

STATE OF HAWAI'I
OFFICE OF HAWAIIAN AFFAIRS
560 N. NIMITZ HIGHWAY, SUITE 200
(VIRTUAL MEETING - VIA ZOOM WEBINAR)

COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT
MINUTES

November 17, 2021 1:30 p.m.

ATTENDANCE:

Chairperson Kaleihikina Akaka
Trustee Leina'ala Ahu Isa
Trustee Dan Ahuna
Trustee Keli'i Akina
Trustee Brendon Kalei'aina Lee
Trustee C. Hulu Lindsey
Trustee Keola Lindsey
Trustee John Waihe'e, IV

EXCUSED:

Trustee Luana Alapa

BAE STAFF:

Brandon Mitsuda
Mark Watanabe

ADMINISTRATION STAFF:

Hussey, Sylvia, Ka Pouhana / CEO
Brown, Casey / COO
Hinck, Ramona / CFO
Kamali'i, Na'u / Chief Advocate
Fisher, Leimomi / Interim Public Policy Manager
Ki, Nina / Public Policy Advocate
Gushiken, Raina, Senior Legal Counsel
Ohta, Everett, Assistant Legal Counsel
Chak, Kevin, IT
Nakama, Erin, IT

I. CALL TO ORDER

Chair **Akaka** calls the Committee on Beneficiary Advocacy and Empowerment meeting for Wednesday, October 13, 2021 to order at **1:30 p.m.**

Chair **Akaka** notes for the record that PRESENT are:

MEMBERS			AT CALL TO ORDER (1:30 p.m.)	TIME ARRIVED
CHAIR	KALEIHIKINA	AKAKA	PRESENT	
VICE-CHAIR	KEOLA	LINDSEY	PRESENT	
TRUSTEE	LEINA'ALA	AHU ISA	PRESENT	
TRUSTEE	DAN	AHUNA	PRESENT	
TRUSTEE	KELI'I	AKINA	PRESENT	
TRUSTEE	LUANA	ALAPA	EXCUSED	
TRUSTEE	BRENDON KALEI'AINA	LEE	PRESENT	
TRUSTEE	CARMEN HULU	LINDSEY	EXCUSED	1:34 p.m.
TRUSTEE	JOHN	WAIHE'E, IV	PRESENT	

At the Call to Order, **SEVEN(7)** Trustees are PRESENT, thereby constituting a quorum.

II. PUBLIC TESTIMONY on Items Listed on the Agenda*

None

III. APPROVAL OF MINUTES

A. October 13, 2021

Chair Akaka: We will move on now to approve the minutes for October 13th, 2021. However, before we go ahead with that, I do see that we have some changes here to the minutes, CEO was not in attendance and our COO was in her stead.

Ka Pouhana Hussey: CEO for the period of time. Thank you, Chair.

Chair Akaka: Mahalo, are there any other edits to the minutes? Seeing none, can we please have a motion to approve the minutes as amended.

Board Chair Hulu Lindsey: Chair, I move that we approve those minutes as amended.

Chair Akaka: Mahalo Board Chair, is there a second?

Trustee Akina: Chair, I second.

Chair Akaka: It's been seconded by Trustee Akina. Can I please have a **roll call** Brandon.

							1:35 p.m.
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEINA'ALA	AHU ISA			X			
DAN	AHUNA			X			
KELI'I	AKINA		2	X			
LUANA	ALAPA						EXCUSED
BRENDON KALEI'ĀINA	LEE			X			
CARMEN HULU	LINDSEY	1		X			
VICE CHAIR KEOLA	LINDSEY			X			
JOHN	WAIHE`E, IV			X			
CHAIR KALEIHIKINA	AKAKA			X			
TOTAL VOTE COUNT				8	0	0	4

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

IV. NEW BUSINESS

A. Presentation: Native Hawaiian Veterans, Reyn Kaupiko, Native Hawaiian, VA Advisory Committee on Tribal and Indian Affairs

Chair Akaka: It's my understanding that Reyn Kaupiko is unable to make it today. Is that correct Ka Pouhana?

Ka Pouhana Hussey: Correct Chair, thank you. He notified us he had a veteran responsibility today and we will work to reschedule him to the next BAE meeting and schedule and work with him and he extends his apologies.

Chair Akaka: Mahalo, thank you so much.

B. Workshop: 2022 Legislative Package, Final Review

Chair Akaka yields the floor to COO Casey Brown.

COO Brown: Mahalo Chair, aloha mai Trustees. So this is the only topic on the board today and I just want to remind you folks we sent the read aheads basically which is the presentation deck and a one pager summary. We sent it yesterday, hopefully you had a chance to look it over. Those are the two documents that Leimomi is going to be going over with you folks today. We also got the initial proposal in the last BAE workshop that Wayne had led and so this is coming back today to narrow down the measures that they want to propose. So again reminder no action today other than your folks feedback. We plan to request your approval at the December 1st BAE and then ratify that at the Board the next day.

So before I hand it to Leimomi, like this is the time I wanted to introduce our brand new Chief Advocate and Director of Advocacy, Na'u Kamali'i. So there's Na'u, we're excited to have her, she's excited as well, but I'll let her say a couple words.

Chief Advocate Kamali'i: Thank you very much. Na'unanikina'u Kamali'i ko'u inoa, aloha e Board Chair Lindsey, Chair Akaka, fellow Trustees, Sylvia Hussey, Casey Brown, the Executive Team, and more importantly the Advocacy Team that I'll have the privilege to be working very closely with and also the members of our community who are in attendance or streaming. I just want to say I'm humbled by the opportunity to serve the lāhui in this capacity and OHA as the Director of Policy and Chief Advocate. I have done many things during my career and it has brought me to this place. I am looking forward to working with all of you, all the Trustees and our community and OHA staff, and hopefully to be developing recommendations for resolve of the many concerns that are addressing the needs and concerns of our people on all islands so with that short mana'o and sharing, thank you for the opportunity and invitation to attend this first meeting of mine on my second day in preparation for the very important upcoming 2022 Legislative Session.

