

VETO

HOUSE OF REPRESENTATIVES
TWENTY-FIFTH LEGISLATURE, 2009
STATE OF HAWAII

H.B. NO. 183
H.D. 1
S.D. 2
C.D. 1

A BILL FOR AN ACT

VETO OVERRIDE

RELATING TO EDUCATION.

Act No. 2
Approved: Chris
Dated: July 15, 2009

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

1 PART I

2 SECTION 1. The legislature finds that the thirteen-member
3 Hawaii teacher standards board is responsible for establishing
4 standards for the issuance and renewal of licenses for teachers;
5 serves as the adjudicator for appeals relating to licensing,
6 including issuance or nonissuance of licenses, and the
7 suspension, nonrenewal, and revocation of licenses; and approves
8 teacher education programs and the professional development of
9 teachers.

10 The purpose of this part is to make clarifying and other
11 amendments to:

- 12 (1) Increase the membership on the Hawaii teacher
13 standards board from thirteen to fifteen with two
14 public members representing the community;
- 15 (2) Allow the board to employ an executive director for a
16 term of up to four years, who shall be appointed by
17 the board of education, and also allow the board to
18 terminate the executive director's contract for cause;

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- 1 (3) Require the board to submit its annual report to the
- 2 board of education;
- 3 (4) Authorize the board to determine the manner in which
- 4 licensing fees are collected;
- 5 (5) Authorize the board to adopt, amend, repeal, or
- 6 suspend the policies and standards of the board;
- 7 (6) Authorize the board to grant additional licensing
- 8 extensions through June 30, 2010;
- 9 (7) Make permanent the board's authority to temporarily
- 10 suspend its rules in extenuating circumstances;
- 11 (8) Make permanent the board's authority to amend
- 12 licensing-related fees and set or amend other charges
- 13 related to the performance of its duties; and
- 14 (9) Beginning July 1, 2009, require the board, department
- 15 of education, and charter school administrative office
- 16 to implement interim policies and procedures for the
- 17 mutual sharing of data necessary for licensing and
- 18 verifying the status of teachers.

19 SECTION 2. Section 302A-801, Hawaii Revised Statutes, is
20 amended to read as follows:

21 **"§302A-801 Hawaii teacher standards board established.**

- 22 (a) There is established the Hawaii teacher standards board,



1 which shall be placed within the department for administrative
2 purposes only. The board shall consist of [~~thirteen~~] fifteen
3 members, including not less than six licensed teachers regularly
4 engaged in teaching[~~]~~ at the time of the appointment, three
5 educational officers[~~]~~ employed at the time of the appointment,
6 the chairperson of the board of education or the chairperson's
7 designee, the superintendent or the superintendent's designee, a
8 representative of independent schools, [~~and~~] the dean of the
9 University of Hawaii college of education or the dean's
10 designee[~~]~~, and two members of the public; provided that the
11 dean's designee shall be chosen from the member institutions of
12 the teacher education coordinating committee established under
13 section [~~+~~]304A-1202[~~+~~].

14 (b) Except for the chairperson of the board of education,
15 [~~the~~] superintendent, and [~~the~~] dean of the college of
16 education, the governor shall appoint the members of the board
17 pursuant to section 26-34, from a list of qualified nominees
18 submitted to the governor by the departments, agencies, [~~and~~]
19 organizations representative of the constituencies of the
20 board[~~-~~], and current members of the board; provided that the
21 two members of the public shall be from lists of qualified
22 nominees submitted to the governor by the Hawaii Business



1 Roundtable, Hawaii P-20 council, and Hawaii workforce
2 development council. To the extent possible, the board
3 membership shall reflect representation of elementary and
4 secondary school personnel from all islands.

5 (c) Appointed board members shall serve not more than
6 three consecutive three-year terms [~~; provided that the initial~~
7 ~~terms of the appointed members that commence after June 30,~~
8 ~~2000, shall be staggered, as follows:~~

- 9 ~~(1) Three members to serve three year terms;~~
10 ~~(2) Three members to serve two year terms; and~~
11 ~~(3) One member to serve a one year term].~~

12 (d) Board members shall receive no compensation. When
13 board duties require that a board member take leave of the board
14 member's duties as a state employee, the appropriate state
15 department shall allow the board member to be placed on
16 administrative leave with pay and shall provide substitutes,
17 when necessary, to perform that board member's duties. Board
18 members shall be reimbursed for necessary travel expenses
19 incurred in the conduct of official board business.

20 (e) The chairperson of the board shall be designated by
21 the members of the board.



1 (f) The board may employ an executive director for a term
2 of up to four years, who shall be appointed by the board of
3 education without regard to chapters 76 and 89; provided that
4 the board shall submit a nominee to the board of education for
5 approval or disapproval; provided further that if the nominee is
6 disapproved, the board shall submit another nominee to the board
7 of education for approval or disapproval.

8 The board may terminate the executive director's contract
9 for cause; provided that the board shall submit the
10 recommendation for termination to the board of education for
11 approval or disapproval."

