

EXECUTIVE CHAMBERS
KE KE'ENA O KE KIA'ĀINA

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA

House Committees on Judiciary and Hawaiian Affairs
Wednesday, March 18, 2026
2:00 p.m.
State Capitol, Conference Room 325 and Videoconference

In Support
Senate Bill No. 3123, SD1, Relating to Private Support of Education

Chair Tarnas, Vice Chair Poepoe, and Members of the House Committee on Judiciary and Hawaiian Affairs:

The Office of the Governor strongly supports Senate Bill No. 3123, SD1. This bill would clarify that free tuition at private educational institutions or school-conditioned enrollment at private educational institutions where no tuition or other monetary consideration is required or paid by the recipient are to be considered conditional gifts that support educational advancements rather than contractual obligations unless the parties agree otherwise in writing.

The Office of the Governor believes that this bill reaffirms and preserves a donors' intentions when providing educational gifts that are aimed to help support educational programs for students across Hawai'i. Additionally, the Office of the Governor believes that establishing a statewide uniformity in the treatment of these donor-conditioned gifts will be beneficial and avoid any conflicting treatment for private sponsors of educational programs.

Mahalo for the opportunity to provide testimony on this measure.

TO: HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS
The Honorable David A. Tarnas, Chair
The Honorable Mahina Poepoe, Vice Chair, and
Members of the Committee

FROM: Terry George, Chief Executive Officer & President

RE: Testimony in Support of SB 3123 SD 1, Relating to Private Support of Education

DATE: Wednesday, March 18, 2026 at 2:00 pm

LOCATION: Hearing Room 325

The Hawai'i Community Foundation (HCF) **supports** the intent of SB 3123 SD 1 relating to private support of education. SB 3123 SD 1 clarifies that donor-conditioned educational awards are “conditional gifts,” not contracts, which do not create contractual liability. The bill is focused on private preschool through grade 12 education, with definitions of educational awards including scholarships, grants, and tuition waivers funded by private donations.

This clarification in SB 3123 SD 1 is important because educational awards including scholarships, grants, and tuition waivers are acts of generosity to support education and are not intended to create legal, tax, or contractual burdens on donors or students and their families. It also provides stronger donor confidence that funds provided for educational awards will continue to be used for the intended purpose.

SB 3123 SD 1 will help to protect private gifts that support education across our communities in Hawai'i. **HCF strongly urges the legislature to pass SB 3123 SD 1.** Mahalo for the opportunity to testify.

To: House Committee on Judiciary and Hawaiian Affairs
Re: SB 3123- Relating to Private Support of Education
Hawai'i State Capitol Room 325 & Via Videoconference, March
18, 2026, 1:00 PM

Dear Chair Tarnas, Chair Poepoe, and respected Committee Members,

On behalf of Hawai'i Children's Action Network Speaks!, I am writing in **STRONG SUPPORT of SB 3123 SD1**, which clarifies that free tuition at private educational institutions are to be considered conditional gifts that support educational advancements rather than contractual obligations.

HCAN strongly supports this bill for the following reasons:

Protects Access to Educational Opportunity for Keiki and Families.

Scholarships, tuition waivers, grants, and other forms of private philanthropic support have long been vital pathways for children especially those from low-income and historically underserved communities to access high-quality early education and K-12 learning environments that best meet their needs. By ensuring such support is treated as a conditional gift and not a legal contract, this bill protects the sustainability of these opportunities and reduces barriers that could otherwise dissuade donors or complicate administration of aid.

Honors Donor Intent and Community Generosity.

Private educational support, whether from Ali'i trusts, community foundations, independent schools, or civic organizations, is driven by generosity and a collective commitment to uplift Hawai'i's children and families. Treating these contributions as gifts affirms the philanthropic nature of this support and helps preserve donor intent, encouraging continued investment in our keiki's future.

Reduces Legal Uncertainty and Encourages Continued Philanthropy.

In today's legal climate, ambiguity about whether educational awards could be characterized as contracts may create unnecessary risk and discourage giving. SB 3123 provides clear statutory guidance to prevent such mischaracterization. This clarity benefits donors, schools, and families by reducing the potential for disputes and enabling philanthropy to continue supporting vital educational programs without fear of unintended legal consequences.

Aligns with HCAN's mission of Strengthening Systems that Support Keiki.

HCAN's mission is to build a unified voice advocating for laws and policies that make Hawai'i's children healthy, safe, and ready to learn. This bill aligns with that mission by supporting the long-standing traditions of giving that have supported Hawai'i's keiki and ohana for generations.

Thank you for the opportunity to provide testimony on this bill. Please **SUPPORT 3123 SD1**.



March 18, 2026

TESTIMONY OF THE ASSOCIATION OF HAWAIIAN CIVIC CLUBS
To the House Committee on Judiciary and Hawaiian Affairs
In Support of

SB 3123 - RELATING TO PRIVATE SUPPORT OF EDUCATION

Aloha Chair Tarnas, Vice Chair Poepoe, and members of the committee:

The Association of Hawaiian Civic Clubs submits testimony in **strong support** of SB 3123 Relating to Private Support of Education, which clarifies that free tuition at private educational institutions are to be considered conditional gifts that support educational advancements rather than contractual obligations.

This bill affirms a long-standing community understanding that when an ali'i, school, or donor provides education, it is an act of generosity and kuleana, not a commercial exchange. The Association of Hawaiian Civic Clubs advocates for access to education as essential to the continued growth of future leaders for our lāhui. We are concerned by the future of long-standing educational programs created to support keiki, strengthen communities, and ensure access to learning by those in greatest need. SB3123 provides safeguards for these opportunities by clarifying that the recipients of conditional educational awards may accept such support without fear of legal consequences from perceived contractual obligations.

