
A BILL FOR AN ACT

RELATING TO EDUCATION.

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

1 SECTION 1. In 2012, the legislature passed Act 133,
2 Session Laws of Hawaii 2012, which sought to add clarity to or
3 resolve conflicting or inconsistent language among different
4 sections of law and to amend or repeal various sections of
5 chapter 302A, Hawaii Revised Statutes.

6 The purpose of this Act is to continue to amend or repeal
7 various sections of chapter 302A, Hawaii Revised Statutes, that:

- 8 (1) Have been accomplished and are no longer necessary;
- 9 (2) Impede rather than assist the department of education
10 in meeting its core mission;
- 11 (3) Fall under the purview of the board of education, such
12 as policy, staffing, and programmatic decisions;
- 13 (4) Are mandated by federal law and do not require
14 codification in state law; or
- 15 (5) Are covered by another section of the Hawaii Revised
16 Statutes, administrative rules, or board of education
17 policy.



1 SECTION 2. Section 92F-12, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) Any other provision in this chapter to the contrary
4 notwithstanding, each agency shall make available for public
5 inspection and duplication during regular business hours:

- 6 (1) Rules of procedure, substantive rules of general
7 applicability, statements of general policy, and
8 interpretations of general applicability adopted by
9 the agency;
- 10 (2) Final opinions, including concurring and dissenting
11 opinions, as well as orders made in the adjudication
12 of cases, except to the extent protected by section
13 92F-13(1);
- 14 (3) Government purchasing information, including all bid
15 results, except to the extent prohibited by section
16 92F-13;
- 17 (4) Pardons and commutations, as well as directory
18 information concerning an individual's presence at any
19 correctional facility;
- 20 (5) Land ownership, transfer, and lien records, including
21 real property tax information and leases of state
22 land;



- 1 (6) Results of environmental tests;
- 2 (7) Minutes of all agency meetings required by law to be
3 public;
- 4 (8) Name, address, and occupation of any person borrowing
5 funds from a state or county loan program, and the
6 amount, purpose, and current status of the loan;
- 7 (9) Certified payroll records on public works contracts
8 except social security numbers and home addresses;
- 9 (10) Regarding contract hires and consultants employed by
10 agencies:
 - 11 (A) The contract itself, the amount of compensation;
 - 12 (B) The duration of the contract; and
 - 13 (C) The objectives of the contract,
14 except social security numbers and home addresses;
- 15 (11) Building permit information within the control of the
16 agency;
- 17 (12) Water service consumption data maintained by the
18 boards of water supply;
- 19 (13) Rosters of persons holding licenses or permits granted
20 by an agency that may include name, business address,
21 type of license held, and status of the license;



1 (14) The name, compensation (but only the salary range for
2 employees covered by or included in chapter 76, and
3 sections [~~302A-602~~] 302A-604 to 302A-639, and
4 302A-701, or bargaining unit (8)), job title, business
5 address, business telephone number, job description,
6 education and training background, previous work
7 experience, dates of first and last employment,
8 position number, type of appointment, service
9 computation date, occupational group or class code,
10 bargaining unit code, employing agency name and code,
11 department, division, branch, office, section, unit,
12 and island of employment, of present or former
13 officers or employees of the agency; provided that
14 this paragraph shall not require the creation of a
15 roster of employees; and provided further that this
16 paragraph shall not apply to information regarding
17 present or former employees involved in an undercover
18 capacity in a law enforcement agency;

19 (15) Information collected and maintained for the purpose
20 of making information available to the general public;
21 and



1 (16) Information contained in or compiled from a
2 transcript, minutes, report, or summary of a
3 proceeding open to the public."

4 SECTION 3. Section 302A-101, Hawaii Revised Statutes, is
5 amended by adding three new definitions to be appropriately
6 inserted and to read as follows:

7 "Attend" or "attendance" means a student is physically
8 present in school after enrollment.

9 "Enroll" or "enrollment" means a student has met all of the
10 department's requirements for entrance and is formally put on a
11 school's roll.

