



UNIVERSITY OF HAWAII SYSTEM

‘ŌNAEHANA KULANUI O HAWAII

Legislative Testimony

Hō'ike Mana'o I Mua O Ka 'Aha'ōlelo

Testimony Presented Before the
Senate Committee on Higher Education
Thursday, February 1, 2024, at 3:00 p.m.

By

Debora Halbert, Vice President for Academic Strategy
University of Hawai'i System

SB 2105 – RELATING TO HIGHER EDUCATION

Chair Kim, Vice Chair Kidani, and Members of the Committee:

Thank you for the opportunity to provide comments on Senate Bill (SB) 2105 relating to higher education, which authorizes students who are individuals from a Compact of Free Association nation, refugees, or special immigrant visa holders to qualify for resident tuition fee within the University of Hawai'i System, under certain conditions. While we appreciate the intent of the proposed legislation, we would like to recommend some changes to ensure clarity and alignment with existing laws and policies.

First, we would like to address the reference in section (2)(b)(1)(A) to 'attended elementary school in the State during each of the three years immediately before receiving a high school diploma or high school equivalency diploma, or leaving school before receiving a high school diploma or high school equivalency diploma'. Since it is impossible for a student to go from elementary school to high school graduation within three years, we recommend removing the elementary school reference in this section. The reference to 'leaving school before receiving a high school diploma or high school equivalency diploma' is also unclear. We may be able to provide recommendations for clarifying this language if we better understand the intent behind this section. We look forward to the opportunity to discuss these details further.

Second, with reference to section (2)(b)(1)(B), 'attended an elementary or secondary school in any state or territory of the United States, District of Columbia, or Commonwealth of Puerto Rico during each of the five years immediately before receiving a high school diploma or high school equivalency diploma, or leaving school before receiving a high school diploma or high school equivalency diploma,' and section (2)(b)(2)(c), 'a student who is a refugee or special immigrant visa holder shall qualify for the resident tuition fee to the extent permitted under applicable federal law,' these conditions contradict the Hawaii Administrative Rules requirement that the adult student, or in the case of a minor student, the student's parents or guardians, has or have been a bona fide resident of this State for at least twelve consecutive months next preceding the student's first day of officially scheduled instruction for any semester or term in which the student is enrolling at the particular college or campus. The University of

Hawai'i (UH) is willing to consider expansion of UH Board of Regents Policy 6.208 on Board Exemptions to Non-Resident Tuition to provide a non-resident tuition differential for these groups of individuals instead. We believe that modifying our internal policy to be more inclusive for COFA students from other states, rather than enacting a change in law, would be a more pragmatic approach that would provide the necessary flexibility while ensuring we maintain control over tuition policies that align with the needs and capacities of our institution.

Third, concerning section (2)(b)(1)(C), 'received a high school diploma or high school equivalency diploma in the State,' Senate Bill 3187, as currently drafted, proposes to provide resident tuition to all students who graduate from a Hawai'i high school within four years preceding the student's first day of officially scheduled instruction for any semester or term in which the student is enrolling at the particular college or campus. We fully support SB 3187, and if that bill passes, current section (2)(b)(1)(C) will no longer be necessary.

In conclusion, while we support the overarching goal of SB 2105 to expand access to resident tuition for individuals from COFA nations, refugees, and special immigrant visa holders, we recommend the adjustments mentioned above to enhance the clarity and applicability of this legislation. We are committed to working collaboratively to achieve the intended outcomes without introducing unintended consequences, and we welcome further discussion to clarify these recommended amendments.

Thank you for the opportunity to provide comments on this measure.

JOSH GREEN, M.D.
GOVERNOR

SYLVIA LUKE
LIEUTENANT GOVERNOR



JADE T. BUTAY
DIRECTOR

WILLIAM G. KUNSTMAN
DEPUTY DIRECTOR

JOVANIE DOMINGO DELA CRUZ
EXECUTIVE DIRECTOR

STATE OF HAWAII
KA MOKU'ĀINA O HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
KA 'OIHANA PONO LIMAHANA
OFFICE OF COMMUNITY SERVICES
830 PUNCHBOWL STREET, ROOM 420
HONOLULU, HAWAII 96813
www.hawaii.gov/labor
Phone: (808) 586-8675 / Fax: (808) 586-8685
Email: dlir.ocs@hawaii.gov

IN REPLY, REFER TO:
OCS 24.1036

January 31, 2024

To: The Honorable Donna Mercado Kim, Chair,
The Honorable Michelle N. Kidani, Vice Chair, and
Members of the Senate Committee on Higher Education

Date: Thursday, February 1, 2024

Time: 3:00 p.m.

