



STATE OF HAWAII
BOARD OF EDUCATION
P.O. BOX 2360
HONOLULU, HAWAII 96804

February 18, 2021

TO: Board of Education

FROM: Catherine Payne
Chairperson, Board of Education

SUBJECT: Board Action on Superintendent Christina Kishimoto's discontinuance of extra compensation for classroom teachers in special education, hard-to-staff geographical locations, and Hawaiian language programs

I. EXECUTIVE SUMMARY

- The Board of Education ("Board") approved differentials for licensed teachers to fill vacancies in the areas of special education ("SPED"), hard-to-staff geographical locations, and Hawaiian language immersion, effective January 7, 2020.
- These differentials were the first phase of the Department's multi-phased plan to address teacher shortages. The second phase was the Addressing Equity and Compression in Teacher Salaries Pilot Project, which was separate from the differentials and was never implemented. This was the pilot, not the differentials.
- The Board did not expect or intend for the differentials for SPED, hard-to-staff, or Hawaiian language immersion teachers to end in 2021 and it did not instruct Superintendent Christina Kishimoto to unilaterally discontinue the differentials.

II. BACKGROUND

December 5, 2019 Special Meeting

In a memorandum dated December 5, 2019 from Superintendent Kishimoto to me as Board Chairperson, Superintendent Kishimoto requested that the Board approve "shortage differentials to qualified and licensed teachers to fill vacancies in the areas of Special Education, Hard-to-Staff Geographical Locations, and for Hawaiian

Language Immersion Programs with an effective date of January 7, 2020.¹ The December 5, 2019 Memorandum stated that the Department believed there is a labor shortage for licensed special education (“SPED”) teachers, licensed teachers to teach in hard-to- staff geographical locations, and Hawaiian language immersion teachers and that it wished to take bold action to pursue offering shortage differentials to these positions to address the high number of vacancies in these areas. According to the December 5, 2019 Memorandum, the Board has the authority to authorize these shortage differentials, pursuant to School Code Regulation #5204, attached as **Exhibit A**.²

The December 5, 2019 memorandum, referenced School Code, Policy #5100 Recruitment, Employment, Retention, and Termination Policy, Section Teacher Recruitment/Retention/Employment, (attached as **Exhibit B**) and noted that that at the time the memorandum was drafted, there were 11 civil service positions (other than the three teacher groups referenced in the memorandum) in the Department that are being provided a shortage differential due to a recognized labor shortage in their areas of expertise.³

The December 5, 2019 Memorandum sought Board approval of a \$10,000 shortage differential for each qualified and licensed SPED classroom teacher, a tiered system of differentials for hard-to-staff geographical areas ranging from \$3,000-8,000,⁴ and

¹ December 5, 2019 Memorandum available at:

https://boe.hawaii.gov/Meetings/Notices/Meeting%20Material%20Library/Special_12052019_Action%20on%20Extra%20Compensation%20for%20Classroom%20Teachers.pdf

² A full copy of the School Code, 5000 series, certificated personnel is available at:

<https://www.hawaiipublicschools.org/Standards%20of%20Practice/SP5000.pdf>

³ The December 5, 2019 Memorandum listed the positions as:

1. Clinical Psychologist, Bargaining Unit (BU) 13, Included Hawaii Government Employees Association (HGEA)
2. Educational Interpreter, BU 13, Included HGEA
3. Engineer, BU 13, Included HGEA
4. Engineering Program Manager, BU 35, Excluded
5. Engineering Program Administrator, BU 35, Excluded
6. Occupational Therapist, BU 13, Included HGEA
7. Physical Therapist, BU 13, Included HGEA
8. Public Works Manager, BU 35, Excluded
9. Public Works Administrator, BU 35, Excluded
10. School Psychologist, BU 13, Included HGEA
11. Speech-Language Pathologist, BU 13, Included HGEA

⁴ Hard-to-staff differentials are based on criteria levels:

- a) Complexes required under the current contract
- b) Complexes whose rate of teachers with a SATEP has been under the state SATEP average for the last three years
- c) Geographically isolated (more than 25 miles from an urban center) complexes
- d) Complexes whose combined vacancy and emergency hires were higher than 10% in SY 2016-2017 and 2017-2018

a \$8,000 shortage differential for each qualified and licensed Hawaiian language immersion classroom teacher.

As justifications for the shortage differentials, the Department referenced an increasing shortage of SPED teachers in Hawaii, expressed its belief that there is a shortage of licensed and qualified teachers in certain geographical areas, and that this shortage is more severe in certain geographical locations. As justifications for the shortage differentials for Hawaiian language immersion teachers, however, the Department referenced not only a large shortage of teachers, but also a recent Hawaii Supreme Court case, *Clarabal v. Department of Education*,⁵ which required the Department to make reasonable efforts to provide students access to a Hawaiian language immersion education and Board Policy 105-8, Ka Papahana Kaiapuni, which provides that “[t]he Department will establish professional qualifications and develop training programs internally and/or in cooperation with stakeholder groups/universities. The goal is for program professionals to be qualified in both English as a medium of instruction and Hawaiian as a medium of instruction and **appropriately compensated for these additional qualifications.**”⁶ Emphasis added.

At the end of the December 5, 2019 Memorandum, Superintendent Kishimoto expressed her intent to return to the Board early next year to provide additional information about a pilot project. The December 5, 2019 Memorandum did not refer to these pay differentials as a pilot project.

In the December 5, 2019 meeting, Superintendent Kishimoto referred to these pay differentials as the first phase in a multi-phase plan that would involve other groups of teachers. She also stated, “the Department plans to implement five measures to measure [the pay differentials’] impact and review whether the Department filled vacancies with licensed teachers, recruited new teachers, moved licensed teachers to special education classrooms, and increased retention rates in schools. She stated that the Department would share information regarding its measures with the

Tier 1 (\$3,000): Complexes required under the current contract (this applies to only schools who are required under contract and meet no other criteria).