12 "License" means a license issued by the Hawaii teacher
13 standards board to indicate the subject area and grade level for
14 which a teacher has met all licensure requirements and is
15 qualified to teach, and that authorizes the licensee to teach in
16 the State. This definition shall not apply to the term
17 "license" as it is used in sections 302A-425, 302A-426, and
18 302A-427."

19 SECTION 4. Section 302A-102, Hawaii Revised Statutes, is
20 amended to read as follows:

21 "[+]§302A-102[+] **Smoking prohibited**[~~-exception~~]. [~~+a~~]

22 All public schools within the State, from kindergarten through



1 grade twelve, shall prohibit the use of tobacco at public
2 schools or at public school functions.

3 ~~[(b) The department shall provide affected public employees~~
4 ~~with breaks throughout the work day during which they may smoke~~
5 ~~at locations off-campus. The number and duration of such breaks~~
6 ~~shall be subject to collective bargaining.~~

7 ~~(c) The department shall provide a smoking cessation~~
8 ~~program for public employees who are interested in~~
9 ~~participating; provided that issues relating to the costs of the~~
10 ~~program shall be subject to collective bargaining.~~

11 ~~(d) This section shall not be subject to part II of chapter~~
12 ~~328K.]"~~

13 SECTION 5. Section 302A-501, Hawaii Revised Statutes, is
14 amended by amending subsection (a) to read as follows:

15 "(a) For the purposes of sections ~~[302A-602]~~ 302A-604 to
16 302A-612, "school" includes every academic and noncollege type
17 of school under governmental supervision."

18 SECTION 6. Section 302A-605, Hawaii Revised Statutes, is
19 amended to read as follows:

20 "**§302A-605 Principals and vice-principals.** (a)
21 Principals and vice-principals shall meet the department's
22 certification requirements ~~[and shall have at least five years~~



1 ~~of appropriate school-level experience, including at least three~~
2 ~~years as a teacher, or equivalent experience, as determined by~~
3 ~~the department].~~

4 ~~[(b) Vice principals shall meet the department's~~
5 ~~certification requirements and shall have appropriate school-~~
6 ~~level or equivalent experience, as determined by the department.~~

7 ~~(e)]~~ (b) The department shall establish alternative routes
8 to certification for principals and vice-principals pursuant to
9 rules adopted under chapter 91.

10 ~~(d)]~~ (c) For purposes of this section, "alternative
11 routes to certification" has the same meaning as determined by
12 United States Department of Education regulations for state
13 applications for Race to the Top fund allocations under section
14 14001 of the federal American Recovery and Reinvestment Act of
15 2009, as amended."

16 SECTION 7. Section 302A-626, Hawaii Revised Statutes, is
17 amended to read as follows:

18 "**§302A-626 Salary increases; annual, longevity.** (a)
19 Teachers and educational officers who have completed a year's
20 satisfactory service and who have complied with the other
21 requirements of sections ~~[302A-602]~~ 302A-604 to 302A-639, and
22 302A-701, shall be entitled to an annual increment.



1 (b) Teachers and educational officers who have served
2 satisfactorily for three years in their maximum increment step
3 or in any longevity step and who have complied with the other
4 requirements of sections [~~302A-602~~] 302A-604 to 302A-639, and
5 302A-701, shall receive longevity step increases; provided that
6 the board may grant principals and vice-principals longevity
7 step increases more frequently than once every three years
8 pursuant to section 302A-625."

9 SECTION 8. Section 302A-1114, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "**§302A-1114 Power of appointment, removal.** The
12 department, from time to time, may appoint and remove such
13 teachers, educational officers, and other personnel as may be
14 necessary for carrying out the purposes of sections 302A-201,
15 302A-401 to 302A-410, [~~302A-1001~~] 302A-1002 to 302A-1004, 302A-
16 1101 to 302A-1122, 302A-1301 to 302A-1305, 302A-1401 to 302A-
17 1403, and 302A-1503 to 302A-1506, and regulate their duties,
18 powers, and responsibilities, when not otherwise provided by
19 law."

