
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 and the establishment of a mechanism to address this harassment,
8 is essential to ensuring a secure and conducive environment for
9 educators and students in the State.

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

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



1 "§302A- Educational workers; protection and workplace

2 safety; harassment; reporting; training. (a) An educational

3 worker may, if required by their employing school, work or

4 perform tasks when the educational worker is subjected to

5 harassment.

6 (b) When any educational worker believes that the

7 educational worker is being subjected to harassment, the

8 educational worker may inform the educational worker's immediate

9 supervisor, who shall take appropriate action using the

10 procedures established pursuant to subsection (d) (3).

11 (c) An educational worker who seeks judicial protection

12 from harassment, shall be entitled to a leave of absence with

13 pay to attend court proceedings related to the protection;

14 provided that for those employees included in bargaining units

15 pursuant to section 89-6, such leave must be negotiated pursuant

16 to section 89-9(a). The duration of the leave of absence with

17 pay shall be reasonable and sufficient to allow the educational

18 worker to fulfill their court-related obligations.

19 (d) The department shall:



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



1 situations, including situations involving harassment,
2 occurring in their work areas; provided that the
3 department shall give consideration to suggestions
4 provided by educational workers in developing the
5 emergency safety plan;

6 (5) Assist educational workers with any legal actions that
7 may arise from harassment, including providing
8 assistance through the department's legal advocate in
9 obtaining a temporary restraining order and
10 reimbursing the educational worker for the costs
11 incurred from serving temporary restraining orders
12 related to the harassment, but not including the
13 payment of attorney's fees or court costs; and

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

17 (e) For the purposes of this section:

18 "Educational worker" means any administrator, specialist,
19 counselor, teacher, or employee of the department; a person who
20 is a volunteer, as defined in section 90-1, in a school program,
21 activity, or function that is established, sanctioned, or



1 approved by the department; or a person hired by the department
2 on a contractual basis and engaged in carrying out a department
3 function.

4 "Harassment" shall have the same meaning as provided in
5 section 711-1106 and be based on the educational worker's
6 position as an educational worker."

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

10 "§302D- Educational workers; protection and workplace
11 safety; harassment; reporting; training. (a) An educational
12 worker may, if required by their employing school, work or
13 perform tasks when the educational worker is subjected to
14 harassment.

15 (b) When any educational worker believes that the
16 educational worker is being subjected to harassment, the
17 educational worker may inform the educational worker's immediate
18 supervisor, who shall take appropriate action using the
19 procedures established pursuant to subsection (d) (3).

20 (c) An educational worker who seeks judicial protection
21 from harassment, including obtaining a temporary restraining



1 order, shall be entitled to a leave of absence with pay to
2 attend court proceedings related to the protection; provided
3 that for those employees included in bargaining units pursuant
4 to section 89-6, such leave must be negotiated pursuant to
5 section 89-9(a). The duration of the leave of absence with pay
6 shall be reasonable and sufficient to allow the educational
7 worker to fulfill their court-related obligations.

8 (d) A public charter school shall:

- 9 (1) Conduct a formal investigation of all incidents of
10 harassment submitted to the public charter school by
11 an educational worker pursuant to subsection (b);
12 (2) Report to the proper law enforcement authority within
13 forty-eight hours all incidents of harassment
14 submitted to the public charter school by an
15 educational worker pursuant to subsection (b), where
16 the incident of harassment involves a potential threat
17 of physical harm to the educational worker or another
18 person;
19 (3) Implement procedures for the handling of harassment of
20 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 have potentially harmful
9 situations, including situations involving harassment,
10 occurring in their work areas; provided that the
11 public charter school shall give consideration to
12 suggestions provided by educational workers in
13 developing the emergency safety plan;
- 14 (5) Assist educational workers with any legal actions that
15 may arise from harassment, including providing
16 assistance through the commission's legal advocate in
17 obtaining a temporary restraining order and
18 reimbursing the educational worker for the costs
19 incurred from serving temporary restraining orders
20 related to the harassment, but not including the
21 payment of attorney's fees or court costs; and



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

4 (e) For purposes of this section:

5 "Educational worker" means any administrator, specialist,
6 counselor, teacher, or employee of a public charter school; a
7 person who is a volunteer, as defined in section 90-1, in a
8 school program, activity, or function that is established,
9 sanctioned, or approved by a public charter school; or a person
10 hired by a public charter school on a contractual basis and
11 engaged in carrying out a public charter school function.

