

JAN 18 2008

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 (4 semesters) to one year (2 semesters). Upon
8 reaching a voluntary settlement on the unit 05 contract, the
9 parties discovered that the negotiated provision was in direct
10 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 give the board of education
17 and the department of education flexibility in determining the



1 minimum period of time teachers, principals, and vice-principals
2 shall serve as probationary employees of the department of
3 education.

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

6 "(a) All teachers, principals, and vice-principals
7 entering the service of the department for the first time shall
8 serve as probationary employees of the department for [~~a minimum~~
9 ~~period of two consecutive years;~~] a specified period of time as
10 established and determined by the board and the superintendent
11 of education; provided that:

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



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

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 Statutory material to be repealed is bracketed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

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

9

INTRODUCED BY: Norman Sakuma



Report Title:

BOE; DOE; Teachers; Probationary Period

Description:

Authorizes the board of education to establish the duration of probationary periods for new teachers, principals, and vice-principals of the department of education.

