
A BILL FOR AN ACT

RELATING TO EDUCATION.

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

1 SECTION 1. Pursuant to section 302A-425, Hawaii Revised
2 Statutes, the department of education is required to license
3 private trade, vocational, or technical schools operated by any
4 person or persons, firm, or any other private organization or
5 corporation for the purposes of teaching any trade, occupation
6 or vocation. This statute further states that, "The purpose of
7 the licensing and regulation is to protect consumers against
8 practices by private trade, vocational, or technical schools
9 that are false, deceptive, misleading, or unfair, and to help
10 ensure adequate educational quality at private trade,
11 vocational, or technical schools."

12 It is not the mission of the department of education to
13 protect consumers against false, deceptive, misleading, or
14 unfair practices. Also, the department of education has no
15 expertise to ensure educational quality at post-secondary
16 schools and more so, no expertise in the area of licensing
17 businesses or entities such as private post-secondary schools.



1 The department of education's expertise and mission and its
2 strategic plan focus on ensuring educational quality for
3 students in Hawaii public elementary, middle, and high schools.

4 There have been numerous discussions over the past several
5 years about transferring the private trade, vocational, or
6 technical school licensing program out of the department of
7 education's jurisdiction. The office of the auditor and the
8 legislative reference bureau have both conducted studies on the
9 placement of this licensing and regulatory program and have
10 recommended the licensing program be transferred out of the
11 department of education. However, no action has been taken to
12 place the program with another state agency.

13 The legislature finds that the private trade, vocational,
14 or technical school licensing program should not continue to be
15 administered by the department of education. Instead, it should
16 be placed with the department of commerce and consumer affairs
17 pursuant to chapter 305J, Hawaii Revised Statutes, relating to
18 regulating and authorizing the operation of post-secondary
19 education institutions. The department of commerce and consumer
20 affairs has dedicated resources, including a special fund,
21 available to support the program.



1 Chapter 305J, requires private colleges or universities,
2 seminaries, and religious training institutions that award
3 degrees to obtain authorization from the department of commerce
4 and consumer affairs in order to operate in this State.
5 Similarly situated private trade, vocational, and technical
6 schools, which are formal preparation or training programs that
7 confer a degree, should be regulated in the same manner,
8 particularly since the requirements for department of commerce
9 and consumer affairs authorization are largely applicable to the
10 licensing of private trade, vocational, and technical schools.
11 Moreover, the oversight powers of the department of commerce and
12 consumer affairs are more extensive than those of the department
13 of education, which will ensure proper regulatory oversight in
14 accordance with the mission of the department.

15 In light of chapter 305J, Hawaii Revised Statutes, the
16 department of education's licensing of private trade,
17 vocational, or technical schools is duplicative of the
18 established regulatory program in place at the department of
19 commerce and consumer affairs. Therefore, the legislature
20 finds it reasonable and appropriate to regulate private trade,



1 vocational, and technical schools under the provisions of
2 chapter 305J, Hawaii Revised Statutes.

3 The purpose of this Act is to include private trade,
4 vocational, or technical schools under chapter 305J, Hawaii
5 Revised Statutes, and the jurisdiction of the department of
6 commerce and consumer affairs.

7 SECTION 2. Section 305J-2, Hawaii Revised Statutes, is
8 amended as follows:

9 1. By adding a new definition of "private trade,
10 vocational, or technical school" to be appropriately inserted
11 and to read:

12 "Private trade, vocational, or technical school" means an
13 educational institution that has a physical presence in the
14 State and awards a diploma, certificate, or other writing in any
15 language that indicates or represents, or is intended to
16 indicate or represent, that the person named thereon is learned
17 in or has satisfactorily completed a prescribed course of study
18 in a particular field of trade, vocation, or technical endeavor
19 or that the person named thereon has demonstrated proficiency in
20 the field of endeavor as a result of formal preparation or
21 training."



1 2. By amending the definition of "authorization" to read:

2 "Authorization" means the authorization granted to a
3 private college or university, seminary, [øæ] religious training
4 institution, or private trade, vocational, or technical school
5 as provided in this chapter and any applicable rules and
6 policies. Authorization is not an endorsement by the
7 department."

