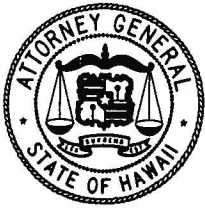


SB2591



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
TWENTY-FIFTH LEGISLATURE, 2010**

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**ON THE FOLLOWING MEASURE:**

S.B. NO. 2591, RELATING TO THE HAWAII TEACHER STANDARDS BOARD.

**BEFORE THE:**

SENATE COMMITTEE ON EDUCATION AND HOUSING

**DATE:** Monday, February 8, 2010      **TIME:** 1:45 p.m.

**LOCATION:** State Capitol, Room 225

**TESTIFIER(S):** Mark J. Bennett, Attorney General, or  
Holly T. Shikada, Deputy Attorney General, or  
Kris S. Murakami, Deputy Attorney General

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Chair Sakamoto and Members of the Committee:

The Department of the Attorney General opposes this bill as currently written.

The stated purpose of the bill is to implement recommendations for the Hawaii Teacher Standards Board from three reports: *The Hawaii Teacher Standards Board-is Oversight Needed?*, Report No. 1, 2010, by the Legislative Reference Bureau; *Report on Hawai'i Teacher Standards Board, November 2009*, by the University of Hawaii system; and *Report to the 2010 Legislature in Response to HB 183 CD1*, by the Hawaii Teacher Standards Board.

Sections 1 and 3 of the bill contain provisions that require the Attorney General or the Attorney General's designee to serve as an ex officio member of the Hawaii Teacher Standards Board. This requirement would impede the Department from fulfilling its legal duties and obligations to the board.

The Department is legally obligated to advise and represent the various state departments and agencies and boards, including

the Department of Education, Board of Education, and the Hawaii Teacher Standards Board.

If this bill were to be passed as it is currently written, it could create a conflict of interest because the Attorney General or the Attorney General's designee could be obligated to serve in two capacities: (1) as an ex officio member of the board with the same voting rights and status as other members of the board; and (2) as legal counsel to the board, which would include providing legal representation and legal advice to the board.

Further, the Department, as an ex officio member, would provide no expertise to the Hawaii Teacher Standards Board regarding licensing policies and procedures for its teachers.

Thus, we recommend the following amendments to the bill:

Section 1: Delete line 3-5 on page 2 of the bill; renumber remaining items in section 1 accordingly.

Section 3: At page 4, line 4, change "sixteen" back to "fifteen"; delete references to the Attorney General at page 4, lines 14-16 and lines 18-19.



## HAWAII TEACHER STANDARDS BOARD

### TESTIMONY BEFORE THE SENATE COMMITTEE ON EDUCATION

Re: SB 2591

Monday, February 8, 2010, 1:45 PM

DR. JONATHAN GILLENTINE, CHAIRPERSON  
Hawaii Teacher Standards Board

Chairman Sakamoto and Members of the Committee:

The Hawaii Teacher Standards Board welcomes the opportunity to make changes to its policies and operations to better serve Hawaii's teachers and therefore, Hawaii's P-12 students. The Board is in support of the following changes proposed in SB2591:

- Requiring the attorney general or designee to serve as an ex officio of the board;
- Requiring the board to include expenditure information in the annual report;
- Authorizing the board to delegate to the executive director or designee any of its powers and duties as it seems reasonable and proper;
- Requiring the board to review implementation of revised license fee collections and determine if fees shall be raised.

The Board has already made the following significant changes to meet its responsibilities.

- In August of 2009, HTSB moved the primary responsibility for conducting site and program reviews for teacher education programs in local IHEs to national NCATE review. The HTSB will act upon the recommendations of NCATE. This move will not only free HTSB staff of the time consuming task of organizing program reviews but will ensure that all of Hawaii's teacher education programs meet national *and* state standards. NCATE has already provided an orientation to all Hawaii SATEPs to implement the process.
- HTSB has met with the Department of Education to further clarify their respective powers, duties, responsibilities and relationships between the two agencies. However, this is an ongoing process and additional meetings will be required. A Memorandum of Agreement regarding the sharing of documents has been finalized and is expected to be signed by both agencies. This means teachers will be required to submit documents relating to their teacher education program, testing and professional development only one time. It will also reduce confusion among

teachers going through the licensing process, enabling HTSB staff to process application files more quickly.

The Board is addressing additional changes in coming months to be able to meet all of its obligations:

- The Board acknowledges that National Board for Professional Teaching Standards (NBPTS) Certification support would be best handled by a local Institution of Higher Education (IHE) or the DOE, as is done in other states. HTSB respectfully asks that this responsibility be transferred to the DOE effective July 1, 2010.
- HTSB recognizes that the current renewal plan is out of compliance and does not address all ten Teacher Performance Standards. A Work Group composed of board members, practicing teachers and other representatives is being convened to revisit the renewal process to ensure it meets statutory requirements and to submit a recommendation to the HTSB no later than April 1, 2010. The Work Group's recommendation will be given priority and the HTSB will deploy revisions to the process by June 30, 2010. A survey of other states in the Ninth Circuit and of states considered top contenders in the Race to the Top competition has been completed by staff to consider best practices in license renewal.