Tier 2 (\$5,000): Complexes who meet two (2) of the criteria levels.

Tier 3 (\$7,500): Complexes who meet three (3) of the criteria levels.

Tier 4 (\$8,000): Complexes who meet four (4) of the criteria levels and Olomana School and Hawaii School for the Deaf and Blind.

⁵ The *Clarabal* opinion is available at:

https://boe.hawaii.gov/Meetings/Notices/Meeting%20Material%20Library/GBM_20201119_Action%20on%200Clarabal%20Discovery%20Request.pdf

⁶ Board Policy 105-8, Ka Papahana Kaiapuni is available at:

<https://boe.hawaii.gov/policies/Board%20Policies/Ka%20Papahana%20Kaiapuni.pdf>

Board in January and would review other incentives and supports it might need to implement.”⁷

During the meeting, Board members discussed whether the pay differentials for Hawaiian language immersion teachers should come from the Department’s operating budget, versus a separate line item because Board policies require the Department to compensate individuals who have Hawaiian language and teaching expertise; it is not a recruiting strategy.

At this meeting, there was a great deal of discussion about how the Department would fund these pay differentials. Board Member Dwight Takeno asked where the money to fund the pay differentials would come from and whether the Department could “guarantee it would be able to provide these amounts whether or not the Department receives funding from the Legislature or uses operational funds or another mechanism.” He stated that he wanted to ensure that there would be continued funding once the Board and Department commit to the plan and that the Department would not pull these funds from programs, operations, or school budgets. Superintendent Kishimoto stated that Governor Ige provided assurances that he would include the Department’s proposal in his biennium budget, that pay differentials for Hawaiian language immersion teachers could be absorbed in its current budget, but that the Department would need to make adjustments to its budget and come back to the Board for approval to fund pay differentials for all three groups of teachers. Superintendent Kishimoto also stated that there was cohesion between the “Department, HSTA, the Governor, higher education partners, and Kamehameha Schools. She stated that all partners agreed on the Department’s proposal and have started engaging in discussions with legislators.”

Board members questioned Superintendent Kishimoto several times about what the Department would do if the Legislature did not fund the pay differentials and the financial implications for the Department. She referenced various ways to do this, including maximizing funding through salary savings, non-school funding services, and the Department’s five percent holdback. These questions were not answered to the satisfaction of all Board members, but because I was concerned with the message the Board would send to the field and to the Legislature if the Board did not move forward and fully support the Department’s proposal, I recommended that the Board vote on the request “with the expectation that the Department provide additional details and clarification to address [these] concerns and questions in January.”

⁷ December 5, 2019 Special Meeting Minutes available at: <https://alala1.k12.hi.us/STATE/BOE/Minutes.nsf/a15fa9df11029fd70a2565cb0065b6b7/740e2923949c9a9a0a2584ec000b437e?OpenDocument>

The Board approved shortage differentials for qualified and licensed teachers to fill vacancies in the areas of special education, hard-to-staff locations, and Hawaiian language immersion programs, as described in the Department’s December 5, 2019 Memorandum.

January 16, 2020 Finance and Infrastructure Committee Meeting

On January 16, 2020, the Department provided a presentation to the Finance and Infrastructure Committee (“FIC”)⁸ regarding how the Department was planning to fund the differentials for SPED, hard-to-staff, and Hawaiian language immersion teachers. The presentation was to provide the additional details and clarification to address Board member concerns and questions, which were not provided on December 5, 2019 when the Board approved the differentials.⁹ The January 16, 2020 FIC Memorandum stated that the purpose of the presentation was to update FIC on the sources needed to fund the extra compensation for Fiscal Years “2019-2020, FY 2020-21, and FY 2021-22 and beyond.” The Department presented the Board with contingency plans for the 2021-22 Fiscal Year and beyond, in the event the Legislature did not fund the differentials.

After a lengthy discussion, it was clear that many Board members were unsatisfied with the level of detail and specificity that the Department provided regarding funding these differentials if the Legislature did not fund them. FIC Chairperson Kenneth Uemura asked the Department to return to FIC in February with specifics and to take Board members’ concerns and suggestions into consideration.

January 16, 2020 General Business Meeting

Later that same day, the Department brought a separate, second proposal to the full Board regarding the Department’s intent to conduct an experimental modernization project to provide extra compensation to licensed, tenured teachers to address equity and compression of salaries. This was the pilot project Superintendent Kishimoto referenced in her December 5, 2019 Memorandum. The Department described this modernization project as the second phase in the Department’s strategic plan to address overall recruitment and retention issues, the first phase being pay differentials for SPED, hard-to-staff, and Hawaiian language immersion teachers. The Department’s memorandum further stated that the modernization project would be referred to as “Addressing Equity and Compression in Teacher Salaries Pilot Project.” Superintendent Kishimoto stated that while there was a commitment from Governor David Ige to fund the pay differentials (Phase I), it was

⁸ January 16, 2020 Memorandum, available at: https://boe.hawaii.gov/Meetings/Notices/Meeting%20Material%20Library/FIC_01162020_Update%20on%20Extra%20Compensation%20for%20Classroom%20Teachers.pdf

⁹ January 16, 2020 FIC minutes available at: <https://alala1.k12.hi.us/STATE/BOE/Minutes.nsf/a15fa9df11029fd70a2565cb0065b6b7/9c202a316f5c9ba20a25850f000021e3?OpenDocument>

clear that the experimental modernization project (Phase II) was a pilot that was contingent on the Department receiving sufficient funding from the Legislature. According to the January 16, 2020 General Business Meeting Memorandum, the Department had the authority to engage in the modernization pilot project, so Board approval was not necessary.

