

Honolulu, Hawaii

FEB 12 2024

RE: S.B. No. 2475  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-Second State Legislature  
Regular Session of 2024  
State of Hawaii

Sir:

Your Committees on Education and Labor and Technology, to which was referred S.B. No. 2475 entitled:

"A BILL FOR AN ACT RELATING TO EDUCATION,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Establish a Harm to Students Registry for all prekindergarten through grade twelve institutions operating in the State to be administered by the Department of Education;
- (2) Require schools to complete any investigation into employees who have pending allegations of harming students, regardless of employment status;
- (3) Require schools to consult with the Harm to Students Registry before authorizing prospective employees or volunteers to interact with students;
- (4) Require schools to share information on ongoing or concluded investigations of infliction of harm to a student when requested by another institution;
- (5) Establish an appeal process for individuals who request removal from the Harm to Students Registry;



- (6) Require the Hawaii Teacher Standards Board to revoke the licenses of certain individuals who have resigned or retired in lieu of termination; and
- (7) Establish qualified immunity for employers who provide good faith information or opinion on a current or former employee's job performance.

Your Committees received testimony in support of this measure from the Department of Education, Executive Office on Early Learning, Hawai'i Teacher Standards Board, Hawaii Association of Independent Schools, Kamehameha Schools, Punahou School, and two individuals.

Your Committees received comments on this measure from the Department of the Attorney General.

Your Committees find that Hawaii's keiki deserve to learn and grow in safe and secure educational environments. However, in recent years, there has been a growing number of individuals who have perpetuated harm against children and then sought subsequent employment at another educational institution. The ease of securing employment despite ongoing or pending investigations into allegations of harm against children raises troubling concerns for keiki and school communities statewide. Therefore, this measure establishes an additional safeguard for all schools across the State to create safer learning environments while holding individuals who have committed egregious actions accountable.

Your Committees have amended this measure by:

- (1) Deleting a reference to chapter 350, Hawaii Revised Statutes, relating to child abuse under the purview of the Department of Human Services;
- (2) Prohibiting the inclusion of personally identifiable information of a student within information shared between educational institutions regarding the Harm to Students Registry;
- (3) Exempting any information or employment documents related to the Harm to Students Registry obtained from a



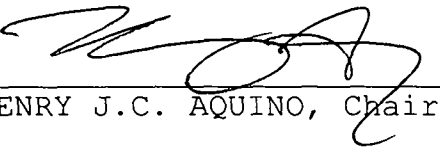
non-governmental educational institution from the requirements of the Uniform Information Practices Act;

- (4) Clarifying that the Department of Education is required to complete an investigation of an employee, rather than an individual;
- (5) Requiring institutions to complete an investigation upon notification of an allegation of infliction of harm to a student;
- (6) Requiring public schools to inquire with the Department of Education to confirm whether a candidate for employment or prospective volunteer at the institution is listed on the Harm to Students Registry;
- (7) Applying definitions of terms defined in section 302A-1002, Hawaii Revised Statutes, to new language establishing the Harm to Students Registry in other sections of the Hawaii Revised Statutes;
- (8) Inserting language in chapter 302L, Hawaii Revised Statutes, to extend the provisions of this measure to early learning programs;
- (9) Clarifying that inclusion on the Harm to Students Registry for certain persons paid under the salary scheduled contained in bargaining unit (5) shall occur only after an investigation conducted results in a final finding that the person engaged in acts or omissions that resulted in the infliction of harm to a student;
- (10) Requiring any individual who retires or resigns from teaching before the completion of the investigation to surrender their Hawaii teaching license;
- (11) Requiring the Hawaii Teacher Standards Board to report a surrendered license to the National Association of State Directors of Teacher Education and Certification; and
- (12) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.



As affirmed by the records of votes of the members of your Committees on Education and Labor and Technology that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2475, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2475, S.D. 1, and be referred to your Committees on Ways and Means and Judiciary.

Respectfully submitted on  
behalf of the members of the  
Committees on Education and  
Labor and Technology,

  
HENRY J.C. AQUINO, Chair

  
MICHELLE N. KIDANI, Chair



The Senate  
 Thirty-Second Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Education**  
**EDU**

Bill / Resolution No.:* <b>SB2475</b>	Committee Referral: <b>EDU/LBT, WAM/JDC</b>	Date: <b>2/5/2024</b>
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The Committee is reconsidering its previous decision on this measure.  
 If so, then the previous decision was to: \_\_\_\_\_

The Recommendation is:  
 Pass, unamended 2312    
 Pass, with amendments 2311    
 Hold 2310    
 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
KIDANI, Michelle N. (C)	/			
KIM, Donna Mercado (VC)	/			
HASHIMOTO, Troy N.	/			
RICHARDS, III, Herbert M. "Tim"				/
FEVELLA, Kurt	/			
<b>TOTAL</b>	<b>4</b>			<b>1</b>

Recommendation:    
 Adopted    
 Not Adopted


Chair's or Designee's Signature:  


Distribution:    
 Original     Yellow     Pink     Goldenrod  
 File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy

**\*Only one measure per Record of Votes**

The Senate  
 Thirty-Second Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Labor and Technology**  
**LBT**

Bill / Resolution No.:* <b>SB2475</b>	Committee Referral: <b>EDU/LBT, NAM/JDL</b>	Date: <b>2-5-24</b>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
AQUINO, Henry J.C. (C)	X			
MORIWAKI, Sharon Y. (VC)	X			
IHARA, Jr., Les				X
LEE, Chris	X			
FEVELLA, Kurt	X			
<b>TOTAL</b>	<b>4</b>			<b>1</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

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