We support this measure as a means to honor the true purpose of private support of education and to ensure haumāna receiving conditional educational awards may benefit from these gifts with dignity.

Founded by Prince Kūhiō in 1918, the Hawaiian Civic Club movement is the oldest Native Hawaiian community-based advocacy movement. The Association of Hawaiian Civic Clubs is a not-for-profit confederation of 60 individual and autonomous Hawaiian Civic Clubs and 3,500 members located across Hawai'i and across the continental United States.

We appreciate your favorable consideration of this measure.

SB-3123-SD-1

Submitted on: 3/17/2026 3:58:17 AM

Testimony for JHA on 3/18/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Justin K. Vierra	Hawaiian Civic Club of Honolulu	Support	Written Testimony Only

Comments:



HAWAIIAN CIVIC CLUB OF HONOLULU

Established December 1918

P.O. Box 1513, Honolulu, Hawai'i 96806

hcch.honolulu@gmail.com

Aloha Kākou

I write in strong **support** of SB3213, as it will help uplift Hawai'i's students and secure a stronger future for our islands.

In today's political climate, there is real concern about the future of long-standing scholarships and educational programs that have helped local students across Hawai'i access higher education. These scholarships and programs were created to support our keiki, strengthen our communities, and ensure that opportunities reach those who need them most.

They were never intended to function as contracts and should not be subject to legal challenges. Rather, these scholarships are gifts, offered so our haumāna can learn, grow, and step into their roles serving Hawai'i and the world.

I support this bill because it helps protect the ability to give and receive. By clearly recognizing scholarships as gifts, SB3213 honors their true purpose and helps ensure they remain available for local students for generations to come.

In closing, I respectfully urge the Committee to pass SB3213.

Mahalo

Justin K Vierra

President

Hawaiian Civic Club of Honolulu



LE JARDIN ACADEMY

917 Kalanianaʻole Hwy., Kailua, HI 96734 | T: 808.261.0707 F: 808.262.9339 | www.lejardinacademy.org

March 16, 2026

Aloha Members of the Committee,

Le Jardin Academy (LJA) supports SB 3123, SD1, because it provides important legal clarity regarding donor-funded scholarships and tuition waivers at private K–12 schools.

As an independent school that partners with philanthropic donors to expand educational access, LJA relies on donor-conditioned awards that are intended as gifts in support of education—not as contractual guarantees of tuition. SB 3123, SD1 appropriately recognizes this distinction, protecting both schools and donors from unintended contract-based liability.

This clarity encourages continued charitable investment in Hawai'i's students while allowing schools to enforce reasonable academic, conduct, and enrollment standards in a consistent and transparent manner.

This clarity and balance are important to maintaining public trust while preserving philanthropic flexibility.

For these reasons, LJA respectfully supports SB 3123, SD1.

Respectfully,

A handwritten signature in black ink, appearing to read 'Earl T. Kim'.

Earl T. Kim
Head of School
Le Jardin Academy



Hawai'i State House of Representatives
Committees on Judiciary & Hawaiian Affairs
SB3123, SD1 – Relating to Private Support of Education

RE: Strong support of SB3123, SD1

March 18, 2026

Hawaiian Council writes in **strong support of SB3123, SD1**. For over two decades, Hawaiian Council has centered its work on a simple but profound truth: our lāhui is strongest when every strand is woven together with purpose and aloha. We uplift our people by enhancing cultural, economic, political, and community well-being, always recognizing that collective impact is greatest when communities unite in shared kuleana.

SB3123, SD1 aligns with this philosophy. Scholarships and educational programs have long been expressions of aloha—not transactions. They are gifts meant to open doors, nurture potential, and empower haumāna to step into roles that serve Hawai'i and the world. These opportunities were never intended to be contractual obligations but rather investments in our future leaders, grounded in the same values of generosity and shared kuleana that have guided our people for generations.

In today's political climate, the need to protect these gifts is clear. By affirming scholarships as gifts rather than contracts, SB3123, SD1 safeguards the ability of our community to give freely, receive humbly, and continue the intergenerational work of strengthening our lāhui. It ensures that pathways to education—especially for those most in need—remain open and resilient. This is the kind of systems-level support that honors our kuleana to create thriving conditions for 'ohana across Hawai'i.

For these reasons, Hawaiian Council urges the Committee to **PASS SB3123, SD1**. Mahalo nui for the opportunity to testify on behalf of Hawai'i's keiki and our shared future.

Me ka ha'aha'a,

Kūhiō Lewis

Chief Executive Officer, Hawaiian Council

HAWAIIANS ADVANCING HAWAI'I

91-1270 Kinoiki Street, Building 1, Kapolei, HI 96707

info@hawaiiancouncil.org

www.hawaiiancouncil.org

SB-3123-SD-1

Submitted on: 3/17/2026 8:48:33 AM

Testimony for JHA on 3/18/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kehaulani Lum	Ali'i Pauahi Hawaiian Civic Club	Support	Written Testimony Only

Comments:

Aloha,

On behalf of the Ali'i Pauahi Hawaiian Civic Club, which was chartered by the Association of Hawaiian Civic Clubs in 1973, in honor of beloved Princess Pauahi, I write to you in strong support of SB3213.

As an organization which honors her vision and whose membership includes several beneficiaries of the Princess's longstanding mission, we believe that t will help uplift Hawai'i's students and secure a stronger future for Hawai'i Nei. Particularly at a time when many local families are finding it difficult to sustain sufficient livelihoods in their homeland, Pauahi's legacy is more important than ever.

