



**GOV. MSG. NO. 1257**

EXECUTIVE CHAMBERS  
KE KE'ENA O KE KIA'ĀINA

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

July 1, 2024

The Honorable Ronald D. Kouchi  
President of the Senate,  
and Members of the Senate  
Thirty-Second State Legislature  
State Capitol, Room 409  
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki  
Speaker, and Members of the  
House of Representatives  
Thirty-Second State Legislature  
State Capitol, Room 431  
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on July 1, 2024, the following bill was signed into law:

SB2475 SD2 HD2 CD1

RELATING TO EDUCATION.  
**ACT 156**

Sincerely,

Josh Green, M.D.  
Governor, State of Hawai'i

THE SENATE  
THIRTY-SECOND LEGISLATURE, 2024  
STATE OF HAWAII

S.B. NO. 2475  
S.D. 2  
H.D. 2  
C.D. 1

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# A BILL FOR AN ACT

RELATING TO EDUCATION.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1 SECTION 1. The legislature finds that Hawaii's preschools  
2 and K-12 schools have increasingly served as safe havens for  
3 persons who aim to exploit their positions at schools to carry  
4 out acts that harm children, violating the trust inherent in  
5 those positions. Recent investigations and reports indicate  
6 that offenses, including sexual abuse, physical assault, and  
7 other forms of harassment, have been committed against students  
8 at various public and private preschools and K-12 campuses  
9 throughout the State. The school personnel involved in these  
10 offenses often seek to continue harming children by taking  
11 advantage of the inability of educational institutions to  
12 effectively share information.

13 The legislature further finds that, all too often, based on  
14 real or perceived legal restrictions, schools fail to provide  
15 vital information to one another to consider in rendering their  
16 decisions. This lack of communication allows these perpetrators  
17 continued contact with students and creates a revolving door for  
18 the perpetrators at preschools and K-12 schools in the State.



1 The legislature recognizes that it is essential to prevent  
2 the presence of these individuals on any preschool and K-12  
3 campus and to prevent them from serving in any capacity that  
4 requires interaction with, or close proximity to, students.  
5 Action is required to ensure the safety of both private and  
6 public preschools and K-12 campuses and to bolster efforts to  
7 protect students from harm.

8 Accordingly, the purpose of this Act is to create a  
9 registry for all preschools and K-12 educational institutions  
10 within the State containing information on school employees,  
11 contractors, or volunteers for whom, as a result of an  
12 investigation, a final finding has been issued that the  
13 individual has inflicted harm on a student, with the goal of  
14 preventing those individuals from subsequently gaining  
15 employment in any other public or private preschools and K-12  
16 institutions in Hawaii.

17 SECTION 2. Chapter 302A, Hawaii Revised Statutes, is  
18 amended by adding a new section to part IV, subpart B, to be  
19 appropriately designated and to read as follows:

20 **"§302A- Harm to students registry; requirements; due**  
21 **process; immunity.** (a) The department shall establish a harm



1 to students registry, which shall be a database of employees  
2 found to have inflicted harm on a student in the State. The  
3 harm to students registry shall contain:

- 4       (1) The employee's full legal name and any prior names  
5             used, such as maiden name or married name;  
6       (2) The employee's date of birth;  
7       (3) The employee's photograph;  
8       (4) The employee's last known address; and  
9       (5) The name of the reporting institution.

10       (b) The reporting institution shall certify to the  
11 department that any employee whose name and information has been  
12 transmitted to the department for inclusion on the harm to  
13 students registry has been afforded appropriate due process, as  
14 set forth in this section.

15       (c) The reporting institution shall certify that there has  
16 been a final finding, including the date of the institution's  
17 final finding, resulting from the institution's investigation  
18 into whether the institution's employee engaged in acts or  
19 omissions that resulted in the infliction of harm to a student,  
20 notwithstanding whether the employee was terminated, retired,  
21 resigned, or was banned from the school pending completion of



1 the investigation. Each institution shall complete an  
2 investigation without regard to the employment status of the  
3 employee under investigation or the status of the employee's  
4 future involvement with the institution.

