



EXECUTIVE CHAMBERS  
KE KE'ENA O KE KIA'ĀINA

JOSH GREEN, M.D.  
GOVERNOR  
KE KIA'ĀINA

**House Committee on Education**

Thursday, February 05, 2026

2:00 p.m.

State Capitol, Conference Room 309 and Videoconference

**In Support**

**House Bill No. 2304, Relating to Private Support of Education**

Chair Woodson, Vice Chair La Chica, and Members of the House Committee on Education:

The Office of the Governor strongly supports House Bill No. 2304. This bill would clarify that free tuition at private educational institutions should be considered as conditional gifts that support educational advancements and not contractual obligations.

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 private conditional 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.



# Kamehameha Schools®

House Committee on Education

Time 2:00 p.m.  
Date: February 5, 2026  
Where: Conference Room 309  
& Videoconference

## TESTIMONY

Jack Wong  
Chief Executive Officer, Kamehameha Schools

RE: **HB2304, Relating to Private Support of Education**

Aloha e nā Luna Ho‘omalū Woodson, nā Hope Luna Ho‘omalū La Chica, a me nā Lālā o nā Kōmike.

Mahalo nui for the opportunity to testify on behalf of the Trustees of Ke Kula ‘o Kamehameha **in strong support** of House Bill 2304, **while also offering proposed amendments for your consideration.**

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.

House Bill 2304 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.

In consultation with the Hawaii Association of Independent Schools, we have identified some amendments which will clarify and strengthen the bill. A proposed new version is appended to this testimony. We recommend these amendments for your consideration.

This bill supports schools and institutions offering scholarships and financial support for pre-K through high school across the pae ‘āina. As the Hawaii Association of Independent Schools will confirm, nearly all member schools provide tuition assistance to help students at their schools. 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 HB2304 as an HD1 with our proposed amendments.

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.

*See Exhibit A Redline.*

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A BILL FOR AN ACT

RELATING TO PRIVATE SUPPORT OF EDUCATION.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that conditional  
2           gifts made for purposes to support private educational  
3           efforts, including both schooling and scholarships,  
4           promotes learning, access, and academic advancement, and  
5           are not intended to create contractual obligations.  
6           Treating such awards as contractual obligations may  
7           undermine donor intent, discourage charitable giving, and  
8           create uncertainty and inconsistent legal treatment of  
9           these awards.

10           The legislature further finds that these gifts~~donor-~~  
11           ~~conditioned awards~~ customarily include specified  
12           eligibility criteria, such as academic performance  
13           minimums, standards of conduct, and enrollment status, and  
14           require compliance with the donor's stated requirements for  
15           the continuation of the award.

16           The legislature further finds that recognizing and  
17           providing guidance about the nature and benefits of these  
18           conditional educational gifts is a public purpose, and will  
19           preserve and promote donors' intentions, will encourage

# H.B. NO.2304

1 flexibility, innovation, and additional philanthropic  
2 educational support across the State for students, and will  
3 promote uniform statewide treatment.

4 The legislature finds that private pre-schools and  
5 private K-12 schools in Hawaii have long played an  
6 important role in the community and that confirming that  
7 treating free education and scholarships as gifts will  
8 encourage private support for education.

9 The legislature further finds that establishing  
10 statewide uniformity in the treatment of private  
11 conditional gifts will be beneficial and avoid potentially  
12 conflicting treatment for private sponsors of educational  
13 programs.

14 The legislature also finds that through this approach,  
15 students in private pre-K and K-12 education institutions  
16 and students receiving scholarships for such schooling will  
17 enjoy stronger support and be able to benefit from these  
18 educational resources, opportunities, and activities  
19 without the fear of legal penalties for any perceived  
20 contractual obligations to the student or the institution.

21 The purpose of the Act is to clarify and establish  
22 uniformity regarding the relationship between private

# H.B. NO.2304

1 schools where no tuition is required, students, and donors  
2 concerning educational awards conditioned on donor-  
3 specified requirements, and to provide that such schooling  
4 and awards are considered conditional gifts rather than  
5 contractual obligations.

6 SECTION 2. The Hawaii Revised Statutes is amended by  
7 adding a new chapter to be appropriately designated and to  
8 read as follows:

## "CHAPTER"

### EDUCATIONAL GIFTS

11 § -1 ~~Donor-conditioned educational awards;~~  
12 ~~conditional~~ Conditional gift. (a) Unless the parties  
13 agree otherwise in writing, any~~A~~ donor-conditioned  
14 educational award for attendance at a private pre-school,  
15 elementary, middle, or high school, or any school-  
16 conditioned enrollment at any such private school where for  
17 ~~which~~ no tuition or other monetary consideration is  
18 required or paid by the recipient shall be considered to be  
19 a conditional gift and not a contract, notwithstanding that  
20 the donor or school operator may require the student or the  
21 student's parents or guardians to:

22 (1) Pay for any optional extra-curricular benefits,

# H.B. NO.2304

1 goods, or services;

2 (2) Permit use of the student's name, image,  
3 likeness, or work product for non-commercial  
4 purposes; or

5 (3) Sign waivers, consents, or similar agreements as  
6 a condition of participation in any school-  
7 related activity.

