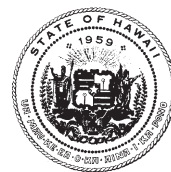

Study on the Appropriate Accountability Structure of the Hawai'i Teacher Standards Board

A Report to the
Governor
and the
Legislature of
the State of
Hawai'i

Report No. 09-05
February 2009



THE AUDITOR
STATE OF HAWAII

Office of the Auditor

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Under its assigned missions, the office conducts the following types of examinations:

1. Financial audits attest to the fairness of the financial statements of agencies. They examine the adequacy of the financial records and accounting and internal controls, and they determine the legality and propriety of expenditures.
2. Management audits, which are also referred to as performance audits, examine the effectiveness of programs or the efficiency of agencies or both. These audits are also called program audits, when they focus on whether programs are attaining the objectives and results expected of them, and operations audits, when they examine how well agencies are organized and managed and how efficiently they acquire and utilize resources.
3. Sunset evaluations evaluate new professional and occupational licensing programs to determine whether the programs should be terminated, continued, or modified. These evaluations are conducted in accordance with criteria established by statute.
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STATE OF HAWAII

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OVERVIEW

Study on the Appropriate Accountability Structure of the Hawai'i Teacher Standards Board

Report No. 09-05, February 2009

Summary

In response to Senate Concurrent Resolution No. 83, Senate Draft 1, we conducted this study of the Hawai'i Teacher Standards Board. The 2008 Legislature asked us to examine issues of accountability and oversight; thus, we focused on determining whether the board has delivered an effective licensing and re-licensing program—its core function. The resolution identified the Department of Commerce and Consumer Affairs (DCCA) as the model for boards and commissions administratively attached to an agency. So we compared that model with the standards board and examined other states for alternatives for licensing programs.

Our study found that the Hawai'i Teacher Standards Board is in a state of confusion, unable to develop, administer, and deliver an effective teacher licensing program. The board's failure jeopardizes federal funding for the Department of Education (DOE), which is struggling to meet the requirements of the federal No Child Left Behind Act of 2001 (NCLB). The board has not applied new standards to teachers seeking an initial license. Moreover, the executive director assumed the board's authority to approve new or initial licenses, which clouds the validity of approximately 3,800 licenses issued since 2003. Further, the board has no rules and procedures for appeals.

Seven years after assuming the licensing function, the board has neither an effective initial or renewal licensing program in place. The board exceeded its authority in extending licenses beyond the original authorization. It has been granting license *extensions* rather than *renewing* licenses beyond the two years set by the 2001 Legislature.

Without the statutory basis to extend licenses beyond 2003, the administrative rules extending licenses expiring in 2005, 2006, and 2007 are invalid. Furthermore, the board's amended rules omit licenses expiring in 2004 and, thus, those could not receive an extension, have expired, and are rendered invalid. Because state laws require DOE teachers to be licensed, any teachers holding invalid licenses would be considered emergency hires and not highly qualified according to NCLB requirements.

A lack of oversight and poor management of two sole source contracts to develop an online application system have resulted in a waste of more than \$1 million in teacher licensing fees. The board's system contractor still has not delivered the online system and has, in fact, usurped the board's access to its licensing database.

The board's designation as an administratively attached agency has contributed to the lack of accountability and oversight. The executive director and the DOE



each believes the other is responsible and accountable for certain financial and administrative responsibilities. Without a clear delineation of authority, the board has operated as an autonomous entity, void of any oversight by either the Board of Education or the DOE.

Finally, we found that placement of the board within the DCCA is contrary to regulatory policies set forth in the Hawai'i Regulatory Licensing Reform Act, Chapter 26H, HRS. The teacher licensure program departs from state regulatory policies as it was purposefully "designed to enhance the profession of teaching" and promote teacher quality rather than to protect the consumer from harm. The standards board's licensure program applies to and penalizes the public employer, the Board of Education, for employees of the DOE. Unlike other professions that are required to obtain a license to practice, not all teachers in Hawai'i are required to obtain a license from the board to practice their occupation. The DCCA director wrote that placement of the standards board within the DCCA would be "[a] poor fit . . . particularly in light of what appear to be important differences in approach toward implementing licensing regulation. . ."

The 2001 Legislature transferred licensing duties from the DOE to an "independent" teacher standards board because of a perceived conflict of interest in the department's dual role as employer and licensing agent. We conclude that creating an independent body composed mostly of teachers employed by the DOE with more than a consumer protection mission has not yielded sufficient benefits for the teaching profession and students it was meant to serve to warrant its continuation.

Recommendations and Response

We recommend that the laws governing the standards board be repealed, in part, and modified, in part, to transfer responsibility for administering a teacher licensure program from the Hawai'i Teacher Standards Board to the Board of Education.

The department and Board of Education opted not to provide responses. The standards board provided extensive comments and also provided information to clarify a number of points, which neither contradict nor change our findings and recommendations. While the standards board noted that there is a need to improve, it did not agree with our recommendations. The board's responses do not address one of the report's key findings—that the board has failed to develop, administer, and deliver on its core mission, an effective teacher licensing program. As such, we stand by our report.

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Submitted by

THE AUDITOR
STATE OF HAWAI'I

Report No. 09-05
February 2009

Foreword

This is a report on the study of the Hawai'i Teacher Standards Board in response to Senate Concurrent Resolution No. 83, Senate Draft 1, of the 2008 legislative session. We conducted the study pursuant to Section 23-4, Hawai'i Revised Statutes, which requires the Auditor to conduct postaudits of the transactions, accounts, programs, and performance of all departments, offices, and agencies of the State and its political subdivisions.

We wish to express our appreciation for the cooperation and assistance extended to us by the Hawai'i Teacher Standards Board, the Department of Education, the Board of Education, and others whom we contacted during the course of our study.

Marion M. Higa
State Auditor

Table of Contents

Chapter 1 Introduction

Background.....	2
Previous Reports.....	10
Objectives of the Study.....	10
Scope and Methodology	11

Chapter 2 The Hawai'i Teacher Standards Board Serves Neither Student Nor Teacher Interests

Introduction	13
The Board Has Failed To Develop a Professional Teacher Licensure Program	14
The Lack of Oversight and Mismanagement of Operations Have Resulted in Government Waste....	27
Placement of the Board in Another Agency Is Contrary to Regulatory Policies.....	36
Conclusion.....	41
Recommendations.....	42

Responses of the Affected Agencies..... 95

List of Exhibits

Exhibit 1.1	Hawai'i Teacher Standards Board Organization Chart.....	6
Exhibit 1.2	Organization Chart of the Department of Education....	8
Exhibit 1.3	Licensing Transactions From 2002 Through 2007.....	9
Exhibit 2.1	Count of Licensed/Unlicensed Teachers by Island.....	18
Exhibit 2.2	Emergency Hires by Subject Area, School Year 2006-2007	19
Exhibit 2.3	License Extensions Performed by the Hawai'i Teacher Standards Board 2002-2007.....	21
Exhibit 2.4	Requirements for Initial Licensure	24

Exhibit 2.5	Special Fund Financial Information Provided by the Hawai‘i Teacher Standards Board for FY2002-FY2007.....	28
Exhibit 2.6	Financial Information Regarding the Hawai‘i Teacher Standards Board Provided by the Department of Education for FY2002-FY2008	29
Exhibit 2.7	An Overview of New Mexico’s Three-Tiered Teacher Licensure System.....	40

List of Appendixes

Appendix A	Performance Standards Approved by the Hawai‘i Teacher Standards Board	43
Appendix B	Department of Education’s Attachments to the October 25, 2007 Annual Report to the Hawai‘i Teacher Standards Board for School Year 2006-2007.....	53
Appendix C	Letter from the Department of Commerce and Consumer Affairs.....	71
Appendix D	Draft Legislation.....	75

Chapter 1

Introduction

This report responds to Senate Concurrent Resolution No. 83, Senate Draft 1, of the 2008 legislative session requesting the Auditor to study the Hawai'i Teacher Standards Board. Senate Concurrent Resolution No. 83, Senate Draft 1, asks the Auditor to determine whether:

- Placement within the Department of Education for administrative purposes is conducive to timely and efficient service for teachers applying for licenses;
- The functions and operations of the board are similar to those in other states or jurisdictions with similar numbers of students, such as Nebraska;
- The functions and operations of the board are similar to the functions and operations of other Hawai'i agencies, such as the Department of Commerce and Consumer Affairs, and whether the board might be a better fit in another agency;
- The long-range planning has built-in appropriate policy foundations, benchmarks, and accountability mechanisms;
- The appeals process has a defensible, rational basis, and whether the process has yielded any structural changes, improved operations, or more effective screening of applicants over the years;
- The web-based system was implemented in 2006, as originally projected, and whether it is presently capable of processing online applications, including retaining supporting documents and certifications online as well as providing real time status of the application process.

The Auditor was also asked to review the fiscal management of the board including:

- How the budget is developed and approved;
- How expenditures are made and monitored; and
- How external audit findings, if any, are resolved.

Background

With the enactment of Act 240, Session Laws of Hawai‘i (SLH) 1995, the 1995 Legislature established the Hawai‘i Teacher Standards Board for the purpose of transferring the responsibility for setting licensure and credentialing standards for public school teachers from the Department of Education (DOE) to a more independent body. The Legislature intended that the standards board provide “more public accountability” with standards to “ensure a higher level of professionalism and excellence.” The newly created board was attached to the department for administrative purposes. Six years later, the 2001 Legislature, via Act 312, SLH 2001, transferred the issuance of public school teacher licenses and renewals from the department to the teacher standards board beginning July 1, 2002. Act 312 required all new teachers to obtain a license issued by the standards board beginning in school year 2002-2003 as a precondition for employment in the department, as stated in Section 302A-602(b), Hawai‘i Revised Statutes (HRS). The 2001 Legislature also allowed the standards board to grant automatic two-year extensions for DOE teachers seeking to renew their licenses that were set to expire on June 30, 2002 or June 30, 2003.

Hawai‘i Teacher Standards Board and Teacher Standards

In July 1996, the nine-member standards board began its work and completed the first draft of proposed standards a year later. The board sought feedback from classroom practitioners and teacher educators via discussion groups, direct mail surveys, and public hearings to finalize the “performance standards” for Hawai‘i’s public school teachers. In July 1998, the first set of licensing and teacher performance standards took effect. These standards included two objectives identified by the 1995 Legislature.

First, the standards were to provide every child in Hawai‘i with a teacher qualified to practice the profession of teaching, because no child should have to attend a class conducted by a person who has not been determined, in advance, as qualified.

Second, the teacher standards were “intended to establish public confidence in the teaching profession.” As stated in the board’s September 1998 publication *Teacher Performance and Licensing Standards*, “the net effect of these standards is to assure that only properly prepared and licensed professionals teach the children of Hawai‘i’s public schools.”

The teacher performance standards were last revised by the board in May 2003 and are appended to this report in Appendix A.

The board’s mission reflects the objectives for setting teacher standards identified by the Legislature in Act 240, SLH 1995:

To collaboratively set high teacher licensing and credentialing standards in order to:

- Provide every child with qualified teachers;
- Promote professionalism and teaching excellence;
- Build public confidence in the teaching profession; and
- Provide more accountability to the public.

To accompany this mission, the board envisioned “a highly esteemed public education system with rigorous professional teacher standards that foster student success.”

The powers and duties given to the board in 1995 when it was created to set teacher standards included:

- Setting and administering its own budget;
- Adopting, amending, repealing or suspending the policies, standards, or rules of the board;
- Receiving grants or donations from private foundations;
- Submitting an annual report to the governor and Legislature;
- Conducting a cyclical review of standards;
- Establishing licensing and credentialing fees; and
- Establishing penalties.

At the same time, the department retained the responsibility to administer the teacher licensing and credentialing process, which included the powers to:

- Issue, renew, revoke, suspend, and reinstate licenses and credentials;
- Issue credentials, not to exceed one year;
- Apply licensing and credentialing standards on a case-by-case basis and conduct licensing and credentialing evaluations;

- Prepare and disseminate teacher licensing and credentialing information to schools and operational personnel;
- Develop applicable rules and procedures;
- Administer reciprocity agreements with other states; and
- Implement changes made by the standards board to licensing (permission to practice teaching) and credentialing (emergency or temporary license) standards.

The superintendent of education remained the final adjudicator for appeals over the suspension, nonrenewal, and revocation of licenses and credentials.

However, a February 2000 convening of the Hawaii Policy Group of the National Commission on Teaching and America's Future (NCTAF) led to the transfer of DOE's licensing functions to the standards board. The NCTAF, a 19-state organization, including Hawai'i, focused on a single goal of providing a caring, competent, and qualified teacher in every classroom. Hawai'i's stakeholders believed that recruiting, preparing, and retaining good teachers was the central strategy for improving our schools.

In response, the 2001 Legislature determined that transferring the licensing duties to the board was necessary to remove an inherent conflict of interest in the department's dual roles as employer and licensing agent. Giving the standards board the authority to license public school teachers and administer the appeals process would strengthen the teaching profession, the argument went, by making it self-governing and accountable for licensing only those teachers that met the standards set by the board. Therefore, under Act 312, SLH 2001, the Legislature authorized the board to:

- Establish standards for the issuance and renewal of licenses;
- Issue all new licenses beginning July 1, 2002, valid only for the fields specified on the licenses and renewable every five years, if the individual satisfied the board's requirements for renewals;
- Grant automatic extensions of two years to teachers whose licenses expired on June 30, 2002, or June 30, 2003;
- Serve as the final adjudicator for appeals over or the issuance or nonissuance of licenses, suspensions, nonrenewals, and revocations, with the authority to conduct hearings in accordance with the Administrative Procedures Act, Chapter 91, HRS; and

- Review reports on the number of individuals hired on an emergency basis by the department.

At the same time, the 2001 Legislature allowed the department to offer teaching contracts to unlicensed individuals in a more timely fashion as “emergency hires” provided: 1) the numbers were reported to the standards board for its review and 2) there were no properly licensed teachers for the specific assignment for which the unlicensed individuals were being hired. The department’s employment of unlicensed individuals as emergency hires, paid pursuant to the salary schedule for public school teachers in the unit 5 collective bargaining agreement, is provided for in Section 302A-602(c), HRS.

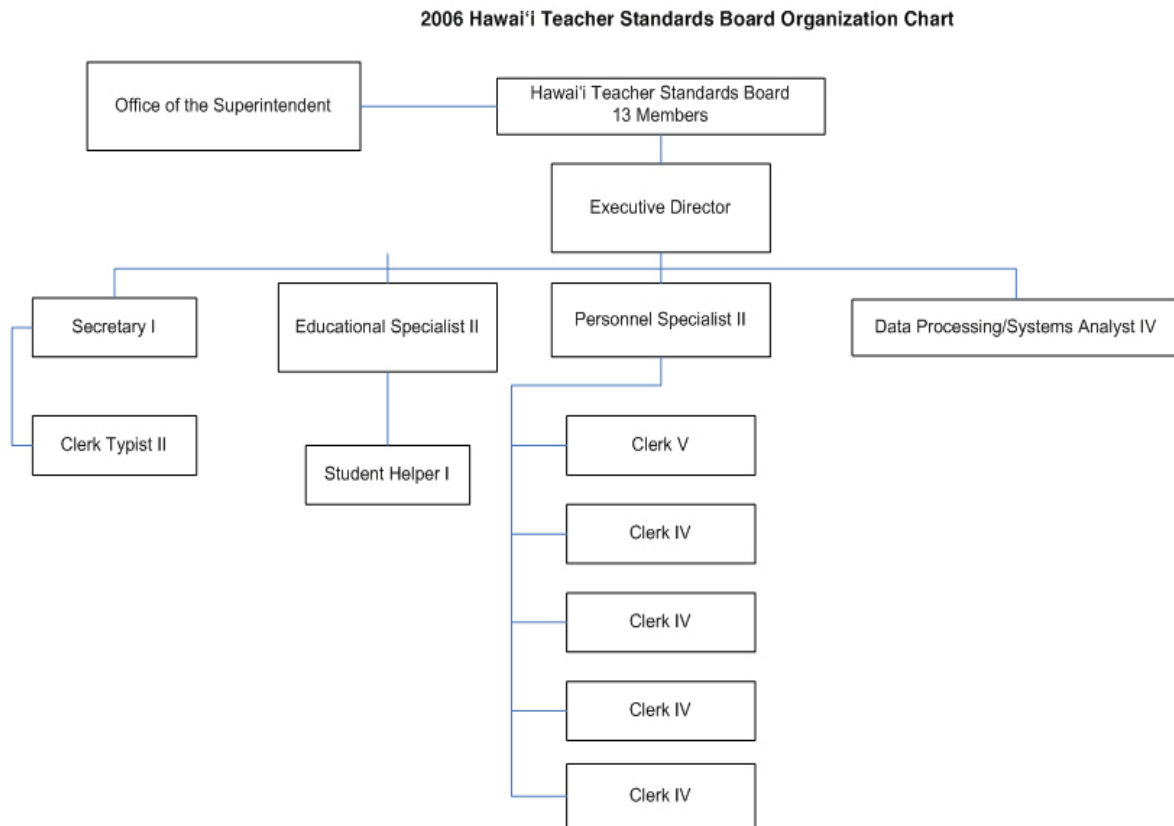
The NCTAF recommendation to reward Hawai‘i teachers who voluntarily undergo the national board certification process also led the 2001 Legislature to create a national board certification support program within the department. Under Act 314, SLH 2001, the standards board was authorized to develop, implement, and administer the national board certification program.

Organization of Hawai‘i Teacher Standards Board

The board’s composition and governing statutes are codified in Sections 302A-801 to 808, HRS. Initially the standards board was composed of nine members: four certified teachers, three educational officers, the chair of the Board of Education (BOE), and the dean of the University of Hawai‘i College of Education. When the licensing duties were transferred to the board, the Legislature changed the composition to include not less than six licensed teachers instead of the four certified teachers and added the superintendent and a representative of independent schools. Except for the BOE chair, superintendent, and College of Education dean, members are appointed by the governor from a list of “qualified nominees submitted to the governor by the departments, agencies, and organizations representative of the constituencies of the board.” The governor’s board appointees can serve no more than three consecutive three-year terms and are subject to confirmation by the Senate. The chair of the board is selected by board members.

The Hawai‘i Teacher Standards Board is served by an executive director and support staff, which includes a secretary, four licensing clerks, a clerk supervisor, a personnel specialist, and a clerk typist. The board’s vacant positions include a data processing/systems analyst, an educational specialist, and a student helper. Exhibit 1.1 shows the organization of the Hawai‘i Teacher Standards Board.

Exhibit 1.1
Hawai'i Teacher Standards Board Organization Chart



Source: Hawai'i Teacher Standards Board

According to the executive director, her primary duties include:

- Researching current trends in teacher quality initiatives and licensing that are related to the board's responsibilities or may be of particular interest to the board;
- Coordinating legislative matters, including drafting of legislation and lobbying for board-approved legislative initiatives with state legislators;
- Developing and implementing the board's operating budget;
- Providing staff oversight and leadership, including the hiring of staff;
- Coordinating the National Commission on Teaching and America's Future partnership on teacher quality issues; and
- Working with the board chair and board members.

The executive director is also the “designated State official” selected to negotiate and enter into contracts on behalf of the State pursuant to the Interstate Agreement on Qualification of Educational Personnel codified in Chapter 315, HRS.

Hawai‘i Teacher Standards Board Special Fund

The Legislature established the Hawai‘i Teacher Standards Board Special Fund to receive appropriations, license fees, fines, grants, donations, or other revenues to support all activities of the standards board. The department administers the fund to pay the expenses of the board, operational and personnel costs, and reimbursements to board members for travel expenses. The board is funded primarily by teacher licensing fees. All licensed teachers and emergency hires employed by the department are required to pay \$2 every pay period to the board. The board reported revenue, primarily licensing fees, of \$831,348 in fiscal years 2005, \$800,617 in 2006, and \$813,704 in 2007. The board reported expenditures of \$898,848 in fiscal years 2005, \$638,627 in 2006, and \$604,774 in 2007.

The Legislature appropriates additional moneys into the fund for the board to use to administer the National Board Certification Candidate Support Program and the State Approval of Teacher Education program. These moneys are needed to cover operational functions that are not directly related to teacher licensure. The Legislature appropriated \$75,000 in FY2001-02, and \$115,000 in FY2002-03, for the program. The board was appropriated \$322,629 in FY2005-06 and \$325,973 in FY2007-08.

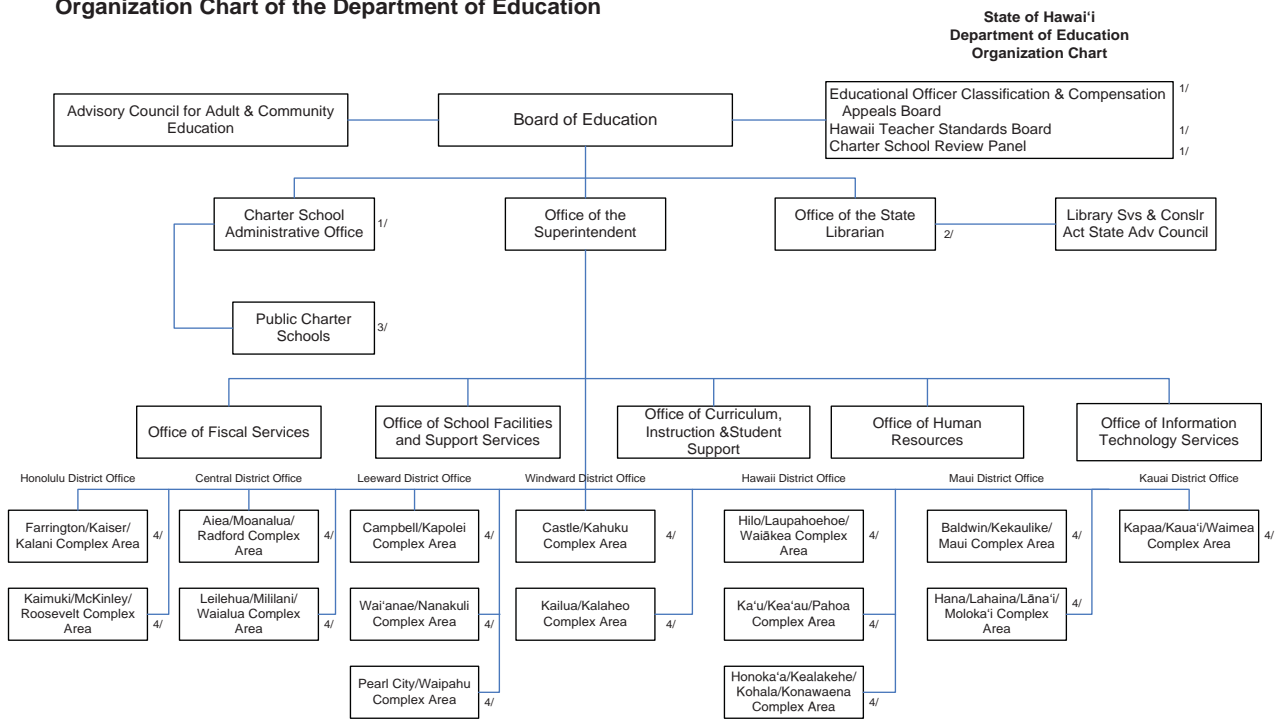
The role of the Department of Education

Since the transfer of the licensing function to the standards board, the Department of Education’s powers and duties, as stated in Section 302A-804, HRS, are limited to:

- Hiring licensed and unlicensed teachers on an emergency and case-by-case basis;
- Annually reporting data on the supply of, and demand for, teachers; shortage areas and out-of-field assignments; the number of teachers teaching out-of-field; numbers and types of courses, classes, and students taught by out-of-field teachers;
- Submitting an annual report to the board documenting the number of emergency hires, and reasons and duration of employment; and
- Providing any other information requested by the board pertinent to its powers and duties.

For administrative purposes, the DOE also administers the standards board’s finances and provides support and assistance with personnel matters, payroll, and payments for the board’s activities. The standards board is required to submit its proposed annual budget to the department for approval. The department handles personnel matters, such as approving position descriptions and processing and approving applicants. The board’s staff, excluding the executive director, are employees of the department and are subject to the same contracts and collective bargaining provisions as other DOE employees. The executive director holds an exempt position and is hired and employed by the standards board. The organization of the department is shown in Exhibit 1.2.

**Exhibit 1.2
Organization Chart of the Department of Education**



1/ Attached to DOE for administrative purposes only in accordance with the law.
 2/ The public library system organization is published separately by the State Librarian.
 3/ See page A-6
 4/ Each complex area is headed by a Complex Area Superintendent appointed by the Superintendent of Education and approved by the Board of Education.

Source: Department of Education

Teacher Licensure Requirements

Teachers are required to obtain a license from the board before serving as a teacher within the Department of Education. Any person engaged in the profession of teaching in a public school who has not been licensed by the board or any person who *employs* an individual who has not been licensed as a public school teacher is subject to a fine up to \$500. The department can hire without penalty individuals who are unlicensed only as “emergency hires” in accordance with Section 302A-808, HRS. All licenses issued by the board are valid for five years and are renewable as

long as the teacher satisfies licensing and license renewal requirements and shows evidence of successful teaching in the previous five years. Applicants are required to designate the specific teaching field for which they are seeking licensure.

In 1998, the board set the licensing fee at \$48 per year. The board is also authorized to establish special fees for license application processing, license duplication, name changes, and late-fee payments. Exhibit 1.3 shows the number of licensing transactions processed by the board from 2002 through 2007 as reported in the board's annual reports.

Exhibit 1.3 Licensing Transactions From 2002 Through 2007

Year	Time Period	No. of Applications Processed	No. of Initial Licenses Issued	No. of Reactivated Licenses Issued
2002	School Year 2001-2002	---	---	---
2003	Fiscal Year 2002-2003	799	464	---
2004	Fiscal Year 2003-2004	Ave. 80-90 per month	1,127	---
2005	School Year 2004-2005	Ave. 80-90 per month	250	---
2006	Jan. – Nov. 2006	Ave. 70 per month	991	130
2007	Calendar Year 2007	1,271	1,041	151

Source: Hawai'i Teacher Standards Board

The No Child Left Behind Act of 2001

The federal No Child Left Behind Act of 2001 (NCLB) reauthorized the Elementary and Secondary Education Act (ESEA)—the main federal law affecting education from kindergarten through high school. This act is built on four principles: accountability for results, more choices for parents, greater local control and flexibility, and an emphasis on doing what works based on scientific research. The act specifies school and state accountability mandates and reporting requirements for federal funds and requires that all public schools be subject to the same accountability system.

