

A Bill for an Act Relating to Education.

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

PART I  
PURPOSE

SECTION 1. Hawaii depends on teachers to produce the intellectual capital that is the foundation of the State’s future. Virtually everyone will agree that effective teaching is of high importance in the development of a successful educational system. Although the State values its teachers there is much more that can be done to:

- (1) Recruit teachers aggressively;
- (2) Compensate teachers in accordance with their value;
- (3) Support teachers to further develop their craft; and
- (4) Create vehicles for them to share their expertise.

Due to the State’s teacher shortage, these are not issues that can wait. New federal mandates such as the No Child Left Behind Act require the states to achieve certain goals and maintain them. Without proper staffing with quality instructors and a means to attract such personnel, the State will certainly fall behind in meeting the national standards.

It is not only regular education classrooms that suffer from a shortage of teachers. Alternative learning environments such as the comprehensive school alienation program do as well. Students eligible for such programs often require additional personal attention from their instructors. If they do not receive it or cannot be placed in such specialized programs due to a lack of alternative education teachers, it can exacerbate the impact of the teacher shortage on the classroom management and academic achievement of regular education classrooms.

The structure of the portions of the Act that follows reflects, in rough chronological order, the development of a career in teaching.

Part II creates the promising teacher cadet program. Originally an initiative of the department of education, this program has since developed into a separate, 501(c)(3) nonprofit organization. It works with all of the major Hawaii-based teacher training programs and attempts to identify and support prospective teachers while they are still in their high school years.

Part III encourages the University of Hawaii college of education, to review their admission policy to make it easier for entering freshmen to declare as education majors.

Part IV deals with issues relevant to new hires, such as job offers, pay, and orientation procedures, as well as establishes a state teacher induction program to mentor new teachers.

Part V aims at facilitating the licensure of employees entering the system by expanding the means by which people may become licensed, thus increasing the pool of highly qualified teachers. This would include licensure by means of professional experience, college degrees in relevant fields, or providing reciprocity for out-of-state licensure and national board certification. Various incentives to encourage in-service teachers to seek national board certification are also included in this part.

PART II  
TEACHER CADET PROGRAM

SECTION 2. Chapter 302A, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**“§302A- Hawaii teacher cadet program fund.** (a) There is established the Hawaii teacher cadet program fund as a separate fund of the Hawaii alliance for future teachers, a Hawaii nonprofit organization. Moneys received from the state, county, or federal government, private contributions of cash or other property, and the income and capital gains earned by the fund shall constitute its assets.

(b) The Hawaii alliance for future teachers shall expend moneys from the fund in the form of either grants to organizations or contracts with private vendors to provide programs for students who possess a high level of academic achievement and the personality traits found in good teachers to consider teaching as a career in accordance with this section.

(c) The fund may receive contributions, grants, endowments, or gifts in cash or otherwise from all sources, including corporations or other businesses, foundations, government, individuals, and other interested parties. The legislature intends that public and private sectors review and investigate all potential funding sources. The State may appropriate moneys to the fund.

(d) The Hawaii alliance for future teachers shall appoint the members of the Hawaii teacher cadet program advisory board, which shall be responsible for:

- (1) Soliciting and otherwise raising funds for the fund;
- (2) Establishing criteria for the expenditure of funds;
- (3) Reviewing grant proposals using criteria established by Hawaii alliance for future teachers; and
- (4) Making recommendations for grants and other specific expenditures.

Members of the advisory board shall be stakeholders in Hawaii’s public educational system, including students, parents, alumni, principals, community and business leaders, and representatives from the department of education and the department of accounting and general services, who shall be represented on the advisory board.

(e) In managing the moneys in the fund, the Hawaii alliance for future teachers shall exercise ordinary business care and prudence given the facts and circumstances prevailing at the time of action or decision. In doing so, the Hawaii alliance for future teachers shall consider its long- and short-term needs in carrying out its purposes, its present and anticipated financial requirements, expected total return on its investments, price trends, and general economic conditions.

(f) There may be an endowment component of the fund, and the Hawaii alliance for future teachers may accumulate net income and add the same to the principal.

(g) The use of any state moneys may be restricted by the legislation appropriating these moneys to the fund.

(h) The Hawaii alliance for future teachers may expend principal from the fund for the purposes of the fund.

(i) Any organization submitting a proposal to the Hawaii alliance for future teachers for moneys shall meet the following standards at the time of application:

- (1) Be a for-profit organization duly registered under the laws of the State, or be a nonprofit organization determined by the Internal Revenue Service to be exempt from the federal income tax, or be an agency of the State or a county;
- (2) In the case of a nonprofit organization, have a governing board whose members have no material conflict of interest and serve without compensation;

- (3) In the case of an applicant that is not a state or county government agency, have bylaws or policies that describe the manner in which business is conducted and policies that relate to the management of a potential situation involving a conflict of interest;
  - (4) Have experience with the project or in the program area for which the proposal is being made; and
  - (5) Be licensed and accredited, as applicable, in accordance with the requirements of federal, state, and county governments.
- (j) All proposals submitted to the Hawaii alliance for future teachers for moneys shall be approved by the department for consistency in meeting standards for public schools.

