



STATE OF HAWAII
DEPARTMENT OF EDUCATION
Kāneʻohe Elementary School
45-495 Kamehameha Highway
Kaneohe, HI 96744
Phone 808-305-0000 • Fax 808-235-9185

Date: 02/11/2025
Time: 2:00 PM
Location: 308
Committee: House Finance

Department: Education
Person Testifying: Derek Minakami, NBCT, Principal of Kāneʻohe Elementary School
Title of Bill: HB 616 HD1 RELATING TO THE SAFETY OF EDUCATIONAL WORKERS.

A handwritten signature in cursive script, appearing to read "Derek Minakami".

Position: SUPPORT

Aloha Chair Tarnas, Vice Chair Poepoe, and Members of the Committee on Judiciary and Hawaiian Affairs,

As a school principal, the safety of our students and staff is my highest priority. When students feel safe, they are able to fully engage in learning and not be distracted by threats or fears. Likewise, when teachers feel safe, they are able to devote all of their attention to teaching and caring for their students and not unintentionally pass on anxiousness to their class. Unfortunately, today's teachers, administrators, educational assistants, and other educational workers face harassment, intimidation, and threats to their safety without any deterrent powerful enough to shelter them from harm. As a result, dedicated and effective educators enduring repeated harassment, languished in our classrooms/schools/workplaces. Feeling exposed and without recourse, they left the profession, leaving behind the students they once nurtured.

This bill provides accountability for those that harass and puts into place protections for those being targeted. Further, it reinforces that schools, a haven for our most vulnerable populations, should be kept safe and free of harassment.

Mahalo for your consideration of this request.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-THIRD LEGISLATURE, 2025**

ON THE FOLLOWING MEASURE:

H.B. NO. 616, H.D. 1, RELATING TO THE SAFETY OF EDUCATIONAL WORKERS.

BEFORE THE:

HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

DATE: Tuesday, February 11, 2025 **TIME:** 2:00 p.m.

LOCATION: State Capitol, Room 325

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Amanda Donlin or Gavin Tom, Deputy Attorneys General

Chair Tarnas and Members of the Committee:

The Department of the Attorney General (Department) provides the following comments.

The bill requires the Department of Education (DOE) and public charter schools to take certain steps to report incidents of harassment of educational workers and implement procedures for handling harassment of educational workers.

Page 2, lines 12-20, and page 5, line 19 to page 6, line 6, create a right for educational workers, employed by the DOE and public charters schools, respectively, to a leave of absence with pay, to attend court proceedings related to judicial protection from harassment due to their positions as educational workers.

Pursuant to section 89-9(a), Hawai'i Revised Statutes (HRS), leaves, whether paid or unpaid, are mandatory subjects of negotiations as hours and/or conditions of employment. Several types of leave are already in all collective bargaining agreements.

To ensure consistency with chapter 89, HRS, the Department recommends amending the proposed sections 302A- (c) on page 2, line 17, and 302D- (c) on page 6, line 3, as follows:

proceedings related to the protection[-]; provided that for those employees included in bargaining units pursuant to section 89-6, such leave must be negotiated pursuant to section 89-9(a).

Thank you for the opportunity to provide comments on this bill.



STATE OF HAWAII
DEPARTMENT OF EDUCATION
KA 'OIHANA HO'ONA'AUAO
P.O. BOX 2360
HONOLULU, HAWAII 96804

Date: 02/11/2025

Time: 02:00 PM

Location: 325 VIA VIDEOCONFERENCE

Committee: House Judiciary & Hawaiian Affairs

Department: Education

Person Testifying: Keith T. Hayashi, Superintendent of Education

Bill Title: HB 0616, HD1 RELATING TO THE SAFETY OF EDUCATIONAL WORKERS.

Purpose of Bill: Requires the Department of Education and public charter schools to take certain steps to report incidents of harassment and implement procedures for handling harassment of educational workers. Effective 7/1/3000. (HD1)

Department's Position:

The Hawaii State Department of Education (Department) respectfully provides comments on HB 616 HD1.

