
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[~~7~~] 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.



Report Title:

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

Description:

Repeals a public-school employer's authority to refuse or revoke a teaching license based on a criminal background check. Amends membership, qualification, and appointment requirements for the Hawaii Teacher Standards Board. Clarifies the powers and duties of the Department of Education, State Public Charter School Commission, and charter schools with respect to teacher licensing and the HTSB. Makes housekeeping and conforming amendments. (SB2331 HD1)

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

