

DEMOCRATIC PARTY OF HAWAI'I
HAWAIIAN AFFAIRS CAUCUS

TESTIMONY WITH COMMENTS ONLY
HCR133

REQUESTING THE PROBATE COURT TO INCREASE TRANSPARENCY REGARDING THE
KAMEHAMEHA SCHOOLS TRUSTEE SELECTION PROCESS

Ke Kōmike Kuleana Hawai'i
Kenekoa Maile S. L. Shimabukuro, Luna Ho'omalu
Kenekoa/Senator Kaiali'i Kahele, Hope Luna Ho'omalu

Hearing: Pō'alua, 'Apelila 16, 2019, 1:15 p.m., Lumi 'Aha Kūkā 414

Aloha, Kenekoa Shimabukuro a me Kenekoa Kahele,

The Hawaiian Affairs Caucus, Executive Committee, of the Democratic Party of Hawaii provides comments only on HCR 133 that requests the Probate Court to increase transparency regarding the Kamehameha Schools Trustee Selection Process. Our caucus recommended that this issue be pursued through the legislative process in the hopes that the Probate Court would be responsive to inquiries and concerns about the process concerning the selection of the screening committee, a critical component of the selection process.

We agree that there is a need for transparency by the Probate Court in that part of the process concerning the selection of the screening committee, e.g., the qualifications required, the process for being considered, and how they satisfy the qualifications necessary, especially concerning their familiarity with and being sensitive to (1) the history and role of the Trust Estate relative to the Hawaiian community and the community at large, and (2) Pauahi's legacy and her vision for the future of Hawaiian children.

Mahalo for your consideration of our comments.

Respectfully

LEIMOMI KHAN, Chair



THE ASSOCIATION OF HAWAIIAN CIVIC CLUBS

Ke Kōmike Kuleana Hawai‘i

Pō‘alua, Malaki 16, 2019

Lumi ‘Aha Kūkā 414

Ke Kapikala Moku ‘āina

415 South Beretānia Street

Re: HCR133 - REQUESTING THE PROBATE COURT TO INCREASE TRANSPARENCY REGARDING THE KAMEHAMEHA SCHOOLS TRUSTEE SELECTION PROCESS

Aloha Luna Ho ‘omalu Maile Shimabukuro, Hope Luna Ho ‘omalu Kaiali‘i Kahele and members of the Senate Committee on Hawaiian Affairs:

The Association of Hawaiian Civic Clubs Executive Board of Directors **SUPPORTS** HCR133. At its 53rd annual convention, the Association passed resolution 2012-8, which reaffirms its support of the Native Hawaiian trusts, including Kamehameha Schools. In line with that resolution, the Association Board affirmed support of the noted resolutions given that they do not run contrary to any other position taken by the House of Delegates at the annual convention.

The resolution calls for the probate court to increase its transparency regarding the selection of trustees of the Kamehameha Schools.

Thus, the Association respectfully urges the committees to **PASS** HCR133.

The civic club movement was founded in 1918 by Congressional Delegate Prince Jonah Kūhiō Kalaniana‘ole with the creation of the Hawaiian Civic Club; the Association was formally organized in 1959 and has grown to a confederation of over sixty (60) Hawaiian Civic Clubs located throughout the State of Hawai‘i and the United States. The Association is the oldest Hawaiian community-based grassroots organization. The Association is governed by a 16-member Board of Directors; advocates for improved welfare of Native Hawaiians in culture, health, economic development, education, social welfare, and nationhood; and perpetuates and preserves language, history, music, dance and other Native Hawaiian cultural traditions.

Mahalo for allowing us to share our *mana* 'o.

Me ka 'oia 'i 'o,

Hailama Farden
Pelekikena

HCR-133

Submitted on: 4/10/2019 7:39:46 PM

Testimony for HWN on 4/16/2019 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Benton Kealii Pang, Ph.D.	Individual	Support	No

Comments:

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TESTIMONY IN SUPPORT WITH COMMENTS
HCR133

REQUESTING THE PROBATE COURT TO INCREASE TRANSPARENCY REGARDING THE
KAMEHAMEHA SCHOOLS TRUSTEE SELECTION PROCESS, OBSERVE THE TERMS OF A
JANUARY 6, 2000, COURT ORDER RELATING TO TRUSTEE SELECTION AND APPOINT TRUSTEE
SCREENING COMMITTEE MEMBERS WHO ARE KAMEHAMEHA STAKEHOLDERS

Ke Kōmike Kuleana Hawai'i
COMMITTEE ON HAWAIIAN AFFAIRS
Hearing, Apelila 16, 2019, 1:15 p.m., Conf Rm 414

Aloha, Senator Shimabukuro, Senator Kahele, and other esteemed members of the Senate Committee on Hawaiian Affairs:

I am extremely humbled and gratified by the level of support this measure has received in both the State House and the State Senate so far and am hoping your committee will once more approve this action as it did with the Senate versions on March 19, 2019.

As I shared earlier, for over three years now I have been a member of a group of Kamehameha Schools alumni who have been working to secure a Kamehameha trustee selection process that is driven by our stakeholders. Please note that we believe that, minimally, besides alumni, stakeholders include parents of current beneficiaries of educational services, all faculty and staff members (including non-educational staff) and the greater native Hawaiian community. This should be viewed as a self-determination issue, based on a belief that those who are affected most directly by the governance of the institution are capable of speaking for themselves and should make the decisions relating to trustee selection that affect whom the Probate Court ultimately names to fill a vacancy. Non-stakeholders should not have a role in the screening of trustee applicants, just as is true at very other private educational institution in the State of Hawai'i.

We have quietly and privately written letters to the Probate Court as well as the State of Hawai'i Supreme Court seeking to have this issue addressed. We did not receive even a courtesy response acknowledging our letters from two Probate Court judges. In the case of the Supreme Court, the court's legal counsel wrote to advise us that it would be inappropriate for the court to comment on the issue because it might find itself considering it on appeal.

Thus, among my advocacy activities, I am turning to the State Legislature for support vis a vis the Probate Court.

Although there currently is a published trustee selection process, some of the details are not very transparent. For example, how are trustee screening committee members currently chosen and what criteria are used in their appointment? What are the qualifications of those selected to be able to serve in a role that is so important to the operation of the Kamehameha Schools? Furthermore, it appears that the Probate Court may not be fully complying with the terms of the January 6, 2000, Court Order relating to trustee selection, specifically the qualifications required of people chosen to serve on the Screening Committee.

It would seem that the State Legislature, as one of the co-equal branches of government, has some oversight responsibility for how the judiciary does its business. Certainly, this is evidenced by the fact that the legislature plays an important role in the approval of judicial appointments.

In light of the above, I urge that this committee report out this resolution with a recommendation for passage. Mahalo nui loa.

Julian Keikilani Ako
Kamehameha Alumnus, 1961
Kamehameha Schools Kapālama High School Principal (Retired)