Teacher quality is a critical component of NCLB to ensure student achievement. A goal of NCLB was to have all core academic subject classes taught by highly qualified teachers by the end of the 2005-2006 school year. To designate a teacher as highly qualified, NCLB requires a bachelor's degree, state licensure or certification, and competency in core academic subjects.

The powers and role of the Board of Education

The department is headed by the Board of Education, which is responsible for setting statewide educational policy within general laws enacted by the Legislature, adopting student performance standards, monitoring school success, and appointing the superintendent of education. The governance and structure of Hawai‘i’s public schools is unique in that it is a single, statewide system of schools. According to the superintendent’s report published in March 2008, the public school system for the 2007 school year included: 179,234 students, 286 public schools which included 27 charter schools, and 11,270 classroom teachers.

The Board of Education consists of 13 members elected to four-year terms and one non-voting student member appointed for a one-year term by the Hawai‘i State Student Council. While ten of the elected members are from the City and County of Honolulu, and one each is from the counties of Hawai‘i, Maui, and Kaua‘i, each board member has statewide responsibility.

Impetus for Senate Concurrent Resolution No. 83, Senate Draft 1

After hearing complaints from teachers and interested stakeholders about the Hawai‘i Teacher Standards Board’s handling of teacher licensing, the 2008 Legislature believed the complaints might have merit. Recognizing that the Department of Commerce and Consumer Affairs serves as a model to ensure accountability, efficiency, and effectiveness of boards and commissions administratively attached to an agency, the Legislature asked us to examine issues of accountability and oversight.

Previous Reports

This is the first audit of the Hawai‘i Teacher Standards Board. In 1990, we issued a sunrise analysis of a proposed teacher standards board under the Hawai‘i Regulatory Licensing Reform Act.

Objectives of the Study

1. Determine whether the board achieves its mission and objectives with sufficient accountability.
2. Determine whether the licensing model and administrative placement optimizes the board’s mission.
3. Make recommendations as appropriate.

Scope and Methodology

The focus of the study was to determine whether the board has delivered an effective licensing and re-licensing program—its core function. We examined performance measures, benchmarks, and best practices to determine whether the board’s activities were accountable and measurable. We evaluated the program’s controls to gauge whether operations were effective, efficient, and in compliance with the law. We evaluated the duties and responsibilities of all personnel components of the board, including the executive director and staff, to determine how the board operated to achieve its objectives. The study included a review of the board’s finances and its budget to determine whether the resources expended by the board were appropriate and effective.

The Department of Commerce and Consumer Affairs was identified in Senate Concurrent Resolution No. 83, Senate Draft 1, as the model for boards and commissions administratively attached to an agency. So we compared that model with the Hawai‘i Teacher Standards Board. We also examined other states or jurisdictions for additional models and alternatives for licensing programs.

Audit procedures included interviews with members of the Hawai‘i Teacher Standards Board, the executive director, and staff; an examination of program operating plans, policies, and procedures, reports, and other relevant documents and records; and a review of management controls governing financial transactions and personnel management. We also conducted interviews with individuals from, and examined relevant documents at, the Board of Education, the Department of Education, the Department of Commerce and Consumer Affairs, national educational groups, and other pertinent agencies.

The study focused on the period of FY2002 through the present. This study was conducted according to the Office of the Auditor’s *Manual of Guides* and generally accepted government auditing standards. Those standards require that we plan and perform the study to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our study objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our study objectives.

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Chapter 2

The Hawai‘i Teacher Standards Board Serves Neither Student Nor Teacher Interests

Introduction

The 1995 Legislature created the Hawai‘i Teacher Standards Board to provide more public accountability by setting standards for teacher applicants “to ensure a higher level of professionalism and excellence.” Six years later, the federal No Child Left Behind Act of 2001 placed added importance on teacher licensure through a requirement for a highly qualified teacher designation. In 2001, the Legislature transferred responsibility over a licensure program for public school teachers from the Department of Education (DOE) to the Hawai‘i Teacher Standards Board, which operates as an agency within, and independent of, the department.

In our review, we found that the Hawai‘i Teacher Standards Board is in a state of confusion, unable to develop, administer, and deliver an effective teacher licensing program. The board’s failure to develop a professional teacher licensure program—its core function as a licensing agency—jeopardizes federal funding for the DOE, which is struggling to meet the requirements of the No Child Left Behind Act. We found little evidence that licensing by the board ensures quality teaching and sufficiently serves the interests of students and teachers to warrant its continuation.

For example, the board has not applied the standards to teachers seeking an initial license, as intended by the 1995 Legislature. In addition, the board exceeded its statutory authority and extended licenses rather than issue renewal licenses that expired at the beginning of July 2004. As a result, the standards board has not issued any renewal licenses to teachers in the public school system since assuming the licensure function, nor is it prepared to do so in 2009. Moreover, a lack of oversight and poor management of the contracts to develop an online application system have resulted in a waste of teacher licensing fees totaling more than \$1 million.

The Hawai‘i Teacher Standards Board was created to “ensure a higher level of professionalism and excellence.” Not only has the board failed in this mission, its inability to carry out its fundamental duties and functions threaten to tarnish the reputation of the teaching profession in Hawai‘i.

Summary of Findings

1. The board has failed to develop a professional teacher licensure program.
2. The lack of oversight and mismanagement of operations have resulted in government waste.
3. Placement of the board in another agency is contrary to regulatory policies.

The Board Has Failed To Develop a Professional Teacher Licensure Program

The 2001 Legislature transferred licensing duties from the DOE to an “independent” teacher standards board because of a perceived conflict of interest in the department’s dual role as employer and licensing agent. This transfer was initiated by the recommendations of the Hawai’i Policy Group of the National Commission on Teaching and America’s Future and followed educational trends, which placed greater emphasis on teacher quality. The No Child Left Behind Act of 2001 (NCLB) further stressed teacher quality by mandating that all teachers of core subject areas, such as English, math, science, and history, be “highly qualified” by the end of 2006 to achieve an overall goal of having all children score proficient or advanced on tests in reading and math by 2014. Under NCLB requirements, only teachers with a bachelor’s degree, who demonstrate knowledge of the subject area taught, and have state certification or licensure, can be designated as highly qualified.

Our study found that the Hawai’i Teacher Standards Board has failed to achieve its core function of licensing new and continuing teachers in the public school system. Since assuming control over the licensure function, the board has failed to develop, administer, and deliver an effective licensing program. The board’s inability to adapt its rules to the federal requirements has allowed teachers to add additional fields to their licenses that do not meet the federal designation of highly qualified. Teachers serving in the public school system have never been evaluated based on the standards developed. Moreover, the board failed to approve initial licenses processed since 2002 and has not issued any license renewals to teachers whose licenses were scheduled to expire beginning in July 2004.

The board was initially created to enhance the teaching profession by enacting standards agreed upon by educational stakeholders, an effort comparable to those in medicine and law. It was implied that teacher licensure would ensure that only qualified teachers would be employed to educate Hawai’i’s public school children. The passing of NCLB and the highly qualified component placed renewed importance on

teacher licensure and teacher quality in the public school system. For the DOE, meeting NCLB requirements took precedence over any state-based requirements in determining teacher quality since not doing so could have resulted in the loss of federal funding and corrective action, including school restructuring.

According to *Governing Boards*, a publication of the National Center for Nonprofit Boards by Cyril O'Houle, the central functions of a board should be to keep the overall mission of the program in focus and ensure that the objectives of the organization are in harmony with its mission. The mission of a board is its ultimate reason for existence. The inability of the teacher standards board to implement a viable Hawai'i teacher licensure program has resulted in a complete failure of the board to promote professionalism and teaching excellence, build public confidence in the teaching profession, and provide more accountability to the public. In addition, the board has failed to provide every child with a qualified teacher as required by federal law. Moreover, the board's failure to deliver an effective licensing program jeopardizes the Department of Education's receipt of federal education funds and could lead to sanctions.

The lack of a viable licensure program poses problems for the Department of Education

Teacher licensure is linked to the No Child Left Behind Act of 2001, which requires teachers of core subject areas to be designated as highly qualified. Thus, an effective licensure program is vital to the public school system's ability to satisfy NCLB's requirements. Although the standards board was intended to be independent of the DOE, the department is dependent upon the board to deliver an effective licensing program that meets federal requirements.

The term "highly qualified" is defined in NCLB, a federal law that redefined the federal government's role in K-12 education and sought to close the achievement gap between disadvantaged and minority students and their peers. Under NCLB, schools are required to:

- Help students meet challenging academic standards in reading, math, science, and conduct tests of students in these areas;
- Make adequate yearly progress by annually demonstrating that all students meet state goals for reading and math;
- Collect and report student achievement data; and
- Ensure that all teachers are highly qualified.

The federal government mandated that all teachers of the core academic subjects, such as English, math, science, and history, be highly qualified by the end of the 2006 school year. Since no state met that deadline, schools with teachers not meeting the highly qualified designation were directed to prepare individual professional development plans to describe how those teachers would meet NCLB requirements. If the number and percentage of teachers who achieve the highly qualified designation do not substantially increase each year, the states and schools face varying levels of sanctions including the loss of federal education funds and “corrective action” of underperforming schools. Corrective action would involve one or more of the following: implementing a new curriculum, replacing school staff, appointing an outside expert as advisor, extending the school day or year, or restructuring the school. The DOE received federal funding in the amounts of \$361 million in 2005, \$343 million in 2006, and \$349 million in 2007. In 2008, 162 schools or 57 percent of the Hawai‘i public school system were not in good standing with NCLB requirements and thus subject to sanctions.

In April 2007, the DOE developed a Highly Qualified Teacher State Plan, in accordance with its 2005-2008 Strategic Plan. Aligned with NCLB requirements, the purpose of the state plan was to ensure that all core academic classes in the Hawai‘i public school system are taught by highly qualified teachers. We interviewed the chair of the standards board, who perceives the highly qualified component to be an employment issue that has no bearing on the qualifications needed for teacher licensure. He believes the department makes the determination on which teachers can be considered highly qualified.

However, the federal NCLB guidelines, not the DOE, define whether a teacher can be designated as highly qualified. To earn the highly qualified designation, Hawai‘i public school teachers must have:

- A bachelor’s degree or higher; and
- State licensure; and
- Demonstrate subject matter competency, through a major in the subject area or 30 semester hours of college credits in the subject area; or
- Pass the PRAXIS II exam in each of the core academic subjects taught; or
- Provide an alternative demonstration, for teachers with two or more years of teaching experience, known as the High, Objective, Uniform, State Standard of Evaluation (HOUSSE) which may include a combination of teaching experience, professional development, and knowledge of the subject matter.

While licensure does allow a teacher to be hired in the Hawai'i public school system, licensed teachers are not automatically considered highly qualified. The standards board's rules allow teachers to add-a-field to an existing license. The board's website promotes this function as a means for teachers to qualify to vie for vacant positions or as an alternative to meeting the NCLB highly qualified requirement. We found that the board's rules for adding a field do not meet federal requirements. The board allows teachers with 18 semester hours of coursework in the new field to add this field to their existing license. Federal guidelines regarding the highly qualified designation require 30 semester hours. In this situation, teachers licensed by the board are not considered highly qualified and do not help the DOE in meeting NCLB requirements. The board approved draft amendments to its rules to change the number of credits from 18 to 30 in March 2008 and is pending a rules review by the Department of the Attorney General.

According to the DOE, although 87.5 percent of the teachers employed are licensed, 30 percent of the classes in the public school system are taught by teachers who do not meet NCLB requirements. Hawai'i currently ranks last among all states in the percentage of public school classes taught by a highly qualified teacher. With almost 60 percent of the public school system facing sanctions, an effective licensure program, aligned with federal requirements, is a necessity that is not currently available to the department.

Licensure does not address or alleviate employment issues

State law requires teachers to be licensed by the board as a prerequisite for employment by the DOE. This same law also allows the department to hire unlicensed individuals as "emergency hires" when no properly licensed teachers for that specific assignment are available. Emergency hires may be employed for a period not to exceed one year at a time, renewable up to a maximum of three years, provided that they:

- Have a baccalaureate degree from a regionally accredited institution;
- Submit an official transcript;
- Are actively pursuing appropriate licensing by enrollment in an appropriate course of study and/or takes the appropriate PRAXIS exams; and
- Clear the professional fitness check.

Employment for emergency hires may be renewed annually provided they actively pursue licensing and submit evidence of satisfactory progress towards meeting the licensing standards. Emergency hire

status may not be renewed beyond four years. Due to the federal NCLB guidelines that require licensure, emergency hires are not considered highly qualified. Exhibit 2.1 shows the number of licensed and unlicensed teachers employed by the department over the past five years.

Exhibit 2.1
Count of Licensed/Unlicensed Teachers by Island

Island	2004-2005		2005-2006		2006-2007		2007-2008		2008-2009	
	LICENSED	UNLICENSED	LICENSED	UNLICENSED	LICENSED	UNLICENSED	LICENSED	UNLICENSED	LICENSED	UNLICENSED
O'ahu	7037	1473	7191	1319	7356	1220	7531	1069	7793	875
Hawai'i	1501	343	1507	308	1586	254	1601	244	1648	203
Maui	1046	270	1095	237	1118	232	1122	214	1135	205
Kaua'i	577	135	584	116	574	117	576	110	588	92
Lana'i	40	13	39	14	44	9	47	7	48	4
Moloka'i	71	27	76	20	85	9	84	6	82	11
Ni'ihau	0	2	0	2	0	2	0	2	0	2
State	150	22	154	14	160	17	161	12	165	8
Total	10422	2285	10646	2030	10923	1860	11122	1664	11459	1400

Source: Department of Education

According to figures provided by the DOE, English, math, and science, which are core subjects, accounted for some of the largest subject areas in which emergency hires were employed. Exhibit 2.2 shows the totals of emergency hires by subject area as reported by the department for the 2006-2007 school year.

Exhibit 2.2
Emergency Hires By Subject Area, School Year 2006-2007

SUBJECT HIRED	APPOINTMENT CODE			GRAND TOTAL
	CODE W	CODE T	CODE 5	
AGRICULTURE	1		3	4
ART	4		4	8
BUSINESS EDUCATION	3		3	6
COMPUTER	3		11	14
COUNSELOR	42		9	51
DRAMA	1			1
ELEMENTARY	267	12	1	280
ENGLISH	75	7	29	111
FRENCH			1	1
GRAPHICS			1	1
GUIDANCE	4		5	9
HAWAIIAN	1		5	6
HAWAIIAN IMMERSION	1		10	11
HEALTH	5		1	6
HOME ECONOMICS	1		3	4
HEALTH/PHYSICAL EDUCATION	6		1	7
INDUSTRIAL ARTS	5		3	8
JAPANESE	4		1	5
LIBRARIAN	4		4	8
MATH	80	9	61	150
MEDIA	1		1	2
MIDDLE SCHOOL	2			2
MUSIC	5		1	6
PHYSICAL EDUCATION	7		3	10
READING	5		2	7
SCHOOL ACTIVITIES COUNSELOR	1		2	3
SCIENCE	51	7	42	100
SECONDARY EDUCATION			1	1
SPECIAL MOTIVATION PROGRAM			1	1
SPECIAL MOTIVATION PROGRAM	4		14	18
SOCIAL STUDIES	28	4	17	49
SPANISH	8	2	5	15
SPECIAL EDUCATION	345	10	216	571
STUDENT SERVICES COORDINATOR	5		3	8
TEACHER OF ENGLISH TO SPEAKERS OF OTHER LANGUAGES	9		6	15
VOCATIONAL TECHNICAL-AUTOMOTIVE			1	
TOTAL	978	51	471	1500

SOURCE: Department of Education

KEY:

- CODE W: Emergency hires who have completed a State-approved Teacher Education (SATE) program and are PRAXIS incomplete;
- CODE T: Emergency hires who are Teach for America candidates who are enrolled in a teacher education program; and
- Code 5: Emergency hires who have not completed a SATE program.

Another practice utilized by the DOE is to have licensed teachers teach outside their subject area. In the 2006-2007 school year, the department reported that 46 licensed teachers were teaching out of field. Though licensed, these teachers are not considered highly qualified unless they have met all federal requirements. The department requires teachers who are assigned to classes in which they are not highly qualified to complete a Professional Development Plan in collaboration with their principal, submit the plan to the department, and work toward highly qualified status.

Due to problems with recruitment and retention, the DOE utilizes these employment practices to alleviate teacher shortages. In its 2007 Annual Report, the board reported that Hawai'i does not face an across the board teacher shortage, but a shortage of teachers in specific fields and geographic areas. The fields with the largest number of unlicensed teachers employed as emergency hires are special education, elementary education, math, science, and English. These areas are considered core subject areas and are subject to the requirements of NCLB.

The board exceeded its statutory authority by extending licenses

The board has been granting license *extensions* rather than *renewing* licenses beyond the two year statutory timeframe set by the 2001 Legislature and codified in Section 302A-805, HRS. We found that the board has exceeded the scope of its statutory authority by amending its administrative rules to *extend* licenses scheduled to expire after June 2004. Administrative rules are defined in statute as agency statements of general or particular applicability that implement or interpret law or policy. While the board has the power to issue, renew, revoke, suspend, and reinstate licenses, the 2001 Legislature limited the timeframe for *extending* licenses to two years for “teachers whose licenses expire on June 30, 2002 or June 30, 2003.”

The 2001 Legislature authorized the board to grant two-year automatic *extensions* to allow the board time to develop and implement license *renewal* procedures, including making amendments to its administrative rules. The board's administrative rules, approved by the governor in August 2004, accurately reflect the Legislature's intent for the board to *extend* licenses expiring in 2002 or 2003, to require teachers whose licenses expired in 2004, and later to *renew* their licenses according to the renewal procedures developed and implemented by the board.

We found that the board's practice of extending licenses has led to a state of confusion regarding the licenses' expiration dates. According to the executive director, under the DOE licensure scheme, licenses were valid on July 1 and expired five years later on June 30. The board later changed license expiration dates to expire on the licensee's birthday in order to avoid a massive influx of licensees seeking renewal at one

time. Now licenses are valid on the date when all materials are received and expire on that date five years later. According to the Hawai'i State Teachers Association, as the rules were amended and licensing dates were extended, teachers lost track of when they were supposed to renew their licenses and had to contact the board for their expiration date. We relied upon information provided by the board's staff and by annual reports to compile the number of licenses expiring from June 2002 through 2007, but were unable to verify these numbers since we did not have access to the board's database and information systems. Exhibit 2.3 shows the number of licenses extended by the board and the dates that the licenses expired and were subsequently extended to.

Exhibit 2.3

License Extensions Performed by the Hawai'i Teacher Standards Board 2002-2007

License Expiration Dates	Number of Licenses Extended	Extended Expiration Date
Expiring on June 30, 2002	8,800 licenses	Expires in 2004
Expiring on June 30, 2003	1,130 licenses	Expires in 2005
Expiring in 2004	8,100 licenses	Expires in 2007
Expiring in 2005	1,200 licenses	Expires in 2008
Expiring in 2006	500 licenses	Expires in 2009
Expiring in 2007	5,200 licenses	Expires in 2010

Source: Hawai'i Teacher Standard Board Annual Reports 2002 - 2007

However, the board continued to extend licenses beyond its statutory authority because it failed to implement a license renewal process. The executive director explained that it was necessary for the board to extend licenses until its renewal procedures could be developed, approved, and tested. As a result, the board amended its administrative rules, approved by the governor in 2007, by granting three-year extensions to teachers with licenses expiring in 2005, 2006, and 2007. The executive director confirmed that these rule amendments were made without amending the laws that govern the board or without legislative approval. The rules were further amended to require teachers with licenses expiring on June 30, 2008 and later, to extend their licenses according to the extension procedures set by the board.

We found that the board exceeded its authority by extending licenses beyond the two-year time period the 2001 Legislature originally authorized under statute. According to Hawai'i case law, an administrative agency's rules may not enlarge, alter, or restrict the provisions of the statute being administered. Without the statutory basis to extend licenses for more than the two years, the administrative rules providing extensions for licenses expiring in 2005, 2006, and 2007 are

rendered invalid. We further found an omission in the board's rules regarding the handling of the licenses expiring in 2004. Under the amended administrative rules, licenses expiring in 2004 are not included and, thus, could not receive an extension. On this basis, the 2004 licenses have expired and are rendered invalid. We could not determine whether the board addressed this omission and its impact on the validity of these licenses.

The validity of these extended licenses poses serious problems for the DOE in meeting NCLB requirements that highly qualified teachers have state licensure. Due to state laws that require the teachers employed by the department to be licensed, any teachers holding invalid licenses would be considered emergency hires and not highly qualified according to NCLB requirements.

The board has abdicated its powers to the executive director

According to *Governing Boards* by Cyril O'Houle, the board has the ultimate responsibility for the organization, while the executive director, who serves at the pleasure of the board, has more immediate and limited responsibilities. We found that the executive director has assumed the board's authority to approve new or initial licenses, which clouds the validity of approximately 3,800 licenses issued since 2003.

Since the transfer of the licensure function from the department in 2002, the executive director and staff have processed and approved the applications of teacher applicants without board approval or action to delegate the authority. In 2008, the board was notified by a deputy attorney general that, according to statute, the authority to approve licenses rests solely with the board. Members were thus advised of two options: provide for a license procedure conducted by the standards board; or provide for a license approval procedure conducted by the executive director. The latter option would first require a statutory change.

During its January 2008 board meeting, the board approved new license approval procedures requiring the board to review and approve recommendations made by the executive director for issuing initial licenses, adding a field to a existing license, and reinstating licenses. Since February 2008, the board implemented its license approval procedures and exercised its authority to approve initial licenses, but questions remain regarding the validity of the initial licenses previously issued to teachers without board approval. During the board's six years as a licensing agency, approximately 3,800 teachers were issued licenses without board approval.

The deputy attorney general recommended the board ratify all licenses previously issued without board approval, but neither the deputy attorney general nor the executive director could recall if the board actually ratified these licenses. The board's minutes fail to document whether the board approved an action to ratify all previously issued licenses without board approval. As a result, the validity of licenses issued without board approval remains unresolved. As previously mentioned, invalid licenses pose serious problems for the DOE in meeting the highly qualified component of NCLB.

An appeals process is nonexistent

We found no evidence that the standards board has administrative rules and procedures in place for an effective appeals process. The board is required to adopt, amend, or repeal rules related to administrative procedures, which include the appeals process. In conjunction with its licensure function, the board was given the authority to serve as the final adjudicator for appeals over the issuance, non-issuance, suspension, nonrenewal, and revocation of licenses. To exercise this authority, the board was given the power to conduct hearings, administer oaths, and compel the attendance of witnesses and the production of evidence. Once the board has made its determination and either revokes, suspends, or does not issue a license, the only recourse available to teachers is to appeal the matter to circuit court.

Written procedures that document the appeals process ensure transparency and understanding for the benefit of both the board and the teachers that they serve. For example, the Department of Commerce and Consumer Affairs (DCCA), which oversees professional and occupational licensure in the state, has a separate division devoted to administrative hearings, including appeals. The Office of Administrative Hearings is responsible for conducting hearings and issuing recommended or final decisions for all divisions within the DCCA that are required to provide contested case hearings pursuant to administrative rules and procedures. The kinds of cases heard by the Office of Administrative Hearings include disciplinary proceedings against professional and vocational licensees and hearings to contest the denial of an application for licensure or renewal of license. In contrast to the DCCA's robust administrative hearings process, the standards board has only recently drafted rules related to appeals, which are under review in the Department of the Attorney General. The executive director attributed the delay to the board's need to focus on its licensing function.

The board has failed to apply the standards

We found that the board has failed to carry out the intent of the 1995 Legislature to apply the performance standards to teacher applicants. The board's initial licensing requirements for teacher applicants do not

have a direct connection to the performance standards. Instead, the board's initial licensing requirements parallel the teacher certification requirements originally issued by the DOE. While the board has incorporated the teacher performance standards into its renewal procedures, the standards have not been applied to teachers seeking initial licensure and the board has not renewed any licenses. We found the board is still not prepared to process licenses that expire in 2009. Furthermore, the board still does not have the promised online teacher application system.

Teachers are granted initial licenses based on similar requirements for DOE certification

We found that the requirements for a license issued by the board are nearly identical to the requirements for an initial license issued by the DOE since teacher applicants are still required to complete the same four basic requirements. A comparison of the basic requirements for teacher applicants is shown in Exhibit 2.4.

**Exhibit 2.4
Requirements for Initial Licensure**

Requirements for an initial teaching license issued by the department from 1997 to 2002	Requirements for an initial teaching license issued by the board after 2002
<ul style="list-style-type: none"> • Completion of a state approved teacher education program or possession of a valid teaching license or certificate from another state plus three years of successful teaching experience within the last seven years; • Submittal of passing scores on the Praxis tests; • Obtain suitability clearance that the applicant possesses necessary competencies and does not pose a risk to the health, safety, and well-being of the student; and • Payment of licensing fee collected through mandatory payroll deduction. 	<ul style="list-style-type: none"> • Successful completion of a state approved teacher education program or an alternative licensing route, including National Board Certification and a license issued by another state; • Met minimum passing scores on the Praxis tests (applicants who are National Board Certified Teachers are exempt from submitting Praxis scores); • Obtain professional fitness clearance; and • Payment of licensing fee.

Source: Office of the Auditor

Prior to 1997, the DOE issued to teachers basic and professional teaching certificates that did not have an expiration date or any fee requirements. At the beginning of the 1997-98 school year, the department ceased issuing certificates and began issuing licenses. Public school teachers,

already certified, were automatically licensed in order to meet the prerequisite for employment with the department as enacted under Act 240, Session Laws of Hawai'i (SLH) 2001.