The Department fully supports efforts to protect the safety and well-being of our school, district, and state office staff and administrators. Over the past year, the Department has strengthened protections for administrators, teachers, counselors, volunteers, and employees. These efforts include implementing a Visitor Code of Conduct, which was created in collaboration with the Attorney General's office. The code establishes clear behavioral expectations for parents and guests, enabling the Department to hold individuals accountable for inappropriate actions. Additionally, the Department has explored measures such as issuing trespass notices to problematic individuals and limiting communication with schools in extreme cases.

Our school principals receive training to address threatening or intimidating behavior by non-Department individuals. However, in cases of harassment, the most effective and safest course of action is for employees to involve law enforcement directly. The Department believes these measures will help deter aggressive behavior and reduce instances of employee harassment.

While the Department acknowledges the importance of protecting employees, there are concerns regarding specific provisions in HB 616 HD1:

Unconstitutional Use of Public Funds: Paragraph (d)(5) in Section 2 of the bill requires the

Department to “assist with any legal actions that may arise from harassment,” including covering the costs of serving temporary restraining orders and hiring private attorneys. These are private legal matters that involve personal rights and responsibilities, and funding such actions with public resources may violate constitutional restrictions on the use of public funds for private purposes.

Reporting of Alleged Harassment: Paragraph (d)(2) in Section 2 requires the Department to notify authorities of alleged harassment on behalf of employees. However, it is in the best interest of the employee to report harassment directly, as they are the primary witness to the incident. Reports made by a third party on an employee’s behalf may be considered hearsay and inadmissible in court. Moreover, such third-party involvement could create complications, such as a reporting employee being called as a witness against the harassed individual. The Department encourages employees to report incidents directly to authorities to avoid these issues.

Unclear Processes and Additional Costs:

Leave of Absence: Paragraph (c) of Section 2 requires the Department to provide leave for employees pursuing judicial protection but does not specify what constitutes “reasonable and sufficient time.” The Department is unfamiliar with the timelines associated with judicial processes, making it challenging to implement this provision effectively.

Unfunded Mandates: The bill does not appropriate funding to cover the costs of leave, serving temporary restraining orders, or conducting annual training for all employees, which would place a significant financial burden on the Department.

Subjective Determination of Unsafe Conditions: Paragraph (a) of Section 2 allows employees to determine when an unsafe or hazardous condition exists based solely on their subjective belief. Without clear parameters or criteria, this provision could lead to unwarranted reports and disruptions, such as teaching positions remaining vacant if multiple employees claim they feel unsafe. This lack of clarity raises concerns about the potential for misuse or abuse of this provision.

The Department appreciates the intent of HB 616 HD1 but recommends that these issues be addressed to ensure the bill is feasible, constitutional, and aligns with the Department’s operational capacities.

Thank you for the opportunity to provide comments on this measure.



UNITED PUBLIC WORKERS

AFSCME Local 646, AFL-CIO

**HOUSE OF REPRESENTATIVES
THE THIRTY-THIRD LEGISLATURE
REGULAR SESSION OF 2025**

COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Rep. David A. Tarnas, Chair
Rep. Mahina Poepoe, Vice Chair

Tuesday, February 11, 2025, 2:00 PM
Conference Room 325 & Videoconference

Re: Testimony on HB616, HD1 – RELATING TO THE SAFETY OF EDUCATIONAL WORKERS

Chair Tarnas, Vice Chair Poepoe, and Members of the Committee:

The United Public Workers, AFSCME Local 646, AFL-CIO (“UPW”) is the exclusive bargaining representative for approximately 14,000 public employees, which includes blue collar, non-supervisory employees in Bargaining Unit 1 and institutional, health, and correctional employees in Bargaining Unit 10, in the State of Hawaii and various counties.

UPW supports HB616, HD1, which requires the Department of Education (“DOE”) and public charter schools to take certain steps to report incidents of harassment and implement procedures for handling harassment of educational workers.

We strongly believe that educational workers should feel assured that the DOE and public charter schools are committed to taking effective action against harassment in order to protect the rights and dignity of the hard-working public employees who are tasked with maintaining a positive learning environment for Hawaii’s students.

Mahalo for the opportunity to testify on this measure.