COO Brown: Mahalo, Na'u, her calendar is filling up fast folks, so if you need to get on there, you better get on there quick.

Board Chair Hulu Lindsey: Casey, I'd like to welcome Na'u in behalf of all the Trustees and we're happy to have her on board and we look forward to a lot of work in the legislature.

Chief Advocate Kamali'i: Well right, if I could just share one thing in my tour of the offices I asked to go to the board room and just say a quick aloha to my mom who is on wall. You know, if she were here would be just a really good thing. I'm seeing her work so hard and one of her favorite things to do was to serve on the Board of Trustees of OHA, as well as the Chair of the Native Hawaiian Study Commission. But her life's work was in service of our people. Thank you very much, Chair Lindsey for that welcome and in humor the work that we do I hope there are a lot of good times and lot of good mea'ai to serve and eat as our Hawaiian people do with the work that we do so thank you very much for that welcome.

Chair Akaka: Mahalo, Na'u, we're so excited to have you join us and we really appreciate your wealth of knowledge and your experience, and if you could just spend a short time in sharing with the Board here and those that are live streaming some of your experience.

Chief Advocate Kamali'i: Well, I like to take pride that I've been a canoe paddler and paddled the Moloka'i Channel for several years. But really my experience began as in the 'Ohana and that kuleana does not change as my genealogy it is about service in this way in government relations etc. I've worked as a manager at Queens Health Systems developing health plans there and also on a task force for OHA at that time, also serving as policy director for Papa Ola Lōkahi. All during which that time I've been a licensed attorney and learned along the way private practice in different firms and which has brought me to my own law firm so that I can help our Hawaiian people on an individual basis. But all through that development of policy, working with tribes, working with indigenous peoples at the United Nations. Maori and the way in which they handle research. I look forward to meeting each and everyone of you, listening to your concerns, trying to see what we can do to pull the team together to address those needs and concerns. And the community by the way has already found my email day one. So I will have some guidance from our Executive Team on how to manage that so that we can do the work OHA is charged to do in the best interests of the lāhui, so thank you.

Chair Akaka: Mahalo nui, we feel very fortunate to have you join us. Alright mahalo, COO can you please continue.

COO Brown: Sure, we're gonna go right into the workshop, so I'm going to hand this right off to Leimomi and Nina is here supporting as well with the slide deck. Leimomi it's all yours.

Interim Public Policy Manager Fisher: Mahalo, Casey, mahalo, Nina for running the slides for me. Aloha mai kākou, for those who do not yet know me, I'm Olan Leimomi Fisher and I'm currently serving as our Interim Public Policy Manager here at OHA, and today I'm just going to go over our final OHA Legislative Package and other coordinated advocacy efforts for this upcoming 2022 session. Just as a reminder, this is just a workshop to get BAE up to speed on our current legislative efforts so no action is required on this today.

WORKSHOP: OHA 2022 FINAL LEGISLATIVE PACKAGE



BAE – Nowemapa 17, 2021

2022 Legislative Schedule

- **July-Sept.** – Internal/External Outreach
- **Sept. 23** – 2021 Legislative Overview with BAE
- **Sept. 28** – Last day to send leg ideas to PP
- **Oct. 13** – BAE Legislative Package Concepts Workshop
- **Nov. 17** – BAE Final Legislative Package Workshop
- **Dec. 1** – BAE Final Legislative Package Approval
- **Dec. 2** – BOT Final Legislative Package Approval
- **Dec. 30** – Deadline to submit OHA Legislative Package
- **Jan. 10** – Deadline to submit OHA Annual Report
- **Jan. 19** – Opening of 2022 Legislative Session

So just to start us off, here's a basic timeline of our past and upcoming legislative schedule and deadlines. So as you can see from this past July through September, we conducted our internal and external outreach to various individuals and groups outside of OHA, and at the same time we were also conducting outreach internally with our OHA staff, presenting on our package from this past year and some of the important measures that we dealt with. And after our outreach process, we had over 100 different ideas to then go through and determine what was worth pursuing for this upcoming session.

So then on October 13th, our former manager Wayne presented to you folks on the strongest concepts that we were considering for our final package. He presented to you all five concepts for our package and two potential coordinated advocacy areas. Today here we are highlighted November 17th and now I'm presenting to you all the final measures that we decided to pursue. Two of the original concepts that Wayne presented to you and one original concept we decided to move into coordinated advocacy and we also have another exciting coordinated advocacy effort with three to four potential potential measures that just arose recently, so I'll be going into those a little later.

So as you can see, after today on December 1st will be the day that we call for your approval for our final package and then December 2nd we'll be asking for your approval from our entire BOT. December 30th is when we'll have to submit our final package measures to the Legislature. January 10th is our deadline for OHA Annual Report and January 19th it'll be the start, the opening of the Legislative Session.