8 (b) A conditional gift under this section may be  
9 subject to reasonable conditions, including eligibility  
10 criteria, academic performance minimums, standards of  
11 conduct, enrollment status, or other donor-imposed or  
12 educational institution requirements, and the continuation  
13 of the award shall be contingent upon the satisfaction of  
14 those conditions.

15 (c) The modification or termination of any donor-  
16 conditioned educational award or any school-conditioned  
17 enrollment for failure to satisfy the applicable conditions  
18 shall not give rise to a contractual claim; provided that  
19 the conditions are applied in a matter consistent with the  
20 terms of the award and applicable law.

21 (d) As used in this section, "donor-conditioned  
22 educational award" means a scholarship, grant, tuition

# H.B. NO.2304

1 waiver, or similar educational benefit funded in whole or  
2 in part by a private donation, endowment, or charitable  
3 contribution and subject to donor-imposed conditions.

4 SECTION 3. This Act shall apply only to donor-  
5 conditioned educational awards and to school-conditioned  
6 enrollments made on or after its effective date.

7 SECTION 4. If any provision of this Act or the  
8 application thereof to any person or circumstance is held  
9 invalid, the invalidity does not affect other provisions or  
10 applications of the Act that can be given effect without  
11 the invalid provision or application, and to this end the  
12 provisions of this Act are severable.

13 SECTION 5. This Act shall take effect upon its  
14 approval.

15

16

INTRODUCED BY: \_\_\_\_\_

17

BY REQUEST

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**Hawai'i State House of Representatives**

**Committee on Education**

HB2304 – Relating to Private Support of Education

**RE: Strong support of HB2304**

February 5, 2026

Hawaiian Council writes in **strong support of HB2304**. 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.

HB2304 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, HB2304 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 HB2304**. 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**

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TO: Representative Justin Woodson, Chair  
Representative Trish La Chica, Vice Chair  
Committee on Education

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

RE: **HB 2304 – Relating to Private Support of Education – In Support**

DATE: Thursday, February 5, 2026; 2:00 p.m.  
Conference room 309 & Videoconference

Aloha Chair Woodson, Vice Chair La Chica and Members of the Committee:

The Hawai'i Association of Independent Schools (HAIS), which represents over 100 independent schools across the islands, with the support of the HAIS Board of Directors and in consultation with Kamehameha Schools, strongly supports HB 2304. This bill is vital for protecting the philanthropic foundations and other organizations that make independent education accessible to thousands of Hawai'i families. HAIS also supports the amendments proposed by Kamehameha Schools, as they strengthen the legislation and provide additional clarity for schools.

HB 2304 affirms an important principle: when education is provided through a donor-funded scholarship, grant, or tuition-free program, it is a charitable educational gift, rather than a commercial contract. The bill recognizes that these awards are intended to expand opportunity for students and families, and that treating them as contractual obligations can discourage giving and create uncertainty for donors, schools, and students.

The bill also appropriately affirms that reasonable expectations do not convert a gift into a contract. Many educational awards include common-sense conditions, like maintaining enrollment, meeting academic benchmarks, or following standards of conduct, and HB 2304 allows for those conditions while maintaining the award's status as a conditional gift. This clarity helps schools administer programs fairly and consistently, and it helps families understand what is expected for continued eligibility.

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

**Ensuring Continued Access for Hawai'i Families**

HB 2304 helps protect and sustain scholarship and tuition-free pathways that make education accessible, especially for families for whom cost would otherwise be a barrier. Nearly all HAIS member schools provide tuition assistance to help families. Treating scholarships as contracts could result in legal uncertainty and potentially discourage charitable giving. This would directly reduce the financial aid available to local students, making it harder for keiki to attend the schools that best meet their individual needs. By reducing legal uncertainty around these awards, the bill supports long-term availability of privately funded educational opportunities for students.

**Preserving Donor Intent and Encouraging Generosity:**

Private education in Hawaii relies heavily on the generosity of donors. By defining these awards as gifts, the bill ensures that a donor's original intent is honored and protected according to their stated purpose and conditions.

**For Schools and Access to Schools:**

Schools that operate donor-supported tuition-free programs or administer scholarships benefit from consistent guidance and reduced risk of disputes over the nature of these awards. That stability supports program continuity, innovation, and the ability to expand access.

