

DEPT. COMM. NO. 37

STATE OF HAWAII
HAWAII TEACHER STANDARDS BOARD
650 Iwilei Road, Suite 201
Honolulu, Hawaii 96817

December 17, 2009

The Honorable Linda Lingle
Governor of Hawaii
The Honorable Colleen Hanabusa
President of the Senate
The Honorable Calvin Say
Speaker of the House of Representatives

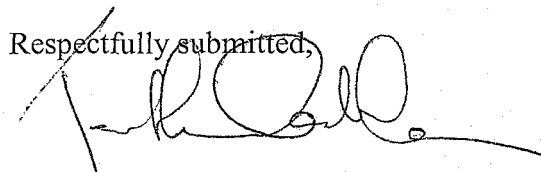
Dear Madames and Sir:

The Hawaii Teacher Standards Board submits the enclosed report to you as required by HB183 CD1, Section 10. The Board previously submitted its responses to Report No. 09-05 directly to the Auditor in hopes that they would be incorporated into the report itself. Instead, the Board's comments and explanations became Attachment 1 of the report.

The attached report reinforces our assertion that our Board took and continues to take actions to address areas of need. We are pleased to describe further actions we have taken in the past year to improve our work and service to our clients. The coming year promises additional improvements that have been in the works for several months and are the result of focused attention by the Board and our staff.

We appreciate the support we have received from you and we are prepared to continue to work with you this session.

Respectfully submitted,


Jonathan M. Gillentine
Chairperson

Enc.

2 DEC 23 10 00

OFFICE OF THE
GOVERNOR
HAWAII

REPORT TO THE 2010 LEGISLATURE
IN RESPONSE TO HB 183 CD1



HAWAII TEACHER
STANDARDS BOARD

BACKGROUND

HB183 CD1

The 2009 Legislature overrode the Governor's veto and passed HB183 CD1 Relating to Education. Section 10 of the measure requested the following:

(a) The Hawaii teacher standards board shall review the findings of the auditor's Report No. 09-05, and shall make recommendations for policy and procedural changes necessary to refocus and support the purpose of the Hawaii teacher standards board. At a minimum, the board shall consider:

- (1) Procedures to streamline the appeals process, pursuant to section 302A-807, Hawaii Revised Statutes;
- (2) Amendments to the current licensing fees, if required, to meet the operating costs associated with the Hawaii teacher standards board;
- (3) Requirements for training of licensing and administrative personnel to provide increased accessibility and customer service;
- (4) Procedures to improve the coordination of the interim policies and procedures related to the creation of a data interface network consisting of teacher education institutions and the department of education to support the free interchange of information valuable to all of the participating organizations; and
- (5) Recommendations as to whether the board may be authorized to request attendance of a deputy attorney general at the meetings of the board.

The above topics are addressed in the enclosed report.

APPEALS PROCESS

The Board used a contested case hearing procedure that was recommended by one of our previous Deputy Attorney Generals. After the Board's Code of Ethics successfully cleared the rulemaking process, the Board researched other states' rules in 2007 and drafted rules to administer discipline for professional misconduct based on its Code of Ethics. In addition, rules for a contested case hearing procedure were also drafted.

The rules were all submitted in early 2008 to the Attorney General for review and in December 2008 these were returned to us with suggestions for revisions. After making the revisions, the Board resubmitted the draft rules to the Attorney General and the Governor for permission to take them to public hearing. The Board received approval in late November 2009 and plans to hold public hearings as soon as it can acquire approvals for use of school facilities on dates that are compatible with teachers'

schedules.

Using the procedure recommended for use by one of our deputy attorney generals, the Hawaii Teacher Standards Board has, over the past several years, utilized an appeals process to allow license applicants to appeal decisions on their license as well as allow licensees to appeal actions being considered against their license. In the past year, of the more than 1100 licenses issued, only 7 applicants appealed the way in which their license was processed and of these 7 appeals, only 2 were denied.

At this time, the Board plans to compile the feedback received at the upcoming public hearings to determine if the process needs streamlining. The table below explains the basis of the appeals heard this past year. The second table summarizes the actions the Board took against licenses.

Appeal	Approved	Denied
Change effective date of license	2	2
Accept State Approved Teacher Education Program coursework, supervised teaching experience and out of state license in lieu of State Approved Teacher Education Program	1	
Accept alternative Praxis examination when it is determined by ETS data that the replacement test is as rigorous as the validated Hawaii test.	1	
Accept another state's alternative pathway to licensure, which included university coursework, supervised teaching and licensure tests in lieu of a State Approved Teacher Education Program.	1	

Year 10/1 – 9/30	Total Cases	Denied	Revoked	Suspended	Deferred or No Action
2009	4 ¹	0	1	1	3
2008	9	2	5	0	2
2007	1	0	0	1	0
2006	0	0	0	0	0
2005	0	0	0	0	0

¹In one of the 4 cases the HTSB deferred action on the license before revoking it.

