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# 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.



**Report Title:**

Hawaii Teacher Standards Board; Teachers; Education; Charter School Commission; Report Requirements

**Description:**

Clarifies delegation of powers to the Hawaii Teacher Standards Board's Executive Director to timely approve license and permit applications. Clarifies reporting of data from Hawaii Department of Education, Charter School Commission, and Charter Schools, including the number of classrooms without a licensed teacher during the school year. (CD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

