
A BILL FOR AN ACT

RELATING TO EDUCATION.

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

1 PART I

2 SECTION 1. The purpose of this part is to establish salary
3 increases for teachers and create a comprehensive evaluation
4 process for teachers.

5 SECTION 2. Chapter 89, Hawaii Revised Statutes, is amended
6 by adding a new section to be appropriately designated and to
7 read as follows:

8 "§89- Teacher compensation. A teacher employed by the
9 department of education and paid under the salary schedule
10 contained in the unit 05 collective bargaining agreement shall
11 receive an annual increment or longevity increase, as the case
12 may be, for a year's satisfactory service in any fiscal year;
13 provided that this section shall not apply to an employee who
14 qualifies for an annual increment or biannual performance step
15 increase under section 302A-626."

16 SECTION 3. Section 89-9, Hawaii Revised Statutes, is
17 amended to read as follows:



1 **"§89-9 Scope of negotiations; consultation.** (a) [The]
2 Except as provided in subsection (g), the employer and the
3 exclusive representative shall meet at reasonable times,
4 including meetings sufficiently in advance of the February 1
5 impasse date under section 89-11, and shall negotiate in good
6 faith with respect to wages, hours, the amounts of contributions
7 by the State and respective counties to the Hawaii
8 employer-union health benefits trust fund or a voluntary
9 employees' beneficiary association trust to the extent allowed
10 in subsection (e), and other terms and conditions of employment
11 which are subject to collective bargaining and that are to be
12 embodied in a written agreement as specified in section 89-10,
13 but the obligation does not compel either party to agree to a
14 proposal or make a concession; provided that the parties may not
15 negotiate with respect to cost items as defined by section 89-2
16 for the biennium 1999 to 2001, and the cost items of employees
17 in bargaining units under section 89-6 in effect on
18 June 30, 1999, shall remain in effect until July 1, 2001.

19 (b) The employer or the exclusive representative desiring
20 to initiate negotiations shall notify the other party in
21 writing, setting forth the time and place of the meeting desired



1 and the nature of the business to be discussed, sufficiently in
2 advance of the meeting.

3 (c) Except as otherwise provided in this [~~chapter~~]
4 section, all matters affecting employee relations, including
5 those that are, or may be, the subject of a rule adopted by the
6 employer or any director, shall be subject to consultation with
7 the exclusive representatives of the employees concerned. The
8 employer shall make every reasonable effort to consult with
9 exclusive representatives and consider their input, along with
10 the input of other affected parties, prior to effecting changes
11 in any major policy affecting employee relations.

12 (d) Excluded from the subjects of negotiations are matters
13 of classification, reclassification, benefits of but not
14 contributions to the Hawaii employer-union health benefits trust
15 fund or a voluntary employees' beneficiary association trust;
16 recruitment; examination; initial pricing; and retirement
17 benefits except as provided in subsection (g) or section
18 88-8(h). The employer and the exclusive representative shall
19 not agree to any proposal that would be inconsistent with the
20 merit principle or the principle of equal pay for equal work
21 pursuant to section 76-1 or that would interfere with the rights
22 and obligations of a public employer to:



- 1 (1) Direct employees;
- 2 (2) Determine qualifications, standards for work, and the
3 nature and contents of examinations;
- 4 (3) Hire, promote, transfer, assign, and retain employees
5 in positions;
- 6 (4) Suspend, demote, discharge, or take other disciplinary
7 action against employees for proper cause;
- 8 (5) Relieve an employee from duties because of lack of
9 work or other legitimate reason;
- 10 (6) Maintain efficiency and productivity, including
11 maximizing the use of advanced technology, in
12 government operations;
- 13 (7) Determine methods, means, and personnel by which the
14 employer's operations are to be conducted; and
- 15 (8) Take such actions as may be necessary to carry out the
16 missions of the employer in cases of emergencies.

17 The employer and the exclusive representative may negotiate
18 procedures governing the promotion and transfer of employees to
19 positions within a bargaining unit; the suspension, demotion,
20 discharge, or other disciplinary actions taken against employees
21 within the bargaining unit; and the layoff of employees within
22 the bargaining unit. Violations of the procedures so negotiated



1 may be subject to the grievance procedure in the collective
2 bargaining agreement.

