

A Bill for an Act Relating to Education.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. The legislature finds that our educational system could not function smoothly without a pool of qualified substitute teachers who are willing and able to fill in with little or no advance notice for regular teachers who are absent due to health problems or compelling family or personal situations. The legislature finds also that capable (hourly paid) part-time temporary teachers (PTTs) are needed to staff various on-going supplementary instructional programs in the department of education. Despite their essential role, however, substitute teachers were not granted salary increases, as were regular teachers, as a result of the 1987 collective bargaining negotiations. Similarly, part-time temporary teachers, whose pay rates are indexed to the substitute teacher pay rates by regulation, were not granted pay increases comparable to regular teachers. The legislature further finds that even though substitute teachers and PTTs are not represented at the collective bargaining table, they have historically and traditionally (and properly) been included in the scope of those negotiations, resulting in periodic equitable pay increases. Since this was not the case in 1987, it is appropriate for the legislature to provide statutorily that substitute teachers benefit from collective bargaining as do regular teachers employed by the department of education.

The purposes of this Act are to provide that the pay rates for substitute teachers and PTTs, whose pay rates are indexed to substitute teacher pay rates, be compatible with that of regular entry level class I, class II, and class III teachers, as calculated on a per diem and per hour basis, and to make an appropriation to fund appropriate pay rate adjustments for affected employees.

SECTION 2. Section 297-33, Hawaii Revised Statutes, is amended by amending subsection (i) to read as follows:

“(i) Effective September 1, [1975,] 1989, per diem rates for substitute teachers shall be based on the annual salary rate established for appropriate salary range and step on the most current teachers’ salary schedule as follows:

Class I Substitute Teacher . . . . .	Salary Range [1, Step 1] <u>for Class I Teacher,</u> <u>Entry Step</u>
Class II Substitute Teacher . . . . .	Salary Range [3, Step 1] <u>for Class II Teacher,</u> <u>Entry Step</u>
Class III Substitute Teacher . . . . .	Salary Range [5, Step 1] <u>for Class III Teacher,</u> <u>Entry Step</u>

Per diem rates shall be derived from annual rates in accordance with the following formula:

$$\text{Per Diem Rate} = \frac{\text{Annual Salary Rate}}{\text{Average Working Days Per Month}} \div 12 \text{ months}$$

Substitute teachers shall be classified as follows:

- (1) A Class I substitute teacher is a substitute teacher who holds a certificate issued by the department and who does not qualify as a Class II or Class III substitute teacher, as described below.
- (2) A Class II substitute teacher is a substitute teacher who holds a certificate issued by the department based on a baccalaureate degree and other requirements as may be established by the department.

- (3) A Class III substitute teacher is a substitute teacher who holds a certificate issued by the department based on five acceptable years of college education and other requirements as may be established by the department."

SECTION 3. In accordance with Section 9 of Article VII of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriation contained in this Act will cause the state general fund expenditure ceiling for fiscal year 1989-1990 to be exceeded by \$3,317,825, or 0.14 per cent. The reasons for exceeding the general fund expenditure ceiling are that the appropriation made in this Act is necessary to serve the public interest and to meet the need provided by this Act.

SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of \$3,317,825, or so much thereof as may be necessary for fiscal year 1989-1990, and the sum of \$3,317,825, or so much thereof as may be necessary for fiscal year 1990-1991, to provide appropriate pay adjustments for eligible substitute teachers and part-time temporary teachers. The sums appropriated shall be expended by the department of education.

SECTION 5. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 6. This Act shall take effect upon its approval; provided that section 4 shall take effect on July 1, 1989.

(Approved June 13, 1989.)