In creating the board, the 1995 Legislature intended that the highest possible standards be applied to the training and screening of teacher applicants. However, we found that the board has not applied the standards for teacher applicants seeking an initial license. Instead, the board uses the standards as an expectation for teacher performance and as a basis for teacher professionalism when initial licenses come up for renewal. The board's adoption of the DOE's initial licensing requirements has resulted in no differences between the licenses issued by the board and certificates and licenses issued by the department. The board has merely substituted itself for the employer by adopting the department's licensure requirements rather than applying its performance standards to teacher applicants.

Renewals were the intended mechanism to apply the standards

We found that the board intended the renewal licenses to be the mechanism for applying the performance standards. According to the board's chairperson, the renewal process requires teachers to meet two performance standards set by the board, one of which must be Teacher Performance Standard V: Demonstrates Knowledge of Content, with the other standard to be determined by the teacher.

We found that the board has failed to issue renewal licenses since the 2001 Legislature authorized the board to act as a licensing agency. Instead, the board has automatically granted license extensions to teachers with expiring licenses who provide the board with their current contact information and pay the licensing fees. The license extension process does not apply the standards and has become merely a way for the board to communicate with and keep track of licensed teachers, update its database, and collect fees.

The 2001 Legislature allowed for extensions in lieu of renewals for teachers employed in the department with licenses set to expire in 2002 and 2003. In its 2002 Annual Report, the board attributed delays in starting its renewal process to the Department of the Attorney General, because it took three years to complete a review of the board's proposed administrative rules. However, the board continued to extend licenses after the administrative rules for license renewals were approved by the governor in August 2004 because the board lacked an operable online teacher licensing system. The renewal process was envisioned to be integrated into the online licensing system by 2006. The executive director maintains that the board could not implement its renewal

procedures because part of the procedure relied on the operation of the online system to enable teachers to submit their renewal documents electronically.

Delays in the launch of the online system directly resulted in delays in the start of the renewal process. Teachers with licenses expiring in 2005, 2006, and 2007 were granted automatic extensions under the board's administrative rules, not law, to allow their continued employment in the public school system. However, in amending only its administrative rules to grant license extensions beyond the 2002 and 2003 license expiration dates, the board exceeded the scope of its statutory authority previously granted by the 2001 Legislature, thus invalidating these administrative rule amendments.

As a consequence of this practice, we found that 11,459 licensed teachers employed by the DOE, as shown in Exhibit 2.1, have not been issued renewal licenses based on the performance standards. The failure to renew licenses shows that the board has been unable to perform its licensure responsibilities effectively and efficiently as the Legislature intended. The board has failed to ensure that DOE teachers are qualified to practice the teaching profession in our public schools.

We found that until an appropriate and practical alternative is found to implement the license renewal program, the board will continue to extend licenses. In May 2008, the board launched a pilot license renewal program to test the renewal forms and procedures before officially applying the process to all teachers with licenses set to expire. Despite this effort to get the renewal process started, the board anticipates officially implementing its renewal procedures only for teachers whose licenses expire in June 2009 and later, because additional time is needed to review the pilot program results, seek participant feedback, and improve or address any problematic areas. Furthermore, despite any successful pilot program results, the board is not equipped to handle license renewals without the necessary staff to assist in the renewal process. The amount of work will increase once the board begins to renew licenses, and the board will not be able to efficiently perform its renewal duties without employing a renewal specialist (a vacant position, the duties for which currently are being performed by the executive director), sufficiently trained staff, and, most importantly, successfully installing and maintaining an online licensing system.

The board's inability to effectively administer its core function of teacher licensure has resulted in the board's failure to fulfill its mission of providing every public school student with a qualified teacher and to establish public confidence in the teaching profession.

The Lack of Oversight and Mismanagement of Operations Have Resulted in Government Waste

We found a significant weakness in the board's rules, which govern the administration of its finances. The board believes that these rules provide some measure of accountability. The DOE believes that its responsibilities are administrative and is reluctant to provide any oversight on the board's activities.

Since assuming the licensing function, the Hawai'i Teacher Standards Board's primary objective has been the development and implementation of an online licensing system. We found that inadequate oversight of the project and a lack of technical expertise caused the board to waste more than \$1 million on an online system that has yet to be delivered despite numerous promises. We also found that the absence of an online licensing system severely limited the board's ability to implement an effective licensing renewal program. The board's executive director, despite her lack of expertise or training related to information technology, was placed in control of the project and contributed to the project's inefficiency and waste.

The board lacks fiscal accountability

The concept of accountability for use of public resources and government authority, as described in the federal Government Accountability Office's *Government Auditing Standards*, is key to our governing processes:

Government officials entrusted with public resources are responsible for carrying out public functions legally, effectively, efficiently, economically, ethically, and equitably. Government managers are responsible for providing reliable, useful, and timely information for accountability of government programs and their operations. Legislators, government officials, and the public need to know whether (1) government manages public resources and uses its authority properly and in compliance with laws and regulations; (2) government programs are achieving their objectives and desired outcomes; (3) government services are provided effectively, economically, ethically, and equitably; and (4) government managers are held accountable for their use of public resources.

The board has chosen to fully entrust the executive director with all fiscal authority, depending on her to effectively manage the board's finances. Despite the confidence of the board, the executive director has not served as a capable fiscal steward. The executive director, who manages the board's operations, is dependent upon the DOE to handle the board's accounting of its finances and believes that the department provides a measure of accountability. The department, in turn, believes that it is solely responsible for administrative functions, such as accounting

and disbursement. Oversight of the executive director and the board's finances should be conducted by the board itself, according to the department. Without a clear delineation of authority, we found that the board has operated as an autonomous entity, void of any oversight by either the Board of Education or the DOE.

Accounting is handled by the Department of Education

We found that the chief financial officer for the board, the executive director, depends upon the DOE for the board's accounting. The DOE is required to administer the board's special fund, allocate appropriations made to the board, and provide support and assistance with personnel matters, payroll, budget, and payments. The executive director emphasized that the board has no access to any of its funds without going through the department which "cuts every check" for the board's operations and expenses. When asked whether she knew the balance of the board's special fund, the executive director responded that she did not and would need to ask the department for that information.

We requested general financial information on the board's special fund from the executive director as a part of our initial research. The information is provided in Exhibit 2.5 and has been reproduced as received.

**Exhibit 2.5
Special Fund Financial Information Provided by the Hawai'i Teacher Standards Board for FY2002-FY2007**

	FY2002	FY2003	FY2004	FY2005	FY2006	FY2007
Beginning Fund Balance	\$750,000	\$750,000	\$1,600,000	\$1,600,000	\$1,600,000	\$1,600,000
Revenues	693,336	(179,174)	1,242,122	831,348	800,617	813,704
Expenditures	525,818	511,977	753,531	898,848	638,627	604,774
Ending Fund Balance	\$140,218	\$188,276	\$ 734,643	\$ 493,497	\$ 775,006	\$ 915,310

Source: Hawai'i Teacher Standards Board

Numerous inconsistencies in the information we were provided demonstrate that the executive director does not have an adequate understanding of the board's finances. For example, the beginning fund balances listed do not reflect the balance of the special fund, but instead reflect the amount of money that the board is authorized to spend.

We then requested the same information from the DOE regarding the board's special fund and financial information. Exhibit 2.6 shows the financial information of the standards board from FY2002-08 as provided by the department, which we note includes a listing of negative revenue that does not adhere to basic accounting principles.

**Exhibit 2.6
Financial Information Regarding the Hawai'i Teacher Standards Board Provided by the Department of Education for FY2002-FY2008**

	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Beginning Fund Balance	1,445,547	1,528,875	801,878	1,238,094	1,206,209	1,341,062	1,639,013
Revenue	\$693,336	-\$179,174	\$1,242,122	\$831,348	\$800,617	\$813,705	\$863,847
Total Funds Available	\$2,138,883	\$1,363,602	\$2,062,523	\$2,093,365	\$2,034,097	\$2,190,302	\$2,553,459
Expenditures	\$610,008	\$561,724	\$824,429	\$887,156	\$693,035	\$551,289	\$840,128
Ending Funds Available Balance	\$1,528,875	\$801,878	\$1,238,094	\$1,206,209	\$1,341,062	\$1,639,013	\$1,713,331

Source: Department of Education

Note: In the 2007 Annual Report, the "Total Funds Available" in the SPECIAL FUND PROGRAMS, RECEIPTS AND EXPENDITURES exhibit was the lesser of the Allotment (\$1,600,000) or the Available Cash Balance as of June 2007. Therefore, the Ending Funds Available Balance for FY2007 was reported as \$1,048,711.

The disparity between the information provided by the executive director and the DOE highlights a lack of understanding of the board's financial operations. The executive director is responsible for the maintenance of a well-functioning organization, which includes maintaining sound fiscal operations and accounting. The executive director's failure to serve as a capable chief financial officer further erodes the board's efficiency and effectiveness.

Uncertainty exists between the board and the department

We found that the board's designation as an attached agency has created confusion and has contributed to the lack of accountability and oversight. The board is designated as an administratively attached agency of the Department of Education. State procurement laws assign the authority and power to procure goods and services to a chief procurement officer. The superintendent is identified as the DOE's chief procurement officer. Procurement laws also allow the chief procurement officer to delegate procurement authority to other officials. We asked the department whether procurement authority had been delegated to the board or executive director and learned that there has been no delegation of authority to the board or the executive director by the superintendent.

The duties of a chief procurement officer require the supervision of the procurement of goods and services and the establishment of programs

for the inspection, testing, and acceptance of goods and services. The purpose of the rules governing state procurement is to promote efficiency and effectiveness by providing safeguards that ensure the quality and integrity of the procurement system. State procurement laws establish a measure of accountability by determining who has the authority and responsibility regarding the use of public resources.

Despite these pronounced policies and procedures, the relationship between the board and the DOE is muddled. State law dictates that the head of the department, in this case, the superintendent, does not have the power to supervise or control an administratively attached board's functions, duties, or powers. The superintendent recalled that the board was given the licensure function as there was a perception that the department had a conflict of interest in its capacity as employer and licensing authority. The purpose of Act 312, SLH 2001, was to strengthen the teaching profession by making it self-governing and accountable for who becomes and remains licensed to teach. The superintendent contends that this created a perception that it was intended for the board to have some degree of independence and separation from the department. She remarked that should the department scrutinize the board's operations and deny payments for the activities approved by the board, the department could be accused of interfering in the board's operations. The superintendent's position is supported by Section 26-35, HRS, which prohibits the head of a department from supervising or controlling an administratively attached board in the exercise of its functions, duties, and powers. The superintendent believes that the responsibility for the oversight of the board and the executive director should rest with the board itself. She added that accountability for outcomes and oversight also rests with the board.

The board has wasted more than a million dollars

The federal Government Accountability Office states that:

Waste involves the taxpayers as a whole not receiving reasonable value for money in connection with any government funded activities due to an inappropriate act or omission by players with control or access to government resources.... Waste relates primarily to mismanagement, inappropriate actions, or inadequate oversight.

Our review of the board's contracts and financial documents shows more than \$1 million has been spent on the online licensing system project.

Without accountability to or guidance from any other state agencies, the board approved the project and allowed the executive director to assume the role of project manager. The National State Auditors Association (NSAA) states that best practices regarding contracts for services require

monitoring by the contracting agency to assure adequately that what is contracted for is received. We found that the board neglected to provide any oversight for the two sole-source contracts awarded to Teacher Records, Inc. and Open Frameworks Corporation to develop an online licensing system. Instead, the board relied solely upon the executive director to manage the contract, act as a liaison between the contractor and the board, and approve and make payments. In its 2002 Annual Report, the board stated that it was prepared to launch its online system in January 2003. Six years and more than \$1 million later, the board has nothing to show for its efforts and investment.

The development of an online licensing system has been a six-year nightmare

Since 2002, the board has designated the development and implementation of an online licensing system as one of its top priorities. An online system would enable teachers to complete and submit license applications and license renewal documents, monitor and update license data, and facilitate the processing of applications to receive documents electronically. The inability to deliver this online licensing system severely impeded the board's ability to fulfill its mission and affected its operations.

Planning for the online licensing system was begun by the board in 2001 with the approval to hire a database administrator/data analyst to provide leadership in the development of the online licensing system. This position was later re-titled data processing systems analyst (DPSA). The board has never filled the DPSA position and moved forward on the project despite lacking the internal technical expertise to oversee this major endeavor. Instead, the executive director assumed control of the project and performed the duties of the DSPA position even though she lacked training in information technology. We found the inability to hire an internal DPSA was detrimental to the project. This position would have provided the technical expertise to monitor the work specified in the contract and facilitate the completion of the online licensing system. Without this expertise, the executive director and the board were at a significant disadvantage in any discussions with the contractor pertaining to the technical aspects of the project.

In early 2004, the project encountered a major setback when the board switched contractors. In April 2002, the board had approved a contract with Teacher Records, Inc., in the amount of \$760,000, to provide the software, maintenance, and professional services to implement the online licensing system. The contract included clear deliverables to be completed according to a specific timeline and forecasted the completion of the project over a three-year period. Project status reports to the board from 2002 and 2003 show that progress was being made. According

to the executive director, near the end of 2003, Teacher Records, Inc., informed her that it had underestimated the scope of the project and needed additional resources to complete it. The executive director said that this caught the board by surprise and made board members wary of further engagements with Teacher Records, Inc.

In January 2004, meeting minutes indicate that the board was considering assigning the contract to another party. We were informed by the executive director that an employee of Teacher Records, Inc., intended to create his own company in order to take over and finish the project. By March 2004, the contract for the online licensing system was formally assigned to Open Frameworks Corporation, a new company incorporated in Florida and managed by the former Teacher Records, Inc. employee. This assignment would hold Open Frameworks Corporation to the same contract provisions that Teacher Records, Inc. was held to, such as the project timeline and issuance of deliverables.

After Open Frameworks Corporation assumed control of the project, we found the board's monitoring of the project to be inadequate. Our review of board minutes reveals that the executive director and the contractor repeatedly gave the board inconsistent progress reports and overly optimistic delivery dates. For example, according to a board member, the executive director's report to the board from January 5, 2005, states that:

Our contract with Open Frameworks Corporation has been finalized and we are back on track as far as support is concerned as of January 5 when the first payment on the contract was made....The next deliverable will be online application and automated processing. By July 1 we hope to have license renewal online so that the pilot project can commence. Are you regaining your optimism yet?

The August 2005 board minutes reveal that the license renewal system did not go online in July and do not record any board questions or discussion of the missed deadline.

Board minutes from November 2005 show that the chair of the board questioned the contractor on the status of the project. The contractor assured the board that the project was on track and "we will go live on January 1st." In her December 2005 report to the board, the executive director re-confirmed a January 1, 2006 completion date for the implementation of the project. Though we requested the board minutes from January 2006 on two separate occasions, they were not provided. Minutes from the subsequent months do not provide any explanations or questions from the board regarding the failure to "go live" on January 1st as promised by the contractor and confirmed by the executive director.

Since August 2008, a conflict occurred between the board and Open Frameworks Corporation causing the contractor to shut down the board's computer system. The contractor disabled the board's website and email functions and blocked access to licensing applications utilized by the staff. As a result, we were unable to view any aspect of the online licensing system. The board needs a new contractor to complete the online system. When asked her perspective on the problems associated with the project, the executive director replied that the board had inadequate, unskilled staff, including herself, who lacked technical expertise. In spite of this, she added that she believed that "there was always a light at the end of the tunnel." We found that the board's failure to question missed deadlines and the lack of deliverables contributed to the project's complete breakdown, resulting in a waste of time and resources.

The board failed to understand and fulfill its role on the project

We found that the board failed to follow basic guidelines and best practices regarding the oversight and monitoring of contracts. Contracts, according to the NSAA, should protect the interests of the agency, identify the responsibilities of involved parties, define what is to be delivered, and document the mutual agreement, the substance, and the parameters of what was agreed upon. Under NSAA guidelines, contract monitoring is an essential part of assuring efficiency and effectiveness in contracting for services. To properly monitor a contract or a service, an agency should:

- Assign a manager with the authority, resources, and time to monitor the project;
- Ensure that the manager possesses adequate skills and has the necessary training to properly manage the contract;
- Track budgets and compare invoices and charges to contract terms and conditions;
- Ensure that deliverables are received on time and document the acceptance or rejection of deliverables; and
- Withhold payments to contractors until deliverables are received.

We found deficiencies in the board's monitoring of contracts related to the online project were due to the executive director's lack of technical skills and the necessary training to properly manage the contract. When the board chair was asked why the original contract with a clear timeline of deliverables was not followed, he said that the contractor

offered many excuses and blamed the delays on the board's lack of a data analyst and the lack of an interface with the department. He replied that a timeline with "suggested dates" lacked "teeth" and was rather vague. The board chair stated that the executive director was responsible for the management of the project, and the board's role was to ask for updates to see how the project was progressing. Although the board meeting minutes reflect several instances when board members expressed general concern over the delay of the project, the minutes do not record any instances when the board took action on issues related to the online system project.

Furthermore, we found that the board did not approve payments related to the online licensing system. The board chair confirmed that the executive director approved and made payments to the vendor. When asked whether the board questioned the payments due to the lack of progress or deliverables, he said yes. Board members had raised questions about the payments but were told by the contractor and the executive director that Open Frameworks Corporation had been doing additional work, outside the contract, at no charge. Payment for work performed outside the scope of the contract disregards contracting best practices, which suggest that payment should not be made until deliverables, as dictated by the contract, are received.

We found that the board was unaware of the cost of the online project and did not review project contracts or materials. We questioned current and former board members and asked whether they had reviewed any contracts pertaining to the online system. Though they could recall that the executive director had sought the board's approval to initiate the contracts, none of the members could recall reviewing any contracts or project status reports, or seeing any project deliverables. When asked whether they were aware of the cost associated with the project, board members were unable to provide an accurate estimate. In response to our question, we received answers which included "around \$100,000," "more than \$500,000 but less than a million," and "a lot of money." We found those responses indicative of the board's lack of awareness and oversight of the project. Our review of the board's financial documents confirms that more than \$1 million has been spent. After reviewing the board's minutes, we have been unable to determine whether board members were ever informed of the cost of the project and whether they made the proper inquiries of the executive director to monitor expenditures during the project.

The lack of expertise needed to properly manage the project raises concerns

We found several issues regarding the scope of the project and the services provided by contractor. For example, seven months after

assigning the contract to Open Frameworks Corporation in November 2004, the board entered into a supplemental agreement to amend the scope of services, time of performance, and compensation and payment schedule to ensure that the online “licensing operations remain as secure and risk-free as possible.” The scope of services required Open Frameworks Corporation to provide:

- At least one support technician available 24 hours a day, seven days a week;
- Training and mentoring “any employee, worker, intern, or board member” in the operation of all hardware and software installed; and
- Ten hours a week for three years for website design, development, and maintenance.

We question the wisdom of the board’s decision to enter into a contract for support services for an online system that had yet to be developed.

We also found that a substantial “up-front” payment to the vendor conflicts with contracting best practices. These best practices, according to the National State Auditors Association, dictate that payment should be tied to the acceptance of deliverables or the final product. Under the Time of Performance provision in the supplemental agreement, the extended support services were contingent upon “approval by both parties and receipt of payment by the Contractor” in the amount of \$220,000. Our review of the supplemental contract could not account for the services or products received, which required an initial payment upfront with no deliverables in the amount of \$220,000.

We found that the primary reason for the supplemental contract was to allow the contractor to act as the board’s “IT person.” As mentioned earlier, the board has never filled the data processing systems analyst position. This position had originally been approved by the board to provide leadership in the development of the online licensing system but was later amended to also fill the board’s need for general IT support for the office. As the project progressed under Open Frameworks Corporation, the contractor assumed the responsibilities and duties that the board’s technical staff would have been tasked with, such as developing and maintaining the board’s website. The executive director verified that this was the primary reason for the supplemental contract. She added that once Open Frameworks Corporation began providing support services, she no longer actively tried to fill the IT position. In actuality, the supplemental contract allowed the board to become completely reliant on Open Frameworks Corporation for all technical aspects of the project as well as much of the organization’s general IT

support needs. These issues, coupled with the board's lack of monitoring of the project, allowed the delays to continue and enabled the contractor to miss the deadlines for key deliverables and avoid accountability.

The board has lost confidence in Open Framework Corporation's ability to complete the online licensing project. Board members that we contacted expressed their frustration and conveyed the board's intention to explore other options. A long-standing member of the board said, "We've spent the time and money, we just want it done. It's like a used-car salesman, who says he's selling you something good and it turns out to be a lemon." Based upon the absence of a functioning online licensing system, the passage of seven years, and the expenditure of more than \$1 million, we found that the project has been a waste of time and resources.

Placement of the Board in Another Agency Is Contrary to Regulatory Policies

Our study evaluated the effectiveness and efficiency of the teacher licensure program under established policies for occupational regulation in the Hawai'i Regulatory Licensing Reform Act, Chapter 26H, HRS. We applied the policies and principles of regulation in Hawai'i to determine whether the standards board should continue within the Department of Education or be placed within another state agency with similar licensing functions such as the DCCA. We found that placement of the standards board within the DCCA is contrary to regulatory policies set forth in Section 26H-2, HRS. The teacher licensure program administered by the Hawai'i Teacher Standards Board departs from state regulatory policies as the board was purposefully "designed to enhance the profession of teaching" and promote teacher quality rather than to protect the consumer from harm.

The Department of Commerce and Consumer Affairs is not a good fit

Applying the criteria in Section 26H-2, HRS, we found that licensure of public school teachers by the standards board is not reasonably necessary to protect the consumer. Unlike other regulatory programs administered by the Professional and Vocational Licensing Division within the DCCA, teacher licensure was intended to benefit the teaching profession, not the students and parents, who are the true consumers. Licensing designed to benefit the profession is contrary to the State's policies under the Hawai'i Regulatory Licensing Reform Act.

In *Occupational Licensing: A Public Perspective*, licensing is defined as:

the process by which an agency of government grants permission to an individual to engage in a given occupation upon finding that the applicant has attained a minimal degree of competency necessary to ensure that the public health, safety, and welfare will be reasonably well protected.

Licensing is recognized as the most restrictive form of occupational regulation as it prohibits people who do not have the permission or approval of a government agency from engaging in the specified activity. Penalties may be imposed on those who practice without a license. Licensing laws usually authorize a board that includes members of the profession to establish and implement rules and standards of practice.

The DCCA's Professional and Vocational Licensing Division is responsible for administering licensing regulations for 46 different professions and vocations. In response to our request for information and following our interview with the licensing administrator of the licensing division, the DCCA director wrote that placement of the standards board within DCCA would be:

[a] poor fit . . . particularly in light of what appear to be important differences in approach toward implementing licensing regulation . . . the potential for increased costs for which teachers would be responsible, and the department's lack of subject matter expertise.

The director pointed out that the teacher standards board operates within the policies set by the Board of Education and would continue to require coordination with the DOE. He stated that attaching a board to the DCCA that requires coordination and direction from a third department would be inconsistent with DCCA's regulatory structure and experience. The director's response is appended to this report in Appendix C.

Licensure is intended to protect the public, not raise quality levels

The purpose of regulation is not to advance the standing of a profession or to establish higher professional standards. Licensing is used to establish the minimum level of competency that is needed to protect the public from harm, and whose purpose is not to establish a higher level of quality in the services provided. These regulatory principles and policies as set forth in Section 26H-2, HRS, clearly articulate that the primary purpose of the vocational or professional regulation is to protect consumers:

- The State should regulate professions and vocations only where reasonably necessary to protect consumers;
- Regulation should protect the health, safety, and welfare of consumers and not the profession;
- Evidence of abuses by practitioners of the profession should be given great weight in determining whether a reasonable need for regulation exists;

- Regulation should be avoided if it artificially increases the costs of goods and services to consumers, unless the cost is exceeded by the potential danger to consumers;
- Regulation should be eliminated when it has no further benefit to consumers;
- Regulation should not unreasonably restrict qualified persons from entering the profession; and
- Aggregate fees for regulation and licensure must not be less than the full costs of administering the program.

In our *Sunrise Analysis of a Proposed Teacher Standards Board*, Report No. 90-5, issued in January 1990, we found that the purpose of the proposed teacher standards board was to “advance the teaching profession” and did not meet the criteria for occupational regulation. Our findings in Report No. 90-5 are applicable and relevant to this study of the Hawai'i Teacher Standards Board as the purpose, powers, and duties of the existing standards board are similar to the proposed board in our sunrise analysis.

The laws governing the Hawai'i Teacher Standards Board's licensing program restrict the employment of unlicensed teachers only in the public school system. Contrary to regulatory policies that apply to certain occupations, the standards board's licensure program applies to and penalizes the public employer, the Board of Education, for employees of the DOE. For example, under Section 302A-808, HRS, penalties apply to the employer, who knowingly hires a person without a license to teach in the DOE and to a teacher for working without a license in the DOE unless employed as an “emergency hire.” Unlike other professions required to obtain a license to practice their occupation from a licensing board such as medical doctors and lawyers, not all teachers in Hawai'i are required to obtain a license from the board to practice their occupation. For example, teachers working in Hawai'i private schools are not required to obtain a license as a precondition of employment.

Professional organizations seeking to elevate their profession are better served through professional certification programs. We found that programs such as National Board Certification are more appropriate to recognize and reward those teachers with training over and above the minimum level required for licensure. National board certification is an advanced teaching credential, established by the National Board for Professional Teaching Standards, which is intended to complement, not replace, a state's teacher license.

The 2001 Legislature authorized the standards board to administer the National Board Certification Support Program, as provided under Section 302A-702, HRS, to assist any public school teacher who becomes a candidate for national board certification, and to approve teacher preparation programs at local higher education institutions. The national board certification support program provides candidates with training sessions and materials, release days, payment of transportation expenses for Neighbor Island teachers to attend training sessions on O'ahu, and stipends for facilitators and trainers. The program has had success since there has been an increase in the number of national board certified teachers from two certified teachers in 1999 to 162 certified teachers in 2007.

Other states approach licensure differently

According to the U.S. Bureau of Labor Statistics, all 50 states require public school teachers to be licensed. Licensure is handled predominantly by state boards of education or a licensure advisory committee. While requirements for licensure vary by state, all states require general education teachers to have a bachelor's degree and to have completed a state-approved teacher training program. Almost all states require applicants to be tested for competency in basic skills, such as reading and writing, and to exhibit proficiency in their specialized subject. Hawai'i is unique in that it is the only state to have a single, statewide district which includes 285 schools on seven islands, with employment handled at the state level. Under the Hawai'i State Constitution, the Board of Education is accountable for the internal organization and management of the public school system throughout the state.

