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JAN 28 2026

A BILL FOR AN ACT

RELATING TO THE HARM TO STUDENTS REGISTRY.

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

1 SECTION 1. Pursuant to Act 156, Session Laws of Hawaii
2 2024, the department of education was required to establish a
3 harm-to-students registry. The legislature finds that
4 clarifying the scope of the registry by including contractors
5 and volunteers only if their roles involve close contact with
6 students, and by excluding K-12 students, will reduce
7 unnecessary complexity and administrative burdens while
8 maintaining a safe learning environment for students.

9 Therefore, the purpose of this Act is to clarify which
10 individuals are covered under the harm-to-students registry to
11 ensure both efficiency and student safety.

12 SECTION 2. Section 302A-1006, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "[f]§302A-1006[] **Harm to students registry; requirements;**
15 **due process; immunity.** (a) The department shall establish a
16 harm to students registry, which shall be a database of
17 employees found to have inflicted harm on a student in the
18 State. The harm to students registry shall contain:

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1 (1) The employee's full legal name and any prior names
2 used, such as maiden name or married name;
3 (2) The employee's date of birth;
4 (3) The employee's photograph;
5 (4) The employee's last known address; and
6 (5) The name of the reporting institution.

7 (b) The reporting institution shall certify to the
8 department that any employee whose name and information has been
9 transmitted to the department for inclusion on the harm to
10 students registry has been afforded appropriate due process, as
11 set forth in this section.

12 (c) The reporting institution shall certify that there has
13 been a final finding, including the date of the institution's
14 final finding, resulting from the institution's investigation
15 into whether the institution's employee engaged in acts or
16 omissions that resulted in the infliction of harm to a student,
17 notwithstanding whether the employee was terminated, retired,
18 resigned, or was banned from the school pending completion of
19 the investigation. Each institution shall complete an
20 investigation without regard to the employment status of the
21 employee under investigation or the status of the employee's
22 future involvement with the institution.

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6 (1) An investigator who was not a party or witness to the
7 incident under investigation and who does not report
8 to a complaining party or accused party;

9 (2) An opportunity for the complaining party and accused
10 party to provide information to the investigator
11 regarding the alleged misconduct or other
12 circumstances that caused initiation of the
13 investigation;

14 (3) Representation for the accused party if required by
15 law or any applicable collective bargaining agreement;
16 provided that the department shall not provide
17 representation for an accused party that is not
18 entitled to representation pursuant to a collective
19 bargaining agreement;

20 (4) Consideration of the information provided by all
21 parties and witnesses who participated in the
22 investigation; and

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1 (5) Reasoned findings based on the information gathered
2 that support the conclusion, by a preponderance of the
3 evidence, that the accused party inflicted harm on a
4 student.

8 (1) The employee whose name is transmitted to the
9 department for inclusion on the harm to students
10 registry was given prior written notice of the
11 institution's decision to transmit the employee's name
12 for this purpose;

13 (2) The employee was given the opportunity to appeal the
14 decision; and

15 (3) The employee either waived the right to appeal or lost
16 the appeal.

17 The department shall rely on an institution's certification
18 that the employee was provided due process in accordance with
19 this section.

20 (f) Each institution in the State, when requested by
21 another institution, shall share with that institution the
22 existence of any employee investigation that includes

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1 allegations of infliction of harm to a student, including
2 ongoing investigations.

3 (g) An institution that provides information or an opinion
4 about an employee's job performance to a prospective employing
5 institution shall be presumed to be acting in good faith and
6 shall have qualified immunity from civil or criminal liability
7 for disclosing the information and for the consequences of the
8 disclosure.

9 (h) The good faith presumption under subsection (g) shall
10 be rebuttable upon a showing, by a preponderance of the
11 evidence, that the information or opinion disclosed was:

12 (1) Knowingly false; or
13 (2) Knowingly misleading.

