



GOV. MSG. NO. 767

EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

May 29, 2008

The Honorable Colleen Hanabusa, President
and Members of the Senate
Twenty-Fourth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

This is to inform you that on May 29, 2008, the following bill was signed into law:

SB2163 SD1 HD1 CD1

A BILL FOR AN ACT RELATING TO EDUCATION.
(ACT 125)

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Lingle".

LINDA LINGLE

Approved by the Governor

on MAY 29 2008

THE SENATE
TWENTY-FOURTH LEGISLATURE, 2008
STATE OF HAWAII

ACT 125
S.B. NO. 2163
S.D. 1
H.D. 1
C.D. 1

A BILL FOR AN ACT

RELATING TO EDUCATION.

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

1 SECTION 1. The legislature finds that the No Child Left
2 Behind Act of 2001, Public Law 107-110, sets forth various
3 requirements, which for many states, have created contradictions
4 and misunderstandings about what constitutes a qualified
5 teaching workforce. The legislature further finds that the
6 conflict between state and federal licensure requirements can
7 lead to confusion among teachers and administrators.

8 The purpose of this Act is to better align Hawaii's teacher
9 licensure requirements with the criteria for highly qualified
10 teachers as prescribed by the No Child Left Behind Act.

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

13 "**§302A-804 Powers and duties of the department.** The
14 department shall retain all of its rights and powers except for
15 the authority provided to the board under this subpart. The
16 department's powers and duties under this subpart shall be
17 limited to:



- 1 (1) Hiring, except in emergency situations as described in
2 this chapter, licensed teachers to teach in their
3 fields of licensing;
- 4 (2) Reporting data annually to the board about the supply
5 of, and demand for, teachers, including the
6 identification of shortage areas, out-of-field
7 teaching assignments, numbers of teachers teaching
8 out-of-field, numbers and types of courses and classes
9 taught by out-of-field teachers, and numbers and types
10 of students taught by out-of-field teachers;
- 11 (3) On an emergency and case-by-case basis, hiring
12 unlicensed individuals; provided that:
- 13 (A) A list of the names, work sites, teaching
14 assignments, and progress toward licensing of
15 these individuals shall be reported to the board
16 and any changes shall be updated on a monthly
17 basis by the department;
- 18 (B) There are no properly licensed teachers for the
19 specific assignments for which the individuals
20 are being hired; [and]
- 21 (C) No individual may be employed by the department
22 on an emergency basis for more than [~~four~~] three



1 years. During this time, the individual [must]
2 shall demonstrate active pursuit of licensing in
3 each year of employment; and

4 (D) Notwithstanding subparagraph (3) (C), unlicensed
5 individuals who have been hired on an emergency
6 basis prior to July 1, 2008, shall attain
7 licensure no later than four years from the date
8 of their employment;

9 (4) Submitting an annual report to the board documenting:

10 (A) The number of emergency hires by subject matter
11 areas and by schools;

12 (B) The reasons and duration of employment for the
13 emergency hiring enumerated in subparagraph (A);

14 (C) Individual progress toward licensing; and

15 (D) The department's efforts to address the shortages
16 described in subparagraph (A); and

17 (5) Providing any other information requested by the board
18 that is pertinent to its powers and duties."

19 SECTION 3. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.

21 SECTION 4. This Act shall take effect upon its approval;
22 provided that the amendments made to section 302A-804, Hawaii

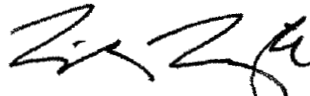


1 Revised Statutes, under section 2 of this Act shall be repealed
2 on July 1, 2011, and section 302A-804, Hawaii Revised Statutes,
3 shall be reenacted in the form in which it read on the day prior
4 to the effective date of this Act.



1 Revised Statutes, under section 2 of this Act shall be repealed
2 on July 1, 2011, and section 302A-804, Hawaii Revised Statutes,
3 shall be reenacted in the form in which it read on the day prior
4 to the effective date of this Act.

APPROVED this 29 day of MAY, 2008



GOVERNOR OF THE STATE OF HAWAII



