



GOV. MSG. NO. 833

EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

July 15, 2009

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

Dear Madam President and Members of the Senate:

I am transmitting herewith SB1250 SD1 HD1 CD1, without my approval, and with the statement of objections relating to the measure.

SB1250 SD1 HD1 CD1

A BILL FOR AN ACT
RELATING TO EDUCATION.

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Lingle", written over the printed name.

LINDA LINGLE

EXECUTIVE CHAMBERS

HONOLULU

July 15, 2009

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 1250

Honorable Members
Twenty-Fifth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 1250, entitled "A Bill for an Act Relating to Education."

The purpose of this bill is to clarify that no individual may be employed by the Department of Education as a teacher on an emergency basis for more than four years in the aggregate and that during the time the individual is so employed, the individual shall demonstrate active pursuit of licensing as a teacher in each year of employment.

This bill is objectionable because section 302A-804, Hawaii Revised Statutes, was amended last year to limit the employment of an individual as a teacher on an emergency basis to no more than three years. This aligns Hawaii's teacher licensure requirements with the criteria for highly qualified teachers, as prescribed by the federal No Child Left Behind (NCLB) Act of 2001. Increasing the number of years that unlicensed, emergency hire teachers are allowed to teach in the classroom from three to four years misaligns State law with federal requirements that stipulate licensure in three years. This could also jeopardize federal funding under Title II of the NCLB Act and federal competitive funds available under the American Recovery and Reinvestment Act.

Furthermore, this bill amends section 302A-804 to state that individuals may be employed on an emergency basis by the

STATEMENT OF OBJECTIONS
SENATE BILL NO. 1250
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Department of Education for no more than four years in the aggregate "beginning July 1, 2009." The amendment could be read to mean that even though an individual has worked for several years on an emergency basis as a teacher before July 1, 2009, that individual will be able to work on an emergency basis as an unlicensed teacher for an additional four years beginning on July 1, 2009. The latter possible interpretation is unacceptable.

For the foregoing reasons, I am returning Senate Bill 1250 without my approval.

Respectfully,

A handwritten signature in black ink, appearing to read "Linda Lingle", written over the printed name.

LINDA LINGLE
Governor of Hawaii

A BILL FOR AN ACT

RELATING TO EDUCATION.

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

1 SECTION 1. The legislature finds that Act 125, Session
2 Laws of Hawaii 2008, aligned Hawaii's teacher licensure
3 requirements with the criteria for highly qualified teachers as
4 prescribed by the No Child Left Behind Act.

5 The purpose of this Act is to clarify that no individual
6 may be employed by the department of education on an emergency
7 basis for more than four years in the aggregate, beginning
8 July 1, 2009.

9 SECTION 2. Section 302A-804, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "**§302A-804 Powers and duties of the department.** The
12 department shall retain all of its rights and powers except for
13 the authority provided to the board under this subpart. The
14 department's powers and duties under this subpart shall be
15 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, including the identification of shortage areas, out-of-field teaching assignments, 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~~] four



1 years[-] in the aggregate, beginning July 1,
2 2009. During this time, the individual shall
3 demonstrate active pursuit of licensing in each
4 year of employment; [and

5 ~~(D) Notwithstanding subparagraph (3)(C), unlicensed~~
6 ~~individuals who have been hired on an emergency~~
7 ~~basis prior to July 1, 2008, shall attain~~
8 ~~licensure no later than four years from the date~~
9 ~~of their employment;]~~

10 (4) Submitting an annual report to the board documenting:

11 (A) The number of emergency hires by subject matter
12 areas and by schools;

13 (B) The reasons and duration of employment for the
14 emergency hiring enumerated in subparagraph (A);

15 (C) Individual progress toward licensing; and

16 (D) The department's efforts to address the shortages
17 described in subparagraph (A);

18 and

19 (5) Providing any other information requested by the board
20 that is pertinent to its powers and duties."

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



1 SECTION 4. This Act shall take effect on July 1, 2009.