During the meeting, Superintendent Kishimoto stated that “that the Department is able to fund Phase I internally and has identified revenue but Phase II is more difficult and complex because it involves generating and identifying funds.”¹⁰

February 20, 2020 Finance and Infrastructure Committee Meeting

The Department returned to FIC with another update on funding sources for the pay differentials for SPED, hard-to-staff geographical locations, and Hawaiian language immersion.¹¹ FIC Chairperson Uemura requested this presentation because the information the Department presented to FIC in January did not answer Board member questions with the appropriate level of specificity or detail. After reviewing the memorandum for the meeting, however, FIC Chairperson Uemura stated, “he realized Board members would not receive the details they asked for after reviewing the Department’s February 20, 2020 memorandum, in part due to timing, since certain factors have yet to be determined.”¹² The most important of these factors was whether the Legislature would fund the differentials. FIC Chairperson Uemura asked Superintendent Kishimoto to commit to presenting to a joint FIC-HR Committee meeting in May, 2020, since by that time the legislative session would have concluded. Superintendent Kishimoto agreed. This presentation did not take place.

February 20, 2020 Human Resources Committee Meeting

The Department provided the Human Resources (“HR” Committee with an update on the Addressing Equity and Compression in Teacher Salaries Pilot Project, Phase II of the Department’s plan to address teacher recruitment and retention issues.¹³ In this update, the Department provided its plan for the pilot project.

¹⁰ January 16, 2020 minutes available at:

<https://alala1.k12.hi.us/STATE/BOE/Minutes.nsf/a15fa9df11029fd70a2565cb0065b6b7/082e30efc33ce7380a25850f00017543?OpenDocument>

¹¹ February 20, 2020 memorandum available at:

https://boe.hawaii.gov/Meetings/Notices/Meeting%20Material%20Library/FIC_022020_Update%20on%20Extra%20Compensation%20for%20Classroom%20Teachers_Revised.pdf

¹² February 20, 2020 minutes, available at:

<https://alala1.k12.hi.us/STATE/BOE/Minutes.nsf/a15fa9df11029fd70a2565cb0065b6b7/7c066c6a29916d1f0a25853d00086b4b?OpenDocument>

¹³ February 20, 2020 Memorandum , available at:

https://boe.hawaii.gov/Meetings/Notices/Meeting%20Material%20Library/HR_02202020_Update%20on%20EMP.pdf

During the meeting, HR Committee Member Bruce Voss asked if the Department planned to rescind the pilot project's adjustments if the Legislature funds the adjustment, but the adjustments do not have a substantial effect on the retention of retired teachers. Assistant Superintendent Cynthia Covell "explained that the Department cannot rescind adjustments. She then stated that technically the Department could rescind adjustments, however, technical adjustments might become part of collective bargaining agreements if the Department was able to acquire the necessary funding" and that the "Department would need to review whether the [Board] would need to take action if the Department were to consider rescinding the adjustments." Assistant Superintendent Covell also mentioned that the Department is envisioning a third phase to address issues that impact teachers with more than six years of experience.

July 23, 2020 General Business Meeting

On July 23, 2020, the Department requested that the Board temporarily discontinue differentials for SPED, hard-to-staff geographical locations, and Hawaiian language immersion teachers because of the impacts COVID-19 has had on Hawaii's revenue and budget.¹⁴ The Department proposed temporarily suspending the differentials for just SPED, hard-to-staff geographical locations, and Hawaiian language immersion teachers for the 2020-2021 School Year. The Department also stated that it intended to include a request for funding for these differentials in its 2021-2023 Fiscal Biennium budget. The Department further stated that it would revert to paying only for the differentials as negotiated in Appendix VII of the current HSTA collective bargaining agreement (\$3,000 for hard-to-staff locations).

During the meeting, Superintendent Kishimoto "explained that the Department would be obligated to continue differentials through August if the Board did not temporarily discontinue extra compensation."¹⁵ She also stated that the Department had presented a plan for funding differentials, but the Department no longer has the same budget, there is no guarantee the Department would receive additional federal funds, and no guarantee the Department would be able to use these funds to pay for differentials. Board members expressed a number of strong opinions, many for continuing differentials.

At the July 23, 2020 General Business Meeting, Board members discussed whether the Board could continue the differentials for Hawaiian language immersion teachers but not the SPED or hard-to-staff teachers since the differentials for Hawaiian

¹⁴ July 23, 2020 memorandum, available at:

https://boe.hawaii.gov/Meetings/Notices/Meeting%20Material%20Library/GBM_07232020_Board%20Action%20on%20Temporary%20Discontinuance%20of%20Extra%20Compensation%20for%20Teachers.pdf

¹⁵ July 23, 2020 minutes available at:

<https://alala1.k12.hi.us/STATE/BOE/Minutes.nsf/a15fa9df11029fd70a2565cb0065b6b7/8767541e6beb2e200a2585d6007da970?OpenDocument>

language immersion teachers were predicated on Board Policy 105-8, in addition to there being a shortage in the area. Board Member Dwight Takeno stated that if the Board were to continue to provide differentials to the Hawaiian language immersion teachers based on Board policy and not under the shortage differential category, it would be a mandatory subject of bargaining and that the Board would need to negotiate a separate compensation schedule with HSTA because it does not have the authority to unilaterally determine salaries. He clarified that shortage differentials are a matter of equity, are employer discretionary, and do not require negotiations, but compensation based on Board policy would need to be negotiated.

The Board did not take action on the Department's recommendation to temporarily discontinue differentials for special education, hard-to-staff, and Hawaiian language immersion teachers.

