
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 department of
2 education employees and state public charter school employees
3 play an important role in shaping the future and ensuring the
4 welfare of the State's children. Increasing safeguards for
5 educational workers who may encounter instances of harassment,
6 and the establishment of a mechanism to address this harassment,
7 is essential to ensuring a secure and conducive environment for
8 educators and students in the State.

9 The purpose of this Act is to provide increased protection
10 for educational workers by requiring the department of education
11 and state public charter schools to take certain steps to better
12 address the harassment of educational workers.

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

16 "§302A- Educational workers; protection and workplace
17 safety; harassment; reporting; training. (a) An educational



1 worker shall not be required to work under conditions or perform
2 tasks when the educational worker is being subjected to
3 harassment, as provided for in section 711-1106, because of the
4 educational worker's position as an educational worker.

5 (b) When any educational worker believes that the
6 educational worker is being subjected to harassment, as provided
7 for in section 711-1106, because of the educational worker's
8 position as an educational worker, the educational worker may
9 inform the educational worker's immediate supervisor, who shall
10 take appropriate action using the procedures established
11 pursuant to subsection (d) (3).

12 (c) An educational worker who seeks judicial protection
13 from harassment, as provided for in section 711-1106, because of
14 the educational worker's position as an educational worker,
15 including obtaining a temporary restraining order, shall be
16 entitled to a leave of absence with pay to attend court
17 proceedings related to the protection; provided that for those
18 employees included in bargaining units pursuant to section 89-6,
19 such leave must be negotiated pursuant to section 89-9(a). 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) The department shall:

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

10 pursuant to subsection (b), where the incident of
11 harassment involves a potential threat of physical
12 harm to the educational worker or another person;

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

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

20 and



- 1 (B) The procedures shall be posted on the
- 2 department's website;
- 3 (4) Develop a written emergency safety plan for aiding
- 4 educational workers who have potentially harmful
- 5 situations, including situations involving harassment,
- 6 occurring in their work areas; provided that the
- 7 department shall give consideration to suggestions
- 8 provided by educational workers in developing the
- 9 emergency safety plan;
- 10 (5) Assist educational workers with any legal actions that
- 11 may arise from harassment, as provided for in section
- 12 711-1106, because of the educational worker's position
- 13 as an educational worker, including reimbursing the
- 14 educational worker for the costs incurred from serving
- 15 temporary restraining orders related to the
- 16 harassment, but shall not include the payment of
- 17 attorney's fees or court costs; and
- 18 (6) Implement annual training for all educational workers
- 19 on how to use de-escalation techniques and handle
- 20 harassment from outside actors.

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

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

11 "§302D- **Educational workers; protection and workplace**
12 **safety; harassment; reporting; training.** (a) An educational
13 worker shall not be required to work under conditions or perform
14 tasks when the educational worker is being subjected to
15 harassment, as provided for in section 711-1106, because of the
16 educational worker's position as an educational worker.

17 (b) When any educational worker believes that the
18 educational worker is being subjected to harassment, as provided
19 for in section 711-1106, because of the educational worker's
20 position as an educational worker, the educational worker may
21 inform the educational worker's immediate supervisor, who shall



1 take appropriate action using the procedures established
2 pursuant to subsection (d) (3).

3 (c) An educational worker who seeks judicial protection
4 from harassment, as provided for in section 711-1106, because of
5 the educational worker's position as an educational worker,
6 including obtaining a temporary restraining order, shall be
7 entitled to a leave of absence with pay to attend court
8 proceedings related to the protection; provided that for those
9 employees included in bargaining units pursuant to section 89-6,
10 such leave must be negotiated pursuant to section 89-9(a). The
11 duration of the leave of absence with pay shall be reasonable
12 and sufficient to allow the educational worker to fulfill their
13 court-related obligations.

14 (d) A public charter school shall:

15 (1) Conduct a formal investigation of all incidents of
16 harassment submitted to the public charter school by
17 an educational worker pursuant to subsection (b);
18 (2) Report to the proper law enforcement authority within
19 forty-eight hours all incidents of harassment
20 submitted to the public charter school by an
21 educational worker pursuant to subsection (b), where



- 1 the incident of harassment involves a potential threat
2 of physical harm to the educational worker or another
3 person;
- 4 (3) Implement procedures for the handling of harassment of
5 educational workers, including educational workers
6 excluded from collective bargaining under chapter 89;
7 provided that:
- 8 (A) The procedures shall be provided to all employees
9 of a public charter school annually; and
- 10 (B) The procedures shall be posted on the public
11 charter school's website;
- 12 (4) Develop a written emergency safety plan for aiding
13 educational workers who have potentially harmful
14 situations, including situations involving harassment,
15 occurring in their work areas; provided that the
16 public charter school shall give consideration to
17 suggestions provided by educational workers in
18 developing the emergency safety plan;
- 19 (5) Assist educational workers with any legal actions that
20 may arise from harassment, as provided for in section
21 711-1106, because of the educational worker's position



1 as an educational worker, including reimbursing the
2 educational worker for the costs incurred from serving
3 temporary restraining orders related to the
4 harassment, but shall not include the payment of
5 attorney's fees or court costs; and

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

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

17 SECTION 4. New statutory material is underscored.

18 SECTION 5. This Act shall take effect on July 1, 3000.



Report Title:

DOE; Public Charter Schools; Educational Workers; Protection and Workplace Safety; Harassment

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. Effective 7/1/3000. (HD2)

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

