



STATE OF HAWAII
DEPARTMENT OF EDUCATION
P.O. BOX 2360
HONOLULU, HAWAII 96804

OFFICE OF THE SUPERINTENDENT

July 10, 2017

Mr. Jason Botel
Acting Assistant Secretary
Office of Elementary and Secondary Education
U.S. Department of Education
400 Maryland Avenue, NW
Washington, DC 20202

Dear Assistant Secretary Botel:

Re: Request for Waiver from Academic Standards and Assessment Provisions

On behalf of the State of Hawaii and our public school students, I am writing to request an expansion of waivers previously granted to the Hawaii Department of Education (HIDOE) in February 2015 and March 2016 to allow the state to pilot with certain students new Hawaiian Language State Assessments in language arts and mathematics in lieu of the State's English language arts and mathematics assessments. The HIDOE is requesting a waiver from the following provisions of Title I, Part A of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA): 1111(b)(1)(B), 1111(b)(2)(B)(i), and 1111(b)(2)(B)(x), as well as the corresponding federal regulations that accompany these provisions, which require the State to apply the same academic standards and use the same assessment for all students in the state.

In 1978, the Hawaii State Legislature recognized Hawaiian as the official language of Hawaii, along with English. Hawaii was the first state in the United States to have more than one official state language. In 1987, in light of the Hawaii State Constitution mandate to promote the study of Hawaiian culture, language and history, HIDOE established the Hawaiian language immersion program, Ka Papahana Kaiapuni Hawaii (Article X, Section 4). Currently, there is a total of approximately 2,800 K-12 students enrolled in the 23 Ka Papahana Kaiapuni schools. Students are instructed solely in Hawaiian until the fifth grade when English is introduced as part of the curriculum to ensure students' bilingual ability at the high school level. The Native American Language Act (NALA), Public Law 107-110, under the "Native Hawaiian Education Act" and, more recently, the final ESEA regulations promulgated by the U.S. Department of Education (US ED) in 2016 [see 34 C.F.R. 200.6(j)], asserts the federal government's recognition and commitment to support Native Hawaiian educational activities, including allowing States to administer native language assessments to students attending Native American language medium schools.

Hawaiian Language Arts Standards

On May 2, 2017, the Hawaii Board of Education under BOE Policy 105-8 (Ka Papahana Kaiapuni) approved the Hawaiian Language Arts standards, which is aligned to the Hawaii Common Core Standards, to guide

instruction in Ka Papahana Kaiapuni. The development of the Hawaiian Language Arts standards is the latest milestone in the perpetuation of the indigenous Hawaiian culture.

The Hawaiian Language Arts standards were developed in alignment with the Hawaii Common Core State Standards and the context of the Hawaiian culture, worldview, and language acquisition process. The standards development process involved academics, researchers, teachers and community stakeholders from across the state who were knowledgeable about academic research in instruction and curriculum as well as the Hawaiian community, language and culture. The resultant standards, approved by the Hawaii Board of Education, accounts for all of the aspects of the Hawaii Common Core English language arts and mathematics standards as well as the Next Generation Science Standards and infuses cultural perspectives through the inclusion of Hawaiian literacy and literary elements.

Hawaii is requesting a waiver for two years under section 8401 of the ESEA, as amended by ESSA, section 1111(b)(1)(B) allowing the Hawaiian Language Arts standards to be applied to the approximately 2,800 students enrolled in the Ka Papahana Kaiapuni, the Hawaiian language immersion program. This will allow for more accurate measurement of student outcomes that is not only aligned with the state's academic standards but also inclusive of the indigenous Hawaiian bicultural and bilingual education.

Kaipuni Assessment of Educational Outcomes (KĀ'EO)

The HIDOE has worked in conjunction with the University of Hawaii at Manoa to develop an assessment of Hawaii's academic standards in the Hawaiian language. HIDOE administers the Kaipuni Assessment of Educational Outcomes (KĀ'EO) to students enrolled in Ka Papahana Kaiapuni as its statewide assessment of language arts, mathematics and science. The KĀ'EO measures students' achievement of Hawaii's Board of Education-approved Hawaiian language arts and mathematics standards and provides HIDOE the means to assess Kaipuni students in their language of instruction. HIDOE is implementing the KĀ'EO under State Board of Education Policy 105-8 (Ka Papahana Kaiapuni). Administration of the KĀ'EO is consistent with 34 C.F.R. 200.6(j), the new regulations under the ESEA that take effect for the 2017-2018 school year.

