



EXECUTIVE CHAMBERS
KE KE'ENA O KE KIA'ĀINA

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA

Senate Committees on Judiciary and Education

Thursday, February 12, 2026

10:15 a.m.

State Capitol, Conference Room 016 and Videoconference

In Support

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

Chairs Rhoads and Kim, Vice Chairs Gabbard and Kidani, and Members of the Senate Committees on Judiciary and Education:

The Office of the Governor strongly supports Senate Bill No. 3123. 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.



‘Ōlelo Hō‘ike ‘Aha Kau Kānāwai
TESTIMONY IN STRONG SUPPORT OF SB3123
RELATING TO PRIVATE SUPPORT OF EDUCATION

Senate Committee on Judiciary
Senate Committee on Education

Hawai‘i State Capitol

Pepeluali 12, 2026

10:15 A.M.

Lumi 016

Aloha e Chair Rhoads, Vice Chair Gabbard, Chair Mercado Kim, Vice Chair Kidani and members of the Committee on Judiciary and Committee on Education.

The leadership of the Office of Hawaiian Affairs (OHA) submits this testimony in **STRONG SUPPORT of SB3123**. 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.*¹

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

¹ [Mana i Maui Ola - The Office of Hawaiian Affairs \(OHA\)](#)

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.

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.



TO: Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair
Committee on Judiciary

Senator Donna Mercado Kim, Chair
Senator Michelle Kidani, Vice Chair
Committee on Education

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

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

DATE: Thursday, February 12, 2026; 10:15 a.m.
Conference room 016 & Videoconference

Aloha Chairs Rhoads and Kim, Vice Chairs Gabbard and Kidani and Members of the Committees:

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 SB 3123. 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.

SB 3123 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 SB 3123

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

SB 3123 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. SB 3123 ensures these pathways remain open, protected, and sustainable for years to come.

For these reasons, HAIS respectfully urges the Committees to pass SB 3123 as an SD1, incorporating the amendments proposed by Kamehameha Schools.

Mahalo for the opportunity to submit testimony.



Hawai'i State Senate
Committees on Judiciary & Education
SB3123 – Relating to Private Support of Education

RE: Strong support of SB3123

February 12, 2026

Hawaiian Council writes in **strong support of SB3123**. 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 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 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**. 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



Kamehameha Schools®

Senate Committees on Judiciary and Education

Time: 10:15 a.m.
Date: February 12, 2026
Where: Conference Room 016
& Videoconference

TESTIMONY

Jack Wong

Chief Executive Officer, Kamehameha Schools

RE: **SB3123, Relating to Private Support of Education**

Aloha e nā Luna Ho‘omalū Rhoads a me Kim, nā Hope Luna Ho‘omalū Gabbard a me Kidani, 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 Senate Bill 3123, 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.

Senate Bill 3123 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 Senate Bill 3123 as an SD1 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.

###

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~~
11 ~~donor-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

S.B. NO.3123

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

S.B. NO.3123

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,

S.B. NO.3123

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

S.B. NO.3123

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

18

TO: SENATE COMMITTEE ON JUDICIARY
The Honorable Karl Rhoads, Chair
The Honorable Mike Gabbard, Vice Chair, and
Members of the Committee

SENATE COMMITTEE ON EDUCATION
The Honorable Donna Mercado Kim, Chair
The Honorable Michelle N. Kidani, Vice Chair, and
Members of the Committee

FROM: Terry George, Chief Executive Officer & President

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

DATE: Thursday, February 12, 2026 at 10:15 am

LOCATION: Hearing Room 415

The Hawai'i Community Foundation (HCF) **supports** the intent of SB 3123 relating to private support of education. SB 3123 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 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 will help to protect private gifts that support education across our communities in Hawai'i. HCF strongly urges the legislature to pass SB 3123. Mahalo for the opportunity to testify.



