



GOV. MSG. NO. 1034

EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

July 7, 2007

The Honorable Colleen Hanabusa, President
and Members of the Senate
Twenty-Fourth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

This is to inform you that on July 7, 2007, the following bill was signed into law:

HB18 HD1 SD2

A BILL FOR AN ACT RELATING TO EDUCATION.
(ACT 263)

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Lingle".

LINDA LINGLE

A BILL FOR AN ACT

RELATING TO EDUCATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

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



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

9 The purpose of this Act is to:

- 10 (1) Authorize the Hawaii teacher standards board to
11 suspend its rules on a case by case basis when
12 extenuating circumstances require it to do so; and
13 (2) Enable the Hawaii teacher standards board to amend
14 certain fees and set or amend other charges related to
15 the performance of its duties;

16 provided that these actions shall be in accordance with chapter
17 92, Hawaii Revised Statutes.

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

20 "**§302A-803 Powers and duties of the board.** (a) In
21 addition to establishing standards for the issuance and renewal



1 of licenses and any other powers and duties authorized by law,
2 the board's powers shall also include:

3 (1) Setting and administering its own budget;

4 (2) Adopting, amending, or repealing [~~or suspending the~~
5 ~~policies, standards, or~~] the rules of the board in
6 accordance with chapter 91;

7 (3) Receiving grants or donations from private
8 foundations, and state and federal funds;

9 (4) Submitting an annual report to the governor and the
10 legislature on the board's operations and from the
11 2007-2008 school year, submitting a summary report
12 every five years of the board's accomplishment of
13 objectives, efforts to improve or maintain teacher
14 quality, and efforts to keep its operations responsive
15 and efficient;

16 (5) Conducting a cyclical review of standards and
17 suggesting revisions for their improvement;

18 (6) Establishing licensing fees in accordance with chapter
19 91, including the collection of fees by means of
20 mandatory payroll deductions, which shall subsequently
21 be deposited into the state treasury and credited to
22 the Hawaii teacher standards board special fund;



- 1 (7) Establishing penalties in accordance with chapter 91;
- 2 (8) Issuing, renewing, revoking, suspending, and
3 reinstating licenses;
- 4 (9) Reviewing reports from the department on individuals
5 hired on an emergency basis;
- 6 (10) Applying licensing standards on a case-by-case basis
7 and conducting licensing evaluations;
- 8 (11) Preparing and disseminating teacher licensing
9 information to schools and operational personnel;
- 10 (12) Approving teacher preparation programs;
- 11 (13) Administering reciprocity agreements with other states
12 relative to licensing;
- 13 (14) Conducting research and development on teacher
14 licensure systems, beginning teacher programs, the
15 assessment of teaching skills, and other related
16 topics;
- 17 (15) Participating in efforts relating to teacher quality
18 issues, conducting professional development related to
19 the board's standards, and promotion of high teacher
20 standards and accomplished teaching; and
- 21 (16) Adopting applicable rules and procedures.



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

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

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

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

APPROVED this 7 day of JUL , 2007



GOVERNOR OF THE STATE OF HAWAII