8 3. By amending the definition of "enrollment agreement" to
9 read:

10 "Enrollment agreement" means the contract prepared by a
11 private college or university, seminary, [øæ] religious training
12 institution, or private trade, vocational, or technical school
13 that a student signs to indicate agreement to the terms of
14 admission, delivery of instruction, and monetary terms as
15 outlined in the private college, university, seminary, [øæ]
16 religious training [~~institution's~~] institution, or private
17 trade, vocational or technical school's student handbook or
18 catalog."

19 4. By amending the definition of "governing board" to
20 read:



1 "\"Governing board\" means the elected or appointed group of
2 persons that oversees and controls a private college or
3 university, seminary, [~~ex~~] religious training institution, or
4 private trade, vocational, or technical school.\"

5 SECTION 3. Section 305J-3, Hawaii Revised Statutes, is
6 amended by amending subsection (a) to read as follows:

7 \"(a) This chapter shall not apply to:

- 8 (1) Schools or educational programs conducted by firms,
9 corporations, or persons for the training of their own
10 employees;
- 11 (2) Apprenticeship or other training programs provided by
12 labor unions to union members or applicants for union
13 membership;
- 14 (3) Schools or educational programs that provide courses
15 of instruction that do not lead to the conferring of a
16 degree;
- 17 (4) Schools or educational programs that offer seminars,
18 refresher courses, and programs of instruction
19 sponsored by professional, business, or farming
20 organizations or associations for their members or the
21 employees of their members;



- 1 (5) Schools or educational programs that offer courses of
2 instruction conducted by public school complex areas;
- 3 (6) Schools, courses of instruction, or courses of
4 training that are offered by a vendor or the purchaser
5 or prospective purchaser of the vendor's product when
6 the objective of the school or course is to enable the
7 purchaser or the purchaser's employees to gain the
8 skills and knowledge necessary to use the product;
- 9 (7) Schools and educational programs conducted by
10 religious entities that are owned, controlled,
11 operated, and maintained by a religious organization
12 lawfully operating as a nonprofit religious
13 corporation and that award only religious degrees or
14 certificates, including but not limited to a
15 certificate of Talmudic studies, an associate of
16 Biblical studies, a bachelor of religious studies, a
17 master of divinity, or a doctor of divinity;
- 18 (8) Non-degree-granting post-secondary educational
19 institutions licensed by any entity of the State or
20 governed by any other chapter of the Hawaii Revised
21 Statutes; provided that this paragraph shall not apply



1 to private trade, vocational, or technical schools
 2 with a valid license issued by the department of
 3 education prior to the effective date of Act ,
 4 Session Laws of Hawaii 2015;

5 (9) Schools and educational programs that offer courses of
 6 instruction exclusively through online and distance
 7 education; and

8 (10) Unaccredited post-secondary educational institutions
 9 governed by chapter 446E."

10 SECTION 4. Section 305J-6, Hawaii Revised Statutes, is
 11 amended by amending subsections (b) and (c) to read as follows:

12 "(b) To administer this chapter, the department shall:

13 (1) Maintain a list of the private colleges or
 14 universities, seminaries, [~~and~~] religious training
 15 institutions, and private trade, vocational, or
 16 technical schools that have been authorized and make
 17 this list available to the public;

18 (2) Maintain a list of the states with which the director
 19 has entered into a post-secondary education
 20 authorization reciprocity agreement and make this list
 21 available to the public; and



1 (3) Receive, arbitrate, investigate, and process
2 complaints.

3 (c) In conducting an investigation, the department may
4 physically inspect the private college or university, seminary,
5 ~~[or]~~ religious training ~~[institution's]~~ institution, or private
6 trade, vocational, or technical school facilities and records,
7 and the institution shall have an affirmative duty to cooperate
8 with requests from the department for information regarding any
9 investigation or inspection."

