

Honolulu, Hawaii

FEB 06 , 2024

RE: H.B. No. 1651
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-Second State Legislature
Regular Session of 2024
State of Hawaii

Sir:

Your Committee on Education, to which was referred H.B. No. 1651 entitled:

"A BILL FOR AN ACT RELATING TO THE SAFETY OF EDUCATIONAL WORKERS,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Provide that educational workers shall not be required to work under unsafe or hazardous conditions or perform tasks that could imminently endanger the worker's health or safety;
- (2) Require the Department of Education to take certain actions regarding the reporting and handling of harassment of educational workers; and
- (3) Establish the misdemeanor offense of harassment of an educational worker.

Your Committee received testimony in support of this measure from the State Public Charter School Commission; Hawaii Government Employee's Association, AFSCME Local 152, AFL-CIO; Hawai'i State Teachers Association; Hawaii Young Republicans; CARES; and nine individuals. Your Committee received testimony in support of the



intent of this measure from one individual. Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from the Department of Education and the Department of the Attorney General.

Your Committee recognizes the importance of Department of Education employees' in providing quality education to all children, regardless of their diverse background. Your Committee finds, however, that educational workers in the public schools are often subjected to harassment. Your Committee believes that parents and guardians of students have the right to share their concerns, but that these concerns must be shared within the constructs of the law.

Your Committee has amended this measure by:

- (1) Rather than using the term "unsafe or hazardous conditions", clarifying that an educational worker shall not be required to work under conditions or perform while being subjected to harassment as provided in this measure;
- (2) Clarifying that the Department of Education is required to:
 - (A) Conduct a formal investigation of all incidents of harassment submitted to the Department by an educational worker; and
 - (B) Report to the proper law enforcement authority within forty-eight hours all incidents of harassment submitted to the Department by an educational worker where the incident of harassment involves a potential threat of physical harm to the educational worker or another person;
- (3) Deleting the requirement that the Department of Education assist an educational worker in obtaining representation from the Department of the Attorney General;



- (4) Amending the offense of harassment of an educational worker to require a relationship between the harassment and the victim's position as an educational worker;
- (5) Requiring charter schools to take actions similar to the Department of Education regarding the reporting and handling of harassment of educational workers at their schools;
- (6) Changing the effective date to July 1, 3000; and
- (7) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1651, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1651, H.D. 1, and be referred to your Committee on Judiciary & Hawaiian Affairs.

Respectfully submitted on
behalf of the members of the
Committee on Education,



JUSTIN H. WOODSON, Chair



