

**HAWAII TEACHER STANDARDS BOARD
LEGISLATIVE COMMITTEE MEETING**

Friday, February 10, 2023

**Meeting Conducted by Remote Technology via Zoom
and
Physical Location at 650 Iwilei Road, Suite 268, Honolulu, HI 96817**

MINUTES

PRESENT:

Elena Farden for Keahi Makaimoku
Lokelani Han
Branden Kawazoe
Kristi Miyamae

Lauren Moriarty for Bruce Voss
Dawn Raymond
Dr. Katina Soares

STAFF:

Felicia Villalobos, Executive Director
Tracey Idica, Licensing Specialist
Kris Murakami, Licensing Specialist

Jennifer Padua, Licensing Specialist
Raymond Rodriguez, Licensing Specialist
Elaine Hutchinson, Secretary

CALL TO ORDER:

Chairperson Miyamae called the meeting to order at 8:35 a.m.

OPENING REMARKS:

Chairperson Miyamae shared information regarding procedures for virtual committee meetings:

- The following committee members, in addition to the Chairperson, are participating in today's virtual committee meeting and have established audio and video connection.
- Committee members shall be visible and audible to other members and the public during meetings.
- This committee meeting will be recorded.

ROLL CALL TO ESTABLISH QUORUM:

Chairperson Miyamae called the roll and established quorum.
All seven (7) committee members were present.

DISCLOSURE FROM COMMITTEE MEMBERS AT PRIVATE LOCATIONS:

Chairperson Miyamae shared information regarding private location disclosure:

- Committee members shall be considered present at the meeting for the purpose of determining compliance with the quorum and voting requirements of the board.
- Committee members who are participating remotely from their homes or other private locations must announce who is at the private location with them. Minors do not need to be identified unless they have a personal business, property, or financial interest in an issue.

Chairperson Miyamae asked committee members if they have anyone present with them at their non-public site that they need to disclose.

- No disclosures were made.

ADDITIONAL PROCEDURAL INFORMATION:

Chairperson Miyamae shared additional information regarding meeting protocols and procedures:

- As a reminder, all committee members wishing to speak should raise their hand and the Chairperson will be notified to call on the person. The speaker must state their name prior to making their remarks.
- Votes will be conducted by roll call so that it is clear how each committee member voted.
- Members of the public who have signed up to testify or would like to testify online must be logged into Zoom using the same name they used to sign up for testimony. Please use the Chat Box to provide your name and the agenda item(s) you are testifying on. Testifiers today will have two (2) minutes to testify. Anyone who missed the opportunity to testify before the relevant agenda item will be allowed to testify at the end of the meeting.
- Testifying online can be challenging due to technical issues. The Chat Box is being monitored by Hawai'i Teacher Standards Board staff, and the Committee Chairperson will be notified that you would like to testify. You will be called on to give your testimony at the appropriate time in the agenda.
- Written testimony received more than forty-nine (49) hours in advance of the meeting has been uploaded to the online meeting agenda for members to review.
- A meeting held by interactive conference technology shall be recessed for up to thirty (30) minutes when audio communication cannot be maintained with a quorum of members, provided that the meeting may reconvene when only audio communication is reestablished.

PUBLIC TESTIMONY ON COMMITTEE AGENDA ITEMS: None

ANNOUNCEMENTS: None

APPROVAL OF MINUTES:

The minutes of the January 13, 2023, meeting were approved as written.

PUBLIC TESTIMONY ON COMMITTEE AGENDA ITEMS: None

DISCUSSION:

Legislative Update:

1. Legislative Opening Day - January 18, 2023
 - Chairperson Miyamae, Committee Members Raymond and Kawazoe attended. They met with members of the Education Committees.
2. Meeting with Senator Michelle Kidani – January 26, 2023
 - Chairperson Miyamae, Committee Members Raymond and Kawazoe met with Senator Kidani and discussed the Legislative Priorities.
3. Tracking Legislative Education Bills
 - There are a lot of Education Bills coming through. Executive Director Villalobos and HTSB staff have been looking at these bills and are keeping track of them.
4. The Board's 2023 Legislative Permitted Interaction Group (NBI 22-20)
 - An Excel sheet of Measures that was provided to the board was shown onscreen. There is one bill that is directly related to our priorities and it will be discussed later at this meeting.
 - NBI 22-20: This Permitted Interaction Group was tasked to consult with the Legislators, develop recommendations to the Board of our approval of Legislative proposals and positions for the Legislative Session.
 - As all of these actions have been completed, we are ending this Permitted Interaction Group.