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



ST. ANDREW'S SCHOOLS

THE PRIORY ♦ THE PREP ♦ THE PRESCHOOL

February 10, 2026

Senator Karl Rhoads, Chair,
Senator Mike Gabbard, Vice Chair,
and Members of the Committee on Judiciary

Senator Donna Mercado Kim, Chair,
Senator Michelle N. Kidani, Vice Chair,
and Members of the Committee on Education

Hearing: Thursday, February 12, 2026
Time: 10:15 a.m.
Place: Conference Room 016 & Videoconference
State Capitol
415 South Beretania Street
Timeslot: JDC

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

Aloha Chair Rhoads, Vice Chair Gabbard,
and Members of the Committee on Judiciary;
Chair Kim, Vice Chair Kidani, and Members of
the Committee on Education:

We respectfully submit this joint testimony in strong support of SB3123 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

Senator Karl Rhoads, Chair, Senator Mike Gabbard, Vice Chair,
and Members of the Committee on Judiciary
Senator Donna Mercado Kim, Chair, Senator Michelle N. Kidani, Vice Chair,
and Members of the Committee on Education
February 10, 2026
Page 2

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.

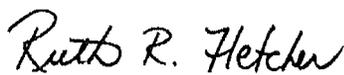
SB3123 provides important legal clarity that will help preserve and promote generosity across our islands. By clearly defining scholarships as charitable gifts, this legislation protects donor intent and gives confidence to institutions and individuals who wish to invest in Hawai'i's youth. Without this 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. Mahalo for your leadership and for your continued commitment to Hawai'i's keiki and families.

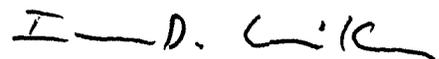
Me ke aloha,



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



February 12, 2026

TESTIMONY OF THE ASSOCIATION OF HAWAIIAN CIVIC CLUBS
To the Senate Committees on Judiciary and Education
In Support of

SB 3123 - RELATING TO PRIVATE SUPPORT OF EDUCATION

Aloha Chair Rhoads, Chair Mercado Kim, Vice Chairs, and members of the committees:

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 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 conditional 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.

To: Senate Committees on Judiciary and Education
Re: SB 3123- Relating to Private Support of Education
Hawai'i State Capitol Room 016 & Via Videoconference Thursday,
February 12, 2026, 10:15 AM

Dear Chair Rhodes, Chair Kim, Vice Chair Gabbard, Vice Chair Kidani, and Committee Members,

On behalf of Hawai'i Children's Action Network Speaks!, I am writing in **STRONG SUPPORT of SB 3123**, 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 the 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**.



TESTIMONY OF KE ONE O KĀKUHIHEWA
O'ahu Council of the Association of Hawaiian Civic Clubs
S.B. 3123 – Relating To Private Support of Education

Aloha Chairs Rhoads and Kim, Vice Chairs Gabbard and Kidani and members of the joint committee:

Ke One O Kākuhihewa, the O'ahu Council of the Association of Hawaiian Civic Clubs, submits this testimony in strong support of S.B. 3123.

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.

S.B. 3123 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.

S.B. 3123 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 S.B. 3123 and stand with Hawai'i's keiki, families, and educational institutions. Mahalo nui for the opportunity to submit testimony in support.



TO: Senator Karl Rhoads, Chair, Senate Committee on Judiciary
Senator Donna Mercado Kim, Chair, Senate Committee on Education

FROM: Paul Turnbull, Ph.D., President, Mid-Pacific Institute

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

DATE: February 12, 2026, 10:15 AM
Conference Room 016

Dear Chairs Rhoads and Kim, and Members of the Committee,

My name is Paul Turnbull, and I serve as President of Mid-Pacific Institute. Thank you for the opportunity to submit testimony on SB 3123, relating to private support of education.

Mid-Pacific Institute offers this testimony in support of SB 3123 because it provides needed clarity and consistency regarding donor-funded educational awards. Our intent in testifying is to address the bill's policy purpose, which specifically supports charitable giving and educational opportunities for Hawai'i's students, rather than to comment on any particular institution, dispute, or pending litigation.

As a school that relies on philanthropy to expand access for families, we understand how important it is for donors, schools, and families to have a clear and reliable framework for educational support. SB 3123's approach to treating certain donor-supported educational awards as conditional gifts rather than contracts, and recognizing that such gifts may include reasonable conditions, can reduce uncertainty that may otherwise discourage charitable giving or complicate scholarship administration.

