



Native Hawaiian Education Council

TESTIMONY OF ELENA FARDEN EXECUTIVE DIRECTOR, NATIVE HAWAIIAN EDUCATION COUNCIL

U.S. SENATE COMMITTEE ON INDIAN AFFAIRS – FIELD HEARING ON “UPHOLDING
THE FEDERAL TRUST RESPONSIBILITY: FUNDING & PROGRAM ACCESS FOR
INNOVATION IN THE NATIVE HAWAIIAN COMMUNITY”

June 1, 2022

Chairman Schatz, Vice Chair Murkowski, and members of the Committee. Aloha kakahiaka kākou.

My name is Elena Farden. I am a kanaka ‘ōiwi and serve as executive director for the Native Hawaiian Education Council. On behalf of the 67 current Native Hawaiian Education Program grantees (as well as hundreds more of previously funded grantees) and our 13-member Council including staff, I appreciate the opportunity to testify today regarding the statutes and cases that govern the accounts, funds, and assets that are held by the United States government in Trust Responsibility for Native Hawaiians.

Our Council stands here in today’s field hearing to discuss challenges in Native Hawaiian education and offer areas to explore together towards long-term success outcomes.

We cannot dismiss the overbearing weight of this discussion without acknowledging the alarming changes to our everyday lives resulting from the impacts of the pandemic that continue to reverberate in inadequate funding, increased administrative processes, and lack of equitable and meaningful consultation from all stakeholders on program priorities and needs.

For these reasons, the Council has focused our testimony towards two specific and connected areas:

1. **Accountability and Alignment:** Bridging the gap between federal policy intent and program implementation by advancing community-based resource equity
2. **Assessment, Analysis, and Access & Learning to Data:** Shared Learning is Shared Success

We believe at the heart of this challenge is the incongruence of federal intent of the Native Hawaiian Education Act and its program implementation. We understand the constitutional restrictions that prevent the federal government from directly providing educational services and instead, federal policies and programs must be administered through the intergovernmental system. The structure of the system thus allows multiple options for federal agencies to interpret



for themselves how the program should be applied that can leave room to exclude ethical, equitable, shared responsibility or accountability to community stakeholders. We know that collectively we can rethink a better structure. Mission defines strategy, and strategy informs structure.

ACCOUNTABILITY AND ALIGNMENT

"The Education Council shall use funds made available through a grant under subsection (a) carry out each of the following activities: (1) Providing advice about the coordination of, and serving as a clearinghouse for, the educational and related services and programs available to Native Hawaiians, including the program assisted under this part...(3) Providing direction and guidance, through the issuance of reports and recommendations, to appropriate Federal, State, and local agencies in order to focus and improve the use of resources, including resources made available under this part relating to Native Hawaiian education, and serving, where appropriate, in an advisory capacity."

- NHEA, Sec. 6204(c) Use of Funds for Coordination Activities

In 2021 due to the great work of the Senate Committee on Indian Affairs, \$85,000,000 of American Rescue Plan Act (ARPA) funds were secured for Native Hawaiian education (ARPA, Title XI, Sec. 11006). At a high-level, the intent of ARPA was "intended to continue combating COVID-19, bringing immediate monetary relief to households and providing resources to schools and businesses." ¹ The administration of the largest infusion of government relief funds, and the largest award made for the Native Hawaiian Education Program, was implemented in the same form and fashion as a traditional grant competition.

Native Hawaiian education program applicants encountered the same restrictions on grants, the same bureaucratic application processes, and the same grant priorities in the notice inviting applications (NIA) that were identical in pre-COVID competitions. Nothing changed. Applicants were required to complete 10 mandatory forms of which totaled - at minimum - 49.5 pages:³

Document Type	Form Description and Number	Est. # of Pages
Preliminary Documents	Application for Federal Assistance Standard Form SF-424	3
	ED Supplemental Information SF-424	1.5
Budget Documents	ED Budget information for non-construction Form 52	5
	Budget narrative attachment form	1
Abstract	Project abstract (pdf)	1
Narrative	Project Narrative Attachment Form (pdf)	30
Other Forms	Individual resumes of project directors and key personnel (pdf)	10