PUBLIC TESTIMONY ON COMMITTEE AGENDA ITEMS: None

DISCUSSION/Action:

NBI 22-65: Designation of Board Members to a Permitted Interaction Ad Hoc Committee for the 2023 Legislative Session

- Chairperson Miyamae reviewed NBI 22-65 which included the Rationale/Background.
- Committee Member Moriarty stated that this sounds like a very good idea and appreciated that the three members will be taking on additional responsibilities.

- The committee voted to recommend approval of NBI 22-65 as written, to the full board.

DISCUSSION/Action:

NBI 22-52 Revised: 2023 HTSB Legislative Priorities

- Chairperson Miyamae reviewed NBI 22-52 Revised.
It includes two sections that list items under the following headings:
 - The Board supports proposed legislation that:
 - The Board opposes proposed legislation that:
- Committee Member Han asked if there is legislation out there that addresses the items that are being opposed and that we need to focus on them.
She asked if there are proposals that may impact or address:
 - Lowers or changes the quality of licensing and permitting requirements. (First Bullet)
 - Diminishes the Board's authority . . . (Second Bullet)
- Committee Member Raymond replied that the upcoming NBI 22-66 Compact itself has some of these concerns, which the Board would be opposing.
Because, as the language of the Compact now reads, we would not be able to change it. Also, all of the concerns and questions raised at the January 13, 2023 board meeting haven't been answered yet. They impact the items that we are opposing here.
- Chairperson Miyamae stated that she believes that there are also other bills. She is unsure if they have been introduced or if/how they are moving yet and the Permitted Interaction Group is following them. There is one bill they are following that would expand the licensing to include other areas.
- Committee Member Moriarty also had concerns about the first bullet on the list that the Board opposes, particularly with the word "changes."
 - She would not want to automatically have us in opposition to something that changes the quality of licensing and permitting requirements.
 - On one hand, this is the authority that this Board has and that's what we are constituted to do.
 - On the other hand, to just automatically say we oppose something that might be changing it—perhaps it would be something we would support in any case and we might want to work with them.
 - Her first question is whether our Deputy Attorney General would have any thoughts with respect to whether there is a legal issue here, as to whether the Legislature can override what she understands is our authority as a Board.
 - If there is no legal issue, then her question would be whether we would automatically want to oppose something, or whether we might want to discuss it. If it turns out that it's something we want to support and the

Legislature was willing to pass legislation that supported a change in which we were also in favor of, then she would not want it already decided that we were opposing it.