2022 Legislative Session Context	OHA-1
<ul style="list-style-type: none"> □ Grading Criteria <ul style="list-style-type: none"> □ OHA Best Lead □ Financial Impact □ Likelihood of Passing □ Solvability □ Scope of Impact □ Community Support □ More Coordinated Advocacy □ Heavy Defense on Bad Bills 	<p>Restoring Ancestral Connections</p> <ul style="list-style-type: none"> □ Goal: To allow descendants of adopted individuals to access their adoption records to verify Native Hawaiian ancestry. □ Issues: <ul style="list-style-type: none"> □ Hawai'i law (Act 80, Reg. Sess. 2016 (HB2082), now HRS Section 578-15(b)(4)) allows only adopted individuals or their adoptive parents to access their adoption records to obtain ethnic background or necessary medical information. □ <u>Descendants</u> of adopted individuals <u>cannot</u> access their parents/etc. adoption records to verify their ethnicity & health records □ Legislation: <ul style="list-style-type: none"> □ Amend HRS Section 578-15(b)(4) to allow for descendants of adopted people to access their family adoption records

So with this slide, just wanted to give you all a little bit of background, I know Wayne went over this but just as a reminder, just more context for our package and coordinated advocacy efforts this next session and these are some of the grading criteria that we use when vetting all of the 100 plus ideas that came our way during our outreach. First is OHA the best lead, you know, could another group or another Legislator or someone else be more effective in leading the effort. Financial impact is always really important. We usually try to avoid things with too much of a financial impact just because it tends to come back at OHA to try to finance certain things. Of course likelihood of passing given the political climate, given the current leadership at the Legislature is always really important. Solvability, whatever we're proposing, will the bill or the resolution actually help to solve the issue that we're looking to solve or could it possibly be something else not legislative, that would be a better fit to actually make a difference. Scope of the impact is really important. Will it be benefiting just a very small amount of people or will it have like a bigger impact like broadly across communities and across ka pae 'aina? And then community support, what like do we envision there to be a lot of community support for whatever effort it is or maybe a lot of pushback. Those are some of the criteria that we have to go through that informs you know what we actually do decide to pursue. And just with more coordinated advocacy, we found that this year some of the ideas that came our way would actually have a better chance at passing and gaining momentum if they were introduced or spearheaded by other groups more focused in those areas. But with also

having our strong support behind the scenes. So when we say coordinated advocacy, it's basically like us doing all the same effort that we would for our package measures but just like I said, not being the spearhead or like the face of those efforts first day and just as an example, last year I took the lead on a coordinated on some coordinated advocacy measures for 'Aha Pūnana Leo regarding their participation in the state's Early Learning Board and amazingly thanks to both our OHA efforts and 'Aha Pūnana Leo and other supporters, one of those measures actually did pass. Just going on, another thing that is very important for you all to just keep in mind and understand is that we've been warned especially this upcoming year by Legislators and other insiders that this upcoming session will most likely involve a very heavy defense on our part to oppose and stop what we lovingly refer to as bad bills from passing. Sometimes they're even resolutions, but some examples of these bad measures from the past include those trying to push for 99 year leases on our Public Land Trust and potential ceded lands and other measures looking to threaten our Public Land Trust revenues. So along with blocking these bad bills, our team also goes through all the measures that come about that are introduced each session which is a tremendous effort and we either support, comment or oppose these measures. I know you all probably know all this, but just as a reminder, you know framing what I'm about to present to you all a little better. So I'm just going right into it.

The first measure that we found was very strong in many respects, and that we're really excited and hopeful will pass on this upcoming session and have really long lasting impacts for our Native Hawaiian beneficiaries. We're titling it OHA-1 and it's regarding, or our other title I guess is restoring ancestral connections and this idea actually came about internally from our very own Hawaiian Registry Program Specialist, David Greer. He's obviously an expert in these ancestral genealogical data and documentation. He came to us basically with this issue that he saw that could play out to be actually very negative for our beneficiaries and others, and so basically the goal of this measure is to allow descendants of adoptees to also access their adoption records of their parents, grandparents, etc. in order to verify their Native Hawaiian ancestry, but also health records and other relevant, you know, ethnic backgrounds and things like that. David Greer came to us with the idea saying that a recent act that had passed in 2016 Act 80, which is a very beneficial and positive thing that actually opened up these records in the first place to be more readily available to adopted individuals. It ended up leaving out descendants of these adopted individuals, so the descendants, the children, the grandchildren are unable to access these records from their parents or grandparents, and even with a lot of foresight, saw that this could be a big potential problem for people trying to prove their Hawaiian ancestry for benefits from OHA, Kamehameha Schools, various other programs and just overall a big hindrance for people trying to get their necessary medical information. So therefore, it's a simple fix that we see, it's just adding basically descendants along with the individual themselves and their adoptive parents and birth parents to also access these records. Another great thing to mention with this bill is that we already have the support from the Department of Health for the efforts. So that's a really strong ally, and yeah, it's kind of straightforward. We felt like it's gonna have a huge impact, so that's why we were just like yup, there you go so.

Chair Akaka recognizes Trustee Ahu Isa

Trustee Ahu Isa: I was talking to the IT guys, Leimomi and they talked about developing an app, it's called I am Kanaka. You're familiar with that?

Interim Public Policy Manager Fisher: No I'm not.

Trustee Ahu Isa: This is where they're inputting all the names and saying 'cause they are Hawaiian and when they apply for a loan, we don't have to go down the Board of Health or go look COVID that's really bad. You know, sometimes they're closed you can't get the information, but I remember a long time ago when I saw Teona Wailehua, Kauai's mom when I signed up for the registry. We still have all that data? Kau inoa that data, are familiar with that?

Interim Public Policy Manager Fisher: Yes, I believe that we do.

Trustee Ahu Isa: At that time we also had adopted children who had parents and they wanted to go Kamehameha, but they had to trace that line and they couldn't because they didn't have the birth certificate. In the old days you didn't have a birth certificate. Your mom and dad was left on somebody's doorstep and then they found the baby and then Hawaiian people they adopted hānai and here now we have the grandchildren trying to get into Kamehameha. So there was a process that they had back then, so I don't know if this bill goes back and looks at that or did you folks do that kind of a research? Did you look at how Kamehameha got those students in? Did the Board of Health have some other administrative rule HAR? I'm just asking, I don't know.

Chair Akaka recognizes Ka Pouhana Sylvia Hussey.

Ka Pouhana Hussey: May I attempt to address Trustee Ahu Isa's question?