20 SECTION 9. Section 302A-1124, Hawaii Revised Statutes, is
21 amended by amending subsection (e) to read as follows:



1 "(e) Unless otherwise specified, each school community
2 council shall establish policies governing the council's
3 composition, election, staggered terms of office for members,
4 operation, and vacancies; provided that:

5 (1) The number of school personnel [+]on[+] any school
6 community council shall be equal to the number of
7 primary stakeholders on the school community council;

8 (2) At the elementary and middle school levels, each
9 school community council shall be composed of the
10 principal and at least one member representing each of
11 the following groups:

12 (A) Parents elected by ballots distributed among and
13 collected from the parents of the school's
14 students;

15 (B) Teachers elected by ballots distributed among and
16 collected from teachers of the school;

17 (C) Noncertificated school personnel elected by
18 ballots distributed among and collected from
19 noncertificated personnel of the school; and

20 (D) Community representatives elected by ballots
21 distributed among and collected from parents of
22 the school's students; [~~and~~



1 ~~(E) Student representatives selected by the student~~
2 ~~council of the school; and]~~

3 (3) At the elementary and middle school levels, each
4 school community council may allow for student
5 representatives selected by the student council of the
6 school; and

7 ~~(3)~~ (4) At the high school level, each school community
8 council shall be composed of the principal and at
9 least one member representing each of the following
10 groups:

11 (A) Parents elected by ballots distributed among and
12 collected from parents of the school's students;

13 (B) Teachers elected by ballots distributed among and
14 collected from teachers of the school;

15 (C) Noncertificated school personnel elected by
16 ballots distributed among and collected from
17 noncertificated personnel of the school;

18 (D) Community representatives elected by ballots
19 distributed among and collected from the parents
20 of the school's students; and

21 (E) Student representatives selected by the student
22 council of the school.



1 For the purposes of this subsection, "primary stakeholders"
2 means students, parents, and community members."

3 SECTION 10. Section 302A-1145, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "[+]§302A-1145[+] **Transfer to another school.** No school
6 shall receive any child under eighteen years of age, who has
7 attended another school of the same class in the same district,
8 unless the child produces to the school to be [~~entered,~~
9 enrolled, a certificate of release of the school last attended
10 by the child. If the child applies to attend a school of higher
11 grade, a certificate of proficiency shall be required or a
12 lawful excuse for its absence. The children from one [~~district~~
13 service area desiring to enter a school in another [~~district~~
14 service area may be received or admitted upon producing a
15 certificate of release from the school last attended in the
16 other district."

17 SECTION 11. Section 302A-1154, Hawaii Revised Statutes, is
18 amended as follows:

19 1. By amending the title to read:

20 "§302A-1154 **Immunization upon [~~entering~~ attending school;**
21 **tuberculosis clearance.**"

22 2. By amending subsection (b) to read:



1 "(b) No child shall [~~be admitted to~~] attend any school for
2 the first time in the State unless the child presents to the
3 appropriate school official documentation satisfactory to the
4 department of health that the child has been examined and tested
5 according to the rules of the department, and is free from
6 tuberculosis in a communicable form."

7 SECTION 12. Section 302A-1155, Hawaii Revised Statutes, is
8 amended to read as follows:

9 "**§302A-1155 Provisional [~~entrance to~~] attendance at**
10 **school.** (a) A child may [~~enter~~] attend school provisionally
11 upon submitting written documentation from a licensed physician,
12 physician assistant, advanced practice registered nurse, or an
13 authorized representative of the department of health stating
14 that the child is in the process of receiving the required
15 immunizations. Further documentation showing that the required
16 immunizations have been completed shall be submitted to the
17 appropriate school official no later than three months after the
18 child first [~~entered~~] attended the school. If all of the
19 required immunizations cannot be completed within three months
20 due to the length of the minimum intervals between doses of a
21 particular vaccine required by the department of health,
22 provisional [~~admission~~] attendance may be extended so long as



1 the child's parent or guardian provides documentation that
2 appointments for required immunizations have been made and that
3 progress toward completing the immunizations continues in
4 accordance with the requirements of the department of health.

5 (b) Provisional [~~entrance to~~] attendance at school may be
6 suspended by the department of health when there is danger of an
7 epidemic from any of the communicable diseases for which
8 immunization is required."