3 (e) Negotiations relating to contributions to the Hawaii
4 employer-union health benefits trust fund or a voluntary
5 employees' beneficiary association trust shall be for the
6 purpose of agreeing upon the amounts that the State and counties
7 shall contribute under sections 87A-32 through 87A-37, toward
8 the payment of the costs for a health benefits plan, as defined
9 in section 87A-1, and group life insurance benefits, and the
10 parties shall not be bound by the amounts contributed under
11 prior agreements; provided that section 89-11 for the resolution
12 of disputes by way of arbitration shall not be available to
13 resolve impasses or disputes relating to the amounts the State
14 and counties shall contribute to the Hawaii employer-union
15 health benefits trust fund or a voluntary employees' beneficiary
16 association trust established under chapter 87D.

17 (f) The repricing of classes within an appropriate
18 bargaining unit may be negotiated as follows:

19 (1) At the request of the exclusive representative and at
20 times allowed under the collective bargaining
21 agreement, the employer shall negotiate the repricing
22 of classes within the bargaining unit. The negotiated



1 repricing actions that constitute cost items shall be
2 subject to the requirements in section 89-10.

3 (2) If repricing has not been negotiated under paragraph
4 (1), the employer of each jurisdiction shall ensure
5 establishment of procedures to periodically review, at
6 least once in five years, unless otherwise agreed to
7 by the parties, the repricing of classes within the
8 bargaining unit. The repricing of classes based on
9 the results of the periodic review shall be at the
10 discretion of the employer. Any appropriations
11 required to implement the repricing actions that are
12 made at the employer's discretion shall not be
13 construed as cost items.

14 (g) Notwithstanding subsections (a) and (d) to the
15 contrary, movement between incremental and longevity steps
16 within the salary range for teachers in appropriate bargaining
17 unit 05 shall be specified by law, including chapter 302A."

18 SECTION 4. Section 302A-626, Hawaii Revised Statutes, is
19 amended to read as follows:

20 "**§302A-626 Salary increases; [annual, longevity]**
21 **performance step increase.** (a) Teachers [~~and educational~~
22 ~~officers~~] who have completed a year's satisfactory service and



1 who have complied with the other requirements of sections
2 302A-602 to 302A-640, and 302A-701, shall be entitled to an
3 annual increment ~~[7]~~ of 3.14 per cent of their annual salary;
4 provided that they earn an annual salary of less than \$50,000.

5 (b) Teachers ~~[and educational officers]~~ who have ~~[served~~
6 ~~satisfactorily for three years in their maximum increment step~~
7 ~~or in any longevity step and who have complied]~~ accomplished the
8 following:

9 (1) Earned an annual salary of \$50,000 or more;

10 (2) Received positive performance evaluations as
11 determined by the principal or immediate supervisor;
12 and

13 (3) Complied with the other requirements of sections
14 302A-602 to 302A-640, and 302A-701 ~~[7]~~;

15 shall receive ~~[longevity step increases7]~~ a biannual performance
16 step increase of \$1500; provided that the board may grant
17 principals and vice-principals ~~[longevity]~~ performance step
18 increases more frequently than once every three years pursuant
19 to section 302A-625."

20 SECTION 5. Section 302A-638, Hawaii Revised Statutes, is
21 amended to read as follows:



1 " ~~[§] §302A-638 [§]~~ **Evaluation of teachers** ~~[and educational~~
2 **officers]**. (a) The department shall establish an evaluation
3 program that shall include a comprehensive evaluation process
4 for all teachers ~~[and educational officers]~~. The evaluation
5 shall be performed at least ~~[once]~~ twice in each school year.
6 The program shall define the criteria for evaluation and assign
7 responsibilities for the application of the criteria. The
8 evaluation of a teacher ~~[or educational officer]~~ shall be on the
9 basis of efficiency, ability, and such other criteria as the
10 department shall determine.

11 (b) The department shall establish evaluation procedures
12 that are based upon the goal of improving the teacher-learning
13 process through the enrichment of professional staff development
14 and to assist in the success of their teaching assignment.

15 (c) In developing the comprehensive evaluation process for
16 teachers, the department shall consider the following:

- 17 (1) The teacher's experience;
- 18 (2) The teacher's workload;
- 19 (3) Ability level of the students;
- 20 (4) Class size;
- 21 (5) Assistance by other support personnel;
- 22 (6) The physical space;



1 (7) Assignments;

2 (8) Materials, supplies, and equipment; and

3 (9) Extra duties of the teacher.

