
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 Section 302A-607, Hawaii Revised Statutes, states, in relevant
12 part, "[a]ll teachers, principals, and vice-principals entering
13 the service of the department for the first time shall serve as
14 probationary employees of the department for a minimum period of
15 two consecutive years"

16 The purpose of this Act is to provide greater flexibility
17 in setting the duration of probationary periods for new teachers



1 of the department of education to enable compliance with
2 collective bargaining agreements.

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

5 "(a) 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[+], unless otherwise negotiated
9 pursuant to collective bargaining; provided that:

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



1 teacher, principal, or vice-principal for additional
2 periods not to exceed a total of five years."

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 Statutory material to be repealed is bracketed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

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



Report Title:

BOE; DOE; Teachers; Probationary Period

Description:

Specifies that the duration of probationary periods for new teachers, principals, and vice-principals of the department of education shall be two years, unless otherwise negotiated pursuant to collective bargaining. (SD2)

