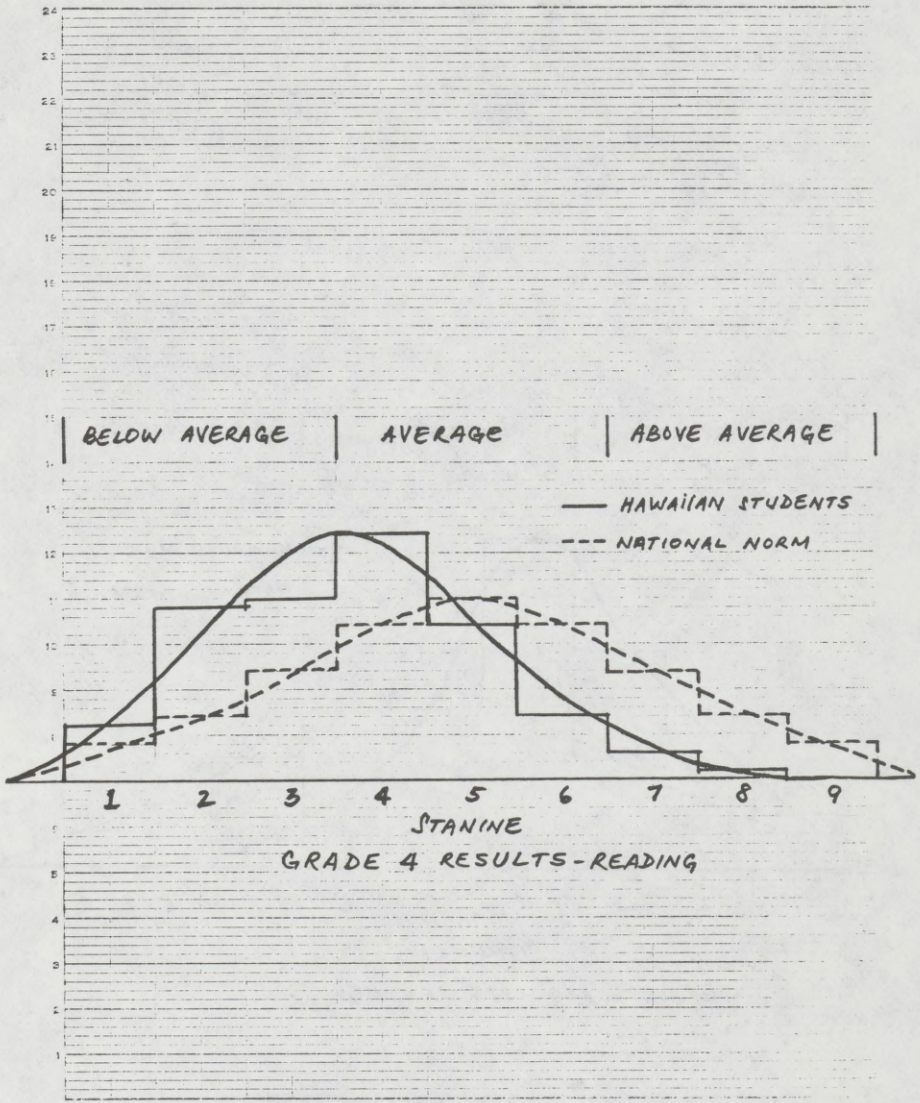
MATHEMATICS PERFORMANCE OF
HAWAIIAN STUDENTS - FALL 1978



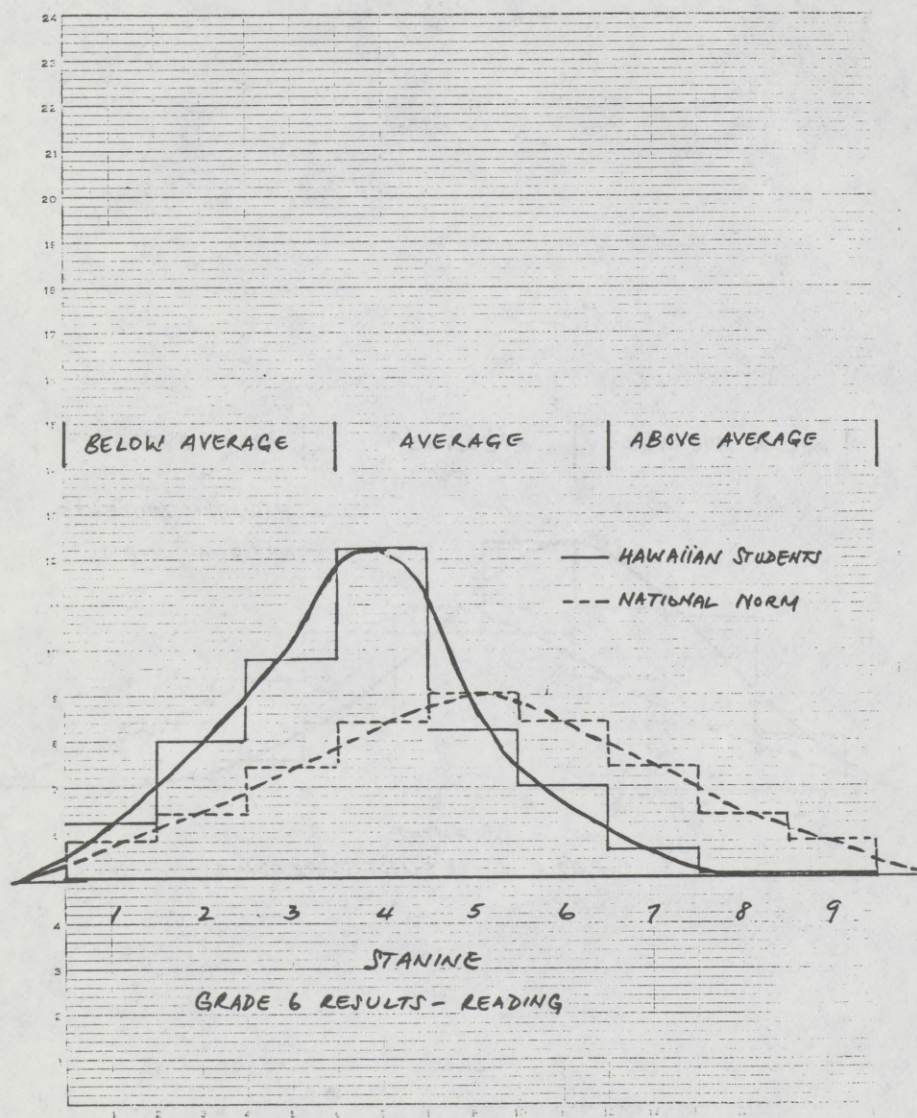
READING PERFORMANCE OF
HAWAIIAN STUDENTS - FALL 1978

