

ACT 263

S.B. NO. 3197

A Bill for an Act Relating to Substitute Teachers.

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

SECTION 1. In 2005, the legislature enacted Act 70, Session Laws of Hawaii 2005 (Act 70), which required the department of education to develop a recommendation for a classification and compensation schedule for public school substitute teachers, to be reported to the 2006 legislature. Pursuant to Act 70, the department of education created a substitute teacher task force (task force), which included representatives from the Hawaii State Teachers Association, Hawaii Government Employees Association, the department of education's office of human resources, substitute teachers, and parents. The task force recognized the important

role that substitute teachers play in providing quality education to students when regular classroom teachers are absent or unable to perform their duties.

On any given day, about one thousand substitute teachers are employed by the department of education to carry out the duties of Hawaii's ten thousand regular, full-time teachers. In the task force's final report entitled "A Report to the Legislature on the Department of Education's Response to Act 70," it was noted that there were approximately 4,568 substitute teachers employed by the department of education during school year 2004-2005. The significant role of public school substitute teachers cannot be underestimated.

In its report, the department of education recommended that salary increases for substitute teachers should be across-the-board, regardless of class, and reflect current negotiated rates by various bargaining units. To be consistent with the 1996 law, which established the salary schedules for regular, full-time teachers, the legislature finds that rate increases for substitute teachers should be based on rate increases for licensed class II teachers as determined through collective bargaining.

The legislature further finds that an increase in substitute teacher pay will contribute to the provision of the highest quality teaching and work environment for Hawaii's substitute teachers and students. The per diem rate of class I, II, and III teachers are to be adjusted upward to match the salary or wage increases that are provided to licensed class II teachers in bargaining unit 5 in the collective bargaining agreement between the Hawaii State Teachers Association and the department of education.

The purpose of this Act is to set and provide moneys for classification and compensation rates for substitute teachers that are consistent with the compensation rates determined by the legislature in 1996.

SECTION 2. Section 302A-624, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows:

~~“(e) Effective July 1, [2005,] 2006, the minimum hourly or minimum per diem rate for substitute teachers shall be determined by the legislature[; provided that the department shall develop a classification and compensation schedule that is not restricted to the minimum compensation rates but may exceed them;] as follows; provided [further] that any individual in class I, II, or III who works less than a full seven-hour work day shall be compensated on a pro-rated, hourly basis [as follows]:~~

- (1) Class I: other individuals who do not possess a bachelor's degree shall be compensated at a rate of not less than ~~[\$119.80]~~ \$125 for a full work day;
- (2) Class II: individuals with a bachelor's degree shall be compensated at a rate of not less than ~~[\$130]~~ \$136 for a full work day; and
- (3) Class III: department of education teachers, or licensed or highly qualified teachers, shall be compensated at a rate of not less than ~~[\$140]~~ \$147 for a full work day.”

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$800,000, or so much thereof as may be necessary for fiscal year 2006-2007, to carry out the purpose of this Act.

SECTION 4. The sum appropriated shall be expended by the department of education for the purposes of this Act.

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

SECTION 6. This Act shall take effect on July 1, 2006.

(Approved July 3, 2006.)