LICENSING FEES

The Board reviewed its license fee schedule and determined that it would not, at this time, increase them especially in view of the current economy. With recent statutory authorization, the Board is working with eHawaii.gov to begin the use of credit card and eCheck payments of license fees instead of using the current payroll deduction method.

Using this payment method will enable the Board to have a better accounting of fees being collected and ensuring that ALL licensees are paying their fees. The current payroll deduction method was created in 1997 and is administered by the Department of Education (DOE). Thus, license fee payment is heavily reliant on a teacher's employment status. Nowhere else in the nation is this true. In all other states license fees are paid in advance of receiving a license, not on a pay-as-you-go basis as exists in Hawaii. The Board's new payment method will address this matter.

Because this is a departure from what DOE teachers are used to, the Board is providing for a transition period for licensees to ease into the lump sum advance payment method. The Board is allowing licensees to choose from among several payment options as long as payment for a 5-year license is made over a period of no more than 12 months.

TRAINING OF PERSONNEL

In 2002 when the Legislature transferred the authority for licensing from the Department of Education to the Hawaii Teacher Standards Board, the Board contracted a former DOE licensing employee to train its first two licensing clerks on how the Department processed license applications. All current licensing staff received this training. But the Hawaii Teacher Standards Board has made many changes to licensing requirements since assuming responsibility for licensing. So its licensing supervisors conduct training on a continuing basis as rules and requirements change. We have also allowed the staff to attend training seminars to help them further develop their communication skills.

Currently, our staff of 3 licensing clerks, 1 clerical supervisor and 1 licensing specialist receive, review and process all mail, documents and applications for licenses and permits, adding fields to licenses, extensions, name changes, and duplicate licenses and permits. The Board and its staff value quality professional service to clients. For this reason, the staff meets regularly to discuss how office procedures can be improved and we distribute comment cards to every person who walks into our office seeking assistance. We review these cards on a regular basis to address concerns raised by our clients.

We also prepared a small purchase contract in July 2009 to conduct a study of our office workflow and business processes to see if there are additional areas for improving our office operations and client services. With our deputy attorney general's approval of the contract in December we are eagerly working with the contractor to try to complete the study as quickly as possible so that improvements are not delayed.

Given the shortage of staff, we have taken several steps to streamline our operations. We changed how phone calls are received so that callers have a better chance at speaking with a "live" person. We have rearranged staff assignments to:

- ▶ decrease the amount of time clients must wait to receive a response from our office;
- ▶ decrease the time needed to process documents; and
- ▶ centralize the processing of required documents to better track our progress.

Since late summer the licensing staff has used the Admin portion of the electronic system to:

- ▶ look up license records
- ▶ input license application information
- ▶ update licenses (name changes, adding fields to a license, updating contact information, etc.)
- ▶ print licenses generated from the license records
- ▶ keep a history of email interactions with licensees so that when a record is accessed, the viewer can see the license-related communications that have occurred with the licensee
- ▶ record notes related to a license record.

The above use of the Admin system prepares us to transition to a completely electronic system and allows for updating live data.

DATA SHARING WITH OTHER AGENCIES

The Board's interest in establishing data sharing interfaces with the Department of Education and Hawaii teacher education institutions goes back at least nine years. We began first with the Department of Education and after several attempts, we concluded that the time was not right since the DOE had resource issues and did not have this as an immediate priority.

With the arrival of NCLB compliance requirements, the DOE expressed new interest in pursuing our conversation. On the advice of our deputy attorney general, we began to draft a memorandum of agreement (MOA) that spelled out what information the parties wished to share, who was responsible for which information, and how the sharing would occur. After numerous drafts, a final version was produced in March 2008. The Department is having this version reviewed by its Procurement office before we can proceed. So we are awaiting word from the Department about when we can implement the MOA.

In the meantime, plans are ready to scan documents mutually needed by the DOE and HTSB to make them accessible by the staff of both agencies. This will be greatly beneficial to DOE teacher and HTSB license applicants because they will no longer

have to submit similar or identical documents such as transcripts to both agencies once the scanned documents are viewable by both agencies.

