
A BILL FOR AN ACT

RELATING TO EDUCATION.

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

1 PART I

2 SECTION 1. The purpose of this Act is to promote the
3 advancement of education in this State by granting the
4 department of education greater flexibility in the compensation
5 of teachers.

6 PART II

7 SECTION 2. The purpose of this part is to authorize
8 unilateral differential pay for special education teachers,
9 teachers of subjects with shortages of qualified teachers, and
10 teachers in schools with geographic or environmental
11 difficulties.

12 SECTION 3. Section 89-9, Hawaii Revised Statutes, is
13 amended by amending subsection (f) to read as follows:

14 "(f) The repricing of classes within an appropriate
15 bargaining unit may be negotiated as follows:

16 (1) At the request of the exclusive representative and at
17 times allowed under the collective bargaining



1 agreement, the employer shall negotiate the repricing
2 of classes within the bargaining unit. The negotiated
3 repricing actions that constitute cost items shall be
4 subject to the requirements in section 89-10; and

- 5 (2) If repricing has not been negotiated under paragraph
6 (1), the employer of each jurisdiction shall ensure
7 establishment of procedures to periodically review, at
8 least once in five years, unless otherwise agreed to
9 by the parties, the repricing of classes within the
10 bargaining unit. The repricing of classes based on
11 the results of the periodic review shall be at the
12 discretion of the employer. Any appropriations
13 required to implement the repricing actions that are
14 made at the employer's discretion shall not be
15 construed as cost items[-];

16 provided that nothing in this subsection shall be construed to
17 limit the employer's discretion to unilaterally provide pay
18 differentials for teachers in the field of special education,
19 teachers of subjects for which there is a shortage of qualified
20 teachers, or teachers in schools that have experienced teacher



1 shortages because of the geographic location or environmental
2 difficulties."

3 PART III

4 SECTION 4. The purpose of this part is to authorize the
5 department of education to hire adjunct teachers who shall be
6 exempt from teacher licensing requirements and collective
7 bargaining rights.

8 SECTION 5. Chapter 302A, Hawaii Revised Statutes, is
9 amended by adding a new section to part III to be appropriately
10 designated and to read as follows:

11 "§302A- Adjunct teachers. (a) The department may
12 employ individuals as adjunct teachers in lieu of teachers
13 licensed by the Hawaii teacher standards board; provided that
14 during any school year, not more than thirty per cent of the
15 total number of teachers at any school may be composed of
16 adjunct teachers, unless a waiver is obtained from a district
17 superintendent.

18 (b) The department may hire an individual as an adjunct
19 teacher if the individual has at least one year of teaching
20 experience at a post-secondary educational institution that is



1 accredited by an accrediting body recognized by the Secretary of
2 Education.

3 (c) Individuals employed as adjunct teachers shall be
4 exempt from chapter 89 and the licensing requirement of section
5 302A-805."

6 SECTION 6. Section 89-6, Hawaii Revised Statutes, is
7 amended by amending subsection (f) to read as follows:

8 "(f) The following individuals shall not be included in
9 any appropriate bargaining unit or be entitled to coverage under
10 this chapter:

11 (1) Elected or appointed official;

12 (2) Member of any board or commission; provided that
13 nothing in this paragraph shall prohibit a member of a
14 collective bargaining unit from serving on a governing
15 board of a charter school, on the state public charter
16 school commission, or as a charter school authorizer
17 established under chapter 302D;

18 (3) Top-level managerial and administrative personnel,
19 including the department head, deputy or assistant to
20 a department head, administrative officer, director,



- 1 or chief of a state or county agency or major
2 division, and legal counsel;
- 3 (4) Secretary to top-level managerial and administrative
4 personnel under paragraph (3);
- 5 (5) Individual concerned with confidential matters
6 affecting employee-employer relations;
- 7 (6) Part-time employee working less than twenty hours per
8 week, except part-time employees included in unit (5);
- 9 (7) Temporary employee of three months' duration or less;
- 10 (8) Employee of the executive office of the governor or a
11 household employee at Washington Place;
- 12 (9) Employee of the executive office of the lieutenant
13 governor;
- 14 (10) Employee of the executive office of the mayor;
- 15 (11) Staff of the legislative branch of the State;
- 16 (12) Staff of the legislative branches of the counties,
17 except employees of the clerks' offices of the
18 counties;
- 19 (13) Any commissioned and enlisted personnel of the Hawaii
20 national guard;



- 1 (14) Inmate, kokua, patient, ward, or student of a state
- 2 institution;
- 3 (15) Student help;
- 4 (16) Staff of the Hawaii labor relations board;
- 5 (17) Employees of the Hawaii national guard youth challenge
- 6 academy; [e]
- 7 (18) Employees of the office of elections[-]; or
- 8 (19) Adjunct teachers of the department of education
- 9 employed pursuant to section 302A- ."

PART IV

11 SECTION 7. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

13 SECTION 8. This Act shall take effect on July 1, 2015.

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INTRODUCED BY: Bl MCA-H

JAN 29 2015



H.B. NO. 1336

Report Title:

Teachers; Special Pay; Education; Adjunct Teachers

Description:

Authorizes unilateral differential pay for certain teachers. Authorizes DOE to hire adjunct teachers who shall be exempt from teacher licensing requirements and collective bargaining rights. Establishes a limitation on how many adjunct teachers may be employed at one school.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