We studied the accountability structure for teacher licensure in the states of New Mexico and Nebraska. The New Mexico Public Education Department serves approximately 330,000 students who attend 817 schools in 89 districts throughout the state. The Public Education Department is headed by a secretary of education, a cabinet-level position in the executive branch. The department is divided into two branches: Finance and Operations, and Learning and Accountability. Teachers in New Mexico are not employed by the Public Education Department but are employees of the school district or charter school they work in. The oversight of teacher licensure in New Mexico is provided by the Educator Quality Division in the Learning and Accountability branch. This branch is made up of separate bureaus of educator ethics, professional development, and professional licensure.

New Mexico utilizes a three-tiered system, which is similar to the current licensing system revised by the Hawai'i Teacher Standards Board. The New Mexico three-tiered licensure system is exceptional due to its clear and distinct performance measurements which have established

a progressive career ladder system that links teacher license status and salary. Not only are teachers' salaries tied to their respective levels, but teachers who do not progress from level one, the provisional level, to level two, the professional level, within five years must wait a full three years before they can reapply for a provisional license. During the three years, they can apply for a substitute or an education assistant license, but are not eligible for any type of emergency, provisional, or temporary teaching license. This hard-line stance ensures that teachers are held accountable and are full partners in the education system's fundamental goal of achieving student success. Exhibit 2.7 provides an overview of New Mexico's three-tiered licensure system.

Exhibit 2.7
An Overview of New Mexico's Three-Tiered Teacher Licensure System

Level 1 Provisional Teacher \$30,000 Minimum Salary	Level 2 Professional Teacher \$40,000 Minimum Salary	Level 3 Master Teacher \$50,000 Minimum Salary
Must Participate in a Beginning Mentoring Program		
Must Have Annual Evaluations	Must Have Annual Evaluations	Must Have Annual Evaluations
Must Advance to Level 2 by Submitting a Professional Development Dossier (PDD)	May Advance to Level 3 by Submitting a Professional Development Dossier (PDD)	
Must Have 3 to 5 Years of Successful Teaching Experience at Level 1 before Advancing to Level 2	Must have 3 Years of Successful Teaching Experience at Level 2 before Advancing to Level 3	
	Must Have a Master's Degree or NBPTS Certification before Advancing to Level 3	

Source: New Mexico Office of Education Accountability

We also looked at the licensure function and accountability structure in Nebraska. The State Board of Education in Nebraska is an elected, constitutional body that sets policy and ensures that the State Department of Education, acting under the authority of the board, functions effectively within the framework developed by the state legislature and the board. The commissioner of education serves as the executive director of the Nebraska Board of Education and the administrative head of the State Department of Education. The board and the department have broad leadership functions to carry out certain regulatory and service activities.

The Nebraska Board of Education is authorized to approve teacher education programs, and establish and adopt appropriate rules, requirements, and procedures governing administrator and teacher certification, including the issuance, renewal, suspension, and revocation of certificates. The commissioner of education is authorized to issue teaching certificates to individuals who meet the qualifications to engage in teaching, school administration, or providing of special services in the state. Certificates are valid for five years, and a holder may renew a certificate or seek to advance to a higher certification level by meeting applicable requirements for the type of certificate desired. Certification is handled by the department's Teacher Certification Office, which implements and maintains an on-line teacher certification system. The board also serves as the final adjudicator for appeals relating to certification decisions made by the commissioner of education and will conduct hearings to consider recommendations made by the Professional Practices Commission in cases of unprofessional or unethical conduct of certificate holders.

Conclusion

We conclude that the laws transferring responsibility to the Hawai'i Teacher Standards Board for administering a teacher licensure program are not in the public interest. Nor has the standards board sufficiently served the interests of teachers and students to warrant its continuation. Creating an independent body composed of teachers employed by the Department of Education with a mission to provide qualified teachers, promote professionalism and teaching excellence, build public confidence in teaching and provide more accountability to the public, has yielded no benefits for the teaching profession and students it was meant to serve. The teacher performance standards have not been applied effectively and efficiently to provide every public school student with a qualified teacher and raise public confidence in the teaching profession.

The federal No Child Left Behind Act of 2001 emphasized that teacher quality is essential for student achievement. The board's poor performance and failures raise questions regarding whether it is essential to teachers and the Hawai'i public school system. Under the State Constitution, the BOE is mandated to "formulate policy and to exercise control over the public school system" through its appointed chief executive officer, who is the superintendent of education. The administration of a teacher licensure program to apply performance standards is inherently an employer function that should rest with the Board of Education, consistent with its constitutional mandate and responsibility over the organization and management of the public school system. Therefore, the laws governing the standards board should be repealed, in part, and modified, in part, by transferring responsibility for a teacher licensure program to the Board of Education.

Recommendations

We recommend that the Legislature amend the laws relating to the Hawai'i Teacher Standards Board, as set forth in draft language provided in Appendix D and proposed in Senate Bill No. 1308 and House Bill No. 1613 of the 2009 legislative session, to include:

- Transferring to the Board of Education the powers, duties, and responsibilities for administering the teacher licensing process, and serving as the final adjudicator of appeals;
- Repealing the establishment of Hawai'i Teachers Standards Board and the setting of licensing standards, efforts relating to teacher quality, and penalties;
- Assigning to the Board of Education the adoption of policies for licensure requirements, and the approval of teacher education programs for professional development;
- Authorizing the Board of Education or its superintendent of education to be the "designated State Official" for Hawai'i to negotiate and enter into contracts under the Interstate Agreement on Qualifications of Educational Personnel;
- Transferring to the Board of Education the powers, duties and responsibilities for developing, implementing, and administering the national board candidate certification support program and state approval of teacher education programs; and
- Allowing for a one year automatic extension of licenses set to expire between January 1, 2009 and June 30, 2010 and providing the Board of Education the discretion to grant an additional one year extension.

We also recommend the Legislature consider authorizing retroactively the extension of licenses by the Hawai'i Teacher Standards Board. Language to this effect is included in the draft bill.

TEACHER PERFORMANCE STANDARDS

INTRODUCTION

The effective teacher focuses on students' long-term development into responsible and independent learners. Effective students acquire the basic skills and dispositions necessary to achieve autonomy, literacy, responsibility to self and others, and lifelong learning. The ultimate goal is for students to become positive, confident, competent, caring learners who demonstrate initiative, solve problems, set goals, and make decisions that help them to function successfully in a rapidly changing technological society. The educational system must develop citizens who can govern themselves and have a global perspective. The citizens must be flexible, resourceful and able to deal with open-endedness, complexity, information explosion and accelerated growth in technologies, while maintaining a set of values, individual stability and integrity.

The general outcomes of public education in Hawaii sought for all learners include the following general skills and dispositions:

- Being responsible for one's own learning
- Working with others
- Using complex thinking and problem-solving skills
- Recognizing and generating quality performance and quality products
- Communicating effectively
- Using technology effectively and ethically

STANDARD I. FOCUSES ON THE LEARNER

STANDARD STATEMENT I: The effective teacher consistently engages students in appropriate experiences that support their development as independent learners.

Performance Criteria for Standard I: The extent to which the teacher:

- (1) Provides opportunities for students to assume responsibility for their own learning, shaping tasks and pursuing their own goals and aspirations.
- (2) Nurtures students' desire to learn and achieve.
- (3) Demonstrates concern and interest by taking time to listen and respond to students.
- (4) Uses student experiences, interests and real-life situations in instruction. Uses developmentally appropriate activities to promote student success.
- (5) Makes instructional decisions which consider students' physical, social, emotional and cognitive development.

STANDARD II. CREATES AND MAINTAINS A SAFE AND POSITIVE
LEARNING ENVIRONMENT

STANDARD STATEMENT II: The effective teacher consistently creates a safe and positive learning environment that encourages social interaction, civic responsibility, active engagement in learning and self-motivation.

Performance Criteria for Standard II: The extent to which the teacher:

- Promotes empathy, compassion and mutual respect among students.
- Uses effective classroom management techniques that foster self-control, self-discipline and responsibility to others.
- Models a caring attitude and promotes positive interpersonal relationships.
- Promotes students' intrinsic motivation by providing meaningful and progressively challenging developmentally appropriate learning experiences that enable student success.

- Provides learning experiences which actively engage students as individuals and as members of collaborative groups.
- Manages a classroom where students are encouraged to reflect, express interests, make choices, set goals, plan and organize, self-evaluate and produce quality work.

STANDARD III. ADAPTS TO LEARNER DIVERSITY

STANDARD STATEMENT III: The effective teacher consistently provides opportunities that are inclusive and adapted to diverse learners.

Performance Criteria for Standard III: The extent to which the teacher:

- Develops rapport with all students.
- Fosters an appreciation of human and cultural differences.
- Helps every student achieve success.
- Adapts instruction to students' differences in development, learning styles, strengths and needs.
- Seeks additional resources to support student achievement.
- Fosters trust, respect and empathy among diverse learners.

STANDARD IV. FOSTERS EFFECTIVE COMMUNICATION IN THE LEARNING ENVIRONMENT

STANDARD STATEMENT IV: The effective teacher consistently enriches communication in the learning environment.

Performance Criteria for Standard IV: The extent to which the teacher:

- Communicates openly with all students and others working in the learning environment.
- Develops communication skills for active inquiry, collaboration and supportive interaction.
- Encourages self-expression, reflection and evaluation.
- Models and promotes clear and logical oral and written expression, using Standard English or a target language as appropriate.
- Applies principles of language acquisition and development to the teaching of communication skills.
- Fosters sensitivity to variations in meaning in verbal and non-verbal communication.
- Engages students in different modes of communication.
- Uses the school's current technologies to enrich student literacy.

STANDARD V. DEMONSTRATES KNOWLEDGE OF CONTENT

STANDARD STATEMENT V: The effective teacher consistently demonstrates competency in content area(s) to develop student knowledge and performance.

Performance Criteria for Standard V: The extent to which the teacher:

- Keeps abreast of current developments in content area(s).
- Teaches mastery of language, complex processes, concepts and principles unique to content area(s).
- Utilizes the school's current technologies to facilitate learning in the content area(s).
- Connects knowledge of content area(s) to students' prior experiences, personal interests and real-life situations.

- Possesses an understanding of technology appropriate to the content area e.g. computer-assisted instruction.

STANDARD VI. DESIGNS AND PROVIDES MEANINGFUL LEARNING EXPERIENCES

STANDARD STATEMENT VI: The effective teacher consistently plans and implements meaningful learning experiences for students.

Performance Criteria for Standard VI: The extent to which the teacher:

- Plans and implements logical, sequenced instruction and continually adjust plans based on learner needs.
- Provides learning experiences and instructional materials that are developmentally appropriate and based on desired student outcomes, principles of effective instruction and curricular goals.
- Incorporates a variety of appropriate assessment strategies as an integral part of instructional planning.
- Links concepts and key ideas to students' prior experiences and understandings, using multiple representations, examples and explanations.
- Applies concepts that help students relate learning to everyday life.
- Provides integrated or interdisciplinary learning experiences that engage students in generating knowledge, using varied methods of inquiry, discussing diverse issues, dealing with ambiguity and incorporating differing viewpoints.
- Teaches for mastery of complex processes, concepts and principles contained in Hawaii's student content and performance standards.
- Provides knowledge and experiences that help students make life and career decisions.
- Organizes material and equipment to create a media-rich environment.

STANDARD VII. USES ACTIVE STUDENT LEARNING STRATEGIES

STANDARD STATEMENT VII: The effective teacher consistently uses a variety of active learning strategies to develop students' thinking, problem-solving and learning skills.

Performance Criteria for Standard VII: The extent to which the teacher:

- Involves students in setting goals and standards, selecting tasks, planning, implementing and evaluating to produce quality performance and quality products.
- Helps students to question, problem-solve, access resources, use information to reach meaningful conclusions and develop responsibility for their own learning.
- Provides challenging learning experiences which develop higher order thinking skills.
- Varies instructional roles (e.g., instructor, facilitator, coach, co-learner, audience) in relation to the content and purpose of instruction and students' needs.
- Engages students in active, hands-on, creative, open-ended, problem-based learning experiences.
- Provides opportunities for students to apply and practice what is learned.
- Uses the school's current technologies as tools for teaching and learning.

STANDARD VIII. USES ASSESSMENT STRATEGIES

STANDARD STATEMENT VIII: The effective teacher consistently applies appropriate assessment strategies to evaluate and ensure the continuous intellectual, social, physical and emotional development of the learner.

Performance Criteria for Standard VIII: The extent to which the teacher:

27 08

- Evaluates students' performances and products objective and fairly.
- Uses a variety of appropriate assessment strategies to enhance knowledge of learners and appropriately modified teaching and learning strategies.
- Involves students in developing assessment standards and criteria.
- Engages students in self-assessment activities and encourages them to set personal achievement goals.
- Obtains and uses information about students' experiences, strengths, needs and progress from parents, colleagues and students themselves.
- Uses assessment data to monitor and evaluate students' progress toward achieving Hawaii's student content and performance standards.
- Maintains appropriate and accurate records of student achievement and communicates students' progress to students, parents and colleagues as needed.

STANDARD IX. DEMONSTRATES PROFESSIONALISM

STANDARDS STATEMENT IX: The effective teacher continually evaluates the effects of his or her choices and actions and actively seeks opportunities to grow professionally.

Performance Criteria for Standard IX: The extent to which the teacher:

- Engages in relevant opportunities to grow professionally, e.g., taking university/college or inservice coursework, actively participating in a professional organization, serving on a cadre, council, or committee or serving as a cooperating teacher, mentor or advisor.
- Reflects on practices and monitors own teaching activities and strategies, making adjustments to meet learner needs.

- Provides and accepts evaluative feedback in a professional manner.
- Conducts self ethically in professional matters.
- Models honesty, fairness and respect for individuals and for the laws of society.
- Demonstrates good work habits including reliability, punctuality and follow through on commitments.
- Maintains current knowledge in issues and trends in education.
- Practices effective listening, conflict resolution and group-facilitation skills as a team member.
- Works collaboratively with other professionals.
- Participates actively and responsibly in school activities.

STANDARD X. FOSTERS PARENT AND SCHOOL COMMUNITY
RELATIONSHIPS

STANDARD STATEMENT X: The effective teacher establishes and maintains strong working relationships with parents and members of the school community to support student learning.

Performance Criteria for Standard X: The extent to which the teacher:

- Collaborates with parents and school community members to support student learning.
- Consistently seeks opportunities to build strong partnerships with parents and community members.
- Supports activities and programs which encourage parents to participate actively in school-related organizations and activities.
- Establishes open and active lines of communication with parents.

- Utilizes community resources to enhance student learning.

27 66

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STATE OF HAWAII
DEPARTMENT OF EDUCATION
P.O. BOX 2360
HONOLULU, HAWAII 96804

OFFICE OF HUMAN RESOURCES

February 4, 2008

Ms. Sharon Mahoe, Executive Director
Hawaii Teacher Standards Board
650 Iwilei Road, Suite 201
Honolulu, Hawaii 96817

Dear Ms. Mahoe:

We are enclosing the revisions requested from our last December meeting with you. The emergency hire data that was provided in the October 25, 2007 Department's annual report to the Hawaii Teacher Standards Board included of teachers who were employed for the 2006-2007 school year. In the revisions, we have expanded the emergency hire data to include the three appointment types of emergency hires. An additional chart was also created to report the number of emergency hires by subject area.

The three appointment types for all emergency hires are: Code Ws who have completed a State-Approved Teacher Education Program (SATEP) and are Praxis incomplete, Code Ts who are Teach for America candidates who are enrolled in a teacher education program, and Code 5s who have not completed a SATEP.

The Department hired 978 emergency hire Code Ws for the 2006-2007 school year. One reason for hiring emergency hire Code Ws was a lack of Hawaii licensed teachers. Nine hundred thirty-three (933) Code W teachers were Praxis incomplete. Other reasons for hiring Code Ws include a shortage condition (30), geographically hard to fill (1), difficult-to-fill positions such as .5 FTE positions (3), and unknown (11).

The Department hired 51 emergency hire Code Ts for the 2006-2007 school year. The reasons for hiring emergency hire Code Ts included special conditions requiring special abilities (49) and unknown (2).

The Department hired 471 emergency hire Code 5s for the 2006-2007 school year. A shortage condition was the reason for hiring 424 teachers. Other reasons for hiring emergency hire Code 5s included geographic hard to fill (5), difficult-to-fill positions such as .5 FTE positions (24), special considerations requiring special abilities (9), and unknown (9).

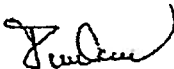
Ms. Sharon Mahoe, Executive Director
February 4, 2008
Page Two

Of the 471 emergency hire Code 5s, 234 were in their first year of employment in the 2006-2007 school year. One hundred forty-one emergency hire Code 5s were employed for two years, 65 emergency hire Code 5s were employed for three years, and 31 emergency hire Code 5s were employed for four years.

The attachments show the number of emergency hires by subject areas (Attachment I), followed by the number of emergency hires by schools and subject fields (Attachment II).

Please add these attachments to the October 25, 2007 Department's Annual Report.

Sincerely,



Fay Ikei
Acting Assistant Superintendent

FI:JK:ly

Attachments

c: Judy Toguchi, Administrator, Office of Human Resources
Janice Kinoshita, Personnel Specialist, Office of Human Resources

EMERGENCY HIRES BY SUBJECT AREA
School Year 2006-2007

SUBJECT HIRED	APPOINTMENT CODE			GRAND TOTAL
	CODE W	CODE T	CODE 5	
AGRIC	1		3	4
ART	4		4	8
BUS ED	3		3	6
COMPUTER	3		11	14
COUNSELOR	42		9	51
DRAMA	1			1
ELEM	267	12	1	280
ENGLISH	75	7	29	111
FRENCH			1	1
GRAPHICS			1	1
GUIDANCE	4		5	9
HAWN	1		5	6
HAWN IMMER	1		10	11
HEALTH	5		1	6
HOME EC	1		3	4
HPE	6		1	7
IND ARTS	5		3	8
JAPANESE	4		1	5
LIBRARIAN	4		4	8
MATH	80	9	61	150
MEDIA	1		1	2
MID SCH	2			2
MUSIC	5		1	6
PE	7		3	10
READING	5		2	7
SAC	1		2	3
SCIENCE	51	7	42	100
SEC ED			1	1
SM			1	1
SMP	4		14	18
SOC ST	28	4	17	49
SPANISH	8	2	5	15
SPED	345	10	216	571
SSC	5		3	8
TESOL	9		6	15
VT AUTO			1	1
GRAND TOTAL	978	51	471	1500

EMERGENCY HIRES BY SCHOOL AND SUBJECT
School Year 2006-2007

DISTRICT	SCHOOL	SUBJECT HIRED	APPOINTMENT TYPE			TOTAL COUNT
			CODE W	CODE T	CODE S	
HONOLULU	AINA HAINA	ELEM	1			1
		SPED	1			1
	AINA HAINA Total		2			2
	ALA WAI	SPED	2			2
		ALA WAI Total		2		
	ALIOLANI	SPED	1			1
		ALIOLANI Total		1		
	ANUENUE	HAWN IMMER			4	4
		ANUENUE Total			4	4
	CENTRAL MIDDLE	MATH			1	1
		SCIENCE	1			1
		SPED	2			2
		CENTRAL MIDDLE Total			1	4
	DOLE MIDDLE	ART	1			1
		ENGLISH	1			1
		MATH			1	1
		SPED	1		2	3
		DOLE MIDDLE Total		3	3	6
	FARRINGTON HIGH	ENGLISH	3			3
		HEALTH	1			1
		READING			1	1
		SCIENCE			1	1
		SMP			2	2
		SOC ST			1	1
		SPED	2		1	3
		FARRINGTON HIGH Total		6	6	12
		FERN	ELEM	2		
	FERN Total			2		2
	HAHAIONE	ELEM	2			2
		SPED			1	1
		HAHAIONE Total		2	1	3
	HOKULANI	TESOL	1			1
		HOKULANI Total		1		1
HONOLULU DISTRICT	SMP			1	1	
	HONOLULU DISTRICT Total			1	1	
JEFFERSON	ELEM	1			1	
	READING	1			1	
	SPED	1		1	2	
	JEFFERSON Total		3	1	4	
KAEWAI	READING	1			1	
	SPED	1		1	2	
	KAEWAI Total		2	1	3	
KAHALA	ELEM	1			1	
	KAHALA Total		1		1	
KAIMUKI HIGH	ENGLISH	1		1	2	
	MATH	2		1	3	
	SCIENCE			1	1	
	SOC ST	1			1	
	SPED	2		1	3	
	TESOL			2	2	
	VT AUTO			1	1	
	KAIMUKI HIGH Total		6	7	13	
KAIMUKI MIDDLE	MATH			2	2	
	PE			1	1	
	SMP			1	1	
	KAIMUKI MIDDLE Total			4	4	
KAISER HIGH	SPED	1			1	
	KAISER HIGH Total		1		1	
KALAKAUA MIDDLE	COMPUTER			1	1	
	ENGLISH	2			2	
	MATH	2		1	3	
	PE	1			1	
	SCIENCE	1			1	
	SMP			1	1	
	SPED	1		2	3	
	KALAKAUA MIDDLE Total		7	5	12	

EMERGENCY HIRES BY SCHOOL AND SUBJECT
School Year 2006-2007

DISTRICT	SCHOOL	SUBJECT HIRED	APPOINTMENT TYPE			TOTAL COUNT	
			CODE W	CODE T	CODE S		
HONOLULU	KALANI HIGH	COMPUTER			1	1	
		COUNSELOR	1			1	
		ENGLISH	1			1	
		SOC ST			1	1	
		KALANI HIGH Total			2	4	
	KALIHI	KALIHI	ELEM	2			2
			SPED	1		1	2
			KALIHI Total	3		1	4
	KALHIKAI	KALHIKAI	ELEM	1			1
			KALHIKAI Total	1			1
	KALIHUUKA	KALIHUUKA	SPED	1			1
			KALIHUUKA Total	1			1
	KALIHWAENA	KALIHWAENA	ELEM	3			3
			SPED	1		2	3
			KALIHWAENA Total	4		2	6
	KAPALAMA	KAPALAMA	COMPUTER	1			1
			ELEM	1			1
			KAPALAMA Total	2			2
	KAULUWELA	KAULUWELA	COUNSELOR	1			1
			ELEM	1			1
			SPED			1	1
			KAULUWELA Total	2		1	3
	KAWANANAKOA MIDDLE	KAWANANAKOA MIDDLE	COMPUTER	1			1
			COUNSELOR	1		1	2
			MATH	1		1	2
			MUSIC	1			1
			SPED			1	1
			KAWANANAKOA MIDDLE Total	4		3	7
	KOKO HEAD	KOKO HEAD	ELEM	1			1
			KOKO HEAD Total	1			1
	KUHIO	KUHIO	ELEM	1			1
			KUHIO Total	1			1
	LANAKILA	LANAKILA	COUNSELOR	1			1
			LANAKILA Total	1			1
	LIHOLIHO	LIHOLIHO	SPED			1	1
			LIHOLIHO Total			1	1
	LINAPUNI	LINAPUNI	READING	1			1
			LINAPUNI Total	1			1
	LINCOLN	LINCOLN	SPED	1			1
			LINCOLN Total	1			1
	LUNALILO	LUNALILO	ELEM	1			1
			SPED	1			1
			LUNALILO Total	2			2
	MAEMAE	MAEMAE	ELEM	1			1
			MAEMAE Total	1			1
	MANOA	MANOA	ELEM	1			1
			SPED			1	1
MANOA Total			1		1	2	
MCKINLEY HIGH	MCKINLEY HIGH	AGRIC	1			1	
		BUS ED			1	1	
		ENGLISH	2			2	
		MATH	1			1	
		SCIENCE	1			1	
		SOC ST	1			1	
		SPED	4		2	6	
		MCKINLEY HIGH Total	10		3	13	
NIU VALLEY MIDDLE	NIU VALLEY MIDDLE	ENGLISH	1			1	
		SOC ST			1	1	
		SPED	2		1	3	
NIU VALLEY MIDDLE Total	3		2	5			
NOELANI	NOELANI	ELEM	2			2	
		SPED	1			1	
		NOELANI Total	3			3	
PALOLO	PALOLO	ELEM	1			1	
		LIBRARIAN	1			1	
		MATH	1			1	
		SPED			1	1	
PALOLO Total	3		1	4			

EMERGENCY HIRES BY SCHOOL AND SUBJECT
School Year 2006-2007

DISTRICT	SCHOOL	SUBJECT HIRED	APPOINTMENT TYPE			TOTAL COUNT
			CODE W	CODE T	CODE S	
HONOLULU	PUUHALE	ELEM	1			1
		SPED	1			1
		PUUHALE Total	2			2
	ROOSEVELT HIGH	FRENCH			1	1
		HAWN			1	1
		SCIENCE			2	2
		SPANISH	1			1
		SPED	2		4	6
		ROOSEVELT HIGH Total	3		8	11
	ROYAL	ELEM	1			1
		SPED	1		1	2
	ROYAL Total	2		1	3	
	STEVENSON MIDDLE	ELEM	2			2
		MATH	1			1
STEVENSON MIDDLE Total	3			3		
WAIKIKI	SPED	1			1	
WAIKIKI Total	1			1		
WASHINGTON MIDDLE	SPED	1			1	
WASHINGTON MIDDLE Total	1			1		
WILSON	SPED	1		1	2	
WILSON Total	1		1	2		
HONOLULU Total			102	61	63	
CENTRAL	AIEA ELEM	SPED	2		1	3
	AIEA ELEM Total	2		1	3	
	AIEA HIGH	ENGLISH			2	2
		HEALTH			1	1
		MATH			1	1
		SCIENCE	1			1
		SOC ST			1	1
		SPED	1		1	2
	AIEA HIGH Total	2		6	8	
	AIEA INTER	ENGLISH	2		1	3
		MATH		1	2	3
		SCIENCE		1		1
		SOC ST		1		1
		SPED	1		4	5
	AIEA INTER Total	3	3	7	13	
	ALIAMANU ELEM	SPED	1		1	2
	ALIAMANU ELEM Total	1		1	2	
	ALIAMANU MIDDLE	ENGLISH			1	1
		MATH			1	1
		SCIENCE			1	1
		SPED	1			1
TESOL		1			1	
ALIAMANU MIDDLE Total	2		3	5		
HALE KULA	COUNSELOR	2			2	
	ELEM	1			1	
	SPED			1	1	
HALE KULA Total	3		1	4		
HICKAM	SPED	3			3	
HICKAM Total	3			3		
ILIAHI	ELEM	1			1	
ILIAHI Total	1			1		
KAALA	SPED	3		1	4	
KAALA Total	3		1	4		
KIPAPA	ELEM	1			1	
	SPED			2	2	
KIPAPA Total	1		2	3		
LEILEHUA HIGH	ART			1	1	
	COMPUTER			1	1	
	ENGLISH			3	3	
	HAWN	1			1	
	HEALTH	1			1	
	MATH	2		2	4	
	SCIENCE			5	5	
	SOC ST	1		1	2	
	SPED			5	5	
	LEILEHUA HIGH Total	5		18	23	