The board opposes the establishment of an investigative panel to investigate and recommend relicensure, continuation of licensure, or revocation of licensure for a teacher deemed unsatisfactory by a principal. The board is holding public hearings in February and March on its proposed amendments to the Administrative Rules, which address the procedure for disciplinary and contested case hearings. This panel would add an unnecessary administrative layer and additional expenses to the board's operations. We respectfully ask that Section 1 (1) and Section 2 be removed from this bill.

Thank you for the opportunity to testify.

**§302A-805 Teachers; license required;**

**renewals.** *[Repeal and reenactment on July 1, 2010.*

*L Sp 2009, c 2, §12.]* (a) Beginning July 1, 2002, all licenses shall be issued by the board. No person shall serve as a half-time or full-time teacher in a public school without first having obtained a license from the board under this subpart. All licenses issued by the board shall be valid only for the fields and levels specified on the licenses and shall be renewable every five years if the individual continues to:

(1) Satisfy the Hawaii Teacher Standards Board's (HTSB) licensing standards by submitting verification by means specified by the HTSB that they have completed activities specified by HTSB related to each of the Hawaii Teacher Performance Standards;

(2) Show evidence of successful teaching in the previous five years through supervisor verification by means specified by the HTSB; and

(3) Meet the HTSB's Professional Fitness requirements;

(4) Satisfy the board's HTSB's requirements for renewal of licenses; and

(5) The HTSB shall randomly audit a licensee's compliance with (1) above and may establish guidelines for random audits in rules adopted in accordance with chapter 91.

(b) Teachers whose licenses expire on June 30, 2002, or June 30, 2003, shall be granted an automatic extension of two years.

(c) The board, at its discretion, through June 30, 2010, may grant additional extensions. Any previously-approved extensions shall be deemed valid as issued.

(d) No person shall be issued a license or teach on an emergency basis in the public schools without having first paid the fees established by the board in accordance with chapter 91. [L 1996, c 89, pt of §2; am L 1997, c 195, §3; am L 2000,

c 106, §§2, 4; am L 2001, c 312, pt of §10, §12;  
am L 2004, c 10, §9; am L Sp 2009, c 2, §4]

(e)The board may determine another renewal  
period for Advanced Teaching Licenses in  
accordance with Chapter 91.

**Note**

Interim policies for sharing information  
necessary for licensing and verifying status of  
teachers. L Sp 2009, c 2.

Testimony Presented Before the  
Senate Committee on Education and Housing  
Monday, February 8, 2010 at 1:45 p.m.  
Conference Room 225

**Written Personal Testimony**

By

Christine Sorensen  
Member of the Hawaii Teacher Standards Board  
By statue as Dean, College of Education

**SB 2591: Hawaii Teacher Standards Board, Omnibus Bill**

Chair Sakamoto, Vice Chair Kidani and Members of the Committee

I am submitting my personal testimony in general support of SB 2591 with some recommended changes. The HTSB has worked consistently this past year to address challenges within the organization and to better serve the state of Hawaii and its teachers. While much has been accomplished, there is still more to do. I appreciate the intent of this legislation to encourage ongoing changes in the HTSB and to recognize the importance of maintaining the HTSB as an independent agency with the responsibility of licensing teachers for Hawaii.

I believe most of the portions of SB 2591 are manageable and in fact reflect areas where the HTSB is already working to make improvements. Specifically, the board has discussed including expenditure information in the annual report and better monitoring of expenses. The board already has plans to review its fee structure, especially as the new fee processing procedure gets underway. HTSB recognizes that fees may need to be increased to pay for expenses necessary to adequately manage the licensing function. The HTSB has already begun to shift some less essential functions to other agencies as is evidenced by the move to require all teacher education programs to become nationally accredited, thus relieving burdens on the local staff to train evaluators, conduct site visits, and write accreditation reports.

The Board recently began discussing its role in providing support for teachers pursuing recognition through the National Board of Professional Teaching Standards (NBPTS) and is prepared to consider alternatives. The board has already begun discussions of the adequacy of the renewal process and is set to name a subcommittee to make recommendations for change. Finally, I believe it is important to clarify the respective roles of the HTSB and the Department of Education (DOE) to ensure better communication and a smoother process for teacher candidates.



In terms of having the Attorney General (AG) or designee as a member of the Board, I can say that the Board is in critical need of advice from the AG's office. If having a representative on the Board ensures that perspective is present, I see that as a positive thing. Alternatively, I think there may be other ways of ensuring the presence of the AG's office without necessarily having a person as a member of the Board. However, I am not opposed to the proposal to make it an ex officio appointment.

The one area in SB2591 that I believe is not workable is the creation of the investigative panel with duties to investigate and make recommendations based on principal evaluations. Principal evaluation of teachers is an employment issue that is bound by contractual obligations. HTSB has no access to that information, and for both FERPA and contractual reasons, DOE would not be able to share it with HTSB. I feel that we have a process in place (as outlined in our rules) to manage disciplinary cases and contested cases as they are brought to our attention. I do not believe the additional expenses associated with having an investigative panel are warranted. Perhaps the HTSB can further consider how to assess teacher performance as it reviews its renewal process.

I thank you for this opportunity to provide my written testimony and for your commitment to improving the teacher licensing process in Hawaii and to helping the HTSB become more efficient and effective.