HEADQUARTERS

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HAWAII GOVERNMENT EMPLOYEES ASSOCIATION
AFSCME Local 152, AFL-CIO

RANDY PERREIRA, Executive Director • Tel: 808.543.0011 • Fax: 808.528.0922

The Thirty-Third Legislature, State of Hawaii
The House of Representatives
Committee on Judiciary & Hawaiian Affairs

Testimony by
Hawaii Government Employees Association

February 11, 2025

H.B. 616, H.D. 1 — RELATING TO THE SAFETY OF
EDUCATIONAL WORKERS

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO fully supports H.B. 616, H.D. 1, which requires the Department of Education and public charter schools to take certain steps to report incidents of harassment and implement procedures for handling harassment of educational workers.

Each school year, we are contacted by multiple members employed at our public and charter schools who experience threats of violence and harassing behavior made directly at them or witnessed by them in the course of their employment and within the scope of their duties and responsibilities. Threats are occurring in school offices, at meetings, over the phone, via email, and more recently, through social media and even AI-generated threats which may target multiple schools.

Threats must be treated seriously and can often disrupt an entire school community for a period of time. We strongly support any efforts to increase protection for our educational workers. They should feel assured that the Department is committed to taking prompt and effective action against harassing conduct and those who engage in harassing behavior should be investigated and held accountable.

Thank you for the opportunity to provide testimony in support of H.B. 616, H.D. 1.

Respectfully submitted,

Randy Perreira
Executive Director

HB-616-HD-1

Submitted on: 2/7/2025 12:27:57 PM

Testimony for JHA on 2/11/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ellen Godbey Carson	Individual	Support	Written Testimony Only

Comments:

Aloha and thank you for helping safeguard our educational workers and schools.

Currently, there is no clear, standardized procedure for addressing harassment of educational workers. This puts not only the employees at risk but also disrupts the safety and stability of our schools. When educators and school staff are unprotected, the learning environment suffers, and our children are also placed in harm's way. HB616 takes necessary steps to ensure that when harassment occurs, there is accountability, a clear response process, and protections in place for those impacted, including:

- **Mandatory investigations:** Requires the Department of Education and public charter schools to conduct formal investigations into reported incidents of harassment.
- **Reporting threats to law enforcement:** Ensures that incidents involving potential physical harm are reported to law enforcement within 48 hours.
- **Emergency safety plans:** Requires the development of written safety plans to assist educational workers facing harassment or potentially harmful situations.
- **Annual training:** Mandates training for all educational workers on de-escalation techniques and handling harassment from external individuals.

No workplace should tolerate harassment, and our schools should be no different. This bill is a crucial step in ensuring that those who educate and care for our children can do so without fear for their safety.

I urge the committee to pass HB616 and stand up for the safety and well-being of Hawai'i's educational workers and students.

Ellen Carson

Honolulu, Hawaii

HB-616-HD-1

Submitted on: 2/8/2025 3:27:40 PM

Testimony for JHA on 2/11/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jaimie Song	Individual	Support	Written Testimony Only

Comments:

Educational workers play a vital role in shaping the future of our children and communities. They dedicate themselves to providing a safe and supportive learning environment for students, yet many face ongoing threats, harassment, and intimidation with little to no institutional support. No one should have to endure this as part of their job.

Currently, there is no clear, standardized procedure for addressing harassment of educational workers. This puts not only the employees at risk but also disrupts the safety and stability of our schools. When educators and school staff are unprotected, the learning environment suffers, and our children are also placed in harm's way. HB616 takes necessary steps to ensure that when harassment occurs, there is accountability, a clear response process, and protections in place for those impacted, including:

- Mandatory investigations
: Requires the Department of Education and public charter schools to conduct formal investigations into reported incidents of harassment.
- Reporting threats to law enforcement
: Ensures that incidents involving potential physical harm are reported to law enforcement within 48 hours.
- Emergency safety plans

: Requires the development of written safety plans to assist educational workers facing harassment or potentially harmful situations.

- Annual training

: Mandates training for all educational workers on de-escalation techniques and handling harassment from external individuals.

No workplace should tolerate harassment, and our schools should be no different. This bill is a crucial step in ensuring that those who educate and care for our children can do so without fear for their safety.

I urge the committee to pass HB616 and stand up for the safety and well-being of Hawai'i's educational workers and students.

HB-616-HD-1

Submitted on: 2/9/2025 8:53:35 PM

Testimony for JHA on 2/11/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lindsay Chambers	Individual	Support	In Person

Comments:

I submit this testimony in support of HB616, which provides essential protections for educational workers who have suffered harassment in the course of their employment.