5 (d) For purposes of this section, in order for an  
6 employee's name to be placed on the harm to students registry,  
7 the investigation conducted by the reporting institution that  
8 rendered a final finding of infliction of harm to a student  
9 shall involve, at a minimum:

10 (1) An investigator who was not a party or witness to the  
11 incident under investigation and who does not report  
12 to a complaining party or accused party;

13 (2) An opportunity for the complaining party and accused  
14 party to provide information to the investigator  
15 regarding the alleged misconduct or other  
16 circumstances that caused initiation of the  
17 investigation;

18 (3) Representation for the accused party if required by  
19 law or any applicable collective bargaining agreement;  
20 provided that the department shall not provide  
21 representation for an accused party that is not



1 entitled to representation pursuant to a collective  
2 bargaining agreement;

3 (4) Consideration of the information provided by all  
4 parties and witnesses who participated in the  
5 investigation; and

6 (5) Reasoned findings based on the information gathered  
7 that support the conclusion, by a preponderance of the  
8 evidence, that the accused party inflicted harm on a  
9 student.

10 (e) The reporting institution shall certify, before  
11 transmitting the employee's name and other information to the  
12 department, that:

13 (1) The employee whose name is transmitted to the  
14 department for inclusion on the harm to students  
15 registry was given prior written notice of the  
16 institution's decision to transmit the employee's name  
17 for this purpose;

18 (2) The employee was given the opportunity to appeal the  
19 decision; and

20 (3) The employee either waived the right to appeal or lost  
21 the appeal.



1       The department shall rely on an institution's certification  
2 that the employee was provided due process in accordance with  
3 this section.

4       (f) Each institution in the State, when requested by  
5 another institution, shall share with that institution the  
6 existence of any employee investigation that includes  
7 allegations of infliction of harm to a student, including  
8 ongoing investigations.

9       (g) An institution that provides information or an opinion  
10 about an employee's job performance to a prospective employing  
11 institution shall be presumed to be acting in good faith and  
12 shall have qualified immunity from civil or criminal liability  
13 for disclosing the information and for the consequences of the  
14 disclosure.

15       (h) The good faith presumption under subsection (g) shall  
16 be rebuttable upon a showing, by a preponderance of the  
17 evidence, that the information or opinion disclosed was:

- 18       (1) Knowingly false; or  
19       (2) Knowingly misleading.



1           (i) Nothing in subsections (g) and (h) shall affect the  
2 rights, obligations, remedies, liabilities, or standards of  
3 proof under chapters 89, 92F, 368, and 378.

4           (j) The harm to students registry shall be made accessible  
5 to all institutions within the State.

6           (k) A person whose name is listed on the harm to students  
7 registry may request the reporting institution to submit a  
8 certified request to the department to remove the person's name  
9 from the registry if new information is discovered that proves  
10 that the person has not inflicted harm on a student such that  
11 the person's name does not belong on the registry. The  
12 department shall remove the person's name from the harm to  
13 students registry upon receiving a certified request from the  
14 reporting institution to remove the person's name from the  
15 registry.

16           (l) Any institution certifying the inclusion of an  
17 employee on or removal of an employee from the harm to students  
18 registry, or refusing to certify the removal of an employee from  
19 the harm to students registry, shall defend and indemnify the  
20 department from any liability resulting from any claim or cause  
21 of action relating to the employee's inclusion on or removal





1 from the registry, or relating to the institution's refusal to  
2 certify the removal of the employee from the registry.

3 (m) As part of the procedures followed pursuant to section  
4 302A-601.5, the department shall consult the harm to students  
5 registry to determine whether a candidate for employment is  
6 listed on the registry.

7 (n) The department shall consult the harm to students  
8 registry before authorizing a volunteer's assistance in a role  
9 that involves the volunteer's interaction with, or close  
10 proximity to, a student or students.