(k) Organizations or agencies to which moneys are awarded shall agree to comply with the following conditions before receiving the award:

- (1) Use persons qualified to engage in the activity to be funded;
- (2) Comply with the applicable federal, state, and county laws; and
- (3) Comply with any other requirements prescribed by the Hawaii alliance for future teachers to ensure adherence by the recipient of the award with applicable federal, state, and county laws and with the purposes of this section.

(l) Chapter 103D shall not apply to organizations or agencies that apply for grants or contracts under this section; provided that the Hawaii alliance for future teachers shall be held accountable for the use of the funds under a contract with the department.

(m) Any contract awarded by the Hawaii alliance for future teachers shall be made with as much competition as is practical to execute its purposes.

(n) The fund shall be audited annually by an independent auditor. The results of each annual audit shall be submitted to the department not later than thirty days from the date the Hawaii alliance for future teachers receives the audit results. In addition, the Hawaii alliance for future teachers shall retain for a period of three years and permit the department, state legislators, and the auditor, or their duly authorized representatives, to inspect and have access to any documents, papers, books, records and other evidence that is pertinent to the fund.

(o) The fund shall not be placed in the state treasury, and the State shall not administer the fund, nor shall the State be liable for the operation or solvency of the fund of the Hawaii alliance for future teachers.

(p) For every dollar of state moneys granted by the fund to the project, there shall be a minimum of \$1 in value matched by the Hawaii alliance for future teachers in cash, or the fair market value of in-kind donations, real property, or any other item of value from federal, state, or county governments, private entities, community-based organizations, non-profit organizations, or individuals.

(q) The superintendent of education shall submit an annual report of the progress of the Hawaii teacher cadet program fund no later than twenty days prior to the convening of each regular session of the legislature.”

### PART III UNIVERSITY OF HAWAII

SECTION 3. Currently, entering freshman students interested in a career in education at the University of Hawaii are not allowed to declare a major in education until fulfilling numerous requirements that can delay acceptance for over a year. On average, it would take a student at least five and a half years to complete a degree in education. This is unacceptable considering the State’s teacher shortage.

The purpose of this part is to require the University of Hawaii to review its admission policies for the college of education.

SECTION 4. The University of Hawaii shall review its college of education's admission standards and consider allowing incoming freshman to declare education as their major and enable them to graduate within four years.

SECTION 5. To further strengthen teacher preparation and to build the University of Hawaii school of education's capacity to meet the demand for more teachers to teach in Hawaii's public schools, the University of Hawaii shall increase the full time equivalent teacher education faculty positions by five additional full-time equivalent positions each year until fiscal year 2014-2015, to allow the number of participants who complete the program to increase by one hundred per cent over the year 2004 total, so long as recruitment to the college warrants the need for additional facilities.

#### PART IV NEW TEACHER HIRES

SECTION 6. The difficulties that face newly hired teachers discourage many people from entering the profession and often lead new teachers to quit shortly after they are hired. For instance, the legislature finds it unacceptable that it takes the department of education six to eight weeks to provide new employees and interdepartmental transfers with their first paycheck. The bottom line is that the private sector by and large pays its employees in a timely manner and the public sector should not be allowed to aim for a lower standard, especially when the technological and procedural capabilities to mitigate this problem are so clearly present and so easily applicable. Employees deserve to be paid for the work they do, especially new teachers, who have so much to adapt to and prepare for without having to deal with the added stress of tardy paychecks.

Another aid in the retention of new teachers is the new personnel orientation handbook recently developed by the department. The handbook is used as a tool to assist new employees to adapt to the operations of the department. Moreover, retention of personnel is partly influenced by how quickly an employee becomes familiar with an organization's system. The legislature finds that it would be beneficial to include a new teacher section in the handbook to give newcomers a good first impression of how the department operates and cares for its personnel as well as serve as a reference guide.

The purpose of this part is to:

- (1) Ensure that new hires of the department of education are paid in a timely manner and allow payments of partial wages to mitigate the financial hardships created by delayed paychecks;
- (2) Provide all newly hired teachers with a teacher handbook; and
- (3) Establish the statewide teacher induction program.

SECTION 7. Chapter 302A, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**“§302A- Newly hired employees; paycheck deficits; partial wages.** (a) The department shall establish and implement appropriate policies, procedures, technology, and accountability measures to ensure that newly hired employees receive timely and accurate wages.

(b) All newly hired employees shall receive their first paycheck no later than the second pay period after the date of their hire by the department.

(c) If the department is unable to pay the total wages due a newly hired employee pursuant to subsection (b), the department may pay the newly hired employee on the day the newly hired employee would have received pay, partial

wages in an amount not less than fifty per cent of the amount due for the second pay period and for each consecutive pay period thereafter in which the department maintains a paycheck deficit with the newly hired employee. The amounts received shall be deducted from the total wages due for the respective pay period. Once the department resolves the paycheck deficit, the newly hired employee shall no longer receive partial wages as provided by this subsection.”