Chair Akaka: Yes

Ka Pouhana Hussey: Trustee Ahu Isa, on the first question regarding I am Kanaka, that application exists for OHA as a translation of our old databases that used to hold the data that we were collecting on ancestry. With Lisa Victor's help they transitioned that from an unstable platform to a new custom developed platform using I am Kanaka. David our Hawaiian Ancestry Specialist, we're preparing an article for December to expand on the changes that will be made with the registry program to be able to have enhancements where the identification card is no longer, there's no expiration on ancestry verification. It's all in one location and then can be accessed by services which is an important feature when we are preparing to administer emergency financial assistance ourselves. We're going to need to ensure that we have the verifications and validations. Because Kamehameha Schools Ho'oulu Hawaiian data center, as well as the DHHL ancestry verifications processes are there, we accept their verification as well. So we have this network of verification resources to be able to expand. So the bill of having access to those records by adopted descendants will be helpful so that they can go ahead and trace ancestry, and so the article will be forthcoming in December's Ka Wai Ola and will help to make it easier and then also to tighten the ancestry verification processes that are going on by OHA, as well as supporting the other processes by other ancestry verification processes in our community.

Trustee Ahu Isa: Mahalo for that, I just asked because I didn't hear about it until I talked to the IT guys and also Lisa. Still interested in that I am Kanaka. That's really good because I don't know what happened to my ID card that I signed onto long time ago because she's not here anymore, I miss her. I was very close to Teona, Kauai's mom. We're like way back classmates. So yeah, I'm glad we're doing that, we don't have to keep looking for our ID card, mahalo.

Ka Pouhana Hussey: The I am Kanaka is also teed up to be the beneficiary management. You know, managing beneficiaries to be able to provide services, so it's an important piece to be able to service our beneficiaries. So thank you for asking that question.

Chair Akaka: Mahalo, Leimomi, if you can please continue.

OHA-2

Building Back Pono: Addressing socioeconomic disparities in the post-COVID-19 era

- **Goal:** to ensure that future developments do not exacerbate socioeconomic divides in Hawai'i as we build back smarter beyond the pandemic
- **Issue:**
 - Environmental review process considers impacts to social welfare, economic welfare, and cultural practices – but neglecting real impacts on socioeconomic disparities results in community distrust and pushback
 - Current process does not include a specific analysis of whether an action will exacerbate existing socioeconomic disparities in vulnerable communities
 - Impacts on vulnerable communities may be overlooked by decisionmakers as we build back from COVID-19
- **Legislation:** Amend HRS § 343 to explicitly require environmental review processes to consider the socioeconomic disparities, as well as economic, social, and cultural impacts, of certain proposed actions
 - Will help identify & mitigate/prevent further environmental injustices (see Waimānalo Gulch; PVT solid waste landfill relocation proposal; Kahuku windmills)

Coordinated Advocacy

Kāko'ō Pa'āhao: Performance audit of the Department of Public Safety's Reentry Program and Coordination Office

- **Goal:** Ensure former Native Hawaiian pa'āhao are best prepared to reenter society & reduce recidivism
- **Legislation under consideration:**
 - Resolution or Bill calling for a performance audit of the PSD's Comprehensive Offender Reentry Program and its Reentry Coordination Office
- **Notes:**
 - More effective as Coordinated Advocacy
 - Effort led by either the Hawai'i State Oversight Commission or YWCA

Interim Public Policy Manager Fisher: Mahalo and mahalo for that question as well. Just moving on to our next package measure OHA-2. This is another measure that we felt the actual bill language, the statutory amendment was just more straightforward and would also have a very lasting impact if passed. So this measure will basically help to ensure that future developments in Hawai'i don't further exacerbate socioeconomic divides through the environmental review process, and especially as we try to build back post COVID. So basically just a little bit of a background, the current environmental group process under HRS343. It considers impacts to social welfare, economic welfare and cultural practices but we felt from our outreach that neglecting real impacts to the also the socioeconomic disparities of vulnerable communities has resulted in protests, community distrust and even you know creating a longer process for some of these developers that if they had just actually you know tried to work with these communities in the first place, could have tried to prevent or at the very least mitigate these environmental injustices. Kala mai, it should say Waimanalo Gulch, yeah that's an example, the PVT solid waste landfill relocation proposal, Kahuku windmills, those are just some examples. So the proposed bill would basically just add socioeconomic disparities into the environmental review process. We actually feel like I said it would help to mitigate at the least, but also prevents these kinds of injustices. Also another note that I didn't put on the slide is that we've also seen like another possible measure column that's likely to be introduced that would go hand in hand with this, with trying to get communities involved prior to development, breaking ground and even on the county side I know that there was recently a measure passed to get Neighborhood Boards involved prior to developments in certain areas. So yeah, we feel like the momentum is definitely here right now with this type of measure and we also hope to build off of our social determinants of health bill and connect it to that a little, as much as we can. Right now in this process we're basically just trying to finish our draft language, but then slowly start to reach out to more of these specific individuals or groups from these affected communities to get their support from as well.

So just moving on now to our coordinated advocacy measures. This next coordinated advocacy effort was originally proposed in our concepts workshop to be included as a part of our package, but we decided after speaking with experts in criminal justice that others that are more dedicated to these types of criminal justice efforts might actually be more effective in bringing this kind of measure about. So the issue basically is that you know reentry services have been inadequate, a recent study showed that 50% of individuals released from jail or prison still don't have their IDs or Social Security cards necessary to build their lives back up post heading out of these facilities. And you know, basically our Native Hawaiian pa'āhao are just set up to fail, and the goal of this coordinated advocacy effort would be to make sure that they are best prepared to enter society and reduce recidivism, reduce the likelihood that they will go back into these facilities. We have one of our dedicated staff, Mina, she's helping today with me, with these slides but she's our criminal justice person right now on our team and she's working with the Hawai'i State Oversight Commission to draft the language, and it's likely going to be, hopefully a bill, maybe a resolution calling a performance audit of the Department of Public Safety's Reentry Program, as well as the Reentry Coordination Office and right now she's looking at working

with these groups to see whether it'll be the Oversight Commission or possibly even the YWCA that leads this effort, and our next steps for this is to just continue to meet with these criminal justice advocates, and possibly meet with former pa'ahao, potentially get the State Auditor to buy into this effort and go from there.