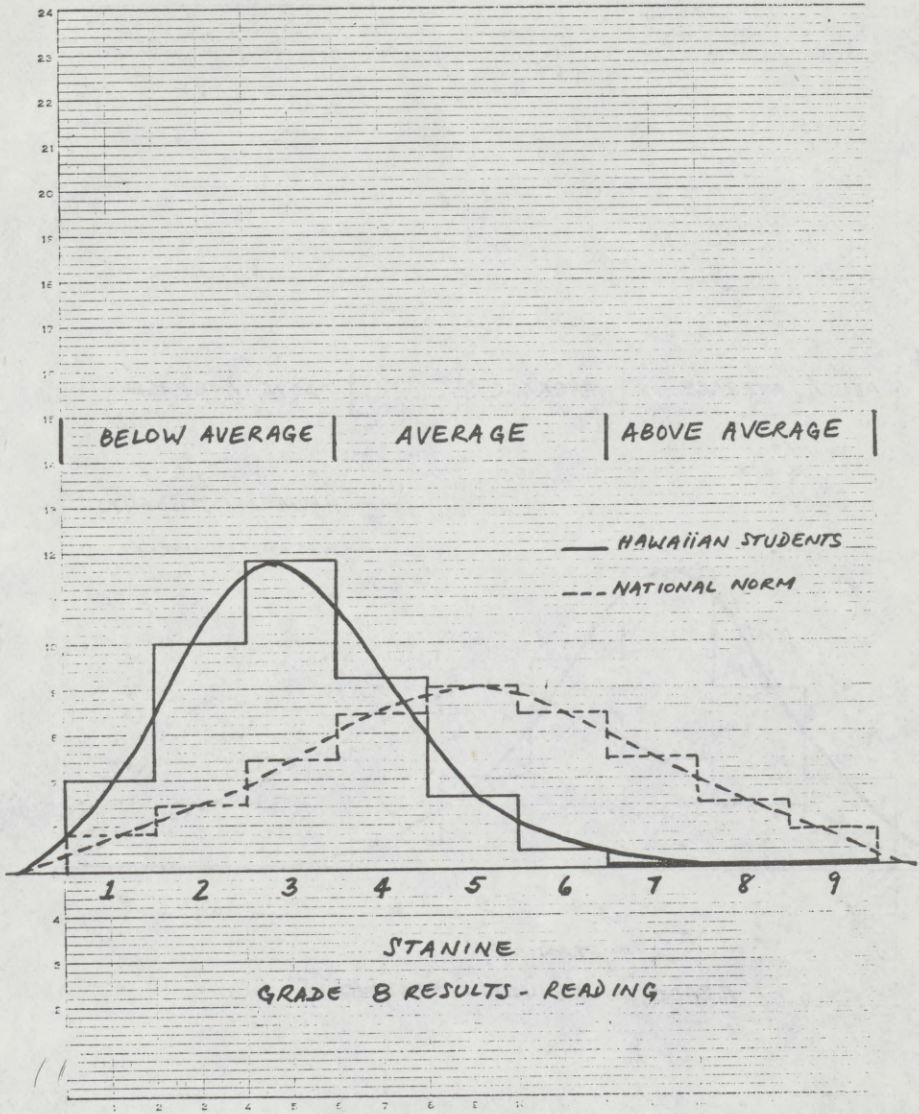


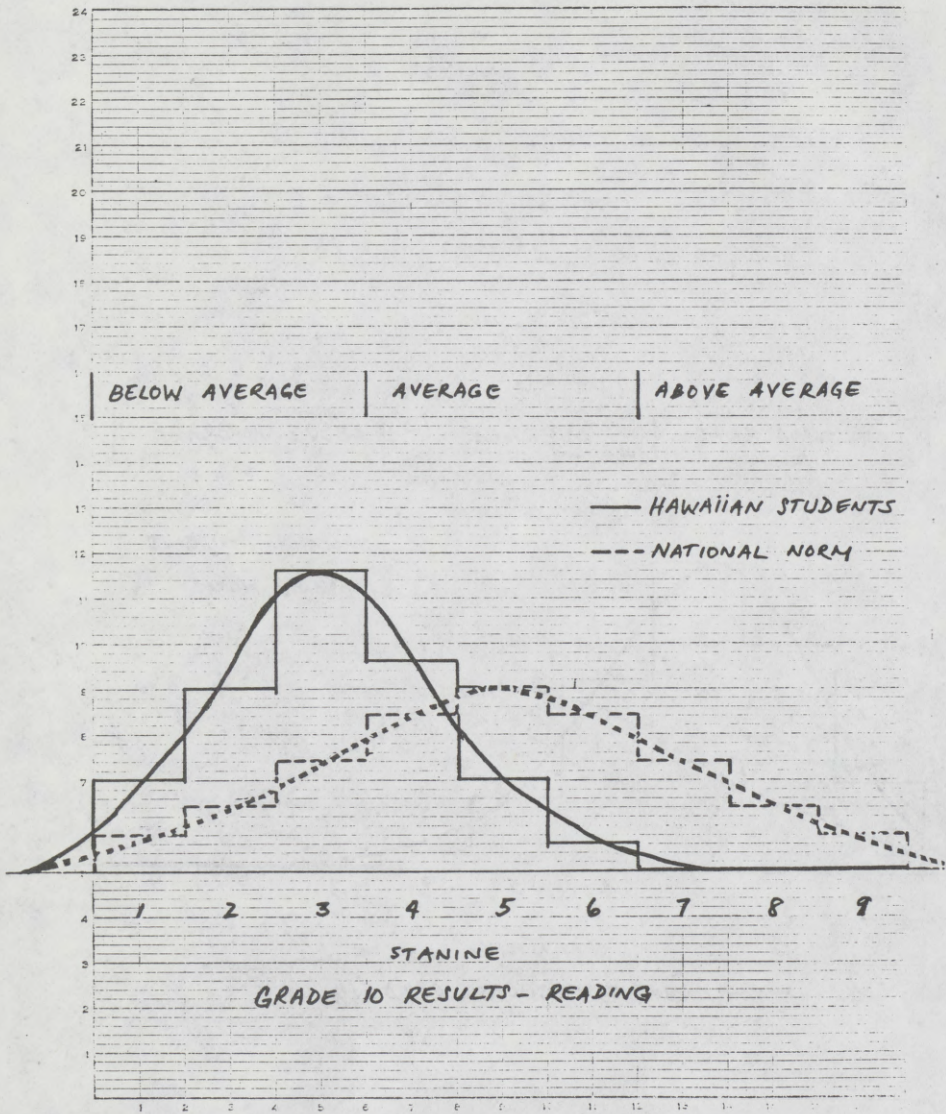




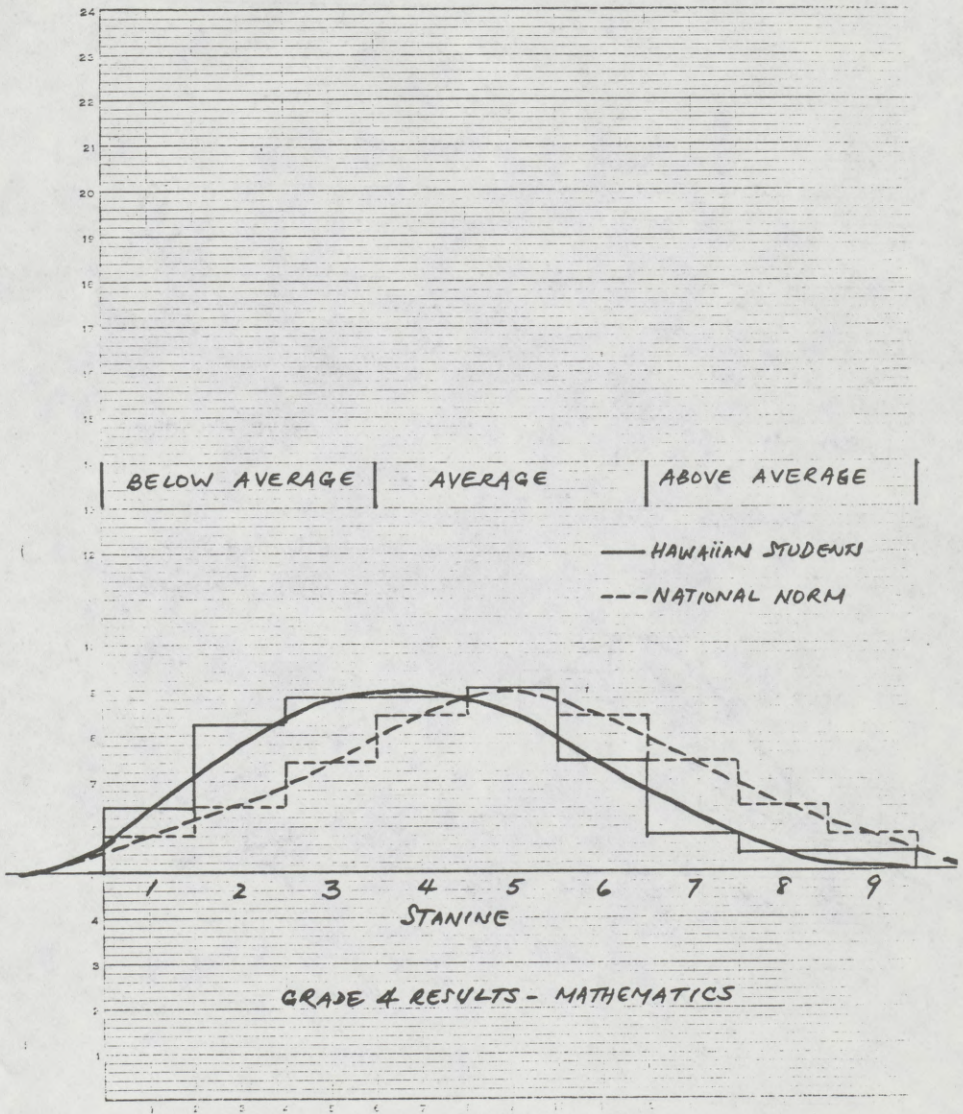
COMPARISON OF HAWAIIAN/PE HAWAIIAN STUDENT READING SCORES WITH
NATIONAL NORMS DATA FROM GRADE 4 STANFORD ACHIEVEMENT TEST SCORES FALL 1978