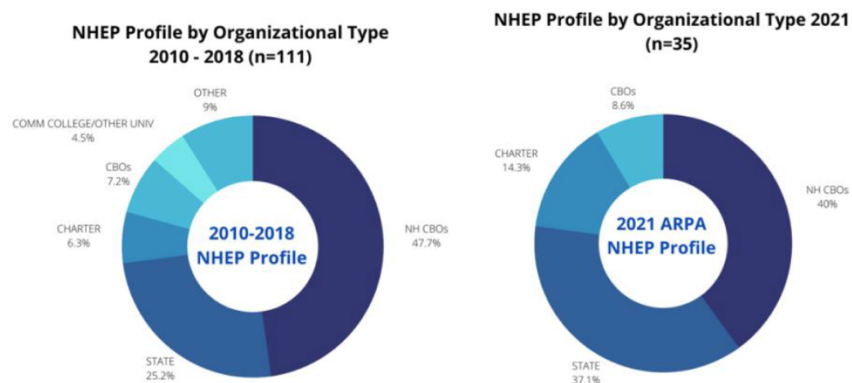
	Copy of indirect cost rate agreement	1
Lobby Disclosure	Grants.gov	1
GEPA Statement	General Education Provision Act (GEPA) Form 427 - Applicants are asked to include in their project narrative description of the steps they propose to ensure equitable access to and participation in its federally-assisted program	(incl. In narrative doc count)

The May 28, 2021 NIA for the Native Hawaiian Education Program describes the funding opportunity for exiting grantees and new applicants to propose projects that "address current needs in the Native Hawaiian community in connection with the COVID-19" while existing grantees "may propose either new projects to address newly identified needs in response to COVID-19" or build upon current NHE-funding activities to address pandemic impacts.² However, the Absolute Priorities identified in the NIA did not prioritize programs focusing on emergency or immediate COVID-19 impacts.

The administration of the \$85M of ARPA funding for Native Hawaiian education through discretionary, competitive grant process advanced higher barriers for community-based organizations to receive needed funds in the pandemic. We understand community-based organizations to be agile and nimbler in responding to community needs. In challenging times of COVID-19, we needed these organizations on the ground with a continuum of services in place.

Instead, the Education Council saw a decrease in ARPA funds to community-based organizations compared to previous, pre-COVID grant allocations.

The following graphics depict NHEP allocation and distribution for the last regular grant cycle and for ARPA funding.



The Education Council’s profile analysis of NHEP grantees from 2010 through 2018 show that 47.7% of awardees were Native Hawaiian community-based organizations that received approximately 63% of the total funding. The 2021 ARPA NHEP profile shows a reduction in awards to Native Hawaiian community-based organizations to 40% and an increase in awards to the State, up to 37.1% from 25.2% previously.⁴

Programs for post-secondary achievement and programs for early education in Hawaiian language medium instruction had to compete against one another for funding. Education as a whole is a living system. Each part of that system from early childhood education to college and career readiness are critical. Discretionary funding in this form causes unstable funding that impact a continuum of services for essential programs across Native Hawaiian education.

Further, our Native Hawaiian community-based organizations play a critical role in public service delivery, and in turn, this specific federal funding for Native Hawaiians plays a key component in meeting the financial needs of nonprofit service delivery organizations. The NHEP is the only federal funding specifically designated for Native Hawaiian early learning, as well as for Native Hawaiian elementary and secondary education programs. We strongly advocate that NHEP resources ensure Native Hawaiian programs can educate students in classrooms. While statute allows for other uses of NHEP funding, programs that directly touch our students and their families are of utmost importance, particularly during an emergency. Other education-related activities have alternative federal funding options. The statute further states that NHEP funding is intended to supplement and expand Native Hawaiian education. We recognize the capacity of the State of Hawai'i to expand its Native Hawaiian education offerings and that it also has access to sources of funding to do so that are unavailable to the majority of community-based, NHEP-eligible organizations. For that reason, for the purpose of expanding Native Hawaiian education, we believe its most effective to ensure community-based organizations receive NHEP funds as one of the few funding opportunities available to them.

OUR ASK: ADVANCING COMMUNITY-BASED RESOURCE EQUITY

The Education Council is committed to all allies in this effort to explore funding and program access for innovation in Native Hawaiian education. We seek the Committee's assistance:

To investigate opportunities of formula funding to be included through a statutory fix or next reauthorization of NHEA for Native Hawaiian community-based programs that have successfully demonstrated long-standing program outcomes and impact in Native Hawaiian education. While funds to remain available to seed new, innovative programs through discretionary funding.

ASSESSMENT:

"The act will not meet its objectives, nor will it overcome the troubles of the Hawaiian people by simply throwing money at the problem. Success will ride on the quantity and quality of the programs implemented. The impact that these programs have on their intended beneficiaries will be the ultimate measure of the legislation's success."

