

STAND. COM. REP. NO. 502 -24

Honolulu, Hawaii

FEB 16 , 2024

RE: H.B. No. 2043
H.D. 2

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-Second State Legislature
Regular Session of 2024
State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 2043, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO EDUCATION,"

begs leave to report as follows:

The purpose of this measure is to establish a harm to students registry for all preschools and K-12 educational institutions within the State that contains information on school employees, contractors, or volunteers for whom, as result of an investigation, a final finding has been issued that the individual has inflicted harm on a student.

Your Committee received testimony in support of this measure from the Department of Human Resources Development; Executive Office on Early Learning; Department of Education; Department of Human Services; Hawaii Association of Independent Schools; Hawaii Council of Private Schools; Punahou School; and Kamehameha Schools. Your Committee received comments on this measure from the Department of the Attorney General.

Your Committee finds that this measure will streamline the sharing of information between schools in the State about individuals who have perpetuated harm against children and help to ensure that the State's students will be educated in safe and healthy learning environments.

2024-1622 HB2043 HD2 HSCR HMSO



Your Committee has amended this measure by:


- (1) Clarifying the information to be contained in the harm to students registry;
- (2) Amending the requirements for institutions subject to the harm to students registry, including with regard to due process, notice, appeals, disclosure, and indemnification of the Department of Education;
- (3) Clarifying the good faith presumption, qualified immunity, rights, obligations, remedies, liabilities, and standards of proof applicable to institutions subject to the harm to students registry;
- (4) Deleting language that would have made the harm to students registry accessible to the Department of Human Services;
- (5) Deleting language that established a process for persons to appeal to have their name removed from the harm to students registry;
- (6) Requiring the Department of Education, private schools, public charter schools, and early learning programs and schools to consult the harm to students registry and cease to consider a candidate for employment or volunteer's assistance in a role that involves student interaction;
- (7) Exempting the harm to students registry from the Uniform Information Practices Act;
- (8) Amending the definitions of "employee", "harm to students registry", "inflicted harm on a student", "institution", and "investigation"; and
- (9) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of



H.B. No. 2043, H.D. 1, as amended herein, and recommends that it be referred to your Committee on Finance in the form attached hereto as H.B. No. 2043, H.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary &
Hawaiian Affairs,



DAVID A. TARNAS, Chair



