



STATE OF HAWAII  
DEPARTMENT OF EDUCATION

P.O. BOX 2360  
HONOLULU, HAWAII 96804

OFFICE OF THE SUPERINTENDENT

January 6, 2022

TO: Deputy Superintendent  
Complex Area Superintendents  
Principals (All)

FROM: Keith T. Hayashi   
Interim Superintendent

SUBJECT: **Emergency Assignment of Teachers**

In anticipation of emergency situations that may arise due to the recent increase in COVID-19 cases, the Hawaii State Department of Education is preparing for possible staffing shortages that may occur due to absences caused by the ongoing pandemic. In cases of inadequate classroom coverage, I am providing you with pertinent regulatory excerpts from the Hawaii State Teachers Association (HSTA) Bargaining Unit 5 (BU5) Collective Bargaining Agreement and School Code Regulation 5108 (I), which may be invoked in order to ensure the safety and welfare of students in the event of staffing shortages.

Pertinent provisions:

Pursuant to the HSTA BU5 Agreement, *"references to teachers shall include all bargaining unit members unless specifically noted otherwise."*

Pursuant to Article VI (N) - Substitute Teachers of the BU5 Agreement, Substitute Teachers, states in relevant part: *"Teachers shall not be required to substitute nor be responsible for classes or students from classes or other absent teachers."*

School Code Regulation #5108 (I), Emergency Assignment, states:

*"The principal may, in the best interest of the students' welfare, immediately relieve a classroom teacher of assigned duties by reassigning such duties for a period not to exceed ten school days unless further authorized by the district superintendent. The principal shall obtain verbal approval of the district superintendent prior to such assignments. The principal shall inform the teacher in writing within two school days, the reason for the reassignment."*

Procedure:

In the event that a Principal determines that an emergency exists and deems it is necessary to relieve a teacher of his/her assigned duties, the Principal should first attempt to exhaust all other available options that are typically sought to ensure adequate classroom coverage such as obtaining a substitute teacher. If the Principal exhausts all available alternatives and is still unable to provide for classroom coverage, the Principal, in the best interest of the students' welfare, may invoke School Code 5108 (I).

Invoking School Code 5108 (I) is an extraordinary measure to be invoked in a manner that minimizes disruption to existing classrooms. Emergency assignments for classroom coverage may be used for teachers who are not already assigned students (e.g., Curriculum Coordinators, Counselors, Registrars, etc.) and should not serve as a basis for combining or merging two classes under the supervision of a single teacher.

Upon determining a need to invoke School Code 5108 (I), Principals must immediately coordinate with and obtain the verbal approval of the appropriate Complex Area Superintendent (CAS). The Principal should also notate the rationale for the emergency assignment in the attached memo template to notify the affected teacher within two school days of implementing the emergency assignment. A copy of this letter should be kept in the employee's personnel file at the school.

Please note that emergency assignments should not exceed ten (10) school days unless further authorized by the appropriate CAS. Efforts should be made to return teachers to their original assignments as soon as practicable and in a manner that prioritizes and ensures student welfare and safety.

Privacy protection:

Principals should take measures to ensure that any emergency assignment of teachers does not disclose specific reasons for the emergency assignment. This is to protect the privacy of the absent teacher, especially in the case of health-related absences.

Should you have any questions, please contact Ainoa Naniole, Interim Director, Employee Relations Branch, at (808) 441-8453 or email at [ainoa.naniole@k12.hi.us](mailto:ainoa.naniole@k12.hi.us). Thank you for your efforts during this challenging time, and we look forward to welcoming back students to a safe and healthy classroom.

KTH:an  
Attachment

c: Assistant Superintendents