



GOV. MSG. NO. **1237**

EXECUTIVE CHAMBERS
HONOLULU

NEIL ABERCROMBIE
GOVERNOR

June 20, 2011

The Honorable Shan Tsutsui, President
and Members of the Senate
Twenty-Sixth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

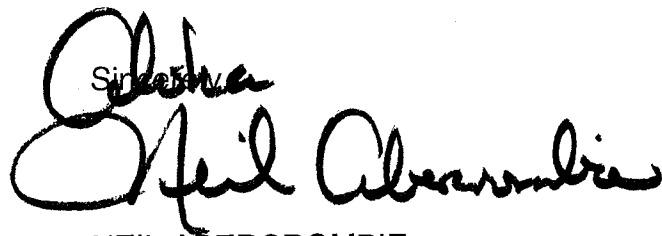
The Honorable Calvin Say, Speaker
and Members of the House
Twenty-Sixth State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Tsutsui, Speaker Say and Members of the Legislature:

This is to inform you that on June 20, 2011, the following bill was signed into law:

SB806 SD1 HD2 CD1

RELATING TO TEACHERS
Act 134 (11)

The image shows a handwritten signature in black ink. The signature is written in a cursive style and appears to read 'Neil Abercrombie'. There is a small, faint word 'Signed' written above the signature.

NEIL ABERCROMBIE
Governor, State of Hawaii

A BILL FOR AN ACT

RELATING TO TEACHERS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 302A-801, Hawaii Revised Statutes, is
2 amended by amending subsection (c) to read as follows:

3 "(c) Appointed board members shall serve not more than
4 three consecutive three-year terms. Teacher and educational
5 officer members who retire during a term may serve the remainder
6 of their term up to three consecutive three-year terms."

7 SECTION 2. Section 302A-803, Hawaii Revised Statutes, is
8 amended by amending subsection (a) to read as follows:

9 "(a) In addition to establishing standards for the
10 issuance and renewal of licenses and any other powers and duties
11 authorized by law, the board's powers shall also include:

- 12 (1) Setting and administering its own budget;
- 13 (2) Adopting, amending, or repealing the rules of the
14 board in accordance with chapter 91;
- 15 (3) Receiving grants or donations from private
16 foundations, and state and federal funds;
- 17 (4) Submitting an annual report to the governor, the
18 legislature, and the board of education on the board's



- 1 operations and expenditures, and from the 2007-2008
2 school year, submitting a summary report every five
3 years of the board's accomplishment of objectives,
4 efforts to improve or maintain teacher quality, and
5 efforts to keep its operations responsive and
6 efficient;
- 7 (5) Conducting a cyclical review of standards and
8 suggesting revisions for their improvement;
- 9 (6) Establishing licensing fees in accordance with chapter
10 91 and determining the manner by which fees are
11 collected and subsequently deposited into the state
12 treasury and credited to the Hawaii teacher standards
13 board special fund;
- 14 (7) Establishing penalties in accordance with chapter 91;
- 15 (8) Issuing, renewing, forfeiting, restoring,
16 conditioning, revoking, suspending, and reinstating
17 licenses;
- 18 (9) Developing criteria for a full career and technical
19 education license, limited to career and technical
20 education teaching assignments, allowing qualified
21 individuals with at least an associate's degree,



- 1 pedagogy coursework, industry experience, and content
2 expertise to teach;
- 3 [~~9~~] (10) Reviewing reports from the department on
4 individuals hired on an emergency basis;
- 5 [~~10~~] (11) Applying licensing standards on a case-by-case
6 basis and conducting licensing evaluations;
- 7 [~~11~~] (12) Preparing and disseminating teacher licensing
8 information to schools and operational personnel;
- 9 [~~12~~] (13) Approving teacher preparation programs;
- 10 (14) Establishing policies and procedures for approving
11 alternative pathways to teaching;
- 12 [~~13~~] (15) Administering reciprocity agreements with other
13 states relative to licensing;
- 14 [~~14~~] (16) Conducting research and development on teacher
15 licensure systems, beginning teacher programs, the
16 assessment of teaching skills, and other related
17 topics;
- 18 [~~15~~] (17) Participating in efforts relating to teacher
19 quality issues, professional development related to
20 the board's standards, and promotion of high teacher
21 standards and accomplished teaching;
- 22 [~~16~~] (18) Adopting applicable rules and procedures; and



1 [~~(17)~~] (19) Adopting, amending, repealing, or suspending the
2 policies and standards of the board."

