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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. The legislature finds that, during the past  
2 round of negotiations for the 2007-2009 bargaining unit (5)  
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 (5) 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 repeal the statutorily  
16 established probationary provision of employment as these  
17 probationary periods are currently being, or have already been,



1 negotiated between the department of education and the Hawaii  
2 State Teachers Association that represents bargaining unit (5)  
3 and the Hawaii Government Employees Association that represents  
4 bargaining unit (6). The department of education and the Hawaii  
5 State Teachers Association that represents bargaining unit (5)  
6 have recently clarified and simplified the process by which the  
7 probation period may be extended.

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9 repealed.

10 ~~["§302A-607] Probationary period of employment. (a) All~~  
11 ~~teachers, principals, and vice principals entering the service~~  
12 ~~of the department for the first time shall serve as probationary~~  
13 ~~employees of the department for a minimum period of two~~  
14 ~~consecutive years; provided that:~~

15 ~~(1) The consecutive employment may be interrupted by~~  
16 ~~maternity leave, sick leave, or any other leave~~  
17 ~~approved by the department not exceeding a period of~~  
18 ~~three years; by military leave not exceeding a period~~  
19 ~~of five years; or by termination or nonrenewal of the~~  
20 ~~probationary employment contract because of decrease~~  
21 ~~in the number of pupils or for causes over which the~~  
22 ~~department has no control, the period between~~



1           ~~employment not to exceed five years, without loss of~~  
2           ~~credit for the period of probationary employment; and~~

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

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

14           SECTION 3. Statutory material to be repealed is bracketed  
15           and stricken.

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

S.B. NO. 2449  
S.D. 2  
H.D. 2  
C.D. 1

**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. (CD1)

