

JAN 23 2009

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 the department of
2 education does not demote teachers, as the classification
3 structure for teaching positions is based upon education
4 attained. The classification structure does not allow for
5 demotion as a penalty for inefficiency or immorality, wilful
6 violations of policies and rules of the department, or for other
7 just cause; rather, other penalties such as discharge are
8 available.

9 The purpose of this Act is to repeal the reference to
10 demotion as an action that may be taken by the department of
11 education against a teacher for inefficiency or immorality,
12 wilful violations of policies and rules of the department, or
13 for other good and just cause.

14 SECTION 2. Section 302A-609, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "~~+~~§302A-609~~+~~ Causes for discharge ~~[or demotion]~~;
17 preferred eligibility list. Causes for the discharge ~~[or~~



1 ~~demotion~~] of a teacher shall be inefficiency or immorality;
2 wilful violations of policies and rules of the department; or
3 [~~for~~] other good and just cause. The department, without a
4 hearing, may terminate the tenure rights of a teacher who fails
5 to return to service, except when caused by illness, following
6 the expiration of an approved leave of absence. Teachers may
7 also be dismissed because of a decrease in the number of pupils
8 or for other causes over which the department has no control.
9 Dismissals due to a decrease in the number of pupils or for
10 causes over which the department has no control shall begin with
11 those teachers with the least number of years of service. The
12 teachers so dismissed shall be placed on a preferred eligibility
13 list and shall have the right to be restored to duty in the
14 order of length of service whenever vacancies occur in which the
15 teacher is qualified."

16 SECTION 3. Statutory material to be repealed is bracketed
17 and stricken.

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

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INTRODUCED BY:

Norman Sabens



Report Title:

Department of Education; Teachers; Demotion

Description:

Removes references to demotion as an action that may be taken by the department of education against a department of education teacher.

