
A BILL FOR AN ACT

RELATING TO THE SAFETY OF EDUCATIONAL WORKERS.

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

1 PART I

2 SECTION 1. The legislature finds that department of
3 education employees and state public charter school employees
4 play an important role in shaping the future and ensuring the
5 welfare of the State's children. Increasing safeguards for
6 educational workers who may encounter instances of harassment
7 because of their status as an educational worker, and the
8 establishment of a mechanism to address this harassment is
9 essential to ensuring a secure and conducive environment for
10 educators and students in the State.

11 The purpose of this part 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 the harassment of educational workers,
16 including sports officials; and



1 (2) Authorizing the attorney general to assist educational
2 workers, including sports officials at department of
3 education or public charter school sporting events,
4 who have been subject to harassment or intentional
5 bodily injury in obtaining a temporary restraining
6 order.

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

10 **"§302A- Educational workers; protection and workplace**
11 **safety; harassment; reporting; training.** (a) When any
12 educational worker believes that the educational worker is being
13 subjected to harassment, as provided for in section 711-1106, by
14 a person not employed by the department because of the
15 educational worker's position as an educational worker, the
16 educational worker may inform the educational worker's immediate
17 supervisor, who shall take appropriate action using the
18 procedures established pursuant to subsection (c) (3), including
19 but not limited to change of workstation, development of a
20 safety plan, mediation, administrative leave, or other actions
21 in alignment with collective bargaining agreements.



1 (b) An educational worker who seeks judicial protection
2 from harassment, as provided for in section 711-1106, by a
3 person not employed by the department because of the educational
4 worker's position as an educational worker, including obtaining
5 a temporary restraining order, shall be entitled to a leave of
6 absence with pay to attend court proceedings related to the
7 protection; provided that the educational worker shall provide
8 documentation to the department verifying the court-related
9 leave of absence; provided further that for those employees
10 included in bargaining units pursuant to section 89-6, the leave
11 of absence shall be negotiated pursuant to section 89-9(a). The
12 duration of the leave of absence with pay shall be reasonable
13 and sufficient to allow the educational worker to fulfill their
14 court-related obligations.

15 (c) The department shall:

16 (1) Conduct a formal internal investigation of all
17 incidents of harassment submitted to the department by
18 an educational worker pursuant to subsection (a);
19 provided that for the purposes of this paragraph,
20 "formal internal investigation" does not include an
21 investigation conducted by a contracted third party;



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



1 harassment, occurring in their work areas; provided
2 that the department shall give consideration to
3 suggestions provided by educational workers in
4 developing the emergency safety plan; provided further
5 that plans shall include procedures developed pursuant
6 to paragraph (3) and subsection (a);

7 (5) Assist educational workers with legal actions to
8 obtain temporary restraining orders that may arise
9 from harassment, as provided for in section 711-1106,
10 by a person not employed by the department because of
11 the educational worker's position as an educational
12 worker, including reimbursing the educational worker
13 for the costs incurred from serving temporary
14 restraining orders related to the harassment; provided
15 that reimbursement shall not include the payment of
16 attorneys' fees or court costs; and

17 (6) Ensure implementation of annual training for all
18 educational workers on how to handle harassment
19 situations and the use of de-escalation techniques;
20 provided that this training shall be included in the



1 annual safety training provided by the department for
2 all employees.

3 (d) The attorney general may assist educational workers
4 who are subjected to harassment or intentional bodily injury in
5 obtaining a temporary restraining order.

6 (e) The authorization for the department of the attorney
7 general to assist educational workers in obtaining a temporary
8 restraining order under this section shall be discretionary.

9 Nothing in this section shall be construed to:

10 (1) Authorize the department of the attorney general to
11 provide representation to an educational worker in
12 obtaining a temporary restraining order or to petition
13 for relief on behalf of an educational worker; or

14 (2) Authorize a grievance or private right of action,
15 whether in law or in equity, against the State,
16 department of the attorney general, or any officer or
17 employee of the department of the attorney general,
18 whether in an official or individual capacity,
19 relating to or arising out of subsection (d), and no
20 court or tribunal shall have subject matter



1 jurisdiction to consider any claims relating to the
2 same.

