



STATE OF HAWAII
Executive Office on Early Learning
2759 South King Street
HONOLULU, HAWAII 96826

February 21, 2024

TO: Representative Kyle Yamashita, Chair
Representative Lisa Kitagawa, Vice Chair
House Committee on Finance

FROM: Yuuko Arikawa-Cross, Director
Executive Office on Early Learning

SUBJECT: Measure: H.B. No. 2043 H.D. 1 – RELATING TO EDUCATION

EXECUTIVE OFFICE ON EARLY LEARNING'S POSITION: Support

Protecting children against harm is paramount for the Executive Office on Early Learning (EOEL) and we support H.B. No. 2043, H.D. 1.

EOEL is committed to providing high-quality early learning programs and services to all keiki across the State. Fundamental components of a high-quality program include safe and nurturing environments and trusting and caring adults. This bill would streamline information about individuals who have perpetuated harm against children, making that information more accessible across schools and departments.

Mahalo for the opportunity to testify in support of this measure.

TO: Representative Kyle T. Yamashita, Chair
Representative Lisa Kitagawa, Vice Chair
House Committee on Finance

FROM: Robert G. Peters, Chair
Early Learning Board

SUBJECT: Measure: H.B. 2043 HD 2. – RELATING TO EDUCATION

DATE: Friday, February 23, 2024
TIME: 1:00 PM
LOCATION: VIA VIDEOCONFERENCE
Conference Room 308

Early Learning Board's Position: Support

Protecting children against harm is paramount in all educational settings and the Early Learning Board, governing Board for the Executive Office on Early Learning (EOEL), supports HB 2043 HD2 which seeks to enhance children's safety.

ELB expects that EOEL to provide high-quality early learning programs and services to all keiki across the State. Fundamental components of a high-quality program include safe and nurturing environments and trusting and caring adults. This bill would streamline information about individuals who have perpetuated harm against children, making that information more accessible across schools and potentially departments.

We respectfully request that the Director of EOEL be included in the temporary panel referenced in subsection f (page 5 lines 11 through 12) as EOEL also oversees prekindergarten classrooms.

Classroom and administrative staff of the EOEL Public Prekindergarten program are employees of the Department of Education (HIDOE) as an attached agency and ELB defers to HIDOE on the provisions of the bill related to implementation.

Mahalo for the opportunity to provide comments on this measure.



STATE OF HAWAII
DEPARTMENT OF EDUCATION
KA 'OIHANA HO'ONA'AUAO
P.O. BOX 2360
HONOLULU, HAWAII 96804

Date: 02/23/2024

Time: 01:00 PM

Location: 308 VIA VIDEOCONFERENCE

Committee: House Finance

Department: Education

Person Testifying: Keith T. Hayashi, Superintendent of Education

Title of Bill: HB 2043, HD2 RELATING TO EDUCATION.

Purpose of Bill: Establishes a harm to students registry for all early learning programs or schools 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. Appropriates funds. Effective 7/1/3000. (HD2)

Department's Position:

The Hawaii State Department of Education (Department) supports HB 2043 HD2.

The Department agrees with the Legislature that creating a harm-to-students registry that is accessible by all pre K-12 educational institutions within the State of Hawaii will aid in preventing the employment of individuals who harm children.

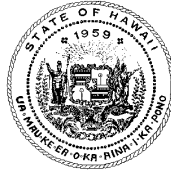
Increasing the ability of both private and public preK-12 education institutions to communicate and provide vital information to consider in rendering employment decisions is critically important to maintaining healthy and safe learning environments for all of Hawaii's keiki.

The Department appreciates the placement of a 1.0 FTE position to implement this measure's goals effectively.

The Department urges the Legislature to advance this measure. Thank you for the opportunity to testify on HB 2043 HD2.

JOSH GREEN, M. D.
GOVERNOR
KE KIA'ĀINA

SYLVIA LUKE
LT. GOVERNOR
KA HOPE KIA'ĀINA



BRENNA H. HASHIMOTO
DIRECTOR
KA LUNA HO'OKELE

RYAN YAMANE
DEPUTY DIRECTOR
KA HOPE LUNA HO'OKELE

STATE OF HAWAII | KA MOKU'ĀINA O HAWAII
DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT
KA 'OIHANA HO'OMŌHALA LIMAHANA
235 S. BERETANIA STREET
HONOLULU, HAWAII 96813-2437

Statement of
BRENNA H. HASHIMOTO
Director, Department of Human Resources Development

Before the
HOUSE COMMITTEE ON FINANCE
Friday, February 23, 2024
1:00PM
State Capitol, Conference Room 308

In consideration of
HB2043, HD2, RELATING TO EDUCATION

Chair Yamashita, Vice Chair Kitagawa, and the members of the committee.

The Department of Human Resources Development (DHRD) offers the following **comments** for HB 2043, HD2.

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

DHRD offers the following comments on this measure:

1. DHRD requests inclusion an employer authorized to access the registry for the purpose of determining employment suitability for select positions in the Executive Branch. While the State Executive Branch is not an educational institution, there are various programs and positions within the state, such as in the Departments of Human Services and Health, providing services to some of the most vulnerable children in our community. These positions include Child/Adult Protective Services Specialists, Social Services Aids and Assistants, Human Services Professionals, Social Workers, and Clinical Psychologists.
2. Access to the registry will equip DHRD with essential information when a suitability investigation must be conducted for a person being offered a position involving close contact with minors throughout all State departments. Preventing the hiring of an unsuitable person could mitigate significant liability for the State.

