

**TITLE: Affirmation of Professional Fitness Procedure Manual**

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The Hawaii Teacher Standards Board (HTSB) affirms the following Professional Fitness Manual for use on professional fitness matters that may be self-reported by applicants, licensees, school administrators, National Association of State Directors of Teacher Education and Certification (NASTDTEC) Clearinghouse, or members of the public. As this is a living document, this manual will be updated by HTSB staff, as necessary.

**Submitted by:** Branden Kawazoe

**Referred to:** Teacher Standards Committee



## Professional Fitness Manual

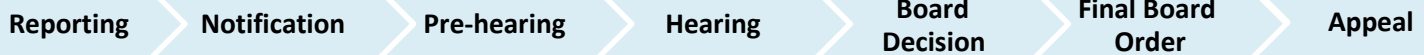
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# PROFESSIONAL FITNESS TIMELINE



## Key Definitions

**Hearings Panel:** The Hearings Panel is comprised of three active board members and is convened when a hearing is demanded.

**Individual:** an applicant, licensee, or permit holder

**Recommended Decision:** a nonpublic record issued to the Board by the Hearings Panel Officer or Executive Director that sets out proposed findings of fact, proposed conclusions of law, a proposed sanction, or any combination of them.

## Roles and Responsibilities

**Hearings Panel:** The Hearings Panel will establish findings of fact based on the preponderance of the evidence provided by the individual and HTSB staff to properly apply policy to the facts and make a sound recommendation to the full board during a designated board meeting.

**Hearings Officer:** The presiding Hearings Officer shall commence the hearing process and have the powers and duties outlined in §8-54-10.6(b) (See Prehearing Presiding Hearings Officer Information page).

**Attorney General’s (AG) Office:** The board appointed attorney from the AG’s office will prepare and represent the board at a hearing §8-54-9.17(c).

**Executive Director:** The Executive Director will verify complaints §8-54-9.17(b.1) and support the board with the hearings process.

**Licensing Specialist:** The Licensing Specialist assigned to work on HTSB Professional Fitness, will investigate and consult with the Executive Director on Professional Fitness violations that have been reported.

#	Days Allotted	Hawaii Teacher Standards Board Professional Fitness Timeline
1	This can be done at anytime	<p><b>Reporting:</b> HTSB staff notification of misconduct:</p> <ul style="list-style-type: none"> <li>• Self-Reporting on an application (PF Questions 1-7) §8-54-9.17(2)</li> <li>• Report submitted by a person who witnesses a violation §8-54-9.17(4)</li> <li>• NASDTEC Reporting (within our licensing system) §8-54-9.17(3)</li> </ul>
2	30 calendar days	<p><b>Reporting to HTSB:</b> Within thirty (30) calendar days. §8-54-9.16</p> <ul style="list-style-type: none"> <li>• The superintendent or charter school administrator or their designee in any Hawai’i public school shall report violations (see MOA). Circumstances for reporting to HTSB §8-54-9.16(b): <ul style="list-style-type: none"> <li>○ terminated or not rehired for cause</li> <li>○ resigning under threat of termination or non-employment for cause</li> <li>○ being convicted of a felony or misdemeanor as defined by §8-54-9.14.</li> </ul> </li> <li>• A private or independent school administrator is authorized to report violations.</li> <li>• Any individual who may have engaged in action that could result in denial, non-renewal, revocation or suspension of a license shall be required to report to the board for the following: §8-54-9.16(c) <ul style="list-style-type: none"> <li>○ terminated or not rehired for cause</li> <li>○ resigning under threat of termination or non-employment for cause</li> <li>○ being convicted of a felony or misdemeanor as defined by §8-54-9.14.</li> </ul> </li> </ul>

3	30 calendar days	<b><u>Notification to Individual:</u></b> The individual is notified by the HTSB that a complaint was received and has thirty (30) calendar days to file their written response ( <i>office policy</i> ).
4	Timely manner	<b><u>Verification of Complaint and Notification to Individual:</u></b> The Executive Director will verify the complaint; The individual will be notified in writing by restricted certified and regular mail of the outcome of the investigation. <b>§8-54-9.17(1)</b>
5	Timely manner	<b><u>Alleged Violation Not Substantiated:</u></b> If a hearing is not warranted, the individual will be notified, and a copy of the notification will be placed in the board's file of the individual. <b>§8-54-9.17(c)</b>
6	60 calendar days	<b><u>Demand for Hearing:</u></b> The individual will be entitled to a hearing and must submit a Demand for Hearing within sixty (60) calendar days from receiving notification. <b>§8-54-10.3</b>
7	30 calendar days	<b><u>Hearing Documents</u></b> An electronic copy of all documents to be submitted for consideration at a hearing shall be transmitted by each party to all other hearing parties within thirty (30) calendar days after a demand for hearing is requested. <b>§Chapter 91-10 and Office Policy</b>
8	See #14	If a Demand for Hearing is not received, then the HTSB Executive Director will make a recommendation to the full board.
9	15 calendar days	<b><u>Notification to Individual of Hearing Panel Hearing:</u></b> If a Demand for Hearing is submitted, the HTSB will then provide written notice of the hearing fifteen (15) calendar days prior to the scheduled hearing. <b>§8-54-10.4</b>
10	2x a year	<b><u>Hearing Panel is Convened</u></b> <b>§8-54-10.6, Chapter 91 and HAR §302A-807</b>
11	Timely	<b><u>HTSB Hearing Panel Recommended Decision:</u></b> As expeditiously as possible after the close of the hearing, the Hearings Officer shall file the panel's recommended decision with the board and the individual. <b>§8-54-10.7(a)</b>
12	15 calendar days	<b><u>Individual's Response to the Hearings Panel Recommended Decision:</u></b> <ul style="list-style-type: none"> <li>• <b>Adverse Recommended Decision:</b> Any party adversely affected by the hearing officer's recommended decision has within fifteen (15) calendar days (after receipt of a copy of the decision) to file (with the hearings officer) a written response to the board addressing the whole or any part of the Hearing Panel's recommended decision. <b>§8-54-10.7(c)</b></li> <li>• <b>Favorable Recommended Decision:</b> Any party may file with the hearings officer and serve upon all other parties a statement in support of the recommended decision within fifteen (15) calendar days after receipt of a copy of the written exceptions filed. <b>§8-54-10.7(d)</b></li> </ul>
13	5 calendar days	<b><u>Board Hearing:</u></b> <b>Notification of Board Hearing:</b> If the individual has requested the opportunity to present oral argument, concerning the recommended decision, they shall be served w/notice of the time and place of argument at least five (5) calendar days prior to the board hearing. <b>§8-54-10.8(a)</b>
14	At a board hearing	<b><u>Board's Final Decision:</u></b> The board's final decision shall either adopt, modify, or reverse, in whole or in part, the hearings officer's/Executive Director's recommended decision. <b>§8-54-10.9(a)</b>
15	30 calendar days	<b><u>Final Order:</u></b> The board's Chairperson will send the final order to the individual and their representative in writing within thirty (30) calendar days of the board's hearing, by personal service or by restricted or certified mail. <b>§8-54-10.9(b)</b>



16	30 calendar days	<p><b><u>Appeal:</u></b> Within thirty (30) calendar days of receipt of a decision, the individual has the right to appeal the board's decision to the Circuit Court of the circuit in which they reside, in the manner provided in Chapter 91.</p> <p><b><u>Judicial Review of Contested Cases:</u></b> Individuals requesting judicial review shall serve a copy of the request upon the board and all other parties to the proceeding in accordance with the Hawaii Rules of Civil Procedure. <b>§8-54-10.10</b></p>
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## AUTHORITY

Authority and procedures for HTSB hearings are found in Hawai'i Revised Statutes (HRS) §302A-803 and §302A-807, Hawai'i Administrative Rules (HAR) §8-54-1.1 and §8-54 Subchapters 3 and 4..

## Hawai'i Revised Statutes (HRS) §302a-803

**§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 general 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) Denying permits or licenses, including license renewals and reinstatements, or otherwise conditioning permits or licenses, unless the 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; am L 2019, c 79, §1 and c 161, §1]

### Hawai'i Revised Statutes (HRS) §302A-807

**§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.

[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; am L 2019, c 279, §2]

## Hawai'i Administrative Rules (HAR) §8-54-1.1

**§8-54-1.1 Authority.** The Hawai'i teacher standards board shall administer the licensing and relicensing process in accordance with applicable provisions in chapter 302A, Hawai'i Revised Statutes, and the standards provided in this chapter. No person paid under the salary schedule contained in the unit 05 collective bargaining agreement shall serve as a teacher in the department or a charter school without first having obtained a license or permit from the board in such form as the board determines. The superintendent of the department of education and charter school administrator shall administer the emergency hire process in accordance with applicable provisions in sections 302A-801-808, Hawai'i Revised Statutes and the standards provided in this chapter.

[Eff 6/13/97; comp 7/18/98; comp 12/20/01; am and comp 8/13/04; am and comp 10/27/11; am and ren §8-54-1.1 10/30/14](Auth: HRS §302A-803) (Imp: HRS §§302A-801 to -808)

## Hawai'i Administrative Rules (HAR) Subchapter 3: Discipline

### SUBCHAPTER 3

#### DISCIPLINE

**§8-54-9.13 Disciplinary action; basis.** (a) The Code of Ethics contained in Appendix D sets forth expected professional behaviors of teachers and forms the basis for disciplinary action taken by the board against a licensee. The provisions of section 8-54-9.14 also constitute behaviors for which disciplinary action may be taken by the board against a licensee.

(b) The board may impose disciplinary action upon a licensee's license after a hearing conducted in accordance with chapter 91. [Eff 10/30/14](Auth: HRS §302A-803, §302A-807) (Imp: HRS §§302A-801 to -808)

**§8-54-9.14 Grounds for refusal to renew, reinstate, or restore, and for revocation, suspension, denial, or condition of a license or permit.** In addition to any other acts or conditions provided by law, the board may refuse to renew, reinstate or restore, or may deny, revoke, suspend, or condition in any manner, any license for any one or more of the following acts or conditions on the part of the licensee, permittee or the applicant thereof:

- (1) A felony conviction;
- (2) Misdemeanor convictions as defined in this chapter;
- (3) Conviction of crimes against children and sexual offenses;
- (4) Having sexual contact with a minor or student;
- (5) Possessing, producing, or distributing illegal images or images of minors or students;
- (6) Committing a crime on school premises or while fulfilling the duties of a teacher;
- (7) Practicing the profession of teaching while possessing, using, distributing or being under the influence of illegal drugs;

- (8) Practicing the profession of teaching in a manner contrary to the recognized standards of ethics adopted by the Hawai'i Teacher Standards Board in its Code of Ethics;
- (9) Practicing the profession of teaching with a fraudulent teaching license;
- (10) Making and/or submitting false, inaccurate or misleading statements and/or documents in applying for a license, permit, license or permit update, or renewal;
- (11) Having a license or permit denied, revoked, not renewed or suspended by another jurisdiction;
- (12) Violation of any condition or limitation on a licensee's license;
- (13) Misrepresents or falsifies information on their application;
- (14) Provides falsified or fraudulent documents with an application;
- (15) Does not meet the board's licensing or renewal requirements;
- (16) Does not meet the professional fitness portion of the application; or
- (17) Does not pay the required license or permit fees. [Eff 10/30/14](Auth: HRS §302A-803, §302A-807) (Imp: HRS §§302A-801 to -808)

**§8-54-9.15 Forms of disciplinary sanctions.** Notwithstanding any other powers of the board to discipline a license the board may impose the following:

- (1) The revocation of a license or permit the duration of which shall be set by the board but may not be less than five (5) years; provided that conviction of crimes against children and sexual offenses may result in the lifetime revocation of a license;
- (2) The suspension of a license or permit the duration of which shall be set by the board but may not exceed five (5) years;
- (3) Place conditions on the licensee or permit holder for a specified amount of time, which may include, but are not limited to, activities directed toward improving a teacher's performance in the area of the violation;
- (4) Censure or warn the licensee or permit holder if the board determines that a violation has occurred that does not necessitate a more severe action to be taken on a licensee or permit holder. A copy of the censure or warning will be placed in the board's file of the licensee or permit holder. A copy will be sent to the licensee or permit holder and he/she will have thirty (30) calendar days to file a written response. The response will be placed in the board's file of the licensee or permit holder; and
- (6) Monetary penalties. [Eff 10/30/14] (Auth: HRS §302A-803, §302A-807) (Imp: HRS §§302A-801 to -808)

**§8-54-9.16 Reporting of violations.** (a) Reports of violations(s) to the Code of Ethics or for conduct listed in §8-54-9.14 shall be filed in writing with the board on a signed form and in a manner provided by the board.

(b) The superintendent or charter school administrator or their designee in any Hawai'i public school shall report violations. A private or independent school administrator is authorized to report violations. The report shall contain the name, address, and social security number of any licensed educator, permit holder or emergency hire who:

- (1) Is terminated or not re-hired for cause;
- (2) Resigns under threat of termination or non-employment for cause;

(3) Is convicted of a felony or misdemeanor as defined in this chapter.

(c) Licensed educators, permit holders and emergency hires who may have engaged in action that could result in denial, non-renewal, revocation or suspension of a license shall be required to report to the board, in a manner provided for by the board, within thirty (30) calendar days of the event, the following:

- (1) Been terminated or not rehired for cause;
- (2) Resigned under threat of termination or non-employment for cause; and
- (3) Been convicted of a felony or misdemeanor as defined in this chapter.

(d) Signators of the National Association of State Directors of Teacher Education and Certification (NASDTEC) Interstate Contract shall report actions taken by them to deny a license to an individual or to revoke, suspend or refuse to renew licenses of licensees in their state within thirty (30) calendar days from when they are made aware that the individual is applying for a license, renewal of a license or permit.

(e) The board shall report actions taken to deny, suspend or revoke a license or permit to the superintendent, charter school administrator, headmaster or president of any Hawai'i school, district, or system and to the NASDTEC Clearinghouse. [Eff 10/30/14](Auth: HRS §302A-803, §302A-807) (Imp: HRS §§302A-801 to -808)

#### **§8-54-9.17 Board action on reports of violations.**

(a) The board may initiate action based on a written, signed report submitted by one or more of the following:

- (1) Any school, district, or system administrator or educator;
- (2) Self-report received from any licensed educator, permit holder or emergency hire;
- (3) Report of license or permit revocation, suspension, refusal to renew or denial by another state;
- (4) Report submitted by individuals who witness a violation.

(b) The board may initiate an investigation whereby minimally the following actions shall be taken:

- (1) The executive director will verify the complaint;
- (2) The applicant, permit holder or licensee will be notified in writing posted by restricted certified and regular mail of the complaint. A copy of the notification will be placed in the board's file of the applicant, permit holder or licensee;
- (3) The applicant, permit holder or licensee will have thirty (30) calendar days to file
- (4) a written response, which will be placed in the board's file of the applicant, permit holder or licensee;
- (5) The board may contract with another state agency or private agency to investigate the complaint and determine if a hearing is warranted.

(c) Following an investigation the board may dismiss the complaint if the alleged violations are not substantiated and the complaint form will be removed from the applicant or licensee's file. If the complaint is substantiated the board may request the assistance and services of the Office of the Attorney General or contract with another state agency or a private agency for attorney(s) to prepare and represent the board at a hearing. If a hearing is not

warranted, the applicant or licensee will be notified and a copy of the notification will be placed in the board's file of the applicant or licensee.

(d) The board may impose a fee against an applicant or licensee as reimbursement for all or part of the costs of investigations, hearings, or appeals that result in disciplinary action against the licensee. [Eff 10/30/14](Auth: HRS §302A-803, §302A-807) (Imp: HRS §§302A-801 to -808)

## Hawai'i Administrative Rules (HAR) Subchapter 4: Practice and Procedures

### SUBCHAPTER 4

#### PRACTICE AND PROCEDURES

**§8-54-10** Repealed [R 10/30/14]

**§8-54-10.1 Applicability.** The general procedures specified in this subchapter shall, in part, effectuate and carry out the purposes of chapter 91, HRS and shall apply to all contested cases that may come before the board relating to the denial of an application for a license or permit or to discipline a licensee or permittee. [Eff 10/30/14] (Auth: HRS §302A-807) (Imp: HRS §§302A-801 to -808)

**§8-54-10.2 Notification of denial of application or proposed disciplinary action against a licensee or permittee.** In the event an application for a license or permit is denied, or the board intends to discipline a licensee or permittee, written notification shall be provided to the denied applicant, or to the licensee of the intended action. The notification shall include a concise statement of the reasons therefore and a statement informing the applicant or licensee or permittee of the right to a hearing if the applicant or licensee or permittee so desires. The notification shall further provide the time frame that a demand for hearing shall be filed. [Eff 10/30/14] (Auth: HRS §302A-807) (Imp: HRS §§302A-801 to -808)

**§8-54-10.3 Demand for a hearing.** Any person whose application is denied, or a licensee or permittee who is to be disciplined by the board, shall be entitled to a hearing if a demand for hearing is filed with the board's office within sixty (60) days of the date of the letter informing the applicant of the denial or the licensee or permittee of the intent to discipline, respectively. The demand for hearing shall contain concise statements of: (1) the legal authority under which the hearing is to be held; (2) the denial or matter that is being contested by the petitioner; (3) the basic facts and issues raised; and (4) the relief to which the petitioner deems itself entitled. [Eff 10/30/14] (Auth: HRS §302A-807) (Imp: HRS §§302A-801 to -808)

**§8-54-10.4 Action by the board; notification of hearing.** If a demand for hearing is filed within sixty (60) calendar days of the date of the letter of denial or intent to discipline, the board, or a panel of the board, or a hearing officer approved by the board shall be designated as the hearings officer to conduct the hearing, and make recommendations in writing to the board. The hearings officer shall commence the hearing process and proceed to schedule a hearing and



provide all parties written notice of the hearing by registered or certified mail with return receipt requested at least fifteen (15) calendar days before the hearing. [Eff 10/30/14] (Auth: HRS §302A-807) (Imp: HRS §§302A-801 to -808)

**§8-54-10.5 Notice of hearing.** The hearing notice shall include:

- (1) The date, time, place, and nature of the hearing;
- (2) The legal authority under which the hearing is held;
- (3) The particular sections of the statutes and rules involved; and
- (4) A short and concise statement of the issues involved and the facts giving rise to the petition.

The notice shall further apprise each party of their right to retain legal counsel if so desired. [Eff 10/30/14] (Auth: HRS §302A-807) (Imp: HRS §§302A-801 to -808)

**§8-54-10.6 Hearing.** (a) All hearings shall be conducted pursuant to chapter 91, HRS and this subchapter. All hearings shall be held before a hearings officer duly designated by the board. All parties shall be afforded full opportunity to present evidence and argument on all issues involved. The hearing shall be at the time and place set forth in the notice of hearing, but at that time and place may be continued from day to day or adjourned thereof at the hearing.

(b) The presiding hearings officer shall have the power to give notice of the hearing, arrange for the administration of oaths and affirmations, subpoena and examine witnesses, issue subpoenas, certify to official acts, rule on offers of proof, receive relevant evidence and exclude evidence which is irrelevant, immaterial, repetitious, cumulative, or merely scandalous and accordingly may restrict lines of questioning, regulate the course and conduct of the hearing, regulate the manner of any examination so as to prevent the needless and unreasonable harassment, intimidation, or embarrassment of any witness or party at the hearing, remove disruptive individuals including any party, legal counsel, witness, or observer, hold conferences including prehearing conferences, before or during the hearing, for the settlement or simplification of issues, rule on motions and to dispose of procedural matters, dispose of any other matters that normally and properly arise in the course of the proceedings, and take any action authorized by this subchapter or chapter 91, HRS, and perform such other duties necessary for the proper conduct of hearings.

(c) In a hearing where the issue for determination is whether the board properly denied an application for a license or permit, the record shall consist of only the information presented to the board's office for consideration in reviewing the application. No other information regarding qualification for approval of the license or permit shall be admitted unless agreed upon by all parties.

(d) The hearings officer shall submit in writing any report or recommended decision together with the findings of facts and conclusions of law and a recommended order to the board for its consideration and final disposition.

(e) The record of the hearing shall be in conformance with section 91-9, HRS.

(f) The hearings officer may engage the services of a stenographer, or someone similarly skilled, to take a verbatim record of the evidence presented at the hearing. If a verbatim record is taken, any party may request a certified transcript of the proceedings. The party making the request shall be responsible for the fees for the transcript. [Eff 10/30/14] (Auth: HRS §302A-807) (Imp: HRS §§302A-801 to -808)

**§8-54-10.7 Recommended decision.** (a) As expeditiously as possible after the close of the hearing, the hearings officer shall file with the board a recommended decision together with separate findings of fact, conclusions of law, and a recommended order. The decision, findings of fact, conclusions of law, and any order recommended by the hearings officer shall be based upon the whole record and supported by the reliable probative and substantial evidence, including facts of which the hearings officer properly took judicial notice.

(b) The hearings officer shall cause a copy of the recommended decision, including therein findings of fact, conclusions of law, and any recommended order, to be served upon each party by registered or certified mail, return receipt requested. Service of the recommended decision shall be deemed complete upon its mailing to the party's last known address.

(c) Any party adversely affected by the hearings officer's recommended decision within fifteen (15) days after receipt of a copy of the decision, may file with the hearings officer written exceptions to the whole or any part of the recommended decision and request review by the board. Each written exception shall specify the portions of the record and authorities relied upon to sustain each point. A copy of the written exceptions shall be served by the party so excepting upon each party to the proceeding. Unless the time has been extended, no written exceptions shall be filed or accepted for filing after the time specified.

(d) Any party may file with the hearings officer and serve upon all other parties a statement in support of the recommended decision within fifteen (15) days after receipt of a copy of the written exceptions filed pursuant to subsection (c).

(e) The hearings officer shall transmit to the board the entire record together with the recommended decision, any timely filed exceptions, and any timely filed statement in support. [Eff 10/30/14] (Auth: HRS §302A-807) (Imp: HRS §§302A-801 to -808)

**§8-54-10.8 Argument of written exceptions; no written exceptions; issuance of final decision and order.** (a) Whenever written exceptions have been timely filed and a party has requested the opportunity to present oral argument, all parties to the proceedings shall be afforded the opportunity to present oral argument to the board concerning the recommended decision. The board shall personally consider the whole record or portion of the record as may have been cited by the parties either in support of or in opposition to the recommended decision. All parties shall be served with notice of the time and place of argument at least five (5) days prior to the time for argument. Within a reasonable time after argument has been heard, the board shall issue a written final decision and order.

(b) When no written exceptions have been filed, the board, within a reasonable time after the hearings officer's recommended decision has been filed, shall issue a written final decision and order.

[Eff 10/30/14] (Auth: HRS §302A-807) (Imp: HRS §§302A-801 to -808)

**§8-54-10.9 Final decision and order.** (a) The board's final decision and order shall either adopt, modify, or reverse, in whole or in part, the hearings officer's recommended decision. The board shall state with specificity in the final decision the reasons for any modification or reversal, in whole or in part, of the hearings officer's recommended decision.

(b) The board shall cause a copy of the final decision and order to be served upon each party by personal service or by registered or certified mail, return receipt requested. Service of the final decision and order shall be deemed complete upon its mailing to the party's last known address. [Eff 10/30/14] (Auth: HRS §302A-807) (Imp: HRS §§302A-801 to -808)

**§8-54-10.10 Judicial review of contested cases.** Any party aggrieved by a final decision of the board is entitled to judicial review in conformance with section 91-14, HRS. Any party requesting judicial review shall serve a copy of the request upon the board and all other parties to the proceeding in accordance with the Hawai'i Rules of Civil Procedure. [Eff 10/30/14] (Auth: HRS §302A-807) (Imp: HRS §§302A-801 to -808)

**§8-54-11** Repealed [R 10/30/14]

**§8-54-12** Repealed [R 10/30/14]

**§8-54-13** Repealed [R 10/30/14]

**§8-54-14** Repealed [R 10/30/14]

**§8-54-15** Repealed [R 10/30/14]

## Definitions

§8-54-3 Definitions.

“Accreditation” means a process for assessing and enhancing academic and educational quality through peer review. National accreditation informs the public that an institution has a professional education unit that has met state, professional, and institutional standards of educational quality. National accrediting bodies are approved by the US Department of Education to accredit teacher education programs.

“Board” means the Hawai'i Teacher Standards Board.

“Censure” means a formal or stern warning given by the board.

“Charter schools” means public schools holding charters to operate as charter schools under chapter 302D, including start-up and conversion charter schools, that have the flexibility to implement alternative frameworks with regard to curriculum, facilities management, instructional approach, length of the school day, week, or year, and personnel management.

“Charter School Administrator” means head of a local school board of a Charter School.

“Code of Ethics” means the contents of Appendix D, which describes the desired conduct of P-12 teachers as members of the teaching profession.

“Condition” means a qualification, restriction, limitation, or requirement imposed on the licensee or permittee that must be true or done.

“Criminal action against children” means any crime involving minors deemed by the Hawai‘i Teacher Standards Board to have a direct bearing on an individual’s ability to serve as a teacher.

“Deny” means to withhold or refuse to grant a license or permit.

“Department” means the department of education.

“Educator Preparation Provider” means a teacher, school counselor or school librarian preparation program that meets the board’s state approval performance standards and has been reviewed and approved in an approval process specified by the board.

“Emergency Hire” means an unlicensed employee of a public school paid under the salary schedule contained in the unit 5 collective bargaining agreement.

“Employer” means any public, charter, independent or private school which hires teachers, school counselors and school librarians.

“Executive Director” means the executive officer of the Hawai‘i Teacher Standards Board.

“Fee” means any monetary amount assessed to process, issue, modify, correct, or approve a license or permit. Fee also means any monetary amount assessed to process, issue, modify, correct, or approve a teacher education program; or to an institution for the processing or correction of data or information.

“Felony” is defined as those acts which are criminal acts defined as felonies by the Hawai‘i Revised Statutes or similar criminal acts which were committed in other jurisdictions.

“Forfeit” or “forfeited” or “forfeiture” shall refer to and mean the status of a license or permit that has been automatically cancelled for failure to renew the license or permit, or for failure to comply with the provisions of section

“Internet crimes” means internet crimes as defined by Hawai‘i Revised Statutes.

“License” means the document signifying recognition granted by the board to practice the profession of teaching.

“Licensee” means the holder of a valid Hawai‘i teaching license.

“Meritorious New Teacher Candidate” means a designation awarded to teacher candidates in states-approved by the board who meet rigorous criteria in areas that have been shown to correlate with student learning gains; strong verbal skills; a high level of mastery of their subject matter; in-depth student teaching, and excellence in their professional program.

“Misdemeanor” for the purpose of these rules is defined as those misdemeanor convictions that pose a substantial risk of harm to the health, safety or welfare of students, minors or others.

“National Board Certification” means the voluntary advanced certification developed and administered by the National Board for Professional Teaching Standards.

“Payment plan” shall refer to and mean a binding agreement on the licensee or permittee to make required payments in a timely manner to comply with license, permit, or renewal requirements.

“Permit” means a limited duty special permit as defined by §8-54-9.6.

“PRAXIS” means the set of tests developed and administered by the Educational Testing Service.

“Private Employer” for purposes of teacher licensure refers to non-public employers of teachers.

“Program” means a planned sequence of courses and experiences for the purpose of preparing teachers and other school professionals to work in pre-kindergarten through twelfth grade settings. Programs may lead to a degree, a recommendation for a state license, both, or neither.

“Public school” means an academic and non-college type school established and maintained by the department of education or a charter school chartered by the board of education in accordance with law.

“Reinstate” or “reinstatement” shall refer to and mean a determination by the board to allow a person who has met requirements set by the board to engage in the practice of teaching following a license or permit suspension or disciplinary condition.

