

SB1382

Date: 02/07/2011

Committee: Senate Education

Department: Education

Person Testifying: Kathryn Matayoshi, Superintendent of Education

Title of Bill: SB 1382 RELATING TO EDUCATION.

Purpose of Bill: Directs the legislative reference bureau to examine the Higher Education Act of 1965, as amended, and regulations pursuant to that Act, make recommendations to ensure the State's compliance with provisions relating to the state authorization of institutions that offer educational programs beyond secondary education, and make recommendations as to whether existing functions relating to the licensing or authorization of any educational institutions in the State, and administrators and instructors thereof, should be consolidated and tasked to one state agency that would be responsible for the licensing and authorization of all educational institutions in the State and their related operations.

Department's Position: The Department supports efforts that improve the quality of public education. An examination of the existing organization and processes for teacher and educational administrator licensure that seeks to align the changing needs of the public education system, with legal requirements, as well as creating more opportunities for people to enter the teaching and educational administrator ranks while maintaining or improving existing standards is welcome.



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Testimony presented before the
Senate Committee on Education
February 7, 2011 at 1:15 p.m.

By Linda K. Johnsrud

Executive Vice President for Academic Affairs and Provost, University of Hawai'i

SB 1382: RELATING TO EDUCATION

Chair Tokuda, Vice Chair Kidani and members of the Senate Committee on Education:

Thank you very much for this opportunity to testify on Senate Bill 1382 that directs the Legislative Reference Bureau to examine the Higher Education Act of 1965, as amended, and regulations pursuant to that Act, to determine in consultation with the University of Hawai'i and the Department of Education what changes are required for the state to comply with various provisions of the federal law.

The University supports the direction of this bill and its proposal to request from the Legislative Reference Bureau a review of the state's options for compliance with the federal Higher Education Act.

Respectfully, we offer two observations regarding the language of SB 1382:

- 1) Page 4 (line 22) and page 5 (lines 1-2) states: "federal laws and regulations relating to the authorization of institutions to operate educational programs beyond secondary education"
 - a. For clarification, we would like to note that the new federal regulations regarding state authorization apply to private, not public higher education institutions. The University of Hawai'i campuses would be exempt.
- 2) Page 6 (line 14): "veterans affairs" should be deleted, and replaced with, "State Approving Agency for veterans benefits" and "the administration of the Federal Leveraging Educational Assistance Program (LEAP)."

We appreciate the chance to provide testimony and comment on SB 1382.

TESTIMONY BEFORE THE SENATE COMMITTEE ON EDUCATION

Re: SB 1382: Relating to Education

Hearing Date: February 7, 2011

Terry Lynn Holck, Chairperson, Hawaii Teacher Standards Board

Chairperson Tokuda, Vice Chair Kidani and Members of the Committee:

The Hawaii Teacher Standards Board (HTSB) supports the intent of SB1382 to comply with Title IV of the Higher Education Act of 1965, but strongly encourages the Committee to allow the HTSB to continue its work as an independent teacher standards board for the licensing of PK-12 teachers. The Board has acknowledged and rectified problematic issues of the past. In 2010, the Board deployed its online licensing system, implemented the license renewal process, became fully staffed, addressed operational issues and focused on its core mission to license teachers. Teacher membership on the HTSB allows the profession to regulate itself, the same as other professions such as law and medicine, and holds the profession accountable to performance standards through the licensing process.

To return that authority to the Department of Education raises the concern of a conflict of interest when a teacher's employer is also responsible for issuing their license. The HTSB also issues licenses to teachers employed in non-DOE schools; placing licensure back under the DOE could pose potential challenges when these teachers seek a license.

SB1382 also requires the Legislative Reference Bureau (LRB) to consider whether it would be appropriate to consolidate the licensing of teachers with that of administrators into a consolidated agency. To fold HTSB into a new "umbrella" agency focused on post-secondary institutions would cause a loss of momentum for the profession after the Board has made significant changes and improvements in teacher licensing and renewal. The combination the responsibilities of authorization of post-secondary institutions and licensing of PK-12 teachers and administrators is a mismatch. Licensing of teachers and principals also involves approval of professional preparation programs and is better suited to its own agency. The HTSB has built the backbone for licensing and preparation of teachers and would welcome a future conversation and the LRB's examination of the licensure of administrators as well.

Dr. Linda Darling-Hammond, Stanford University professor and one of the most well-known and influential researchers in the field of education, encourages each state to establish a professional standards board:

- *Establish professional standards boards in every state. Developing coherent standards for teacher education, licensing, professional development, and practice requires a governing partnership between the public and the profession that is not vulnerable to*

constantly changing politics and priorities. Twelve states have already created boards for teaching like those that govern standard setting in other professions on the conviction that these boards are the best way to maintain rigorous standards and protect the public interest. Such boards are the conscience of each profession; they develop and enforce ethical codes as well as technical standards of practice.

They should include accomplished teachers—ultimately, those who are National Board Certified—as well as teacher educators, administrators, and representatives of the public. In other professions, a national confederation of state boards develops common standards, high-quality assessments, and reciprocity agreements. Such a confederation in teaching should help develop common licensing assessments with professionally recommended cut-off scores, so that teachers command comparable skills and can move more easily from state to state. How would a standards board help solve current problems? First, it would bring greater expertise to bear on the process of setting teaching standards and would do so in a more focused and steady fashion, as standards must be continually updated and reevaluated in light of growing professional knowledge.

