

JAN 17 2014

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 a new definition to be appropriately inserted
3 and to read as follows:

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

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

10 "(b) The employer or prospective employer may refuse to
11 employ, and may:

12 ~~[-(1) Refuse to issue a teaching or other educational~~
13 ~~certificate;~~

14 ~~[-(2) Revoke the teaching or other educational certificate;~~

15 ~~[-(3)]~~ (1) Refuse to allow or continue to allow teacher
16 training; or

17 ~~[-(4)]~~ (2) Terminate the employment of any employee or deny
18 employment to an applicant,



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

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

14 "(a) There is established the Hawaii teacher standards
15 board, which shall be placed within the department for
16 administrative purposes only. The board shall consist of
17 fifteen members, including not less than six licensed teachers
18 regularly engaged in teaching at the time of the appointment,
19 three educational officers employed at the time of the
20 appointment, the chairperson of the board of education or the
21 chairperson's designee, the superintendent or the
22 superintendent's designee, a representative of independent



1 schools, the dean of the University of Hawaii college of
2 education or the dean's designee [~~and two members of the~~
3 ~~public~~]; provided that the dean's designee shall be chosen from
4 the member institutions of the teacher education coordinating
5 committee established under section 304A-1202 [~~-~~], and two
6 members of the public.

7 (b) Except for the chairperson of the board of education,
8 superintendent, and dean of the college of education, the
9 governor shall appoint the members of the board pursuant to
10 section 26-34, from a list of qualified nominees submitted to
11 the governor by the departments, agencies, education stakeholder
12 groups, and organizations representative of the constituencies
13 of the board [~~and current members of the board; provided that~~
14 ~~the two members of the public shall be from lists of qualified~~
15 ~~nominees submitted to the governor by the Hawaii Business~~
16 ~~Roundtable, Hawaii P-20 council, and Hawaii workforce~~
17 ~~development council.~~]; provided that the governor may request
18 additional names of qualified nominees from the departments,
19 agencies, education stakeholder groups, and organizations
20 representative of the constituencies of the board at any time.

21 To the extent possible, the board membership shall reflect
22 [~~representation of elementary and secondary school personnel~~



1 ~~from all islands.]~~ a combination of abilities, breadth of
2 experiences, and characteristics that will best serve the
3 diverse interests and needs of elementary and secondary school
4 personnel and the education system in Hawaii from early
5 childhood through higher education. Such considerations shall
6 include but not be limited to reflecting the diversity of the
7 student population, geographical representation, and a broad
8 representation of education-related stakeholders.

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

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

16 "(b) In the development of its standards, the board shall
17 consider the existing teacher applicant pool that is available
18 in the State and the level of the qualification of these
19 applicants, as well as the nature and availability of existing
20 preservice [~~higher education~~] teacher training programs.

21 (c) The board shall adopt policies, exempt from chapters
22 91 and 92, to initiate the following:



- 1 (1) Develop criteria allowing more individuals with trade
2 or industry experience to teach in vocational,
3 technical, and career pathway programs, and criteria
4 for the issuance of permits allowing qualified
5 individuals to teach when recommended by the
6 superintendent[-] or the commission, when appropriate.
7 The department or the commission, when appropriate,
8 shall be responsible for the review and acceptance of
9 the relevant licenses, certificates, or other
10 qualifications related to an individual's vocational,
11 technical, or career pathway education-related
12 experience that the department or the commission, when
13 appropriate, deems necessary for a permit. The
14 department or the commission, when appropriate, shall
15 have the authority to waive the requirement of a
16 bachelor's degree to teach in a vocation, technical,
17 or career pathway education program;
- 18 (2) Develop a plan to accept teachers from any state as
19 long as they have completed state-approved teacher
20 education programs and pass relevant Hawaii teacher
21 examinations or their equivalent;



- 1 (3) Clarify the requirements, on a state-by-state basis,
2 for out-of-state licensed teachers to obtain a license
3 in Hawaii;
- 4 (4) Develop a plan to facilitate licensing for those who
5 intend to teach in Hawaii immersion programs, the
6 island of Niihau, or any other extraordinary situation
7 as defined by the superintendent or the
8 superintendent's designee[+], or by the commission,
9 when appropriate; and
- 10 (5) Pursue full teacher license reciprocity with all other
11 states [~~+~~and
- 12 ~~(6) Issue a license to a teacher with a valid out of state~~
13 ~~license who has passed similar, though not identical,~~
14 ~~tests in basic skills, [pedagogy,] and subject matter~~
15 ~~to those required for licensure in the State; provided~~
16 ~~that upon the effective date of the adoption of~~
17 ~~administrative rules addressing the recognition of~~
18 ~~out of state teacher licenses, those administrative~~
19 ~~rules shall supersede the requirements of this~~
20 ~~paragraph]."~~

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



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

- 4 (1) Setting and administering its own budget;
- 5 (2) Adopting, amending, or repealing the rules of the
6 board in accordance with chapter 91;
- 7 (3) Receiving grants or donations from private
8 foundations, and state and federal funds;
- 9 (4) Submitting an annual report to the governor, the
10 legislature, and the board of education on the board's
11 operations and expenditures, and from the 2007-2008
12 school year, submitting a summary report every five
13 years of the board's accomplishment of objectives,
14 efforts to improve or maintain teacher quality, and
15 efforts to keep its operations responsive and
16 efficient;
- 17 (5) Conducting a cyclical review of standards and
18 suggesting revisions for their improvement;
- 19 (6) Establishing licensing fees in accordance with chapter
20 91 and determining the manner by which fees are
21 collected and subsequently deposited into the state



