

JAN 24 2024

A BILL FOR AN ACT

RELATING TO EDUCATION.

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

1 SECTION 1. The legislature finds that some teachers,
2 facing severe allegations such as sexual harassment of a
3 student, exploit the existing education system by resigning or
4 retiring before they can be formally terminated. This practice
5 not only obstructs the pursuit of justice but also allows these
6 teachers to potentially continue their careers in other states
7 or private schools without any consequences. Requiring teachers
8 who have resigned or retired in lieu of termination during the
9 pendency of the investigation to have their teaching license
10 revoked is imperative to address a critical issue within our
11 education system.

12 The legislature recognizes that it is essential to rectify
13 this dangerous loophole. It is unacceptable for teachers
14 accused of serious misconduct to evade accountability by
15 relocating to different jurisdictions or institutions.
16 Requiring the revocation of these teachers teaching licenses
17 ensures that their names are added to the National Association
18 of State Directors of Teacher Education and Certification

S.B. NO. 3089

1 database, which maintains an interstate agreement with the
2 Hawaii teacher standards board. This, in turn, will ensure that
3 potential employers are aware of the unlicensed status of these
4 teachers, making it significantly more challenging for these
5 teachers to secure employment in any educational setting. This
6 Act is a necessary step to preserve the integrity of the
7 teaching profession and protect students from potential harm,
8 and thus uphold ethical standards and accountability within the
9 education system.

10 SECTION 2. Section 302A-602, Hawaii Revised Statutes, is
11 amended to read as follows:

12 **"§302A-602 Teachers; licenses and certificates.** (a) No
13 person shall serve as a teacher in the department without first
14 having obtained a license from the Hawaii teacher standards
15 board in such form as the Hawaii teacher standards board
16 determines. The department shall establish types of
17 certificates in the educational field and the requirements to
18 qualify for those certificates issued to individuals who are not
19 required to obtain a license pursuant to sections 302A-801 to
20 302A-808.

21 (b) Beginning with the 2002-2003 school year, no person
22 paid under the salary schedule contained in the unit 5

S.B. NO. 3089

1 collective bargaining agreement shall serve as a teacher in the
2 department without first having obtained a license pursuant to
3 sections 302A-801 to 302A-808 from the Hawaii teacher standards
4 board in such form as the Hawaii teacher standards board
5 determines.

6 (c) Beginning with the 2002-2003 school year, the
7 department may employ unlicensed individuals as emergency hires
8 pursuant to sections 302A-801 to 302A-808.

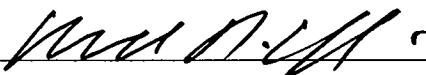
9 (d) Any person paid under the salary schedule contained in
10 the unit 5 collective bargaining agreement shall have the
11 person's license revoked by the Hawaii teacher standards board
12 if the person resigns or retires during the pendency of any
13 investigation into allegations of sexual assault, sexual
14 harassment, or other physical abuse of a student, including
15 criminal and workplace investigations."

16 SECTION 3. New statutory material is underscored.

17 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY: 

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BY REQUEST

S.B. NO. 3089

Report Title:

Department of Education; Hawaii Teacher Standards Board; License Revocation

Description:

Requires that licensed teachers have their license revoked by the Hawaii Teachers Standards Board if the teacher is resigning or retiring during the pendency of any investigation into allegations of sexual assault, sexual harassment, or other physical abuse of a student.

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

JUSTIFICATION SHEET

SB. NO. 3089

DEPARTMENT: Education

TITLE: A BILL FOR AN ACT RELATING TO EDUCATION.

PURPOSE: To mandate the automatic revocation of a teaching license if a license holder resigns or retires in lieu of termination during the pendency of certain types of investigations.

MEANS: Amend section 302A-602, Hawaii Revised Statutes (HRS).

JUSTIFICATION: This bill aims to address a loophole in the education system by requiring teachers who have resigned or retired in lieu of termination due to allegations of sexual harassment, sexual assault, or other physical abuse of a student to have their teaching license revoked. This will prevent potentially harmful teachers from continuing their careers elsewhere without consequences. The bill proposes an amendment to section 302A-602, HRS, specifically stating that teachers paid under the unit five collective bargaining agreement must have their license revoked by the Hawaii Teacher Standards Board if they resign or retire in lieu of termination during the pendency of certain types of investigations. This bill is seen as crucial to maintaining the integrity of the teaching profession, preventing accused teachers from relocating to different jurisdictions or institutions, and enhancing accountability within the education system. The bill aims to ensure that such teachers are listed in the National Association of State Directors of Teacher Education and Certification database, making it difficult for them to secure employment in any educational setting.

Impact on the public: The public will be better protected, as children are further

SB. NO. 3089

removed from individuals not suited to teach at schools.

Impact on the department and other agencies:
This bill will enhance the Department's ability to protect students from harm.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: None.

OTHER AFFECTED
AGENCIES: None.

EFFECTIVE DATE: Upon approval.