

JAN 22 2010

---

---

# 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 the fifteen member  
2 Hawaii teacher standards board is responsible for establishing  
3 standards for the issuance and renewal of licenses for teachers;  
4 serves as the adjudicator for appeals relating to licensing,  
5 including issuance or non-issuance of licenses, and the  
6 suspension, non-renewal, and revocation of licenses; and  
7 approves teacher education programs.

8           The purpose of this Act is to make clarifying and other  
9 amendments to the powers and duties of the Hawaii teacher  
10 standards board to:

11           (1) Expedite the issuance of licenses processed by the  
12 board; and

13           (2) Enable the board to fulfill its duties while also  
14 maintaining its power and responsibilities.

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

17           "**§302A-803 Powers and duties of the board.** (a) In  
18 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 from the 2007-2008 school year,  
11 submitting a summary report every five years of the  
12 board's accomplishment of objectives, efforts to  
13 improve or maintain teacher quality[7] and efforts to  
14 keep its operations responsive and efficient;
- 15 (5) Conducting a cyclical review of standards and  
16 suggesting revisions for their improvement;
- 17 (6) Establishing licensing fees in accordance with chapter  
18 91 and determining the manner by which fees are  
19 collected and subsequently deposited into the state  
20 treasury and credited to the Hawaii teacher standards  
21 board special fund;
- 22 (7) Establishing penalties in accordance with chapter 91;



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



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

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

12 (d) The board may delegate to the executive director or  
13 other designee any powers and duties of the board as it deems  
14 reasonable and proper. The delegation of powers and duties  
15 shall be made by formal action of the board, in accordance with  
16 rules adopted by the board pursuant to chapter 91 and board  
17 policies and upon the concurrence of a majority of all members  
18 to which the board is entitled.

19 (e) Notwithstanding any other law, the board shall not  
20 delegate to the executive director or other designee any  
21 discretionary functions that result in a final decision related  
22 to:



- 1        (1) Adopting, amending, or repealing rules;
- 2        (2) Ordering disciplinary action against a licensee or
- 3                permit holder, including the revocation, suspension,
- 4                or imposition of conditions or fines; provided that
- 5                summary suspensions may be delegated; and
- 6        (3) Granting, denying, or otherwise conditioning license
- 7                and permit applications, unless the granting, denying,
- 8                or otherwise conditioning of a license or permit does
- 9                not require the exercise of the board's expertise and
- 10               discretion.
- 11        (f) The board shall conduct its meetings in accordance
- 12 with chapters 91 and 92."

13        SECTION 3. Statutory material to be repealed is bracketed

14 and stricken. New statutory material is underscored.

15        SECTION 4. This Act shall take effect upon its approval.

16

INTRODUCED BY: Norman Sakono Jr



**Report Title:**

Education; Hawaii Teacher Standards Board

**Description:**

Authorizes the Hawaii teacher standards board to delegate certain duties to the executive director or other designee. Requires the Hawaii teacher standards board to conduct its meetings in accordance with chapters 91 and 92.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