- *Testimony of Myron Thompson on the NHEA hearing, Nov. 14, 1979 to the Subcommittee on Elementary, Secondary, and Vocational Education and Subcommittee on Postsecondary Education, and Committee on Education and Labor, U.S. House of Representatives*

The Education Council is charged to coordinate, assess, report, and make recommendations on the effectiveness of existing educational programs for Native Hawaiians, and improvements that can be made to existing programs, policies and procedures to improve the education attainment of Native Hawaiians.

For example, our preliminary findings of our impact, assessment, and learning (IAL) study for the NHEP 2020 grantees show a majority of programs target Native Hawaiian high school students (63.2%) to address the authorized priority of fields where Native Hawaiians are underemployed (78.9%). This is a vastly different funding pattern than we’ve seen from the last NHEP competition from 2017 - 2018. NHEP awardees from 2017 - 2018 targeted early childhood education and elementary and middle school student achievement (73%). Understanding why this is happening and its implications can activate formative processes towards improved support and essential resources for grantee program success.

However, the Education Council as an intermediary entity is charged with urgency through NHEA to meet these statutory mandates of program assessment, but does so without the agency to obtain such data. For each NHEP competition, the Education Council petitions the U.S. Department of Education (ED) to share grantee documents, evaluation, and grantee data in order for us to engage in IAL and other effective studies to meet our statutory mandate. ED has directed the Education Council to make our request through the Freedom of Information Act that can take between 9 to 214 working days for requests and may include associated fees depending on the agency. So, the Education Council must resort to requesting grantee documents from the individual grantees themselves that necessitate an expanded timeline to our research and burdens grantees with extra report sharing duties. Data sharing barriers between ED and the Education Council delays thorough, robust, and meaningful program assessment.

Meaningful program assessment can be key in times of crisis. During the pandemic, the Education Council leveraged its research studies, analysis, and consultation with NHEP grantees to advocate for funds at the state and federal levels for Native Hawaiian education. The table below outlines our funding and advocacy request efforts and data sets we used to calculate the appropriate amount of funds.

Request to Entity	Funding Request	Funding Received	Data Source(s) to Inform Request
State of Hawai‘i, Office of the Governor	\$10,000,000 of CARES Act funding for Native Hawaiian Education (March 2020)	\$0	Estimated from Yr. 2 and Yr3 expected grant funds dispersement of the current 2017 and 2018 NHEP grantees
Hawai‘i Congressional Delegation	\$1.47B in facility replacement, renovation, repair, and deferred maintenance from American Jobs Plan for Kaiaupuni schools and Hawaiian Focused Charter Schools (May 2021)	\$0	HIDOE Six-year Plan Report and HFCS Facilities Needs Survey with figures used to calculate need for 36 Hawaiian schools (19 Kula Kaiaupuni, 17 HFCS).
Hawai‘i Congressional Delegation,	\$44,000,000 for NHEP FY22 (Feb. 2021)	\$38,900,000	Estimated from funding for grantee programs to address pandemic program safety

Senate Committee on Indian Affairs			protocols
Hawai‘i Congressional Delegation, Senate Committee on Indian Affairs, Appropriations Subcmte. Labor, Health and Human Services, and Education; and WHAANHPI	\$50,000,000 for NHEP FY23 appropriations of which includes a request for an additional \$1,000,0000 to NHEC for program impact, assessment, and learning (IAL) study of NHEP 2021 grantees. (Feb. 2022)	Awaiting response	The estimate of additional \$1,000,000 funds for NHEC impact, assessment, and learning study is based on current IAL study for the 2020 NHEP grantees or 23 programs, while the 2021 NHEP grantee estimate will be double due to 44 programs.

The Education Council’s research, evaluation, and learning also produces an annual report of priority recommendations for grant funding and program support provided to ED each December. Yearly data collected from our statewide community consultations and grantee program evaluation conducted by the Education Council inform these priorities. The aim in sharing these priorities with ED each year is to help align and inform priority grant funding areas for Native Hawaiian education from the community level. The Council meets quarterly with ED, however the dynamics of the relationship is conducted more like grantor and grantee rather than co-researchers in supporting program success.

Shared Learning is Shared Success

The Council’s approach to impact, assessment, and learning is action-oriented. It enables the Council to better understand the effectiveness of ED’s grantmaking and our statutory mandates (technical assistance, coordinating activities, and community consultations) in the context in which the grantees are working, make mid-course corrections as necessary, and identify opportunities to share our insights with internal and external audiences. ED’s grantmaking to Native Hawaiian education focuses on the near and medium term program outcomes through annual performance reports and evaluation reports. IAL studies, positions the Council to monitor indicators of progress and outcomes of the program as a whole over the long term. Seeking ways both the Council and ED can leverage our collaborative strengths will benefit programs and our communities.