In practice, donor-supported educational assistance often includes standard eligibility or participation expectations (for example, continued enrollment, basic conduct standards, or academic progress). Clarifying that these expectations do not, by themselves, convert charitable educational support into a contractual obligation helps preserve donor intent and can encourage continued investment in educational access across Hawai'i.

We also believe that transparency and fairness are essential. To that end, we encourage implementation practices that ensure award terms are clearly communicated, applied consistently, and aligned with applicable law. Clarity in statute, paired with clarity in award terms, benefits students and families as well as the organizations that fund educational opportunity.

For these reasons, Mid-Pacific Institute respectfully supports SB 3123 and appreciates the Committee's consideration.

Respectfully submitted,

Paul Turnbull, Ph.D.
President

SB-3123

Submitted on: 2/11/2026 9:25:14 AM

Testimony for JDC on 2/12/2026 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Glenn Medeiros	Testifying for Saint Louis School	Support	Written Testimony Only

Comments:

TESTIMONY FOR COMMITTEE ON JUDICIARY

AND

COMMITTEE ON EDUCATION

HEARING DATE: Thursday, February 12, 2026, 10:15 A.M.

Conference Room, 016

State Capitol

415 South Beretania Street

Dear Chair Rhoads and Chair Kim,

This testimony **supports SB 3123**

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, those scholarships and programs were created with keiki in mind to help those in need. In the case of educational institutions like Kamehameha Schools, those scholarships and programs were never intended to be contracts. They are and were gifts that support learning, growth, and service to Hawai'i and the world. Accordingly, Saint Louis School supports SB 3123 as it helps to protect giving and receiving.

Respectfully,

Dr. Glenn Medeiros

President

Saint Louis School



February 10, 2026

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

I strongly support this measure clarifying that donor-conditioned educational awards for private schools are considered conditional gifts rather than contractual obligations.

Philanthropic educational support — including tuition-free education and scholarships — is rooted in donor intent to expand access and promote student success. These gifts often include clear eligibility requirements such as academic standards, conduct expectations, and enrollment criteria to ensure responsible stewardship. Treating such awards as contracts creates legal uncertainty, may discourage charitable giving, and risks undermining the generosity that sustains educational opportunity in Hawai'i.

Private educational institutions play a vital role in serving our communities. Establishing uniform statewide guidance will protect donor intent, preserve flexibility for mission-driven schools, and strengthen long-term philanthropic support for students and families. This measure provides needed clarity while safeguarding educational access for future generations.

I respectfully urge your support.

Mahalo,

A handwritten signature in blue ink that reads "Brandy Ann Sato".

Brandy Ann Sato, PhD
President

LATE

SB-3123

Submitted on: 2/12/2026 3:29:08 AM

Testimony for JDC on 2/12/2026 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Angela Young	Testifying for CARES	Support	Remotely Via Zoom

Comments:

Support.

SB-3123

Submitted on: 2/7/2026 4:45:28 PM

Testimony for JDC on 2/12/2026 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Nancy D Moser	Individual	Support	Written Testimony Only

Comments:

I strongly support SB3123

SB-3123

Submitted on: 2/10/2026 9:50:13 AM

Testimony for JDC on 2/12/2026 10:15:00 AM

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

Comments:

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.

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 SB3213.

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

Blaine Fergerstrom

February 10, 2026

Senate Committee on Judiciary/Senate Committee on Education
Chair Karl Rhoads and Chair Donna Mercado Kim
Vice Chair Mike Gabbard and Vice Chair Michelle Kidani

RE: Testimony in Support of SB3123 Companion Bill for HB2304 – Relating to Private Support of Education

Aloha Chairs, Vice Chairs, and Members of the Committees on Judiciary and Education:

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

Submitted on: 2/10/2026 8:42:18 AM

Testimony for JDC on 2/12/2026 10:15:00 AM

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

Comments:

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

My name is Kealii Pang, and I am a resident of Kaimuki, O‘ahu. I offer this testimony today not only as a botanist and a graduate of the University of Hawai‘i at Mānoa, but as a direct and grateful beneficiary of the type of philanthropic educational support this bill seeks to protect and encourage.

