



**WRITTEN TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-SECOND LEGISLATURE, 2024**

ON THE FOLLOWING MEASURE:

H.B. NO. 2400, H.D. 2, S.D. 1, RELATING TO EDUCATION.

BEFORE THE:

SENATE COMMITTEE ON JUDICIARY

DATE: Tuesday, April 2, 2024 **TIME:** 10:05 a.m.

LOCATION: State Capitol, Room 016 & Videoconference

TESTIFIER(S): **WRITTEN TESTIMONY ONLY.**
(For more information, contact Anne T. Horiuchi,
Deputy Attorney General, at (808) 586-1255)

Chair Rhoads and Members of the Committee:

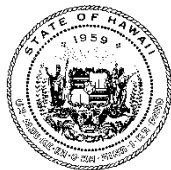
The Department of the Attorney General (Department) provides the following comments.

The bill requires a teacher to surrender the teacher's 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 requires the surrender of the teacher's license to be reported to the National Association of State Directors of Teacher Education and Certification.

To align this bill with the terminology currently used in section 302A-805(c), Hawaii Revised Statutes, which governs the forfeiture of a teaching license, the Department suggests the following revisions:

- Replace the word "surrender" with the word "forfeit" on page 1, line 17; page 2, line 13; and page 4, line 6 (in the first occurrence of "surrender" on that line).
- Replace the word "surrender" with the word "forfeiture" on page 2, line 18; and page 4, line 6 (in the second occurrence of "surrender" on that line).

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



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

WRITTEN TESTIMONY BEFORE THE SENATE COMMITTEE ON JUDICIARY

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

DATE: April 2, 2024

TIME: 10:05am

LOCATION: Conference Room 016 and Video Conference

TITLE OF BILL: HB2400 HD2 SD1 RELATING TO EDUCATION

PURPOSE OF BILL: Requires a teacher to surrender 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 surrender of the teacher's license to be reported to the National Association of State Directors of Teacher Education and Certification.

POSITION: Support

Chair Rhoads, and Members of the Committee;

The Hawai'i Teacher Standards Board (HTSB) supports HB2400, HD2, SD1 relating to education.

We agree that allegations of sexual assault, sexual harassment, or other physical abuse of a student committed by a teacher, counselor, or school librarian should be taken seriously. We appreciate that this bill requires, if the individual retires or resigns during the inception or pendency of the investigation of these allegations, to surrender their teaching license. **In adhering to the spirit of this law, HTSB recommends additional language, to make things clearer for an individual charged with these allegations, that if an individual chooses to resign or retire before an investigation into the allegations listed in this bill, then the department will inform them in writing and obtain the individual's signature indicating their consent to the surrender of their teaching license, if they choose to resign or retire before the completion of an investigation. We also support that the department should finish their investigation, even if the individual resigns or retires.**

HTSB already has a process in place where we would then submit an individual's name, who surrenders their license with the reasons for investigation, to National Education of State Directors of Teacher Education and Certification (NASDTEC) Clearinghouse. **The Hawaii department of education 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.**

The Hawai'i Teacher Standards Board thanks you for considering our 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: 04/02/2024

Time: 10:05 AM

Location: CR 016 & Videoconference

Committee: Senate Judiciary

Department: Education

Person Testifying: Keith T. Hayashi, Superintendent of Education

Bill Title: HB 2400, HD2, SD1 RELATING TO EDUCATION.

Purpose of Bill: Requires a teacher to surrender 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 surrender of the teacher's license to be reported to the National Association of State Directors of Teacher Education and Certification. Takes effect 7/1/2050. (SD1)

Department's Position:

The Hawaii State Department of Education (Department) supports this measure, which is part of the Governor's administrative package.

Requiring the surrender 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, HD 2 SD 1.

Testimony in Support of HB 2400

To: The House

From: Grant Tanaka, grantkt@hawaii.edu MSW Student at UH Manoa

Subject: HB 2400 - Relating to Education, Hearing April 2nd, 2024 10:05 a.m CR 016 & Videoconference

Thank you for the opportunity to provide testimony on HB 2400. My name is Grant Tanaka and I am a current MSW student at University of Hawaii at Manoa. I am testifying in support of HB 2400 Relating to education. The reason why I am testifying in support of HB 2400 is because of the oath teachers make when they become educators of students. When a teacher becomes an educator of students, especially minors, the trust and faith that parents instill within the school system is insurmountable. The pathway that the school system creates towards providing students with the development of each learner for living morally, creatively, and productively becomes its purpose.

By allowing the teacher to take away not only the child's innocence by having an adult take advantage of them physically or sexually, it also creates havoc towards the child's mental health and creates a dangerous precedent that this type of behavior will be tolerated. In a study conducted by Briere and their colleagues on long term effects suffered by abuse of males and females vs non abused males and females, "significant problems with anxiety, depression, anger, sleep, and dissociation compared with nonabused patients (Briere, Evans, Runtz, & Wall,

1988).” To allow a teacher to continue to become an educator and find a loophole to resign while maintaining their license needs to be addressed with the utmost urgency.

In conclusion, I want to reiterate that I am in support of HB 2400 because it will force teachers to be held accountable for their actions with the highest standard as they are the educators of the next generation. By allowing teachers to not be held accountable for their actions, the potential harm that it leaves the students both mentally and physically can be permanent.

Thankyou for the opportunity to provide comments.