Harassment in our education system persists unchecked because the Hawai'i Department of Education (DOE) does not have a process in place to support its employees. While victims may not have visible scars, the emotional and psychological toll is profound leading to significant long-term health consequences, such as eating disorders, severe anxiety, and chronic sleep disturbances. The ramifications are real, ongoing, and deeply damaging.

According to eCourt Kokua, a total of 30 Temporary Restraining Orders (TROs) have been filed against a known perpetrator who has repeatedly targeted educational workers for 14 years. The majority were filed by DOE employees. I am one of them.

My family and I were thrown into the line of fire because the DOE lacks a standardized response procedure when educational workers come forward to report incidents of harassment. When employees under my supervision raised safety concerns about this perpetrator, DOE leadership was unprepared and repeatedly failed to act, even after multiple reports. Instead of taking responsibility, the DOE instructed me to file a TRO to protect my team. Yet when the court hearing arrived, I was left to face this individual alone. Despite directing me to seek the TRO for my team's safety, no one from the DOE or the state showed up to represent me in court.

If the DOE had a policy already in place, I would have never been told to file that initial TRO because supervisors cannot file them on behalf of their employees. The DOE's incorrect guidance immediately put a target on my family. We endured years of harassment, abuse, and threats before I finally filed for a TRO for myself, which resulted in an injunction against harassment issued by Judge Richard Diehl.

While reviewing the hundreds of pages documenting my ordeal in preparation for this testimony, I came across a letter from Supervising Attorney General James Halvorson. It states:

"[Your perpetrator's] nasty and vulgar attacks to you and other employees who deal with him regarding the education of his children, unfortunately, are a part of the duties of HIDEOE employees involved with his children's education."

This letter was sent on September 20, 2021, nine months after the court issued an injunction against harassment because they clearly understood the threat I was facing. This blatant disregard

for employee safety is unacceptable. The DOE's failure to act is not due to a lack of policies or codes of conduct, but rather the absence of a clear, standardized process for addressing harassment when it occurs.

Last session, HB1651 was deferred by the Senate Committee on Education despite overwhelming public support. As a compromise, the DOE and Attorney General's (AG) office promised to establish a Code of Conduct for members of the public that interact with educational workers. However, its rollout was inconsistent and poorly communicated. A policy affecting community members who visit DOE campuses should have been publicly announced, as it impacts a significant portion of Hawai'i's population, including parents, guardians, vendors, and volunteers. Yet, the DOE failed to communicate it effectively.

What is the threshold for action? Do we need 30 more TROs before anyone takes this seriously? Do we wait until an educator is killed before this gets the media attention and legislative urgency it deserves? When the executive branch fails to protect its own employees, laws are necessary to ensure accountability, particularly when it comes to the safety of teachers and students.

This is why HB616 is necessary. As a streamlined version of HB1651 from the 2024 legislative session, this bill eliminates the DOE's excuses for inaction. It does not require new full-time positions or impose heavier penalties, it simply mandates that the DOE establish a response procedure, provide legal support, and implement comprehensive training for school and district leaders - something they should already be doing.

Rather than making excuses, the DOE must prioritize solutions. They should assess their existing contracts with safety firms like Blue Line Solutions to incorporate support for serving TROs, collaborate with the Attorney General's office to leverage existing state resources for legal assistance, and implement best practices to establish a clear response procedure.

The state has already set a clear precedent for this. The Department of Human Resources Development (DHRD) Workplace Violence Action Plan provides detailed protocols, reporting templates, and training tools to address difficult behavior, threats, and violence. In fact, the DOE and AG's claim that harassment involving an educational worker and a community member, arising during the course of the worker's employment, is merely a personal matter is directly contradicted by the first paragraph of this document, which states:

"Pursuant to DHRD Policy No. 800.002, any disruptive behavior, intimidation, any behavior that threatens another's physical safety or mental well-being, or conduct that causes physical harm or property damage, including incidents involving co-workers, clients, customers, or other outside individuals who represent potential threats in the work environment is prohibited in the workplace."

If DHRD can implement these measures, why hasn't the DOE? More importantly, why hasn't it been required to?