When scholarships and tuition-free pathways are secure, our entire community benefits. Allowing families to access the education best suited for their children, while alleviating financial barriers, is critical to providing an equitable foundation for Hawaii's next generation. HB 2304 ensures these pathways remain open, protected, and sustainable for years to come.

For these reasons, HAIS respectfully urges the Committee to pass HB 2304 as an HD1, incorporating the amendments proposed by Kamehameha Schools.

Mahalo for the opportunity to submit testimony.



**TESTIMONY OF KE ONE O KĀKUHIEWA**  
**O'ahu Council of the Association of Hawaiian Civic Clubs**  
**HB2304 – Relating To Private Support of Education**

Aloha Chair Woodson, Vice Chair La Chica and members of the committee:

Ke One O Kākuhihewa, the O'ahu Council of the Association of Hawaiian Civic Clubs, submits this testimony in strong support of HB 2304.

For generations, education in Hawai'i has been understood as a sacred responsibility and a profound gift. From the time of our ali'i to today's community institutions, the act of providing education through scholarships, tuition free programs, or other forms of support has never been about contract or exchange. It has been an expression of aloha, kuleana, and trust, given so that our keiki may learn, grow, and uplift their families and lāhui.

HB 2304 appropriately affirms this long-standing understanding by clarifying that scholarships and tuition free educational programs are gifts, not contracts. Reasonable expectations tied to these gifts, such as maintaining academic progress or enrollment, do not change their fundamental nature. They are consistent with charitable giving and reflect a desire to see keiki succeed, not an attempt to create enforceable legal obligations.

This clarity is especially important for Hawai'i based institutions and ali'i trusts, including Kamehameha Schools, whose educational missions are rooted in cultural responsibility and donor intent. Without clear statutory guidance, these institutions face unnecessary legal risk that could undermine their ability to provide educational opportunities to Native Hawaiian and local students who rely on them most.

HB 2304 does not create special treatment or carve outs. Rather, it protects opportunity by accurately naming charitable education support for what it is. In doing so, it honors donor intent, preserves community based generosity, and ensures that pathways to education remain open for future generations.

Ke One O Kākuhihewa respectfully urges the Committee to pass HB 2304 and stand with Hawai'i's keiki, families, and educational institutions. Mahalo nui for the opportunity to submit testimony in support.



**TESTIMONY IN STRONG SUPPORT OF HB2304**  
RELATING TO PRIVATE SUPPORT OF EDUCATION  
House Committee on Education  
Hawai'i State Capitol

February 5, 2026

2:00 P.M.

Room 309

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Aloha e Chair Woodson, Vice Chair La Chica, and Members of the House Committee on Education:

The leadership of the Office of Hawaiian Affairs (OHA) submits this testimony in **STRONG SUPPORT of HB2304**. OHA is the constitutionally established body responsible for protecting and promoting the rights of Native Hawaiians.

In furtherance of this kuleana, OHA is guided by a strategic plan which includes as a foundational strategy:

Supporting initiatives, leveraging partnerships, [and] engaging in strategies to develop educational pathways that strengthen culture-based education, early education, K-12 and post-secondary education [to] ensure that Native Hawaiians are grounded in their past while participating in a technologically oriented future.

*Mana I Maui Ola: OHA's 15-Year Strategic Plan for 2020-2035.*<sup>1</sup>

Private, donor-based scholarships, endowments and charitable contributions significantly expand Native Hawaiian access to early education, K-12 and post-secondary educational opportunities. These private funding pathways directly advance OHA's mission and strategic objectives by helping Native Hawaiian students overcome financial barriers and pursue educational pathways that might otherwise be inaccessible.

Without such private contributions, fewer Native Hawaiian students and families in Hawai'i would have the financial means to access private educational institutions or specialized learning opportunities that support academic success, cultural grounding, and long-term economic mobility. This reality is especially pronounced for students navigating non-traditional pathways or requiring tailored educational environments.

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<sup>1</sup> [Mana i Maui Ola - The Office of Hawaiian Affairs \(OHA\)](#).

OHA also notes that given dwindling federal support and resources for non-traditional learners and minority students, state-level support of education is more critical than ever. Protecting and reinforcing private funding mechanisms is therefore not only prudent, but essential to maintaining educational opportunity and choice for Native Hawaiian students.

Mahalo for the opportunity to submit this testimony. Please note this testimony represents a recommendation by OHA leadership that is subject to full Board approval.



February 5, 2026

TESTIMONY OF THE ASSOCIATION OF HAWAIIAN CIVIC CLUBS  
To the House Committee on Education  
In Support of

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**HB 2304 - RELATING TO PRIVATE SUPPORT OF EDUCATION**

Aloha Chair Woodson, Vice Chair La Chica, and members of the committee:

The Association of Hawaiian Civic Clubs submits testimony in **strong support** of HB 2304 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 legal bargain. The Association of Hawaiian Civic Clubs advocates for access to education as it is critical 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. We support this measure as a means to honor the true purpose of private support of education; haumāna receiving donor-conditioned educational awards should be able to receive these gifts without any fear of legal consequences from perceived contractual obligations.

