

ACT 157

H.B. NO. 2400

A Bill for an Act Relating to Education.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that some teachers facing serious allegations, such as sexual harassment of a student, exploit the existing education system by resigning or retiring before they can be formally terminated after a completed investigation. This practice not only obstructs the pursuit of justice but also allows these teachers to potentially continue their careers in other states or private schools without any consequences. It is imperative to address this critical issue within the State's education system to ensure that teachers who have resigned or retired in lieu of termination during the pendency of the investigation do not retain their teaching license.

The legislature recognizes that it is essential to rectify this dangerous loophole. It is unacceptable for teachers accused of serious misconduct to evade accountability by relocating to different jurisdictions or institutions. Requiring these teachers to forfeit their teaching licenses ensures that their names are added to the National Association of State Directors of Teacher Education and Certification database, which maintains an interstate agreement with the Hawaii teacher standards board. This, in turn, will ensure that potential employers are aware of the unlicensed status of these teachers, making it significantly more challenging for these teachers to secure employment in any educational setting. This Act is a necessary step to preserve the integrity of the teaching profession and protect students from potential harm, and thus uphold ethical standards and accountability within the education system.

The purpose of this Act is to require:

- (1) A teacher to forfeit their teaching license if the teacher resigns or retires during the pendency of any investigation into allegations of sexual assault, sexual harassment, or other physical abuse of a student; and
- (2) The forfeiture of the teacher's license to be reported to the National Association of State Directors of Teacher Education and Certification.

SECTION 2. Section 302A-602, Hawaii Revised Statutes, is amended to read as follows:

“§302A-602 Teachers; licenses and certificates. (a) No person shall serve as a teacher in the department without first having obtained a license from the Hawaii teacher standards board in ~~[such]~~ the form as the Hawaii teacher standards board determines. The department shall establish types of certificates in the educational field and the requirements to qualify for those certificates issued to individuals who are not required to obtain a license pursuant to sections 302A-801 to 302A-808.

(b) Beginning with the 2002-2003 school year, no person paid under the salary schedule contained in the unit 5 collective bargaining agreement shall serve as a teacher in the department without first having obtained a license pursuant to sections 302A-801 to 302A-808 from the Hawaii teacher standards board in ~~[such]~~ the form as the Hawaii teacher standards board determines.

(c) Beginning with the 2002-2003 school year, the department may employ unlicensed individuals as emergency hires pursuant to sections 302A-801 to 302A-808.

(d) If any person paid under the salary schedule contained in the unit 5 collective bargaining agreement 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, that person shall forfeit the person's license. The forfeiture of the person's license shall be reported to the National Association of State Directors of Teacher Education and Certification.”

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved July 1, 2024.)