

ASSOCIATION OF HAWAIIAN CIVIC CLUBS

A RESOLUTION

NO. 2020 - 46

REQUESTING THE STATE OF HAWAI'I PROBATE COURT APPOINT A SPECIAL COURT MASTER TO REEXAMINE THE PROCESS FOR SELECTING KAMEHAMEHA SCHOOLS TRUSTEES WITH AN EYE FOR PROVIDING GREATER TRANSPARENCY AND A DOMINANT ROLE FOR KAMEHAMEHA SCHOOLS STAKEHOLDERS IN THAT PROCESS

WHEREAS, In August, 1999, on the heels of the removal of trustees, the then Kamehameha Schools Court Master petitioned the State of Hawai'i Probate Court for "the Establishment of a Procedure for the Selection of Kamehameha Schools Trustees," which states in part on pages 27 and 28 "Each (selection) Committee member shall be familiar with and 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 (Native) Hawaiian children;" and

WHEREAS, in January 2000, the State of Hawai'i Probate Court issued a court order adopting the process called for in the Court Master's petition which has served since as the basis for trustee selection; and

WHEREAS, in January 2016, a group of Kamehameha Schools graduates, alarmed that the panel appointed by the Probate Court to assist in the selection of a new trustee was dominated by people whose closest connections were to another Hawai'i private school and whose qualifications to serve on the panel did not seem to demonstrate a sensitivity to the history and role of the trust estate relative to the Hawaiian community or Pauahi's legacy and her vision for the future of Native Hawaiian children, began quietly sending letters to both the Probate Court and the Supreme Court seeking greater transparency in the application of the trustee selection process and a dominant role in the process for Kamehameha Schools stakeholders; and

WHEREAS, the Probate Court neither provided a courtesy acknowledgment of the letters nor responded to what was requested in them, while legal counsel for the Supreme Court acknowledged receipt of the letter but stated that it would be inappropriate for the Court to comment on the request in that it might be called upon to hear the matter on appeal; and

WHEREAS, two op-ed articles about Kamehameha Schools trustee selection were published in the Honolulu Star-Advertiser in January and November of 2019; and

WHEREAS, with the invaluable help and support of Association of Hawaiian Civic Club members, both the State of Hawai'i House of Representatives and the Senate in their 2019 legislative session passed without dissent or reservations concurrent resolution HCR 133, calling on the Probate Court to provide greater transparency in the selection of Kamehameha Schools trustees and a dominant role in the process for Kamehameha stakeholders; and

WHEREAS, in May 2019, the Probate Court directed the State of Hawai'i Attorney General, the current Kamehameha Schools Court Master, and the current Kamehameha Schools Trustees to file written comments regarding the State of Hawai'i Legislature's concurrent resolution HCR 133 by August 22, 2019; and

WHEREAS, the State Attorney General and the Court Master in their comments to the Probate Court basically opined that there were no concerns with the trustee selection process and how it is being implemented, while the Kamehameha Schools Trustees asked the Probate Court to appoint a Special Court Master whose role would be to revisit the current selection process; and

WHEREAS, to date the Probate Court has not responded to the Kamehameha Schools Trustees, a group that has standing before the court, regarding their request for the appointment of a Special Court Master to reexamine the trustee selection process; and

WHEREAS, on September 18, 2020, the Probate Court issued an order appointing a panel of seven to participate in filling the next Kamehameha trustee vacancy with two returning members from the last panel and five new ones, in effect continuing to operate as it has since 2000; and

WHEREAS, the Association of Hawaiian Civic Clubs believes that the Kamehameha Schools stakeholders are the Kamehameha Schools alumni, the parents of young people currently receiving Kamehameha Schools educational services, the employees (both education and non-education staff) of Kamehameha Schools, and the members of the greater Native Hawaiian community; and

WHEREAS, the Association of Hawaiian Civic Clubs is comprised of people who are Kamehameha Schools stakeholders, and therefore have an interest in (1) the transparency of the selection process, (2) a dominant role for Kamehameha stakeholders in the selection process, and (3) panel members whose qualifications include an understanding and sensitivity to the history and role of the Trust Estate relative to the Hawaiian community and to Pauahi's legacy and her vision for the future of Native Hawaiian children; and

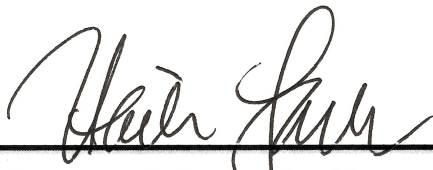
WHEREAS, the sole responsibility of the stakeholder group will be to recommend and approve Trustee candidates who will be committed to perpetuating the legacy and intent of ke ali'i Pauahi and the mission of the Kamehameha Schools.

NOW, THEREFORE, BE IT RESOLVED, that the Association of Hawaiian Civic Clubs at its 61st Annual Convention held online, in the malama of Makali'i and the rising of 'Olekūkolu, this 22nd day of November 2020, requesting the State of Hawai'i Probate Court to appoint a Special Court Master to reexamine the process for selecting Kamehameha Schools trustees with an eye for providing greater transparency and a dominant role for Kamehameha Schools stakeholders in that process; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be transmitted to the State of Hawai'i Probate Court, the State of Hawai'i Supreme Court, Chief Administrator of the First Circuit Court, the Kamehameha Schools Board of Trustees, as well as the Governor of the State of Hawai'i, President of the State Senate, Speaker of the State House of Representatives, Chair of the State Senate subject matter committee on Hawaiian Affairs, Chair of the State House subject matter committee on Hawaiian Affairs, Chair of the Board of Trustees of the Office of Hawaiian Affairs, and all County Mayors.



The undersigned hereby certifies that the foregoing Resolution was duly adopted in the malama of Makali'i and the rising of 'Olekūkolu on the 22nd day of November 2020, at the 61st Annual Convention of the Association of Hawaiian Civic Clubs held online.



Hailama V.K.K. Farden, President