14 (i) Nothing in subsections (g) and (h) shall affect the
15 rights, obligations, remedies, liabilities, or standards of
16 proof under chapters 89, 92F, 368, and 378.

17 (j) The harm to students registry shall be made accessible
18 to all institutions within the State.

19 (k) A person whose name is listed on the harm to students
20 registry may request the reporting institution to submit a
21 certified request to the department to remove the person's name
22 from the registry if new information is discovered that proves

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1 that the person has not inflicted harm on a student such that
2 the person's name does not belong on the registry. The
3 department shall remove the person's name from the harm to
4 students registry upon receiving a certified request from the
5 reporting institution to remove the person's name from the
6 registry.

7 (l) Any institution certifying the inclusion of an
8 employee on or removal of an employee from the harm to students
9 registry, or refusing to certify the removal of an employee from
10 the harm to students registry, shall defend and indemnify the
11 department from any liability resulting from any claim or cause
12 of action relating to the employee's inclusion on or removal
13 from the registry, or relating to the institution's refusal to
14 certify the removal of the employee from the registry.

15 (m) As part of the procedures followed pursuant to section
16 302A-601.5, the department shall consult the harm to students
17 registry to determine whether a candidate for employment is
18 listed on the registry.

19 (n) The department shall consult the harm to students
20 registry before authorizing a volunteer's assistance in a role
21 that involves the volunteer's interaction with, or close
22 proximity to, a student or students.

7 (p) The harm to students registry shall be exempt from
8 disclosure under chapter 92F.

9 (q) An individual enrolled as a K-12 student at an
10 institution at the time of employment shall be exempt from this
11 section.

12 [(g)] (r) As used in this section:

13 "Employee" means a person currently or formerly employed by
14 [the] an institution and includes contractors [and] or
15 volunteers for [an] the institution[-] who performs any role
16 that involves interaction with, or place them in close proximity
17 to, a student.

18 "Final finding" means the conclusion of an institution's
19 investigation that results in a determination by the
20 institution.

21 "Harm to students registry" or "registry" means a database
22 of employees and any related documents compiled by the

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1 department that a reporting institution certifies and transmits
2 to the department.

3 "Inflicted harm on a student" or "infliction of harm on a
4 student" means the act of subjecting a student to abusive acts
5 or sexual exploitation, whether with, to, or in the presence of
6 a student, including any:

- 7 (1) Sexual act;
- 8 (2) Solicitation of a sexual act, whether written, visual,
9 verbal, or physical;
- 10 (3) Inappropriate sexual contact or conduct, whether
11 written, visual, verbal, or physical;
- 12 (4) Act of child abuse;
- 13 (5) Intentional solicitation, encouragement, or
14 consummation of a romantic or physical relationship,
15 which includes dating a student; or
- 16 (6) Acts of abuse or violence, including assault, torture,
17 or physical punishment or restraint that results in
18 serious bodily injury.

19 "Institution" means any public or private educational
20 institution that services students in early learning programs or
21 schools, and from kindergarten through twelfth grade within the
22 State.

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1 "Investigation" means any fact finding by an institution
2 relating to an accusation of infliction of harm on a student
3 that meets the requirements of subsection (d)."

4 SECTION 3. Section 302C-2, Hawaii Revised Statutes, is
5 amended by amending subsection (1) to read as follows:

6 "(1) As used in this section:

7 "Department" means the department of education.

8 "Employee" has the same meaning as defined in section
9 [302A-1006(q).] 302A-1006(r).

10 "Final finding" has the same meaning as defined in section
11 [302A-1006(q).] 302A-1006(r).

12 "Harm to students registry" or "registry" has the same
13 meaning as defined in section [302A-1006(q).] 302A-1006(r).

14 "Inflicted harm on a student" or "infliction of harm on a
15 student" has the same meaning as defined in section [302A-
16 1006(q).] 302A-1006(r).

17 "Institution" has the same meaning as defined in section
18 [302A-1006(q).] 302A-1006(r).

