
A BILL FOR AN ACT

RELATING TO THE HAWAII TEACHER STANDARDS BOARD.

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

1 SECTION 1. Section 302A-805, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§302A-805 Teachers; license required; renewals**~~[-]~~**;**
4 **criminal history record checks.** (a) Beginning July 1, 2002,
5 all new licenses shall be issued by the board. No person shall
6 serve as a half-time or full-time teacher in a public school
7 without first having obtained a license from the board under
8 this subpart. All licenses issued by the board shall be valid
9 only for the fields specified on the licenses and shall be
10 renewable every five years if the individual continues to:

- 11 (1) Satisfy the board's licensing standards;
12 (2) Show evidence of successful teaching in the previous
13 five years; and
14 (3) Satisfy the board's requirements for renewal of
15 licenses.

16 Teachers whose licenses expire on June 30, 2002, or June
17 30, 2003, shall be granted an automatic extension of two years.

18 No person shall be issued a license or teach on an emergency



1 basis in the public schools without having first paid the fees
2 established by the board in accordance with chapter 91.

3 (b) The board shall develop procedures for obtaining
4 verifiable information regarding the criminal history of persons
5 who hold or are seeking a license under this section. These
6 procedures shall include criminal history record checks in
7 accordance with section 846-2.7.

8 Information obtained pursuant to this subsection shall be
9 used exclusively by the board for the purpose of determining
10 whether a teacher's license shall be issued, renewed, suspended,
11 or revoked. These determinations shall be subject to applicable
12 federal laws and regulations currently or hereafter in effect.

13 The board shall adopt rules pursuant to chapter 91
14 necessary for the purposes of this subsection."

15 SECTION 2. Section 302A-807, Hawaii Revised Statutes, is
16 amended to read as follows:

17 **"§302A-807 Refusal, suspension, revocation, and**
18 **reinstatement of licenses.** (a) The board shall serve as the
19 final adjudicator for appeals relating to licensing, including
20 the issuance or nonissuance of licenses, and the suspension,
21 nonrenewal, and revocation of licenses.



1 (b) The board shall establish procedures for the conduct
2 of proceedings for the consideration of requests filed with the
3 board. In every case to revoke or suspend a license, the board
4 shall give the person concerned written notice that a request
5 has been filed with the board. The board shall conduct a
6 hearing in conformity with chapter 91, and shall provide for
7 confidentiality of the proceedings to protect the parties. In
8 all proceedings before it, the board may administer oaths,
9 compel the attendance of witnesses and production of documentary
10 evidence, and examine witnesses. In case of disobedience by any
11 person to any order of the board or to any subpoena issued by
12 the board, or the refusal of any witness to testify to any
13 matter that the person may be questioned lawfully, any circuit
14 judge, on application of the board or a member thereof, shall
15 compel obedience in the case of disobedience of the requirements
16 of a subpoena issued by a circuit court or a refusal to testify.

17 (c) Any applicant who has been refused a license, or any
18 licensee whose license has been suspended or revoked, shall have
19 the right to appeal the board's decision to the circuit court of
20 the circuit in which the applicant or licensee resides in the
21 manner provided in chapter 91; provided that out-of-state



1 resident applicants shall file their appeals in the first
2 circuit court.

3 (d) Upon revocation of a license, the board may disclose
4 the name, birthdate, social security number, and any other
5 pertinent information about the former holder of the license:

- 6 (1) To the department; and
- 7 (2) For the purpose of exchanging information under
8 chapter 315 with other national or state teacher
9 certification agencies about school personnel who have
10 had licenses revoked.

11 (e) The board shall not renew or reinstate, or shall deny
12 or suspend any license or application, if the board has received
13 certification from an administering entity pursuant to chapter
14 436C that the licensee or applicant is in default or breach of
15 any obligation under any student loan, student loan repayment
16 contract, or scholarship contract that financed the licensee's
17 or applicant's education, or has failed to comply with a
18 repayment plan.

19 The board in receipt of a certification pursuant to chapter
20 436C shall, as applicable, and without further review or
21 hearing:

- 22 (1) Suspend the license;



1 (2) Deny the application or request for renewal of the
2 license; or

3 (3) Deny the request for reinstatement of the license,
4 and unless otherwise provided by law, shall renew, reinstate, or
5 grant the license only upon receipt of an authorization from the
6 administering entity.

7 (f) The board may refuse to issue or renew a license or
8 suspend or revoke the license if the person has been convicted
9 of a crime, and if the board finds by reason of the nature and
10 circumstances of the crime that the person poses a risk to the
11 health, safety, or well-being of children."

12 SECTION 3. This Act does not affect rights and duties that
13 matured, penalties that were incurred, and proceedings that were
14 begun, before its effective date.

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

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

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INTRODUCED BY:



Report Title:

Teachers; Criminal Records

Description:

Requires the Hawaii teacher standards board to adopt rules necessary to ensure that a license is not issued or renewed or is suspended or revoked if the person is convicted of a crime if the board finds by reason of the nature and circumstances of the crime that the person poses a risk to the health, safety, or well-being of children.

