

JAN 27 2010

A BILL FOR AN ACT

RELATING TO TEACHERS.

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

1 SECTION 1. The long-standing dispute between the
2 department of education and Hawaii's substitute and part-time
3 teachers is finally over. In *Garner v. DOE* (Civil No. 03-1-
4 000305) and *Klitternick v. Hamamoto* (Civil No. 05-1-0031-01), the
5 intermediate court of appeals affirmed Judge Karen Ahn's 2005
6 decision that the department of education failed to pay
7 substitute teachers the per diem salary based upon a 1996
8 formula enacted by the legislature. That same misconduct by the
9 department of education also deprived part-time teachers of full
10 pay. Since 2005, the legislature provided annual and temporary
11 relief by providing interim pay adjustments for the benefit of
12 substitute and part-time teachers while the matter was being
13 litigated in the courts. The interim pay adjustments
14 represented only a fraction of the pay the substitute and part-
15 time teachers would have received under the formula adopted in
16 1996 if it had been properly implemented and the compensation to
17 substitute teachers and part-time teachers tracked the pay given
18 to entry level class II teachers. In Act 263, Session Laws of



1 Hawaii 2006, the conferees of the house of representatives and
2 senate, in their committee report (conference committee report
3 no. 216-06) urged the legislature to make appropriate
4 adjustments, including retroactive pay adjustments, to
5 substitute teacher pay in accord with the appellate court's
6 final ruling. When the legislature set a formula for substitute
7 teachers that was comparable to wage adjustments for regular
8 teachers (Act 187, Session Laws of Hawaii 2008), house of
9 representatives and senate and conferees reaffirmed, in
10 conference committee report no. 110-08, that pay adjustments for
11 substitute teachers in 2005 and 2006 were only interim rates set
12 by the legislature, pending the resolution of litigation. Now
13 that the intermediate court of appeals has ruled, the
14 legislature finds that it is only fair and appropriate to
15 provide retroactive pay adjustments to substitute and part-time
16 teachers during the period between July 1, 2005, and June 30,
17 2008.

18 SECTION 2. The purpose of this Act is to appropriate funds
19 to provide retroactive pay adjustments to substitute and part-
20 time teachers for the period between July 1, 2005, and June 30,
21 2008, during which only interim partial pay adjustments were
22 made by statute.



1 SECTION 3. There is appropriated out of the general
2 revenues of the State of Hawaii the sum of \$ or so
3 much thereof as may be necessary for fiscal year 2010-2011 for
4 the purpose of compensating substitute teachers and part-time
5 teachers for the shortfall in their pay during the period
6 between July 1, 2005, and June 30, 2008.

7 The sum appropriated shall be expended by the department of
8 education for the purposes of this Act.

9 SECTION 4. This Act shall take effect on July 1, 2010.

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INTRODUCED BY:

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Report Title:

Substitute Teachers; Part-time Teachers; Compensation;
Appropriation

Description:

Appropriates funds for retroactive pay for substitute and part-time teachers.

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