



GOV. MSG. NO. 1139

EXECUTIVE CHAMBERS  
HONOLULU

NEIL ABERCROMBIE  
GOVERNOR

April 23, 2014

The Honorable Donna Mercado Kim,  
President  
and Members of the Senate  
Twenty-Seventh State Legislature  
State Capitol, Room 409  
Honolulu, Hawaii 96813

The Honorable Joseph M. Souki,  
Speaker and Members of the  
House of Representatives  
Twenty-Seventh State Legislature  
State Capitol, Room 431  
Honolulu, Hawaii 96813

Dear President Kim, Speaker Souki, and Members of the Legislature:

This is to inform you that on April 23, 2014, the following bill was signed into law:

SB2331 SD2 HD1

RELATING TO TEACHERS  
ACT 039 (14)

*Aloha*  
*Neil Abercrombie*

NEIL ABERCROMBIE  
Governor, State of Hawaii

APR 23 2014

RECEIVED  
THE SENATE  
CLERK'S OFFICE  
STATE OF HAWAII

RECEIVED  
SENATE  
OFFICE OF THE PRESIDENT

'14 APR 24 P5:33

'14 APR 24 P5:05

301 1/2

Approved by the Governor

on APR 23 2014

THE SENATE  
TWENTY-SEVENTH LEGISLATURE, 2014  
STATE OF HAWAII

**ACT 039**  
**S.B. NO.**

2331  
S.D. 2  
H.D. 1

---

---

# A BILL FOR AN ACT

RELATING TO TEACHERS.

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

1           SECTION 1. Section 302A-101, Hawaii Revised Statutes, is  
2 amended by adding two new definitions to be appropriately  
3 inserted and to read as follows:

4           "Department school" means any school that falls within the  
5 definition of "public schools", as that term is defined in  
6 section 302A-101, and is not a charter school.

7           "License" means the recognition granted by the Hawaii  
8 teacher standards board to an individual to practice the  
9 profession of teaching. This definition shall not apply to the  
10 term "license" as it is used in sections 302A-425 to 302A-427."

11           SECTION 2. Section 302A-601.5, Hawaii Revised Statutes, is  
12 amended by amending subsection (b) to read as follows:

13           "(b) The employer or prospective employer may refuse to  
14 employ, and may:

15           (1) Refuse to issue a [~~teaching or other educational~~  
16 ~~certificate,~~] certificate for school administrators;

17           (2) Revoke the [~~teaching or other educational~~  
18 ~~certificate,~~] certificate for school administrators;



1 (3) Refuse to allow or continue to allow teacher training;  
 2 or  
 3 (4) Terminate the employment of any employee or deny  
 4 employment to an applicant,  
 5 if the person has been convicted of a crime, and if the employer  
 6 or prospective employer finds by reason of the nature and  
 7 circumstances of the crime that the person poses a risk to the  
 8 health, safety, or well-being of children. Refusal, revocation,  
 9 or termination may occur only after appropriate investigation  
 10 and notification to the employee or applicant for employment of  
 11 results and planned action, and after the employee or applicant  
 12 for employment is given an opportunity to meet and rebut the  
 13 finding. Nothing in this subsection shall abrogate any  
 14 applicable appeal rights under chapters 76 or 89, or  
 15 administrative regulation of the department of education."

16 SECTION 3. Section 302A-801, Hawaii Revised Statutes, is  
 17 amended by amending subsections (a) to (c) to read as follows:

18 "(a) There is established the Hawaii teacher standards  
 19 board, which shall be placed within the department for  
 20 administrative purposes only. The board shall consist of  
 21 fifteen members, including not less than six licensed teachers  
 22 regularly engaged in teaching at the time of the appointment,

1 three educational officers employed at the time of the  
2 appointment, the chairperson of the board of education or the  
3 chairperson's designee, the superintendent or the  
4 superintendent's designee, a representative of independent  
5 schools, the dean of the University of Hawaii college of  
6 education or the dean's designee [~~, and two members of the~~  
7 ~~public~~]; provided that one teacher member shall be engaged in  
8 teaching at a Hawaii public charter school at the time of  
9 appointment and the dean's designee shall be chosen from the  
10 member institutions of the teacher education coordinating  
11 committee established under section 304A-1202 [~~+~~], and two  
12 members of the public.