10 SECTION 5. Section 305J-7, Hawaii Revised Statutes, is
11 amended to read as follows:

12 " ~~[+]~~ §305J-7 ~~[+]~~ **Awarding degrees.** (a) A person,
13 partnership, corporation, company, society, or association with
14 a physical presence in the State shall not award, bestow,
15 confer, give, grant, convey, or sell to any other person a
16 degree or honorary degree upon which is inscribed, in any
17 language, the word "associate", "bachelor", "baccalaureate",
18 "post-baccalaureate", "master", or "doctor", or any abbreviation
19 thereof, or offer courses of instruction or credits purporting
20 to lead to any such degree, unless the person, partnership,
21 corporation, company, society, or association is:



- 1 (1) A private college or university, seminary, [~~or~~]
2 religious training institution, or private trade,
3 vocational, or technical school that is authorized
4 pursuant to this chapter;
- 5 (2) A school or educational program conducted by a
6 religious entity that is owned, controlled, operated,
7 and maintained by a religious organization lawfully
8 operating as a nonprofit religious corporation and
9 that awards only religious degrees or certificates,
10 including but not limited to a certificate of Talmudic
11 studies, associate of Biblical studies, a bachelor of
12 religious studies, a master of divinity, or a doctor
13 of divinity;
- 14 (3) An unaccredited post-secondary educational institution
15 governed under chapter 446E; or
- 16 (4) A part of the University of Hawaii system.
- 17 (b) Notwithstanding subsection (a), in order to award
18 degrees in the State, all private colleges and universities,
19 seminaries, and religious training institutions operating in the
20 State on June 25, 2013 shall be authorized no later than July 1,
21 2014 [~~-~~]; and all private trade, vocational, or technical schools



1 licensed in the State on the effective date of Act , Session
2 Laws of Hawaii 2015, shall be authorized no later than July 1,
3 2016."

4 SECTION 6. Section 305J-9, Hawaii Revised Statutes, is
5 amended to read as follows:

6 " ~~[+]§305J-9[+]~~ Authorization to operate in the State;
7 seminary or religious training institutions and private trade,
8 vocational, or technical schools. (a) To operate in the State,
9 a seminary or religious training institution or private trade,
10 vocational, or technical school shall:

11 (1) Be party to a reciprocity agreement to which the State
12 is a member; or

13 (2) Apply for, on a form prescribed by the department, and
14 receive authorization from the director; provided that
15 the institution shall establish that it qualifies as a
16 bona fide religious training institution or private
17 trade, vocational, or technical school and as an
18 institution of post-secondary education.

19 (b) Nothing in this section shall preclude a seminary or
20 religious training institution or private trade, vocational, or
21 technical school from seeking accreditation."



1 SECTION 7. Section 305J-10, Hawaii Revised Statutes, is
2 amended by amending subsections (b), (c), and (d) to read as
3 follows:

4 "(b) A seminary or religious training institution or
5 private trade, vocational, or technical school authorized
6 pursuant to section 305J-9 shall apply to the department for
7 reauthorization every two years. A seminary or religious
8 training institution, or private trade, vocational, or technical
9 school that continues to meet the authorization requirements of
10 this chapter shall otherwise be presumed to be qualified for
11 reauthorization under this chapter for a period of two years.

12 (c) Private colleges or universities, seminaries, and
13 religious training institutions, or private trade, vocational,
14 or technical schools applying for reauthorization under this
15 section shall pay the fees required pursuant to section 305J-18.

16 (d) If a private college or university, seminary, [~~or~~]
17 religious training institution, or private trade, vocational, or
18 technical school cannot demonstrate that it meets the
19 authorization requirements of this chapter, the director shall
20 deny the application for reauthorization. The director shall
21 provide the private college or university, seminary, [~~or~~]



1 religious training institution, or private trade, vocational, or
2 technical school with written notification of the denial of the
3 application for reauthorization and the basis for the denial.
4 If, within six months of receiving notice that its application
5 for reauthorization has been denied, the private college or
6 university, seminary, [~~or~~] religious training institution, or
7 private trade, vocational, or technical school corrects the
8 action or condition upon which the denial was based, it may
9 reapply for reauthorization. If the private college or
10 university, seminary, [~~or~~] religious training institution, or
11 private trade, vocational, or technical school does not correct
12 the action or condition upon which the denial was based, it may
13 submit a new application for authorization pursuant to section
14 305J-8 or 305J-9, whichever is applicable, once the action or
15 condition has been corrected."