A DHRD memo dated February 15, 2012, from then-interim director Barbara Krieg regarding this policy states:

“All State departments shall continually assess their workplaces for the potential for workplace for the potential for workplace violence and other workplace hazards, develop policies and programs to mitigate or eliminate hazards and acts of workplace violence, including harassment, intimidation, threats of violence, and other disruptive behaviors that are consistent with exposures in their respective departments. All reports of disruptive behavior shall be taken seriously and dealt with appropriately.”

This policy clearly applies to “all State departments” unless a subsequent revision specifically excluded state employees from protections against harassment by community members in the course of their work. If such an exemption exists, it should be made public to ensure transparency and awareness among all state employees.

Legislators have an opportunity to finally address this issue and protect the very people who dedicate their lives to educating Hawai‘i’s children. The DOE’s inaction has left educators vulnerable for far too long. Passing HB616 will not only provide much-needed safeguards but also send a clear message that harassment in our schools will no longer be tolerated, regardless of the perpetrator.

We all say we take educational worker safety seriously, it’s time to prove it.

HB-616-HD-1

Submitted on: 2/10/2025 8:08:23 AM

Testimony for JHA on 2/11/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Christian Chambers	Individual	Support	Written Testimony Only

Comments:

I am writing in strong support of HB616. For far too long, the DOE has ignored the safety of its employees and has turned a blind eye to the numerous threats made against DOE employees on a regular basis. This bill should not be necessary, but the Department has proven it will not take any action unless and until the Legislature mandates a minimal level of effort.

When this bill came before the Education committee the testimony was *almost* unanimously in support. Past and present DOE employees explained the need for this bill, and unions representing teachers and staff were also in strong support. It was only the DOE who opposed, which shows exactly why the Legislature needs to take action.

The DOE's explanation for its opposition stems from an incorrect - and very surprising - allegation that supporting its employees who are being threatened is somehow unconstitutional. That is simply not the case. The bill will protect employees who are victims of harassment *because of their work for the Department*. Neither the Department or the State would be required by HB 616 to use public funds for "private legal matters" involving Department employees. If the Department's position was correct, it would also be unconstitutional to use State funds to protect the Governor from threats and harassment, or to use State funds to investigate threats made against other public officials.

There is no question that the DOE is required to provide a safe workspace for its employees. There is also no question that being subjected to threats, harassment, and potential physical violence does not create a safe workspace. HB 616 simply ensures the DOE does the bare minimum to protect its employees. It should not be necessary because the Department should do this on its own. History has shown, however, that the Department needs specific instructions from the Legislature. That is why HB 616 must move forward.

HB-616-HD-1

Submitted on: 2/10/2025 8:47:16 AM

Testimony for JHA on 2/11/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ivana Crumpton	Individual	Support	Written Testimony Only

Comments:

Educational workers play a vital role in shaping the future of our children and communities. They dedicate themselves to providing a safe and supportive learning environment for students, yet many face ongoing threats, harassment, and intimidation with little to no institutional support. No one should have to endure this as part of their job.

Currently, there is no clear, standardized procedure for addressing harassment of educational workers. This puts not only the employees at risk but also disrupts the safety and stability of our schools. When educators and school staff are unprotected, the learning environment suffers, and our children are also placed in harm's way. HB616 takes necessary steps to ensure that when harassment occurs, there is accountability, a clear response process, and protections in place for those impacted, including:

- Mandatory investigations

: Requires the Department of Education and public charter schools to conduct formal investigations into reported incidents of harassment.

- Reporting threats to law enforcement: Ensures that incidents involving potential physical harm are reported to law enforcement within 48 hours.
- Emergency safety plans: Requires the development of written safety plans to assist educational workers facing harassment or potentially harmful situations.
- Annual training: Mandates training for all educational workers on de-escalation techniques and handling harassment from external individuals.

No workplace should tolerate harassment, and our schools should be no different. This bill is a crucial step in ensuring that those who educate and care for our children can do so without fear for their safety.

I urge the committee to pass HB616 and stand up for the safety and well-being of Hawai'i's educational workers and students.

HB-616-HD-1

Submitted on: 2/10/2025 9:02:14 AM

Testimony for JHA on 2/11/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Inger Stonehill	Individual	Support	Remotely Via Zoom

Comments:

Protect Our Educators—Pass HB616 Now!

Our educators dedicate their lives to shaping the future, yet too many face harassment, threats, and even violence—without the protection they deserve. No one should fear for their safety while serving our children and communities.

