

ACT 263

H.B. NO. 18

A Bill for an Act Relating to Education.

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

SECTION 1. In 2001, the twenty-first legislature of the State of Hawaii transferred the responsibility for the licensing of teachers from the department of education to the Hawaii teacher standards board. This was based on the recommendations made by the Hawaii Policy Group of the National Commission on Teaching and America's Future, a national organization with twenty-three partner states, including Hawaii. By authorizing the Hawaii teacher standards board to assume responsibility for teacher licensing, the legislature sought to strengthen the teaching profession by making it self-governing and accountable for who becomes and remains licensed to teach in Hawaii. Like other professional counterparts, such as the board of medical examiners for doctors and the Hawaii State Bar Association for lawyers, the Hawaii teacher standards board is authorized to issue, renew, revoke, suspend, and reinstate licenses for individuals desiring to pursue the licensed profession in our State.

Over the past four years, the Hawaii teacher standards board has carried out its licensing responsibilities as described by law and, in doing so, has learned that its statutory powers and duties now seem to require clarification. Specifically, the power to suspend its rules needs to be further clarified. Adding statutory language to this effect will help to expedite the Hawaii teacher standards board's ability to perform its duties.

The purpose of this Act is to:

- (1) Authorize the Hawaii teacher standards board to suspend its rules on a case by case basis when extenuating circumstances require it to do so; and
 - (2) Enable the Hawaii teacher standards board to amend certain fees and set or amend other charges related to the performance of its duties;
- provided that these actions shall be in accordance with chapter 92, Hawaii Revised Statutes.

SECTION 2. Section 302A-803, Hawaii Revised Statutes, is amended to read as follows:

“§302A-803 Powers and duties of the board. (a) In addition to establishing standards for the issuance and renewal of licenses 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, or repealing~~[-or suspending the policies, standards, or]~~ the 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 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 special fund;
- (7) Establishing penalties in accordance with chapter 91;
- (8) Issuing, renewing, revoking, suspending, and reinstating licenses;
- (9) Reviewing reports from the department on individuals hired on an emergency basis;
- (10) Applying licensing standards on a case-by-case basis and conducting licensing evaluations;
- (11) Preparing and disseminating teacher licensing information to schools and operational personnel;
- (12) Approving teacher preparation programs;
- (13) Administering reciprocity agreements with other states relative to licensing;
- (14) Conducting research and development on teacher licensure systems, beginning teacher programs, the assessment of teaching skills, and other related topics;
- (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
- (16) Adopting applicable rules and procedures.

(b) If, in accordance with chapter 92, the board determines, on a case by case basis, that extenuating circumstances exist to justify the suspension, the board may temporarily suspend its rules, or any portion thereof. The board shall establish, in accordance with chapter 91, procedures for the suspension of its rules. When determining whether to suspend its rules, the board shall also establish the length of time for which the suspension shall be in effect.

(c) The board, in accordance with chapter 92, may also amend licensing-related fees and set or amend other charges related to the performance of its duties."

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect on July 1, 2007; provided that on July 1, 2009, section 2 of this Act shall be repealed and section 302A-803, Hawaii Revised Statutes, shall be reenacted in the form in which it read on June 30, 2007.

(Approved July 7, 2007.)