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# A BILL FOR AN ACT

RELATING TO EDUCATION.

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

1           SECTION 1. During the most recent negotiations for the  
2 2007-2009 bargaining unit 05 collective bargaining agreement,  
3 the department of education and the Hawaii State Teachers  
4 Association reached an agreement in good faith on a provision to  
5 reduce the probationary period for non-tenured teachers from two  
6 consecutive years (four semesters) to one year (two semesters).  
7 Upon reaching a voluntary settlement on the unit 05 contract,  
8 the parties discovered that the negotiated provision was in  
9 direct conflict with chapter 302A-607, Hawaii Revised Statutes,  
10 which requires all new teachers, principals, and vice-principals  
11 to serve a minimum probationary period of two consecutive years.

12           The purpose of this Act is to provide the board of  
13 education and the department of education with the flexibility  
14 to determine the minimum period of time that teachers,  
15 principals, and vice-principals shall serve as probationary  
16 employees of the department.

17           SECTION 2. Section 302A-607, Hawaii Revised Statutes, is  
18 amended by amending subsection (a) to read as follows:



1           "(a) All teachers, principals, and vice-principals  
2 entering the service of the department for the first time shall  
3 serve as probationary employees of the department for [~~a minimum~~  
4 ~~period of two consecutive years;~~] a specific period of time as  
5 established and determined by the board of education and the  
6 superintendent of education; provided that:

- 7           (1) The consecutive employment may be interrupted by  
8 maternity leave, sick leave, or any other leave  
9 approved by the department not exceeding a period of  
10 three years; by military leave not exceeding a period  
11 of five years; or by termination or nonrenewal of the  
12 probationary employment contract because of decrease  
13 in the number of pupils or for causes over which the  
14 department has no control, the period between  
15 employment not to exceed five years, without loss of  
16 credit for the period of probationary employment; and  
17           (2) At or prior to the end of [~~two years of~~] the  
18 probation, the department may extend the probationary  
19 period of a teacher, principal, or vice-principal for  
20 additional periods not to exceed a total of five  
21 years."



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

3 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:

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**Report Title:**

Education; Probationary Period; Collective Bargaining

**Description:**

Authorizes the board of education and the superintendent of education to determine the minimum amount of time that new teachers, principals, or vice-principals shall serve during their initial probationary period.

