
A BILL FOR AN ACT

RELATING TO EDUCATION.

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

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

13 The legislature recognizes that it is essential to rectify
14 this dangerous loophole. It is unacceptable for teachers
15 accused of serious misconduct to evade accountability by
16 relocating to different jurisdictions or institutions.
17 Requiring these teachers to forfeit their teaching licenses



1 ensures that their names are added to the National Association
2 of State Directors of Teacher Education and Certification
3 database, which maintains an interstate agreement with the
4 Hawaii teacher standards board. This, in turn, will ensure that
5 potential employers are aware of the unlicensed status of these
6 teachers, making it significantly more challenging for these
7 teachers to secure employment in any educational setting. This
8 Act is a necessary step to preserve the integrity of the
9 teaching profession and protect students from potential harm,
10 and thus uphold ethical standards and accountability within the
11 education system.

12 The purpose of this Act is to require:

13 (1) A teacher to forfeit their teaching license if the
14 teacher resigns or retires during the pendency of any
15 investigation into allegations of sexual assault,
16 sexual harassment, or other physical abuse of a
17 student; and

18 (2) The forfeiture of the teacher's license to be reported
19 to the National Association of State Directors of
20 Teacher Education and Certification.



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

3 **"§302A-602 Teachers; licenses and certificates.** (a) No
4 person shall serve as a teacher in the department without first
5 having obtained a license from the Hawaii teacher standards
6 board in [~~such~~] the form as the Hawaii teacher standards board
7 determines. The department shall establish types of
8 certificates in the educational field and the requirements to
9 qualify for those certificates issued to individuals who are not
10 required to obtain a license pursuant to sections 302A-801 to
11 302A-808.

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

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



1 (d) If any person paid under the salary schedule contained
2 in the unit 5 collective bargaining agreement resigns or retires
3 during the pendency of any investigation into allegations of
4 sexual assault, sexual harassment, or other physical abuse of a
5 student, including criminal and workplace investigations, that
6 person shall forfeit the person's license. The forfeiture of
7 the person's license shall be reported to the National
8 Association of State Directors of Teacher Education and
9 Certification."

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

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



Report Title:

Department of Education; Hawaii Teacher Standards Board; License Forfeiture

Description:

Requires 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. Requires the forfeiture of the teacher's license to be reported to the National Association of State Directors of Teacher Education and Certification. (SD2)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