December 3, 2020 Finance and Infrastructure Committee Meeting

The Department's December 3, 2020 memorandum on its operating budget for the 2021-2023 Fiscal Biennium noted that there were a number of underfunded or unfunded needs for the 2020-2021 Fiscal Year, which may carry over to the fiscal biennium. This included \$30.7 million in teacher differentials.¹⁶ This amount, however, was only to cover the 2020-2021 Fiscal Year shortfall.

January 21, 2021 Finance and Infrastructure Committee Meeting

The Department's January 21, 2021 memorandum recommended that \$32.5 million of the Elementary and Secondary School Emergency Relief funds, which were part of the second round of the Coronavirus Aid, Relief, and Economic Security ("CARES") Act funds (collectively, "ESSER II") be used to cover shortfalls in the 2020-2021 Fiscal Year that were the result of the Department paying for teacher differentials.¹⁷ FIC deferred action on the Department's plan for use of federal funds because right before the FIC meeting, Governor Ige reduced his restrictions on the Department's budget by \$123 million, which would result in changes to the Department's plan for the use of the ESSER II funds.

February 9, 2021 Memorandum to Board Chairperson Catherine Payne

On February 9, 2021, at 4:50 p.m., I received an email with a memorandum attached dated February 9, 2021, whose subject was "Discontinuance of the Extra

¹⁶ December 3, 2020 memorandum available at:

https://boe.hawaii.gov/Meetings/Notices/Meeting%20Material%20Library/FIC_12032020_Committee%20Action%20on%20Recommendation%20Concerning%20DOE%27s%20Operating%20Budget%20for%202021-2023%20Fiscal%20Biennium.pdf

¹⁷ January 21, 2021 Memorandum available at:

https://boe.hawaii.gov/Meetings/Notices/Meeting%20Material%20Library/FIC_01212021_Committee%20Action%20on%20Department%20of%20Education%E2%80%99s%20plan%20for%20use%20of%20federal%20funds%20new%20COVID-19%20aid.pdf

Compensation (Shortage Differentials) for Classroom Teachers in Special Education, Hard-to-Staff Geographical Locations, and Hawaiian Language Immersion Programs,” which is attached as **Exhibit A**. The February 9, 2021 Memorandum stated that the “implementation of this pilot has produced the desired and intended effect of lowering vacancy and retention rates,” but that because the Department was directed to “reduce budgets by a minimum of 10%, the Department has no choice but to discontinue these shortage differential payouts effective at the start of School Year 2021-2022.” The memorandum further stated that the Department would be notifying affected teachers. This was the first and only notification that I received regarding the Department’s plan to stop these shortage differentials.

III. **DISCUSSION**

The differentials for special education, hard-to-staff, and Hawaiian language immersion teachers were not a pilot.

In the December 5, 2019 Memorandum and discussion at the meeting where the Board approved the differentials, the differentials for special education, hard-to-staff, and Hawaiian language immersion teachers were not described as a pilot. These differentials were not described as a pilot in subsequent Board and committee meetings in January, February, July, or December 2020. In fact, the Department presented the Board with plans for funding the differentials through the 2021-22 Fiscal Year and beyond. This is also the reason Board members were so concerned with the sustainability of the funding when this was initially presented to the Board for approval.

The Department first referred to these differentials as a pilot in its January 21, 2021 memorandum. Superintendent Kishimoto also referred to the differentials as a pilot in her February 9, 2021 Memorandum discontinuing the differentials. This was a marked change from all previous discussions with and presentations to the Board.

On the other hand, the Addressing Equity and Compression in Teacher Salaries Pilot Project, also referred to as “Phase II” was always described as a pilot. Phase II was always distinct and separate from the differentials. The Department was clear that the implementation of the Addressing Equity and Compression in Teacher Salaries Pilot Project was subject to legislative funding. The Department never implemented this pilot project.

What authority is Superintendent Kishimoto relying on to unilaterally stop the differentials? Superintendent Kishimoto asked the Board to approve the differentials and to temporarily suspend differentials, why can she unilaterally stop differentials without Board action?

Superintendent Kishimoto asked that the Board approve the differentials on December 5, 2019, which it did. She also asked that the Board temporarily suspend the differentials on July 23, 2020, which it declined to take action on. The Board has not taken subsequent action to stop or suspend the differentials.

Can the Hawaiian language immersion teachers be provided a pay differential based on Board Policy 105-8 and Hawaii case law?

Based on the discussion at the July 23, 2020 General Business Meeting, it does not appear that the Board can provide differentials to Hawaiian language immersion teachers based on Board Policy 105-8 unless it negotiates this with HSTA.

Is Superintendent Kishimoto stopping differentials for the 11 other positions listed in school code? If not, why not?

There are 11 others positions that receive differentials under School Code. If the Superintendent Kishimoto is stopping differentials for special education, hard-to-staff, and Hawaiian language immersion teachers because of insufficient funds, is she also stopping differentials for these 11 other positions?

The Board did not expect or intend for the differentials for SPED, hard-to-staff, or Hawaiian language immersion teachers to end in 2021. Does the 2021-2023 biennium budget include funds for differentials for the 2021-2023 School Years? If so, explain where these funds are, how much is being requested, and where these funds came from.

The Department's presentations and statements led the Board to believe that the differentials for SPED, hard-to-staff, and Hawaiian language immersion teachers would continue in 2020-2021 and beyond. The Department presented the Board with plans and contingency plans to continue funding these differentials. When financial circumstances changed due to COVID-19, the Department asked the Board to take action to temporarily suspend these differentials; the Board did not. Many Board members have expressed their desire to continue these differentials because it is making a difference for teachers who are working with our most vulnerable students. Board members have asked that the differentials continue, even in tough economic times, and that the differentials be included in the biennium budget. In the July 23, 2020 memorandum where the Department asked the Board to temporarily suspend the differentials, it stated that it intended to request differential funding in its 2021-2023 Fiscal Biennium budget. In my review of the budget documents, however, the only differential requests that the Department called out to the Board are to fund current year shortfalls resulting from the Department paying for differentials this year. These requests are not for continuing the differentials into the next year or beyond. However, the total budget amounts between this fiscal biennium and the last did not change, so my assumption is that the differential funds for the 2021-2023 are included in the budget.