Research for this bill has uncovered a disturbing truth: as a nation, we have a growing violence problem against educators. Susan Dvorak McMahon, Associate Dean for Research at DePaul University, warns, “Aggression and violence against educators and school personnel are major concerns that affect the well-being of school personnel and the students and families they serve.” The numbers are staggering—teacher-reported violent encounters with parents skyrocketed from 1% pre-pandemic to 26% post-pandemic. Nearly 70% of school staff now report frequent stress and anxiety.

McMahon stresses, “These findings point to a desperate need for a comprehensive approach by policymakers.” HB616 is that solution. It provides accountability, clear response procedures, and essential protections for educators by:

- Requiring investigations into reported harassment.
- Mandating threat reporting involving physical harm within 48 hours.
- Developing emergency safety plans for at-risk educational workers.
- Providing annual training on de-escalation and harassment prevention.

No workplace should tolerate harassment—schools must be no exception. Protecting our educators means protecting our students. No one should have to choose between their passion for teaching and their personal safety.

Our educators show up for our children every day. Now, it's time we show up for them. Pass HB616 now!

HB-616-HD-1

Submitted on: 2/10/2025 12:40:38 PM

Testimony for JHA on 2/11/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Hartwell lee loy	Individual	Support	Written Testimony Only

Comments:

I'm in full support of HB616!!

mahalo



Vanessa Ott

P.O. Box 825, Naʻalehu, HI 96772

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February 10, 2025

To: **HAWAII HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS (JHA)**

Re: Testimony **Supporting HB 616 HD1 only WITH AMENDMENTS**

[Relating to The Safety of Educational Workers]

Aloha Chair Tarnas, Vice Chair Mahina, and Esteemed JHA Committee Members,

I applaud legislation that: (a) prevents educational workers from being subjected to disorderly conduct, harassment, terroristic threatening, or assault while performing their job duties; (b) provides legal assistance to educational workers victimized by these offenses; and (c) punishes offenders.

Unfortunately, HB 616 HD1 is a horribly-written piece of legislation.

Good legislation creates laws that don't leave much to interpretation, are broad enough to encompass the rights of all involved, specific enough to enforce, and not vague or overreaching. Terms are clearly defined. The language is concise and not repetitious. Provisions in a new law are consistent with existing laws, and other relevant statutes are referenced. Agency responsibilities are clearly defined. There are no unfunded mandates. Such is not the case with HB 616.

I think it's well-recognized that educational workers occasionally are victims of the offenses I mentioned above. What HB 616 HD1 does not recognize is that a legal solution will involve not just educational workers' needs, but also those of: (1) local police departments who intervene in unsafe situations, gather evidence, investigate, and write reports; (2) the Department of the Attorney General who will be tasked with legal representation; (3) the Judiciary who will interpret the laws; and (4) the public citizens who are accused of illegal offenses who then bear the expense of defending themselves. All of the procedures require checks and balances to ensure justice. Educational workers and including their managers should not be performing the functions of the police, advising attorneys, or judges.

Crafting good, comprehensive legislation to address the problem goes way beyond what HB 616 HD1 gives us. What we need is legislation that demands that all the agencies involved,

the Board of Education, DOE, Charter School Commission, Department of the Attorney General, and Police departments work collectively with labor unions AND the public work to craft good legislation. Good legislation will clearly defines everyone's rights and responsibilities; has enough "teeth" to make a difference; but not so much teeth that it if unleashed, unchecked, and unfunded can cause harm.

Such an effort will no doubt require revisions to laws that affect each of these agencies. The first place we should start is to gather data from all the schools about these kinds of offenses, the background, what happened and didn't happen. We should not rely on anecdotal data alone. For example, in testimony to the EDN Committee on January 30th, [HB616 TESTIMONY EDN-HLT_01-30-25 .PDF](#), Lindsay Chambers' testimony (p. 12) was quite interesting.

"A prime example of this ongoing issue is a known perpetrator who has targeted educational workers repeatedly. In total, 30 temporary restraining orders (TROs) have been filed against him, according to eCourt Kokua, with 11 of those filed in the last four years by educational workers. In my case, the court found the threat credible enough to issue an injunction against harassment."

