

JAN 26 2022

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# A BILL FOR AN ACT

RELATING TO OFFICIAL SCHOOL BUSINESS.

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

1       SECTION 1. The purpose of this Act is to provide increased  
2 protection for educational workers to conduct school business by  
3 establishing the offense of harassment of an educational worker.

4       SECTION 2. Chapter 711, Hawaii Revised Statutes, is  
5 amended by adding a new section to be appropriately designated  
6 and to read as follows:

7       "§711-       Harassment of an educational worker.   (1)   A  
8 person commits the offense of harassment of an educational  
9 worker if, with intent to harass, annoy, or alarm an educational  
10 worker, that person disrupts or interferes with the  
11 administration or functions of any school, school administration  
12 office, or school board. For the purposes of this section,  
13 "educational worker" means any administrator, specialist,  
14 counselor, teacher, or employee of the department of education  
15 or an employee of a charter school; a person who is a volunteer,  
16 as defined in section 90-1, in a school program, activity, or  
17 function that is established, sanctioned, or approved by the  
18 department of education; or a person hired by the department of

S.B. NO. 3093

education on a contractual basis and engaged in carrying out a  
department of education function.

(2) Harassment of an educational worker is a misdemeanor."

SECTION 3. New statutory material is underscored.

SECTION 4. This Act, upon its approval, shall take effect  
on July 1, 2022.

INTRODUCED BY:

M. N. M.

BY REQUEST

S.B. NO. 3093

**Report Title:**

Harassment of an Educational Worker; Misdemeanor

**Description:**

Creates a misdemeanor for disrupting or interfering with the administration or functions of any school, school administration office, or school board.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

JUSTIFICATION SHEET

DEPARTMENT: Education

TITLE: A BILL FOR AN ACT RELATING TO OFFICIAL SCHOOL BUSINESS.

PURPOSE: To provide increased protection for educational workers to conduct school business in light of new challenges.

MEANS: Amend chapter 711, Hawaii Revised Statutes, by adding a new section establishing the harassment of an educational worker as a misdemeanor.

JUSTIFICATION: The COVID pandemic and increasing political polarization have created a more difficult environment to implement school policies. There are ever increasing demands on school administrators and educational workers to run a school campus effectively. In the context of this bill, an educational worker is defined as any administrator, specialist, counselor, teacher, or 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 school program, activity, or function that is established, sanctioned, or approved by the Department of Education; or a person hired by the Department of Education on a contractual basis and engaged in carrying out a Department of Education function.

To protect educational workers from harassment, this bill will afford protection within the justice system for harassment of educational workers when a member of the general public is uncontrollable. The Department of Education is committed to protecting its employees. This legislation

will deter harassment from the public in order to allow the positive academic experiences for our students to continue.

Impact on the public: Creating a punishment for harassing educational workers will decrease the incentive to abuse educational workers when there is a disagreement over policies.

Impact on the Department and other agencies: Protect educational workers further and provide them an increased layer of protection.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM  
DESIGNATION: EDN 100

OTHER AFFECTED  
AGENCIES: Department of the Attorney General, County  
Prosecuting Attorneys, County Police  
Departments.

EFFECTIVE DATE: July 1, 2022