Why is Superintendent Kishimoto stating that the differentials must end at the start of the 2021-2022 School Year because the Department must reduce its budget by a minimum of 10%?

Superintendent Kishimoto's February 9, 2021 memorandum states that the Department has "no choice but to discontinue" these differentials at the start of the 2021-2022 school year because of a directive for all state departments to reduce budgets by a minimum of 10%. However, on January 21, 2021, Governor Ige released \$123 million for the Department, which effectively reduces its budget reduction to approximately 2.5%, not 10%.

IV. RECOMMENDATION

I recommend the Board direct Superintendent Kishimoto to rescind her February 9, 2021 memorandum and to refrain from taking action on any teacher pay differentials without prior Board approval.

Exhibit A
School Code Regulation #5204

COMPENSATION
ADMINISTRATIVE REGULATIONS

SPECIAL COMPENSATION

A. Teachers

The Department may provide additional compensation (salary differentials) to the basic salary of teachers for special assignments, for additional duties and responsibilities, or for additional time worked as authorized by the Board of Education.

B. Grade Level and Department Chairpersons

Grade level and department chairpersons shall be knowledgeable and capable teachers who are able to properly carry out the duties and responsibilities of the position. Librarians and registrars shall not serve as grade level or department chairpersons.

Counselors may be compensated as counseling department chairpersons but not as grade level chairpersons or chairpersons of other departments.

1. Grade Level Chairpersons (Elementary)

Grade level chairpersons shall be compensated with salary differentials in accordance with the following:

Elementary Schools (K-6)

<u>Size of Instructional Staff</u>	<u>No. of Chairpersons Not to Exceed*</u>	<u>Effective 9/1/88 Compensation</u>
1 - 14	3	\$ 836 per year
15 - 16	5	" " "
17 - 20	6	" " "
21 - 35	7	" " "
36 and over	7	\$1,036 per year

*Less than three may be assigned to a school on the recommendation of the principal and district superintendent

Compensation - Special Compensation (continued)

A special education department chairperson may be selected in a school where there are three or more special education teachers. At the elementary level, if the school qualifies, this chairperson shall be in addition to the entitled number of grade level chairpersons.

2. Department Chairpersons (Secondary)

Department chairpersons shall be allocated and compensated with salary differentials in accordance with the following:

Secondary Schools

<u>No. of Sections of a Subject</u>	<u>No. of Chairpersons</u>	<u>Effective 9/1/88 Compensation</u>
1 - 17*	0	\$0
18 - 42	1	\$ 836 per year
43 and over	1	\$1,036 per year

*Combination departments as prescribed in Revised Department Procedures Certificated Personnel 1, may be established only for good cause as recommended by the principal through the district superintendent to the Office of Personnel Services.

3. Selection, Appointment and Replacement of Grade Level and Department Chairpersons

As necessary, the principal of a school shall appoint and replace grade level and department chairpersons in the school. Affected teachers in each department or grade level shall recommend in writing the names of candidates for the position of the chairpersons.

4. K-8, K-9, K-12

Principals of schools with a multiple organization structure or additional grade levels may elect to use B1 and B2, or either, in determining the number of Department/grade level chairpersons with the compensation as established for such.

Compensation - Special Compensation (continued)

C. Other Salary Differentials:

Beginning September 1, 1987 the following salary differentials shall be in effect:

Vocational Agriculture Teacher

- Large Farm \$1,000 per year
- Small Farm \$ 800 per year

Drama Coordinator (excludes Learning Center Drama Coordinators) \$ 800 per year

Beginning September 1, 1988 the following salary differentials shall be in effect:

- School Librarian \$ 611 per year
- Registrar. \$1,036 per year
- Intermediate Band Teacher \$ 586 per year
- High School Band Teacher \$ 736 per year

D. Compensation for Coaching Athletics

1. Eligibility for Extra Compensation: In general, approval of allotments for a particular sport will depend upon whether or not the sport is league-sponsored and if the school involved is considered ready to enter a team in this league-sponsored sport.

a. Regular teachers designated as coaches when recommended by the principal and approved by the district superintendent will be eligible for extra compensation as provided by the approved schedule.

b. Coaches who are not regular teachers. Upon approval of the district superintendent, individuals who are not regular teachers may be employed as coaches. These persons must file the forms required by the Office of Personnel Services, Department of Education.

Compensation - Special Compensation (continued)

2. Compensation Schedules

Allotments will be issued in the amounts and to the individuals designated on the approved list of positions. The Office of Personnel Services will not designate more than one person for each position and the Office of Business Services will not divide State allotments.

3. Other Services Related to the Athletic Program

Schools may use school funds to pay for services related to the athletic program provided such services have been approved by the respective district superintendent. Such services may include a team physician, trainer, police protection, etc., as required and approved.

Based on the variable nature and sources of school funds, it is recognized that such services must often be obtained on a voluntary basis, thus, compensation rates and/or amounts need not conform to prevailing civil service or other established pay classification systems but may be based on league rates and/or such amounts as mutually agreeable to the provider of such services. Compensation rates and/or amounts, as a general guide, should not exceed comparable minimum civil service pay rates and shall be established by the principal or athletic director prior to the start of services.

4. Direct Sources of Extra Compensation Limited to State and School Funds

- a. All coaches will receive all extra remuneration directly from State Funds.
- b. Community contributions are to be credited to school Athletic Funds and administered through the Athletic budget.