My academic journey was made possible by the Kamehameha Schools’ Post-High Scholarship Program. Their financial support was not merely helpful; it was vital to my completion of both a Master’s and a Doctoral degree in Botany at the University of Hawai‘i at Mānoa. That investment was a transformative gift, rooted in a specific mission and conditioned on academic progress. It was an award based on trust, intention, and a shared commitment to educational advancement—not a simple financial transaction.

I understand firsthand that such programs are built on a foundation of clear donor intent and specific criteria designed to ensure the gift achieves its purpose. S.B. No. 3123 provides essential clarity by affirming that donor-conditioned educational awards are conditional gifts, not contractual obligations. This distinction is critical for several reasons:

1. **It Protects Donor Intent and Mission:** Philanthropic programs like the one that supported me are established with specific visions—to uplift certain communities, advance particular fields of study, or foster specific values. Treating these awards as contracts subject to broad legal challenges risks distorting that intent and could force institutions to dilute or abandon the very criteria that make the gifts meaningful and effective.
2. **It Encourages Continued Generosity:** Uncertainty breeds caution. If private donors and institutions fear that every scholarship or tuition waiver could lead to complex 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, and robust philanthropic support that our students desperately need.
3. **It Benefits Students by Ensuring Stability:** By establishing uniform, statewide treatment of these awards, this bill creates a stable environment for private educational support. It allows schools and scholarship programs to administer awards based on their established, reasonable conditions—like academic performance or conduct standards—without the looming threat of inconsistent legal interpretations. This stability ultimately means more reliable support for more students across Hawai‘i.

The scholarship I received was a gift that changed my life and enabled me to contribute to our community through science. It was granted with conditions I proudly strived to meet. S.B. No. 3123 wisely recognizes that such arrangements are the lifeblood of private educational advancement and seeks to preserve them.

For the future ‘ōpio of Hawai‘i—for the next generation of students who will depend on the generosity and vision of private donors—I urge you to pass this bill.

Mahalo nui loa for the opportunity to submit this testimony.

Respectfully,

Kealii Pang, Ph.D.

SB-3123

Submitted on: 2/10/2026 10:59:34 AM

Testimony for JDC on 2/12/2026 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Kendrick Farm	Individual	Support	Written Testimony Only

Comments:

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.

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 SB3213.

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

v/r,

Ken Farm

Aloha Chairs Kim & Rhoads, Vice Chairs Kidani & Gabbard, and Members of the Senate Committee on Education & Senate Committee on Judiciary,

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.

Me ke aloha,

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

Submitted on: 2/10/2026 10:38:48 PM

Testimony for JDC on 2/12/2026 10:15:00 AM

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

Comments:

I, Johnnie-Mae L. Perry Support

3123 SB RELATING TO PRIVATE SUPPORT OF EDUCATION

SB-3123

Submitted on: 2/11/2026 7:17:40 AM

Testimony for JDC on 2/12/2026 10:15:00 AM

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

Comments:

Aloha e Senators, Chair, Vice Chair;

I write in **strong support** of SB3213. Hawai'i's core institutions and unique identity are under attack by CONUS groups that want to impose their worldview on Hawai'i.

This legislation takes one small step in shoring up the foundations of those institutions by recognizing that the generosity shown by our ali'i--and they are all of ours--is not to be understood as merely self-interested and transactional but must be understood in the spirit in which they were made: as a gift given with aloha.

This legislation seeks to make that obvious fact explicit.

I urge it's thoughtful consideration and passage.

mahalo,

Makana Hicks-Goo

SB-3123

Submitted on: 2/11/2026 7:41:06 AM

Testimony for JDC on 2/12/2026 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Leinani Kaleihuaia	Individual	Support	Written Testimony Only

Comments:

Aloha Chairs Rhoads and Kim, Vice Chairs Gabbard and Kidani, and members of the joint committee:

My name is Leinani Kaleihuaia, and I submit this testimony in strong support of S.B. 3123.

For many in our community, the framing of tuition and scholarships as contractual obligations reflects a Western legal lens that does not fully align with Native Hawaiian values and history. The idea that educational support must be viewed primarily as a contract between two parties misses the deeper cultural foundation upon which many of our Native Hawaiian educational institutions were built.

