

JAN 17 2008

A BILL FOR AN ACT

RELATING TO TEACHER LICENSURE.

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

1 SECTION 1. Chapter 302A, Hawaii Revised Statutes, is
2 amended by adding a new section to part III, subpart D, to be
3 appropriately designated and to read as follows:

4 "§302A- Conviction of sexual offense by a teacher;
5 license revocation. (a) The board shall automatically revoke
6 an individual's license to teach without the right to a hearing
7 upon verification of the identity of the teacher and receipt of
8 a certified copy of a judgment of conviction indicating that a
9 teacher has been convicted of a sexual offense against a minor
10 pursuant to section 707-730, 707-731, 707-732, 707-733,
11 707-733.5, or 707-741, or under a similar law of another state
12 or the United States. For purposes of this section, the term
13 "minor" shall mean a person under the age of eighteen years.

14 (b) The board shall mail notice of its intent to revoke
15 the license by certified mail, return receipt requested,
16 directed to the teacher at the teacher's last known address.
17 The notice shall inform the teacher that the board shall revoke



1 the teacher's license unless the teacher notifies the board in
2 writing within ten days after receipt of the notice that the
3 defendant identified in the criminal record is not the same
4 person as the teacher. Upon written notice to the board, the
5 board shall not revoke the license unless it can otherwise
6 establish that the defendant and the teacher are the same
7 person.

8 (c) A person whose license to teach has been revoked
9 pursuant to subsection (a), may petition the board to reconsider
10 the revocation if the person's conviction is reversed by a final
11 decision of the appellate court or supreme court. The
12 petitioner shall attach to the petition a certified copy of the
13 appellate court's final decision. Upon receipt of the petition,
14 the board shall conduct a hearing on the matter, unless waived
15 by the petitioner, and may reverse or affirm its previous
16 decision to revoke, notwithstanding the reversal of conviction.

17 (d) The clerk of any court in this State in which the
18 conviction of a teacher for any sexual offense against a minor,
19 as enumerated in subsection (a), was entered shall transmit to
20 the board, within ten days after the date of the conviction, a
21 certified copy of the judgment of conviction."



1 SECTION 2. New statutory material is underscored.

2 SECTION 3. This Act shall take effect upon its approval.

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Report Title:

Teacher Licensure; Revocation; Conviction

Description:

Requires the Hawaii teacher standards board to revoke a teacher's license when the teacher has been convicted of certain sexual offenses against minors.

