

MAR 15 2006

S.R. NO. 76

SENATE 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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30 WHEREAS, although past measures have sought to rectify many
31 of the challenges previously faced by substitutes, there still
32 remains an inequity of compensation and benefits for long-term



1 substitutes, who either replace permanent teachers called away
2 from the classroom for long periods of time for reasons such as
3 maternity leave, military duty, family leave, and continuing
4 education, or fill teaching positions for which the school
5 cannot find a permanent, qualified employee; and
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7 WHEREAS, each year, DOE employs approximately 200 to 400
8 long-term substitutes who fill vacant positions on a full-time
9 basis; and
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11 WHEREAS, long-term substitutes are expected to perform all
12 the duties of a permanent classroom teacher, such as planning
13 lessons, assessing student work, attending faculty meetings,
14 communicating with parents, and participating in professional
15 development, yet are neither compensated nor given benefits
16 comparable to the compensation and benefits of permanent
17 teachers; and
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19 WHEREAS, in 2005, DOE's Substitute Teacher Task Force (Task
20 Force) recommended that the State provide a one-time, end-of-
21 the-year bonus of \$700 to substitutes who worked more than 90
22 days, to be applied toward participation in a healthcare
23 program, if necessary; and
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25 WHEREAS, under the federal, No Child Left Behind mandate,
26 schools are required to employ "highly qualified teachers" in
27 core subject areas, the qualifications of which are determined
28 by individual states and the Act *strongly recommends* that long-
29 term substitutes meet the requirements of "highly qualified," as
30 defined by each state; and
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32 WHEREAS, as a result of the State's continued struggle with
33 teacher shortages and a pending explosion of "baby-boom"
34 retirees, the need for highly qualified, long-term and short-
35 term substitutes will increase and it is therefore necessary to
36 establish:
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- 38 (1) Clear definitions of "long-term" and "short-term"
39 substitutes; and
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- 41 (2) Different compensation and medical benefit classes for
42 each group;
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44 now, therefore,



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

- (1) Evaluate the Task Force's recommendation to provide benefits for substitutes working over 90 days;
- (2) Review the policies and procedures of other national school districts that provide higher wages and benefits for long-term substitutes;
- (3) Define "long-term substitute" and recommend compensation and medical benefits for this group;
- (4) Define "short-term substitute" and recommend compensation and medical benefits for this group;
- (5) Estimate the cost of establishing a higher-wage compensation class and medical benefits for long-term substitutes; and
- (6) Assess the need for and make recommendations as to whether a collective bargaining unit or employees' union dedicated to substitute teachers should be addressed;

and

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

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

OFFERED BY: Clarence K. Quishin

Anna Inezado Ki

*J. Alami Eghah
Russell. Kolt*

