

D. HAWAII TEACHER STANDARDS BOARD

**Note**

Subpart heading reenacted by L 2001, c 312, pt of §10. Professional development schools grant program. L 2001, c 313.

**§302A-801 Hawaii teacher standards board established.** (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; 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; 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 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) 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.

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

(f) The board may employ an executive director for a term of up to four years, who shall be appointed by the board of education without regard to chapters 76 and 89; provided that the board shall submit a nominee to the board of education for approval or disapproval; provided further that if the nominee is disapproved, the board shall submit another nominee to the board of education for approval or disapproval.

The board may terminate the executive director's contract for cause; provided that the board shall submit the recommendation for termination to the board of education for approval or disapproval. [L 1996, c 89, pt of §2; am L 1999, c 218, §3; am L 2001, c 312, pt of §10; am L 2006, c 75, §9; am L Sp 2009, c 2, §2; am L 2011, c 134, §1; am L 2014, c 39, §3]

### **Cross References**

Definitions, see §302A-501.

**§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 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. [L 1996, c 89, pt of §2; am L 2001, c 312, pt of §10, §13; am L 2002, c 16, §18; am L 2005, c 159, §12; am L 2006, c 226, §2; am L 2007, c 146, §2; am L 2014, c 39, §4]

## Note

Notification to house and senate education committee chairs on adoption of rules relating to out-of-state teacher licenses. L 2007, c 146, §3.

**§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, 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, 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.

(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. [L 1996, c 89, pt of §2; am L 1997, c 195, §2; am L 2000, c 106, §§1, 4; am L 2001, c 312, pt of §10 and §§12, 13 and c 314, §3; am L 2002, c 16, §19 and c 193, §4; am L 2003, c 3, §11; am L 2007, c 263, §§2, 4; am L Sp 2009, c 2, §§3, 5; am L 2010, c 184, §2; am L 2011, c 134, §2; am L 2014, c 39, §5]

**§302A-804 Powers and duties of the department, commission, and charter schools.** (a) The department, commission, and charter schools shall retain all of 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;

(4) Submitting an annual report to the board documenting:

- (A) The number of emergency hires in department schools by subject matter areas and by 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:

(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. [L 1996, c 89, pt of §2; am L 2001, c 312, pt of §10; am L 2008, c 125, §§2, 4; am L 2011, c 23, §1; am L 2014, c 39, §6]

**§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.

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. [L 1996, c 89, pt of §2; am L 1997, c 195, §3; am L 2000, c 106, §§2, 4; am L 2001, c 312, pt of §10, §12; am L 2004, c 10, §9; am L Sp 2009, c 2, §§4, 12; am L 2010, c 184, §§3, 9; am L 2011, c 134, §3; am L 2014, c 39, §7]

### **Note**

Interim policies for sharing information necessary for licensing and verifying status of teachers. L Sp 2009, c 2.

**[\$302A-805.5] Approval of teacher education programs; professional development of teachers.** The board shall be responsible for approving teacher education programs that meet the standards established by the board. The board may engage in efforts relating to the improvement of instruction through teacher education and professional development, and to attract qualified candidates for teacher training from among the high school graduates of the State. [L 2001, c 312, pt of §2]

**[\$302A-805.6] Efforts related to teacher quality.** (a) The board may participate in efforts relating to issues affecting teacher quality. The board may conduct professional development activities related to its standards, and shall promote and support high teacher standards and accomplished teaching through means deemed appropriate by the board.

(b) To remain current with trends and issues in teacher licensure systems, beginning teacher programs, the assessment of teaching skills, teacher development, and other related topics, the board shall participate in programs and attend conferences and training that address these topics. The board may conduct research and

development activities for the purpose of staying abreast of or better understanding these trends and issues. [L 2001, c 312, pt of §2]

**§302A-806 Hawaii teacher standards board special fund.** There is established within the state treasury a special fund to be known as the Hawaii teacher standards board special fund, into which shall be deposited all moneys received by the board in the form of appropriations, fees, fines, grants, donations, or revenues regardless of their source. The special 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. [L 1996, c 89, pt of §2; am L 2001, c 312, pt of §10; am L 2002, c 178, §5]

#### **Note**

Transfer of certain interest earnings to general fund until June 30, 2015. L 2009, c 79, §30(a)(18).

**§302A-807 Refusal, suspension, revocation, and reinstatement of licenses.** (a) The board shall serve as the final adjudicator for appeals relating to licensing, including the issuance or nonissuance of licenses, and the condition, suspension, nonrenewal, and revocation of licenses.

(b) The board shall establish procedures for the conduct of proceedings for the consideration of requests filed with the board. In every case to condition, revoke, or suspend a license, the board shall give the person concerned written notice that a request has been filed with the board. The board shall conduct a hearing in conformity with chapter 91, and shall provide for confidentiality of the proceedings to protect the parties. In all proceedings before it, the board 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 board or to any subpoena issued by the board, 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 any licensee whose license has been conditioned, suspended, or revoked, shall have the right to appeal the board's decision to the circuit court of the circuit in which the applicant or licensee resides in the manner provided in chapter 91; provided that out-of-state resident applicants shall file their appeals in the first circuit court.

(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;

(2) To the commission; and

(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.

(e) The board shall not renew or reinstate, or shall deny or suspend any license or application, if the board has received certification from an administering entity pursuant to chapter 436C that the licensee or applicant is in default or breach of any obligation under any student loan, student loan repayment contract, or scholarship contract that financed the licensee's or applicant's education, or has failed to comply with a repayment plan.

The board in receipt of a certification pursuant to chapter 436C shall, as applicable, and without further review or hearing:

(1) Suspend the license;

(2) Deny the application or request for renewal of the license; or

(3) Deny the request for reinstatement of the license,

and unless otherwise provided by law, shall renew, reinstate, or grant the license only upon receipt of an authorization from the administering entity. [L 1996, c 89, pt of §2; am L 2001, c 312, pt of §10 and §13; am L 2002, c 16, §20 and c 226, §4; am L 2003, c 3, §12 and c 133, §5; am L 2011, c 134, §4; am L 2014, c 39, §8]

**§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. [L 1996, c 89, pt of §2; am L 2001, c 312, pt of §10; am L 2003, c 3, §13; am L 2014, c 39, §]