THE SENATE
THIRTY-THIRD LEGISLATURE, 2026
STATE OF HAWAII

S.B. NO. 3179 S.D. 1

A BILL FOR AN ACT

RELATING TO THE SAFETY OF EDUCATIONAL WORKERS.

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

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

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

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

"**§302A- 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, by a person not employed by the department because of the educational worker's position as an educational worker, 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), including but not limited to change of workstation, development of a safety plan, mediation, administrative leave, or other actions in alignment with collective bargaining agreements.

(b) An educational worker who seeks judicial protection from harassment, as provided for in section 711-1106, by a person not employed by the department because of the educational worker's position as an educational worker, including obtaining a temporary restraining order, shall be entitled to a leave of absence with pay to attend court proceedings related to the protection; provided that the educational worker shall provide documentation to the department verifying the court-related leave of absence; provided further that for those employees included in bargaining units pursuant to section 89-6, the leave

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

(c) The department shall:

(1) Conduct a formal internal investigation of all incidents of harassment submitted to the department by an educational worker pursuant to subsection (a); provided that for the purposes of this 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 department 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 included with current information related to harassment and safety in the department's opening of the school year packet that is provided to all department employees annually; and

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

(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 that the department shall give consideration to suggestions provided by educational workers in developing the emergency safety plan; provided further that plans shall include procedures developed pursuant to paragraph (3) and subsection (a);

(5) Assist educational workers with legal actions to obtain temporary restraining orders that may arise from harassment, as provided for in section 711-1106, by a person not employed by the department because of

the educational worker's position as an educational worker, including reimbursing the educational worker for the costs incurred from serving temporary restraining orders related to the harassment; provided that reimbursement shall not include the payment of attorneys' fees or 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 shall 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, by a person not employed by a public charter school because of the educational worker's position as an educational worker, 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), including but not limited to change of workstation, development of a safety plan, mediation, administrative leave, or other actions in alignment with collective bargaining agreements.

(b) An educational worker who seeks judicial protection from harassment, as provided for in section 711-1106, by a person not employed by a public charter school because of the educational worker's position as an educational worker, including obtaining a temporary restraining order, shall be entitled to a leave of absence with pay to attend court proceedings related to the protection; provided that the educational worker shall provide documentation to the public charter school verifying the court-related leave of absence;

provided further that for those employees included in bargaining units pursuant to section 89-6, the leave of absence shall be negotiated pursuant to section 89-9(a). The duration of the leave of absence with pay shall be reasonable and sufficient to allow the educational worker to fulfill their court-related obligations.

(c) A public charter school shall:

(1) Conduct a formal internal investigation of all incidents of harassment submitted to the public charter school by an educational worker pursuant to subsection (a); provided that for the purposes of this 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 that the public charter school shall give consideration to suggestions provided by educational workers in developing the emergency safety plan; provided further that plans shall include procedures developed pursuant to paragraph (3) and subsection (a);

(5) Assist educational workers with legal actions to obtain temporary restraining orders that may arise from harassment, as provided for in section 711-1106,

by a person not employed by a public charter school because of the educational worker's position as an educational worker, including reimbursing the educational worker for the costs incurred from serving temporary restraining orders related to the harassment; provided that reimbursement shall not include the payment of attorneys' fees or 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.

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

SECTION 4. New statutory material is underscored.

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

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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 regarding incidents of harassment and implement procedures for handling harassment of educational workers. (SD1)

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