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.



**Ko'olauloa  
HAWAIIAN CIVIC CLUB**

**P.O. Box 532  
Hau'ula, Hawaii 96717**

February 3, 2026

Aloha Chair Woodson, Vice Chair La Chica and Members of the Board,

We, the membership of the Ko'olauloa Hawaiian Civic Club, submit testimony in strong support of HB 2304, we believe education will uplift Hawai'i's students and help safeguard educational opportunities for future generations.

In today's climate, uncertainty around how these gifts are classified threatens the sustainability of programs that have benefited our communities for generations. Scholarships and tuition-free programs have long served as pathways for keiki to access education, strengthen their communities, and grow into leaders who give back. These programs were created as gifts—expressions of aloha and kuleana—not as contracts subject to legal dispute.

HB 2304 provides important clarity by affirming that scholarships are gifts and by honoring the intent of those who give. In doing so, it protects both the ability to give and the opportunity to receive, ensuring that educational support rooted in generosity remains available to Hawai'i's students.

For these reasons, we respectfully urge the Committee to pass HB 2304.

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

Me Ka'haahaa,

Raynae M. Fonoimoana, Pelekikena and  
the Ko'olauloa Hawaiian Civic Club Membership

cc:O'ahu Council





# Native Hawaiian LEGAL CORPORATION

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## Testimony to the HOUSE COMMITTEE ON EDUCATION Relating to House Bill 2304

Relating to Private Support of Education.

February 5, 2026                      2:00 p.m.                      State Capitol, Conference Room 309

Aloha e Chair Woodson, Vice Chair La Chica, and members of the Committee:

The Native Hawaiian Legal Corporation submits the following comments to provide legal context that may inform the Legislature's consideration of House Bill 2304.

### **I. Background: Federal Civil Rights Litigation Targeting Private Educational Philanthropy**

The Students for Fair Admissions (“SFFA”) suit against Kamehameha Schools Bishop Estate (“KS”) has been well publicized locally. SFFA alleges that KS violates 42 U.S.C. § 1981 (“Section 1981”), by applying an admission policy preferencing Native Hawaiian students as dictated by Princess Bernice Pauahi Bishop in her private trust. This litigation is part of a broader SFFA strategy that could implicate other private philanthropic programs designed to support historically disadvantaged communities and underprivileged children throughout Hawai‘i and the nation.

Since the litigation commenced, KS has taken steps to change its policies so that admissions to KS and the education it provides can be offered as a tuition-free gift to students and their ‘ohana. If the policy change is enacted, how Hawai‘i law treats private awards for attendance at educational institutions, as a gift or as a contract, will affect Section 1981 attacks on the KS admissions preference.

Clarifying that such awards, including schooling and scholarships, are gifts in our state law will help protect and preserve KS’s ability to manage Pauahi’s private trust according to her express instructions.

### **II. The Federal Statute at Issue**

42 U.S.C. § 1981 provides that “[a]ll persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts . . .

as is enjoyed by white citizens." The statute defines "make and enforce contracts" to include "the making, performance, modification, and termination of contracts, and the enjoyment of all benefits, privileges, terms, and conditions of the contractual relationship."

Notably, Section 1981 does not define what constitutes a "contract."

Section 1981 is codified within Chapter 21 of Title 42 of the United States Code, the chapter titled "Civil Rights." This chapter represents a collection of civil rights laws developed in the postbellum period, principally in the Civil Rights Act of 1964, as the nation sought to address historic injustices and inequality inflicted upon African Americans and other victims of racism. The provisions of Chapter 21 were designed as a shield for historically marginalized communities, not a sword against them.

Indeed, Chapter 21 itself includes examples of Congress's express recognition of the need to protect Indigenous peoples. In 1978, Congress enacted 42 U.S.C. § 1996, which declares it "the policy of the United States to protect and preserve for American Indians their inherent right of freedom to believe, express, and exercise the traditional religions of the American Indian, Eskimo, Aleut, and Native Hawaiians, including but not limited to access to sites, use and possession of sacred objects, and the freedom to worship through ceremonials and traditional rites."

The use of Section 1981 to attack KS and Ali'i Bernice Pauahi Bishop's vision to uplift Kanaka keiki perverts Title 21 as a weapon against one of the very communities it intends to protect. Those of us in Hawai'i who understand pono, and who recognize that the practice of Hawaiian religion and identity cannot be separated from honoring the directions of our ali'i, have a moral duty to resist such perversion.

