

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: SB 2475 SD2 HD2 Relating to Education
DATE: March 27, 2024
TIME: 2:00 P.M.
COMMITTEE: Committee on Finance
ROOM: Conference Room 308 & Videoconference
FROM: Ed Noh, 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 on SB 2475 SD2 HD2** which creates a registry for all preschools and K-12 educational institutions within the State containing 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 these individuals from subsequently gaining employment in 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 and private school students, including charter school and prekindergarten students.

Thank you for the opportunity to provide this testimony.

JOSH GREEN, M.D.
GOVERNOR



YUUKO ARIKAWA-CROSS
DIRECTOR

STATE OF HAWAII
Executive Office on Early Learning
2759 South King Street, Room C6
HONOLULU, HAWAII 96826

March 25, 2024

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

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

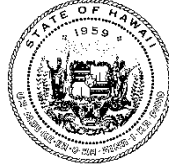
SUBJECT: Measure: S.B. No. 2475 S.D. 2 H.D. 2 – RELATING TO EDUCATION

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 S.B. No. 2475 S.D. 2 H.D. 2.

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 potentially departments.

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



STATE OF HAWAII

HAWAII TEACHER STANDARDS BOARD

650 IWILEI ROAD, SUITE 268

HONOLULU, HAWAII 96817

WRITTEN TESTIMONY BEFORE THE HOUSE COMMITTEE ON FINANCE

PERSON TESTIFYING: Felicia Villalobos, Executive Director, on behalf of the Hawai'i Teacher Standard Board

DATE: March 27, 2024

TIME: 2:00PM

LOCATION: Conference Room 308 and Video Conference

TITLE OF BILL: SB2475 SD2, HD2 RELATING TO EDUCATION, Department of Education; Private Schools; Charter Schools; Prekindergarten Programs and Schools; Harm to Students Registry; Appropriation; Expenditure Ceiling

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.

POSITION: Support

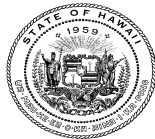
Chair Yamashita, and Members of the Committee;

Hawai'i Teacher Standards Board ("HTSB") supports the efforts to create 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 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 department (HIDOE) already has the ability to remove an individual from the classroom or school while an investigation is being completed, which serves as a safeguard towards further harm to students, and we think this process should be continued.

We support the measure so long as it does not adversely impact priorities identified in the Executive Supplemental Budget Request for FY2025. The Hawai'i Teacher Standards Board thanks you for hearing our testimony.

JOSH GREEN, M.D.
GOVERNOR



KEITH T. HAYASHI
SUPERINTENDENT

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

Date: 03/27/2024

Time: 02:00 PM

Location: 308 VIA VIDEOCONFERENCE

Committee: House Finance

Department: Education

Person Testifying: Keith T. Hayashi, Superintendent of Education

Bill Title: SB 2475, SD2, 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:

Thank you for the opportunity to provide written testimony in support of SB 2475, SD 2, HD2.

The Department agrees with the Legislature that creating a harm to students registry that is accessible by any educational institution serving any combination of students from grades pre K-12 within the State of Hawaii will help prevent the employment of individuals who harm children.

Increasing the ability of both private and public pre K-12 educational 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.

Thank you for the opportunity to provide written testimony on SB 2475, SD 2, HD2.

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: S.B. 2475 SD 2, HD 2 – RELATING TO EDUCATION

DATE: Wednesday, March 27, 2024
TIME: 2:00 PM
LOCATION: VIA VIDEOCONFERENCE
Conference Room 309

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 SB 2475 SD 2, HD 2 which seeks to enhance children's safety.

ELB expects 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.

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 testimony on this measure.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-SECOND LEGISLATURE, 2024**

ON THE FOLLOWING MEASURE:

S.B. NO. 2475, S.D. 2, H.D. 2, RELATING TO EDUCATION.

BEFORE THE:

HOUSE COMMITTEE ON FINANCE

DATE: Wednesday, March 27, 2024 **TIME:** 2:00 p.m.