As well, in today's political climate, there is evidence that the future of long-standing scholarships and educational programs that have helped local students across Hawai'i access education are in jeopardy.

These scholarships and programs were created to support keiki, strengthen our local communities, and ensure that opportunity reaches those who need it most. They were never intended to be contracts and should not be subject to legal challenges. The scholarships are gifts of aloha and kuleana, offered so haumāna can learn, grow, and step into their roles serving Hawai'i and the world.

Indeed, one of Alii Pauahi's most prominent graduates, the late Sen. Daniel K.Akaka, became the first Native Hawaiian U.S. Senator, and he is still credited with securing millions of dollars in federal funding and jobs which continue to support all of Hawai'i Nei. The multiplier effect to our economy is unparalleled.

We support this bill because it helps protect the ability to give and receive.

By clearly recognizing scholarships as gifts, the bill honors their true purpose and helps ensure they remain available for local students for generations to come.

In closing, Ali'i Pauahi respectfully urges the Committee to pass SB3213.

Mahalo nui for the opportunity to testify on behalf of Hawai'i's keiki.

In the spirit of Aloha, which is manifested in HRS § 5-7.5, the "Aloha Spirit Law," we thank you for your sincere and caring consideration.

Me ke aloha pumehana,

Kehaulani Lum

President



February 9, 2026

Written Testimony on Senate Bill 3123

Aloha,

I write in strong support of SB3123, which affirms a long-standing understanding that education provided through scholarships or tuition-free programs is a gift, not a contract.

Historically, when a school or donor has provided educational support, it has been an act of generosity—intended to uplift students, strengthen communities, and expand opportunity. These offerings were never meant to function as legal agreements subject to dispute, but as charitable gifts that allow students to learn, grow, and prepare for meaningful futures.

Reasonable expectations, such as maintaining enrollment or making academic progress, are common features of charitable giving. They help ensure that support is used as intended, but they do not change the fundamental nature of a scholarship as a gift.

Each year, about 60 percent of students at Hawai'i School for Girls at La Pietra attend school through need-based financial aid or merit scholarships. These scholarships are intended as gifts that support students' educational advancement, not as contractual obligations. SB3123 helps protect this model, ensuring that donor-supported scholarships continue to open doors for students without creating legal uncertainty.

Most importantly, this bill protects opportunity—not special treatment. It ensures that scholarships and tuition-free pathways can continue opening doors for students across Hawai'i, now and for generations to come.

For these reasons, I respectfully urge the Committee to pass SB3123. Thank you for the opportunity to testify.

Sincerely,

A handwritten signature in black ink that reads "Rachel Wagenman".

Rachel Wagenman
Director of Marketing & Communications
Hawai'i School for Girls at La Pietra

SB-3123-SD-1

Submitted on: 3/17/2026 9:30:32 AM

Testimony for JHA on 3/18/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Brandon Makaawaawa	Nation of Hawai'i	Support	Written Testimony Only

Comments:

Testimony in Strong Support of SB3123

Submitted by: Brandon Maka'awa'awa

Vice President, Nation of Hawai'i

Aloha Chair, Vice Chair, and Members of the Committee,

My name is Brandon Maka'awa'awa, and I submit this testimony in strong support of SB3123 on behalf of the Nation of Hawai'i.

Education has long been understood in Hawai'i as a profound act of generosity and responsibility to future generations. From the time of our ali'i to the present day, providing educational opportunity has been seen not as a transaction, but as an expression of kuleana—a commitment to uplift the next generation and strengthen our lāhui. SB3123 helps affirm and protect this important cultural and community understanding.

First, education provided through scholarships or tuition-free programs is fundamentally a gift, not a contract. When an ali'i, school, or donor provides educational support, it is an act of generosity rooted in care for the community. This bill recognizes that such support is intended to empower students, not to create a legal bargain.

Second, reasonable conditions attached to scholarships do not change the nature of a gift. Expectations such as maintaining enrollment, demonstrating academic progress, or participating fully in a program are common features of charitable giving. These expectations help ensure that

students benefit from the opportunity provided, but they do not transform a scholarship into an enforceable commercial contract.

Third, clear legal definitions help sustain generosity and honor donor intent. By clarifying how scholarships are classified, this bill provides certainty for local donors and educational institutions, including those like Kamehameha Schools, which have long supported students and families across Hawai‘i. Donors should have confidence that their gifts will be used for the purposes they intended, rather than being redirected to parties they did not choose to benefit.

Finally, SB3123 protects opportunity. By accurately recognizing charitable educational support as a gift, the bill ensures that scholarships and tuition-free pathways can continue opening doors for students who might otherwise be unable to access higher education.

For generations in Hawai‘i, education has been one of the most powerful ways we invest in our people and in the future of our islands. SB3123 helps preserve that tradition of generosity and ensures that these opportunities remain available to those who need them most.

Mahalo for the opportunity to provide testimony in support of this important measure.

Respectfully,

Brandon Maka’awa’awa

Vice President

Nation of Hawai‘i



Kamehameha Schools®

House Committee on Judiciary & Hawaiian Affairs

Time 2:00 p.m.
Date: March 18, 2026
Where: Conference Room 325

TESTIMONY

Jack Wong

Chief Executive Officer, Kamehameha Schools

RE: **SB 3123, SD1 Relating to Private Support of Education**

Aloha e ka Luna Ho‘omalu Tarnas, ka Hope Luna Ho‘omalu Poepoe, a me nā lālā o ke Kōmike.

Mahalo nui for the opportunity to testify on behalf of the Trustees of Ke Kula ‘o Kamehameha **in strong support of SB 3123, SD1.**

At its core, this bill provides important clarity. Our legal system has long recognized a distinction between a charitable gift and a contractual relationship, but in practice that line can become blurred. When that happens, it creates uncertainty for donors and schools alike.