### **III. Whether a Contract Exists Is a Threshold Inquiry Under Section 1981**

To state a claim under Section 1981, a plaintiff must "identify an impaired 'contractual relationship' . . . under which the plaintiff has rights." *Domino's Pizza, Inc. v. McDonald*, 546 U.S. 470, 476 (2006). The existence of an existing or prospective contract is therefore a threshold legal question in any Section 1981 action.

### **IV. Contracts and Gifts Are Legally Distinct**

Contracts and gifts are legally distinct transaction types. Under longstanding contract law principles, a contract requires offer, acceptance, and consideration: a bargained-for exchange of value between the parties. A gift, by contrast, is a voluntary transfer made with donative intent, without consideration. As articulated in gift law, the essential elements are: (1) donative intent, (2) delivery, and (3) acceptance. There are numerous legal differences between the rights and remedies related to contracts and gifts. Gifts, unlike contracts, are not in the textual scope of 42 U.S.C. § 1981.

## **V. Contract Law Is Principally a Matter of State Law**

Contract formation, validity, and interpretation are traditionally governed by state law. The U.S. Supreme Court has recognized that "state contract law governs issues concerning the validity, revocability, and enforceability of contracts generally." *Arthur Andersen LLP v. Carlisle*, 556 U.S. 624, 631 (2009). Federal courts applying Section 1981 to Hawai'i contracts would refer to Hawai'i state law in determining whether a contractual relationship exists.

Federal appellate courts applying Section 1981 have looked to state law to determine whether a contractual relationship exists. The Eighth Circuit has held that "the federal courts must look to the state-law definition of 'contract' in adjudicating § 1981 claims." *Skinner v. Maritz, Inc.*, 253 F.3d 337, 340 (8th Cir. 2001). Similarly, the Eleventh Circuit, in dismissing a Section 1981 claim, looked to Georgia state law to determine whether the relationship at issue was contractual, holding that because "under Georgia law" the arrangement "do[es] not create a contractual right," the plaintiff could not establish an impaired contractual relationship under Section 1981. *Jimenez v. Wellstar Health System*, 596 F.3d 1304, 1308–09 (11th Cir. 2010).

## **VI. Relevance to HB 2304**

HB 2304 would codify Hawai'i's treatment of donor-conditioned educational awards as conditional gifts rather than contracts. To the extent federal courts look to Hawai'i law to determine whether a contractual relationship exists for purposes of Section 1981, such legislation would provide clarity.

This legal framework may be relevant not only to the pending litigation against KS, but also to other private philanthropic programs in Hawai'i that provide educational support to Native Hawaiian or other children, either underprivileged or representing historically disadvantaged communities.

Mahalo for the opportunity to provide written testimony.

Me ka ha'aha'a,

Makalika Naholowaa  
Executive Director



February 3, 2026

Written Testimony on House Bill 2304

Aloha,

I write in strong support of HB2304, 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. HB2304 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 HB2304. 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



# ST. ANDREW'S SCHOOLS

THE PRIORY ♦ THE PREP ♦ THE PRESCHOOL

February 4, 2026

Representative Justin H. Woodson, Chair,  
Representative Trish La Chica, Vice Chair,  
and Members of the Committee on Education

Hearing: Thursday, February 5, 2026  
Time: 2:00 p.m.  
Place: Conference Room 309 & Videoconference  
State Capitol  
415 South Beretania Street

## Joint Testimony in Strong Support of HB2304 Relating to Private Support of Education

Aloha Chair Woodson, Vice Chair La Chica,  
and Members of the Committee on Education:

We respectfully submit this joint testimony in strong support of HB2034 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 Justin H. Woodson, Chair,  
Representative Trish La Chica, Vice Chair,  
and Members of the Committee on Education  
February 4, 2026  
Page 2

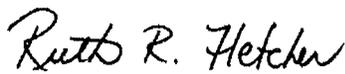
HB2304 provides important legal clarity that will help preserve and promote generosity across our islands. By clearly defining scholarships as charitable gifts, this legislation protects donor intent and gives confidence to institutions and individuals who wish to invest in Hawai‘i’s youth. Without this 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 HB2304. Mahalo for your leadership and for your continued commitment to Hawai‘i’s keiki and families.

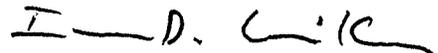
Me ke aloha,



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



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TESTIMONY OF THE MOANALUA GARDENS FOUNDATION  
To the House Committee on Education  
February 5, 2026

In Support of  
**HB2304 - RELATING TO PRIVATE SUPPORT OF EDUCATION**

Aloha Chair Woodson, Vice Chair La Chica, and members of the committee:

The Moanalua Gardens Foundation submits testimony in **strong support of HB 2304**, 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 legal bargain. The Moanalua Gardens Foundation strongly supports access to education as it is critical to the growth of future leaders in Hawai'i. We are concerned for the future of long-standing educational programs created to support keiki, strengthen communities, and ensure access to learning by those in greatest need. We support this measure as a means to honor the true purpose of private support of education; haumāna receiving donor-conditioned educational awards should be able to receive these gifts without any fear of legal consequences from perceived contractual obligations.