EMERGENCY HIRES BY SCHOOL AND SUBJECT
School Year 2006-2007

DISTRICT	SCHOOL	SUBJECT HIRED	APPOINTMENT TYPE			TOTAL COUNT	
			CODE W	CODE T	CODE S		
CENTRAL	MAKALAPA	ELEM	2			2	
		SPED	2			2	
	MAKALAPA Total		4			4	
	MILILANI HIGH		ENGLISH	1			1
			GUIDANCE	1			1
			HOME EC			1	1
			HPE			1	1
			IND ARTS	2			2
			MATH	2		1	3
			MUSIC	1			1
			SCIENCE	2		3	5
			SPANISH	1		1	2
			SPED	6		7	13
	MILILANI HIGH Total		18		14	30	
	MILILANI IKE ELEMENTARY		SPED	2			2
	MILILANI IKE ELEMENTARY Total			2			2
	MILILANI MIDDLE		MATH	2		3	5
			PE	1			1
			SCIENCE			1	1
			SOC ST	1		1	2
			SPED	2		1	3
	MILILANI MIDDLE Total		6		6	12	
	MILILANI-MAUKA		ELEM	1			1
	MILILANI-MAUKA Total			1			1
	MILILANIUKA		ELEM	2			2
			MILILANIUKA Total		2		
	MILILANIWAENA		SPED	1			1
			MILILANIWAENA Total		1		
	MOANALUA ELEM		COUNSELOR	1			1
			ELEM	3			3
			SPED	1			1
			MOANALUA ELEM Total		5		
	MOANALUA HIGH		COMPUTER			1	1
COUNSELOR			1			1	
ENGLISH			1			1	
IND ARTS					1	1	
SCIENCE			1		3	4	
SPED			3		2	5	
TESOL					1	1	
MOANALUA HIGH Total		6		8	14		
MOANALUA MIDDLE		PE	1			1	
		SPED			1	1	
		MOANALUA MIDDLE Total		1		1	2
MOKULELE		COUNSELOR			1	1	
		SPED	3			3	
		MOKULELE Total		3		1	4
PEARL HARBOR		ELEM	1			1	
		SPED	1			1	
		TESOL	1			1	
		PEARL HARBOR Total		3			3
PEARL HARBOR KAI		ELEM	2			2	
		SPED	3			3	
		PEARL HARBOR KAI Total		5			5
PEARL RIDGE		ELEM	1			1	
PEARL RIDGE Total			1			1	
RADFORD HIGH		ENGLISH	3			3	
		MATH	1		1	2	
		MUSIC	1			1	
		SAC			1	1	
		SCIENCE	1		2	3	
		SOC ST	1			1	
		SPED	3		4	7	
RADFORD HIGH Total		10		8	18		
RED HILL		SPED			1	1	
		RED HILL Total			1		1
SCOTT		ELEM	2			2	
		SPED	2			2	
		SCOTT Total		4			4

EMERGENCY HIRES BY SCHOOL AND SUBJECT
School Year 2006-2007

DISTRICT	SCHOOL	SUBJECT HIRED	APPOINTMENT TYPE			TOTAL COUNT
			CODE W	CODE T	CODE S	
CENTRAL	SHAFTER	ELEM	4			4
		SPED	1		1	2
		SHAFTER Total	5		1	6
	SOLOMON	COUNSELOR	1			1
		ELEM	6			6
		SPED	3		3	6
	SOLOMON Total	10		3	13	
	WAHIAWA COMMUNITY SCHOOL	ENGLISH	1			1
		SOC ST			1	1
	WAHIAWA COMMUNITY SCHOOL Total	1		1	2	
	WAHIAWA ELEM	ELEM	2			2
	WAHIAWA ELEM Total	2			2	
	WAHIAWA MIDDLE	SCIENCE	1	1		2
		SOC ST	1			1
		SPED	3		2	6
		WAHIAWA MIDDLE Total	5	1	2	8
	WAIALUA HIGH & INTER	ENGLISH	1	1		2
		MATH	1		1	2
		SPED	1			1
		WAIALUA HIGH & INTER Total	3	1	1	6
WAIMALU	ELEM	1			1	
	SPED	1			1	
	WAIMALU Total	2			2	
WHEELER ELEM	ELEM	5			5	
	SPED	2			2	
	WHEELER ELEM Total	7			7	
WHEELER MIDDLE	MATH			1	1	
	SPED	1			1	
	WHEELER MIDDLE Total	1		1	2	
CENTRAL Total			132	5	88	225
LEEWARD	AHRENS	COUNSELOR			1	1
		ELEM	3			3
		SPED	5			5
		AHRENS Total	8		1	9
	BARBERS POINT	SPED	2			2
	BARBERS POINT Total	2			2	
	CAMPBELL HIGH	BUS ED	1			1
		COMPUTER			1	1
		COUNSELOR	1			1
		ENGLISH	2	2	4	8
		HAWN			1	1
		HPE	1			1
		LIBRARIAN			1	1
		MATH	8		3	11
		SCIENCE	1		5	6
		SMP	1			1
		SOC ST	3			3
SPANISH			1		1	
SPED	4		8	12		
CAMPBELL HIGH Total	22	3	23	48		
EWA BEACH ELEM	ELEM	1			1	
	SPED	3		1	4	
	EWA BEACH ELEM Total	4		1	5	
EWA ELEM	ELEM	3			3	
	EWA ELEM Total	3			3	
HIGHLANDS INTER	MATH			1	1	
	SCIENCE			1	1	
	SMP			1	1	
	SPED			5	5	
HIGHLANDS INTER Total			8	8		
HOLOMUA	ELEM	6			6	
	SPED	3		1	4	
	HOLOMUA Total	9		1	10	
HONOWAI	ELEM	3	1		4	
	SPED	2		2	4	
	HONOWAI Total	5	1	2	8	

EMERGENCY HIRES BY SCHOOL AND SUBJECT
School Year 2006-2007

DISTRICT	SCHOOL	SUBJECT HIRED	APPOINTMENT TYPE			TOTAL COUNT	
			CODE W	CODE T	CODE S		
LEEWARD	ILIMA INTER	COUNSELOR	1			1	
		ENGLISH	1			1	
		HPE	1			1	
		MATH			2	2	
		SCIENCE	1		2	3	
		SPED	1	2		3	
		ILIMA INTER Total		5	2	4	11
	IROQUOIS POINT	IROQUOIS POINT Total	COUNSELOR	1			1
			ELEM	3			3
			SPED			1	1
			4		1	5	
	KAIMILOA	KAIMILOA Total	ELEM	2	1		3
			SPED	3		1	4
				5	1	1	7
	KALEIOPUU	KALEIOPUU Total	ELEM	2			2
			SPED	2			2
			SSC	1			1
				5			5
	KAMAILE	KAMAILE Total	ELEM	6			6
			SPED	2			2
				8			8
	KANOELANI	KANOELANI Total	SPED	2			2
				2			2
	KAPOLEI	KAPOLEI Total	ELEM	1			1
			SPED	6			6
				7			7
	KAPOLEI HIGH	KAPOLEI HIGH Total	ENGLISH	2			2
			HAWN			1	1
			MATH	2		1	3
			PE			1	1
			SCIENCE	3		1	4
			SOC ST	1			1
			SPANISH			1	1
SPED			4		3	7	
			12		8	20	
KAPOLEI MIDDLE	KAPOLEI MIDDLE Total	ART	1			1	
		ENGLISH	5			5	
		MATH	1		1	2	
		MEDIA			1	1	
		SCIENCE	3		1	4	
		SMP	1			1	
		SOC ST	3			3	
		SPED	6		5	11	
			20		8	28	
KEONE'ULA	KEONE'ULA Total	ELEM	9			9	
		SPED	2			2	
			11			11	
LEHUA	LEHUA Total	ELEM	2	2		4	
		SPED	2		2	4	
			4	2	2	8	
LEIHOKU	LEIHOKU Total	ELEM	2			2	
		SPED	3			3	
			5			5	
MAILI	MAILI Total	ELEM	3			3	
		SPED	2		1	3	
			5		1	6	
MAKAHA	MAKAHA Total	ELEM	5			5	
		SPED	8		1	7	
			11		1	12	
MANANA	MANANA Total	SPED	1		1	2	
			1		1	2	
MAUKA LANI	MAUKA LANI Total	ELEM	2			2	
		SPED	1			1	
			3			3	
NANAIKAPONO	NANAIKAPONO Total	ELEM	9			9	
		SPED	9	1		10	
			18	1		19	

EMERGENCY HIRES BY SCHOOL AND SUBJECT
School Year 2006-2007

DISTRICT	SCHOOL	SUBJECT HIRED	APPOINTMENT TYPE			TOTAL
			CODE W	CODE T	CODE S	COUNT
LEEWARD	NANAKULI ELEM	ELEM	7	2		9
		HAWN IMMER			1	1
		SPED	5		1	6
		NANAKULI ELEM Total	12	2	2	16
	NANAKULI HIGH & INTER	ENGLISH	2	1	1	4
		MATH	3	1	2	6
		PE	1			1
		SCIENCE		1	1	2
		SPANISH		1		1
		SPED	5	4	2	11
		NANAKULI HIGH & INTER Total	11	8	6	25
	PALISADES	ELEM	1			1
		SPED			1	1
		SSC	1			1
		PALISADES Total	2		1	3
	PEARL CITY ELEM	SPED	1		1	2
		PEARL CITY ELEM Total	1		1	2
	PEARL CITY HIGH	ENGLISH	1			1
		JAPANESE	1			1
		MATH	1		2	3
		SPANISH			1	1
		SPED	1		2	3
		PEARL CITY HIGH Total	4		5	9
	PEARL CITY HIGHLANDS	SPED			1	1
		PEARL CITY HIGHLANDS Total			1	1
	POHAKEA	ELEM	7	2		9
		SPED	3	1		4
			POHAKEA Total	10	3	
WAIANA ELEM	ELEM	10	4		14	
	LIBRARIAN			1	1	
	PE	1			1	
	SPED	4		1	5	
	WAIANA ELEM Total	15	4	2	21	
WAIANA E HIGH	BUS ED	2			2	
	COMPUTER			1	1	
	ENGLISH	10		4	14	
	HEALTH	1			1	
	JAPANESE	1			1	
	MATH	1	3	4	8	
	MUSIC	1			1	
	SCIENCE		2		2	
	SMP			2	2	
	SOC ST	1	3	3	7	
	SPED	10	1	5	16	
		WAIANA E HIGH Total	27	9	19	55
WAIANA E INTER	ENGLISH	1	3	1	5	
	MATH	2	2	1	5	
	SCIENCE	1			1	
	SMP			1	1	
	SPED	3	1		4	
	WAIANA E INTER Total	7	6	3	16	
WAI AU	SPED	1			1	
	WAI AU Total	1			1	
WAIKELE ELEMENTARY	ELEM	4			4	
	SPED	1		1	2	
		WAIKELE ELEMENTARY Total	5		1	6
WAI PAHU ELEM	SPED	1			1	
	WAI PAHU ELEM Total	1		1	2	
WAI PAHU HIGH	AGRIC			1	1	
	ENGLISH	2		1	3	
	MATH	1	2	1	4	
	SCIENCE		2		2	
	SOC ST	1		1	2	
	SPED	2		1	3	
	WAI PAHU HIGH Total	6	4	5	15	

EMERGENCY HIRES BY SCHOOL AND SUBJECT
School Year 2006-2007

DISTRICT	SCHOOL	SUBJECT HIRED	APPOINTMENT TYPE			TOTAL COUNT	
			CODE W	CODE T	CODE S		
LEEWARD	WAIPAHAU INTER	ART			1	1	
		ENGLISH	3			3	
		MATH			2	2	
		SCIENCE	1		1	2	
		SPED	1		3	4	
	WAIPAHAU INTER Total		5		7	12	
LEEWARD Total			286	46	117	449	
WINDWARD	AHUIMANU	SPED			1	1	
	AHUIMANU Total				1	1	
	AIKAHI	SPED	2			2	
	AIKAHI Total		2			2	
	CASTLE HIGH		COUNSELOR	1			1
			DRAMA	1			1
			GRAPHICS			1	1
			MATH	1		3	4
			SPED	3		5	8
	CASTLE HIGH Total		6		9	15	
	ENCHANTED LAKE		ELEM	1			1
			SSC	1			1
			SPED	2			2
	ENCHANTED LAKE Total						
	HAUULA		ELEM	2			2
			HAWN IMMER			1	1
			SPED			1	1
	HAUULA Total		2		2	4	
	HEEIA		SPED	1			1
			HEEIA Total	1			1
	KAELEPULU		ELEM	2			2
			KAELEPULU Total	2			2
	KAHALUU		ELEM	1			1
			SPED	1			1
			KAHALUU Total	2			2
	KAHUKU ELEM		ELEM	1			1
			KAHUKU ELEM Total	1			1
	KAHUKU HIGH & INTER		ENGLISH	1		1	2
			GUIDANCE	1		1	2
HAWN IMMER					1	1	
MATH			2		2	4	
SCIENCE			2			2	
SOC ST			1			1	
SPED			3		6	9	
KAHUKU HIGH & INTER Total			10		11	21	
KAILUA ELEM		ELEM	1			1	
		SPED			3	3	
		KAILUA ELEM Total	1		3	4	
KAILUA HIGH		ART	1			1	
		ENGLISH	1		1	2	
		HAWN			1	1	
		MATH			2	2	
		SCIENCE			1	1	
		SPANISH	1			1	
		SPED	1		2	3	
		KAILUA HIGH Total	4		7	11	
KAILUA INTER		MATH	1		1	2	
		READING	1			1	
		SCIENCE			1	1	
		SPANISH	1			1	
		SPED	2		2	4	
KAILUA INTER Total	5		4	9			
KAINALU		ELEM	1			1	
		SPED	1		1	2	
		TESOL	1			1	
		KAINALU Total	3		1	4	

EMERGENCY HIRES BY SCHOOL AND SUBJECT
School Year 2006-2007

DISTRICT	SCHOOL	SUBJECT HIRED	APPOINTMENT TYPE			TOTAL COUNT
			CODE W	CODE T	CODES	
WINDWARD	KALAHEO HIGH	ENGLISH	2			2
		MATH	2			2
		SCIENCE	2		1	3
		SMP			1	1
		SPED	5		2	7
		SSC			1	1
		KALAHEO HIGH Total		11	5	16
	KANEEOHE	SPED	1			1
		KANEEOHE Total	1			1
	KAPUNAHALA	ELEM	2			2
		ENGLISH	1			1
		SPED	1			1
		KAPUNAHALA Total	4			4
	KEOLU	SPED	2		1	3
		KEOLU Total	2		1	3
	KING INTER	SPED			2	2
		KING INTER Total			2	2
	LAIE	COUNSELOR			1	1
		ELEM	3			3
		SPED			1	1
		TESOL			1	1
		LAIE Total	3		3	6
	MOKAPU	COUNSELOR	3			3
		ELEM	3			3
		PE	1			1
		SPED	6		1	7
		MOKAPU Total	13		1	14
	OLOMANA	COMPUTER			2	2
ENGLISH				1	1	
IND ARTS				1	1	
SCIENCE				1	1	
SOC ST		1		1	2	
SPED				4	4	
	OLOMANA Total	1		10	11	
PARKER	SPED	1		1	2	
	PARKER Total	1		1	2	
POPE	SPED	1		1	2	
	POPE Total	1		1	2	
PUOHALA	PE	1			1	
	PUOHALA Total	1			1	
SUNSET BEACH	ELEM	1			1	
	SUNSET BEACH Total	1			1	
WAIHOLE	SPED			1	1	
	WAIHOLE Total			1	1	
WAIMANALO EL & INTER	ENGLISH			1	1	
	SCIENCE	1		1	2	
	SPED	1		2	3	
	WAIMANALO EL & INTER Total	2		4	6	
WINDWARD DISTRICT	SPED	3			3	
	WINDWARD DISTRICT Total	3			3	
WINDWARD Total			85	67	152	
HAWAII	DE SILVA	SPED			1	1
		DE SILVA Total			1	1
	HILO HIGH	SPED	1		5	6
		HILO HIGH Total	1		5	6
	HILO INTER	MATH	2			2
		SPED	1		2	3
		HILO INTER Total	3		2	5
	HILO UNION	ELEM	1			1
		SPED	3		1	4
		HILO UNION Total	4		1	5
HOLUALOA	ELEM	1			1	
	HOLUALOA Total	1			1	
HONAUNAU	ELEM	1			1	
	SPED	1			1	
	HONAUNAU Total	2			2	

EMERGENCY HIRES BY SCHOOL AND SUBJECT
School Year 2006-2007

DISTRICT	SCHOOL	SUBJECT HIRED	APPOINTMENT TYPE			TOTAL COUNT
			CODE W	CODE T	CODE S	
HAWAII	HONOKAA ELEM	ELEM	1			1
		SPED	2			2
		HONOKAA ELEM Total	3			3
	HONOKAA HIGH & INTER	ART			1	1
		COUNSELOR	1		1	2
		MATH			1	1
		SCIENCE	1			1
		SOC ST	1			1
		SPED	3		1	4
	HONOKAA HIGH & INTER Total	6		4	10	
	HOOKENA	ELEM	1			1
		HOOKENA Total	1			1
	KAHAKAI	ELEM	3			3
		KAHAKAI Total	3			3
	KALANIANAOLE EL & INTER	ELEM	1			1
		MATH			1	1
		SPED	1			1
	KALANIANAOLE EL & INTER Total	2		1	3	
	KAPIOLANI	SPED	1			1
		KAPIOLANI Total	1			1
	KA'U HIGH & PAHALA ELEM	AGRIC			1	1
		COUNSELOR	1			1
		HPE	1			1
		SMP	1			1
		SPED			1	1
	KA'U HIGH & PAHALA ELEM Total	3		2	5	
	KAUMANA	ELEM	1			1
		SPED	2			2
		KAUMANA Total	3			3
	KE KULA O'EHUNUIKAIMALINO	COUNSELOR	1			1
		ELEM	1			1
		HAWN			1	1
		KE KULA O'EHUNUIKAIMALINO Total	2		1	3
KEAAU ELEM	SPED	3		1	4	
	KEAAU ELEM Total	3		1	4	
KEAAU HIGH	COUNSELOR	1			1	
	SCIENCE	1		1	2	
	SOC ST			1	1	
	SPANISH			1	1	
	SPED	2		5	7	
	SSC			1	1	
	KEAAU HIGH Total	4		9	13	
KEAAU MIDDLE	COUNSELOR			1	1	
	SPED	1		1	2	
	KEAAU MIDDLE Total	1		2	3	
KEALAKEHE ELEM	COMPUTER			1	1	
	COUNSELOR	1			1	
	ELEM	9			9	
	SPED	3		1	4	
KEALAKEHE ELEM Total	13		2	15		
KEALAKEHE HIGH	COMPUTER	1			1	
	COUNSELOR	3			3	
	ELEM	1			1	
	ENGLISH			1	1	
	GUIDANCE			2	2	
	HEALTH	1			1	
	IND ARTS	1			1	
	MATH	3		1	4	
	SCIENCE	1			1	
	SOC ST	1			1	
	SPANISH	1			1	
	SPED	4		1	5	
	TESOL	1			1	
	KEALAKEHE HIGH Total	18		5	23	

EMERGENCY HIRES BY SCHOOL AND SUBJECT
School Year 2006-2007

DISTRICT	SCHOOL	SUBJECT HIRED	APPOINTMENT TYPE			TOTAL COUNT	
			CODE W	CODE T	CODE S		
HAWAII	KEALAKEHE INTER	COUNSELOR	1			1	
		ENGLISH	4		1	5	
		HOME EC	1			1	
		MATH	1			1	
		MID SCH	1			1	
		SCIENCE	1			1	
		SPED	2			2	
	KEALAKEHE INTER Total			11		1	12
	KEAUKAHA	ELEM	1			1	
		SPED			2	2	
	KEAUKAHA Total			1		2	3
	KEONEPOKO	ELEM	1			1	
		SPED			2	2	
		TESOL	1			1	
	KEONEPOKO Total			2		2	4
	KOHALA ELEM	SPED	2			2	
	KOHALA ELEM Total			2			2
	KOHALA HIGH	ENGLISH			1	1	
		MATH	2		1	3	
		SPED	1			1	
	KOHALA HIGH Total			3		2	5
	KOHALA MIDDLE	SPED			1	1	
	KOHALA MIDDLE Total					1	1
	KONAWAENA ELEM	SPED	2			2	
	KONAWAENA ELEM Total			2			2
	KONAWAENA HIGH	COUNSELOR	1			1	
		MATH	2			2	
		SOC ST	1			1	
		SPED	2			2	
	KONAWAENA HIGH Total			6			6
	KONAWAENA MIDDLE	ELEM	1			1	
		JAPANESE	1			1	
		MID SCH	1			1	
SAC				1	1		
SCIENCE		1			1		
SOC ST				1	1		
SPED		2		1	3		
SSC				1	1		
KONAWAENA MIDDLE Total			6		4	10	
LAUPAHOEHOE HIGH & ELEM	MATH	2			2		
	SPED	3			3		
LAUPAHOEHOE HIGH & ELEM Total			5			5	
MT VIEW ELEM & INTER	SPED	1			1		
MT VIEW ELEM & INTER Total			1			1	
NAALEHU ELEMENTARY	ELEM	4			4		
	LIBRARIAN			1	1		
	SOC ST	1			1		
NAALEHU ELEMENTARY Total			5		1	6	
PAHOA ELEM	ELEM	3			3		
	SPED	1			1		
PAHOA ELEM Total			4			4	
PAHOA HIGH & INTER	ART	1			1		
	COUNSELOR	1			1		
	MATH	1		1	2		
	SCIENCE	1			1		
	SM			1	1		
SPED			4	4			
PAHOA HIGH & INTER Total			4		6	10	
WAIAKEA ELEM	SPED	1		2	3		
WAIAKEA ELEM Total			1		2	3	
WAIAKEA HIGH	COUNSELOR			1	1		
	HPE	1			1		
	IND ARTS			1	1		
	MATH	1			1		
	SPED	2		5	7		
WAIAKEA HIGH Total			4		7	11	

EMERGENCY HIRES BY SCHOOL AND SUBJECT
School Year 2008-2007

DISTRICT	SCHOOL	SUBJECT/HIRED	APPOINTMENT TYPE			TOTAL COUNT
			CODE W	CODE T	CODE S	
HAWAII	WAIKEA INTER	LIBRARIAN			1	1
		SCIENCE	1			1
		SPED	1		2	3
		WAIKEA INTER Total	2		3	5
	WAIKEAWAENA	ELEM	1			1
		LIBRARIAN	1			1
		SPED			2	2
		WAIKEAWAENA Total	2		2	4
	WAIKOLOA ELEM	ELEM	3			3
			WAIKOLOA ELEM Total	3		
WAIMEA ELEM	ELEM	5			5	
	SPED	2		1	3	
		WAIMEA ELEM Total	7		1	8
HAWAII Total			145		70	215
MAUI	BALDWIN HIGH	IND ARTS	1			1
		JAPANESE			1	1
		LIBRARIAN	1			1
		SCIENCE	1			1
		SOC ST				1
		SPED	2		1	3
		BALDWIN HIGH Total	5		3	8
	HAIKU	COUNSELOR	1			1
		ELEM	1			1
		SPED	2			2
		HAIKU Total	4			4
	HANA HIGH & ELEM	ELEM	1			1
		MATH	1			1
		SPED	1			1
		HANA HIGH & ELEM Total	3			3
	IAO	COUNSELOR	1			1
		ENGLISH	2		1	3
		HPE	1			1
		MATH	1			1
		SCIENCE	1			1
		SOC ST			1	1
		IAO Total	6		2	8
	KAHULUI	ELEM	3			3
SPED		1			1	
		KAHULUI Total	4			4
KALAMA INTER	ENGLISH			1	1	
	MATH	2			2	
	PE			1	1	
	SCIENCE	1			1	
	SMP			1	1	
	SPED			2	2	
	KALAMA INTER Total	3		5	8	
KAMALII ELEM	ELEM	2			2	
	MATH	1			1	
	SPED	1			1	
	KAMALII ELEM Total	4			4	
KAMEHAMEHA III	ELEM	7			7	
	READING	1			1	
	SPED	3			3	
	KAMEHAMEHA III Total	11			11	
KAUNAKAKAI	ELEM	1			1	
	SPED			1	1	
	KAUNAKAKAI Total	1		1	2	
KEKAULIKE HIGH	ENGLISH	1			1	
	HAWN IMMER	1			1	
	HOME EC			1	1	
	IND ARTS	1			1	
	MATH	2		1	3	
	SCIENCE	2			2	
	SMP			1	1	
	SOC ST	2			2	
	SPANISH			1	1	
	SPED	6		2	8	
	KEKAULIKE HIGH Total	15		6	21	

