



GOV. MSG. NO. 645

EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

June 29, 2010

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

Dear Madam President and Members of the Senate:

This is to inform you that on June 29, 2010, the following bill was signed into law:

SB2346 SD1 HD1 CD1

A BILL FOR AN ACT
RELATING TO THE HAWAII TEACHER STANDARDS
BOARD.
ACT 184 (10)

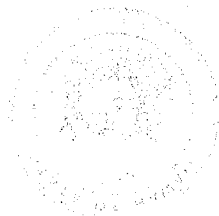
Sincerely,



LINDA LINGLE

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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. The legislature finds that part II, Act 2,
2 Special Session Laws of Hawaii 2009, required the legislative
3 reference bureau, the University of Hawaii at Manoa college of
4 education, and the Hawaii teacher standards board to make
5 recommendations to the 2010 legislature regarding the roles and
6 responsibilities of the Hawaii teacher standards board. *The*
7 *Hawaii Teacher Standards Board - is Oversight Needed?*, Report
8 No. 1, 2010, by the legislative reference bureau; *Report on*
9 *Hawai'i Teacher Standards Board*, November 2009, by the University
10 of Hawaii system; and *Report to the 2010 Legislature in Response*
11 *to HB183 CD1*, by the Hawaii teacher standards board, contain
12 numerous recommendations, both long- and short-term.

13 The purpose of this Act is to implement recommendations for
14 the Hawaii teacher standards board from these three reports by:

15 (1) Requiring the board to include expenditure information
16 in its annual report;



- 1 (2) Authorizing the board to delegate to its executive
2 director, or other designee, any of its powers and
3 duties as it deems reasonable and proper;
- 4 (3) Adding additional licensure renewal requirements and
5 verification of meeting licensure renewal
6 requirements;
- 7 (4) Requiring the board to review implementation of
8 revised license fee collections and determine if fees
9 shall be raised;
- 10 (5) Requiring the board to develop a comprehensive plan
11 for transferring nonessential functions and duties to
12 other agencies;
- 13 (6) Requiring the board to review its teacher license
14 renewal process; and
- 15 (7) Requiring the board and the department of education to
16 clarify their respective powers, duties,
17 responsibilities, and the relationship between the two
18 agencies.

19 SECTION 2. Section 302A-803, Hawaii Revised Statutes, is
20 amended to read as follows:

21 **"§302A-803 Powers and duties of the board.** (a) In
22 addition to establishing standards for the issuance and renewal



1 of licenses and any other powers and duties authorized by law,
2 the board's powers shall also include:

- 3 (1) Setting and administering its own budget;
- 4 (2) Adopting, amending, or repealing the rules of the
5 board in accordance with chapter 91;
- 6 (3) Receiving grants or donations from private
7 foundations, and state and federal funds;
- 8 (4) Submitting an annual report to the governor, the
9 legislature, and the board of education on the board's
10 operations and expenditures, and from the 2007-2008
11 school year, submitting a summary report every five
12 years of the board's accomplishment of objectives,
13 efforts to improve or maintain teacher quality, and
14 efforts to keep its operations responsive and
15 efficient;
- 16 (5) Conducting a cyclical review of standards and
17 suggesting revisions for their improvement;
- 18 (6) Establishing licensing fees in accordance with chapter
19 91 and determining the manner by which fees are
20 collected and subsequently deposited into the state
21 treasury and credited to the Hawaii teacher standards
22 board special fund;



- 1 (7) Establishing penalties in accordance with chapter 91;
- 2 (8) Issuing, renewing, revoking, suspending, and
- 3 reinstating licenses;
- 4 (9) Reviewing reports from the department on individuals
- 5 hired on an emergency basis;
- 6 (10) Applying licensing standards on a case-by-case basis
- 7 and conducting licensing evaluations;
- 8 (11) Preparing and disseminating teacher licensing
- 9 information to schools and operational personnel;
- 10 (12) Approving teacher preparation programs;
- 11 (13) Administering reciprocity agreements with other states
- 12 relative to licensing;
- 13 (14) Conducting research and development on teacher
- 14 licensure systems, beginning teacher programs, the
- 15 assessment of teaching skills, and other related
- 16 topics;
- 17 (15) Participating in efforts relating to teacher quality
- 18 issues, professional development related to the
- 19 board's standards, and promotion of high teacher
- 20 standards and accomplished teaching;
- 21 (16) Adopting applicable rules and procedures; and



1 (17) Adopting, amending, repealing, or suspending the
2 policies and standards of the board.

