

STATE OF HAWAII
DEPARTMENT OF DEFENSE
HAWAII EMERGENCY MANAGEMENT AGENCY

TESTIMONY ON HOUSE BILL 1736,
RELATING TO EDUCATION

BEFORE THE HOUSE COMMITTEES ON
PANDEMIC AND DISASTER PREPAREDNESS, EDUCATION, AND FINANCE

BY

Luke P. Meyers
Administrator, Hawaii Emergency Management Agency (HI-EMA)

FEBRUARY 1, 2022

Aloha Chairs Ichiyama, Woodson, and Luke, Vice-Chairs Eli, Kapela, and Cullen, and Members of the Committee:

Thank you for the opportunity to submit testimony to **OFFER COMMENTS** on HB 1736.

House Bill 1736 addresses the challenges of teacher staffing, particularly during a pandemic, in the context of chronic personnel shortages in Hawaii, increased retirements, illness and isolation during medical testing. The bill would allow licensed teachers who have retired to return to the workforce during an emergency and within 12 months of their retirement. The bill would modify Section 88-9 of the Hawaii Revised Statutes to allow this, including changes to rules governing retirement plan credit.

HRS 127A-13(2) already includes provisions by which an emergency proclamation may address personnel shortages “by suspending the laws, in whole or in part, or by alleviating the provisions of laws on such terms and conditions as the governor may impose, including licensing laws.” While teachers may require additional language in statute to clarify rights unique to them as an employment class, HI-EMA would note that the emergency powers statute already allows the specific waiver of licensing laws for essential workers on an incident-by-incident basis.

Thank you for the opportunity to provide testimony on House Bill 1736.

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

Date: 02/01/2022
Time: 10:00 AM
Location: 309 Via Videoconference
Committee: House Pandemic & Disaster Preparedness

Department: Education

Person Testifying: Keith T. Hayashi, Interim Superintendent of Education

Title of Bill: HB 1736 RELATING TO EDUCATION.

Purpose of Bill: Temporarily allows licensed teachers who have retired to be employed as teachers during a state of emergency and within twelve months of their retirement.

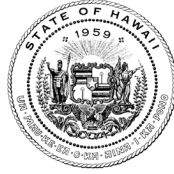
Department's Position:

The Hawaii State Department of Education (Department) supports HB 1736. If passed, this legislation will provide the Department with an additional tool to fill vacant teacher positions during a state of emergency by allowing recently retired licensed teachers to be re-employed.

The Department recognizes the benefits of in-person learning even during a state emergency, particularly for younger children and those students with special educational needs. In addition to receiving instruction, students are provided with access to mental health services, healthy meals, after-school programs, extracurricular activities, and socialization with their teachers and peers on school campuses. The ability to hire recently retired teachers to fill vacant positions during a declared state of emergency will enable the Department to provide uninterrupted educational and student support services.

Thank you for the opportunity to testify in support of this measure.

DAVID Y. IGE
GOVERNOR



THOMAS WILLIAMS
EXECUTIVE DIRECTOR

KANOE MARGOL
DEPUTY EXECUTIVE DIRECTOR

STATE OF HAWAII
EMPLOYEES' RETIREMENT SYSTEM

TESTIMONY BY THOMAS WILLIAMS
EXECUTIVE DIRECTOR, EMPLOYEES' RETIREMENT SYSTEM
STATE OF HAWAII

TO THE HOUSE COMMITTEE ON PANDEMIC & DISASTER PREPAREDNESS

ON

HOUSE BILL NO. 1736

February 1, 2022
10:00 A.M.
Conference Room 309

RELATING TO EDUCATION

Chair Ichiyama, Vice Chair Eli, and Members of the Committee,

H.B. 1736 proposes to add Section 88-9(d)(6), Hawaii Revised Statutes, allowing the Department of Education or charter schools to hire a retirant teacher during a state of emergency declared by the governor pursuant to Chapter 127A. **The Board of Trustees of the ERS has not yet had the opportunity to review this legislation, however the ERS staff offers the following comments:**

(1) H.B. 1736 would allow a retired teacher to be rehired during a state of emergency declared by the governor pursuant to chapter 127A.

Section 89-9(d) currently requires that certain categories of retirants not be rehired within 12 months of retirement. See sections 89-9(d)(4)(A) (labor shortage); 89-9(d)(5)(A) (teacher shortage).

