
A BILL FOR AN ACT

RELATING TO CHARTER SCHOOLS.

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

1 SECTION 1. Section 89-6, Hawaii Revised Statutes, is
2 amended by amending subsection (g) to read as follows:

3 "(g) The following individuals shall not be included in
4 any appropriate bargaining unit or be entitled to coverage under
5 this chapter:

6 (1) Elected or appointed official;

7 (2) Member of any board or commission; provided that
8 nothing in this paragraph shall prohibit a member of a
9 collective bargaining unit from serving on a local
10 school board of a charter school;

11 (3) Top-level managerial and administrative personnel,
12 including the department head, deputy or assistant to
13 a department head, administrative officer, director,
14 or chief of a state or county agency or major
15 division, and legal counsel;

16 (4) Secretary to top-level managerial and administrative
17 personnel under paragraph (3);



- 1 (5) Individual concerned with confidential matters
- 2 affecting employee-employer relations;
- 3 (6) Part-time employee working less than twenty hours per
- 4 week, except part-time employees included in
- 5 bargaining unit (5);
- 6 (7) Temporary employee of three months' duration or less;
- 7 (8) Employee of the executive office of the governor or a
- 8 household employee at Washington Place;
- 9 (9) Employee of the executive office of the lieutenant
- 10 governor;
- 11 (10) Employee of the executive office of the mayor;
- 12 (11) Staff of the legislative branch of the State;
- 13 (12) Staff of the legislative branches of the counties,
- 14 except employees of the clerks' offices of the
- 15 counties;
- 16 (13) Any commissioned and enlisted personnel of the Hawaii
- 17 national guard;
- 18 (14) Inmate, kokua, patient, ward, or student of a state
- 19 institution;
- 20 (15) Student help;
- 21 (16) Staff of the Hawaii labor relations board;



1 (17) Employee of the Hawaii national guard youth challenge
2 academy; or

3 (18) Employees of the office of elections."

4 SECTION 2. Section 302A-607, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "[+]§302A-607[+] **Probationary period of employment.** (a)

7 All teachers, principals, and vice-principals entering the
8 service of the department for the first time shall serve as
9 probationary employees of the department, except as provided in
10 subsection (c), for a minimum period of two consecutive years;
11 provided that:

12 (1) The consecutive employment may be interrupted by
13 maternity leave, sick leave, or any other leave
14 approved by the department not exceeding a period of
15 three years; by military leave not exceeding a period
16 of five years; or by termination or nonrenewal of the
17 probationary employment contract because of decrease
18 in the number of pupils or for causes over which the
19 department has no control, the period between
20 employment not to exceed five years, without loss of
21 credit for the period of probationary employment; and



1 (2) At or prior to the end of two years of probation, the
2 department may extend the probationary period of a
3 teacher, principal, or vice-principal for additional
4 periods not to exceed a total of five years.

5 (b) Any full-time intern teaching period served in the
6 State shall be credited toward fulfillment of the probationary
7 period. Any annual contract with any teacher, principal, or
8 vice-principal during this probationary period of employment may
9 or may not be renewed as the department shall determine. The
10 department, during the probationary period, may discharge or
11 demote a teacher, principal, or vice-principal.

12 (c) If a teacher from a new century charter school who:

13 (1) Possesses the minimum period of two consecutive years
14 of service;

15 (2) Was subject to an employment interruption identical to
16 the terms of subsection (a) (1), but who has
17 successfully completed a total of two years of service
18 as a teacher at a new century charter school; or

19 (3) Was not placed on an extended probationary period
20 identical to the terms of subsection (a) (2),

21 and is licensed to teach in Hawaii and transfers to a public
22 school, the teacher's tenure shall be recognized and the teacher



1 shall not be considered a new teacher of the department and
2 subject to the probationary requirements of subsection (a)."

3 SECTION 3. Section 302A-1184, Hawaii Revised Statutes, is
4 amended by amending subsection (b) to read as follows:

5 "(b) Civil service employees of department [~~of education~~]
6 schools shall retain their civil service status upon the
7 conversion of their school to a new century conversion charter
8 school. Positions in a new century conversion charter school
9 that would be civil service in a department [~~of education~~]
10 public school shall be civil service positions and subject to
11 chapter 76. An employee with civil service status at a new
12 century conversion charter school who transfers, is promoted, or
13 takes a voluntary demotion to another civil service position
14 shall be entitled to all of the rights, privileges, and benefits
15 of continuous, uninterrupted civil service. Civil service
16 employees of a new century conversion charter school shall
17 retain their civil service status in the department's human
18 resources civil service system and shall be entitled to all
19 rights and benefits as other civil service employees employed by
20 the department. Exempt civil service employees as provided in
21 section 76-16(b) of a conversion charter school shall retain
22 their status in the department's human resources system for



1 support services personnel and shall be entitled to all rights
2 and benefits as other exempt civil service employees employed by
3 the department."

4 SECTION 4. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 5. This Act shall take effect on July 1, 2006;
7 provided that the amendment made to section 86-6(g)(2), Hawaii
8 Revised Statutes, made by this Act shall remain in effect when
9 section 86-6, Hawaii Revised Statutes, is repealed and reenacted
10 on July 1, 2008, pursuant to section 8 of Act 245, Session Laws
11 of Hawaii 2005.



Report Title:

Charter Schools; Employee Rights;

Description:

Clarifies that a teacher from a new century charter school who transfers to a public school shall not be considered a new teacher of the Department of Education (DOE). Establishes that civil service employees of a new century conversion charter school shall retain their civil service status in the DOE's civil service system and shall be entitled to all rights and benefits as other civil service employees employed by DOE.
(SD1)