3 (b) If, in accordance with chapter 92, the board
4 determines, on a case-by-case basis, that extenuating
5 circumstances exist to justify the suspension, the board may
6 temporarily suspend its rules, or any portion thereof. The
7 board shall establish, in accordance with chapter 91, procedures
8 for the suspension of its rules. When determining whether to
9 suspend its rules, the board shall also establish the length of
10 time for which the suspension shall be in effect.

11 (c) The board, in accordance with chapter 92, may also
12 amend licensing-related fees and set or amend other charges
13 related to the performance of its duties.

14 (d) The board may delegate to its executive director, or
15 other designee, any of its powers and duties as it deems
16 reasonable and proper; provided that the delegation of powers
17 and duties by the board shall be made in accordance with
18 procedures set forth in this subsection. The board shall not
19 delegate its discretionary functions resulting in a final
20 decision in:

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



- 1 (2) Ordering disciplinary action against a licensee,
2 including license revocation or suspension, or the
3 imposition of conditions or fines; provided that
4 summary suspensions may be delegated; or
- 5 (3) Granting or denying permits or licenses, including
6 license renewals and reinstatements, or otherwise
7 conditioning permits or licenses, unless the granting,
8 denying, or otherwise conditioning of a permit or
9 license does not require the exercise of the board's
10 expertise and discretion.

11 To delegate authority, the concurrence of a majority of the
12 members to which the board is entitled shall be necessary for
13 any action taken by the board to be valid. The board shall
14 conduct its meetings to delegate powers and duties to its
15 executive director, or other designee, in accordance with
16 chapters 91 and 92."

17 SECTION 3. Section 302A-805, Hawaii Revised Statutes, is
18 amended by amending subsection (a) to read as follows:

19 "(a) Beginning July 1, 2002, all licenses shall be issued
20 by the board. No person shall serve as a half-time or full-time
21 teacher in a public school without first having obtained a
22 license from the board under this subpart. All licenses issued



1 by the board shall be valid only for the fields and levels
2 specified on the licenses and shall be renewable every five
3 years if the individual continues to:

4 (1) Satisfy the board's licensing standards~~[7]~~ and submits
5 verification, in a form specified by the board, that
6 the individual has completed activities specified by
7 the board in fulfillment of each of the teacher
8 performance standards established by the board;

9 (2) Show evidence of successful teaching in the previous
10 five years~~[7-and]~~ through verification by a
11 supervisor, in a form specified by the board;

12 (3) Meet the professional fitness requirements established
13 by the board; and

14 ~~[(3)]~~ (4) Satisfy the board's requirements for renewal of
15 licenses.

16 The board shall randomly audit a licensee's compliance with
17 paragraph (1) and may establish rules, pursuant to chapter 91,
18 for the random audits."

19 SECTION 4. (a) The Hawaii teacher standards board
20 recently reviewed its license fee schedule and determined that
21 it would not, at this time, increase fees in view of the current
22 economy. The board is working with eHawaii.gov to use credit



1 card and eCheck payments of license fees instead of the current
2 payroll deduction method, which will enable the board to have a
3 better accounting of fees being collected and ensure that all
4 licensees are paying their fees. The current payroll deduction
5 method was created in 1997, and is administered by the
6 department of education, making license fee payment heavily
7 reliant on a teacher's employment status. In all other states
8 license fees are paid in advance of receiving a license, not on
9 a pay-as-you-go basis as exists in Hawaii. The board's new
10 payment method is expected to address this matter, and the board
11 is providing for a transition period for licensees and allowing
12 licensees to choose from among several payment options as long
13 as payment for a five-year license is made over a period of no
14 more than twelve months.

15 (b) The board shall review implementation of the revised
16 fee collections and determine if the changes result in
17 sufficient increased income to fund fully the expenses of the
18 board, including all operations and personnel costs, and
19 reimbursement to board members for travel expenses, pursuant to
20 section 302A-806, Hawaii Revised Statutes.