Compensation - Special Compensation (continued)

5. Head Coaching Load

Two non-concurrent sports per year is the maximum allowable load which will permit effective coaching along with effective teaching in the regular teaching assignment. Therefore, no head coach will receive more than two allotments. When necessary, exceptions may be granted upon approval of the district superintendent and Superintendent. Justification for exception and approval will be made a matter of record and will include an expiration date. Head coaches may serve as assistant coaches in addition to the two head coaching loads allowable upon the principal's recommendation and approval of the district superintendent.

6. Schedule State Funds

Effective 9/1/90
Rate Per Year

Athletic Director	\$2,147
Assistant Athletic Director	1,112

Effective 9/1/90
Rate Per Season

Volleyball

Senior Head Coach, Boys	\$1,543
Senior Head Coach, Girls	1,543
Senior Head Coach, Boys & Girls	1,678
Senior Asst. Coach, Boys	926
Senior Asst. Coach, Girls	926
Junior Head Coach, Boys	1,003
Junior Head Coach, Girls	1,003
Junior Asst. Coach, Boys	772
Junior Asst. Coach, Girls	772

Effective 9/1/90
Rate Per Season

Bowling

Senior Head Coach, Boys	\$ 872
Senior Head Coach, Girls	872
Senior Head Coach, Boys & Girls	1,007

Compensation - Special Compensation (continued)

<u>Schedule</u>	<u>State Funds</u>
<u>Cross Country</u>	
Senior Head Coach, Boys	\$ 872
Senior Head Coach, Girls	872
Senior Head Coach, Boys & Girls	1,007
Senior Asst. Coach, Boys	523
Senior Asst. Coach, Girls	523
<u>Football</u>	
Senior Head Coach	\$2,013
Senior Asst. Coach	1,208
Senior Asst. Coach	1,208
Senior Asst. Coach	1,208
Senior Asst. Coach	1,208
Senior Asst. Coach	1,208
Senior Asst. Coach	1,208
Senior Asst. Coach	1,208
Junior Head Coach	1,308
Junior Asst. Coach	1,007
Junior Asst. Coach	1,007
Junior Asst. Coach	\$1,007
Junior Asst. Coach	1,007
Junior Asst. Coach	1,007
<u>Soccer</u>	
Senior Head Coach, Boys	\$1,543
Senior Head Coach, Girls	1,543
Senior Asst. Coach, Boys	926
Senior Asst. Coach, Girls	926
Junior Head Coach, Boys	1,003
Junior Head Coach, Girls	1,003
Junior Asst. Coach, Boys	772
Junior Asst. Coach, Girls	772
<u>Swimming & Diving</u>	
Senior Head Coach, Boys	\$1,543
Senior Head Coach, Girls	1,543
Senior Head Coach, Boys & Girls	1,678
Senior Asst. Coach, Boys	926
Senior Asst. Coach, Girls	926
<u>Effective 9/1/90</u>	
<u>Rate Per Season</u>	
<u>Riflery</u>	
Senior Head Coach, Boys	\$ 872
Senior Head Coach, Girls	872
Senior Head Coach, Boys & Girls	1,007

Compensation - Special Compensation (continued)

Schedule State Funds

Basketball

Senior Head Coach, Boys	\$1,543
Senior Head Coach, Girls	1,543
Senior Asst. Coach, Boys	926
Senior Asst. Coach, Girls	926
Junior Head Coach, Boys	1,003
Junior Head Coach, Girls	1,003
Junior Asst. Coach, Boys	772
Junior Asst. Coach, Girls	772
Junior-Senior Head Coach, Boys	1,678
Junior-Senior Head Coach, Girls	1,678

Wrestling

Senior Head Coach	\$1,543
Senior Asst. Coach	926
Senior Asst. Coach	926
Junior Head Coach	1,003
Junior Asst. Coach	772

Golf

Senior Head Coach	\$ 872
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Tennis

Senior Head Coach, Boys	\$ 872
Senior Head Coach, Girls	872
Senior Head Coach, Boys & Girls	1,007

Baseball

Senior Head Coach	\$1,543
Senior Asst. Coach	926
Senior Asst. Coach	926
Junior Head Coach	1,003
Junior Asst. Coach	772
Junior Asst. Coach	772

Effective 9/1/90
Rate Per Season

Track & Field

Junior-Senior Head Coach, Boys	\$1,543
Junior-Senior Head Coach, Girls	1,543
Junior-Senior Head Coach, Boys & Girls	1,678

Compensation - Special Compensation (continued)

<u>Schedule</u>	<u>State Funds</u>
<u>Track & Field</u>	
Assistant Coach, Boys	\$ 926
Assistant Coach, Boys	926
Assistant Coach, Boys	926
Assistant Coach, Girls	926
Assistant Coach, Girls	926
Assistant Coach, Girls	926
<u>Girls Softball</u>	
Senior Head Coach	\$1,543
Senior Asst. Coach	926
Senior Asst. Coach	926
Junior Head Coach	1,003
Junior Asst. Coach	772
Junior Asst. Coach	772
<u>Gymnastics</u>	
Head Coach, Boys	\$ 872
Head Coach, Girls	872
Head Coach, Boys & Girls	1,007
<u>Soft Tennis</u>	
Head Coach, Boys	\$ 872
Head Coach, Girls	872
Head Coach, Boys & Girls	1,007
<u>Judo</u>	
Head Coach, Boys	\$1,543
Head Coach, Girls	1,543
Head Coach, Boys & Girls	1,007
Assistant Coach, Boys	926
Assistant Coach, Girls	926
<u>Effective 9/1/90</u>	
<u>Rate Per Year</u>	
<u>Pep Squad</u>	
Varsity Coach	\$1,543
Junior Asst. Coach	1,003
<u>Strength</u>	
Power Coach	\$1,543

Compensation - Special Compensation (continued)

E. Extra Compensation for Supervisors of Intramural Athletics

1. Eligibility for Extra Compensation

- a. Regular Teachers designated as intramural supervisors by the principals and approved by the district superintendent will be eligible for extra compensation as outlined in this provision.
- b. This provision is limited to schools with enrollment of at least 100 (September enrollment) in grade 7 and above which conduct year-round intramural programs at least twice a week during non-instructional hours (mid-morning recess, lunch recess and after school).
- c. Intramural allotments will start with October 1 and end May 30.
- d. An individual may not receive a high school coaching allotment and an intramural supervisor allotment concurrently. An exception may be granted upon approval of the District Superintendent. Justification for the exception and approval shall be made a matter of record and must include an expiration date.