In February 2015, the US ED granted Hawaii a waiver under section 9401 of the ESEA, as amended by the No Child Left Behind Act (NCLB), to allow HIDOE to administer the KĀ'EO field test in language arts and mathematics to Kaipuni students in grades 3 and 4 in lieu of the statewide assessment, Smarter Balanced Assessment, for School Year (SY) 2014-15. Under the approved waiver, students who took the KĀ'EO were not required to take the Smarter Balanced Assessment, avoiding two state assessment administrations or "double testing."

The KĀ'EO for language arts and mathematics have been fully operational for grades 3 and 4 since SY 2015-16. The KĀ'EO for science for grade 4 was field tested in SY 2015-16 and has been operational since SY 2016-17. The participation rate of Kaipuni students in KĀ'EO-tested grades was 97%. Performance standards and related achievement cut scores were developed, which allowed for the generation of student scores. This enabled Hawaii to provide individual student interpretive, descriptive, and diagnostic reports to parents, teachers, and principals, as well as enabled the incorporation of KĀ'EO results for accountability purposes – both academic achievement scores and participation rates – beginning in SY 2015-16 for language arts and mathematics and in SY 2016-17 for science.

The establishment of achievement cut scores and reporting of KĀ'EO scores has allowed Hawaii to compile the necessary information on critical elements for the federal peer review process. In accordance with 34 CFR

Section 200.6 and prior approval of Hawaii's waiver request, Hawaii will submit evidence for federal peer review of assessments in December 2017, consistent with the US ED's peer review timelines.

HIDOE will be expanding the KĀ'EO to grades 5 through 8 because of the success in developing an assessment in a native language and the importance that HIDOE places on assessing students in a language mode that yields the most accurate information about their academic achievement. The timeline is expected to follow the previous process where field testing of items would occur in the first year and operational field testing, including the generation of "usable" student scores, in the second year. Achievement cut scores would be established during the second year of a new test and results will be reported to students' families at an individual level and publicly as part of school and state reporting at the group level. Hawaii's plans regarding the KĀ'EO expansion are described in the Board-approved Hawaii Consolidated State Plan for ESSA with new KĀ'EO tests being field-tested in Spring 2018 for language arts (grades 5-8), mathematics (grades 5-8), and science (grade 8). The field test will be administered to approximately 200 students per grade level, an estimated total of 775 students across the 23 Ka Papahana Kaiapuni schools.

Unlike the waivers approved in February 2015 under NCLB, the final regulations under the ESSA contain new provisions providing states with the flexibility to administer assessments in native languages for students attending Native American language medium schools. Consistent with that new regulatory authority, Hawaii is administering KĀ'EO as our annual student academic assessment required under Section 1111(b)(2)(F) of the ESEA, as amended by the ESSA, and accompanying final regulations, including 34 CFR 200.2 and 200.6(j). Once KĀ'EO assessments are fully operational, students in tested grades will take either the English-based statewide assessment (e.g., Smarter Balanced Assessment) or the KĀ'EO and results of both statewide assessments will be reported and incorporated in school accountability.

Hawaii is requesting a waiver under Section 8401 of the ESEA, as amended by the ESSA, from section 1111(b)(2)(B)(i) and section 1111(b)(2)(B)(x) during the two-year field-testing period, including SY 2017-18 and 2018-19. This would allow Kaiapuni schools to administer only the KĀ'EO field test to students in grades 5-8, so that students who take the KĀ'EO field test do not need to take both KĀ'EO and the Smarter Balanced Assessment. This waiver would significantly reduce the burden of double-testing on students, teacher and schools. In the first year of field testing (SY 2017-18), students participating in KĀ'EO would be counted in the state's and schools' assessment participation rates, but students' scores on the KĀ'EO field tests would not be included in schools' and state's achievement scores for public reporting and accountability determinations. From the second year of the pilot administration, students' scores will be generated and included in the school's and state's achievement scores for public reporting and accountability determination and schools and families will receive individual student reports.