9 SECTION 13. Section 302A-1159, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "**§302A-1159 Physical examination required.** No child shall
12 [~~be admitted to~~] attend any school for the first time in the
13 State unless the child presents to the appropriate school
14 official a report from a licensed physician or advanced practice
15 registered nurse of the results of a physical examination
16 performed within a year of the date of [~~entry into~~] attendance
17 at school. A child may [~~enter~~] attend school provisionally upon
18 submitting written documentation from a licensed physician,
19 advanced practice registered nurse, or other authorized
20 representative of the department of health stating that the
21 child is in the process of undergoing a physical examination.
22 Further documentation showing that the required physical



1 examination has been completed shall be submitted to the
2 appropriate school official no later than three months after the
3 child first [~~entered~~] attended the school."

4 SECTION 14. Section 302A-1161, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "**§302A-1161 Notification for noncompliance.** If a child
7 does not complete the immunizations required under section 302A-
8 1154 or the physical examination required under section 302A-
9 1159 within the period provided by section 302A-1155 after
10 provisional [~~entry into~~] attendance at school, the administrator
11 of the school shall cause a notice to be sent to the parent or
12 guardian of the child stating that if the required immunizations
13 or physical examination is not completed within thirty days of
14 the date of the notice, the child shall not be [~~admitted~~]
15 permitted to attend school."

16 SECTION 15. Section 302A-1301, Hawaii Revised Statutes, is
17 amended to read as follows:

18 "**§302A-1301 School system financial accountability.** (a)
19 Beginning with the 1995-1997 fiscal biennium, the department's
20 administrative expenditures shall not exceed 6.5 per cent of the
21 total department operating budget, excluding expenditures for



1 agencies administratively attached to the department, unless
2 approved by the legislature.

3 (b) Not less than seventy per cent of appropriations for
4 the total budget of the department, excluding debt service and
5 capital improvement programs[7] and appropriations for agencies
6 administratively attached to the department, shall be expended
7 by principals."

8 SECTION 16. Section 302A-1504.5, Hawaii Revised Statutes,
9 is amended by amending subsection (a) to read as follows:

10 "(a) There is established within the state treasury a
11 special fund to be known as the school-level minor repairs and
12 maintenance special fund, into which shall be deposited all
13 moneys collected pursuant to section 235-102.5(b), and any other
14 moneys received by the department in the form of grants and
15 donations for school-level minor repairs and maintenance. The
16 special fund shall be administered by the department and used to
17 fund school-level minor repairs and maintenance. The department
18 shall transfer moneys collected pursuant to section 235-
19 102.5(b), and any other moneys received in the form of grants
20 and donations for school-level minor repairs and maintenance, to
21 the Hawaii 3R's school repair and maintenance fund established
22 pursuant to section 302A-1502.4."



1 SECTION 17. Section 378-2.5, Hawaii Revised Statutes, is
2 amended by amending subsection (d) to read as follows:

3 "(d) Notwithstanding subsections (b) and (c), the
4 requirement that inquiry into and consideration of a prospective
5 employee's conviction record may take place only after the
6 individual has received a conditional job offer, and the
7 limitation to the most recent ten-year period, excluding the
8 period of incarceration, shall not apply to employers who are
9 expressly permitted to inquire into an individual's criminal
10 history for employment purposes pursuant to any federal or state
11 law other than subsection (a), including:

12 (1) The State or any of its branches, political
13 subdivisions, or agencies pursuant to sections 78-2.7
14 and 831-3.1;

15 [~~2~~] ~~The department of education pursuant to section 302A-~~
16 ~~601.5;~~

17 ~~(3)]~~ (2) The department of health with respect to
18 employees, providers, or subcontractors in positions
19 that place them in direct contact with clients when
20 providing non-witnessed direct mental health services
21 pursuant to section 321-171.5;

22 [~~4~~] (3) The judiciary pursuant to section 571-34;



1 [~~+5~~] (4) The counties pursuant to section [~~846-2.7(b)(5),~~
2 ~~(32), (33), (34), and (35);~~] 846-2.7(b)(4), (30),
3 (31), (32), and (33);

4 [~~+6~~] (5) Armed security services pursuant to section 261-
5 17(b);

6 [~~+7~~] (6) Providers of a developmental disabilities
7 domiciliary home pursuant to section 333F-22;

