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# 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) Authorize 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) For the purposes of this section:

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

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

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

20           "§302D- Educational workers; protection and workplace  
21           safety; harassment; reporting; training. (a) When any



1 educational worker believes that the educational worker is being  
2 subjected to harassment, as provided for in section 711-1106, by  
3 a person not employed by a public charter school because of the  
4 educational worker's position as an educational worker, the  
5 educational worker may inform the educational worker's immediate  
6 supervisor, who shall take appropriate action using the  
7 procedures established pursuant to subsection (c)(3), including  
8 but not limited to change of workstation, development of a  
9 safety plan, mediation, administrative leave, or other actions  
10 in alignment with collective bargaining agreements.

11 (b) An educational worker who seeks judicial protection  
12 from harassment, as provided for in section 711-1106, by a  
13 person not employed by a public charter school because of the  
14 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 the  
18 educational worker shall provide documentation to the public  
19 charter school verifying the court-related leave of absence;  
20 provided further that for those employees included in bargaining  
21 units pursuant to section 89-6, the leave of absence shall be



1 negotiated pursuant to section 89-9(a). The duration of the  
2 leave of absence with pay shall be reasonable and sufficient to  
3 allow the educational worker to fulfill their court-related  
4 obligations.

5 (c) A public charter school shall:

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

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

20 (3) Implement procedures for the handling of harassment of  
21 educational workers, including educational workers



1 excluded from collective bargaining under chapter 89;  
2 provided that:

3 (A) The procedures shall be provided to all employees  
4 of a public charter school annually; and

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

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

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



1 educational worker, including reimbursing the  
2 educational worker for the costs incurred from serving  
3 temporary restraining orders related to the  
4 harassment; provided that reimbursement shall not  
5 include the payment of attorneys' fees or court costs;  
6 and

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

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

13 (e) For the purposes of this section:

14 "Educational worker" means any administrator, specialist,  
15 counselor, teacher, sports official, or employee of a public  
16 charter school or a person hired by a public charter school on a  
17 contractual basis and engaged in carrying out a public charter  
18 school function.

19 "Sports official" means a person at a sports event at a  
20 public charter school who enforces the rules of the event, such  
21 as an umpire, referee, timer, or scorer, or a person who



1 supervises the participants, such as a coach, or a league or  
2 school administrator, regardless of whether the person is paid  
3 or provides their services as an unpaid volunteer."

4 PART II

5 SECTION 4. Section 706-605.6, Hawaii Revised Statutes, is  
6 amended by amending subsection (2) to read as follows:

7 "(2) For the purposes of this section:

8 "Lawful discharge of the sports official's duty" means the  
9 performance of duties of a sports official from the time the  
10 sports official arrives at the venue of a sports event and  
11 ending when the sports official returns to their residence or  
12 business.

13 "Sports event" means any organized amateur or professional  
14 athletic contest in the State.

15 "Sports official" means a person at a sports event,  
16 including but not limited to a sports event at a public or  
17 private school, who enforces the rules of the event, such as an  
18 umpire, referee, timer, or scorer, or a person who supervises  
19 the participants, such as a coach, or a league or school  
20 administrator, regardless of whether the person is paid or  
21 provides their services as an unpaid volunteer."



1 SECTION 5. Section 707-710, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "(1) A person commits the offense of assault in the first  
4 degree if the person intentionally or knowingly causes:

5 (a) Serious bodily injury to another person; [~~or~~]

6 (b) Substantial bodily injury to a person who is sixty  
7 years of age or older and the age of the injured  
8 person is known or reasonably should be known to the  
9 person causing the injury[~~or~~]; or

10 (c) Bodily injury to:

11 (i) An educational worker who is engaged in the  
12 performance of duty or who is within an  
13 educational facility; or

14 (ii) A sports official who is engaged in the lawful  
15 discharge of the sports official's duties.

16 (2) [~~Assault~~] Except as provided in subsection (3),  
17 assault in the first degree is a class B felony.

18 (3) Assault in the first degree is a class C felony where  
19 a person intentionally or knowingly causes bodily injury to:



1       (a) An educational worker who is engaged in the  
2           performance of duty or who is within an educational  
3           facility; or

4       (b) A sports official who is engaged in the lawful  
5           discharge of the sports official's duties;

6       provided that for a second or subsequent offense that occurs  
7       within ten years, the offense shall be a class B felony.

8       (4) For the purposes of this section:

9       "Educational worker" means:

10       (a) Any administrator, specialist, counselor, teacher, or  
11           employee of the department of education or a person  
12           hired by the department of education on a contractual  
13           basis and engaged in carrying out a department  
14           function; or

15       (b) Any administrator, specialist, counselor, teacher, or  
16           employee of a public charter school or a person hired  
17           by a public charter school on a contractual basis and  
18           engaged in carrying out a public charter school  
19           function.

20       "Lawful discharge of the sports official's duties" has the  
21       same meaning as defined in section 706-605.6.



1       "Sports official" has the same meaning as defined in  
2 section 706-605.6."