12 SECTION 3. Section 302A-803, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "**§302A-803 Powers and duties of the board.** (a) In
15 addition to establishing standards for the issuance and
16 renewal of licenses and any other powers and duties
17 authorized by law, the board's powers shall also include:

- 18 (1) Setting and administering its own budget;
19 (2) Adopting, amending, or repealing the rules of the
20 board in accordance with chapter 91;
21 (3) Receiving grants or donations from private
22 foundations, and state and federal funds;



- 1 (4) Submitting an annual report to the governor [and], the
2 legislature, and the board of education on the board's
3 operations and from the 2007-2008 school year,
4 submitting a summary report every five years of the
5 board's accomplishment of objectives, efforts to
6 improve or maintain teacher quality, and efforts to
7 keep its operations responsive and efficient;
- 8 (5) Conducting a cyclical review of standards and
9 suggesting revisions for their improvement;
- 10 (6) Establishing licensing fees in accordance with chapter
11 91 [~~, including the collection of fees by means of~~
12 ~~mandatory payroll deductions, which shall]~~ and
13 determining the manner by which fees are collected and
14 subsequently [be] deposited into the state treasury
15 and credited to the Hawaii teacher standards board
16 special fund;
- 17 (7) Establishing penalties in accordance with chapter 91;
- 18 (8) Issuing, renewing, revoking, suspending, and
19 reinstating licenses;
- 20 (9) Reviewing reports from the department on individuals
21 hired on an emergency basis;



- 1 (10) Applying licensing standards on a case-by-case basis
2 and conducting licensing evaluations;
- 3 (11) Preparing and disseminating teacher licensing
4 information to schools and operational personnel;
- 5 (12) Approving teacher preparation programs;
- 6 (13) Administering reciprocity agreements with other states
7 relative to licensing;
- 8 (14) Conducting research and development on teacher
9 licensure systems, beginning teacher programs, the
10 assessment of teaching skills, and other related
11 topics;
- 12 (15) Participating in efforts relating to teacher quality
13 issues, [~~conducting~~] professional development related
14 to the board's standards, and promotion of high
15 teacher standards and accomplished teaching; [~~and~~]
- 16 (16) Adopting applicable rules and procedures[~~-~~]; and
17 (17) Adopting, amending, repealing, or suspending the
18 policies and standards of the board.

19 (b) If, in accordance with chapter 92, the board
20 determines, on a case-by-case basis, that extenuating
21 circumstances exist to justify the suspension, the board may
22 temporarily suspend its rules, or any portion thereof. The



1 board shall establish, in accordance with chapter 91, procedures
2 for the suspension of its rules. When determining whether to
3 suspend its rules, the board shall also establish the length of
4 time for which the suspension shall be in effect.

5 (c) The board, in accordance with chapter 92, may also
6 amend licensing-related fees and set or amend other charges
7 related to the performance of its duties."

8 SECTION 4. Section 302A-805, Hawaii Revised Statutes, is
9 amended to read as follows:

10 **"§302A-805 Teachers; license required; renewals. (a)**
11 Beginning July 1, 2002, all [new] licenses shall be issued by
12 the board. No person shall serve as a half-time or full-time
13 teacher in a public school without first having obtained a
14 license from the board under this subpart. All licenses issued
15 by the board shall be valid only for the fields and levels
16 specified on the licenses and shall be renewable every five
17 years if the individual continues to:

- 18 (1) Satisfy the board's licensing standards;
- 19 (2) Show evidence of successful teaching in the previous
20 five years; and
- 21 (3) Satisfy the board's requirements for renewal of
22 licenses.



1 (b) Teachers whose licenses expire on June 30, 2002, or
2 June 30, 2003, shall be granted an automatic extension of two
3 years.

4 (c) The board, at its discretion, through June 30, 2010,
5 may grant additional extensions. Any previously-approved
6 extensions shall be deemed valid as issued.

7 (d) No person shall be issued a license or teach on an
8 emergency basis in the public schools without having first paid
9 the fees established by the board in accordance with chapter
10 91."

11 SECTION 5. Act 263, Session Laws of Hawaii 2007, is
12 amended by amending section 4 to read as follows:

13 "SECTION 4. This Act shall take effect on July 1, 2007[+
14 ~~provided that on July 1, 2009, section 2 of this Act shall be~~
15 ~~repealed and section 302A-803, Hawaii Revised Statutes, shall be~~
16 ~~reenacted in the form in which it read on June 30, 2007]."~~

17 SECTION 6. (a) Beginning on July 1, 2009, the Hawaii
18 teacher standards board, department of education, and charter
19 school administrative office shall implement interim policies
20 and procedures for the mutual sharing of data necessary for
21 licensing and verifying the status of teachers, including
22 criminal background checks; employment status and work sites;



1 license test information; license validity, fields, and levels;
2 and academic transcripts and program completion information.