Thank you for the opportunity to provide testimony on this measure.

JOSH GREEN, M.D.
GOVERNOR



CATHY K. IKEDA
CHAIRPERSON

STATE OF HAWAII
STATE PUBLIC CHARTER SCHOOL COMMISSION
(‘AHA KULA HO‘ĀMANA)

<http://CharterCommission.Hawaii.Gov>
1164 Bishop Street, Suite 1100, Honolulu, Hawaii 96813
Tel: (808) 586-3775 Fax: (808) 586-3776

FOR: HB 2043 HD2 Relating to Education
DATE: February 23, 2024
TIME: 1:00 P.M.
COMMITTEE: Committee on Finance
ROOM: Conference Room 308 & Videoconference
FROM: Ed H. Noh, Ed. D., Executive Director
State Public Charter School Commission

Chair Yamashita, Vice Chair Kitagawa, and members of the Committee:

The State Public Charter School Commission (“Commission”) appreciates the opportunity to offer **SUPPORT of HB 2043 HD2** which creates a registry for all preschools and K-12 educational institutions within the State that contains information on school employees, contractors, or volunteers for whom, as a result of an investigation, a final finding has been issued that the individual has inflicted harm on a student, with the goal of preventing those individuals from subsequently gaining employment in any other public or private preschools and K-12 institutions in Hawaii.

The Commission supports the efforts of the Legislature in providing this registry which would serve as an additional safety measure that would protect all public school students, including charter school and prekindergarten students.

The Commission is available to work with the Legislature, the DOE, public charter schools, and all other stakeholders in moving this legislation forward.

Thank you for the opportunity to provide this testimony.



TO: The Honorable Kyle Yamashita, Chair
The Honorable Lisa Kitagawa, Vice Chair
House Committee on Finance

FROM: Philip Bossert, Executive Director
Hawaii Association of Independent Schools

RE: **HB 2043 HD2 - Relating to Education
In Strong Support**

DATE: Friday, February 23, 2024; Agenda #3
1:00 p.m.; Conference Room 308

Aloha Chair Yamashita, Vice Chair Kitagawa and Members of the Committee:

The Hawaii Association of Independent Schools (HAIS) and its subsidiary, the Hawaii Council of Private Schools (HCPS), strongly supports HB 2043 HD2. The establishment of a Harm to Students Registry in Hawaii will close a significant loophole in the hiring of school personnel that allows employees who have harmed students – in particular sexually abusing students – and released from one institution to seek employment at a new school and cause harm once again. There are multiple cases of this happening in Hawaii in past years.

Unfortunately, it is often the case that an institution, in order to avoid tarnishing its reputation with a sexual abuse incident becoming public, will simply terminate the offending person and not report it to the police. Likewise, parents are often reluctant to put their children through the additional trauma of having to testify in public about a sexual abuse incident that they have been a victim of. Repeat offenders are thus able to move undetected from one school to another and continue to harm students.

This registry, similar to ones in Texas and New Jersey, would require schools that have released an employee for harming a student to report that employee and the incident to the registry. And it will require any public, charter or private school in the state to check this registry before offering employment to a new employee. If the applicant's name is found to be on the registry, then that person should not be allowed to work in a school.

The creation of this statewide registry for all PK-12 schools will help to prevent the repeated harm that such persons cause. I urge you to support this bill and help to close this loophole.

Thank you for the opportunity to provide this testimony.



PUNAHOU SCHOOL

1601 Punahou Street, Honolulu, HI 96822-3336
Tel: 808.944.5700 mlatham@punahou.edu

Michael E. Latham, Ph.D.
President

To: The Honorable Kyle Yamashita, Chair
The Honorable Lisa Kitagawa, Vice Chair
House Committee on Finance

From: Michael E. Latham
Governance Committee Chair, Hawaii Association of Independent Schools
President, Punahou School

Re: **HB 2043 HD2 – Relating to Education
In Strong Support**

Date: Friday, February 23, 2024; Agenda #3
1:00 pm, Conference Room 308

Aloha Chair Yamashita, Vice Chair Kitagawa, and Members of the Committee:

As a Board member and Chair of the Governance Committee of the Hawaii Association of Independent Schools, and as the President of Punahou School, I write in strong support of HB 2043 HD2. When parents enroll their sons and daughters at our state's public, charter, and independent schools, they are entrusting us with the safety of their children, and we must do all we can to earn that trust. This legislation will directly promote that vital work by creating a Harm to Students Registry empowering school officials to take affirmative steps to prevent perpetrators of sexual misconduct from moving from one school to another with impunity.

At the present, schools often dismiss employees for engaging in misconduct, but bad actors frequently are hired by other institutions where they may continue to prey on vulnerable students. To avoid defamation claims, schools may decline to share information with each other. In other instances, legal settlements may preclude the kind of warnings necessary to keep students safe. The Harm to Students Registry created by this bill will require schools to report the names of perpetrators to a central registry, provide schools with indemnification as they act in good faith, and require school hiring officers to consult the registry and decline to hire individuals named in it. It also ensures appropriate due process by requiring that schools conduct an investigation and creates a meaningful appeals process as well.

I firmly believe that a balanced, careful approach of this kind will help to protect our students. Perpetrators of misconduct are frequently serial actors, and this bill, like laws currently in effect in other states, will prevent them from further damaging young lives. I strongly encourage you to support this bill.

Thank you for the opportunity to testify in support of this measure.