

JAN 28 2009

A BILL FOR AN ACT

RELATING TO EDUCATION.

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

1 SECTION 1. Section 302A-501, Hawaii Revised Statutes, is
2 amended by amending the definition of "board" to read as
3 follows:

4 ""Board" means the [~~Hawaii teacher standards board.~~] board
5 of education."

6 SECTION 2. Section 302A-602, Hawaii Revised Statutes, is
7 amended by amending subsections (a) and (b) to read as follows:

8 "(a) No person shall serve as a teacher in the department
9 without first having obtained a license from the [~~Hawaii teacher~~
10 ~~standards~~] board in such form as the [~~Hawaii teacher standards~~]
11 board determines. The department shall establish types of
12 certificates in the educational field and the requirements to
13 qualify for those certificates issued to individuals who are not
14 required to obtain a license pursuant to sections [~~302A-801 to~~
15 ~~302A-808.~~] 302A-802 to 302A-807.

16 (b) Beginning with the [~~2002-2003~~] 2009-2010 school year,
17 no person paid under the salary schedule contained in the unit 5
18 collective bargaining agreement shall serve as a teacher in the



1 department without first having obtained a license pursuant to
2 sections [~~302A-801 to 302A-808~~] 302A-802 to 302A-807 from the
3 [~~Hawaii teacher standards~~] board in such form as the [~~Hawaii~~
4 ~~teacher standards~~] board determines."

5 SECTION 3. Section 302A-602.5, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "**§302A-602.5 Certificates; revocation.** The department may
8 revoke any certificate after its issuance if the certificate
9 holder does not possess the requisite qualifications. For the
10 purposes of this section, the term "certificate" does not
11 include a license issued by the [~~Hawaii teacher standards~~] board
12 pursuant to part III, subpart D."

13 SECTION 4. Section 302A-702, Hawaii Revised Statutes, is
14 amended by amending subsection (b) to read as follows:

15 "(b) The [~~Hawaii teacher standards~~] board shall develop,
16 implement, and administer the program."

17 SECTION 5. Chapter 302A, Hawaii Revised Statutes, is
18 amended by amending the title to subpart D of part III to read
19 as follows:

20 "D. Hawaii Teacher Standards [~~Board~~]"

21 SECTION 6. Section 302A-802, Hawaii Revised Statutes, is
22 amended to read as follows:



1 "~~§302A-802 Licensing [standards,] policies. [(a) The~~
2 ~~board shall establish licensing standards that govern teacher~~
3 ~~licensing in Hawaii. Licensing standards established by the~~
4 ~~board shall be adopted as rules under chapter 91 unless~~
5 ~~otherwise specified in this subpart.~~

6 ~~(b) In the development of its standards, the board shall~~
7 ~~consider the existing teacher applicant pool that is available~~
8 ~~in the State and the level of the qualification of these~~
9 ~~applicants, as well as the nature and availability of existing~~
10 ~~preservice higher education teacher training programs.~~

11 ~~(e)]~~ The board shall adopt policies, exempt from chapters
12 91 and 92, to initiate the following:

13 (1) Develop criteria allowing more individuals with trade
14 or industry experience to teach in vocational,
15 technical, and career pathway programs, and criteria
16 for the issuance of permits allowing qualified
17 individuals to teach when recommended by the
18 superintendent. The department shall be responsible
19 for the review and acceptance of the relevant
20 licenses, certificates, or other qualifications
21 related to an individual's vocational, technical, or
22 career pathway education-related experience that the



1 department deems necessary for a permit. The
2 department shall have the authority to waive the
3 requirement of a bachelor's degree to teach in a
4 vocation, technical, or career pathway education
5 program;

6 (2) Develop a plan to accept teachers from any state as
7 long as they have completed state-approved teacher
8 education programs and pass relevant Hawaii teacher
9 examinations or their equivalent;

10 (3) Clarify the requirements, on a state-by-state basis,
11 for out-of-state licensed teachers to obtain a license
12 in Hawaii;

13 (4) Develop a plan to facilitate licensing for those who
14 intend to teach in Hawaii immersion programs, the
15 island of Niihau, or any other extraordinary situation
16 as defined by the superintendent or the
17 superintendent's designee;

18 (5) Pursue full teacher license reciprocity with all other
19 states; and

20 (6) Issue a license to a teacher with a valid out-of-state
21 license who has passed similar, though not identical,
22 tests in basic skills, pedagogy, and subject matter to



1 those required for licensure in the State; provided
2 that upon the effective date of the adoption of
3 administrative rules addressing the recognition of
4 out-of-state teacher licenses, those administrative
5 rules shall supersede the requirements of this
6 paragraph."

