




**STATE OF HAWAII
DEPARTMENT OF EDUCATION**

P.O. BOX 2360
HONOLULU, HAWAII 96804

OFFICE OF THE SUPERINTENDENT

December 16, 2021

TO: The Honorable Catherine Payne
Chairperson, Board of Education

FROM: Keith T. Hayashi 
Interim Superintendent

SUBJECT: **Board Action on Pay Rates for Part-Time Temporary Employees**

1. RECOMMENDATION

The Hawaii State Department of Education (Department) recommends that the Board of Education (Board) (1) amend its July 15, 2021 decision to repeal HAR Chapter 8-66 by public hearing to repeal HAR Chapter 8-66 with public notice pursuant to HRS §91-3(g); (2) approve the following proposed classes and calculation of pay rates for Part-Time Temporary (PTT) Teachers for one calendar year effective the date of the repeal of HAR Chapter 8-66 or May 31, 2022, whichever shall occur later; and (3) allow the Department to work with Board staff to draft a Board policy or process for the calculation of pay rates for PTTs for Board adoption in advance of the next school fiscal planning cycle which occurs in the fall of the school year 2022-2023 to provide ample time for communication to school administrators.

The Department proposes the following three part-time temporary teacher pay classes and the formula for calculating pay rates:

- PTTA = A casual employee with a bachelor's degree from an accredited institution and completing a State-Approved Teacher Education Program (SATEP). The pay shall be calculated as one-sixth of the daily salary rate for Class III, Step 5 teachers on the prevailing teacher salary schedule.
- PTTB = A casual employee with a bachelor's degree from an accredited institution. The pay shall be calculated as one-sixth of the daily salary rate for Class II, Step 1 teachers on the prevailing no-SATEP teacher salary schedule.
- PTTC = A casual employee without a bachelor's degree. The pay shall be calculated as one-sixth of the daily salary rate for Class I, Step 1 teachers on the prevailing no-SATEP teacher salary schedule.

RECOMMENDED EFFECTIVE DATE

The proposed pay classes and calculation of pay rates for part-time temporary teachers will become effective following the repeal of HAR Chapter 8-66 or May 31, 2022, whichever shall occur later.

2. DISCUSSION

a. Conditions leading to the recommendation:

Before 2005, School Code regulation 5203 provided that the hourly pay rate for part-time temporary teachers would be one-sixth of the daily pay for substitute teachers. The regulation provided that certain part-time or casual employees were paid based on the part-time temporary teachers' pay.

On July 22, 2005, then Superintendent Patricia Hamamoto issued a directive decoupling part-time temporary teachers' pay from substitute teachers' pay. The directive stated that effective July 1, 2005, Class A part-time temporary teachers (those with a bachelor's degree from an accredited institution) would be paid \$22.43 per hour. The directive also stated that Class B part-time temporary teachers (those without a degree) would be paid \$20.67 per hour.

At its November 16, 2006 meeting, the Board confirmed the Superintendent's action and confirmed the rates of pay stated above.

Those rates have been effective since July 1, 2005.

In February 2006, a class action lawsuit entitled Kawashima v. Department of Education (Department) et al.; Civil No. 06-1-0244-2 ECN was filed in the First Circuit Court on behalf of all part-time temporary teachers and other employees paid on the same basis. On August 29, 2011, the judge, Edwin Nacino, issued a ruling stating that the previous action by the Superintendent and the Board was unlawful and ineffective and that part-time temporary teachers' pay can only be changed through the Hawaii Revised Statutes Chapter 91 rule amendment.

At its May 15, 2012 meeting, the Board approved the proposed rules relating to part-time temporary employees (now Chapter 8-66, HAR). On June 1, 2012, the Department submitted its request to the Governor for his final approval for adoption of the rules. With the Governor's subsequent approval, Chapter 8-66, HAR became effective on June 14, 2012.

In June 2017, the Department prevailed in its appeal of Judge Nacino's ruling and the Hawaii Supreme Court ruled that School Code regulation 5203 was not a rule and the Department can adopt changes to School Code regulation 5203 by approval at a duly noticed Chapter 92 meeting without going through formal rulemaking.

