

JAN 22 2021

A BILL FOR AN ACT

RELATING TO CAREER AND TECHNICAL EDUCATION.

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

PART I

SECTION 1. The legislature finds that the State has an obligation to prepare its students with the tools necessary for successful futures in the modern economy. In 2017, seventeen per cent of the State's high school students did not graduate. Further, only fifty-five per cent of the State's high school students eventually enroll in post-secondary education after high school, with only thirty-two per cent enrolling in a four-year university. Accordingly, the legislature believes that it is the department of education's responsibility to provide students with additional career options that do not require bachelor's degrees.

The legislature also finds that a traditional four-year bachelor's degree is becoming increasingly irrelevant for earning potential and job placement, especially in regards to the debt-to-income ratio incurred by many students at private colleges and universities. The legislature further finds that



1 more than forty-four million borrowers currently owe a total of
2 \$1,500,000,000,000 in student loan debt, with the average
3 college graduate owing \$37,172 in student loans in 2016. The
4 legislature notes that nationwide, three out of ten high school
5 graduates from four-year public universities have not earned
6 degrees within six years. Further, a bachelor's degree is no
7 longer the sole path to economic self-sufficiency that it once
8 was. Many well-paying jobs do not require any level of higher
9 education, as evidenced by the nearly thirty million jobs in the
10 United States that pay an average of \$55,000 per year without
11 requiring a bachelor's degree.

12 The legislature recognizes that trade jobs are a growing
13 area of opportunity for high school graduates. According to the
14 United States Department of Labor, there were 6,600,000 trade
15 job openings in early 2018, with the number of openings expected
16 to outpace the number of available employees in the near future.
17 Moreover, the United States Department of Education reports that
18 there will soon be sixty-eight per cent more job openings in
19 infrastructure-related fields than there are people trained to
20 fill them. Some states already have more job vacancies than
21 qualified workers for certain trade jobs, including but not



1 limited to carpentry, electrical, plumbing, sheet-metal work,
2 and pipe-fitting. Additionally, the United States Bureau of
3 Labor Statistics projects that in four years, careers in
4 construction, health care, and personal care will account for
5 one-third of all new jobs in the nation.

6 The legislature notes that many high school graduates are
7 currently benefitting from trade jobs. For some industries, a
8 technical program graduate can earn an income that is above the
9 national average, plus benefits, after just a few semesters of
10 certificate training that costs just a fraction of a comparable
11 undergraduate education. The legislature also notes that the
12 tuition and fees for community or technical colleges are also
13 significantly cheaper than four-year universities.

14 The legislature also believes that encouraging vocational
15 training in department of education schools and providing
16 additional resources to these programs will benefit those
17 students for whom a four-year university is not the right
18 choice. The legislature further believes that the State must
19 help its students take advantage of a historically strong
20 national economy by preparing them for family wage jobs that do
21 not require a bachelor's degree.



1 Accordingly, the purpose of this Act is to require the
2 department of education to hire individuals to teach vocational,
3 technical, or career pathway classes, and to amend the private
4 trade, vocational, and technical school licensure special fund
5 to further develop training and career opportunities for
6 students in the State.

7 SECTION 2. Section 302A-602, Hawaii Revised Statutes, is
8 amended to read as follows:

9 "**§302A-602 Teachers; licenses and certificates.** (a) No
10 person shall serve as a teacher in the department without first
11 having obtained a license from the Hawaii teacher standards
12 board in ~~[such]~~ a form as the Hawaii teacher standards board
13 determines. The department shall establish types of
14 certificates in the educational field and the requirements to
15 qualify for those certificates issued to individuals who are not
16 required to obtain a license pursuant to sections 302A-801 to
17 302A-808.

18 (b) Beginning with the 2002-2003 school year, no person
19 paid under the salary schedule contained in the unit 5
20 collective bargaining agreement shall serve as a teacher in the
21 department without first having obtained a license pursuant to



1 sections 302A-801 to 302A-808 from the Hawaii teacher standards
2 board in [~~such~~] a form [~~as~~] the Hawaii teacher standards board
3 determines.

