

ACT 125

S.B. NO. 2163

A Bill for an Act Relating to Education.

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

SECTION 1. The legislature finds that the No Child Left Behind Act of 2001, Public Law 107-110, sets forth various requirements, which for many states, have created contradictions and misunderstandings about what constitutes a qualified teaching workforce. The legislature further finds that the conflict between state and federal licensure requirements can lead to confusion among teachers and administrators.

The purpose of this Act is to better align Hawaii's teacher licensure requirements with the criteria for highly qualified teachers as prescribed by the No Child Left Behind Act.

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

“§302A-804 Powers and duties of the department. The department shall retain all of its rights and powers except for the authority provided to the board under this subpart. The department's powers and duties under this subpart shall be 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 ~~four~~ three years. During this time, the individual ~~must~~ shall demonstrate active pursuit of licensing in each year of employment; and
 - (D) Notwithstanding subparagraph (3)(C), unlicensed individuals who have been hired on an emergency basis prior to July 1, 2008, shall attain licensure no later than four years from the date of their employment;
- (4) Submitting an annual report to the board documenting:
 - (A) The number of emergency hires by subject matter areas and by schools;
 - (B) The reasons and duration of employment for the emergency hiring enumerated in subparagraph (A);
 - (C) Individual progress toward licensing; and
 - (D) The department's efforts to address the shortages described in subparagraph (A); and
- (5) Providing any other information requested by the board that is pertinent to its powers and duties."

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 Statutory material to be repealed is bracketed and stricken.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

SECTION 4. This Act shall take effect upon its approval; provided that the amendments made to section 302A-804, Hawaii Revised Statutes, under section 2 of this Act shall be repealed on July 1, 2011, and section 302A-804, Hawaii Revised Statutes, shall be reenacted in the form in which it read on the day prior to the effective date of this Act.

(Approved May 29, 2008.)