

Honolulu, Hawaii  
**FEB 09**, 2026

RE: H.B. No. 2304  
H.D. 1

Honorable Nadine K. Nakamura  
Speaker, House of Representatives  
Thirty-Third State Legislature  
Regular Session of 2026  
State of Hawaii

Madame:

Your Committee on Education, to which was referred H.B. No. 2304 entitled:

"A BILL FOR AN ACT RELATING TO PRIVATE SUPPORT OF EDUCATION,"

begs leave to report as follows:

The purpose of this measure is to clarify that free tuition at private educational institutions is considered a conditional gift that supports educational advancements, rather than a contractual obligation.

Your Committee received testimony in support of this measure from the Office of the Governor; Office of Hawaiian Affairs; Kamehameha Schools; Hawaiian Council; Hawai'i Association of Independent Schools; Ke One O Kākuhihewa, Oahu Council of the Association of Hawaiian Civic Clubs; Association of Hawaiian Civic Clubs; Ko'olauloa Hawaiian Civic Club; Hawai'i School for Girls at La Pietra; St. Andrew's Schools; Moanalua Gardens Foundation; Pearl Harbor Hawaiian Civic Club; and nine individuals. Your Committee received testimony in support of the intent of this measure from the Hawai'i Community Foundation. Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from the Native Hawaiian Legal Corporation.



Your Committee finds that donor-conditioned educational awards that support private educational efforts are conditional gifts and are not intended to create contractual obligations. Your Committee further finds that treating such awards as contractual obligations may undermine donor intent, discourage charitable giving, and create uncertainty and inconsistent legal treatment of these awards. This measure clarifies and promotes uniformity regarding the treatment of donor-conditioned educational awards to encourage the continued availability of privately funded educational-assistance.

Your Committee has amended this measure by:

- (1) Specifying that any school-conditioned enrollment at any private pre-school, elementary, middle, intermediate, or high school where no tuition or other monetary consideration is required or paid by the recipient shall be considered a conditional gift and not a contract;
- (2) Providing that any donor-conditioned educational award or school-conditioned enrollment may be considered a contractual obligation if agreed by the parties involved in writing;
- (3) Authorizing the donor of the award to require the awarded student or student's parents or guardians to fulfill additional requirements;
- (4) Providing that the modification or termination of any donor-conditioned educational award or any school-conditioned enrollment for failure to satisfy the applicable conditions shall not give rise to a contractual claim;
- (5) Specifying that this measure shall apply only to donor-conditioned educational awards and school-conditioned enrollments made on or after the measure's effective date;
- (6) Changing the effective date to July 1, 3000; and
- (7) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.



As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2304, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2304, H.D. 1, and be referred to your Committee on Judiciary & Hawaiian Affairs.

Respectfully submitted on  
behalf of the members of the  
Committee on Education,

  
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JUSTIN H. WOODSON, Chair