4 (d) The comprehensive evaluation process shall include a
5 conference between the evaluator and teacher at a reasonable
6 time following the completion of the evaluator's observation of
7 the teacher and evaluation.

8 (e) The department shall establish evaluation indicators
9 and standards to assist the evaluator in the determination of
10 the teacher's performance.

11 (f) The department shall establish a three-person teacher
12 advisory team to be composed of the following:

13 (1) Two exemplary teachers as determined by national board
14 certification, past teacher of the year status, or
15 designation by the superintendent; and

16 (2) One administrator.

17 The teacher advisory team shall work with the principal and the
18 teacher, following a negative evaluation, to address possible
19 improvements or to locate an alternative position better suited
20 to the teacher's abilities."

21 SECTION 6. This part shall not be applied so as to impair
22 any collective bargaining agreement existing as of the effective



1 date of this Act in a manner violative of either the Hawaii
2 constitution or Article I, section 10, of the United States
3 Constitution.

4 PART II

5 SECTION 7. The purpose of this part is to provide various
6 tax relief for teachers including a:

- 7 (1) Credit for public school teachers, depending upon
- 8 their years of service;
- 9 (2) Credit for developers who lease state-owned lands to
- 10 build housing for lease or rental for teachers
- 11 employed in hard-to-staff public schools;
- 12 (3) Credit for landlords who provide housing for teachers
- 13 employed in hard-to-staff public schools; and
- 14 (4) Deduction for classroom supply expenses.

15 SECTION 8. Chapter 235, Hawaii Revised Statutes, is
16 amended by adding three new sections to be appropriately
17 designated and to read as follows:

18 "§235- Public school teacher tax credit. (a) There
19 shall be a public school teacher tax credit for each individual
20 taxpayer who is a public school teacher as defined in section
21 302A-501, and who is not claimed as a dependent by another
22 taxpayer for federal or Hawaii state individual income tax



1 purposes in the same tax year. The tax credit shall be
2 deductible from the taxpayer's net income tax liability imposed
3 by this chapter for the taxable year in which the tax credit is
4 properly claimed.

5 (b) The tax credit shall only apply to public school
6 teachers who were employed by the department for the entire
7 school year in which the tax credit is claimed. The amount of
8 the tax credit shall be \$250.

9 (c) To qualify for the income tax credit, the taxpayer
10 shall be in compliance with all applicable federal, state, and
11 county laws, as well as department of education rules and
12 internal regulations.

13 (d) If the tax credit under this section exceeds the
14 taxpayer's net income tax liability under this chapter, any
15 excess of the tax credit may be used as a credit against the
16 taxpayer's income tax liability in subsequent taxable years
17 until exhausted.

18 (e) Every claim, including amended claims, for the tax
19 credit under this section shall be filed on or before the end of
20 the twelfth month following the close of the taxable year for
21 which the tax credit may be claimed. Failure to meet the filing



1 requirements of this subsection shall constitute a waiver of the
2 right to claim the tax credit.

3 (f) The director of taxation shall prepare any forms
4 necessary to claim a tax credit under this section, may require
5 proof of the claim for the tax credit, and may adopt rules
6 pursuant to chapter 91 to effectuate the purposes of this
7 section. Specifically, the department of education shall
8 certify to the department of taxation as to which public school
9 teachers qualify for the tax credit allowed under this section.

10 (g) The department of taxation shall report to the
11 legislature annually, no later than twenty days prior to the
12 convening of every regular session, on the number of taxpayers
13 claiming the tax credit and the total cost of the tax credit to
14 the State during the past year.

15 **§235- Teacher housing; developer tax credit program.**

16 (a) There is established in the department a teacher housing
17 developer tax credit program that shall provide a tax credit for
18 developers who lease state-owned lands to build housing for
19 lease or rental to teachers employed in hard-to-staff public
20 schools.

21 (b) As used in this section, "hard-to-staff public
22 schools" includes any school or area determined to be



1 hard-to-staff by the department; provided that the department
2 shall include a justification for each area determination, and
3 shall reevaluate and revise such a determination periodically to
4 maintain a current listing of hard-to-staff public schools. Any
5 removal of a school from the hard-to-staff list shall not affect
6 the availability of the tax credit until the next calendar year.