Founded in 1970, The Moanalua Gardens Foundation was established to preserve and perpetuate the history, native culture, and environment of Hawai'i through education and stewardship. Young Hawai'i leaders are charged with the kuleana of ensuring Hawai'i's future, and it is our kuleana now to provide as much opportunity as we can to ensure their success. Passing this bill ensures continued access to opportunities. We must fulfill our kuleana now, so our future leaders can fulfill theirs. Charitable education support allows scholarships and tuition-free pathways to continue opening doors for those who need them most.

**The Moanalua Gardens Foundation urges the committee to pass HB2304 Mahalo for your attention and consideration.**

*Me ke aloha*

Ian Keali'i Custino

*Executive Director*

*Moanalua Gardens Foundation*

ian@mgfhawaii.org

**TO:** HOUSE COMMITTEE ON EDUCATION  
The Honorable Justin H. Woodson, Chair  
The Honorable Trish La Chica, Vice Chair, and  
Members of the Committee

**FROM:** Terry George, Chief Executive Officer & President

**RE:** Testimony in Support of HB 2304, Relating to Private Support of Education

**DATE:** Thursday, February 5, 2026 at 2:00 pm

**LOCATION:** Hearing Room 309

The Hawai'i Community Foundation (HCF) **supports** the intent of HB 2304 relating to private support of education. HB 2304 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 HB 2304 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.

HB 2304 will help to protect private gifts that support education across our communities in Hawai'i. HCF strongly urges the House Committee on Education to pass HB 2304. Mahalo for the opportunity to testify.

**HB-2304**

Submitted on: 2/3/2026 10:46:09 PM

Testimony for EDN on 2/5/2026 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Kaonohi Borden	Pearl Harbor Hawaiian Civic Club	Support	Written Testimony Only

Comments:

I submit testimony in strong support of HB 2304 because it uplifts Hawai‘i’s students and helps safeguard educational opportunities for future generations.

Across Hawai‘i, scholarships and tuition-free programs have long served as pathways for keiki to access education, strengthen their communities, and grow into leaders who give back. These programs were created as gifts—expressions of aloha and kuleana—not as contracts subject to legal dispute. In today’s climate, uncertainty around how these gifts are classified threatens the sustainability of programs that have benefited our communities for generations.

HB 2304 provides important clarity by affirming that scholarships are gifts and by honoring the intent of those who give. In doing so, it protects both the ability to give and the opportunity to receive, ensuring that educational support rooted in generosity remains available to Hawai‘i’s students.

For these reasons, I respectfully urge the Committee to pass HB 2304. Mahalo nui for the opportunity to testify on behalf of Hawai‘i’s keiki and communities.

Mahalo for your consideration,

Kaonohi Borden, Pelekikena

Pearl Harbor Hawaiian Civic Club

**HB-2304**

Submitted on: 2/3/2026 5:44:35 PM

Testimony for EDN on 2/5/2026 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Benton Kealii Pang, Ph.D.	Individual	Support	Written Testimony Only

Comments:

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

My name is Benton Kealii Pang. I am a resident of Kaimukī and hold a Ph.D. in Botany from the University of Hawai‘i at Mānoa. I am also a Life Member of the Hawaiian Civic Club of Honolulu and Trustee of the Hawaiian Civic Club of Honolulu Scholarship Fund.

As a scholarship trustee and a Hawaiian community member deeply invested in the well-being and future of our islands, I offer my strong support for HB 2304. This bill provides a critical clarification that protects a vital tradition of educational giving in Hawai‘i.

My community work centers on uplifting native Hawaiian students. From this perspective, I see HB 2304 not as a creation of new law, but as an affirmation of a long-standing and culturally resonant principle: that educational support provided by ali‘i trusts, charitable foundations, and community donors is fundamentally a gift—an act of aloha and kuleana.

The legal distinction between a "gift" and a "contractual obligation" is not merely semantic. It is foundational to the intent and sustainability of these programs. Scholarships and tuition waivers are offered with conditions—such as maintaining good standing or a commitment to serve our communities—precisely because they are gifts rooted in responsibility, not commodities to be traded. To misinterpret this relationship as a simple contract jeopardizes the very spirit of generosity that has enabled institutions like Kamehameha Schools to uplift generations of Native Hawaiian children and, by extension, strengthen all of Hawai‘i.