12 "Harassment" shall have the same meaning as provided in
13 section 711-1106 and be based on the educational worker's
14 position as an educational worker."

15 SECTION 4. There is appropriated out of the general
16 revenues of the State of Hawaii the sum of \$ or so
17 much thereof as may be necessary for fiscal year 2026-2027 for
18 the department of education to establish one full-time
19 equivalent (1.0 FTE) legal advocate position to assist
20 educational workers employed by the department in obtaining a



1 temporary restraining order as provided in section 302A- ,
2 Hawaii Revised Statutes.

3 The sum appropriated shall be expended by the department of
4 education for the purposes of this part.

5 SECTION 5. There is appropriated out of the general
6 revenues of the State of Hawaii the sum of \$ or so
7 much thereof as may be necessary for fiscal year 2026-2027 for
8 the state public charter school commission to establish one
9 full-time equivalent (1.0 FTE) legal advocate position to assist
10 educational workers employed by charter schools in obtaining a
11 temporary restraining order as provided in section 302D- ,
12 Hawaii Revised Statutes..

13 The sum appropriated shall be expended by the state public
14 charter school commission for the purposes of this part.

15 PART II

16 SECTION 6. Section 711-1106, Hawaii Revised Statutes, is
17 amended to read as follows:

18 "**§711-1106 Harassment.** (1) A person commits the offense
19 of harassment if, with intent to harass, annoy, or alarm any
20 other person, that person:



- 1 (a) Strikes, shoves, kicks, or otherwise touches another
2 person in an offensive manner or subjects the other
3 person to offensive physical contact;
- 4 (b) Insults, taunts, or challenges another person in a
5 manner likely to provoke an immediate violent response
6 or that would cause the other person to reasonably
7 believe that the actor intends to cause bodily injury
8 to the recipient or another or damage to the property
9 of the recipient or another;
- 10 (c) Repeatedly makes telephone calls, facsimile
11 transmissions, or any form of electronic communication
12 as defined in section 711-1111(2), including
13 electronic mail transmissions, without purpose of
14 legitimate communication;
- 15 (d) Repeatedly makes a communication anonymously or at an
16 extremely inconvenient hour;
- 17 (e) Repeatedly makes communications, after being advised
18 by the person to whom the communication is directed
19 that further communication is unwelcome; ~~[or]~~
- 20 (f) Makes a communication using offensively coarse
21 language that would cause the recipient to reasonably



1 believe that the actor intends to cause bodily injury
2 to the recipient or another or damage to the property
3 of the recipient or another[-]; or

4 (g) Disrupts or interferes with the administration or
5 functions of any school, school administration office,
6 or school board.

7 (2) Harassment is a petty misdemeanor[-] unless the
8 recipient is an educational worker, in which case it is a
9 misdemeanor.

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

19 PART III



1 SECTION 7. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun before its effective date.

4 SECTION 8. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 9. This Act shall take effect on July 1, 3000.



Report Title:

DOE; Public Charter Schools; Educational Workers; Protection and Workplace Safety; Penal Code; Harassment; Legal Advocate; Appropriation

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. Includes the disruption or interference with the administration or functions of any school, school administration office, or school board in the offense of harassment. Elevates the penalty for harassment to a misdemeanor when the recipient is an educational worker. Appropriates funds. Effective 7/1/3000. (HD1)

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