8 [~~+8~~] (7) Private schools pursuant to sections 302C-1 and
9 378-3(8);

10 [~~+9~~] (8) Financial institutions in which deposits are
11 insured by a federal agency having jurisdiction over
12 the financial institution pursuant to section 378-
13 3(9);

14 [~~+10~~] (9) Detective agencies and security guard agencies
15 pursuant to sections 463-6(b) and 463-8(b);

16 [~~+11~~] (10) Employers in the business of insurance pursuant
17 to section 431:2-201.3;

18 [~~+12~~] (11) Employers of individuals or supervisors of
19 individuals responsible for screening passengers or
20 property under Title 49 United States Code section
21 44901 or individuals with unescorted access to an
22 aircraft of an air carrier or foreign carrier or in a



1 secured area of an airport in the United States

2 pursuant to Title 49 United States Code section

3 44936(a);

4 ~~[(13)]~~ (12) The department of human services pursuant to

5 sections 346-97 and 352-5.5;

6 ~~[(14)]~~ ~~The public library system pursuant to section 302A-~~

7 ~~601.5;~~

8 ~~(15)]~~ (13) The department of public safety pursuant to

9 section 353C-5;

10 ~~[(16)]~~ (14) The board of directors of a cooperative housing

11 corporation or the manager of a cooperative housing

12 project pursuant to section 421I-12;

13 ~~[(17)]~~ (15) The board of directors of an association of

14 owners under chapter 514A or 514B, or the manager of a

15 condominium project pursuant to section 514A-82.1 or

16 514B-133; and

17 ~~[(18)]~~ (16) The department of health pursuant to section

18 321-15.2."

19 SECTION 18. Section 846-2.7, Hawaii Revised Statutes, is

20 amended by amending subsection (b) to read as follows:

21 "(b) Criminal history record checks may be conducted by:



- 1 (1) The department of health or the department's designee
2 on operators of adult foster homes or developmental
3 disabilities domiciliary homes and their employees, as
4 provided by section 333F-22;
- 5 (2) The department of health or the department's designee
6 on prospective employees, persons seeking to serve as
7 providers, or subcontractors in positions that place
8 them in direct contact with clients when providing
9 non-witnessed direct mental health services as
10 provided by section 321-171.5;
- 11 (3) The department of health or the department's designee
12 on all applicants for licensure for, operators for,
13 prospective employees, and volunteers at one or more
14 of the following: skilled nursing facility,
15 intermediate care facility, adult residential care
16 home, expanded adult residential care home, assisted
17 living facility, home health agency, hospice, adult
18 day health center, special treatment facility,
19 therapeutic living program, intermediate care facility
20 for individuals with intellectual disabilities,
21 hospital, rural health center and rehabilitation
22 agency, and, in the case of any of the above



1 facilities operating in a private residence, on any
2 adult living in the facility other than the client as
3 provided by section 321-15.2;

4 [~~(4)~~] ~~The department of education on employees, prospective~~
5 ~~employees, and teacher trainees in any public school~~
6 ~~in positions that necessitate close proximity to~~
7 ~~children as provided by section 302A-601.5;~~

8 ~~(5)~~] (4) The counties on employees and prospective
9 employees who may be in positions that place them in
10 close proximity to children in recreation or child
11 care programs and services;

12 [~~(6)~~] (5) The county liquor commissions on applicants for
13 liquor licenses as provided by section 281-53.5;

14 [~~(7)~~] (6) The county liquor commissions on employees and
15 prospective employees involved in liquor
16 administration, law enforcement, and liquor control
17 investigations;

18 [~~(8)~~] (7) The department of human services on operators and
19 employees of child caring institutions, child placing
20 organizations, and foster boarding homes as provided
21 by section 346-17;



1 ~~[(9)]~~ (8) The department of human services on prospective
2 adoptive parents as established under section 346-
3 19.7;

4 ~~[(10)]~~ (9) The department of human services on applicants to
5 operate child care facilities, prospective employees
6 of the applicant, and new employees of the provider
7 after registration or licensure as provided by section
8 346-154;