This bill provides essential legal clarity that will allow these vital institutions and donors to continue their work with confidence. It honors donor intent, protects the opportunities for our keiki, and ensures that a system built on trust and reciprocity is not unintentionally dismantled by legal ambiguity. It upholds the values of our civic clubs and community organizations that understand giving as a sacred compact, not a transactional deal.

For the future of educational opportunity in our state, and for the preservation of a charitable model unique and precious to Hawai‘i, I respectfully urge this committee to pass HB 2304.

Mahalo nui for the opportunity to submit this testimony.

Respectfully,

Benton Kealii Pang, Ph.D.  
Kaimukī, O‘ahu

**HB-2304**

Submitted on: 2/5/2026 9:11:05 AM

Testimony for EDN on 2/5/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Laura Malia Sanders	Individual	Support	Written Testimony Only

Comments:

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

**I write in strong support of HB2304.**

I am a proud graduate of the Kamehameha Schools. From kindergarten through my senior year, I was blessed with a private school education from three private schools in Hawai‘i. The foundation of my education was made possible through scholarships and tuition assistance and through the generosity of donors I may never meet. At times, that support reduced the cost of my education to little or nothing, a gift that shaped not only my academic journey, but my sense of responsibility to my community for my entire professional career and my personal life. I have proudly served in leadership roles in civic engagement through the Hawaiian Civic Club movement for over a decade, I serve as a board of director, community advocate, and on various committees in roles both locally and nationally in service to the missions that guide and uplift community, and I actively engage with Hawaiian culture which further develops and affirms the role of gift giving through servant leadership that I still actively practice today.

In our Hawaiian worldview, the giving and receiving of a gift is not a commercial exchange, it is an expression of aloha, rooted in relationship, trust, and shared responsibility. When an ali‘i, a school, or a donor provides assistance in the form of education, it is not a contract to be enforced; it is a manifestation of generosity, intended to lift up the recipient so they may one day uplift others. The expectation that a student maintain good standing, strive for academic excellence, or honor the intent of the gift is not transactional, it is culturally aligned reciprocity. These are reasonable, customary expressions of care and responsibility, not contractual obligations.

During my years of education at private institutions, every scholarship or tuition award I received carried with it a deeply understood kuleana (privilege and responsibility): to learn, to grow, to give back to my community and to serve Hawai‘i. No one presented it as a bargain or legal contract. It was a pono exchange, a gift offered with aloha, and a commitment to carry that gift forward in service to my community.

HB2304 affirms this long-standing community truth. By clearly recognizing scholarships and tuition-free educational opportunities as gifts, the bill protects the cultural integrity behind these practices and honors the intentions of our donors, kūpuna, and ali‘i who established them. It

ensures that future generations of students, especially those for whom education would otherwise be out of reach, continue to have open pathways of opportunity.

In a time when legal uncertainty threatens programs that were built on aloha and intended to serve Hawai'i's keiki, this measure provides clarity, stability, and reassurance. It protects the continuity of generosity which is the ability of donors to give freely and the ability of students to receive without fear that these opportunities will be challenged or redefined.

For these reasons, and from my own lived experience as a beneficiary of these gifts, I respectfully urge the Committee to pass HB2304.

Mahalo nui for the opportunity to testify and for your commitment to Hawai'i's keiki.

**HB-2304**

Submitted on: 2/3/2026 6:18:12 PM

Testimony for EDN on 2/5/2026 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Lu Ann Mahiki Lankford	Individual	Oppose	Written Testimony Only

Comments:

What happens if they quit or do not continue their education, funds given are lost?

# TESTIMONY IN SUPPORT OF HB2304

## RELATING TO PRIVATE SUPPORT OF EDUCATION

Rep. Justin H. Woodson, Chair  
Rep Trish La Chica, Vice Chair  
Members, Committee on Education

Hearing: Thursday, Feb 5, 2:00 p.m.

Aloha mai, kākou

I submit this testimony **in support of HB2304**, with respectful caution and reflection.

At its core, HB2304 serves an important and necessary purpose: **to clarify legislative intent regarding tuition-free education supported by donors**, and to distinguish such support as a **conditional gift rather than a contractual entitlement**. This clarification is prudent and timely. Without it, generosity may be misinterpreted, donor intent may be undermined, and educational institutions—particularly private and nonprofit schools—may face unintended legal exposure.

HB2304 appropriately recognizes that **free tuition does not mean cost-free education**, and that donor-funded educational support is offered in good faith, subject to conditions, availability of funds, and institutional discretion. Clarifying this distinction helps protect donors, schools, and students alike by reducing ambiguity and preventing misunderstandings that can lead to conflict or litigation.

At the same time, I offer this support **with care and concern**, mindful of the broader implications of tuition-free education.

