

JAN 28 2026

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



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

10 (b) An educational worker who seeks judicial protection
11 from harassment, as provided for in section 711-1106, including
12 obtaining a temporary restraining order, shall be entitled to a
13 leave of absence with pay to attend court proceedings related to
14 the protection; provided that the educational worker shall
15 provide documentation to the department verifying the
16 court-related leave of absence; provided further that for those
17 employees included in bargaining units pursuant to section 89-6,
18 the leave of absence shall be negotiated pursuant to section
19 89-9(a). The duration of the leave of absence with pay shall be
20 reasonable and sufficient to allow the educational worker to



1 fulfill their court-related obligations.

2 (c) The department shall:

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

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

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

19 (A) The procedures shall be included with current
20 information related to harassment and safety in
21 the department's opening of the school year



1 packet that is provided to all department
2 employees annually; and

3 (B) The procedures shall be posted on the
4 department's website with current information
5 regarding procedures for employee safety;

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

15 (5) Assist educational workers with any legal actions that
16 may arise from harassment, as provided for in section
17 711-1106, including reimbursing the educational worker
18 for the costs incurred from serving temporary
19 restraining orders related to the harassment, but
20 shall not include the payment of attorneys' fees or
21 court costs; and



(6) Ensure implementation of annual training for all educational workers on how to handle harassment situations and the use of de-escalation techniques; provided that this training may be included in the annual safety training provided by the department for all employees.

(d) For the purposes of this section, "educational worker" means any administrator, specialist, counselor, teacher, or employee of the department or a person hired by the department on a contractual basis and engaged in carrying out a department function."

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

"§302D- Educational workers; protection and workplace safety; harassment; reporting; training. (a) When any educational worker believes that the educational worker is being subjected to harassment, as provided for in section 711-1106, the educational worker may inform the educational worker's immediate supervisor, who shall take appropriate action using the procedures established pursuant to subsection (c)(3),



1 including but not limited to change of workstation, development
2 of a safety plan, mediation, administrative leave, or other
3 actions in alignment with collective bargaining agreements.

4 (b) An educational worker who seeks judicial protection
5 from harassment, as provided for in section 711-1106, including
6 obtaining a temporary restraining order, shall be entitled to a
7 leave of absence with pay to attend court proceedings related to
8 the protection; provided that the educational worker shall
9 provide documentation to the public charter school verifying the
10 court-related leave of absence; provided further that for those
11 employees included in bargaining units pursuant to section 89-6,
12 the leave of absence shall be negotiated pursuant to section
13 89-9(a). The duration of the leave of absence with pay shall be
14 reasonable and sufficient to allow the educational worker to
15 fulfill their court-related obligations.

16 (c) A public charter school shall:

17 (1) Conduct a formal internal investigation of all
18 incidents of harassment submitted to the public
19 charter school by an educational worker pursuant to
20 subsection (a); provided that for the purposes of this
21 paragraph, "formal internal investigation" does not



include an investigation conducted by a contracted
third party;

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

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

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

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

(4) Develop a written emergency safety plan for aiding
educational workers who may experience potentially
harmful situations, including situations involving
harassment, occurring in their work areas; provided



1 that the public charter school shall give
2 consideration to suggestions provided by educational
3 workers in developing the emergency safety plan;
4 provided further that plans shall include procedures
5 developed pursuant to paragraph (3) and
6 subsection (a);

7 (5) Assist educational workers with any legal actions that
8 may arise from harassment, as provided for in section
9 711-1106, including reimbursing the educational worker
10 for the costs incurred from serving temporary
11 restraining orders related to the harassment, but
12 shall not include the payment of attorneys' fees or
13 court costs; and

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

17 (d) For the purposes of this section, "educational worker"
18 means any administrator, specialist, counselor, teacher, or
19 employee of a public charter school or a person hired by a
20 public charter school on a contractual basis and engaged in
21 carrying out a public charter school function."



S.B. NO. 3179

1 SECTION 4. New statutory material is underscored.

2 SECTION 5. This Act shall take effect upon its approval.

3

INTRODUCED BY: *Jenae Mercado Kim*



S.B. NO. 3179

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.

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

