



LATE TESTIMONY

STATE OF HAWAII
HAWAII TEACHER STANDARDS BOARD
650 Iwilei Road, Suite 201
Honolulu, Hawaii 96817

**TESTIMONY BEFORE THE SENATE COMMITTEE ON EDUCATION
AND HOUSING**

RE: SB 142: Relating to Education

Monday, February 2, 2009

DR. JONATHAN GILLENLINE, CHAIRPERSON
Hawaii Teacher Standards Board

Chairman Sakamoto and Members of the Committee:

The Members of the Hawaii Teacher Standards Board strongly support SB 142 Relating to Education, Section 2, Item (6), lines 8 through 11, which would authorize the Board to determine the manner by which license fees are collected.

One of the 4 requirements for a Hawaii teaching license is payment of license fees. Current statute requires the payment of fees through payroll deduction. Hawaii is the only state in the country that has such a requirement. In all other states, license fees are paid for the validity period of the license prior to receipt of the license. All other professions and occupations in Hawaii make payments in this fashion, too.

The payroll deduction process does not allow the Board to know when employment changes result in non-payment of license fees. Currently, we receive hard copies of the Payroll Assignment Register and it is impossible to track payment of fees per licensee in a timely fashion. To resolve this problem, the Board volunteered to become part of the Dept. of Accounting and General Services' (DAGS) pilot project to enable electronic transmittal of payroll deduction transactions information to us. This would help us to connect the transactions to teacher licensees to determine currency of their license fee payment. Unfortunately, DAGS' pilot project was stalled several years ago due to lack of funding and it has yet to move forward.

Consequently, our staff spends inordinate amounts of time researching whether a licensee's fee payments are current—time that we would prefer to spend on the evaluation of license applications. The proposed amendment in Section 2 of the SB 142 would enable the Board to determine the method of collecting fees. This may include credit card or electronic check payments. Section 2 would enable the Board to have a more accurate way of collecting and monitoring license fee payments.

The proposed change in Section 2, Item (17) relates to the Board's authority to adopt, amend, repeal or suspend its rules and policies. However, we respectfully point out that SB142 does not accurately reflect current law. Item (16), according to current law, reads as follows:

“(16) Adopting applicable rules and procedures.

(b) If, in accordance with chapter 92, the board determines, on a case-by-case basis, that extenuating circumstances exist to justify the suspension, the board may temporarily suspend its rules, or any portion thereof. The board shall establish, in accordance with chapter 91, procedures for the suspension of its rules. When determining whether to suspend its rules, the board shall also establish the length of time for which the suspension shall be in effect.

(c) The board, in accordance with chapter 92, may also amend licensing-related fees and set or amend other charges related to the performance of its duties. [L 1996, c 89, pt of §2; am L 1997, c 195, §2; am L 2000, c 106, §§1, 4; am L 2001, c 312, pt of §10 and §§12, 13 and c 314, §3; am L 2002, c 16, §19 and c 193, §4; am L 2003, c 3, §11; am L 2007, c 263, §2]”

In view of the above, the Board supports keeping the current statutory language and removing any sunset provision existing in current law. The Board opposes the substitution of current law with Item (17) in SB 142. We believe Item (2) in current law already addresses what is contained in proposed Item (17).

Since passage of the §302A803 (b) and (c), the Board drafted rules for implementing it and we are awaiting approval of the rules from the Attorney General so we can take them to public hearing.

Thank you for this opportunity to testify.

LATE

To: Senate and House Education members

From: Malcolm Kirkpatrick

In re: SB142

2009-02-02

Please DO NOT support SB 142

Senate Bill 142, Section I constructs a false history of the Hawaii Teacher Standards Board. It asserts:

1 In 2001, the legislature transferred
2 responsibility for licensing teachers from the department of
3 education to the Hawaii teacher standards board. The transfer
4 was based on recommendations from the Hawaii Policy Group of the
5 National Commission on Teaching and America's Future, a national
6 organization with twenty-three partner states, including Hawaii.

First misrepresentation: Participation in NCTAF by individuals or organizations within the State of Hawaii does not make Hawaii a member or partner of NCTAF, any more than churches are members or partners of State governments.

By authorizing the board to assume responsibility for teacher
8 licensing, the legislature sought to strengthen the teaching
9 profession by making the board self-governing and accountable
10 for teachers who obtain and maintain licenses in Hawaii.

Second misrepresentation: In the initial legislation, the Teacher Standards Board was a non-cost bill which proposed a temporary Board, which was to develop licensing criteria for new-hire teachers and then to go out of business. The initial legislation did not empower the Board to revoke licenses of teachers already in service or to charge teachers already in service for the privilege of being less secure in their jobs. 3000 teachers signed a petition against this expansion of the Board's powers.

The initial legislation mandated a nine-member Board, with four members from the HSTA, three from the HGEA, one from the College of Education (the UHPA is an NEA subsidiary) and one member from the Board of Education. Counting the UHPA member, the NEA has a majority on the Board. Counting the HGEA, public-sector unions dominate the Board eight-to-one. This places the public-sector unions in a very convenient conflict of interest situation: any teacher whom the HGEA and HSTA find inconvenient can be terminated through revocation of her license, with no consequent obligation by the union to defend

her. It is as though the Legislature has given to a board of lawyers the power to determine which clients lawyers on retainer must defend. Basically, the Teacher Standards Board empowers the HSTA to renege on its contractual obligation to defend teachers.

The Board's performance standards for teachers required that teachers develop coherent sequences of lessons, that they adapt lessons to individual learning styles, and that they take advantage of spontaneous opportunities for instruction. These are all good ideas, but they are inconsistent, and so cannot qualify as "standards". The Board required that teachers align instruction to the DOE's curriculum content and student performance standards. The "standards" to which this requirement referred were those of the Final Report of the Hawaii State Commission on Content and Performance Standards (the "Blue Book") which the DOE abandoned after three years as complicated, contradictory, and vague. My point here is that the members of the Teacher Standards Board would not know a standard if you dropped one on their toes.

The Teacher Standards Board requires that teachers have degrees from an accredited teacher preparation program. No statistical, empirical evidence supports such a restriction.

The Teacher Standards Board has supported salary enhancements for teachers with National Board for Professional Teaching Standards certification. No statistical, empirical evidence supports such a policy.

The Value-Added Achievement Gains of NBPTS-Certified Teachers in Tennessee:

A Brief Report

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College of Education

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Conclusion:

The findings of this study present a serious challenge to NBPTS's claims regarding its teacher quality standards and certification process. At the very least, they suggest that public expenditures on NBPTS certification and teacher bonuses should be suspended until it can be clearly and independently established that NBPTS certification delivers what it promises.

Abolish the Teacher Standards Board.