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## 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. Section 302A-801, Hawaii Revised Statutes, is  
2 repealed.

3           ~~["§302A-801—Hawaii teacher standards board established.~~

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



1       ~~(b) Except for the chairperson of the board of education,~~  
2 ~~superintendent, and dean of the college of education, the~~  
3 ~~governor shall appoint the members of the board pursuant to~~  
4 ~~section 26-34, from a list of qualified nominees submitted to~~  
5 ~~the governor by the departments, agencies, organizations~~  
6 ~~representative of the constituencies of the board, and current~~  
7 ~~members of the board; provided that the two members of the~~  
8 ~~public shall be from lists of qualified nominees submitted to~~  
9 ~~the governor by the Hawaii Business Roundtable, Hawaii P-20~~  
10 ~~council, and Hawaii workforce development council. To the~~  
11 ~~extent possible, the board membership shall reflect~~  
12 ~~representation of elementary and secondary school personnel from~~  
13 ~~all islands.~~

14       ~~(c) Appointed board members shall serve not more than~~  
15 ~~three consecutive three-year terms.~~

16       ~~(d) Board members shall receive no compensation. When~~  
17 ~~board duties require that a board member take leave of the board~~  
18 ~~member's duties as a state employee, the appropriate state~~  
19 ~~department shall allow the board member to be placed on~~  
20 ~~administrative leave with pay and shall provide substitutes,~~  
21 ~~when necessary, to perform that board member's duties. Board~~



1 ~~members shall be reimbursed for necessary travel expenses~~  
2 ~~incurred in the conduct of official board business.~~

3 ~~(e) The chairperson of the board shall be designated by~~  
4 ~~the members of the board.~~

5 ~~(f) The board may employ an executive director for a term~~  
6 ~~of up to four years, who shall be appointed by the board of~~  
7 ~~education without regard to chapters 76 and 89; provided that~~  
8 ~~the board shall submit a nominee to the board of education for~~  
9 ~~approval or disapproval; provided further that if the nominee is~~  
10 ~~disapproved, the board shall submit another nominee to the board~~  
11 ~~of education for approval or disapproval.~~

12 ~~The board may terminate the executive director's contract~~  
13 ~~for cause; provided that the board shall submit the~~  
14 ~~recommendation for termination to the board of education for~~  
15 ~~approval or disapproval." ]~~

16 SECTION 2. Section 302A-802, Hawaii Revised Statutes, is  
17 repealed.

18 [~~§302A-802 Licensing standards; policies.~~ (a) The board  
19 shall establish licensing standards that govern teacher  
20 licensing in Hawaii. Licensing standards established by the  
21 board shall be adopted as rules under chapter 91 unless  
22 otherwise specified in this subpart.



1       ~~(b) In the development of its standards, the board shall~~  
2 ~~consider the existing teacher applicant pool that is available~~  
3 ~~in the State and the level of the qualification of these~~  
4 ~~applicants, as well as the nature and availability of existing~~  
5 ~~preservice higher education teacher training programs.~~

6       ~~(c) The board shall adopt policies, exempt from chapters~~  
7 ~~91 and 92, to initiate the following:~~

8       ~~(1) Develop criteria allowing more individuals with trade~~  
9 ~~or industry experience to teach in vocational,~~  
10 ~~technical, and career pathway programs, and criteria~~  
11 ~~for the issuance of permits allowing qualified~~  
12 ~~individuals to teach when recommended by the~~  
13 ~~superintendent. The department shall be responsible~~  
14 ~~for the review and acceptance of the relevant~~  
15 ~~licenses, certificates, or other qualifications~~  
16 ~~related to an individual's vocational, technical, or~~  
17 ~~career pathway education-related experience that the~~  
18 ~~department deems necessary for a permit. The~~  
19 ~~department shall have the authority to waive the~~  
20 ~~requirement of a bachelor's degree to teach in a~~  
21 ~~vocation, technical, or career pathway education~~  
22 ~~program;~~



- 1       ~~(2) Develop a plan to accept teachers from any state as~~  
2       ~~long as they have completed state-approved teacher~~  
3       ~~education programs and pass relevant Hawaii teacher~~  
4       ~~examinations or their equivalent;~~
- 5       ~~(3) Clarify the requirements, on a state-by-state basis,~~  
6       ~~for out-of-state licensed teachers to obtain a license~~  
7       ~~in Hawaii;~~
- 8       ~~(4) Develop a plan to facilitate licensing for those who~~  
9       ~~intend to teach in Hawaii immersion programs, the~~  
10       ~~island of Niihau, or any other extraordinary situation~~  
11       ~~as defined by the superintendent or the~~  
12       ~~superintendent's designee;~~
- 13       ~~(5) Pursue full teacher license reciprocity with all other~~  
14       ~~states; and~~
- 15       ~~(6) Issue a license to a teacher with a valid out-of-state~~  
16       ~~license who has passed similar, though not identical,~~  
17       ~~tests in basic skills, pedagogy, and subject matter to~~  
18       ~~those required for licensure in the State; provided~~  
19       ~~that upon the effective date of the adoption of~~  
20       ~~administrative rules addressing the recognition of~~  
21       ~~out-of-state teacher licenses, those administrative~~



