

ACT 90

H.B. NO. 2257

A Bill for an Act Relating to Department of Education Superintendent's Salary.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that existing law authorizes the board of education to set the salary of the superintendent of education, but the salary cannot exceed a specific amount, referred to as a salary cap.

The legislature further finds that it is a challenge to recruit and fill this state leadership position because the statutory salary cap is not in alignment with national salary norms and therefore is not competitive with or in the range of the salaries of other similar administrative leadership positions at comparable school districts.

The legislature further finds that the statute governing the superintendent's salary has not been amended since 2000 and that the salary cap should be revised as a matter of equity, to account for cost of living increases.

Amending the current salary cap for the superintendent of education was based on a review of the mean salary of all superintendents across the country, the average annual cost of living increases indicated by the consumer price index, and the majority of superintendents' salaries across the country with student enrollment greater than twenty-five thousand. Hawaii's public schools enroll approximately 185,000 students.

The amendment to the salary cap will also provide the board of education with the flexibility it needs to attract and retain individuals to support a strong statewide public education system and the authority and latitude to establish the salary of this leadership position commensurate with various factors, including the breadth of responsibilities and duties of the position, the experience and skills the individual brings to the position, and the job performance of the individual.

The purpose of this Act is to provide the board of education, as the appointing body of the superintendent, with more flexibility to establish the salary of the superintendent, by raising the salary cap.

SECTION 2. Section 26-52, Hawaii Revised Statutes, is amended to read as follows:

“§26-52 Department heads and executive officers. The salaries of the following state officers shall be as follows:

- (1) The salary of the superintendent of education shall be set by the board of education at a rate no greater than ~~[\$150,000]~~ \$250,000 a year~~;~~. The superintendent shall be subject to an annual performance evaluation that is in alignment with other employee evaluations within the department of education and are based on outcomes determined by the board of education; provided that nothing shall prohibit the board of education from conditioning a portion of the salary on performance;
- (2) The salary of the president of the University of Hawaii shall be set by the board of regents;
- (3) Effective July 1, 2004, the salaries of all department heads or executive officers of the departments of accounting and general services, agriculture, attorney general, budget and finance, business, economic development, and tourism, commerce and consumer affairs, Hawaiian home lands, health, human resources development, human services, labor and industrial relations, land and natural resources, public safety, taxation, and transportation shall be as last recommended by the executive salary commission. Effective July 1, 2007, and every six years thereafter, the salaries shall be as last recommended by the commission on salaries pursuant to section 26-56, unless rejected by the legislature; and
- (4) The salary of the adjutant general shall be \$85,302 a year. Effective July 1, 2007, and every six years thereafter, the salary of the adjutant general shall be as last recommended by the commission on salaries pursuant to section 26-56, unless rejected by the legislature, except that if the state salary is in conflict with the pay and allowance fixed by the tables of the regular army or air force of the United States, the latter shall prevail.”

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

SECTION 4. This Act shall take effect upon its approval; provided that this Act shall be repealed on June 30, 2024, and section 26-52, Hawaii Revised Statutes, shall be reenacted in the form in which it read on the day prior to the approval date of this Act; provided further that any contracts entered into prior to June 30, 2024, shall remain in effect for the duration of the contract.

(Approved June 16, 2014.)