9 ~~[(11)]~~ (10) The department of human services on persons
10 exempt pursuant to section 346-152 to be eligible to
11 provide child care and receive child care subsidies as
12 provided by section 346-152.5;

13 ~~[(12)]~~ (11) The department of human services on operators
14 and employees of home and community-based case
15 management agencies and operators and other adults,
16 except for adults in care, residing in foster family
17 homes as provided by section 346-335;

18 ~~[(13)]~~ (12) The department of human services on staff
19 members of the Hawaii youth correctional facility as
20 provided by section 352-5.5;

21 ~~[(14)]~~ (13) The department of human services on employees,
22 prospective employees, and volunteers of contracted



1 providers and subcontractors in positions that place
2 them in close proximity to youth when providing
3 services on behalf of the office or the Hawaii youth
4 correctional facility as provided by section 352D-4.3;
5 [~~+15~~] (14) The judiciary on employees and applicants at
6 detention and shelter facilities as provided by
7 section 571-34;
8 [~~+16~~] (15) The department of public safety on employees and
9 prospective employees who are directly involved with
10 the treatment and care of persons committed to a
11 correctional facility or who possess police powers
12 including the power of arrest as provided by section
13 353C-5;
14 [~~+17~~] (16) The board of private detectives and guards on
15 applicants for private detective or private guard
16 licensure as provided by section 463-9;
17 [~~+18~~] (17) Private schools and designated organizations on
18 employees and prospective employees who may be in
19 positions that necessitate close proximity to
20 children; provided that private schools and designated
21 organizations receive only indications of the states



1 from which the national criminal history record
2 information was provided pursuant to section 302C-1;
3 ~~[(19) The public library system on employees and prospective~~
4 ~~employees whose positions place them in close~~
5 ~~proximity to children as provided by section 302A-~~
6 ~~601.5;~~
7 ~~-(20)]~~ (18) The State or any of its branches, political
8 subdivisions, or agencies on applicants and employees
9 holding a position that has the same type of contact
10 with children, vulnerable adults, or persons committed
11 to a correctional facility as other public employees
12 who hold positions that are authorized by law to
13 require criminal history record checks as a condition
14 of employment as provided by section 78-2.7;
15 ~~[(21)]~~ (19) The department of human services on licensed
16 adult day care center operators, employees, new
17 employees, subcontracted service providers and their
18 employees, and adult volunteers as provided by section
19 346-97;
20 ~~[(22)]~~ (20) The department of human services on purchase of
21 service contracted and subcontracted service providers
22 and their employees serving clients of the adult and



1 community care services branch, as provided by section
2 346-97;

3 [~~+23~~] (21) The department of human services on foster
4 grandparent program, retired and senior volunteer
5 program, senior companion program, and respite
6 companion program participants as provided by section
7 346-97;

8 [~~+24~~] (22) The department of human services on contracted
9 and subcontracted service providers and their current
10 and prospective employees that provide home and
11 community-based services under section 1915(c) of the
12 Social Security Act, Title 42 United States Code
13 section 1396n(c), or under any other applicable
14 section or sections of the Social Security Act for the
15 purposes of providing home and community-based
16 services, as provided by section 346-97;

17 [~~+25~~] (23) The department of commerce and consumer affairs
18 on proposed directors and executive officers of a
19 bank, savings bank, savings and loan association,
20 trust company, and depository financial services loan
21 company as provided by section 412:3-201;



1 [~~+26~~] (24) The department of commerce and consumer affairs
 2 on proposed directors and executive officers of a
 3 nondepository financial services loan company as
 4 provided by section 412:3-301;

5 [~~+27~~] (25) The department of commerce and consumer affairs
 6 on the original chartering applicants and proposed
 7 executive officers of a credit union as provided by
 8 section 412:10-103;

9 [~~+28~~] (26) The department of commerce and consumer affairs
 10 on:

11 (A) Each principal of every non-corporate applicant
 12 for a money transmitter license; and

13 (B) The executive officers, key shareholders, and
 14 managers in charge of a money transmitter's
 15 activities of every corporate applicant for a
 16 money transmitter license,

17 as provided by section 489D-9;

18 [~~+29~~] (27) The department of commerce and consumer affairs
 19 on applicants for licensure and persons licensed under
 20 title 24;