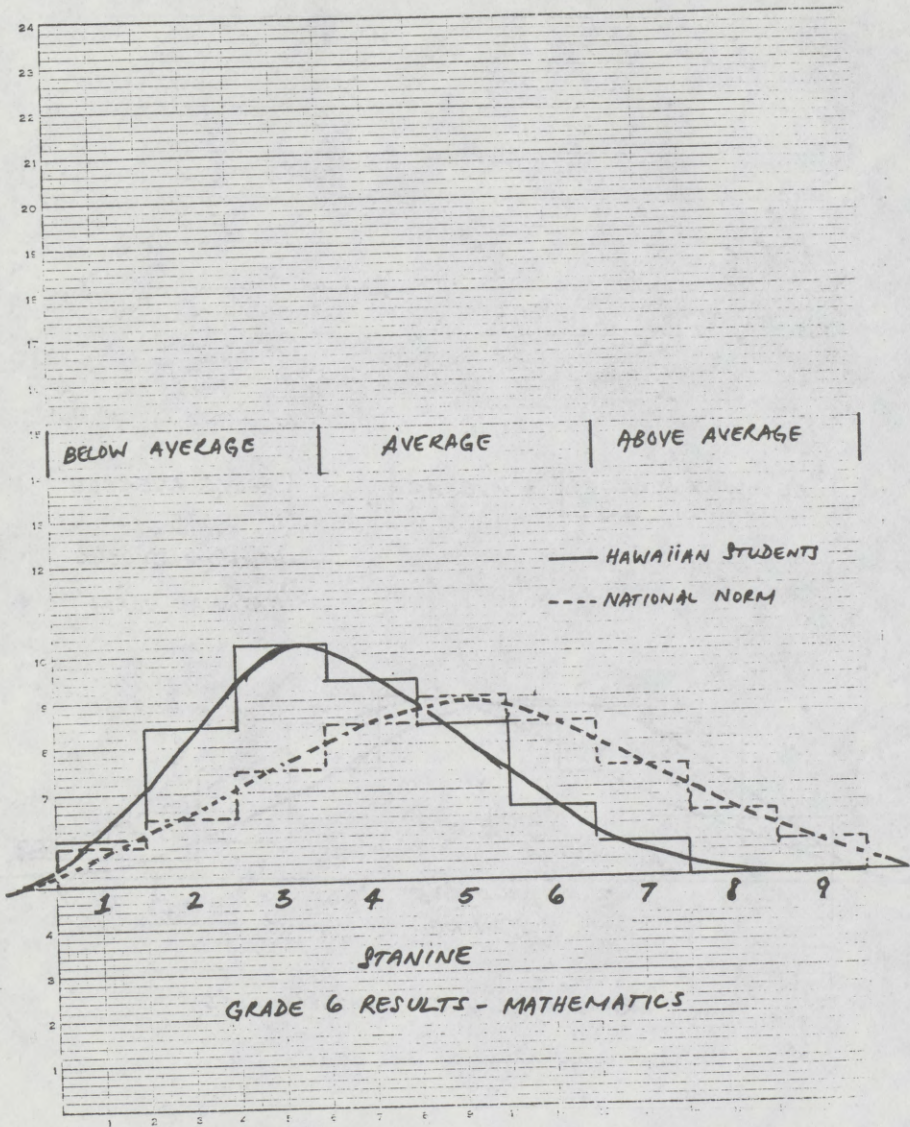


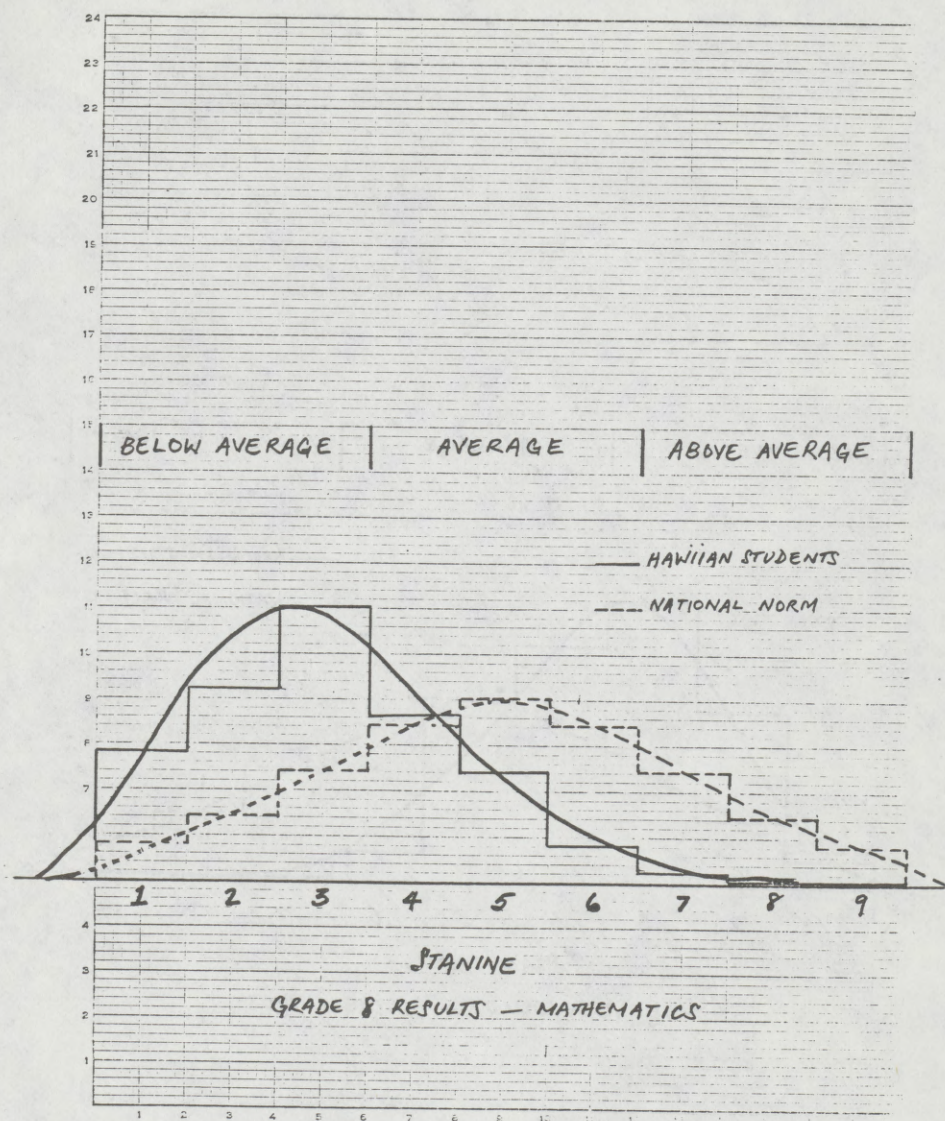


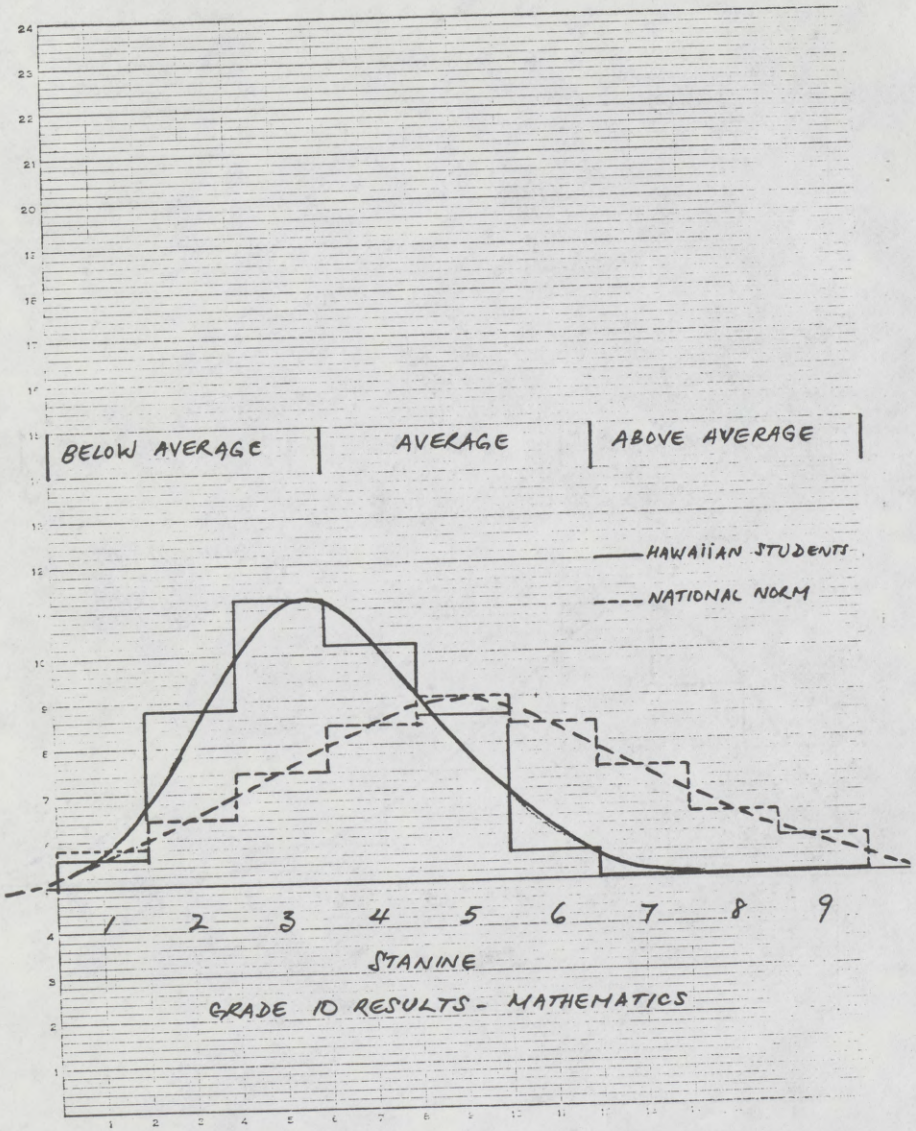


COMPARISON OF HAWAIIAN/PA HAWAIIAN STUDENT READING SCORES WITH NATIONAL NORMS. DATA FROM GRADE 10 STANFORD ACHIEVEMENT TEST SCORES FALL 1974