16 SECTION 8. Section 305J-11, Hawaii Revised Statutes, is
17 amended by amending subsections (b) and (c) to read as follows:

18 "(b) It shall be a violation of this chapter for a private
19 college or university, seminary, [~~or~~] religious training
20 institution, or private trade, vocational, or technical school
21 or its agent to:



- 1 (1) Make or cause to be made any statement or
2 representation, oral, written, or visual, in
3 connection with the offering of educational services
4 if the private college or university, seminary, [e~~x~~]
5 religious training institution, or private trade,
6 vocational, or technical school or its agent knows or
7 reasonably should have known the statement or
8 representation to be false, inaccurate, or materially
9 misleading;
- 10 (2) Falsely represent or deceptively conceal, directly or
11 by implication, through the use of a trade or business
12 name, the fact that the institution is a private
13 college or university, seminary, [e~~x~~] religious
14 training institution[+], or private trade, vocational,
15 or technical school;
- 16 (3) Adopt a name, trade name, or trademark that represents
17 falsely, directly or by implication, the quality,
18 scope, nature, size, or integrity of the private
19 college or university, seminary, [e~~x~~] religious
20 training institution, or private trade, vocational, or
21 technical school or its educational services;



- 1 (4) Intentionally and materially represent falsely,
2 directly or by implication, that students who
3 successfully complete a course or program of
4 instruction may transfer the credits earned to any
5 institution of higher education;
- 6 (5) Intentionally and materially represent falsely,
7 directly or by implication, in its promotional
8 materials or in any other manner:
- 9 (A) Its size, location, facilities, or equipment;
- 10 (B) The number, educational experience, or
11 qualifications of its faculty;
- 12 (C) The extent or nature of any approval received
13 from any state agency; or
- 14 (D) The extent or nature of any accreditation
15 received from any accrediting agency, body, or
16 association;
- 17 (6) Provide prospective students with testimonials,
18 endorsements, or other information that has the
19 tendency to mislead or deceive prospective students or
20 the public regarding its current practices;



1 (7) Designate or refer to its sales representatives by
2 titles that imply that the sales representatives have
3 training in academic counseling or advising if they do
4 not; and

5 (8) Represent, directly or by implication, that it is
6 authorized by the State or approved or accredited by
7 an accrediting agency or body when it has not been
8 authorized, approved, or accredited.

9 (c) Any private college or university, seminary, [eæ]
10 religious training institution, or private trade, vocational, or
11 technical school or its agent that violates this chapter may be
12 subject to one or more of the following sanctions:

13 (1) A fine equal to a sum of not less than \$500 or more
14 than \$10,000 for each violation. The penalties
15 provided in this subsection are cumulative to the
16 remedies or penalties available under all other laws
17 of this State. Each day that a violation occurs shall
18 be considered a separate violation;

19 (2) An order directing corrective action on the part of
20 the institution;



- 1 (3) An order of restitution to one or more affected
- 2 students;
- 3 (4) Revocation, suspension, probation, or conditions on
- 4 the institution's authorization;
- 5 (5) An order relating to cessation of operations or
- 6 alternate enrollment; or
- 7 (6) The payment of costs of investigation and legal
- 8 action, irrespective of the outcome."

9 SECTION 9. Section 305J-12, Hawaii Revised Statutes, is
10 amended as follows:

11 1. By amending subsection (b) to read:

12 "(b) An institution's authorization shall be placed on
13 probationary status without further action by the department in
14 the event that:

- 15 (1) The institution is placed on probationary status by
- 16 its accrediting agency, contemporaneous with the
- 17 action of such agency;
- 18 (2) The institution's accrediting agency ceases to be
- 19 recognized by the United States Department of
- 20 Education; or



1 (3) In the case of a seminary [~~or~~], religious training
2 institution, or private trade, vocational, or
3 technical school, the seminary [~~or~~], religious
4 training institution, or private trade, vocational, or
5 technical school no longer meets the definition of
6 such under this chapter."

7 2. By amending subsection (e) to read:

8 "(e) A private college or university, seminary, [~~or~~]
9 religious training institution, or private trade, vocational, or
10 technical school that is authorized pursuant to this chapter
11 shall:

12 (1) Not make or cause to be made any oral, written, or
13 visual statement or representation that violates
14 section 305J-11(b);

15 (2) Provide the department with a copy of its enrollment
16 agreement, if applicable, in accordance with its
17 reauthorization schedule;

18 (3) Provide bona fide instruction, in accordance with the
19 standards and criteria set by its accrediting body;
20 and



1 (4) If its ownership changes, provide the department with
2 any material information concerning the transaction at
3 least thirty days prior to the transaction."