21 [~~+30~~] (28) The Hawaii health systems corporation on:

22 (A) Employees;



- 1 (B) Applicants seeking employment;
- 2 (C) Current or prospective members of the corporation
- 3 board or regional system board; or
- 4 (D) Current or prospective volunteers, providers, or
- 5 contractors,
- 6 in any of the corporation's health facilities as
- 7 provided by section 323F-5.5;

8 ~~[+31+]~~ (29) The department of commerce and consumer affairs
9 on:

- 10 (A) An applicant for a mortgage loan originator
- 11 license; and
- 12 (B) Each control person, executive officer, director,
- 13 general partner, and manager of an applicant for
- 14 a mortgage loan originator company license,
- 15 as provided by chapter 454F;

16 ~~[+32+]~~ (30) The counties on prospective employees who work
17 with vulnerable adults or senior citizens in
18 community-based programs;

19 ~~[+33+]~~ (31) The counties on prospective employees for fire
20 department positions which involve contact with
21 children or dependent adults;



1 ~~[(+34)]~~ (32) The counties on prospective employees for
2 emergency medical services positions which involve
3 contact with children or dependent adults;

4 ~~[(+35)]~~ (33) The counties on prospective employees for
5 emergency management positions and community
6 volunteers whose responsibilities involve planning and
7 executing homeland security measures including
8 viewing, handling, and engaging in law enforcement or
9 classified meetings and assisting vulnerable and
10 disabled citizens during emergencies or crises; and

11 ~~[(+36)]~~ (34) Any other organization, entity, or the State,
12 its branches, political subdivisions, or agencies as
13 may be authorized by state law."

14 SECTION 19. Section 302A-601.5, Hawaii Revised Statutes,
15 is repealed.

16 ~~["~~§302A-601.5~~ Employees of the department of education~~
17 ~~and teacher trainees in any public school; criminal history~~
18 ~~record checks. (a) The department of education, including the~~
19 ~~Hawaii state public library system, shall develop procedures for~~
20 ~~obtaining verifiable information regarding the criminal history~~
21 ~~of persons who are employed or seeking employment in any~~
22 ~~position, including teacher trainees, that places them in close~~



1 ~~proximity to children. These procedures shall include criminal~~
2 ~~history record checks in accordance with section 846-2.7.~~

3 ~~Information obtained pursuant to this subsection shall be~~
4 ~~used exclusively by the employer or prospective employer for the~~
5 ~~purpose of determining whether a person is suitable for working~~
6 ~~in close proximity to children. All such decisions shall be~~
7 ~~subject to applicable federal laws and regulations currently or~~
8 ~~hereafter in effect.~~

9 ~~(b) The employer or prospective employer may refuse to~~
10 ~~employ, and may:~~

11 ~~(1) Refuse to issue a teaching or other educational~~
12 ~~certificate;~~

13 ~~(2) Revoke the teaching or other educational certificate;~~

14 ~~(3) Refuse to allow or continue to allow teacher training;~~
15 ~~or~~

16 ~~(4) Terminate the employment of any employee or deny~~
17 ~~employment to an applicant,~~

18 ~~if the person has been convicted of a crime, and if the employer~~
19 ~~or prospective employer finds by reason of the nature and~~
20 ~~circumstances of the crime that the person poses a risk to the~~
21 ~~health, safety, or well-being of children. Refusal, revocation,~~
22 ~~or termination may occur only after appropriate investigation~~



1 ~~and notification to the employee or applicant for employment of~~
2 ~~results and planned action, and after the employee or applicant~~
3 ~~for employment is given an opportunity to meet and rebut the~~
4 ~~finding. Nothing in this subsection shall abrogate any~~
5 ~~applicable appeal rights under chapters 76 or 89, or~~
6 ~~administrative regulation of the department of education.~~

7 ~~(c) This section shall not be used by the department to~~
8 ~~secure criminal history record checks on persons who have been~~
9 ~~employed continuously by the department, including the state~~
10 ~~public library system, on a salaried basis prior to July 1,~~
11 ~~1990.~~