3       SECTION 6. Section 707-711, Hawaii Revised Statutes, is  
4 amended by amending subsection (1) to read as follows:

5       "(1) A person commits the offense of assault in the second  
6 degree if the person:

7       (a) Intentionally, knowingly, or recklessly causes  
8       substantial bodily injury to another;

9       (b) Recklessly causes serious bodily injury to another;

10       (c) Intentionally or knowingly causes bodily injury to a  
11       correctional worker, as defined in section 710-  
12       1031(2), who is engaged in the performance of duty or  
13       who is within a correctional facility;

14       (d) Intentionally or knowingly causes bodily injury to  
15       another with a dangerous instrument;

16       ~~[(e) Intentionally or knowingly causes bodily injury to an~~  
17       ~~educational worker who is engaged in the performance~~  
18       ~~of duty or who is within an educational facility. For~~  
19       ~~the purposes of this paragraph, "educational worker"~~  
20       ~~means any administrator, specialist, counselor,~~  
21       ~~teacher, or employee of the department of education or~~



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

8 ~~(f)~~ (e) Intentionally or knowingly causes bodily injury  
9 to any emergency medical services provider who is  
10 engaged in the performance of duty. For the purposes  
11 of this paragraph, "emergency medical services  
12 provider" means emergency medical services personnel,  
13 as defined in section 321-222, and physicians,  
14 physician's assistants, nurses, nurse practitioners,  
15 certified registered nurse anesthetists, respiratory  
16 therapists, laboratory technicians, radiology  
17 technicians, and social workers, providing services in  
18 the emergency room of a hospital;

19 ~~(g)~~ (f) Intentionally or knowingly causes bodily injury  
20 to a person employed at a state-operated or -  
21 contracted mental health facility. For the purposes



1 of this paragraph, "a person employed at a state-  
2 operated or -contracted mental health facility"  
3 includes health care professionals as defined in  
4 section 451D-2, administrators, orderlies, security  
5 personnel, volunteers, and any other person who is  
6 engaged in the performance of a duty at a state-  
7 operated or -contracted mental health facility;

8 [~~h~~] (g) Intentionally or knowingly causes bodily injury  
9 to a person who:

10 (i) The defendant has been restrained from, by order  
11 of any court, including an ex parte order,  
12 contacting, threatening, or physically abusing  
13 pursuant to chapter 586; or

14 (ii) Is being protected by a police officer ordering  
15 the defendant to leave the premises of that  
16 protected person pursuant to section 709-906(4),  
17 during the effective period of that order;

18 [~~i~~] (h) Intentionally or knowingly causes bodily injury  
19 to any firefighter or water safety officer who is  
20 engaged in the performance of duty. For the purposes  
21 of this paragraph, "firefighter" has the same meaning



1 as in section 710-1012 and "water safety officer"  
2 means any public servant employed by the United  
3 States, the State, or any county as a lifeguard or  
4 person authorized to conduct water rescue or ocean  
5 safety functions;

6 ~~(j)~~ (i) Intentionally or knowingly causes bodily injury  
7 to a person who is engaged in the performance of duty  
8 at a health care facility as defined in section  
9 323D-2. For purposes of this paragraph, "a person who  
10 is engaged in the performance of duty at a health care  
11 facility" includes health care professionals as  
12 defined in section 451D-2, physician assistants,  
13 surgical assistants, advanced practice registered  
14 nurses, nurse aides, respiratory therapists,  
15 laboratory technicians, and radiology technicians;

16 ~~(k)~~ (j) Intentionally or knowingly causes bodily injury  
17 to a person who is engaged in providing home health  
18 care services, as defined in section 431:10H-201;

19 ~~(l)~~ (k) Intentionally or knowingly causes bodily injury  
20 to a person employed or contracted to work by a mutual  
21 benefit society, as defined in section 432:1-104, to



1 provide case management services to an individual in a  
2 hospital, health care provider's office, or home,  
3 while that person is engaged in the performance of  
4 those services;

5 ~~[(m)]~~ (l) Intentionally or knowingly causes bodily injury  
6 to a person who is sixty years of age or older and the  
7 age of the injured person is known or reasonably  
8 should be known to the person causing the injury;

9 ~~[(n)] Intentionally or knowingly causes bodily injury to a~~  
10 ~~sports official who is engaged in the lawful discharge~~  
11 ~~of the sports official's duties. For the purposes of~~  
12 ~~this paragraph, "sports official" and "lawful~~  
13 ~~discharge of the sports official's duties" have the~~  
14 ~~same meaning as in section 706-605.6;~~

15 ~~[(o)]~~ (m) Intentionally or knowingly causes bodily injury to  
16 a national guard member who is engaged in the  
17 performance of duty. For purposes of this paragraph,  
18 "national guard member" means a member of the national  
19 guard on any duty or service done under or in  
20 pursuance of an order or call of the governor or the



1 President of the United States or any proper authority  
2 as provided by law; or  
3 ~~[(p)]~~ (n) Intentionally or knowingly causes bodily injury  
4 to any protective services worker who is engaged in  
5 the performance of the worker's duties. For purposes  
6 of this paragraph, "protective services worker" means  
7 any administrator, specialist, social worker, case  
8 manager, or aide employed by the department of human  
9 services to investigate or provide services in  
10 response to reports of child abuse or neglect, or to  
11 investigate or provide services in response to reports  
12 of abuse or neglect of a vulnerable adult."

PART III

14 SECTION 7. Statutory material to be repealed is bracketed  
15 and stricken. New statutory material is underscored.

16 SECTION 8. This Act shall take effect on July 1, 3000.



**Report Title:**

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

**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: Clarifies that a sports official's duties cover sports events at public schools and private schools. Makes intentional or knowing bodily injury of an educational worker or a sports official engaged in the lawful discharge of their duties a class C felony for the first offense and a class B felony for a second or subsequent offense within ten years. Effective 7/1/3000. (SD2)

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