7 SECTION 7. Section 302A-803, Hawaii Revised Statutes, is
8 amended by amending subsection (a) to read as follows:

9 "(a) In addition to establishing standards for the
10 issuance and renewal of licenses and any other powers and duties
11 authorized by law, the board's powers shall also include:

- 12 (1) Setting and administering its own budget;
- 13 (2) Adopting, amending, or repealing the rules of the
14 board in accordance with chapter 91;
- 15 (3) Receiving grants or donations from private
16 foundations, and state and federal funds;
- 17 (4) Submitting an annual report to the governor and the
18 legislature on the board's operations and from the
19 ~~[2007-2008]~~ 2009-2010 school year, submitting a
20 summary report every five years of the board's
21 accomplishment of objectives, efforts to improve or



- 1 maintain teacher quality, and efforts to keep its
2 operations responsive and efficient;
- 3 (5) Conducting a cyclical review of standards and
4 suggesting revisions for their improvement;
- 5 (6) Establishing licensing fees in accordance with chapter
6 91, including the collection of fees by means of
7 mandatory payroll deductions, which shall subsequently
8 be deposited into the state treasury and credited to
9 the Hawaii teacher standards [~~board~~] special fund;
- 10 (7) Establishing penalties in accordance with chapter 91;
- 11 (8) Issuing, renewing, revoking, suspending, and
12 reinstating licenses;
- 13 (9) Reviewing reports from the department on individuals
14 hired on an emergency basis;
- 15 (10) Applying licensing standards on a case-by-case basis
16 and conducting licensing evaluations;
- 17 (11) Preparing and disseminating teacher licensing
18 information to schools and operational personnel;
- 19 (12) Approving teacher preparation programs;
- 20 (13) Administering reciprocity agreements with other states
21 relative to licensing;



- 1 (14) Conducting research and development on teacher
- 2 licensure systems, beginning teacher programs, the
- 3 assessment of teaching skills, and other related
- 4 topics;
- 5 (15) Participating in efforts relating to teacher quality
- 6 issues, conducting professional development related to
- 7 the board's standards, and promotion of high teacher
- 8 standards and accomplished teaching; and
- 9 (16) Adopting applicable rules and procedures."

10 SECTION 8. Section 302A-805, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "**§302A-805 Teachers; license required; renewals.** (a)
13 Beginning July 1, [~~2002,~~] 2010, all new and renewal licenses
14 shall be issued by the board. No person shall serve as a half-
15 time or full-time teacher in a public school without first
16 having obtained a license from the board under this subpart.
17 All licenses issued by the board shall be valid only for the
18 fields specified on the licenses and shall be renewable every
19 five years if the individual continues to:
20 (1) Satisfy the board's licensing standards;
21 (2) Show evidence of successful teaching in the previous
22 five years; and



1 (3) Satisfy the board's requirements for renewal of
2 licenses.

3 (b) Teachers whose licenses expire on June 30, 2002, or
4 June 30, 2003, shall be granted an automatic extension of [~~two~~]
5 seven years.

6 (c) No person shall be issued a license or teach on an
7 emergency basis in the public schools without having first paid
8 the fees established by the board in accordance with chapter 91.

9 (d) Teachers whose licenses expire on or after July 1,
10 2009, but before July 1, 2010, shall be granted an automatic
11 extension of one year in which to obtain a renewal of their
12 licenses. The board, at its discretion, may grant an additional
13 one year extension of these licenses."

14 SECTION 9. Section 302A-806, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "**§302A-806 Hawaii teacher standards [board] special fund.**

17 There is established within the state treasury a special fund to
18 be known as the Hawaii teacher standards [~~board~~] special fund,
19 into which shall be deposited all moneys received by the board
20 in the form of appropriations, fees, fines, grants, donations,
21 or revenues regardless of their source. The special fund shall
22 be administered by the department and used to pay the expenses



1 of the board, including but not limited to the payment of all
2 operational and personnel costs, and reimbursements to board
3 members for travel expenses incurred."