“Renew” or “renewal” means a determination by the board, prior to expiration of a license or permit, to grant additional years of validity based on the number of years the license or permit is eligible to be renewed.

“Reprimand” shall have the same meaning as “Censure”.

“Revocation” means loss of a teaching license or permit for not less than five years.

“Sex offense” means sexual offenses as defined by Hawai‘i Revised Statutes.

“School Counselor” means a person whose duties are primarily promoting and enhancing the learning process within the context of academic development, career development and personal/social development and may also include the same definition as “teacher” for purposes of this chapter.

“School Librarian” means a person whose duties are primarily administering the library media program at the individual school level and also includes the same definition as “teacher” for purposes of this chapter.

“Specialized Professional Associations” or “SPAs” are national organizations that represent teachers, professional education faculty, and other school professionals who teach a specific subject matter, teacher students at a specific developmental level, teacher students with specific needs, or provide services to students.

“State-approved teacher education program” means a teacher preparation program that meets the board’s state approval performance standards and has been reviewed and the approved by the board.

“Superintendent” means the state superintendent of the department of education.

“Suspension” means temporary loss of a teaching license/permit for not more than five years due to a disciplinary action by the board.

“Teacher” means a person whose duties in the public school system are primarily teaching or instruction of students or related activities centered primarily on students and who is

in close and continuous contact with students, and shall include but not be limited to classroom teachers, school librarians, counselors, registrars, and special education teachers.

“Teacher Leader” means an educator identified by his/her employer who assumes formally or informally one or more of a wide array of leadership roles to support teaching and learning.

“Terminate” or “Terminated” or “Termination” shall refer to and mean the status of a license or permit that has been automatically cancelled for failure to timely restore a forfeited license or permit.

“Unit” or “professional education unit” means the college, school, department, or other administrative body in colleges, universities, or other organizations with the responsibility for managing or coordinating all programs offered for the initial and advanced preparation of teachers and other school professionals, regardless of where these programs are administratively housed in an institution. The professional education unit must include in its accreditation review all programs offered by the institution for the purpose of preparing teachers and other school professionals to work in pre-kindergarten through twelfth grade settings.

“Valid license or valid permit” means a license or permit issued or renewed by the board after all criteria set by the board have been met and authorizes the licensee or permittee to engage in the teaching profession.

“Warning” means an admonition relating to a violation of the Code of Ethics that the board deems not warranting a censure or other disciplinary action.

## Model Code of Ethics for Educators (MCEE)

### Preface

The Hawai‘i Teacher Standards Board Code of Ethics supports the vision, core values, and mission of the board in fostering professional standards for teachers, not only with regard to academic rigor, but to include the highest ethical standards of professional conduct which foster commitment to students, the profession, and the community. This code is intended to advance the teaching profession, to guide the professional behavior of P-12 educators in the State of Hawai‘i, and to form the basis for disciplinary action taken by the Board, as authorized in Hawai‘i Revised Statutes §302A-807. The Model Code of Ethics for Educators was adopted by the HTSB on June 4, 2018.



### Principle I: Responsibility to the Profession

The professional educator is aware that trust in the profession depends upon a level of professional conduct and responsibility that may be higher than required by law. This entails holding one and other educators to the same ethical standards.

- A. *The professional educator demonstrates responsibility to oneself as an ethical professional by:*
1. Acknowledging that lack of awareness, knowledge, or understanding of the Code is not, in itself, a defense to a charge of unethical conduct;
  2. Knowing and upholding the procedures, policies, laws and regulations relevant to professional practice regardless of personal views;
  3. Holding oneself responsible for ethical conduct;
  4. Monitoring and maintaining sound mental, physical, and emotional health necessary to perform duties and services of any professional assignment; and taking appropriate measures when personal or health-related issues may interfere with work-related duties;
  5. Refraining from professional or personal activity that may lead to reducing one's effectiveness within the school community;
  6. Avoiding the use of one's position for personal gain and avoiding the appearance of impropriety; and
  7. Taking responsibility and credit only for work actually performed or produced, and acknowledging the work and contributions made by others.
- B. *The professional educator fulfills the obligation to address and attempt to resolve ethical issues by:*
1. Confronting and taking reasonable steps to resolve conflicts between the Code and the implicit or explicit demands of a person or organization;
  2. Maintaining fidelity to the Code by taking proactive steps when having reason to believe that another educator may be approaching or involved in an ethically compromising situation;
  3. Neither discriminating nor retaliating against a person on the basis of having made an ethical complaint;
  4. Neither filing nor encouraging frivolous ethical complaints solely to harm or retaliate; and
  5. Cooperating fully during ethics investigations and proceedings.
- C. *The professional educator promotes and advances the profession within and beyond the school community by:*
1. Influencing and supporting decisions and actions that positively impact teaching and learning, educational leadership and student services;
  2. Engaging in respectful discourse regarding issues that impact the profession;
  3. Enhancing one's professional effectiveness by staying current with ethical principles and decisions from relevant sources including professional organizations;
  4. Actively participating in educational and professional organizations and associations; and
  5. Advocating for adequate resources and facilities to ensure equitable opportunities for all students.

## **Principle II: Responsibility for Professional Competence**

The professional educator is committed to the highest levels of professional and ethical practice, including demonstration of the knowledge, skills and dispositions required for professional competence.

- A. *The professional educator demonstrates commitment to high standards of practice through:*
  - 1. Incorporating into one's practice state and national standards, including those specific to one's discipline;
  - 2. Using the *Model Code of Educator Ethics* and other ethics codes unique to one's discipline to guide and frame educational decision-making;
  - 3. Advocating for equitable educational opportunities for all students;
  - 4. Accepting the responsibilities, performing duties and providing services corresponding to the area of certification, licensure, and training of one's position;
  - 5. Reflecting upon and assessing one's professional skills, content knowledge, and competency on an ongoing basis; and
  - 6. Committing to ongoing professional learning.
- B. *The professional educator demonstrates responsible use of data, materials, research and assessment by:*
  - 1. Appropriately recognizing others' work by citing data or materials from published, unpublished, or electronic sources when disseminating information;
  - 2. Using developmentally appropriate assessments for the purposes for which they are intended and for which they have been validated to guide educational decisions;
  - 3. Conducting research in an ethical and responsible manner with appropriate permission and supervision;
  - 4. Seeking and using evidence, instructional data, research, and professional knowledge to inform practice;
  - 5. Creating, maintaining, disseminating, storing, retaining and disposing of records and data relating to one's research and practice, in accordance with district policy, state and federal laws; and
  - 6. Using data, data sources, or findings accurately and reliably.
- C. *The professional educator acts in the best interest of all students by:*
  - 1. Increasing students' access to the curriculum, activities, and resources in order to provide a quality and equitable educational experience.
  - 2. Working to engage the school community to close achievement, opportunity, and attainment gaps; and
  - 3. Protecting students from any practice that harms or has the potential to harm students.



### **Principle III: Responsibility to Students**

The professional educator has a primary obligation to treat students with dignity and respect. The professional educator promotes the health, safety and well-being of students by establishing and maintaining appropriate verbal, physical, emotional and social boundaries.

- A. *The professional educator respects the rights and dignity of students by:*
1. Respecting students by taking into account their age, gender, culture, setting and socioeconomic context;
  2. Interacting with students with transparency and in appropriate settings;
  3. Communicating with students in a clear, respectful, and culturally sensitive manner;
  4. Taking into account how appearance and dress can affect one's interactions and relationships with students;
  5. Considering the implication of accepting gifts from or giving gifts to students;
  6. Engaging in physical contact with students only when there is a clearly defined purpose that benefits the student and continually keeps the safety and well-being of the student in mind;
  7. Avoiding multiple relationships with students which might impair objectivity and increase the risk of harm to student learning or well-being or decrease educator effectiveness;
  8. Acknowledging that there are no circumstances that allow for educators to engage in romantic or sexual relationships with students; and
  9. Considering the ramifications of entering into an adult relationship of any kind with a former student, including but not limited to, any potential harm to the former student, public perception, and the possible impact on the educator's career. The professional educator ensures that the adult relationship was not started while the former student was in school.
- B. *The professional educator demonstrates an ethic of care through:*
1. Seeking to understand students' educational, academic, personal and social needs as well as students' values, beliefs, and cultural background;
  2. Respecting the dignity, worth, and uniqueness of each individual student including, but not limited to, actual and perceived gender, gender expression, gender identity, civil status, family status, sexual orientation, religion, age, disability, race, ethnicity, socio-economic status, and culture; and
  3. Establishing and maintaining an environment that promotes the emotional, intellectual, physical, and sexual safety of all students.
- C. *The professional educator maintains student trust and confidentiality when interacting with students in a developmentally appropriate manner and within appropriate limits by:*

1. Respecting the privacy of students and the need to hold in confidence certain forms of student communication, documents, or information obtained in the course of professional practice;
2. Upholding parents’/guardians’ legal rights, as well as any legal requirements to reveal information related to legitimate concerns for the well-being of a student; and
3. Protecting the confidentiality of student records and releasing personal data in accordance with prescribed state and federal laws and local policies.

#### **Principle IV: Responsibility to the School Community**

The professional educator promotes positive relationships and effective interactions, with members of the school community, while maintaining professional boundaries.

*A. The professional educator promotes effective and appropriate relationships with parents/guardians by:*

1. Communicating with parents/guardians in a timely and respectful manner that represents the students’ best interests;
2. Demonstrating a commitment to equality, equity, and inclusion as well as respecting and accommodating diversity among members of the school community;
3. Considering the implication of accepting gifts from or giving gifts to parents/guardians; and
4. Maintaining appropriate confidentiality with respect to student information disclosed by or to parents/guardians unless required by law.

*B. The professional educator promotes effective and appropriate relationships with colleagues by:*

1. Respecting colleagues as fellow professionals and maintaining civility when differences arise;
2. Resolving conflicts, whenever possible, privately and respectfully and in accordance with district policy;
3. Keeping student safety, education, and health paramount by maintaining and sharing educational records appropriately and objectively in accordance with local policies and state and federal laws;
4. Collaborating with colleagues in a manner that supports academic achievement and related goals that promote the best interests of students;
5. Enhancing the professional growth and development of new educators by supporting effective field experiences, mentoring or induction activities across the career continuum;
6. Ensuring that educators who are assigned to participate as mentors for new educators, cooperating teachers, or other teacher leadership positions are prepared and supervised to assume these roles;
7. Ensuring that educators are assigned to positions in accordance with their educational credentials, preparation, and experience in order to maximize students’ opportunities and achievement; and
8. Working to ensure a workplace environment that is free from harassment.

- C. *The professional educator promotes effective and appropriate relationships with the community and other stakeholders by:*
1. Advocating for policies and laws that the educator supports as promoting the education and well-being of students and families;
  2. Collaborating with community agencies, organizations, and individuals in order to advance students' best interests without regard to personal reward or remuneration; and
  3. Maintaining the highest professional standards of accuracy, honesty, and appropriate disclosure of information when representing the school or district within the community and in public communications.
- D. *The professional educator promotes effective and appropriate relationships with employers by:*
1. Using property, facilities, materials, and resources in accordance with local policies and state and federal laws;
  2. Respecting intellectual property ownership rights (e.g. original lesson plans, district level curricula, syllabi, gradebooks, etc.) when sharing materials;
  3. Exhibiting personal and professional conduct that is in the best interest of the organization, learning community, school community, and profession; and
  4. Considering the implications of offering or accepting gifts and/or preferential treatment by vendors or an individual in a position of professional influence or power.
- E. *The professional educator understands the problematic nature of multiple relationships by:*
1. Considering the risks that multiple relationships might impair objectivity and increase the likelihood of harm to students' learning and well-being or diminish educator effectiveness;
  2. Considering the risks and benefits of a professional relationship with someone with whom the educator has had a past personal relationship and vice versa;
  3. Considering the implications and possible ramifications of engaging in a personal or professional relationship with parents and guardians, student teachers, colleagues, and supervisors; and
  4. Ensuring that professional responsibilities to paraprofessionals, student teachers or interns do not interfere with responsibilities to students, their learning, and well-being.

#### **Principle V: Responsible and Ethical Use of Technology**

The professional educator considers the impact of consuming, creating, distributing and communicating information through all technologies. The ethical educator is vigilant to ensure appropriate boundaries of time, place and role are maintained when using electronic communication.

- A. *The professional educator uses technology in a responsible manner by:*
1. Using social media responsibly, transparently, and primarily for purposes of teaching and learning per school and district policy. The professional educator considers the

- ramifications of using social media and direct communication via technology on one's interactions with students, colleagues, and the general public;
2. Staying abreast of current trends and uses of school technology;
  3. Promoting the benefits of and clarifying the limitations of various appropriate technological applications with colleagues, appropriate school personnel, parents, and community members;
  4. Knowing how to access, document and use proprietary materials and understanding how to recognize and prevent plagiarism by students and educators;
  5. Understanding and abiding by the district's policy on the use of technology and communication;
  6. Recognizing that some electronic communications are records under the Freedom of Information Act (FOIA) and state public access laws and should consider the implications of sharing sensitive information electronically either via professional or personal devices/accounts; and
  7. Exercising prudence in maintaining separate and professional virtual profiles, keeping personal and professional lives distinct.
- B. The professional educator ensures students' safety and well-being when using technology by:*
1. Being vigilant in identifying, addressing and reporting (when appropriate and in accordance with local district, state, and federal policy) inappropriate and illegal materials/images in electronic or other forms;
  2. Respecting the privacy of students' presence on social media unless given consent to view such information or if there is a possibility of evidence of a risk of harm to the student or others; and
  3. Monitoring to the extent practical and appropriately reporting information concerning possible cyber bullying incidents and their potential impact on the student learning environment.
- C. The professional educator maintains confidentiality in the use of technology by:*
1. Taking appropriate and reasonable measures to maintain confidentiality of student information and educational records stored or transmitted through the use of electronic or computer technology;
  2. Understanding the intent of Federal Educational Rights to Privacy Act (FERPA) and how it applies to sharing electronic student records; and
  3. Ensuring that the rights of third parties, including the right of privacy, are not violated via the use of technologies.
- D. The professional educator promotes the appropriate use of technology in educational settings by:*
1. Advocating for equal access to technology for all students, especially those historically underserved;

2. Promoting the benefits of and clarifying the limitations of various appropriate technological applications with colleagues, appropriate school personnel, parents, and community members; and
3. Promoting technological applications (a) that are appropriate for students' individual needs, (b) that students understand how to use and (c) that assist and enhance the teaching and learning process.

## **Glossary**

### Boundaries:

The verbal, physical, emotional and social distances that an educator must maintain in order to ensure structure, security, and predictability in an educational environment. Most often, the boundaries that are transgressed relate to role, time and place. By respecting contracted roles, appropriate working hours, and the location of the learning environment, secure boundaries are in place for all members of the schooling community.

### District/school district:

This is often referred to as a “local education agency.” A “district” in this document is defined as a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary schools or secondary schools in a city, county, township, school district, or other political subdivision of a State, or for a combination of school districts or counties that is recognized in a State as an administrative agency for its public elementary schools or secondary schools. This can include charter schools, magnet schools, virtual magnet schools, regional educational school districts, or other entities falling under the definition above.

### Culture:

The customary beliefs, social forms, and material traits of a racial, religious, or social group, including the characteristic features of everyday existence shared by people in a place or time<sup>1</sup>.

### Educator:

Educators are the target audience for the MCEE and are defined as licensed educators. These include paraprofessionals, teachers, teacher leaders, student support personnel and administrators. However, others who interact with students who are not under the auspices of an education-related licensing organization such as coaches, school secretaries, custodians or other school staff are encouraged to adopt or adapt this *Model Code of Educator Ethics*. See a separate definition for “professional educator.”

### Ethic of care:

Responding with compassion to the needs of students.

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<sup>1</sup> <http://www.merriam-webster.com/dictionary/culture>

### Ethical Decision-Making Model:

A framework utilized by educators to guide decision-making which includes professional dispositions; applicable laws, statutes, and policies; the *Model Code of Educator Ethics*; and other guidelines that have been adopted and endorsed by educational organizations.

### Fiduciary relationship:

A fiduciary relationship is one in which a person justifiably places confidence in another whose aid, advice, or protection is assumed. Inherent in such fiduciary relationships is an imbalance of power. Educators have a unique responsibility, as the relationship between student and teacher differs from other professional/client relationships (e.g., attorneys, physicians, clergy).

Educators are entrusted with the safety and welfare of students during and after school hours and serve “in loco parentis.”

### Implicit or Explicit Demands of an Organization:

Implicit demands are often subjective or implied and reflect the culture of the schooling environment. Explicit demands are clearly articulated through mandates, policies, or statutes.

### Harm:

The impairment of learning or any potential action which may lead to physical, emotional, psychological, sexual, or intellectual damage to a student or a member of the school community.

### Learning Community:

A group of educators who work with one another to achieve the shared goals of their school and engage in collaborative professional learning to strengthen practice and increase student results.<sup>2</sup>

### Multiple Relationships:

Multiple relationships occur when the educator is in a professional role with one or more members of the school community and also has a personal relationship with that person or a member of that person’s family. Multiple relationships have the potential to impair objectivity, competence, or effectiveness in performing his or her functions as an educator.

### New Educators:

New educators include individuals in an educator preparation program or newly employed in the education profession, including paraprofessionals, teachers, administrators, and student support personnel.

### Professional educator:

A licensed educator who demonstrates the highest standards of ethical and professionally competent practice and is committed to advancing the interests, achievement and well-being of students. The professional educator is also committed to supporting the school community and the education profession.

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<sup>2</sup> <http://learningforward.org/standards/learning-communities#.VTVerkv7Q3Y>

Proprietary materials:

Materials that protected from unauthorized use by copyright or other forms of intellectual property rights.

Safe environments/Safety and well-being:

A school setting which promotes the well-being of all members of the school community and is characterized by the absence of physical, psychological, sexual or emotional harm.

School Community:

This term usually refers to those stakeholders invested in the welfare of a school and its community. A school community includes school administrators, teachers, school staff members, students, their parents and families, school board members and other community members.<sup>3</sup>

Sensitive Information:

This includes but is not limited to student information and educational records, including medical or counseling records.

Student:

A learner attending a P-12 school.

Technology:

Tools, systems, applications and processes that can include, but are not limited to, electronic communications networks such as the internet and electronic devices such as computers, laptops, phones and other hardware/software that deliver text, audio, images, animation, and streaming video.

Transparency:

Openness and accountability with respect to one's behaviors, actions and communications as an educator.

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<sup>3</sup> <http://edglossary.org/school-community/>

**MEMORANDUM OF AGREEMENT**

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**STATE OF HAWAI'I DEPARTMENT OF EDUCATION**  
**and the**  
**HAWAI'I TEACHER STANDARDS BOARD**

**SHARING OF INFORMATION AND INFORMATION SHARING INTERFACE**

This Memorandum of Agreement, (hereinafter "Agreement") is entered into on this 30th day of

July, 2020, by and between the State of Hawai'i, Department of Education whose business address is 1390 Miller Street, Honolulu, Hawai'i 96813 and mailing address is P.O. Box 2360, Honolulu, Hawai'i 96804 (hereinafter referred to as "Department") and the Hawai'i Teacher Standards Board whose business address is 650 Iwilei Road, #268, Honolulu, Hawai'i 96817 (hereafter referred to as "HTSB").

The Department, through its Superintendent, and the HTSB, through its Executive Director, agree that:

I. The purposes of this MOA are to assure that:

- a. Information and documentation required by both AGENCIES and required to be reported under State or Federal laws and regulations, or both, that are relevant to teacher licensing or teacher employment, or both, submitted by applicants or employees, hereafter referred to as CONSTITUENTS, will be shared between the AGENCIES in order to simplify and facilitate information sharing between the staff of the AGENCIES;
- b. The AGENCIES meet all requirements of applicable State and Federal Laws and regulations requiring the security of such information;
- c. In the collection, maintenance, reporting, or usage of information described in item (a) above, the AGENCIES will make all reasonable efforts. Where elimination is not possible, the AGENCIES will make all reasonable efforts to reduce duplication to the greatest extent possible; and
- d. The AGENCIES through their respective executives, officers, and staff cooperate effectively and efficiently in meeting the purposes of this **MOA**.



34 2. The actions authorized by the AGENCIES in furtherance *of* the purposes of this MOA to be

Page 1 of 5

- I           undertaken both individually by each of the AGENCIES and jointly by the AGENCIES are to:
- 2           a.   Establish administrative and technological information exchange interfaces between  
3           the AGENCIES and to enable the AGENCIES to access the most accurate and timely  
4           information collected and maintained by either or both of the AGENCIES as  
5           described in Addendum A to this MOA:
- 6           b.   Provide to CONSTITUENTS a means to submit information described in Addendum  
7           A only once to either the Department or HTSB as agreed upon by the AGENCIES;
- 8           c.   Assure that when a CONSTITUENT submits information described in Addendum A  
9           to one of the AGENCIES it shall be available for use by the AGENCIES jointly; JO
- II           d.   Employ all necessary safeguards, both administrative and technological, to assure  
12           that all information exchanged between the AGENCIES receives the privacy and  
13           confidentiality protections required by State and Federal laws and regulations,  
14           including, but not limited to the assurance that only authorized personnel, including  
15           employees, contractors, and agents of the AGENCIES shall have access to the  
16           information in Addendum A;
- 17           e.   Establish a reasonable timeframe for the initiation of activities (a), (b), (c), and (d)  
18           above;
- 19           f.   Make all reasonable efforts to keep the cost and time necessary to maintain the  
20           administrative and technological information exchange interfaces between the  
21           AGENCIES necessary to meet the purpose of this MOA to a minimum;
- 22           g.   Establish a means to assure ongoing, open, and regular communication to assure the  
23           successful realization of the purposes of this MOA, including, but not limited to the  
24           designation of at least one project liaison, appointed by each AGENCY, which  
25           reports on the project status to the appointing Superintendent or Executive Director.

26   This MOA shall be effective upon the execution by the AGENCIES and shall be reviewed and  
27   renewed every four (4) years. This Agreement may be amended through a mutually acceptable written  
28   statement. In the event that applicable State or Federal laws and regulations require the removal of  
29   one or more of the sections of this Agreement or the information contained in Addendum A, then all  
30   remaining unaffected sections of this Agreement and Addendum A will remain in effect until such  
31   time as the AGENCIES revise OR renew the MOA.

32

33   Either the Superintendent, Department of Education or Executive Director, Hawaii Teacher Standards  
34   Board may revoke this MOA without cause in writing at any time. This MOA may be revised or

1 modified due to applicable State or Federal laws or regulations upon written agreement and signature  
2 by both AGENCIES. 3

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Dr. Christina Kishimoto  
Superintendent  
Department of Education



Lynn Hammonds  
Executive Director  
Hawaii Teacher Standards Board



## Addendum A

	Source	Recipient	Information	Reason for Exchange
1	DOE	<b>HTSB</b>	Work site location	Helps ensure quick communication with teacher
2	DOE	<b>HTSB</b>	Employment status change (Termination or Separation): Notification within thirty (30) days of employment status change due to termination following a DOE investigation of misconduct; or voluntary separation due to an investigation of misconduct; or separation to avoid an investigation of misconduct.	Allows HTSB to review employment status changes that may necessitate licensure action
3	HTSB	DOE	Notification of an on-going investigation that could result in an adverse licensure action, including notification of such an investigation in another state.	To protect students
4	DOE <b>HTSB</b>	<b>HTSB</b> DOE	Name changes	Teacher may lose "credit" for education and training under previous name
5	DOE <b>HTSB</b>	HTSB DOE	Changes to contact information	Facilitates timely communication of licensure information, especially during school breaks
6	DOE	<b>HTSB</b>	DOE approved professional development credits earned	Facilitates teacher license renewal and reclassification
7	<b>HTSB</b> DOE	DOE HTSB	Using official transcripts only, post-secondary credits, degrees, majors, minors, content passing scores for competency examination ( <b>PRAXIS</b> )	Facilitates compensation classification and HQT determination and approval of licensure applications



8	HTSB	DOE	License information including validity dates, tests passed, fields/levels added, license type, status, method granted, and institutional recommendations	Facilitates the accurate and timely licensure of teachers
9	HTSB	DOE	Copies of licenses granted under out- of-state procedures, including subject matter tests ( <b>PRAXIS</b> ) passed or equivalent exam accepted in lieu of HTSB specified Praxis exams	Facilitates the timely and accurate identification of HQ status for teachers
10	HTSB DOE	DOE HTSB	Notification of expired, revoked, and/or suspended licenses within state or out-of-state	To protect students
11	DOE HTSB	HTSB DOE	Other documents and information relevant to the licensing or employment of teacher	Facilitates keeping this MOA timely and efficient

Hawai'i Teacher Standards Board  
650 Iwilei Road, Suite 268  
  
Honolulu, HI 96817

htsb@hawaii.gov  
808-586-2600



**REPORT OF VIOLATION**

Complete this form. Sign and return this form to HTSB at htsb@hawaii.gov. Unsigned forms cannot be accepted.

**1. PERSONAL INFORMATION OF EDUCATOR YOU ARE REPORTING**

_____	_____	_____
Last name	First name	MI

_____	_____	_____	_____
Mailing Address	City	State	Zip

_____	_____
E-mail Address	Cell or Home Telephone

**2. AUTHORIZED ADMINISTRATOR TO COMPLETE THIS SECTION**

_____	_____
Signature of School Administrator	Print Name

_____	_____
Name of Your School	Phone, including Area Code

_____	_____
E-Mail Address	Date

Description of violation.

[Large empty rectangular box for describing the violation]



Description, continued

Hawai'i Teacher Standards Board  
650 Iwilei Road, Suite 268  
Honolulu, HI 96817



htsb@hawaii.gov  
808-586-2600

REPORT OF VIOLATION

Complete this form. Sign and email this form to htsb@hawaii.gov. Unsigned forms cannot be accepted.

**1. PERSONAL INFORMATION OF EDUCATOR YOU ARE REPORTING**

_____		_____		_____	
Last name	First name	MI			
_____			_____		_____
Name of School Where Employed			City	State	Zip
_____					
Teaching Assignment					

**2. WITNESS TO COMPLETE THIS SECTION**

_____		_____	
Signature of Witness		Print Name	
_____			_____
Email Address			Phone, including Area Code
_____			
Date			
Description of violation.			

Description, continued

### **Step 3: Professional Fitness:**

You must answer ALL questions. If you have already reported an incident that has been resolved with the HTSB, you may answer 'No'. Only select 'Yes' for new incidents.

Any falsification or deliberate misrepresentation, including omission of a material fact, in completion of these questions can be grounds for refusal to renew, suspend, deny, condition, or revoke a license, certificate, or permit.

1. Have you ever had a professional license, certificate, permit or \*equivalent, suspended, revoked, sanctioned, or disciplined by receiving any other adverse action, restriction, or special condition?
2. Have you ever been denied a professional license, certificate, permit or \*equivalent, even if the license, certificate, or permit, or \*equivalent was later issued with or without conditions or limitations?
3. Have you ever surrendered or relinquished a professional license, certificate, permit, or \*equivalent, following an allegation of misconduct, during an investigation into allegations of misconduct, or to avoid having adverse action taken on your license, certificate, permit, or equivalent?
4. Do you have any current investigative or disciplinary action pending against a professional license, certificate, permit, or \*equivalent, or against an application for a professional license, certificate, permit or \*equivalent?
5. Have you ever been dismissed, resigned, or retired from employment following an allegation of misconduct, during an investigation into allegations of misconduct, or to avoid being terminated?
6. Have you been convicted or pled "nolo contendere" (no contest) to a felony or misdemeanor?

**\*equivalent-** may include any document authorizing a person to perform professional duties requiring a license issued by a state or jurisdiction, including but not limited to teachers, school librarians, or school counselors in a P-12 school setting.