Place: Conference Room 229, State Capitol & Videoconference

From: 
Jovanie Domingo Dela Cruz, Executive Director
DLIR – Office of Community Services

Position: Support

Re: S.B. 2105 RELATING TO HIGHER EDUCATION

I. OVERVIEW OF PROPOSED LEGISLATION

S.B. 2105 would provide that students in the University of Hawaii system would be eligible for resident tuition if they are refugees, citizens of the nations that are in free association with the United States – namely the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau, or persons holding special immigrant visas.

II. CURRENT LAW

The persons described above are currently not eligible to pay resident tuition. This bill would change current law to establish the right to resident tuition by statute for these classes of people.

III. COMMENTS ON THE SENATE BILL

The Office of Community Services (OCS) is an agency attached to the Department of Labor and Industrial Relations. OCS was created by the Legislature by Act 305, SLH 1985, codified as Chapter 371K, Hawai'i Revised Statutes.

The mission of OCS is to eliminate the causes and conditions of poverty for economically disadvantaged persons, immigrants, and refugees in the State of Hawaii, by facilitating and enhancing the development, delivery, and coordination of effective programs for these persons and communities to enable them to achieve and maintain greater economic self-sufficiency and integration into Hawaii's society.

Education is a critical component of helping a person achieve multiple benefits in life – such as greater income, better understanding of society so as to become a better participant in society, and myriad of other benefits.

For these reasons, the persons who will benefit from this bill, if enacted, are among OCS's key constituents. Accordingly, OCS strongly supports this bill.

Thank you very much for the opportunity to testify.



HAWAI‘I CIVIL RIGHTS COMMISSION **KOMIKINA PONO KIWILA O HAWAI‘I**

830 PUNCHBOWL STREET, ROOM 411, HONOLULU, HI 96813 · PHONE: (808) 586-8636 · FAX: (808) 586-8655 · TDD: (808) 586-8692

Thursday February 1, 2024

3:00pm

Conference Room 229 & Videoconference
State Capitol, 415 South Beretania Street

To: The Honorable Donna Mercado Kim, Chair
The Honorable Michelle N. Kidani, Vice Chair
Members of the Senate Committee on Higher Education

From: Liann Ebesugawa, Chair
and Commissioners of the Hawai‘i Civil Rights Commission

Re: S.B. No. 2105

The Hawai‘i Civil Rights Commission (HCRC) supports S.B. No. 2105. This bill would authorize individuals who entered the United States under the Compact of Free Association (COFA) treaties and special immigrant visa holders to qualify for resident tuition fee rates within the University of Hawaii system and reduce barriers to higher education for individuals who have been historically excluded, mistreated, and marginalized.

The HCRC has enforcement jurisdiction over Hawai‘i’s laws prohibiting discrimination in employment, housing, public accommodations, and access to state and state funded services. The HCRC carries out the Hawai‘i constitutional mandate that no person shall be discriminated against in the exercise of their civil rights. Art. I, Sec. 5. The HCRC provides these comments on S.B. No. 2105.

Individuals from COFA nations (often already marginalized and restricted by their status) are faced with additional barriers that other Hawai‘i residents do not face, including financial barriers to affordably accessing higher education by not being able to qualify for resident tuition rates. The U.S. Bureau of Labor Statistics has shown that workers with higher levels of education typically earn more

than those without. Higher levels of education are often associated with better employment opportunities, better financial stability, and more involvement and impact in communities (College Board's 2019 report found college graduates are more likely to donate money to charity organizations, volunteer, and vote). Despite being able to travel freely between COFA nations and the United States for employment, healthcare, and other opportunities, Hawai'i residents from COFA nations have been subjected to vitriolic rhetoric and described negatively as a burden and a drain on resources. Reducing barriers to higher educations would fight these stereotypes and prevent "othering" of individuals from COFA nations.

After WWII, these COFA nations (The Federated States of Micronesia ("FSM" - Yap, Pohnpei, Chuuk, Kosrae), the Republic of the Marshall Islands ("RMI"), and the Republic of Palau) were part of the Trust Territory of the Pacific Islands, with the Micronesian Trust Region under U.S. trusteeship. From 1946-1958, the U.S. conducted 67 nuclear tests in the Marshall Islands, with above-ground testing on Bikini and Enewetak islands, including detonation of the largest bomb (codenamed "Bravo") ever tested by the U.S., with a magnitude of over 1,000 times that of the Hiroshima bombing. The U.S. has a significant and continuing military interest and presence in region, and U.S. nuclear testing and military entrenchment have resulted in environmental degradation and economic dependency.