4 SECTION 10. Section 302B-10, Hawaii Revised Statutes, is
5 amended by amending subsection (d) to read as follows:

6 "(d) The department, in conjunction with the office, shall
7 facilitate and encourage the movement of instructional personnel
8 between the department and charter schools; provided that:

9 (1) Comparable and verifiable professional development and
10 employee evaluation standards and practices, as
11 determined and certified by the office, are in place
12 in charter schools for instructional staff;

13 (2) Licensed charter school teachers, as determined by the
14 [~~Hawaii teacher standards~~] board, who are not yet
15 tenured in the department and are entering or
16 returning to the department after full-time employment
17 of no less than one full school year at a charter
18 school, shall be subject to no more than one year of
19 probationary status; and

20 (3) Tenured department licensed teachers, as determined by
21 the department, who transfer to charter schools shall
22 not be required to serve a probationary period."



1 SECTION 11. Section 304A-701, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) There is created the Hawaii educator loan program to
4 be administered by the University of Hawaii, in partnership with
5 a financial institution whose operations are principally
6 conducted in Hawaii, to provide financial support to students
7 and teachers who complete a state-approved teacher education
8 program and who agree to teach as a full-time teacher for a
9 period of time to be determined by the university prior to the
10 award of a loan, in:

11 (1) The Hawaii public school system in a hard-to-fill
12 position including special education, regular
13 education shortage categories, or Title 1 schools, and
14 in one of the following capacities:

15 (A) As an elementary school teacher teaching in the
16 field of elementary education who has met
17 standards as set forth by the [~~Hawaii teacher~~
18 ~~standards board;~~] board of education; or

19 (B) As a secondary school teacher teaching in the
20 subject area that is relevant to the loan
21 recipient's academic major as certified by the
22 department of education who has met standards as



1 set forth by the [~~Hawaii teacher standards~~
2 ~~board;~~] board of education; or

3 (2) At a school located in a rural area in the State, as
4 determined by the superintendent of education.

5 Eligibility shall be determined by the university on a
6 competitive basis. The amount to be loaned to a student shall
7 be determined by the board of regents based on need for
8 financial aid and proof of acceptance into a state-approved
9 teacher education program at the university. The maximum amount
10 of loans that a student may receive under this program shall be
11 an aggregate amount equivalent to tuition payments and costs of
12 textbooks and other instructional materials necessary to
13 complete a state-approved teacher education program."

14 SECTION 12. Section 304A-1201, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "[~~†~~]**\$304A-1201**[~~†~~] **College of education.** The college of
17 education shall be affiliated with the university and shall be
18 under the jurisdiction and management of the board of regents.
19 The board may grant appropriate degrees to properly qualified
20 graduates of the college of education. In establishing the
21 curriculum for the college of education, the university
22 authorities may obtain the approval of the [~~Hawaii teacher~~



1 ~~standards]~~ board[-] of education. The mission of the college of
2 education is to:

3 (1) Prepare and provide ongoing professional development
4 of teachers, administrators, counselors, and related
5 professionals at undergraduate and graduate levels
6 primarily to meet the needs of Hawaii schools;

7 (2) Generate, synthesize, and apply knowledge in education
8 and related fields through teaching, research, and
9 other scholarly activities; and

10 (3) Provide service and support to the local, national,
11 and global educational and related communities."

12 SECTION 13. Section 304A-1202, Hawaii Revised Statutes, is
13 amended by amending subsection (a) to read as follows:

14 "(a) There is created an advisory committee to be known as
15 the teacher education coordinating committee to identify, study,
16 take action, or make recommendations on matters of education of
17 common interest to the department of education and institutions
18 of higher learning in Hawaii. The membership of the committee
19 shall include the superintendent of education and the dean of
20 the college of education of the University of Hawaii, who shall
21 serve in alternate years as chairperson of the committee with
22 the superintendent acting as the first chairperson, a



1 representative from each accredited teacher training institution
2 in Hawaii, and a representative from the [~~Hawaii teacher~~
3 ~~standards board.~~] board of education. In addition, the
4 superintendent of education and the dean of the college of
5 education may each appoint other members to the committee;
6 provided that the dean of the college of education shall appoint
7 at least two members of the committee from the university who
8 are not within the college of education."

9 SECTION 14. Section 315-2, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "**§315-2 Official for State.** The "designated State
12 Official" for Hawaii shall be the [~~executive director of the~~
13 ~~Hawaii teacher standards board.~~] superintendent of education."