21 (c) If, by December 1, 2010, the board determines that the
22 increased revenue is not sufficient to fund fully the expenses



1 of the board, the board shall submit to the legislature no later
2 than twenty days prior to the regular session of 2011 a plan and
3 timetable for increasing the license fees.

4 SECTION 5. (a) The Hawaii teacher standards board is
5 responsible for establishing licensing standards that govern
6 teacher licensing; issuing, renewing, revoking, suspending, and
7 reinstating teacher licenses; approving teacher education
8 programs in the State; and developing, implementing, and
9 administering the national board certification support program.
10 The board has been unable to carry out all its responsibilities
11 successfully and may need to transfer some of the duties to
12 other agencies.

13 (b) The board shall develop a comprehensive plan for
14 transferring nonessential functions and duties to other
15 agencies, including the department of education.

16 (c) The board shall submit the plan to the legislature no
17 later than twenty days prior to the regular session of 2011.

18 SECTION 6. (a) While the Hawaii teacher standards board
19 has developed teacher licensing standards, it has failed to
20 require teachers seeking license renewal to verify that they
21 meet all ten teacher performance standards as is required by
22 section 302A-805(a), Hawaii Revised Statutes. Moreover,



1 teachers who currently hold licenses that are due for an initial
2 renewal do not have to demonstrate that they meet any of the
3 standards, because the mere payment of the license renewal fee
4 and the completion of an application will entitle these teachers
5 to a renewed license. Not until the teachers' subsequent
6 renewal, five years later, will licensing standards be applied,
7 and then the applicant must only provide evidence of meeting two
8 of the ten teacher performance standards.

9 (b) The board shall review its teacher license renewal
10 process and determine whether the board should:

11 (1) Modify the licensing standards;

12 (2) Modify its approach in determining whether a renewal
13 applicant is in compliance by having satisfied all the
14 standards; or

15 (3) Recommend amendments to section 302A-805(a), Hawaii
16 Revised Statutes, to conform to the board's present
17 requirements for license renewal and thus eliminate
18 the conflict with the statute.

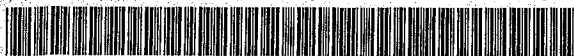
19 (c) The board shall submit findings and recommendations to
20 the legislature no later than twenty days prior to convening of
21 the regular session of 2011.



1 SECTION 7. (a) The Hawaii teacher standards board has
2 been administratively attached to the department of education
3 since 1995, yet the board and its executive director have failed
4 to understand the nature of the relationship of an attached
5 agency and principal department, and their appropriate roles.
6 This has impeded development of a smooth working relationship
7 between the two entities and contributed to the lack of
8 oversight of the board's operations, including the board's
9 failure to provide oversight of its executive director, the
10 board's finances, or the development of the online licensing
11 system.

12 (b) The Hawaii teacher standards board and the department
13 of education shall clarify their respective powers, duties,
14 responsibilities, and the relationship between the two agencies,
15 including the interim policies and procedures for the mutual
16 sharing of data necessary for licensing and verifying the status
17 of teachers, pursuant to section 6 of Act 2, Special Session
18 Laws of Hawaii 2009.

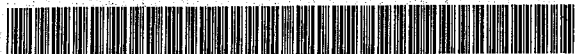
19 (c) The board shall submit findings and recommendations to
20 the legislature no later than twenty days prior to the regular
21 session of 2011.



1 SECTION 8. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 9. This Act shall take effect on June 30, 2010;
4 provided that the amendments to section 302A-805, Hawaii Revised
5 Statutes, made by section 3 of this Act shall not be repealed
6 when section 302A-805, Hawaii Revised Statutes, is repealed and
7 reenacted on July 1, 2010, by section 12 of Act 2, Special
8 Session Laws of Hawaii 2009.

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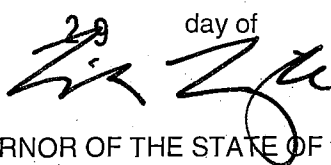


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APPROVED this 29 day of JUN, 2010



GOVERNOR OF THE STATE OF HAWAII