HIDOE will ensure that parents of students in grades affected by KĀ'EO development are informed about the school's participation in KĀ'EO field testing and will provide an option for students to take English-based tests upon parental request.

Stakeholder Engagement and Consultation

HIDOE continues to work with many stakeholders on advancing Hawaiian education and improving educational outcomes of our students of Native Hawaiian ancestry. Ka Papahana Kaiapuni is a key component in meeting

Mr. Jason Botel
July 10, 2017
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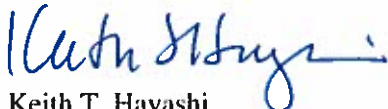
our state's constitutional obligations and achieving our Hawaiian education goals and incorporating KĀ'EO more fully within the Hawaii State Assessment Program and our consolidated state plan is a major milestone for indigenous education and perpetuating our native language.

Many stakeholders have been involved in the process which led to this waiver request and many support this waiver request. In fact, the aggressive schedule for the expansion of KĀ'EO to grades 5-8 is the result of HIDOE responding to advocates' feedback received during the required 30-day public comment period on the draft of the Hawaii Consolidated State Plan for ESEA, as amended by the ESSA. The KĀ'EO development plan for grades 5-8 has been included in the state's Board-approved Consolidated State Plan. HIDOE held a seven-day public comment period specifically for this waiver; this period for public notice is consistent with the state's Sunshine law, Chapter 92-7 of the Hawaii Revised Statutes for meetings, such as Board of Education meetings. All comments HIDOE received during this public comment period were supportive of a waiver request to assess Kaiapuni students using KĀ'EO in lieu of the Smarter Balanced Assessment to avoid double-testing. These comments can be shared upon request. Groups that have been consulted in preparing this waiver include 'Aha Kauleo Hawaiian language immersion advisory council, the Office of Hawaiian Affairs, the Native Hawaiian Education Council, and the state's congressional delegation. The feedback from the various stakeholders centered around the importance of educational assessments in the native language as an important step in the commitment to indigenous language preservation and related educational initiatives. Letters of support for the waiver request from stakeholders are enclosed.

Thank you for your support of Native Hawaiian education. If you have questions regarding this request, please contact myself or Thomas Saka, Director of Assessment and Accountability Branch by phone at (808) 586-3283 or via email at tom_saka@notes.k12.hi.us.

Thank you for your consideration.

Very truly yours,



Keith T. Hayashi
Interim Superintendent

KTH:ja

Enclosure

c: Office of Strategy, Innovation and Performance, HIDOE
Office of Hawaiian Education, HIDOE
Monitoring and Compliance Office, HIDOE
Chair, State of Hawaii Board of Education



Native Hawaiian Education Council

July 4, 2017

The Honorable Betsy DeVos, Secretary
U.S. Department of Education
400 Maryland Ave, SW
Washington, DC 20202

Re: State of Hawai'i Department of Education's Request for Double Testing Waiver

Dear Secretary DeVos,

The Native Hawaiian Education Council (NHEC or Council) submits this letter in **strong support** of the Hawai'i Department of Education's (HIDOE) request for a waiver:

1. **Under Section 8401 from ESEA Section 1111(b)(2)(B)(i) during the two-year field-testing period**, allowing HIDOE's nationally recognized Hawaiian Language Immersion Program schools, called *Ka Papahana Kaiapuni Hawai'i (Kaiapuni)*, to administer only the *Kaiapuni* Assessment of Educational Outcomes (KAEO) field test to students in grades 5-8, so students who receive instruction in the Hawaiian language medium, take the KAEO field test in Hawaiian and do not need to take both KAEO and the Smarter Balanced Assessment in English; and
2. **Under Section 8401 from ESEA Section 1111(b)(1)(B) allowing the Hawaiian Language Arts standards to be applied to the students enrolled in *Ka Papahana Kaiapuni***, allowing measurement of student outcomes not only on the state's academic standards but also in the context of the indigenous Hawaiian bicultural and bilingual education.

The Council desires that the U.S. Department of Education (USDE) consider our comments thoughtfully in Hawai'i's unique context of having:

1. A single State Educational Agency (SEA) and Local Educational Agency (LEA);
2. Constitutionally, two official languages—English and Hawaiian—that are mediums of instruction in the State's public education system; and
3. A public charter school portfolio of 34 schools (12% of the total system)—17 of which are Hawaiian focused and 6 of the 17 which are part of the *Kaiapuni* system.