2. Compensation Schedule

Rate Per Month

Supv. in a school with two or more intramural supervisors	\$61 per month
Supv. in a school with only one intramural supervisor	71 per month

F. Extra Compensation for Personnel Performing Special Duties

The following personnel may be paid a salary differential as approved by the Board:

- 1. Beginning Teacher Supervisor.
- 2. The supervising teacher for the Hawaii School for the Deaf and the Blind at the annual rate of \$1297.

Compensation - Special Compensation (continued)

3. Teachers in charge of classes for exceptional children which are operated as extensions of district offices.
4. The supervising teacher of the crippled children's unit or units.
5. Teacher placed in charge of the school during the temporary absence of the principal.
6. Teacher in charge of Niihau School.
7. Teacher placed in charge of a school annex located away from the regular campus.
8. Other special situations approved by the Board of Education.

G. Educational Officers

1. Educational officers can be hired on special contracts to perform consultant work or personal services for the Department provided the work or service performed is not an extension or continuation of their normal, regular work. Such work or service shall be outside the scope and responsibilities of their regular, normal work while complying fully with State Ethics Commission laws and implementing regulations.
2. Educational officers may not receive additional compensation from the Department for other related duties which they assume or for work performed beyond their normal workday. (Example: Principals and vice-principals may not receive stipends or differentials for serving as a department head, grade level chairperson, registrar, athletic director, coach, etc.)

Exception: Educational officers may receive pay for teaching or serving on the staff of the Adult Education and A+ Programs.

Compensation - Special Compensation (continued)

3. Vacation, Holiday and Weekend Work

Educational officers shall not be assigned duties during their vacation unless they agree to perform such duties and are compensated as follows:

- a. Educational officers on the ten (10) month salary schedule shall be compensated for any work they perform during their vacations at their regular rate of pay for each day of work assigned.
- b. On the authorization of the Superintendent, educational officers on the twelve (12) month salary schedule may be called to duty before the expiration of any granted vacation. In such event, compensation shall be for all work performed at the rate of one and one-half (1-1/2) times the regular rate of pay during such period services are required and shall be granted unused vacation days at a time mutually agreed upon.
- c. All educational officers who are requested to perform duties on weekends shall be given compensatory time off for all hours worked which must be taken within six (6) months.
- d. All educational officers who are requested to perform duties on holidays shall be paid at their regular rate of pay for all hours worked.

4. Informal Personal Leave

Educational officers on the ten (10) month salary schedule may be granted time off with pay to attend to important personal and family obligations that can only be transacted during work hours.

Revised 9/1/70; Amended 10/74; Amended 8/75; Reviewed 1/76; Amended 10/78;
Amended 3/80; Amended 8/80; Amended 6/82; Amended 6/86; Amended 11/88
Amended 8/90; Amended 6/91; Amended 3/93

PROCEDURE: PROCESSING PAYROLL CERTIFICATION FOR ATHLETIC DIRECTORS, ATHLETIC COACHES AND INTRAMURAL SUPERVISORS

REFERENCE: REGULATION #5204

FORMS : BUSINESS FORM 435 (APPLICATION FOR HIGH SCHOOL COACHING ALLOTMENTS)
BUSINESS FORM 435a (APPLICATION FOR EXTRA COMPENSATION FOR INTRAMURAL SUPERVISORS)
BUSINESS FORM 435b (REQUEST FOR REPLACEMENT OR ADDITION OF COACHES/ ADDITION TO OTHER LIST OF SERVICES RELATED TO THE ATHLETIC PROGRAM)

RESPONSIBILITIES:

1. PRINCIPAL

- a. Administers appropriate regulations for coaches and intramural supervisors at the school.
- b. Obtains required preemployment forms from non-teacher coaches.
- c. Completes and submits appropriate forms to district office to appoint athletic directors, coaches and intramural supervisors at the school.

2. DISTRICT SUPERINTENDENT

- a. Administers appropriate regulations and procedures for coaches and intramural supervisors within the district.
- b. Reviews and approves submitted appointments and distributes forms as per distribution instructions on forms.

3. OFFICE OF PERSONNEL SERVICES

Processes payroll certification as appropriate.

Adopted 10/74; Amended 6/86

Exhibit B

**School Code, Policy #5100 Recruitment, Employment, Retention, and Termination
Policy, Section Teacher Recruitment/Retention/Employment**

RECRUITMENT, EMPLOYMENT, RETENTION AND TERMINATION
POLICY

TEACHER RECRUITMENT/RETENTION/EMPLOYMENT

The recruitment and employment of trained applicants must be active, selective, competitive, and based on the concept of preferential hiring. The process of preferential hiring requires (1) the establishment of a pool of qualified applicants who most closely match the Department's Profile of an Effective Teacher, (2) selection from the applicant pool, and (3) consideration of students' education and welfare and for the good of the school system. This process calls for looking beyond certification/licensure qualifications of applicants. It requires rigorous efforts to hire the best qualified candidates to consistently achieve ever higher levels of student growth and development within the public schools of Hawaii. A multivariate screening system shall be applied to determine employment entry/admission into the applicant pool of eligible candidates for teacher positions.

