

JAN 19 2007

A BILL FOR AN ACT

RELATING TO CLAIMS AGAINST THE STATE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that there are three
2 pending class action lawsuits against the department of
3 education entitled Garner v. Department of Education, Kliternick
4 v. Hamamoto, and Kawashima v. Department of Education, which
5 involve disputes between the department of education and
6 substitute and part-time teachers over allegations of unpaid
7 wages since 1996.

8 These lawsuits have created a significant strain between
9 the affected teachers and the department of education, resulting
10 in declining teacher morale, distrust, and attrition of needed
11 employees. The legislature further finds that these cases
12 require expeditious action to resolve a major public issue
13 adversely impacting Hawaii's public education system. There are
14 over 10,000 substitute and part-time teachers who proudly serve
15 the department of education. Without substitute and part-time
16 teachers, Hawaii's public education system could not function.



1 Providing a settlement between the substitute and part-time
2 teachers and the department of education will restore goodwill
3 and harmony between these teachers and the department of
4 education to ultimately better serve Hawaii's public school
5 students.

6 SECTION 2. The funds appropriated by this measure are
7 intended to settle the above-referenced lawsuits between part-
8 time and substitute teachers and the department of education,
9 and are separate and apart from the funds appropriated to the
10 department of education for operational and educational
11 purposes.

12 SECTION 3. There is appropriated out of the general
13 revenues of the State of Hawaii the sum of \$, or so
14 much thereof as may be necessary for fiscal year 2007-2008, and
15 the sum of \$, or so much thereof as may be necessary
16 for fiscal year 2008-2009, for retroactive salary adjustments
17 for public school part-time and substitute teachers beginning
18 from July 1, 1996, which amounts shall be paid to part-time and
19 substitute teachers if such payments will settle the pending
20 class action lawsuits.

21 The sums appropriated shall be expended by the department
22 of education for purposes of this Act; provided that it shall



1 not adversely affect the moneys otherwise made available to the
2 department of education for operational and educational
3 purposes.

4 SECTION 4. This Act shall take effect on July 1, 2007.

5

INTRODUCED BY:

Norman Sakamoto

Norman Hee

Jim

Clarence W. Washburn

Madeline J.

Phyllis Chun Oakland

David Y. Lee

Carol Fukushima

Ray L. Hsu

Scott



Report Title:

Substitute Teachers; Claims Against the State; Appropriation

Description:

Makes an appropriation to the department of education to settle pending class action lawsuits brought by part-time and substitute teachers against the department of education of unpaid wages.