- This is what she was struggling with when she was reading this NBI and she also looked at some of the legislation that was pending.
- Executive Director Villalobos stated that we've been monitoring a lot of the bills.
 - As you know, bills change and morph into other things.
 - She can only listen and she can answer the questions that she is asked. Otherwise, she cannot speak in support or opposition unless the Board has given consent.
 - One of the bills that did come up was an alternative licensure pathway that was actually delegated to the Charter Commission. She had to have a conversation with the Charter Commission because they wanted clarification on that. But, that is not in their duties or roles to develop alternative licensure pathways. By statute, it gives the Board this ability.
 - This is just one thing and she is not sure how well vetted they are with the AG's office. This speaks to the changes of quality. So, if you lower the quality, it changes the quality of licensure.
 - A lot of times, Legislators don't understand what the Board's duties are and what authority they have over licensure. So sometimes the bills would lean to another agency taking on licensure and we want to make sure that they don't pass something that's not legal.
 - When she hears of bills coming through, she calls the AG's office immediately to give them a summary of what's been going on.
 - But as bills move through, hopefully with the Permitted Interaction Group (P.I.G.), they can address it more rapidly. The P.I.G. can address any questions around the licensure portion of a bill that the Committee Chairs may have. It's just the changes of quality that we want to identify.
 - We're broadening the scope of the priorities because we can't catch everything. A lot of this, she actually looked to the Board of Education and how they've expanded their scope of their Legislative Priorities and what their Ad Hoc Committee does as well.
 - This doesn't mean you have to oppose indefinitely on things but at least the P.I.G. can have a conversation about it. There are always the three options of support, oppose and provide comments.
 - A lot of times, departments are not in direct opposition of it but they do provide comments. If it comes from a direct agency, the Legislators do listen to the comments when it deals with a particular part, especially licensure which this Board is in charge of.
- Committee Member Moriarty asked "Part 2" of her question which is whether we could authorize the P.I.G. or staff to engage and provide comments.
 - The kind of example that she was thinking of is—we were actually looking at and there has been draft legislation in the past—to look at licensing for CTE especially.

- You may have a Bachelor’s Degree requirement, but in fact what would be an alternate—and we might eventually decide would be a good standard—might be something that would be a specific industry certification.
- She envisions a scenario where we might not want immediately to oppose it but we would definitely want to engage in a conversation and provide comments so that we have the opportunity to provide input as they shape the legislation.
- So, if she could just ask if Executive Director Villalobos could expand her comments a little bit.
- Executive Director Villalobos stated that there actually was a CTE Bill that came up.
 - She did not sit in on that meeting because the Board did not take a position on it. But luckily, we have been in contact with the DOE and P-20 regarding CTE requirements.
 - It was the formulation of a workgroup. However, they were able to confidently say that the HTSB is putting together a workgroup and they’re looking at licensure requirements. So again, we were keeping our stakeholders in contact with what we are doing with the CTE workgroup.
 - They were then able to give the Legislators some input. She believes it was the Senate side, with Senator Kidani’s committee about CTE licensure requirements and how that workgroup was going to be put together to discuss those things.
 - If the committee feels comfortable, they could amend this NBI with “The Board opposes or will have comments to proposed legislation that:”
- Committee Member Farden suggested through the Zoom Chat feature: Would a friendly amendment to “changes” be “**diminishes**”? So it would read, Lowers or **diminishes** the quality...?
- A Motion was made to amend NBI 22-52 Revised (Farden/Han)
- Committee Member Farden proposed to amend the second line where it reads,
 - “The Board opposes . . .” to include “The Board opposes and/or offers comments on proposed legislation that:”
- Committee Member Moriarty thanked Committee Member Farden for her proposed amendment. She will be fine with this amended language.
- Committee Member Kawazoe suggested adding “as required by law” to the first bullet to read:
 - “Lowers or changes the quality of licensing and permitting requirements as required by law.”
- The committee voted to amend NBI-22-52 Revised with the proposed changes.

- The committee voted to recommend approval of NBI 22-52 Revised as amended, to the full board.

DISCUSSION/Action:

NBI 22-66: Consideration of Support for House Bill 846 Interstate Teacher Mobility Compact