7 (c) Teacher housing shall be eligible for the teacher
8 housing tax credit program if it is:

9 (1) Located in the state senatorial district of the
10 hard-to-staff public school; provided that on Oahu,
11 teacher housing shall also be eligible if it is
12 located in the state senatorial district adjacent to
13 that of the hard-to-staff public school; and

14 (2) Built upon state-owned land and leased to a developer
15 for a term and price to be determined by the
16 department of land and natural resources.

17 (d) Each individual or corporate resident taxpayer that
18 files an individual or corporate net income tax return for a
19 taxable year may claim a tax credit under this section against
20 the Hawaii state individual or corporate net income tax. The
21 tax credit may be claimed for the cumulative difference, during
22 any taxable year after December 31, 2005, between the fair



1 market rental or lease rate for the relevant state senatorial
2 district, as provided in this section, and the actual rental or
3 lease rate charged by the landlord to teachers employed in hard-
4 to-staff public schools. For the purposes of this section, the
5 department of taxation shall create an annual list of fair
6 market values calculated as of the first of every calendar year;
7 provided that the maximum deduction under this section shall not
8 exceed \$400 per month, or \$4,800 per tax year, per rental or
9 lease unit.

10 (e) The director of taxation shall prepare any forms
11 necessary to claim a tax credit under this section. The
12 director may also require the taxpayer to furnish reasonable
13 information, including an appraisal completed by a licensed
14 appraiser, to ascertain the validity of the claim for credit
15 made under this section and may adopt rules necessary to
16 effectuate the purposes of this section pursuant to chapter 91.
17 The department of education shall certify to the department of
18 taxation as to which state senatorial districts qualify for the
19 tax credit allowed under this section.

20 §235- Teacher housing; tax credit program. (a) There
21 is established in the department a teacher housing tax credit
22 program that shall provide a tax credit for landlords renting or



1 leasing housing to teachers employed in hard-to-staff public
2 schools.

3 (b) As used in this section, "hard-to-staff public
4 schools" includes any school or area determined to be
5 hard-to-staff by the department; provided that the department
6 shall include a justification for each area determination, and
7 shall reevaluate and revise such a determination periodically to
8 maintain a current listing of hard-to-staff public schools. Any
9 removal of a school from the hard-to-staff list shall not affect
10 the tax credit until the next calendar year.

11 (c) Teacher housing shall be eligible for the teacher
12 housing tax credit program if it is located in the state
13 senatorial district of the hard-to-staff public school; provided
14 that on Oahu, teacher housing shall also be eligible if it is
15 located in the state senatorial district adjacent to that of the
16 hard-to-staff public school.

17 (d) Each individual or corporate resident taxpayer that
18 files an individual or corporate net income tax return for a
19 taxable year may claim a tax credit under this section against
20 the Hawaii state individual or corporate net income tax. The
21 tax credit may be claimed for the cumulative difference during
22 any taxable year after December 31, 2005, between the fair



1 market rental or lease rate for housing in the relevant state
2 senatorial district, as determined in this section, and the
3 actual rental or lease rate charged by the landlord to teachers
4 employed in hard-to-staff public schools. For the purposes of
5 this section, the department of taxation shall create an annual
6 list of fair market values calculated as of the first of every
7 calendar year; provided that the maximum deduction under this
8 section shall not exceed \$400 per month, or \$4,800 per tax year,
9 per rental or lease unit.

10 (e) The director of taxation shall prepare any forms
11 necessary to claim a tax credit under this section. The
12 director may also require the taxpayer to furnish reasonable
13 information, including an appraisal completed by a licensed
14 appraiser, to ascertain the validity of the claim for credit
15 made under this section and may adopt rules necessary to
16 effectuate the purposes of this section pursuant to chapter 91.
17 The department of education shall certify to the department of
18 taxation as to which state senatorial districts qualify for the
19 tax credit allowed under this section."