4 (c) Beginning with the 2002-2003 school year, the
5 department may employ unlicensed individuals as emergency hires
6 pursuant to sections 302A-801 to 302A-808.

7 (d) Beginning with the 2021-2022 school year, the
8 department shall employ individuals in accordance with section
9 302A-802(c)(1) as vocational, technical, or career pathway
10 teachers."

11 SECTION 3. Section 302A-802, Hawaii Revised Statutes, is
12 amended by amending subsection (c) to read as follows:

13 "(c) The board shall adopt policies, exempt from chapters
14 91 and 92, to initiate the following:

- 15 (1) Develop criteria allowing more individuals with trade
16 or industry experience to teach in vocational,
17 technical, and career pathway programs, and criteria
18 for the issuance of permits allowing qualified
19 individuals to teach when recommended by the
20 superintendent or the commission, when appropriate.

21 The department or the commission, when appropriate,



1 shall be responsible for the review and acceptance of
2 the relevant licenses, certificates, or other
3 qualifications related to an individual's vocational,
4 technical, or career pathway education-related
5 experience that the department or the commission, when
6 appropriate, deems necessary for a permit. The
7 department or the commission~~[, when appropriate,]~~
8 shall ~~[have the authority to]~~ waive the requirement of
9 a bachelor's degree to teach in a vocation, technical,
10 or career pathway education program;

11 (2) Develop a plan to accept teachers from any state as
12 long as they have completed state-approved teacher
13 education programs and pass relevant Hawaii teacher
14 examinations or their equivalent;

15 (3) Clarify the requirements, on a state-by-state basis,
16 for out-of-state licensed teachers to obtain a license
17 in Hawaii;

18 (4) Develop a plan to facilitate licensing for those who
19 intend to teach in Hawaii immersion programs, the
20 island of Niihau, or any other extraordinary situation
21 as defined by the superintendent or the



superintendent's designee, or by the commission, when appropriate;

(5) Pursue full teacher license reciprocity with all other states; and

(6) Develop a plan to facilitate an optional certification for those who teach or intend to teach at private schools."

SECTION 4. Section 302A-804, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (b) to read:

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

(1) Hiring, except in emergency situations or for vocational, technical, or career pathway teacher positions as described in this chapter, licensed teachers to teach in their fields of licensing;

(2) Reporting data annually to the board about the supply of, and demand for, teachers in department schools, including the identification of shortage areas, out-of-field teaching assignments, number of classrooms without a licensed teacher for a quarter or more,



1 numbers of teachers teaching out-of-field, numbers and
2 types of courses and classes taught by out-of-field
3 teachers, and numbers and types of students taught by
4 out-of-field teachers;

5 (3) On an emergency and case-by-case basis, hiring
6 unlicensed individuals; provided that:

7 (A) A list of the names, work sites, teaching
8 assignments, and progress toward licensing of
9 these individuals shall be reported to the board
10 and any changes shall be updated on a monthly
11 basis by the department;

12 (B) There are no properly licensed teachers for the
13 specific assignments for which the individuals
14 are being hired; and

15 (C) No individual may be employed by the department
16 on an emergency basis for more than three years;
17 provided that in the case of a declaration of a
18 state of emergency pursuant to section 127A-14,
19 the board, pursuant to its powers in section
20 302A-803(a)(18), may extend the three-year period
21 by authorizing an extension to complete licensing



1 requirements. During this time, the individual
2 shall demonstrate active pursuit of licensing in
3 each year of employment;

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

5 (A) The number of emergency hires in department
6 schools by subject matter areas and by school;

7 (B) The reasons and duration of employment for the
8 emergency hiring enumerated in subparagraph (A);
9 and

10 (C) The department's efforts to address the shortages
11 described in subparagraph (A); and

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

14 2. By amending subsection (d) to read:

15 "(d) A charter school's powers and duties under this
16 subpart shall be limited to:

17 (1) Except in emergency situations or for vocational,
18 technical, or career pathway teacher positions as
19 described in this chapter, hiring licensed teachers to
20 teach in their fields of licensing;