**HAWAI'I TEACHER STANDARDS BOARD**  
**ADMINISTRATOR'S REPORT OF VIOLATION**

**§8-54-9.16 Reporting of violations.** (a) Reports of violations(s) to the Code of Ethics or for conduct listed in §8-54-9.14 shall be filed in writing with the board on a signed form and in a manner provided by the board.

(b) The superintendent or charter school administrator or their designee in any Hawai'i public school shall report violations. A private or independent school administrator is authorized to report violations. The report shall contain the name, address, and social security number of any licensed educator, permit holder or emergency hire who:

- (1) Is terminated or not re-hired for cause;
- (2) Resigns under threat of termination or non-employment for cause;
- (3) Is convicted of a felony or misdemeanor as defined in this chapter.

(c) Licensed educators, permit holders and emergency hires who may have engaged in action that could result in denial, non-renewal, revocation or suspension of a license shall be required to report to the Board, in a manner provided for by the Board, within thirty (30) calendar days of the event, the following:

- (1) Been terminated or not rehired for cause;
- (2) Resigned under threat of termination or non-employment for cause; and been convicted of a felony or misdemeanor as defined in this chapter

Name of Educator:

Social Security Number:

Date of Birth:

Employee ID Number:

Name of School:

Employee eHR Status:

Effective date of eHR Status Change:

Date HTSB received DOE investigation report:

HTSB received investigation report by:

Description of the Violation:

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Attached additional sheets if necessary.

I declare under penalty of perjury that the forgoing, including any attachment, is true and correct.

Printed Name:

Signature:

**Title:**

**Date:**

Telephone:

Email:

## Specialist Request for a Professional Fitness Review

**Specialist:** <NAME>

**Referral Date:** <DATE>

- 1. Applicant/Licensee Name:** <APPLICANT NAME>
- 2. Last 4 of social security number:** <SS #>
- 3. Mailing Address:** <ADDRESS>
- 4. Current Hawaii License number and field(s), if applicable:**
  - License Number: <NUMBER>
  - License Fields: <LIST FIELDS>
- 5. Hawaii Initial license issue date, if applicable:**
  - <LICENSE ISSUE DATE>
- 6. License field(s):**
  - <LICENSE FIELDS>
- 7. License(s) held in other jurisdictions, including current license dates or expiration date and field(s):**
  - Jurisdiction: <NAME OF JURISDICTION>
  - Current License Date: <DATE> <FIELD(S)>
  - Expiration Date and Fields <DATE> <FIELD(S)>
- 8. Explain the reason for your request for action:**
  - <REASONS>
- 9. List all HRS/HAR sections you believe are involved**
  - 1. HRS**
    - i. §302A-
  - 2. HAR**
    - i. §8-54-9.14 **Grounds for refusal to renew, reinstate, or restore, and for revocation, suspension, denial, or condition of a license or permit.** In addition to any other acts or conditions provided by law, the board may refuse to renew, reinstate or restore, or may deny, revoke, suspend, or condition in

any manner, any license for any one or more of the following acts or conditions on the part of the licensee, permittee or the applicant thereof:

<INSERT HAR/HRS>

**10. Complete the chart below, including all contact with individual and other associated parties in chronological order, including all phone calls, email, office visits, documents received.**

Key:

PF=Professional Fitness

<INSERT KEY INFO>

<b>Date</b>	<b>Type of Contact</b>	<b>Description</b>	<b>Specialist Checklist</b>





**STATE OF HAWAI'I**  
**HAWAI'I TEACHER STANDARDS BOARD**  
650 IWILEI ROAD, SUITE 268  
HONOLULU, HAWAI'I 96817

**CONFIDENTIAL**

<DATE>

<FIRST NAME> <LAST NAME>

<Mailing Address>

<Mailing Address>

Dear <Mr./Ms.> <LAST NAME>:

On <DATE of receipt of report>, the Hawai'i Teacher Standards Board (HTSB) received a Report of Violation regarding your conduct as a professional educator. Our office must investigate every complaint received, as the safety and well-being of students is our priority.

I would like to speak to you at your earliest convenience to discuss this matter. Please contact me directly at <PHONE NUMBER> or by email at <EMAIL> so that we may set a time to meet. We can meet in the HTSB office, online using GoToMeeting, or over the telephone.

Thank you for your attention to this important matter.

Sincerely,

<NAME>

Executive Director



**STATE OF HAWAI'I**  
**HAWAI'I TEACHER STANDARDS BOARD**  
650 IWILEI ROAD, SUITE 268  
HONOLULU, HAWAI'I 96817

**CONFIDENTIAL**

<DATE>

<FIRST NAME> <LAST NAME>

<Mailing Address>

<Mailing Address>

Dear <Mr./Ms.> <LAST NAME>:

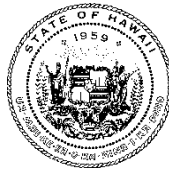
On <DATE of receipt of report>, the Hawai'i Teacher Standards Board (HTSB) received your Report of Violation regarding <FIRST NAME> <LAST NAME>. This complaint will be investigated, and you will be informed of next steps after our investigation is complete.

We appreciate your concern and assure you that the safety and well-being of students is our priority. If you have questions, please contact me directly at <PHONE NUMBER> or by email at <EMAIL>.

Sincerely,

<NAME>

Executive Director



STATE OF HAWAI'I  
HAWAI'I TEACHER STANDARDS BOARD  
650 IWILEI ROAD, SUITE 268  
HONOLULU, HAWAI'I 96817

**CONFIDENTIAL**

<Date>

<First Name> <Last Name>  
<Mailing Address>  
<City, State, Zip Code>

Dear <Mr./Ms.> <Last Name>:

Hawai'i Teacher Standards Board (HTSB) received a formal complaint on <DATE> regarding your <INSERT FORMAL COMPLAINT>. In that formal complaint, it mentions allegations of behavior contrary to the recognized standards of ethics adopted by HTSB in its Code of Ethics or for conduct listed in §8-54-9.14. Our office must investigate every complaint received, as the safety and well-being of students is our priority.

Please upload the following documents to the Documents tab of your HTSB online record at [www.hawaiiiteacherstandardsboard.org](http://www.hawaiiiteacherstandardsboard.org) no later than <DATE>, 5:00 PM HST, which is thirty (30) calendar days from the date of this letter. Failure to meet this deadline will result in an automatic review of your records by our Executive Director. Potential action may include censure, suspension, or revocation of your license.

- Completed **Explanation Form**, enclosed, regarding this formal complaint.
- A copy of any supporting documentation you would like HTSB to review.

In addition to the above documents, we may require additional documentation to complete our evaluation. You will be informed by HTSB message if more documentation is needed. If you have questions, please do not hesitate to contact me using the Contact HTSB tab in your online account.

Sincerely,

<First Name> <Last Name>  
Licensing Specialist

<INITIAL OF LS>:<initial of ofc. asst.>

Encl: Explanation Form- Formal Complaint

**Name:** <First Name> <Last Name>

**HTSB ID:** <ID Number>

**Date:**

**HTSB EXPLANATION FORM**

**Formal Complaint**

**Directions:**

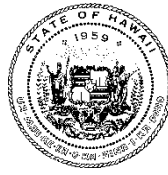
Upload this form to the Documents tab of your HTSB online record.

Explain the events that led to the formal complaint brought against you:

I declare under penalty of perjury that the foregoing, including any attachment, is true and correct.

Printed Name \_\_\_\_\_

Signature\_\_\_\_\_ Date\_\_\_\_\_



STATE OF HAWAI'I  
HAWAI'I TEACHER STANDARDS BOARD  
650 IWILEI ROAD, SUITE 268  
HONOLULU, HAWAI'I 96817

**CONFIDENTIAL**

<Date>

<First Name> <Last Name>  
<Mailing Address>  
<City, State, Zip Code>

Dear <Mr./Ms.> <Last Name>:

Hawai'i Teacher Standards Board (HTSB) received a formal complaint on <DATE> regarding your <INSERT FORMAL COMPLAINT>. In that formal complaint, it mentions allegations of behavior contrary to the recognized standards of ethics adopted by HTSB in its Code of Ethics or for conduct listed in §8-54-9.14. Our office must investigate every complaint received, as the safety and well-being of students is our priority.

Please upload the following documents to the Documents tab of your HTSB online record at [www.hawaiiiteacherstandardsboard.org](http://www.hawaiiiteacherstandardsboard.org) no later than <DATE>, 5:00 PM HST, which is thirty (30) calendar days from the date of this letter. Failure to meet this deadline will result in an automatic review of your records by our Executive Director. Potential action may include censure, suspension, or revocation of your license.

- Completed **Explanation Form**, enclosed, regarding this formal complaint.
- A copy of any supporting documentation you would like HTSB to review.

In addition to the above documents, we may require additional documentation to complete our evaluation. You will be informed by HTSB message if more documentation is needed. If you have questions or if you would like to schedule a virtual appointment due to COVID-19, please do not hesitate to contact me using the Contact HTSB tab in your online account.

Sincerely,

<First Name> <Last Name>  
Licensing Specialist

<INITIAL OF LS>:<initial of ofc. asst.>

Encl: Explanation Form- Formal Complaint

**Name:** <First Name> <Last Name>

**HTSB ID:** <ID Number>

**Date:**

## **HTSB EXPLANATION FORM**

### **Formal Complaint**

**Directions:**

Upload this form to the Documents tab of your HTSB online record.

Explain the events that led to the formal complaint brought against you:

I declare under penalty of perjury that the foregoing, including any attachment, is true and correct.

Printed Name \_\_\_\_\_

Signature\_\_\_\_\_ Date\_\_\_\_\_





**STATE OF HAWAI'I**  
**HAWAI'I TEACHER STANDARDS BOARD**  
650 IWILEI ROAD, SUITE 268  
HONOLULU, HAWAI'I 96817

**CONFIDENTIAL**

<Date>

<First Name> <Last Name>

<Mailing Address>

<City, State, Zip Code>

Dear <First Name> <Last Name>:

Thank you for submitting an application to the Hawai'i Teacher Standards Board (HTSB). Your application requires additional documentation because you answered "Yes" to Professional Fitness question one, "Have you ever had a professional license or professional certificate sanctioned or disciplined by receiving a letter of censure, warning, reprimand, fine, probation, or any other restriction or special condition?". If you believe this is an error or that you have previously cleared this same incident with HTSB, please notify me immediately by using the Contact HTSB tab in your online licensing record at [www.hawaiiiteacherstandardsboard.org](http://www.hawaiiiteacherstandardsboard.org).

Please upload the following documents to the Documents tab of your HTSB online record for review:

- Completed **Explanation Form**, enclosed, one incident per form.
- A copy of all documentation you want HTSB to review about the action(s).

Your application cannot be completed until the Professional Fitness portion of your application is cleared. In addition to the above documents, we may require additional documentation to complete our evaluation. You will be informed by HTSB message if more documentation is needed. If you have questions, please do not hesitate to contact me using the Contact HTSB tab in your online account.

Sincerely,

<First Name> <Last Name>

Licensing Specialist

<INITIAL OF LS>:<initial of ofc. asst.>

Encl: Explanation Form- Professional Fitness Question #1

**Name:** <First Name> <Last Name>

**HTSB ID:** <ID Number>

**Date:**

## **HTSB EXPLANATION FORM**

### **Professional Fitness Question #1**

**Directions:**

Complete a separate form for **each** incident you had a professional license or professional certificate sanctioned or disciplined by receiving a letter of censure, warning, reprimand, fine, probation, or any other restriction or special condition. You must disclose each incident, no matter how much time has passed. Upload this form to the Documents tab of your HTSB online record.

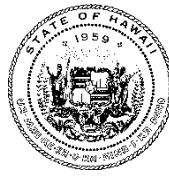
Name of state teacher licensing agency involved:

Explain the events that led to the adverse action on your professional license, certificate, credential, or permit:

I declare under penalty of perjury that the foregoing, including any attachment, is true and correct.

Printed Name \_\_\_\_\_

Signature\_\_\_\_\_ Date\_\_\_\_\_



**STATE OF HAWAI'I**  
**HAWAI'I TEACHER STANDARDS BOARD**  
650 IWILEI ROAD, SUITE 268  
HONOLULU, HAWAI'I 96817

**CONFIDENTIAL**

<Date>

<First Name> <Last Name>

<Mailing Address>

<City, State, Zip Code>

Dear <First Name> <Last Name>:

Thank you for submitting an application to the Hawai'i Teacher Standards Board (HTSB). Your application requires additional documentation because you answered "Yes" to Professional Fitness question two, "Have you ever been denied a professional license or certificate even if the certificate or license was later issued with conditions or limitations?". If you believe this is an error or that you have previously cleared this same incident with HTSB, please notify me immediately by using the Contact HTSB tab in your online licensing record at [www.hawaiiiteacherstandardsboard.org](http://www.hawaiiiteacherstandardsboard.org).

Please upload the following documents to the Documents tab of your HTSB online record for review:

- Completed **Explanation Form**, enclosed, one incident per form.
- A copy of all documentation you want HTSB to review about the action(s).

Your application cannot be completed until the Professional Fitness portion of your application is cleared. In addition to the above documents, we may require additional documentation to complete our evaluation. You will be informed by HTSB message if more documentation is needed. If you have questions, please do not hesitate to contact me using the Contact HTSB tab in your online account.

Sincerely,

<First Name> <Last Name>

Licensing Specialist

<INITIAL OF LS>:<initial of ofc. asst.>

Encl: Explanation Form- Professional Fitness Question #2

**Name:** <First Name> <Last Name>

**HTSB ID:** <ID Number>

**Date:**

## **HTSB EXPLANATION FORM**

### **Professional Fitness Question #2**

**Directions:**

Complete a separate form for **each** incident you were denied a professional license or certificate even if the certificate or license was later issued with conditions or limitations. You must disclose each incident, no matter how much time has passed. Upload this form to the Documents tab of your HTSB online record.

Name of state teacher licensing agency involved:

Explain the events that led to you being denied a professional license or certificate:

I declare under penalty of perjury that the foregoing, including any attachment, is true and correct.

Printed Name \_\_\_\_\_

Signature\_\_\_\_\_ Date\_\_\_\_\_



**STATE OF HAWAI'I**  
**HAWAI'I TEACHER STANDARDS BOARD**  
650 IWILEI ROAD, SUITE 268  
HONOLULU, HAWAI'I 96817

**CONFIDENTIAL**

<Date>

<First Name> <Last Name>

<Mailing Address>

<City, State, Zip Code>

Dear <First Name> <Last Name>:

Thank you for submitting an application to the Hawai'i Teacher Standards Board (HTSB). Your application requires additional documentation because you answered "Yes" to Professional Fitness question three, "Have you ever had a professional license or certificate suspended or revoked?". If you believe this is an error or that you have previously cleared this same incident with HTSB, please notify me immediately by using the Contact HTSB tab in your online licensing record at [www.hawaiiteacherstandardsboard.org](http://www.hawaiiteacherstandardsboard.org).

Please upload the following documents to the Documents tab of your HTSB online record for review:

- Completed **Explanation Form**, enclosed, one incident per form.
- A copy of all documentation you want HTSB to review about the action(s).

Your application cannot be completed until the Professional Fitness portion of your application is cleared. In addition to the above documents, we may require additional documentation to complete our evaluation. You will be informed by HTSB message if more documentation is needed. If you have questions, please do not hesitate to contact me using the Contact HTSB tab in your online account.

Sincerely,

<First Name> <Last Name>

Licensing Specialist

<INITIAL OF LS>:<initial of ofc. asst.>

Encl: Explanation Form- Professional Fitness Question #3

**Name:** <First Name> <Last Name>

HTSB ID: <ID Number>

Date:

**HTSB EXPLANATION FORM**  
**Professional Fitness Question #3**

**Directions:**

Complete a separate form for **each** incident your professional license or certificate was suspended or revoked. You must disclose each incident, no matter how much time has passed. Upload this form to the Documents tab of your HTSB online record.

Name of state teacher licensing agency involved:

Explain the events that led to the suspension or revocation of your professional license or certificate:

I declare under penalty of perjury that the foregoing, including any attachment, is true and correct.

Printed Name \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_





**STATE OF HAWAII**  
**HAWAII TEACHER STANDARDS BOARD**  
650 IWILEI ROAD, SUITE 268  
HONOLULU, HAWAII 96817

**CONFIDENTIAL**

<Date>

<First Name> <Last Name>

<Mailing Address>

<City, State, Zip Code>

Dear <First Name> <Last Name>:

Thank you for submitting an application to the Hawai'i Teacher Standards Board (HTSB). Your application requires additional documentation because you answered "Yes" to Professional Fitness question four, "Have you ever surrendered or relinquished a professional license or certificate during or following an investigation into allegations of misconduct?". If you believe this is an error or that you have previously cleared this same incident with HTSB, please notify me immediately by using the Contact HTSB tab in your online licensing record at [www.hawaiiteacherstandardsboard.org](http://www.hawaiiteacherstandardsboard.org).

Please upload the following documents to the Documents tab of your HTSB online record for review:

- Completed **Explanation Form**, enclosed, one incident per form.
- A copy of all documentation you want HTSB to review about the action(s).

Your application cannot be completed until the Professional Fitness portion of your application is cleared. In addition to the above documents, we may require additional documentation to complete our evaluation. You will be informed by HTSB message if more documentation is needed. If you have questions, please do not hesitate to contact me using the Contact HTSB tab in your online account.

Sincerely,

<First Name> <Last Name>

Licensing Specialist

<INITIAL OF LS>:<initial of ofc. asst.>

Encl: Explanation Form- Professional Fitness Question #4

**Name:** <First Name> <Last Name>

**HTSB ID:** <ID Number>

**Date:**

## **HTSB EXPLANATION FORM**

### **Professional Fitness Question #4**

**Directions:**

Complete a separate form for **each** incident you surrendered or relinquished your professional license or certificate during or following an investigation into allegations of misconduct. You must disclose each incident, no matter how much time has passed. Upload this form to the Documents tab of your HTSB online record.

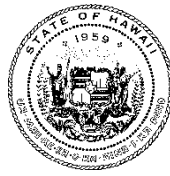
Name of state teacher licensing agency involved:

Explain the events that led to the surrender or relinquishment of your professional license or certificate:

I declare under penalty of perjury that the foregoing, including any attachment, is true and correct.

Printed Name \_\_\_\_\_

Signature\_\_\_\_\_ Date\_\_\_\_\_



**STATE OF HAWAI'I**  
**HAWAI'I TEACHER STANDARDS BOARD**  
650 IWILEI ROAD, SUITE 268  
HONOLULU, HAWAI'I 96817

**CONFIDENTIAL**

<Date>

<First Name> <Last Name>

<Mailing Address>

<City, State, Zip Code>

Dear <First Name> <Last Name>:

Thank you for submitting an application to the Hawai'i Teacher Standards Board (HTSB). Your application requires additional documentation because you answered "Yes" to Professional Fitness question five, "Do you have any current investigative or disciplinary action pending against a professional license or certificate or against an application for a professional license or certificate?". If you believe this is an error or that you have previously cleared this same incident with HTSB, please notify me immediately by using the Contact HTSB tab in your online licensing record at [www.hawaiiteacherstandardsboard.org](http://www.hawaiiteacherstandardsboard.org).

Please upload the following documents to the Documents tab of your HTSB online record for review:

- Completed **Explanation Form**, enclosed, one incident per form.
- A copy of all documentation you want HTSB to review about the action(s).

Your application cannot be completed until the Professional Fitness portion of your application is cleared. In addition to the above documents, we may require additional documentation to complete our evaluation. You will be informed by HTSB message if more documentation is needed. If you have questions, please do not hesitate to contact me using the Contact HTSB tab in your online account.

Sincerely,

<First Name> <Last Name>

Licensing Specialist

<INITIAL OF LS>:<initial of ofc. asst.>

Encl: Explanation Form- Professional Fitness Question #5

**Name:** <First Name> <Last Name>

**HTSB ID:** <ID Number>

**Date:**

## **HTSB EXPLANATION FORM**

### **Professional Fitness Question #5**

**Directions:**

Complete a separate form for **each** incident of any current investigative or disciplinary action pending against your professional license or certificate or against your application for a professional license or certificate. You must disclose each incident, no matter how much time has passed. Upload this form to the Documents tab of your HTSB online record.

Name of state teacher licensing agency involved:

Explain the events that led to any current investigative or disciplinary action pending against your professional license or certificate or against your application for a professional license or certificate:

I declare under penalty of perjury that the foregoing, including any attachment, is true and correct.

Printed Name \_\_\_\_\_

Signature\_\_\_\_\_ Date\_\_\_\_\_



**STATE OF HAWAI'I**  
**HAWAI'I TEACHER STANDARDS BOARD**  
650 IWILEI ROAD, SUITE 268  
HONOLULU, HAWAI'I 96817

**CONFIDENTIAL**

<Date>

<First Name> <Last Name>

<Mailing Address>

<City, State, Zip Code>

Dear <First Name> <Last Name>:

Thank you for submitting an application to the Hawai'i Teacher Standards Board (HTSB). Your application requires additional documentation because you answered "Yes" to Professional Fitness question six, "Have you ever been dismissed or resigned employment during or following an investigation into allegations of misconduct?". If you believe this is an error or that you have previously cleared this same incident with HTSB, please notify me immediately by using the Contact HTSB tab in your online licensing record at [www.hawaiiiteacherstandardsboard.org](http://www.hawaiiiteacherstandardsboard.org).

Please upload the following documents to the Documents tab of your HTSB online record for review:

- Completed **Explanation Form**, enclosed, one incident per form.
- A copy of all documentation you want HTSB to review about the action(s).

Your application cannot be completed until the Professional Fitness portion of your application is cleared. In addition to the above documents, we may require additional documentation to complete our evaluation. You will be informed by HTSB message if more documentation is needed. If you have questions, please do not hesitate to contact me using the Contact HTSB tab in your online account.

Sincerely,

<First Name> <Last Name>

Licensing Specialist

<INITIAL OF LS>:<initial of ofc. asst.>

Encl: Explanation Form- Professional Fitness Question #6

**Name:** <First Name> <Last Name>

**HTSB ID:** <ID Number>

**Date:**

## **HTSB EXPLANATION FORM**

### **Professional Fitness Question #6**

**Directions:**

Complete a separate form for **each** incident you were dismissed or resigned employment during or following an investigation into allegations of misconduct. You must disclose each incident, no matter how much time has passed. Upload this form to the Documents tab of your HTSB online record.

Name, address, and contact information of employer:

Position you held:

Explain the events that led to you being dismissed or resigned employment:

I declare under penalty of perjury that the foregoing, including any attachment, is true and correct.

Printed Name \_\_\_\_\_



Signature\_\_\_\_\_ Date\_\_\_\_\_



**STATE OF HAWAI'I**  
**HAWAI'I TEACHER STANDARDS BOARD**  
650 IWILEI ROAD, SUITE 268  
HONOLULU, HAWAI'I 96817

**CONFIDENTIAL**

<Date>

<First Name> <Last Name>

<Mailing Address>

<City, State, Zip Code>

Dear <First Name> <Last Name>:

Thank you for submitting an application to the Hawai'i Teacher Standards Board (HTSB). Your application requires additional documentation because you answered "Yes" to Professional Fitness question seven, "Have you been convicted or pled "nolo contendere" (no contest) to a felony or misdemeanor?". If you believe this is an error or that you have previously cleared this same incident with HTSB, please notify me immediately by using the Contact HTSB tab in your online licensing record at [www.hawaiiiteacherstandardsboard.org](http://www.hawaiiiteacherstandardsboard.org).

Please upload the following documents to the Documents tab of your HTSB online record for review:

- Completed **Explanation Form**, enclosed, one incident per form.
- A copy of the complete arrest and court documents, including the complaint showing the charges filed and the court documents showing plea or conviction, sentencing, and terms and conditions of probation. To obtain this documentation, contact the court where your case was processed. If the records have been purged or are otherwise not available, provide an original statement from the court on official letterhead verifying that fact.

Your application cannot be completed until the Professional Fitness portion of your application is cleared. In addition to the above documents, we may require additional documentation to complete our evaluation. You will be informed by HTSB message if more documentation is needed. If you have questions, please do not hesitate to contact me using the Contact HTSB tab in your online account.

Sincerely,

<First Name> <Last Name>

Licensing Specialist

<INITIAL OF LS>:<initial of ofc. asst.>

Encl: Explanation Form- Professional Fitness Question #7

**Name:** <First Name> <Last Name>

**HTSB ID:** <ID Number>

**Date:**

**HTSB EXPLANATION FORM**

**Professional Fitness Question #7**

**Directions:**

Complete a separate form for **each** incident of a felony or misdemeanor conviction or plea of *nolo contendere*. You must disclose each incident, no matter how much time has passed. Upload this form to the Documents tab of your HTSB online record.

Date and location of offense:

Explain the events that led to your conviction or plea of no contest to a felony or misdemeanor:

I declare under penalty of perjury that the foregoing, including any attachment, is true and correct.

Printed Name \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_



**STATE OF HAWAI‘I**  
**HAWAI‘I TEACHER STANDARDS BOARD**  
650 IWILEI ROAD, SUITE 268  
HONOLULU, HAWAI‘I 96817

**CONFIDENTIAL**

<Date>

<First Name> <Last Name>

<Mailing Address>

<City, State, Zip Code>

Dear <First Name> <Last Name>:

Thank you for submitting an application to the Hawaii Teacher Standards Board (HTSB). Your application requires additional documentation because you answered “Yes” to Professional Fitness question one, “Have you ever had a professional license or professional certificate sanctioned or disciplined by receiving a letter of censure, warning, reprimand, fine, probation, or any other restriction or special condition?”. If you believe this is an error or that you have previously cleared this same incident with HTSB, please notify me immediately by using the Contact HTSB tab in your online licensing record at [www.hawaiiiteacherstandardsboard.org](http://www.hawaiiiteacherstandardsboard.org).

Please upload the following documents to the Documents tab of your HTSB online record for review:

- Completed **Explanation Form**, enclosed, one incident per form.
- A copy of all documentation you want HTSB to review about the action(s).

Your application cannot be completed until the Professional Fitness portion of your application is cleared. In addition to the above documents, we may require additional documentation to complete our evaluation. You will be informed by HTSB message if more documentation is needed. If you have questions or if you would like to schedule a virtual appointment due to COVID-19, please do not hesitate to contact me using the Contact HTSB tab in your online account.

Sincerely,

<First Name> <Last Name>

Licensing Specialist

<INITIAL OF LS>:<initial of ofc. asst.>

Encl: Explanation Form- Professional Fitness Question #1

**Name:** <First Name> <Last Name>

**HTSB ID:** <ID Number>

**Date:**

## **HTSB EXPLANATION FORM**

### **Professional Fitness Question #1**

**Directions:**

Complete a separate form for **each** incident you had a professional license or professional certificate sanctioned or disciplined by receiving a letter of censure, warning, reprimand, fine, probation, or any other restriction or special condition. You must disclose each incident, no matter how much time has passed. Upload this form to the Documents tab of your HTSB online record.

Name of state teacher licensing agency involved:

Explain the events that led to the adverse action on your professional license, certificate, credential, or permit:

I declare under penalty of perjury that the foregoing, including any attachment, is true and correct.

Printed Name \_\_\_\_\_

Signature\_\_\_\_\_ Date\_\_\_\_\_



**STATE OF HAWAI'I**  
**HAWAI'I TEACHER STANDARDS BOARD**  
650 IWILEI ROAD, SUITE 268  
HONOLULU, HAWAI'I 96817

**CONFIDENTIAL**

<Date>

<First Name> <Last Name>

<Mailing Address>

<City, State, Zip Code>

Dear <First Name> <Last Name>:

Thank you for submitting an application to the Hawaii Teacher Standards Board (HTSB). Your application requires additional documentation because you answered "Yes" to Professional Fitness question two, "Have you ever been denied a professional license or certificate even if the certificate or license was later issued with conditions or limitations?". If you believe this is an error or that you have previously cleared this same incident with HTSB, please notify me immediately by using the Contact HTSB tab in your online licensing record at [www.hawaiiiteacherstandardsboard.org](http://www.hawaiiiteacherstandardsboard.org).

