

ACT 240

S.B. NO. 1298

A Bill for an Act Relating to the Hawaii Teacher Standards Board.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

**“CHAPTER
HAWAII TEACHER STANDARDS BOARD**

§ -1 Purpose and findings. The purpose of this chapter is to transfer the responsibility for setting public school teacher certification standards from the department of education to the Hawaii teacher standards board. By transferring the authority to set certification standards from the department of education to the teacher standards board, the profession of teaching will attain a status comparable to that of other professions. The attainment of this status will ensure that qualified teachers will be employed to educate Hawaii’s public school children.

Teacher standards have two objectives. The first objective is to provide every child in Hawaii with a teacher who is qualified to practice the profession of teaching. Because every child is compelled to attend school, no child should have to attend a classroom conducted by someone who has not been determined, in advance, to be qualified to practice this profession. The second objective is to establish public confidence in the teaching profession. To that end, all educators will be required to receive a license or credential from the teacher standards board qualifying them to teach in the school system.

The legislature finds that the provision of a quality education for the children of Hawaii is a critical function of state government. It is vitally important that the highest possible standards be applied to the training of teachers and the screening of teacher applicants. In light of national efforts to establish certificates for currently employed teachers, the legislature finds that a Hawaii teacher standards board will provide more public accountability when the State sets standards for teacher applicants, and will ensure a higher level of professionalism and excellence.

§ -2 Definitions. As used in this chapter:

“Board” means the Hawaii teacher standards board.

“Credential” means an emergency or temporary license issued under this chapter based on standards and guidelines set by the board.

“Department” means the department of education.

“License” means the document signifying the board’s grant of permission to practice the profession of teaching.

“Superintendent” means the superintendent of education.

“Teacher” means an employee of the department of education paid under the salary schedule contained in the unit 5 collective bargaining agreement.

§ -3 Hawaii teacher standards board established. (a) There is established the Hawaii teacher standards board, which shall be placed within the department of education for administrative purposes only. The board shall consist of nine members, including four certified teachers, three educational officers, the chairperson of the board of education or the chairperson’s designee, and the dean of the University of Hawaii college of education or the dean’s designee.

(b) Except for the chairperson of the board of education, and the dean of the college of education, the governor shall appoint the members of the board pursuant to section 26-34, from a list of qualified nominees submitted to the governor by the departments, agencies, and organizations representative of the constituencies of the board. To the extent possible, the board membership shall reflect representation of elementary and secondary school personnel and the neighbor islands.

(c) Appointed board members shall serve three-year terms.

(d) Board members shall receive no compensation. When board duties require that a member take leave of the member’s duties as a state employee, the appropriate state department shall allow the member to be placed on administrative leave with pay and shall provide substitutes, when necessary, to perform that

member's duties. Board members shall be reimbursed for necessary travel expenses incurred in the conduct of official board business.

(e) The chairperson of the board shall be designated by the members of the board.

§ -4 Licensing and credentialing standards. (a) The board shall establish licensing and credentialing standards that govern teacher licensing and credentialing within the department. Licensing and credentialing standards established by the board shall be adopted as rules under chapter 91.

(b) In the development of its standards, the board shall consider the existing teacher applicant pool that is available in the State and the level of the qualifications of these applicants, as well as the nature and availability of existing pre-service higher education teacher training programs. The board shall also consider alternative certification, such as national teacher examinations, and credentials that certify competency in subject areas or programs taught in the public schools.

§ -5 Powers and duties of the board. In addition to establishing standards for the issuance of licenses and credentials, the board's powers shall also include:

- (1) Setting and administering its own budget;
- (2) Adopting, amending, repealing, or suspending the policies, standards, or rules of the board in accordance with chapter 91;
- (3) Receiving grants or donations from private foundations;
- (4) Submitting an annual report to the governor and the legislature on the board's operations;
- (5) Conducting a cyclical review of standards and suggesting revisions for their improvement;
- (6) Establishing licensing and credentialing fees in accordance with chapter 91; and
- (7) Establishing penalties in accordance with chapter 91.

§ -6 Powers and duties of the department of education. The department of education shall retain all of its rights and powers except for the authority provided to the Hawaii teacher standards board under this chapter. The department's powers and duties under this chapter shall be limited to administering the teacher licensing and credentialing process, including:

- (1) Issuing, renewing, revoking, suspending, and reinstating licenses and credentials;
- (2) Issuing credentials, not to exceed one year at a time, pending the submittal of transcripts and other documentation;
- (3) Issuing credentials, not to exceed one year at a time, to fill vacancies only after exhausting all reasonable recruitment means to find qualified, interested, and acceptable candidates;
- (4) Applying licensing and credentialing standards on a case-by-case basis and conducting licensing and credentialing evaluations;
- (5) Preparing and disseminating teacher licensing and credentialing information to schools and operational personnel;
- (6) Developing applicable rules and procedures;
- (7) Administering reciprocity agreements with other states; and
- (8) Implementing changes made by the board to licensing and credentialing standards.

§ -7 Teachers; license required; renewals. (a) Beginning with the 1997-1998 school year, no person shall serve as a teacher in a public school without first

having obtained a license or credential from the department under this chapter. All licenses issued by the department shall be renewable every five years; provided the licensee continues to satisfy the board's licensing standards. All credentials issued by the department shall be renewable every year, up to a maximum of three years; provided the credential holder continues to satisfy the board's credentialing standards and actively pursues appropriate licensing.

