July 8, 2008

The Honorable Colleen Hanabusa, President
and Members of the Senate
Twenty-Fourth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

I am transmitting herewith SB2663 SD2 HD2 CD1, without my approval, and with the statement of objections relating to the measure.

SB2663 SD2 HD2 CD1 A BILL FOR AN ACT RELATING TO THE HAWAII TEACHER STANDARDS BOARD.

Sincerely,

LINDA LINGLE
STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2663

Honorable Members
Twenty-Fourth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 2663, entitled "A Bill for an Act Relating to the Hawaii Teacher Standards Board."

The stated purpose of this bill is to increase the number of teachers on the Hawaii Teacher Standards Board, define who may nominate members to and serve on the Board, and require the Board to report its expenditures and income.

This bill is objectionable because it curtails the pool of qualified entities that may nominate persons to serve on the Hawaii Teacher Standards Board and prescribes a composition that would likely decrease the representation of neighbor islands on this important body.

The Hawaii Teacher Standards Board plays an important role in setting standards for and licensing teachers in the State of Hawaii. Current law allows the Governor to nominate members from lists provided by departments, agencies, and organizations that represent the constituents of the Board. This is appropriate and has resulted in a pool of candidates that come from a cross-section of educational facilities within the State.

This bill would prescribe and limit the organizations that can nominate persons for my consideration, effectively banning nominees from parent-teacher associations, school
community councils, the Charter School Administrative Office, the University of Hawaii, and national organizations that are working diligently to improve the quality of teachers in Hawaii, such as Teach for America.

Further, this bill requires that the composition of the membership of the Board be proportionate to the teachers and administrators who work on each island. Currently, 31% of the Teacher Standards Board members represent neighbor islands, and I have worked hard to nominate persons representing all islands, including Lanai and Molokai. This bill would make the Board more Oahu-centric, thus decreasing the important voice of teachers who work in rural locations or deal with non-urban school challenges.

For the foregoing reason, I am returning Senate Bill No. 2663 without my approval.

Respectfully,

LINDA LINGLE
Governor of Hawaii
A BILL FOR AN ACT

RELATING TO THE HAWAII TEACHER STANDARDS BOARD.

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

PART I

SECTION 1. The legislature finds that, since July 2002, the Hawaii teacher standards board has been licensing teachers and approving teacher preparation programs. The Hawaii teacher standards board has worked in collaboration with teacher preparation programs, schools, agencies, and the department of education to improve the quantity and quality of teachers in the State, as well as the quantity and quality of necessary and relevant data that is accessible to all parties.

In 2007, the confirmation process for nominations to the Hawaii teacher standards board became an issue. Questions regarding the appropriate entities to make recommendations to the governor under the law and specifying or clarifying those constituencies to be represented, including their size, require the legislature's attention to ensure effective operations of the Hawaii teacher standards board through proper representation of interested parties. Efforts to refine the current system
have been undertaken through a collaborative effort by the interested parties, including the Hawaii teacher standards board.

Furthermore, because the department has been facing a shortage of approximately sixteen hundred teachers each year over the past several years, it has become imperative that the Hawaii teacher standards board consider ways to expand the pool of qualified teachers. Adding a teacher on the board who has become a teacher through a nontraditional program can add perspective to the deliberations of the board as they consider licensure qualifications.

The purpose of this Act is to make necessary changes to the membership and nomination process for, provide for increased information accessibility for, and increase the accountability of the Hawaii teacher standards board.

PART II

SECTION 2. The purpose of this part is to:

(1) Increase the number of teaching professionals on the Hawaii teacher standards board;

(2) Define "teachers regularly engaged in teaching"; and
(3) Clarify those organizations that may nominate candidates for membership on the Hawaii teacher standards board.

SECTION 3. Section 302A-801, Hawaii Revised Statutes, is amended by amending subsections (a) and (b) to read as follows:

"(a) There is established the Hawaii teacher standards board, which shall be placed within the department for administrative purposes only. The board shall consist of [thirteen] fourteen members, including not [less] fewer than [six] seven licensed teachers regularly engaged in teaching, at least one of which has completed a nontraditional teacher education program, three educational officers, the chairperson of the board of education or the chairperson's designee, the superintendent or the superintendent's designee, a representative of independent schools, and the dean of the University of Hawaii college of education or the dean's designee; provided that the dean's designee shall be chosen from the member institutions of the teacher education coordinating committee established under section [4]304A-1202[4]. For purposes of this section, "teachers regularly engaged in teaching" means teachers, school counselors, or school..."
librarians who are not assigned the duties of a school administrator.

