
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 to take certain
14 steps to better address harassment of educational
15 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) Educational
6 workers shall not be required to work under unsafe or hazardous
7 conditions or perform tasks which imminently endangers the
8 educational worker's health or safety. Such conditions shall
9 include but are not limited to harassment of an educational
10 worker.

11 (b) When any educational worker believes that an unsafe or
12 hazardous condition exists for the worker, including situations
13 involving harassment, the immediate supervisor of the worker
14 shall be informed immediately and 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 entitle to a leave of absence with pay to attend
19 court proceedings related to such protection. The duration of
20 the leave of absence with pay shall be reasonable and sufficient



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

3 (d) The department shall:

4 (1) Conduct a formal investigation of all substantial or
5 repeated incidents of harassment submitted to the
6 department by an educational worker;

7 (2) Report all substantial incidents of harassment
8 involving an educational worker to the proper law
9 enforcement authority within forty-eight hours of the
10 incident being reported;

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

15 (A) The procedures shall be included in the
16 department's opening of the school year packet
17 provided to all department employees annually;
18 and

19 (B) The procedures shall be posted on the
20 department's website;



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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 department shall give consideration to suggestions
6 provided by educational workers in developing the
7 emergency safety plan;

8 (5) Assign one full-time employee within the department to
9 handle and document harassment claims submitted to the
10 department;

11 (6) Assist educational workers with any legal actions that
12 may arise from harassment, including obtaining
13 representation from the department of the attorney
14 general and covering the costs incurred from serving
15 temporary restraining orders related to substantial or
16 repeated incidents of harassment; and

17 (7) Implement annual training for all educational workers
18 on how to use de-escalation techniques and handle
19 harassment from outside actors.

20 (e) For the purposes of this section, "educational worker"
21 means any administrator, specialist, counselor, teacher, or



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

6 SECTION 3. 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, annoy, or alarm an educational
12 worker, that person:

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

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



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

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

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

14 SECTION 4. This Act does not affect rights and duties that
15 matured, penalties that were incurred, and proceedings that were
16 begun before its effective date.

17 SECTION 5. New statutory material is underscored.

18 SECTION 6. This Act shall take effect upon its approval.

19

INTRODUCED BY:


JAN 17 2024



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Report Title:

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

Description:

Requires the Department of Education 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.

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

