



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-THIRD LEGISLATURE, 2025**

ON THE FOLLOWING MEASURE:

H.B. NO. 497, RELATING TO THE HAWAII CHILD NUTRITION PROGRAMS.

BEFORE THE:

HOUSE COMMITTEE ON EDUCATION

DATE: Tuesday, January 28, 2025 **TIME:** 2:00 p.m.

LOCATION: State Capitol, Room 309

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Travis T. Moon or Christopher J.I. Leong, Deputy Attorneys
General

Chair Woodson and Members of the Committee:

The Department of the Attorney General provides the following comments.

This bill establishes the Hawaii Child Nutrition Programs Agency within the Department of Agriculture and creates a grant program, to be administered by the agency, to fund, in part, initiatives that provide minimally processed local food products in school meals. Currently, the Hawaii Child Nutrition Programs are administered by the Department of Education. The bill also makes an appropriation for this purpose.

The proposed section -2(b) states that one of the agency's purposes is to "award grants to promote the purchasing of locally grown foods by **all schools in the State** participating in the United States Department of Agriculture child nutrition programs." (Page 3, lines 10-13, emphasis added.) However, the proposed section -3(a) specifies that the agency shall "administer a grant program to support the **State's public schools**" (Page 3, line 15.) To ensure clarity, we recommend specifying the generally intended grant recipients and beneficiaries. Additionally, we note that article X, section 1, of the Hawaii State Constitution prohibits state public funds from being appropriated for "the support or benefit of any sectarian or nonsectarian private educational institution[.]"

Furthermore, this bill does not appear to contain legally sufficient standards for grants of public money. Article VII, section 4, of the Constitution of the State of Hawaii provides, "[n]o grant of public money or property shall be made except pursuant to

standards provided by law." Therefore, we recommend that this bill be amended to insert appropriate standards. Examples of existing statutes that provide standards for agencies to issue grants are part II of chapter 9 and sections 10-17, 210D-11, and 383-128, Hawaii Revised Statutes.

We have attached draft standards to this testimony as a sample to work from. These standards could be inserted on page 4, line 13, as a new subsection (d), with subsequent subsections appropriately re-alphabetized. Additionally, we are happy to work with you on developing more specific standards.

Lastly, transferring the programs from the Department of Education to the Department of Agriculture may hold logistical challenges. Other operational issues that may arise from the transfer of the programs to the Department of Agriculture should be considered to determine if additional amendments to the bill are necessary.

Thank you for the opportunity to present this testimony.

POSSIBLE STANDARDS FOR THE GRANTS IN THIS BILL

(d) Applications by private entites for grants shall be made to the department of agriculture and contain the information as shall be required by rules adopted thereunder. At a minimum, the applicant shall:

- (1) Be licensed or accredited, in accordance with federal, state, or county statutes, rules, or ordinances, to conduct the activities or provide the services for which a grant is awarded;
- (2) Provide a detailed plan outlining the scope, objectives, and projected impact of the project or projects and a clear breakdown of how grant funds will be used;
- (3) Agree to use state funds exclusively for the purposes of this program;
- (4) Indicate capability to properly use the grant for the purpose of the grant program. [Specific applicant qualifications should be described for the different types of grants.];
- (5) Comply with all applicable federal and state laws prohibiting discrimination against any person on the basis of race, color, national origin, religion, creed, sex, age, sexual orientation, disability, or any other characteristic protected under applicable federal or state law;
- (6) Agree not to use state funds for purposes of entertainment or perquisites;
- (7) Comply with other requirements as the department may prescribe;
- (8) Comply with all applicable federal, state, and county statutes, rules, and ordinances;
- (9) Agree to indemnify and save harmless the State of Hawaii and its officers, agents, and employees from and against any and all claims arising out of or resulting from activities carried out or projects

undertaken with funds provided hereunder and procure sufficient insurance to provide this indemnification if requested to do so by the department.

- (10) Agree to make available to the department all records the applicant may have relating to the grant, to allow state agencies to monitor the applicant's compliance with this section.



