

ACT 184

S.B. NO. 2346

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 legislature finds that part II, Act 2, Special Session Laws of Hawaii 2009, required the legislative reference bureau, the University

of Hawaii at Manoa college of education, and the Hawaii teacher standards board to make recommendations to the 2010 legislature regarding the roles and responsibilities of the Hawaii teacher standards board. *The Hawaii Teacher Standards Board – is Oversight Needed?*, Report No. 1, 2010, by the legislative reference bureau; *Report on Hawai'i Teacher Standards Board*, November 2009, by the University of Hawaii system; and *Report to the 2010 Legislature in Response to HB183 CD1*, by the Hawaii teacher standards board, contain numerous recommendations, both long- and short-term.

The purpose of this Act is to implement recommendations for the Hawaii teacher standards board from these three reports by:

- (1) Requiring the board to include expenditure information in its annual report;
- (2) Authorizing the board to delegate to its executive director, or other designee, any of its powers and duties as it deems reasonable and proper;
- (3) Adding additional licensure renewal requirements and verification of meeting licensure renewal requirements;
- (4) Requiring the board to review implementation of revised license fee collections and determine if fees shall be raised;
- (5) Requiring the board to develop a comprehensive plan for transferring nonessential functions and duties to other agencies;
- (6) Requiring the board to review its teacher license renewal process; and
- (7) Requiring the board and the department of education to clarify their respective powers, duties, responsibilities, and the relationship between the two agencies.

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

“§302A-803 Powers and duties of the board. (a) In addition to establishing standards for the issuance and renewal of licenses and any other powers and duties authorized by law, the board’s powers shall also include:

- (1) Setting and administering its own budget;
- (2) Adopting, amending, or repealing the rules of the board in accordance with chapter 91;
- (3) Receiving grants or donations from private foundations, and state and federal funds;
- (4) Submitting an annual report to the governor, the legislature, and the board of education on the board’s operations and expenditures, and from the 2007-2008 school year, submitting a summary report every five years of the board’s accomplishment of objectives, efforts to improve or maintain teacher quality, and efforts to keep its operations responsive and efficient;
- (5) Conducting a cyclical review of standards and suggesting revisions for their improvement;
- (6) Establishing licensing fees in accordance with chapter 91 and determining the manner by which fees are collected and subsequently deposited into the state treasury and credited to the Hawaii teacher standards board special fund;
- (7) Establishing penalties in accordance with chapter 91;
- (8) Issuing, renewing, revoking, suspending, and reinstating licenses;
- (9) Reviewing reports from the department on individuals hired on an emergency basis;

- (10) Applying licensing standards on a case-by-case basis and conducting licensing evaluations;
- (11) Preparing and disseminating teacher licensing information to schools and operational personnel;
- (12) Approving teacher preparation programs;
- (13) Administering reciprocity agreements with other states relative to licensing;
- (14) Conducting research and development on teacher licensure systems, beginning teacher programs, the assessment of teaching skills, and other related topics;
- (15) Participating in efforts relating to teacher quality issues, professional development related to the board's standards, and promotion of high teacher standards and accomplished teaching;
- (16) Adopting applicable rules and procedures; and
- (17) Adopting, amending, repealing, or suspending the policies and standards of the board.

(b) If, in accordance with chapter 92, the board determines, on a case-by-case basis, that extenuating circumstances exist to justify the suspension, the board may temporarily suspend its rules, or any portion thereof. The board shall establish, in accordance with chapter 91, procedures for the suspension of its rules. When determining whether to suspend its rules, the board shall also establish the length of time for which the suspension shall be in effect.

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

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

- (1) Adopting, amending, or repealing rules;
- (2) Ordering disciplinary action against a licensee, including license revocation or suspension, or the imposition of conditions or fines; provided that summary suspensions may be delegated; or
- (3) Granting or denying permits or licenses, including license renewals and reinstatements, or otherwise conditioning permits or licenses, unless the granting, denying, or otherwise conditioning of a permit or license does not require the exercise of the board's expertise and discretion.

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

SECTION 3. Section 302A-805, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) Beginning July 1, 2002, all licenses shall be issued by the board. No person shall serve as a half-time or full-time teacher in a public school without first having obtained a license from the board under this subpart. All licenses issued by the board shall be valid only for the fields and levels specified on the licenses and shall be renewable every five years if the individual continues to:

- (1) Satisfy the board's licensing standards[;] and submits verification, in a form specified by the board, that the individual has completed

activities specified by the board in fulfillment of each of the teacher performance standards established by the board;

(2) Show evidence of successful teaching in the previous five years[; and] through verification by a supervisor, in a form specified by the board;

(3) Meet the professional fitness requirements established by the board; and

~~(3)~~ (4) Satisfy the board's requirements for renewal of licenses.

