



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
KA 'OIHANA O KA LOIO KUHINA  
THIRTY-THIRD LEGISLATURE, 2026**

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**ON THE FOLLOWING MEASURE:**

S.B. NO. 2872, RELATING TO RETIRED EDUCATION EMPLOYEES.

**BEFORE THE:**

SENATE COMMITTEES ON EDUCATION AND ON LABOR AND TECHNOLOGY

**DATE:** Friday, February 6, 2026

**TIME:** 1:00 p.m.

**LOCATION:** State Capitol, Room 229

**TESTIFIER(S):** Anne E. Lopez, Attorney General, or  
Jenny J.N.A. Nakamoto, Deputy Attorney General

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Chairs Kim and Elefante and Members of the Committees:

The Department of the Attorney General (Department) provides the following comments.

This bill would allow a retirant employed as a teacher or administrator in a teacher shortage area or difficult-to-fill position identified by the Department of Education or in a charter school, or as a mentor for new classroom teachers (Teacher Retirant) to be employed without reenrollment in the Employees' Retirement System of the State of Hawaii (ERS), and without loss or interruption of benefits provided by the ERS or under chapter 87A, Hawaii Revised Statutes (HRS), the Hawaii Employer-Union Health Benefits Trust Fund.

The bill would also subject the Teacher Retirant to two additional conditions:

(1) salary tied to the entry level salary for the applicable teacher or administrator position, as negotiated in the collective bargaining unit contract, and (2) ineligibility for benefits typically afforded to active employees under chapter 78, HRS.

To avoid any question about the treatment of a Teacher Retirant, the Department recommends that these two additional conditions apply prospectively only. Accordingly, the Department suggests the following revisions:

1. Replace the text on page 3, lines 17-20, (section 88-9(d)(5)(D), HRS) with the following:

**(D) The retirant hired after June 30, 2026, shall receive the entry level salary for the teacher or administrator position as negotiated in the collective bargaining unit contract for that position; and**

2. Replace the text on page 4, lines 1-3, (section 88-9(d)(5)(E), HRS) with the following:

**(E) The retirant hired after June 30, 2026, shall not be eligible for benefits typically afforded to active employees pursuant to chapter 78.**

3. Insert text on page 4, beginning on line 11 with the following:

**SECTION 3. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.**

4. Renumber subsequent sections as appropriate.

Thank you for considering these comments.



STATE OF HAWAII  
DEPARTMENT OF EDUCATION  
KA 'OIHANA HO'ONA'AUAO  
P.O. BOX 2360  
HONOLULU, HAWAII 96804

**Date:** 02/06/2026

**Time:** 01:00 PM

**Location:** CR 229 & Videoconference

**Committee:** EDU/LBT

**Department:** Education

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

**Title of Bill:** SB2872, RELATING TO RETIRED EDUCATION EMPLOYEES.

**Purpose of Bill:** Requires retirants rehired as teachers or administrators in shortage areas or in difficult-to-fill positions to be paid the entry level salary for the teacher or administrator position as negotiated in the collective bargaining unit contract. Prohibits rehired retirants from receiving additional employment benefits. Requires the Department of Education to adopt rules.

**Department's Position:**

The Hawaii State Department of Education (Department) supports SB 2872. The Department values the service and contributions of retired educators and recognizes the experience they bring to Hawaii's public schools; however, customarily compensation and benefit structures are within the purview of collective bargaining. The Department remains open to collaborating with all stakeholders to address workforce needs.

Thank you for the opportunity to provide testimony on SB 2872.



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**Osa Tui, Jr.**  
President

**Logan Okita**  
Vice President

**Cheney Kaku**  
Secretary-Treasurer

**Andrea Eshelman**  
Executive Director

**TESTIMONY TO THE HAWAI'I SENATE COMMITTEE ON EDUCATION  
&  
THE HAWAI'I SENATE COMMITTEE ON LABOR AND TECHNOLOGY**

**Item: SB 2872 – Relating to the Retired Education Employees**

**Position: Comments**

**Hearing: Friday, February 6, 2026, 1:00 pm, Room 229**

**Submitter: Osa Tui, Jr., President - Hawai'i State Teachers Association**

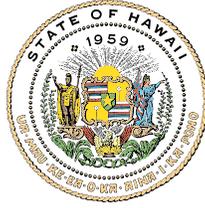
Dear Chairs Kim and Elefante, Vice Chairs Kidani and Lamosao, and members of the committees,

The Hawai'i State Teachers Association (HSTA) offers the following comments regarding S.B. 2872. We would like to note that the ability to rehire retired educators without an interruption of benefits is already established under Section 88-9, Hawai'i Revised Statutes.

This measure seeks to amend the current statute by requiring that rehired retirants be paid at the entry-level salary of their respective collective bargaining agreements and by explicitly clarifying their eligibility for certain benefits. These proposed amendments offer specific parameters regarding compensation and benefits for retired educators returning to service.