20 SECTION 9. Section 235-7, Hawaii Revised Statutes, is
21 amended by amending subsection (a) to read as follows:



1 "(a) There shall be excluded from gross income, adjusted
2 gross income, and taxable income:

3 (1) Income not subject to taxation by the State under the
4 Constitution and laws of the United States;

5 (2) Rights, benefits, and other income exempted from
6 taxation by section 88-91, having to do with the state
7 retirement system, and the rights, benefits, and other
8 income, comparable to the rights, benefits, and other
9 income exempted by section 88-91, under any other
10 public retirement system;

11 (3) Any compensation received in the form of a pension for
12 past services;

13 (4) Compensation paid to a patient affected with Hansen's
14 disease employed by the State or the United States in
15 any hospital, settlement, or place for the treatment
16 of Hansen's disease;

17 (5) Except as otherwise expressly provided, payments made
18 by the United States or this State, under an act of
19 Congress or a law of this State, which by express
20 provision or administrative regulation or
21 interpretation are exempt from both the normal and

1 surtaxes of the United States, even though not so
2 exempted by the Internal Revenue Code itself;

3 (6) Any income expressly exempted or excluded from the
4 measure of the tax imposed by this chapter by any
5 other law of the State, it being the intent of this
6 chapter not to repeal or supersede any such express
7 exemption or exclusion;

8 (7) Income received by each member of the reserve
9 components of the Army, Navy, Air Force, Marine Corps,
10 or Coast Guard of the United States of America, and
11 the Hawaii national guard as compensation for
12 performance of duty, equivalent to pay received for
13 forty-eight drills (equivalent of twelve weekends) and
14 fifteen days of annual duty, at an:

15 (A) E-1 pay grade after eight years of service;
16 provided that this subparagraph shall apply to
17 taxable years beginning after December 31, 2004;

18 (B) E-2 pay grade after eight years of service;
19 provided that this subparagraph shall apply to
20 taxable years beginning after December 31, 2005;

- 1 (C) E-3 pay grade after eight years of service;
2 provided that this subparagraph shall apply to
3 taxable years beginning after December 31, 2006;
- 4 (D) E-4 pay grade after eight years of service;
5 provided that this subparagraph shall apply to
6 taxable years beginning after December 31, 2007;
7 and
- 8 (E) E-5 pay grade after eight years of service;
9 provided that this subparagraph shall apply to
10 taxable years beginning after December 31, 2008;
- 11 (8) Income derived from the operation of ships or aircraft
12 if the income is exempt under the Internal Revenue
13 Code pursuant to the provisions of an income tax
14 treaty or agreement entered into by and between the
15 United States and a foreign country, provided that the
16 tax laws of the local governments of that country
17 reciprocally exempt from the application of all of
18 their net income taxes, the income derived from the
19 operation of ships or aircraft that are documented or
20 registered under the laws of the United States;

- 1 (9) The value of legal services provided by a prepaid
2 legal service plan to a taxpayer, the taxpayer's
3 spouse, and the taxpayer's dependents;
- 4 (10) Amounts paid, directly or indirectly, by a prepaid
5 legal service plan to a taxpayer as payment or
6 reimbursement for the provision of legal services to
7 the taxpayer, the taxpayer's spouse, and the
8 taxpayer's dependents;
- 9 (11) Contributions by an employer to a prepaid legal
10 service plan for compensation (through insurance or
11 otherwise) to the employer's employees for the costs
12 of legal services incurred by the employer's
13 employees, their spouses, and their dependents; [and]
- 14 (12) Amounts received in the form of a monthly surcharge by
15 a utility acting on behalf of an affected utility
16 under section 269-16.3 shall not be gross income,
17 adjusted gross income, or taxable income for the
18 acting utility under this chapter. Any amounts
19 retained by the acting utility for collection or other
20 costs shall not be included in this exemption[-]; and
- 21 (13) The value of any out-of-pocket expenses incurred by a
22 teacher for classroom supplies or materials; provided



1 that the deduction shall not exceed \$250 and may be
 2 claimed regardless of whether the teacher files an
 3 itemized return. For the purposes of this paragraph,
 4 "teacher" has the same meaning as in section
 5 302A-501."

PART III

7 SECTION 10. The purpose of this part is to:

- 8 (1) Establish a master teacher training program for
- 9 qualified teachers to increase the quality of their
- 10 skills and serve as resource to other teachers; and
- 11 (2) Amend the national board certification incentive
- 12 program to allow teachers who have seven to twelve
- 13 years of experience in the department time off to
- 14 pursue the national certification.

