



EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

September 15, 2020

GOV. MSG. NO. 1158

The Honorable Ronald D. Kouchi,
President
and Members of the Senate
Thirtieth State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,
Speaker and Members of the
House of Representatives
Thirtieth State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on September 15, 2020, the following bill was signed into law:

SB2262 SD1 HD2

RELATING TO THE HAWAII TEACHER
STANDARDS BOARD.

Act 053 (20)

Sincerely,

DAVID Y. IGE
Governor, State of Hawai'i

Approved by the Governor

on SEP 15 2020

THE SENATE
THIRTIETH LEGISLATURE, 2020
STATE OF HAWAII

ACT 053
S.B. NO. 2262
S.D. 1
H.D. 2

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-802, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§302A-802 Licensing and certification standards;**
4 **policies.** (a) The board shall establish licensing and
5 certification standards that govern teacher licensing and
6 certification in Hawaii. Licensing and certification standards
7 established by the board shall be adopted as rules under chapter
8 91 unless otherwise specified in this subpart.

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

14 (c) The board shall adopt policies, exempt from chapters
15 91 and 92, to initiate the following:

16 (1) Develop criteria allowing more individuals with trade
17 or industry experience to teach in vocational,



1 technical, and career pathway programs, and criteria
2 for the issuance of permits allowing qualified
3 individuals to teach when recommended by the
4 superintendent or the commission, when appropriate.
5 The department or the commission, when appropriate,
6 shall be responsible for the review and acceptance of
7 the relevant licenses, certificates, or other
8 qualifications related to an individual's vocational,
9 technical, or career pathway education-related
10 experience that the department or the commission, when
11 appropriate, deems necessary for a permit. The
12 department or the commission, when appropriate, shall
13 have the authority to waive the requirement of a
14 bachelor's degree to teach in a vocation, technical,
15 or career pathway education program;
16 (2) Develop a plan to accept teachers from any state as
17 long as they have completed state-approved teacher
18 education programs and pass relevant Hawaii teacher
19 examinations or their equivalent;



- 1 (3) Clarify the requirements, on a state-by-state basis,
2 for out-of-state licensed teachers to obtain a license
3 in Hawaii;
- 4 (4) Develop a plan to facilitate licensing for those who
5 intend to teach in Hawaii immersion programs, the
6 island of Niihau, or any other extraordinary situation
7 as defined by the superintendent or the
8 superintendent's designee, or by the commission, when
9 appropriate; [~~and~~]
- 10 (5) Pursue full teacher license reciprocity with all other
11 states[~~-~~]; and
- 12 (6) Develop a plan to facilitate an optional certification
13 for those who teach or intend to teach at private
14 schools."

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

17 "**§302A-803 Powers and duties of the board.** (a) In
18 addition to establishing standards for the issuance and renewal
19 of licenses and certificates and any other powers and duties
20 authorized by law, the board's powers shall also include:

- 21 (1) Setting and administering its own budget;



- 1 (2) Adopting, amending, or repealing the rules of the
- 2 board in accordance with chapter 91;
- 3 (3) Receiving grants or donations from private
- 4 foundations, and state and federal funds;
- 5 (4) Submitting an annual report to the governor, the
- 6 legislature, and the board of education on the board's
- 7 operations and expenditures, and from the 2007-2008
- 8 school year, submitting a summary report every five
- 9 years of the board's accomplishment of objectives,
- 10 efforts to improve or maintain teacher quality, and
- 11 efforts to keep its operations responsive and
- 12 efficient;
- 13 (5) Conducting a cyclical review of standards and
- 14 suggesting revisions for their improvement;
- 15 (6) Establishing licensing and certification fees in
- 16 accordance with chapter 91 and determining the manner
- 17 by which fees are collected and subsequently deposited
- 18 into the state treasury and credited to the general
- 19 fund;
- 20 (7) Establishing penalties in accordance with chapter 91;



- 1 (8) Issuing, renewing, forfeiting, restoring,
2 conditioning, revoking, suspending, and reinstating
3 licenses[?] and certificates;
- 4 (9) Developing criteria for a full career and technical
5 education license, limited to career and technical
6 education teaching assignments, allowing qualified
7 individuals with at least an associate's degree,
8 coursework, industry experience, and content expertise
9 to teach;
- 10 (10) Reviewing reports from the department and commission
11 on individuals hired on an emergency basis;
- 12 (11) Applying licensing and certification standards on a
13 case-by-case basis and conducting licensing and
14 certification evaluations;
- 15 (12) Preparing and disseminating teacher licensing and
16 certification information to schools and operational
17 personnel;
- 18 (13) Approving teacher preparation programs;
- 19 (14) Establishing policies and procedures for approving
20 alternative pathways to teaching;



- 1 (15) Administering reciprocity agreements with other states
2 relative to licensing;
- 3 (16) Conducting research and development on teacher
4 licensure systems, beginning teacher programs, the
5 assessment of teaching skills, and other related
6 topics;
- 7 (17) Participating in efforts relating to teacher quality
8 issues, professional development related to the
9 board's standards, and promotion of high teacher
10 standards and accomplished teaching;
- 11 (18) Upon declaration of a state of emergency pursuant to
12 section 127A-14, extending the expiration date of any
13 license, certificate, or permit until June 30 of the
14 following school year;
- 15 [~~18~~] (19) Adopting applicable rules and procedures; [and]
16 [~~19~~] (20) Adopting, amending, repealing, or suspending the
17 policies and standards of the board[-]; and
- 18 (21) Issuing and renewing an optional certificate for those
19 who teach or intend to teach at private schools.
- 20 (b) If, in accordance with chapter 92, the board
21 determines, on a case-by-case basis, that extenuating



1 circumstances exist to justify the suspension, the board may
2 temporarily suspend its rules, or any portion thereof. The
3 board shall establish, in accordance with chapter 91, procedures
4 for the suspension of its rules. When determining whether to
5 suspend its rules, the board shall also establish the length of
6 time for which the suspension shall be in effect.

