

Honolulu, Hawaii

**APR 28** , 2006

RE: S.B. No. 3197  
S.D. 2  
H.D. 1  
C.D. 1

Honorable Robert Bunda  
President of the Senate  
Twenty-Third State Legislature  
Regular Session of 2006  
State of Hawaii

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Third State Legislature  
Regular Session of 2006  
State of Hawaii

Sir:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 3197, S.D. 2, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO SUBSTITUTE TEACHERS,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to set and provide moneys for substitute teacher classification and compensation rates that are consistent with those determined by the legislature in 1996, and with the recommendations of the Department of Education (DOE).

The intent of this measure is to provide relief to Hawaii's substitute teachers while the long-standing dispute in *Garner v. Doe* (Civil No. 03-1-000305) and *Klitternick v. Hamamoto* (Civil No. 05-1-0031-01) is being litigated. These lawsuits were filed in 2000, and have been the source of contentious dispute between substitute teachers and the DOE. On December 16, 2005, Judge Karen Ahn ruled that the DOE failed to pay substitute teachers a per diem

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salary based upon the 1996 formula enacted by the Legislature. The Attorney General intends to appeal both lawsuits, potentially extending the length of this dispute to nearly a decade.

Your Committee on Conference finds that substitute teachers play an integral role in Hawaii's public education system. On any given day, about 1,000 substitute teachers fill in for approximately 12,000 regular, full-time teachers. Similar to Act 70, Session Laws of Hawaii 2005, this measure provides an interim pay rate for substitute teachers until *Garner v. Doe* and *Klitternick v. Hamamoto* are resolved. At that time, this Committee urges the Legislature to make appropriate adjustments, including retroactive pay adjustments, to substitute teacher pay in accord with the appellate court's final ruling.

Your Committee on Conference has amended this measure to omit all references to the measure as a vehicle to settle the on-going civil litigation between the DOE and plaintiff substitute teachers, and to insert dollar amounts in the pay scale.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 3197, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 3197, S.D. 2, H.D. 1, C.D. 1.



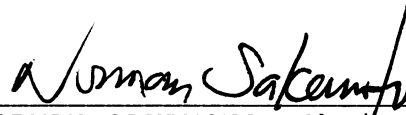
Respectfully submitted on behalf  
of the managers:

ON THE PART OF THE HOUSE

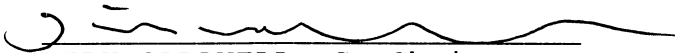
ON THE PART OF THE SENATE



ROY TAKUMI, Co-Chair



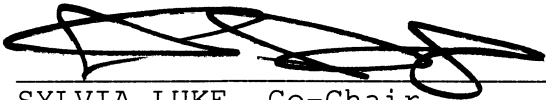
NORMAN SAKAMOTO, Chair



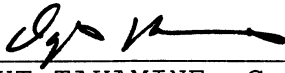
KIRK CALDWELL, Co-Chair



BRIAN T. TANIGUCHI, Co-Chair



SYLVIA LUKE, Co-Chair

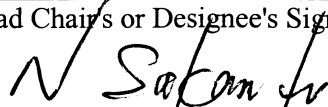
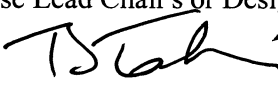


DWIGHT TAKAMINE, Co-Chair



Hawaii State Legislature

Record of Votes of a  
Conference Committee

Bill / Concurrent Resolution No.: <b>SB 3197, SD 2, HD 1</b>					Date/Time: <u>4/29/06 2:30 pm</u>				
<input checked="" type="checkbox"/> The recommendation of the House and Senate managers is to pass with amendments (CD).									
<input type="checkbox"/> The Committee is reconsidering its previous decision.									
<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure					<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.				
Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
SAKAMOTO, Norman, Chr.	✓				TAKUMI, Roy M., Co-Chr.	✓			
TANIGUCHI, Brian, Co-Chr.	✓				CALDWELL, Kirk, Co-Chr.	✓			
CHUN OAKLAND, Suzanne				✓	LUKE, Sylvia, Co-Chr.	✓			
HOOSER, Gary L.	✓				TAKAMINE, Dwight Y., Co-Chr.	✓			
KANNO, Brian	✓				FINNEGAN, Lynn	✓			
NISHIHARA, Clarence K.	✓								
TSUTSUI, Shan S.				✓					
HOGUE, Bob	✓								
TOTAL	6	-	-	2	TOTAL	5	-	-	-
A = Aye		WR = Aye with Reservations			N = Nay		E = Excused		
Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted					House Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Senate Lead Chair's or Designee's Signature: 					House Lead Chair's or Designee's Signature: 				
Distribution:		Original	Yellow	Pink	Goldenrod				
		File with Conference Committee Report	House Clerk's Office	Senate Clerk's Office	Drafting Agency				