1           ~~rules shall supersede the requirements of this~~  
2           ~~paragraph." ]~~

3           SECTION 3. Section 302A-803, Hawaii Revised Statutes, is  
4           repealed.

5           ~~[ "§302A-803 Powers and duties of the board. (a) In~~  
6           ~~addition to establishing standards for the issuance and renewal~~  
7           ~~of licenses and any other powers and duties authorized by law,~~  
8           ~~the board's powers shall also include:~~

- 9           ~~(1) Setting and administering its own budget;~~
- 10          ~~(2) Adopting, amending, or repealing the rules of the~~  
11          ~~board in accordance with chapter 91;~~
- 12          ~~(3) Receiving grants or donations from private~~  
13          ~~foundations, and state and federal funds;~~
- 14          ~~(4) Submitting an annual report to the governor, the~~  
15          ~~legislature, and the board of education on the board's~~  
16          ~~operations and expenditures, and from the 2007-2008~~  
17          ~~school year, submitting a summary report every five~~  
18          ~~years of the board's accomplishment of objectives,~~  
19          ~~efforts to improve or maintain teacher quality, and~~  
20          ~~efforts to keep its operations responsive and~~  
21          ~~efficient;~~



- 1        ~~(5) Conducting a cyclical review of standards and~~
- 2        ~~suggesting revisions for their improvement;~~
- 3        ~~(6) Establishing licensing fees in accordance with chapter~~
- 4        ~~91 and determining the manner by which fees are~~
- 5        ~~collected and subsequently deposited into the state~~
- 6        ~~treasury and credited to the Hawaii teacher standards~~
- 7        ~~board special fund;~~
- 8        ~~(7) Establishing penalties in accordance with chapter 91;~~
- 9        ~~(8) Issuing, renewing, revoking, suspending, and~~
- 10       ~~reinstating licenses;~~
- 11       ~~(9) Reviewing reports from the department on individuals~~
- 12       ~~hired on an emergency basis;~~
- 13       ~~(10) Applying licensing standards on a case-by-case basis~~
- 14       ~~and conducting licensing evaluations;~~
- 15       ~~(11) Preparing and disseminating teacher licensing~~
- 16       ~~information to schools and operational personnel;~~
- 17       ~~(12) Approving teacher preparation programs;~~
- 18       ~~(13) Administering reciprocity agreements with other states~~
- 19       ~~relative to licensing;~~
- 20       ~~(14) Conducting research and development on teacher~~
- 21       ~~licensure systems, beginning teacher programs, the~~



1 ~~assessment of teaching skills, and other related~~  
2 ~~topics;~~

3 ~~(15) Participating in efforts relating to teacher quality~~  
4 ~~issues, professional development related to the~~  
5 ~~board's standards, and promotion of high teacher~~  
6 ~~standards and accomplished teaching;~~

7 ~~(16) Adopting applicable rules and procedures; and~~

8 ~~(17) Adopting, amending, repealing, or suspending the~~  
9 ~~policies and standards of the board.~~

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

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

21 ~~(d) The board may delegate to its executive director, or~~  
22 ~~other designee, any of its powers and duties as it deems~~





1 ~~reasonable and proper; provided that the delegation of powers~~  
2 ~~and duties by the board shall be made in accordance with~~  
3 ~~procedures set forth in this subsection. The board shall not~~  
4 ~~delegate its discretionary functions resulting in a final~~  
5 ~~decision in:~~

- 6 ~~(1) Adopting, amending, or repealing rules;~~
- 7 ~~(2) Ordering disciplinary action against a licensee,~~  
8 ~~including license revocation or suspension, or the~~  
9 ~~imposition of conditions or fines; provided that~~  
10 ~~summary suspensions may be delegated; or~~
- 11 ~~(3) Granting or denying permits or licenses, including~~  
12 ~~license renewals and reinstatements, or otherwise~~  
13 ~~conditioning permits or licenses, unless the granting,~~  
14 ~~denying, or otherwise conditioning of a permit or~~  
15 ~~license does not require the exercise of the board's~~  
16 ~~expertise and discretion.~~

17 ~~To delegate authority, the concurrence of a majority of the~~  
18 ~~members to which the board is entitled shall be necessary for~~  
19 ~~any action taken by the board to be valid. The board shall~~  
20 ~~conduct its meetings to delegate powers and duties to its~~  
21 ~~executive director, or other designee, in accordance with~~  
22 ~~chapters 91 and 92." ]~~



1 SECTION 4. Statutory material to be repealed is bracketed  
2 and stricken.

3 SECTION 5. This Act shall take effect upon its approval.

4

INTRODUCED BY:

*Cahill of Bay*

JAN 26 2011



**Report Title:**

DOE; HTSB

**Description:**

Repeal the HTSB.

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