4 SECTION 10. Section 305J-13, Hawaii Revised Statutes, is
5 amended by amending subsections (a) and (b) to read as follows:

6 "(a) If a private college or university, seminary, [~~or~~]
7 religious training institution, or private trade, vocational, or
8 technical school under the jurisdiction of the department ceases
9 operating within the State, the institution, its owner, or the
10 owner's designee, and its governing board shall be jointly and
11 severally liable to deposit with the department the
12 institution's educational records in a form to be prescribed by
13 the director.

14 (b) If the director determines that the records of a
15 private college or university, seminary, [~~or~~] religious training
16 institution, or private trade, vocational, or technical school
17 that ceases operating within the State are in danger of being
18 destroyed, secreted, mislaid, or otherwise made unavailable to
19 the department, the director may seek a court order authorizing
20 the department to seize or take possession of the records and
21 seek additional relief as may be appropriate."



1 SECTION 11. Section 305J-14, Hawaii Revised Statutes, is
2 amended by amending subsection (j) to read as follows:

3 "(j) A seminary [øæ], religious training institution, or
4 private trade, vocational, or technical school shall not be
5 subject to the requirements of this section."

6 SECTION 12. Section 305J-15, Hawaii Revised Statutes, is
7 amended by amending subsection (h) to read as follows:

8 "(h) A seminary [øæ], religious training institution, or
9 private trade, vocational, or technical school shall not be
10 subject to the requirements of this section."

11 SECTION 13. Section 305J-17, Hawaii Revised Statutes, is
12 amended as follows:

13 1. By amending subsection (a) to read:

14 "(a) A student or former student of the University of
15 Hawaii system, a private college or university, seminary, [øæ]
16 religious training institution, or private trade, vocational, or
17 technical school may file a complaint with the department
18 concerning the institution at which the student is or was
19 enrolled; provided that if a former student files a complaint,
20 the complaint shall be filed within two years after the former
21 student discontinued enrollment at the institution; provided



1 that the two year restriction on complaints shall not apply to
2 complaints related to obtaining transcripts."

3 2. By amending subsections (c), (d), and (e) to read:

4 "(c) Nothing in this section shall give the department
5 jurisdiction to consider complaints that infringe on the
6 academic or religious freedom of, or question the curriculum
7 content of, a private college or university, seminary, ~~[or]~~
8 religious training institution[-], or private trade, vocational,
9 or technical school.

10 (d) Upon receipt of a complaint pursuant to
11 ~~[+]~~subsection~~[+]~~ (a) or (b), the department shall determine
12 whether the complaint was properly filed. The complaint shall
13 warrant investigation only after the student or former student
14 has exhausted all administrative remedies available at the
15 University of Hawaii system, private college or university,
16 seminary, ~~[or]~~ religious training institution[+], or private
17 trade, vocational, or technical school; provided that if the
18 complaint involves a violation of state or federal criminal law,
19 this requirement shall not apply. If a complaint warrants
20 investigation, the department shall forward the complaint to the
21 University of Hawaii system, private college or university,



1 seminary, or religious training institution. The University of
2 Hawaii system, private college or university, seminary, [~~or~~]
3 religious training institution, or private trade, vocational, or
4 technical school shall have thirty days to respond in writing to
5 the complaint. During the thirty-day period, the University of
6 Hawaii system, private college or university, seminary, or
7 religious training institution, with the department's
8 assistance, may attempt to resolve the complaint with the
9 student. If the department determines at any time that the
10 complaint no longer warrants investigation, the department shall
11 dismiss the complaint.

12 (e) If a complaint is not resolved within the thirty-day
13 period, the department may:

14 (1) Dismiss the complaint based on the response of the
15 University of Hawaii system, private college or
16 university, seminary, [~~or~~] religious training
17 institution[~~]~~, or private trade, vocational, or
18 technical school;

19 (2) Investigate and, where appropriate, take disciplinary
20 action in a manner consistent with chapter 91."