The Council is also constrained by internal challenges when it comes to research and evaluation. NHEA allocates \$500,000 each year to fund the Council directly and is optimized for all operational and programmatic expenses. As multiple factors affect the Council’s research and evaluation activities (e.g., increase of grantee programs funded, changes to grantee Governmental Performance and Results Act or GPRA measures, and impacts on reporting or program execution due to a pandemic) our available budget to contract these studies becomes limited. Our current IAL study for the NHEP 2020 grantees is just under \$500,000 total for

FY2021 through FY2023. This IAL study will follow the 23 grantee programs for their three year grant period for formative and summative evaluation of the program as a whole.

Our intent this year was to also start a IAL study for the NHEP 2021 grantees (44 programs) as this is the largest funding the program has received and the intent of funds are to address COVID-19 pandemic impacts. It is imperative we understand the impacts of this funding through each year of the program in order to track development or adjust for improvement. We also want to maintain a summative evaluation at the end of the grant cycle to have a clear conclusion on program efficacy. In order for the Council to engage in this work, we estimate budget funds would need to be at least double of what we have budgeted for the NHEP 2020 IAL study.

The Council is already engaged in two major multi-year projects that account for a substantial part of our budget for 2023 and 2024 that addresses our statutory mandates of developing an online data clearinghouse of Native Hawaiian education data and the NHEP 2020 IAL study. Without additional funds, the Council is budget constrained to fulfill a comprehensive IAL study of the NHEP 2021 grantees.

OUR ASK: ASSESSMENT, ANALYSIS, AND SHARED ACCESS & LEARNING TO DATA:

The Education Council’s continued work to fulfill our statutory mandate, gather high-quality data, and contribute to evidence-based policymaking for Native Hawaiian education is an essential activity. We seek the Committee’s assistance:

To include new language under Administrative Provisions in the next NHEA reauthorization that directs the U.S. Department of Education to provide a copy of all direct grant applications and grantee reporting documents to the Education Council.

To allocate an additional \$1,000,000 to be allocated to the Education Council for FY23 in order conduct an impact, assessment, and learning (IAL) study on 44 NHEP grantee programs awarded from the 2021 ARPA funds, the largest funding in NHEP’s history.

To establish an Office of Indigenous Language and Native Hawaiian Education within the U.S. Department of Education to work with ED in meeting its Trust Responsibility as stated in the NHEA, and to support work in aligning federal reporting requirements for culturally relevant assessments and program evaluation.

To include new language in the next NHEA reauthorization to require training for all senior-level and program staff of the ED to educate them on baseline understanding of the US Trust Responsibility and the legal and political history of Native Hawaiians with the federal government in order to engage more intentional, collaborative, and mutual support for Native Hawaiian education success.

In closing, the constructs of the U.S. Trust Responsibility to Native Hawaiians is based on assets, funds, and resources held in trust for Native Hawaiians. At the same time, Native Hawaiians as a community are capable and have long demonstrated full capacity in determining their internal affairs and responsibility for their common welfare and for their future economic and social development. It

is time to evolve our trust relationship to advance trust that reflects our modern times and developing challenges in order to better adapt and address immediate and emerging needs of our community. On behalf of the Native Hawaiian Education Council, we express our aloha and appreciation to the Chairman and Vice Chairperson for leading this effort and responsibility. It is an honor to carry the work of the Education Council that so many of our community leaders, advocates, and families stood up for and have paved the way for us to be here. It is an honor to share testimony with the Committee today.

The Education Council stands ready and in full support to assist you in advancing this important work for Hawaiian communities.

Mahalo,



Elena Farden
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- ³ Rural Insular Native Achievement Program, Native Hawaiian Education Program. (2021, July 2). *Native Hawaiian Education Program Technical Assistance Webinar* [Slides]. OESE.Ed.Gov. <https://oese.ed.gov/files/2021/06/NHEP-Applicant-Webinar-2021.pdf>
- ⁴ Toms Barker, L., Sanchez, R., & McLelland, C. (2021, March). *NATIVE HAWAIIAN EDUCATION COUNCIL EVALUATION OF THE NATIVE HAWAIIAN EDUCATION PROGRAM: Portfolio Analysis of the 2010–2018 Grants*. IMPAQ International, Inc. <http://www.nhec.org/wp-content/uploads/2021/05/NHEP-Portfolio-Analysis-AY2010-2018-Submitted-3-18-2021.pdf>