

ACT 53

S.B. NO. 2262

A Bill for an Act Relating to the Hawaii Teacher Standards Board.

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

SECTION 1. Section 302A-802, Hawaii Revised Statutes, is amended to read as follows:

“§302A-802 Licensing and certification standards; policies. (a) The board shall establish licensing and certification standards that govern teacher licensing and certification in Hawaii. Licensing and certification standards established by the board shall be adopted as rules under chapter 91 unless otherwise specified in this subpart.

(b) In the development of its standards, the board shall consider the existing teacher applicant pool that is available in the State and the level of the qualification of these applicants, as well as the nature and availability of existing preservice teacher training programs.

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

- (1) Develop criteria allowing more individuals with trade or industry experience to teach in vocational, technical, and career pathway programs, and criteria for the issuance of permits allowing qualified individuals to teach when recommended by the superintendent or the commission, when appropriate. The department or the commission, when appropriate, shall be responsible for the review and acceptance of the relevant licenses, certificates, or other qualifications related to an individual’s vocational, technical, or career pathway education-related experience that the department or the commission, when appropriate, deems necessary for a permit. The department or the commission, when appropriate, shall have the authority to waive the requirement of a bachelor’s degree to teach in a vocation, technical, or career pathway education program;
- (2) Develop a plan to accept teachers from any state as long as they have completed state-approved teacher education programs and pass relevant Hawaii teacher examinations or their equivalent;
- (3) Clarify the requirements, on a state-by-state basis, for out-of-state licensed teachers to obtain a license in Hawaii;
- (4) Develop a plan to facilitate licensing for those who intend to teach in Hawaii immersion programs, the island of Niihau, or any other extraordinary situation as defined by the superintendent or the superintendent’s designee, or by the commission, when appropriate; [and]
- (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 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 certificates 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 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, the legislature, and the board of education on the board's operations and expenditures, 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 certification fees in accordance with chapter 91 and determining the manner by which fees are collected and subsequently deposited into the state treasury and credited to the general fund;
- (7) Establishing penalties in accordance with chapter 91;
- (8) Issuing, renewing, forfeiting, restoring, conditioning, revoking, suspending, and reinstating licenses~~;~~ and certificates;
- (9) Developing criteria for a full career and technical education license, limited to career and technical education teaching assignments, allowing qualified individuals with at least an associate's degree, coursework, industry experience, and content expertise to teach;
- (10) Reviewing reports from the department and commission on individuals hired on an emergency basis;
- (11) Applying licensing and certification standards on a case-by-case basis and conducting licensing and certification evaluations;
- (12) Preparing and disseminating teacher licensing and certification information to schools and operational personnel;
- (13) Approving teacher preparation programs;
- (14) Establishing policies and procedures for approving alternative pathways to teaching;
- (15) Administering reciprocity agreements with other states relative to licensing;
- (16) Conducting research and development on teacher licensure systems, beginning teacher programs, the assessment of teaching skills, and other related topics;
- (17) Participating in efforts relating to teacher quality issues, professional development related to the board's standards, and promotion of high teacher standards and accomplished teaching;
- (18) Upon declaration of a state of emergency pursuant to section 127A-14, extending the expiration date of any license, certificate, or permit until June 30 of the following school year;
- ~~(19)~~ (19) Adopting applicable rules and procedures; ~~and~~
- ~~(20)~~ (20) Adopting, amending, repealing, or suspending the policies and standards of the board~~[-]; and~~
- (21) Issuing and renewing an optional certificate for those who teach or intend to teach at private schools.

(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 and certification-related fees and set or amend other charges related to the performance of its duties.

(d) The board may delegate to its executive director, or other designee, any of its powers and duties as it deems reasonable and proper; provided that the delegation of powers and duties by the board shall be made in accordance with procedures set forth in this subsection. The board shall not delegate its discretionary functions resulting in a final decision in:

- (1) Adopting, amending, or repealing rules;
- (2) Ordering disciplinary action against a licensee, including license revocation or suspension, or the imposition of conditions or fines; provided that summary suspensions may be delegated; or
- (3) Denying permits [øf], licenses, or certificates, including license and certificate renewals and reinstatements, or otherwise conditioning permits [øf], licenses, or certificates unless the denying, or otherwise conditioning of a permit [øf], license, or certificate does not require the exercise of the board's expertise and discretion.

To delegate authority, the concurrence of a majority of the members to which the board is entitled shall be necessary for any action taken by the board to be valid. The board shall conduct its meetings to delegate powers and duties to its executive director, or other designee, in accordance with chapters 91 and 92.”

SECTION 3. 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 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, numbers of teachers teaching out-of-field, numbers and types of courses and classes taught by out-of-field teachers, and numbers and types of students taught by out-of-field teachers;
- (3) 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 department;
 - (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 department 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;
- (4) Submitting an annual report to the board documenting:

- (A) The number of emergency hires in department schools by subject matter areas and by school;
 - (B) The reasons and duration of employment for the emergency hiring enumerated in subparagraph (A); and
 - (C) The department's efforts to address the shortages described in subparagraph (A); and
- (5) Providing any other information requested by the board that is pertinent to its powers and duties.”
2. By amending subsection (d) to read:
- “(d) A charter school’s powers and duties under this subpart shall be limited to:
- (1) Except in emergency situations as described in this chapter, hiring licensed teachers to 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:
 - (A) The number of emergency hires in the charter school by subject matter areas;
 - (B) The reasons and duration of employment for the emergency hiring enumerated in subparagraph (A);
 - (C) The number of classrooms without a licensed teacher for a quarter or more;
 - (D) The number and type of courses and classes taught by out-of-field teachers; and
 - (E) The number and type of students taught by out-of-field teachers; and
 - (4) Providing any other information requested by the board that is pertinent to the charter school’s powers and duties.”

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval.

(Approved September 15, 2020.)