



STATE OF HAWAII
DEPARTMENT OF EDUCATION
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OFFICE OF THE SUPERINTENDENT

October 4, 2011

TO: The Honorable James D. Williams, Chairperson
Committee on Human Resources
Board of Education

FROM: Kathryn S. Matayoshi
Superintendent

SUBJECT: Discussion/Recommendation for Board Action Relating
to Promulgation of a New Chapter 8-65, Hawaii
Administrative Rules, Relating to Alternative Routes
to Certification

1. RECOMMENDATION

It is recommended that the Board of Education Committee on Human Resources approve the proposed promulgation of a new Chapter 8-65, Hawaii Administrative Rules, Alternative Routes to Certification.

2. RECOMENDED EFFECTIVE DATE

It is recommended that Chapter 8-65 become effective when the rule adoption process, pursuant to Chapter 91, Hawaii Revised Statute, is completed.

3. RECOMMENDED COMPLIANCE DATE

It is recommended that compliance with Chapter 8-65 be effective upon adoption of the rules.

4. DISCUSSION

a. Conditions leading to the recommendation

The Governor signed into law Act 75, SLH 2011 (H.B. 1056, H.D. 1, S.D. 2), which amended §302A-605, HRS to allow for the establishment of alternative routes to certification to be a school administrator. To implement Act 75 and also to satisfy the federal Race to the Top grant requirements related to alternative certification these proposed rules are put forth.

Subchapter 1 of the attached proposed rules sets forth the purpose of this chapter consistent with commitments of the Department of Education Employee Certification Policy 5300 and commitments by the department in the Race grant. It also contains definitions for key words or phrases used throughout the chapter. Such definitions are consistent with terminology and meaning currently used by the department.

Subchapter 2 covers the new alternative certification program that is to be part of the department's professional development program administered by the office of Professional Development & Education Research Institute (PDERI) under OHR. The alternative certification program for is for initial certification as a vice principal and is aligned with the department's current certification program. It supports our belief that experienced vice principals are more likely to effectively transition into the principalship than someone without any prior experience leading a school. Also, an alternative certification program will be a program offered by providers that will be approved by the department. The more significant sections in subchapter 2 and the rationale behind the proposals are as follows:

§8-65-7 sets forth the requirements for an alternative certification program provider consistent

with that set forth by the United States Department of Education regulations for state application for Race to the Top fund allocations under section 14001 of the federal American Recovery and Reinvestment Act of 2009, as amended. This section also provides notice to prospective alternative certification program providers of the general steps involved to receive approval of their program by the department.

§8-65-8 sets forth entry requirements that applicants must meet to be accepted as a candidate into an approved alternative certification program. These qualifications are in part consistent with the criteria specified in the federal Race to the Top grant relating to attracting mid-career changers. In addition, the department took the opportunity to allow applicants who may have the educational background and experience but may not be credentialed or experienced school administrators to be eligible for acceptance into an alternative certification program. Such applicants, if employed by the department, would not meet eligibility requirements otherwise required of candidates for the department's Administrators Certification for Excellence (ACE) program. With the ACE program and the proposed alternative certification program pathway, numerous avenues to school administrator certification are created. This will benefit the department by expanding the pool of school administrators who could be eligible for service in any public school.

Also, as the federal Race to the Top grant requires selectivity in accepting applicants into an alternative certification program the department is proposing that minimally, applicants have a master's degree. Our basis for setting this requirement is based on our review of literature on exemplary principal preparation programs. In line with selectivity, the department is also placing heavy emphasis on leadership experience the applicant must possess. Our basis for setting this requirement is because we will be using their experience as leaders as equivalency for teaching experience. Again, our basis for setting this requirement is based on our

review of literature on exemplary principal preparation programs.

