

March 3, 2022

**BY E-MAIL:** [htsb@hawaii.gov](mailto:htsb@hawaii.gov)

Members of the  
Hawaii Teacher Standards Board  
650 Iwilei Road, Suite 268  
Honolulu, Hawaii 96817

**Re: CGPH/McKissock/Moreland/Hawai`i Teacher Standards Board - License revocation hearings**

Dear Ladies and Gentlemen:

On behalf of TeachNow, Inc., dba Moreland University ("Moreland"), we respectfully submit this letter testimony on its behalf in order to respectfully request the deferral of decision-making on license revocation cases to be held in the Board's closed session involving graduates of Moreland University's out-of-state teacher education programs ("Moreland Graduates"). This letter sets forth the bases for Moreland's request that the Board withdraw from consideration on March 4, 2022 the cases involving Moreland Graduates who have not yet responded to HTSB or whose deadlines for submitting Demands for Hearing recently expired (that is, within the last 30 days).

We respectfully request that this letter and attachment be promptly distributed to members of the Teacher Education Committee and HTSB.

The following reasons justify deferral of decisionmaking on these cases:

1. **Moreland Graduates under consideration may not have been extended their full due process rights.** The Moreland Graduates under review were verified by Moreland and licensed by HTSB in good faith, based on published standards and guidance in effect at the time. While HTSB has the discretion to revise, clarify or improve its standards and interpretations, it is unfair and improper to request surrender or threaten to suspend or revoke licenses by applying those standards and interpretations retroactively. It is not enough to say that administrative rules or NBI's have been in place for years when completers reasonably relied on HTSB's own interpretation and application of its rules and standards in studying and applying for a Hawai`i license and Moreland reasonably relied on such interpretations and applications in verifying those completers had met Hawai`i licensing requirements. Thus, such licenses should not be challenged. For instance and by way of example, with respect to the thirty semester hours element of the content knowledge, this change in interpretation recently occurred, causing licensed teachers to be deemed out of compliance under HTSB's revised interpretations and guidance:

- Regarding the NBI 12-29 criterion of "A minimum of thirty (30) semester hours in the content field. . .", until late 2021, HTSB interpretations and its own application forms referred only to "hours" or "30 hours of course work", rather than the academic term of art "semester hours",

indicating that the actual number of hours would be counted toward the 30 or 36 hour requirements.

- Only recently, at the November 19, 2021 HTSB meeting, did HTSB approve revising the administrative rules prospectively to include a definition of “semester hours.” The HTSB administration’s commentary to the proposed rule change states that “Semester hours is language that is used for content knowledge and should not be confused with actual clock hours, but rather credits or credit hours.” NBI 20-36.

Regarding the teaching experience requirement for standard licenses, this change recently occurred:

- At least through part of 2021, HTSB interpreted its rules to allow the issuance of a standard license based on “three (3) years out of the last five (5) years of full-time teaching experience in a P-12 contracted position”, whether in or outside of the United States. Until recently, the instructions on HTSB’s online application form stated that the three out of five years’ experience could be in “another jurisdiction”, without specifying that the jurisdiction must be in the U.S. In addition, in at least two instances (December 15, 2020 and March 2, 2021), an HTSB licensing clerk informed Moreland graduates that:

“The teaching experience required for a Standard License is as follows:

- Full time contracted teaching experience for at least 3 of the last 5 years in the P-12 grade levels.
  - Experience does not have to be in the United States.”
- In the latter part of 2021, HTSB started changing its published interpretations and guidance, including with respect to semester hours and jurisdiction. The Interim Director acknowledged to Moreland University’s founder in June 2021 that HTSB’s past interpretations had at times been vague or inconsistent.

“As you know from our previous conversation, we are currently reviewing the Teacher Licensing Standards in accordance with the Hawaii Administrative Rules (HAR) and updating our practice and procedures. As we find inconsistencies or vague language within our website or forms, we update them as soon as possible to make sure that website or forms comply with the requirements set forth by the HAR and are communicated clearly and timely to all applicants.” [Emphasis added.]

- Although the administrative rule relating to teaching experience refers to “state”, it is an ambiguous term that is not just limited to states in the United States without a definition that narrows the term (as was approved by HTSB as a rules amendment only in November 2021). See <https://www.dictionary.com/browse/state> (where definitions of “state” include several references to political structures beyond US states). Thus, it was reasonable for HTSB’s licensing specialists to interpret “state” broadly before HTSB approved proposed revisions to the administrative rules in November 2021.

2. **Allow more time for outreach.** Moreland University recently learned the identities of the Moreland Graduates under consideration during the March 4 closed session and respectfully requests additional time to reach out to them to explain the situation them and assist them with compliance or pursuing other options. Based on Moreland University’s contacts with other graduates who have been contacted by HTSB, the strongly-worded letters from HTSB have been intimidating to the conscientious

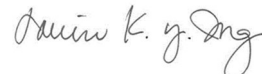
and busy teachers, none of whom have the benefit of legal representation. The graduates have been looking to Moreland for help and support to avoid the severe impact of license revocation on the classroom during a teacher shortage crisis and on their livelihoods. Specifically,

- Case #1, Moreland Graduate who did not leave forwarding address: Moreland University was informed that one graduate under consideration left no forwarding address. Moreland reached out this week to the graduate's emergency contact, explained the situation and requested that the contact reach out to the graduate. Time is needed to attempt to engage with the graduate.
- Case #2: Moreland was informed this week that one Moreland Graduate under review submitted a Demand for Hearing. Moreland has been informed that the HTSB has no record of the Demand. Time should be allowed to confirm the existence of the Demand.
- Cases ##3-4: Moreland was informed this week of the names of two Moreland Graduates whose deadlines to demand a hearing expired only in February. Time should be allowed so that efforts can be made to contact them to explain the potential seriousness of their situation and their options.

3. **Avoid if at all possible the severe impact of license revocation.** License revocation can have a severe, debilitating impact on the ability of teachers to obtain licenses not only in Hawai'i but in other jurisdictions, to the extent that revocation of licensing is reported by HTSB to other regulatory bodies or national databases. Unlike the usual grounds for revocation, which often involve criminal activity or other serious wrongdoing, the quality of teaching and competence of the Moreland Graduates at issue have not been called into question. The bases for proposed revocation of the Moreland Graduates at issue are more procedural in manner: alleged discrepancies between their application and EPP verification forms or teaching experience in jurisdictions not recognized by HTSB under its current interpretation of administrative rules. Given the potential severity of the sanctions and the teachers' inability to afford legal representation, Moreland University respectfully requests that the Board allow them some grace by deferring decisionmaking until at least the next Board meeting and allowing them, if they choose, to submit a Demand for Hearing to preserve their rights.

Moreland is committed to a culture of compliance and establishing a collaborative working relationship with HTSB with respect to licensing of Moreland's graduates. After one introductory meeting with the HTSB Board Chair and Interim Executive Director, Moreland has made several repeated and unsuccessful attempts to follow-up with HTSB staff on various teacher licensing issues. Due to HTSB's apparent reluctance to engage directly with Moreland University, Moreland has used the past four months to open a line of communication between the lawyers for each side in an effort to develop an understanding of each side's positions, exchange information on Moreland Graduates under review, and explore a productive path forward with respect to licensing and license review of Moreland graduates.

Sincerely,



Louise K.Y. Ing  
William M. Kaneko

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cc: Stuart Fujioka, Esq.  
Michael Azuma, Esq.