

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

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**ON THE FOLLOWING MEASURE:**

S.B. NO. 3089, S.D. 1, RELATING TO EDUCATION.

**BEFORE THE:**

SENATE COMMITTEE ON JUDICIARY

**DATE:** Friday, February 23, 2024 **TIME:** 9:30 a.m.

**LOCATION:** State Capitol, Room 016 and Videoconference

**TESTIFIER(S):** **WRITTEN TESTIMONY ONLY.**  
(For more information, contact Anne T. Horiuchi,  
Deputy Attorney General, at (808) 586-1255)

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Chair Rhoads and Members of the Committee:

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

The bill requires that any person paid under the salary schedule contained in the unit 5 collective bargaining agreement shall have their teacher's license revoked by the Hawaii Teacher Standards Board (HTSB) if that person resigns or retires during the pendency of any investigation into allegations of sexual assault, sexual harassment, or other physical abuse of a student; requires any other individual to surrender a teacher's license if they retire or resign from teaching before the completion of an investigation; and requires the HTSB to report the surrender to the National Association of State Directors of Teacher Education and Certification.

In the new subsection (e) being proposed to be added to section 302A-602, Hawaii Revised Statutes (HRS), by section 2 of the bill, the Department suggests replacing "surrender" with "forfeit" on page 3, line 21, and replacing "surrender" with "forfeiture" on page 4, line 1, to be consistent with terminology currently used in section 302A-805(c), HRS.

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

Written Only

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:** 02/23/2024

**Time:** 09:30 AM

**Location:** CR 016 & Videoconference

**Committee:** Senate Judiciary

**Department:** Education

**Person Testifying:** Keith T. Hayashi, Superintendent of Education

**Title of Bill:** SB 3089, SD1 RELATING TO EDUCATION.

**Purpose of Bill:** Requires that licensed teachers have their license revoked by the Hawaii Teacher 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. Requires a licensed teacher to surrender their license if the teacher retires or resigns from teaching before the completion of an investigation. Requires the Hawaii Teacher Standards Board to report the surrendered license to the National Association of State Directors of Teacher Education and Certification. (SD1)

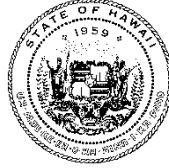
**Department's Position:**

Thank you for the opportunity to provide testimony on SB 3089 SD 1. The Hawaii State Department of Education (Department) supports this measure which is part of its administrative package.

The Department believes this bill will help to maximize the availability of safeguards within Hawaii's pre K-12 public education system that protect students from school faculty and staff who inflict harm or exploit their positions to take advantage of students. The revocation of a person's teaching license for resigning or retiring during the "pendency of any investigation" related to allegations of sexual assault or harassment, physical abuse of a student, and criminal or workplace investigations is a useful action to implement in further protecting students.

The Department defers to the Department of the Attorney General on any potential due process or other legal issues that may result from enacting this proposal. The Department also defers to the Hawaii Teachers Standards Board as to the implementation of this measure.

Thank you for the opportunity to testify on SB 3089 SD 1.



**STATE OF HAWAII**

**HAWAII TEACHER STANDARDS BOARD**

650 IWILEI ROAD, SUITE 268

HONOLULU, HAWAII 96817

**WRITTEN TESTIMONY BEFORE THE SENATE COMMITTEE ON JUDICIARY**

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

**DATE:** February 23, 2024

**TIME:** 9:30AM

**LOCATION:** Conference Room 016 and Video Conference

**TITLE OF BILL:** SB3089, SD1 RELATING TO EDUCATION, Department of Education; Hawai'i Teacher Standards Board; License Revocation

**PURPOSE OF BILL:** The purpose of this bill is to require that licensed teachers have their license revoked by the Hawai'i 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.

**POSITION:** Comments

Chair Rhoads, and Members of the Committee;

**The Hawai'i Teacher Standards Board (HTSB) offers comments on SB3089, SD1, relating to education, with a suggested amendment for clarity.** The purpose of this bill is to require that licensed teachers have their license revoked by the Hawai'i 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.

**HTSB would recommend that this bill amend the language in SECTION 2. Section 302A-602, Hawaii Revised Statutes, is amended to read as follows: as written below:**

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

~~(e)~~ (d) The department shall inform in writing and obtain a signature from any individual paid under the salary schedule contained in the unit 5 collective bargaining agreement who retires or resigns from teaching before prior to the completion of any investigation into allegations of sexual assault, sexual harassment, or other physical abuse of a student, including criminal and workplace investigations. and This individual shall surrender their Hawaii teaching license. The department must immediately inform and provide their complaints, any relevant information, and investigative reports to and the Hawaii teacher standards board who shall report the surrender to the National Association of State Directors of Teacher Education and Certification.

**We do agree that the department should complete all investigations pertaining to allegations of sexual assault, sexual harassment, or other physical abuse of a student committed by a teacher, counselor, or school librarian even if the individual retires or resigns during the inception or pendency of the investigation.**

The Hawai'i Teacher Standards Board does support revoking an individual's license once an investigation has been completed and a written recommendation for-disciplinary action-termination has been prepared and this process is already in place. This bill currently requires HTSB to revoke an individual's license before there has been confirmation and substantiation regarding the allegations of sexual assault, sexual harassment, or other physical abuse of a student based on documented evidence.

The Hawai'i Teacher Standards Board currently already has a process in place to revoke an individual's license once there has been a completed investigation and a recommendation for termination of employment, and HTSB already contacts NASDTEC when we revoke a teacher's license. We must insist to keep matters legal and prevent lawsuits, that investigations into any allegations against an individual must be completed and a determination made regarding the disciplinary action to be taken against the individual before HTSB is permitted to revoke a teaching license. However, the department informing any individual that they must surrender their license if they retire or resign while under investigation for allegations of sexual assault, sexual harassment, or other physical abuse of a student, would close a current loophole, if an investigation is not complete. We do think the department should continue any investigation into these matters, even if an individual resigns or retires.

The department already has the ability to remove an individual from the classroom or school while an investigation is completed, and we think this process should be continued, but we do not want to act on an incomplete investigation, when revoking a teaching license. Other boards who revoke licenses, such as the medical board, etc. follow strict rules such as this too. An investigation must be complete, and a final determination made. Further, in some cases the matter should be turned over to the proper law enforcement authorities for possible criminal actions against the individual. In this scenario if the individual is convicted of one of the enumerated offenses mentioned HTSB would have the ability to revoke the individual's license.

The Hawai'i Teacher Standards Board thanks you for listening to our concerns.