The proposed new Section 89-9(d)(6) would remove the requirement that a retired teacher be retired for at least 12 months before starting reemployment. Removal of the 12-month requirement would expedite the rehiring of retired teachers.



Employees' Retirement System
of the State of Hawaii

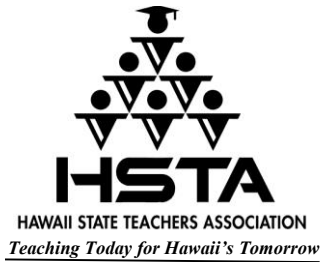
The ERS' primary concern is whether the bill, including removal of the 12-month requirement, may negatively impact the ERS's status as a qualified governmental plan under the Internal Revenue Code. As a public pension plan, the ERS needs to consult with its tax counsel regarding the potential impact of H.B. 1736 on the ERS' tax qualified status.

(2) The ERS supports the provision in the proposed amendment that requires the Department of Education or charter school to contribute to the pension accumulation fund the required percentage of the rehired retiree's (retiree's) compensation to amortize the system's unfunded liability.

(3) The ERS also supports the bill's inclusion of a repeal date of June 30, 2023, on which date section 88-9(d) would be reenacted in its previous form.

As proposed, and provided that the bill would not affect the ERS' tax-qualification status, staff believes H.B. 1736 would not be opposed by the ERS Board of Trustees.

Thank you for this opportunity to provide testimony.



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TESTIMONY BEFORE THE HOUSE COMMITTEE ON PANDEMIC &
DISASTER PREPAREDNESS

RE: HB 1736 - RELATING TO EDUCATION

TUESDAY, FEBRUARY 1, 2022

OSA TUI, JR., PRESIDENT
HAWAII STATE TEACHERS ASSOCIATION

Chair Ichiyama and Members of the Committee:

The Hawaii State Teachers Association **supports HB 1736**, relating to education. This bill temporarily allows licensed teachers who have retired to be employed as teachers during a state of emergency and within twelve months of their retirement.

Due to COVID-19, the current teacher shortage crisis has been exacerbated. This pandemic has caused further staffing shortages with even more teachers resigning. Many teachers have also stayed home from work, because they have tested positive for COVID-19, are awaiting test results to confirm whether they are positive for COVID-19, or have to take care of loved ones who are sick with COVID-19. Many teachers have also retired during the 2020-2021 academic year. According to data provided by the department of education, four hundred twenty eight teachers retired during the 2020—2021 academic year. Some of these individuals may wish to return to employment as teachers. **However, existing law prevents a retiree from being employed as a teacher within twelve months of retiring.** This temporary change in law would allow recently retired licensed teachers to return to the workforce which will help mitigate the teacher shortage and create the opportunity for all of our students in Hawaii to receive uninterrupted, quality education.

To temporarily allow our retired licensed teachers to return back to teaching and provide us with more licensed teachers that we desperately need right now, the Hawaii State Teachers Association asks your committee to **support** this bill.

Bill: House Bill 1736
Title: Relating to Education
Position: SUPPORT
Committees: Pandemic and Disaster Preparedness
Date: February 1, 2022 10:00 am

Aloha Honorable Chair Ichiyama, Vice Chair Eli, and Committee Members,

My name is Vickie Parker Kam and I have been a public school educator for over 20 years in the Leeward District. As a seasoned teacher, I am writing in STRONG support for bill HB1736 Relating to Education. This would temporarily allow licensed teachers who have retired to be employed as teachers during a state of emergency and within twelve months of their retirement

During this pandemic, over the past two years, we have seen HIDOE scramble to unsuccessfully offer educational options for our keiki. There were not enough teachers to offer all the online opportunities the public was asking for. This led to them hiring some personnel from the mainland for them to CREATE an online class option with VERY limited spaces to accommodate the State's student body. This bill would address that very problem and allow for qualified teachers to reenter the workforce on a temporary basis.

HB1736 would be a way to alleviate the teacher shortage during a crisis, especially when online and in person learning are needed at the same time, so that families have a choice and the students have a qualified educator to learn from.

Mahalo Nui Loa,
Vickie Parker Kam
Educator, Ilima Intermediate
HSTA Board of Director (speaking as an individual)
Makakilo/Kapolei Resident