15 SECTION 11. Chapter 302A, Hawaii Revised Statutes, is
 16 amended by adding three new sections to part III, subpart B, to
 17 be appropriately designated and to read as follows:

18 "§302A- Master teachers training program. (a) The
 19 department shall establish a master teachers training program to
 20 assist teachers who desire to increase the quality of their
 21 teaching skills and serve as a resource to other teachers.
 22 Candidates for the master teachers training program shall:

- 1 (1) Possess a master's degree from an accredited
- 2 university;
- 3 (2) Have not less than ten years of experience as a
- 4 classroom teacher;
- 5 (3) Have experience in performing additional duties and
- 6 responsibilities at the school-level;
- 7 (4) Teach at the mastery level in instruction and
- 8 strategies and possess expertise in mathematics,
- 9 English, science, or social studies; and
- 10 (5) Agree to serve as a master teacher or regular teacher
- 11 in a school for not less than five years following the
- 12 date of initial certification as a master teacher.
- 13 (b) The duties of a master teacher shall include, in
- 14 addition to the master teacher's regular classroom
- 15 responsibilities, serving as a mentor, supervisor, or staff
- 16 developer for other teachers both in or out of the master
- 17 teachers training program.
- 18 (c) At the successful conclusion of the master teachers
- 19 training program, the department shall certify the teacher as a
- 20 master teacher. The certification shall be conditional upon an
- 21 annual review by the board that deems the master teacher's

1 performance in the master teacher assignment to have been
2 satisfactory.

3 (d) A certified master teacher who is actively serving as
4 a mentor, supervisor, or staff developer at a public school
5 shall be compensated in accordance with section 302A-622(b).

6 §302A- Master teachers, staff developer. The department
7 shall provide at least one master teacher staff developer in
8 each school to assist the teachers at that school in preparing
9 for master teacher training and certification, and for ongoing
10 certification.

11 §302A- Master teachers' salary schedule. (a) Upon
12 certification as a master teacher, an employee shall receive
13 compensation at the lowest step of the lowest grade in the
14 master teacher series that exceeds the employee's existing
15 compensation by at least eight per cent if such a step exists.

16 (b) Master teachers who have completed a year's
17 satisfactory service shall be entitled to an annual increment.
18 Teachers who lose their certification as master teachers shall
19 be placed in the appropriate range and step of the regular
20 teacher salary schedule as if they had remained regular
21 teachers."



1 SECTION 12. Section 302A-622, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "[~~†~~]~~§302A-622~~[~~†~~] **Salary ranges, teachers.** (a) Salary
4 ranges for teachers of the department, other than master
5 teachers, shall be subject to the requirements of sections
6 302A-624 and 302A-626 and shall be as follows:

7 DEPARTMENT OF EDUCATION

8 SALARY RANGES

9	POSITIONS	DOESR
10	Class I	1
11	II	3
12	III	5
13	IV	6
14	V	7
15	VI	8
16	VII	9

17 (b) Salary ranges for master teachers of the department:

18 (1) Shall be not less than the salary of a teacher at
19 class V, step 9, at the first step of the master
20 teacher series, for ten-month employees,
21 notwithstanding section 89-19 to the contrary; and

1 (2) Shall be not less than the salary of an educational
 2 officer at EO 9, step 12, at the last step of the
 3 master teacher series, for ten-month employees,
 4 notwithstanding section 89-19 to the contrary, until
 5 such time that new salary ranges, grades, and
 6 schedules are negotiated for the master teacher series
 7 pursuant to section 89-9."

8 SECTION 13. Section 302A-706, Hawaii Revised Statutes, is
 9 amended to read as follows:

10 "~~§~~302A-706~~§~~ **Teacher national board certification**
 11 **incentive program.** (a) There is established within the
 12 department the teacher national board certification incentive
 13 program to recognize and support exemplary teaching practice by
 14 supporting public school teachers who intend to pursue or have
 15 achieved national board certification under the certification
 16 program of the National Board for Professional Teaching
 17 Standards, and teacher educators in the University of Hawaii
 18 system who have achieved national certification through this
 19 program. The teacher national board certification incentive
 20 program shall provide:

21 (1) A \$5,000 bonus per year for each public school teacher
 22 and teacher educator in the University of Hawaii

