



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

February 20, 2024

**TO:** Senator Donovan M. Dela Cruz, Chair  
Donna Sharon Y. Moriwaki, Vice Chair  
Senate Committee on Ways and Means

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

**SUBJECT: Measure:** S.B. No. 2475 S.D. 1 – 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. 1.

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.

Classroom and administrative staff of the EOEL Public Prekindergarten program are employees of the Department of Education (HIDOE) and we defer to HIDOE on the provisions of the bill related to implementation.

Mahalo for the opportunity to provide comments on this measure.

TO: Senator Donovan M. Dela Cruz, Chair  
Donna Sharon Y. Moriwaki, Vice Chair  
Senate Committee on Ways and Means

FROM: Robert G. Peters, Chair  
Early Learning Board

SUBJECT: Measure: S.B. No. 2475 S.D. 1 – RELATING TO EDUCATION

Early Learning Board's Position: Support

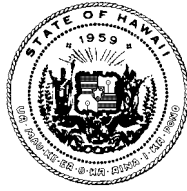
Protecting children against harm is paramount in all educational settings and the Early Learning Board, governing Board for the Executive Office on Early Learning (EOEL), supports S.B. No. 2475 S.D. 1 which seeks to enhance children's safety.

ELB expects that 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 comments on this measure.

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

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

TRISTA SPEER  
DEPUTY DIRECTOR  
KA HOPE LUNA HO'OKELE

February 20, 2024

TO: The Honorable Senator Donovan Dela Cruz, Chair  
Senate Committee on Ways & Means

The Honorable Senator Karl Rhoads, Chair  
Senate Committee on Judiciary

FROM: Cathy Betts, Director

SUBJECT: **SB 2475 SD1 – RELATING TO EDUCATION.**

Hearing: February 22, 2024, 9:46 a.m.  
Conference Room 211, State Capitol & Video Conference

**DEPARTMENT'S POSITION:** The Department of Human Services (DHS) appreciates the intent of the measure, provides comments, and requests an amendment that authorizes DHS to access the DOE Harm to Student Registry. Alternatively, DHS requests an amendment authorizing DOE to share information from the Harm to Student Registry with DHS. DHS defers to the Department of Education, the Hawaii Teachers Standards Board, and the Department of Human Resources & Development.

**PURPOSE:** This bill 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. Establishes certain exceptions for information shared on the Harm to Students Registry. Requires schools to complete any investigation into employees who have pending allegations of harming students, regardless of employment status. Requires schools to consult with the Harm to Students Registry before authorizing prospective employees or volunteers to

interact with students. Requires schools to share information on ongoing or concluded investigations of infliction of harm to a student when requested by another institution. Establishes an appeal process for individuals who request removal from the Harm to Students Registry. Requires the Hawai'i Teacher Standards Board to revoke the licenses of certain individuals who have resigned or retired in lieu of termination. Requires individuals who retire or resign before the completion of an investigation involving infliction of harm to student to surrender their Hawai'i teaching license. Requires the Hawai'i Teacher Standards Board to report surrendered licenses to the National Association of State Directors of Teacher Education and Certification. Establishes qualified immunity for employers who provide good faith information or opinion on a current or former employee's job performance. (SD1)

The Committees on Education and Labor and Technology 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.

DHS requests amendments to allow DHS access to the harm to the student registry, final findings, and the investigation. 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.

To enhance DHS risk and suitability assessments included in these investigations, DHS requests an amendment authorizing DHS access to the harm to student registry, the final findings, and the investigation. DHS respectfully requests the following amendment to the definition of "institution" on page 8, lines 4-6, as follows:

"Institution" means any educational institution that serves any combination of students from grades prekindergarten through grade twelve within the State and the department of human services for purposes of accessing the harm to student registry."

Alternatively, DHS requests that the DOE be authorized to share harm to student registry with DHS. To arrange for timely information sharing, DHS will need time to work with DOE to develop and implement a data-sharing agreement.

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

# OFFICE OF INFORMATION PRACTICES

STATE OF HAWAII  
NO. 1 CAPITOL DISTRICT BUILDING  
250 SOUTH HOTEL STREET, SUITE 107  
HONOLULU, HAWAII 96813  
TELEPHONE: 808-586-1400 FAX: 808-586-1412  
EMAIL: oip@hawaii.gov

To: Senate Committees on Ways and Means and on Judiciary

From: Cheryl Kakazu Park, Director

Date: February 22, 2024, 9:46 a.m.  
State Capitol, Conference Room 211

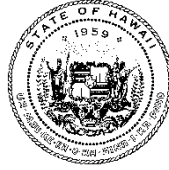
Re: Testimony on S.B. No. 2475, S.D. 1  
Relating to Education

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Thank you for the opportunity to submit testimony on this bill, which would establish a Harm to Students registry to be administered by the Department of Education (DOE). The Office of Information Practices (OIP) takes no position on the substance of this bill, but **offers comments and a technical amendment** regarding a proposed exemption from the Uniform Information Practices Act, chapter 92F, HRS (UIPA).