1 SECTION 14. Section 446E-1.6, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§446E-1.6 Exceptions. This chapter shall not apply to
4 the types of schools and courses of instruction that include:

5 (1) Schools and educational programs conducted by firms,
6 corporations, or persons for the training of their own
7 employees;

8 (2) Apprentice or other training programs provided by
9 labor unions to union members or union applicants for
10 membership;

11 (3) Courses of instruction that do not lead to the
12 conferring of a degree;

13 (4) Seminars, refresher courses, and programs of
14 instruction sponsored by professional, business, or
15 farming organizations or associations for their
16 members or employees of their members;

17 (5) Courses of instruction conducted by a public school
18 district or a combination of public school districts;

19 (6) Colleges and universities that grant degrees pursuant
20 to chapter 304A;



- 1 (7) Entities that are established under the jurisdiction
2 of the board of regents of the University of Hawaii;
- 3 (8) Schools, courses of instruction, or courses of
4 training that are offered by a vendor to the purchaser
5 or prospective purchaser of the vendor's product when
6 the objective of the school or course is to enable the
7 purchaser or the purchaser's employees to gain skills
8 and knowledge which enable the purchaser to use the
9 product;
- 10 (9) Schools and educational programs conducted by
11 religious organizations solely for the religious
12 instruction of their members;
- 13 (10) Nondegree granting post-secondary educational
14 institutions licensed by [~~the department of education~~
15 or] the real estate commission; and
- 16 (11) Schools that are accredited by an agency or
17 organization approved or recognized by the United
18 States Department of Education or a successor agency,
19 except as provided for in section 446E-5(b) and (c)."



1 SECTION 15. Section 302A-101, Hawaii Revised Statutes, is
2 amended by deleting the definition of "private trade,
3 vocational, or technical school".

4 [~~"Private trade, vocational, or technical school" means~~
5 ~~any plan or method used by any person or persons, firm, or any~~
6 ~~other organization or corporation for giving instruction in any~~
7 ~~form or manner in any trade, occupation, or vocation for a~~
8 ~~consideration, reward, or promise of whatever nature, including~~
9 ~~correspondence schools located within the State, except as~~
10 ~~follows:~~

- 11 ~~(1) Schools maintained, or classes conducted, by employers~~
12 ~~for their own employees where no fee or tuition is~~
13 ~~charged;~~
- 14 ~~(2) Courses of instruction given by any fraternal society,~~
15 ~~benevolent order, or professional organization to its~~
16 ~~members, which courses are not operated for profit;~~
- 17 ~~(3) Flying schools qualified under the Federal Aviation~~
18 ~~Administration;~~
- 19 ~~(4) Classes conducted for less than five students at one~~
20 ~~and the same time;~~



- 1 ~~(5) Classes or courses of instruction that are conducted~~
- 2 ~~for twenty or fewer class sessions during any twelve-~~
- 3 ~~month period;~~
- 4 ~~(6) Avocational, hobby, recreation, or health classes or~~
- 5 ~~courses;~~
- 6 ~~(7) Courses of instruction on religious subjects given~~
- 7 ~~under the auspices of a religious organization; and~~
- 8 ~~(8) Schools registered by the department of commerce and~~
- 9 ~~consumer affairs or by boards and commissions placed~~
- 10 ~~in the department of commerce and consumer affairs for~~
- 11 ~~administrative purposes."]~~

12 SECTION 16. Section 302A-424, Hawaii Revised Statutes, is

13 repealed.

14 ~~["§302A-424 Regulation of other schools and classes.~~

15 ~~The department, at its discretion, may regulate schools,~~

16 ~~classes, or courses excepted from the definition of "private~~

17 ~~trade, vocational, or technical school".]~~

18 SECTION 17. Section 302A-425, Hawaii Revised Statutes, is

19 repealed.