STATE OF HAWAII
DEPARTMENT OF EDUCATION
KA 'OIHANA HO'ONA'AUAO
P.O. BOX 2360
HONOLULU, HAWAII 96804

Date: 01/28/2025

Time: 02:00 PM

Location: 309 VIA VIDEOCONFERENCE

Committee: House Education

Department: Education

Person Testifying: Keith T. Hayashi, Superintendent of Education

Bill Title: HB 0497 RELATING TO THE HAWAII CHILD NUTRITION PROGRAMS.

Purpose of Bill: Transfers the Hawaii Child Nutrition Programs Agency from the Department of Education to the Department of Agriculture and codifies its establishment. Establishes a grant program to be administered by the Agency to support the funding of certain initiatives for the State's public schools. Appropriates funds for grants.

Department's Position:

The Hawai'i State Department of Education (Department) provides comments on HB 497.

The Department has concerns with the assertion in Section 1, that due to the current placement of the Hawai'i Child Nutrition Programs (HCNP) within the Department, the School Food Services Branch interferes with the HCNP's ability to conduct compliance audits and fiscal reviews. This is not the case. The Department took action in years past to address a perceived conflict of oversight by reorganizing HCNP to move it from within the Office of Business Services, which oversaw the School Food Services program, to the Office of the Superintendent, and then later to the Office of Fiscal Services. It should be noted that neither the Office of the Superintendent nor the Office of Fiscal Services falls under the control of the School Food Services Branch.

Despite this, if concerns exist with the current location of the HCNP, an alternative option is to reorganize the Department to place HCNP within the Department's compliance area, which would fall under the purview of Deputy Superintendent of Strategy and Administration, Tammi Oyadomari-Chun.

In addition, it is unclear why additional resources to advance the State's farm to school initiative would be provided to the HCNP, which is an agent of the United States Department of Agriculture that takes its direction from the federal government and relies on federal funds for its operations except for

an annual maintenance of effort general fund appropriation of approximately \$185,000. As noted in Section 1 of this measure, Act 175, Session Laws of Hawai'i 2021 established a target for the Department of thirty percent of the food products served in public schools, as measured by the total cost of food, shall be locally sourced. Work by the Department is already underway with planning for centralized kitchens to meet this target. Assigning responsibility to advance farm-to-school objectives in Hawai'i to an agent of the United States Department of Agriculture that may or may not share the same strategic and operational plans as the Department has the potential to undermine the work necessary to meet the thirty percent target.

Furthermore, given the fact that the HCNP monitors the Department's School Food Service program for federal compliance and approves the payment of federal reimbursements, this measure may inadvertently formalize in state law a conflict should there be a difference of opinion in strategic and operational plans to meet the State's thirty percent target.

Thank you for the opportunity to provide comments on this measure.

LATE *Testimony submitted late may not be considered by the Committee for decision making purposes.

JOSH GREEN, M.D.
Governor

SYLVIA LUKE
Lt. Governor



SHARON HURD
Chairperson, Board of Agriculture

DEAN M. MATSUKAWA
Deputy to the Chairperson

LATE

State of Hawai'i
DEPARTMENT OF AGRICULTURE
KA 'OIHANA MAHI'AI
1428 South King Street
Honolulu, Hawai'i 96814-2512
Phone: (808) 973-9600 FAX: (808) 973-9613

LATE

TESTIMONY OF SHARON HURD
CHAIRPERSON, BOARD OF AGRICULTURE
BEFORE THE HOUSE COMMITTEE ON EDUCATION

TUESDAY, JANUARY 28, 2025
2:00 PM
CONFERENCE ROOM 309

HOUSE BILL NO. 497
RELATING TO THE HAWAII CHILD NUTRITION PROGRAMS

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

Thank you for the opportunity to testify on House Bill 497. This bill proposes to transfer the Hawaii Child Nutrition Programs Agency from the Department of Education to the Department of Agriculture (Department) and codifying its establishment. It further seeks to establish a grant program, administered by the Agency, to support initiatives for the State's public schools and to appropriate funding for these grants. The Department respectfully offers the following comments.

While the Department supports the overall intent and objectives of this measure, it acknowledges a lack of familiarity with the operational functions and detailed responsibilities of the various entities involved in the proposed transfer.