PREPARED STATEMENT OF ROLAND THARP, PRINCIPAL INVESTIGATOR, KAMEHAMEHA
EARLY EDUCATION PROGRAM, AND PROFESSOR OF PSYCHOLOGY, UNIVERSITY OF
HAWAII

A CASE FOR CULTURALLY ACCOMMODATED SCHOOL PROGRAMS

FOR HAWAIIAN YOUTH

Roland Tharp

My testimony will emphasize three basic points. First: In educational terms, for Hawaiian children, educational failure is not a matter of scattered individual casualties; the casualty is an entire cultural group. Second: This failure does not stem from an inherent inability to learn. Hawaiian children come to school with sufficient faculties to perform at their level of potential which falls along the pattern of national norms. The cause of their failure has been identified as the cultural cleavage between home and school. Third: In the Hawaiian case, we know how to change school programs to stop this tragic failure. In Hawaii, the knowledge exists, the will to change exists; we lack only the monetary resources. I will now elaborate these three points.

The School Underachievement of an Entire Culture

It is possible to argue that children of Hawaiian ancestry are educationally the lowest-achieving ethnic minority in the United States. Schools in the State of Hawaii which have preponderantly Hawaiian-child enrollments consistently measure in the second stanine on nationally-normed tests. In multi-cultural classrooms, even in poverty districts, Hawaiian children achieve less well than members of other cultures.

For several years, The Kamehameha Schools have conducted research to measure the extent of these problems. To do so, a random sample of children have been drawn, and their progress followed in the public schools. These samples have the following characteristics; half boys and half girls; three-fourths from poverty families and one-fourth from middle-class families; residence in urban, high-density Honolulu. These children are typically bi-dialectal: they speak the local dialect known as 'pidgin' (Hawaiian Creole) more than they speak Standard English.

In spite of these features (which usually predict educational handicap) these samples typically measure at average levels, even on standard IQ tests, after one year of kindergarten. Since IQ tests, whatever their limitations, do predict school achievement in the typical school environment, we can see that Hawaiian children arrive at school with the basic skills needed for educational success. Yet they fail.

From the end of kindergarten through the end of fourth grade, there is a steady decline of relative reading ability. At the end of fourth grade, these samples are measured as averaging in the 17th percentile of national norms.

Hawaiian children arrive at public school ready to compete with majority culture members, even when measured by majority members' own tests. Yet failure is pervasive. This is particularly bewildering when we recognize that the public school system of Hawaii is an excellent example of majority-culture educational practices; it has been consistently praised by national evaluators and accreditors as a particularly fine school system.

The solution to this problem lies in making certain changes in school programs, which will allow Hawaiian children to effectively use their abilities. We know what these changes must be.

Culturally-Accommodated School Programs

For ten years, The Kamehameha Schools has conducted research and development in this area, and has devised (in its small laboratory school) a program which is accommodated to Hawaiian culture. The program rests on years of anthropological, psychological, linguistic, and educational research with Hawaiian families and children. This research has been conducted in full cooperation with State Department of Education.

Solution of the problem was not quick, nor easy; but at the present time, there are dependable data, for four consecutive years, showing that classes identical to those described above (which measure at the 17th percentile at fourth grade), score at or above national norms (50th percentile) when attending the laboratory school which features accommodations to Hawaiian culture.

The laboratory school operates only through the third grade, when the pupils are returned to public schools. Graduates of the Kamehameha laboratory school, after their fourth grade year in the public schools, retain most of their relative advantage: they measure at the 45th percentile, whereas their control subjects who have had all five years of kindergarten through fourth in ordinary public schools, measure at the 17th percentile.

Last year, a test was made to determine whether this program could be successfully exported into two cooperating public schools with high-density

Hawaiian enrollment. The test was highly successful: the results were the same as in the laboratory--scores hovering right at national norms.

Some Features of the Culturally-Accommodated School

* In their home environments, Hawaiian children are heavily involved in sibling caretaking and sibling work groups. After about the age of three, there is a great deal of care of younger children by older ones, especially within the sibling group; and the sibling group is also often responsible for a good deal of the work of the household. Because the bulk of a child's interactions are with peers and near-peers, Hawaiian children older than three or four ordinarily orient and attend to each other very strongly.

As a group, Hawaiian children are vigorous, mutually helpful, socially skilled, talkative, and affectionate. These traits in an ordinary classroom can produce confusion. Hawaiian children in the school continue to be as they are at home, highly peer oriented; the schools are designed for adult orientation. Hawaiian children typically avoid adults; the school adult is inescapable. The school's expectation of close attention, approach, and clear orientation to the teacher produces an immediate failure of fit between the two cultures of school and child.

As a consequence of this failure of fit, public school teachers typically view the Hawaiian child as lazy, uninvolved, and unconcerned with learning. These traits are blamed on "the home," and the teacher often views the school as powerless to overcome a massive cultural lethargy. In the Kamehameha accommodated school culture, Hawaiian children are industrious, involved, and

enthusiastic. The changes in teacher behavior by which these differences are effected can be specified and taught.

The children need success experiences in school; thus the Kamehameha teachers constantly look for opportunities to "catch the children being good," and so to recognize good work or helpful deportment.

All-in-all, these teachers use praise much more and punishment much less up to five times more praise than comparison schools, and so little punishment that it cannot reliably be counted. This change in teacher behavior produces industrious children. In the accommodated school, the children are on-task about 90% of the time, some 28% higher than comparison schools.

* A second example of accommodation is found in classroom organization. There are exceptionally strong affiliation tendencies in Hawaiian culture, which generate patterns of cooperation and mutuality in task accomplishment.

The most effective social organization of the classroom is therefore a small group. Children are organized into continuing groups, whose membership is semi-fluid based on current objectives. These groups have identities, self-chosen names, etc., and meet together in the daily teacher-lead reading lessons. Supportive, teacher-independent desk work is also performed in small groups, meeting at one of several "centers," each identified by its characteristic activity ("library center," "listening center," etc.)

* A third type of accommodation is in the reading lesson itself. Research has discovered the conditions in which maximal linguistic and cognitive

complexity occur. Perhaps the richest such setting is that called "talk-story" or a sub-type of "talk-story," "story-telling." Among the features present in such settings are: a small group of children, a sympathetic and receptive adult, informality, turntaking, overlapping speech, and co-narration. Under such circumstances, very rich verbal interaction is produced.

This is an image quite different from the listless, disinterested, or resistant Hawaiian child often seen in the school setting. The KEEP program evolved a reading lesson which duplicates many features of the "talk-story/story-telling" format.

During the daily small-group direct-instruction reading lessons, five or so children are seated in a semi-circle before the teacher. Typically, there is a text present for each person, and often a brief period of silent reading occurs. Then the teacher begins to ask questions about the story at hand. Details, main ideas, alternative outcomes, speculations about the characters' motives or feelings, related personal experiences of the children—all are interwoven into a group discussion which is experienced by the teacher as planned instruction, but is experienced by the child as "story-telling." Many of the features described by cultural research are present: co-narration, overlapping speech, and enthusiastic engagement.

Conclusion

In this brief presentation, I can cite only examples of school accommodation to Hawaiian culture; there are others used in the Kamehameha program, and when they are all combined, it produces a school in which Hawaiian children have consistently performed up to their potential.

The program is reliable in its effects, training programs for teachers have been devised, and are themselves effective.

In Hawaii, there is a will to change schools so that Hawaiian children will no longer be casualties of an ill-fitting educational model. The cooperation in the development of this new-model program has been widely based; it extends from the State Board of Education through the highest levels of administration in the Department of Education down to building principals and classroom teachers. What is lacking in Hawaii is only the unrestricted resources to install culturally sensitive operations in predominantly Hawaiian schools. The accommodated program is more expensive to operate, teachers need re-training; consultant support is necessary during the early years of change.

