



EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

June 7, 2019

GOV. MSG. NO. 1180

The Honorable Ronald D. Kouchi,
President
and Members of the Senate
Thirtieth State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,
Speaker and Members of the
House of Representatives
Thirtieth State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on June 7, 2019, the following bill was signed into law:

SB1221 HD1 CD1

RELATING TO THE HAWAII TEACHER
STANDARDS BOARD.
ACT 079 (19)

Sincerely,

DAVID Y. IGE
Governor, State of Hawai'i

A BILL FOR AN ACT

RELATING TO THE HAWAII TEACHER STANDARDS BOARD.

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

1 SECTION 1. Section 302A-803, Hawaii Revised Statutes, is
2 amended by amending subsection (d) to read as follows:

3 "(d) The board may delegate to its executive director, or
4 other designee, any of its powers and duties as it deems
5 reasonable and proper; provided that the delegation of powers
6 and duties by the board shall be made in accordance with
7 procedures set forth in this subsection. The board shall not
8 delegate its discretionary functions resulting in a final
9 decision in:

10 (1) Adopting, amending, or repealing rules;

11 (2) Ordering disciplinary action against a licensee,
12 including license revocation or suspension, or the
13 imposition of conditions or fines; provided that
14 summary suspensions may be delegated; or

15 (3) [~~Granting or denying~~] Denying permits or licenses,
16 including license renewals and reinstatements, or
17 otherwise conditioning permits or licenses, unless the
18 [~~granting,~~] denying, or otherwise conditioning of a



1 permit or license does not require the exercise of the
2 board's expertise and discretion.

3 To delegate authority, the concurrence of a majority of the
4 members to which the board is entitled shall be necessary for
5 any action taken by the board to be valid. The board shall
6 conduct its meetings to delegate powers and duties to its
7 executive director, or other designee, in accordance with
8 chapters 91 and 92."

9 SECTION 2. Section 302A-804, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "§302A-804 Powers and duties of the department,
12 commission, and charter schools. (a) The department,
13 commission, and charter schools shall retain all of their rights
14 and powers except for the authority provided to the board under
15 this subpart.

16 (b) The department's powers and duties under this subpart
17 shall be limited to:

18 (1) Hiring, except in emergency situations as described in
19 this chapter, licensed teachers to teach in their
20 fields of licensing;



- 1 (2) Reporting data annually to the board about the supply
2 of, and demand for, teachers in department schools,
3 including the identification of shortage areas, out-
4 of-field teaching assignments, number of classrooms
5 without a licensed teacher for a quarter or more,
6 numbers of teachers teaching out-of-field, numbers and
7 types of courses and classes taught by out-of-field
8 teachers, and numbers and types of students taught by
9 out-of-field teachers;
- 10 (3) On an emergency and case-by-case basis, hiring
11 unlicensed individuals; provided that:
- 12 (A) A list of the names, work sites, teaching
13 assignments, and progress toward licensing of
14 these individuals shall be reported to the board
15 and any changes shall be updated on a monthly
16 basis by the department;
- 17 (B) There are no properly licensed teachers for the
18 specific assignments for which the individuals
19 are being hired; and
- 20 (C) No individual may be employed by the department
21 on an emergency basis for more than three years.



- 1 During this time, the individual shall
2 demonstrate active pursuit of licensing in each
3 year of employment;
- 4 (4) Submitting an annual report to the board documenting:
- 5 (A) The number of emergency hires in department
6 schools by subject matter areas and by school;
- 7 (B) The reasons and duration of employment for the
8 emergency hiring enumerated in subparagraph (A);
9 and
- 10 ~~[(C) Individual progress toward licensing, and]~~
- 11 ~~(D)]~~ (C) The department's efforts to address the
12 shortages described in subparagraph (A); and
- 13 (5) Providing any other information requested by the board
14 that is pertinent to its powers and duties.
- 15 (c) The commission's powers and duties under this subpart
16 shall be limited to:
- 17 (1) Reporting data annually to the board about the supply
18 of, and demand for, teachers in charter schools,
19 including the identification of shortage areas, out-
20 of-field teaching assignments, number of classrooms
21 without a licensed teacher for a quarter or more,



1 numbers of teachers teaching out-of-field, numbers and
2 types of courses and classes taught by out-of-field
3 teachers, and numbers and types of students taught by
4 out-of-field teachers; and

5 ~~[-2) Submitting an annual report to the board documenting-~~

6 ~~-(A) The number of emergency hires in charter schools~~
7 ~~by subject matter areas and by school;~~

8 ~~-(B) The reasons and duration of employment for the~~
9 ~~emergency hiring enumerated in subparagraph (A);~~
10 ~~and~~

11 ~~-(C) Individual progress toward licensing; and~~

12 ~~[-3)]~~ (2) Providing any other information requested by the
13 board that is pertinent to the commission's powers and
14 duties.

15 (d) A charter school's powers and duties under this
16 subpart shall be limited to:

17 (1) Except in emergency situations as described in this
18 chapter, hiring licensed teachers to teach in their
19 fields of licensing;

20 (2) On an emergency and case-by-case basis, hiring
21 unlicensed individuals; provided that:



- 1 (A) A list of the names, work sites, teaching
- 2 assignments, and progress toward licensing of
- 3 these individuals shall be reported to the board
- 4 and any changes shall be updated on a monthly
- 5 basis by the charter schools;
- 6 (B) There are no properly licensed teachers for the
- 7 specific assignments for which the individuals
- 8 are being hired; and
- 9 (C) No individual may be employed by the charter
- 10 school on an emergency basis for more than three
- 11 years. During this time, the individual shall
- 12 demonstrate active pursuit of licensing in each
- 13 year of employment; [and]
- 14 (3) Submitting an annual report to the board documenting:
- 15 (A) The number of emergency hires in the charter
- 16 school by subject matter areas;
- 17 (B) The reasons and duration of employment for the
- 18 emergency hiring enumerated in subparagraph (A);
- 19 (C) The number of classrooms without a licensed
- 20 teacher for a quarter or more;



1 (D) The number and type of courses and classes taught
2 by out-of-field teachers; and

3 (E) The number and type of students taught by out-of-
4 field teachers; and

5 [~~3~~] (4) Providing any other information requested by the
6 board that is pertinent to the charter school's powers
7 and duties."

8 SECTION 3. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

10 SECTION 4. This Act shall take effect upon its approval.

APPROVED this 7 day of JUN, 2019

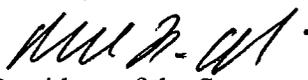


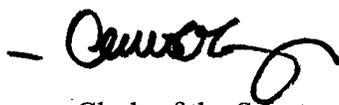
GOVERNOR OF THE STATE OF HAWAII

THE SENATE OF THE STATE OF HAWAI'I

Date: April 30, 2019
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the
Senate of the Thirtieth Legislature of the State of Hawai'i, Regular Session of 2019.


President of the Senate


Clerk of the Senate

SB No. 1221, HD 1, CD 1

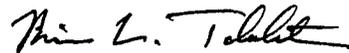
THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: April 30, 2019
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirtieth Legislature of the State of Hawaii, Regular Session of 2019.



Scott K. Saiki
Speaker
House of Representatives



Brian L. Takeshita
Chief Clerk
House of Representatives