11 (o) If a candidate for employment or a potential  
12 volunteer's name is listed on the harm to students registry, the  
13 department shall cease to consider the candidate for employment  
14 or shall prohibit the volunteer's assistance in a role that  
15 involves interaction with, or close proximity to, a student or  
16 students.

17 (p) The harm to students registry shall be exempt from  
18 disclosure under chapter 92F.

19 (q) As used in this section:



1        "Employee" means a person currently or formerly employed by  
2 the institution and includes contractors and volunteers for an  
3 institution.

4        "Final finding" means the conclusion of an institution's  
5 investigation that results in a determination by the  
6 institution.

7        "Harm to students registry" or "registry" means a database  
8 of employees and any related documents compiled by the  
9 department that a reporting institution certifies and transmits  
10 to the department.

11        "Inflicted harm on a student" or "infliction of harm on a  
12 student" means the act of subjecting a student to abusive acts  
13 or sexual exploitation, whether with, to, or in the presence of  
14 a student, including any:

15        (1) Sexual act;

16        (2) Solicitation of a sexual act, whether written, visual,  
17 verbal, or physical;

18        (3) Inappropriate sexual contact or conduct, whether  
19 written, visual, verbal, or physical;

20        (4) Act of child abuse;



1       (5) Intentional solicitation, encouragement, or  
2       consummation of a romantic or physical relationship,  
3       which includes dating a student; or

4       (6) Acts of abuse or violence, including assault, torture,  
5       or physical punishment or restraint that results in  
6       serious bodily injury.

7       "Institution" means any public or private educational  
8       institution that services students in early learning programs or  
9       schools, and from kindergarten through twelfth grade within the  
10      State.

11      "Investigation" means any fact finding by an institution  
12      relating to an accusation of infliction of harm on a student  
13      that meets the requirements of subsection (d)."

14      SECTION 3. Chapter 302C, Hawaii Revised Statutes, is  
15      amended by adding a new section to be appropriately designated  
16      and to read as follows:

17      "§302C-       Investigation of misconduct; reporting to the  
18      department of education; harm to students registry; due process;  
19      indemnity. (a) Pursuant to the requirements of section  
20      302A-       , each private school shall certify to the department  
21      any final finding resulting from the private school's



1 investigation that an employee inflicted harm on a student,  
2 notwithstanding whether the employee was terminated, retired,  
3 resigned, or was banned from the school pending completion of  
4 the investigation. Each private school shall complete an  
5 investigation without regard to the status of employment of the  
6 employee under investigation or the status of the employee's  
7 future involvement with the institution.

8 (b) The reporting private school shall certify, before  
9 transmitting an employee's name and other information to the  
10 department, that:

11 (1) The employee whose name and information are  
12 transmitted to the department for inclusion on the  
13 harm to students registry was given prior written  
14 notice of the private school's decision to transmit  
15 the employee's name and information for this purpose;

16 (2) The employee was given the opportunity to appeal the  
17 decision; and

18 (3) The employee either waived the right to appeal or lost  
19 the appeal.



1       The department shall rely on the certification of the  
2 private school that the employee was provided due process in  
3 accordance with this section.

4       (c) Each private school shall consult the harm to students  
5 registry to determine whether a candidate for employment at the  
6 school is listed on the registry.

7       (d) Each private school shall consult the harm to students  
8 registry before authorizing a volunteer's assistance in a role  
9 that involves the volunteer's interaction with, or close  
10 proximity to, a student or students.

11       (e) If a candidate for employment or a potential  
12 volunteer's name is listed on the harm to students registry, the  
13 private school shall cease to consider the candidate for  
14 employment or shall prohibit the volunteer's assistance in a  
15 role that involves interaction with, or close proximity to, a  
16 student or students.

17       (f) Each private school, when requested by another  
18 institution, shall share with that institution the existence of  
19 any employee investigation that includes allegations of  
20 infliction of harm to a student, including ongoing  
21 investigations.