I am confident that if the Native Hawaiian Education Act is enacted and the funds appropriated, these funds will be put to quick use, and good use. If the schools are not accommodated to Hawaiian culture, another entire generation of the children of this beleaguered culture are going to fail.

PREPARED STATEMENT OF RONALD ALBU, LAND, WATER, AND NATIVE HAWAIIAN
RIGHTS UNIT

TO: United States Senate Select Committee on
Indian Affairs, Honorable John Melcher,
Chairman

FROM: Land, Water, and Native Hawaiian Rights Unit

DATE: May 30, 1979

SUBJECT: Propriety of Including Native Hawaiians in
Federal Educational Programs for the Benefit
of Indians -- S. 916

Congress unquestionably has the power to include Native Hawaiians in existing federal programs established for the benefit of Native Americans -- in particular the Indian Education Act and the Indian Self-Determination and Education Assistance Act. When a similar bill was introduced in the 95th Congress, opinions were submitted by the Department of Health, Education and Welfare; the Congressional Research Service of the Library of Congress; and the United States Department of the Interior, variously concluding that benefits may legally be extended to Native Hawaiians, but not in accordance with the legal relationship between the United States and other Indian peoples. The factual errors uniformly made by those commentators was startling as the long-standing trust relationship between Native Hawaiians and the United States, most apparent in the Congressionally created Hawaiian Homes program involving over 200,000 acres held in trust for the use and benefit of Native Hawaiians, should have been apparent to anyone making even the most cursory examination of the history of the relationship between Native Hawaiians and the United States.

The factual errors made by the various governmental agencies and the necessarily invalid assumptions made as a result of the ignorance of the status of Native Hawaiians vitiate any conclusions those commentators reached regarding the propriety of this proposed legislation. Rather, even a casual examination of the plight of Native Hawaiians inescapably leads to the conclusion that the participation of Native Hawaiians in federal programs established for the benefit of other federally recognized Native Americans is long overdue.

Some of the most egregious factual errors relied upon by the federal agencies in rendering their opinions were that (1) there were never any treaties between the United States and Native Hawaiians, (2) there are no trust lands in Hawaii, (3) all attributes of Hawaiian sovereignty have been extinguished and there is no basis for the exercise of self-government by Native Hawaiians, and (4) Native Hawaiians are not "Indians" as that term is used in the Commerce Clause of the United States Constitution.

In fact, however, (1) treaties were executed between the United States and the Hawaiian Kingdom as independent sovereigns in 1849 and again in 1876; (2) Congress placed in trust for the rehabilitation of Native Hawaiians over 200,000 acres of the more than 2 million acres of land taken from the Hawaiian government at the time of the overthrow of the Hawaiian government; (3) the Hawaiian Homes Commission, which is made up completely of persons of Hawaiian ancestry, is a governing body which manages and controls the Hawaiian Home Lands in accordance with the terms

of the Hawaiian Homes Commission Act of 1920, subject to oversight responsibilities of the Secretary of the Interior as specified in the Hawaiian Homes Commission Act and the Admission Act admitting Hawaii as a state; and (4) federal courts have interpreted the term "Indians" as used in the United States Constitution as including all aboriginal peoples of America. Taken together, these facts lead to the inescapable conclusion that Native Hawaiians may legally be included in federal Native American programs and that their exclusion from such programs may amount to a denial of equal protection.

I. CONGRESS HAS THE POWER TO LEGISLATE FOR THE BENEFIT OF NATIVE HAWAIIANS.

Congress' power to legislate for the benefit of Indians has long been judicially recognized. See generally Felix S. Cohen's Handbook of Federal Indian Law at 89-98. This plenary power was early established in the opinion of Chief Justice John Marshall in the case of Worcester v. Georgia, 6 Pet. 515 (1832) which held:

That instrument [the Constitution] confers on Congress the powers of war and peace; of making treaties, and of regulating commerce with foreign nations, and among the several states, and with the Indian tribes. These powers comprehend all that is required for the regulation of our intercourse with the Indians. They are not limited by any restrictions on their free actions; and shackles imposed on this power, in the confederation, are discarded. 6 Pet. at 559.

The only requirement for legislation for the benefit of Native Hawaiians under this authority is that they must fit within the definition of "Indians" as used in the Constitution.

A. NATIVE HAWAIIANS ARE MEMBERS OF THE CLASS OF "INDIANS"

The term "Indian" was given to the aboriginal peoples of America by a confused Spanish explorer who mistakenly thought he had arrived in India. The United States Court of Claims extensively considered the legal meaning of the term "Indian" in the case of United States v. Native Village of Unalakleet, 411 F.2d 1255 (1969) and held as follows:

. . . we believe that the Congress did intend that [Indian Claims Commission Act] to encompass claims by all American aborigines and that the term "American Indian" is not used with a view to excluding the descendants of any pre-Columbian inhabitants of North America.

. . . The term "Indian" is as ambiguous as any in the English language. The preferred meaning per Webster's Third International is still a native of India or of the East Indies. The word was originally applied to the natives of the New World by European discoverers because they incorrectly thought that they had arrived at the East Indies. One calls them as Congress did, "American Indians" to avoid a solecism. The Handbook of American Indians published by the Bureau of American Ethnology, a part of the Smithsonian Institution, defines the word "Indian" as "the common designation of the aborigines of America." 411 F.2d at 1257

The Court of Claims went on in Unalakleet to discuss the government's argument that the Eskimos and Aleuts of Alaska could not be considered "Indians" because of anthropological evidence suggesting that they are not from Indian racial stock. The Court of Claims rejected the government's argument that the term "Indian" signifies a particular race rather than a class because the argument leads to an unconstitutional result. The Court stated:

It is enough to say that a construction of a statute rendering it constitutional is always preferred. If Congress had intended race, creed, or color, slant of eyes or shape of craniums, to be the determining factor in whether or not aboriginal groups could present claims, and at the same time having no rational grounds for the distinction, we would have serious doubts about the validity of the statute. 411 F.2d at 1260-1261

Under this authority, Native Hawaiians as American aboriginals cannot be excluded from benefits accorded all other aboriginal groups on the ground that they are not racially Indians. Rather, they fit the class of Indians defined to be American aboriginals. This view was recently cited with approval by the United States Court of Appeals for the Ninth Circuit in the case of Pence v. Kleppe, 529 F.2d 135 (1976), in which the court discussed a jurisdictional statute conferring standing to bring suit on persons "of Indian blood or descent." The court stated:

The Secretary does not argue that Alaska Natives who are of "Aleut" or Eskimo" rather than "Indian" blood cannot bring actions . . . because those sections refer only to persons of "Indian blood or descent." We would not accept the argument if it were made . . . There are many statutes dealing specifically with Alaska, such as the Alaska Native Allotment Act, which refer expressly to Indians, Aleuts, and Eskimos. On the other hand, many other statutes which are of general application throughout the United States and its territories refer only to "Indians". It has been held that in those statutes, the word "Indian", as applied in Alaska, includes Aleuts and Eskimos. The Act of June 2, 1924, . . . confers citizenship on "all non-citizen Indians." In Hynes v. Grimes Packing Co., 9 Cir., 1948, 165 F.2d 323, 326, we said that the statute conferred citizenship upon the Eskimo of Alaska . . . In United States v. The Native Village of Unalakleet, . . . the Court

of Claims in an exhaustive opinion, held that the word "Indian" as used in the statute, included Eskimos and Aleuts. The Court pointed out that the word "Indian" is commonly used in this country to mean "the aborigines of America." . . . We agree, and hold that such is its meaning in 25 U.S.C. § 345 and 28 U.S.C. § 1353. 529 F.2d 138-139.