In the 1980s the FSM and RMI entered into compacts of free association with the U.S., followed by Palau in the 1990s. Under these treaties, citizens of COFA nations can travel freely to live and work in the U.S., and are eligible for some, but not all, benefits that U.S. citizens can receive. As "non-qualified" aliens, Hawai'i residents from the COFA nations are ineligible for Medicaid and other federal welfare programs, and, unlike other legal immigrants, are not eligible for benefits even after residing in the U.S. for five years.

Driven by poor health conditions (including some due to the impact of nuclear testing and contamination) and insufficient health care, displacement due to nuclear testing and contamination, and

weak economies in their homelands, the number of Hawai'i residents from COFA nations has dramatically increased over the past decade.

This bill would greatly help reduce financial barriers faced by individuals from COFA nations when seeking to access higher education.

The HCRC supports S.B. No. 2105.

SB-2105

Submitted on: 1/29/2024 2:00:22 PM

Testimony for HRE on 2/1/2024 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Cardenas Pintor	Individual	Support	Written Testimony Only

Comments:

Aloha,

I support this bill.

Mahalo nui,

Cardenas Pintor

LATE

SB-2105

Submitted on: 2/1/2024 1:00:41 PM

Testimony for HRE on 2/1/2024 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
tina	Testifying for Center for the Advancement of Pacific Islanders (CAP) at UH Manoa; Pasefika Empowerment & Advancement	Oppose	Written Testimony Only

Comments:

This testimony serves to oppose SB2105, and to provide the following information for consideration:

1) Oppose SB2105 because it's divisive and biased against Pacific Islanders who are US Nationals, citizens of the United States, and green card holders who choose to pursue college education at UH.

2) I recommend that the author revise SB2105, after consultation with indigenous Pacific Islander faculty and staff currently working at the University of Hawaii (UH). We have been advocating for all PI students at UH and therefore state legislators who author bills regarding PI students in higher education should have the courtesy to consult us to make sure they understand PI cultural values and practices, community politics, as well as awareness on how to work with existing programs at UH, lead by indigenous Pasefika people, in an effort to increase enrollment, graduation success, and career enhancement of PI students.

3) It's absurd that the SB2105 mingles COFA nations with refugees and special visa holders, and chooses to ignore PI students and communities who are not COFA citizens. This is bad politics and causes divisiveness instead of unity amongst PI students and communities in Hawaii. As a staff at UH working hard to build the Center for the Advancement of Pacific Islanders (CAP), PI students and communities thrive on community building, not divisiveness. The COVID-19 pandemic clearly shows that lives were saved not because of legislators and bad politics, but because PI communities respect their cultural values and practices, respect community collaborations and sharing, and really went out of our way to care for each other despite the lack of resources and support from the state government and mayor of Honolulu, during the height of the COVID-19 pandemic. Please, don't try to create any animosity among my PI students and communities in Hawaii nei. The "divide and conquer" strategy will tear down PI communities.

4) The increase in University of Hawaii (UH) Pacific Islander (PI) students' tuition from 100% to 150% in 2006 caused so many financial challenges not only for students from PI nations but also for many Hawaii-PI residents and families. PI communities in Hawaii and leaders of PI governments from back home attended the UH-BOR meeting at Kapolei in 2006. We all spoke

against the 150% increase because we knew the consequences for PI families in Hawaii as well as PI students coming directly from the islands for education at UH. Sadly, the former UH president and the UH-BOR, composed mainly of Asians and Caucasians, were harsh and lacked empathy and therefore decided to increase PI student tuition to 150%. Such a decision forced many PI graduates and drop-outs to remain in Hawaii, serving the people of Hawaii or moved to continental US so they could work and pay back rising student loans. Who benefitted the most from the 150% increase? Definitely Hawaii people as well as mainland people! If the SB2105 is modelled after the Oregon State, please know that there are more than 60,000 non COFA Pacific Islanders in Hawaii compared to Oregon. In case we forget, Hawaii is still an island in the Pacific and not on the mainland US.

Ma lo'u fa'aaloalo tele,

Tina Tauasosi-Posiulai, PHD