Plans are also underway with our online licensing system contractor to allow the DOE recruitment staff to become users of our system so they can view license information of their teachers and teacher applicants.

Last year the federal government made changes to the Higher Education Act requiring the State to provide institutions with access to any data it collected which institutions requested for improvement of their programs. The Board met with representatives of the DOE and teacher education institutions to discuss data that they would find helpful. We are working with our current contractor to identify reports we can already provide to the institutions. There will be a small fee charged to the institutions by the contractor to extract reports that are more customized and go beyond the information HTSB is required to provide them. Our long-term goal is to enable the institutions to also become users on our online system so they can download reports for themselves. We have a similar goal for the DOE's Recruitment Section when we implement the memorandum of agreement.

The DOE has just invited the Hawaii Teacher Standards Board to participate in the Department's plans to submit a Race to the Top grant application. We will meet to discuss how HTSB can contribute to the goal of expanding and adopting a statewide longitudinal system. In fact, whether or not Hawaii receives a Race to the Top grant, the Board is committed to working with other education agencies to build such a system because the State needs to take a systemic approach to data collection and data sharing.

ATTORNEY GENERAL ATTENDANCE AT MEETINGS

Since the Board was established in 1995 to set standards and then authorized to issue licenses in 2002, it never had a deputy attorney general present at its meetings except when special arrangements had been made for his/her presence. Such participation was never offered as a service from the Attorney General's office and the Board was never informed that it could rely on such support provided by a deputy attorney general.

Over the past five years, the Board has experienced many changes in the deputy attorney generals assigned to assist the Board. This has made it difficult for the Board to conduct its work because it has had to continually update the new deputy about what happened in the past and how it related to the Board's current work. Our current deputy attorney general is the first and only one to regularly attend board meetings to provide advice and/or representation about contested cases and other legal matters.

If such attendance is not currently described in statute, we recommend that it be included not only for the Hawaii Teacher Standards Board but as support provided to any similar board or commission.

RECOMMENDATIONS

Legislation Needed to Clarify How Licenses Are Approved

Based on the advice of the Attorney General's office the HTSB staff must submit all license requests to the Board for approval at its regularly scheduled meetings. This results in applicants having to wait up to one month for their license to be approved and then issued. The Board recommends that legislation be introduced to enable the board to delegate to its executive director the authority to grant, deny, or otherwise condition a license or permit when doing so does not require the exercise of the board's expertise and discretion. Regulatory boards in the Department of Commerce and Consumer Affairs (DCCA) already are allowed to delegate this power to the DCCA staff.

Clarification of the Relationship of Attached Agencies to Departments

Currently, there is a need for a compilation of laws and policies that describe the relationship between State departments and attached agencies—a handbook or manual of sorts. In its absence both entities are unclear about what to expect of the other in terms of procedures, support available, etc.

We have developed a good working relationship with the Department of Education. Both agencies adopted a kind of trial and error approach from the start. But there are still areas where further clarification of responsibilities would be extremely useful since the trial and error approach is time consuming. Others seem to share our need for a delineation of the relationship of an attached agency to a department since other newly established councils attached to the DOE have approached the Board to inquire about how we got started; how we developed job descriptions, etc., so there is clearly a need to spell this out for all attached agencies.

CONCLUSION

Since issuance of the Legislative Auditor's *Study on the Appropriate Accountability Structure of the Hawaii Teacher Standards Board* last year, the Hawaii Teacher Standards Board has proactively taken steps to improve how it fulfills its duties and responsibilities. From the start, we viewed the study as a constructive process because it was the first such study conducted of the Board since it assumed responsibility in 2002 for teacher licensing, State Approval of Teacher Education, and National Board Certification candidate support.

We hope that the explanations provided in this report further emphasize and reinforce the Board's intention to use the Auditor's study and other tools and studies we ourselves initiate to continually improve the quality of our work.

Respectfully submitted,

Dr. Jonathan M. Gillentine, Chairperson

Rev. Benjamin Parker Elementary School

Lorilene Pereira, Vice-Chairperson
Kamehameha Schools - Kapalama

Patricia Hamamoto, Ex-officio
Department of Education

Terry Holck
Voyager Public Charter School

Kim Coco Iwamoto, Ex-officio
Board of Education

Annette Nishikawa
Kapolei Middle School

Alvin Parker
Kawaihona Public Charter School

Carol Seielstad
Hanalei Elementary School

Janice Shishido
Lihikai Elementary School

Dr. Christine Sorensen, Ex-officio
University of Hawaii at Manoa, College of Education

Noe Noe Tom
Member of the Public