Coordinated Advocacy

'Aha Kauleo – Kaiapuni Complex Area Superintendent (possibility)

- **Goal:** to establish the Kaiapuni Complex Area Superintendent as enumerated through BOE Policy 105-8(3), regardless of geographical locations
- **Legislation under consideration:**
 - Amend HRS Section 302A-604, adding a Kaiapuni CAS
 - SB2498 (Reg. Sess. 2020) introduced by Hawaiian Caucus – drafted by OHA & 'Aha Kauleo
 - BOE Policy 105-8(3) details establishment of Kaiapuni and mandatory goals, including establishment of Office of Hawaiian Education (OHE)
- **Notes:**
 - PP Staff presenting at next 'Aha Kauleo meeting 11/20
 - Option for BOT presentation by Kealii Kukahiko from OHE

Coordinated Advocacy

'Aha Kauleo – Native Hawaiian medium / immersion / Kaiapuni seat on the Board of Education

- **Goal:** to require at least one “at-large” member of the BOE to be a practitioner or scholar in Hawaiian studies and language
- **Legislation under consideration:**
 - Amend HRS Section 302A-121(a)
 - Exact language still being decided with 'Aha Kauleo input
- **Notes:**
 - Representative Patrick Branco's office is drafting & coordinating
 - Will likely pursue as starting point before pursuing CAS position again

So these next three coordinated advocacy ideas that I'll go over with you all, all are connected to the 'Aha Kauleo which is a consortium of different Native Hawaiian educators, specifically Kaiapuni and Hawaiian immersion educators and administrators. They came to us I think or we actually started coordinating with them just a little after Wayne had already presented, or we had already kind of formed up our concepts for you folks, so that's why it wasn't initially in the concepts workshop with you last month, but we felt that even so, it's such a strong voice that this 'Aha Kauleo has already, and they're very organized, so when they came to us we felt that it was important for us OHA to step in to help them to really build this alliance with them and their legislative efforts this upcoming session. So one of the ideas that they came to us with and this idea is still kind of in flux, there's a possibility that they might not want to pursue it. It actually has ties already with our former Public Policy Staff, Monica Morris. So in I believe 2019 before she retired, Monica helped the 'Aha Kauleo to draft a measure that was introduced in 2020, SB2498. And it was basically trying to establish a Kaiapuni Complex Area Superintendent. Just one superintendent, as opposed to currently all the different Kaiapuni have to answer to their different complex area superintendents that don't have the expertise or knowledge or experience in Kaiapuni or even Native Hawaiian immersion to really speak on behalf of them and help them. So that was like the initial call for this measure in 2020 and it's already drafted basically. So the biggest thing is just deciding if this is something they wanted to pursue because it was not successful obviously in 2020 and so that's kind of what they're grappling with. They are planning to meet this Saturday and our OHA staff will actually be there as well presenting to them to decide if this is something that they want to pursue again, and we also did want to bring up the option to for the Office of Hawaiian Education to present to you all, just to get a better understanding of the details behind the Kaiapuni Program and the different like mandatory goals that are already there.

So another coordinated advocacy idea through 'Aha Kauleo which this one is actually shaping up to be a really exciting and most likely I'd say to actually become an introduced measure. It would require at least one at large member on the Board of Education to be a native, we're still working through the language, but you know, a Native Hawaiian medium, immersion or Kaiapuni kumu or expert. It's also really exciting because we already have the support from Representative Patrick Bronco's Office, so they actually came to 'Aha Kauleo with this idea and they drafted the measure and they're trying to really get the support and mana'o from 'Aha Kauleo. Currently we're working with them and it's very likely that this is something that 'Aha Kauleo might decide to pursue instead of the complex area superintendent position.

Chair Akaka recognizes Trustee Ahu Isa

Trustee Ahu Isa: I was on the Board of Ed so I know what you're talking. CAS is Complex Area Superintendent, so that's creating another Complex Area Superintendent right now we have one for Maui, Kaaui, Big Island and then they have assistance to that and they get high pay. So this is creating, the board is creating another position, a complex area only to deal with Hawaiian issue, the Hawaiian education issues, like the immersion schools?

Interim Public Policy Manager Fisher: Yes and the Kaiapuni ones specifically, still working through the kinks.

Trustee Ahu Isa: It's not already established? There isn't a CAS for that?

Interim Public Policy Manager Fisher: No, no there's not and an issue came up with because you know these different Kaiapuni are in different geographical locations right. But just to have one that supports them all regardless of where they're located.

Trustee Ahu Isa: Because before we had a budget for one person to handle all like the kupunas when they would go in and teach the children for each school. We had a hard time getting volunteers to do that, and then we looked at the money we gave them. We allocated like 90,000 and they only spent 50,000. So there was a whole bunch leftover. I guess they didn't have either the help or the support in that department, used to be one guy I forget his name. Yeah, if they're gonna put something like that they better have the budget to back it up because we're going to introduce something. I'm sure Representative Bronco knows. That's all I wanted to add to the conversation. I know Monica's work.

Chair Akaka: Mahalo, Trustee Ahu Isa.