1 system who maintains current national board
2 certification; provided that any bonus provided to a
3 teacher educator in the University of Hawaii system
4 shall be paid by the University of Hawaii;
5 (2) \$1,500 upon completing the certification program of
6 the National Board for Professional Teaching
7 Standards; [~~and~~]
8 (3) A reimbursement of the remainder of the national board
9 certification application fee upon achievement of
10 national board certification[~~-~~]; and
11 (4) Time off for teachers who have seven to twelve years
12 of experience in the department to pursue national
13 board certification. Each time off period shall not
14 exceed one hour per school day and shall not exceed
15 ninety hours per school year; provided that the
16 teacher affirms in good faith the intention to remain
17 employed by the department for no less than five
18 additional years after completing the certification
19 program of the National Board for Professional
20 Teaching Standards; provided further that during the
21 approved time off they share their teaching expertise
22 with colleagues or preservice teacher candidates at

1 accredited institutions of higher education on a
2 monthly basis.

3 (b) The incentive program shall include a mentoring
4 component that encourages and enables national board-
5 certified teachers to assist other teachers and share
6 their teaching expertise.

7 (c) For the purposes of this section, "teacher educator"
8 means a faculty member in the University of Hawaii
9 system who teaches in a teacher preparation program."

10 SECTION 14. There is appropriated out of the general
11 revenues of the State of Hawaii the sum of \$, or so
12 much thereof as may be necessary for fiscal year 2006-2007, for
13 the master teachers training program.

14 The sum appropriated shall be expended by the department of
15 education for the purposes of this part.

16 PART IV

17 SECTION 15. The purpose of this part is to provide a
18 temporary teaching license to teachers who have:

- 19 (1) A valid teaching certificate issued by the United
20 States Department of Defense; and
- 21 (2) At least three years of teaching experience in a
22 United States Department of Defense operated school.



1 SECTION 16. Section 302A-802, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**S302A-802 Licensing standards; policies.** (a) The board
4 and department shall establish licensing standards that govern
5 teacher licensing in Hawaii. Licensing standards established by
6 the board and department shall be adopted as rules under chapter
7 91 unless otherwise specified in this subpart.

8 (b) In the development of its standards, the board and
9 department shall consider the existing teacher applicant pool
10 that is available in the State and the level of the
11 qualification of these applicants, as well as the nature and
12 availability of existing preservice higher education teacher
13 training programs. The board and department shall also consider
14 alternative routes to licensing, such as national teacher
15 examinations that certify competency in subject areas or
16 programs taught in the public schools.

17 (c) The board and department shall adopt policies, exempt
18 from chapters 91 and 92, to initiate the following:

- 19 (1) Develop a plan for licensing more individuals with
20 practical experience for teaching in
21 vocational/technical programs;

- 1 (2) Develop a plan to accept teachers from any state as
2 long as they have completed state-approved teacher
3 education programs and pass relevant Hawaii teacher
4 examinations or their equivalent;
- 5 (3) Clarify the requirements, on a state-by-state basis,
6 for out-of-state licensed teachers to obtain a license
7 in Hawaii;
- 8 (4) Develop a plan to facilitate licensing for those who
9 intend to teach in Hawaii immersion programs, the
10 island of Niihau, or any other [†]extraordinary[†]
11 situation as defined by the [†]superintendent[†] or
12 the superintendent's designee; and
- 13 (5) Pursue full teacher license reciprocity with the
14 mid-Atlantic states, California, Colorado, Illinois,
15 Michigan, New York, Oregon, and Washington.
- 16 (d) The department may license any pre-service or in-
17 service teacher who:
- 18 (1) Possesses a valid teaching license issued by the
19 United States Department of Defense; and
- 20 (2) Has at least three years of teaching experience in a
21 United States Department of Defense operated school;

1 provided that after four years from the date of initial
2 licensure under this subsection, an individual licensed under
3 this subsection shall be subject to the license renewal
4 provisions of section 302A-805, except for the need to pass any
5 testing instrument or instruments that may otherwise be required
6 by the Hawaii teachers standards board under this section;
7 provided further that the individual's performance has been
8 deemed satisfactory by the school principal or designee. The
9 department may pay teachers licensed under this subsection a
10 salary that is commensurate with their professional experience
11 and competitive with the private sector. The board, in
12 consultation with the department, shall develop performance-
13 based standards based on the licensing criteria of this
14 subsection and utilize them for the licensing of teachers."

