
A BILL FOR AN ACT

RELATING TO THE SAFETY OF EDUCATIONAL WORKERS.

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

1 SECTION 1. The legislature finds that, in recognition of
2 the indispensable role that department of education employees
3 play in shaping the future and welfare of the State's children,
4 it is imperative to acknowledge the department employees' duty
5 to provide education to all children, regardless of their
6 diverse background. A commitment to inclusivity, enhancement of
7 safeguards for educational workers who may encounter instances
8 of harassment, and the establishment of a mechanism to address
9 such conditions, is essential to ensuring a secure and conducive
10 environment for educators and students.

11 The purpose of this Act is to provide increased protection
12 for educational workers by:

- 13 (1) Requiring the department of education and state public
14 charter schools to take certain steps to better
15 address harassment of educational workers; and
16 (2) Establishing the offense of harassment of an
17 educational worker.



1 SECTION 2. Chapter 302A, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§302A- Educational workers; protection and workplace
5 safety; harassment; reporting; training. (a) An educational
6 worker shall not be required to work under conditions or perform
7 tasks when the educational worker is being subjected to
8 harassment, as provided for in section 711- .

9 (b) When any educational worker believes that the
10 educational worker is being subjected to harassment as provided
11 in section 711- , the educational worker may inform the
12 worker's immediate supervisor, who shall take appropriate action
13 using the procedures established pursuant to subsection (d)(3).

14 (c) An educational worker who seeks judicial protection
15 from harassment, including obtaining a temporary restraining
16 order, shall be entitled to a leave of absence with pay to
17 attend court proceedings related to such protection. The
18 duration of the leave of absence with pay shall be reasonable
19 and sufficient to allow the educational worker to fulfill their
20 court-related obligations.

21 (d) The department shall:



- 1 (1) Conduct a formal investigation of all incidents of
- 2 harassment submitted to the department by an
- 3 educational worker pursuant to subsection (b);
- 4 (2) Report to the proper law enforcement authority within
- 5 forty-eight hours all incidents of harassment
- 6 submitted to the department by an educational worker
- 7 pursuant to subsection (b), where the incident of
- 8 harassment involves a potential threat of physical
- 9 harm to the educational worker or another person;
- 10 (3) Implement procedures for the handling of harassment of
- 11 educational workers, including educational workers
- 12 excluded from collective bargaining under chapter 89;
- 13 provided that:
- 14 (A) The procedures shall be included in the
- 15 department's opening of the school year packet
- 16 provided to all department employees annually;
- 17 and
- 18 (B) The procedures shall be posted on the
- 19 department's website;
- 20 (4) Develop a written emergency safety plan for aiding
- 21 educational workers who have potentially harmful



- 1 situations, including situations involving harassment,
2 occurring in their work areas; provided that the
3 department shall give consideration to suggestions
4 provided by educational workers in developing the
5 emergency safety plan;
- 6 (5) Assign one full-time employee within the department to
7 handle and document harassment claims submitted to the
8 department;
- 9 (6) Assist educational workers with any legal actions that
10 may arise from harassment, as provided in section
11 711- , including covering the costs incurred from
12 serving temporary restraining orders related to the
13 harassment; and
- 14 (7) Implement annual training for all educational workers
15 on how to use de-escalation techniques and handle
16 harassment from outside actors.
- 17 (e) For the purposes of this section, "educational worker"
18 means any administrator, specialist, counselor, teacher, or
19 employee of the department; a person who is a volunteer, as
20 defined in section 90-1, in a school program, activity, or
21 function that is established, sanctioned, or approved by the



1 department; or a person hired by the department on a contractual
2 basis and engaged in carrying out a department function."

3 SECTION 3. Chapter 302D, Hawaii Revised Statutes, is
4 amended by adding a new section to be appropriately designated
5 and to read as follows:

6 "§302D- Educational workers; protection and workplace
7 safety; harassment; reporting; training. (a) An educational
8 worker shall not be required to work under conditions or perform
9 tasks when the educational worker is being subjected to
10 harassment, as provided for in section 711- .

