

JOSH GREEN, M.D.
GOVERNOR



KEITH T. HAYASHI
SUPERINTENDENT

STATE OF HAWAII
DEPARTMENT OF EDUCATION
KA 'OIHANA HO'ONA'AUAO
P.O. BOX 2360
HONOLULU, HAWAII 96804

Date: 02/06/2024

Time: 02:00 PM

Location: 309 VIA VIDEOCONFERENCE

Committee: House Education

Department: Education

Person Testifying: Keith T. Hayashi, Superintendent of Education

Title of Bill: HB 2661 RELATING TO TEACHERS.

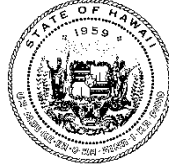
Purpose of Bill: Enacts the Interstate Teacher Mobility Compact to reduce barriers to teacher license portability and employment.

Department's Position:

The Hawaii State Department of Education (Department) supports HB 2661. The portability of a teaching license from one state to another remains a major impediment to employment for job-seekers. This compact would provide more transparency and enable job seekers to easily gain employment and licensure without disruption.

Streamlining the licensure process and creating an interstate compact would help to ease this recurrent problem. If the bill is approved, the Department of Education defers to the Hawaii Teacher Standards Board regarding its proper implementation.

Thank you for the opportunity to provide testimony on HB 2661.



STATE OF HAWAII
HAWAII TEACHER STANDARDS BOARD
650 IWILEI ROAD, SUITE 268
HONOLULU, HAWAII 96817

WRITTEN TESTIMONY BEFORE THE HOUSE COMMITTEE ON EDUCATION

PERSON TESTIFYING: Mitzie Higa, Licensing Specialist, on behalf of the Hawai'i Teacher Standard Board (HTSB)

DATE: February 6, 2024

TIME: 2:00 pm

LOCATION: Conference Room 309 and Video Conference

TITLE OF BILL: HB2661 RELATING TO TEACHERS, Education; Teachers; Interstate Compact

PURPOSE OF BILL: Enacts the Interstate Teacher Mobility Compact to reduce barriers to teacher license portability and employment.

POSITION: Comments

Chair Woodson and Members of the Committee;

The Hawai'i Teacher Standards Board (HTSB) offers comments on HB2661, relating to teachers.

The HTSB envisions a highly esteemed Hawaii public education system with rigorous professional teacher standards that foster student success and provide every child in Hawaii with qualified teachers.

The HTSB approves the intent and purpose of this bill but continues to seek further clarification, discussion, and additional insight on how to make the language in the Interstate Teacher Mobility Compact (ITMC) better align with the current HTSB licensing requirements, as put forth in said Rules and/or policies.

- No additional documents can be required to determine if the licensure criteria are equivalent to a Hawaii license (e.g., is a Standard license from another state/jurisdiction equivalent to a Hawaii Standard License?).
- The current ITMC language does not identify that the bachelor's degree is awarded from an accredited institution.
- Currently, requirements that define a state-approved program for teacher licensure differ from state-to-state in both rigor and quality.
- Currently, HTSB licenses thousands of teachers who are not teaching in Hawaii. This is not addressing Hawaii's teacher shortage.
- HTSB does not have the authority to complete background checks at licensure.
- ITMC still has not identified any associated cost(s). Some states told us at a recent conference that they have lost money and positions already due to this compact, and that concerns us.

Currently, HTSB's processing time for applications is less than 6 weeks and HTSB honors reciprocity with most states and jurisdictions. The Board believes that this bill has merit which warrants further discussion.

Thank you for the opportunity to provide testimony on HB2661.

**TESTIMONY OF EVAN OUE ON BEHALF OF THE
HAWAII ASSOCIATION FOR JUSTICE (HAJ) WITH
COMMENTS ON HB 2661**

Hearing Date: Tuesday, February 6, 2024

Time: 2:00 p.m.

My name is Evan Oue and I am presenting this testimony on behalf of the Hawaii Association for Justice (HAJ) providing **COMMENTS** to HB 2661, Relating to an Interstate Teacher Mobility Compact (ITMC).

HAJ understands and appreciates the intent of the measure, however, we **are very concerned with HB 2661** as it would provide members, officers, executive directors, employees and representatives of the commission **immunity from suit in their personal or official capacity for any claim for damage to or loss of property or personal injury or other civil liability** caused by arising out of any actual or alleged act, error or omission that occurred within the scope of employment. However, the ITMC grants immunity from tort liability or civil liability resulting in death, injury to persons, or property damage except in cases of intentional or willful or wanton misconduct of that person. This language is overly broad and puts Hawaii residents at risk for injuries that could occur.

Specifically, Section (g)(1) on pages 22-23 of the bill provides that:

“The members, officers, executive directors, employees and representatives of the commission **shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act**, error or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities;

provided that nothing in this paragraph shall be construed to protect any such person from suit or liability for any **damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person.**”

Primarily, our concern is that the bill grants overbroad immunity to officers or employees rendering aid pursuant to the ITMC for **negligent acts**. The exceptions to immunity only apply to **intentional or willful or wanton misconduct while omitting negligent acts** that could harm our residents. For example, if an officer or employee rendering aid pursuant to the ITMC commits negligent acts while rendering aid, they will be immune under this act – leaving no legal recourse for the individual who was harmed. This immunity would even apply if that same officer or employee, while driving, hits a pedestrian through a failure to exercise due care or negligent maintenance of a vehicle.

The standard of care that should be applied in any given situation is based on the specific circumstance. Negligent acts cannot and should not be overlooked, without recourse for those harmed, especially for our residents. HAJ opposes this type of immunity for negligent acts or omissions to preserve the rights of our residents and individuals. While we support intergovernmental cooperation for teachers, it is not necessary to exempt our officers of the ITMC from negligent conduct.

HAJ respectfully recommends the bill be amended to delete Section (g)(1) on pages 22-23. Thank you for allowing us to testify regarding this measure. Please feel free to contact us should you have any questions or desire additional information.

HB-2661

Submitted on: 2/3/2024 11:09:52 PM

Testimony for EDN on 2/6/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kahea Faria	Individual	Comments	Written Testimony Only

Comments:

Aloha Committee Members,

I humbly request that existing policies addressing the intention of this bill be considered in place of this proposed bill.

Thank you for the opportunity to provide testimony, and for your consideration of this request.