



DEPARTMENT OF THE ATTORNEY GENERAL

News Release

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APPEAL OF SUBSTITUTE TEACHERS CASE

HONOLULU –Attorney General Mark Bennett announced today that the State of Hawaii will ask Judge Karen Ahn for permission to immediately appeal her order that the State breached a contract with and thus underpaid substitute teachers.

Attorney General Bennett indicated this decision was made after consultation with the Board of Education and the Superintendent of Schools and the thorough review of the options available to the State. These options included a possible settlement of the case or waiting until the conclusion of the case at the Circuit Court level before deciding on an appeal.

"We are in agreement that the legal issue decided by Judge Ahn ought to be reviewed by the State Supreme Court as expeditiously as possible. It would be imprudent to pay a large amount of taxpayer money without a definitive decision by the Supreme Court," the Attorney General pointed out.

The case, Garner v. State of Hawaii, Civil No. 03-1-000305, was brought in November 2002 and Klitternick v. Patricia Hamamoto, Civil No. 05-1-000031, was brought in January 2005 by Hawaii substitute teachers against the Board of Education. These cases, which were subsequently consolidated into a single case, alleged that the substitute teachers had been underpaid for their work since 2000. On April 6, 2006, Judge Ahn ruled against the Board of Education and found that the law setting a rate of pay for substitute teachers was part of a contract between the Board of Education and the substitute teachers and that the Board of Education breached the contract by paying less than the amounts Judge Ahn believed are called for by the applicable law. The Board of Education believes that it paid the amounts agreed to between it and the substitute teachers.

For more information, contact:

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