On bill page 4, lines 5-10, section 302A-1002(a), HRS, would create a UIPA exemption for “information or employment documents related to the registry obtained from non-governmental educational institutions[.]” OIP does not object to exempting that information from disclosure under the UIPA, but as written the proposed exemption would exempt the DOE or other government agencies not only from any requirement to disclose the information, but also from the requirement to respond with a written denial to a UIPA request for it. OIP therefore recommends that the language at bill page 4 lines 7-9 be amended to read “. . . shall be exempt from disclosure under chapter 92F.” Thank you for considering OIP’s proposed technical amendment.



**STATE OF HAWAII**  
**HAWAII TEACHER STANDARDS BOARD**  
650 IWILEI ROAD, SUITE 268  
HONOLULU, HAWAII 96817

**WRITTEN TESTIMONY BEFORE THE SENATE COMMITTEE ON WAYS AND MEANS and THE COMMITTEE ON JUDICIARY**

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

**DATE:** February 22, 2024

**TIME:** 9:46 AM

**LOCATION:** Conference Room 211 and Video Conference

**TITLE OF BILL:** SB2475SD1 RELATING TO EDUCATION, DOE; State Public Charter School Commission; HTSB; Private Schools; Harm to Students Registry; Employees; License Revocation; Appeal; Qualified Immunity

**PURPOSE OF BILL:** 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. Requires schools to complete any investigation into employees who have pending allegations of harming students, regardless of employment status. Requires schools to consult with the Harm to Students Registry before authorizing prospective employees or volunteers to interact with students. Requires schools to share information on ongoing or concluded investigations of infliction of harm to a student when requested by another institution. Establishes an appeal process for individuals who request removal from the Harm to Students Registry. Requires the Hawai'i Teacher Standards Board to revoke the licenses of certain individuals who have resigned or retired in lieu of termination. Establishes qualified immunity for employers who provide good faith information or opinion on a current or former employee's job performance.

**POSITION:** Comments

Chair Dela Cruz, Chair Rhoads, and Members of the Committees;

Hawai'i Teacher Standards Board ("HTSB") supports the efforts to establish this Harm to Students Registry, and also to require schools to complete any investigation into employees who have pending allegations of harming students regardless of employment status.

Although the HTSB understands the efforts to create this Harm to Students Registry and would support its creation, we are concerned about the criteria for someone to be put on this registry. **HTSB would recommend amending the language in this bill in SECTION 7. Section 302A-602, Hawaii Revised Statutes to read as follows:**

~~(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 or sexual harassment, including criminal and workplace investigations, and the person's name shall be included on the harm to students registry established pursuant to section 302A-1002; provided that inclusion on the registry shall only occur after an investigation conducted pursuant to section 302A-1002(b) results in a final finding that the person engaged in acts or omissions that resulted in the infliction of harm to a student.~~

~~(e) Any individual who retires or resigns from teaching before the completion of any investigation into an allegation that the individual inflicted harm to a student shall surrender their Hawaii teaching~~

~~license. The Hawaii teacher standards board shall report the surrender of the individual's teaching license to the National Association of State Directors of Teacher Education and Certification.~~

(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 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. This individual shall surrender their Hawaii teaching license. The department must immediately inform and provide their complaints, any relevant information, and investigative reports to 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 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.

HTSB does not conduct investigations, they are completed by the department who has the FTE investigators to do this work, and even if an individual resigns or retires, the department is able to continue an investigation and should. There is a process in place, and HTSB has revoked licenses. We want this process to continue, and all investigations to be completed and rulings made, so we have solid evidence of wrongdoing that would result in the revocation of a teaching license.