The Department shall develop and implement a strategic plan to recruit and retain qualified teachers which (1) identifies recruitment and retention goals, (2) implements strategies to achieve these goals, (3) identifies specific teaching shortage areas and geographically hard to fill areas, and (4) establishes a continuing community outreach program to encourage and assist residents of communities experiencing high teacher turnover to become teachers.

Recruitment, Employment, Retention and Termination
Policy (continued)

The Superintendent employs teachers. Primary considerations for employment shall be the needs of students and programs at the schools. Hiring shall be based on the selection of eligible professionals who most exemplify the Department's Profile of an Effective Teacher.

TEACHER PLACEMENT

Placement of teachers shall be by matching the qualifications, personal attributes and training of the individual with the requirements of the position. An effective match of the qualifications of the person with the requirements of the position ensures attainment of the Department's mission.

EDUCATIONAL OFFICER APPOINTMENT

The Superintendent's appointment of subordinate superintendents and the administrative assistant to the Superintendent shall require the approval of the Board of Education. The appointment of all other educational officers shall require the approval of the Superintendent of Education. Educational officers recommended for the Superintendent's approval shall have met the qualifications and the training requirements of the Department. Additionally, educational officers must possess traits such as leadership, adaptability, motivation and commitment to meet the requirements of the position and the high expectations as delineated in the Department's Profile of an Effective School Administrator and Profile of an Effective Educational Administrator.

Recruitment, Employment, Retention and Termination
Policy (continued)

Professional background and experiences of applicants shall be considered in the selection and appointment of educational officers.

PROBATION AND TENURE

Employees are required to complete Department established probationary requirements. Service as a temporary educational officer is not applicable towards fulfilling the requirements probationary period.

Tenure in the Department is obtained by continued employment based on (a) successful completion of probationary requirements; and (b) demonstrated competency at progressively higher levels of performance.

EQUAL EMPLOYMENT

The recruitment and employment policy shall be implemented throughout the Department of Education and shall be the responsibility of the Superintendent of Education and all State, District and School personnel. The manner in which this policy is to be implemented shall be the essence of the Department of Education's Equal Employment Opportunity and Affirmative Action Programs.

Revised 9/1/70; Amended 10/74; Amended 8/75; Amended 6/86; Amended 3/98; Amended 11/02

Exhibit C

**February 9, 2021 Memorandum re Discontinuance of Extra Compensation
(Shortage Differentials) for Classroom Teachers in Special Education, Hard-to-Staff
Geographical Locations, and Hawaiian Language Immersion Programs**



STATE OF HAWAII
DEPARTMENT OF EDUCATION

P.O. BOX 2360
HONOLULU, HAWAII 96804

OFFICE OF THE SUPERINTENDENT

February 9, 2021

TO: The Honorable Catherine Payne
Chairperson, Board of Education

FROM: Dr. Christina M. Kishimoto
Superintendent

A blue ink signature of Dr. Christina M. Kishimoto.

SUBJECT: **Discontinuance of the Extra Compensation (Shortage Differentials) for Classroom Teachers in Special Education, Hard-to-Staff Geographical Locations, and Hawaiian Language Immersion Programs**

On December 5, 2019, the Hawaii State Department of Education (Department) requested and received the Board of Education's (BOE) approval to provide shortage differentials to qualified and licensed teachers to fill vacancies in the areas of Special Education, Hard-to-Staff Geographical locations, and for Hawaiian Language Immersion programs. These shortage differentials took effect on January 7, 2020. The implementation of this pilot has produced the desired and intended effect of lowering vacancy and retention rates for these high-need areas. Please see the attached tables.

Unfortunately, in light of the economic situation the State is currently facing brought on by the COVID-19 pandemic, the Department has determined it can no longer afford to provide these incentives. With directives for all State departments to identify cost-saving opportunities and reduce budgets by a minimum of 10%, the Department has no choice but to discontinue these shortage differential payouts effective at the start of School Year 2021-2022. The Department will be notifying affected teachers. Should funding once again become available, the Department will look into the feasibility of reinstating these incentives.

Thank you for your continued commitment and support of our haumana, staff, schools, and communities during these challenging and uncertain times.

CMK:cac
Attachment

c: Deputy Superintendent
Assistant Superintendents
Complex Area Superintendents
Principals
Office of Fiscal Services - Budget Branch
Office of Hawaiian Education
Office of Student Support Services - Exceptional Support Branch

Special Education Teacher Position Vacancies			
Date	Vacant		
10/1/2018	125		
10/1/2019	122		
10/1/2020	69	45%	decrease from 10/1/2018

Special Education Teacher				
	2018-19 SY to 2019-20 SY	2019-20 SY to 2020-21 SY	Variance	
Stayed in Sped	1,685	1,733	3%	increase
Moved into Sped	73	129	43%	increase
Moved out of Sped	162	116	28%	decrease
Separated	244	251	3%	increase

Hard to Staff Schools/Areas Vacancies			
Date	Vacant		
10/1/2018	115		
10/1/2019	105		
10/1/2020	67	42%	decrease from 10/1/2018

Hard to Staff School/Area (HTS)				
	2018-19 SY to 2019-20 SY	2019-20 SY to 2020-21 SY	Variance	
Stayed at a HTS School/Area	1,975	2,034	3%	increase
Moved into a HTS School/Area	27	41	52%	increase
Moved out of a HTS School/ Area	53	29	45%	decrease
Separated from a HTS School/ Area	232	235	1%	increase

Hawaiian Language Immersion				
	SY 2019 - 20	SY 2020-21	Variance	
Teachers Receiving Shortage Differential	87	94	7%	increase