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

13 The purpose of this Act is to provide flexibility in the
14 determination of the minimum period of time that teachers,
15 principals, and vice-principals shall serve as probationary
16 employees of the department, by allowing the determination to be
17 subject to a collective bargaining agreement.



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

3 "[+]§302A-607[+] **Probationary period of employment.** (a)

4 [~~All~~] Unless otherwise provided for in a collective bargaining
5 agreement, all teachers, principals, and vice-principals
6 entering the service of the department for the first time shall
7 serve as probationary employees of the department for a minimum
8 period of two consecutive years; provided that:

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

19 (2) At or prior to the end of [~~two years of~~] the
20 probation, the department may extend the probationary
21 period of a teacher, principal, or vice-principal for



1 additional periods not to exceed a total of five
2 years.

3 (b) Unless otherwise provided for in a collective
4 bargaining agreement,

5 (1) Any full-time intern teaching period served in the
6 [~~State~~] state shall be credited toward fulfillment of
7 the probationary period~~[-]~~;

8 (2) Any annual contract with any teacher, principal, or
9 vice-principal during this probationary period of
10 employment may or may not be renewed as the department
11 shall determine~~[-]~~; and

12 (3) The department, during the probationary period, may
13 discharge or demote a teacher, principal, or vice-
14 principal."

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

17 SECTION 4. This Act shall take effect on July 1, 2059.



Report Title:

DOE Employees; Probationary Period; Collective Bargaining

Description:

Makes subject to a collective bargaining agreement: the determination of the minimum period of time that teachers, principals, and vice-principals shall serve as probationary employees of the department; crediting toward fulfillment of the probationary period any full-time intern teaching period served in the state; renewing any annual contract with any teacher, principal, or vice-principal during the probationary period; and discharging or demoting a teacher, principal, or vice-principal during the probationary period. Effective 07/01/2009. (HB2367 HD2)

