

Honolulu, Hawaii

MAR - 3 2006

RE: S.B. No. 3197
S.D. 2

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

Sir:

Your Committee on Ways and Means, to which was referred S.B. No. 3197, S.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this measure is to increase the per diem pay of substitute teachers and appropriate moneys to resolve the litigation between the Department of Education and substitute teachers regarding underpayment for past service.

Specifically, the measure amends the compensation provided to the three classes of substitute teachers as follows:

- (1) Class I - \$125 per full work day;
- (2) Class II - \$136 per full work day; and
- (3) Class III - \$147 per full work day.

The measure also establishes that the compensation of substitute teachers shall be tied to the salary or wage increases provided to licensed class II teachers of the Department of Education and appropriates moneys to pay for claims of substitute teachers under *Garner v. Department of Education* and *Klitternick v. Hamamoto*.

Your Committee finds that the failure to adequately compensate substitute teachers has been the source of unnecessary



tension between the Department of Education and substitute teachers. This tension has resulted in harmful litigation that, your Committee believes, is detrimental to the educational environment of students. Your Committee views the measure as a vehicle to resolving this dispute.

Your Committee has amended this measure by:

- (1) Removing the specific per diem dollar amounts for each class of substitute teacher;
- (2) Removing the provision that links all classes of substitute teachers' pay increases to that of a licensed class II teacher represented by the Hawaii State Teachers Association;
- (3) Deleting the language within the appropriation section of the measure (section 3) that states that the moneys appropriated under the measure are to be used to resolve the claims of all other personnel who were underpaid in violation of section 302A-624(e), Hawaii Revised Statutes;
- (4) Deleting from the purpose section (section 1), the recitation that Judge Karen Ahn has already ruled on damages and compensation to be awarded to substitute teachers for the period between November 8, 2000, and June 30, 2005; and
- (5) Making technical nonsubstantive amendments for the purposes of clarity and style.

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



Respectfully submitted on
behalf of the members of the
Committee on Ways and Means,


BRIAN T. TANIGUCHI, Chair



The Senate
 Twenty-Third Legislature
 State of Hawaii

Record of Votes of the
 Committee on Ways and Means
 (Bills and Resolutions)

Measure:* SB 3197 SD1	Committee Referral: EDM, WAM	Date: 2/28/06		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is to: <input type="checkbox"/> Pass, unamended (2312) <input checked="" type="checkbox"/> Pass, with amendments (2311) <input type="checkbox"/> Hold (2310) <input type="checkbox"/> Recommit (2313)				
Members	Ayes	Ayes(WR)	Nays	Excused
TANIGUCHI, Brian T. (C)	/			
TSUTSUI, Shan S. (VC)	/			
ENGLISH, J. Kalani	/			
ESPERO, Will	/			
FUKUNAGA, Carol	/			
HOOSER, Gary L.				/
INOUYE, Lorraine R.	/			
KANNO, Brian				/
KIM, Donna Mercado	/			
KOKUBUN, Russell S.	/			
NISHIHARA, Clarence K.	/			
SAKAMOTO, Norman	/			
HEMMINGS, Fred				/
SLOM, Sam	/			
TRIMBLE, Gordon	/			
TOTAL	12	0	0	3
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Do not list more than one measure per Record of Votes.