We urge the United States Department of Education to approve HIDOE's waiver request because overall as it relates to the implementation of the Every Student Succeeds Act (ESSA) and this waiver request, HIDOE:

1. **Honors Congressional Intent.** By recognizing and "operationalizing" the congressional intents of ESSA—to return education to the States, we **commend** the HIDOE for the: a) Acknowledgement of Hawai'i's two official languages—English and Hawaiian; b) Holistic



public education framing of early education, Hawaiian medium/*Kaipuni* education and public charter schools; c) Acceleration of and commitment to KAEO development for grades 5-8, including field testing in Spring 2018; and d) Extensive outreach to stakeholders state wide to educate, inform, engage, listen and review the State Accountability Plan (Plan), including continuous collaboration on how to balance and address the federal ESSA requirements with the context that is unique to the State of Hawai'i;

2. **Protects Civil Rights.** "As ESSA builds on ESEA's legacy as a civil rights law and seeks to ensure every child, regardless of race, income, background, or where they live has the chance to make of their lives what they will."¹ The HIDOE implementation of ESSA as it relates to "challenging academic standards and assessments" is evidenced in the recently approved and soon to be submitted Plan. The Plan identified bifurcated challenging academic standards and assessments to ensure the overall protection of the civil rights of students attending schools in both of Hawai'i's constitutional, official languages of English and Hawaiian.
3. **Implements Rigorous Assessment Development Protocols.** We understand KAEO assessment development for grades 3 and 4 utilized rigorous methodology to ensure the development process met U.S. Department of Education standards for peer review. The work focused on supporting the development and implementation of a system theory of action, item writing and review procedures, assessment blueprints, test accommodations and administration procedures, scoring processes, scaling and calibration, and alignment. We believe the same rigorous assessment development practices will continue with the KAEO assessment development for Grades 5-8.

The Native Hawaiian Education Council was established in 1994 under the federal Native Hawaiian Education Act. The Council is charged with coordinating, assessing and reporting and making recommendations on the effectiveness of existing education programs for Native Hawaiians, the state of present Native Hawaiian education efforts, and improvements that may be made to existing programs, policies, and procedures to improve the educational attainment of Native Hawaiians.

Please feel free to contact the Council's Executive Director, Dr. Sylvia Hussey, directly via e-mail (sylvia@nhec.org) or office telephone (808.523.6432) with any questions.

Sincerely,



Dr. Lisa M. Watkins-Victorino, Chair

cc: Native Hawaiian Education Council and staff

¹ Purpose of the regulatory action as stated in the 2016 Notice of Proposed Rulemaking





KAMEHAMEHA SCHOOLS®

July 5, 2017

The Honorable Betsy DeVos
Secretary
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Re: Support for Hawai'i Department of Education's Waiver Requests Under Section 8401 from ESEA Sections 1111(b)(2)(B)(i) and 1111(b)(1)(B)

Aloha, Secretary DeVos:

Founded in 1887, Kamehameha Schools operates a private, independent educational system serving more than 6,900 students at K-12 campuses on the islands of O'ahu, Maui and Hawai'i, and at 31 preschool sites statewide. We also extend our educational reach into the community to serve more than 40,000 additional learners annually through a range of programs and community collaborations. These efforts include charter school support and literacy enhancement programs for public school children, making Kamehameha Schools the largest private contributor to Hawai'i's public school system.

We support the Hawai'i Department of Education's double-testing waiver request under Section 8401 from ESEA Section 1111(b)(2)(B)(i) during the two-year field testing period for Grades 5-8.

This waiver would allow Ka Papahana Kaiapuni schools to administer only the KAEO field test to students in Grades 5-8, *lessening the burden on students* of having to take both the KAEO and the Smarter Balanced Assessment.

The request is in response to feedback on the Hawai'i Consolidated State Plan for the Every Student Succeeds Act (ESSA) requesting the HIDOE to immediately expand KAEO to Grades 5-8, with field testing beginning in Spring 2018.

We support the Hawai'i Department of Education's waiver request under Section 8401 from ESEA Section 1111(b)(1)(B) permitting the Hawaiian Language Arts standards to be applied to the students enrolled in Ka Papahana Kaiapuni.