Please upload the following documents to the Documents tab of your HTSB online record for review:

- Completed **Explanation Form**, enclosed, one incident per form.
- A copy of all documentation you want HTSB to review about the action(s).

Your application cannot be completed until the Professional Fitness portion of your application is cleared. In addition to the above documents, we may require additional documentation to complete our evaluation. You will be informed by HTSB message if more documentation is needed. If you have questions or if you would like to schedule a virtual appointment due to COVID-19, please do not hesitate to contact me using the Contact HTSB tab in your online account.

Sincerely,

<First Name> <Last Name>

Licensing Specialist

<INITIAL OF LS>:<initial of ofc. asst.>

Encl: Explanation Form- Professional Fitness Question #2



**Name:** <First Name> <Last Name>

**HTSB ID:** <ID Number>

**Date:**

## **HTSB EXPLANATION FORM**

### **Professional Fitness Question #2**

**Directions:**

Complete a separate form for **each** incident you were denied a professional license or certificate even if the certificate or license was later issued with conditions or limitations. You must disclose each incident, no matter how much time has passed. Upload this form to the Documents tab of your HTSB online record.

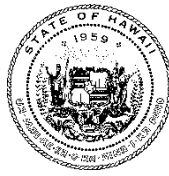
Name of state teacher licensing agency involved:

Explain the events that led to you being denied a professional license or certificate:

I declare under penalty of perjury that the foregoing, including any attachment, is true and correct.

Printed Name \_\_\_\_\_

Signature\_\_\_\_\_ Date\_\_\_\_\_



**STATE OF HAWAI'I**  
**HAWAI'I TEACHER STANDARDS BOARD**  
650 IWILEI ROAD, SUITE 268  
HONOLULU, HAWAI'I 96817

**CONFIDENTIAL**

<Date>

<First Name> <Last Name>

<Mailing Address>

<City, State, Zip Code>

Dear <First Name> <Last Name>:

Thank you for submitting an application to the Hawaii Teacher Standards Board (HTSB). Your application requires additional documentation because you answered "Yes" to Professional Fitness question three, "Have you ever had a professional license or certificate suspended or revoked?". If you believe this is an error or that you have previously cleared this same incident with HTSB, please notify me immediately by using the Contact HTSB tab in your online licensing record at [www.hawaiiteacherstandardsboard.org](http://www.hawaiiteacherstandardsboard.org).

Please upload the following documents to the Documents tab of your HTSB online record for review:

- Completed **Explanation Form**, enclosed, one incident per form.
- A copy of all documentation you want HTSB to review about the action(s).

Your application cannot be completed until the Professional Fitness portion of your application is cleared. In addition to the above documents, we may require additional documentation to complete our evaluation. You will be informed by HTSB message if more documentation is needed. If you have questions or if you would like to schedule a virtual appointment due to COVID-19, please do not hesitate to contact me using the Contact HTSB tab in your online account.

Sincerely,

<First Name> <Last Name>

Licensing Specialist

<INITIAL OF LS>:<initial of ofc. asst.>

Encl: Explanation Form- Professional Fitness Question #3

**Name:** <First Name> <Last Name>

**HTSB ID:** <ID Number>

**Date:**

## **HTSB EXPLANATION FORM**

### **Professional Fitness Question #3**

**Directions:**

Complete a separate form for **each** incident your professional license or certificate was suspended or revoked. You must disclose each incident, no matter how much time has passed. Upload this form to the Documents tab of your HTSB online record.

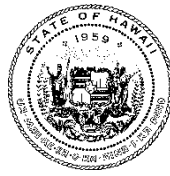
Name of state teacher licensing agency involved:

Explain the events that led to the suspension or revocation of your professional license or certificate:

I declare under penalty of perjury that the foregoing, including any attachment, is true and correct.

Printed Name \_\_\_\_\_

Signature\_\_\_\_\_ Date\_\_\_\_\_



STATE OF HAWAII  
HAWAII TEACHER STANDARDS BOARD  
650 IWILEI ROAD, SUITE 268  
HONOLULU, HAWAII 96817

**CONFIDENTIAL**

<Date>

<First Name> <Last Name>

<Mailing Address>

<City, State, Zip Code>

Dear <First Name> <Last Name>:

Thank you for submitting an application to the Hawaii Teacher Standards Board (HTSB). Your application requires additional documentation because you answered "Yes" to Professional Fitness question four, "Have you ever surrendered or relinquished a professional license or certificate during or following an investigation into allegations of misconduct?". If you believe this is an error or that you have previously cleared this same incident with HTSB, please notify me immediately by using the Contact HTSB tab in your online licensing record at [www.hawaiiteacherstandardsboard.org](http://www.hawaiiteacherstandardsboard.org).

Please upload the following documents to the Documents tab of your HTSB online record for review:

- Completed **Explanation Form**, enclosed, one incident per form.
- A copy of all documentation you want HTSB to review about the action(s).

Your application cannot be completed until the Professional Fitness portion of your application is cleared. In addition to the above documents, we may require additional documentation to complete our evaluation. You will be informed by HTSB message if more documentation is needed. If you have questions or if you would like to schedule a virtual appointment due to COVID-19, please do not hesitate to contact me using the Contact HTSB tab in your online account.

Sincerely,

<First Name> <Last Name>

Licensing Specialist

<INITIAL OF LS>:<initial of ofc. asst.>

Encl: Explanation Form- Professional Fitness Question #4

**Name:** <First Name> <Last Name>

**HTSB ID:** <ID Number>

**Date:**

## **HTSB EXPLANATION FORM**

### **Professional Fitness Question #4**

**Directions:**

Complete a separate form for **each** incident you surrendered or relinquished your professional license or certificate during or following an investigation into allegations of misconduct. You must disclose each incident, no matter how much time has passed. Upload this form to the Documents tab of your HTSB online record.

Name of state teacher licensing agency involved:

Explain the events that led to the surrender or relinquishment of your professional license or certificate:

I declare under penalty of perjury that the foregoing, including any attachment, is true and correct.

Printed Name \_\_\_\_\_

Signature\_\_\_\_\_ Date\_\_\_\_\_





STATE OF HAWAI'I  
HAWAI'I TEACHER STANDARDS BOARD  
650 IWILEI ROAD, SUITE 268  
HONOLULU, HAWAI'I 96817

**CONFIDENTIAL**

<Date>

<First Name> <Last Name>

<Mailing Address>

<City, State, Zip Code>

Dear <First Name> <Last Name>:

Thank you for submitting an application to the Hawaii Teacher Standards Board (HTSB). Your application requires additional documentation because you answered "Yes" to Professional Fitness question five, "Do you have any current investigative or disciplinary action pending against a professional license or certificate or against an application for a professional license or certificate?". If you believe this is an error or that you have previously cleared this same incident with HTSB, please notify me immediately by using the Contact HTSB tab in your online licensing record at [www.hawaiiteacherstandardsboard.org](http://www.hawaiiteacherstandardsboard.org).

Please upload the following documents to the Documents tab of your HTSB online record for review:

- Completed **Explanation Form**, enclosed, one incident per form.
- A copy of all documentation you want HTSB to review about the action(s).

Your application cannot be completed until the Professional Fitness portion of your application is cleared. In addition to the above documents, we may require additional documentation to complete our evaluation. You will be informed by HTSB message if more documentation is needed. If you have questions or if you would like to schedule a virtual appointment due to COVID-19, please do not hesitate to contact me using the Contact HTSB tab in your online account.

Sincerely,

<First Name> <Last Name>

Licensing Specialist

<INITIAL OF LS>:<initial of ofc. asst.>

Encl: Explanation Form- Professional Fitness Question #5

**Name:** <First Name> <Last Name>

**HTSB ID:** <ID Number>

**Date:**

## **HTSB EXPLANATION FORM**

### **Professional Fitness Question #5**

**Directions:**

Complete a separate form for **each** incident of any current investigative or disciplinary action pending against your professional license or certificate or against your application for a professional license or certificate. You must disclose each incident, no matter how much time has passed. Upload this form to the Documents tab of your HTSB online record.

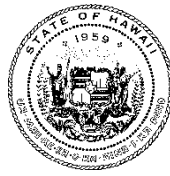
Name of state teacher licensing agency involved:

Explain the events that led to any current investigative or disciplinary action pending against your professional license or certificate or against your application for a professional license or certificate:

I declare under penalty of perjury that the foregoing, including any attachment, is true and correct.

Printed Name \_\_\_\_\_

Signature\_\_\_\_\_ Date\_\_\_\_\_



**STATE OF HAWAI'I**  
**HAWAI'I TEACHER STANDARDS BOARD**  
650 IWILEI ROAD, SUITE 268  
HONOLULU, HAWAI'I 96817

**CONFIDENTIAL**

<Date>

<First Name> <Last Name>

<Mailing Address>

<City, State, Zip Code>

Dear <First Name> <Last Name>:

Thank you for submitting an application to the Hawaii Teacher Standards Board (HTSB). Your application requires additional documentation because you answered "Yes" to Professional Fitness question six, "Have you ever been dismissed or resigned employment during or following an investigation into allegations of misconduct?". If you believe this is an error or that you have previously cleared this same incident with HTSB, please notify me immediately by using the Contact HTSB tab in your online licensing record at [www.hawaiiiteacherstandardsboard.org](http://www.hawaiiiteacherstandardsboard.org).

Please upload the following documents to the Documents tab of your HTSB online record for review:

- Completed **Explanation Form**, enclosed, one incident per form.
- A copy of all documentation you want HTSB to review about the action(s).

Your application cannot be completed until the Professional Fitness portion of your application is cleared. In addition to the above documents, we may require additional documentation to complete our evaluation. You will be informed by HTSB message if more documentation is needed. If you have questions or if you would like to schedule a virtual appointment due to COVID-19, please do not hesitate to contact me using the Contact HTSB tab in your online account.

Sincerely,

<First Name> <Last Name>

Licensing Specialist

<INITIAL OF LS>:<initial of ofc. asst.>

Encl: Explanation Form- Professional Fitness Question #6

**Name:** <First Name> <Last Name>

**HTSB ID:** <ID Number>

**Date:**

## **HTSB EXPLANATION FORM**

### **Professional Fitness Question #6**

**Directions:**

Complete a separate form for **each** incident you were dismissed or resigned employment during or following an investigation into allegations of misconduct. You must disclose each incident, no matter how much time has passed. Upload this form to the Documents tab of your HTSB online record.

Name, address, and contact information of employer:

Position you held:

Explain the events that led to you being dismissed or resigned employment:

I declare under penalty of perjury that the foregoing, including any attachment, is true and correct.

Printed Name \_\_\_\_\_

Signature\_\_\_\_\_ Date\_\_\_\_\_



STATE OF HAWAII  
HAWAII TEACHER STANDARDS BOARD  
650 IWILEI ROAD, SUITE 268  
HONOLULU, HAWAII 96817

**CONFIDENTIAL**

<Date>

<First Name> <Last Name>

<Mailing Address>

<City, State, Zip Code>

Dear <First Name> <Last Name>:

Thank you for submitting an application to the Hawaii Teacher Standards Board (HTSB). Your application requires additional documentation because you answered "Yes" to Professional Fitness question seven, "Have you been convicted or pled "nolo contendere" (no contest) to a felony or misdemeanor?". If you believe this is an error or that you have previously cleared this same incident with HTSB, please notify me immediately by using the Contact HTSB tab in your online licensing record at [www.hawaiiteacherstandardsboard.org](http://www.hawaiiteacherstandardsboard.org).

Please upload the following documents to the Documents tab of your HTSB online record for review:

- Completed **Explanation Form**, enclosed, one incident per form.
- A copy of the complete arrest and court documents, including the complaint showing the charges filed and the court documents showing plea or conviction, sentencing, and terms and conditions of probation. To obtain this documentation, contact the court where your case was processed. If the records have been purged or are otherwise not available, provide an original statement from the court on official letterhead verifying that fact.

Your application cannot be completed until the Professional Fitness portion of your application is cleared. In addition to the above documents, we may require additional documentation to complete our evaluation. You will be informed by HTSB message if more documentation is needed. If you have questions or if you would like to schedule a virtual appointment due to COVID-19, please do not hesitate to contact me using the Contact HTSB tab in your online account.

Sincerely,

<First Name> <Last Name>

Licensing Specialist

<INITIAL OF LS>:<initial of ofc. asst.>

Encl: Explanation Form- Professional Fitness Question #7

**Name:** <First Name> <Last Name>

**HTSB ID:** <ID Number>

**Date:**

**HTSB EXPLANATION FORM**

**Professional Fitness Question #7**

**Directions:**

Complete a separate form for **each** incident of a felony or misdemeanor conviction or plea of *nolo contendere*. You must disclose each incident, no matter how much time has passed. Upload this form to the Documents tab of your HTSB online record.

Date and location of offense:

Explain the events that led to your conviction or plea of no contest to a felony or misdemeanor:

I declare under penalty of perjury that the foregoing, including any attachment, is true and correct.

Printed Name \_\_\_\_\_



Signature \_\_\_\_\_ Date \_\_\_\_\_



**STATE OF HAWAII**  
**HAWAII TEACHER STANDARDS BOARD**  
650 IWILEI ROAD, SUITE 268  
HONOLULU, HAWAII 96817

**CONFIDENTIAL**

<Date>

<First Name> <Last Name>

<Mailing Address>

<City, State, Zip Code>

Dear <First Name> <Last Name>:

Your Professional Fitness matter has been resolved and your application status revised to “pending”. Please keep in mind that while this issue has been cleared, the Hawaii Teacher Standards Board (HTSB) considers any professional fitness violation a serious matter and a future violation may result in action against your license or permit.

Your file has been returned to the HTSB Licensing Section. If you have additional questions about your application, please use the Contact HTSB tab in your online licensing record at [www.hawaiiteacherstandardsboard.org](http://www.hawaiiteacherstandardsboard.org).

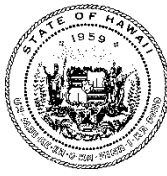
In the future, please do not mark “Yes” for Professional Fitness question number one that relates to this incident.

Sincerely,

<First Name> <Last Name>

Licensing Specialist

<INITIAL OF LS>:<initial of ofc. asst.>



**STATE OF HAWAI'I**  
**HAWAI'I TEACHER STANDARDS BOARD**  
650 IWILEI ROAD, SUITE 268  
HONOLULU, HAWAI'I 96817

**CONFIDENTIAL**

<Date>

<First Name> <Last Name>

<Mailing Address>

<City, State, Zip Code>

Dear <First Name> <Last Name>:

Your Professional Fitness matter has been resolved and your application status revised to "pending". Please keep in mind that while this issue has been cleared, the Hawaii Teacher Standards Board (HTSB) considers any professional fitness violation a serious matter and a future violation may result in action against your license or permit.

Your file has been returned to the HTSB Licensing Section. If you have additional questions about your application, please use the Contact HTSB tab in your online licensing record at [www.hawaiiteacherstandardsboard.org](http://www.hawaiiteacherstandardsboard.org).

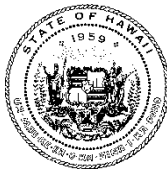
In the future, please do not mark "Yes" for Professional Fitness question number two that relates to this incident.

Sincerely,

<First Name> <Last Name>

Licensing Specialist

<INITIAL OF LS>:<initial of ofc. asst.>



**STATE OF HAWAII**  
**HAWAII TEACHER STANDARDS BOARD**  
650 IWILEI ROAD, SUITE 268  
HONOLULU, HAWAII 96817

**CONFIDENTIAL**

<Date>

<First Name> <Last Name>

<Mailing Address>

<City, State, Zip Code>

Dear <First Name> <Last Name>:

Your Professional Fitness matter has been resolved and your application status revised to “pending”. Please keep in mind that while this issue has been cleared, the Hawaii Teacher Standards Board (HTSB) considers any professional fitness violation a serious matter and a future violation may result in action against your license or permit.

Your file has been returned to the HTSB Licensing Section. If you have additional questions about your application, please use the Contact HTSB tab in your online licensing record at [www.hawaiiteacherstandardsboard.org](http://www.hawaiiteacherstandardsboard.org).

In the future, please do not mark “Yes” for Professional Fitness question number three that relates to this incident.

Sincerely,

<First Name> <Last Name>

Licensing Specialist

<INITIAL OF LS>:<initial of ofc. asst.>



**STATE OF HAWAII**  
**HAWAII TEACHER STANDARDS BOARD**  
650 IWILEI ROAD, SUITE 268  
HONOLULU, HAWAII 96817

**CONFIDENTIAL**

<Date>

<First Name> <Last Name>

<Mailing Address>

<City, State, Zip Code>

Dear <First Name> <Last Name>:

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In the future, please do not mark “Yes” for Professional Fitness question number four that relates to this incident.

Sincerely,

<First Name> <Last Name>

Licensing Specialist

<INITIAL OF LS>:<initial of ofc. asst.>



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In the future, please do not mark “Yes” for Professional Fitness question number five that relates to this incident.

Sincerely,

<First Name> <Last Name>

Licensing Specialist

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In the future, please do not mark "Yes" for Professional Fitness question number seven that relates to this incident.

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In the future, please do not mark “Yes” for Professional Fitness question number one that relates to this incident.

Sincerely,

<First Name> <Last Name>

Licensing Specialist

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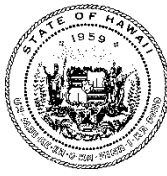
In the future, please do not mark “Yes” for Professional Fitness question number two that relates to this incident.

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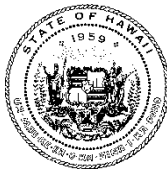
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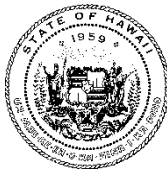
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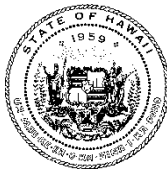
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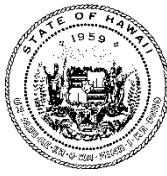
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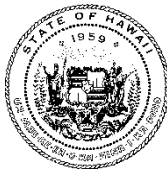
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Thank you for submitting an application to the Hawaii Teacher Standards Board (HTSB). You answered "Yes" to Professional Fitness question seven, "Have you been convicted or pled "nolo contendere" (no contest) to a felony or misdemeanor?". After reviewing your documentation, you have previously cleared this same incident with HTSB on <DATE>. In the future, please do not mark "Yes" for a question that has previously been cleared.

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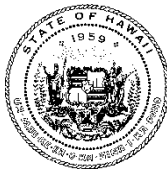
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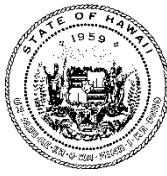
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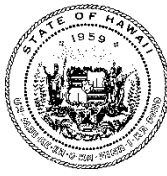
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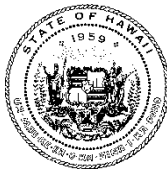
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Dear <First Name> <Last Name>:

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Please check your HTSB account for the status of your license. If you have additional questions about your application or if you would like to schedule a virtual appointment due to COVID-19, please use the Contact HTSB tab in your online licensing record at [www.hawaiiteacherstandardsboard.org](http://www.hawaiiteacherstandardsboard.org).

Sincerely,

<First Name> <Last Name>

Licensing Specialist

<INITIAL OF LS>:<initial of ofc. asst.>



**STATE OF HAWAII**  
**HAWAII TEACHER STANDARDS BOARD**  
650 IWILEI ROAD, SUITE 268  
HONOLULU, HAWAII 96817

**CONFIDENTIAL**

<Date>

<First Name> <Last Name>

<Mailing Address>

<City, State, Zip Code>

Dear <First Name> <Last Name>:

Thank you for submitting an application to the Hawaii Teacher Standards Board (HTSB). You answered "Yes" to Professional Fitness question seven, "Have you been convicted or pled "nolo contendere" (no contest) to a felony or misdemeanor?". After reviewing your documentation, you have previously cleared this same incident with HTSB on <DATE>. In the future, please do not mark "Yes" for a question that has previously been cleared.

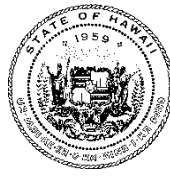
Please check your HTSB account for the status of your license. If you have additional questions about your application or if you would like to schedule a virtual appointment due to COVID-19, please use the Contact HTSB tab in your online licensing record at [www.hawaiiteacherstandardsboard.org](http://www.hawaiiteacherstandardsboard.org).

Sincerely,

<First Name> <Last Name>

Licensing Specialist

<INITIAL OF LS>:<initial of ofc. asst.>



STATE OF HAWAI'I  
HAWAI'I TEACHER STANDARDS BOARD  
650 IWILEI ROAD, SUITE 268  
HONOLULU, HAWAI'I 96817

**CONFIDENTIAL**

<Date>

<First Name> <Last Name>

<Mailing Address>

<City, State, Zip Code>

Dear <First Name> <Last Name>:

The State of Hawai'i Department of Education (DOE) has notified Hawai'i Teacher Standards Board (HTSB) of a change in your employment status due to your <separation status> effective <date>. We would like to give you the opportunity to respond and provide documents you would like for me to review related to your <separation status>. If you believe this is an error, please notify me immediately by using the Contact HTSB tab in your online licensing record at [www.hawaiiteacherstandardsboard.org](http://www.hawaiiteacherstandardsboard.org).

Please upload the following documents to the Documents tab of your HTSB online record no later than <Date>, 5:00 PM HST, which is thirty (30) calendar days from the date of this letter. Failure to meet this deadline will result in an automatic review of your records by our Executive Director. Potential action may include censure, suspension, or revocation of your license.

- Completed **Explanation Form**, enclosed, one form for each reason for your <separation status>.
- A copy of any supporting documentation you would like HTSB to review.

In addition to the above documents, we may require additional documentation to complete our evaluation. You will be informed by HTSB message if more documentation is needed. If you have questions, please do not hesitate to contact me using your Contact HTSB tab in your online account.

Sincerely,

<First Name> <Last Name>

Licensing Specialist

<INITIAL OF LS>:<initial of ofc. asst.>

Encl: Explanation Form- DOE Employment Status Change

**Name:** <First Name> <Last Name>

**HTSB ID:** <ID Number>

**Date:**

**HTSB EXPLANATION FORM**  
**DOE Employment Status Change**

**Directions:**

Complete a separate form for **each** reason for your <separation status>. You must disclose each reason or incident, no matter how much time has passed. Upload this form to the Documents tab of your HTSB online record.

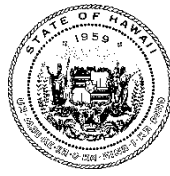
Explain the events that led to your <separation status> of employment with the State of Hawai'i Department of Education:

I declare under penalty of perjury that the foregoing, including any attachment, is true and correct.

Printed Name \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_





**STATE OF HAWAI'I**  
**HAWAI'I TEACHER STANDARDS BOARD**  
650 IWILEI ROAD, SUITE 268  
HONOLULU, HAWAI'I 96817

**CONFIDENTIAL**

<Date>

<First Name> <Last Name>

<Mailing Address>

<City, State, Zip Code>

Dear <First Name> <Last Name>:

The State of Hawai'i Department of Education (DOE) has notified Hawai'i Teacher Standards Board (HTSB) of a change in your employment status due to your <separation status> effective <date>. We would like to give you the opportunity to respond and provide documents you would like for me to review related to your <separation status>. If you believe this is an error, please notify me immediately by using the Contact HTSB tab in your online licensing record at [www.hawaiiteacherstandardsboard.org](http://www.hawaiiteacherstandardsboard.org).

Please upload the following documents to the Documents tab of your HTSB online record no later than <Date>, 5:00 PM HST, which is thirty (30) calendar days from the date of this letter. Failure to meet this deadline will result in an automatic review of your records by our Executive Director. Potential action may include censure, suspension, or revocation of your license.

- Completed **Explanation Form**, enclosed, one form for each reason for your <separation status>.
- A copy of any supporting documentation you would like HTSB to review.

In addition to the above documents, we may require additional documentation to complete our evaluation. You will be informed by HTSB message if more documentation is needed. If you have questions or if you would like to schedule a virtual appointment due to COVID-19, please do not hesitate to contact me using your Contact HTSB tab in your online account.

Sincerely,

<First Name> <Last Name>

Licensing Specialist

<INITIAL OF LS>:<initial of ofc. asst.>

Encl: Explanation Form- DOE Employment Status Change

**Name:** <First Name> <Last Name>

**HTSB ID:** <ID Number>

**Date:**

**HTSB EXPLANATION FORM**  
**DOE Employment Status Change**

**Directions:**

Complete a separate form for **each** reason for your <separation status>. You must disclose each reason or incident, no matter how much time has passed. Upload this form to the Documents tab of your HTSB online record.

Explain the events that led to your <separation status> of employment with the State of Hawai‘i Department of Education:

I declare under penalty of perjury that the foregoing, including any attachment, is true and correct.

Printed Name \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_



**STATE OF HAWAI'I**  
**HAWAI'I TEACHER STANDARDS BOARD**  
650 IWILEI ROAD, SUITE 268  
HONOLULU, HAWAI'I 96817

**CONFIDENTIAL**

<Date>

<First Name> <Last Name>

<Mailing Address>

<City, State, Zip Code>

Dear <First Name> <Last Name>:

Thank you for submitting an application to the Hawai'i Teacher Standards Board (HTSB). The National Association for State Directors of Teacher Education and Certification (NASDTEC) clearinghouse has reported an adverse action on your license from <STATE>. If you believe that this report is an error, please notify me immediately by using the Contact HTSB tab in your online licensing record at [www.hawaiiteacherstandardsboard.org](http://www.hawaiiteacherstandardsboard.org).

Please upload the following documents to the Documents tab of your HTSB online record for review:

- Completed **Explanation Form**, enclosed, for the Final Order from <STATE>.
- A copy of all documentation you received from the <STATE> Department of Education regarding any sanction, action, probation requirements, or current or pending investigation against your professional license, certificate, or application.
- Any other documentation you would like me to review pertaining to this matter.

Your application cannot be completed until the NASDTEC report is cleared. In addition to the above documents, we may require additional documentation to complete our evaluation. You will be informed by HTSB message if more documentation is needed. If you have questions, please do not hesitate to contact me using the Contact HTSB tab in your online account.

Sincerely,

<First Name> <Last Name>

Licensing Specialist

<INITIAL OF LS>:<initial of ofc. asst.>

Encl: Explanation Form- Explanation of Sanction, Discipline or Hearing on A License Certificate

**Name:** <First Name> <Last Name>

**HTSB ID:** <ID Number>

**Date:**

### **HTSB EXPLANATION FORM**

#### **Explanation of Sanction, Discipline or Hearing on A License Certificate**

**Directions:**

Complete a separate form for **each** incident of a past, current or pending hearing or sanction on your professional license(s), certificate(s), credential(s), or application(s). You must disclose each incident, no matter how much time has passed. Upload this form to the Documents tab of your HTSB online record.

Name, mailing address and telephone number of each state licensing agency involved:

Explain the reason for the investigation/action taken on your professional license, certificate, credential, or application:

I declare under penalty of perjury that the foregoing, including any attachment, is true and correct.

