

JAN 22 2010

S.B. NO. 2591

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 Hawai'i 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) Establishing the investigative panel for the board to
16 investigate and recommend relicensure, continuation of



- 1 license, or revocation of license for a teacher deemed
2 unsatisfactory by a principal;
- 3 (2) Requiring the attorney general or the attorney
4 general's designee to serve as an ex officio member of
5 the board;
- 6 (3) Requiring the board to include expenditure information
7 in the annual report;
- 8 (4) Authorizing the board to delegate to the executive
9 director, or other designee, any of its powers and
10 duties as it deems reasonable and proper;
- 11 (5) Requiring the board to review implementation of
12 revised license fee collections and determine if fees
13 shall be raised;
- 14 (6) Requiring the board to develop a comprehensive plan
15 for transferring nonessential functions and duties to
16 other agencies;
- 17 (7) Requiring the board to review its teacher license
18 renewal process; and
- 19 (8) Requiring the board and the department of education to
20 clarify their respective powers, duties,
21 responsibilities, and the relationships between the
22 two agencies.



1 SECTION 2. Chapter 302A, part III D, Hawaii Revised
2 Statutes, is amended by adding a new section to be appropriately
3 designated and to read as follows:

4 "§302A- Investigative panel for the Hawaii teacher
5 standards board; established. (a) There is established the
6 investigative panel for the Hawaii teacher standards board to
7 investigate and recommend relicensure, continuation of license,
8 or revocation of license for a teacher deemed unsatisfactory by
9 a principal.

10 (b) The investigative panel shall consist of three members
11 who are retired department teachers who held a valid teacher
12 certificate or license at the date of their retirement. The
13 members shall be appointed by the board without regard to
14 section 26-34; provided that the initial terms of the members
15 that commence after June 30, 2010, shall be staggered, as
16 follows:

- 17 (1) One member to serve a three-year term;
18 (2) One member to serve a two-year term; and
19 (3) One member to serve a one-year term."

20 SECTION 3. Section 302A-801, Hawaii Revised Statutes, is
21 amended by amending subsections (a) and (b) to read as follows:



1 "(a) There is established the Hawaii teacher standards
2 board, which shall be placed within the department for
3 administrative purposes only. The board shall consist of
4 [~~fifteen~~] sixteen members, including not less than six licensed
5 teachers regularly engaged in teaching at the time of the
6 appointment, three educational officers employed at the time of
7 the appointment, the chairperson of the board of education or
8 the chairperson's designee, the superintendent or the
9 superintendent's designee, a representative of independent
10 schools, the dean of the University of Hawaii college of
11 education or the dean's designee, and two members of the public;
12 provided that the dean's designee shall be chosen from the
13 member institutions of the teacher education coordinating
14 committee established under section 304A-1202. The attorney
15 general or the attorney general's designee shall serve as an ex
16 officio member.

17 (b) Except for the chairperson of the board of education,
18 superintendent, [~~and~~] dean of the college of education, and
19 attorney general, the governor shall appoint the members of the
20 board pursuant to section 26-34, from a list of qualified
21 nominees submitted to the governor by the departments, agencies,
22 organizations representative of the constituencies of the board,



1 and current members of the board; provided that the two members
2 of the public shall be from lists of qualified nominees
3 submitted to the governor by the Hawaii Business Roundtable,
4 Hawaii P-20 council, and Hawaii workforce development council.
5 To the extent possible, the board membership shall reflect
6 representation of elementary and secondary school personnel from
7 all islands."

8 SECTION 4. Section 302A-803, Hawaii Revised Statutes, is
9 amended to read as follows:

10 "§302A-803 Powers and duties of the board. (a) In
11 addition to establishing standards for the issuance and renewal
12 of licenses and any other powers and duties authorized by law,
13 the board's powers shall also include:

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



- 1 years of the board's accomplishment of objectives,
2 efforts to improve or maintain teacher quality, and
3 efforts to keep its operations responsive and
4 efficient;
- 5 (5) Conducting a cyclical review of standards and
6 suggesting revisions for their improvement;
- 7 (6) Establishing licensing fees in accordance with chapter
8 91 and determining the manner by which fees are
9 collected and subsequently deposited into the state
10 treasury and credited to the Hawaii teacher standards
11 board special fund;
- 12 (7) Establishing penalties in accordance with chapter 91;
- 13 (8) Issuing, renewing, revoking, suspending, and
14 reinstating licenses;
- 15 (9) Reviewing reports from the department on individuals
16 hired on an emergency basis;
- 17 (10) Applying licensing standards on a case-by-case basis
18 and conducting licensing evaluations;
- 19 (11) Preparing and disseminating teacher licensing
20 information to schools and operational personnel;
- 21 (12) Approving teacher preparation programs;



1 (13) Administering reciprocity agreements with other states
2 relative to licensing;

3 (14) Conducting research and development on teacher
4 licensure systems, beginning teacher programs, the
5 assessment of teaching skills, and other related
6 topics;

7 (15) Participating in efforts relating to teacher quality
8 issues, professional development related to the
9 board's standards, and promotion of high teacher
10 standards and accomplished teaching;

11 (16) Adopting applicable rules and procedures; and

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

14 (b) If, in accordance with chapter 92, the board
15 determines, on a case-by-case basis, that extenuating
16 circumstances exist to justify the suspension, the board may
17 temporarily suspend its rules, or any portion thereof. The
18 board shall establish, in accordance with chapter 91, procedures
19 for the suspension of its rules. When determining whether to
20 suspend its rules, the board shall also establish the length of
21 time for which the suspension shall be in effect.