This waiver would allow for the measurement of student outcomes not only on the state's academic standards but also in the context of the indigenous, Hawaiian bicultural and bilingual education.

By granting this waiver, you will enable the state to gather accurate results for the intended learning outcomes they are striving for in Ka Papahana Kaiapuni. Secondly, our hope is that the state uses these results to improve educational outcomes for these students.

Mahalo for this opportunity to share our support of the HIDOE's KAEO testing waiver requests. Please do not hesitate to contact Ka'ano'i Walk, Sr. Policy Analyst, Kūamahi Community Education, at kawalk@ksbe.edu should any questions or concerns arise regarding our comments.

Aloha,

A handwritten signature in black ink, appearing to read "MW Sarsona". The signature is fluid and cursive, written in a dark ink on a white background.

M. Wai'ale'ale Sarsona
Managing Director
Kūamahi Community Education Division
Kamehameha Schools



STATE OF HAWAII
DEPARTMENT OF EDUCATION
Ke Kula Kaiapuni 'o Ānuenue

2528 10th Avenue
Honolulu, Hawaii 96816
Telephone: (808) 733-8465 FAX: (808) 733-8467
Glen Miyasato, (Principal)
Christopher Yim, (Vice-Principal)
Ronda Hayashi-Simpliciano (Vice-Principal)

July 6, 2017

The Honorable Betsy DeVos
Secretary
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Dear Secretary DeVos,

We humbly request your favorable consideration of the request from the Hawaii State Department of Education for waivers under Section 8401 from ESEA Section 1111(b)(2)(B)(i) and Section 8401 from ESEA Section 1111(b)(1)(B). The waiver to allow our Hawaiian immersion students to take just the KAEO assessments to meet the requirements of ESEA and not to double test with the Smarter Balanced Assessment would greatly increase our student instructional time and prevent our school from spending months on standardized testing. The second waiver to allow our immersion schools to measure student outcomes by the Hawaiian Language Arts standards provides us with rigorous, relevant learning targets in an indigenous bicultural and bilingual context.

We greatly appreciate your favorable consideration of these requests for waivers for the Hawaiian Language Immersion Schools.

Respectfully,

A handwritten signature in black ink, appearing to read "Glen Miyasato".

Glen Miyasato
Principal
Ke Kula Kaiapuni 'o Ānuenue

July 5, 2017

The Honorable Betsy DeVos
Secretary
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Re: Support for Hawai'i Department of Education's Waiver Requests Under Section 8401 from ESEA Sections 1111(b)(2)(B)(i) and 1111(b)(1)(B)

Aloha, Secretary DeVos:

'Aha Kauleo Kaiapuni Hawai'i is a consortium of primary stakeholders in the educational pathway which uses the Hawaiian Language as the primary (first) language of instruction for all of the subject areas of the curriculum. The need for appropriate assessments and testing has been an area of concern for nearly 30 years. KAEO, has allowed the department to develop and use testing developed in the language of instruction. This has allowed for major strides forward in all aspect of Kaiapuni (Hawaiian Medium) education in the Hawai'i state department of education.

Therefore, the 'Aha Kauleo Kaiapuni Hawai'i, **Strongly supports the Hawai'i Department of Education's double-testing waiver request under Section 8401 from ESEA Section 1111(b)(2)(B)(i) during the two-year field testing period for Grades 5-8.**

This waiver would allow Ka Papahana Kaiapuni schools to administer only the KAEO field test to students in Grades 5-8, *lessening the burden on students* of having to take both the KAEO and the Smarter Balanced Assessment.

The request is in response to feedback on the Hawai'i Consolidated State Plan for the Every Student Succeeds Act (ESSA) requesting the HIDOE to immediately expand KAEO to Grades 5-8, with field testing beginning in Spring 2018.

We support the Hawai'i Department of Education's waiver request under Section 8401 from ESEA Section 1111(b)(1)(B) permitting the Hawaiian Language Arts standards to be applied to the students enrolled in Ka Papahana Kaiapuni.

This waiver would allow for the measurement of student outcomes not only on the state's academic standards but also in the context of the indigenous, Hawaiian bicultural and bilingual education.