Printed Name \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_



**STATE OF HAWAI'I**  
**HAWAI'I TEACHER STANDARDS BOARD**  
650 IWILEI ROAD, SUITE 268  
HONOLULU, HAWAI'I 96817

**CONFIDENTIAL**

<Date>

<First Name> <Last Name>

<Mailing Address>

<City, State, Zip Code>

Dear <First Name> <Last Name>:

Thank you for submitting an application to the Hawai'i Teacher Standards Board (HTSB). The National Association for State Directors of Teacher Education and Certification (NASDTEC) clearinghouse has reported an adverse action on your license from <STATE>. If you believe that this report is an error, please notify me immediately by using the Contact HTSB tab in your online licensing record at [www.hawaiiteacherstandardsboard.org](http://www.hawaiiteacherstandardsboard.org).

Please upload the following documents to the Documents tab of your HTSB online record for review:

- Completed **Explanation Form**, enclosed, for the Final Order from <STATE>.
- A copy of all documentation you received from the <STATE> Department of Education regarding any sanction, action, probation requirements, or current or pending investigation against your professional license, certificate, or application.

Your application cannot be completed until the NASDTEC report is cleared. In addition to the above documents, we may require additional documentation to complete our evaluation. You will be informed by HTSB message if more documentation is needed. If you have questions or if you would like to schedule a virtual appointment due to COVID-19, please do not hesitate to contact me using the Contact HTSB tab in your online account.

Sincerely,

<First Name> <Last Name>

Licensing Specialist

<INITIAL OF LS>:<initial of ofc. asst.>

Encl: Explanation Form- Explanation of Sanction, Discipline or Hearing on A License Certificate

**Name:** <First Name> <Last Name>

**HTSB ID:** <ID Number>

**Date:**

### **HTSB EXPLANATION FORM**

#### **Explanation of Sanction, Discipline or Hearing on A License Certificate**

**Directions:**

Complete a separate form for **each** incident of a past, current or pending hearing or sanction on your professional license(s), certificate(s), credential(s), or application(s). You must disclose each incident, no matter how much time has passed. Upload this form to the Documents tab of your HTSB online record.

Name, mailing address and telephone number of each state licensing agency involved:

Explain the reason for the investigation/action taken on your professional license, certificate, credential, or application:

I declare under penalty of perjury that the foregoing, including any attachment, is true and correct.

Printed Name \_\_\_\_\_



Signature \_\_\_\_\_ Date \_\_\_\_\_



STATE OF HAWAII  
HAWAII TEACHER STANDARDS BOARD  
650 IWILEI ROAD, SUITE 268  
HONOLULU, HAWAII 96817

**CONFIDENTIAL**

<Date>

<First Name> <Last Name>

<Mailing Address>

<City, State, Zip Code>

Dear <First Name> <Last Name>:

We are in receipt of your email sent to Hawai'i Teacher Standards Board (HTSB) on <DATE>. In this email relating to this incident, you stated, "<QUESTION #> was answered incorrectly" and "There was no conviction." Your Professional Fitness matter has been resolved and your application status revised to "pending".

Please keep in mind that while this issue has been cleared, HTSB considers any professional fitness violation a serious matter and a future violation may result in action against your license or permit.

Your file has been returned to the HTSB Licensing Section. If you have additional questions about your application, please use the Contact HTSB tab in your online licensing record at [www.hawaiiteacherstandardsboard.org](http://www.hawaiiteacherstandardsboard.org).

In the future, please do not mark "Yes" for Professional Fitness question <QUESTION NUMBER> that relates to this incident.

Sincerely,

<First Name> <Last Name>

Licensing Specialist

<INITIAL OF LS>:<initial of ofc. asst.>



STATE OF HAWAII  
HAWAII TEACHER STANDARDS BOARD  
650 IWILEI ROAD, SUITE 268  
HONOLULU, HAWAII 96817

**CONFIDENTIAL**

<Date>

<First Name> <Last Name>

<Mailing Address>

<City, State, Zip Code>

Dear <First Name> <Last Name>:

This letter is to inform you that you have met the following imposed conditions set forth in your agreement with the Hawai'i Teacher Standards Board (HTSB) on <DATE>:

- <IMPOSED CONDITIONS>
- <IMPOSED CONDITIONS>

You have met all requirements of your agreement. However, please keep in mind that while these conditions have been met, the HTSB considers any professional fitness violation a serious matter and a future violation may result in action against your license or permit.

If you have questions, please do not hesitate to contact me using the Contact HTSB tab in your online account at [www.hawaiiiteacherstandardsboard.org](http://www.hawaiiiteacherstandardsboard.org).

Sincerely,

<First Name> <Last Name>

Licensing Specialist

<INITIAL OF LS>:<initial of ofc. asst.>



**STATE OF HAWAI‘I**  
**HAWAI‘I TEACHER STANDARDS BOARD**  
650 IWILEI ROAD, SUITE 268  
HONOLULU, HAWAI‘I 96817

**CONFIDENTIAL**

<Date>

<First Name> <Last Name>

<Mailing Address>

<City, State, Zip Code>

Dear <First Name> <Last Name>:

After a review of your Professional Fitness documentation, Hawai‘i Teacher Standards Board (HTSB) needs the following in order to complete your file:

- Three letters of recommendation from individuals who have known you in a *professional capacity* within the last five years. Please ensure that the letters meet the following criteria to be accepted for documentation:
  - All letters are verified by the HTSB. Contact information for your references must include their current telephone number and valid email address;
  - The contact should comment on your qualities and characteristics which contribute to the knowledge, skills and dispositions of a successful educator;
  - The letter must be addressed to the HTSB and dated after the submission of your last application to HTSB, which is after <DATE>;
  - The letter must bear an original signature.
- All letters should be mailed by the reference directly to the HTSB, marked to my attention, as follows:

Hawai‘i Teacher Standards Board  
Attention: <NAME OF LICENSING SPECIALIST>  
650 Iwilei Road, Suite 268  
Honolulu, HI 96817

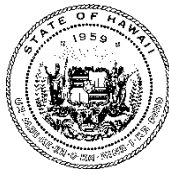
If you have questions, please do not hesitate to contact me using the Contact HTSB tab in your online account at [www.hawaiiteacherstandardsboard.org](http://www.hawaiiteacherstandardsboard.org).

Sincerely,

<First Name> <Last Name>

Licensing Specialist

<INITIAL OF LS>:<initial of ofc. asst.>



STATE OF HAWAII  
HAWAII TEACHER STANDARDS BOARD  
650 IWILEI ROAD, SUITE 268  
HONOLULU, HAWAII 96817

**CONFIDENTIAL**

<DATE>

<MAILING ADDRESS>

Dear <Mr./Ms.> <LAST NAME>:

This letter is to inform you that your pending case with the Hawai'i Teacher Standards Board (HTSB) is no longer active. You were under review due to the State of Hawai'i Department of Education notifying us of your change in employment status due to your <SEPARATION STATUS> effective <DATE>. After reviewing your case, the HTSB will not be pursuing your case at this time.

Please be reminded that if you should decide to renew your license with the HTSB, you will be asked to self-report any incident that lead to a dismissal or resignation of employment during or following an investigation into allegations of misconduct. Failure to report this on your application could result in a denial and sanctions on a license.

Please keep in mind that the HTSB considers any professional fitness violation a serious matter and a future violation may result in action against your license or permit.

Sincerely,

A handwritten signature in cursive script that reads "Felicia Villalobos".

Felicia Villalobos  
Licensing Specialist  
(808) 347-5106  
felicia.villalobos@hawaii.gov

## PRE-HEARING CONFERENCES DESCRIPTION

Pre-hearing conferences are a means for settlement of administrative disputes and an administrative law judge has the power to hold conferences for the settlement or simplification of the issues. Pre-hearing conferences are held before the actual hearing and are held with the consent of the parties.

Prior to the conference, all parties should be given reasonable notice. In addition, reasonable notice must be given to all persons who have filed written petitions to intervene in the matter[i].

According to the statute, the hearing examiner may, at his discretion, or upon motion by any of the parties, direct counsel for all parties to meet with him/her for a conference.

Pre-hearing conference serves as a means to explore diverse settlement issues like conversion of the proceeding to another type; exploration of settlement possibilities; preparation of stipulations; clarification of issues, etc. Matters pertaining to discovery are also discussed in a prehearing conference. Thus, matters relating to identity of witnesses, number of witnesses, “objections to proffers of evidence, determination of the extent to which direct evidence, rebuttal evidence, or cross-examination will be presented in written form, the extent to which telephone, television, or other electronic means will be used as a substitute for proceedings in person, order of presentation of evidence and cross-examination, rulings regarding issuance of subpoenas, discovery orders and protective orders”, [ii] and such other matters as will facilitate the orderly and smooth conduct of the hearing are discussed in a prehearing conference.

A prehearing conference may be held by telephone, television, or other electronic means. Irrespective of the method by which the conference is conducted, each and every participant in the conference must be given an opportunity to participate in, hear, and witness the entire proceeding in appropriate cases. Pre-hearing conferences may be stenographically and the record shall show the matters disposed of by agreement in such conference.

The administrative law judge will issue a prehearing order at the end of a pre-hearing conference. The order shall state the details of the matters determined at the prehearing conference which will govern future proceedings. The concerned administrative agency is duty bound to carry out the prehearing order and if the agency fails to comply with the prehearing order, it may result in a denial of due process to the parties. In such a case, a rehearing is conducted to impart justice to the parties.

The presiding officer for the hearing is empowered to issue a prehearing order based on the pleadings of the parties even if a pre-hearing conference is not held. The presiding officer has discretion to issue such an order to regulate the conduct of the proceedings.

**§ 305.26 Prehearing conference.**

**(a) Purpose of prehearing conference.** Unless a conference appears unnecessary, the Presiding Officer, at any time before the hearing begins, shall direct the parties and their counsel or other representatives to appear at a conference before him to consider:

- (1) The settlement of the case;
- (2) The simplification of issues and stipulation of facts not in dispute;
- (3) The necessity or desirability of amendments to the pleadings;
- (4) The exchange of exhibits, documents, prepared testimony, and admissions or stipulations of fact which will avoid unnecessary proof;
- (5) The limitation of the number of expert or other witnesses;
- (6) Setting a time and place for the hearing; and
- (7) Any other matters which may expedite the disposition of the proceeding.

**(b) Exchange of witness lists and documents.** Unless otherwise ordered by the Presiding Officer, each party at the prehearing conference shall make available to all other parties: the names of the expert and other witnesses he intends to call, together with a brief narrative summary of their expected testimony; and copies of all documents and exhibits which each party intends to introduce into evidence. Documents and exhibits shall be marked for identification as ordered by the Presiding Officer. Documents that have not been exchanged and witnesses whose names have not been exchanged shall not be introduced into evidence or allowed to testify without permission of the Presiding Officer. The Presiding Officer shall allow the parties reasonable opportunity to review new evidence.

**(c) Record of the prehearing conference.** No transcript of a prehearing conference relating to settlement shall be made. With respect to other prehearing conferences, no transcript of any prehearing conferences shall be made unless ordered by the Presiding Officer upon motion of a party or *sua sponte*. The Presiding Officer shall prepare and file for the record a written summary of the action taken at the conference and shall serve that summary on all parties in the manner provided in § 305.5(b)(2). The summary shall incorporate any written stipulations or agreements of the parties and all rulings and appropriate orders containing directions to the parties.

**(d) Location of the prehearing conference.** The prehearing conference shall be held in the county where the release occurred, in the city in which the EPA Regional Office is located (in the Region where the release or threat of release occurred), or in Washington, DC, unless the Presiding Officer determines that there is good cause to hold it at another location or by telephone.

**(e) *Unavailability of a prehearing conference.*** If a prehearing conference is unnecessary or impracticable, the Presiding Officer, on motion or *sua sponte*, may direct the parties to correspond with him to accomplish any of the objectives set forth in this section.

**(f) *Other discovery.***

**(1)** Discovery shall include any of the methods described in rule 26(a) of the Federal Rules of Civil Procedure.

**(2)** The parties may conduct any mutually agreed upon discovery without participation or determination of the Presiding Officer except that such voluntary discovery may be subject to such time limitations as the Presiding Officer deems appropriate.

**(3)** Except as provided by paragraphs (b) and (f)(2) of this section, further discovery, under this section, shall be permitted only pursuant to order of the Presiding Officer. Any party to the proceeding desiring an order of discovery shall make a motion therefore. Such motion shall set forth:

- (i)** The circumstances warranting the discovery;
- (ii)** The nature of the information expected to be discovered; and
- (iii)** The method of discovery sought, including, where relevant, the proposed time and place where the discovery will be conducted.

**(4)** The Presiding Officer shall issue an order for discovery only upon a showing of good cause and upon a determination:

- (i)** That such discovery will not in any way unreasonably delay the proceeding;
- (ii)** That the information to be obtained is not otherwise obtainable; and
- (iii)** That such information has significant probative value.

If the Presiding Officer determines that the motion should be granted, he shall issue an order for such discovery together with the conditions and terms thereof.

**(5)** The Presiding Officer shall order depositions upon oral questions only upon a finding that:

- (i)** The information sought cannot be obtained by alternative methods of discovery; or
- (ii)** There is a substantial reason to believe that relevant and probative evidence may otherwise not be preserved for presentation by a witness at the hearing.

**(6)** When the information sought to be obtained is within the control of one of the parties, failure to comply with an order issued pursuant to this paragraph may lead to:

- (i)** The inference that the information to be discovered would be adverse to the party from whom the information was sought; or
- (ii)** The issuance of a default order under § 305.24(a).

**(g) *Interpreters.*** The Presiding Officer shall make the necessary arrangements for the services of an interpreter upon the motion of a party or *sua sponte*. The cost of the interpreter shall normally



be borne by the party requesting the service, but the Presiding Officer may apportion the cost among the parties as justice demands.



## HAWAI'I TEACHER STANDARDS BOARD

Pre-Hearing

<DATE>

<TIME>

(Please have a seat outside until called.)

Dole Cannery, Conference Room 158  
650 Iwilei Road. Honolulu, Hawaii 96817

### Agenda

1. Settlement of the Case
2. Simplification of Issues and Stipulation of Facts not in Dispute
3. Necessity or Desirability of Amendments to the Pleadings
4. Exchange of Exhibits, Documents, Prepared Testimony, and Admissions or Stipulations of fact which will avoid unnecessary proof.
5. Limitation of the number of Expert or other Witnesses
6. Setting a time and place for the Hearing: <DATE> <TIME>
7. Any other matters which may expedite the disposition of the proceeding.



# HAWAII TEACHER STANDARDS BOARD

STATE OF HAWAII

IN RE:<INSERT>

)

) CASE NO. XX-XX

)

<NAME>, HTSB Lic. #<INSERT>

)

RESPONDENT

) ORDER

---

## ORDER

Pursuant to HRS §8-54-10.4 **Action by the board; notification of hearing**. If a demand for hearing is filed within sixty (60) calendar days of the date of the letter of denial or intent to discipline, the board, or a panel of the board, or a hearing officer approved by the board shall be designated as the hearings officer to conduct the hearing, and make recommendations in writing to the board. The hearings officer shall commence the hearing process and proceed to schedule a hearing and provide all parties written notice of the hearing by registered or certified mail with return receipt requested at least fifteen (15) calendar days before the hearing.

Thereby IT IS HEREBY ORDERED that:

1. A Pre-Hearing\* be held on <DATE> at <TIME> at Dole Cannery, Conference Room 158. 650 Iwilei Road. Honolulu, Hawaii 96817.
2. A Hearing be scheduled at a later date.

Dated: Honolulu, Hawaii, \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

---

<HEARINGS OFFICER'S NAME>

HTSB Hearings Panel Member

Enc: Pre-Hearing Purpose  
Pre-Hearing Agenda

Copies distributed:

- <NAME>, Respondent
- <HTSB Staff>, Plaintiff
- <Name of HTSB Board Member>, Hearings Panel
- <Name of HTSB Board Member>, Hearings Panel

**40 CFR § Code of Federal Regulations:** Prehearing information exchange; prehearing conference; other discovery.

**§ 305.26 Prehearing conference.**

**(a) Purpose of prehearing conference.** Unless a conference appears unnecessary, the Presiding Officer, at any time before the hearing begins, shall direct the parties and their counsel or other representatives to appear at a conference before him to consider:

- (1) The settlement of the case;
- (2) The simplification of issues and stipulation of facts not in dispute;
- (3) The necessity or desirability of amendments to the pleadings;
- (4) The exchange of exhibits, documents, prepared testimony, and admissions or stipulations of fact which will avoid unnecessary proof;
- (5) The limitation of the number of expert or other witnesses;
- (6) Setting a time and place for the hearing; and
- (7) Any other matters which may expedite the disposition of the proceeding.

**(b) Exchange of witness lists and documents.** Unless otherwise ordered by the Presiding Officer, each party at the prehearing conference shall make available to all other parties: the names of the expert and other witnesses he intends to call, together with a brief narrative summary of their expected testimony; and copies of all documents and exhibits which each party intends to introduce into evidence. Documents and exhibits shall be marked for identification as ordered by the Presiding Officer. Documents that have not been exchanged and witnesses whose names have not been exchanged shall not be introduced into evidence or allowed to testify without permission of the Presiding Officer. The Presiding Officer shall allow the parties reasonable opportunity to review new evidence.



## HAWAI'I TEACHER STANDARDS BOARD

Pre-Hearing

<DATE>

<TIME>

(Please have a seat outside until called.)

Dole Cannery, Conference Room 158  
650 Iwilei Road, Honolulu, Hawaii 96817

### Agenda

1. Settlement of the Case
2. Simplification of Issues and Stipulation of Facts not in Dispute
3. Necessity or Desirability of Amendments to the Pleadings
4. Exchange of Exhibits, Documents, Prepared Testimony, and Admissions or Stipulations of fact which will avoid unnecessary proof.
5. Limitation of the number of Expert or other Witnesses
6. Setting a time and place for the Hearing: <DATE> <TIME>
7. Any other matters which may expedite the disposition of the proceeding.

## HEARING PANEL

Pursuant to §8-54 Subchapter 4 of Hawai‘i Administrative Rules (HAR), the Hawai‘i Teacher Standards Board (HTSB, “Board”) shall hold contested case hearings according to the following:

A panel of the Board shall serve as the designated hearing officer.

A panel of the Board will adhere to the following criteria:

- The panel will be composed of three Board members, including an alternate member to serve only in the absence of a regular member;
- HTSB Chairperson and Vice Chairperson shall not serve on the panel;
- Panels will be convened as needed;
- The panel shall submit their written recommendation on the contested case to the full Board at a scheduled board meeting;
- All other conditions and procedures of Board hearings shall be in accordance with Hawai‘i Revised Statute (HRS) Chapter 91, 302A-807 and HAR §8-54.

## HEARING DOCUMENTS

The Hawai‘i Teacher Standards Board (HTSB) adopts the following policy on electronic documents presented in a hearing before the Board or a panel of the Board:

- An electronic copy of all materials that the Hearings Panel is to consider must be delivered to the HTSB office no later than six (6) weeks prior to a hearing.
- One intact electronic copy of all documentation submitted to the HTSB becomes part of the individual’s official file and shall not be returned to the licensee or permittee;
- Documents submitted and reviewed in a confidential or closed hearing, as requested by the licensee or permittee, shall remain confidential;
- Documents submitted and reviewed in an open hearing, as requested by the licensee or permittee, shall become part of the public hearing record.

## HEARING OFFICER

The Hearings Officer shall preside at the contested case hearing and shall have the power to administer oaths, receive and rule in questions of evidence, schedule pre-hearing conferences to formulate or simplify the issues, rule upon all objections or matters that do not involve a final determination of the proceeding, receive offers of proof, fix the length, form and time of filing briefs, dispose of any other matter that normally and properly arises in the course of a hearing and take lawful action as deemed necessary to the orderly and just conduct of a hearing. The hearing officer may also ask questions during the hearing on behalf of the panel members.

## PROCEDURE

1. The Hearings Officer introduces members of the panel and HTSB staff present;
2. The Hearing Officer announces:
  - a. that statute provides for confidentiality of the proceedings, but if the applicant, licensee or permit holder chooses to have the hearing open, doors will be open, and the hearing will no longer be confidential.
  - b. All parties shall be allowed to only present evidence and argument on the issues involved to the hearing panel.
  - c. the applicant, licensee or permit holder has the burden of proof and must prove his/her case by a preponderance of the evidence.
  - d. The hearing will be taped to assist the panel in note taking and preparation of its decision.
  - e. Panel members may also take individual notes, but these will be collected and destroyed at the end of the proceeding.
3. The applicant, licensee or permit holder presents evidence and argument first.
4. The executive director or designee presents evidence and argument next.
5. The applicant, licensee or permit holder offers rebuttal;
6. The executive director or designee is allowed to rebut evidence or argument.
7. The hearing officer announces that:
  - a. the panel will deliberate in closed session;
  - b. their recommendation will be presented at the Board's next regularly scheduled meeting for decision;
  - c. the decision will be communicated to the individual within thirty (30) calendar days of the Board meeting.
  - d. Any appeal must be filed within thirty (30) calendar days of receipt of the Board's decision in the circuit court in which the individual resides, or, for out of state individuals, in the First Circuit Court.

## PANEL RECOMMENDATION

The panel will deliberate and make its recommendation in writing in the form of a New Business Item at a regular monthly meeting of the Board. Adverse decisions must be supported by the panel's rationale for their decision.

## DECISION

The Board will receive the recommendation of the panel during Executive Session at a regularly scheduled monthly meeting and consider the recommendation as a New Business Item. HTSB will notify the parties of the decision by delivering or mailing a restricted certified copy of the decision and order within thirty (30) calendar days following the Board's meeting date to each party or to the party's attorney of record.

## PRESIDING HEARINGS OFFICER AUTHORITY

Relevant Section of the Administrative Code: **§8-54-10.6 (b)**

The presiding hearings officer shall have the power to:

- give notice of the hearing;
- arrange for the administration of oaths and affirmations, subpoena and examine witnesses;
- issue subpoenas;
- certify to official acts;
- rule on offers of proof;
- receive relevant evidence;
- exclude evidence, which is irrelevant, immaterial, repetitious, cumulative, or merely scandalous;
- accordingly, may restrict lines of questioning, regulate the course and conduct of the hearing;
- regulate the manner of any examination so as to prevent the needless and unreasonable harassment, intimidation, or embarrassment of any witness or party at the hearing;
- remove disruptive individuals including any party, legal counsel, witness, or observer;
- hold conferences including prehearing conferences, before or during the hearing, for the settlement or simplification of issues;
- rule on motions and to dispose of procedural matters, dispose of any other matters that normally and properly arise in the course of the proceedings;
- take any action authorized by this subchapter or chapter 91, HRS, and perform such other duties necessary for the proper conduct of hearings.

## PRESIDING HEARINGS OFFICER DUTIES

- The Hearings Officer Shall submit in writing:
  - recommended decision
  - finding of facts
  - conclusions of laws
  - recommended order for the board's consideration



- The Hearings Officer may engage the service of a stenographer, or someone similarly skilled, to take a verbatim record of the evidence presented at the hearing.
  
- The Hearings Officer shall file with the board a recommended decision, including;
  - findings of fact
  - conclusions of law
  - any recommended order shall be;
    - served to each party by registered or certified mail
    - return receipt requested
  
- Any party may file with the Hearings Officer within fifteen (15) calendar days;
  - Written exceptions to the whole or any part of the recommended decision and request review by the board
  - A statement of in support of the recommended decision
  
- The Hearings Officer shall transmit to the board the entire record together with;
  - the recommended decision
  - any timely filed exceptions
  - any timely filed statement of support

**HEARING PANEL AGENDA**

**<DATE>**

**<TIME>**

**DOLE CANNERY CONFERENCE ROOM <NUMBER>**

OPENING THE HEARING

INTRODUCTIONS

REFERENCE TO PROCEDURAL RULES

ADMINISTER OATH

PRESENTATION OF CASE BY APPLICANT, LICENSEE, OR PERMIT HOLDER

PRESENTATION OF CASE BY <HTSB STAFF>

CLOSING STATEMENTS

FINAL REMARKS TO THE PARTIES

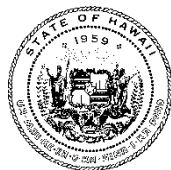
CLOSED DELIBERATIONS

ADJOURN

## HEARING PANEL SCRIPT

Opening the Hearing	<p>Good &lt;MORNING/AFTERNOON&gt;.</p> <p>In accordance with the Hawai‘i Teacher Standards Board’s Administrative Rules, this hearing will be recorded.</p> <p>This hearing is being held in accordance with Chapter 91, HRS 302A-803, and HAR 8-54-10.6</p>
Introductions	<p>I am &lt;NAME&gt;, a member of the Hawai‘i Teacher Standards Board. The other Board Members are: &lt;NAME&gt;, &lt;NAME&gt;</p> <p>Also present are our Deputy Attorney General &lt;NAME OF ATTORNEY&gt; and HTSB staff: Executive Director, &lt;NAME&gt;, Secretary, &lt;NAME&gt;, Specialist, &lt;NAME&gt;, &lt;TITLE&gt;, &lt;NAME&gt;</p> <p>Will you please introduce yourself?</p>
Reference To Procedural Rules	<p>Conduct of the hearing and procedure of hearings shall be in accordance with the administrative rules of the Hawai‘i Teacher Standards Board.</p> <ul style="list-style-type: none"> <li>● Statute provides for confidentiality of the proceedings. If you choose to have the hearing open, however, the door will be opened and the hearing will no longer be confidential.</li> <li>● <b><u>Would you like to have an open or closed hearing?</u></b></li> <li>● State the Summary of Law (as written in the letter to the individual) and any violations (as listed in the Summary of Facts portion of the letter)</li> <li>● The purpose of this hearing is to determine &lt;INSERT&gt;.</li> <li>● All parties shall be allowed to only present evidence and argument on the issues involved.</li> <li>● You, as petitioner, have the burden of proof and must prove your case by a preponderance of the evidence.</li> <li>● This hearing will be recorded to assist the Hearing Panel in note taking and preparation of its recommendation. The recording will be destroyed after the Board’s final decision.</li> <li>● Panel members may also take individual notes, but these will be collected and destroyed at the end of the proceeding.</li> </ul>
Administer Oath	<p>I will now administer the oath. &lt;APPLICANT/LICENSEE NAME&gt; please raise your right hand.</p> <p>“Do you solemnly, sincerely, and truly declare and affirm that the evidence you shall give shall be the truth, the whole truth, and nothing but the truth?”</p> <p>&lt;HTSB STAFF NAME&gt;, please raise your right hand.</p> <p>“Do you solemnly, sincerely, and truly declare and affirm that the evidence you shall give shall be the truth, the whole truth, and nothing but the truth?”</p>
Presentation of Case by Applicant, Licensee, Or Permit Holder	<p>&lt;APPLICANT/LICENSEE NAME&gt; you may now proceed with your presentation.</p> <p>Do you have any witnesses? <b><u>(if so, administer oath)</u></b></p> <p>Does the &lt;HTSB STAFF&gt; wish to question this witness?</p>

	Does any member of the Hearing Panel have any questions of this witness?
Presentation of Case by Licensing Specialist	<p>&lt;SPECIALIST NAME&gt;, you may now proceed with your presentation.  Do you have any witnesses? (if so, administer oath)  &lt;APPLICANT/LICENSEE NAME&gt; do you wish to question this witness?  Does any member of the Hearing Panel have any questions of this witness?</p>
Closing Statements	<p>You are both invited to make closing remarks to summarize your case and to leave the Hearing Panel with any final thoughts.  &lt;APPLICANT/LICENSEE NAME&gt; would you like me to call a five-minute recess so that you may gather your thoughts?  <u><b>proceed with closing statements from both parties</b></u></p>
Final Remarks to The Parties	<p>Thank you both for your presentations.  Do the Hearing Panel members have any further questions?</p> <p>Deliberations are closed to all but the members of the Hearing Panel. The purpose of deliberations is for the Hearing Panel to review all materials and information from the hearing and determine what recommendation(s) we will make to the full Board.</p> <p>The Board’s decision will be sent to you and your representative in writing within thirty (30) calendar days, by US Mail and restricted certified mail.</p> <p>This will conclude the fact-finding portion of the hearing.  Do either of you have any questions?  If not, this hearing is now adjourned and you may both leave. Thank you for your time.</p>



**STATE OF HAWAII**  
**HAWAII TEACHER STANDARDS BOARD**  
650 IWILEI ROAD, SUITE 268  
HONOLULU, HAWAII 96817

**CONFIDENTIAL**

<DATE>

By Regular Mail, Certified Mail, and HTSB License Record

USPS Certified Mail Article Number:

<FIRST NAME> <LAST NAME>

<MAILING ADDRESS>

<CITY, STATE, ZIP CODE>

Dear <Mr./Ms.> <LAST NAME>:

Hawai'i Teacher Standards Board (HTSB) Specialist Felicia Villalobos has referred your Professional Fitness case to me for review. Her file indicates that:

- o <INSERT FINDINGS>

Based on this information, I must refer your case to the HTSB. The HTSB may consider action on a Hawai'i teaching license under the authority found in Hawai'i Revised Statute and Hawai'i Administrative Rules, outlined below and attached to this letter:

Hawai'i Revised Statute:

§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:

(8) Issuing, renewing, forfeiting, restoring, conditioning, revoking, suspending, and reinstating licenses;

§302A-807 Refusal, suspension, revocation, and reinstatement of licenses 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.