SB 3123, SD1 affirms a simple and important principle: charitable support for education should be encouraged. Donors and schools who freely choose to support educational programs in Hawai‘i should be able to do so without fear that their generosity will later be recharacterized in ways that impose obligations or restrictions they never agreed to.

As the Hawai‘i Association of Independent Schools can confirm, nearly all member schools provide tuition assistance to help students at their schools, and so this bill supports schools and institutions offering scholarships and financial support for pre-K through high school across the pae ‘āina. In addition, private donors across the state provide scholarships to children who attend private schools.

This bill also protects charitable giving, which in turn sustains opportunities and educational access for families in need. By clarifying these distinctions, the Legislature can reduce uncertainty, prevent unnecessary litigation, and create a more stable environment for educational philanthropy across our state.

For schools like Kamehameha Schools, for donors who care deeply about supporting education, and for families who receive these gifts of education, this clarity matters. It helps ensure that generosity can flow where it is most needed, guided by donor intent, without unintended legal risk.

In closing, we respectfully urge the Committee to consider passing SB 3123, SD1 as is.

Mahalo for the opportunity to testify and for your consideration of this measure.

Founded in 1887 through the Will of Ke Ali‘i Bernice Pauahi Pākī Bishop, Ke Kula ‘o Kamehameha is a private, educational, charitable trust committed to empowering Native Hawaiians in perpetuity by improving the well-being of our people through education. We envision our haumāna, strong in E Ola!, grounded in Hawaiian and Christian values, succeeding in post-secondary education and contributing through ‘ōiwi leadership to a thriving and self-determined lāhui.



SAINT LOUIS SCHOOL

TESTIMONY FOR COMMITTEE ON JUDICIARY
AND
HAWAIIAN AFFAIRS
HEARING DATE: Wednesday, March 18, 2026, 2:00 P.M.
State Capitol
415 South Beretania Street

Dear Chair Tarnas,

This testimony **supports SB 3123 SD1**

Our community cares about the future of long-standing scholarships and educational programs that helped local students across Hawai'i access education. In the context of SB 3123 SD1, those scholarships and programs were created with keiki in mind and to help the needy. In the case of educational institutions like Kamehameha Schools, those scholarships and programs were never intended to be contracts. They are and were gifts to help with learning, growth, and service to Hawai'i and to the world. Accordingly, Saint Louis School, supports SB 3123 SD1 as it helps to protect giving and receiving.

Respectfully,

Dr. Glenn Medeiros

President
Saint Louis School



ST. ANDREW'S SCHOOLS

THE PRIORY • THE PREP • THE PRESCHOOL

March 17, 2026

Representative David A. Tarnas, Chair,
Representative Mahina Poepoe, Vice Chair,
and Members of the Committee on Judiciary & Hawaiian Affairs

Hearing: Wednesday, March 18, 2026
Time: 2:00 p.m.
Place: Conference Room 325 & Videoconference
State Capitol
415 South Beretania Street

Joint Testimony in Strong Support of SB3123, SD1 Relating to Private Support of Education

Aloha Chair Tarnas, Vice Chair Poepoe,
and Members of the Committee on Judiciary & Hawaiian Affairs:

We respectfully submit this joint testimony in strong support of SB3123, SD1 on behalf of St. Andrew's Schools. We write as the President, Board Chair, and a long-serving member of the Board of Trustees, united in our commitment to advancing educational opportunity and strengthening Hawai'i's future through partnerships that uplift our keiki and communities.

Since 2018, Kamehameha Schools has been a valued and strategic partner of St. Andrew's Schools. Through their generous scholarship support, hundreds of Native Hawaiian students have been able to access a high-quality education at our school—opportunities that would not have been possible without this extraordinary commitment to our keiki and their futures.

At its heart, education provided through scholarships and tuition-free programs is a gift—an expression of aloha, kuleana, and deep responsibility to the next generation. These offerings are acts of generosity, rooted in cultural values and donor intent, not commercial contracts. This bill rightly affirms that long-standing understanding.

Like most charitable programs, scholarships may include reasonable expectations such as maintaining enrollment or academic progress. These conditions exist to support student success and stewardship of limited resources. They do not change the fundamental nature of these programs as gifts. Rather, they strengthen their impact and sustainability.

Representative David A. Tarnas, Chair,
Representative Mahina Poepoe, Vice Chair,
and Members of the Committee on Judiciary & Hawaiian Affairs
March 17, 2026
Page 2

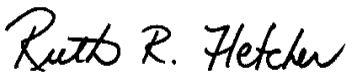
SB3123, SD1 provides important legal clarity that will help preserve and promote generosity across our islands. By clearly defining scholarships as charitable gifts, this legislation protects donor intent and gives confidence to institutions and individuals who wish to invest in Hawai‘i’s youth. Without this clarity, there is a real risk that uncertainty and litigation could discourage future giving—ultimately harming the very students these programs exist to serve.

From our experience as educators and school leaders, we have seen firsthand how access to education transforms lives. The students supported by Kamehameha Schools bring talent, leadership, and a deep sense of purpose to our campus. They enrich our entire community and go on to serve Hawai‘i with heart, wisdom, and commitment.

This bill does not create special treatment. It protects opportunity. It ensures that scholarships and tuition-free pathways can continue opening doors for students who need them most—now and for generations to come.

For these reasons, we strongly urge you to support SB3123, SD1. Mahalo for your leadership and for your continued commitment to Hawai‘i’s keiki and families.