Many of our ali'i trusts were established with extraordinary foresight. Our ali'i set aside lands and resources not to create commercial arrangements, but to ensure that future generations of Native Hawaiians would have access to education, opportunity, and stability. Those legacies have endured for generations. They have supported thousands of students, families, and leaders across Hawai'i.

These provisions were not designed as contracts in the commercial sense. They were gifts left behind by leaders who understood that the strength of our lāhui depended on education. They were acts of care and long-term vision. The expectations attached to those educational opportunities, such as maintaining academic progress or meeting enrollment requirements, reflect stewardship and accountability. They do not transform those gifts into enforceable business agreements.

When we apply a purely contractual framework to Native Hawaiian educational support, we risk misunderstanding its purpose and undermining donor intent. The trusts created by our ali'i were grounded in kuleana, not commerce. They were meant to endure, to adapt, and to continue serving the Hawaiian community well beyond the lifetimes of their founders.

S.B. 3123 provides important statutory clarity by affirming that scholarships and tuition-free educational programs are gifts, even when reasonable expectations accompany them. This clarity protects the integrity of Native Hawaiian trusts and other charitable educational institutions that continue to fulfill the vision of our ali'i generations later.

By passing S.B. 3123, the Legislature honors that foresight. It recognizes that these educational pathways are part of a legacy of generosity and responsibility, not contractual exchange.

I respectfully urge the Committee to pass S.B. 3123.

Mahalo for the opportunity to provide testimony

SB-3123

Submitted on: 2/11/2026 7:52:15 AM

Testimony for JDC on 2/12/2026 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Joseph Puhiale	Individual	Support	Written Testimony Only

Comments:

Aloha Chairs Rhoads and Kim, Vice Chairs Gabbard and Kidani, and members of the joint committee:

My name is Joseph Puhiale, and I submit this testimony in strong support of S.B. 3123.

At its core, this measure is about clarity and protecting charitable giving in Hawai‘i. Our legal system recognizes the distinction between a gift and a contract. When that line becomes blurred, it creates uncertainty for donors, schools, and families.

Educational philanthropy is foundational to opportunity across our state. While much of the conversation often centers on Native Hawaiian-serving institutions, this issue extends well beyond any single school.

Prominent private schools across Hawai‘i rely on charitable scholarships to serve diverse communities. For example, Punahou School offers the Dolores Furtado Martin Merit Scholarship to support students of Portuguese ancestry. The Gustav and Faiaso Hannemann Scholarship provides funding for students of Samoan ancestry with demonstrated leadership and academic potential to attend ‘Iolani School. These scholarships are clear examples of donors investing in specific communities with the intent to expand access and opportunity.

These gifts were not structured as commercial agreements. They were acts of generosity rooted in heritage, service, and a desire to uplift future generations. Donors give with the understanding that their contributions will support students who meet certain criteria and maintain academic progress, but those reasonable expectations do not transform a gift into a contract.

When charitable educational support is recharacterized as a contractual obligation, it introduces legal risk that was never intended. That uncertainty can discourage giving, complicate administration, and ultimately reduce access for students from working families and underrepresented communities.

S.B. 3123 affirms a simple and important principle: scholarships and tuition-free educational programs are gifts. By clarifying this distinction, the Legislature protects donor intent, reduces unnecessary litigation, and creates a more stable environment for educational philanthropy across Hawai‘i.

This measure supports not just one institution, but the broader ecosystem of independent and charitable schools that depend on private generosity to expand opportunity for Portuguese students, Pacific Islander students, Native Hawaiian students, and many other local families.

I respectfully urge the Committee to pass S.B. 3123.

Mahalo for the opportunity to provide testimony and for your thoughtful consideration of this measure.



JACOB AKI

P: 808-230-9071

E: jacob@jacobaki.com

**TESTIMONY IN SUPPORT OF
S.B. 3123 – RELATING TO PRIVATE SUPPORT OF EDUCATION**

Thursday, February 12, 2026

Aloha Chairs Rhoads and Kim, Vice Chairs Gabbard and Kidani, and members of the joint committee on Judiciary and Education:

My name is Jacob Aki. I am submitting this testimony in my individual capacity, and the views shared here are my own.