Accordingly, the Department expresses its appreciation for all efforts to support child nutrition programs in Hawai'i but respectfully defers to the Department of Education regarding the proposed transfer of the Hawaii Child Nutrition Programs Agency.

Thank you for the opportunity to comment on this measure.





HIPHI Board

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Department of Pediatrics*

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Garret Sugai
HMSA

JoAnn Tsark, MPH
John A. Burns School of Medicine, Native
Hawaiian Research Office

HIPHI Initiatives

Coalition for a
Tobacco-Free Hawai'i

Community-Based Research &
Evaluation

Community Health
Worker Initiatives

COVID-19 Response

Environmental Health

Hawai'i Drug & Alcohol-Free Coalitions

Hawai'i Farm to School Network

Hawai'i Oral Health Coalition

Hawai'i Public Health Training Hui

Healthy Eating + Active Living

Kūpuna Collective/Healthy Aging &
Community Living

Public Health Workforce Development

Date: January 26, 2025

To: Representative Justin Woodson, Chair
Representative Trish La Chica, Vice Chair
Members of the House Committee of Education

RE: Support for HB 497 Relating to the Hawaii Child Nutrition Programs

Hrg: Tuesday, January 28, 2025, at 2:00 pm, Conf Rm 309

Hawai'i Public Health Institute (HIPHI)¹, the Healthy Eating, Active Living (HEAL) coalition² and The Hawai'i Farm to School Network,³ are in Support of HB 497, which establishes the Hawai'i Child Nutrition Programs (HCNP), currently located in the Department of Education (HIDOE), in the Department of Agriculture (HIDOA) and establishes a grant program to strengthen farm-to-school initiatives.

This bill ensures that federal child nutrition programs are managed with independent oversight, expands local food procurement, and strengthens ties to farm-to-school coordination under the DOA.

Supporting Hawai'i's "30 by 30" school food goal requires a structural shift to integrate locally grown foods into school meals successfully. Act 175 (2021) mandates that 30% of food served in public schools be locally sourced by 2030, yet DOE reports that only 6.2% of its food currently comes from local producers. Transferring Hawai'i Child Nutrition Programs (HCNP) to the Department of Agriculture (DOA) strengthens farm-to-school coordination by placing oversight within the agency best equipped to support agricultural procurement and regional food systems.

¹ Hawai'i Public Health Institute's mission is to advance health and wellness for the people and islands of Hawai'i. We do this through expanding our understanding of what creates health of people and place, fostering partnerships, and cultivating programs to improve policies, systems, and the environments where people live, learn, work, age, and play.

² The Healthy Eating + Active Living (HEAL) Coalition, formerly known as the Obesity Prevention Task Force, was created by the legislature in 2012 and is comprised of over 60 statewide organizations. The HEAL Coalition works to make recommendations to reshape Hawai'i's school, work, community, and health care environments, making healthier lifestyles obtainable for all Hawai'i residents.

³ Founded in 2010, the **Hawai'i Farm to School Hui** is a statewide network comprising five island-level networks, community organizations, schools, state agencies, and other food systems stakeholders with a collective mission to strengthen Hawai'i's farm to school movement. The three pillars of successful farm to school programs are 1) school gardens and on-campus farms, 2) education, and 3) school food improvements through local procurement.



This move will enhance compliance with federal child nutrition standards while eliminating conflicts of interest in school meal audits and management. Schools will benefit from a direct link to local farmers, increasing purchasing opportunities and improving food quality for Hawai'i's keiki.

HB 497 establishes a grant program to expand farm-to-school efforts, funding initiatives that support fresh food procurement, kitchen equipment upgrades, and nutrition education. By investing in school food infrastructure and technical assistance for farmers, this bill helps create a sustainable, transparent, and farmer-focused school meal system. Increased access to local, minimally processed foods will improve student health outcomes and drive economic growth for Hawai'i's agricultural sector. The passage of HB 497 is a crucial step toward reducing the state's reliance on imported food, strengthening food security, and ensuring that future generations benefit from a more resilient and community-driven food system.