14 SECTION 15. Section 302A-603, Hawaii Revised Statutes, is
15 repealed.

16 [~~"§302A-603 Teaching without certificates or licenses;~~
17 ~~penalty.~~ (a) ~~Except as otherwise provided, before the 1997-~~
18 ~~1998 school year, whoever serves in the department as a teacher~~
19 ~~without holding an unrevoked certificate issued under sections~~
20 ~~302A-602 to 302A-640, and 302A-701, shall be fined not more than~~
21 ~~\$25.~~



1 ~~(b) Beginning with the 1997-1998 school year, whoever~~
2 ~~serves in the department as a teacher, paid under the salary~~
3 ~~schedule contained in the unit 5 collective bargaining~~
4 ~~agreement, without holding an unrevoked or unsuspended license~~
5 ~~or credential issued under sections 302A-801 to 302A-808, shall~~
6 ~~be fined not more than \$500.~~

7 ~~(c) Beginning with the 2002-2003 school year, an~~
8 ~~individual paid under the salary schedule contained in the unit~~
9 ~~5 collective bargaining agreement, without holding an unrevoked~~
10 ~~license issued under sections 302A-801 to 302A-808, shall be~~
11 ~~fined not more than \$500.~~

12 ~~(d) Beginning with the 2002-2003 school year, emergency~~
13 ~~hires shall not be subject to this penalty."]~~

14 SECTION 16. Section 302A-801, Hawaii Revised Statutes, is
15 repealed.

16 ~~["§302A-801 Hawaii teacher standards board established.~~

17 ~~(a) There is established the Hawaii teacher standards board,~~
18 ~~which shall be placed within the department for administrative~~
19 ~~purposes only. The board shall consist of thirteen members,~~
20 ~~including not less than six licensed teachers regularly engaged~~
21 ~~in teaching, three educational officers, the chairperson of the~~
22 ~~board of education or the chairperson's designee, the~~



1 ~~superintendent or the superintendent's designee, a~~
2 ~~representative of independent schools, and the dean of the~~
3 ~~University of Hawaii college of education or the dean's~~
4 ~~designee; provided that the dean's designee shall be chosen from~~
5 ~~the member institutions of the teacher education coordinating~~
6 ~~committee established under section [304A-1202].~~

7 ~~(b) Except for the chairperson of the board of education,~~
8 ~~the superintendent, and the dean of the college of education,~~
9 ~~the governor shall appoint the members of the board pursuant to~~
10 ~~section 26-34, from a list of qualified nominees submitted to~~
11 ~~the governor by the departments, agencies, and organizations~~
12 ~~representative of the constituencies of the board. To the~~
13 ~~extent possible, the board membership shall reflect~~
14 ~~representation of elementary and secondary school personnel from~~
15 ~~all islands.~~

16 ~~(c) Appointed board members shall serve not more than~~
17 ~~three consecutive three-year terms; provided that the initial~~
18 ~~terms of the appointed members that commence after June 30,~~
19 ~~2000, shall be staggered, as follows:~~

- 20 ~~(1) Three members to serve three-year terms;~~
21 ~~(2) Three members to serve two-year terms; and~~
22 ~~(3) One member to serve a one-year term.~~



1 ~~(d) Board members shall receive no compensation. When~~
2 ~~board duties require that a board member take leave of the board~~
3 ~~member's duties as a state employee, the appropriate state~~
4 ~~department shall allow the board member to be placed on~~
5 ~~administrative leave with pay and shall provide substitutes,~~
6 ~~when necessary, to perform that board member's duties. Board~~
7 ~~members shall be reimbursed for necessary travel expenses~~
8 ~~incurred in the conduct of official board business.~~

9 ~~(e) The chairperson of the board shall be designated by~~
10 ~~the members of the board."]~~

11 SECTION 17. Section 302A-805.6, Hawaii Revised Statutes,
12 is repealed.

13 ~~["**{S302A-805.6}** **Efforts related to teacher quality.** (a)~~
14 ~~The board may participate in efforts relating to issues~~
15 ~~affecting teacher quality. The board may conduct professional~~
16 ~~development activities related to its standards, and shall~~
17 ~~promote and support high teacher standards and accomplished~~
18 ~~teaching through means deemed appropriate by the board.~~

19 ~~(b) To remain current with trends and issues in teacher~~
20 ~~licensure systems, beginning teacher programs, the assessment of~~
21 ~~teaching skills, teacher development, and other related topics,~~
22 ~~the board shall participate in programs and attend conferences~~