Hawai'i Administrative Rules §8-54-9.14:

§8-54-9.14 Grounds for refusal to renew, reinstate, or restore, and for revocation, suspension, denial, or condition of a license or permit. In addition to any other acts or conditions provided by law, the board may refuse to renew, reinstate or restore, or may deny, revoke, suspend, or condition in any manner, any

license for any one or more of the following acts or conditions on the part of the licensee, permittee or the applicant thereof:

**<INSERT GROUNDS FOR REFUSUAL>**

Hawai'i Administrative Rules Section 8-54-10.3 provides you the opportunity to demand a hearing before the HTSB Hearing Panel. In order to be entitled to a hearing, you must submit a Demand for Hearing within sixty (60) calendar days of receiving notification via this letter.

The Demand for Hearing which you are requesting must contain the following information:

- 1) the legal authority under which the hearing is to be held;
- 2) the denial or matter that is being contested by the petitioner;
- 3) the basic facts and issues raised; and
- 4) the relief to which the petitioner deems itself entitled.

If the HTSB receives your written Demand for Hearing which contains the necessary information as stated above, the HTSB will then provide you written notice of the hearing before the Hearing Panel at least fifteen (15) calendar days prior to the scheduled hearing. The Hearing Panel will be convened in February of 2021.

If the HTSB does not receive a written Demand for Hearing, I will make a recommendation to the HTSB on your case based on the information received from Specialist Villalobos.

You may call 808-586-2602 to schedule an appointment if you have questions or contact me by mail at our office address.

Sincerely,



Lynn Hammonds  
Executive Director

Attachment: Hawai'i Revised Statute  
Hawai'i Administrative Rules

### **Hawai'i Revised Statute:**

**§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:

(8) Issuing, renewing, forfeiting, restoring, conditioning, revoking, suspending, and reinstating licenses;

**§302A-807 Refusal, suspension, revocation, and reinstatement of licenses 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.

### **Hawai'i Administrative Rules:**

**§8-54-9.14 Grounds for refusal to renew, reinstate, or restore, and for revocation, suspension, denial, or condition of a license or permit.** In addition to any other acts or conditions provided by law, the board may refuse to renew, reinstate or restore, or may deny, revoke, suspend, or condition in any manner, any license for any one or more of the following acts or conditions on the part of the licensee, permittee or the applicant thereof:

- (1) A felony conviction;
- (2) Misdemeanor convictions as defined in this chapter;
- (3) Conviction of crimes against children and sexual offenses;
- (4) Having sexual contact with a minor or student;
- (5) Possessing, producing, or distributing illegal images or images of minors or students;
- (6) Committing a crime on school premises or while fulfilling the duties of a teacher;
- (7) Practicing the profession of teaching while possessing, using, distributing or being under the influence of illegal drugs;
- (8) Practicing the profession of teaching in a manner contrary to the recognized standards of ethics adopted by the Hawai'i Teacher Standards Board in its Code of Ethics;
- (9) Practicing the profession of teaching with a fraudulent teaching license;
- (10) Making and/or submitting false, inaccurate or misleading statements and/or documents in applying for a license, permit, license or permit update, or renewal;
- (11) Having a license or permit denied, revoked, not renewed or suspended by another jurisdiction;
- (12) Violation of any condition or limitation on a licensee's license;
- (13) Misrepresents or falsifies information on their application;
- (14) Provides falsified or fraudulent documents with an application;
- (15) Does not meet the board's licensing or renewal requirements;
- (16) Does not meet the professional fitness portion of the application; or
- (17) Does not pay the required license or permit fees.

**§8-54-9.15 Forms of disciplinary sanctions.** Notwithstanding any other powers of the board to discipline a license the board may impose the following:

- (1) The revocation of a license or permit the duration of which shall be set by the board but may not be less than five years; provided that conviction of crimes against children and sexual offenses may result in the lifetime revocation of a license;
- (2) The suspension of a license or permit the duration of which shall be set by the board but may not exceed five years;



- (3) Place conditions on the licensee or permit holder for a specified amount of time, which may include, but are not limited to, activities directed toward improving a teacher's performance in the area of the violation;
- (4) Censure or warn the licensee or permit holder if the board determines that a violation has occurred that does not necessitate a more severe action to be taken on a licensee or permit holder. A copy of the censure or warning will be placed in the board's file of the licensee or permit holder. A copy will be sent to the licensee or permit holder and he/she will have thirty (30) calendar days to file a written response. The response will be placed in the board's file of the licensee or permit holder; and
- (5) Monetary penalties.

**§8-54-9.16 Reporting of violations.** (a) Reports of violations(s) to the Code of Ethics or for conduct listed in §8-54-9.14 shall be filed in writing with the board on a signed form and in a manner provided by the board.

(b) The superintendent or charter school administrator or their designee in any Hawai'i public school shall report violations. A private or independent school administrator is authorized to report violations. The report shall contain the name, address, and social security number of any licensed educator, permit holder or emergency hire who:

- (1) Is terminated or not re-hired for cause;
- (2) Resigns under threat of termination or non-employment for cause;
- (3) Is convicted of a felony or misdemeanor as defined in this chapter.

(c) Licensed educators, permit holders and emergency hires who may have engaged in action that could result in denial, non-renewal, revocation or suspension of a license shall be required to report to the Board, in a manner provided for by the Board, within thirty (30) calendar days of the event, the following:

- (1) Been terminated or not rehired for cause;
- (2) Resigned under threat of termination or non-employment for cause; and
- (3) Been convicted of a felony or misdemeanor as defined in this chapter.

(d) Signators of the National Association of State Directors of Teacher Education and Certification (NASDTEC) Interstate Contract shall report actions taken by them to deny a license to an individual or to revoke, suspend or refuse to renew licenses of licensees in their state within thirty (30) calendar days from when they are made aware that the individual is applying for a license, renewal of a license or permit.

(e) The board shall report actions taken to deny, suspend or revoke a license or permit to the superintendent, charter school administrator, headmaster or president of any Hawai'i school, district, or system and to the NASDTEC Clearinghouse.

**§8-54-10.2 Notification of denial of application or proposed disciplinary action against a licensee or permittee.** In the event an application for a license or permit is denied, or the board intends to discipline a licensee or permittee, written notification shall be provided to the denied applicant, or to the licensee of the intended action. The notification shall include a concise statement of the reasons therefore and a statement informing the applicant or licensee or permittee of the right to a hearing if the applicant or licensee or permittee so desires. The notification shall further provide the time frame that a demand for hearing shall be filed.

**§8-54-10.3 Demand for a hearing.** Any person whose application is denied, or a licensee or permittee who is to be disciplined by the board, shall be entitled to a hearing if a demand for hearing is filed with the board's office within sixty (60) calendar days of the date of the letter informing the applicant of the denial or the licensee or permittee of the intent to discipline, respectively. The demand for hearing shall contain concise statements of: (1) the legal authority under which the hearing is to be held; (2) the denial

or matter that is being contested by the petitioner; (3) the basic facts and issues raised; and (4) the relief to which the petitioner deems itself entitled.

**§8-54-10.4 Action by the board; notification of hearing.** If a demand for hearing is filed within sixty

(60) calendar days of the date of the letter of denial or intent to discipline, the board, or a panel of the board, or a hearing officer approved by the board shall be designated as the hearings officer to conduct the hearing, and make recommendations in writing to the board. The hearings officer shall commence the hearing process and proceed to schedule a hearing and provide all parties written notice of the hearing by registered or certified mail with return receipt requested at least fifteen (15) calendar days before the hearing.

**§8-54-10.5 Notice of hearing.** The hearing notice shall include:

- (1) The date, time, place, and nature of the hearing;
- (2) The legal authority under which the hearing is held;
- (3) The particular sections of the statutes and rules involved; and
- (4) A short and concise statement of the issues involved and the facts giving rise to the petition.

The notice shall further apprise each party of their right to retain legal counsel if so desired.

**§8-54-10.6 Hearing.** (a) All hearings shall be conducted pursuant to chapter 91, HRS and this subchapter. All hearings shall be held before a hearings officer duly designated by the board. All parties shall be afforded full opportunity to present evidence and argument on all issues involved. The hearing shall be at the time and place set forth in the notice of hearing, but at that time and place may be continued from day to day or adjourned thereof at the hearing.

(b) The presiding hearings officer shall have the power to give notice of the hearing, arrange for the administration of oaths and affirmations, subpoena and examine witnesses, issue subpoenas, certify to official acts, rule on offers of proof, receive relevant evidence and exclude evidence which is irrelevant, immaterial, repetitious, cumulative, or merely scandalous and accordingly may restrict lines of questioning, regulate the course and conduct of the hearing, regulate the manner of any examination so as to prevent the needless and unreasonable harassment, intimidation, or embarrassment of any witness or party at the hearing, remove disruptive individuals including any party, legal counsel, witness, or observer, hold conferences including prehearing conferences, before or during the hearing, for the settlement or simplification of issues, rule on motions and to dispose of procedural matters, dispose of any other matters that normally and properly arises in the course of the proceedings, and take any action authorized by this subchapter or chapter 91, HRS, and perform such other duties necessary for the proper conduct of hearings.

(c) In a hearing where the issue for determination is whether the board properly denied an application for a license or permit, the record shall consist of only the information presented to the board's office for consideration in reviewing the application. No other information regarding qualification for approval of the license or permit shall be admitted unless agreed upon by all parties.

(d) The hearings officer shall submit in writing any report or recommended decision together with the findings of facts and conclusions of law and a recommended order to the board for its consideration and final disposition.

(e) The record of the hearing shall be in conformance with section 91-9, HRS.

(f) The hearings officer may engage the services of a stenographer, or someone similarly skilled, to take a verbatim record of the evidence presented at the hearing. If a verbatim record is taken, any party may request a certified transcript of the proceedings. The party making the request shall be responsible for the fees for the transcript.

**§8-54-10.7 Recommended decision.** (a) As expeditiously as possible after the close of the hearing, the hearings officer shall file with the board a recommended decision together with separate findings of fact, conclusions of law, and a recommended order. The decision, findings of fact, conclusions of law, and any order recommended by the hearings officer shall be based upon the whole record and supported by the reliable probative and substantial evidence, including facts of which the hearings officer properly took judicial notice.

(b) The hearings officer shall cause a copy of the recommended decision, including therein findings of fact, conclusions of law, and any recommended order, to be served upon each party by registered or certified mail, return receipt requested. Service of the recommended decision shall be deemed complete upon its mailing to the party's last known address.

(c) Any party adversely affected by the hearings officer's recommended decision within fifteen (15) calendar days after receipt of a copy of the decision, may file with the hearings officer written exceptions to the whole or any part of the recommended decision and request review by the board. Each written exception shall specify the portions of the record and authorities relied upon to sustain each point. A copy of the written exceptions shall be served by the party so excepting upon each party to the proceeding. Unless the time has been extended, no written exceptions §8-54-10.7 shall be filed or accepted for filing after the time specified.

(d) Any party may file with the hearings officer and serve upon all other parties a statement in support of the recommended decision within fifteen (15) calendar days after receipt of a copy of the written exceptions filed pursuant to subsection (c).

(e) The hearings officer shall transmit to the board the entire record together with the recommended decision, any timely filed exceptions, and any timely filed statement in support.

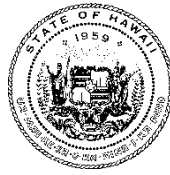
**§8-54-10.8 Argument of written exceptions; no written exceptions; issuance of final decision and order.** (a) Whenever written exceptions have been timely filed and a party has requested the opportunity to present oral argument, all parties to the proceedings shall be afforded the opportunity to present oral argument to the board concerning the recommended decision. The board shall personally consider the whole record or portion of the record as may have been cited by the parties either in support of or in opposition to the recommended decision. All parties shall be served with notice of the time and place of argument at least five calendar days prior to the time for argument. Within a reasonable time after argument has been heard, the board shall issue a written final decision and order.

(b) When no written exceptions have been filed, the board, within a reasonable time after the hearings officer's recommended decision has been filed, shall issue a written final decision and order.

**§8-54-10.9 Final decision and order.** (a) The board's final decision and order shall either adopt, modify, or reverse, in whole or in part, the hearings officer's recommended decision. The board shall state with specificity in the final decision the reasons for any modification or reversal, in whole or in part, of the hearings officer's recommended decision.

(b) The board shall cause a copy of the final decision and order to be served upon each party by personal service or by registered or certified mail, return receipt requested. Service of the final decision and order shall be deemed complete upon its mailing to the party's last known address.

**§8-54-10.10 Judicial review of contested cases.** Any party aggrieved by a final decision of the board is entitled to judicial review in conformance with section 91-14, HRS. Any party requesting judicial review shall serve a copy of the request upon the board and all other parties to the proceeding in accordance with the Hawai'i Rules of Civil Procedure.



**STATE OF HAWAII**  
**HAWAII TEACHER STANDARDS BOARD**  
650 IWILEI ROAD, SUITE 268  
HONOLULU, HAWAII 96817

**CONFIDENTIAL**

DATE: <INSERT>

TO: <NAME>

By Regular Mail, Certified Mail, and HTSB License Record  
USPS Certified Mail Article Number: <INSERT NUMBER>

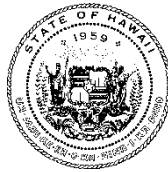
FROM: <SPECIALIST NAME>, Licensing Specialist

SUBJECT: Demand for Hearing

I am writing to inform you that Hawai'i Teacher Standards Board (HTSB) received your Demand for Hearing letter, via HTSB online account, on <DATE> at <TIME>.

An electronic copy of all documents to be submitted for consideration at a hearing shall be transmitted by each party to all other hearing parties within thirty (30) calendar days after a demand for hearing is requested. Your thirty (30) calendar days will expire on <DATE>.

A hearing date will be set after consulting with the Hawai'i Attorney General's office. If you have questions, you may contact me using the Contact HTSB tab in your online account or email me at <SPECIALIST EMAIL>.



STATE OF HAWAII  
HAWAII TEACHER STANDARDS BOARD  
650 IWILEI ROAD, SUITE 268  
HONOLULU, HAWAII 96817

**CONFIDENTIAL**

<DATE>

By Regular Mail, Certified Mail, and HTSB License Record      USPS Certified Mail Article Number:

<FIRST NAME> <LAST NAME>

<MAILING ADDRESS>

<CITY, STATE, ZIP CODE>

Dear <Mr./Ms.> <LAST NAME>:

<RECAP OF ISSUE>

The Hawai'i Teacher Standards Board (HTSB, "Board") Hearing Panel will hold a hearing on the <revocation of, suspension of, denial of, request regarding> your <license, permit, application> on <DATE> at <TIME> in <ROOM LOCATION> of Dole Cannery, 650 Iwilei Road, Honolulu, Hawai'i 96817, at which time you and/or your representative will be heard. The HTSB may consider action on a Hawai'i teaching license under the authority found in Hawai'i Revised Statute and Hawai'i Administrative Rules, attached to this letter.

An electronic copy of all materials you want the Hearings Panel to consider must be delivered to our office no later than <DATE THAT IS SIX (6) WEEKS PRIOR TO HEARING>. At the hearing, you will have an opportunity to present your statement and materials.

The procedure of the hearing will be as follows:

- The hearing officer will announce that the proceedings may be confidential if <NAME> so desires;
- The issues of the case will be stated;
- You have the burden of proof and must prove your case by a preponderance of the evidence;
- The proceedings will be taped so each speaker must identify him/herself before speaking;
- You will be the first to present your statement and evidence;
- The HTSB staff will present their statement and evidence;
- You will have an opportunity to rebut evidence presented by HTSB staff;
- The HTSB staff will have an opportunity to rebut;
- The Hearing Panel will deliberate and make a decision in closed session.

As expeditiously as possible after the close of the hearing, the hearings officer shall file with the Board a recommended decision.

If you have questions, please contact me at <PHONE NUMBER> or by mail at our office address.

Sincerely,

<NAME>

Executive Director

Attachment: Hawai'i Revised Statute  
Hawai'i Administrative Rules

## **Hawai'i Revised Statute:**

**§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:

(8) Issuing, renewing, forfeiting, restoring, conditioning, revoking, suspending, and reinstating licenses;

**§302A-807 Refusal, suspension, revocation, and reinstatement of licenses 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.

## **Hawai'i Administrative Rules:**

**§8-54-9.14 Grounds for refusal to renew, reinstate, or restore, and for revocation, suspension, denial, or condition of a license or permit.** In addition to any other acts or conditions provided by law, the board may refuse to renew, reinstate or restore, or may deny, revoke, suspend, or condition in any manner, any license for any one or more of the following acts or conditions on the part of the licensee, permittee or the applicant thereof:

- (1) A felony conviction;
- (2) Misdemeanor convictions as defined in this chapter;
- (3) Conviction of crimes against children and sexual offenses;
- (4) Having sexual contact with a minor or student;
- (5) Possessing, producing, or distributing illegal images or images of minors or students;
- (6) Committing a crime on school premises or while fulfilling the duties of a teacher;
- (7) Practicing the profession of teaching while possessing, using, distributing or being under the influence of illegal drugs;
- (8) Practicing the profession of teaching in a manner contrary to the recognized standards of ethics adopted by the Hawai'i Teacher Standards Board in its Code of Ethics;
- (9) Practicing the profession of teaching with a fraudulent teaching license;
- (10) Making and/or submitting false, inaccurate or misleading statements and/or documents in applying for a license, permit, license or permit update, or renewal;
- (11) Having a license or permit denied, revoked, not renewed or suspended by another jurisdiction;
- (12) Violation of any condition or limitation on a licensee's license;
- (13) Misrepresents or falsifies information on their application;
- (14) Provides falsified or fraudulent documents with an application;
- (15) Does not meet the board's licensing or renewal requirements;
- (16) Does not meet the professional fitness portion of the application; or
- (17) Does not pay the required license or permit fees.

**§8-54-9.15 Forms of disciplinary sanctions.** Notwithstanding any other powers of the board to discipline a license the board may impose the following:

- (1) The revocation of a license or permit the duration of which shall be set by the board but may not be less than five years; provided that conviction of crimes

against children and sexual offenses may result in the lifetime revocation of a license;

- (2) The suspension of a license or permit the duration of which shall be set by the board but may not exceed five years;



- (3) Place conditions on the licensee or permit holder for a specified amount of time, which may include, but are not limited to, activities directed toward improving a teacher's performance in the area of the violation;
- (4) Censure or warn the licensee or permit holder if the board determines that a violation has occurred that does not necessitate a more severe action to be taken on a licensee or permit holder. A copy of the censure or warning will be placed in the board's file of the licensee or permit holder. A copy will be sent to the licensee or permit holder and he/she will have thirty (30) calendar days to file a written response. The response will be placed in the board's file of the licensee or permit holder; and
- (5) Monetary penalties.

**§8-54-9.16 Reporting of violations.** (a) Reports of violation(s) to the Code of Ethics or for conduct listed in §8-54-9.14 shall be filed in writing with the board on a signed form and in a manner provided by the board.

(b) The superintendent or charter school administrator or their designee in any Hawai'i public school shall report violations. A private or independent school administrator is authorized to report violations. The report shall contain the name, address, and social security number of any licensed educator, permit holder or emergency hire who:

- (1) Is terminated or not re-hired for cause;
- (2) Resigns under threat of termination or non-employment for cause;
- (3) Is convicted of a felony or misdemeanor as defined in this chapter.

(c) Licensed educators, permit holders and emergency hires who may have engaged in action that could result in denial, non-renewal, revocation or suspension of a license shall be required to report to the Board, in a manner provided for by the Board, within thirty (30) calendar days of the event, the following:

- (1) Been terminated or not rehired for cause;
- (2) Resigned under threat of termination or non-employment for cause; and
- (3) Been convicted of a felony or misdemeanor as defined in this chapter.

(d) Signators of the National Association of State Directors of Teacher Education and Certification (NASDTEC) Interstate Contract shall report actions taken by them to deny a license to an individual or to revoke, suspend or refuse to renew licenses of licensees in their state within thirty (30) calendar days from when they are made aware that the individual is applying for a license, renewal of a license or permit.

(e) The board shall report actions taken to deny, suspend or revoke a license or permit to the superintendent, charter school administrator, headmaster or president of any Hawai'i school, district, or system and to the NASDTEC Clearinghouse.

**§8-54-10.2 Notification of denial of application or proposed disciplinary action against a licensee or permittee.** In the event an application for a license or permit is denied, or the board intends to discipline a licensee or permittee, written notification shall be provided to the denied applicant, or to the licensee of the intended action. The notification shall include a concise statement of the reasons therefore and a statement informing the applicant or licensee or permittee of the right to a hearing if the applicant or licensee or permittee so desires. The notification shall further provide the time frame that a demand for hearing shall be filed.

**§8-54-10.3 Demand for a hearing.** Any person whose application is denied, or a licensee or permittee who is to be disciplined by the board, shall be entitled to a hearing if a demand for hearing is filed with the board's office within sixty (60) calendar days of the date of the letter informing the applicant of the denial or the licensee or permittee of the intent to discipline, respectively. The demand for hearing shall contain concise statements of: (1) the legal authority under which the hearing is to be held; (2) the denial or matter that is being contested by the petitioner; (3) the basic facts and issues raised; and (4) the relief to which the petitioner deems itself entitled.

**§8-54-10.4 Action by the board; notification of hearing.** If a demand for hearing is filed within sixty (60) calendar days of the date of the letter of denial or intent to discipline, the board, or a panel of the board, or a hearing officer approved by the board shall be designated as the hearings officer to conduct the hearing, and make recommendations in writing to the board. The hearings officer shall commence the hearing process and proceed to schedule a hearing and provide all parties written notice of the hearing by registered or certified mail with return receipt requested at least fifteen (15) calendar days before the hearing.

**§8-54-10.5 Notice of hearing.** The hearing notice shall include:

- (1) The date, time, place, and nature of the hearing;
- (2) The legal authority under which the hearing is held;
- (3) The particular sections of the statutes and rules involved; and
- (4) A short and concise statement of the issues involved and the facts giving rise to the petition.

The notice shall further apprise each party of their right to retain legal counsel if so desired.

**§8-54-10.6 Hearing.** (a) All hearings shall be conducted pursuant to chapter 91, HRS and this subchapter. All hearings shall be held before a hearings officer duly designated by the board. All parties shall be afforded full opportunity to present evidence and argument on all issues involved. The hearing shall be at the time and place set forth in the notice of hearing, but at that time and place may be continued from day to day or adjourned thereof at the hearing.

(b) The presiding hearings officer shall have the power to give notice of the hearing, arrange for the administration of oaths and affirmations, subpoena and examine witnesses, issue subpoenas, certify to official acts, rule on offers of proof, receive relevant evidence and exclude evidence which is irrelevant, immaterial, repetitious, cumulative, or merely scandalous and accordingly may restrict lines of questioning, regulate the course and conduct of the hearing, regulate the manner of any examination so as to prevent the needless and unreasonable harassment, intimidation, or embarrassment of any witness or party at the hearing, remove disruptive individuals including any party, legal counsel, witness, or observer, hold conferences including prehearing conferences, before or during the hearing, for the settlement or simplification of issues, rule on motions and to dispose of procedural matters, dispose of any other matters that normally and properly arises in the course of the proceedings, and take any action authorized by this subchapter or chapter 91, HRS, and perform such other duties necessary for the proper conduct of hearings.

(c) In a hearing where the issue for determination is whether the board properly denied an application for a license or permit, the record shall consist of only the information presented to the board's office for consideration in reviewing the application. No other information regarding qualification for approval of the license or permit shall be admitted unless agreed upon by all parties.

(d) The hearings officer shall submit in writing any report or recommended decision together with the findings of facts and conclusions of law and a recommended order to the board for its consideration and final disposition.

(e) The record of the hearing shall be in conformance with section 91-9, HRS.

(f) The hearings officer may engage the services of a stenographer, or someone similarly skilled, to take a verbatim record of the evidence presented at the hearing. If a verbatim record is taken, any party may request a certified transcript of the proceedings. The party making the request shall be responsible for the fees for the transcript.

**§8-54-10.7 Recommended decision.** (a) As expeditiously as possible after the close of the hearing, the hearings officer shall file with the board a recommended decision together with separate findings of fact, conclusions of law, and a recommended order. The decision, findings of fact, conclusions of law, and any order recommended by the hearings officer shall be based upon the whole record and supported by the reliable probative and substantial evidence, including facts of which the hearings

officer properly took judicial notice.

(b) The hearings officer shall cause a copy of the recommended decision, including therein findings of fact, conclusions of law, and any recommended order, to be served upon each party by registered or certified mail, return receipt requested. Service of the recommended decision shall be deemed complete upon its mailing to the party's last known address.

(c) Any party adversely affected by the hearings officer's recommended decision within fifteen (15) calendar days after receipt of a copy of the decision, may file with the hearings officer written exceptions to the whole or any part of the recommended decision and request review by the board. Each written exception shall specify the portions of the record and authorities relied upon to sustain each point. A copy of the written exceptions shall be served by the party so excepting upon each party to the proceeding. Unless the time has been extended, no written exceptions §8-54-10.7 shall be filed or accepted for filing after the time specified.

(d) Any party may file with the hearings officer and serve upon all other parties a statement in support of the recommended decision within fifteen (15) calendar days after receipt of a copy of the written exceptions filed pursuant to subsection (c).

(e) The hearings officer shall transmit to the board the entire record together with the recommended decision, any timely filed exceptions, and any timely filed statement in support.

**§8-54-10.8 Argument of written exceptions; no written exceptions; issuance of final decision and order.** (a) Whenever written exceptions have been timely filed and a party has requested the opportunity to present oral argument, all parties to the proceedings shall be afforded the opportunity to present oral argument to the board concerning the recommended decision. The board shall personally consider the whole record or portion of the record as may have been cited by the parties either in support of or in opposition to the recommended decision. All parties shall be served with notice of the time and place of argument at least five calendar days prior to the time for argument. Within a reasonable time after argument has been heard, the board shall issue a written final decision and order.

(b) When no written exceptions have been filed, the board, within a reasonable time after the hearings officer's recommended decision has been filed, shall issue a written final decision and order.

**§8-54-10.9 Final decision and order.** (a) The board's final decision and order shall either adopt, modify, or reverse, in whole or in part, the hearings officer's recommended decision. The board shall state with specificity in the final decision the reasons for any modification or reversal, in whole or in part, of the hearings officer's recommended decision.

