

ACT 39

S.B. NO. 2331

A Bill for an Act Relating to Teachers.

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

SECTION 1. Section 302A-101, Hawaii Revised Statutes, is amended by adding two new definitions to be appropriately inserted and to read as follows:

““Department school” means any school that falls within the definition of “public schools”, as that term is defined in section 302A-101, and is not a charter school.

“License” means the recognition granted by the Hawaii teacher standards board to an individual to practice the profession of teaching. This definition shall not apply to the term “license” as it is used in sections 302A-425 to 302A-427.”

SECTION 2. Section 302A-601.5, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) The employer or prospective employer may refuse to employ, and may:

- (1) Refuse to issue a [~~teaching or other educational certificate;~~] certificate for school administrators;
- (2) Revoke the [~~teaching or other educational certificate;~~] certificate for school administrators;
- (3) Refuse to allow or continue to allow teacher training; or
- (4) Terminate the employment of any employee or deny employment to an applicant,

if the person has been convicted of a crime, and if the employer or prospective employer finds by reason of the nature and circumstances of the crime that the person poses a risk to the health, safety, or well-being of children. Refusal, revocation, or termination may occur only after appropriate investigation and notification to the employee or applicant for employment of results and planned action, and after the employee or applicant for employment is given an opportunity to meet and rebut the finding. Nothing in this subsection shall abrogate any applicable appeal rights under chapters 76 or 89, or administrative regulation of the department of education.”

SECTION 3. Section 302A-801, Hawaii Revised Statutes, is amended by amending subsections (a) to (c) to read as follows:

“(a) There is established the Hawaii teacher standards board, which shall be placed within the department for administrative purposes only. The board shall consist of fifteen members, including not less than six licensed teachers regularly engaged in teaching at the time of the appointment, three educational officers employed at the time of the appointment, the chairperson of the board of education or the chairperson’s designee, the superintendent or the superintendent’s designee, a representative of independent schools, the dean of the University of Hawaii college of education or the dean’s designee, ~~and two members of the public;~~ provided that one teacher member shall be engaged in teaching at a Hawaii public charter school at the time of appointment and the dean’s designee shall be chosen from the member institutions of the teacher education coordinating committee established under section 304A-1202[-], and two members of the public.

(b) Except for the chairperson of the board of education, superintendent, and 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, education stakeholder groups, and organizations representative of the constituencies of the board[-], and current members of the board; provided that the two members of the public shall be from lists of qualified nominees submitted to the governor by the Hawaii Business Roundtable, Hawaii P-20 council, and Hawaii workforce development council[-]; provided that the governor may request additional names of qualified nominees from the departments, agencies, education stakeholder groups, and organizations representative of the constituencies of the board at any time. To the

extent possible, the board membership shall reflect ~~[representation of elementary and secondary school personnel from all islands.]~~ a combination of abilities, breadth of experiences, and characteristics that will best serve the diverse interests and needs of elementary and secondary school personnel and the education system in Hawaii from early childhood through higher education. Such considerations shall include but not be limited to reflecting the diversity of the student population, geographical representation, and a broad representation of education-related stakeholders.

(c) ~~[Appointed]~~ Notwithstanding any law to the contrary, appointed board members shall serve not more than three consecutive three-year terms. Teacher and educational officer members who retire during a term may serve the remainder of their current term ~~[up to three consecutive three-year terms].~~”

SECTION 4. Section 302A-802, Hawaii Revised Statutes, is amended by amending subsections (b) and (c) to read as follows:

“(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.

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

- (1) Develop criteria allowing more individuals with trade or industry experience to teach in vocational, technical, and career pathway programs, and criteria for the issuance of permits allowing qualified individuals to teach when recommended by the superintendent~~[-]~~ or the commission, when appropriate. The department or the commission, when appropriate, shall be responsible for the review and acceptance of the relevant licenses, certificates, or other qualifications related to an individual’s vocational, technical, or career pathway education-related experience that the department or the commission, when appropriate, deems necessary for a permit. The department or the commission, when appropriate, shall have the authority to waive the requirement of a bachelor’s degree to teach in a vocation, technical, or career pathway education program;
- (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~~[-]~~, or by the commission, when appropriate; and
- (5) Pursue full teacher license reciprocity with all other states~~[-]~~ and
- (6) ~~Issue a license to a teacher with a valid out-of-state license who has passed similar, though not identical, tests in basic skills, pedagogy, and subject matter to those required for licensure in the State; provided that upon the effective date of the adoption of administrative rules addressing the recognition of out-of-state teacher licenses, those administrative rules shall supersede the requirements of this paragraph].~~”