(b) No person shall be issued a license or credential without having first paid the fee established by the board in accordance with chapter 91.

§ -8 **Hawaii teacher standards board revolving fund.** There is established within the state treasury a revolving fund to be known as the Hawaii teacher standards board revolving fund, into which shall be deposited all fees collected pursuant to section -7, and all other moneys received by the board in the form of appropriations, fines, grants, or donations. The revolving fund shall be administered by the department and used to pay the expenses of the board, including but not limited to the payment of all operational and personnel costs, and reimbursements to board members for travel expenses incurred.

§ -9 **Refusal, suspension, revocation, and reinstatement of licenses.** (a) The superintendent shall serve as the final adjudicator for appeals relating to licensing and credentialing, including but not limited to the issuance or nonissuance of licenses and credentials, and the suspension, nonrenewal, and revocation of licenses and credentials.

(b) The superintendent shall establish procedures for the conduct of proceedings for the consideration of requests filed with the department. In every case to revoke or suspend a license or credential, the superintendent shall give the person concerned written notice and a hearing in conformity with chapter 91, and the superintendent shall provide for confidentiality of the proceedings to protect the parties. In all proceedings before it, the superintendent may administer oaths, compel the attendance of witnesses and production of documentary evidence, and examine witnesses. In case of disobedience by any person to any order of the superintendent or to any subpoena issued by the superintendent, or the refusal of any witness to testify to any matter that the person may be questioned lawfully, any circuit judge, on application of the board or a member thereof, shall compel obedience in the case of disobedience of the requirements of a subpoena issued by a circuit court or a refusal to testify.

(c) Any applicant who has been refused a license or credential, or any licensee or credential holder whose license or credential has been suspended or revoked, shall have the right to appeal the superintendent's decision to the circuit court of the circuit in which the applicant, licensee, or credential holder resides in the manner provided in chapter 91.

(d) Upon revocation of a license or credential, the department may disclose the name, birthdate, social security number, and any other pertinent information about the former holder of the license or credential for the purpose of exchanging information under chapter 315 with other national or state teacher certification agencies about school personnel who have had licenses, credentials, or other certificates revoked.

§ -10 **Penalty.** Any person who engages in the profession of teaching in a public school without first being issued a license or credential shall be fined not more than \$500. Any person who knowingly or intentionally violates this chapter by employing an individual as a public school teacher who does not possess a valid license or credential may be fined not more than \$500. All fines shall be deposited into the Hawaii teacher standards board revolving fund."

SECTION 3.¹ Section 297-2, Hawaii Revised Statutes, is amended to read as follows:

“§297-2 Teachers; [qualifications;] certificates[.]; licenses and credentials. No person shall serve as a teacher before the 1997-1998 school year in any public school without first having obtained a certificate from the department of education, which certificate shall be issued without cost to the teacher, in such form as the department determines. The department shall establish types of certificates in the educational field and the requirements to qualify for those certificates.

Beginning with the 1997-1998 school year, no person shall serve as a teacher in any public school without first having obtained a license or credential pursuant to chapter _____ from the department of education in such form as the department determines.”

SECTION 4. Section 297-4, Hawaii Revised Statutes, is amended to read as follows:

“§297-4 Teaching without certificates; licenses or credentials; penalty. Except as otherwise provided, before the 1997-1998 school year, whoever serves as a teacher[,] in any public school without holding an unrevoked certificate issued hereunder, shall be fined not more than \$25.

Beginning with the 1997-1998 school year, whoever serves as a teacher in any public school without holding an unrevoked or unsuspended license or credential issued under chapter _____, shall be fined not more than \$500.”

SECTION 5. Section 297-3, Hawaii Revised Statutes, is repealed.

SECTION 6. The department of education, upon request by the Hawaii teacher standards board, shall provide information relating to currently certified teachers as the board deems necessary to carry out its duties under this Act.

SECTION 7. The Hawaii teacher standards board shall submit a status report to the legislature at least twenty days prior to the convening of the regular session of 1996. The report shall include the status of the development of board rules, licensing and credentialing standards, and other administrative policies that may be adopted by the board.

SECTION 8. The department of education shall transfer \$20,000 in fiscal year 1995-1996, and the same sum in fiscal year 1996-1997, from the allotment made to teacher improvement services from the general fund appropriation made for instructional support (EDN 200), to the Hawaii teacher standards board revolving fund for the purposes of this Act.

SECTION 9. Teacher certification standards in effect on June 30, 1995, shall remain in effect until new standards are adopted by the Hawaii teacher standards board. Any person teaching in a public school who holds a teacher certificate issued by the department of education before the beginning of the 1997-1998 school year, shall be deemed qualified for a teacher license or credential, as appropriate, and the department of education shall issue to the person a license or credential to be effective at the beginning of the 1997-1998 school year pursuant to this Act.

SECTION 10. If any provision of this Act, or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions

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or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

SECTION 11. Statutory material to be repealed is bracketed.² New statutory material is underscored.

SECTION 12. This Act shall take effect on July 1, 1995, and shall be repealed on June 30, 2000.

(Approved June 29, 1995.)

Notes

1. There is no section 2.
2. Edited pursuant to HRS §23G-16.5.