

ACT 193

H.B. NO. 2165

A Bill for an Act Relating to Education.

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

PART I

SECTION 1. Section 302A-602, Hawaii Revised Statutes, is amended to read as follows:

“§302A-602 Teachers; licenses and certificates[; licenses, and credentials]. (a) No person shall serve as a teacher in the department without first having obtained a license from the Hawaii teacher standards board in such form as the Hawaii teacher standards board determines. The department shall establish types of certificates in the educational field and the requirements to qualify for those certificates issued to individuals who are not required to obtain a license pursuant to sections 302A-801 to ~~[302A-809.]~~ 302A-808.

(b) Beginning with the 2002-2003 school year, no person 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 pursuant to sections 302A-801 to ~~[302A-809]~~ 302A-808 from the Hawaii teacher standards board in such form as the Hawaii teacher standards board determines.

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

SECTION 2. Section 302A-602.5, Hawaii Revised Statutes, is amended to read as follows:

“§302A-602.5 [Licenses;] Certificates; revocation. ~~[(a) The board may revoke any license after its issuance if the license holder does not possess the requisite qualifications. The board shall provide the license holder an opportunity to justify retaining the license before its revocation.]~~

~~(b) Upon revocation of the license, the board may disclose the name, birthdate, social security number, and any other pertinent information about the former holder of the license 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 licenses revoked.]~~ The department may revoke any certificate after its issuance if the certificate holder does not possess the requisite qualifications. For the purposes of this section, the term “certificate” does not include a license issued by the Hawaii teacher standards board pursuant to part III, subpart D.”

SECTION 3. Section 302A-603, Hawaii Revised Statutes, is amended to read as follows:

“§302A-603 Teaching without certificates or licenses; penalty. (a) Except as otherwise provided, before the 1997-1998 school year, whoever serves in the department as a teacher without holding an unrevoked certificate issued under sections 302A-602 to 302A-640, and 302A-701, shall be fined not more than \$25.

(b) Beginning with the [2002-2003] 1997-1998 school year, whoever serves in the department as a teacher, paid under the salary schedule contained in the unit 5 collective bargaining agreement, without holding an unrevoked or unsuspended license or credential issued under sections 302A-801 to [302A-809,] 302A-808, shall be fined not more than \$500.

(c) Beginning with the 2002-2003 school year, an individual [not] paid under the salary schedule contained in the unit 5 collective bargaining agreement, without holding an unrevoked [certificate] license issued under sections [302A-602 to 302A-640, and 302A-701,] 302A-801 to 302A-808, shall be fined not more than \$500.

(d) Beginning with the 2002-2003 school year, emergency hires shall not be subject to this penalty.”

SECTION 4. Section 302A-803, Hawaii Revised Statutes, is amended to read as follows:

“§302A-803 Powers and duties of the board. In addition to establishing standards for the issuance and renewal of licenses [and credentials] and any other powers and duties authorized by law, the board’s powers shall also include:

- (1) Setting and administering its own budget;
- (2) Adopting, amending, repealing, or suspending the policies, standards, or rules of the board in accordance with chapter 91;
- (3) Receiving grants or donations from private foundations, and state and federal funds;
- (4) Submitting an annual report to the governor and the legislature on the board’s operations and from the 2007-2008 school year, submitting a summary report every five years of the board’s accomplishment of objectives, efforts to improve or maintain teacher quality, and efforts to keep its operations responsive and efficient;
- (5) Conducting a cyclical review of standards and suggesting revisions for their improvement;
- (6) Establishing licensing [and credentialing] fees in accordance with chapter 91, including the collection of fees by means of mandatory payroll deductions, which shall subsequently be deposited into the state treasury and credited to the Hawaii teacher standards board revolving fund;
- (7) Establishing penalties in accordance with chapter 91;
- [(8)] ~~Granting extensions of credentials on a case-by-case basis pursuant to section 302A-805; provided that this paragraph shall be repealed on June 30, 2002;~~
- [(9)] (8) Issuing, renewing, revoking, suspending, and reinstating licenses [and credentials];
- [(10)] (9) Reviewing reports from the department [concerning the number of] on individuals hired on an emergency basis;
- [(11)] (10) Applying licensing [and credentialing] standards on a case-by-case basis and conducting licensing [and credentialing] evaluations;
- [(12)] (11) Preparing and disseminating teacher licensing information to schools and operational personnel;
- [(13)] (12) Approving teacher preparation programs;
- [(14)] (13) Administering reciprocity agreements with other states relative to licensing;

- [145] (14) Conducting research and development on teacher licensure systems, beginning teacher programs, the assessment of teaching skills, and other related topics;
- [146] (15) Participating in efforts relating to teacher quality issues, conducting professional development related to the board's standards, and promotion of high teacher standards and accomplished teaching; and
- [147] (16) Adopting applicable rules and procedures."

SECTION 5. Act 312, Session Laws of Hawaii 2001, is amended by amending section 14 to read as follows:

"SECTION 14. There is appropriated out of the general revenues of the State of Hawaii the sum of \$86,807, or so much thereof as may be necessary for fiscal year 2001-2002 to establish the technological and personnel infrastructure necessary to conduct the licensing and renewal function of the Hawaii teacher standards board including the hiring of staff and the sum of \$347,228, or so much thereof as may be necessary for fiscal year 2002-2003 to conduct the new functions of, including the hiring of staff for, the Hawaii teacher standards board. The department of education and the department of human resources development shall facilitate the transfer or establishment of positions as required by the Hawaii teacher standards board for this purpose. The department of education shall transfer one personnel specialist to the Hawaii teacher standards board on April 1, 2002.

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

SECTION 6. This part shall be applied only on a prospective basis.

PART II

SECTION 7. Chapter 302A, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§302A- Instructional materials. (a) Whenever used in this section, unless a different meaning clearly appears from the context:

"Braille" means the system of reading and writing through touch commonly known as standard English braille.

"Textbooks and other instructional materials" means any literary or nonliterary works obtained for use in a course of study.

(b) All publishers of textbooks or other instructional materials sold to the State or any local education agency shall furnish computer diskettes for literary subjects in the American Standard Code for Information Interchange from which braille versions can be produced. Publishers shall also furnish computer diskettes in American Standard Code for Information Interchange for nonliterary subjects including natural sciences, computer science, mathematics, and music when braille specialty code translation software is available.

(c) This section shall not apply to publishers of textbooks and other instructional materials written in the Hawaiian language."

PART III

SECTION 8. There is appropriated out of the Hawaii teacher standards board special fund the sum of \$850,000 or so much thereof as may be necessary for fiscal year 2002-2003 to conduct the functions of the board.

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

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SECTION 9. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.¹

SECTION 10. This Act shall take effect on July 1, 2002.

(Approved June 25, 2002.)

Note

1. Edited pursuant to HRS §23G-16.5.