SECTION 5. Section 302A-803, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(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, forfeiting, restoring, conditioning, revoking, suspending, and reinstating licenses;
- (9) Developing criteria for a full career and technical education license, limited to career and technical education teaching assignments, allowing qualified individuals with at least an associate’s degree, [pedagogy] coursework, industry experience, and content expertise to teach;
- (10) Reviewing reports from the department and commission on individuals hired on an emergency basis;
- (11) Applying licensing standards on a case-by-case basis and conducting licensing evaluations;
- (12) Preparing and disseminating teacher licensing information to schools and operational personnel;
- (13) Approving teacher preparation programs;
- (14) Establishing policies and procedures for approving alternative pathways to teaching;
- (15) Administering reciprocity agreements with other states relative to licensing;
- (16) Conducting research and development on teacher licensure systems, beginning teacher programs, the assessment of teaching skills, and other related topics;
- (17) 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;
- (18) Adopting applicable rules and procedures; and
- (19) Adopting, amending, repealing, or suspending the policies and standards of the board.”

SECTION 6. Section 302A-804, Hawaii Revised Statutes, is amended to read as follows:

“§302A-804 Powers and duties of the department[;], commission, and charter schools. (a) The department, commission, and charter schools shall retain all of [its] their rights and powers except for the authority provided to the board under this subpart.

(b) 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[;] in department schools, 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 three years. During this time, the individual shall demonstrate active pursuit of licensing in each year of employment; and
 - ~~(D) Notwithstanding [subparagraph (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 in department schools by subject matter areas and by ~~[schools;] school;~~
 - (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.
- ~~(c) The commission’s powers and duties under this subpart shall be limited to:~~

ited to:

- (1) Reporting data annually to the board about the supply of, and demand for, teachers in charter schools, 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;
- (2) Submitting an annual report to the board documenting:
 - (A) The number of emergency hires in charter schools by subject matter areas and by school;
 - (B) The reasons and duration of employment for the emergency hiring enumerated in subparagraph (A); and
 - (C) Individual progress toward licensing; and

- (3) Providing any other information requested by the board that is pertinent to the commission's powers and duties.
- (d) A charter school's powers and duties under this subpart shall be limited to:
 - (1) Except in emergency situations as described in this chapter, hiring licensed teachers to teach in their fields of licensing;
 - (2) 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 charter schools;
 - (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 charter school on an emergency basis for more than three years. During this time, the individual shall demonstrate active pursuit of licensing in each year of employment; and
 - (3) Providing any other information requested by the board that is pertinent to the charter school's powers and duties."

SECTION 7. Section 302A-805, Hawaii Revised Statutes, is amended to read as follows:

"§302A-805 Teachers; license required; renewals. Beginning July 1, 2002, all new 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 specified on the licenses and shall be renewable every five years for a standard license and every ten years for an advanced license 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 through verification by a supervisor, in a form specified by the board;
- (3) Meet the professional fitness requirements established by the board;
- (4) Satisfy the board's requirements for renewal of licenses; and
- (5) Pay all applicable license fees in a timely manner.

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

~~[Teachers whose licenses expire on June 30, 2002, or June 30, 2003, shall be granted an automatic extension of two years.]~~

No person shall be issued a license or teach on an emergency basis in the public schools without having first paid the fees established by the board in accordance with chapter 91.

The failure to timely renew a license, pay all fees in a timely manner, or comply with any other requirement provided by law or administrative rule shall result in the automatic forfeiture of the license. A person with a forfeited license shall not teach at a public school until that person's license is restored. Restoration of a license shall require compliance with the renewal requirements provided by law or administrative rule and payment of all applicable renewal

and late fees. Upon restoration of a person's license, the person may teach at a public school."

SECTION 8. Section 302A-807, Hawaii Revised Statutes, is amended by amending subsection (d) to read as follows:

"(d) Upon revocation of a license, the board may disclose the name, birthdate, social security number, and any other pertinent information about the former holder of the license:

- (1) To the department; [~~and~~]
- (2) To the commission; and
- ~~[(2)]~~ (3) For the purpose of exchanging information under chapter 315 with other national or state teacher certification agencies about school personnel who have had licenses revoked."

SECTION 9. Section 302A-808, Hawaii Revised Statutes, is amended to read as follows:

"§302A-808 Penalty. Any person who engages in the profession of teaching in a public school without first being issued a license or hired on an emergency basis as defined in this chapter shall be fined not more than \$500. Any person who knowingly or intentionally violates this subpart by employing an individual as a public school teacher who does not possess a valid license or is not a department of education or charter school emergency hire as defined in this chapter may be fined not more than \$500. All fines shall be deposited into the Hawaii teacher standards board special fund."

SECTION 10. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 11. This Act shall take effect upon its approval.

(Approved April 23, 2014.)