The United States Supreme Court has also held that legislation for the benefit of Indian groups is not made on a racial basis. In the case of Morton v. Mancari, 417 U.S. 535, 41 L.Ed.2d 290 (1974), the United States Supreme Court dealt with the claim that a hiring preference for Indians in the Bureau of Indian Affairs constitutes invidious racial discrimination. The Supreme Court stated:

Resolution of the instant issue turns on the unique legal status of Indian tribes under federal law and upon the plenary power of Congress, based on a history of treaties and the assumption of a "guardian-ward" status, to legislate on behalf of federally recognized Indian tribes. The plenary power of Congress to deal with the special problems of Indians is drawn both explicitly and implicitly from the Constitution itself. Article I, § 8, cl 3, provides Congress with the power to "regulate Commerce . . . with the Indian Tribes," and thus, to this extent, singles Indians out as a proper subject for separate legislation. Article II, § 2, cl 2, gives the President the power, by and with the advice and consent of the Senate, to make treaties. This has often been the source of the Government's power to deal with the Indian tribes. The Court has described the origin and nature of the special relationship:

"In the exercise of the war and treaty powers, the United States overcame the Indians and took possession of their lands, sometimes by force, leaving them an uneducated, helpless and dependent people, needing protection

against the selfishness of others and their own improvidence. Of necessity, the United States assumed the duty of furnishing that protection, and with authority to do all that was required to perform that obligation and to prepare the Indians to take their place as independent, qualified members of the modern body politic . . ."
Board of County Comm'rs v. Seber, 318 U.S. 705, 715, 87 L. Ed 1094, 63 S. Ct. 920 (1943)

417 U.S. at 552

The Court went on to hold that the Indian hiring preference "does not constitute 'racial discrimination.' Indeed, it is not even a 'racial' preference." 417 U.S. at 553. In a footnote the Court pointed out that the preference is limited to members of federally recognized groups and is not made on a racial basis. Rather, the Court stated, "Here, the preference is reasonably and directly related to a legitimate, non-racially based goal." 417 U.S. at 554. After citing a long line of cases upholding legislation singling out Indians for special treatment, the Supreme Court concluded:

As long as the special treatment can be tied rationally to the fulfillment of Congress' unique obligation toward the Indians, such legislative judgments will not be disturbed.

Additionally, the Supreme Court's decision in Morton v. Mancari establishes that legislation for the benefit of federally recognized aboriginal groups whose lands were taken by the United States by force and who have suffered serious social consequences as a result are the proper subject of remedial legislation. Indeed, by such conquest the United States has assumed the obligation

of providing assistance to such groups. That is precisely the situation of Native Hawaiians. Even members of terminated Indian groups are eligible for federal educational benefits. See 20 U.S.C. § 1221h(a). Thus there can be no principled basis for excluding Native Hawaiians from the educational benefits accorded other Native Americans.

B. NATIVE HAWAIIANS HAVE BEEN "FEDERALLY RECOGNIZED" SINCE PRIOR TO THE OVERTHROW OF THE HAWAIIAN GOVERNMENT

The question of federal recognition has long been considered to be a political question for the legislative and executive branches of government, and not for the courts to decide. United States v. Rickert, 188 U.S. 432 (1903); United States v. Holliday, 3 Wall. 407 (1865). Felix Cohen in his Handbook of Federal Indian Law discusses several considerations which "singly or jointly, have been particularly relied upon in reaching the conclusion that a group constitutes a tribe" of Indians. Cohen lists the following considerations at p. 271:

- (1) That the group has had treaty relations with the United States.
- (2) That the group has been denominated a tribe by act of Congress or Executive order.
- (3) That the group has been treated as having collective rights in tribal lands or funds, even though not expressly designated a tribe.
- (4) That the group has been treated as a tribe or band by other Indian tribes.
- (5) That the group has exercised political authority over its members, through a tribal council or other governmental forms.

Other factors considered, though not conclusive are the existence of special appropriation items for the group and the social solidarity of the group.

Ethnological and historical considerations, although not conclusive, are entitled to great weight in determining the question of tribal existence.

The overwhelming evidence regarding these criteria reveals that Congress long ago recognized Native Hawaiians as a distinct aboriginal group and has dealt with them in a manner similar to other Native American groups. Prior to the overthrow of the Hawaiian government with the complicity and assistance of the United States Minister and American military troops, the United States entered into formal treaties with the Hawaiian Kingdom. After the overthrow, which was formally protested by Hawaii's Queen Liliuokalani, the Queen continued to represent her people and repeatedly sought redress from Congress. On numerous occasions, legislation was introduced into Congress to redress the wrongs. Finally, three years after the Queen's death, at the urgings of Prince Jonah Kuhio Kalaniana'ole Congress adopted the Hawaiian Homes Commission Act of 1920. Under this Act, Congress in recognition of its obligations to Native Hawaiians, placed in trust for the benefit of Native Hawaiians over 200,000 acres of federal lands in Hawaii to be used for the development of homes, ranches, and farms, in a program strikingly similar to the allotment schemes on mainland Indian reservations.

These trust lands are a part of the more than two million acres of public lands of the Hawaiian Kingdom taken from the Hawaiian people without compensation at the time of the overthrow and acquired by the United States. As with -

other aboriginal groups recognized by Congress, a portion of the aboriginal lands acquired by the United States was specifically set aside in trust for the protection and rehabilitation of the peoples whose lands were taken.

The Hawaiian Home Lands are administered by a Commission established under the Hawaiian Homes Commission Act which is composed entirely of persons of Hawaiian blood. The Commission has full governmental powers over these trust lands, subject only to the obligation of the United States to guarantee that the trust responsibilities in the administration of these lands are faithfully carried out. Thus, the terms of the Hawaiian Homes Commission Act cannot be amended without the consent of Congress; the United States Secretary of the Interior has the responsibility to approve any exchange of lands between the Commission and the State of Hawaii; and Congress has specified in § 5(f) of Hawaii's Admission Act that the United States reserves the right to bring suit for any breach of trust in the administration of these trust lands which are held "for the betterment of the conditions of native Hawaiians". Under the Hawaiian Homes Commission Act, the Commission exercises full governmental powers over these trust lands including the right to determine eligibility of Native Hawaiians for participation in the program, compliance with the terms of the Act by the Native Hawaiians obtaining lands under the act, succession to the lands, and other governmental powers analogous to those exercised by tribal governing bodies of Indian reservations.

When the Hawaiian Homes Commission Act was before the Congress, one of the issues considered was whether Congress has the power to legislate for the benefit of Native Hawaiians. At that time the Solicitor for the Department of the Interior rendered an opinion upholding Congress' power to enact legislation for the benefit of Native Hawaiians under Congress' power to legislate for the benefit of Indians. The Solicitor stated:

There are numerous congressional precedents for such action. The act of Congress approved February 8, 1887, . . . authorizes public lands which have been set apart as Indian reservations by order of the President to be surveyed and 80 acres of land therein to be allotted to each Indian located upon the reservation, or where the lands are valuable for grazing to be allotted in areas of 160 acres. Another section of the same act authorizes any Indian entitled to allotment to make settlement upon any public lands of the United States not otherwise appropriated and to have same allotted to them.

A similar conclusion was reached by the Attorney General of the Territory of Hawaii.

Congress' determination that Native Hawaiians should be treated as other Indian groups is reflected in Committee Report No. 839 of the House Committee on Territories. The Committee stated, regarding adoption of the Hawaiian Homes Commission Act, as follows:

In the opinion of your committee there is no constitutional difficulty whatever involved in setting aside and developing lands of the Territory for native Hawaiians only. . . [T]he legislation is based upon a reasonable and not an arbitrary classification and is thus not unconstitutional class legislation. Further there are numerous congressional precedents for such

legislation in previous enactments granting Indians . . . special privileges in obtaining and using the public lands. Your committee's opinion is further substantiated by the brief of the Attorney General of Hawaii . . . and the written opinion of the solicitor of the Department of the Interior.

II. CONGRESS HAS REPEATEDLY EXERCISED ITS POWER TO
LEGISLATE FOR THE BENEFIT OF NATIVE HAWAIIANS

Since the adoption of the Hawaiian Homes Commission Act in 1920, Congress has repeatedly reaffirmed its federal recognition of Native Hawaiians as an aboriginal group. In the Admission Act of 1959, Congress reiterated the Nation's solemn trust responsibilities to Native Hawaiians embodied in the Hawaiian Homes Commission Act and indicated that any misuse of the Hawaiian Home Lands would give rise to an action for breach of trust by the United States.

More recently in 1974 Congress reaffirmed its recognition of Native Hawaiians as Native Americans by making them eligible for participation in the programs of the Administration for Native Americans administered by the Department of Health, Education and Welfare. See P.L. 93-644, § 813 recognizing a Native Hawaiian as "any individual any of whose ancestors were natives of the area which constitutes the Hawaiian Islands prior to 1778." Again, Congress amended the Comprehensive Employment and Training Act to include Native Hawaiians in the Indian Manpower Program administered by the Director of Indian and Native American Program of the Department of Labor. P.L. 93-203, § 302(c)(1). Finally, the 95th Congress adopted the American Indian Religious Freedom Act, which originated in this Committee, and included Native Hawaiians in its coverage. Pub. L. 95-341, Aug. 11, 1978.

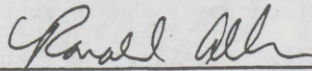
These acts of Congress demonstrate that Native Hawaiians have repeatedly been accorded "federal recognition" and that status cannot now be denied in an attempt to exclude Native Hawaiians from participating in the educational programs established for all Native Americans.

III. CONCLUSION

Based upon the United States' treatment of Native Hawaiians as a sovereign nation through the treaty process, the recognition of trust obligations to Native Hawaiians as a result of the acquisition of over two million acres of their land through the creation of the Hawaiian Homes Commission, and repeated federal recognition of Native Hawaiians, Congress has clear authority under its power to legislate for the benefit of Indians to enact S. 916. Indeed, Native Hawaiians have a right as American aboriginals to receive equal treatment to other aboriginal groups and their exclusion from educational benefits accorded other native groups would be unconstitutional.