Me ke aloha,



Ruth R. Fletcher
President and Head of School
St. Andrew’s Schools



Cameron W. Nekota
Board Chair
St. Andrew’s Schools



Ivan M. Lui-Kwan
Board Member
St. Andrew’s Schools



TO: Representative David A. Tarnas, Chair
Representative Mahina Poepoe, Vice Chair
Committee on Judiciary and Hawaiian Affairs

FROM: Deanna D'Olier, Executive Director
Hawaii Association of Independent Schools

RE: **SB 3123 SD1 - Relating to Private Support of Education – In Support**

DATE: Wednesday, March 18, 2026; 2:00 p.m.
Conference room 325 & Videoconference

Aloha Chair Tarnas, Vice Chair Poepoe and Members of the Committee,

The Hawai'i Association of Independent Schools (HAIS), representing more than 100 independent schools statewide, with the support of the HAIS Board of Directors and in consultation with Kamehameha Schools, **strongly supports SB 3123 SD1**. This measure is important to protecting the philanthropic support that helps make independent education accessible to thousands of Hawai'i families. In particular, SB 3123 SD1 safeguards donor gifts and scholarship giving that is often grounded in shared community ties and common heritage, which reflects donors' charitable intent and their commitment to expanding opportunity for future generations. HAIS also supports the amendments proposed by Kamehameha Schools, as they strengthen the legislation and provide additional clarity for schools.

SB 3123 SD1 affirms a straightforward principle: when education is supported through a donor-funded scholarship, grant, or tuition-free program, that support is a charitable educational gift, not a commercial contract. These awards are designed to expand opportunity for students and families, and treating them as contractual obligations can discourage giving and create uncertainty for donors, schools, and students. The bill also clarifies that scholarship programs may include reasonable expectations, such as continued enrollment, academic progress, and adherence to conduct standards, without converting a charitable gift into a contract.

Why this matters for Hawai'i families, donors, and schools

Tuition assistance (financial aid and scholarships) is central to educational access in Hawai'i. Based on HAIS member school data reported in the 2025 Private School Guide, 90 of 96 HAIS member schools listed report offering some form of tuition assistance. Across reporting schools, an estimated 14,637 students receive financial aid out of a combined enrollment of 39,198

students. Among schools reporting aid, the median share of students receiving tuition assistance is 20.5% (with an average of 24.7%). This demonstrates that financial aid is not marginal, but a critical support that helps families access independent schools statewide. These figures underscore why philanthropic giving matters: tuition assistance reduces financial barriers so students can attend the school that best fits their learning needs, supports continuity for students and families, and strengthens school stability and program sustainability. Protecting donor-supported educational giving is therefore directly connected to educational opportunity for local families.

H AIS further supports SB 3123 SD1 because it recognizes donor-funded scholarships and tuition-free programs as conditional charitable gifts.

For families, scholarships can be the difference between meaningful educational choice and no choice at all. A conditional-gift framework allows donors and schools to set clear eligibility requirements, such as continued enrollment, satisfactory academic progress, and appropriate conduct, without creating uncertainty that the award is a legally enforceable service contract. This clarity helps preserve scholarship availability, reduces legal risk that could cause programs to scale back, and supports stable, predictable access for Hawai'i students.

For donors, treating scholarships as conditional gifts protects donor intent and reduces the risk that charitable giving is interpreted as a contractual obligation. Donors give to expand opportunity, not to enter a commercial arrangement or assume unintended liability. When scholarship awards can be misconstrued as contracts, donors may hesitate to give, reduce the number of scholarships, narrow eligibility, or impose more restrictive terms. SB 3123 SD1 strengthens donor confidence and helps ensure scholarship dollars continue to reach Hawai'i students and families who need them.

It is also common in Hawai'i for donors to provide scholarships and charitable gifts based on common heritage and shared community ties. This bill helps preserve those charitable motives by providing clarity and consistency in how educational gifts are understood. Finally, H AIS appreciates the bill's opt-out provision, which ensures there is no downside: donors or organizations that prefer a contractual structure remain free to use one, while those who intend their support to function as a charitable gift can do so with clear statewide guidance.

For schools, this clarity reduces disputes over the nature of scholarship awards and supports continuity and innovation in tuition assistance programs, helping schools expand access over time. When scholarships and tuition-free pathways are secure, the broader community benefits: families have more viable options and students can find the learning environment best suited to their needs.

For these reasons, H AIS respectfully urges the Committee to pass SB 3123 SD1.

Mahalo for the opportunity to submit testimony.



Malaki 18, 2026
2 PM

Committee On Judiciary & Hawaiian Affairs
Rep. David A. Tarnas, Chair
Rep. Mahina Poepoe, Vice Chair
Via Videoconference & Conference Room 325
State Capitol
415 South Beretania Street

Re: SB2123 SD1 - RELATING TO PRIVATE SUPPORT OF EDUCATION

Aloha Chair Tarnas, Vice Chair Poepoe and honorable members of the committee:

The Prince Kūhiō Hawaiian Civic Club (PKHCC) strongly **supports** SB2131 SD1, which clarifies that free tuition at private educational institutions or school-conditioned enrollment—where no tuition or other monetary consideration is required—should be considered conditional gifts that promote educational advancement rather than contractual obligations, unless explicitly agreed otherwise in writing.

This bill reinforces the community's understanding that when an ali'i, school, or donor provides education, it is an act of generosity and kuleana, not a commercial transaction. The Association of Hawaiian Civic Clubs firmly believes that access to education is crucial for nurturing the next generation of leaders within our lāhui.

We are committed to preserving the future of established educational programs that support our keiki, strengthen our communities, and ensure access to learning for those most in need. SB3123 provides essential protections by clarifying that recipients of conditional educational awards can accept aid without the concern of potential legal repercussions stemming from perceived contractual obligations.