Therefore, the Department of the Attorney General's Office recommended the repeal of Chapter 8-66, HAR, because it is no longer necessary. Under HRS §91-3(g), a repeal requires a 30-day notice and does not require a public hearing.

On July 15, 2021, the Board approved the Department's recommendation to proceed with the repeal of Chapter 8-66, HAR, by public hearing and directed the Department to provide a process that ensures that the Board maintains oversight and authority over establishing pay rates for part-time temporary teachers. The Department of the Attorney General advised that a public hearing is not required under HRS §91-3(g), where a rule is either null and void or unnecessary.

Based on the Department's recommendation above, here is an example of what the part-time temporary teacher pay rates would look like using the current teacher salary schedule for School Year 2021-2022:

PTTA pay rate (based on one-sixth of a Class III, Step 5 teacher's daily salary rate of \$252.95) would be \$42.16 per hour.

PTTB pay rate (based on one-sixth of a Class II, Step 1 teacher's daily salary rate of \$177.54) would be \$29.59 per hour.

PTTC pay rate (based on one-sixth of a Class I, Step 1 teacher's daily salary rate of \$158.36) would be \$26.39 per hour.

- b. Previous Action of the Board on the same or similar matter:

See section above concerning previous Board action.

- c. Other policies affected:

None.

- d. Arguments in support of the recommendation:

The Department's proposed classes and calculation of pay rates for part-time temporary teachers bring the hourly rate up to par with the prevailing teacher salary schedule, which helps the Department recruit for critical casual jobs with comparable pay.

- e. Arguments against the recommendation:

None.

- f. Other agencies or departments of the State of Hawaii involved in the action:

The Department consulted with the Department of the Attorney General, Education Division, on the process to repeal Chapter 8-66, HAR.

- g. The possible reaction of the public, professional organizations, unions, Department staff, and/or others to the recommendations:

None.

- h. Educational implication:

The pay increase may lead to more part-time temporary teachers in our schools, translating to more instructional and social-emotional supports for students and teachers, therefore impacting teaching and learning.

- i. Personnel implications:

The Department will be better able to recruit, hire, and compensate part-time temporary teachers who are highly qualified and often provide direct instructional services to students. For the 2020-2021 School Year, the Department verified 8,880 jobs.

- j. Facilities implications:

None.

- k. Financial implications:

The hiring of part-time temporary teachers is customarily done through programs at the school, complex area, and state levels. Program managers are responsible for securing and allocating funding to run their programs, including salaries for personnel such as part-time temporary teachers. An increase in hourly costs for part-time temporary teachers will increase the cost to run these programs. Therefore, prior to hiring any part-time temporary teachers, the program manager should thoroughly review their program budget(s) to determine affordability.

3. OTHER SUPPLEMENTARY RECOMMENDATIONS

None.

Effective the First Work Day of the
2021-2022 School Year

SALARY SCHEDULE (10-MONTH)

"FOR OHR USE ONLY-DO NOT DUPLICATE OR DISTRIBUTE"

CLASS I TEACHER NO DEGREE		CLASS II TEACHER BA		CLASS III TEACHER BA+30 or MA		CLASS IV TEACHER CLASS III + 15		CLASS V TEACHER CLASS IV + 15		CLASS VI TEACHER CLASS V +15		CLASS VII TEACHER CLASS VI +15 or Doctorate	
T01-01	158.36	T02-01	177.54	T03-01	191.74	T04-01	199.41						
2,824.18	33,890	3,166.08	37,993	3,419.34	41,032	3,556.08	42,673						
T01-02	163.61	T02-02	182.86	T03-02	197.49	T04-02	205.40						
2,917.68	35,012	3,261.08	39,133	3,521.92	42,263	3,662.92	43,955						
T01-03	169.01	T02-03	188.35	T03-03	203.42	T04-03	211.55						
3,014.00	36,168	3,358.92	40,307	3,627.58	43,531	3,772.68	45,272						