Other testimony regarding this proposed legislation abundantly demonstrates the social and economic difficulties faced by Native Hawaiians and Congress should remedy the oversight of these Native Americans by promptly extending these and other federal benefits to Native Hawaiians.

Respectfully submitted,



RONALD ALBU

Chairman PERKINS. We will wait a few minutes on Mr. Heftel. It would be satisfactory, in my view, to insert his remarks in the record, since we are going to have open markups and everything else.

Mr. Kildee?

Mr. KILDEE. Perhaps you could elucidate for the committee on the treaty status which has existed, between the Native Hawaiians and the U.S. Government. That might be helpful.

Mr. THOMPSON. I would like to refer that to Dr. Joerger, who will respond to it.

Dr. JOERGER. The United States formally recognized the Kingdom of Hawaii as a political entity in 1842 by President Tyler and Secretary of State Daniel Webster, and then a formal treaty was negotiated between two equal, although not equal in power, but equal in sovereignty, in 1849.

That treaty was a particularly important one for the Hawaiian kingdom, as it was the first time we got an equal treaty from a major power. The United States didn't demand special rights, and tariff duties, and juries, and things like that.

In 1875-76, the United States gave us a reciprocity treaty. It was particularly advantageous to us because we had many itemized products that entered the United States free of duty, and the biggest advantage to Hawaii was sugar.

On our part, it seems to me we had good faith between two countries, a big one and a little one, because we did give up certain rights. We agreed that we wouldn't enter into a reciprocity treaty with any other country. We agreed we wouldn't lease any of our land to any foreign power without the consent of the United States, and, of course, that would come to the Congress, and then when that treaty had 7 years to run, and then, of course, it just went from year to year, you know, 12 months' notice; so it did not run out, but it didn't have a secure long term; so it was renegotiated and finally passed in 1887.

At that time, the Hawaiian kingdom also granted a lease of the harbor at Pearl River exclusively to the United States to develop for the use of American vessels.

So it seems to me these treaties indicate a very equal position of mutual nations negotiating items and also showing good faith on the part of both sides.

Having sugar enter the American market free of duty was extraordinarily prosperous for Hawaii. It allowed us to have a good solid industrial base in our country. But nevertheless we did give concessions in the process of entering into those things.

I don't want to emphasize it too much, but there were indications that despite those treaties, the second negotiation of reciprocity in 1887, the McKinley tariff in 1890 pretty much abrogated that treaty because it put sugar on the free list; so we had made these concessions; we had a treaty, but then American law came and just destroyed the whole meaning of the reciprocity treaty.

So it is an interesting story, but I do think it indicates a recognition of sovereignty on the part of the United States, of the Hawaiian kingdom, and a full treaty negotiation and a full historical background.

Mr. KILDEE. Could you tell us what legal scholars feel took place when the annexation took place, and statehood? Was there any change in the legal status of those treaties?

Dr. JOERGER. Of course that is a very interesting thing. We had a revolution which abrogated the monarchy, and the revolutionists were primarily American-born businessmen.

Also, they immediately took over the public land and then asked for annexation. Now, in the process of succeeding in that revolution, there were American marines and sailors who landed in Honolulu and were placed in a very strategic position which made it impossible for the monarchy to protect itself. Those troops were at the command of the American diplomatic agent, a man named Stevens, and he made it quite clear that he would support the revolutionists—this was before the day they actually made their move—and he also made it clear to the emissaries of the Queen—Queen Liliuokalani, the last monarchy of Hawaii—that he would not support her; so there is a clear record of conspiracy, of assistance to that particular element that won the revolution, and it was stated in the record in the Blount report, that came to the President, and then the Morgan report, which is the Senate report. Those documents are there.

I think any historical scholar would indicate there was only about 182 marines and sailors, but, believe it or not, we are a small, little place, and it is a small, little town, and that was the single biggest military force in Hawaii, best trained, best disciplined. The Queen had household troops; the revolutionists had guns, but they were a little untrained, so that was fundamental in causing a revolution which abrogated the monarchy.

There is external sovereignty, because the revolutionists formed a republic. They asked for annexation, and, in 1898, it was granted. But we feel that that was never with the consent of the Hawaiian people. That revolutionary government never had a free election, never had a plebiscite. President Cleveland pointed that out and never asked for it, and the president of the republic, a very honest man, Sanford Doyle, in his honesty, said, I couldn't bear to have a plebiscite; we would lose. And his buddies said to him, don't ever say that again.

So I think historical scholarship, without getting excessively dogmatic about this, would indicate that landing of the troops of American marines and sailors was fundamental in destroying the monarchy of Hawaii.

Mr. KILDEE. You would say that legally, historically—

Dr. JOERGER. We wouldn't like—for instance, I am a historian, but I have talked to some lawyers, of course, and they say it would be pretty difficult to get this thing through a Supreme Court decision in our favor, because there is this legal external transference of sovereignty.

Mr. KILDEE. But we can cumulatively form the argument legally, historically and morally that there is a special relationship to the Native Hawaiians. If we add the third dimension, moral relationship, that becomes strong—

Dr. JOERGER. Yes, and it is a very important one to Hawaiians.

Mr. KILDEE. Thank you very much.

Chairman PERKINS. Mr. Heftel, we have had a good hearing this morning, I think. Your witnesses have gotten their viewpoint over. Mr. Akaka opened it up and introduced the other witnesses, and Mr. Thompson made his explanation.

We only have two questions. One, why should the Hawaiians be singled out for this special treatment here, and two, why aren't the present programs adequate, such as the title I program and the Impact Aid program? You may want to dwell on those two points, but be that as it may, I have expressed support for the legislation, that the markup will be open, which, as you know, has always been the policy of this committee, and you, and Mr. Akaka, and other Members of Congress, will be notified when we have the subcommittee markup.

We are thinking about the week after Thanksgiving, but we will give you the exact date, and the exact date of the full committee markup, so you can be with us and, as questions arise, you can address them.

Without objection, any prepared statement you have will be inserted in the record at this point in its entirety, and if you want to summarize, go ahead in your own words. We are glad to welcome you back before the committee. You have been one of the outstanding members of this committee. We regretted to lose you, but we are glad to see you back here every time you want to come. Go ahead.

STATEMENT OF HON. CECIL HEFTEL, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF HAWAII

Mr. HEFTEL. I assure you there are many times when I miss our committee very much. Not all of Congress runs as does our Committee on Education and Labor.

I would appreciate having my total remarks entered into the record.

Chairman PERKINS. Without objection, it is so ordered.

[The prepared statement of Cecil Heftel follows:]

PREPARED STATEMENT OF CONGRESSMAN CEC HEFTEL

I am delighted to appear this morning before my colleagues to discuss H.R. 93, the Native Hawaiian Education Act. As a former member of both of these Subcommittees, I am most appreciative of your efforts to consider this legislation. This is an important bill and will have a sizeable impact on efforts to better the quality of life of the Native Hawaiian people. Last week the Senate passed its companion bill, S. 916, and I am hopeful that the House will act expeditiously on this legislation.

Congress has rightfully provided special education, employment programs and job training to Native Americans who have been uniquely disadvantaged by a lack of opportunity in their own land. H.R. 93 as you know is designed to, in effect, provide education programs to Native Hawaiians similar in nature to those provided to American Indians pursuant to the Indian Education Act of 1972.

Native Hawaiians were citizens of a sovereign and politically sophisticated kingdom which endured for nearly a century before being absorbed by Western religious, social and political life. Since then the Native Hawaiian population has slowly decreased and been diluted by Western culture; always caught somewhere between Native values and traditions and Western values and practices. Well before annexation, the Federal Government had maintained a special relationship with Native Hawaiians. In 1849 Congress recognized the Hawaiian Kingdom through treaties of commerce and friendship. In 1920 Congress established the Hawaiian Homes Commission Act, formalizing its obligation to the Hawaiian people. In 1959, through the Admissions Act, Congress again reaffirmed its direct responsibility to the Hawaiian people.

Hawaiians have nevertheless fared poorly. Today, Native Hawaiians and part Hawaiians comprise about 18% of Hawaii's population, making them truly a minority in their own land. Worse than that, they are the largest single ethnic group in Hawaii to be dependent upon welfare and unemployment assistance. Additionally, they are the largest group incarcerated in correctional institutions, and they comprise the largest proportion of school dropouts. Only a small percentage of Native Hawaiians are enrolled in the University of Hawaii or in other institutions of higher learning in Hawaii.

Young and old alike are victims of a negative stereotype. All too tragically, the unique social and educational needs of Hawaiians have not been met and they are becoming more and more reconciled to failure. A look at Hawaii's incidence of truancy and absenteeism, delinquency and unemployment rates is proof enough of this phenomenon.