LOCATION: State Capitol, Room 308 and Videoconference

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Anne T. Horiuchi, Deputy Attorney General

Chair Yamashita and Members of the Committee:

The Department of the Attorney General (Department) provides the following comments.

The bill establishes a "Harm to Students Registry" (Registry) for all early learning programs or schools and K-12 educational institutions within the State, to be administered by the Department of Education (DOE). The Registry will contain 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. It requires DOE schools (section 302A-), private schools (section 302C-), public charter schools (section 302D-), and early learning programs or schools (section 302L-), to contribute information to the Registry and to consult the Registry before considering a candidate for employment or authorizing a volunteer's assistance in a role that involves interaction with students. The bill also creates an unspecified number of positions within the DOE to manage the Registry and appropriates funds.

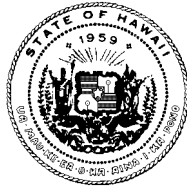
Section 14 of article III of the Hawai'i Constitution provides, in relevant part, that "[n]o law shall be passed except by bill. Each law shall embrace but one subject, which shall be expressed in its title." The one subject expressed in this bill's title is "Education." However, House Draft 2 added a new provision to the proposed section 302A- (j) on page 7, lines 5-7, that provides: "The [DOE] may share information from the harm to students registry with the department of human services." The Department

of Human Services is not an educational agency, nor is it an educational institution that employs teachers. Consequently, the new provision appears to fall outside the scope of the single subject expressed in the bill's title. To discourage a constitutional challenge based on section 14 of article III of the Hawai'i Constitution, the Department recommends revising the proposed section 302A- (j) as follows (new wording is underlined):

(j) The harm to students registry shall be made accessible to all institutions within the State. The department may share information from the harm to students registry with the department of human services[.] when the department of human services is conducting risk and suitability assessments of individuals applying for licensure to work in a center-based program, as defined in section 302L-1.

Thank you for the opportunity to provide comments on this bill.

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



CATHY BETTS
DIRECTOR
KA LUNA HO'OKELE

JOSEPH CAMPOS II
DEPUTY DIRECTOR
KA HOPE LUNA HO'OKELE

TRISTA SPEER
DEPUTY DIRECTOR
KA HOPE LUNA HO'OKELE

STATE OF HAWAII
KA MOKU'ĀINA O HAWAI'I
DEPARTMENT OF HUMAN SERVICES
KA 'OIHANA MĀLAMA LAWELAWE KANAKA
Office of the Director
P. O. Box 339
Honolulu, Hawaii 96809-0339

March 26, 2024

TO: The Honorable Representative Kyle T. Yamashita, Chair
House Committee on Finance

FROM: Cathy Betts, Director

SUBJECT: **SB 2475 SD2 H2 – RELATING TO EDUCATION.**

Hearing: March 27, 2024, 2:00 p.m.
Conference Room 308, State Capitol & Video Conference

DEPARTMENT'S POSITION: The Department of Human Services (DHS) supports this measure, appreciates the amendments of the Committee on Judiciary and Hawaiian Affairs (HD2), and provides comments. The Department defers to the Department of Education, the Hawaii Teachers Standards Board, the Department of the Attorney General, and the Department of Human Resources & Development. DHS respectfully encourages an extended effective date to give the entities enough time to work on the necessary rules and implement the new registry.

PURPOSE: This 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)

The Committees on Education and Labor and Technology (SD1) amended the 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.

The Committee on Ways and Means (SD2) made additional amendments:

- (1) Clarifying that certain information shall be exempt only from the disclosure requirements of the Uniform Information Practices Act (Chapter 92F, Hawaii Revised Statutes);
- (2) Providing that the third member of the Superintendent of Education's temporary commission shall be a representative of private schools located in the State, as invited by the superintendent; provided that the right of first refusal to serve on the commission shall go to the Executive Director of the Hawaii Association of Independent Schools or the Executive Director's designee;

- (3) Providing that the Department of Education may share information from the harm to students registry with the Department of Human Services;
- (4) Deleting language relating to exemptions from criminal liability for good faith reporters;
- (5) Deleting language that would have required that a person's resignation or retirement during an investigation automatically result in the revocation of the person's teaching license and placement of the person on the harm to student registry;
- (6) Clarifying teacher license surrender provisions relating to any person who retires or resigns before the completion of an investigation; and
- (7) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

The Committee on Education (HD1) amended the measure by deleting its contents and inserting the contents of HB 203443, HD 3, a measure that:

- (1) 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;
- (2) Appropriates funds to establish an unspecified number of full-time equivalent positions within the Department of Education to manage the registry and carry out the requirements of this measure; and
- (3) Takes effect on July 1, 3000.