11 (b) When any educational worker believes that the
12 educational worker is being subjected to harassment as provided
13 in section 711- , the educational worker may inform the
14 worker's immediate supervisor, who shall take appropriate action
15 using the procedures established pursuant to subsection (d) (3).

16 (c) An educational worker who seeks judicial protection
17 from harassment, including obtaining a temporary restraining
18 order, shall be entitled to a leave of absence with pay to
19 attend court proceedings related to such protection. The
20 duration of the leave of absence with pay shall be reasonable



1 and sufficient to allow the educational worker to fulfill their
2 court-related obligations.

3 (d) A public charter school shall:

4 (1) Conduct a formal investigation of all incidents of
5 harassment submitted to the public charter school by
6 an educational worker pursuant to subsection (b);

7 (2) Report to the proper law enforcement authority within
8 forty-eight hours all incidents of harassment
9 submitted to the public charter school by an
10 educational worker pursuant to subsection (b), where
11 the incident of harassment involves a potential threat
12 of physical harm to the educational worker or another
13 person;

14 (3) Implement procedures for the handling of harassment of
15 educational workers, including educational workers
16 excluded from collective bargaining under chapter 89;
17 provided that:

18 (A) The procedures shall be provided to all employees
19 of a charter school annually; and

20 (B) The procedures shall be posted on the public
21 charter school's website;



- 1 (4) Develop a written emergency safety plan for aiding
2 educational workers who have potentially harmful
3 situations, including situations involving harassment,
4 occurring in their work areas; provided that the
5 public charter school shall give consideration to
6 suggestions provided by educational workers in
7 developing the emergency safety plan;
- 8 (5) Assign one full-time employee within the public
9 charter school to handle and document harassment
10 claims submitted to the public charter school;
- 11 (6) Assist educational workers with any legal actions that
12 may arise from harassment, as provided in section
13 711- , including covering the costs incurred from
14 servicing temporary restraining orders related to the
15 harassment; and
- 16 (7) Implement annual training for all educational workers
17 on how to use de-escalation techniques and handle
18 harassment from outside actors.
- 19 (e) For the purposes of this section, "educational worker"
20 means any administrator, specialist, counselor, teacher, or
21 employee of a public charter school; a person who is a



1 volunteer, as defined in section 90-1, in a school program,
 2 activity, or function that is established, sanctioned, or
 3 approved by a public charter school; or a person hired by a
 4 public charter school on a contractual basis and engaged in
 5 carrying out a public charter school function."

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

9 "§711- Harassment of an educational worker. (1) A
 10 person commits the offense of harassment of an educational
 11 worker if, with intent to harass or alarm an educational worker,
 12 because of the educational worker's position as an educational
 13 worker, that person:

14 (a) Strikes, shoves, kicks, or otherwise touches an
 15 educational worker in an offensive manner or subjects
 16 the educational worker to offensive physical contact;
 17 or

18 (b) Insults, taunts, or challenges an educational worker
 19 in a manner likely to provoke an immediate violent
 20 response or that would cause the educational worker to
 21 reasonably believe that the actor intends to cause



1 bodily injury to the educational worker or another or
2 damage to the property of the educational worker or
3 another.

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

5 (3) For the purposes of this section, "educational worker"
6 means any administrator, specialist, counselor, teacher, or
7 employee of the department of education or an employee of a
8 public charter school; a person who is a volunteer, as defined
9 in section 90-1, in a school program, activity, or function that
10 is established, sanctioned, or approved by the department of
11 education or a public charter school; or a person hired by the
12 department of education or a public charter school on a
13 contractual basis and engaged in carrying out a department of
14 education or public charter school function."

15 SECTION 5. This Act does not affect rights and duties that
16 matured, penalties that were incurred, and proceedings that were
17 begun before its effective date.

18 SECTION 6. New statutory material is underscored.

19 SECTION 7. This Act shall take effect on July 1, 3000.



H.B. NO. 1651 H.D. 1

Report Title:

Department of Education; Public Charter Schools; Educational Workers; Protection and Workplace Safety; Harassment; Misdemeanor

Description:

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. Creates the offense of harassment of an educational worker. Effective 7/1/3000. (HD1)

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