We fully endorse this measure as it honors the genuine purpose of private educational support and guarantees that haumāna receiving conditional educational awards can benefit from these gifts with dignity.

Founded in 1964, the Prince Kūhiō Hawaiian Civic Club was established to promote the education and social welfare of people of Hawaiian ancestry. Its objectives include supporting high ethical standards in business, industry, and professional fields.

Mahalo for your consideration of our position.

Me ke aloha,

Shauna Kahiapo, Esq.
Pelekikena

president@pkhcc.org



Malaki 18, 2026, 2 PM

Committee on Judiciary & Hawaiian Affairs
Rep. David A. Tarnas, Chair
Rep. Mahina Poepoe, Vice Chair
Via Videoconference & Conference Room 325
State Capitol
415 South Beretania Street

Re: SB3123 SD1 - RELATING TO PRIVATE SUPPORT OF EDUCATION

Aloha Chair David Tarnas, Vice-Chair Mahina Poepoe and members of the committee:

The Hawaiian Affairs Caucus of the Democratic Party of Hawaii **supports** SB3123 SD1, which clarifies that free tuition at private educational institutions or school-conditioned enrollment at private educational institutions where no tuition or other monetary consideration is required or paid by the recipient are to be considered conditional gifts that support educational advancements rather than contractual obligations unless the parties agree otherwise in writing.

This legislation reinforces that when an ali'i, school, or donor provides education, it is an act of generosity and kuleana, not a commercial exchange. Access to education is essential for cultivating future leaders within our lāhui and for all of Hawai'i.

We are committed to preserving established educational programs that support our keiki and ensure equitable access to learning for those in need. SB3123 provides important safeguards, allowing recipients of conditional educational awards to accept aid without fear of legal repercussions.

We endorse this measure as it honors the true intent of private educational support, ensuring that haumāna can receive these contributions with dignity. We urge the committee to pass this bill.

Mahalo nui loa for considering our mana`o.

SB-3123-SD-1

Submitted on: 3/16/2026 9:23:50 PM

Testimony for JHA on 3/18/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
William Caron	Individual	Support	Written Testimony Only

Comments:

Aloha Chair, Vice Chair and members of the committee,

I am writing in **strong support** of SB3123, a bill that clarifies Hawai‘i contract law to protect the unique charitable and educational mission of institutions like Kamehameha Schools. This measure ensures that tuition-free educational opportunities provided as conditional gifts—rooted in the charitable intent of a donor—are not misconstrued as contractual obligations open to legal challenge by outside actors.

While the bill is drafted in neutral terms, its practical effect is to shield Kamehameha Schools from a lawsuit funded by a well-known opponent of race-conscious programs, thereby protecting Native Hawaiian educational advancement from attacks rooted in ideologies that have historically sought to dismantle Indigenous rights and communities.

Protecting Native Hawaiian Educational Advancement from Ideologically Driven Attacks

This legislation responds to a lawsuit brought by Ed Blum's organization against Kamehameha Schools, challenging its admissions policy that gives preference to Native Hawaiian applicants. Mr. Blum has a long history of targeting race-conscious programs, including leading the litigation that resulted in the U.S. Supreme Court's 2023 decision ending affirmative action in higher education. His involvement in challenging Kamehameha Schools is not about contract law—it is part of a coordinated national strategy to undermine programs designed to remedy historical injustices and support marginalized communities.

Kamehameha Schools was established by the will of Princess Bernice Pauahi Bishop, the last direct descendant of King Kamehameha I, to serve "preferentially" the education of Native Hawaiian children. This was a remedial act, intended to address the devastating impacts of colonization, disease, and land dispossession that decimated the Native Hawaiian population.

For over 130 years, Kamehameha Schools has fulfilled this charitable trust, providing educational opportunities that uplift a community still grappling with the intergenerational effects of historical trauma. To allow an outside actor with no connection to Hawai‘i or its people to dismantle this mission through litigation would be a profound injustice.

Clarifying That Tuition-Free Education Is a Conditional Gift, Not a Contract

SB3123 provides a straightforward clarification of Hawai‘i law. It states that when a private educational institution provides free tuition—or conditions enrollment on factors where no tuition is required—such arrangements are presumed to be conditional gifts supporting educational advancement, rather than contractual obligations, unless the parties agree otherwise in writing.

This is consistent with the fundamental nature of charitable trusts. Princess Pauahi's will did not create a contract with every future applicant; it created a trust with a specific charitable purpose. The beneficiaries of that trust are the Native Hawaiian children the trust was designed to serve. SB3123 simply ensures that Hawai‘i law respects this distinction, preventing litigants from mischaracterizing a charitable gift as a binding contract to force open admissions policies to anyone, regardless of the donor's explicit intent.

Standing Against Colonial Legacies and Affirming Indigenous Rights

The attack on Kamehameha Schools must be understood in its full historical context. For over a century, Hawaiian language, culture, and governance were suppressed. Land was taken. The Native Hawaiian population suffered catastrophic decline. Kamehameha Schools represents a rare and precious exception—an institution built by a Native Hawaiian ali‘i to rebuild what colonization sought to destroy.

The lawsuit against Kamehameha Schools is not a neutral exercise in contract interpretation. It is an extension of the same colonial legacy that sought to dispossess Native Hawaiians of their land, their language, and their sovereignty. By supporting SB3123, this Legislature stands firmly against that legacy and affirms that Native Hawaiians have the right to maintain institutions designed to serve their community's specific needs.