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





**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. 2475, S.D. 1, RELATING TO EDUCATION.

**BEFORE THE:**

SENATE COMMITTEES ON WAYS AND MEANS AND ON JUDICIARY

**DATE:** Thursday, February 22, 2024      **TIME:** 9:46 a.m.

**LOCATION:** State Capitol, Room 211 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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Chairs Dela Cruz and Rhoads and Members of the Committees:

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

The bill establishes a "Harm to Students Registry" (Registry) for all prekindergarten through grade twelve institutions operating in the State, to be administered by the Department of Education (DOE). Additionally, the bill: (1) requires schools to complete any investigation into employees who have pending allegations of harming students, regardless of employment status; (2) requires schools to consult with the Registry before authorizing prospective employees or volunteers to interact with students; (3) requires schools to share information on ongoing or concluded investigations of infliction of harm to a student when requested by another institution; (4) establishes an appeal process for individuals who request removal from the Registry; (5) requires the Hawaii Teacher Standards Board (HTSB) to revoke the licenses of certain individuals who have resigned or retired in lieu of termination; (6) requires individuals who retire or resign before the completion of an investigation involving infliction of harm to a student to surrender their Hawaii teaching license; (7) requires the HTSB to report surrendered licenses to the National Association of State Directors of Teacher Education and Certification (NASDTEC); and (8) establishes qualified immunity for employers who provide good faith information or opinion on a current or former employee's job performance.

In its testimony to the previous joint Senate subject matter committees, the Department made a number of comments regarding the original draft of the bill. The Department also commented on H.B. 2043, a bill which similarly creates a "Harm to Students Registry." At the request of the DOE, the Department worked with the DOE on revising H.B. 2043, H.D. 1. We believe that the content of H.B. 2043, H.D. 2, addresses the Department's concerns expressed in previous testimony on H.B. 2043 and on the instant bill. The Department respectfully requests that sections 2 through 6 of this bill, on page 3, line 5, through page 15, line 21, be replaced with sections 2 through 5 of H.B. No. 2043, H.D. 2, on page 2, line 18, through page 20, line 10, of that bill. If these revisions are made, the Department also suggests the following revisions:

- Adding: "The information shared shall not include personally identifiable information of any student." to the end of proposed sections 302A-\_\_(f), 302C-\_\_(f), 302D-\_\_(f), and 302L-\_\_(f).
- Removing the reference to 302A-1002(a), Hawaii Revised Statutes (HRS), on page 17, line 6, in section 7, by replacing "section 302A-1002(a)" with "section 302A-\_\_."
- Replacing "section 302A-1002" on page 17, line 14, in section 7, with "section 302A-\_\_."
- Replacing "section 302A-1002(b)" on page 17, line 16, in section 7, with "section 302A-\_\_(d)."
- Replacing "'registry'" on page 18, line 6, in section 7, with "'harm to students registry'" and "section 302A-1002" on page 18, line 7, in section 7, with "section 302A-\_\_(p)."

The Department also suggests replacing "surrender" with "forfeit" on page 17, line 21, in section 7, and replacing "surrender" with "forfeiture" on page 18, line 2, in section 7, to use terminology currently used in section 302A-805(c), HRS.

The Department suggests that a mechanism be added for removing names from the Registry based upon new information.

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

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

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FOR: SB 2475 SD1 Relating to Education  
DATE: February 22, 2024  
TIME: 9:46 A.M.  
COMMITTEE: Committee on Ways & Means  
Committee on Judiciary  
ROOM: Conference Room 211 & Videoconference  
FROM: Ed Noh, Executive Director  
State Public Charter School Commission

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Chair Dela Cruz, Chair Rhoads, and members of the Committees:

The State Public Charter School Commission ("Commission") appreciates the opportunity to offer **SUPPORT on SB 2475 SD1** which creates a registry of all prekindergarten through grade 12 educational institutions within the State to report instances of acts that demonstrate harm to students by school personnel or volunteers; establish qualified immunity for employers who provide good faith information or opinion on a current or former employee's job performance; and require the Hawaii Teacher Standards Board to revoke the licenses of certain individuals who have resigned or retired during a pending investigation into allegations of sexual assault or sexual harassment.

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 students, including charter school and prekindergarten students. The inclusion of the Commission executive director or designee on the temporary appeals panel is appreciated as it allows charter school representation in this highly sensitive process.

The Commission is available to work with this committee, the DOE, our public charter schools, and all other stakeholders in moving this legislation forward.

Thank you for the opportunity to provide this 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:** 02/22/2024

**Time:** 09:46 AM

**Location:** CR 211 & Videoconference

**Committee:** Senate Ways and Means  
Senate Judiciary

**Department:** Education

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

**Title of Bill:** SB 2475, SD1 RELATING TO EDUCATION.

**Purpose of Bill:** 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. Establishes certain exceptions for information shared on the Harm to Students Registry. Requires schools to complete any investigation into employees who have pending allegations of harming students, regardless of employment status. Requires schools to consult with the Harm to Students Registry before authorizing prospective employees or volunteers to interact with students. Requires schools to share information on ongoing or concluded investigations of infliction of harm to a student when requested by another institution. Establishes an appeal process for individuals who request removal from the Harm to Students Registry. Requires the Hawaii Teacher Standards Board to revoke the licenses of certain individuals who have resigned or retired in lieu of termination. Requires individuals who retire or resign before the completion of an investigation involving infliction of harm to student to surrender their Hawaii teaching license. Requires the Hawaii Teacher Standards Board to report surrendered licenses to the National Association of State Directors of Teacher

Education and Certification. Establishes qualified immunity for employers who provide good faith information or opinion on a current or former employee's job performance. (SD1)

**Department's Position:**

Thank you for the opportunity to provide written testimony on SB 2475, SD 1. The Hawaii State Department of Education supports this measure.