19 "Investigation" has the same meaning as defined in section
20 [302A-1006(q).] 302A-1006(r)."

21 SECTION 4. Section 302D-33.5, Hawaii Revised Statutes, is
22 amended by amending subsection (1) to read as follows:

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1 "(1) As used in this section:

2 "Department" means department of education.

3 "Employee" has the same meaning as defined in section

4 [302A-1006(q).] 302A-1006(r).

5 "Final finding" has the same meaning as defined in section

6 [302A-1006(q).] 302A-1006(r).

7 "Harm to students registry" or "registry" has the same

8 meaning as defined in section [302A-1006(q).] 302A-1006(r).

9 "Inflicted harm on a student" or "infliction of harm on a

10 student" has the same meaning as defined in section [302A-

11 1006(q).] 302A-1006(r).

12 "Institution" has the same meaning as defined in section

13 [302A-1006(q).] 302A-1006(r).

14 "Investigation" has the same meaning as defined in section

15 [302A-1006(q).] 302A-1006(r)."

16 SECTION 5. Section 302L-11, Hawaii Revised Statutes, is

17 amended by amending subsection (1) to read as follows:

18 "(1) As used in this section:

19 "Department" means the department of education.

20 "Employee" has the same meaning as defined in section

21 [302A-1006(q).] 302A-1006(r).

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1 "Final finding" has the same meaning as defined in section
2 ~~[302A-1006(q).]~~ 302A-1006(r).

3 "Harm to students registry" or "registry" has the same
4 meaning as defined in section ~~[302A-1006(q).]~~ 302A-1006(r).

5 "Inflicted harm on a student" or "infliction of harm on a
6 student" has the same meaning as defined in section ~~[302A-~~
7 ~~1006(q).]~~ 302A-1006(r).

8 "Institution" has the same meaning as defined in section
9 ~~[302A-1006(q).]~~ 302A-1006(r).

10 "Investigation" has the same meaning as defined in section
11 ~~[302A-1006(q).]~~ 302A-1006(r)."

12 SECTION 6. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

14 SECTION 7. This Act shall take effect upon its approval.

15

16 INTRODUCED BY: M. N. H.

17 BY REQUEST

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Report Title:

DOE; Harm to Students Registry; Employee; Definition; Exemption for Students

Description:

Clarifies the scope of the Department of Education's harm-to-students registry by providing that contractors and volunteers are included only if their roles involves close contact with students, and by excluding K-12 students.

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

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JUSTIFICATION SHEET

DEPARTMENT: Education

TITLE: A BILL FOR AN ACT RELATING TO THE HARM TO STUDENTS REGISTRY.

PURPOSE: To clarify the scope of the Department's harm-to-students registry by providing that contractors and volunteers are included only if their roles involve close contact with students, and by excluding individuals enrolled as K-12 students, to ensure both efficiency and student safety.

MEANS: Amend sections 302A-1006, 302C-2(1), 302D-33.5(1), and 302L-11(1), Hawaii Revised Statutes.

JUSTIFICATION: Act 156, Session Laws of Hawaii 2024, mandated the Department to establish the harm-to-students registry for the purpose of preventing individuals who have harmed students from being employed or volunteering in roles that provide access to students. The statute currently applies broadly to all contractors and volunteers regardless of whether their roles involve any contact with students.

The bill refines the scope of the registry to ensure that it applies specifically to adults and outside individuals who may pose a direct risk to students, while avoiding over-inclusion of individuals with no student contact as well as students themselves.

Impact on the public: Parents and families will continue to benefit from strong protections that prevent individuals who have harmed students from working in roles involving contact with students.

Impact on the department and other agencies: By narrowing registry requirements to those individuals most relevant to safety, the

department and other institutions will experience reduced administrative burdens and improved efficiency in implementing the statute.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: None.

OTHER AFFECTED
AGENCIES: None.

EFFECTIVE DATE: Upon approval.