SB3123 is a narrowly tailored, legally sound measure that protects the intent of charitable donors and the integrity of educational trusts. More importantly, it defends a vital Native Hawaiian institution from an ideologically motivated attack by outside interests. I urge this Committee to pass SB3123 and send a clear message that Hawai‘i will protect its people, its history, and its future.

Thank you for the opportunity to testify.

Aloha Chair Tarnas, Vice Chair Poepoe, and Members of the House Committee on
Judiciary & Hawaiian Affairs,

My name is Christian, and I am a high school student from O‘ahu, **testifying in support of SB3123**, clarifying that free tuition at private educational institutions is to be considered conditional gifts that support educational advancements rather than contractual obligations.

I fully support the intent of SB3123. I believe that educational institutions are the cornerstone of our society, and this directive further cements the State’s dedication to the education of Hawai‘i’s youth in a way that supports the students and private institutions.

Treating educational opportunities as a contractual obligation demeans and takes away from the core purpose of these initiatives: supporting keiki. Education should not be a contract with strings attached; when private educational institutions offer free tuition, they reinforce our collective commitment to investing in Hawai‘i’s youth and future.

For these reasons, I believe this bill, SB3123, should be passed. Thank you for your consideration.

Mahalo no ka heluhelu ‘ana,
Christian K.

A handwritten signature in black ink that reads "Christian K." The signature is written in a cursive style with a large, stylized "C" and "K".

SB-3123-SD-1

Submitted on: 3/16/2026 11:41:05 PM

Testimony for JHA on 3/18/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Cedric Duarte	Individual	Support	Written Testimony Only

Comments:

TESTIMONY IN SUPPORT OF SB 3123 Relating to Private Support of Education

Aloha Chair, Vice Chair and Members of the Committee,

I am writing to express my strong support for SB 3123.

SB 3123 clarifies that students benefit from receiving scholarships, tuition-free education, and similar aid from donors as gifts, not contracts.

Private donors, charitable trusts, and community groups have long supported education in Hawai'i out of a sense of responsibility.

Their contributions are intended to expand opportunity and strengthen communities.

SB 3123 affirms that reasonable conditions on gifts, like enrollment or conduct requirements, ensure proper use without forming contracts.

Treating educational gifts as contracts risks undermining donor intent, discouraging giving, and causing statewide inconsistency.

When donors worry about recharacterization or misdirection of their gifts, they may give less, ultimately harming students.

SB 3123 correctly classifies educational support as a gift while allowing schools and donors to set reasonable conditions.

It protects opportunity, especially for students who depend on scholarships and tuition free access. This bill clarifies definitions, supports legal certainty, respects donor intent, and sustains generous giving for Hawai'i's students.

Mahalo.

SB-3123-SD-1

Submitted on: 3/17/2026 7:10:14 AM

Testimony for JHA on 3/18/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Leatrice Maluhia Kauahi	Individual	Support	Written Testimony Only

Comments:

I am in strong support of SB3213 because it will help uplift Hawai'i's students and secure a stronger future for Hawaii. In today's political climate, there is real concern about the future of long-standing scholarships and educational programs that have helped local students across Hawai'i access education. These scholarships and programs were created to support keiki, strengthen our local communities and ensure that opportunity reaches those who need it most. They were never intended to be contracts and should not be subject to legal challenges. The scholarships are gifts of aloha and kuleana, offered so haumana can learn, grow, and step into their roles serving Hawai'i and the world. I support his bill because it helps protect the ability to give and receive. By clearly recognizing scholarships as gifts, the bill honors their true purpose and helps ensure they remain available for local students for generations to come. In closing, I urge the committee to pass SB3213. Mahalo nui for the opportunity to testify on behalf of all Hawai'i Keiki and their ohana.

SB-3123-SD-1

Submitted on: 3/17/2026 7:45:57 AM

Testimony for JHA on 3/18/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kealii Pang, Ph.D.	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Poepoe, and Members of the Committee,

My name is Kealii Pang, and I am a resident of Kaimukī, O‘ahu. I offer this testimony as a botanist, a graduate of the University of Hawai‘i at Mānoa, and a direct beneficiary of the kind of philanthropic educational support this bill seeks to protect.

My academic journey was made possible by the Kamehameha Schools' Post-High Scholarship Program. Their support was not merely helpful — it was vital to my completion of both a Master's and a Doctoral degree in Botany at UH Mānoa. That award was rooted in a specific mission and conditioned on academic progress. It was built on trust, intention, and a shared commitment to educational advancement — not a financial transaction.

I understand firsthand that such programs depend on clear donor intent and specific criteria designed to ensure the gift achieves its purpose. SB 3123 SD 1 provides essential clarity by affirming that donor-conditioned educational awards are conditional gifts, not contractual obligations. This distinction matters for three reasons:

It protects donor intent and mission. Programs like the one that supported me are established with specific visions — to uplift communities, advance fields of study, or foster particular values. Treating these awards as contracts subject to legal challenge risks distorting that intent and could force institutions to dilute or abandon the very criteria that make the gifts meaningful.

It encourages continued generosity. If private donors and institutions fear that every scholarship or tuition waiver could lead to litigation over contractual obligations, they may become more restrictive or hesitant in their giving. This bill provides the legal certainty needed to encourage the flexible, innovative philanthropic support our students need.

It creates stability for students. Uniform, statewide treatment of these awards allows schools and scholarship programs to administer awards based on established, reasonable conditions — academic performance, conduct standards — without the threat of inconsistent legal interpretations. That stability means more reliable support for more students across Hawai‘i.

The scholarship I received changed my life and enabled me to contribute to our community through science. It was granted with conditions I proudly worked to meet. SB 3123 SD 1 wisely recognizes that such arrangements are essential to private educational advancement.