1        (g) A private school that provides information or an  
2 opinion about an employee's job performance to a prospective  
3 employing institution shall be presumed to be acting in good  
4 faith and shall have qualified immunity from civil or criminal  
5 liability for disclosing the information and for the  
6 consequences of the disclosure.

7        (h) The good faith presumption under subsection (g) shall  
8 be rebuttable upon a showing, by a preponderance of the  
9 evidence, that the information or opinion disclosed was:

10        (1) Knowingly false; or

11        (2) Knowingly misleading.

12        (i) Nothing in subsections (g) and (h) shall affect the  
13 rights, obligations, remedies, liabilities, or standards of  
14 proof under chapters 89, 92F, 368, and 378.

15        (j) A person whose name is listed on the harm to students  
16 registry may request the reporting private school to submit a  
17 certified request to the department to remove the person's name  
18 from the registry if new information is discovered that proves  
19 that the person has not inflicted harm on a student such that  
20 the person's name does not belong on the registry.



1        (k) A private school certifying the inclusion of an  
2 employee on or removal of an employee from the harm to students  
3 registry, or refusing to certify the removal of an employee from  
4 the harm to students registry, shall defend and indemnify the  
5 department from any liability resulting from any claim or cause  
6 of action relating to the employee's inclusion on or removal  
7 from the registry, or relating to the private school's refusal  
8 to certify the removal of the employee from the registry.

9        (l) As used in this section:

10        "Department" means the department of education.

11        "Employee" has the same meaning as defined in section  
12 302A- (q).

13        "Final finding" has the same meaning as defined in section  
14 302A- (q).

15        "Harm to students registry" or "registry" has the same  
16 meaning as defined in section 302A- (q).

17        "Inflicted harm on a student" or "infliction of harm on a  
18 student" has the same meaning as defined in section 302A- (q).

19        "Institution" has the same meaning as defined in section  
20 302A- (q).



1 "Investigation" has the same meaning as defined in section  
2 302A- (g)."

3 SECTION 4. Chapter 302D, Hawaii Revised Statutes, is  
4 amended by adding a new section to be appropriately designated  
5 and to read as follows:

6 "§302D- Investigation of misconduct; reporting to the  
7 department of education; harm to students registry; due process;  
8 indemnity. (a) Pursuant to the requirements of section  
9 302A- , each public charter school shall certify to the  
10 department any final finding resulting from the public charter  
11 school's investigation that an employee inflicted harm on a  
12 student, notwithstanding whether the employee was terminated,  
13 retired, resigned, or was banned from the school pending  
14 completion of the investigation. Each public charter school  
15 shall complete an investigation without regard to the status of  
16 employment of the employee under investigation or the status of  
17 the employee's future involvement with the institution.

18 (b) The reporting public charter school shall certify,  
19 before transmitting the employee's name and other information to  
20 the department, that:





1       (1) The employee whose name and information are  
2       transmitted to the department for inclusion on the  
3       harm to students registry was given prior written  
4       notice of the public charter school's decision to  
5       transmit the employee's name and information for this  
6       purpose;

7       (2) The employee was given the opportunity to appeal the  
8       decision; and

9       (3) The employee either waived the right to appeal or lost  
10      the appeal.

11      The department shall rely on the certification of the  
12      public charter school that the employee was provided due process  
13      in accordance with this section.

14      (c) Each public charter school shall consult the harm to  
15      students registry to determine whether a candidate for  
16      employment at the school is listed on the registry.

17      (d) Each public charter school shall consult the harm to  
18      students registry before authorizing a volunteer's assistance in  
19      a role that involves the volunteer's interaction with, or close  
20      proximity to, a student or students.



1       (e) If a candidate for employment or a potential  
2 volunteer's name is listed on the harm to students registry, the  
3 public charter school shall cease to consider the candidate for  
4 employment or shall prohibit the volunteer's assistance in a  
5 role that involves interaction with, or close proximity to, a  
6 student or students.