The board shall randomly audit a licensee's compliance with paragraph (1) and may establish rules, pursuant to chapter 91, for the random audits."

SECTION 4. (a) The Hawaii teacher standards board recently reviewed its license fee schedule and determined that it would not, at this time, increase fees in view of the current economy. The board is working with eHawaii.gov to use credit card and eCheck payments of license fees instead of the current payroll deduction method, which will enable the board to have a better accounting of fees being collected and ensure that all licensees are paying their fees. The current payroll deduction method was created in 1997, and is administered by the department of education, making license fee payment heavily reliant on a teacher's employment status. In all other states license fees are paid in advance of receiving a license, not on a pay-as-you-go basis as exists in Hawaii. The board's new payment method is expected to address this matter, and the board is providing for a transition period for licensees and allowing licensees to choose from among several payment options as long as payment for a five-year license is made over a period of no more than twelve months.

(b) The board shall review implementation of the revised fee collections and determine if the changes result in sufficient increased income to fund fully the expenses of the board, including all operations and personnel costs, and reimbursement to board members for travel expenses, pursuant to section 302A-806, Hawaii Revised Statutes.

(c) If, by December 1, 2010, the board determines that the increased revenue is not sufficient to fund fully the expenses of the board, the board shall submit to the legislature no later than twenty days prior to the regular session of 2011 a plan and timetable for increasing the license fees.

SECTION 5. (a) The Hawaii teacher standards board is responsible for establishing licensing standards that govern teacher licensing; issuing, renewing, revoking, suspending, and reinstating teacher licenses; approving teacher education programs in the State; and developing, implementing, and administering the national board certification support program. The board has been unable to carry out all its responsibilities successfully and may need to transfer some of the duties to other agencies.

(b) The board shall develop a comprehensive plan for transferring non-essential functions and duties to other agencies, including the department of education.

(c) The board shall submit the plan to the legislature no later than twenty days prior to the regular session of 2011.

SECTION 6. (a) While the Hawaii teacher standards board has developed teacher licensing standards, it has failed to require teachers seeking license renewal to verify that they meet all ten teacher performance standards as is required by section 302A-805(a), Hawaii Revised Statutes. Moreover, teachers who currently hold licenses that are due for an initial renewal do not have to demonstrate that they meet any of the standards, because the mere payment of

the license renewal fee and the completion of an application will entitle these teachers to a renewed license. Not until the teachers' subsequent renewal, five years later, will licensing standards be applied, and then the applicant must only provide evidence of meeting two of the ten teacher performance standards.

(b) The board shall review its teacher license renewal process and determine whether the board should:

- (1) Modify the licensing standards;
- (2) Modify its approach in determining whether a renewal applicant is in compliance by having satisfied all the standards; or
- (3) Recommend amendments to section 302A-805(a), Hawaii Revised Statutes, to conform to the board's present requirements for license renewal and thus eliminate the conflict with the statute.

(c) The board shall submit findings and recommendations to the legislature no later than twenty days prior to convening of the regular session of 2011.

SECTION 7. (a) The Hawaii teacher standards board has been administratively attached to the department of education since 1995, yet the board and its executive director have failed to understand the nature of the relationship of an attached agency and principal department, and their appropriate roles. This has impeded development of a smooth working relationship between the two entities and contributed to the lack of oversight of the board's operations, including the board's failure to provide oversight of its executive director, the board's finances, or the development of the online licensing system.

(b) The Hawaii teacher standards board and the department of education shall clarify their respective powers, duties, responsibilities, and the relationship between the two agencies, including the interim policies and procedures for the mutual sharing of data necessary for licensing and verifying the status of teachers, pursuant to section 6 of Act 2, Special Session Laws of Hawaii 2009.

(c) The board shall submit findings and recommendations to the legislature no later than twenty days prior to the regular session of 2011.

SECTION 8. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 9. This Act shall take effect on June 30, 2010; provided that the amendments to section 302A-805, Hawaii Revised Statutes, made by section 3 of this Act shall not be repealed when section 302A-805, Hawaii Revised Statutes, is repealed and reenacted on July 1, 2010, by section 12 of Act 2, Special Session Laws of Hawaii 2009.

(Approved June 29, 2010.)