PART V

16 SECTION 17. The purpose of this part is to appropriate
17 funds for the teacher cadet program established under section
18 302A-401.5, Hawaii Revised Statutes.

19 SECTION 18. There is appropriated out of the general
20 revenues of the State of Hawaii the sum of \$ _____, or so
21 much thereof as may be necessary for fiscal year 2006-2007, to
22 be deposited in the teacher cadet program special fund.

1 The sum appropriated shall be expended by the department of
2 education for the purposes of this part.

3 PART VI

4 SECTION 19. The purpose of this part is to codify the
5 department of education's professional development school
6 program and appropriate funds for the program.

7 SECTION 20. Chapter 302A, Hawaii Revised Statutes, is
8 amended by adding a new section to be appropriately designated
9 and to read as follows:

10 **"§302A- Professional development school program;**
11 **established.** (a) The department of education shall allocate
12 the funds appropriated to professional development schools by
13 means of competitive grants for up to five years subject to the
14 availability of resources. A grant application shall include a
15 description of how the professional development school will meet
16 the professional development school standards of the National
17 Council for the Accreditation of Teacher Education and the
18 department's six images of success:

- 19 (1) Standards-based learning;
- 20 (2) Professionalism and the capacity of the system;
- 21 (3) Quality of student support;
- 22 (4) Coordinated team work;

1 (5) Responsiveness of the system; and

2 (6) Focused and sustained action.

3 (b) Five per cent of the funds appropriated for the
4 establishment and continued development of professional
5 development schools shall be set aside for program
6 administration, including an annual professional development
7 school conference.

8 (c) Grants may be awarded for up to five years and may be
9 renewable. Professional development schools shall present
10 annual reports to the department and shall present findings at
11 the annual professional development schools conference.

12 (d) For the purposes of this section, "professional
13 development schools" means those public schools, consortia of
14 schools, or departments within schools that have entered into
15 formal agreements with state-approved teacher education programs
16 to address:

17 (1) Standards-based education;

18 (2) Teacher preparation; and

19 (3) Professional development."

20 SECTION 21. There is appropriated out of the general
21 revenues of the State of Hawaii the sum of \$200,000, or so much
22 thereof as may be necessary for fiscal year 2006-2007, for the

1 purpose of funding the department of education's professional
2 development school program.

3 The sum appropriated shall be expended by the department of
4 education for the purposes of this part.

5 PART VII

6 SECTION 22. The purpose of this part is to appropriate
7 funds for the Hawaii educator loan program.

8 SECTION 23. There is appropriated out of the general
9 revenues of the State of Hawaii the sum of \$100,000, or so much
10 thereof as may be necessary for fiscal year 2006-2007, to be
11 deposited in the Hawaii educator loan program special fund
12 established pursuant to section 304-20.6, Hawaii Revised
13 Statutes.

14 The sum appropriated shall be expended by the University of
15 Hawaii for the purposes of this part.

16 PART VIII

17 SECTION 24. If any provision of this Act, or the
18 application thereof to any person or circumstance is held
19 invalid, the invalidity does not affect other provisions or
20 applications of the Act, which can be given effect without the
21 invalid provision or application, and to this end the provisions
22 of this Act are severable.

1 SECTION 25. It is the intent of this Act not to jeopardize
2 the receipt of any federal aid nor to impair the obligation of
3 the State or any agency thereof to the holders of any bond
4 issued by the State or by any such agency, and to the extent,
5 and only to the extent, necessary to effectuate this intent, the
6 governor may modify the strict provisions of this Act, but shall
7 promptly report any such modification with reasons therefor to
8 the legislature at its next session thereafter for review by the
9 legislature.

10 SECTION 26. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 27. This Act shall take effect on July 1, 2006;
13 provided that sections 8 and 9 shall apply to taxable years
14 beginning after December 31, 2005.

Report Title:

Education; Omnibus Education Improvement

Description:

Establishes income tax credit and incremental salary increases for teachers; a comprehensive evaluation process; temporary teacher licensing; and a master teaching program. Enhances national board certification incentive program. Appropriates funds. (SD1)