Coordinated Advocacy

'Aha Kauleo – Kumu Kaiapuni Pathways

- **Goal:** to equitably distribute and allocate resources to incentivize creation of and fund more kumu kaiapuni to combat kumu shortage
- **Legislation under consideration:**
 - Grow Our Own (GOO) – as model or to better prioritize existing funds to create more kumu kaiapuni (currently low numbers)
 - Special Education as a model
- **Notes:**
 - Funding implication justification – OHA has invested over \$30 million into Hawaiian medium education schools (2010-2018 Lāhui Impact Report)

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- **Dec. 1** – BAE Final Legislative Package Approval
- **Dec. 2** – BOT Final Legislative Package Approval
- **Dec. 30** – Deadline to submit OHA Legislative Package
- **Jan. 10** – Deadline to submit OHA Annual Report
- **Jan. 19** – Opening of 2022 Legislative Session

Interim Public Policy Manager Fisher: So this is one of the other ideas, so that's what I kind of mentioned earlier that there's possibly three or four measures that can come out of this coordinated advocacy with 'Aha Kauleo. So the third one is another one that's really exciting that they're trying to really get organized behind. It would involve like setting up a pathway system, pathway support, funding to create more Kumu Kaiapuni, and this idea kind of came about looking at the Grow Our Own Initiative, which is basically a program that allocates funds to pay for the educational expenses of different kumu in our state, but the thing with that program and you know, we pulled the data from this actual Grow Our Own program that already was supported by Michelle Kidani, and it's already like in existence, it's in its second or third year I think and there was literally one 'Ōlelo Hawai'i participant and like three even in Hawaiian studies are interested in possibly pursuing Hawaiian studies. So the kumu, the 'Aha Kauleo is basically saying they have a severe shortage of

Kumu Kaiapuni and this Grow Our Own program is not necessarily even benefiting them specifically, so this measure would either create a whole separate program for Kumu Kaiapuni pathway or possibly maybe tap into the existing Grow Our Own funds and maybe even use special education as a model too. So we're still working with them and their meeting like I said this Saturday to really decide which kind of way they want to go with it. But we felt that this is a really important and exciting area, and especially since OHA you know educational pathways is in our strategic plan and we've invested so much money and time into our different Hawaiian medium education schools, that even with this strong funding implication, we can easily just say look we do invest all the time already so it's something that we just feel is worth it even with this funding implication. I guess I'll just say too that there is another possible idea with coordinated advocacy with 'Aha Kauleo regarding teacher pay differentials that we're still exploring so that's why I say like three or four possible measures that can come out of this coordination.

And so yeah, just in closing to just kind of remind everyone that this is the timeline that we're working with. We're really hoping that at the December 1st BAE we'll get your folks approval and then we can go from there, get the full BOT approval. Then it'll give us roughly a month to finish up our bill languages and prepare for the next 2022 Legislative Session. So that's all I have and mahalo nui kākou for your attention.

Chair Akaka: Mahalo, Leimomi. COO, do you have anymore that you want to share regarding the workshop?

COO Brown: No, that's the workshop we wanted to contain it to just that. Does any Trustee have anymore comments, questions about what you folks just heard?

Chair Akaka recognizes BAE Vice Chair Lindsey

Vice Chair Lindsey: Thank you, Madam Chair. The question I have is I know in the past our Public Policy team has worked really hard on white papers that accompany the bills in the legislative package, so are those gonna be ready by the BAE and BOT approval deadlines and are white papers going to be prepared for the coordinated advocacy efforts and the bills in the package?

Interim Public Policy Manager Fisher: Yes, you're correct. We do have white papers that we usually prepare only for our actual package measures though. We don't usually prepare them for the coordinated advocacy efforts. However, we could try to create some kind of like summary sheet or something too for the specific ones if you guys would like, and we're not operating on having these white papers prepared by the BAE, but I can try too. And it's because you know, Thanksgiving is next week. But I can try to if you guys had any specific questions I guess.

Vice Chair Lindsey: Madam Chair, if I may. I mean I'll defer to Admin and whatever the processes for the white papers, I was just curious. But I guess for me I understand where OHA-2 is going. I appreciate the hard work that went into that, but as someone that worked on you know, 343 reviews for a long time too, I guess what I would really want to see in the white paper is a clear connection to, you know the issue we're trying to address. You know, the specific projects that we're using as examples and how the lack of associating social economic disparity truly resulted in a failure in that process, and not saying that you guys haven't looked at that already, but I think that's going to be the key obviously like any bill as it moves forward, clearly articulating the problem with the solution here. But again, I know you folks are working hard on it and maybe I'm jumping the gun and you guys had that answer prepared for when we needed approval. Just a comment, thank you, Madam Chair and thank you folks for your hard work.

Chair Akaka recognizes COO Brown

COO Brown: Administration will work on having something for you folks. You may not get the full blown white paper, but we want to at least get you something so that it can support or aide your decision making. We would really want to talk about if you had questions and wanted to deliberate at the next meeting about any

reservations. So if you didn't have the right information by that time, we would want to put on the table what reservations you might have and maybe we could answer them in conversation. But we'll work to get you folks something.

Chair Akaka recognizes Trustee Akina

Trustee Akina: Thank you, Madam Chair I appreciate that and Leimomi, thank you very much for that presentation and welcome to your position as well. I just wanted to echo what Trustee Lindsey said. I think he raises a good point that we will be well served by further analysis of OHA-2. I like the spirit of it. I like the fact that it's trying to minimize the kind of conflict in the community that can prevent development from going forward, and it's trying to encourage bringing stakeholders to the table in advance. If I heard you, that's what I've heard is the spirit of that, and in line with what Trustee Lindsey was saying, I'm hoping that the medicine here is the right medicine for the cure that we're trying to bring about. I have two comments. The first is a process one that I would encourage you to look at and that is your calling for socioeconomic disparity analysis. I understand that the law already requires social impact analysis and economic impact analysis, so I would wonder why those two couldn't be wrapped around a socioeconomic disparity analysis already. If the current law can be pushed and forced to work in a way that would be good and give us the outcome that we want we wouldn't need another law.