Second, it would allow the creation of a more coherent set of standards across teacher education, licensing, and ongoing professional development, since they would all be considered by the same body. Finally, it would create a firewall between the political system and the standard-setting process, allowing higher standards that are more connected to the professional knowledge base to be set and maintained. States with standards boards have shown that they enact and maintain more rigorous, professionally current standards than they had been able to do before the standards board was in place.”

“What Matters Most: Teaching for America’s Future”, P. 69

Much progress has been made over the last year and the board continues to make progressive policies, such as proposing statute revision to include a ten year advanced license and criteria for a Career and Technical Education license for those with an associate’s degree. The Board has also broadened the requirement for state approved teacher education program approval process, and at its February 28 meeting, will consider comprehensive reciprocity policies with the other 49 states. Any public board will always have its share of detractors and those who would prefer not to be held to a professional standard. Unfortunately, those voices are often the only ones heard. The board asks the Legislature to support its efforts to regulate and enforce quality standards and ethical conduct for teachers, and to recognize the vast improvements it has made since the last Legislative session. We ask you, as Dr. Darling-Hammond suggests, to become our partner and help us protect the public interest. Your committee can be assured that the HTSB will uphold the profession of teaching for Hawaii’s keiki.

Thank you for the opportunity to testify.

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LEGISLATIVE REFERENCE BUREAU
State of Hawaii
State Capitol
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Written Testimony

SB1382

RELATING TO EDUCATION

Testimony by the Legislative Reference Bureau
Charlotte A. Carter-Yamauchi, Acting Director

Presented to the Senate Committee on Education

Monday, February 7, 2011, 1:15 p.m.
Conference Room 225

Chair Tokuda and Members of the Committee:

The Bureau appreciates the opportunity to comment on this measure.

Senate Bill No. 1382 directs the Legislative Reference Bureau to, among other things:

- (1) Examine the Federal Higher Education Act of 1965, as amended, and regulations pursuant to that Act (HEA), and determine, in consultation with the University of Hawaii and the Department of Education, what actions and changes are required for the State to comply with federal laws and regulations relating to the authorization of institutions to operate educational programs beyond secondary education; and
- (2) Make recommendations as to whether existing functions relating to the licensing or authorization of any educational institutions in the State, and administrators and instructors thereof, should be consolidated and tasked to one state agency that would be responsible for the licensing and authorization of all educational institutions in the State and their related operations.

While the Bureau takes no position on the merits of the measure, it is concerned with its ability to accomplish the purpose of the bill given the complexity of the subject matter, the scope of what the measure directs the Bureau to accomplish, and the relatively short time period in which to accomplish it.

First, with respect to the Bureau's examination of HEA, the measure's purpose section specifically identifies Title IV of HEA as the operative provisions that the Bureau should review to determine what actions and changes are necessary to bring the State into compliance with the federal law. Title IV (Student Assistance) of HEA encompasses the Federal Family Loan Program (Part B), the William D. Ford Federal Direct Loan Program (Part D), General Provisions Relating to Student Assistance Programs (Part G), and the Competitive Loan Auction Pilot Program (Part I). The Bureau does not currently possess the expertise to determine with any certainty whether a particular post-secondary educational institution is or will be in compliance with federal law. If we are charged with this responsibility, we would probably have to contract the services of a person or entity with significant experience in this area to conduct the review and make a determination. In such case, we would request that an appropriation section be added to the measure to pay for the contract since the Bureau's budget does not currently contain (and is not currently projected to contain) sufficient funds for the contracting of such services.

Further, as the measure is presently drafted, it seems that the issue to be determined is essentially one of compliance. If so, then we respectfully recommend that a more expedient and efficacious manner to accomplish this objective may be the convening of a task force of education representatives who are experts in federal financial aid and educational standards compliance, to review and make recommendations on these issues. The Bureau would be happy to assist the task force in drafting any proposed legislation.

With regard to the measure's second objective, making recommendations as to whether existing functions relating to the licensing or authorization of any educational institutions in the State, and administrators and instructors thereof, should be consolidated and tasked to one state agency, the Bureau would probably be able to undertake this task and would do so to the best of our ability. However, we would like to note that the issue of whether being a school principal should be a licensed profession seems to be one that has already been at least partially considered and addressed by the Department of Education in its 2002 report, "A Plan for Licensing of Educational Administrators", and under section 302A-605, Hawaii Revised Statutes, which requires the Department of Education to establish and implement certification requirements for principals and vice principals.

Finally, we would like to note that the Bureau has previously opined on the issue of accreditation and state authorization of degree granting and non-degree granting institutions in its 1993 study entitled, "Private Accreditation and State Authorization of Degree Granting and Non-Degree Granting Institutions in Hawaii." In that report, the Bureau recommended in part that an oversight agency that conforms with the practice in other states and has the most expertise over degree granting matters is the University of Hawaii Board of Regents

The entirety of this report and its recommendations can be found online at <http://lrbhawaii.info/lrbreports/1993/degree.pdf>.

Thank you for this opportunity to provide written comments on this measure. If you have any questions, please do not hesitate to contact the Bureau at 587-0666.