



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

Date: 02/16/2024
Time: 02:00 PM
Location: 325 VIA VIDEOCONFERENCE
Committee: House Judiciary & Hawaiian
Affairs

Department: Education

Person Testifying: Keith T. Hayashi, Superintendent of Education

Title of Bill: HB 2400, HD1 RELATING TO EDUCATION.

Purpose of Bill: Requires that licensed teachers have their license revoked by the Hawaii Teachers Standards Board if the teacher resigned or retired during the pendency of any investigation into allegations of sexual assault, sexual harassment, or other physical abuse of a student. Effective 7/1/3000. (HD1)

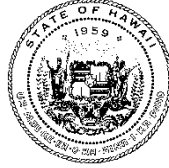
Department's Position:

Thank you for the opportunity to provide testimony on HB 2400 HD1. The Hawaii State Department of Education (Department) supports this measure which is part of the Governor's administrative package.

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 valuable 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.

Thank you for the opportunity to testify on HB 2400 HD1.



STATE OF HAWAII

HAWAII TEACHER STANDARDS BOARD

650 IWILEI ROAD, SUITE 268

HONOLULU, HAWAII 96817

WRITTEN TESTIMONY BEFORE THE HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

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

DATE: February 16, 2024

TIME: 2:00 PM

LOCATION: Conference Room 309 and Video Conference

TITLE OF BILL: HB2400 HD1 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 Tarnas, and Members of the Committee;

The Hawai'i Teacher Standards Board (HTSB) offers comments on HB2400, relating to education. 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.

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. **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. HTSB currently 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. 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. This would allow HTSB to pursue revocation of an individual's license in a legally appropriate manner. In adhering to the spirit of this law HTSB would recommend that this bill contain the additional language that in the event an individual retires or resigns from teaching prior to the completion of the investigation, the individual must surrender his/her Hawaii teaching license and the surrender of the individual's teaching license will be reported to the National Association of State Directors of Teacher Education and Certification ("NASDTEC").**

So yes, we do have a process in place, and 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. 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.

Dear Chairman Tarnas and members of the JHA Committee,

My name is Rachel Untalan, and I am writing to express my support of proposed amendments to H.B. NO. 2400 HD1, which addresses a critical issue within the State's education system. The proposed amendments to Section 302A-602 of the Hawaii Revised Statutes are essential in closing a concerning loophole that allows teachers facing serious allegations, such as sexual harassment of a student, to resign or retire before facing formal termination after investigation.

The proposed bill appropriately acknowledges the need to address this practice, as it not only hinders the pursuit of justice but permits teachers to potentially move on to other careers in different locations without facing repercussions for their alleged misconduct. In doing so, teachers avoid the consequences of their actions, leaving allegations unresolved and potentially harming not only the reputation of the education system, but possibly other students. The Defense of Freedom Institute has compiled a report outlining numerous instances in public school districts nationwide where teachers accused of sexually abusing students were transferred to other schools, perpetuating the abuse—a phenomenon termed “passing the trash.” As per the report, individuals within the education system who engage in child sexual abuse are typically relocated on three separate occasions before facing termination or arrest. Drawing on the latest Department of Education data, the report notes 13,799 reported incidents of sexual assault in public schools during the 2017-2018 school year.

Unfortunately, situations like these are not foreign to me. As a former student of Steilacoom High School, one of my male math teachers faced numerous sexual assault allegations by several of his female students, including myself, during his time at the school district. One student came forth upon graduation, expressing her sexual harassment experiences with the teacher. As a result, Steilacoom School District did not promptly report the allegations to law enforcement and opted for an internal investigation, despite being mandated reporters. The district failed to protect the girl from the teacher's harassment and instead put him on paid administrative leave, and told the student that she could change school districts or attend online classes. As for the math teacher, he eventually retired.

It is for the instances in my own school district and others who go unnoticed is why I wholeheartedly support the amendments to Section 302A-602. Such legislative measures are essential in preventing sexual assault cases within school districts from occurring, or at the very least, ensuring swift and appropriate action is taken to protect students. The proposed bill aligns with the need for increased accountability within the education system and serves as a crucial step towards safeguarding the well-being of students.

Thank you for your attention to this matter and for your commitment to the welfare of students in our community.

Sincerely,

Rachel Untalan