By granting this waiver, you will enable the state to gather accurate results for the intended learning outcomes to improve educational performance for these students in Ka Papahana Kaiapuni. Mahalo for this opportunity to share our support of the HIDOE's KAEO testing waiver requests.

Aloha,
Kamoa'e Walk,
Luna Ho'omalua, 'Aha Kauleo Kaiapuni Hawai'i



UNIVERSITY
of HAWAII
MANOA

Kawaihuelani Center for Hawaiian Language

July 7, 2017

To: The Honorable Betsy DeVos
Secretary
U.S. Department of Education
400 Maryland Ave, SW
Washington, DC 20202

From: C.M. Kaliko Baker, PhD
Assistant Professor of Hawaiian Language
Kawaihuelani Center for Hawaiian Language
Hawai'inuiākea School of Hawaiian Knowledge
University of Hawai'i at Mānoa
Honolulu, Hawai'i

Aloha wale kāua e ka mea Hanohano Betsy DeVos:

I write in support of the State of Hawai'i Office of Hawaiian Education's (OHE's) position to request a **waiver under Section 8401 from ESEA Section 1111(b)(2)(B)(i) during the two-year field-testing period.** This would allow Kalapuni (Hawaiian Immersion) schools to administer only the KAEO field test to students in grades 5-8, so that students who take the KAEO field test do not need to take both KAEO and the Smarter Balanced Assessment.

In addition, OHE is also looking to ask for an additional waiver based on advice they received from their ESSA consultant, Ed First and through their participation in the CCSSO convening. **Hawaii is requesting a waiver under Section 8401 from ESEA Section 1111(b)(1)(B) allowing the Hawaiian Language Arts standards to be applied to the students enrolled in Ka Papahana Kaiapuni.** This will allow measurement of student outcomes not only on the state's academic standards but also in the context of the indigenous Hawaiian bicultural and bilingual education.

My position is my own and does not necessarily represent that of my employer. However, this is within the scope of my research as it relates to my duties. I have personally been involved with this assessment project since its inception in late 2014 I believe. I sit on the governing board and a few of the Hawaiian language components under this project. It is imperative that OHE be granted an extension to their waivers so that we can properly assess our assessment program and make the proper adjustments so that our Hawaiian medium educated students are assessed on their terms with knowledge that they can relate to, in their language of education, and produce proper results for where they are and show us what they need.

If you have any questions, please feel free to contact me.

Office: (808) 956 3556
Email: cbaker@hawaii.edu

Me ka 'oia'i'o,

A handwritten signature in black ink, appearing to read 'C.M. Kaliko Baker'.

C.M. Kaliko Baker, PhD

July 07, 2017

The Honorable Betsy Devos, Secretary
U.S. Department of Education
400 Maryland Ave, SW
Washington, DS 20202

Re: STRONG SUPPORT for the Hawai'i Department of Education's Waiver Requests

Dear Secretary Devos:

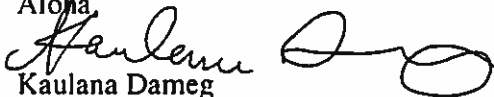
Established in 1989 by the Hawai'i State Legislature, the Hale Kuamo'o Hawaiian Language Center encourages, develops educational resources and programs to support the expansion of Hawaiian language as a medium of communication in education, business, government, and other contexts of social life in the public and private sectors of Hawai'i. The Center develops and distributes K-12 Hawaiian language and culture-based curriculum to the 24 Ka Papahana Kaiapuni Hawaiian language immersion schools, located statewide, supporting over 2,700 students and over 160 teachers each year.

The Hale Kuamo'o Hawaiian Language Center expresses our **strong support** for the Hawai'i Department of Education's requests for waivers:

1. **Double-testing waiver request under Section 8401 from ESEA Section 1111(b)(2)(B)(i) during the two-year field-testing period**— allowing Ka Papahana Kaiapuni schools to administer only the KAE0 field test to students in grades 5-8, so that students who take the KAE0 field test do not need to take both KAE0 and the Smarter Balanced Assessment.
2. **Waiver request under Section 8401 from ESEA Section 1111(b)(1)(B) allowing the Hawaiian Language Arts standards to be applied to the students enrolled in Ka Papahana Kaiapuni**— allowing for the measurement of student outcomes not only on the state's academic standards but also in the context of the indigenous Hawaiian bicultural and bilingual education.