EMERGENCY HIRES BY SCHOOL AND SUBJECT
School Year 2006-2007

DISTRICT	SCHOOL	SUBJECT HIRED	APPOINTMENT TYPE			TOTAL COUNT
			CODE W	CODE T	CODE S	
MAUI	KEKAULIKE LRNG SUPP CTR	SSC	1			1
	KEKAULIKE LRNG SUPP CTR Total		1			1
	KIHEI	ELEM	2			2
		MATH	1			1
		SPED			1	1
	KIHEI Total		3		1	4
	KULA	COUNSELOR	1			1
	KULA Total		1			1
	LAHAINA INTER	ENGLISH	1			1
		LIBRARIAN	1			1
		MATH	1		1	2
		SCIENCE	1			1
		SOC ST	1			1
		SPED	1			1
		TESOL	2			2
	LAHAINA INTER Total		8		1	9
	LAHAINA LRNG SUPP CTR	SPED	1			1
	LAHAINA LRNG SUPP CTR Total		1			1
	LAHAINALUNA HIGH	BUS ED			2	2
		COMPUTER			1	1
		COUNSELOR	1			1
		ENGLISH	1			1
		GUIDANCE			1	1
		HPE	1			1
		JAPANESE	1			1
		MATH	1		1	2
		SCIENCE			1	1
		SOC ST	1			1
		SPED	1			1
		TESOL			1	1
	LAHAINALUNA HIGH Total		7		7	14
	LAHAINALUNA HIGH BDG DPT	COUNSELOR			1	1
LAHAINALUNA HIGH BDG DPT Total				1	1	
LANAI HIGH & ELEM	ELEM	3			3	
	SCIENCE	1			1	
	SPED	1			1	
LANAI HIGH & ELEM Total		5			5	
LIHIKAI	ELEM	5			5	
	SPED	6			6	
LIHIKAI Total		11			11	
LOKELANI INTER	COUNSELOR	1			1	
	ELEM	1			1	
	ENGLISH	2			2	
	HEALTH	1			1	
	MATH	4			4	
	SCIENCE	2			2	
	SPED	1		1	2	
LOKELANI INTER Total		12		1	13	
MAKAWAO	ELEM	5			5	
	SPED	1		1	2	
MAKAWAO Total		6		1	7	
MAUI HIGH	AGRIC			1	1	
	ENGLISH	1		1	2	
	MATH	1		3	4	
	SCIENCE	2			2	
	SPED	3		1	4	
	SSC	1			1	
	TESOL			1	1	
MAUI HIGH Total		8		7	15	
MAUI-WAENA INTER	ENGLISH	3			3	
	SCIENCE	1			1	
	SPED	2		1	3	
MAUI-WAENA INTER Total		6		1	7	
MOLOKAI HIGH	ENGLISH	1			1	
	SMP	1			1	
	SPED	1			1	
MOLOKAI HIGH Total		3			3	

EMERGENCY HIRES BY SCHOOL AND SUBJECT
School Year 2006-2007

DISTRICT	SCHOOL	SUBJECT HIRED	APPOINTMENT TYPE			TOTAL COUNT	
			CODE W	CODE T	CODE S		
MAUI	MOLOKAI LRNG SUPP CTR	SAC	1			1	
	MOLOKAI LRNG SUPP CTR Total		1			1	
	NAHIENAENA		COUNSELOR	2			2
			ELEM	7			7
			SPED	2		1	3
	NAHIENAENA Total		11		1	12	
	PAIA		SPED	2			2
	PAIA Total		2			2	
	PUKALANI		SPED	3		1	4
			PUKALANI Total		3		1
	WAIHEE		ELEM	2			2
			SPED			1	1
	WAIHEE Total		2		1	3	
	WAILUKU		COUNSELOR	2			2
ELEM			6			6	
SPED			4			4	
WAILUKU Total		12			12		
MAUI Total			159		40	199	
KAUAI	ELEELE	ART			1	1	
		COUNSELOR	1			1	
	ELEELE Total		1		1	2	
	HANALEI		COUNSELOR			1	1
			ELEM	1			1
	HANALEI Total		1		1	2	
	KALAHEO		ELEM	1			1
	KALAHEO Total		1			1	
	KAMAKAHELEI MIDDLE		COMPUTER			1	1
			COUNSELOR	1			1
			MATH	2			2
			MUSIC			1	1
			SCIENCE	1			1
			SMP			1	1
			SOC ST	1			1
			SPED	1			1
	KAMAKAHELEI MIDDLE Total		6		3	9	
	KAPAA ELEM		ELEM	3			3
			GUIDANCE	1			1
			HAWN IMMER			1	1
			SPED	2			2
TESOL			1			1	
KAPAA ELEM Total		7		1	8		
KAPAA HIGH		ENGLISH	1			1	
		HAWN IMMER			1	1	
		MATH	3			3	
		MEDIA	1			1	
		SCIENCE	3		2	5	
		SOC ST	1		1	2	
KAPAA HIGH Total		9		4	13		
KAPAA MIDDLE		HAWN IMMER			1	1	
		SCIENCE	1		1	2	
		SPED	1		2	3	
KAPAA MIDDLE Total		2		4	6		
KAUAI HIGH		COUNSELOR	1			1	
		ENGLISH	2			2	
		GUIDANCE	1		1	2	
		MATH	2		2	4	
		SCIENCE	2			2	
		SOC ST	1			1	
		SPANISH	2			2	
		SPED	3		1	4	
KAUAI HIGH Total		14		4	18		
KAUMUALII		ELEM	1			1	
		SPED	1			1	
KAUMUALII Total		2			2		
KEKAHA		ELEM	1			1	
		SPED	2			2	
KEKAHA Total		3			3		

EMERGENCY HIRES BY SCHOOL AND SUBJECT
School Year 2006-2007

DISTRICT	SCHOOL	SUBJECT HIRED	APPOINTMENT TYPE			TOTAL COUNT
			CODE W	CODE T	CODE S	
KAUAI	KILAUEA	COUNSELOR	1			1
		SPED	1			1
		KILAUEA Total	2			2
	KOLOA	SPED	2			2
		KOLOA Total	2			2
	NIIHAU SCHOOL	ELEM			1	1
		SEC ED			1	1
		NIIHAU SCHOOL Total			2	2
	WAIMEA CANYON	COUNSELOR	1			1
		ELEM	1			1
		ENGLISH	2			2
		MATH	2			2
		MUSIC	1			1
		READING			1	1
		SPED	1			1
		WAIMEA CANYON Total	8		1	9
	WAIMEA HIGH	HOME EC			1	1
		SCIENCE	1		1	2
		SMP			1	1
		SPANISH	1			1
SPED		1		2	3	
WAIMEA HIGH Total	3		5	8		
WILCOX	COUNSELOR	1			1	
	ELEM	2			2	
	MATH	1			1	
	SPED	1			1	
	WILCOX Total	5			5	
KAUAI Total		66		26	92	
STATE	HI CNTR DEAF&BLIND	SPED	3		2	5
	HI CNTR DEAF&BLIND Total	3		2	5	
STATE Total		3		2	5	
GRAND TOTAL		978	51	471	1500	



LINDA LINGLE
GOVERNOR
JAMES R. AIONA, JR.
LT. GOVERNOR

STATE OF HAWAII
OFFICE OF THE DIRECTOR
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
335 MERCHANT STREET, ROOM 310
P.O. Box 541
HONOLULU, HAWAII 96809
Phone Number: 586-2850
Fax Number: 586-2856
www.hawaii.gov/dcca

LAWRENCE M. REIPURTH
DIRECTOR
RONALD BOYER
DEPUTY DIRECTOR

October 13, 2008

The Honorable Marion M. Higa
Office of the Auditor
465 S. King Street, Room 500
Honolulu, Hawaii 96813-2917

Re: Senate Concurrent Resolution No. 83, SD1, Requesting the Auditor to Conduct a Study on the Appropriate Accountability Structure for the Hawaii Teacher Standards Board; Your Letter of September 5, 2008

Dear Ms. Higa:

This responds to your letter of September 5, 2008, which asks what impact regulating teachers might have on the mission and work of the Department of Commerce and Consumer Affairs ("DCCA").¹ I appreciate your inquiring and hope that the following is helpful.

In sum, I think that the Hawai'i Teacher Standards Board ("HTSB") would likely be a poor fit for the department, particularly in light of what appear to be important differences in approach toward implementing licensing regulation between the HTSB and the Professional and Vocational Licensing's (PVL) licensing boards, the potential for increased costs for which teachers would become responsible, and the department's lack of available subject matter expertise.

The Legislature has asked that you analyze "Whether the functions and operations of the [Hawaii Teacher Standards] Board are similar to the functions and operations of other Hawaii agencies, such as the Department of Commerce and

¹ Professional and vocational licensing is accomplished within the DCCA, in part, by professional regulatory boards administratively attached to the department through the Professional and Vocational Licensing Division (PVL). The SCR appears to contemplate the possibility of transferring the Board to DCCA, but within PVL, as a possible twenty-sixth board. As a result, much of the discussion in this letter relates to PVL, specifically, and not DCCA, generally.

Consumer Affairs, and whether the Board might find a better fit in another agency." While the basic functions of licensing and renewing licenses are similar between DCCA and the HTSB, in all other respects there are great differences between the two. Staff functions, in particular, appear to be quite different.

HTSB is supported by staff that handles Board matters exclusively. Within DCCA, on the other hand, no staff position is dedicated to a single licensing type and in fact, multiple licensing board and program assignments to staff are the norm. Assignments are frequently rotated, expanded, and rarely reduced. In addition, HTSB's clerical staff exercises judgment and discretion in determining substantive matters relating to processing applications. To the contrary, DCCA clerks exercise no judgment or discretion, which is reserved for the professional licensing staff or the licensing boards. Education Officers are employed by the HTSB, but do not address licensing and renewal matters. Again, this is contrary to DCCA's practice, where professional staff handles such matters, in addition to all other matters arising from their boards and programs office.

The respective sources of expertise are also incompatible. The HTSB operates under the direction of and within policies established by the Department and Board of Education. DCCA's licensing boards, on the other hand, set the direction for policies and consult with the regulated community, the affected public, and the department. In the end, the boards make the final determination with regard to licensing and regulation. HTSB, presumably, will continue to require close coordination with the Department of Education. Administratively attaching a board to DCCA that requires coordination and direction from a third department would be inconsistent with DCCA's regulatory structure and experience.

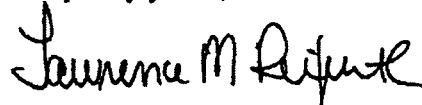
As to the issue of costs, the Board's current budget, physical office and personnel might or might not represent a reasonable estimate of what DCCA would require. In the absence of application, license, renewal, correspondence and telephone data for the Board and its office, however, we can not know for sure. We do know, however, that as DCCA is self-funded, its programs must be self-sustaining. Fees assessed on licensees must cover all costs, including overhead and reserve. This would all have to be considered in evaluating the start up costs that would have to be transferred or allowed to DCCA and on-going charges that would have to be made for services.

Finally, a transfer of the HTSB to DCCA would have no effect on the arguments advanced by HTSB's critics, who contend that HTSB's current board appears focused on restricting access to teaching jobs, when it should be increasing access to those positions. Such a transfer also would not address concerns expressed with HTSB's composition. In short, relocating the HTSB to DCCA would likely have no effect on these concerns, or on any of the concerns outlined in SCR 83.

The Honorable Marion M. Higa
October 13, 2008
Page 3

I trust that this has furnished you with the information you requested. Should you need further information, however, please do not hesitate to contact my office.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence M. Reifurth". The signature is written in a cursive style with a large initial "L".

Lawrence M. Reifurth
Director

c: Ms. Noe Noe Tom, Administrator
Professional and Vocational Licensing Division
Governor's Policy Office

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TWENTY-FIFTH LEGISLATURE, 2009
STATE OF HAWAII

.B. NO.

A BILL FOR AN ACT

RELATING TO EDUCATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 302A-501, Hawaii Revised Statutes, is
2 amended by amending the definition of "board" to read as
3 follows:

4 ""Board" means the [~~Hawaii teacher standards board.~~] board
5 of education."

6 SECTION 2. Section 302A-602, Hawaii Revised Statutes, is
7 amended by amending subsections (a) and (b) to read as follows:

8 "(a) No person shall serve as a teacher in the department
9 without first having obtained a license from the [~~Hawaii teacher~~
10 ~~standards~~] board in such form as the [~~Hawaii teacher standards~~]
11 board determines. The department shall establish types of
12 certificates in the educational field and the requirements to
13 qualify for those certificates issued to individuals who are not
14 required to obtain a license pursuant to sections [~~302A-801 to~~
15 ~~302A-808.~~] 302A-802 to 302A-807.

16 (b) Beginning with the [~~2002-2003~~] 2009-2010 school year,
17 no person paid under the salary schedule contained in the unit 5
18 collective bargaining agreement shall serve as a teacher in the



.B. NO.

1 department without first having obtained a license pursuant to
2 sections [~~302A-801 to 302A-808~~] 302A-802 to 302A-807 from the
3 [~~Hawaii teacher standards~~] board in such form as the [~~Hawaii~~
4 ~~teacher standards~~] board determines."

5 SECTION 3. Section 302A-602.5, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "**§302A-602.5 Certificates; revocation.** The department may
8 revoke any certificate after its issuance if the certificate
9 holder does not possess the requisite qualifications. For the
10 purposes of this section, the term "certificate" does not
11 include a license issued by the [~~Hawaii teacher standards~~] board
12 pursuant to part III, subpart D."

13 SECTION 4. Section 302A-702, Hawaii Revised Statutes, is
14 amended by amending subsection (b) to read as follows:

15 "(b) The [~~Hawaii teacher standards~~] board shall develop,
16 implement, and administer the program."

17 SECTION 5. Chapter 302A, Hawaii Revised Statutes, is
18 amended by amending the title to subpart D of part III to read
19 as follows:

20 "D. Hawaii Teacher Standards [~~Board~~]"

21 SECTION 6. Section 302A-802, Hawaii Revised Statutes, is
22 amended to read as follows:



.B. NO.

1 "~~§302A-802 Licensing [standards,] policies. [(a) The~~
2 ~~board shall establish licensing standards that govern teacher~~
3 ~~licensing in Hawaii. Licensing standards established by the~~
4 ~~board shall be adopted as rules under chapter 91 unless~~
5 ~~otherwise specified in this subpart.~~

6 ~~(b) In the development of its standards, the board shall~~
7 ~~consider the existing teacher applicant pool that is available~~
8 ~~in the State and the level of the qualification of these~~
9 ~~applicants, as well as the nature and availability of existing~~
10 ~~preservice higher education teacher training programs.~~

11 ~~(e)]~~ The board shall adopt policies, exempt from chapters
12 91 and 92, to initiate the following:

13 (1) Develop criteria allowing more individuals with trade
14 or industry experience to teach in vocational,
15 technical, and career pathway programs, and criteria
16 for the issuance of permits allowing qualified
17 individuals to teach when recommended by the
18 superintendent. The department shall be responsible
19 for the review and acceptance of the relevant
20 licenses, certificates, or other qualifications
21 related to an individual's vocational, technical, or
22 career pathway education-related experience that the



.B. NO.

- 1 department deems necessary for a permit. The
2 department shall have the authority to waive the
3 requirement of a bachelor's degree to teach in a
4 vocation, technical, or career pathway education
5 program;
- 6 (2) Develop a plan to accept teachers from any state as
7 long as they have completed state-approved teacher
8 education programs and pass relevant Hawaii teacher
9 examinations or their equivalent;
- 10 (3) Clarify the requirements, on a state-by-state basis,
11 for out-of-state licensed teachers to obtain a license
12 in Hawaii;
- 13 (4) Develop a plan to facilitate licensing for those who
14 intend to teach in Hawaii immersion programs, the
15 island of Niihau, or any other extraordinary situation
16 as defined by the superintendent or the
17 superintendent's designee;
- 18 (5) Pursue full teacher license reciprocity with all other
19 states; and
- 20 (6) Issue a license to a teacher with a valid out-of-state
21 license who has passed similar, though not identical,
22 tests in basic skills, pedagogy, and subject matter to



.B. NO.

1 those required for licensure in the State; provided
2 that upon the effective date of the adoption of
3 administrative rules addressing the recognition of
4 out-of-state teacher licenses, those administrative
5 rules shall supersede the requirements of this
6 paragraph."

7 SECTION 7. Section 302A-803, Hawaii Revised Statutes, is
8 amended by amending subsection (a) to read as follows:

9 "(a) In addition to establishing standards for the
10 issuance and renewal of licenses and any other powers and duties
11 authorized by law, the board's powers shall also include:

- 12 (1) Setting and administering its own budget;
- 13 (2) Adopting, amending, or repealing the rules of the
14 board in accordance with chapter 91;
- 15 (3) Receiving grants or donations from private
16 foundations, and state and federal funds;
- 17 (4) Submitting an annual report to the governor and the
18 legislature on the board's operations and from the
19 ~~[2007-2008]~~ 2009-2010 school year, submitting a
20 summary report every five years of the board's
21 accomplishment of objectives, efforts to improve or



.B. NO.

- 1 maintain teacher quality, and efforts to keep its
2 operations responsive and efficient;
- 3 (5) Conducting a cyclical review of standards and
4 suggesting revisions for their improvement;
- 5 (6) Establishing licensing fees in accordance with chapter
6 91, including the collection of fees by means of
7 mandatory payroll deductions, which shall subsequently
8 be deposited into the state treasury and credited to
9 the Hawaii teacher standards [~~board~~] special fund;
- 10 (7) Establishing penalties in accordance with chapter 91;
- 11 (8) Issuing, renewing, revoking, suspending, and
12 reinstating licenses;
- 13 (9) Reviewing reports from the department on individuals
14 hired on an emergency basis;
- 15 (10) Applying licensing standards on a case-by-case basis
16 and conducting licensing evaluations;
- 17 (11) Preparing and disseminating teacher licensing
18 information to schools and operational personnel;
- 19 (12) Approving teacher preparation programs;
- 20 (13) Administering reciprocity agreements with other states
21 relative to licensing;



.B. NO.

- 1 (14) Conducting research and development on teacher
- 2 licensure systems, beginning teacher programs, the
- 3 assessment of teaching skills, and other related
- 4 topics;
- 5 (15) Participating in efforts relating to teacher quality
- 6 issues, conducting professional development related to
- 7 the board's standards, and promotion of high teacher
- 8 standards and accomplished teaching; and
- 9 (16) Adopting applicable rules and procedures."

10 SECTION 8. Section 302A-805, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "**§302A-805 Teachers; license required; renewals.** (a)
13 Beginning July 1, [~~2002~~] 2010, all new and renewal licenses
14 shall be issued by the board. No person shall serve as a half-
15 time or full-time teacher in a public school without first
16 having obtained a license from the board under this subpart.
17 All licenses issued by the board shall be valid only for the
18 fields specified on the licenses and shall be renewable every
19 five years if the individual continues to:

- 20 (1) Satisfy the board's licensing standards;
- 21 (2) Show evidence of successful teaching in the previous
- 22 five years; and



.B. NO.

1 (3) Satisfy the board's requirements for renewal of
2 licenses.

3 (b) Teachers whose licenses expire on June 30, 2002, or
4 June 30, 2003, shall be granted an automatic extension of [~~two~~]
5 seven years.

6 (c) No person shall be issued a license or teach on an
7 emergency basis in the public schools without having first paid
8 the fees established by the board in accordance with chapter 91.

9 (d) Teachers whose licenses expire on or after July 1,
10 2009, but before July 1, 2010, shall be granted an automatic
11 extension of one year in which to obtain a renewal of their
12 licenses. The board, at its discretion, may grant an additional
13 one year extension of these licenses."

14 SECTION 9. Section 302A-806, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "**§302A-806 Hawaii teacher standards [~~board~~] special fund.**
17 There is established within the state treasury a special fund to
18 be known as the Hawaii teacher standards [~~board~~] special fund,
19 into which shall be deposited all moneys received by the board
20 in the form of appropriations, fees, fines, grants, donations,
21 or revenues regardless of their source. The special fund shall
22 be administered by the department and used to pay the expenses



.B. NO.

1 of the board, including but not limited to the payment of all
2 operational and personnel costs, and reimbursements to board
3 members for travel expenses incurred."

4 SECTION 10. Section 302B-10, Hawaii Revised Statutes, is
5 amended by amending subsection (d) to read as follows:

6 "(d) The department, in conjunction with the office, shall
7 facilitate and encourage the movement of instructional personnel
8 between the department and charter schools; provided that:

9 (1) Comparable and verifiable professional development and
10 employee evaluation standards and practices, as
11 determined and certified by the office, are in place
12 in charter schools for instructional staff;

13 (2) Licensed charter school teachers, as determined by the
14 [~~Hawaii teacher standards~~] board, who are not yet
15 tenured in the department and are entering or
16 returning to the department after full-time employment
17 of no less than one full school year at a charter
18 school, shall be subject to no more than one year of
19 probationary status; and

20 (3) Tenured department licensed teachers, as determined by
21 the department, who transfer to charter schools shall
22 not be required to serve a probationary period."



.B. NO.

1 SECTION 11. Section 304A-701, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) There is created the Hawaii educator loan program to
4 be administered by the University of Hawaii, in partnership with
5 a financial institution whose operations are principally
6 conducted in Hawaii, to provide financial support to students
7 and teachers who complete a state-approved teacher education
8 program and who agree to teach as a full-time teacher for a
9 period of time to be determined by the university prior to the
10 award of a loan, in:

11 (1) The Hawaii public school system in a hard-to-fill
12 position including special education, regular
13 education shortage categories, or Title 1 schools, and
14 in one of the following capacities:

15 (A) As an elementary school teacher teaching in the
16 field of elementary education who has met
17 standards as set forth by the [~~Hawaii teacher~~
18 ~~standards board,~~] board of education; or

19 (B) As a secondary school teacher teaching in the
20 subject area that is relevant to the loan
21 recipient's academic major as certified by the
22 department of education who has met standards as



1 set forth by the [~~Hawaii teacher standards~~
2 ~~board,~~] board of education; or

3 (2) At a school located in a rural area in the State, as
4 determined by the superintendent of education.

5 Eligibility shall be determined by the university on a
6 competitive basis. The amount to be loaned to a student shall
7 be determined by the board of regents based on need for
8 financial aid and proof of acceptance into a state-approved
9 teacher education program at the university. The maximum amount
10 of loans that a student may receive under this program shall be
11 an aggregate amount equivalent to tuition payments and costs of
12 textbooks and other instructional materials necessary to
13 complete a state-approved teacher education program."

14 SECTION 12. Section 304A-1201, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "[+]§304A-1201[+] **College of education.** The college of
17 education shall be affiliated with the university and shall be
18 under the jurisdiction and management of the board of regents.
19 The board may grant appropriate degrees to properly qualified
20 graduates of the college of education. In establishing the
21 curriculum for the college of education, the university
22 authorities may obtain the approval of the [~~Hawaii teacher~~



.B. NO.

1 ~~standards]~~ board[-] of education. The mission of the college of
2 education is to:

- 3 (1) Prepare and provide ongoing professional development
4 of teachers, administrators, counselors, and related
5 professionals at undergraduate and graduate levels
6 primarily to meet the needs of Hawaii schools;
7 (2) Generate, synthesize, and apply knowledge in education
8 and related fields through teaching, research, and
9 other scholarly activities; and
10 (3) Provide service and support to the local, national,
11 and global educational and related communities."

12 SECTION 13. Section 304A-1202, Hawaii Revised Statutes, is
13 amended by amending subsection (a) to read as follows:

14 "(a) There is created an advisory committee to be known as
15 the teacher education coordinating committee to identify, study,
16 take action, or make recommendations on matters of education of
17 common interest to the department of education and institutions
18 of higher learning in Hawaii. The membership of the committee
19 shall include the superintendent of education and the dean of
20 the college of education of the University of Hawaii, who shall
21 serve in alternate years as chairperson of the committee with
22 the superintendent acting as the first chairperson, a



.B. NO.

1 representative from each accredited teacher training institution
2 in Hawaii, and a representative from the [~~Hawaii teacher~~
3 ~~standards board.~~] board of education. In addition, the
4 superintendent of education and the dean of the college of
5 education may each appoint other members to the committee;
6 provided that the dean of the college of education shall appoint
7 at least two members of the committee from the university who
8 are not within the college of education."

9 SECTION 14. Section 315-2, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "**§315-2 Official for State.** The "designated State
12 Official" for Hawaii shall be the [~~executive director of the~~
13 ~~Hawaii teacher standards board.~~] superintendent of education."

14 SECTION 15. Section 302A-603, Hawaii Revised Statutes, is
15 repealed.

16 [~~"§302A-603 Teaching without certificates or licenses;~~
17 ~~penalty. (a) Except as otherwise provided, before the 1997-~~
18 ~~1998 school year, whoever serves in the department as a teacher~~
19 ~~without holding an unrevoked certificate issued under sections~~
20 ~~302A-602 to 302A-640, and 302A-701, shall be fined not more than~~
21 ~~\$25.~~



.B. NO.

1 ~~(b) Beginning with the 1997-1998 school year, whoever~~
 2 ~~serves in the department as a teacher, paid under the salary~~
 3 ~~schedule contained in the unit 5 collective bargaining~~
 4 ~~agreement, without holding an unrevoked or unsuspended license~~
 5 ~~or credential issued under sections 302A-801 to 302A-808, shall~~
 6 ~~be fined not more than \$500.~~

7 ~~(c) Beginning with the 2002-2003 school year, an~~
 8 ~~individual paid under the salary schedule contained in the unit~~
 9 ~~5 collective bargaining agreement, without holding an unrevoked~~
 10 ~~license issued under sections 302A-801 to 302A-808, shall be~~
 11 ~~fined not more than \$500.~~

12 ~~(d) Beginning with the 2002-2003 school year, emergency~~
 13 ~~hires shall not be subject to this penalty."]~~

14 SECTION 16. Section 302A-801, Hawaii Revised Statutes, is
 15 repealed.

16 ~~["§302A-801 Hawaii teacher standards board established.~~

17 ~~(a) There is established the Hawaii teacher standards board,~~
 18 ~~which shall be placed within the department for administrative~~
 19 ~~purposes only. The board shall consist of thirteen members,~~
 20 ~~including not less than six licensed teachers regularly engaged~~
 21 ~~in teaching, three educational officers, the chairperson of the~~
 22 ~~board of education or the chairperson's designee, the~~



.B. NO.