T01-05	180.37	T02-05	234.22	T03-05	252.95	T04-05	263.07	T05-05	273.59	T06-05	284.54	T07-05	301.61
3,216.58	38,599	4,176.92	50,123	4,511.00	54,132	4,691.50	56,298	4,879.08	58,549	5,074.34	60,892	5,378.76	64,545
T01-06	186.33	T02-06	241.25	T03-06	260.54	T04-06	270.97	T05-06	281.81	T06-06	293.07	T07-06	310.66
3,322.84	39,874	4,302.26	51,627	4,646.34	55,756	4,832.34	57,988	5,025.58	60,307	5,226.50	62,718	5,540.18	66,482
T01-07	192.48	T02-07	248.49	T03-07	268.36	T04-07	279.10	T05-07	290.26	T06-07	301.87	T07-07	319.98
3,432.58	41,191	4,431.34	53,176	4,785.76	57,429	4,977.26	59,727	5,176.26	62,115	5,383.34	64,600	5,706.34	68,476
T01-08	198.84	T02-08	255.94	T03-08	276.41	T04-08	287.46	T05-08	298.97	T06-08	310.93	T07-08	329.58
3,546.00	42,552	4,564.26	54,771	4,929.34	59,152	5,126.42	61,517	5,331.58	63,979	5,544.84	66,538	5,877.58	70,531
T01-09	205.43	T02-09	263.62	T03-09	284.71	T04-09	296.10	T05-09	307.94	T06-09	320.26	T07-09	339.48
3,663.42	43,961	4,701.18	56,414	5,077.34	60,928	5,280.42	63,365	5,491.68	65,900	5,711.26	68,535	6,054.00	72,648
T01-10	212.21	T02-10	271.52	T03-10	293.25	T04-10	304.98	T05-10	317.17	T06-10	329.86	T07-10	349.66
3,784.42	45,413	4,842.08	58,105	5,229.58	62,755	5,438.76	65,265	5,656.26	67,875	5,882.42	70,589	6,235.58	74,827
T01-11	219.22	T02-11	279.67	T03-11	302.05	T04-11	314.13	T05-11	326.69	T06-11	339.75	T07-11	360.14
3,909.50	46,914	4,987.50	59,850	5,386.50	64,638	5,601.92	67,223	5,825.92	69,911	6,058.92	72,707	6,422.42	77,069
T01-12	226.48	T02-12	288.06	T03-12	311.11	T04-12	323.56	T05-12	336.50	T06-12	349.95	T07-12	370.95
4,038.92	48,467	5,137.08	61,645	5,548.08	66,577	5,770.08	69,241	6,000.92	72,011	6,240.76	74,889	6,615.26	79,383
T01-13	233.96	T02-13	296.70	T03-13	320.43	T04-13	333.26	T05-13	346.58	T06-13	360.45	T07-13	382.07
4,172.34	50,068	5,291.08	63,493	5,714.42	68,573	5,943.08	71,317	6,180.76	74,169	6,428.00	77,136	6,813.68	81,764
T01-14	245.32	T02-14	305.60	T03-14	330.05	T04-14	343.26	T05-14	356.99	T06-14	371.26	T07-14	393.54
4,374.92	52,499	5,449.92	65,399	5,885.92	70,631	6,121.42	73,457	6,366.26	76,395	6,620.84	79,450	7,018.18	84,218
T01-14A		T02-14A	314.77	T03-14A	339.95	T04-14A	353.56	T05-14A	367.69	T06-14A	382.41	T07-14A	405.34
		5,613.42	67,361	6,062.50	72,750	6,305.08	75,661	6,557.18	78,686	6,819.58	81,835	7,228.58	86,743
T01-14B		T02-14B	333.66	T03-14B	360.35	T04-14B	374.77	T05-14B	389.76	T06-14B	405.35	T07-14B	429.66
		5,950.26	71,403	6,426.26	77,115	6,683.34	80,200	6,950.68	83,408	7,228.68	86,744	7,662.34	91,948