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

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

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

(C) No individual may be employed by the charter
school on an emergency basis for more than three
years; provided that in the case of a declaration
of a state of emergency pursuant to section 127A-
14, the board, pursuant to its powers in section
302A-803(a)(18), may extend the three-year period
by authorizing an extension to complete licensing
requirements. During this time, the individual
shall demonstrate active pursuit of licensing in
each year of employment;

(3) Submitting an annual report to the board documenting:



1 (A) The number of emergency hires in the charter
2 school by subject matter areas;

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

5 (C) The number of classrooms without a licensed
6 teacher for a quarter or more;

7 (D) The number and type of courses and classes taught
8 by out-of-field teachers; and

9 (E) The number and type of students taught by out-of-
10 field teachers; and

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

14 SECTION 5. Section 302A-808, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "**§302A-808 Penalty.** Any person who engages in the
17 profession of teaching in a public school without first being
18 issued a license [~~or~~]; hired on an emergency basis as defined in
19 this chapter; or hired as a vocational, technical, or career
20 pathway teacher pursuant to section 302A-801(d), shall be fined
21 not more than \$500. Any person who knowingly or intentionally



1 violates this subpart by employing an individual as a public
2 school teacher who does not possess a valid license or is not a
3 department of education or charter school emergency hire as
4 defined in this chapter; or is not hired as a vocational,
5 technical, or career pathway teacher pursuant to section
6 302A-801(d), may be fined not more than \$500. All fines shall
7 be deposited into the general fund."

8 PART II

9 SECTION 6. Section 302A-425, Hawaii Revised Statutes, is
10 amended by amending subsection (f) to read as follows:

11 "(f) Fees collected pursuant to this section shall be
12 deposited into the private trade, vocational, and technical
13 school [~~licensure~~] special fund."

14 SECTION 7. Section 302A-425.5, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "~~[§]302A-425.5[§]~~ **Private trade, vocational, and**
17 **technical school [~~licensure~~] special fund.** (a) There is
18 created in the state treasury a special fund to be designated as
19 the private trade, vocational, and technical school [~~licensure~~]
20 special fund into which shall be deposited:



(1) All revenues and fees collected by the department pursuant to section 302A-425; ~~[and]~~

(2) Appropriations from the general fund of the State~~[-]~~;

(3) Federal funds granted by Congress or executive order;
and

(4) Grants, donations, and contributions from private or public sources.

(b) Moneys in the private trade, vocational, and technical school ~~[licensure]~~ special fund shall be used ~~[to fund activities]~~ for the following purposes:

(1) Activities related to the licensure requirements established under section 302A-425, including funding for permanent staff positions and administrative and operational costs~~[-]~~;

(2) Creating and maintaining vocational, technical, and career pathway classes and programs;

(3) Funding the administrative costs, program fees, equipment costs, and other costs for students enrolled in career or technical courses pursuant to section 304A-803; and



(4) Any and all costs related to any vocational,
technical, and career pathway classes or programs,
including personnel, equipment, and facilities costs.

(c) Whenever the governor determines that the amount in the private trade, vocational, and technical school special fund exceeds the requirements of the various vocational, technical, and career pathway classes and programs in the State, the department shall transfer the excess to the state general fund."

SECTION 8. There is appropriated out of the general revenues of the State of Hawaii the sum of \$ or so much thereof as may be necessary for fiscal year 2021-2022 and the same sum or so much thereof as may be necessary for fiscal year 2022-2023 to be deposited into the private trade, vocational, and technical school special fund.

The sums appropriated shall be expended by the department of education for the purposes of this Act.

PART III

SECTION 9. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.



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 on July 1, 2021.

4

INTRODUCED BY: Kurt Fella



S.B. NO. 843

Report Title:

DOE; Private Trade, Vocational, and Technical School Special Fund; Vocational, Trade, and Career Pathway Training; Appropriation

Description:

Authorizes department of education teachers to instruct vocation, technical, or career pathway classes without possessing an applicable bachelor's degree. Expands the sources of moneys that may be deposited into the private trade, vocational, and technical school special fund, and the purposes for which the fund may be used. Appropriates moneys.

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