3 (f) For the purposes of this section:

4 "Educational worker" means any administrator, specialist,
5 counselor, teacher, sports official, or employee of the
6 department or a person hired by the department on a contractual
7 basis and engaged in carrying out a department function.

8 "Sports official" means a person at a sports event at a
9 public school who enforces the rules of the event, such as an
10 umpire, referee, timer, or scorer, or a person who supervises
11 the participants, such as a coach, or a league or school
12 administrator, regardless of whether the person is paid or
13 provides their services as an unpaid volunteer."

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

17 "§302D- Educational workers; protection and workplace
18 safety; harassment; reporting; training. (a) When any
19 educational worker believes that the educational worker is being
20 subjected to harassment, as provided for in section 711-1106, by
21 a person not employed by a public charter school because of the



1 educational worker's position as an educational worker, the
2 educational worker may inform the educational worker's immediate
3 supervisor, who shall take appropriate action using the
4 procedures established pursuant to subsection (c) (3), including
5 but not limited to change of workstation, development of a
6 safety plan, mediation, administrative leave, or other actions
7 in alignment with collective bargaining agreements.

8 (b) An educational worker who seeks judicial protection
9 from harassment, as provided for in section 711-1106, by a
10 person not employed by a public charter school because of the
11 educational worker's position as an educational worker,
12 including obtaining a temporary restraining order, shall be
13 entitled to a leave of absence with pay to attend court
14 proceedings related to the protection; provided that the
15 educational worker shall provide documentation to the public
16 charter school verifying the court-related leave of absence;
17 provided further that for those employees included in bargaining
18 units pursuant to section 89-6, the leave of absence shall be
19 negotiated pursuant to section 89-9(a). The duration of the
20 leave of absence with pay shall be reasonable and sufficient to
21 allow the educational worker to fulfill their court-related



1 obligations.

2 (c) A public charter school shall:

3 (1) Conduct a formal internal investigation of all
4 incidents of harassment submitted to the public
5 charter school by an educational worker pursuant to
6 subsection (a); provided that for the purposes of this
7 paragraph, "formal internal investigation" does not
8 include an investigation conducted by a contracted
9 third party;

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

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



- 1 (A) The procedures shall be provided to all employees
- 2 of a public charter school annually; and
- 3 (B) The procedures shall be posted on the public
- 4 charter school's website;

- 5 (4) Develop a written emergency safety plan for aiding
- 6 educational workers who may experience potentially
- 7 harmful situations, including situations involving
- 8 harassment, occurring in their work areas; provided
- 9 that the public charter school shall give
- 10 consideration to suggestions provided by educational
- 11 workers in developing the emergency safety plan;
- 12 provided further that plans shall include procedures
- 13 developed pursuant to paragraph (3) and
- 14 subsection (a);

- 15 (5) Assist educational workers with legal actions to
- 16 obtain temporary restraining orders that may arise
- 17 from harassment, as provided for in section 711-1106,
- 18 by a person not employed by a public charter school
- 19 because of the educational worker's position as an
- 20 educational worker, including reimbursing the
- 21 educational worker for the costs incurred from serving



1 temporary restraining orders related to the
2 harassment; provided that reimbursement shall not
3 include the payment of attorneys' fees or court costs;
4 and

5 (6) Ensure implementation of annual training for all
6 educational workers on how to handle harassment
7 situations and the use of de-escalation techniques.

8 (d) The attorney general may assist educational workers
9 who are subjected to harassment or intentional bodily injury in
10 obtaining a temporary restraining order.

11 (e) The authorization for the department of the attorney
12 general to assist educational workers in obtaining a temporary
13 restraining order under this section shall be discretionary.