(b) The board shall cause a copy of the final decision and order to be served upon each party by personal service or by registered or certified mail, return receipt requested. Service of the final decision and order shall be deemed complete upon its mailing to the party's last known address.

**§8-54-10.10 Judicial review of contested cases.** Any party aggrieved by a final decision of the board is entitled to judicial review in conformance with section 91-14, HRS. Any party requesting judicial review shall serve a copy of the request upon the board and all other parties to the proceeding in accordance with the Hawai'i Rules of Civil Procedure.

**HAWAI'I TEACHER STANDARDS BOARD  
HEARING RESPONSE FORM**

**Return by <DATE>**

**NAME:** <FIRST NAME> <LAST NAME>

**HEARING DATE:** <DATE>

Mark Your Answer either "Yes" or "No"	Yes	No
I will attend the hearing.		
I request a closed, confidential hearing.		
I request an open hearing.		
I will represent myself.		
<p>I will be represented by: <input style="width: 600px; height: 20px;" type="text"/></p> <p>Name: <input style="width: 600px; height: 20px;" type="text"/></p> <p>Title: <input style="width: 600px; height: 20px;" type="text"/></p> <p>Business Address: <input style="width: 600px; height: 20px;" type="text"/></p> <p>Telephone Number: <input style="width: 400px; height: 20px;" type="text"/></p> <p>Email Address: <input style="width: 400px; height: 20px;" type="text"/></p>		

**List the names and relationship of witnesses you will call to testify at your hearing.**

Name(s) of Witness	Relationship

**Submit all additional materials you wish the Hearing Panel to review to  
<EMAIL ADDRESS> by <DATE>.**

**HAWAI'I TEACHER STANDARDS BOARD (HTSB, "Board") HEARINGS PANEL  
RECOMMENDATION**

In the Matter of Consideration of Action on a Standard Hawai'i Teaching License of

<NAME OF INDIVIDUAL>

Respondent.

**HEARINGS OFFICER'S FINDINGS OF FACT  
CONCLUSIONS OF LAW AND RECOMMENDED ACTION**

**I. INTRODUCTION**

On <DATE> <summary of how Hawai'i Teacher Standards Board received case and following interactions>.

On <DATE>, a Hearing was held by the undersigned Hearings Officer, who sat on a three-member Hearings Panel of the Board.

Having reviewed and considered the evidence and arguments presented at the Hearing, together with the entire record of this proceeding, the Hearings Panel, through its Hearing's Officer, hereby renders the following findings of fact, conclusions of law and recommended decision by the full Hawai'i Teacher Standards Board.

**II. FINDINGS OF FACT**

Authority to consider action on a teaching license is found in Hawai'i Revised Statute: HRS 302A-804: Powers and Duties of the Board: (8) Issuing, renewing, forfeiting, restoring, condition, revoking, suspending, and reinstating licenses.

Grounds to discipline a license or permit is found in Hawai'i Administrative Rules: HAR 8-54-9(d) Revocation, suspension, denial, non-renewal, non-extension of license, or permit

and imposing conditions on a license.

Relevant to this hearing was HAR 8-54-9.14 <LIST SECTIONS AND WRITE OUT AFTER COLON, THEN DETAIL WHAT THE INDIVIDUAL’S SITUATION IS IN RELATION TO THE SECTIONS>:

III. CONCLUSIONS OF LAW

Based on the evidence presented, the Hearings Panel, through its Hearing’s Officer, concludes that Respondent violated HAR 8-54-9.14 <SECTIONS>.

Based on the evidence presented, the Hearing Panel, through its Hearing’s Officer, concludes that the Respondent:

IV. RECOMMENDED HTSB ACTION

Pursuant to HAR 8-54-9 (d), the Board may Revoke, suspend, deny, non-renew, non-extend a license, or permit and impose conditions on a license.

Based on the findings of fact, the Hearings Panel, through its Hearing’s Officer recommends <INSERT RECOMMENDATION HERE>, <WITH OR WITHOUT> prejudice.

DATED: Honolulu, Hawai‘i: \_\_\_\_\_

\_\_\_\_\_  
Printed Name  
Administrative Hearings Officer  
Hawai‘i Teacher Standards Board

\_\_\_\_\_  
Signature

**HAWAI‘I TEACHER STANDARDS BOARD (HTSB, “Board”)  
EXECUTIVE DIRECTOR’S RECOMMENDATION**

In the Matter of Consideration of Action on a Standard Hawai‘i Teaching License of

<NAME OF INDIVIDUAL>

Respondent.

**EXECUTIVE DIRECTOR’S FINDINGS OF FACT  
CONCLUSIONS OF LAW AND RECOMMENDED ACTION**

**I. INTRODUCTION**

On <DATE> <summary of how Hawai‘i Teacher Standards Board received case and following interactions>.

Having reviewed and considered the evidence and arguments presented, together with the entire record of this case, I hereby render the following findings of fact, conclusions of law and recommended decision by the full Hawai‘i Teacher Standards Board.

**II. FINDINGS OF FACT**

Authority to consider action on a teaching license is found in Hawai‘i Revised Statute: HRS 302A-804: Powers and Duties of the Board: (8) Issuing, renewing, forfeiting, restoring, condition, revoking, suspending, and reinstating licenses.

Grounds to discipline a license or permit is found in Hawai‘i Administrative Rules: HAR 8-54-9 (d) Revocation, suspension, denial, non-renewal, non-extension of license, or permit and imposing conditions on a license.

Relevant to this hearing was HAR 8-54-9.14 <LIST SECTIONS AND WRITE OUT



AFTER COLON, THEN DETAIL WHAT THE INDIVIDUAL'S SITUATION IS IN  
RELATION TO THE SECTIONS>:

III. CONCLUSIONS OF LAW

Based on the evidence, the Executive Director concludes that Respondent violated HAR 8-54-9.14 <SECTIONS>.

Based on the evidence, the Executive Director, concludes that the Respondent:

IV. RECOMMENDED HTSB ACTION

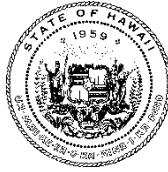
Pursuant to HAR 8-54-9 (d), the Board may Revoke, suspend, deny, non-renew, non-extend a license, or permit and impose conditions on a license.

Based on the findings of fact, the Executive Director recommends <**INSERT RECOMMENDATION HERE**>, <WITH OR WITHOUT> prejudice.

DATED: Honolulu, Hawai'i: \_\_\_\_\_

\_\_\_\_\_  
Printed Name  
Executive Director  
Hawai'i Teacher Standards Board

\_\_\_\_\_  
Signature



**STATE OF HAWAII**  
**HAWAII TEACHER STANDARDS BOARD**  
650 IWILEI ROAD, SUITE 268  
HONOLULU, HAWAII 96817

**CONFIDENTIAL**

<DATE>

By Regular Mail, Certified Mail, and HTSB License Record

USPS Certified Mail Article Number:

<FIRST NAME> <LAST NAME>

<MAILING ADDRESS>

<CITY, STATE, ZIP CODE>

Dear <Mr./Ms.> <LAST NAME>:

<RECAP OF ISSUE>

The Hawai'i Teacher Standards Board (HTSB, "Board") will hold a hearing on the <revocation of, suspension of, denial of, request regarding> your <license, permit, application> on <DATE> at <TIME> in <ROOM LOCATION> of Dole Cannery, 650 Iwilei Road, Honolulu, Hawai'i 96817, at which time you and/or your representative will be heard. The HTSB may consider action on a Hawai'i teaching license under the authority found in Hawai'i Revised Statute and Hawai'i Administrative Rules, attached to this letter.

An electronic copy of all materials you want the Board to consider must be delivered to our office no later than <DATE THAT IS SIX (6) WEEKS PRIOR TO HEARING>. At the hearing, you will have an opportunity to present your statement and materials.

The procedure of the hearing will be as follows:

- The hearing officer will announce that the proceedings may be confidential if <NAME> so desires;
- The issues of the case will be stated;
- You have the burden of proof and must prove your case by a preponderance of the evidence;
- The proceedings will be taped so each speaker must identify him/herself before speaking;
- You will be the first to present your statement and evidence;
- The HTSB staff will present their statement and evidence;
- You will have an opportunity to rebut evidence presented by the HTSB staff;
- The HTSB staff will have an opportunity to rebut;
- The Board will deliberate and make a decision in closed session.

You will be notified within thirty (30) calendar days of the Board's decision, and you will have the right to appeal this decision to the Circuit Court in which you reside within thirty (30) calendar days of receipt of the decision.

If you have questions, please contact me at <PHONE NUMBER> or by mail at our office address.

Sincerely,

<NAME>

Executive Director

Attachment: Hawai'i Revised Statute  
Hawai'i Administrative Rules

### **Hawai'i Revised Statute:**

**§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:

(8) Issuing, renewing, forfeiting, restoring, conditioning, revoking, suspending, and reinstating licenses;

**§302A-807 Refusal, suspension, revocation, and reinstatement of licenses 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.

### **Hawai'i Administrative Rules:**

**§8-54-9.14 Grounds for refusal to renew, reinstate, or restore, and for revocation, suspension, denial, or condition of a license or permit.** In addition to any other acts or conditions provided by law, the board may refuse to renew, reinstate or restore, or may deny, revoke, suspend, or condition in any manner, any license for any one or more of the following acts or conditions on the part of the licensee, permittee or the applicant thereof:

- (1) A felony conviction;
- (2) Misdemeanor convictions as defined in this chapter;
- (3) Conviction of crimes against children and sexual offenses;
- (4) Having sexual contact with a minor or student;
- (5) Possessing, producing, or distributing illegal images or images of minors or students;
- (6) Committing a crime on school premises or while fulfilling the duties of a teacher;
- (7) Practicing the profession of teaching while possessing, using, distributing or being under the influence of illegal drugs;
- (8) Practicing the profession of teaching in a manner contrary to the recognized standards of ethics adopted by the Hawai'i Teacher Standards Board in its Code of Ethics;
- (9) Practicing the profession of teaching with a fraudulent teaching license;
- (10) Making and/or submitting false, inaccurate or misleading statements and/or documents in applying for a license, permit, license or permit update, or renewal;
- (11) Having a license or permit denied, revoked, not renewed or suspended by another jurisdiction;
- (12) Violation of any condition or limitation on a licensee's license;
- (13) Misrepresents or falsifies information on their application;
- (14) Provides falsified or fraudulent documents with an application;
- (15) Does not meet the board's licensing or renewal requirements;
- (16) Does not meet the professional fitness portion of the application; or
- (17) Does not pay the required license or permit fees.

**§8-54-9.15 Forms of disciplinary sanctions.** Notwithstanding any other powers of the board to discipline a license the board may impose the following:

- (1) The revocation of a license or permit the duration of which shall be set by the board but may not be less than five years; provided that conviction of crimes

against children and sexual offenses may result in the lifetime revocation of a license;

- (2) The suspension of a license or permit the duration of which shall be set by the board but may not exceed five years;

- (3) Place conditions on the licensee or permit holder for a specified amount of time, which may include, but are not limited to, activities directed toward improving a teacher's performance in the area of the violation;
- (4) Censure or warn the licensee or permit holder if the board determines that a violation has occurred that does not necessitate a more severe action to be taken on a licensee or permit holder. A copy of the censure or warning will be placed in the board's file of the licensee or permit holder. A copy will be sent to the licensee or permit holder and he/she will have thirty (30) calendar days to file a written response. The response will be placed in the board's file of the licensee or permit holder; and
- (5) Monetary penalties.

**§8-54-9.16 Reporting of violations.** (a) Reports of violations(s) to the Code of Ethics or for conduct listed in §8-54-9.14 shall be filed in writing with the board on a signed form and in a manner provided by the board.

(b) The superintendent or charter school administrator or their designee in any Hawai'i public school shall report violations. A private or independent school administrator is authorized to report violations. The report shall contain the name, address, and social security number of any licensed educator, permit holder or emergency hire who:

- (1) Is terminated or not re-hired for cause;
- (2) Resigns under threat of termination or non-employment for cause;
- (3) Is convicted of a felony or misdemeanor as defined in this chapter.

(c) Licensed educators, permit holders and emergency hires who may have engaged in action that could result in denial, non-renewal, revocation or suspension of a license shall be required to report to the Board, in a manner provided for by the Board, within thirty (30) calendar days of the event, the following:

- (1) Been terminated or not rehired for cause;
- (2) Resigned under threat of termination or non-employment for cause; and
- (3) Been convicted of a felony or misdemeanor as defined in this chapter.

(d) Signators of the National Association of State Directors of Teacher Education and Certification (NASDTEC) Interstate Contract shall report actions taken by them to deny a license to an individual or to revoke, suspend or refuse to renew licenses of licensees in their state within thirty (30) calendar days from when they are made aware that the individual is applying for a license, renewal of a license or permit.

(e) The board shall report actions taken to deny, suspend or revoke a license or permit to the superintendent, charter school administrator, headmaster or president of any Hawai'i school, district, or system and to the NASDTEC Clearinghouse.

**§8-54-10.2 Notification of denial of application or proposed disciplinary action against a licensee or permittee.** In the event an application for a license or permit is denied, or the board intends to discipline a licensee or permittee, written notification shall be provided to the denied applicant, or to the licensee of the intended action. The notification shall include a concise statement of the reasons therefore and a statement informing the applicant or licensee or permittee of the right to a hearing if the applicant or licensee or permittee so desires. The notification shall further provide the time frame that a demand for hearing shall be filed.

**§8-54-10.3 Demand for a hearing.** Any person whose application is denied, or a licensee or permittee who is to be disciplined by the board, shall be entitled to a hearing if a demand for hearing is filed with the board's office within sixty (60) calendar days of the date of the letter informing the applicant of the denial or the licensee or permittee of the intent to discipline, respectively. The demand for hearing shall contain concise statements of: (1) the legal authority under which the hearing is to be held; (2) the denial or matter that is being contested by the petitioner; (3) the basic facts and issues raised; and (4) the relief to which the petitioner deems itself entitled.

**§8-54-10.4 Action by the board; notification of hearing.** If a demand for hearing is filed within sixty (60) calendar days of the date of the letter of denial or intent to discipline, the board, or a panel of the board, or a hearing officer approved by the board shall be designated as the hearings officer to conduct the hearing, and make recommendations in writing to the board. The hearings officer shall commence the hearing process and proceed to schedule a hearing and provide all parties written notice of the hearing by registered or certified mail with return receipt requested at least fifteen (15) calendar days before the hearing.

**§8-54-10.5 Notice of hearing.** The hearing notice shall include:

- (1) The date, time, place, and nature of the hearing;
- (2) The legal authority under which the hearing is held;
- (3) The particular sections of the statutes and rules involved; and
- (4) A short and concise statement of the issues involved and the facts giving rise to the petition.

The notice shall further apprise each party of their right to retain legal counsel if so desired.

**§8-54-10.6 Hearing.** (a) All hearings shall be conducted pursuant to chapter 91, HRS and this subchapter. All hearings shall be held before a hearings officer duly designated by the board. All parties shall be afforded full opportunity to present evidence and argument on all issues involved. The hearing shall be at the time and place set forth in the notice of hearing, but at that time and place may be continued from day to day or adjourned thereof at the hearing.

(b) The presiding hearings officer shall have the power to give notice of the hearing, arrange for the administration of oaths and affirmations, subpoena and examine witnesses, issue subpoenas, certify to official acts, rule on offers of proof, receive relevant evidence and exclude evidence which is irrelevant, immaterial, repetitious, cumulative, or merely scandalous and accordingly may restrict lines of questioning, regulate the course and conduct of the hearing, regulate the manner of any examination so as to prevent the needless and unreasonable harassment, intimidation, or embarrassment of any witness or party at the hearing, remove disruptive individuals including any party, legal counsel, witness, or observer, hold conferences including prehearing conferences, before or during the hearing, for the settlement or simplification of issues, rule on motions and to dispose of procedural matters, dispose of any other matters that normally and properly arises in the course of the proceedings, and take any action authorized by this subchapter or chapter 91, HRS, and perform such other duties necessary for the proper conduct of hearings.

(c) In a hearing where the issue for determination is whether the board properly denied an application for a license or permit, the record shall consist of only the information presented to the board's office for consideration in reviewing the application. No other information regarding qualification for approval of the license or permit shall be admitted unless agreed upon by all parties.

(d) The hearings officer shall submit in writing any report or recommended decision together with the findings of facts and conclusions of law and a recommended order to the board for its consideration and final disposition.

(e) The record of the hearing shall be in conformance with section 91-9, HRS.

(f) The hearings officer may engage the services of a stenographer, or someone similarly skilled, to take a verbatim record of the evidence presented at the hearing. If a verbatim record is taken, any party may request a certified transcript of the proceedings. The party making the request shall be responsible for the fees for the transcript.

**§8-54-10.7 Recommended decision.** (a) As expeditiously as possible after the close of the hearing, the hearings officer shall file with the board a recommended decision together with separate findings of fact, conclusions of law, and a recommended order. The decision, findings of fact, conclusions of law, and any order recommended by the hearings officer shall be based upon the whole record and supported by took judicial notice.

the reliable probative and substantial evidence, including facts of which the hearings officer properly



(b) The hearings officer shall cause a copy of the recommended decision, including therein findings of fact, conclusions of law, and any recommended order, to be served upon each party by registered or certified mail, return receipt requested. Service of the recommended decision shall be deemed complete upon its mailing to the party's last known address.

(c) Any party adversely affected by the hearings officer's recommended decision within fifteen (15) calendar days after receipt of a copy of the decision, may file with the hearings officer written exceptions to the whole or any part of the recommended decision and request review by the board. Each written exception shall specify the portions of the record and authorities relied upon to sustain each point. A copy of the written exceptions shall be served by the party so excepting upon each party to the proceeding. Unless the time has been extended, no written exceptions §8-54-10.7 shall be filed or accepted for filing after the time specified.

(d) Any party may file with the hearings officer and serve upon all other parties a statement in support of the recommended decision within fifteen (15) calendar days after receipt of a copy of the written exceptions filed pursuant to subsection (c).

(e) The hearings officer shall transmit to the board the entire record together with the recommended decision, any timely filed exceptions, and any timely filed statement in support.

**§8-54-10.8 Argument of written exceptions; no written exceptions; issuance of final decision and order.** (a) Whenever written exceptions have been timely filed and a party has requested the opportunity to present oral argument, all parties to the proceedings shall be afforded the opportunity to present oral argument to the board concerning the recommended decision. The board shall personally consider the whole record or portion of the record as may have been cited by the parties either in support of or in opposition to the recommended decision. All parties shall be served with notice of the time and place of argument at least five calendar days prior to the time for argument. Within a reasonable time after argument has been heard, the board shall issue a written final decision and order.

(b) When no written exceptions have been filed, the board, within a reasonable time after the hearings officer's recommended decision has been filed, shall issue a written final decision and order.

**§8-54-10.9 Final decision and order.** (a) The board's final decision and order shall either adopt, modify, or reverse, in whole or in part, the hearings officer's recommended decision. The board shall state with specificity in the final decision the reasons for any modification or reversal, in whole or in part, of the hearings officer's recommended decision.

(b) The board shall cause a copy of the final decision and order to be served upon each party by personal service or by registered or certified mail, return receipt requested. Service of the final decision and order shall be deemed complete upon its mailing to the party's last known address.

**§8-54-10.10 Judicial review of contested cases.** Any party aggrieved by a final decision of the board is entitled to judicial review in conformance with section 91-14, HRS. Any party requesting judicial review shall serve a copy of the request upon the board and all other parties to the proceeding in accordance with the Hawai'i Rules of Civil Procedure.



**STATE OF HAWAII**  
HAWAII TEACHER STANDARDS BOARD  
650 IWILEI ROAD, SUITE 268  
HONOLULU, HAWAII 96817

\*\*\* TRANSMITTAL MEMORANDUM \*\*\*

TO: <FIRST NAME> <LAST NAME>

FROM: <FIRST NAME> <LAST NAME>  
Chairperson

DATE: <DATE>

SUBJECT: <CASE NUMBER>

---

Attached is the Board's Final Order in the above-referenced matter. If you wish to contest this decision, you must file your appeal with the Hawaii'i Circuit Court of your circuit, within thirty (30) calendar days after receipt of this notice. Service is deemed complete upon its mailing to you at your last known address. Individuals residing out of state must file in the First Circuit Court. If there are any questions, please contact me at the address above.

---

C: <ATTORNEY OF PARTY>

In the Matter of the )  
Hawai'i Teaching License # <INSERT> of )  
<NAME> )  
\_\_\_\_\_ )

Case Number <INSERT>

BOARD'S FINAL ORDER

### BOARD'S FINAL ORDER

On <DATE>, the Hawai'i Teacher Standards Board ("Board") Hearing Panel ("Hearing Panel") held a hearing on the above-captioned matter. The Hearing Panel recommendation was transmitted to the Board at their regularly scheduled meeting on <DATE>.

Upon review of the Hearing Panel's recommendation, the Board finds and concludes that the preponderance of the evidence established that:

#### FINDINGS OF FACT

Authority to issue a license is found in Hawai'i Revised Statute (HRS):  
HRS 302A-804: Powers and Duties of the Board: (8) Issuing, renewing, forfeiting, restoring, condition, revoking, suspending, and reinstating licenses.

Authority to revoke a license is found in Hawai'i Administrative Rules (HAR):  
HAR 8-54-9.14. In addition to any their acts or conditions provided by law, the board may refuse to renew, reinstate, or restore, or may deny, revoke, suspend, or condition in any manner, any license for any one or more of the following acts or conditions on the part of the licensee, permittee or the applicant thereof:

In order to renew a license, an applicant must meet the following requirements pursuant to HAR 8-54-9.7:

(a) <INSERT REQUIREMENT>

(b) <INSERT REQUIREMENT>

1. Show <INSERT REQUIREMENT>
2. Meet the professional fitness requirements established by the board;
3. Satisfy the board's requirements for renewal of licenses; and
4. Pay all applicable license fees in a timely manner.

CONCLUSIONS OF LAW

<INSERT CONCLUSION>

RECOMMENDED HTSB ACTION

Pursuant to HAR §8-54-9.14, the Board may refuse to renew, reinstate or restore, or may deny, revoke, suspend, or condition in any manner, any license.

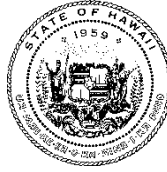
Based on the above, the Hearings Panel recommends that the Hawai‘i Teacher Standards Board <INSERT RECOMMENDTATION>

Within thirty (30) calendar days of receipt of a decision, you have the right to appeal the Board’s decision to the Circuit Court of the circuit in which you reside, in the manner provided in Chapter 91.

DATED at Honolulu, Hawai‘i: <DATE>

---

<INSERT NAME>  
Chairperson



**STATE OF HAWAII**  
**HAWAII TEACHER STANDARDS BOARD**  
650 IWILEI ROAD, SUITE 268  
HONOLULU, HAWAII 96817

\*\*\* TRANSMITTAL MEMORANDUM \*\*\*

TO: <FIRST NAME> <LAST NAME>

FROM: <NAME>  
Executive Director

DATE: <DATE>

SUBJECT: <CASE NUMBER>

---

Attached is the Board's Final Order in the above-referenced matter. If you wish to contest this decision, you must file your appeal with the Hawai'i Circuit Court of your circuit, within thirty (30) calendar days after receipt of this notice. Service is deemed complete upon its mailing to you at your last known address. Individuals residing out of state must file in the First Circuit Court.

A copy of this order will be sent to the Hawai'i Department of Education, Hawai'i Charter School Commission, and the Hawai'i Association of Independent Schools. If your decision is a result of misconduct, your name will be reported to the National Association of State Directors of Teacher Education and Certification (NASDTEC) Clearinghouse. If there are any questions, please call me at <PHONE NUMBER>.

---

C: <ATTORNEY>

In the Matter of the )  
Hawai'i Teaching License # <INSERT> of )  
<NAME> )  
\_\_\_\_\_ )

Case Number <INSERT>

BOARD'S FINAL ORDER

BOARD'S FINAL ORDER

On <DATE>, the Hawai'i Teacher Standards Board ("Board") Hearing Panel held a hearing on the above-captioned matter. The Hearing Panel recommendation was transmitted to the Board at their regularly scheduled meeting on <DATE>.

Upon review of the Hearing Panel's recommendation, the Board finds and concludes that the preponderance of the evidence established that:

1. <RATIONALE>

Within thirty (30) calendar days of receipt of a decision, you have the right to appeal the Board's decision to the Circuit Court of the circuit in which you reside, in the manner provided in Chapter 91.

DATED at Honolulu, Hawai'i: <DATE>.

\_\_\_\_\_  
<NAME>  
Chairperson

**APPEAL (91-14, §HRS 302A-807(b), §8-54-10.10)**

Any appeal of a board license or permit hearing decision must be filed in the circuit court of the circuit in which the applicant or licensee resides in the manner provided in Chapter 91, within thirty (30) calendar days of receipt of the Board's decision; out of state applicants, licensees, and permit holders shall file their appeals with the first circuit court of Hawai'i.

**HAWAI'I REVISED STATUTES**  
**TITLE 8. PUBLIC PROCEEDINGS AND RECORDS**  
**CHAPTER 91**  
**ADMINISTRATIVE PROCEDURE**

Section

- 91-1 Definitions
- 91-2 Public information
- 91-2.5 Fees for proposed and final rules
- 91-2.6 Proposed rulemaking actions and rules; posting on the lieutenant governor's Internet website
  
- 91-3 Procedure for adoption, amendment, or repeal of rules
- 91-4 Filing and taking effect of rules
- 91-4.1 Rulemaking actions; copies in Ramseyer format
- 91-4.2 Rule format; publication of index
  
- 91-4.3 Price
- 91-4.4 Form of publication
- 91-5 Publication of rules
  
- 91-6 Petition for adoption, amendment or repeal of rules
- 91-7 Declaratory judgment on validity of rules
  
- 91-8 Declaratory rulings by agencies
- 91-8.5 Mediation in contested cases
- 91-9 Contested cases; notice; hearing; records
- 91-9.5 Notification of hearing; service
- 91-10 Rules of evidence; official notice
- 91-11 Examination of evidence by agency
- 91-12 Decisions and orders
- 91-13 Consultation by officials of agency
- 91-13.1 Administrative review of denial or refusal to issue license or certificate of registration
  
- 91-13.5 Maximum time period for business or development-related permits, licenses, or approvals; automatic approval; extensions
  
- 91-14 Judicial review of contested cases
- 91-15 Appeals
- 91-16 Severability
- 91-17 Federal aid
- 91-18 Short title



*Unofficial Text as of 4-12-04*

**§91-1 Definitions.** For the purpose of this chapter:

- (1) "Agency" means each state or county board, commission, department, or officer authorized by law to make rules or to adjudicate contested cases, except those in the legislative or judicial branches.
- (2) "Persons" includes individuals, partnerships, corporations, associations, or public or private organizations of any character other than agencies.
- (3) "Party" means each person or agency named or admitted as a party, or properly seeking and entitled as of right to be admitted as a party, in any court or agency proceeding.
- (4) "Rule" means each agency statement of general or particular applicability and future effect that implements, interprets, or prescribes law or policy, or describes the organization, procedure, or practice requirements of any agency. The term does not include regulations concerning only the internal management of an agency and not affecting private rights of or procedures available to the public, nor does the term include declaratory rulings issued pursuant to section 91-8, nor intra-agency memoranda.
- (5) "Contested case" means a proceeding in which the legal rights, duties, or privileges of specific parties are required by law to be determined after an opportunity for agency hearing.
- (6) "Agency hearing" refers only to such hearing held by an agency immediately prior to a judicial review of a contested case as provided in section 91-14. [L 1961, c 103, §1; Supp, §6C-1; HRS §91-1]

**§91-2 Public information.** (a) In addition to other rulemaking requirements imposed by law, each agency shall:

- (1) Adopt as a rule a description of the methods whereby the public may obtain information or make submittals or requests.
  - (2) Adopt rules of practice, setting forth the nature and requirements of all formal and informal procedures available, and including a description of all forms and instructions used by the agency.
  - (3) Make available for public inspection all rules and written statements of policy or interpretation formulated, adopted, or used by the agency in the discharge of its functions.
  - (4) Make available for public inspection all final opinions and orders.
- (b) No agency rule, order, or opinion shall be valid or effective against any person or party, nor may it be invoked by the agency for any purpose, until it has been

published or made available for public inspection as herein required, except where a person has actual knowledge thereof.

