
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 the annual report;

- 1 (2) Authorizing the board to delegate to the 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 the 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:

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

1 (2) Ordering disciplinary action against a licensee,
2 including the revocation, suspension, or imposition of
3 conditions or fines; provided that summary suspensions
4 may be delegated; or

5 (3) Granting, denying, or otherwise conditioning license
6 applications, unless the granting, denying, or
7 otherwise conditioning of a license does not require
8 the exercise of the board's expertise and discretion.

9 To delegate authority, the concurrence of a majority of the
10 members to which the board is entitled shall be necessary for
11 any action taken by the board to be valid. The board shall
12 conduct its meetings in accordance with chapters 91 and 92."

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

15 "(a) Beginning July 1, 2002, all licenses shall be issued
16 by the board. No person shall serve as a half-time or full-time
17 teacher in a public school without first having obtained a
18 license from the board under this subpart. All licenses issued
19 by the board shall be valid only for the fields and levels
20 specified on the licenses and shall be renewable every five
21 years if the individual continues to:

- 1 (1) Satisfy the board's licensing standards~~[+]~~ and submits
2 verification, in a form specified by the board, that
3 the individual has completed activities specified by
4 the board in fulfillment of each of the teacher
5 performance standards established by the board;
- 6 (2) Show evidence of successful teaching in the previous
7 five years~~[+and]~~ through verification by a
8 supervisor, in a form specified by the board;
- 9 (3) Meet the professional fitness requirements established
10 by the board; and
- 11 ~~[+3+]~~ (4) Satisfy the board's requirements for renewal of
12 licenses.

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

16 SECTION 4. (a) The Hawaii teacher standards board
17 recently reviewed its license fee schedule and determined that
18 it would not, at this time, increase fees in view of the current
19 economy. The board is working with eHawaii.gov to use credit
20 card and eCheck payments of license fees instead of the current
21 payroll deduction method, which will enable the board to have a
22 better accounting of fees being collected and ensuring that all

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

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

18 (c) If, by December 1, 2010, the board determines that the
19 increased revenue is not sufficient to fund fully the expenses
20 of the board, the board shall submit to the legislature no later
21 than twenty days prior to the regular session of 2011 a plan and
22 timetable for increasing the license fees.

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

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

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

15 SECTION 6. (a) While the Hawaii teacher standards board
16 has developed teacher licensing standards, it has failed to
17 require teachers seeking license renewal to verify that they
18 meet all ten teacher performance standards as is required by
19 section 302A-805(a), Hawaii Revised Statutes. Moreover,
20 teachers who currently hold licenses that are due for an initial
21 renewal do not have to demonstrate that they meet any of the
22 standards, because the mere payment of the license renewal fee

1 and the completion of an application will entitle these teachers
2 to a renewed license. Not until the teachers' subsequent
3 renewal, five years later, will licensing standards be applied,
4 and then the applicant must only provide evidence of meeting two
5 of the ten teacher performance standards.

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

8 (1) Modify the licensing standards;

9 (2) Modify its approach in determining whether a renewal
10 applicant is in compliance by having satisfied all the
11 standards; or

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

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

19 SECTION 7. (a) The Hawaii teacher standards board has
20 been administratively attached to the department of education
21 since 1995, yet the board and its executive director have failed
22 to understand the nature of the relationship of an attached

1 agency and principal department, and their appropriate roles.
2 This has impeded development of a smooth working relationship
3 between the two entities and contributed to the lack of
4 oversight of the board's operations, including the board's
5 failure to provide oversight of its executive director, the
6 board's finances, or the development of the online licensing
7 system.

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

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

18 SECTION 8. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.

20 SECTION 9. This Act shall take effect upon its approval;
21 provided that the amendments to section 302A-805, Hawaii Revised
22 Statutes, made by section 3 of this Act shall not be repealed

1 when section 302A-805, Hawaii Revised Statutes, is repealed and
2 reenacted by section 12 of Act 2, Special Session Laws of Hawaii
3 2009.
4

Report Title:

Hawaii Teacher Standards Board; Omnibus Bill

Description:

Implements recommendations for the Hawaii teacher standards board by requiring the board to include expenditure information in the annual report; authorizing the board to delegate to the executive director powers and duties; adding additional licensure renewal requirements and verification of meeting licensure renewal requirements; requiring the board to determine if fees shall be raised; requiring the board to develop a comprehensive plan for transferring nonessential functions and duties to other agencies; requiring the board to review its teacher license renewal process; and requiring the board and the department of education to clarify their respective powers, duties, responsibilities. (SD1)

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