12 ~~(d) Notwithstanding any other law to the contrary, for~~
13 ~~purposes of this section, the department of education, including~~
14 ~~the Hawaii state public library system, shall be exempt from~~
15 ~~section 831-3.1 and need not conduct investigations,~~
16 ~~notifications, or hearings under this section in accordance with~~
17 ~~chapter 91."]~~

18 SECTION 20. Section 302A-602, Hawaii Revised Statutes, is
19 repealed.

20 [~~"§302A-602 Teachers; licenses and certificates. (a) No~~
21 ~~person shall serve as a teacher in the department without first~~
22 ~~having obtained a license from the Hawaii teacher standards~~



1 ~~board in such form as the Hawaii teacher standards board~~
2 ~~determines. The department shall establish types of~~
3 ~~certificates in the educational field and the requirements to~~
4 ~~qualify for those certificates issued to individuals who are not~~
5 ~~required to obtain a license pursuant to sections 302A-801 to~~
6 ~~302A-808.~~

7 ~~(b) Beginning with the 2002-2003 school year, no person~~
8 ~~paid under the salary schedule contained in the unit 5~~
9 ~~collective bargaining agreement shall serve as a teacher in the~~
10 ~~department without first having obtained a license pursuant to~~
11 ~~sections 302A-801 to 302A-808 from the Hawaii teacher standards~~
12 ~~board in such form as the Hawaii teacher standards board~~
13 ~~determines.~~

14 ~~(c) Beginning with the 2002-2003 school year, the~~
15 ~~department may employ unlicensed individuals as emergency hires~~
16 ~~pursuant to sections 302A-801 to 302A-808."]~~

17 SECTION 21. Section 302A-602.5, Hawaii Revised Statutes,
18 is repealed.

19 [~~"§302A-602.5 Certificates; revocation. The department~~
20 ~~may revoke any certificate after its issuance if the certificate~~
21 ~~holder does not possess the requisite qualifications. For the~~
22 ~~purposes of this section, the term "certificate" does not~~



1 ~~include a license issued by the Hawaii teacher standards board~~
2 ~~pursuant to part III, subpart D."]~~

3 SECTION 22. Section 302A-603, Hawaii Revised Statutes, is
4 repealed.

5 [~~"§302A-603 Teaching without certificates or licenses;~~
6 ~~penalty. (a) Except as otherwise provided, before the 1997-~~
7 ~~1998 school year, whoever serves in the department as a teacher~~
8 ~~without holding an unrevoked certificate issued under sections~~
9 ~~302A-602 to 302A-639, and 302A-701, shall be fined not more than~~
10 ~~\$25.~~

11 ~~(b) Beginning with the 1997-1998 school year, whoever~~
12 ~~serves in the department as a teacher, paid under the salary~~
13 ~~schedule contained in the unit 5 collective bargaining~~
14 ~~agreement, without holding an unrevoked or unsuspended license~~
15 ~~or credential issued under sections 302A-801 to 302A-808, shall~~
16 ~~be fined not more than \$500.~~

17 ~~(c) Beginning with the 2002-2003 school year, an~~
18 ~~individual paid under the salary schedule contained in the unit~~
19 ~~5 collective bargaining agreement, without holding an unrevoked~~
20 ~~license issued under sections 302A-801 to 302A-808, shall be~~
21 ~~fined not more than \$500.~~



1 ~~(d) Beginning with the 2002-2003 school year, emergency~~
2 ~~hires shall not be subject to this penalty."]~~

3 SECTION 23. Section 302A-1001, Hawaii Revised Statutes, is
4 repealed.

5 ~~["~~§302A-1001~~ **Student bias.** No person in the State, on~~
6 ~~the basis of sex, shall be excluded from participation in, be~~
7 ~~denied the benefits of, or be subjected to discrimination under~~
8 ~~any educational or recreational program or activity receiving~~
9 ~~state or county financial assistance or utilizing state or~~
10 ~~county facilities."]~~

11 SECTION 24. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

13 SECTION 25. This Act shall take effect on July 1, 2050.



Report Title:

Education; Housekeeping

Description:

Amends or repeals various provisions of Chapter 302A, Hawaii Revised Statutes, for housekeeping and other purposes. Effective 7/1/2050. (SD2)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