13 (b) Except for the chairperson of the board of education,  
14 superintendent, and dean of the college of education, the  
15 governor shall appoint the members of the board pursuant to  
16 section 26-34, from a list of qualified nominees submitted to  
17 the governor by the departments, agencies, education stakeholder  
18 groups, and organizations representative of the constituencies  
19 ~~of the board[, and current members of the board; provided that~~  
20 ~~the two members of the public shall be from lists of qualified~~  
21 ~~nominees submitted to the governor by the Hawaii Business~~  
22 ~~Roundtable, Hawaii P-20 council, and Hawaii workforce~~



1 ~~development council.];~~ provided that the governor may request  
2 additional names of qualified nominees from the departments,  
3 agencies, education stakeholder groups, and organizations  
4 representative of the constituencies of the board at any time.  
5 To the extent possible, the board membership shall reflect  
6 ~~[representation of elementary and secondary school personnel~~  
7 ~~from all islands.]~~ a combination of abilities, breadth of  
8 experiences, and characteristics that will best serve the  
9 diverse interests and needs of elementary and secondary school  
10 personnel and the education system in Hawaii from early  
11 childhood through higher education. Such considerations shall  
12 include but not be limited to reflecting the diversity of the  
13 student population, geographical representation, and a broad  
14 representation of education-related stakeholders.

15 (c) ~~[Appointed]~~ Notwithstanding any law to the contrary,  
16 appointed board members shall serve not more than three  
17 consecutive three-year terms. Teacher and educational officer  
18 members who retire during a term may serve the remainder of  
19 their current term ~~[up to three consecutive three-year terms]."~~

20 SECTION 4. Section 302A-802, Hawaii Revised Statutes, is  
21 amended by amending subsections (b) and (c) to read as follows:



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 [-] or the commission, when appropriate.  
14 The department or the commission, when appropriate,  
15 shall be responsible for the review and acceptance of  
16 the relevant licenses, certificates, or other  
17 qualifications related to an individual's vocational,  
18 technical, or career pathway education-related  
19 experience that the department or the commission, when  
20 appropriate, deems necessary for a permit. The  
21 department or the commission, when appropriate, shall  
22 have the authority to waive the requirement of a



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





1 ~~administrative rules addressing the recognition of~~  
2 ~~out of state teacher licenses, those administrative~~  
3 ~~rules shall supersede the requirements of this~~  
4 ~~paragraph]."~~

5 SECTION 5. Section 302A-803, Hawaii Revised Statutes, is  
6 amended by amending subsection (a) to read as follows:

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

- 10 (1) Setting and administering its own budget;
- 11 (2) Adopting, amending, or repealing the rules of the  
12 board in accordance with chapter 91;
- 13 (3) Receiving grants or donations from private  
14 foundations, and state and federal funds;
- 15 (4) Submitting an annual report to the governor, the  
16 legislature, and the board of education on the board's  
17 operations and expenditures, and from the 2007-2008  
18 school year, submitting a summary report every five  
19 years of the board's accomplishment of objectives,  
20 efforts to improve or maintain teacher quality, and  
21 efforts to keep its operations responsive and  
22 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, forfeiting, restoring,  
10 conditioning, revoking, suspending, and reinstating  
11 licenses;
- 12 (9) Developing criteria for a full career and technical  
13 education license, limited to career and technical  
14 education teaching assignments, allowing qualified  
15 individuals with at least an associate's degree,  
16 [pedagegy] coursework, industry experience, and  
17 content expertise to teach;
- 18 (10) Reviewing reports from the department and commission  
19 on individuals hired on an emergency basis;
- 20 (11) Applying licensing standards on a case-by-case basis  
21 and conducting licensing evaluations;



- 1 (12) Preparing and disseminating teacher licensing
- 2 information to schools and operational personnel;
- 3 (13) Approving teacher preparation programs;
- 4 (14) Establishing policies and procedures for approving
- 5 alternative pathways to teaching;
- 6 (15) Administering reciprocity agreements with other states
- 7 relative to licensing;
- 8 (16) Conducting research and development on teacher
- 9 licensure systems, beginning teacher programs, the
- 10 assessment of teaching skills, and other related
- 11 topics;
- 12 (17) Participating in efforts relating to teacher quality
- 13 issues, professional development related to the
- 14 board's standards, and promotion of high teacher
- 15 standards and accomplished teaching;
- 16 (18) Adopting applicable rules and procedures; and
- 17 (19) Adopting, amending, repealing, or suspending the
- 18 policies and standards of the board."