(b) Except for the chairperson of the board of education, the superintendent, and the dean of the college of education, the governor shall appoint the members of the board pursuant to section 26-34, from a list of qualified nominees submitted to the governor by [the departments, agencies, and organizations representative of the constituencies of the board.]

1. The exclusive representative for public school teachers;
2. The exclusive representative for public school administrators;
3. Any state chapter of a national professional organization that represents teachers or school administrators; and
4. The Hawaii Association of Independent Schools for private school teachers.

To the extent possible, the board membership shall reflect representation of elementary and secondary school personnel from [all islands.] Oahu and the neighbor islands approximating the proportion of teachers and administrators who work in these areas. The teacher members of the Hawaii teacher standards
board shall hold licenses representative of the range of subject
matter and levels (elementary, middle, and high school) taught
in public schools. The school administrator members of the
Hawaii teacher standards board shall be administrators assigned
to elementary, middle, and high schools."

PART III

SECTION 4. Over the past several years, the Hawaii teacher
standards board has been developing an electronic licensing
system that has the capability of interfacing with public and
private Hawaii teacher education institutions and the department
of education to share information about licensed teachers. The
system also has the capacity to receive data from these same
institutions and agencies in a new way that expedites
operations, as well as avoids the need for duplicative
collection of data by multiple institutions and agencies. This
sharing of information will enable all parties to expedite the
performance of their duties and responsibilities.

The data-sharing effort has three facets:

(1) Technology;
(2) Functionality; and
(3) Project management and coordination.
The Hawaii teacher standards board and partner agencies are directed to determine a mutually acceptable data transfer method for the data to be exchanged.

The legislature further finds that, over the next several months, the participating organizations will work to agree on the list of transactions that each will be prepared to service and originate. These transactions shall include all information that each participating institution or agency, including the department of education, stores in its automated system that may support teacher licensing, re-licensing, teacher education, and hiring, including but not limited to license information for any current licensees, license application information for any applicant, state-approved teacher education program completer information, university course completion information for any licensee, higher education degree information, teacher employment and work site information, and teacher termination, resignation, retirement, and leave status.

The purpose of this part, based on the support of the teacher education coordinating committee, is to authorize the Hawaii teacher standards board to coordinate an effort to create a network incorporating the teacher education institutions and
the department of education to support the free interchange of
information valuable to all of the participating organizations.

PART IV

SECTION 5. The purpose of this part is to increase
accountability and expand the scope of the information provided
by the Hawaii teacher standards board to the legislature and the
governor to include information on income and expenditures and
to require a summary report with data from the previous five
years of the Hawaii teacher standards board's accomplishments
and objectives, efforts to improve and maintain teacher quality,
and efforts to keep its operations responsive and efficient.

SECTION 6. Section 302A-803, Hawaii Revised Statutes, is
amended by amending subsection (a) to read as follows:

"(a) In addition to establishing standards for the
issuance and renewal of licenses and any other powers and duties
authorized by law, the board's powers shall also include:

(1) Setting and administering its own budget;

(2) Adopting, amending, or repealing the rules of the
    board in accordance with chapter 91;

(3) Receiving grants or donations from private
    foundations, and state and federal funds;
(4) Submitting an annual report to the governor and the legislature on the board's operations, including income and expenditures, and [from the 2007-2008 school year, submitting] a summary report [every] with data from the previous five years of the board's accomplishment of objectives, efforts to improve or maintain teacher quality, and efforts to keep its operations responsive and efficient;

(5) Conducting a cyclical review of standards and suggesting revisions for their improvement;

(6) Establishing licensing fees in accordance with chapter 91, including the collection of fees by means of mandatory payroll deductions, which shall subsequently be deposited into the state treasury and credited to the Hawaii teacher standards board special fund;

(7) Establishing penalties in accordance with chapter 91;

(8) Issuing, renewing, revoking, suspending, and reinstating licenses;

(9) Reviewing reports from the department on individuals hired on an emergency basis;

(10) Applying licensing standards on a case-by-case basis and conducting licensing evaluations;
(11) Preparing and disseminating teacher licensing information to schools and operational personnel;

(12) Approving teacher preparation programs;

(13) Administering reciprocity agreements with other states relative to licensing;

(14) Conducting research and development on teacher licensure systems, beginning teacher programs, the assessment of teaching skills, and other related topics;

(15) Participating in efforts relating to teacher quality issues, conducting professional development related to the board's standards, and promotion of high teacher standards and accomplished teaching; and

(16) Adopting applicable rules and procedures."

PART V

SECTION 7. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 8. This Act shall take effect upon its approval; provided that the amendments made to section 302A-803(a), Hawaii Revised Statutes, in section 6 of this Act, shall not be repealed when that section is reenacted on July 1, 2009, pursuant to section 4 of Act 263, Session Laws of Hawaii 2007.