1 ~~superintendent or the superintendent's designee, a~~
2 ~~representative of independent schools, and the dean of the~~
3 ~~University of Hawaii college of education or the dean's~~
4 ~~designee; provided that the dean's designee shall be chosen from~~
5 ~~the member institutions of the teacher education coordinating~~
6 ~~committee established under section [304A-1202].~~

7 ~~(b) Except for the chairperson of the board of education,~~
8 ~~the superintendent, and the dean of the college of education,~~
9 ~~the governor shall appoint the members of the board pursuant to~~
10 ~~section 26-34, from a list of qualified nominees submitted to~~
11 ~~the governor by the departments, agencies, and organizations~~
12 ~~representative of the constituencies of the board. To the~~
13 ~~extent possible, the board membership shall reflect~~
14 ~~representation of elementary and secondary school personnel from~~
15 ~~all islands.~~

16 ~~(c) Appointed board members shall serve not more than~~
17 ~~three consecutive three year terms; provided that the initial~~
18 ~~terms of the appointed members that commence after June 30,~~
19 ~~2000, shall be staggered, as follows:~~

- 20 ~~(1) Three members to serve three year terms;~~
21 ~~(2) Three members to serve two year terms; and~~
22 ~~(3) One member to serve a one year term.~~



.B. NO.

1 ~~(d) Board members shall receive no compensation. When~~
2 ~~board duties require that a board member take leave of the board~~
3 ~~member's duties as a state employee, the appropriate state~~
4 ~~department shall allow the board member to be placed on~~
5 ~~administrative leave with pay and shall provide substitutes,~~
6 ~~when necessary, to perform that board member's duties. Board~~
7 ~~members shall be reimbursed for necessary travel expenses~~
8 ~~incurred in the conduct of official board business.~~

9 ~~(e) The chairperson of the board shall be designated by~~
10 ~~the members of the board."]~~

11 SECTION 17. Section 302A-805.6, Hawaii Revised Statutes,
12 is repealed.

13 ~~["**{S302A-805.6}** Efforts related to teacher quality. (a)~~
14 ~~The board may participate in efforts relating to issues~~
15 ~~affecting teacher quality. The board may conduct professional~~
16 ~~development activities related to its standards, and shall~~
17 ~~promote and support high teacher standards and accomplished~~
18 ~~teaching through means deemed appropriate by the board.~~

19 ~~(b) To remain current with trends and issues in teacher~~
20 ~~licensure systems, beginning teacher programs, the assessment of~~
21 ~~teaching skills, teacher development, and other related topics,~~
22 ~~the board shall participate in programs and attend conferences~~



.B. NO.

1 ~~and training that address these topics. The board may conduct~~
2 ~~research and development activities for the purpose of staying~~
3 ~~abreast of or better understanding these trends and issues."]~~

4 SECTION 18. Section 302A-808, Hawaii Revised Statutes, is
5 repealed.

6 [~~"§302A-808 Penalty. Any person who engages in the~~
7 ~~profession of teaching in a public school without first being~~
8 ~~issued a license or hired on an emergency basis as defined in~~
9 ~~this chapter shall be fined not more than \$500. Any person who~~
10 ~~knowingly or intentionally violates this subpart by employing an~~
11 ~~individual as a public school teacher who does not possess a~~
12 ~~valid license or is not a department of education emergency hire~~
13 ~~as defined in this chapter may be fined not more than \$500. All~~
14 ~~finest shall be deposited into the Hawaii teacher standards board~~
15 ~~special fund."]~~

16 SECTION 19. All rights, powers, functions, and duties of
17 the Hawaii teacher standards board are transferred to the board
18 of education.

19 All officers and employees whose functions are transferred
20 by this Act shall be transferred with their functions and shall
21 continue to perform their regular duties upon their transfer,
22 subject to the state personnel laws and this Act.



.B. NO.

1 No officer or employee of the State having tenure shall
2 suffer any loss of salary, seniority, prior service credit,
3 vacation, sick leave, or other employee benefit or privilege as
4 a consequence of this Act, and such officer or employee may be
5 transferred or appointed to a civil service position without the
6 necessity of examination; provided that the officer or employee
7 possesses the minimum qualifications for the position to which
8 transferred or appointed; and provided that subsequent changes
9 in status may be made pursuant to applicable civil service and
10 compensation laws.

11 An officer or employee of the State who does not have
12 tenure and who may be transferred or appointed to a civil
13 service position as a consequence of this Act shall become a
14 civil service employee without the loss of salary, seniority,
15 prior service credit, vacation, sick leave, or other employee
16 benefits or privileges and without the necessity of examination;
17 provided that such officer or employee possesses the minimum
18 qualifications for the position to which transferred or
19 appointed.

20 If an office or position held by an officer or employee
21 having tenure is abolished, the officer or employee shall not
22 thereby be separated from public employment, but shall remain in



.B. NO.

1 the employment of the State with the same pay and classification
2 and shall be transferred to some other office or position for
3 which the officer or employee is eligible under the personnel
4 laws of the State as determined by the head of the department or
5 the governor.

6 SECTION 20. All appropriations, records, equipment,
7 machines, files, supplies, contracts, books, papers, documents,
8 maps, and other personal property heretofore made, used,
9 acquired, or held by the Hawaii teacher standards board relating
10 to the functions transferred to the board of education shall be
11 transferred with the functions to which they relate.

12 SECTION 21. All rules, policies, procedures, guidelines,
13 and other material adopted or developed by the Hawaii teacher
14 standards board to implement provisions of the Hawaii Revised
15 Statutes which are reenacted or made applicable to the board of
16 education by this Act, shall remain in full force and effect
17 until amended or repealed by the board of education pursuant to
18 chapter 91, Hawaii Revised Statutes. In the interim, every
19 reference to the Hawaii teacher standards board or the
20 chairperson of the Hawaii teacher standards board in those
21 rules, policies, procedures, guidelines, and other material is



.B. NO.

1 amended to refer to the board of education or chairperson of the
2 board of education as appropriate.

3 SECTION 22. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 23. This Act shall take effect on June 30, 2009
6 and the amendment made under section 7 of this Act shall not be
7 repealed when section 302A-803, Hawaii Revised Statutes, is
8 repealed on July 1, 2009, and reenacted in the form in which it
9 read on June 30, 2007, by Act 263, Session Laws of Hawaii 2007.

10

INTRODUCED BY: _____



Responses of the Affected Agencies

Comments on Agency Responses

We transmitted drafts of this report to the Board of Education, Department of Education (DOE), the Hawai‘i Teacher Standards Board, and the standards board executive director on February 18, 2009. A copy of the transmittal letter to the standards board is included as Attachment 1. The response of the board is included as Attachment 2. The department and Board of Education opted not to provide comments on the report.

The Hawai‘i Teacher Standards Board replied that the board and the staff saw the study “as an opportunity to identify and address areas of need as well as an opportunity to improve on our work.” However, the board says that it was disappointed that the report did not make any provision for the board to take actions to improve and described in its response, actions that have been taken to address areas of need and alternatives for resolving other identified needs. We cannot comment on whether these actions or alternatives will bring about the desired outcomes. The fact remains that the Hawai‘i Teacher Standards Board has yet to issue a single renewed license and most of its extended licenses may be invalid.

The board also provided information to clarify a number of points, which neither contradict nor change our findings and recommendations. For example, the board explained that:

- The composition of the board includes a representative of independent schools;
- The board’s classified staff are DOE employees and “all certified staff are made to resign from the DOE if accepting a position with (the board) even though vacancies are required to be posted internally for DOE educational officers first”; and
- Emergency hires have up to three years to become licensed per a 2008 statutory change.

The board’s responses do not address one of the report’s key findings—that the board has failed to develop, administer, and deliver an effective teacher licensing program. For example, the board asks, “What is the basis on which the board is held responsible for being in compliance with the NCLB federal law?” In our report, we describe possible consequences from the board’s actions over its questionable handling of the licenses it has issued, such as the executive director and staff approving licenses until February 2008 without delegated authority and the board’s extension of licenses beyond the period provided by law. In its

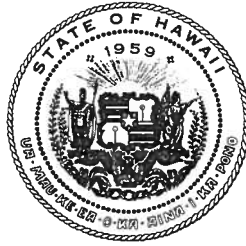
response regarding the extension of licenses, the board acknowledges that it “did not act to intentionally exceed its statutory authority.” We find this indicative of the board’s confusion and reiterate our point that should any licenses issued by the board be deemed invalid, that would pose a problem for the DOE, as any teachers holding invalid licenses would be considered emergency hires and would not meet the highly qualified designation according to NCLB requirements.

In addition, the board points to the State Approval of Teacher Education (SATE) process to counter the report’s assertion that the board has failed to apply the teacher standards. The SATE process is a process for teacher education institutions, not students/teacher applicants. Furthermore, the board’s administrative rules state that for a teaching license, a person is required to satisfactorily complete a SATE program that “shows the applicant is *likely to satisfy* the performance standards established by the board”—thus, there is no guarantee that the applicant will meet the standards, just a likelihood that the applicant will be able to meet the standards.

The board offers an alternative placement, under the “auspices of the DCCA as are other professional licensing boards.” This suggestion supports our conclusion on the board’s confusion as our report clearly explains that this is contrary to the State’s regulatory policies as set forth in the Hawai‘i Regulatory Licensing Reform Act, Chapter 26H, HRS.

The board states that “while we accept that there is a need to improve, we do not agree with the recommendations of the report.” While we appreciate the board’s comments and cooperation, we otherwise stand by our report.

STATE OF HAWAII
OFFICE OF THE AUDITOR
465 S. King Street, Room 500
Honolulu, Hawaii 96813-2917



MARION M. HIGA
State Auditor

(808) 587-0800
FAX: (808) 587-0830

February 18, 2009

COPY

Mr. Jonathan Gillentine, Chair
Hawaii Teacher Standards Board
650 Iwilei Road, #201
Honolulu, Hawaii 96817

Dear Mr. Gillentine:

Enclosed for your information are ten copies, numbered 23 to 32, of our confidential draft report, *Study on the Appropriate Accountability Structure of the Hawaii Teacher Standards Board*. We ask that you telephone us by Friday, February 20, 2009, on whether or not you intend to comment on our recommendations. Please distribute the copies to the members of the board. If you wish your comments to be included in the report, please submit them no later than Tuesday, February 24, 2009.

The Department of Education, Board of Education, Governor, and presiding officers of the two houses of the Legislature have also been provided copies of this confidential draft report.

Since this report is not in final form and changes may be made to it, access to the report should be restricted to those assisting you in preparing your response. Public release of the report will be made solely by our office and only after the report is published in its final form.

Sincerely,

Marion M. Higa
State Auditor

Enclosures



STATE OF HAWAII
HAWAII TEACHER STANDARDS BOARD
650 Iwilei Road, Suite 201
Honolulu, Hawaii 96817

February 25, 2009

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**OFC. OF THE AUDITOR
STATE OF HAWAII**

Ms. Marion M. Higa, State Auditor
Office of the Auditor
465 S. King Street, Room 500
Honolulu, HI 96813-2917

Dear Ms. Higa,

First, thank you for agreeing to give the Hawaii Teacher Standards Board an additional day to prepare its response to your office's *Study on the Appropriate Accountability Structure of the Hawaii Teacher Standards Board*. Because the Board met Monday, February 23, the additional day allows us to compile the members' comments and prepare our official response.

As was discussed with us at the exit conference we had with members of your staff, the Board can convey the following to you:

1. our comments about your office's report;
2. questions about or agreement or disagreement with the findings and/or recommendations contained in the report; and
3. corrections of fact.

It is our understanding that our responses and corrections will be incorporated into the final report. We are, therefore, grateful for this opportunity.

Overall Comments About the Report

Before responding specifically to the findings and recommendations, I want to make clear that the Hawaii Teacher Standards Board and its staff saw the audit (requested in Senate Concurrent Resolution No. 83 SD1) as an opportunity to identify and address areas of need as well as an opportunity to improve on our work. We saw it as a constructive process, particularly as it was the first audit to occur since the HTSB became a more independent entity. While the report does identify areas of concern, we are disappointed that it does not appear to make any provision for the Board as it currently functions to take actions to improve. Throughout our responses, we describe actions that have already been taken to address areas of need and we suggest alternatives for resolving other identified needs. In addition, we seek to clarify some apparent misunderstandings as to the role and responsibilities of the Board.

The Board does not operate in isolation and so our work is affected by the actions of other agencies. We seek to better inform others about the interrelationships that are part of our reality so that there are fewer misunderstandings related to the responsibilities of the Board. Not acknowledging such interrelationships might easily lead one to draw a conclusion different than if one took this reality into account. Considering these complex interrelationships might lead to different possible recommendations for the future.

About the Findings and/or Recommendations

Auditor's Finding: The Board has failed to develop a professional teacher licensure program.

Auditor's Assertion #1: The lack of a viable licensure program poses problems for the Department of Education...the board has failed to provide every child with a qualified teacher as required by federal law.

HTSB Question: What is the basis on which the Board is held responsible for being in compliance with the NCLB federal law?

The federal NCLB law holds the State Education Agency (SEA) responsible for ensuring that the teachers it employs are highly qualified to teach the courses they are assigned to teach. In Hawaii the SEA is the Department of Education (DOE). The law is not about licensing nor licensing agencies. The law is about holding States and schools responsible for employing qualified teachers. The law sets forth a definition of "highly qualified" teachers, requires all SEAs to submit a plan by which it will ensure that 100% of its teaching personnel are highly qualified, and requires all SEAs to report the number of its classes that are taught by non-highly qualified teachers. The law further requires the SEA to account for how it will provide quality professional development for its teachers so they become highly qualified.

The definition of "highly qualified" contains several components. A teacher must be (1) licensed, (2) show subject matter expertise in the core subjects as defined in law that he/she teaches, and (3) be assigned to teach at the grade level and in the subject field in which the teacher holds a license. The key point to emphasize is that a teacher's teaching assignment directly impacts his/her highly qualified status. If they are assigned to teach courses outside of their field of licensure (for example assigning a licensed science teacher to teach one class of math) or assigned to teach at a grade level for which they are not licensed (for example assigning a grade 9-12 secondary licensed math teacher to teach 6th grade math), the DOE must report those classes as being taught by a "not highly qualified" teacher. Had the teacher been assigned to teach only in the content and at the grade level for which he/she had been prepared and licensed, there would be no designation of "not highly qualified."

The Hawaii Teacher Standards Board has no authority over the Department of Education's hiring and teacher placement practices. The Auditor's report inaccurately holds the Board responsible for the actions not under its control, but rather that of the Department of Education.

The HTSB does, however, use standards and practices that reflect national norms in terms of requirements for obtaining a teaching license. These requirements include (1) completion of a state approved teacher education program that has demonstrated alignment with state and national standards, (2) demonstration of content expertise as reflected in national tests or a major or equivalent of a major, (3) professional fitness competency verified through a background check, and (4) payment of a licensing fee. It is also important to note that state approved teacher education programs that are aligned to standards may be delivered as part of a degree program (undergraduate or graduate) or through alternative pathways, all of which are reviewed by the HTSB.

Auditor's Assertion #2: Licensure does not address or alleviate employment issues.

HTSB Clarification and Question: HTSB licensure enables teachers to meet two critical NCLB requirements—1) possession of a license; and 2) subject matter expertise via major and/or subject matter test. Was HRS302A-804 considered as a statutory provision that allows the Department of Education to hire non-licensed teachers who then do not meet the NCLB requirements?

The NCLB law specifically prohibits the use of emergency permits, credentials, etc., that some States use to place otherwise unlicensed individuals into the classroom. Exhibit 2.1, p.18, demonstrates how the use of HRS302A-804 contributed 1400 unlicensed "not highly qualified" DOE teachers in SY2008-09. Since these emergency hires do not meet the first basic criteria of NCLB, i.e. being licensed, they must be reported as "not highly qualified.". We wish to point out that last school year almost 75% of elementary teachers and 32% of secondary teachers were designated "not highly qualified" because they were employed without a license.

Auditor's Assertion #3: The Board's rules for adding a field do not meet federal requirements. (p. 17)

HTSB Clarification and Question: The report portrays the add-a-field rule as having major impact. So much so that it is incorporated into the report's suggestion that Hawaii's low ranking among the states on the issue of highly qualified status is the result of the Board's licensing program. Is the Auditor aware of the number of teachers to whom the add-a-field requirements cited on

pg. 17 apply? Is the Auditor aware that a year ago the Board changed the requirement for adding a field from 18 credits to 30 credits to align with the federal law?

When NCLB went into effect, the Board was not included in the DOE's discussion and development of its State Plan. Only after the Plan was not approved and a member of the visiting team asked why the Board was not represented/included, was the Board invited to actively participate. The DOE's consultants approached the Board in August 2007 to consider changing its add-a-field course credit option so that it would be compatible with the NCLB HQ definition. The Board took action to draft and approve such a change on September 10, 2007. In March 2008 the Board submitted this rule change along with some others to the Attorney General for review and approval. In December 2008 the Board received comments and suggestions from the AG's office for revisions. The Board approved the final draft rules at its February 2009 meeting and returned them to the Attorney General and the Governor for approval to take them to hearing. This is an example of how the Board's reliance on other agencies affects its ability to complete its own work.

So that you understand the minimal impact the Board's rule related to 18 credits had on the DOE's report of not highly qualified teachers, **only 6** teachers used this option to add a field to their license.

Auditor's Assertion #4: The Board exceeded its statutory authority by extending licenses.

HTSB Response and Question: The Board assumed that when draft rules are submitted to the Attorney General for review, the reviewer is verifying that the rules are in conformance with law. We believe this was a reasonable assumption. Was it unreasonable for us to make such an assumption?

The Board did not act to intentionally exceed its statutory authority. In good faith, we prepared draft rules that we believed were in the best interest of licensed teachers and the Department of Education. And we believed that after having the draft rules reviewed and approved, we had performed our duty within the law.

HTSB Question: What might be some viable means by which the Board can acquire continuing legal support at its meetings?

With the increasing numbers of license cases and issues the Board considers every year and with the legal ramifications involved in many of them, we believe it prudent to have our Deputy Attorney General present at our business meetings. We know that many of our counterparts on the

mainland are provided such legal support and we know that some other State boards also receive such assistance.

To help you understand our context, I want to point out that in the past 6 years we have had 6 different deputy attorney generals assigned to us. This has resulted in a constant need to repeat and explain what the Board is attempting to do and has created challenges to our desire to maintain a level of continuity.

The Office of the Attorney General provides a valuable and critical service to our board and we ask if consideration can be given to including as one of your recommendations a consistent presence of such expertise at meetings involving teacher licensure. We note that the Board of Education, too, has submitted similar requests in the past.

Auditor's Assertion #5: The Board has abdicated its powers to the executive director and the Board's minutes fail to document whether the board approved an action to ratify all previously issued licenses without board approval.

HTSB Response: This situation provides a solid example of how the Board has quickly taken action to address areas of concern raised by the Auditor's report.

When the Board assumed the authority to license, it consulted the Department of Education's certification section to ensure that we understood what would be required and that there would be a smooth transition from the Department's process to ours. To our recollection, there was no provision for the Board of Education to approve licenses issued by the Department of Education. This may have been due to differences in the statutory authority assigned to the Superintendent, but at that time we were unaware of any differences in our procedures and none were pointed out to us.

Thus, the Board was not aware that it had to take formal action to approve all licenses that were issued as a result of staff review and determination that the Board's requirements were met. When we were advised that the Board needed to approve all licenses, the board took immediate steps to correct its approval procedure and since January 2008, more than a year ago, has been following a revised procedure in which no licenses are issued prior to official Board action. The board also took action to confirm that it had implicitly granted authority to the Executive Director to take appropriate actions with respect to teacher licenses. To ensure that there is no confusion, the board ratified the prior actions taken by the Executive Director with respect to the licensing of teachers including but not limited to issuing, revoking, suspending, reinstating, extending and renewing of teacher licenses.

Auditor's Assertion #6: An appeals process is non-existent.

HTSB Response and Question: Did the Auditor consider the Board's draft rules?

The Board has used a contested case hearing procedure as recommended by one of our Deputy Attorney Generals. A later Deputy Attorney General had a different view about using this procedure so the Board responded by drafting new rules in 2007. These were submitted in early 2008 to the Attorney General for review and in December 2008 these were returned to us with suggestions for revisions. After making further revisions, the Board at its February 2009 meeting approved the draft rules and resubmitted them to the Attorney General and the Governor for permission to take them to public hearing. Public hearing will occur before the end of the school year if we receive the approvals in time.

Auditor's Assertion #7: The Board has failed to apply the standards.

HTSB Question: Why does the report not describe the State Approval of Teacher Education process and how this process assesses the extent to which candidates meet the Board's Teacher Performance Standards? In addition, the Board's use of Praxis tests to meet content standards is not mentioned.

The Board's State Approval of Teacher Education (SATE) process requires all teacher education institutions to show how their teacher preparation programs meet the Board's State approval standards. In turn, these state standards are aligned with national standards promoted by the disciplinary fields and through the Interstate New Teacher Assessment and Support Consortium (INTASC). Programs must demonstrate how their curriculum is aligned to national standards and how candidates are assessed to determine their level of competency. Reviews of the programs are conducted by teams from across the state. Only after demonstrating alignment with standards are the institution's programs granted SATE status. When institutions recommend candidates for licensure, they are verifying that these candidates have met assessment requirements that demonstrate their ability to meet the Board's standards. Thus, the standards are implemented by the Board through the SATE process and this is the basis upon which the candidates are reported to the Board as having successfully completed the institution's SATE program.

When the Board requires an applicant to demonstrate completion of an SATE program in order to become licensed, it is verifying that the applicant meets its Teacher Performance Standards. Furthermore, the Board's required Praxis tests are an additional means of applying the Board's standards for pedagogy and content knowledge.

There has been a complete failure of the board to promote professionalism and teaching excellence.

HTSB Response:

The Board has indeed promoted professionalism and teaching excellence. When National Board Certification was newly introduced across the country, the DOE was approached to administer the program. It chose not to do so because this would increase staff workload. The Board, therefore, partnered with the Hawaii Institute of Educational Partnerships and the teachers' union to offer candidate support sessions for interested teachers. At the time there was no funding and the process relied upon individuals volunteering their time and service.

Since those early years the Board has continued to promote and support National Board Certification. The number of candidates each year has risen from 6 in the first year (1998) to 145 in 2008-2009. The number of those successfully achieving National Board Certified status has risen from 2 to 160. Teachers attest to the value of the process and how it improves their practice.

Another key area in which the Board has promoted professionalism and teaching excellence is in the approval of teacher education programs. Not only has the board used national standards to approve Hawaii programs, but it has actively worked with teacher preparation institutions to continually strive for program improvement. We have provided timely training for the college faculty to prepare for their SATE reviews and we have received positive feedback about the value and quality of the training.

Auditor's Assertion #8: Teachers are granted initial licenses based on similar requirements for DOE certification. The board's adoption of the DOE's initial licensing requirements has resulted in no differences between the licenses issued by the board and certificates and licenses issued by the department.

HTSB Question: Was consideration given to the similarities among and differences between the license requirements of all states?

A quick review of other States' licensing requirements will show that Hawaii's licensing requirements are quite similar to all or most of them. In general, almost all States require a State Approved Teacher Education Program, tests that measure content knowledge, professional fitness clearance, and license fees. There may be additional ancillary requirements that vary by state. The differences are in the details: must the State Approved Teacher Education Programs be NCATE-accredited

(in Hawaii, this is voluntary); which tests (the Praxis tests used in Hawaii are the most used, but some states develop and adopt their own tests); what kind of professional clearance (fingerprinting, name checks, etc.); and the fee amount. Thus, to say that the Board grants licenses based on requirements similar to those used by the DOE disregards the broader truth, i.e. that all states' requirements are similar.

The Board has made changes over time to adjust to national trends and to improve on existing requirements--new license fields, additional license levels, new tests, new passing scores, use of performance standards where none existed before. By adding middle level licenses in core subject areas, the Board actually helped the Department of Education to designate more teachers as "highly qualified" contrary to the report's assertion that HTSB's licensure does not help alleviate employment issues.

It is through the Board's efforts that Hawaii's Teacher Performance Standards are aligned with the SATE approval standards, the Department of Education's teacher evaluation (PEP-T) standards, the National Council for the Accreditation of Teacher Education standards, the Interstate New Teacher Assessment and Support Consortium (INTASC) Model Standards for Beginning Licensure, and the standards used for National Board Certification by the National Board for Professional Teaching Standards. The Department of Education also uses the Board's teacher standards in its mentoring and induction program for emergency hires and new teachers. These are ways that the Board's licensure program differs from and improves upon what was used by the DOE more than a decade ago.

Auditor's Assertion #9: Renewals were the intended mechanism to apply the standards.

HTSB Response: The Board did not intend license renewal to be the mechanism for applying its performance standards. Renewals were, in addition to the DOE's teacher evaluation process, another means by which a licensee could demonstrate how he/she continued to meet the Board's Teacher Performance Standard after initial licensure. Meeting of the standards initially is done through completion of a SATE program and passage of tests..

The Board developed its renewal procedure to enable licensees to continue to demonstrate how they were addressing the Teacher Performance Standards once they were in the field. We did this despite misconceptions among teachers and others that the process would be a burden to teachers. We acknowledge that the lack of a working online system impeded our ability to proceed sooner with the renewal procedure. However, we moved forward with our License Renewal Pilot Project to determine the viability of the process itself, the usability of the forms, and the clarity of

the instructions. The pilot project has been completed and the Board's initial belief in the value of the process was confirmed. After broad dissemination of the forms and instructions, we expect to have an electronic renewal process available in April 2009.

Auditor's finding: The lack of oversight and mismanagement of operations have resulted in government waste.

Auditor's Assertion #1: The board lacks fiscal accountability.

HTSB Response: Accounting is handled by the Department of Education because this is required of all attached agencies and the Board is required to follow all DOE budgetary and fiscal policies and guidelines.

The report mentions the Executive Director's inability to answer the question about the balance of the Board's Special Fund. We want to describe how the DOE's financial system is used so that you can understand why the answer was not readily provided.