19 SECTION 6. Section 302A-804, Hawaii Revised Statutes, is  
 20 amended to read as follows:

21 "§302A-804 Powers and duties of the department[-],  
 22 commission, and charter schools. (a) The department,



1 commission, and charter schools shall retain all of [~~its~~] their  
2 rights and powers except for the authority provided to the board  
3 under this subpart.

4 (b) The department's powers and duties under this subpart  
5 shall be limited to:

- 6 (1) Hiring, except in emergency situations as described in  
7 this chapter, licensed teachers to teach in their  
8 fields of licensing;
- 9 (2) Reporting data annually to the board about the supply  
10 of, and demand for, teachers[~~]~~ in department schools,  
11 including the identification of shortage areas, out-  
12 of-field teaching assignments, numbers of teachers  
13 teaching out-of-field, numbers and types of courses  
14 and classes taught by out-of-field teachers, and  
15 numbers and types of students taught by out-of-field  
16 teachers;
- 17 (3) On an emergency and case-by-case basis, hiring  
18 unlicensed individuals; provided that:
- 19 (A) A list of the names, work sites, teaching  
20 assignments, and progress toward licensing of  
21 these individuals shall be reported to the board



1 and any changes shall be updated on a monthly  
2 basis by the department;

3 (B) There are no properly licensed teachers for the  
4 specific assignments for which the individuals  
5 are being hired; and

6 (C) No individual may be employed by the department  
7 on an emergency basis for more than three years.  
8 During this time, the individual shall  
9 demonstrate active pursuit of licensing in each  
10 year of employment; [and

11 ~~(D) Notwithstanding [subparagraph (C)], unlicensed~~  
12 ~~individuals who have been hired on an emergency~~  
13 ~~basis prior to July 1, 2008, shall attain~~  
14 ~~licensure no later than four years from the date~~  
15 ~~of their employment;]~~

16 (4) Submitting an annual report to the board documenting:

17 (A) The number of emergency hires in department  
18 schools by subject matter areas and by [~~schools;~~]  
19 school;

20 (B) The reasons and duration of employment for the  
21 emergency hiring enumerated in subparagraph (A);

22 (C) Individual progress toward licensing; and



1 (D) The department's efforts to address the shortages  
2 described in subparagraph (A); and

3 (5) Providing any other information requested by the board  
4 that is pertinent to its powers and duties.

5 (c) The commission's powers and duties under this subpart  
6 shall be limited to:

7 (1) Reporting data annually to the board about the supply  
8 of, and demand for, teachers in charter schools,  
9 including the identification of shortage areas, out-  
10 of-field teaching assignments, numbers of teachers  
11 teaching out-of-field, numbers and types of courses  
12 and classes taught by out-of-field teachers, and  
13 numbers and types of students taught by out-of-field  
14 teachers;

15 (2) Submitting an annual report to the board documenting:

16 (A) The number of emergency hires in charter schools  
17 by subject matter areas and by school;

18 (B) The reasons and duration of employment for the  
19 emergency hiring enumerated in subparagraph (A);  
20 and

21 (C) Individual progress toward licensing; and



1        (3) Providing any other information requested by the board  
2        that is pertinent to the commission's powers and  
3        duties.