The second issue that I would hope you'd look at is whether there would be an inadvertent consequence of adding another criteria to the developers who are in application. Right now when I visit Maui in particular, but also the Big Island and Kaua'i, I'm always talking to beneficiaries who say they can't get affordable housing or they can't get market level, market grade housing because it's too costly and in all of those cases we seem to have a bottleneck for the development of housing. It's hard to get permits passed, it's hard to move forward and I just would hope that we wouldn't be adding more criteria that could negatively impact the speed with which our beneficiaries could get into housing. So I just wanted to put that out there for some discussion things that as you analyze this a little further. I did want to say during my time, Leimomi, welcome to your position and Na'u, aloha to you, welina mai, so proud to have you on board with us as well. Thank you for the good work that I know you all will be doing.

Chair Akaka recognizes Board Chair Hulu Lindsey

Board Chair Hulu Lindsey: Thank you, Chair. I just want to add on that first OHA-1. I am a product of that bill. My grandparents adopted me. However, when I went to get my blood quantification to qualify for Hawaiian homes. I had to go to the court to get my records opened and yet my adoptive parents are my grandparents, adopted from my mom and dad. So I can see the problem with the children of today that are adopted if they don't have money to take it to court, it would probably prevent them from checking on either their medical, if they have an illness that is hereditary from their biological parents or blood quantum if they want to apply for Hawaiian homes. You know, that could all be a problem for them. So this bill is good in opening up, having your blood grandchildren, children, or whoever to be able to get into your records to justify their blood quantum or relationship. So I'm really, really in favor of that OHA-1.

I got a call from Governor Lingle that wanted to talk with me about the subject matter of OHA-2. So I'm looking forward to that meeting. Apparently she has a project around that kind of assistance that she wants. She said that 63% of the people in our prisons are Hawaiians and she's concentrating on a project to help that percentage, so I'm sure she wants to talk about a collaboration with OHA so we'll be having that meeting shortly. That's all I have to say, I like OHA-3 as well, so are we just presenting three bills that we're supporting? That's my question because we have, or two?

Interim Public Policy Manager Fisher: Yes, I guess two in our actual package and then the rest are coordinated advocacy, so we're very like heavily supporting them behind the scenes. But we felt that others as the lead would possibly be even more effective to get them passed. So that pa'ahao one we actually moved to

coordinated advocacy with the Hawai'i state or possibly the YWCA to actually do the introducing the Hawai'i State Oversight Commission.

Board Chair Hulu Lindsey: Okay, thank you.

Chair Akaka recognizes Trustee Ahu Isa

Trustee Ahu Isa: Hulu, what happened to our PLT bill? Sylvia, are we going to do anything with that? I think this is the perfect time to do it, and as one bill instead of going for like many different bills, just one bill. There's 140,000,000 sitting in BNF. We talk about social economic, I don't want to talk about the affordable housing and that I mean I respect Trustee Akina for saying that but now we gotta know this, that I have all these letters I save for the past eight years I've been on the Board and we still can't get the Governor to do that. Let alone have a Salary Commission. You know OHA is like a stepchild somewhere else and when I saw also that DHHL there asking for their their own private attorney when they got the Attorney General servicing them and here we pay Klein what 1,000,000 bucks to service us. Not saying that we want the Attorney General, but all of this stuff we don't even go to the leg. and fight for it, and I really think this next time with you on Board now you're perfect for this. They gotta understand that's why are people are in prison. These are all like supplemental bills we introducing when the core of it is we don't have money to take care of them. With COVID it brought that to the forefront. I'm sorry I'm speaking like a former Legislator and a Board of Ed member, but that's what I've been trying to do for the past eight years and we're up. Anyway I'm gonna stop, mahalo, Chair for letting me speak. I'm sorry I missed your last meeting, bye.

Chair Akaka recognizes Ka Pouhana Sylvia Hussey.

Ka Pouhana Hussey: Trustee Ahu Isa, thank you for raising an important question. The Neighborhood Board of Nanakuli right, passed that resolution and is encouraging other entities as well as the Association of Hawaiian Civic Clubs and other networks to support that. An advanced package of some considerations from a Senator was forwarded to the Trustees for consideration, and that package items are being analyzed and being brought back for consideration. So I think that is definitely something that will come forward after further analysis and strategies discussed and then bring that to the Trustees for decision and other actions.

Chair Akaka: Mahalo, Ka Pouhana and I think another thing for us is that we have the reapportionment coming up, so there will be a change in the Legislature no matter what, so we'll have to see what leadership looks like going forward, but most certainly PLT is always something for us to have focus on so thank you.

Ka Pouhana Hussey: Chair Akaka, could I ask, Na'u has a unique perspective on Chair Hulu's question or experience.

Chair Akaka: Yes mahalo, please go ahead.