SECTION 8. By December 31, 2005, the department shall adopt rules pursuant to chapter 91, Hawaii Revised Statutes, as may be necessary to administer section 7.

SECTION 9. The department of education shall provide each newly hired teacher with the new teacher orientation handbook to assist in their transition into the department’s school system. The handbook shall serve as a reference guide and to provide the new employees with information on the following:

- (1) Professional development and incentive programs;
- (2) License requirements; and
- (3) Other useful information to assist new teachers with their familiarity of the department’s organization and educational system.

SECTION 10. The department of education shall establish and maintain a standardized statewide teacher induction program that is available to every newly hired teacher. The program shall ensure that the new teacher to mentor ratio is no greater than fifteen to one and that all mentors are specially skilled and trained to work effectively with newly hired teachers as determined by the department.

PART V  
CERTIFICATION, LICENSURE, AND RECIPROCITY

SECTION 11. The legislature concurs with the findings of the latest study conducted by Stanford University School of Education researchers that demonstrate that “certified teachers consistently produce significantly stronger student achievement gains than do uncertified teachers.” The study defined certified teachers as those holding standard state certification granted to teachers who have completed an approved teacher education program. In view of its longstanding commitment to public education and its support of the work of the National Commission on Teaching and America’s Future – Hawaii Policy Group, the legislature seeks to improve student achievement by adopting policies that promote teacher quality.

Where preceding parts of this Act address teacher preparation, recruitment, and professional development, in this part the legislature focuses on ensuring an adequate pool of licensed teachers available for employment by the department of education. Policies must be reviewed to determine the improvements needed to provide caring, competent, and qualified teachers for all Hawaii’s students. Together with the efforts described in other parts of this Act, this review will contribute to building a strong, stable teaching force in our public schools.

SECTION 12. Section 302A-802, Hawaii Revised Statutes, is amended to read as follows:

“**§302A-802 Licensing standards[-]; policies.** (a) The board shall establish licensing standards that govern teacher licensing in Hawaii. Licensing standards established by the board shall be adopted as rules under chapter 91 unless otherwise specified in this subpart.

(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 qualification of these applicants, as well as the nature and availability of existing preservice higher education teacher training programs. [~~The board shall also consider alternative routes to licensing, such as national teacher examinations that certify competency in subject areas or programs taught in the public schools.~~]

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

- (1) Develop a plan for licensing more individuals with practical experience for teaching in vocational/technical programs;
- (2) Develop a plan to accept teachers from any state as long as they have completed state-approved teacher education programs and pass relevant Hawaii teacher examinations or their equivalent;
- (3) Clarify the requirements, on a state-by-state basis, for out-of-state licensed teachers to obtain a license in Hawaii;
- (4) Develop a plan to facilitate licensing for those who intend to teach in Hawaii immersion programs, the island of Niihau, or any other extraordinary situation as defined by the superintendent or the superintendent's designee; and
- (5) Pursue full teacher license reciprocity with the mid-Atlantic states, California, Colorado, Illinois, Michigan, New York, Oregon, and Washington.”

SECTION 13. The Hawaii teacher standards board shall submit a report of its progress and recommendations regarding its licensing standards and development of its policies to the legislature not later than twenty days before the convening of the regular session of 2006.

SECTION 14. The Hawaii teacher standards board shall review alternative licensing requirements to replace the PRAXIS examination requirement. The review of alternative requirements shall include but not be limited to the consideration of requiring a minimum amount of years of teaching experience to replace the PRAXIS examination requirement.

SECTION 15. To ensure that the Hawaii teacher standards board is able to recruit and maintain a stable staff to process licenses in a timely manner, the legislature authorizes the conversion of its nine temporary positions to nine permanent full-time equivalent positions. To expedite the hiring process, the Hawaii teacher standards board shall be exempt from chapter 76, Hawaii Revised Statutes, regarding these positions.

SECTION 16. There is appropriated out of the general revenues of the State of Hawaii the sum of \$50,000 or so much thereof as may be necessary for fiscal year 2005-2006 for the operation of the Hawaii teacher standards board.

The sum appropriated shall be expended by the Hawaii teacher standards board for the purposes of this part.

## PART VI MISCELLANEOUS

SECTION 17. 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 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.

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SECTION 18. It is the intent of this Act not to jeopardize the receipt of any federal aid nor to impair the obligation of the State or any agency thereof to the holders of any bond issued by the State or by any such agency, and to the extent, and only to the extent, necessary to effectuate this intent, the governor may modify the strict provisions of this Act, but shall promptly report any such modification with reasons therefor to the legislature at its next session thereafter for review by the legislature.

SECTION 19. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.<sup>1</sup>

SECTION 20. This Act shall take effect upon its approval; provided that section 16 shall take effect on July 1, 2005.

(Approved June 24, 2005.)

### Note

1. Edited pursuant to HRS §23G-16.5.