

Honolulu, Hawaii

FEB 08 2024

RE: S.B. No. 2072
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2024
State of Hawaii

Sir:

Your Committee on Education, to which was referred S.B. No. 2072 entitled:

"A BILL FOR AN ACT RELATING TO EDUCATION,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Authorize the Department of Health to require the Department of Education to report coronavirus disease 2019 potential outbreaks or other public health emergencies and related information in a manner most appropriate to public health and safety, as determined by the Department of Health; and
- (2) Repeal the requirement to publish the report on the Department of Education's website.

Your Committee received testimony in support of this measure from the Department of Education, Department of Health, and CARES.

Your Committee received testimony in opposition to this measure from Hawaii Young Republicans and one individual.

Your Committee received comments on this measure from the Department of the Attorney General.



Your Committee finds that since the onset of the coronavirus disease 2019 (COVID-19) pandemic, the Department of Education has taken numerous preventative measures to ensure the health and safety of public school students and community members, including reporting on COVID-19 outbreaks and related information to inform certain communities of emerging or ongoing outbreaks. However, as the federal public health emergency for COVID-19 expired on May 11, 2023, existing reporting requirements may not reflect current public health trends. Therefore, this measure streamlines certain reporting requirements for the Department of Education while maintaining a high standard of safety for students, faculty, and staff.

Your Committee acknowledges the concerns raised by the Department of the Attorney General that personally identifiable information may be inadvertently shared in the Department of Education's reporting process, violating the federal Family Educational Rights and Privacy Act (FERPA). Amendments to this measure are necessary to address this concern.

Accordingly, your Committee has amended this measure by:

- (1) Inserting language prohibiting the Department of Health from requiring the Department of Education to include in any report personally identifiable information or education records pursuant to FERPA; and
- (2) Authorizing the Department of Education to provide personally identifiable information only after the Department has determined that a health or safety emergency exists.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2072, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2072, S.D. 1, and be placed on the calendar for Third Reading.



Respectfully submitted on
behalf of the members of the
Committee on Education,



MICHELLE N. KIDANI, Chair



The Senate
 Thirty-Second Legislature
 State of Hawai'i

Record of Votes
Committee on Education
EDU

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|--|-----------------------------------|---------------------------|
| Bill / Resolution No.:* SB2072 | Committee Referral: EDU | Date: 1/31/2024 |
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The Committee is reconsidering its previous decision on this measure.
 If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312
 Pass, with amendments 2311
 Hold 2310
 Recommit 2313

| Members | Aye | Aye (WR) | Nay | Excused |
|---------------------------------|----------|----------|-----|----------|
| KIDANI, Michelle N. (C) | / | | | |
| KIM, Donna Mercado (VC) | / | | | |
| HASHIMOTO, Troy N. | / | | | |
| RICHARDS, III, Herbert M. "Tim" | | | | / |
| FEVELLA, Kurt | | | | / |
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| TOTAL | 3 | | | 2 |

Recommendation:
 Adopted
 Not Adopted

Chair's or Designee's Signature:


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***Only one measure per Record of Votes**