I'd love to know the details of these stories. Wouldn't you? With more data, we can spot patterns and solve problems. For these cases, we should gather information and make it public. Why was the perpetrator doing this? What exactly was the perp doing? Were the police involved? What was the legal processes undertaken? What were the problems and success in pursuing legal recourse? Were the TROs enforced? If so, how? Etc. The public and probably many legislators don't really know exactly what's going on. As a result, we have this faulty legislation being pushed for adoption when it's not yet mature enough to become law.

After sufficient input from all stakeholders, the problem can be thoughtfully addressed from all angles, with diverse perspectives and experience, and good laws will be the result.

If the legislature is hell-bent on enacting modifications to HRS Chapter 302A this session, please enact legislation to demand that all the affected agencies: (a) seriously consider what statutes affecting their departments need to change to ensure that education workers who are victims of illegal offenses related to their job duties will get the support they need to be safe, get legal assistance from government police and attorneys, and won't lose work pay if they have to be absent from work to attend to legal proceedings or money for court costs and travel; (b) conduct periodic public hearings to get feedback from the public (unions, attorneys, people who care); (c) provide the legislature with recommendations for statutes.

I took a stab at fixing HB 616 HD1, but I concluded it was beyond repair. There were too many holes, and too many sentences that read more like department procedures than laws. It's

not the legislators' kuleana to write procedures. HB 616 also has NO provision for *conflict resolution* to stave off expensive lawsuits. I've been testifying to the Board of Education for a decade about the complete lack of conflict resolution skills training for all employees. It's been a problem for a long time, and time for a change.

Conflict is a fact of life. We need to teach people, especially government employees, how to resolve conflict and avoid escalation. New ideas and different ways of doing things will always conflict with old ways. No one can improve without addressing the conflict between an old way and a new way. Which one is the best way?

Unfortunately, the Department of Education pretty much sucks at conflict resolution. Too often, conflicts are unresolved, a disgruntle parent isn't given a reasonable solution to a problem, just ignored or banned from the school on some pretext. Aside from the legal protections for educational workers who become victims, HB 616 really should include stronger provisions that demand conflict resolution training, practice, and accountable oversight for the results of real-life conflicts that will inevitable arise frequently with government agencies. Avoiding conflict, a typical DOE mode of operation, has a tendency to either erupt into ugly, emotionally-draining dramas or drive people away (hence the ongoing exodus of students to private schools, and teachers to jobs with better working conditions).

We need a new PART added to HRS CHAPTER 302A titled, "Peaceful and Productive Public Schools." A sample outline is shown in the box. Laws to protect *everyone* should require training, support, and reporting regarding conflict resolution as well as the handling of illegal offenses against educational workers.

On pages 4-6 of this testimony, I provide some suggestions for a better direction for achieving the intent of HB 616.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:	
SECTION 1.....	
SECTION 2.....	
CHAPTER 302A – EDUCATION	
PART IX. Peaceful and Productive Public Schools.....	
[§302A-2000] Purpose.....	
[§302A-2001] Specific definitions.....	
[§302A-2002] Illegal Offenses Against Educational Workers	
[§302A-2003] Conflict Resolution	
[§302A-2004] Reporting Requirements.....	
[§302A-2005] Training	
[§302A-2006] Ongoing Revisions	

Mahalo for your consideration,


Vanessa Ott

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1.

The legislature finds that department of education employees and state public charter school employees play an important role in shaping the future and ensuring the welfare of the State's children. Increasing safeguards to protect employees who become victims of felony and misdemeanor offenses while performing their job duties, and establishing mechanisms to address these offenses, is essential to ensuring a safe and secure environment for educational workers, students, parents, and community members throughout State-funded public schools.

HB 166 HD1

~~Increasing safeguards for educational workers who may encounter instances of harassment, and the establishment of a mechanism to address this harassment, is essential to ensuring a secure and conducive environment for educators and students in the State.~~

The purpose of this Act is to provide increased protection for educational workers by requiring the department of education and state public charter schools to establish procedures for assisting employees who are victims of offenses against a person (Hawaii Revised Statutes Chapter 707) or the public order (Hawaii Revised Statutes Chapter 711), annually report statistics of these incidents to the public, establish procedures for conflict resolution to prevent illegal offenses against educational workers, develop training for employees and the public to understand the aforementioned procedures.