(c) Nothing in this section shall affect the confidentiality of records as provided by statute. [L 1961, c 103, §2; Supp, §6C-2; HRS §91-2]

**[§91-2.5] Fees for proposed and final rules.** (a) Notwithstanding any law to the contrary, each agency may charge up to a maximum fee of ten cents per page, plus the actual costs of mailing, for the reproduction of paper copies of the following:

- (1) Proposed and final rules, whether new rules, amended rules, or repealed rules, in any format; and
- (2) Notices of proposed rulemaking actions pursuant to section 91-3(a)(1).

This section shall not apply to the reproduction by the office of the lieutenant governor of other agencies' rules, kept in the general collection of the office of the lieutenant governor. Charges for the reproduction of paper copies of rules in the general collection of the office of the lieutenant governor shall be as stated in section 92-21.

(b) Informational or educational publications that are produced by agencies for noncommercial use and which contain copies of state statutes, proposed or final rules, or both, shall be subject to the same fees as specified in subsection (a).

(c) The fees specified in subsection (a) shall not include any charges for searching, identifying, or segregating rules in preparation for reproduction. Agencies may charge separate fees for these activities in accordance with rules adopted by the office of information practices. [L 1999, c 301, pt of §2(1)]

**[§91-2.6] Proposed rulemaking actions and rules; posting on the lieutenant governor's Internet website.** (a) Beginning January 1, 2000, all state agencies, through the office of the lieutenant governor, shall make available on the website of the office of the lieutenant governor each proposed rulemaking action of the agency and the full text of the agency's proposed rules or changes to existing rules. The Internet website shall provide instructions regarding how to download the information regarding proposed rulemaking actions and the full text of the agency's proposed rules.

- (b) Each state agency, to the greatest extent feasible, shall:
  - (1) Ensure that all information pertaining to that agency that is contained on the lieutenant governor's website is current and accurate; and
  - (2) Advise individuals contacting the state agency of the availability of the proposed rulemaking actions and the full text of the agency's proposed rules on the lieutenant governor's website. [L 1999, c 301, pt of §2(1)]

**§91-3 Procedure for adoption, amendment, or repeal of rules.** (a) Except as provided in subsection (f), prior to the adoption of any rule authorized by law, or the amendment or repeal thereof, the adopting agency shall:

- (1) Give at least thirty days' notice for a public hearing. The notice shall include:
  - (A) A statement of the topic of the proposed rule adoption, amendment, or repeal or a general description of the subjects involved; and
  - (B) A statement that a copy of the proposed rule to be adopted, the proposed rule amendment, or the rule proposed to be repealed will be mailed to any interested person who requests a copy, pays the required fees for the copy and the postage, if any, together with a description of where and how the requests may be made;
  - (C) A statement of when, where, and during what times the proposed rule to be adopted, the proposed rule amendment, or the rule proposed to be repealed may be reviewed in person; and
  - (D) The date, time, and place where the public hearing will be held and where interested persons may be heard on the proposed rule adoption, amendment, or repeal.

The notice shall be mailed to all persons who have made a timely written request of the agency for advance notice of its rulemaking proceedings, given at least once statewide for state agencies and in the county for county agencies. Proposed state agency rules shall also be posted on the Internet as provided in section 91-2.6; and

- (2) Afford all interested persons opportunity to submit data, views, or arguments, orally or in writing. The agency shall fully consider all written and oral submissions respecting the proposed rule. The agency may make its decision at the public hearing or announce then the date when it intends to make its decision. Upon adoption, amendment, or repeal of a rule, the agency, if requested to do so by an interested person, shall issue a concise statement of the principal reasons for and against its determination.

(b) Notwithstanding the foregoing, if an agency finds that an imminent peril to the public health, safety, or morals, or to livestock and poultry health, requires adoption, amendment, or repeal of a rule upon less than thirty days' notice of hearing, and states in writing its reasons for such finding, it may proceed without prior notice or hearing or upon such abbreviated notice and hearing, including posting the abbreviated notice and hearing on the Internet as provided in section 91-2.6, as it finds practicable to adopt an emergency rule to be effective for a period of not longer than one hundred twenty days without renewal.

(c) The adoption, amendment, or repeal of any rule by any state agency shall be subject to the approval of the governor. The adoption, amendment, or repeal of any rule by any county agency shall be subject to the approval of the mayor of the county. This subsection shall not apply to the adoption, amendment, and repeal of the rules of the county boards of water supply.

(d) The requirements of subsection (a) may be waived by the governor in the case of the State, or by the mayor in the case of a county, whenever a state or county agency is required by federal provisions to adopt rules as a condition to receiving federal

funds and the agency is allowed no discretion in interpreting the federal provisions as to the rules required to be adopted; provided that the agency shall make the adoption, amendment, or repeal known to the public by:

- (1) Giving public notice of the substance of the proposed rule at least once statewide prior to the waiver of the governor or the mayor; and
  - (2) Posting the full text of the proposed rulemaking action on the Internet as provided in section 91-2.6.
- (e) No adoption, amendment, or repeal of any rule shall be invalidated solely because of:
- (1) The inadvertent failure to mail an advance notice of rulemaking proceedings;
  - (2) The inadvertent failure to mail or the nonreceipt of requested copies of the proposed rule to be adopted, the proposed rule amendment, or the rule proposed to be repealed; or
  - (3) The inadvertent failure on the part of a state agency to post on the website of the office of the lieutenant governor all proposed rulemaking actions of the agency and the full text of the agency's proposed rules as provided in section 91-2.6.

Any challenge to the validity of the adoption, amendment, or repeal of an administrative rule on the ground of noncompliance with statutory procedural requirements shall be forever barred unless the challenge is made in a proceeding or action, including an action pursuant to section 91-7, that is begun within three years after the effective date of the adoption, amendment, or repeal of the rule.

- (f) Whenever an agency seeks only to repeal one or more sections, chapters, or subchapters of the agency's rules because the rules are either null and void or unnecessary, and not adopt, amend, or compile any other rules:
- (1) The agency shall give thirty days' public notice at least once statewide of the proposed date of repeal and of:
    - (A) A list of the sections, chapters, or subchapters, as applicable, being repealed; and
    - (B) A statement of when, where, and during what times the sections, chapters, or subchapters proposed to be repealed may be reviewed in person;
  - (2) The agency shall post the full text of the proposed sections, chapters, or subchapters to be repealed on the Internet as provided in section 91-2.6; and
  - (3) Any interested person may petition the agency regarding the sections, chapters, or subchapters proposed to be repealed, pursuant to section 91-6.

This subsection does not apply to the repeal of one or more subsections, paragraphs, subparagraphs, clauses, words, phrases, or other material within a section that does not constitute the entire section to be repealed. [L 1961, c 103, §3; am L 1965, c 96, §139a; Supp, §6C-3; HRS §91-3; am L 1973, c 13, §1; am L 1979, c 64, §1; am L 1985, c 68, §2; am L 1989, c 64, §2; am L 1998, c 2, §§27, 28; am L 1999, c 301, §2(2); am L 2000, c 283,

§6]

**§91-4 Filing and taking effect of rules.** (a) Each agency adopting, amending, or repealing a rule, upon approval thereof by the governor or the mayor of the county, shall file forthwith certified copies thereof with the lieutenant governor in the case of the State, or with the clerk of the county in the case of a county. In addition, the clerks of all of the counties shall file forthwith certified copies thereof with the lieutenant governor. A permanent register of the rules, open to public inspection, shall be kept by the lieutenant governor and the clerks of the counties.

(b) Each rule hereafter adopted, amended, or repealed shall become effective ten days after filing with the lieutenant governor in the case of the State, or with the respective county clerks in the case of the counties.

- (1) If a later effective date is required by statute or specified in the rule, the later date shall be the effective date; provided that no rule shall specify an effective date in excess of thirty days after the filing of the rule as provided herein.
- (2) An emergency rule shall become effective upon filing with the lieutenant governor in the case of the State, or with the respective county clerks in the case of the counties, for a period of not longer than one hundred twenty days without renewal unless extended in compliance with the provisions of subdivisions (1) and (2) of section 91-3(a), if the agency finds that immediate adoption of the rule is necessary because of imminent peril to the public health, safety, or morals. The agency's finding and brief statement of the reasons therefor shall be incorporated in the rule as filed. The agency shall make an emergency rule known to persons who will be affected by it by publication at least once in a newspaper of general circulation in the State for state agencies and in the county for county agencies within five days from the date of filing of the rule. [L 1961, c 103, §4; am L 1965, c 96, §139b; Supp, §6C-4; HRS §91-4]

**§91-4.1 Rulemaking actions; copies in Ramseyer format.** Each state agency adopting, amending, or repealing a rule shall prepare a certified copy of the rule changes according to the Ramseyer format. Each state agency shall maintain a file of the copies in the Ramseyer format and shall make the file available for public inspection and copying at a cost as specified in section 91-2.5. [L 1979, c 216, pt of §2; am L 1994, c 279, §5; am L 1999, c 301, §2(3)]

**§91-4.2 Rule format; publication of index.** The revisor of statutes shall:

- (1) Prescribe a single format for the publication, filing, and indexing of rules by all state agencies. Among other things, the revisor shall provide for the manner and form, including size, in which the agency rules shall be prepared, printed, and indexed, to the end that all rules, compilations, and codifications shall be



prepared and published in a uniform manner at the earliest practicable date. The format shall provide that each rule published shall be accompanied by a reference to the statutory authority pursuant to which the rule is adopted, the statutory section implemented by the rule, if any, and the effective date of the rule; and provide that whenever possible rules should incorporate any applicable sections of the Hawaii Revised Statutes by reference and not print the section in the rule. The stipulated format shall also provide for access by the public to all of the rules with an index, both of which shall be located in the office of the lieutenant governor.

- (2) Compile and publish an index to all rules required to be filed with the lieutenant governor with annual supplements. [L 1979, c 216, pt of §2; am L 1980, c 67, §1]

**[§91-4.3] Price.** (a) The lieutenant governor shall sell the Hawaii administrative rules index and its supplements at prices which as nearly as practicable will reimburse the State for all costs incurred for printing, publication, and distribution.

(b) All money received from the sale of the Hawaii administrative rules index and its supplements shall be deposited in the state general fund. [L 1979, c 216, pt of §2]

**[§91-4.4] Form of publication.** The revisor of statutes shall determine the form in which the Hawaii administrative rules index and its supplements shall be published. Either or both of the publications may be issued in units, in bound or loose-leaf form, separately or in combination, at the same or different times, as the revisor considers most economical and best adapted to make the index available to interested persons and the public. [L 1979, c 216, pt of §2]

**§91-5 Publication of rules.** (a) Each agency shall compile, index, and publish, in the manner prescribed by the format established by the revisor of statutes under section 91-4.2(1), all rules adopted by the agency and remaining in effect. Compilations shall be supplemented as often as necessary and shall be revised at least once every ten years.

(b) Compilations and supplements shall be made available free of charge upon request by the state officers in the case of a state agency and by the county officers in the case of a county agency. As to other persons, each agency may fix a price to cover mailing and publication costs as specified in section 91-2.5. Each state agency adopting, amending, or repealing a rule shall file a copy with the revisor of statutes. [L 1961, c 103, §5; Supp,

§6C-5; HRS §91-5; am L 1979, c 216, §5; am L 1994, c 279, §6; am L 1999, c 301, §2(4)]

**§91-6 Petition for adoption, amendment or repeal of rules.** Any interested person may petition an agency requesting the adoption, amendment, or repeal of any rule stating reasons therefor. Each agency shall adopt rules prescribing the form for the petitions and the procedure for their submission, consideration, and disposition. Upon submission of the petition, the agency shall within thirty days either deny the petition in writing, stating its reasons

for the denial or initiate proceedings in accordance with section 91-3. [L 1961, c 103, §6; Supp, §6C-6; HRS §91-6]

**§91-7 Declaratory judgment on validity of rules.** (a) Any interested person may obtain a judicial declaration as to the validity of an agency rule as provided in subsection (b)

herein by bringing an action against the agency in the circuit court of the county in which petitioner resides or has its principal place of business. The action may be maintained whether or not petitioner has first requested the agency to pass upon the validity of the rule in question.

(b) The court shall declare the rule invalid if it finds that it violates constitutional or statutory provisions, or exceeds the statutory authority of the agency, or was adopted without compliance with statutory rulemaking procedures. [L 1961, c 103, §7; Supp, §6C-7; HRS §91-7]

**§91-8 Declaratory rulings by agencies.** Any interested person may petition an agency for a declaratory order as to the applicability of any statutory provision or of any rule or order of the agency. Each agency shall adopt rules prescribing the form of the petitions and the procedure for their submission, consideration, and prompt disposition. Orders disposing of petitions in such cases shall have the same status as other agency orders. [L 1961, c 103, §8; Supp, §6C-8; HRS §91-8]

**[§91-8.5] Mediation in contested cases.** (a) An agency may encourage parties to a contested case hearing under this chapter to participate in mediation prior to the hearing subject to conditions imposed by the agency in rules adopted in accordance with this chapter. The agency may suspend all further proceedings in the contested case pending the outcome of the mediation.

(b) No mediation period under this section shall exceed thirty days from the date the case is referred to mediation, unless otherwise extended by the agency.

(c) The parties may jointly select a person to conduct the mediation. If the parties are unable to jointly select a mediator within ten days of the referral to mediation, the agency shall select the mediator. All costs of the mediation shall be borne equally by the parties unless otherwise agreed, ordered by the agency, or provided by law.

(d) No mediation statements or settlement offers tendered shall be admitted into any subsequent proceedings involving the case, including the contested case hearing or a court proceeding.

(e) No preparatory meetings, briefings, or mediation sessions under this section shall constitute a meeting under section 92-2. Any mediator notes under this section shall be exempt from section 92-21 and chapter 92F. Section 91-10 shall not apply to mediation proceedings. [L 2003, c 76, §1]

**§91-9 Contested cases; notice; hearing; records.** (a) Subject to section 91-8.5, in any contested case, all parties shall be afforded an opportunity for hearing after reasonable notice. (b) The notice shall include a statement of:

- (1) The date, time, place, and nature of hearing;
- (2) The legal authority under which the hearing is to be held;

- (3) The particular sections of the statutes and rules involved;

(4) An explicit statement in plain language of the issues involved and the facts alleged by the agency in support thereof; provided that if the agency is unable to state such issues and facts in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved, and thereafter upon application a bill of particulars shall be furnished;

(5) The fact that any party may retain counsel if the party so desires and the fact that an individual may appear on the individual's own behalf, or a member of a partnership may represent the partnership, or an officer or authorized employee of a corporation or trust or association may represent the corporation, trust, or association.

(c) Opportunities shall be afforded all parties to present evidence and argument on all issues involved.

(d) Any procedure in a contested case may be modified or waived by stipulation of the parties and informal disposition may be made of any contested case by stipulation, agreed settlement, consent order, or default.

(e) For the purpose of agency decisions, the record shall include:

(1) All pleadings, motions, intermediate rulings;

(2) Evidence received or considered, including oral testimony, exhibits, and a statement of matters officially noticed;

(3) Offers of proof and rulings thereon;

(4) Proposed findings and exceptions;

(5) Report of the officer who presided at the hearing;

(6) Staff memoranda submitted to members of the agency in connection with their consideration of the case.

(f) It shall not be necessary to transcribe the record unless requested for purposes of rehearing or court review.

(g) No matters outside the record shall be considered by the agency in making its decision except as provided herein. [L 1961, c 103, §9; Supp, §6C-9; HRS §91-9; am L 1980, c 130, §1; gen ch 1985; am L 2003, c 76, §2]

**[§91-9.5] Notification of hearing; service.** (a) Unless otherwise provided by law, all parties shall be given written notice of hearing by registered or certified mail with return receipt requested at least fifteen days before the hearing.

(b) Unless otherwise provided by law, if service by registered or certified mail is not made because of the refusal to accept service or the board or its agents have been unable to ascertain the address of the party after reasonable and diligent inquiry, the notice

of hearing may be given to the party by publication at least once in each of two successive weeks in a newspaper of general circulation. The last published notice shall appear at least fifteen days prior to the date of the hearing. [L 1976, c 100, §1]

**§91-10 Rules of evidence; official notice.** In contested cases:

- (1) Except as provided in section 91-8.5, any oral or documentary evidence may be received, but every agency shall as a matter of policy provide for the exclusion of irrelevant, immaterial, or unduly repetitious evidence and no sanction shall be imposed or rule or order be issued except upon consideration of the whole record or such portions thereof as may be cited by any party and as supported by and in accordance with the reliable, probative, and substantial evidence. The agencies shall give effect to the rules of privilege recognized by law;
- (2) Documentary evidence may be received in the form of copies or excerpts, if the original is not readily available; provided that upon request parties shall be given an opportunity to compare the copy with the original;
- (3) Every party shall have the right to conduct such cross-examination as may be required for a full and true disclosure of the facts, and shall have the right to submit rebuttal evidence;
- (4) Agencies may take notice of judicially recognizable facts. In addition, they may take notice of generally recognized technical or scientific facts within their specialized knowledge; but parties shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the material so noticed, and they shall be afforded an opportunity to contest the facts so noticed; and
- (5) Except as otherwise provided by law, the party initiating the proceeding shall have the burden of proof, including the burden of producing evidence as well as the burden of persuasion. The degree or quantum of proof shall be a preponderance of the evidence. [L 1961, c 103, §10; Supp, §6C-10; HRS §91-10; am L 1978, c 76, §1; am L 2003, c 76, §3]

**§91-11 Examination of evidence by agency.** Whenever in a contested case the officials of the agency who are to render the final decision have not heard and examined all of the evidence, the decision, if adverse to a party to the proceeding other than the agency itself, shall not be made until a proposal for decision containing a statement of reasons and including determination of each issue of fact or law necessary to the proposed decision has been served upon the parties, and an opportunity has been afforded to each party adversely affected to file exceptions and present argument to the officials who are to render the decision, who shall personally consider the whole record or such portions thereof as may be cited by the parties. [L 1961, c 103, §11; Supp, §6C-11; HRS §91-11]

**§91-12 Decisions and orders.** Every decision and order adverse to a party to the proceeding, rendered by an agency in a contested case, shall be in writing or stated in the

record and shall be accompanied by separate findings of fact and conclusions of law. If any party to the proceeding has filed proposed findings of fact, the agency shall incorporate in its

decision a ruling upon each proposed finding so presented. The agency shall notify the parties to the proceeding by delivering or mailing a certified copy of the decision and order and accompanying findings and conclusions within a reasonable time to each party or to the party's attorney of record. [L 1961, c 103, §12; Supp, §6C-12; HRS §91-12; am L 1980, c 232, §4; gen ch 1985]

**§91-13 Consultation by officials of agency.** No official of an agency who renders a decision in a contested case shall consult any person on any issue of fact except upon notice and opportunity for all parties to participate, save to the extent required for the disposition of ex parte matters authorized by law. [L 1961, c 103, §13; Supp, §6C-13; HRS

§91-13]

**§91-13.1 Administrative review of denial or refusal to issue license or certificate of registration.** Except as otherwise provided by law, any person aggrieved by the denial or refusal of any board or commission subject to the jurisdiction of the department of commerce and consumer affairs, to issue a license or certificate of registration, shall submit a request for a contested case hearing pursuant to chapter 91 within sixty days of the date of the refusal or denial. Appeal to the circuit court under section 91-14, or any other applicable statute, may only be taken from a board or commission's final order. [L 1986, c 181, §1; am L 1994, c 279, §7]

**[§91-13.5] Maximum time period for business or development-related permits, licenses, or approvals; automatic approval; extensions.** (a) Unless otherwise provided by law, an agency shall adopt rules that specify a maximum time period to grant or deny a business or development-related permit, license, or approval; provided that the application is not subject to state administered permit programs delegated, authorized, or approved under federal law.

(b) All such issuing agencies shall clearly articulate informational requirements for applications and review applications for completeness in a timely manner.

(c) All such issuing agencies shall take action to grant or deny any application for a business or development-related permit, license or approval within the established maximum period of time, or the application shall be deemed approved.

(d) The maximum period of time established pursuant to this section shall be extended in the event of a national disaster, state emergency, or union strike, which would prevent the applicant, the agency, or the department from fulfilling application or review requirements.

(e) For purposes of this section, "application for a business or development-related permit, license, or approval" means any state or county application, petition, permit, license, certificate, or any other form of a request for approval required by law to be obtained prior to the formation, operation, or expansion of a commercial or industrial enterprise, or for any permit, license, certificate, or any form of approval required under sections 46-4, 46-4.2, 46-4.5, 46-5, and chapters 183C, 205, 205A, 340A, 340B, 340E, 340F, 342B, 342C, 342D, 342E, 342F, 342G, 342H, 342I, 342J, 342L, and 342P. [L 1998, c 164, §3]



**§91-14 Judicial review of contested cases.** (a) Any person aggrieved by a final decision and order in a contested case or by a preliminary ruling of the nature that deferral of review pending entry of a subsequent final decision would deprive appellant of adequate relief is entitled to judicial review thereof under this chapter; but nothing in this section shall be deemed to prevent resort to other means of review, redress, relief, or trial de novo, including the right of trial by jury, provided by law. Notwithstanding any other provision of this chapter to the contrary, for the purposes of this section, the term "person aggrieved" shall include an agency that is a party to a contested case proceeding before that agency or another agency.

(b) Except as otherwise provided herein, proceedings for review shall be instituted in the circuit court within thirty days after the preliminary ruling or within thirty days after service of the certified copy of the final decision and order of the agency pursuant to rule of court except where a statute provides for a direct appeal to the supreme court, which appeal shall be subject to chapter 602, and in such cases the appeal shall be in like manner as an appeal from the circuit court to the supreme court, including payment of the fee prescribed by section 607-5 for filing the notice of appeal (except in cases appealed under sections 11-51 and 40-91). The court in its discretion may permit other interested persons to intervene.

(c) The proceedings for review shall not stay enforcement of the agency decisions or the confirmation of any fine as a judgment pursuant to section 92-17(g); but the reviewing court may order a stay if the following criteria have been met:

- (1) There is likelihood that the subject person will prevail on the merits of an appeal from the administrative proceeding to the court;
- (2) Irreparable damage to the subject person will result if a stay is not ordered;
- (3) No irreparable damage to the public will result from the stay order; and
- (4) Public interest will be served by the stay order.

(d) Within twenty days after the determination of the contents of the record on appeal in the manner provided by the rules of court, or within such further time as the court may allow, the agency shall transmit to the reviewing court the record of the proceeding under review. The court may require or permit subsequent corrections or additions to the record when deemed desirable.

(e) If, before the date set for hearing, application is made to the court for leave to present additional evidence material to the issue in the case, and it is shown to the satisfaction of the court that the additional evidence is material and that there were good reasons for failure to present it in the proceeding before the agency, the court may order that the additional evidence be taken before the agency upon such conditions as the court deems proper. The agency may modify its findings, decision, and order by reason of the additional evidence and shall file with the reviewing court, to become a part of the record, the additional evidence, together with any modifications or new findings or decision.

(f) The review shall be conducted by the appropriate court without a jury and shall be confined to the record, except that in the cases where a trial de novo, including trial

by jury, is provided by law and also in cases of alleged irregularities in procedure before the agency not shown in the record, testimony thereon may be taken in court. The court shall, upon request by any party, hear oral arguments and receive written briefs.

(g) Upon review of the record the court may affirm the decision of the agency or remand the case with instructions for further proceedings; or it may reverse or modify the decision and order if the substantial rights of the petitioners may have been prejudiced because the administrative findings, conclusions, decisions, or orders are:

- (1) In violation of constitutional or statutory provisions; or
- (2) In excess of the statutory authority or jurisdiction of the agency; or
- (3) Made upon unlawful procedure; or
- (4) Affected by other error of law; or
- (5) Clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; or
- (6) A rbitrary, or capricious, or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

(h) Upon a trial de novo, including a trial by jury as provided by law, the court shall transmit to the agency its decision and order with instructions to comply with the order. [L 1961, c 103, §14; Supp, §6C-14; HRS §91-14; am L 1973, c 31, §5; am L 1974, c 145, §1; am L 1979, c 111, §9; am L 1980, c 130, §2; am L 1983, c 160, §1; am L 1986, c 274, §1; am L 1993, c 115, §1]

**§91-15 Appeals.** Review of any final judgment of the circuit court under this chapter shall be governed by chapter 602. [L 1961, c 103, §15; Supp, §6C-15; HRS §91-15; am L 1979, c 111, §10]

**§91-16 Severability.** If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable. [L 1961, c 103, §16; Supp, §6C-16; HRS §91-16]

**§91-17 Federal aid.** The provisions of section 91-14 shall not be applicable where such applicability would jeopardize federal aid or grants of assistance. [L 1961, c 103, §19; Supp, §6C-17; HRS §91-17]

**§91-18 Short title.** This chapter may be cited as the Hawaii Administrative Procedure Act. [L 1961, c 103, §20; Supp, §6C-18; HRS §91-18]

## 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 seventeen 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 the chairperson of the Native Hawaiian Education Council or the chairperson'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. A non-voting teacher candidate from a Hawaii educator preparation program at a public institution of higher education on a rotating basis shall be appointed by the chairperson of the teacher education coordinating committee to serve a one-year term.

(b) Except for the chairperson of the board of education, superintendent, dean of the college of education, the chairperson of the Native Hawaiian Education Council, and the teacher candidate member, 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; am L 2018, c 50, §1]

## Cross References

Definitions, see §302A-5

**§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]

**§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 general 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) Denying permits or licenses, including license renewals and reinstatements, or otherwise conditioning permits or licenses, unless the 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; am L 2019, c 79, §1 and c 161, §1]

**§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, number of classrooms without a licensed teacher for a quarter or more, 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); and

(C) 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, number of classrooms without a licensed teacher for a quarter or more, 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; and

(2) 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;

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

(A) The number of emergency hires in the charter school by subject matter areas;

(B) The reasons and duration of employment for the emergency hiring enumerated in subparagraph (A);

(C) The number of classrooms without a licensed teacher for a quarter or more;

(D) The number and type of courses and classes taught by out-of-field teachers; and

(E) The number and type of students taught by out-of-field teachers; and

(4) 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; am L 2019, c 79, §2]

**§302A-805 Teachers; license or permit required; renewals.** No person shall serve as a half-time or full-time teacher in a public school without first having obtained a license or permit from the board under this subpart. All licenses and permits issued by the board shall be valid only for the fields specified on the licenses and permits 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 and permit 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 permits; and
- (5) Pay all applicable license and permit fees in a timely manner.

The board shall randomly audit a licensee's or permit holder'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 permit, 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 or permit, 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 or permit. A person with a forfeited license or permit shall not teach at a public school until that person's license or permit is restored. Restoration of a license or permit 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 or permit, 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; am L 2018, c 50, §2; am L 2019, c 111, §12]

**[§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 REPEALED.** L 2019, c 161, §3.

**§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. [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; am L 2019, c 279, §2]

**§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 general 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, §9; am L 2019, c 161, §2]