4        (d) A charter school's powers and duties under this  
5 subpart shall be limited to:

6        (1) Except in emergency situations as described in this  
7        chapter, hiring licensed teachers to teach in their  
8        fields of licensing;

9        (2) On an emergency and case-by-case basis, hiring  
10 unlicensed individuals; provided that:

11        (A) A list of the names, work sites, teaching  
12        assignments, and progress toward licensing of  
13        these individuals shall be reported to the board  
14        and any changes shall be updated on a monthly  
15        basis by the charter schools;

16        (B) There are no properly licensed teachers for the  
17        specific assignments for which the individuals  
18        are being hired; and

19        (C) No individual may be employed by the charter  
20        school on an emergency basis for more than three  
21        years. During this time, the individual shall



1                   demonstrate active pursuit of licensing in each  
2                   year of employment; and

3           (3) Providing any other information requested by the board  
4           that is pertinent to the charter school's powers and  
5           duties."

6           SECTION 7. Section 302A-805, Hawaii Revised Statutes, is  
7 amended to read as follows:

8           "§302A-805 Teachers; license required; renewals.

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

17           (1) Satisfy the board's licensing standards and submits  
18           verification, in a form specified by the board, that  
19           the individual has completed activities specified by  
20           the board in fulfillment of each of the teacher  
21           performance standards established by the board;



- 1           (2) Show evidence of successful teaching in the previous
- 2                   five years through verification by a supervisor, in a
- 3                   form specified by the board;
- 4           (3) Meet the professional fitness requirements established
- 5                   by the board;
- 6           (4) Satisfy the board's requirements for renewal of
- 7                   licenses; and
- 8           (5) Pay all applicable license fees in a timely manner.

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

12           ~~[Teachers whose licenses expire on June 30, 2002, or~~  
13 ~~June 30, 2003, shall be granted an automatic extension of two~~  
14 ~~years.]~~

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

18           The failure to timely renew a license, pay all fees in a  
19 timely manner, or comply with any other requirement provided by  
20 law or administrative rule shall result in the automatic  
21 forfeiture of the license. A person with a forfeited license  
22 shall not teach at a public school until that person's license



1 is restored. Restoration of a license shall require compliance  
2 with the renewal requirements provided by law or administrative  
3 rule and payment of all applicable renewal and late fees. Upon  
4 restoration of a person's license, the person may teach at a  
5 public school."

6 SECTION 8. Section 302A-807, Hawaii Revised Statutes, is  
7 amended by amending subsection (d) to read as follows:

8 "(d) Upon revocation of a license, the board may disclose  
9 the name, birthdate, social security number, and any other  
10 pertinent information about the former holder of the license:

11 (1) To the department; [and]

12 (2) To the commission; and

13 [~~(2)~~] (3) For the purpose of exchanging information under  
14 chapter 315 with other national or state teacher  
15 certification agencies about school personnel who have  
16 had licenses revoked."

17 SECTION 9. Section 302A-808, Hawaii Revised Statutes, is  
18 amended to read as follows:

19 "§302A-808 Penalty. Any person who engages in the  
20 profession of teaching in a public school without first being  
21 issued a license or hired on an emergency basis as defined in  
22 this chapter shall be fined not more than \$500. Any person who

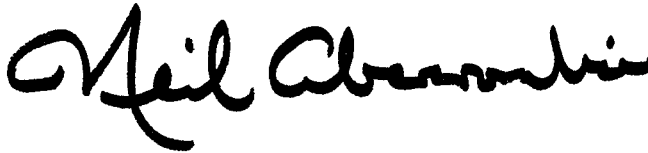


1 knowingly or intentionally violates this subpart by employing an  
2 individual as a public school teacher who does not possess a  
3 valid license or is not a department of education or charter  
4 school emergency hire as defined in this chapter may be fined  
5 not more than \$500. All fines shall be deposited into the  
6 Hawaii teacher standards board special fund."

7 SECTION 10. Statutory material to be repealed is bracketed  
8 and stricken. New statutory material is underscored.

9 SECTION 11. This Act shall take effect upon its approval.

APPROVED this 23 day of APR, 2014



GOVERNOR OF THE STATE OF HAWAII

**THE SENATE OF THE STATE OF HAWAII**

Date: April 10, 2014  
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Twenty-seventh Legislature of the State of Hawaii, Regular Session of 2014.



President of the Senate



Clerk of the Senate