7       (f) Each public charter school, when requested by another  
8 institution, shall share with that institution the existence of  
9 any employee investigation that includes allegations of  
10 infliction of harm to a student, including ongoing  
11 investigations.

12       (g) A public charter school that provides information or  
13 an opinion about an employee's job performance to a prospective  
14 employing institution shall be presumed to be acting in good  
15 faith and shall have qualified immunity from civil or criminal  
16 liability for disclosing the information and for the  
17 consequences of the disclosure.

18       (h) The good faith presumption under subsection (g) shall  
19 be rebuttable upon a showing, by a preponderance of the  
20 evidence, that the information or opinion disclosed was:

21       (1) Knowingly false; or



1           (2) Knowingly misleading.

2           (i) Nothing in subsections (g) and (h) shall affect the  
3 rights, obligations, remedies, liabilities, or standards of  
4 proof under chapters 89, 92F, 368, and 378.

5           (j) A person whose name is listed on the harm to students  
6 registry may request the reporting public charter school to  
7 submit a certified request to the department to remove the  
8 person's name from the registry if new information is discovered  
9 that proves that the person has not inflicted harm on a student  
10 such that the person's name does not belong on the registry.

11           (k) A public charter school certifying the inclusion of an  
12 employee on or removal of an employee from the harm to students  
13 registry, or refusing to certify the removal of an employee from  
14 the harm to students registry, shall defend and indemnify the  
15 department from any liability resulting from any claim or cause  
16 of action relating to the employee's inclusion on or removal  
17 from the registry, or relating to the public charter school's  
18 refusal to certify the removal of the employee from the  
19 registry.

20           (l) As used in this section:

21           "Department" means department of education.



1 "Employee" has the same meaning as defined in section  
2 302A- (q).

3 "Final finding" has the same meaning as defined in section  
4 302A- (q).

5 "Harm to students registry" or "registry" has the same  
6 meaning as defined in section 302A- (q).

7 "Inflicted harm on a student" or "infliction of harm on a  
8 student" has the same meaning as defined in section 302A- (q).

9 "Institution" has the same meaning as defined in section  
10 302A- (q).

11 "Investigation" has the same meaning as defined in section  
12 302A- (q)."

13 SECTION 5. Chapter 302L, Hawaii Revised Statutes, is  
14 amended by adding a new section to be appropriately designated  
15 and to read as follows:

16 "§302L- Investigation of misconduct; reporting to the  
17 department of education; harm to students registry; due process;  
18 indemnity. (a) Pursuant to the requirements of section  
19 302A- , each early learning program or school shall certify to  
20 the department any final finding resulting from the early  
21 learning program or school's investigation that an employee



1 inflicted harm on a student, notwithstanding whether the  
2 employee was terminated, retired, resigned, or was banned from  
3 the program or school pending completion of the investigation.  
4 Each early learning program and school shall complete an  
5 investigation without regard to the status of employment of the  
6 employee under investigation or status of the employee's future  
7 involvement with the institution.

8 (b) The reporting early learning program or school shall  
9 certify, before transmitting the employee's name and other  
10 information to the department, that:

11 (1) The employee whose name and information are  
12 transmitted to the department for inclusion on the  
13 harm to students registry was given prior written  
14 notice of the early learning program or school's  
15 decision to transmit the employee's name and  
16 information for this purpose;

17 (2) The employee was given the opportunity to appeal the  
18 decision; and

19 (3) The employee either waived the right to appeal or lost  
20 the appeal.



1        The department shall rely on the certification of the early  
2 learning program or school that the employee was provided due  
3 process in accordance with this section.

4        (c) Each early learning program or school shall consult  
5 the harm to students registry to determine whether a candidate  
6 for employment at the program or school is listed on the  
7 registry.

8        (d) Each early learning program or school shall consult  
9 the harm to students registry before authorizing a volunteer's  
10 assistance in a role that involves the volunteer's interaction  
11 with, or close proximity to, a student or students.