For the next generation of 'ōpio who will depend on the vision and generosity of private donors, I urge this committee to pass this bill.

Mahalo nui loa for the opportunity to testify.

Respectfully,

Kealii Pang, Ph.D.

Kaimukī, O'ahu

SB-3123-SD-1

Submitted on: 3/17/2026 8:09:47 AM

Testimony for JHA on 3/18/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Leimomi Khan	Individual	Support	Written Testimony Only

Comments:

Aloha, Chair and Members of the Committee,

I write in **strong support** of SB3123 SD1.

This measure provides important clarity by confirming that donor-supported scholarships, tuition waivers, and similar educational benefits are **conditional gifts rather than contractual obligations**. This distinction helps preserve donor intent and encourages continued philanthropic investment in education across our State.

For the Native Hawaiian community, this bill carries particular significance. I come from a family of limited financial means, and it was through the generosity of donors that members of my ‘ohana were able to access quality education. Those opportunities led to meaningful careers—my stepfather as a telephone electrician, my sisters as educators, and others serving in public roles including the U.S. Customs Service and the United States Air Force.

Beyond academics, these educational opportunities instilled **Native Hawaiian values—kuleana, discipline, and a strong work ethic—that guided their lives and service to community and country**. These are the very outcomes that donor-supported educational programs seek to achieve.

By recognizing these arrangements as conditional gifts, SB3123 SD1 affirms the longstanding tradition of giving that uplifts our lāhui and ensures that donors may continue to support students without unnecessary legal uncertainty.

For these reasons, I respectfully urge the Committee to **pass SB3123 SD1**.

Mahalo for the opportunity to testify.

SB-3123-SD-1

Submitted on: 3/17/2026 8:32:45 AM

Testimony for JHA on 3/18/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Blaine Fergerstrom	Individual	Support	Written Testimony Only

Comments:

Aloha,

I write to you in strong support of SB3213 because it will help uplift Hawai'i's students and secure a stronger future for Hawai'i.

In today's political climate, there is real concern about the future of long-standing scholarships and educational programs that have helped local students across Hawai'i access education.

These scholarships and programs were created to support keiki, strengthen our local communities, and ensure that opportunity reaches those who need it most. They were never intended to be contracts and should not be subject to legal challenges. The scholarships are gifts of aloha and kuleana, offered so haumāna can learn, grow, and step into their roles serving Hawai'i and the world.

I support this bill because it helps protect the ability to give and receive.

By clearly recognizing scholarships as gifts, the bill honors their true purpose and helps ensure they remain available for local students for generations to come.

I urge the Committee to pass SB3213.

Mahalo nui for the opportunity to testify on behalf of Hawai'i's keiki.

Blaine Fergerstrom

March 17, 2026

House of Representatives
Committee on Judiciary & Hawaiian Affairs
Chair David A. Tarnas and Vice Chair Mahina Poepoe

RE: Testimony in Support of SB3123 SD1 – Relating to Private Support of Education

Aloha Chairs, Vice Chairs, and Members of the Committee on Judiciary and Hawaiian Affairs:

Please accept my testimony in full support of SB3123. Our community relies on educational awards that were built on a foundation of *aloha* to help our students succeed. In today's changing political context, it is more crucial than ever to acknowledge these initiatives as gifts and *kuleana*, rather than simply legal contracts. This bill protects the sacred act of giving, ensuring that Hawaii's *haumāna* can continue to learn and lead.

1. Education provided through scholarships or tuition-free programs is a gift and not a contract.

This bill emphasizes that providing education, such as the tuition-free model for Kamehameha Schools, is an act of charity and *kuleana*. It is a gift intended to uplift, not a legal or economic transaction.

2. Reasonable conditions do not change the nature of the gift.

Philanthropy typically includes expectations such as continuing enrollment, displaying good behavior, and achieving academic advancement standards. These are not "consideration" in a contract; they are reasonable requirements that ensure the gift is properly stewarded to achieve its objective. For example, ensuring that students maintain their academic standing is a manner of sustaining the donor's aim to educate, not a technique for converting a philanthropic deed into a legal contract.

3. Clear Legal Definitions Sustain and Promote Generosity and Honor Donor Intent

By clarifying that these awards are conditional gifts rather than contracts, this bill gives local donors and educational institutions the peace of mind needed to continue supporting keiki. It protects donor intent, ensuring that resources dedicated to specific beneficiaries are not diluted or diverted by legal challenges that claim these gifts are "public" or "commercial" contracts. This stability encourages continued investment in our community's future.

4. This bill protects opportunities, not special treatment.

This law does not create special treatment; rather, it correctly identifies philanthropic education funding as what it is: an important opportunity for kids. It ensures that scholarships and tuition-free paths, particularly for Native Hawaiian students, can continue to provide opportunities without fear of being legally classed as a "contractual" transaction. This is about offering the greatest education possible while also promoting the well-being of our community.

I urge you to pass SB3123 for the sake of our children and our state's future. *Mahalo* for your time and consideration.

Respectfully,

A handwritten signature in black ink that reads "Rebecca J. 'I. Soon". The signature is written in a cursive, flowing style.

Rebecca J. 'I. Soon
rebecca.ji.soon@gmail.com

SB-3123-SD-1

Submitted on: 3/17/2026 4:26:03 PM

Testimony for JHA on 3/18/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Makana Hicks-Goo	Individual	Support	Written Testimony Only

Comments:

Aloha e,

We all know the threats facing long standing education and scholarship programs by overseas meddlers, despite their broad support locally. This bill helps put such programs on a firmer legal footing. I urge you to pass it.

Mahalo