1 ~~and training that address these topics. The board may conduct~~
2 ~~research and development activities for the purpose of staying~~
3 ~~abreast of or better understanding these trends and issues."]~~

4 SECTION 18. Section 302A-808, Hawaii Revised Statutes, is
5 repealed.

6 [~~"§302A-808 Penalty. Any person who engages in the~~
7 ~~profession of teaching in a public school without first being~~
8 ~~issued a license or hired on an emergency basis as defined in~~
9 ~~this chapter shall be fined not more than \$500. Any person who~~
10 ~~knowingly or intentionally violates this subpart by employing an~~
11 ~~individual as a public school teacher who does not possess a~~
12 ~~valid license or is not a department of education emergency hire~~
13 ~~as defined in this chapter may be fined not more than \$500. All~~
14 ~~finest shall be deposited into the Hawaii teacher standards board~~
15 ~~special fund."]~~

16 SECTION 19. All rights, powers, functions, and duties of
17 the Hawaii teacher standards board are transferred to the board
18 of education.

19 All officers and employees whose functions are transferred
20 by this Act shall be transferred with their functions and shall
21 continue to perform their regular duties upon their transfer,
22 subject to the state personnel laws and this Act.



1 No officer or employee of the State having tenure shall
2 suffer any loss of salary, seniority, prior service credit,
3 vacation, sick leave, or other employee benefit or privilege as
4 a consequence of this Act, and such officer or employee may be
5 transferred or appointed to a civil service position without the
6 necessity of examination; provided that the officer or employee
7 possesses the minimum qualifications for the position to which
8 transferred or appointed; and provided that subsequent changes
9 in status may be made pursuant to applicable civil service and
10 compensation laws.

11 An officer or employee of the State who does not have
12 tenure and who may be transferred or appointed to a civil
13 service position as a consequence of this Act shall become a
14 civil service employee without the loss of salary, seniority,
15 prior service credit, vacation, sick leave, or other employee
16 benefits or privileges and without the necessity of examination;
17 provided that such officer or employee possesses the minimum
18 qualifications for the position to which transferred or
19 appointed.

20 If an office or position held by an officer or employee
21 having tenure is abolished, the officer or employee shall not
22 thereby be separated from public employment, but shall remain in



1 the employment of the State with the same pay and classification
2 and shall be transferred to some other office or position for
3 which the officer or employee is eligible under the personnel
4 laws of the State as determined by the head of the department or
5 the governor.

6 SECTION 20. All appropriations, records, equipment,
7 machines, files, supplies, contracts, books, papers, documents,
8 maps, and other personal property heretofore made, used,
9 acquired, or held by the Hawaii teacher standards board relating
10 to the functions transferred to the board of education shall be
11 transferred with the functions to which they relate.

12 SECTION 21. All rules, policies, procedures, guidelines,
13 and other material adopted or developed by the Hawaii teacher
14 standards board to implement provisions of the Hawaii Revised
15 Statutes which are reenacted or made applicable to the board of
16 education by this Act, shall remain in full force and effect
17 until amended or repealed by the board of education pursuant to
18 chapter 91, Hawaii Revised Statutes. In the interim, every
19 reference to the Hawaii teacher standards board or the
20 chairperson of the Hawaii teacher standards board in those
21 rules, policies, procedures, guidelines, and other material is



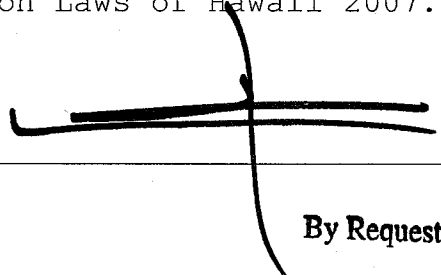
1 amended to refer to the board of education or chairperson of the
2 board of education as appropriate.

3 SECTION 22. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 23. This Act shall take effect on June 30, 2009
6 and the amendment made under section 7 of this Act shall not be
7 repealed when section 302A-803, Hawaii Revised Statutes, is
8 repealed on July 1, 2009, and reenacted in the form in which it
9 read on June 30, 2007, by Act 263, Session Laws of Hawaii 2007.

10

INTRODUCED BY: _____

A large, bold, handwritten signature in black ink, consisting of a horizontal line with a vertical stroke crossing it, and a curved flourish extending downwards from the right side.

By Request



Report Title:

Education; Teacher Licensing

Description:

Transfers functions and duties of the Hawaii teacher standards board to the board of education.

