

SB2346



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Testimony Presented Before the
Senate Committee on Education and Housing
February 19, 2010, at 1:30 p.m.
Conference Room 225

Written Testimony
by
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SB 2346: RELATING TO THE HAWAII TEACHER STANDARDS BOARD

UH Mānoa and the College of Education supports the concept of SB 2346, but request amendments to Section 302A-803, as contained in SB 2591 (the HTSB Omnibus bill), be used instead to replace the text in this bill. The language in the HTSB Omnibus bill is consistent with the recommended language provided by the working group convened pursuant to Act 2, Special Session 2009.

The proposed legislation reflects the recommendations submitted by the working group specified in Act 2, SSLH 2009 (Part II, Section 9). The Act 2 legislation required the Dean of the College of Education at UH Mānoa to call together a working group composed of representatives from P-20, the Department of Education, the HTSB, the HSTA, and DCCA as well as a Milken awardee to consider licensing rules and their impact on teacher workforce needs.

One of the problems the working group identified was that teacher candidates had to wait to receive their licenses until the HTSB Board met and approved the issuance. The working group considered delegation of authority language used by the DCCA to approve routine license applications. The working group adopted parallel language as provided by the DCCA representative to the working group. This is the language that appears in SB 2591 (Omnibus Bill).

We urge the legislature to approve the recommended language to improve the efficiency of the processing and issuance of teacher licenses.

Thank you for the opportunity to testify.



STATE OF HAWAII
HAWAII TEACHER STANDARDS BOARD
650 Iwilei Road, Suite 201
Honolulu, Hawaii 96817

TESTIMONY BEFORE THE SENATE COMMITTEE ON EDUCATION AND HOUSING

RE: SB2346 RELATING TO THE HAWAII TEACHER STANDARDS BOARD

Friday, February 19, 2010, 1:30 pm

DR. JONATHAN GILLENLINE, CHAIRPERSON
Hawaii Teacher Standards Board

Chairman Sakamoto and Members of the Committee:

The members of the Hawaii Teacher Standards Board strongly support SB2346 Relating to the Hawaii Teacher Standards Board, which would authorize the board to delegate certain duties to the executive director or other designee. In 2008, the Deputy Attorney General advised HTSB that it must approve all teacher licenses at their regular meeting once a month. This creates challenges for teachers as they apply for Department of Education employment, especially at the beginning of the academic year. Although a license effective date is determined by the date an applicant meets all licensing criteria, teachers cannot receive their printed license until after the board approves. For some teachers, this can be after DOE hiring deadlines.

The board would prefer to delegate authority to the executive director or other designee so that routine license applicants can be approved as they are completed, rather than having to wait for the board's next meeting. Teachers would receive their license as soon as they meet all criteria instead of having to wait for up to a month. The board would then ratify these license actions in the same way that other Department of Commerce and Consumer Affairs (DCCA) licensing boards handle their approvals. Any adverse license action or condition may only be approved by the board.

However, we would like to make the following amendment to SB2346 in regard to §302A-803 (d), so delegation to the Executive Director is provided through voting action by the Board by a majority of its members rather than through rule promulgation. This language is consistent with the recommended language provided by the Working Group convened pursuant to Act 2, Special Session 2009:

The board may delegate to the executive director, or other designee, any of its

powers and duties as it deems reasonable and proper; provided that the delegation of powers and duties by the board shall be made in accordance with procedures set forth in this subsection. The board shall not delegate its

discretionary functions resulting in a final decision:

(1) Adopting, amending, or repealing rules;

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

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

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

The board shall not delegate the authority to adopt, amend, or repeal rules.

The board shall delegate authority based on a concurrence of a majority of the members, and conduct its meetings in accordance with Chapters 91 and 92.

Thank you for this opportunity to testify.