- Chairperson Miyamae stated that we are bringing this up again now that House Bill 846 has been introduced on the floor and it might be important for us to take a stance on this as a board.
- Committee Member Raymond stated that, at the last meeting, we had some reservations listed for this Compact.
 - She asked Executive Director Villalobos if she had received any answers to those concerns that we had?
- Executive Director Villalobos replied that she has not.
 - Her understanding is that, when a Bill is being written with a Compact—apparently the agreement with any state bringing this up for Legislators to vote on—it has to stay intact as it is and no changes can be made.
 - So, we did not receive any answers to our questions.
 - The closest thing we got is if Hawaii joins the Compact, they would be one of the Commissioners. They would have one vote out of ten in order to make any changes.
 - We do not know the cost of it, how much money will be appropriated or if we need more staff, etc.
- Committee Member Kawazoe stated that given the nature of the conversation that we just had with this NBI and the reservations that we have with the Compact, he would like to propose amending the verbiage in the title.
 - Title change from: “Consideration of Support for House Bill 846 . . .”
Title change to: “We Will Provide Comments for House Bill 846 . . .”
 - The Rationale addresses our reservations and he feels that it is best that we stay neutral with this Bill.
 - This is his recommendation and he would like to see how the rest of the Committee feels.
- Committee Member Raymond stated that:
 - We have many reservations and questions which have not been answered.
 - If we were to stay neutral with comments and we support the intent of the Bill, because we cannot change any of the language, we risk the rigor and quality of our license if the Compact was to go in “as is.”
 - Not staying neutral may not be a bad thing. We could say that although we support the Bill’s intent, we oppose this as it is written because we

have not received answers to the questions and concerns outlined in our reservations.

- Chairperson Miyamae asked Executive Director Villalobos about, when we give testimony, is it better to “support with comments” or “oppose with comments?”
- Executive Director Villalobos deferred to the Committee and what you folks would like to do with your stance on this Bill.
 - She knows that if other agencies oppose a Bill, they just add comments without going full opposition. This is because they may agree with some parts of it. This is other agencies though.
 - It would be up to the Board and this Committee to decide if you want to amend or revise this NBI.
 - Again, there are three options regarding this Bill: Support, Oppose or Provide Comments.
 - This Bill does concern military which is why she thinks we support the intent of it because it does help with mobility for folks in the military trying to go from state to state due to orders.
 - She leaves this up to the Committee on how you want to approach it.
 - The Ad Hoc group would supply the testimony for it and answer questions.
- Committee Member Moriarty stated that she would like to understand a little bit better again. We talked about the reservations that the staff had so she went back to read the actual Bill and the Compact.
 - **Point I:** When she read the first part, it basically says it is only the initial grant of licensure and that nothing applies to any subsequent or ongoing compliance requirements that the receiving state may require.
 - She sees, for example, two protections for us on the licensing side.
 1. We could have additional licensing requirements for them to keep their license.
 2. It also says in the second part that each member should create a list of eligible licenses and CTE licenses that they are willing to consider for equivalency under this Compact. It’s up to the receiving state to decide what the equivalency would be.
 - It seems to her that when she reads this, there are actually phrases in there that address some of the concerns that had been raised the last time about the licensing part.
 - **Point II:** Have we reached out to the other states that are looking at it and considering it in their legislatures to see whether similar concerns of ours have come up?
 - If there are, then her understanding was that the Compact Commissioners could agree to change the provisions that are in the Compact.

- It's true we could cede to the Compact as it stands. But if we see that the same kind of concerns are coming—that there may in fact be something that people would want to change—or if others are not wanting to join because of the same concerns, that might be something.
- **Point III:** Whether or not we've looked at what we would work through to try to address those concerns.
- These are three difficult questions/points and this Bill is moving through right now.
- On the overall question of oppose or support, her inclination would be to offer comments or to support with the caveats that we are still trying to figure these things out.
- Executive Director Villalobos responded to Committee Member Moriarty.
 - **Point I:** Initial License. The document does say we don't accept any other documents coming in. So the Licensing Specialists have put it, "We are unable to do our due diligence."
 - If people are coming in from another state, we have to take the license "As Is" without asking for any other further documentation on the quality of that license coming in.
 - Committee Member Moriarty is correct that we can add renewal requirements but currently we do not have any besides experience and possibly EES and things of that nature, but there is nothing more than that tacked onto a license.
 - It is the due diligence part that if we're giving people licenses without any documentation, then we don't know the quality in which we're getting.
 - **Point II:** Can we accept other licenses? Yes, this is true. We put our licenses out and accept licenses from other states.
 - However, if none of the other states meet our requirements, then we're in a Compact where we don't take any licenses.
 - We would be paying fees or dues amounts that we don't know about, and then say that, "We can't accept that one, or that one . . ."
 - One of the biggest concerns is the Bachelor's degree which does not have to come from an accredited institution. This is a concern because anyone can start a university, go through a five-week Bachelor's degree program, go through licensure and we would have to accept it. Again, this is because we can't ask for documentation showing that the Bachelor's degree is from an accredited institution.
 - Yes, we can accept or deny licenses coming from another state. However, if the majority of them will be denied though, we're still paying money into a Compact where Hawaii is not seeing any of the teachers coming through.
 - We have been on national meetings and some states have simply refused

