

Honolulu, Hawaii

FEB 18 2011

RE: S.B. No. 1382
S.D. 1

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Sir:

Your Committee on Education, to which was referred S.B. No. 1382 entitled:

"A BILL FOR AN ACT RELATING TO EDUCATION,"

begs leave to report as follows:

The purpose and intent of this measure is to direct the Legislative Reference Bureau to:

- (1) Examine the Higher Education Act of 1965, as amended, and regulations pursuant to that Act and make recommendations to ensure the State's compliance with provisions relating to the authorization of institutions that offer educational programs beyond secondary education; and
- (2) Examine existing functions relating to the licensing or authorization of any educational institution in the State, and administrators and instructors thereof, and make recommendations as to whether these functions should be consolidated and tasked to one state agency that would be responsible for the licensing and authorization of all educational institutions in the State and their related operations.

Your Committee received testimony in support of this measure from the Department of Education, the University of Hawai'i System, and the Hawaii Teacher Standards Board. Your Committee received comments on this measure from the Legislative Reference Bureau.



Your Committee finds that in October 2010, the United States Department of Education issued new regulations for programs authorized under Title IV of the Higher Education Act of 1965, as amended, to hold programs accountable for preparing students for gainful employment, protect students from misleading recruiting practices, ensure that only eligible students receive financial aid, and strengthen federal aid programs. Your Committee further finds that the State must proactively examine the requirements of the Higher Education Act of 1965, as amended, and ensure state compliance.

Your Committee also notes that while we are examining the possibility of establishing such a commission, it would be prudent to consider including as part of its functions teacher and principal licensure, as well as oversight over various federal programs that serve public and private educational institutions.

Your Committee notes the suggestion of the Legislative Reference Bureau that a commission be established and modeled after the Public Utilities Commission to examine the State's compliance with the Higher Education Act of 1965, as amended, and regulations pursuant to that Act.

Accordingly, your Committee has amended this measure by:

- (1) Establishing the Federal Higher Education Compliance and Educational Personnel Licensure and Certification Task Force;
- (2) Requiring the Task Force, rather than the Legislative Reference Bureau, to examine compliance and licensure issues related to the Higher Education Act of 1965, as amended;
- (3) Providing that the membership of the Task Force be determined by the P-20 Council after consultation with stakeholders such as the Department of Education, the Hawaii Association of Independent Schools, the Hawaii Teacher Standards Board, and private institutions of higher education; and
- (4) Requiring that the Legislative Reference Bureau provide research and administrative assistance to the Task Force, including assistance in drafting any proposed



legislation that may be necessary to carry out the purposes of this measure.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1382, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1382, S.D. 1, and be referred to the Committee on Ways and Means.

Respectfully submitted on
behalf of the members of the
Committee on Education,



JILL TOKUDA, Chair



