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# A BILL FOR AN ACT

RELATING TO EDUCATION.

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

1           SECTION 1. The legislature finds that it is very  
2 challenging to provide quality education for Hawaii's students  
3 while dealing with a chronic teacher shortage. The teacher  
4 shortage in the State has been exacerbated by the COVID-19  
5 pandemic, which has caused further staffing shortages in the  
6 teaching workforce. Many teachers have stayed home from work  
7 because they have tested positive for COVID-19, are awaiting  
8 test results to confirm whether they are positive for COVID-19,  
9 or have to take care of loved ones who are sick with COVID-19.

10           The legislature further finds that many teachers also  
11 retired during the 2020-2021 academic year. According to data  
12 provided by the department of education, four hundred twenty-  
13 eight teachers retired during the 2020-2021 academic year. Some  
14 of these individuals may wish to return to employment as  
15 teachers. However, existing law prevents a retirant from being  
16 employed as a teacher within twelve months of retiring. The  
17 legislature believes that allowing recently retired licensed



1 teachers to return to the workforce will help mitigate the  
2 teacher shortage and create the opportunity for all of Hawaii's  
3 students to receive uninterrupted, quality education.

4 The purpose of this Act is to temporarily allow licensed  
5 teachers who have retired to be employed as teachers during a  
6 state of emergency and within twelve months of their retirement.

7 SECTION 2. Section 88-9, Hawaii Revised Statutes, is  
8 amended by amending subsection (d) to read as follows:

9 "(d) A retirant may be employed without reenrollment in  
10 the system and suffer no loss or interruption of benefits  
11 provided by the system or under chapter 87A if the retirant is  
12 employed:

13 (1) As an elective officer pursuant to section 88-42.6(c)  
14 or as a member of the legislature pursuant to section  
15 88-73(d);

16 (2) As a juror or precinct official;

17 (3) As a part-time or temporary employee excluded from  
18 membership in the system pursuant to section 88-43, as  
19 a session employee excluded from membership in the  
20 system pursuant to section 88-54.2, as the president  
21 and chief executive officer of the Hawaii tourism



1 authority excluded from membership in the system  
2 pursuant to section 201B-2, or as any other employee  
3 expressly excluded by law from membership in the  
4 system; provided that:

5 (A) The retirant was not employed by the State or a  
6 county during the six calendar months prior to  
7 the first day of reemployment; and

8 (B) No agreement was entered into between the State  
9 or a county and the retirant, prior to the  
10 retirement of the retirant, for the return to  
11 work by the retirant after retirement;

12 (4) In a position identified by the appropriate  
13 jurisdiction as a labor shortage or difficult-to-fill  
14 position; provided that:

15 (A) The retirant was not employed by the State or a  
16 county during the twelve calendar months prior to  
17 the first day of reemployment;

18 (B) No agreement was entered into between the State  
19 or a county and the retirant, prior to the  
20 retirement of the retirant, for the return to  
21 work by the retirant after retirement; and



1 (C) Each employer shall contribute to the pension  
 2 accumulation fund the required percentage of the  
 3 rehired retirant's compensation to amortize the  
 4 system's unfunded actuarial accrued liability;  
 5 [~~or~~]

6 (5) As a teacher or an administrator in a teacher shortage  
 7 area identified by the department of education or in a  
 8 charter school or as a mentor for new classroom  
 9 teachers; provided that:

10 (A) The retirant was not employed by the State or a  
 11 county during the twelve calendar months prior to  
 12 the first day of reemployment;

13 (B) No agreement was entered into between the State  
 14 or a county and the retirant prior to the  
 15 retirement of the retirant, for the return to  
 16 work by the retirant after retirement; and

17 (C) The department of education or charter school  
 18 shall contribute to the pension accumulation fund  
 19 the required percentage of the rehired retirant's  
 20 compensation to amortize the system's unfunded  
 21 actuarial accrued liability~~[or]~~; or



- 1       (6) As a teacher during a state of emergency declared by  
2       the governor pursuant to chapter 127A; provided that:
- 3       (A) No agreement was entered into between the State  
4       or a county and the retirant prior to the  
5       retirement of the retirant, for the return to  
6       work by the retirant after retirement;
- 7       (B) The department of education or charter school  
8       shall contribute to the pension accumulation fund  
9       the required percentage of the rehired retirant's  
10       compensation to amortize the system's unfunded  
11       actuarial accrued liability; and
- 12       (C) By the date of separation from service, the  
13       retirant had been issued a license from the  
14       Hawaii teacher standards board pursuant to  
15       subpart D, part III, of chapter 302A, to teach as  
16       a part-time or full-time teacher."

17       SECTION 3. Statutory material to be repealed is bracketed  
18 and stricken. New statutory material is underscored.

19       SECTION 4. This Act shall take effect on July 1, 2050, and  
20 shall be repealed on June 30, 2023; provided that section  
21 88-9(d), Hawaii Revised Statutes, shall be reenacted in the form



1 in which it read on the day prior to the effective date of this  
2 Act.  
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**Report Title:**

Retirants; Teachers; Employment; State of Emergency

**Description:**

Temporarily allows licensed teachers who have retired to be employed as teachers during a state of emergency and within twelve months of their retirement. Effective 7/1/2050. Repeals on 6/30/2023. (HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