§§8-65-9 through 8-65-14 sets forth the components that a provider must have in its alternative certification program in order to be approved by the department. The components are consistent with the criteria specified in the federal Race to the Top grant related to an alternative certification program (as covered in §8-65-7(a)). It also is based in large part on the components of the department's existing ACE program so that there is consistency in content for the required technical knowledge and expected competencies.

The department is also requiring that the provider authorize the department to conduct criminal history record checks of its employee's or agents, as well as their candidates that will do residency in a school under the department's jurisdiction, as all will be working in close proximity to our children. Such substance is found in §8-65-9, §8-65-12, and §8-65-14. The department's ability to require criminal history checks is consistent with law and the department and Board's administrative rules for background checks.

§8-65-15 sets forth requirements for a periodic audit, to be conducted by PDERI, of the approved provider's alternative certification program. The rationale for the audit is to ensure there is continual compliance by the approved provider with all requirements of this chapter. As departmental costs may be associated with conducting the audit, and given the constraints on our budget, a provision has been inserted that costs for the audit are to borne by the provider.

§8-65-16 provides the right of the department to deny an alternative certification provider's application or to sanction an approved provider for any one of the enumerated causes. Additionally, as due process rights are required to be afforded to the affected applicant or approved provider consistent with the provisions of chapter 91, HRS, notice is provided that such actions are subject to the provisions in subchapter 3 (to be explained below). Much of the

provisions in this section were taken from the statute of another state agency that similarly approves or licenses individuals and providers and is highly regarded as a model to follow when enacting laws or promulgating rules on such matters. The source is the Department of Commerce and Consumer Affairs.

§8-65-17 sets forth requirements should an approved alternative certification program decide to voluntarily discontinue its program. The provisions ensure adequate notice is provided by the provider and affords some protection and continuity for candidates enrolled in the provider's program.

Subchapter 3 sets forth the administrative practice and procedures for the department when a contested case arises with denying an applicant or proposing to sanction an approved alternative certification program provider. The provisions in this subchapter are consistent with chapter 91, HRS and are also based on administrative practice and procedures set forth in administrative rules of other state agencies. Sources are the Department of Commerce and Consumer and the Department of the Attorney General.

- b. Previous action of the Board on the same or similar matter

None

- c. Other policies affected

None

- d. Arguments in support of the recommendation:

The adoption of the new HAR will establish alternative routes to certification for school level administrators. It will also reinforce the State's Race to the Top goals to provide alternative certification routes that: 1) attract mid-career professionals from outside the Hawaii DOE who have high leadership potential and 2) add to the pool of school administrators that can address shortages in high-need schools and/or areas.

- e. Arguments against the recommendation.

The stakeholder group questioned the rationale for encouraging mid-career and non-educator types from being eligible for alternative certification programs. Educators believe that leaders should have school level experience and knowledge to be successful transformational leaders.

- f. Findings and conclusions of the Board Committee

None

- g. Other agencies or departments of the State of Hawaii involved in the action

None

- h. Possible reaction of the public, professional organizations, unions, Department staff and/or others to the recommendation same as e. above. In addition, the department is currently initiating the Consult and Confer process with the HGEA and therefore is unable to provide insights at this time. The department has also received interest and support of the proposed rules from interested educators of charter schools and institutions of higher education.

- i. Educational implications

The adoption of the new HAR will provide alternate routes to administrator certification and thereby increase the pool of eligible applicants that can address shortages in high-need schools and/or areas.

- j. Personnel implications

One (1) Personnel Specialist II to oversee the implementation and monitoring of alternative certification programs.

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k. Facilities implications

None

l. Financial implications

Personnel Specialist II salary and fringe,
\$114,603.20 (\$82,000.00 base salary and 39.76% fringe
benefits)

5. OTHER SUPPLEMENTARY RECOMMENDATIONS

Expediently processing the proposed administrative rules through the rule adoption process is a high priority for the department to meet the federal Race to the Top grant timeline on this matter.

Enclosure: Chapter 8-65, HAR

Hawaii Administrative Rule: Adoption Process

c: PDERI