
A BILL FOR AN ACT

RELATING TO EDUCATION.

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

1 SECTION 1. The legislature finds that, during the past
2 round of negotiations for the 2007-2009 bargaining unit (05)
3 collective bargaining agreement, the department of education and
4 the Hawaii state teachers association bargained and reached an
5 agreement in good faith on a provision to reduce the
6 probationary period for non-tenured teachers from two
7 consecutive years (four semesters) to one year (two semesters).
8 Upon reaching a voluntary settlement on the unit (05) contract,
9 the parties discovered that the negotiated provision was in
10 direct conflict with section 302A-607, Hawaii Revised Statutes,
11 which states in relevant part, that "[a]ll teachers, principals,
12 and vice-principals entering the service of the department for
13 the first time shall serve as probationary employees of the
14 department for a minimum period of two consecutive years."

15 The purpose of this Act is to provide greater flexibility
16 regarding probationary periods for first-time teachers,
17 principals, and vice-principals of the department of education.



1 SECTION 2. Section 302A-607, Hawaii Revised Statutes, is
2 repealed.

3 ~~["§302A-607] Probationary period of employment. (a) All~~
4 ~~teachers, principals, and vice principals entering the service~~
5 ~~of the department for the first time shall serve as probationary~~
6 ~~employees of the department for a minimum period of two~~
7 ~~consecutive years; provided that:~~

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

18 ~~(2) At or prior to the end of two years of probation, the~~
19 ~~department may extend the probationary period of a~~
20 ~~teacher, principal, or vice principal for additional~~
21 ~~periods not to exceed a total of five years.~~



1 ~~(b) Any full time intern teaching period served in the~~
2 ~~State shall be credited toward fulfillment of the probationary~~
3 ~~period. Any annual contract with any teacher, principal, or~~
4 ~~vice principal during this probationary period of employment may~~
5 ~~or may not be renewed as the department shall determine. The~~
6 ~~department, during the probationary period, may discharge or~~
7 ~~demote a teacher, principal, or vice principal."]~~

8 SECTION 3. Statutory material to be repealed is bracketed
9 and stricken.

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



Report Title:

DOE Employees; Probationary Period

Description:

Repeals provisions relating to the probationary period for first-time teachers, principals, and vice-principals of the Department of Education. (SB2449 HD1)

