
A BILL FOR AN ACT

RELATING TO PART-TIME TEACHERS.

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

1 SECTION 1. The legislature finds that the long-standing
2 dispute between the department of education and Hawaii's part-
3 time teachers has been judicially resolved. In *Garner v. DOE*
4 (Civil No. 03-1-000305) and *Klitternick v. Hamamoto* (Civil No.
5 05-1-0031-01), the intermediate court of appeals affirmed Judge
6 Karen Ahn's 2005 decision that the department of education
7 failed to pay substitute teachers the per diem salary based upon
8 a 1996 formula enacted by the legislature. That same misconduct
9 by the department of education also deprived part-time teachers
10 of full pay.

11 Since 2005, the legislature provided annual and temporary
12 relief by providing interim pay adjustments for the benefit of
13 part-time teachers while the pay dispute was being litigated in
14 the courts. The interim pay adjustments represented only a
15 fraction of the pay the part-time teachers would have received
16 under the formula adopted in 1996 if it had been properly
17 implemented and the compensation to substitute teachers and



1 part-time teachers tracked the pay given to entry level class II
2 teachers.

3 In Act 263, Session Laws of Hawaii 2006, the conferees of
4 the house of representatives and senate, in their committee
5 report (conference committee report no. 216-06), urged the
6 legislature to make appropriate adjustments, including
7 retroactive pay adjustments, to part-time teacher pay in accord
8 with the appellate court's final ruling. When the legislature
9 set a formula for part-time teachers that was comparable to wage
10 adjustments for regular teachers (Act 187, Session Laws of
11 Hawaii 2008), house of representatives and senate conferees
12 reaffirmed, in conference committee report no. 110-08, that pay
13 adjustments for part-time teachers in 2005 and 2006 were only
14 interim rates set by the legislature, pending the resolution of
15 litigation.

16 In addition, in *Kawashima v. DOE* (Civil No. 06-1-0244-02),
17 a class action suit brought by part-time teachers, the court
18 held that the department of education violated the applicable
19 law and breached its contracts with the part-time teachers by
20 failing to pay the correct hourly rate required by their
21 contracts with the department of education and regulation 5203
22 of the board of education school code. On August 10, 2011, the



1 defendants in *Kawashima v. DOE* filed a motion for
2 reconsideration of the order granting plaintiff Diane
3 Kawashima's motion for summary judgment. The motion was denied
4 by the court because the court's original ruling was reaffirmed.

5 Now that the intermediate court of appeals has ruled, the
6 legislature finds that it is only fair and appropriate to
7 provide retroactive pay adjustments to part-time teachers for
8 the period between November 2000 and June 2005.

9 The purpose of this Act is to appropriate funds to provide
10 retroactive pay adjustments to part-time teachers for the period
11 between November 2000 and June 2005, during which only interim
12 partial pay adjustments were made by statute.

13 SECTION 2. There is appropriated out of the general
14 revenues of the State of Hawaii the sum of \$ or so
15 much thereof as may be necessary for fiscal year 2013-2014 for
16 the purpose of compensating part-time teachers for the shortfall
17 in their pay during the period between November 2000 and June
18 2005.

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



1 SECTION 3. This Act shall take effect on July 1, 2013.

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INTRODUCED BY:

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H.B. NO. 604

Report Title:

Part-time Teachers; Compensation; Appropriation

Description:

Appropriates funds for court-ordered retroactive pay for part-time teachers.

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