- to get involved at this point as it is too early in the game with not everything ironed out yet. She doesn't know if they want to have the additional task of being one of the first ten states to get it ironed out.
- We would be one voice among nine other states if it was to happen, to have the Compact coming through.

 - **Point III:** HTSB is looking at addressing our concerns.
 1. We met with the AGs and brought up fingerprinting as we are responsible for it. However, during licensure, our agency is not in charge of it because it is done at employment.
 2. We also discussed with the AGs about other possibilities in getting FBI background checks before issuing licenses.

 - It's still going to take some time to address all of our concerns.
 1. If we were going to join the Compact, we're one voice and could be outvoted by nine other states.
 2. Again, we go back to making sure that everything is ironed out.
 3. Other states have brought up concerns about Add-a-Field and endorsements. We have another state meeting coming up and they will be talking about it and the Compact and where everyone is on it.
 4. The few states that she has spoken to about the Compact, they're just staying out of it right now. There's a possibility of them joining later.
 5. Other states have unanswered questions, similar to what we have in our state.

 - Chairperson Miyamae stated that the Compact was introduced in part to help the military.
 - She asked Executive Director Villalobos about the turnaround time as far as when we do have military personnel come here who want to get a license.
 - Is it that difficult for them to provide the documentation and get their license in Hawaii?

 - Executive Director Villalobos stated that usually, we do not have too much of a turnaround time. Right now, we are in renewal so that's a little different because we have a lot of renewals coming up.
 - Usually, we try to keep it under six weeks if not sooner than that.
 - The Licensing Specialists are really good at getting back to folks. There is a box that you can check if they're a military spouse.
 - She knows that in the past, they've been pushing those applications forward. We can look into the Board putting in a policy that those applications would get priority so it's written into policy.
 - We do have a priority list which includes our EPPs and the ones that need to transfer.
 - Unlike other agencies that have a huge wait time, our Licensing Specialists are really good at trying to get them licensed as soon as possible.

- Possible hold ups are a professional fitness issue or we are waiting for documentation from another state.
- Chairperson Miyamae stated that she understands that we do not want to close off the door with “supports with comments.” But, she feels that there are a lot of unanswered questions as Committee Member Raymond stated.
 - She would rather err on the side of “oppose with comments” to keep it on the positive but let them know that there’s still too many unknown things.
 - She’d rather err on the side of waiting so she is suggesting that we say, “oppose with comments.”
- Committee Member Han stated that she is opposed to showing our hand with either support or oppose.
 - As stated, there are some good things and see the benefit of allowing interstate.
 - But, it’s for initial licensing and it is only when they renew can we put in all of our additional requirements.
 - She would like to provide comments because we have a lot of knowledge in our group.
 - The three who are representing us will be able to give those comments to the Legislature who is moving this forward.
- Chairperson Miyamae and Committee Member Kawazoe discussed amending the NBI as follows:
 - Title: “Provide Comments for House Bill 846: Interstate Teacher Mobility Compact.”
 - First Sentence of the NBI: “The Hawaii Teacher Standards Board will provide comments on legislative bill, HB846: Interstate Teacher Mobility Compact (TMC).”
- The committee voted to amend NBI 22-66 with the proposed changes.
- The committee voted to recommend approval of NBI 22-66 as amended, to the full board.

ADJOURNMENT:

Chairperson Miyamae adjourned the meeting at 9:24 a.m.

Recorder: Elaine Hutchinson Date: February 10, 2023
Elaine Hutchinson