Mahalo for considering this measure and the opportunity to testify in support of HB 497.

Mahalo nui loa,

A handwritten signature in black ink, appearing to read 'Kawika Kahiapo', written over a faint horizontal line.

Kawika Kahiapo
Hawai'i Farm to School Network Program Coordinator
Hawaii Public Health Institute



Date: January 27, 2025
To: Representative Justin Woodson, Chair
Representative Trish La Chica, Vice Chair
Members of the House Committee of Education
From: Hawai'i Youth Food Council
Re: **SUPPORT for HB 497**
Hearing: Tuesday, January 28, 2025, at 2:00 pm, Conf Rm 309

I am writing in strong support of HB497, which proposes the transfer of the Hawai'i Child Nutrition Programs Agency from the Department of Education to the Department of Agriculture and codifies its establishment. As a current junior attending a public school on the Big Island, I know the significance of this transfer for the future health of our keiki and the quality of our local food systems.

Transferring the HCNPA to the DOA offers several advantages. First, it supports a more holistic approach to child nutrition, connecting food programs directly to local food production. With the DOA's direct influence on food systems, this transition will foster stronger partnerships between the school and the agriculture community. This ensures that more nutritious, locally-grown foods are available to Hawai'i's students.

Growing up on my grandparents' farm in the small town of Waimea, I understand the importance of eating locally grown food while caring for the land. I want my future keiki to grow on the same beautiful 'aina we live on today. This bill will help implement locally grown food in child nutrition programs to ensure students have fresh meals while supporting our local farmers.

In addition, the transfer will help address ongoing challenges in the child nutrition system by creating a more flexible and responsive agency. The DOA is better equipped to handle agricultural and supply chain management conflicts. It will create opportunities for scaling up local food production and ensure that our state's nutrition programs are sustainable in the long run.

hiphi.org/HYFC • 707 Richards Street, Suite 300 • Honolulu, Hawai'i 96813

The Hawai'i Youth Food Council is a Hawai'i Farm to School Network program and Hawai'i Public Health Institute program. It includes students from public, charter, and independent high schools across Hawai'i. The council was established in 2020 to engage and empower youth in rewriting the present narrative of Hawai'i's food system. Members identify and address systemic issues throughout various dimensions of the food chain to promote community participation in forming resilient, equitable local food economies.



In conclusion, HB497 represents a shift that aligns child nutrition with agricultural priorities, supports local economies, and ensures healthier meals for our children. All crucial factors in our goal for a healthier Hawai'i.

Mahalo for your time and the opportunity to testify on this bill.

Sincerely,

Kaylie Hirayama & co-members of the Hawai'i Youth Food Council
Hawai'i Youth Food Council
kayliehirayama02@gmail.com

hiphi.org/HYFC • 707 Richards Street, Suite 300 • Honolulu, Hawai'i 96813

The Hawai'i Youth Food Council is a Hawai'i Farm to School Network program and Hawai'i Public Health Institute program. It includes students from public, charter, and independent high schools across Hawai'i. The council was established in 2020 to engage and empower youth in rewriting the present narrative of Hawai'i's food system. Members identify and address systemic issues throughout various dimensions of the food chain to promote community participation in forming resilient, equitable local food economies.



Officers

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State President

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Maureen Datta
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Aloha Chair La Chica, Vice Chair Woodson, and Members of the House Education Committee,

Chapter Presidents

Clarence Baber
Kohala, Hawaii

Tony Vera
East Hawaii

Puna, Hawaii

Andrea Drayer
Ka'u, Hawaii

Maureen Datta
Kona, Hawaii

The Hawaii Farmers Union is a 501(c)(5) agricultural advocacy nonprofit representing a network of over 2,500 family farmers and their supporters across the Hawaiian Islands. **HFUU supports HB497.**

By transferring the Hawaii Child Nutrition Programs (HCNP) to the Department of Agriculture, this legislation not only bolsters our children's health by ensuring greater access to fresh, locally-sourced food, but also strengthens Hawaii's agricultural community by creating increased demand for our local farmers' produce. Housing HCNP within the Department of Agriculture underscores a commitment to fostering sustainable agricultural practices and ensuring a robust and reliable supply chain that benefits Hawaii's economy and ecosystem simultaneously.