3 SECTION 3. Section 302A-805, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "**§302A-805 Teachers; license required; renewals.**

6 Beginning July 1, 2002, all new licenses shall be issued by the
7 board. No person shall serve as a half-time or full-time
8 teacher in a public school without first having obtained a
9 license from the board under this subpart. All licenses issued
10 by the board shall be valid only for the fields specified on the
11 licenses and shall be renewable every five years for a standard
12 license and every ten years for an advanced license if the
13 individual continues to:

- 14 (1) Satisfy the board's licensing standards and submits
15 verification, in a form specified by the board, that
16 the individual has completed activities specified by
17 the board in fulfillment of each of the teacher
18 performance standards established by the board;
- 19 (2) Show evidence of successful teaching in the previous
20 five years through verification by a supervisor, in a
21 form specified by the board;



- 1 (3) Meet the professional fitness requirements established
- 2 by the board; [and]
- 3 (4) Satisfy the board's requirements for renewal of
- 4 licenses[-]; and
- 5 (5) Pay all applicable license fees in a timely manner.

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

9 Teachers whose licenses expire on June 30, 2002, or
10 June 30, 2003, shall be granted an automatic extension of two
11 years.

12 No person shall be issued a license or teach on an
13 emergency basis in the public schools without having first paid
14 the fees established by the board in accordance with chapter 91.

15 The failure to timely renew a license, pay all fees in a
16 timely manner, or comply with any other requirement provided by
17 law or administrative rule shall result in the automatic
18 forfeiture of the license. A person with a forfeited license
19 shall not teach at a public school until that person's license
20 is restored. Restoration of a license shall require compliance
21 with the renewal requirements provided by law or administrative
22 rule and payment of all applicable renewal and late fees. Upon



1 restoration of a person's license, the person may teach at a
2 public school."

3 SECTION 4. Section 302A-807, Hawaii Revised Statutes, is
4 amended by amending subsections (a), (b), and (c) to read as
5 follows:

6 "(a) The board shall serve as the final adjudicator for
7 appeals relating to licensing, including the issuance or
8 nonissuance of licenses, and the condition, suspension,
9 nonrenewal, and revocation of licenses.

10 (b) The board shall establish procedures for the conduct
11 of proceedings for the consideration of requests filed with the
12 board. In every case to condition, revoke, or suspend a
13 license, the board shall give the person concerned written
14 notice that a request has been filed with the board. The board
15 shall conduct a hearing in conformity with chapter 91, and shall
16 provide for confidentiality of the proceedings to protect the
17 parties. In all proceedings before it, the board may administer
18 oaths, compel the attendance of witnesses and production of
19 documentary evidence, and examine witnesses. In case of
20 disobedience by any person to any order of the board or to any
21 subpoena issued by the board, or the refusal of any witness to
22 testify to any matter that the person may be questioned



1 lawfully; any circuit judge, on application of the board or a
2 member thereof, shall compel obedience in the case of
3 disobedience of the requirements of a subpoena issued by a
4 circuit court or a refusal to testify.

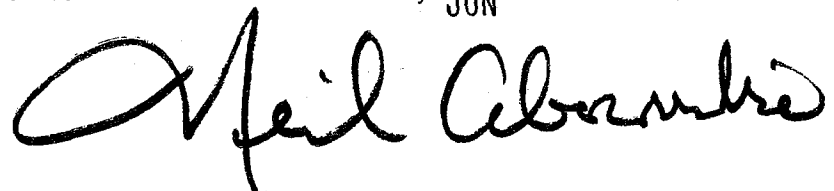
5 (c) Any applicant who has been refused a license, or any
6 licensee whose license has been conditioned, suspended, or
7 revoked, shall have the right to appeal the board's decision to
8 the circuit court of the circuit in which the applicant or
9 licensee resides in the manner provided in chapter 91; provided
10 that out-of-state resident applicants shall file their appeals
11 in the first circuit court."

12 SECTION 5. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

14 SECTION 6. This Act shall take effect upon its approval.

15

APPROVED this 20 day of JUN, 2011


GOVERNOR OF THE STATE OF HAWAII