
A BILL FOR AN ACT

RELATING TO THE DEPARTMENT OF EDUCATION.

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

1 SECTION 1. The coronavirus disease 2019 (COVID-19)
2 pandemic has changed the way schools operate, including creating
3 additional processes and procedures to keep children as safe as
4 possible from getting COVID-19. Pursuant to Act 4, Special
5 Session Laws of Hawaii 2021, the department of education
6 publishes a weekly report on schools that have a student, staff
7 member, or affiliated individual who has tested positive for
8 COVID-19. However, it is a fine balance between reporting of
9 COVID-19 cases and an individual's right to privacy, especially
10 when it comes to publicly sharing case information involving
11 children. When a COVID-19 case is identified, the department's
12 safety protocol requires immediate notification to individuals
13 who may have come into close contact with the infected person,
14 while maintaining confidentiality in accordance with state and
15 federal law.

16 The frequency of disclosure by the department regarding
17 COVID-19 case information could affect the department's ability
18 to protect individuals from being identified, harassed, and

H.B. NO. 1043

1 socially discriminated against. Further, public schools are
2 facing difficulty with minimizing classroom disruptions due to
3 the increased level of inquiries beyond the immediate school
4 community.

5 As of August 1, 2022, the department no longer requires
6 masking indoors on its school campuses due to the changes in
7 public health guidelines from the department of health. Coupled
8 with the prevalence of home testing, it has become increasingly
9 difficult to accurately report on the number of COVID-19 cases
10 at schools. The department will continue to enforce its
11 overlapping mitigation strategies of practicing good hand
12 washing hygiene, staying home when sick, and promoting
13 vaccinations.

14 The purpose of this Act is to repeal the department's
15 COVID-19 weekly reporting requirements as mandated by Act 4,
16 Special Session Laws of Hawaii 2021.

17 SECTION 2. Act 4, Special Session Laws of Hawaii 2021, is
18 repealed.

19 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY: 

22

BY REQUEST

JAN 23 2023

H.B. NO. 1043

Report Title:

Department of Education; Schools; Report; COVID-19

Description:

Repeals the Department of Education's weekly report on schools that have reported positive COVID-19 cases.

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JUSTIFICATION SHEET

DEPARTMENT: Education

TITLE: A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION.

PURPOSE: Repeals the Department of Education's (Department) weekly report on schools that have reported positive COVID-19 cases.

MEANS: Amends Act 4, Special Session Laws of Hawaii 2021.

JUSTIFICATION: The Department believes that it is a fine balance between reporting of COVID-19 cases and an individual's right to privacy, especially when it comes to publicly sharing case information involving children. When a COVID-19 case is identified, the Department's safety protocol requires immediate notification to individuals who may have come into close contact with the infected person while maintaining confidentiality in accordance with state and federal law.

The frequency of disclosure by the Department regarding COVID-19 case information could affect the Department's ability to protect individuals from being identified, harassed, and socially discriminated against. Further, public schools are facing difficulty with minimizing classroom disruptions due to the increased level of inquiries beyond the immediate school community.

As of August 1, 2022, the Department no longer requires masking indoors on its school campuses due to the changes in public health guidelines from the Department of Health. Coupled with the prevalence of home testing, it has become increasingly difficult to accurately report on the number of COVID-19 cases at schools. The Department will continue to enforce its

overlapping mitigation strategies of practicing good hand washing hygiene, staying home when sick, and promoting vaccinations.

Impact on the public: There will be less frequent COVID-19 reports for schools. However, the Department is better able to protect an individual's right to privacy, thereby preventing said individual from being identified, harassed, and socially discriminated against. Also, the Department will not be reporting potentially inaccurate data.

Impact on the department and other agencies: The Department will still collect COVID-19 data but will not report the findings as frequently. The Department of Health provides COVID-19 guidance to the Department.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: None.

OTHER AFFECTED AGENCIES: Department of Health.

EFFECTIVE DATE: Upon approval.