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

4 (d) The board may delegate to the executive director, or
5 other designee, any of its powers and duties as it deems
6 reasonable and proper; provided that the delegation of powers
7 and duties by the board shall be made in accordance with
8 procedures set forth in this subsection. The board shall not
9 delegate its discretionary functions resulting in a final
10 decision:

- 11 (1) Adopting, amending, or repealing rules;
12 (2) Ordering disciplinary action against a licensee,
13 including the revocation, suspension, or imposition of
14 conditions or fines; provided that summary suspensions
15 may be delegated; or
16 (3) Granting, denying, or otherwise conditioning license
17 applications, unless the granting, denying, or
18 otherwise conditioning of a license does not require
19 the exercise of the board's expertise and discretion.

20 To delegate authority, the concurrence of a majority of the
21 members to which the board is entitled shall be necessary to



1 make any action taken by the board valid. The board shall
2 conduct its meetings in accordance with chapters 91 and 92."

3 SECTION 5. (a) The Hawaii teacher standards board
4 recently reviewed its license fee schedule and determined that
5 it would not, at this time, increase fees in view of the current
6 economy. The board is working with eHawaii.gov to use credit
7 card and eCheck payments of license fees instead of the current
8 payroll deduction method, which will enable the board to have a
9 better accounting of fees being collected and ensuring that all
10 licensees are paying their fees. The current payroll deduction
11 method was created in 1997, and is administered by the
12 department of education, making license fee payment heavily
13 reliant on a teacher's employment status. In all other states
14 license fees are paid in advance of receiving a license, not on
15 a pay-as-you-go basis as exists in Hawaii. The board's new
16 payment method is expected to address this matter, and the board
17 is providing for a transition period for licensees and allowing
18 licensees to choose from among several payment options as long
19 as payment for a five-year license is made over a period of no
20 more than twelve months.

21 (b) The board shall review implementation of the revised
22 fee collections and determine if the changes result in



1 sufficient increased income to fund fully the expenses of the
2 board, including all operations and personnel costs, and
3 reimbursement to board members for travel expenses, pursuant to
4 section 302A-806, Hawaii Revised Statutes.

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

10 SECTION 6. (a) The Hawaii teacher standards board is
11 responsible for establishing licensing standards that govern
12 teacher licensing; issuing, renewing, revoking, suspending, and
13 reinstating teacher licenses; approving teacher education
14 programs in the State; and developing, implementing, and
15 administering the National Board Certification support program.
16 The board has been unable to carry out all its responsibilities
17 successfully and may need to transfer some of the duties to
18 other agencies.

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



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

3 SECTION 7. (a) While the Hawaii teacher standards board
4 has developed teacher licensing standards, it has failed to
5 require teachers seeking license renewal to demonstrate that
6 they meet all ten licensing standards as is required by section
7 302A-805(a), Hawaii Revised Statutes. Moreover, teachers who
8 currently hold licenses that are due for an initial renewal will
9 not have to demonstrate that they meet any of the standards,
10 because the mere payment of the license renewal fee and the
11 completion of an application will entitle these teachers to a
12 renewed license. Not until the teachers' subsequent renewal,
13 five years later, will licensing standards be applied, and then
14 the applicant must only provide evidence of meeting two of the
15 ten standards.

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

- 18 (1) Modify the licensing standards themselves;
- 19 (2) Modify its approach in determining whether a renewal
20 applicant is in compliance by having satisfied all the
21 standards; or



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

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

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

19 (b) The Hawaii teacher standards board and the department
20 of education shall clarify their respective powers, duties,
21 responsibilities, and the relationships between the two
22 agencies, including the interim policies and procedures for the



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1 mutual sharing of data necessary for licensing and verifying the
2 status of teachers, pursuant to section 6 of Act 2, Special
3 Session Laws of Hawaii 2009.

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

7 SECTION 9. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 10. This Act shall take effect upon its approval.

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INTRODUCED BY:

Norman Sabornie
Michelle R. Keenan
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Report Title:

Hawaii Teacher Standards Board; Omnibus Bill

Description:

Implements recommendations for the Hawaii teacher standards board by establishing an investigative panel; requiring the attorney general or a designee to serve as an ex officio member of the board; requiring the board to include expenditure information in the annual report; authorizing the board to delegate to the executive director powers and duties; 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; requiring the board and the department of education to clarify their respective powers, duties, responsibilities.

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