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

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

- 17 (1) Adopting, amending, or repealing rules;
- 18 (2) Ordering disciplinary action against a licensee,
19 including license revocation or suspension, or the
20 imposition of conditions or fines; provided that
21 summary suspensions may be delegated; or



1 (3) Denying permits [~~or~~], licenses, or certificates,
2 including license and certificate renewals and
3 reinstatements, or otherwise conditioning permits
4 [~~or~~], licenses, or certificates unless the denying, or
5 otherwise conditioning of a permit [~~or~~], license, or
6 certificate does not require the exercise of the
7 board's expertise and discretion.

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

14 SECTION 3. Section 302A-804, Hawaii Revised Statutes, is
15 amended as follows:

16 1. By amending subsection (b) to read:

17 "(b) The department's powers and duties under this subpart
18 shall be limited to:

19 (1) Hiring, except in emergency situations as described in
20 this chapter, licensed teachers to teach in their
21 fields of licensing;



- 1 (2) Reporting data annually to the board about the supply
2 of, and demand for, teachers in department schools,
3 including the identification of shortage areas, out-
4 of-field teaching assignments, number of classrooms
5 without a licensed teacher for a quarter or more,
6 numbers of teachers teaching out-of-field, numbers and
7 types of courses and classes taught by out-of-field
8 teachers, and numbers and types of students taught by
9 out-of-field teachers;
- 10 (3) On an emergency and case-by-case basis, hiring
11 unlicensed individuals; provided that:
- 12 (A) A list of the names, work sites, teaching
13 assignments, and progress toward licensing of
14 these individuals shall be reported to the board
15 and any changes shall be updated on a monthly
16 basis by the department;
- 17 (B) There are no properly licensed teachers for the
18 specific assignments for which the individuals
19 are being hired; and
- 20 (C) No individual may be employed by the department
21 on an emergency basis for more than three



- 1 years[-]; provided that in the case of a
2 declaration of a state of emergency pursuant to
3 section 127A-14, the board, pursuant to its
4 powers in section 302A-803(a)(18), may extend the
5 three-year period by authorizing an extension to
6 complete licensing requirements. During this
7 time, the individual shall demonstrate active
8 pursuit of licensing in each year of employment;
- 9 (4) Submitting an annual report to the board documenting:
- 10 (A) The number of emergency hires in department
11 schools by subject matter areas and by school;
- 12 (B) The reasons and duration of employment for the
13 emergency hiring enumerated in subparagraph (A);
14 and
- 15 (C) The department's efforts to address the shortages
16 described in subparagraph (A); and
- 17 (5) Providing any other information requested by the board
18 that is pertinent to its powers and duties."
- 19 2. By amending subsection (d) to read:
- 20 "(d) A charter school's powers and duties under this
21 subpart shall be limited to:



- 1 (1) Except in emergency situations as described in this
2 chapter, hiring licensed teachers to teach in their
3 fields of licensing;
- 4 (2) On an emergency and case-by-case basis, hiring
5 unlicensed individuals; provided that:
- 6 (A) A list of the names, work sites, teaching
7 assignments, and progress toward licensing of
8 these individuals shall be reported to the board
9 and any changes shall be updated on a monthly
10 basis by the charter schools;
- 11 (B) There are no properly licensed teachers for the
12 specific assignments for which the individuals
13 are being hired; and
- 14 (C) No individual may be employed by the charter
15 school on an emergency basis for more than three
16 years[-]; provided that in the case of a
17 declaration of a state of emergency pursuant to
18 section 127A-14, the board, pursuant to its
19 powers in section 302A-803(a)(18), may extend the
20 three-year period by authorizing an extension to
21 complete licensing requirements. During this



- 1 time, the individual shall demonstrate active
- 2 pursuit of licensing in each year of employment;
- 3 (3) Submitting an annual report to the board documenting:
- 4 (A) The number of emergency hires in the charter
- 5 school by subject matter areas;
- 6 (B) The reasons and duration of employment for the
- 7 emergency hiring enumerated in subparagraph (A);
- 8 (C) The number of classrooms without a licensed
- 9 teacher for a quarter or more;
- 10 (D) The number and type of courses and classes taught
- 11 by out-of-field teachers; and
- 12 (E) The number and type of students taught by out-of-
- 13 field teachers; and
- 14 (4) Providing any other information requested by the board
- 15 that is pertinent to the charter school's powers and
- 16 duties."

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

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

APPROVED this 15 day of SEP, 2020

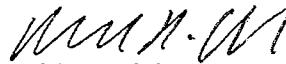


GOVERNOR OF THE STATE OF HAWAII

THE SENATE OF THE STATE OF HAWAI'I

Date: July 10, 2020
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirtieth Legislature of the State of Hawai'i, Regular Session of 2020.



President of the Senate



Clerk of the Senate


THE HOUSE OF REPRESENTATIVES OF THE
STATE OF HAWAII

Date: July 6, 2020
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Third Reading in the House of Representatives of the Thirtieth Legislature of the State of Hawaii, Regular Session of 2020.



Scott K. Saiki
Speaker
House of Representatives



Brian L. Takeshita
Chief Clerk
House of Representatives