

MAR 15 2006

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# SENATE CONCURRENT RESOLUTION

REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY OF DIFFERENT WAGE CLASSES AND MEDICAL BENEFITS FOR LONG-TERM AND SHORT-TERM PUBLIC SCHOOL SUBSTITUTES, AND OF THE NEED FOR A COLLECTIVE BARGAINING UNIT OR UNION FOR SUBSTITUTE TEACHERS.

1           WHEREAS, substitute teachers are a vital part of the public  
2 workforce and provide relief to the State's more than 12,000  
3 public school teachers; and  
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5           WHEREAS, in the 2004-2005 school year, the State's  
6 substitute teachers collectively worked over 180,000 school days  
7 for public school teachers who were called out of their normal,  
8 classroom duties; and  
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10           WHEREAS, substitute teachers are currently not represented  
11 by any union; and  
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13           WHEREAS, substitute teachers have challenged the State's  
14 substitute policies in areas such as compensation, benefits, and  
15 professional development; and  
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17           WHEREAS, in a December 2005 lawsuit brought against the  
18 State by substitute teachers, the circuit courts ruled in favor  
19 of substitute teachers, pointing out that the State had been  
20 shortchanging substitutes of nearly \$15 million in compensation  
21 since 1996; and  
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23           WHEREAS, the Legislature responded to the needs of  
24 substitute teachers through Act 70, Session Laws of Hawaii 2005,  
25 which required the Department of Education (DOE) to create a  
26 three-tiered compensation schedule based on a substitute  
27 teacher's educational qualifications and also required  
28 substitute teachers to take a substitute training course; and  
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1           WHEREAS, although past measures have sought to rectify many  
2 of the challenges previously faced by substitutes, there still  
3 remains an inequity of compensation and benefits for long-term  
4 substitutes, who either replace permanent teachers called away  
5 from the classroom for long periods of time for reasons such as  
6 maternity leave, military duty, family leave, and continuing  
7 education, or fill teaching positions for which the school  
8 cannot find a permanent, qualified employee; and  
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10           WHEREAS, each year, DOE employs approximately 200 to 400  
11 long-term substitutes who fill vacant positions on a full-time  
12 basis; and  
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14           WHEREAS, long-term substitutes are expected to perform all  
15 the duties of a permanent classroom teacher, such as planning  
16 lessons, assessing student work, attending faculty meetings,  
17 communicating with parents, and participating in professional  
18 development, yet are neither compensated nor given benefits  
19 comparable to the compensation and benefits of permanent  
20 teachers; and  
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22           WHEREAS, in 2005, DOE's Substitute Teacher Task Force (Task  
23 Force) recommended that the State provide a one-time, end-of-  
24 the-year bonus of \$700 to substitutes who worked more than 90  
25 days, to be applied toward participation in a healthcare  
26 program, if necessary; and  
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28           WHEREAS, under the federal, No Child Left Behind mandate,  
29 schools are required to employ "highly qualified teachers" in  
30 core subject areas, the qualifications of which are determined  
31 by individual states and the Act *strongly recommends* that long-  
32 term substitutes meet the requirements of "highly qualified," as  
33 defined by each state; and  
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35           WHEREAS, as a result of the State's continued struggle with  
36 teacher shortages and a pending explosion of "baby-boom"  
37 retirees, the need for highly qualified, long-term and short-  
38 term substitutes will increase and it is therefore necessary to  
39 establish:  
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- 41           (1) Clear definitions of "long-term" and "short-term"  
42           substitutes; and  
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1 (2) Different compensation and medical benefit classes for  
2 each group;

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4 now, therefore,

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6 BE IT RESOLVED by the Senate of the Twenty-third  
7 Legislature of the State of Hawaii, Regular Session of 2006, the  
8 House of Representatives concurring, that the Legislative  
9 Reference Bureau (LRB) is requested to:

- 10  
11 (1) Evaluate the Task Force's recommendation to provide  
12 benefits for substitutes working over 90 days;  
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14 (2) Review the policies and procedures of other national  
15 school districts that provide higher wages and  
16 benefits for long-term substitutes;  
17  
18 (3) Define "long-term substitute" and recommend  
19 compensation and medical benefits for this group;  
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21 (4) Define "short-term substitute" and recommend  
22 compensation and medical benefits for this group;  
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24 (5) Estimate the cost of establishing a higher-wage  
25 compensation class and medical benefits for long-term  
26 substitutes; and  
27  
28 (6) Assess the need for and make recommendations as to  
29 whether a collective bargaining unit or employees'  
30 union dedicated to substitute teachers should be  
31 addressed;

32  
33 and

34  
35 BE IT FURTHER RESOLVED that the LRB is requested to submit  
36 the study and recommended legislation, if any, to the  
37 Legislature no later than 20 days prior to the convening of the  
38 Regular Session of 2007; and

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40 BE IT FURTHER RESOLVED that certified copies of this  
41 Concurrent Resolution be transmitted to the Legislative  
42 Reference Bureau, Superintendent of Education, and the  
43 Department of Education Office of Human Resources.  
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