Some headway has been made in recent years to include Native Hawaiians in programs designed to assist Native Indian Americans. In 1974 Congress recognized Native Hawaiians' eligibility to participate in various Native American programs within the Department of Health, Education and Welfare. Three years later, Congress amended the Comprehensive Employment and Training Act to include Native Hawaiians in the Indian manpower program.

This, however, has not sufficiently addressed the educational needs of the Hawaiian people. Nor does Title I of the Elementary and Secondary Education Act address specifically enough the needs of Native Hawaiians. Title I assures education for low income, educationally deprived, and handicapped persons. Native Hawaiians do not necessarily fall under these categories. Rather, their needs require a more integrated approach, focusing on the infant, early elementary and post high school stages. Effective approaches are being developed through pilot programs to assist Native Hawaiians during these crucial periods. However, much more needs to be done and I am confident that passage of H.R. 93 will provide the Federal effort necessary to address these problems and achieve long-term social changes.

The most important and useful means of assuring the ability of Hawaiians to become well-adjusted, productive members of society is through education. H.R. 93 would serve to establish these programs to minimize the Hawaiian child's apprehensions, improve his self-concept and maximize his ability to learn. The potential impact of such programs is significant when one considers that of the approximately 150,000 Native Hawaiians living in Hawaii, about one half, or 75,000, are age 18 and under.

I am hopeful that favorable consideration of this legislation will occur during this Congress. The time is long overdue for Congress to recognize Native Hawaiians as a unique group of people, and I am pleased to be an integral part of this effort. Thank you.

Mr. HEFTEL. I will summarize what I think are the very key and critical issues. In 1972, we passed the Indian Education Act. If our Native Hawaiians had been closer to any population centers of the mainland, we would have had a Hawaiian Education Act long before then.

There are no existing programs which can address the problems of the Native Hawaiians. I won't go through the statistics of our dropout rates from the educational system, the unemployment, welfare, incarceration, arrests, convictions, and so on. Rather I will focus on how the Native Hawaiian people had and still have a philosophy and a culture very much of their own. It is a philosophy and attitude which says, in effect, we will take care of our brothers and sisters, and they will take care of us.

You are aware of Yankee ingenuity. The basic concept of our capitalistic system is a very competitive one in which you take care of yourself first. Then there won't be those who cannot take care of themselves.

It is not a case of the Native Hawaiians not being able to take care of themselves, but rather a feeling of taking care of all; we are all brothers, and we are all sisters.

As a result, the system has not had relevance and meaning. It has not endeavored to understand where that Native Hawaiian is

coming from, or understand what their problems are in knowing how to assimilate and become a part of our so-called competitive society. For all of the years since 1903, when there was an illegal takeover, when President Cleveland did acknowledge that takeover as having been illegal, the typical Yankee has known-how to compete against the Native Hawaiian. As a result, the basic material wealth of Hawaii is owned by all but the Native Hawaiian. I think all of us, realize that if a group of people has never learned how to become competitive and to own economic wealth, per se, they are at a great disadvantage. That is something easier perhaps for me to see and perceive than those who have been in Hawaii all their lives and are so used to what goes on around them that they don't really pay attention.

Among the Hawaiian entertainers there is a very classic attempt at humor of how the missionaries came to Hawaii. The natives bowed their heads in prayer, and raised their heads, now having religion—and the missionaries now had the land. There is a painful message in that, and it is that message we are addressing today.

It has been slow in coming. It has been 7 years since the Indian question was addressed, and even then it should have including all Native Americans—Indians and Hawaiians. The Indians are understandably concerned that they would lose in any kind of a movement that combined the two groups.

I think this is a wrong that needs to be addressed. I think it is one of historical impact. It has gone on for well over 80 years now, and I am pleased that it is my former committee, your committee, that is sensing this problem, and addressing it. This legislation was introduced by my colleague, a Native Hawaiian and the first Native Hawaiian to serve in this body as a Member of Congress.

I thank you very much for this opportunity.

Chairman. PERKINS. Mr. Kildee?

Mr. KILDEE. I have no questions. Mr. Heftel has, for the last 3 years, as well as Mr. Akaka, instructed me as to the needs of Hawaiian natives, and I appreciate his appearance this morning in support of those ideas. Thank you very much.

Chairman. PERKINS. Mr. Erdahl?

Mr. ERDAHL. Thank you, Mr. Chairman. I want to thank Mr. Heftel and Mr. Akaka for being with us today. A question I have and others will ask in the Congress, is that we should be very careful, it seems to me, not to foster any duplication in laws or statutes or programs, and I understand under title IX of the Higher Education Act, at least dealing with post high school students, that it provides grants and fellowships at the graduate and professional level, to support the disadvantaged and minorities.

Why is there need for the special treatment at least of Native Hawaiians in that area, if they might be classified, which I think is the thrust of the bill, as being disadvantaged and a minority?

Mr. HEFTEL. I think Mr. Thompson would be delighted to respond.

Mr. THOMPSON. Yes. Thank you.

We have Neil Hannahs as administrator of a school in Hawaii, and he can respond to that question.

Dr. HANNAHS. Mr. Erdahl, the response is very much like the response to an earlier question regarding basic education of our

kids in kindergarten through 12, there is simply not enough money through that title seeing its way to the State, and thereby to this population.

There have been numerous additional types of scholarship programs established in the State of Hawaii, and we are delighted to have one, as a matter of fact, established by Representative Heftel here, and he might want to clarify this even further, that seeks to address this need.

We use private moneys; we use existing State and Federal moneys pooled together to meet the financial need of the child as reflected on a parent's confidential financial statement, but still the high cost of education today simply is beyond belief, and the funds that we have right now do not meet the entire need.

Mr. HEFTEL. Perhaps we should focus on the fact that Hawaii is quite distinctive from most of the mainland. Mr. Erdahl, our society is one made up of not too distant immigrants from Korea, Vietnam, the Philippines. We could go through a whole list of areas, in the Pacific, in particular, where people have come to Hawaii. We have had a very grave transitional and integrational problem in terms of assimilating those people within our society, particularly within the education system.

Whether you address title IX or any title that impacts on what we presume to be minorities and the problems that go with what we mean by minority, we are talking about far more of those problems in Hawaii than we would in almost any of the mainland areas with which I am familiar, including the border States.

As a result, any attempt to utilize those funds to address the Hawaiian problem as distinct from all others would create an uprising and uproar from those other minorities who feel that the funds impact on them and must be used equally and equitably for all. And when you get through doing this, you virtually leave untouched the unique and very identifiable problem of the Native Hawaiian.

It was their land we took. It was their country we took. It was our culture we imposed, and it was they who found themselves not able to assimilate, to compete to understand. As a result, any funded program designed to do anything except target only Native Hawaiians would end up addressing a number of problems, a number of groups, a high percentage of the total population, and simply could not then address what is the problem which is uniquely that of the Native Hawaiians.

Mr. ERDAHL. I guess what you are saying, Congressman, is that it is a unique situation. There are so many distinct minority groups coming from various places that as you try to comply with a program like title IX, it becomes so diluted, you don't serve the specific problem you contend exists for the Native Hawaiian.

Mr. HEFTEL. Yes, that and the fact that we have to go back to the beginning. I think we have to go back to what happened when we took over the Native Hawaiians' land and country and said, now you have to survive in our system. They didn't, and we are addressing, in part, the unfairness of what we did and acknowledging the problem as we did in the Native Indian Act of 1972.

I understand why you are concerned and why you ask what is wrong with existing programs. The answer is the programs were

never intended to address a native people whose land was taken, country taken, who became a part of the United States. There are unique and identifiable problems that have never been addressed.

Mr. ERDAHL. I hope if it goes through, it would have more to do with the present problem than to atone for the sins of the past. Maybe we should try to do that sometime, but I think you are indicating that the historic background—and obviously we can't undo the wrongs that were done in the past.

Mr. HEFTEL. I will say that it wouldn't take more than a very few acres of land to compensate for the \$22 million that we are talking about today, which has been multiplied so many times over that it is hard to conceive of. It is just addressing a problem of great magnitude with pennys when you want to use the actual financial compensations.

Mr. ERDAHL. Thank you very much.

Chairman PERKINS. Mr. Wolanin, do you want to make a statement briefly before we leave?

Mr. WOLANIN. Thank you, Mr. Chairman.

I just wanted to extend to the witnesses this morning Chairman Ford's regrets that he has a markup in another committee and couldn't be here this morning, and I am here on behalf of the Subcommittee on Postsecondary Education and appreciate your contributions this morning.

Chairman PERKINS. We thank all of you. We have had a good hearing.

[Whereupon, at 10:10 a.m., the joint subcommittee meeting was concluded.]

