

TITLE: Approval of Revisions to Hawaii Revised Statute for the Governor's Consideration

The Hawaii Teacher Standards Board approves the following revisions to Hawaii Revised Statute (HRS), to be submitted to the Governor for his consideration as part of the 2019 Governor's Legislative Package:

1. Revision of §302A-803 is recommended to revise language to support the original intent of this section to allow the HTSB Executive Director to issue licenses that meet all requirements and do not require Board action:

§302A-803 Powers and duties of the board.

(d) The board may delegate to its executive director, or other designee, any of its powers and duties as it deems reasonable and proper; provided that the delegation of powers and duties by the board shall be made in accordance with procedures set forth in this subsection. The board shall not delegate its discretionary functions resulting in a final decision in:

- (1) Adopting, amending, or repealing rules;
- (2) Ordering disciplinary action against a licensee, including license revocation or suspension, or the imposition of conditions or fines; provided that summary suspensions may be delegated; or
- (3) ~~Granting or denying~~ Denying permits or licenses, including license renewals and reinstatements, or otherwise conditioning permits or licenses, unless the ~~granting, denying,~~ or otherwise conditioning of a permit or license does not require the exercise of the board's expertise and discretion.

To delegate authority, the concurrence of a majority of the members to which the board is entitled shall be necessary for any action taken by the board to be valid. The board shall conduct its meetings to delegate powers and duties to its executive director, or other designee, in accordance with chapters 91 and 92.

2. Revision of §302A-804 is recommended to update the reporting of the Department of Education, the Public Charter School Commission, and Public Charter Schools, to accurately report the number of public school classrooms without a licensed teacher, as well as appropriately assign reporting of Charter School Emergency Hire details to the school site instead of the commission.

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

(b) The department's powers and duties under this subpart shall be limited to:

(1) Hiring, except in emergency situations as described in this chapter, licensed teachers to teach in their fields of licensing;

(2) Reporting data annually to the board about the supply of, and demand for, teachers in department schools, including the identification of shortage areas, out-of-field teaching assignments, numbers of 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);
- ~~(C) Individual progress toward licensing; and~~
- (D) The department's efforts to address the shortages described in subparagraph (A); and

(5) Providing any other information requested by the board that is pertinent to its powers and duties.

(c) The commission's powers and duties under this subpart shall be limited to:

(1) Reporting data annually to the board about the supply of, and demand for, teachers in charter schools, including the identification of shortage areas, out-of-field teaching assignments, numbers of 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;

~~(2) Submitting an annual report to the board documenting:~~

- ~~— (A) The number of emergency hires in charter schools by subject matter areas and by school;~~
- ~~— (B) The reasons and duration of employment for the emergency hiring enumerated in subparagraph (A); and~~
- ~~— (C) Individual progress toward licensing; and~~

~~(3)~~ (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; and

(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); and
- (C) The numbers of classrooms without a licensed teacher for a quarter or more;
- (D) The numbers and types of courses and classes taught by out-of-field teachers;
- (E) The numbers and types of students taught by out-of-field teachers; and

~~(3)~~ (4) Providing any other information requested by the board that is pertinent to the charter school's powers and duties.

Submitted by: Felicia Villalobos

Referred to: Committee of the Whole