The Committee on Judiciary and Hawaiian Affairs further amended the measure by:

- (1) Allowing the Department of Education to share information from the harm to students registry with the Department of Human Services;
- (2) Establishing a process for a person to have their name removed from the harm to students registry;
- (3) Clarifying when an institution must defend and indemnify the Department of Education from liability;
- (4) Clarifying that term "institution" includes both public and private educational institutions;
- (5) Requiring a reporting private school, public charter school, or early learning program or school to certify, before transmitting an employee's name and other information to the Department of Education, that the employee either waived the right to appeal or lost the appeal; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

DHS appreciates the HD2 amendment authorizing the DOE may share information with the DHS.

DHS conducts risk and suitability assessments of individuals who may be in the human care workforce serving vulnerable children or adults or in child care settings, including private preschools. DHS Child Welfare Services Branch (CWS) and Adult Protection & Community Services Branch (APS) investigate reports of abuse and neglect of minors and vulnerable adults and review applications to become resource caregivers. CWS also provides information to the Family Court regarding the background of petitioners seeking the adoption of a minor.

The Child Care Licensing Program (CCL) conducts background and suitability reviews for individuals interested in becoming child care providers and investigates violations of child care licensing rules. Additionally, if injuries occur in a private regulated child care setting, CWS and CCL both conduct investigations of the reported injury.

Lastly, DHS respectfully comments that the effective date should give the entities enough time to work on the necessary rules and implement the new registry.

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



Kamehameha Schools®

House Committee on Finance

Time: 2:00 p.m.

Date: March 27, 2024

Where: Conference Room 308

TESTIMONY

By Dr. Wai‘ale‘ale Sarsona
Kamehameha Schools

RE: SB 2475, SD2, HD2, Relating to Education

E ka Luna Ho‘omalua Yamashita, ka Hope Luna Ho‘omalua Kitagawa, a me nā lālā o ke Kōmike Waiwai o ka Hale o nā Lunamaka‘āinana, aloha kākou! My name is Dr. Wai‘ale‘ale Sarsona, Vice President of Hi‘ialo at Kamehameha Schools.

Kamehameha Schools **supports** SB 2475, SD2, HD2, which establishes a Harm to Students Registry for all prekindergarten through grade twelve institutions operating in the State to be administered by the Department of Education. We believe that student safety and well-being must always be at the center and this bill will help educational institutions have access to information about applicants who were found to cause harm to our keiki in their previous employment at an educational institution.

He lei pōina ‘ole ke keiki. A child is a lei that is never forgotten. We firmly believe that our keiki are indeed our most beautiful lei and deserve our full support and attention. We also know that we need to get this right and we are grateful for the opportunity to be involved in this process.

Founded in 1887, Kamehameha Schools is an educational organization striving to restore our people through education and advance a thriving Lāhui where all Native Hawaiians are successful, grounded in traditional values, and leading in the local and global communities. We believe that community success is individual success, Hawaiian culture-based education leads to academic success and local leadership drives global leadership.

‘A‘ohe hana nui ke alu ‘ia. No task is too great when we work together.



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: **SB 2475 SD2 HD2 - Relating to Education
In Strong Support**

DATE: Wednesday, March 27, 2024; **Agenda #1**
2:00 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 SB 2475 SD2 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. I would be happy to provide further clarity should you need additional information.

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: **SB 2475 SD2 HD2 – Relating to Education
In Strong Support**

Date: Wednesday, March 27, 2024; **Agenda #1**
2:00 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 SB 2475 SD2 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.