14 Nothing in this section shall be construed to:

15 (1) Authorize the department of the attorney general to
16 provide representation to an educational worker in
17 obtaining a temporary restraining order or to petition
18 for relief on behalf of an educational worker; or

19 (2) Authorize a grievance or private right of action,
20 whether in law or in equity, against the State,
21 department of the attorney general, or any officer or



1 employee of the department of the attorney general,
2 whether in an official or individual capacity,
3 relating to or arising out of subsection (d), and no
4 court or tribunal shall have subject matter
5 jurisdiction to consider any claims relating to the
6 same.

7 (f) For the purposes of this section:

8 "Educational worker" means any administrator, specialist,
9 counselor, teacher, sports official, or employee of a public
10 charter school or a person hired by a public charter school on a
11 contractual basis and engaged in carrying out a public charter
12 school function.

13 "Sports official" means a person at a sports event at a
14 public charter school who enforces the rules of the event, such
15 as an umpire, referee, timer, or scorer, or a person who
16 supervises the participants, such as a coach, or a league or
17 school administrator, regardless of whether the person is paid
18 or provides their services as an unpaid volunteer."

19 PART II

20 SECTION 4. Section 711-1106, Hawaii Revised Statutes, is
21 amended to read as follows:



1 **"§711-1106 Harassment.** (1) A person commits the offense
2 of harassment if, with intent to harass, annoy, or alarm any
3 other person, that person:

4 (a) Strikes, shoves, kicks, or otherwise touches another
5 person in an offensive manner or subjects the other
6 person to offensive physical contact;

7 (b) Insults, taunts, or challenges another person in a
8 manner likely to provoke an immediate violent response
9 or that would cause the other person to reasonably
10 believe that the actor intends to cause bodily injury
11 to the recipient or another or damage to the property
12 of the recipient or another;

13 (c) Repeatedly makes telephone calls, facsimile
14 transmissions, or any form of electronic communication
15 as defined in section 711-1111(2), including
16 electronic mail transmissions, without purpose of
17 legitimate communication;

18 (d) Repeatedly makes a communication anonymously or at an
19 extremely inconvenient hour;



1 (e) Repeatedly makes communications, after being advised
2 by the person to whom the communication is directed
3 that further communication is unwelcome; [~~or~~]

4 (f) Makes a communication using offensively coarse
5 language that would cause the recipient to reasonably
6 believe that the actor intends to cause bodily injury
7 to the recipient or another or damage to the property
8 of the recipient or another[~~-~~]; or

9 (g) Disrupts or interferes with the administration or
10 functions of any school, school administration office,
11 or school board.

12 (2) [~~Harassment~~] Except as provided in subsection (3),
13 harassment is a petty misdemeanor.

14 (3) Harassment is a misdemeanor if committed against an
15 educational worker who is engaged in the performance of duty or
16 who is within an educational facility.

17 (4) For the purposes of this section, "educational worker"
18 means any administrator, specialist, counselor, teacher, or
19 employee of the department of education or a public charter
20 school; a person who is a volunteer as defined in section 90-1,
21 in a school program, activity, or function that is established,



1 sanctioned, or approved by the department of education or a
2 public charter school; or a sports official or other person
3 hired by the department of education or a public charter school
4 on a contractual basis and engaged in carrying out a department
5 of education or public charter school function."

6 PART III

7 SECTION 5. This Act does not affect rights and duties that
8 matured, penalties that were incurred, and proceedings that were
9 begun before its effective date.

10 SECTION 6. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 7. This Act shall take effect upon its approval.



Report Title:

DOE; AG; Public Charter Schools; Educational Workers; Sports Officials; Protection and Workplace Safety; Penal Code; Harassment

Description:

Part I: Requires the Department of Education and state public charter schools to take certain steps to better address the harassment of educational workers, including sports officials. Authorizes the Attorney General to assist educational workers, including sports officials at department of education or public charter school sporting events, who have been subject to harassment or intentional bodily injury in obtaining a temporary restraining order. Part II: Includes the intentional, knowing or reckless disruption or interference with a school function, school administration, or school board under the offense of harassment. Makes harassment to an educational worker, including sports officials, engaged in the performance of their duty a misdemeanor. (CD1)

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

