

**TITLE: State Approved Teacher Education Unit and Program Appeals Process**

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The Hawaii Teacher Standards Board approves the following appeal process for State Approved Teacher Education (SATE) Unit ~~and/or~~ or Program approval decisions.

Any Hawaii State Approved Teacher Education Professional Education Unit or Program that is the object of an adverse decision may appeal that decision. An adverse decision includes:

- the denial of an application for state approval of a Unit ~~or~~ or Program;
- the Conditional Approval of a Unit or Program; or
- the non-approval of a Unit or Program.

A denial of application and decisions to approve with conditions or non-approval may be appealed only on the grounds that:

1. HTSB standards were disregarded,
2. Stated procedures were not followed,
3. Evidence favorable to the Unit and/or Program provided to the SATE Review Team was not considered, or
4. Evidence favorable to the Unit and/or Program provided to the HTSB was not considered.

If a Professional Education Unit believes that one or more of these four conditions was a factor in the adverse decision, the only available means of redress is through the appeals process.

Although a Professional Education Unit may appeal an adverse decision in which there was a lack of a full number of team members due to last-minute emergencies, that factor alone is not sufficient to uphold an appeal. The Professional Education Unit must convincingly demonstrate that this fact made a difference in the decision. The Professional Education Unit would have to show

two things: (1) actual prejudice to it; and (2) that the prejudice changed the accreditation decision. The fact that the Professional Education Unit did not recommend canceling the visit would be evidence that it, at least before the visit, believed that the assembled team would be sufficient to conduct a fair and complete visit.

An appeal is heard by a Review Panel, consisting of three members selected from the Hawaii Teacher Standards Board Teacher Education Committee. Responsibility for acting on the findings and recommendations of the Review Panel rests with the HTSB. The findings and recommendations of the Review Panel are received by the HTSB at its first meeting following the hearing. In the case of accreditation decisions remanded to the HTSB by a Review Panel, subsequent action will be based on the grounds for appeal that were upheld by the Review Panel and can include, but are not limited to, (1) assigning another HTSB review team to revisit a Professional Education Unit or Program or (2) reviewing the case again and rendering a second approval decision, which may be the same as or different from the original decision. The status of the appellant at the time of the visit remains unchanged until the appeals process has been exhausted.

### **Process of Appeal**

The following provisions govern the appellate process:

Within ~~45~~30 days of receiving notice of an appealable decision, a Professional Education Unit electing to appeal that decision must present the HTSB chairperson written notification of its intention to appeal.

No later than 30 days from the date that it submits its notification, the Professional Education Unit must submit a brief to the HTSB chairperson that sets forth the specifics of its appeal and includes full documentation. All evidence presented in the appellant's brief and considered by the Review Panel must be confined to conditions existing at the time of the Review Team visit.

The HTSB chairperson will appoint a Review Panel, drawn from the HTSB Teacher Education Committee, to hear the appeal. One of the appointees will be designated as chair of the Review Panel.

No later than 30 days after submission of the appellant's brief, the Review

Panel is convened to hear and act on the appeal. Prior to the hearing itself, the Panel is trained by HTSB staff on the process and procedures for hearing an appeal, including the decisions that must be made by the Panel.

The Panel prepares a written report that conveys the basis of its findings and action taken on the appeal, and submits that report to the institution within ~~ten~~thirty days of action taken by the Panel. If the appeal is not upheld by the Review Panel, the decision of the HTSB becomes final at this point and is subject to disclosure.

If the decision is to deny an application or grant non-approval, the appellant shall have the right to appear before the Review Panel to present a 30-minute oral argument on its brief. The appellant shall also have the right to representation by counsel during the appeal and may call witnesses. However, the appellant may not introduce new evidence at the hearing.

If the decision appealed is conditional approval, the appellant's right to appeal is limited to the submission of written documentation and the 30 minute oral argument to the Review Panel during the half-hour period that precedes the panel's deliberations on its appeal.

Individuals designated as "Professional Education Unit representatives" must be employees of the Unit or must have been employed by the Unit at the time of the site visit.

### **Costs of Review**

If the appeal is denied the appellant will be liable for a set fee (currently, \$1,000.00). This fee helps cover the cost of convening a panel, compiling documents, and related staff time. If the panel finds in favor of the institution, the fee will not be assessed and HTSB will cover the costs of the hearing.

### **Access to Documents**

In cases of approval decision reviews, team chairs and audit committee chairs serving as witnesses to hearings of the HTSB Review Panel will be provided copies of pertinent documents. Appellant petitions of appeals are provided to all witnesses.

Adapted from National Council for Accreditation of Teacher Education (NCATE) Accreditation Appeals Process.

**Submitted by:** Jonathan Gillentine

**Referred to:** Teacher Education Committee