Remove from HB 166 HD1

~~schools to take certain steps to better address the harassment of educational workers.~~

SECTION 2.

Chapter 302A, Hawaii Revised Statutes, is amended by adding a new ~~section~~ part to be appropriately designated and to read as follows:

CHAPTER 302A – EDUCATION

PART IX. Peaceful and Productive Public Schools

[§302A-2000] Purpose.

The purpose of this part is to establish legal requirements for maintaining peace, safety, and amicable conflict resolution throughout the schools, offices, and programs managed by the department and state public charter schools.

[§302A-2001] Specific definitions.

For the purposes of this subpart:

“assault” is defined in HRS §707, Part III.

“disorderly conduct” is defined in HRS §711-1106 and its subsections.

"educational worker" means any employee of the department of education or an employee of a charter school; a person who is a volunteer, as defined in section 90-1, in a

Note: This definition of “educational worker” is copied from HRS §707-711(e) [*Assault in the second degree*], and referenced in three more HRS §707 statutes. However, the definition should exist in CHAPTER 302A – EDUCATION.

school program, activity, or function that is established, sanctioned, or approved by the department of education or a charter school; or a person hired by the department of education or a charter school on a contractual basis and engaged in carrying out a legitimate function for the department or charter school;

“harassment” is defined in HRS §707-1106.

“terroristic threatening” is defined in HRS §707-716.

“the department” means the State of Hawai‘i Department of Education.

“charter school authorizers” means a public charter school’s authorizers, responsible for compliance with state and federal laws, including reporting requirements as defined in HRS §302D-5(b).

[§302A-2002] Illegal Offenses Against Educational Workers

1. When subjected to offenses against a person (Hawaii Revised Statutes Chapter 707) or offenses against the public order (Hawaii Revised Statutes Chapter 711), an educational worker may notify the department or charter school authorizers.

2. Upon notification that an educational worker is experiencing or has experienced assault, harassment, disorderly conduct, or terroristic threatening while

working, the worksite supervisor shall take immediate action per department procedures to secure the safety of the worker.

3. When the Department of the Attorney General has authorized prosecution of an individual for assault, harassment, disorderly conduct, or terroristic threatening of an educational worker or workers, the educational worker(s), shall be entitled to a leave of absence with pay to consult with state attorneys and attend court proceedings related to the prosecution. The duration of the leave of absence with pay shall be reasonable and sufficient to allow the educational worker to fulfill their judicial obligations.

[\$302A-2003] Conflict Resolution

[\$302A-2004] Reporting Requirements

- Costs
- Incidents & Outcomes

[\$302A-2005] Training

[\$302A-2006] Ongoing Revisions

- Greater public involvement by demanding the Board of Education conduct periodic public input sessions on these issues, giving the public ample time to prepare.

HB-616-HD-1

Submitted on: 2/11/2025 7:34:06 AM

Testimony for JHA on 2/11/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Tara Taitano	Individual	Support	Written Testimony Only

Comments:

Aloha,

Educational workers play a vital role in shaping the future of our children and communities. They dedicate themselves to providing a safe and supportive learning environment for students, yet many face ongoing threats, harassment, and intimidation with little to no institutional support. No one should have to endure this as part of their job.

Currently, there is no clear, standardized procedure for addressing harassment of educational workers. This puts not only the employees at risk but also disrupts the safety and stability of our schools. When educators and school staff are unprotected, the learning environment suffers, and our children are also placed in harm's way. HB616 takes necessary steps to ensure that when harassment occurs, there is accountability, a clear response process, and protections in place for those impacted, including:

- **Mandatory investigations:** Requires the Department of Education and public charter schools to conduct formal investigations into reported incidents of harassment.
- **Reporting threats to law enforcement:** Ensures that incidents involving potential physical harm are reported to law enforcement within 48 hours.
- **Emergency safety plans:** Requires the development of written safety plans to assist educational workers facing harassment or potentially harmful situations.
- **Annual training:** Mandates training for all educational workers on de-escalation techniques and handling harassment from external individuals.

No workplace should tolerate harassment, and our schools should be no different. This bill is a crucial step in ensuring that those who educate and care for our children can do so without fear for their safety.

I urge the committee to pass HB616 and stand up for the safety and well-being of Hawai'i's educational workers and students.

Sincerely,

Tara Taitano