The Board prepares and approves its budget based on a spending limit that is pre-determined through the DOE's Budget Office. For all intents and purposes, this spending limit is what matters on a daily basis since our expenditure plan is inputted into the DOE's budget system and our expenses cannot exceed this spending limit no matter what our cash balance is. HTSB has access to screens that show the expenditure plan, expenses encumbered, expenses paid, purchase order preparation, etc. We do not have access to any screen for the Special Fund cash balance. In order to learn what the balance is, we must request the information from the DOE's Accounting staff. This finding in the audit report points out our need to take this step on a more routine basis or that direct access to this information be provided to us.

Our comment above about what our spending limit means on an operational basis also explains why in Exhibit 2.5, p. 28, we provided the fund balances as shown. Differences in the expenditure amounts showing in Exhibit 2.5 versus Exhibit 2.6, p. 29, are explained by the fact that what we provided as expenditures are actual expenditures. The expenditures shown in Exhibit 2.6 include encumbered monies because your audit team staff said they would accept encumbered amounts. We believe actual expenditures provide a more accurate picture and we think that consistency in terminology and definitions would have been helpful.

As for the negative revenue reflected in both exhibits, we have not ever gotten a clear explanation of why or how that happened—not in 2003 and not in 2008 during the audit. The Accounting office surmised that their

office may have erroneously miscoded entries to the wrong account. The amount showing is what was generated by the DOE's FMS system.

Auditor's Assertion #2: Uncertainty exists between the board and the department and the board has wasted more than a million dollars. The board approved the online system project without guidance from any other state agencies.

HTSB Response and Question: The Board did solicit and receive guidance from other state agencies prior to approving the online project. Guidance was received from the Attorney General's Office related to the contract as well as from the DOE related to the technical requirements. How did the Superintendent's and Board's actions go against what the report cites as State law?

All major contracts of the Board were procured through the DOE's Procurement office and reviewed by the Attorney General. With regard to the online system project, the Board convened a panel of IT staff from the DOE to review the requirements of the project and ultimately the viability of the contract proposal. Based on the panel's recommendations, the scope of the project, etc., were written up and the contract was procured through the DOE Procurement Office. Then the contract terms were reviewed and approved by the Office of the Attorney General.

The report says, "State law dictates that the head of the department, in this case, the superintendent, does not have the power to supervise or control an administratively attached board's functions, duties, or powers." We believe the Superintendent adhered to this law and we believe that by following the DOE's contracting of professional services procedures, we also adhered to the law.

Between 2002 through September 2008 the Board had access to and use of two different applications—each developed by the two different contractors. The Board staff used one to issue and print licenses. When the next contractor took over, we had a different method for issuing licenses with the contractor generating the printing of the licenses. We then had access to looking up licensee information. For the last year and a half, the Board has been pushing the contractor, questioning the progress and functionality of the system, and asking for a firm completion date. When the Board would not immediately agree to a new proposal prior to seeing a demonstration of a working product, the contractor turned off the servers and the staff lost access to what had been available.

Since September 2008 we have been working with the Attorney General to resolve this matter. We also moved forward and are working with Hawaii Information Consortium (HIC), the company that is responsible

for eHawaii.gov to get an operational system online as soon as possible. HIC has set April 2009 as the target date for online license renewals.

Auditor's Assertion #3: The board failed to understand and fulfill its role on the project.

HTSB Response: We acknowledge that while the executive director was not properly trained with the technical skills needed to manage the project, she did what she could under the circumstances. However, we want to correct the statement that the Board never reviewed the contract.

The Board on two separate occasions in 2001-02 instructed the executive director to pursue the contract with Teacher Records and approved cost parameters for that contract. The supplemental agreement with Open Frameworks and its cost were also approved by the Board. Both agreements were reviewed and approved by the Attorney General.

The report questions the Board's decision about the support services agreement since the online system was not yet developed. We want to clarify that the support agreement was for the DPSA support that the Board lacked because it was unable to fill its DPSA position.

Auditor's Finding #3: Placement of the Board in Another Agency is Contrary to Regulatory Policies

Auditor's Assertion #1: The Department of Commerce and Consumer Affairs is not a good fit because teacher licensure was intended to benefit the teaching profession, not the students and parents, who are the consumers.

HTSB Response: The Board believes that both purposes apply.

The creation of the Board was intended to benefit the teaching profession by affording it the authority afforded to other professions (i.e. medical, legal) and allowing it to set the standards for entry into the profession and to maintain those standards by requiring initial licensure, professional development and adherence to the Code of Ethics.

The creation of the Board was also intended to benefit the consumer. The "Occupational Licensing...A Public Perspective" description describes what the Board does except that the DOE lobbied for and the Legislature approved the emergency hire loophole provision in the law.

We wish to point out that the DCCA Director's statement that "the HTSB operates under the direction of and within policies established by the Department and Board of Education" is not true. In fact even the audit

report seems to confirm that this is not true. Where the Director points out that DCCA licensing boards “set the direction for policies and consult with the regulated community,” we think this applies to our board as well. We are the licensing board for teachers that sets the policies for regulating teacher licensing and through our public hearings and communications, we consult the teaching community as well as the general public.

We do agree with the Director’s characterization of our staff’s responsibilities except that at least 2 of our 3 educational officers are directly involved in licensing and renewal. Between the BOE and DCCA, we think we are more like the DCCA than the BOE.

Auditor’s Assertion #2: Licensure is intended to protect the public, not raise quality levels.

HTSB Question: Is it not possible to elevate the profession while also regulating it? Doesn’t elevating the profession serve the public interest?

Our work in promoting and supporting National Board Certification serves to improve the profession by setting a higher bar of performance. All of Hawaii’s National Board Certified Teachers can attest to how the certification process helped them to become better teachers. If they are better teachers, they serve their students (the consumers) better. National Board Certification brings recognition not only to individual teachers, but to the profession as a whole.

Similarly, our deliberations of and actions in individual cases where teachers have committed wrongful acts are some of the regulatory duties that we have performed. We think that this, too, served the consumers better. Questions posed in the media when teachers have been arrested for using drugs suggest that the Board is “expected” to do something about these wrongdoers.

Based on the above, we think the Board is expected to both elevate and regulate the profession.

The report correctly points out that HRS does not require all teachers to be licensed in order to practice. Only public school teachers are affected. Currently, although private school teachers are not required to be licensed, the Board has licensed private school teachers who sought to be licensed. In addition, teacher preparation institutions prepare candidates who wish to become licensed teachers regardless of whether they intend to gain employment with the DOE or some other agency.

Auditor's Assertion #3: Other states approach licensure differently.

HTSB's Response: The two states referenced in the report differ from Hawaii in one significant way—their state education agency does not employ teachers.

Eight states have boards or commissions that oversee teacher licensing. In the remaining states, the state education agency (Board of Education, Department of Education, or Department of Public Instruction) oversees the licensing process. However, no other state has an SEA that is the only hiring agency of public school teachers. In the other states, the SEA serves an oversight role. They develop policies, administer rules, and oversee the actions of the local districts and schools who are the employing agencies. The report says that like the Board's tiered licensing New Mexico's system relates to professional advancement via degrees, National Board Certification or teaching experience. Both systems are not only about minimum requirements and protecting the consumer. It then goes on to say that New Mexico's system is exceptional because it also ties the license to salary. The fact that our Board is neither the Employer nor the teachers' collective bargaining agent explains why we cannot tie our licenses to salary. This should not be seen as a flaw.

We have, on various occasions, talked with the Superintendent about how the DOE might reconstruct its salary schedule with links to licensing, but this has not been fully explored by the DOE and the teachers' union.

The Nebraska example in the report only shows that the board issues licenses and approves teacher education programs. We wish to point out again that Nebraska's board does not employ teachers so that state is not a good model for Hawaii.

New Mexico and Nebraska cannot serve as models for Hawaii because neither has a board of education that is the public teacher employer. Promoting such models will reintroduce the inherent conflict of interest of the Employer as licensing agency that the 2001 Legislature wisely corrected. In no other profession (e.g. medicine, law) does the employer also hold authority over licensing.

Auditor's Conclusion: The teacher performance standards have not been applied, the board's performance raises questions as to whether it is essential to teachers and the public school system, and licensure is inherently an Employer function.

HTSB Response:

In our comments above, we explain how the report did not describe the State Approval of Teacher Education process and the significant role it plays in

ensuring that institutions assess their candidates against the Board's Teacher Performance Standards before recommending them to HTSB for licensure. We identify instances where inaccurate information led to inaccurate conclusions. And we describe steps the Board has already taken to address key areas of concern.

Auditor's Recommendations: Amend the law to transfer all the powers and duties of the Board to the Board of Education; dissolve the Board; and assign to the BOE the SATE process.

HTSB Response:

To the extent that the report was based on inaccurate information and interpretations, we ask that you reconsider your findings and recommendations. We have acted in good faith and believed that the audit process would be constructive by identifying areas of need and providing us opportunity to improve. While we accept that there is a need to improve, we do not agree with the recommendations of the report. Returning to a model that was found to be flawed is not, in our minds, the best solution to the problems. We also note that the institutions of higher education who prepare our teachers have expressed their concerns about a model that returns the review of teacher education programs to the Board of Education.

We feel it more appropriate to recommend that the Board be given 1-2 years to put into place a course of action to address areas of need and to submit to a follow-up audit to determine if improvements were made. We think this will ensure that the Board does what is necessary to preserve the teaching profession's right to self-governance while also making changes to improve how it performs its powers and duties. A second alternative would be to place the Board under the auspices of the DCCA as are other professional licensing boards.

Thank you for the opportunity to respond and comment on the draft report. We hope we have been successful in clarifying misconceptions and that this will stimulate new insights about our work. Please feel free to contact me or the executive director, if we can be of further assistance.

I am attaching a bulleted summary of our comments to this letter in order that some may find it easier to note our points. I am also attaching a list of corrections of fact.

Sincerely,



Jonathan M. Gillentine, Ph. D. and NBCT
Chairperson
Enc.

AUDIT REPORT TOPICS

AUDITOR'S FINDING/ RECOMMENDATION	AUDITOR'S ASSERTION FOR FINDING/ RECOMMENDATION	HTSB RESPONSE	DOCUMENTATION AND/OR TIMELINE
Failure to develop licensing program	No use of Teacher Performance Standards in issuing licenses	<ul style="list-style-type: none">Teacher Performance Standards are embedded in State Approved Teacher Education Programs (SATEP). A SATEP assesses its candidates to ensure they meet the HTSB standards before they are recommended for licensure.National Association of State Directors of Teacher Education and Certification (NASDTEC) Agreement re: SATEP: Members agree to have program approval standards, evidence of meeting standards, and site visits. Ensures applicants from other states meet teacher performance standards.Use of Teacher Performance	<p>9/2005:</p> <ul style="list-style-type: none">NBI 05-06 accepted the SATE review template and focused on the standards in depth after the May 2003 revision. The "Task Force on Program Standards" reported to the Board how the SATEPs' assessments evaluate how candidates are able to meet the Teacher Performance Standards to become licensed. Representatives from six IHEs and the DOE served on this task force.Hawaii is a signatory to the 2005-2010 Interstate Agreement.Teachers are evaluated at

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	<p>Lack of viable licensure program poses problems for the DOE...the board has failed to provide every child with a qualified teacher as required by federal law.</p>	<p>Standards in PEP-T, an employment evaluation tool, is additional means by which teachers are assessed against the standards. HTSB does not set the definition of Highly Qualified (HQ) teachers. Federal law lists these requirements to become HQ:</p> <ul style="list-style-type: none"> • possess a license • demonstration of content expertise and • a teacher must meet these requirements when assigned to teach a core subject. <p>3 factors contributing to not HQ status are controlled not by HTSB, but by the DOE and/or the individual teacher:</p> <ul style="list-style-type: none"> • DOE hires an unlicensed teacher • DOE assigns teacher to teach out of field; • the teacher accepts out of field assignment; and • one of the incentives to become licensed is pay, but Code W emergency hires are paid the same as licensed teachers 	<p>least once by the DOE during the term of their license.</p> <ul style="list-style-type: none"> • HRS302A-804 gives permission to the DOE to not comply with NCLB law since all emergency hires are not highly qualified. • HRS302A-804 contributed 1400 "not HQ" teachers last year. • 75% of elementary teachers and 32% of secondary teachers were not HQ because they were hired unlicensed through the above provision.

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	<p>Board's license fails to ensure "highly qualified"</p>	<p>Consideration should be given to repealing HRS302A-804.</p> <p>Consideration should be given to not paying emergency hires as if they were licensed teachers.</p> <ul style="list-style-type: none"> HTSB not included by DOE in early NCLB planning. HTSB invited as a partner only after the DOE's State Plan was not accepted by the federal government. Board changed Add-a-field Option B credit requirement as soon as DOE made request. The DOE has a representative on the HTSB and this issue was not immediately brought to our attention. Once it was, HTSB immediately prepared a rule change. 	<p>Between 2002 and 2005 States have either reduced the duration of their emergency credentials, reduced the number of times they can be renewed, increased the number of non-renewable licenses, or decreased the number of unlimited renewal license.</p> <p>Average duration is 1.4 yrs and average number of times renewable is 1.5 years.</p> <p>9/10/07</p> <ul style="list-style-type: none"> NBI 07-04 passed changing the number of hours to add a license field from 18 to 30. Historically, only 6 teachers have used Option B to add a field. 6 out of 12,000+ teachers is .0005%.

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	<p>Board exceeded its authority</p> <p>The board has abdicated its powers to the executive director. The board's minutes fail to document whether the board approved an action to ratify all previously issued licenses without board approval.</p>	<ul style="list-style-type: none"> • The Attorney General reviewed the Board's administrative rules. • Governor approved Administrative rules in 2004 to implement HRS of 2001. • Another set of rules submitted in September 2006, approved November 2007 <p>January 2008:</p> <ul style="list-style-type: none"> • The board took action to correct its approval procedure and has been following this procedure as of January 2008. • The board has also taken action to confirm explicitly that it had implicitly granted authority to the Executive Director to take appropriate actions with respect to teacher licenses. • To ensure that there is no further confusion, the board took action to ratify the prior actions taken by the Executive Director with respect to the licensing of teachers including but not limited to issuing, revoking, suspending, reinstating, extending and renewing of teacher licenses. 	<p>1/14/08, NBI 07-17 approved</p> <p>1/26/09, NBI 08-42 approved</p>

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	<p>Appeals process is non-existent</p> <p>There has been a complete failure of board to promote professionalism and teaching excellence.</p> <p>30% of the students in the public school system are taught by teachers who do not meet NCLB requirements.</p>	<ul style="list-style-type: none"> The Board's rules allowed for using DOE's investigative process while waiting for approval of Code of Ethics The Board used contested case hearing procedure at recommendation of Dep. AG. In late 2007 with new Dep. AG, this advice changed so the Board drafted rules for conducting contested case hearings. Teacher Performance Standard IX is "Demonstrates Professionalism" The board assumed responsibility by successfully promoting and recruiting candidates and providing support for National Board Certification Principle II of the Code of Ethics describes the licensee's "Commitment to the Profession" Reviewed ten SATEPs, which incorporate 100 teacher education programs. Count of students is based on the # of classes taught by teachers teaching out of field, not the total number of discreet students. NCLB requirements for counting these teachers has a great impact on this number. For example, a secondary SPED teacher must be 	<p>Code of Ethics initially submitted to AG for review in June 2006; final approval by Governor November 2007.</p> <p>Contested case procedure submitted to AG for review in March 2008; feedback received December 2008; Board approved additional revisions and resubmitted February 2009 to the AG for approval to take to hearing.</p>

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	<p>Teachers are granted initial licenses based on similar requirements for DOE certification.</p> <p>The board's adoption of the DOE's initial licensing requirements has resulted in no differences between the licenses issued by the board and certificates and licenses issued by the department.</p>	<p>licensed in every subject area, possibly three or more, that s/he teaches, <i>in addition to being licensed in SPED</i>. All states face this problem.</p> <ul style="list-style-type: none"> • If a general education teacher is assigned as "teacher of record" for SPED students, the SPED teacher no longer is required to have additional licensure. • DOE's practice of pull-outs may be raising the number of non-HQ SpEd teachers. • If all classrooms were inclusive, SpEd teachers would not have to demonstrate content expertise. • Most states share common requirements. The differences are in the details. • HTSB grants licenses based on requirements similar to any other state • HTSB role is to align its standards and requirements with national standards and it has done this. • HTSB started with the DOE's requirements to avoid abrupt change and confusion among teachers. • Board has made changes over time to adjust to national trends and to improve on existing requirements. 	

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Lack of oversight and government waste	We found that the board intended the renewal licenses to be the mechanism for applying performance standards	<ul style="list-style-type: none"> The Board developed its renewal procedure to allow licensees another means to demonstrate how they continue to address the Teacher Performance Standards. We acknowledge that the unavailability of the online system impeded our ability to proceed with the renewal procedure. We moved forward with our License Renewal Pilot Project to determine the viability of the process, the usability of the forms, and the clarity of the instructions. The project has been completed and the Board's initial beliefs in the value of the process have been confirmed. After broad dissemination of license renewal forms and instructions, we expect to be testing an electronic renewal process in April 2009. Renewal is about professional development connected to standards. <p>Accounting is handled by DOE because this is expected of attached agencies.</p> <p>Lack of consistency in defining "expenditures":</p> <ul style="list-style-type: none"> HTSB provided Auditor actual expenses paid Auditor's staff used encumbered 	<p>December 2008</p> <p>April 2009</p>

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	<p>Uncertainty exists between the board and the department of education and the board has wasted more than a million dollars. The board approved the online system project without guidance from any other state agencies.</p>	<p>amounts, explaining why the expenditure amounts don't match</p> <ul style="list-style-type: none"> • Without ready access to Special Fund Balance, it is difficult to have immediate knowledge of it. • HTSB must ask Accounting Section to look this information up because this "screen" is not provided to HTSB. • Once the HTSB's budget ceiling is set, this amount, not the cash balance, is what determines what can be allocated and expended. • Negative revenue amounts could not be explained to us in 2003 or in 2008 by the Accounting Office. They surmised that their office may have erroneously miscoded entries to the wrong account. <p>The Board received guidance and approvals regarding the project from:</p> <ul style="list-style-type: none"> • DOE IT review panel • DOE Procurement • AG <ul style="list-style-type: none"> • Between 2002 and 2008 Board had partial access to 2 different systems: each developed by the 2 different contractors. 	<p>8/15/07: Contractor appeared before Board to explain timeline for completion of project.</p>

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		<ul style="list-style-type: none"> For last year and a half, the Board posed questions to Contractor and when it would not immediately agree to a new proposal with the contractor, the servers were turned off and the staff lost access to what had been available. New arrangement through eHawaii.gov has April 2009 as target date for online license renewals. Board working with AG to resolve issues with previous vendor 	
	<p>Procurement authority is with the Superintendent, not the Board or the Executive Director</p>	<p>The Board/Executive Director followed the procedures required of an attached agency.</p> <p>All our major contracts procured through DOE procurement office and reviewed by AG.</p> <p>Sec. 26-35 HRS prohibits Dept. Head from supervising/controlling an attached board. Both the Superintendent and HTSB adhered to this.</p> <ul style="list-style-type: none"> Because of lack of DPSA, IT support was needed. Board was obligated to provide this under the contract. 	
	<p>Report questions the Board's wisdom about support services agreement since online system was not done at the time</p>		

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Placing HTSB in DCCA is contrary to regulatory policies	Board's purpose is to enhance the profession, not to protect consumer	Both purposes apply as HTSB protects school children from harm by preventing unfit teachers from entering the classroom.	
		"Occupational Licensing . . . A Public Perspective" description fits what HTSB does.	
		The DOE lobbied for and the Legislature allowed the Emergency Hire loophole.	
	License not intended to raise quality	The Board has tried to elevate the profession by setting and upholding standards aligned with national standards and supporting National Board Certification among Hawaii's teachers.	
		Auditor cites New Mexico's tiered licensing system as a model. Yet, like HTSB's tiered system, it relates to professional advancement via degrees, National Board Certification, teaching experience. Both systems are not only about minimum requirements and protecting the consumer.	
	BOE is good fit and other states are offered as examples of state education department serving as licensing agency	<ul style="list-style-type: none"> 8 states have boards or commissions that license. All others have an SEA that oversees licensing, but no other state has an SEA that is the only hiring agency of public school teachers. 	

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		<ul style="list-style-type: none"> The example of New Mexico is not useful since HTSB does not have the authority to establish and maintain a salary schedule. The Nebraska example is also not useful, since their BOE has regulatory authority but local school districts, not the BOE, serve as employers of teachers. In Hawaii, the BOE is the employer. If the BOE also assumes licensure responsibilities, "an inherent conflict of interest" (see p. 4) returns. Under HTSB all applicants can apply regardless of whether they are employed and by whom. Putting licensing with the BOE would restrict it only to DOE teachers and deny private school and other teachers from holding a license. <p>Sen. Concurrent Resolution No. 83 SD1 posits Nebraska as a state to which HTSB should be compared because it has similar number of students.</p> <p>Actually, the number of students is not meaningful for the comparison. Rather,</p>	

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<p>“Approval of teacher education programs for professional development”</p> <p>Scope and methodology</p>	<p>Interviewed and examined documents from “national education groups, and other pertinent agencies.”</p>	<p>we should consider the number of teachers since we are studying teacher licensing.</p> <ul style="list-style-type: none"> • Nebraska has 23,839 FTE teachers while Hawaii has less than 13,000. • Nebraska has 17 SATE institutions while Hawaii has 11. • Nebraska has 7142 undergrads and 3139 graduate students in teacher ed programs with 1697 program completers a year (in 2006-07) while Hawaii has approximately 500 program completers every year. • These data show how dissimilar Hawaii and Nebraska are. <p>Not HTSB’s function to provide professional development, that is primary function of DOE.</p> <p>HTSB does, however, provide opportunities to use professional development to add license field and level.</p> <p>Would be helpful to name these groups and agencies.</p>	<p>Scope and methodology</p>
HTSB GENERAL COMMENTS			
		<p>Board/Exec. acted in good faith Board exists and acts within a context and not in isolation.</p>	

AUDITOR'S FINDING/ RECOMMENDATION	AUDITOR'S ASSERTION FOR FINDING/ RECOMMENDATION	HTSB RESPONSE	DOCUMENTATION AND/OR TIMELINE
<p>Transfer all functions and powers to the BOE</p>		<p>We can pass a policy, but still need to wait for others' review before it gets implemented.</p> <p>Others' review impacts board's work.</p> <p>Board took responsible steps to improve or implement the licensing/renewal process:</p> <ul style="list-style-type: none"> • Pilot project is complete • Working to get applications online through eHawaii.gov • Target date for online license renewals is April 2009 • Approved SATEP based on standards. • Board increased the number of approved programs and institutions • Working with AG to resolve differences with contractor • Prepared new rules on professional fitness and contested case hearings, add-a-field credit change <p>Need for robust consistent support and presence:</p> <ul style="list-style-type: none"> • AG presence at all board meetings to offer valuable expert advice <p>Since this is Board's first audit, it should have 1-2 years to plan a course of action to address areas of need, then submit to another audit to determine if</p>	

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		improvements were made. Second alternative is to place the Board under the auspices of the DCCA as are other professional licensing boards.	

CORRECTIONS OF FACT

Page #	Item	Correction
Pg 2, last sentence	“The teacher performance...May 2003	Board reviewed standards against INTASC SpEd standards in 2007, but no changes were needed.
Pg 5, 1 st paragraph	2 things reported to HTSB	Should include number, fields, schools in which EHs hired, what the DOE is doing to address the shortage fields, numbers and types of courses, classes and students assigned to unlicensed teachers, out of field assignments, individual progress toward licensing, reasons and duration for emergency hiring.
Pg 5, 3 rd paragraph	Composition of the board	Need to include HAIS, and need to note that composition changed again in 2008 to include teacher who is prepared in alternative program
	“The Legislature...into the fund...”	The Legislature makes some General Fund non-carryover appropriations, but these funds are not placed into the Board’s special fund.
Pg. 7, 1 st bullet	“Hiring licensed...basis;”	Delete “licensed and”
Pg 8, 1 st paragraph	The board’s staff...DOE employees.	Only classified staff are DOE employees. All certificated staff are made to resign from the DOE if accepting a position with HTSB even though vacancies are required to be posted internally for DOE EOs first.
Pg 9, Exhibit 1.3	Year 2002 numbers shown as	More accurate to show “NA”

	---	since the Board not authorized to license in SY2001-2002.
Pg 16, 3 rd paragraph	"However, the NCLB...highly qualified."	The federal NCLB <u>and</u> the DOE determine whether a teacher is HQ. If the DOE only hired licensed teachers and only assigned teachers to teach in their fields and at the level of their licensure, teachers would be HQ.
Pg 17, 3 rd paragraph	"Emergency hires...provided that they:"	Emergency hires have up to 3 years, not 4 years, to become licensed. HTSB supported and lobbied for this statutory change during the 2008 Session so that HRS would not conflict with NCLB.
Pg 17, last paragraph	"Licenses may be renewed...meeting the licensing standards."	Emergency hires do not have licenses.
Pg 19		We are unaware of the subject area "middle school," "school activities counselor," and "student services coordinator." Some appear to be job assignments, not subject areas.
Pg 24-25 last paragraph	"At the beginning of the 1997-98 school year...Session Laws of Hawaii (SLH) 2001."	Is it possible to implement a 2001 law 4 years before it was enacted?
Pg 34, 3 rd paragraph	"We found that...project deliverables."	NBI 01-60 instructed the Executive Director to pursue an online system with Teacher Records and provided budget parameters for the project. NBI 01-79 affirms Board's directive to contract as well as the contract cost.
Pg 34, 2 nd paragraph	"...that Open Frameworks	As indicated by the

Pg 34, 2 nd paragraph	“...that Open Frameworks Corporation had been doing...at no charge.”	As indicated by the contractor and confirmed by the Dep. Attorney General, the Board’s contract was a development and testing contract, not a production contract. But because the Board needed certain production tasks performed, change orders were required. This is what the Chair was referring to as “outside the contract.” These change orders were not done for free.
Pg 35, last paragraph	“She added that...fill the IT position.	The executive director could not fill the IT position since it was apparent that no viable applicants were available and since the contract was paying for DPSS support.