This move enables the HCNP to operate with greater independence and efficiency, enhancing its ability to conduct necessary compliance audits and fiscal reviews without interference. Furthermore, the establishment of a grant program, as detailed in the bill, will provide much-needed funding to schools, enabling expanded infrastructure for the preparation and use of minimally processed local foods. These grants will also support educational initiatives that make farm-to-school connections more tangible for students, involve community stakeholders, and promote a deeper understanding of nutrition and the benefits of locally-sourced diets. In doing so, we not only nourish our children with nutritious meals but also cultivate a generation that values and supports local agriculture.

Mahalo for the opportunity to testify.

Kaipo Kekona, President HFUU/HFUF

Fawn Helekahi-Burns
Hāna, Maui

Mason Scharer
Haleakalā, Maui

Kaiea Medeiros
Mauna Kahālāwai,
Maui

Kaipo Kekona
Lahaina, Maui

Kilia Avelino-Purdy
Moloka'i

Negus Manna
Lāna'i

India Clark
North Shore, O'ahu

Christian Zuckerman
Wai'anae, O'ahu

Ted Radovich
Waimānalo, O'ahu

Vincent Kimura
Honolulu, O'ahu

Natalie Urminska
Kaua'i



Hawaii Cattlemen's Council, Inc.

COMMITTEE ON EDUCATION
Rep. Justin H. Woodson, Chair
Rep. Trish La Chica, Vice Chair

HB497
RELATING TO THE HAWAII CHILD NUTRITION PROGRAMS

Tuesday, January 28, 2025, 2:00PM
Conference Room 309 & Videoconference

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

The Hawaii Cattlemen's Council **supports HB497** which transfers the Hawai'i Child Nutrition Programs Agency from the Department of Education to the Department of Agriculture and codifies its establishment. Establishes a grant program to be administered by the Agency to support the funding of certain initiatives for the State's public schools and appropriates funds for grants.

The health and nutrition of our keiki is paramount to a successful future. This bill will allow for grants to purchase local food, educate children about good nutrition, and increase our access to federal child nutrition programs. This helps both our keiki as well as our farmers and ranchers.

The American Heart Association recognizes beef as a heart healthy protein and even provides recipes that include lean beef. Research by Roussell et al (2012) shows eating lean beef as part of a heart-healthy dietary pattern can help maintain normal cholesterol levels. Hawaii's locally grown beef provides 10 essential nutrients in a single 3 oz. serving. This includes high-quality protein, iron, zinc and B vitamins. The iron in beef is heme iron, which is more easily absorbed than nonheme iron, which is the main form of iron found in plant proteins. Iron is vital as it helps red blood cells carry oxygen to body tissue, but even further, it also plays an important role in cognitive health such as memory, learning, and reasoning.

We appreciate the opportunity to testify on this measure. The Hawaii Cattlemen's Council (HCC) is the Statewide umbrella organization comprised of the four county-level Cattlemen's Associations. Our member ranchers represent over 60,000 head of beef cows; more than 75% of all the beef cows in the State. Ranchers are the stewards of over 750 thousand acres of land in Hawaii, or 20% of the State's total land mass. We represent the interests of Hawaii's cattle producers.

Nicole Galase
Hawaii Cattlemen's Council
Managing Director

Sources Cited

Roussell, M. A., Hill, A. M., Gaugler, T. L., West, S. G., Heuvel, J. P. V., Alaupovic, P., Gillies, P. J., & Kris-Etherton, P. M. (2012). Beef in an Optimal Lean Diet study: Effects on lipids, lipoproteins, and apolipoproteins. *The American Journal of Clinical Nutrition*, 95(1), 9-16. <https://doi.org/10.3945/ajcn.111.016261>



HB-497

Submitted on: 1/26/2025 8:22:31 AM

Testimony for EDN on 1/28/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Theresa M Thompson	Individual	Support	Written Testimony Only

Comments:

I support 497 HB RELATING TO THE HAWAII CHILD NUTRITION PROGRAMS.

Thank you,

Theresa Thompson