

1200 Ala Kapuna Street ♦ Honolulu, Hawaii 96819
Tel: (808) 833-2711 ♦ Fax: (808) 839-7106 ♦ Web: www.hsta.org

Osa Tui, Jr.
President
Logan Okita
Vice President
Lisa Morrison
Secretary-Treasurer
Ann Mahi
Executive Director

TESTIMONY BEFORE THE HOUSE COMMITTEE ON CONSUMER
PROTECTION & COMMERCE

RE: HB 846 HD2 - RELATING TO TEACHERS

TUESDAY, FEBRUARY 28, 2023

OSA TUI, JR., PRESIDENT
HAWAII STATE TEACHERS ASSOCIATION

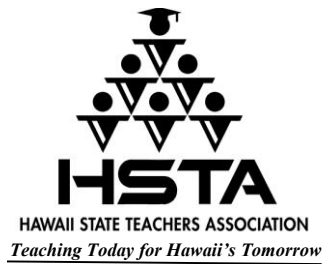
Chair Nakashima and Members of the Committee:

The Hawaii State Teachers Association **respectfully submits comments HB 846, HD2**, relating to teachers. Although the Hawaii State Teachers Association understands the intent of this bill, we feel it is too early to support it, as there are too many unanswered questions regarding this Interstate Teacher Mobility Compact (ITMC) that those in charge of developing this compact have not been able to answer for anyone. We support the Hawaii Teacher Standards Board (HTSB) and defer to their reasoning as well, as we have had many conversations with the makers of this compact and HTSB. We are not yet satisfied with the answers. Until these questions are answered satisfactorily, we feel Hawaii should wait to join this compact. There are too many unknowns and loopholes at the moment.

Currently, if we were to join this Teacher Mobility Compact, HTSB would automatically have to accept teacher licensures from other states, but they would not be allowed to request additional documents to support the licensure. This in itself is problematic as although ITMC does require a bachelor's degree, it does **not** require that it is **from an accredited institution**, and HTSB does require a bachelor's degree **from an accredited institution**, as they should.

Currently, the requirements that define a state-approved program for teacher licensure differ from state-to-state in both rigor and quality. There is also no clear plan as how "add a field" licensures will be handled in each state as they differ greatly.

ITMC has not identified any associated cost(s) with joining the Teacher Mobility Compact for states, although they tell us there will be one. HTSB definitely would need an appropriation for that currently undefined amount as it is not in their current budget. Without a known amount it is hard for them to request additional funding as well.



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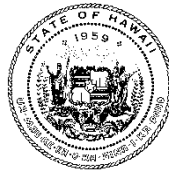
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Lastly, no other states have currently joined this compact, and until these questions are answered satisfactorily, unfortunately we think our state needs to wait, and not be the first one to join. Currently, HTSB's processing time for applications is less than 6 weeks and HTSB honors reciprocity with most states and jurisdictions, thus HSTA thinks there needs to be more discussions and answers before joining this compact.



STATE OF HAWAII
HAWAII TEACHER STANDARDS BOARD
650 IWILEI ROAD, SUITE 268
HONOLULU, HAWAII 96817

February 26, 2023

**WRITTEN TESTIMONY BEFORE THE HOUSE COMMITTEE ON CONSUMER
PROTECTION & COMMERCE**

PERSON TESTIFYING: Felicia Villalobos, Executive Director on behalf of the Hawaii Teacher Standard Board (HTSB)

DATE: February 28, 2023

TIME: 2:00 pm

LOCATION: Conference Room 329 and Video Conference

TITLE OF BILL: HB846 HD2 Education; Teachers; Interstate Compact

PURPOSE OF BILL: Enacts the interstate teacher mobility compact to reduce the barriers to teacher license portability and employment. Effective 6/30/3000. (HD2)

POSITION: Opposes HB846 HD2

Chair Nakashima, Vice Chair Sayama, and Members of the Committee on Consumer Protection & Commerce:

The Hawaii Teacher Standards Board (HTSB) Opposes HB846 HD2.

The HTSB envisions a highly esteemed Hawaii public education system with rigorous professional teacher standards that foster student success and provide every child in Hawaii with qualified teachers. The HTSB approves the intent and purpose of this bill but seeks further clarification, discussion, and additional insight on how to make the language in the Interstate Teacher Mobility Compact (ITMC) better align with the current HTSB licensing requirements, as put forth in said Rules and/or policies.

- No additional documents can be required to determine if the licensure criteria are equivalent to a Hawaii license (e.g., is a Standard license from another state/jurisdiction equivalent to a Hawaii Standard License?).
- The current ITMC language does not identify that the bachelor's degree is awarded from an accredited institution.

- Currently, requirements that define a state-approved program for teacher licensure differ from state-to-state in both rigor and quality.
- Currently, HTSB licenses thousands of teachers who are not teaching in Hawaii. This is not addressing Hawaii's teacher shortage.
- HTSB does not have the authority to complete background checks at licensure.
- ITMC has not identified any associated cost(s).

Currently, HTSB's processing time for applications is less than 6 weeks and HTSB honors reciprocity with most states and jurisdictions. The Board believes that this bill has merit which warrants further discussion.

Thank you for the opportunity to provide testimony on HB846 HD2.



OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE
1500 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-1500

MANPOWER AND
RESERVE AFFAIRS

February 28, 2023

Honorable Representative Mark M. Nakashima
Chair, House Committee on Consumer Protection and Commerce
415 South Beretania St.
Honolulu, HI 96813

RE: DoD Support – HB 846 HD2 (RELATING TO TEACHERS)

Dear Chair Nakashima, Vice Chair Sayama, and Members of the Committee:

On behalf of military families and the United States Department of Defense, I am writing in support of the policy changes expressed in HB 846 HD2, a measure to reduce barriers to teacher licensure and employment.

Licensure issues for military members and their spouses have been a priority for the Department for several years. As our military members and their families move from state to state, being able to transfer a professional license easily and quickly to obtain employment is critical to their economic stability and well-being.

Occupational licensure compacts, such as the Interstate Teacher Mobility Compact, have been identified by the Department of Defense as the optimal mechanism for creating true reciprocity for licensed professionals moving across state lines while also protecting public safety. In adopting the Interstate Teacher Mobility Compact, Hawaii can increase its pool of highly qualified teachers, many of whom are military spouses who hold teaching credentials issued from other jurisdictions.

Given that Hawaii hosts one of the highest proportions of military spouses in the nation and teaching has been found to be one of the most prevalent of all professions for military spouses, this measure is extremely important to the Department.

In closing, we are grateful for the tremendous efforts that Hawaii has historically taken to support our military members and their families. We appreciate the opportunity to support the provisions reflected in HB 846 HD2 and would especially like to thank Chair Woodson for spearheading this effort. Please feel free to contact me with any questions you might have.

Sincerely,

A handwritten signature in black ink that reads "Kelli May Douglas".

Kelli May Douglas
Pacific Southwest Regional Liaison
Defense-State Liaison Office
U.S. Department of Defense
Military Community & Family Policy
571-265-0075

JOSH GREEN, M.D.
GOVERNOR



KEITH T. HAYASHI
SUPERINTENDENT

STATE OF HAWAII
DEPARTMENT OF EDUCATION
KA 'OIHANA HO'ONA'AUAO
P.O. BOX 2360
HONOLULU, HAWAII 96804

Date: 02/28/2023

Time: 02:00 PM

Location: 329 VIA VIDEOCONFERENCE

Committee: House Consumer Protection
& Commerce

Department: Education

Person Testifying: Keith T. Hayashi, Superintendent of Education

Title of Bill: HB 0846, HD2 RELATING TO TEACHERS.

Purpose of Bill: Enacts the interstate teacher mobility compact to reduce the barriers to teacher license portability and employment. Effective 6/30/3000. (HD2)

Department's Position:

The Hawaii State Department of Education (Department) provides comments regarding HB 846 HD 2, relating to the creation of a compact to facilitate the mobility of teachers across the member states, with the goal of supporting teachers through a new pathway to licensure.

The Department acknowledges that there is a shortage of teachers in certain subject areas and in rural or remote geographic areas within the Department's jurisdiction that leads to the hiring of individuals who are not certified to fill the shortage. This compact may allow more licensed out-of-state teachers to be quickly considered for hiring in these areas.

However, if the bill is approved, the Department defers to the Hawaii Teacher Standards Board regarding its proper implementation.

Thank you for the opportunity to provide comments on this measure.

**TESTIMONY OF EVAN OUE ON BEHALF OF THE HAWAII
ASSOCIATION FOR JUSTICE (HAJ) WITH COMMENTS ON
HB 846 HD2**

Hearing Date: Tuesday, February 28, 2023

Time: 2:00 P.m.

My name is Evan Oue and I am presenting this testimony on behalf of the Hawaii Association for Justice (HAJ) providing **COMMENTS** to HB 846 HD2, Relating to an Interstate Teacher Mobility Compact (ITMC).

HAJ understands and appreciates the intent of the measure, however, we **oppose HB 846 HD2** as it would provide members, officers, executive director, employees and representatives of the commission **immunity from suit in their personal or official capacity for any claim for damage to or loss of property or personal injury or other civil liability** caused by arising out of any actual or alleged act, error or omission that occurred with the scope of employment. Under the ITMC immunity from tort liability or civil liability resulting in death, injury to persons, or property damage except in cases of intentional or willful or wanton misconduct of that person. This language is overly broad and puts Hawaii residents at risk for injuries that could occur.

Specifically, Section (8)(1) on pages 22-23 of the bill provides that:

“The members, officers, executive director, employees and representatives of the commission **shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act**, error or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities;

provided that nothing in this paragraph shall be construed to protect any such person from suit or liability for any **damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person.**”

Primarily, our concern is that the bill grants overbroad immunity to officers or employees rendering aid pursuant to the ITMC for **negligent acts**. The exceptions to immunity only apply to **intentional or willful or wanton misconduct while omitting negligent acts** that could harm our residents. For example, if an officer or employee rendering aid pursuant to the ITMC commits negligent acts while rendering aid, they will be immune under this act – leaving no legal recourse for the individual who was harmed. This immunity would even apply if that same officer or employee, while driving, hits a pedestrian through a failure to exercise due care or negligent maintenance of a vehicle

The standard of care that should be applied in any given situation is based on the specific circumstance. Negligent acts cannot and should not be overlooked, without recourse for those harmed, especially for our residents. HAJ opposes this type of immunity for negligent acts or omissions to preserve the rights of our residents and individuals. While we support intergovernmental cooperation for teachers, it is not necessary to exempt our officers of the ITMC from negligent conduct.

HAJ respectfully recommends the bill be amended to delete Section (8)(A). Thank you for allowing us to testify regarding this measure. Please feel free to contact us should you have any questions or desire additional information.