



**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. 2072, S.D. 1, RELATING TO EDUCATION.

**BEFORE THE:**

HOUSE COMMITTEE ON EDUCATION

**DATE:** Tuesday, March 12, 2024                      **TIME:** 2:30 p.m.

**LOCATION:** State Capitol, Room 309 and Videoconference

**TESTIFIER(S):** Anne E. Lopez, Attorney General, or  
Anne T. Horiuchi, Deputy Attorney General

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Chair Woodson and Members of the Committee:

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

The bill amends Act 4, First Special Session Laws of Hawaii 2021 to: (1) authorize the Department of Health (DOH) to require the Department of Education (DOE) 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 DOH; (2) repeal the requirement to publish the report on the DOE's website; (3) prohibit the DOH from requiring the DOE to provide personally identifiable information in any report pursuant to the federal Family Educational Rights and Privacy Act (FERPA); and (4) authorize the DOE to provide personally identifiable information only after it has determined that a health or safety emergency exists.

There is a typographical error in the statutory reference to FERPA. To correct the error, the Department recommends replacing "section 123-2g" with "section 1232g" on page 2, line 4, of the bill.

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



STATE OF HAWAII  
DEPARTMENT OF EDUCATION  
KA 'OIHANA HO'ONA'AUAO  
P.O. BOX 2360  
HONOLULU, HAWAII 96804

**Date:** 03/12/2024

**Time:** 02:30 PM

**Location:** 309 VIA VIDEOCONFERENCE

**Committee:** House Education

**Department:** Education

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

**Title of Bill:** SB 2072, SD1 RELATING TO EDUCATION.

**Purpose of Bill:** Authorizes 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. Repeals the requirement to publish the report on the Department of Education's website. Prohibits the Department of Health from requiring the Department of Education to provide personally identifiable information in any report pursuant to the federal Family Educational Rights and Privacy Act. Authorizes the Department of Education to provide personally identifiable information only after it has determined that a health or safety emergency exists. (SD1)

**Department's Position:**

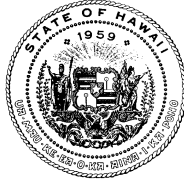
The Hawaii State Department of Education (Department) supports SB 2072, SD1, which requests changing from a weekly Department report on school coronavirus disease 2019 (COVID-19) to reporting potential outbreaks or other public health emergencies and related information in a manner most appropriate to public health and safety, as determined by the Hawaii State Department of Health (DOH).

Prior to the 2023-2024 school year, results from COVID-19 tests administered on school campuses were used to populate the weekly COVID-19 reports. Beginning this school year, testing on school campuses is not routinely conducted. The weekly COVID-19 report is now populated by data reported to schools by parents/legal guardians, versus actual test results, making the weekly COVID-19 report an administrative burden with minimal impact.

With the removal of the weekly COVID-19 reporting requirement, the Department will continue to follow the procedure for reporting potential outbreaks of COVID-19, influenza-like illnesses, and

gastrointestinal illnesses or other public health emergencies determined by the DOH. The Department has a long history of collaboration with the DOH on reporting, responding to, and notifying school communities of potential outbreaks of communicable diseases at schools and is committed to continuing this ongoing collaboration to ensure public health and safety.

Thank you for the opportunity to provide testimony on SB 2072, SD1.



**STATE OF HAWAII**  
**DEPARTMENT OF HEALTH**  
**KA 'OIHANA OLAKINO**  
P. O. Box 3378  
Honolulu, HI 96801-3378  
doh.testimony@doh.hawaii.gov

**Testimony in SUPPORT of S.B. 2072 S.D. 1**  
**RELATING TO EDUCATION**

REPRESENTATIVE JUSTIN H. WOODSON, CHAIR  
HOUSE COMMITTEE ON EDUCATION

Hearing Date, Time and Room Number: 3/12/2024, 2:30 PM, Conference Room 309 &  
Videoconference

- 1 **Fiscal Implications:** Undetermined.
- 2 **Department Position:** The Department supports this measure.
- 3 **Department Testimony:** The DOCD Division provides the following testimony on behalf of the
- 4 Department.
- 5 **Offered Amendments:** We request a change in the language of Section 1, Page 2, lines 5-8 of
- 6 the amended bill to read as follows: "provided that the department of education may provide
- 7 personally identifiable information only after it has determined, **in consultation with the**
- 8 **department of health**, that a health or safety emergency exists."
- 9 Additionally, we have reservations with the reference to the federal law in the state statute as
- 10 it has the potential to create confusion during public health emergencies for school-age
- 11 children. We defer to the Department of the Attorney General as to whether there is value in
- 12 codifying federal law in state statute.
- 13 Thank you for the opportunity to testify on this measure.