While free tuition can expand access, it may also carry **potential disadvantages if not carefully designed and communicated**. These include financial instability for institutions if funding is not sustained; capacity pressures that lead to enrollment caps or reduced educational quality; and equity concerns when “free tuition” is perceived as comprehensive support, while significant costs for housing, transportation, food, and family obligations remain unaddressed.

In culturally grounded and community-based educational settings, particularly those serving Native Hawaiian learners, education is not a transaction but a **relationship grounded in kuleana, reciprocity, and shared responsibility**. When tuition-free education is misunderstood as an entitlement rather than a gift, it risks shifting that relationship into a consumer model that does not reflect these values.

As King Kalākaua would caution, “**E nihi ka hele**”—to walk carefully. HB2304 takes an important step by clarifying intent, but continued care is warranted to ensure that tuition-free initiatives do not unintentionally weaken institutional sustainability, cultural integrity, or equitable outcomes.

For these reasons, I support HB2304 as a clarifying measure, while encouraging ongoing attention to transparency, communication, and thoughtful implementation so that generosity remains a source of opportunity rather than uncertainty.

Mahalo for the opportunity to provide testimony.

Respectfully submitted,

Leimomi Khan

**HB-2304**

Submitted on: 2/3/2026 10:25:52 PM

Testimony for EDN on 2/5/2026 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Johnnie-Mae L. Perry	Individual	Support	Written Testimony Only

Comments:

I, Johnnie-Mae L. Perry Support

2304 HB RELATING TO PRIVATE SUPPORT OF EDUCATION.

**HB-2304**

Submitted on: 2/3/2026 10:56:17 PM

Testimony for EDN on 2/5/2026 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Kaimo Muhlestein	Individual	Support	Written Testimony Only

Comments:

I write to you in strong support of HB2304 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. These awards were never intended to be contracts and should not be subject to legal challenges. They are gifts of aloha and kuleana, offered so haumāna can learn, grow, and step into their roles serving Hawai'i and the world. I testify on behalf of Hawai'i's keiki.

February 4, 2026

Committee on Education  
Chair Justin Woodson  
Vice Chair Trisha La Chica

RE: Testimony in Support of HB2304 – Relating to Charitable Education Gifts

Aloha Chair, Vice Chair, and Members of the Committee on Education:

Please accept my testimony in full support of [HB2304](#). 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 HB2304 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](mailto:rebecca.ji.soon@gmail.com)

**HB-2304**

Submitted on: 2/4/2026 10:30:27 AM

Testimony for EDN on 2/5/2026 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Cedric Duarte	Individual	Support	Written Testimony Only

Comments:

TESTIMONY IN STRONG SUPPORT OF HB 2304  
Relating to Private Support of Education

Aloha Chair and Members of the Committee:

I am writing to express my strong support for HB 2304.

HB 2304 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 duty and community responsibility.

Their contributions are intended to expand opportunity and strengthen communities.

HB 2304 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.

HB 2304 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. For these reasons, I urge the passage of HB 2304.

**HB-2304**

Submitted on: 2/4/2026 10:37:35 AM

Testimony for EDN on 2/5/2026 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Blaine Fergerstrom	Individual	Support	Written Testimony Only

Comments:

I write to you in strong support of HB2304 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.

These awards were never intended to be contracts and should not be subject to legal challenges. They 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.

In closing, I urge the Committee to pass HB2304. Mahalo nui for the opportunity to testify on behalf of Hawai‘i's keiki.

Blaine Fergerstrom  
Honolulu

**HB-2304**

Submitted on: 2/4/2026 11:32:47 AM

Testimony for EDN on 2/5/2026 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Georgette Stevens	Individual	Support	Written Testimony Only

Comments:

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

My name is Georgette Nohea Stevens and I submit this testimony in strong support of H.B. 2304, which clarifies that donor-conditioned educational awards are conditional gifts and not contractual obligations.

Ka‘ala Farm is a Native Hawaiian–serving nonprofit organization in Wai‘anae that has provided ‘āina-based education and service learning for over 50 years. Our programs rely heavily on private philanthropic support, including scholarships, tuition-free educational opportunities, and donor-funded learning experiences for youth and families who would otherwise face barriers to access.

H.B. 2304 provides critical clarity by affirming donor intent and establishing uniform treatment of donor-conditioned educational awards as gifts rather than contracts

This clarity is essential for organizations like ours, as uncertainty around legal liability can discourage charitable giving and limit the availability of privately funded educational opportunities

By recognizing these awards as conditional gifts, the bill supports flexibility, innovation, and continued private investment in education across Hawai‘i, while protecting both donors and students

At a time when many public and private education funding sources are being reduced or eliminated, this measure helps preserve critical support for community-based and culturally grounded education.

We respectfully urge your support of H.B. 2304. Mahalo for the opportunity to testify.

Mālama pono,

Georgette Nohea Stevens