Chief Advocate Kamali'i: In terms of the the advocacy on these issues, I would say all issues. There is Legislative fix, sometimes there's a court and it's not a fix, there's a court response as well as an administrative response. So although we're moving and we're speaking about legislation, I'll just submit that as a Chief Advocate, that we will be looking at how all of those things affect the issue and the resolution of the issue that is presented. So for example with the adoption, the legislation is proposing to open, but I am aware that the access to confidential records in the court setting is also loosening. There had been some discussion for example that paternity's which are typically confidential hearings, may be open hearings. It's possible if we explore this with a limited capacity for a very specific reason to address the Chief Justice and also the Senior Judge of the Family Court. If there might be an expedited process for court resolution of the access to adoption records by the Senior Judge of the Family Court when it specifically applies to beneficiaries. So that might be an approach as well, both of them at the same time. I do note that when the court does make a determination

that it's a court determination and sometimes the concern with legislation is that those who are maha'oi, those who have other reasons even though they put forth the intended reason, get access to ohana information and that's what it's intended to protect, but society has changed, so I would say to the Board of Trustees and to community listening that we'll take a look at different ways in which the same thing can be addressed. Even though the proposal to the Board at this point and for legislative session is legislation. Also, if I could address Trustee Lindsey with regard to white papers, you know white papers have a specific connotation in the way in which they're used. I think I'm going to simplify the answer to that is that what's important and I hear you Trustee Akina and Trustee Lindsey is what is important is that there is a basis for the action, that it's thought through, that we think through the potential consequences and so policy is not the decision maker on this, but one that can inform by virtue of what it presents in a public record, so any testimony is public record future. So to be mindful of that, that although it may not pass this year, it may pass years down the road, having set the reason for it, since some things as the Legislator Ahu Isa knows don't pass because of the merit of the bill. They may not pass because of the politic of the day. So just to put that out there, that policy is going to consider that and not abandon something as being a failure, but build the foundation for all to participate beyond just the Office of Hawaiian Affairs by educating through testimony or not necessarily white papers, but documents that propose, address issues to recommendation with basis and thoughtfulness. So that's what I would put forward to the Trustees and certainly I welcome your input on measures that aren't even spoken to that didn't pass that maybe need to be resurrected from the dead so to speak because this is the time. In any event I put that forward to the Trustees. Thank you very much for the opportunity to comment.

Chair Akaka: Mahalo, Na'u, so well said.

Chair Akaka recognizes Trustee Akina

Trustee Akina: Thank you, Madam Chair. I just wanted to correct myself on a pronunciation error that I made earlier. My screen got a bit blurry and I couldn't read the name tag of our Chief Advocate and I definitely want to pronounce her name well and welcome her on board. Aloha e Na'u, welina mai, so glad to have you in your position, wish you the best.

Chief Advocate Kamali'i: Thank you for that welcome Trustee, thank you.

Chair Akaka recognizes Board Chair Hulu Lindsey

Board Chair Hulu Lindsey: I just wanted to address our Vice Chair's concern, Trustee Ahu Isa. The top most important thing this year is our Public Land Trust and I believe administration is looking over how we should approach that in the session, and it's not determined yet what strategy we should use, so please be patient and our administration will be back to us.

Trustee Ahu Isa: I want to say that every seat is up for election this year. Every Senate seat and every House seat. So we bear that in mind.

Board Chair Hulu Lindsey: We're aware of that.

V. ANNOUNCEMENTS

Trustee Ahuna: Aloha everyone and aloha to our Chief Advocate Na'u. I just wanted to make a quick announcement, Mason Chuck just called me and said we got the fish pond, Alekoko fish pond, mahalo to OHA, it's in our hands, we got it, mahalo.

Chair Akaka: This is wonderful, mahalo for announcing that. Mahalo everyone for your work on this great news.

Trustee Ahuna: Mahalo everyone, good one, it's in our hands, thank you.

Board Chair Hulu Lindsey: Great news, Dan.

Trustee Ahuna: Great news, mahalo OHA.

Chair Akaka: Any other announcements members?

Trustee Ahu Isa: Sylvia, are we gonna have an awards luncheon for the people like every year, no?

Ka Pouhana Hussey: You mean service awards? Not this year.

Board Chair Hulu Lindsey: I have an announcement to make. We're going to have an investiture on January 7, 2022 for the four Trustees that were elected in 2020. So we have not gone through the details yet, but I want to give you a heads up and ask you to put it on your calendar. It's going to be at the Union Church where we've had it in the past. Alice confirmed that and the date so in all fairness to those four Trustees, they'll be able to get there lei hulu and we'll celebrate their induction. And that's for Dan, Vice Chair Keola Lindsey, Trustee Akina and Trustee Alapa. As you well know, all nine Trustees walk in with you so dumb we'll let you know more information as we do the details.

VI. ADJOURNMENT

Chair Akaka: I would entertain a motion to adjourn.

Trustee Ahuna: So moved

Board Chair Hulu Lindsey: Second

Chair Akaka: It's been moved by Trustee Ahuna and seconded by our Board Chair Hulu Lindsey. Can I please have a **roll call vote**.

							2:39 p.m.
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEINA'ALA	AHU ISA			X			
DAN	AHUNA	1		X			
KELI'I	AKINA			X			
LUANA	ALAPA			X			EXCUSED
BRENDON KALEI'AINA	LEE			X			
CARMEN HULU	LINDSEY		2	X			
VICE CHAIR KEOLA	LINDSEY			X			

JOHN	WAIHE`E, IV			X			
<i>CHAIR</i> KALEIHIKINA	AKAKA			X			
TOTAL VOTE COUNT				8	0	0	1

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

Chair Akaka: The meeting is now adjourned, mahalo members, all in attendance, and to all live streaming. A hui hou kākou, mālama pono.

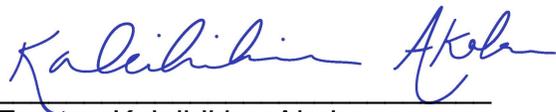
Chair Akaka adjourns the BAE meeting at **2:40 p.m.**

Respectfully submitted,

Handwritten signature of Brandon R. Mitsuda in black ink, written over a horizontal line.

Brandon Mitsuda Trustee Aide
Committee on Beneficiary Advocacy and Empowerment

As approved by the Committee on Beneficiary Advocacy and Empowerment (BAE) on 12/08/21.

Handwritten signature of Kaleihikina Akaka in blue ink, written over a horizontal line.

Trustee Kaleihikina Akaka
Chair
Committee on Beneficiary Advocacy and Empowerment