

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: 02/05/2024
Time: 03:00 PM
Location: CR 229 & Videoconference
Committee: Senate Education
Senate Labor and Technology

Department: Education

Person Testifying: Keith T. Hayashi, Superintendent of Education

Title of Bill: SB 3089 RELATING TO EDUCATION.

Purpose of Bill: Requires that licensed teachers have their license revoked by the Hawaii Teachers Standards Board if the teacher is resigning or retiring during the pendency of any investigation into allegations of sexual assault, sexual harassment, or other physical abuse of a student.

Department's Position:

Thank you for the opportunity to provide testimony on SB3089. The Hawaii State Department of Education (Department) supports this measure which is part of its administrative package.

The Department appreciates the Legislature's efforts to maximize the availability of safeguards within Hawaii's pre k-12 public education system that protect students from school faculty and staff who inflict harm or exploit their positions to take advantage of students.

The revocation 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 useful action to implement in further protecting students.

The Department appreciates the aim of this measure to address the prevention of members of a specific bargaining unit from gaining employment as teachers in other states or jurisdictions in order to evade accusations of misconduct but encourages expanding the measure's scope to look more comprehensively at other employees who are members of other bargaining units employed by the Department. The Department is aware of other measures that are currently being considered by the Legislature to address this very critical issue and again appreciates all efforts that provide safe and healthy learning environments for 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. The Department also defers to the Hawaii Teachers Standards Board as to the implementation of this measure.

Thank you for the opportunity to testify on SB 3089.



STATE OF HAWAII
HAWAII TEACHER STANDARDS BOARD
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HONOLULU, HAWAII 96817

WRITTEN TESTIMONY BEFORE THE SENATE COMMITTEE ON EDUCATION and the COMMITTEE ON LABOR & TECHNOLOGY

PERSON TESTIFYING: Felicia Villalobos, Executive Director, on behalf of the Hawai'i Teacher Standard Board (HTSB)

DATE: February 5, 2024

TIME: 3:00 pm

LOCATION: Conference Room 229 and Video Conference

TITLE OF BILL: SB3089 RELATING TO EDUCATION, Department of Education; Hawai'i Teacher Standards Board; License Revocation

PURPOSE OF BILL: The purpose of this bill is to require that licensed teachers have their license revoked by the Hawai'i Teachers Standards Board if the teacher is resigning or retiring during the pendency of any investigation into allegations of sexual assault, sexual harassment, or other physical abuse of a student.

POSITION: Comments

Chair Michelle Kidani, Chair Aquino, and Members of the Committees;

The Hawai'i Teacher Standards Board (HTSB) offers comments on SB3089, relating to education. The purpose of this bill is to require that licensed teachers have their license revoked by the Hawai'i Teachers Standards Board if the teacher is resigning or retiring during the pendency of any investigation into allegations of sexual assault, sexual harassment, or other physical abuse of a student.

The Hawai'i Teacher Standards Board does support revoking an individual's license once an investigation has been completed and a written recommendation for-disciplinary action-termination has been prepared. This bill currently requires HTSB to revoke an individual's license before there has been confirmation and substantiation regarding the allegations of sexual assault, sexual harassment, or other physical abuse of a student based on documented evidence. **HTSB currently has a process in place to revoke an individual's license once there has been a completed investigation and a recommendation for termination of employment. We do agree that the department should complete all investigations pertaining to allegations of sexual assault, sexual harassment, or other physical abuse of a student committed by a teacher, counselor, or school librarian even if the individual retires or resigns during the inception or pendency of the investigation. This would allow HTSB to pursue revocation of an individual's license in a legally appropriate manner. In adhering to the spirit of this law HTSB would recommend that this bill contain the additional language that in the event an individual retires or resigns from teaching prior to the completion of the investigation, the individual must surrender his/her Hawaii teaching license and the surrender of the individual's teaching license will be reported to the National Association of State Directors of Teacher Education and Certification ("NASDTEC").**

So yes, we do have a process in place, and we must insist to keep matters legal and prevent lawsuits, that investigations into any allegations against an individual must be completed and a determination made regarding the disciplinary action to be taken against the individual before HTSB is permitted to revoke a teaching license. The department 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, but we do not want to act on an incomplete investigation, when revoking a teaching license. Other boards who revoke licenses, such as the medical board, etc. follow strict rules such as this too. An investigation must be complete, and a final determination made. Further, in some cases the matter should be turned over to the proper law enforcement authorities for possible criminal actions against the individual. In this scenario if the individual is convicted of one of the enumerated offenses mentioned HTSB would have the ability to revoke the individual's license.

The Hawai'i Teacher Standards Board thanks you for listening to our concerns.