20 ~~["§302A-425 License required for private trade,~~

21 ~~vocational, or technical school. No private trade, vocational,~~



1 ~~or technical school shall be operated by any person or persons,~~
 2 ~~firm, or any other private organization or corporation for the~~
 3 ~~purpose of teaching any trade, occupation, or vocation unless~~
 4 ~~there is first secured from the department a license issued in~~
 5 ~~accordance with sections 302A 424 to 302A 428 and in such form~~
 6 ~~as the department may direct. The purpose of the licensing and~~
 7 ~~regulation is to protect consumers against practices by private~~
 8 ~~trade, vocational, or technical schools that are false,~~
 9 ~~deceptive, misleading, or unfair, and to help ensure adequate~~
 10 ~~educational quality at private trade, vocational, or technical~~
 11 ~~schools."]~~

12 SECTION 18. Section 302A-426, Hawaii Revised Statutes, is
 13 repealed.

14 [~~§302A 426~~] ~~Suspension and revocation of license,~~
 15 ~~procedure.~~ (a) ~~The department, after notice and opportunity~~
 16 ~~for a hearing, may suspend or revoke a license at any time when,~~
 17 ~~in the judgment of the department, the licensee is not complying~~
 18 ~~with sections 302A 424 to 302A 428 or the rules that may be~~
 19 ~~adopted by the board. The notice of hearing shall be served~~
 20 ~~personally or sent to the licensee by registered or certified~~
 21 ~~mail with return receipt at the licensee's last known address.~~



1 ~~(b) Notice of suspension or revocation shall be served~~
2 ~~personally upon the licensee or sent to the licensee by~~
3 ~~registered or certified mail with return receipt, and the~~
4 ~~licensee shall forward the licensee's license at once to the~~
5 ~~department, and cease at once to operate the private trade,~~
6 ~~vocational, or technical school.~~

7 ~~(c) All proceedings shall be subject to chapter 91."~~

8 SECTION 19. Section 302A-427, Hawaii Revised Statutes, is
9 repealed.

10 ~~["~~§302A-427~~ Powers of department. No license shall be~~
11 ~~issued under sections 302A-424 to 302A-428 until the department~~
12 ~~has approved the method and content of the advertising, the~~
13 ~~standards and the methods of instruction, and the equipment~~
14 ~~provided. The department may consult with trade or vocational~~
15 ~~experts as to the equipment provided and the standards and~~
16 ~~methods of instruction offered. The department may adopt~~
17 ~~reasonable rules relating to the enforcement of sections 302A-~~
18 ~~424 to 302A-428."]~~

19 SECTION 20. Section 302A-428, Hawaii Revised Statutes, is
20 repealed.



1 ~~["§302A-428] Penalty. Any person, firm, or corporation~~
2 ~~that violates sections 302A-424 to 302A-428 shall be guilty of a~~
3 ~~misdemeanor, but shall be subject to a maximum fine of not more~~
4 ~~than \$100 or imprisonment for not more than ninety days, or~~
5 ~~both."]~~

6 SECTION 21. All rights, powers, functions, and duties of
7 the department of education relating to the licensing of private
8 trade, vocational, or technical schools are transferred to the
9 department of commerce and consumer affairs.

10 SECTION 22. All records, equipment, machines, files,
11 supplies, contracts, books, papers, documents, maps, and other
12 personal property heretofore made, used, acquired, or held by
13 the department of education relating to the functions
14 transferred to the department of commerce and consumer affairs
15 shall be transferred with the functions to which they relate.

16 SECTION 23. All rules, policies, procedures, guidelines,
17 and other material adopted or developed by the department of
18 education to implement provisions of the Hawaii Revised Statutes
19 which are reenacted or made applicable to the department of
20 commerce and consumer affairs by this Act, shall remain in full
21 force and effect until amended or repealed by the department of



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1 commerce and consumer affairs pursuant to chapter 91, Hawaii
2 Revised Statutes. In the interim, every reference to the
3 department of education or superintendent of education in those
4 rules, policies, procedures, guidelines, and other material is
5 amended to refer to the department of commerce and consumer
6 affairs or the director of commerce and consumer affairs as
7 appropriate.

8 SECTION 24. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

10 SECTION 25. This Act shall take effect upon its approval.

11

INTRODUCED BY: _____



JAN 23 2015



H.B. NO. 340

Report Title:

Post-secondary Education Authorization for Private Trade,
Vocational, or Technical Schools

Description:

Transfers regulatory jurisdiction over private trade,
vocational, and technical schools from the Department of
Education to the Department of Commerce and Consumer Affairs.

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