12        (e) If a candidate for employment or a potential  
13 volunteer's name is listed on the harm to students registry, the  
14 early learning program or school shall cease to consider the  
15 candidate for employment or shall prohibit the volunteer's  
16 assistance in a role that involves interaction with, or close  
17 proximity to, a student or students.

18        (f) Each early learning program or school, when requested  
19 by another institution, shall share with that institution the  
20 existence of any employee investigation that includes



1 allegations of infliction of harm to a student, including  
2 ongoing investigations.

3 (g) An early learning program or school that provides  
4 information or an opinion about an employee's job performance to  
5 a prospective employing institution shall be presumed to be  
6 acting in good faith and shall have qualified immunity from  
7 civil or criminal liability for disclosing the information and  
8 for the consequences of the disclosure.

9 (h) The good faith presumption under subsection (g) shall  
10 be rebuttable upon a showing, by a preponderance of the  
11 evidence, that the information or opinion disclosed was:

12 (1) Knowingly false; or

13 (2) Knowingly misleading.

14 (i) Nothing in subsections (g) and (h) shall affect the  
15 rights, obligations, remedies, liabilities, or standards of  
16 proof under chapters 89, 92F, 368, and 378.

17 (j) A person whose name is listed on the harm to students  
18 registry may request the reporting early learning program or  
19 school to submit a certified request to the department to remove  
20 the person's name from the registry if new information is  
21 discovered that proves that the person has not inflicted harm on



1 a student such that the person's name does not belong on the  
2 registry.

3 (k) An early learning program or school certifying the  
4 inclusion of an employee on or removal of an employee from the  
5 harm to students registry, or refusing to certify the removal of  
6 an employee from the harm to students registry, shall defend and  
7 indemnify the department from any liability resulting from any  
8 claim or cause of action relating to the employee's inclusion on  
9 or removal from the registry, or relating to the early learning  
10 program or school's refusal to certify the removal of the  
11 employee from the registry.

12 (l) As used in this section:

13 "Department" means the department of education.

14 "Employee" has the same meaning as defined in section  
15 302A- (q).

16 "Final finding" has the same meaning as defined in section  
17 302A- (q).

18 "Harm to students registry" or "registry" has the same  
19 meaning as defined in section 302A- (q).

20 "Inflicted harm on a student" or "infliction of harm on a  
21 student" has the same meaning as defined in section 302A- (q).





1        "Institution" has the same meaning as defined in section  
2        302A- (q).

3        "Investigation" has the same meaning as defined in section  
4        302A- (q)."

5        SECTION 6. This Act does not affect rights and duties that  
6        matured, penalties that were incurred, and proceedings that were  
7        begun before its effective date.

8        SECTION 7. New statutory material is underscored.

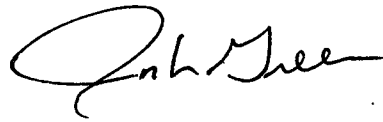
9        SECTION 8. This Act shall take effect on July 1, 2024.



S.B. NO.

2475  
S.D. 2  
H.D. 2  
C.D. 1

APPROVED this **1st** day of **July**, 2024

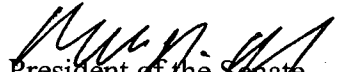
A handwritten signature in black ink, appearing to read "Josh Green". The signature is written in a cursive style with a large initial "J".

GOVERNOR OF THE STATE OF HAWAII

**THE SENATE OF THE STATE OF HAWAI'I**

Date: May 1, 2024  
Honolulu, Hawai'i 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirty-Second Legislature of the State of Hawai'i, Regular Session of 2024.

  
President of the Senate

  
Clerk of the Senate

SB No. 2475, SD 2, HD 2, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 1, 2024  
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-Second Legislature of the State of Hawaii, Regular Session of 2024.



Scott K. Saiki  
Speaker  
House of Representatives



Brian L. Takeshita  
Chief Clerk  
House of Representatives