3 (b) The interim policies and procedures may be amended to
4 reflect the recommendations of the Hawaii teacher standards
5 board to coordinate the creation of a data interface network
6 consisting of teacher education institutions and the department
7 of education to support the free interchange of information
8 valuable to all of the participating organizations, pursuant to
9 section 10 of this Act.

10 (c) The board, department of education, charter school
11 administrative office, and members of the teacher education
12 coordinating committee shall also develop and implement interim
13 policies and procedures for the mutual sharing of license and
14 employment data necessary for the teacher education institutions
15 to comply with the requirements of the Higher Education
16 Opportunity Act, including criminal background checks;
17 employment status and work sites; license validity, fields, and
18 levels; and teaching performance.

19 PART II

20 SECTION 7. In 2008, Senate Concurrent Resolution No. 83,
21 S.D. 1, requested the auditor to conduct a study on the
22 appropriate accountability structure for the Hawaii teacher



1 standards board, and to report the findings and recommendations
2 to the 2009 legislature. Report No. 09-05, Study on the
3 Appropriate Accountability Structure of the Hawai'i Teacher
4 Standards Board, submitted in February 2009, focused on
5 determining whether the board has delivered an effective
6 licensing and re-licensing program, which is its core function.
7 Using the department of commerce and consumer affairs as the
8 model for boards and commissions administratively attached to an
9 agency, the report compared that model with the Hawaii teacher
10 standards board and examined other states for alternatives for
11 licensing programs.

12 The auditor's report found a number of problems, including
13 ineffective management of the licensing function, lack of
14 oversight, and miscommunication between the Hawaii teacher
15 standards board and department of education regarding
16 responsibilities and accountability. While the auditor's report
17 provided considerable useful information, its release in the
18 middle of the 2009 legislative session did not allow time to
19 develop meaningful responses.

20 The purpose of this part is to develop specific
21 recommendations to address the concerns raised in the auditor's
22 report.



1 SECTION 8. (a) The legislative reference bureau shall
2 review the findings of the auditor's Report No. 09-05, and other
3 information as appropriate, and make recommendations, including
4 proposed legislation, regarding:

5 (1) Whether there is a need for oversight of the Hawaii
6 teacher standards board, and how oversight is provided
7 for similar boards; and

8 (2) How to strengthen and clarify interagency roles,
9 responsibilities, and relationships between the board,
10 department of education, and teacher education
11 coordinating committee.

12 (b) The legislative reference bureau shall submit its
13 findings and recommendations, including all proposed legislation
14 and budget requests, to the legislature no later than twenty
15 days prior to the convening of the regular session of 2010.

16 SECTION 9. (a) The dean of the University of Hawaii at
17 Manoa college of education shall convene a working group to
18 review and make recommendations to address:

19 (1) Licensing rules and their impact on teacher workforce
20 needs in Hawaii;



- 1 (2) Relicensing and tiered licensing options to ensure
2 effective teachers and continuing development of
3 teachers;
- 4 (3) Streamlining processes for reviewing out-of-state and
5 military applicants for licensure;
- 6 (4) Alignment of licensing standards and requirements with
7 the federal No Child Left Behind Act;
- 8 (5) Teacher preparation program alignment with national
9 standards and the role of national accreditation of
10 teacher preparation programs in Hawaii; and
- 11 (6) The role of higher education institutions in assisting
12 teachers in achieving National Board certification.
- 13 (b) The working group shall consist of seven members as
14 follows:
- 15 (1) The dean of the University of Hawaii at Manoa college
16 of education, or the dean's designee;
- 17 (2) The superintendent of education, or the
18 superintendent's designee;
- 19 (3) The chairperson of the Hawaii teacher standards board,
20 or the chairperson's designee;
- 21 (4) The executive director of the Hawaii P-20 council, or
22 the executive director's designee;



1 (5) The executive director of the Hawaii state teachers
2 association, or the executive director's designee;

3 (6) The division administrator of the professional and
4 vocational licensing division of the department of
5 commerce and consumer affairs, or the division
6 administrator's designee; and

7 (7) A member of the National Milken Educators of Hawaii.
8 The working group may consult with other educational and
9 licensing organizations and individuals, as appropriate. The
10 working group shall cease to exist on June 30, 2010.

11 (c) The dean shall submit the findings and recommendations
12 of the working group, including any proposed legislation and
13 budget requests, to the legislature no later than twenty days
14 prior to the convening of the regular session of 2010.

15 SECTION 10. (a) The Hawaii teacher standards board shall
16 review the findings of the auditor's Report No. 09-05, and shall
17 make recommendations for policy and procedural changes necessary
18 to refocus and support the purpose of the Hawaii teacher
19 standards board. At a minimum, the board shall consider:

20 (1) Procedures to streamline the appeals process, pursuant
21 to section 302A-807, Hawaii Revised Statutes;



1 SECTION 12. This Act shall take effect on July 1, 2009;
2 provided that on July 1, 2010, section 4 of this Act shall be
3 repealed and section 302A-805, Hawaii Revised Statutes, shall be
4 reenacted in the form in which it read on June 30, 2009.

