

ACT 122

H.B. NO. 3432

A Bill for an Act Relating to School Personnel in the Department of Education.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Chapter 297, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**“§297- Certificates; revocation.** (a) The department may revoke any certificate after its issuance if the certificate holder does not possess the requisite qualifications. The department shall provide the certificate holder an opportunity to justify retaining the certificate before its revocation.

(b) Upon revocation of the certificate, the department may disclose the name, birthdate, Social Security number, and any other pertinent information about the former holder of the certificate related to the revocation for the purpose of exchanging information under chapter 315 with other national or state teacher certification agencies about school personnel who have had certificates revoked.”

SECTION 2. Section 297-2, Hawaii Revised Statutes, is amended to read as follows:

**“§297-2 Teachers; certificates[;], licenses, and credentials.** (a) No person shall serve as a teacher [before the 1997-1998 school year in any public school] in the department without first having obtained a certificate, license, or credential from the department [of education, which certificate shall be issued without cost to the teacher,] in such form as the department determines. The department shall establish types of certificates in the educational field and the requirements to qualify for those certificates[.] issued to teachers who are not required to obtain a license or credential pursuant to chapter 297D.

(b) Beginning with the 1997-1998 school year, no person [shall serve as a teacher in any public school] paid under the salary schedule contained in the unit 5 collective bargaining agreement shall serve as a teacher in the department without first having obtained a license or credential pursuant to chapter 297D from the department [of education] in such form as the department determines.”

SECTION 3. Section 297-4, Hawaii Revised Statutes, is amended to read as follows:

**“§297-4 Teaching without certificates[;], licenses, or credentials; penalty.** (a) Except as otherwise provided, before the 1997-1998 school year, whoever serves in the department as a teacher [in any public school] without holding an unrevoked certificate issued [hereunder,] under this chapter, shall be fined not more than \$25.

(b) Beginning with the 1997-1998 school year, whoever serves in the department as a teacher [in any public school], paid under the salary schedule contained in the unit 5 collective bargaining agreement, without holding an unrevoked or unsuspended license or credential issued under chapter 297D, shall be fined not more than \$500.

(c) Beginning with the 1997-1998 school year, whoever serves in the department as a teacher, not paid under the salary schedule contained in the unit 5 collective bargaining agreement, without holding an unrevoked certificate issued under this chapter, shall be fined not more than \$500.”

SECTION 4. If any provision of this Act, or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

SECTION 5. If S.B. No. 2446<sup>1</sup> is passed by the legislature in any form during this regular session of 1996, whether before or after the effective date of this Act, then sections -702 and -703, Hawaii Revised Statutes, as contained in section 2 of S.B. No. 2446<sup>1</sup> shall be amended to reflect the amendment of sections 297-2 and 297-4, Hawaii Revised Statutes, respectively, in this Act. The new section added to chapter 297, Hawaii Revised Statutes, by this Act shall be appropriately numbered and inserted in section 2 of S.B. No. 2446.<sup>1</sup>

SECTION 6. Statutory material to be repealed is bracketed. New statutory material is underscored.<sup>2</sup>

SECTION 7. This Act shall take effect upon its approval, except that section 2 shall take effect retroactive to July 1, 1995, and shall be repealed on June 30, 2000.

(Approved June 12, 1996.)

**Notes**

1. Act 89.

2. Edited pursuant to HRS §23G-16.5.