I strongly support S.B. 3123.

I speak today as someone who personally benefited from the support of several Hawai'i-based ali'i trusts focused on advancing education for Native Hawaiians. The scholarships and programs I received were never presented to me as contracts. They were gifts. They were opportunities grounded in belief, legacy, and responsibility.

Yes, there were expectations. I was expected to stay in school, do well academically, and take my education seriously. But more than that, there was an understanding that the real return on that investment would be service. The message was clear: use this opportunity well, and then give back. Pay it forward. Strengthen your family. Strengthen your community. Strengthen our lāhui.

That expectation has stayed with me. It continues to guide how I show up in my professional work and in the community every single day. The support I received was not transactional. It was transformational.

For generations in Hawai'i, scholarships provided by ali'i trusts and charitable institutions have been rooted in donor intent and cultural responsibility. They are acts of generosity meant to open doors and create pathways. They are not commercial agreements, and they were never intended to be treated as such.

S.B. 3123 simply clarifies that reality. It affirms that scholarships and tuition-free educational programs are gifts, even when they include reasonable expectations for academic progress or participation. Without that clarity, institutions that provide these life-changing opportunities face unnecessary legal uncertainty that could limit their ability to continue serving Native Hawaiian and other local students.

I know firsthand what these opportunities can do. They shape futures. They shape leaders. And they strengthen our community in ways that ripple far beyond any single student.

I respectfully urge the Committee to pass S.B. 3123.

Mahalo for the opportunity to share my testimony.

Senate Committees on Judiciary and Education

Thursday, February 12, 2026 10:15 a.m.

State Capitol, Conference Room 016 and Videoconference

In Support Senate Bill No. 3213, Relating to Private Support of Education

To: Chairs Rhoads and Kim, Vice Chairs Gabbard and Kidani, and Members of the Senate Committees on Judiciary and Education:

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. 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 SB3213.

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

Anita Naone

Submitted by:

Anita Naone
605 Alihi Place
Kailua, Hi 96734

SB-3123

Submitted on: 2/11/2026 9:45:20 AM

Testimony for JDC on 2/12/2026 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Celestine Mokihana Maldonado	Individual	Support	Written Testimony Only

Comments:

I am writing in strong support of SB3213, a bill that will help uplift Hawai‘i’s students and secure a brighter future for our islands.

Education provided through scholarships or tuition-free programs is, and always has been, a gift—not a contract. In Hawai‘i, there is a deep-rooted understanding that when an ali‘i, school, or donor offers educational opportunity, it is an act of generosity and kuleana, not a legal bargain. These gifts are meant to empower haumāna, strengthen our communities, and ensure opportunity reaches those who need it most.

Reasonable conditions—such as maintaining enrollment or demonstrating academic progress—are common features of charitable giving. These expectations help ensure the gift fulfills its intended purpose, but they do not transform scholarships into enforceable contracts. Instead, they reflect thoughtful stewardship and respect for donor intent.

SB3213 provides clarity by legally recognizing scholarships as gifts. This distinction is essential: it protects the ability of donors and institutions, including longstanding organizations like Kamehameha Schools, to continue supporting Hawai‘i’s keiki. Donors can be confident that their generosity will benefit the students and communities they intended, rather than being redirected through legal reinterpretation.

In today’s climate, uncertainty can discourage generosity and threaten access to education. By affirming the true nature of scholarships and tuition-free programs, SB3213 safeguards opportunity for future generations. It ensures that charitable education support remains available to those who need it most.

This bill upholds our shared values of mālama, kuleana, and commitment to our keiki. It protects both the ability to give and the opportunity to receive.

For these reasons, I respectfully urge the Committee to pass SB3213.

Mahalo for the opportunity to testify in support of Hawai‘i’s students and the future of our islands.

LATE

SB-3123

Submitted on: 2/11/2026 10:44:50 AM

Testimony for JDC on 2/12/2026 10:15:00 AM

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

Comments:

TESTIMONY IN STRONG SUPPORT OF SB 3123

Relating to Private Support of Education

To the Honorable Chairs 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.