HSTA remains steadfast in our support for all efforts that help keep qualified, experienced teachers in the classroom. We support the inclusion of "difficult-to-fill" positions as a critical addition to the statute to help ensure that our most experienced educators can continue providing stability in the classrooms where they are needed most.

Addressing the chronic educator shortage is essential to ensuring that every student in Hawai'i has access to a high-quality education. Mahalo for the opportunity to provide these comments.



JOSH GREEN, M.D.  
GOVERNOR

SYLVIA LUKE  
LIEUTENANT GOVERNOR

KALBERT K. YOUNG  
EXECUTIVE DIRECTOR

GAIL STROHL  
DEPUTY EXECUTIVE DIRECTOR

**STATE OF HAWAII'  
EMPLOYEES' RETIREMENT SYSTEM**

TESTIMONY BY KALBERT YOUNG  
EXECUTIVE DIRECTOR, EMPLOYEES' RETIREMENT SYSTEM  
STATE OF HAWAII  
TO THE SENATE COMMITTEES ON EDUCATION AND LABOR AND TECHNOLOGY  
ON  
SENATE BILL NO. 2872

**February 6, 2026**

**1:00 PM**

**Conference Room 229 and VIA Videoconference**

RELATING TO RETIRED EDUCATION EMPLOYEES.

Chairs Kim and Elefante, Vice Chairs Kidani and Lamosao, and Members of the Committees,

While the Board of Trustees (BOT) has not had a chance to review the bill, the Employees' Retirement System (ERS) appreciates the intent of SB 2872 and is thankful for the opportunity to offer comments suggesting amendments regarding this measure.

SB 2872 proposes to amend Section 88-9 of the Hawaii Revised Statutes (HRS) to allow positions identified by the Department of Education (DOE) or Charter School as difficult-to-fill to be filled by a retiree without reenrollment into the system after a twelve-calendar month break, during which the retirant would receive the entry level salary negotiated in the contract and would not be eligible for benefits under chapter 78.

The ERS respectfully recommends that the adjudicating jurisdictions develop and implement policies and procedures regarding positions to be identified as difficult-to-fill to be formalized along with their jurisdiction's Director of Human Resources (or equivalent) involved as part of the process to alleviate concerns for inconsistent



**Employees' Retirement System**  
of the State of Hawaii

application of enrollment exemptions for similarly situated retirees. This revision aside, we continue to believe that the included requirement of an annual report to the legislature by the Director of Human Resources (or jurisdictional equivalent) of the DOE or Charter School could provide sufficient oversight to ensure determinations are consistent with applicable laws and rules.

As this bill progresses, there are a number of components which are important for the stability and sustainability of the pension system. ERS supports the inclusion of a twelve-calendar month break and prohibition on post-retirement agreements to return to work, consistent with other positions identified as shortage or difficult-to-fill, as these fulfill requirements to retain our tax qualified status under Internal Revenue Code (IRC). We similarly support that contributions are required to be made by the employer towards the pension accumulation fund to amortize the system's unfunded accrued liability which mitigates the lost contributions when these positions are filled with unenrolled retirees rather than active members or reenrolled retirees earning retirement benefits.

Thank you for the opportunity to provide comments on SB 2872.

JOSH GREEN, M.D.  
GOVERNOR



MAKALAPUA ALENCASTRE, ED. D.  
CHAIRPERSON

STATE OF HAWAII  
**STATE PUBLIC CHARTER SCHOOL COMMISSION**  
**(‘AHA KULA HO‘ĀMANA)**

<http://CharterCommission.Hawaii.Gov>  
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FOR: SB 2872 RELATING TO RETIRED EDUCATION WORKERS  
DATE: February 6, 2026  
TIME: 1:00 P.M.  
COMMITTEE: Committee on Education and Committee on Labor & Technology  
ROOM: Conference Room 229 & Videoconference  
FROM: Ed H. Noh, Ed. D., Executive Director  
State Public Charter School Commission

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Chair Mercado Kim, Chair Elefante, and members of the Committees:

The State Public Charter School Commission (“Commission”) appreciates the opportunity to offer testimony in **SUPPORT of SB 2872** which:

1. Allows retirants to be hired for difficult-to-fill teachers or administrator positions in Department of Education schools or in charter schools;
2. Requires the retirant employed as a teacher or administrator to receive the entry level salary as negotiated in the collective bargaining unit contract for that position;
3. Clarifies that the retirant shall not be eligible for benefits typically afforded to active employees; and
4. Requires the Department of Education to adopt rules for the procedures in identifying shortage and hard to fill positions and for the guidelines in hiring retirants.

The Commission appreciates efforts of the Legislature in looking for solutions in addressing teacher shortages, especially in difficult-to-fill areas. The Commission is available to work with this committee, the DOE, and our public charter schools to ensure that any rules or guidelines implementing the hiring of retirees are applicable to charter school hiring practices.

Thank you for the opportunity to provide this testimony.

**SB-2872**

Submitted on: 2/4/2026 1:16:02 PM

Testimony for EDU on 2/6/2026 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Glen Kagamida	Individual	Support	Written Testimony Only

Comments:

GOOD IDEA