The data collected as a result of the KAE0 assessments is essential to the Hale Kuamo'o Center's development of curriculum materials for students in Ka Papahana Kaiapuni (KPK) Hawaiian language immersion programs. Educational research and longitudinal data tracking of KPK students and alumni reveals improved school attendance, graduation rates, college attendance, educational attainment, and a "cognitive advantage" for students learning through the Hawaiian language. For this reason, we strongly urge you to grant these waiver requests which would allow for data that more accurately represents and enhances the achievement and outcomes of students in Ka Papahana Kaiapuni schools.

Aloha



Kaulana Dameg

Educational Specialist
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KULANUI O
HAWAII MA HILO

Ka Haka 'Ula O Ke'elikōlani
College of Hawaiian Language

<http://www.olelo.hawaii.edu/kuok/>

MOKUNA
PAPAĀHANA KĀLAFIKE
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Hawaiian Language Center

Ho'oiikaika Kumu
Hawaiian Medium Teacher Development

Ho'omohala Ha'āvina
Lawelawe Pāpaho & Keleka'ā ike
Curriculum Development
Media and Telecommunication Services

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Administrative Office

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KELEPONA (Phone) (808) 932-7360
KELEPA'I (Fax) (808) 932-7651

KEKULA'O
NĀWAIHŌKALANI ŌPU'U
Hawaiian Medium Laboratory School

16-120 ŌPŪKĀHĀ'IA ST. SUITE 1
KEA'AU, HAWAII 96749
KELEPONA (Phone) (808) 982-4260
KELEPA'I (Fax) (808) 966-7821

He Mea Hai Ma Ka Papaha
Kaulike Me Ke Pai Laemāuna

An Equal Opportunity/
Affirmative Action Institution

July 8, 2014

The Honorable Betsy DeVos
Secretary
U.S. Department of Education
400 Maryland Ave. SW
Washington, DC 20202

RE: State of Hawai'i Department of Education's Request for Double Testing
Waiver

Dear Secretary DeVos,

On behalf of Ka Haka 'Ula O Ke'elikōlani College of Hawaiian language and its faculty, staff, students and families that are served across its P-20 programs and outreach services, I wish to extend a **STRONG** voice of **SUPPORT** for the waiver request the Hawai'i Department of Education (HIDOE) is submitting on the KAEO assessments.

Hawai'i is in a unique situation as one of only two states that recognizes its indigenous language as an official state language. Among the fifty U.S. states, Hawai'i is also the only state with a total K-12 state educational system that delivers educational programs in both Hawaiian or English. As a single K-12 state system, the HDOE serves as the State Educational Agency (SEA) and Local Educational Agency (LEA). Hawai'i also maintains a public charter school portfolio with 6 of the 34 schools part of the Kaiapuni Hawai'i system.

Under the US constitution, states have the right and choice to establish the medium of education instructed in its schools. Title III Sec 3127 provides provisions for assessments through Hawaiian at all grades and across all subject areas. Section 8401 of the ESEA addresses the nationally recognized Ka Papahana Kaiapuni Hawai'i under sections 1111(b)(1)(B) and 1111(b)(2)(B)(i). These sections allow students in grades 5-8 who are receiving instruction through the Hawaiian language to take the KAEO field test in lieu of the Smarter Balanced Assessment in English and also allows the Hawaiian Language Arts standards as measurement for student outcomes.

ESSA recognizes the Native American Languages Act of 1990 (NALA) that designates Hawaiians as a Native American language among other Native Americans languages of the U.S. NALA protects this national treasure through

the preservation of all of its national Native American languages. Furthermore, it is a violation of the Civil Rights Act of 1964 and the Supreme Court Decision Lau vs. Nichols for a state to discriminate against a linguistic minorities.

Hawaiian immersion education is a choice that families make and communities have supported for over 30 years in the revitalization of its precious cultural and academic resource. Therefore, the HIDOE waiver requests represents a historic request that also places Hawai'i as a national leader in language revitalization and high quality education through its native language–Hawaiian.