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 aid in preventing 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.

The Department respectfully requests that the definition of "Inflicted harm to a student" or "infliction of harm to a student" on page 7, line 17 - page 8, line 3, be replaced with the following language:

"Inflicted harm to a student" or "infliction of harm to a student" means the act of subjecting a student to abusive acts or sexual exploitation, whether with, to, or in the presence of a student, including but not limited to any sexual act; any solicitation of a sexual act, whether written, visual, verbal, or physical; any inappropriate sexual contact or conduct, whether written, visual, verbal, or physical; any act of child abuse; any intentional solicitation, encouragement, or consummation of a romantic or physical relationship, which includes dating a student; or any acts of abuse or violence, including but not limited to assault, torture, or physical punishment or restraint that results in serious bodily injury.

This amendment would remove the references to criminal definitions as the use of criminal definitions or criminal standards do not apply to these types of administrative workplace investigations, and instead replace the definition with language that is more aligned to the standards for administrative workplace investigations. Further, to increase protection for our keiki, the Department's recommended amendment broadens the definition to include other types of violations, in addition to sexual violations, that cause serious bodily injury to a student.

Additionally, the Department requests funding and a 1.0 FTE position to effectively implement the goals of this measure.

Thank you for the opportunity to provide written testimony on SB 2475, SD 1.



# Kamehameha Schools®

Senate Committee on Ways and Means &  
Senate Committee on Judiciary

Time: 9:46 a.m.

Date: February 22, 2024

Where: Conference Room 211

## TESTIMONY

By Dr. Wai‘ale‘ale Sarsona  
Kamehameha Schools

**RE: SB 2475 SD1, Relating to Education**

E nā Luna Ho‘omalua Dela Cruz me Rhoads, nā Hope Luna Ho‘omalua Moriwaki me Gabbard, a me nā lālā o kēia mau Kōmike o ka ‘Aha Kenekoa, aloha kākou! My name is Dr. Wai‘ale‘ale Sarsona, Vice President of Hi‘ialo at Kamehameha Schools.

Kamehameha Schools **supports** SB 2475 SD1, 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. Hānai i ke keiki; ola ka lāhui.

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



TO: The Honorable Donovan Dela Cruz, Chair  
The Honorable Sharon Moriwaki, Vice Chair  
Senate Committee on Ways and Means

The Honorable Karl Rhoads, Chair  
The Honorable Mike Gabbard, Vice Chair  
Senate Committee on Judiciary

FROM: Philip Bossert, Executive Director  
Hawaii Association of Independent Schools

RE: **SB 2475 SD1 - Relating to Education  
In Strong Support**

DATE: Thursday, February 22, 2024  
9:46 a.m.; Conference Room 211

Aloha Chairs Dela Cruz and Rhoads, Vice Chairs Moriwaki and Gabbard and members of the Committees:

The Hawaii Association of Independent Schools (HAIS) and its subsidiary, the Hawaii Council of Private Schools (HCPS), strongly supports SB 2475 SD1. 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.

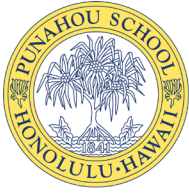
Unfortunately, it is often the case that an institution, in order to avoid tarnishing its reputation with a sexual abuse incident becoming public, will simply terminate the offending person and not report it to the police. Likewise, parents are often reluctant to put their children through the additional 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 Donovan Dela Cruz, Chair  
The Honorable Sharon Moriwaki, Vice Chair  
Senate Committee on Ways and Means

The Honorable Karl Rhoads, Chair  
The Honorable Mike Gabbard, Vice Chair  
Senate Committee on Judiciary

From: Michael E. Latham  
Governance Committee Chair, Hawaii Association of Independent Schools  
President, Punahou School

Re: **SB 2475 SD1 – Relating to Education  
In Strong Support**

Date: Thursday, February 22, 2024  
9:46 a.m., Conference Room 211

Aloha Chairs Dela Cruz and Rhoads, Vice Chairs Moriwaki and Gabbard, and Members of the Committees:

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 SD1. 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



## **PUNAHOU SCHOOL**

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Michael E. Latham, Ph.D.  
President

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.