- 1 treasury and credited to the Hawaii teacher standards
- 2 board special fund;
- 3 (7) Establishing penalties in accordance with chapter 91;
- 4 (8) Issuing, renewing, forfeiting, restoring,
- 5 conditioning, revoking, suspending, and reinstating
- 6 licenses;
- 7 (9) Developing criteria for a full career and technical
- 8 education license, limited to career and technical
- 9 education teaching assignments, allowing qualified
- 10 individuals with at least an associate's degree,
- 11 [~~pedagogy~~] coursework, industry experience, and
- 12 content expertise to teach;
- 13 (10) Reviewing reports from the department and commission
- 14 on individuals hired on an emergency basis;
- 15 (11) Applying licensing standards on a case-by-case basis
- 16 and conducting licensing evaluations;
- 17 (12) Preparing and disseminating teacher licensing
- 18 information to schools and operational personnel;
- 19 (13) Approving teacher preparation programs;
- 20 (14) Establishing policies and procedures for approving
- 21 alternative pathways to teaching;



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

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

16 "**§302A-804 Powers and duties of the department[-] and**
 17 **commission.** The department and commission shall retain all of
 18 [~~its~~] their rights and powers except for the authority provided
 19 to the board under this subpart. The department's and
 20 commission's powers and duties under this subpart shall be
 21 limited to:



- 1 (1) Hiring, except in emergency situations as described in
2 this chapter, licensed teachers to teach in their
3 fields of licensing;
- 4 (2) Reporting data annually to the board about the supply
5 of, and demand for, teachers, including the
6 identification of shortage areas, out-of-field
7 teaching assignments, numbers of teachers teaching
8 out-of-field, numbers and types of courses and classes
9 taught by out-of-field teachers, and numbers and types
10 of students taught by out-of-field teachers;
- 11 (3) On an emergency and case-by-case basis, hiring
12 unlicensed individuals; provided that:
 - 13 (A) A list of the names, work sites, teaching
14 assignments, and progress toward licensing of
15 these individuals shall be reported to the board
16 and any changes shall be updated on a monthly
17 basis by the department[+] and commission;
 - 18 (B) There are no properly licensed teachers for the
19 specific assignments for which the individuals
20 are being hired; and
 - 21 (C) No individual may be employed by the department
22 or a charter school on an emergency basis for



1 more than three years. During this time, the
2 individual shall demonstrate active pursuit of
3 licensing in each year of employment; [and
4 ~~(D) Notwithstanding [subparagraph (C)], unlicensed~~
5 ~~individuals who have been hired on an emergency~~
6 ~~basis prior to July 1, 2008, shall attain~~
7 ~~licensure no later than four years from the date~~
8 ~~of their employment;]~~

- 9 (4) Submitting an annual report to the board documenting:
- 10 (A) The number of emergency hires by subject matter
 - 11 areas and by schools;
 - 12 (B) The reasons and duration of employment for the
 - 13 emergency hiring enumerated in subparagraph (A);
 - 14 (C) Individual progress toward licensing; and
 - 15 (D) The department's or commission's efforts to
 - 16 address the shortages described in subparagraph
 - 17 (A); and
- 18 (5) Providing any other information requested by the board
19 that is pertinent to its powers and duties."

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



1 **"§302A-805 Teachers; license required; renewals.**

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

- 10 (1) Satisfy the board's licensing standards and submits
11 verification, in a form specified by the board, that
12 the individual has completed activities specified by
13 the board in fulfillment of each of the teacher
14 performance standards established by the board;
- 15 (2) Show evidence of successful teaching in the previous
16 five years through verification by a supervisor, in a
17 form specified by the board;
- 18 (3) Meet the professional fitness requirements established
19 by the board;
- 20 (4) Satisfy the board's requirements for renewal of
21 licenses; and
- 22 (5) Pay all applicable license fees in a timely manner.



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

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

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

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

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



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

4 (1) To the department; [~~and~~]

5 (2) To the commission; and

6 [~~(2)~~] (3) For the purpose of exchanging information under
7 chapter 315 with other national or state teacher
8 certification agencies about school personnel who have
9 had licenses revoked."

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

12 "**§302A-808 Penalty.** Any person who engages in the
13 profession of teaching in a public school without first being
14 issued a license or hired on an emergency basis as defined in
15 this chapter shall be fined not more than \$500. Any person who
16 knowingly or intentionally violates this subpart by employing an
17 individual as a public school teacher who does not possess a
18 valid license or is not a department of education or charter
19 school emergency hire as defined in this chapter may be fined
20 not more than \$500. All fines shall be deposited into the
21 Hawaii teacher standards board special fund."



S.B. NO. 2331

1 SECTION 10. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

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

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INTRODUCED BY: _____
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S.B. NO. 2331

Report Title:

Hawaii Teacher Standards Board; Department of Education; State Public Charter School Commission; Teacher Licensing

Description:

Adds a definition of "license" to clarify that teacher licenses are issued by the Hawaii teacher standards board. Repeals the authority of employers or prospective employers to refuse to issue a teaching or other educational certificate to or revoke a teaching or other educational certificate from certain persons and under certain conditions. Makes clarifying amendments to the membership requirements for the Hawaii teacher standards board. Clarifies that charter schools fall under the purview of the requirements of the Hawaii teacher standards board. Makes housekeeping and conforming amendments.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