I urge the USDOE to support HIDOE's efforts to operate public education in the two official languages of the state by approving their waiver request. Hawaiian immersion education has provided a critical solution in the revitalization of Hawai'i's only indigenous language through an a two educational pathway that seeks high standards and student success through both of its official languages–Hawaiian and English. I implore the USDOE to provide the necessary support that assists the HIDOE to continue its positive efforts forward in the alignment of appropriate programmatic standards and assessments of its students.

ʻO wau nō me ka haʻahaʻa,



Dr. Keiki Kawaiʻaeʻa
Director, Ka Haka ʻUla O Keʻelikōlani College
University of Hawaiʻi at Hilo



UNIVERSITY
of HAWAII
MĀNOA

July 7, 2017

The Honorable Betsy De Vos, Secretary
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Re: Support for Hawai'i Department of Education's Testing Waiver Requests Under Section 8401 from ESSA from Sections 1111 1111(b)(2)(B)(i) and 1111(b)(1)(B)

Dear Secretary De Vos:

The University of Hawai'i at Mānoa College of Education submits this letter in strong support of the Hawai'i Department of Education's waiver requests.

Under **Section 8401 from ESEA Section 1111(b)(2)(B)(i)**, allowing Kaiapuni schools to administer only the KAEO field test to students in grades 5-8 during the two-year field testing period, will ensure that our students will not be overburdened by having to take double the amount of assessments. Through validity and reliability studies that followed federal peer review criteria, these tests have already shown to be fair, valid, and rigorous.

In addition, under **Section 8401 from ESEA Section 1111(b)(1)(B)**, allowing the Hawaiian Language Arts standards to be applied to the students enrolled in Ka Papahana Kaiapuni will allow measurement of student outcomes not only on the state's academic standards but also in the context of the indigenous Hawaiian bicultural and bilingual education. The standards were developed as a result of HIDOE policy 105-8 directive, which required the development of rigorous and relevant standards in collaboration with Hawaiian immersion community stakeholders and in alignment with the Hawai'i state constitution, which names the Hawaiian language as an official language of the State of Hawai'i.

In a partnership with the Department, our College of Education faculty also have engaged in this important work, through the development of the grades 3 and 4 Hawaiian Language Arts standards and the subsequent development of statewide Kaiapuni assessments based on these standards. We look forward to future collaboration with the department as we continue to develop fair, valid, and reliable assessments based on these standards in cooperation with Kaiapuni stakeholders.

Thank you for the opportunity to support this important and historic endeavor in culturally valid standards and assessments.

Ke aloha,

A handwritten signature in cursive script that reads 'Beth Pateman'.

Beth Pateman
Associate Dean for Academic Affairs



July 7, 2017

The Honorable Betsy DeVos
Secretary
U.S. Department of Education
400 Maryland Ave, SW
Washington, DC 20202

Dear Secretary DeVos,

I am writing this letter in support of the Hawai'i Department of Education, Office of Hawaiian Education's (HIDOE OHE) request for a waiver under Section 8401 from ESEA Section 1111(b)(2)(B)(i) during the two-year field-testing periods to allow public Hawaiian Language Immersion schools to administer the *KAEO* (Hawaiian Language Medium Assessment) field test to students in grades 5-8, so that students who take the *KAEO* field test do not need to take both *KAEO* and the Smarter Balanced Assessment. I would also like to humbly urge that a waiver be granted to the HIDOE OHE under Section 8401 from ESEA Section 1111(b)(1)(B) allowing the Hawaiian Language Arts standards to be applied to the students enrolled in Ka Papahana Kaiapuni. This will allow measurement of student outcomes not only on the state's academic standards but also in the context of the indigenous Hawaiian bicultural and bilingual education.

As Native Hawaiian Associate professor in the College of Education at the University of Hawai'i at Mānoa, I have conducted research on Native Hawaiian Adolescent well-being and academic achievement. I am highly vested in the success of Native Hawaiian school-aged children, especially those who are learning standards-based content in their own native language and cultural context. Literature tells us that cultural identity and the acknowledgement of cultural contexts/relevance for indigenous populations, help increase the likelihood of individual success of the whole person - physically, mentally, and emotionally. I humbly ask that you highly consider these waivers, as they are vital to furtherance of the culture, language, and success of our children.

Sincerely,

A. Ku'ulei Serna, Ph.D.

Associate Professor & Director of the Institute for Teacher Education, Elementary Education Division

University of Hawai'i at Mānoa, College of Education

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