
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 pay
13 to attend court proceedings related to the protection; provided
14 that for those employees included in bargaining units pursuant
15 to section 89-6, such leave shall be negotiated pursuant to
16 section 89-9(a). The duration of the leave of absence with pay
17 shall be reasonable and sufficient to allow the educational
18 worker to fulfill their court-related obligations. Paid leave
19 under this subsection may be satisfied through the use of
20 accrued sick leave, vacation leave, administrative leave, or any
21 other paid leave authorized by the employer and shall not



1 require the employer to provide additional paid leave beyond
2 existing leave benefits.

3 (d) The department shall:

4 (1) Conduct a formal investigation of all incidents of
5 harassment submitted to the department by an
6 educational worker pursuant to subsection (b);

7 (2) Report to the proper law enforcement authority, within
8 forty-eight hours, all incidents of harassment
9 submitted to the department by an educational worker
10 pursuant to subsection (b);

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

15 (A) The procedures shall be included in the
16 department's opening of the school year packet
17 provided to all educational workers annually; 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 subjected to harassment,
7 including providing assistance through the
8 department's advocate in obtaining a temporary
9 restraining order and reimbursing the educational
10 worker for the costs incurred from serving temporary
11 restraining orders related to the harassment, but not
12 including the payment of attorney's fees or court
13 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:

19 (1) Any administrator, specialist, counselor, teacher, or
20 employee of the department;



1 (2) A person who is a volunteer, as defined in section 90-
2 1, in a school program, activity, or function that is
3 established, sanctioned, or approved by the
4 department; or

5 (3) A person hired by the department on a contractual
6 basis and engaged in carrying out a department
7 function.

8 "Harassment" has the same meaning as provided in section
9 711-1106 and be based on the educational worker's position as an
10 educational worker."

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

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

19 (b) When any educational worker believes that the
20 educational worker is being subjected to harassment, the
21 educational worker may inform the educational worker's immediate



1 supervisor, who shall take appropriate action using the
2 procedures established pursuant to subsection (d) (3).

3 (c) An educational worker who seeks judicial protection
4 from harassment, including obtaining a temporary restraining
5 order, shall be entitled to a leave of absence with pay to
6 attend court proceedings related to the protection; provided
7 that for those employees included in bargaining units pursuant
8 to section 89-6, such leave shall be negotiated pursuant to
9 section 89-9(a). The duration of the leave of absence with pay
10 shall be reasonable and sufficient to allow the educational
11 worker to fulfill their court-related obligations. Paid leave
12 under this subsection may be satisfied through the use of
13 accrued sick leave, vacation leave, administrative leave, or any
14 other paid leave authorized by the employer and shall not
15 require the employer to provide additional paid leave beyond
16 existing leave benefits.

17 (d) A public charter school shall:

18 (1) Conduct a formal investigation of all incidents of
19 harassment submitted to the public charter school by
20 an educational worker pursuant to subsection (b);



- 1 (2) Report to the proper law enforcement authority, within
2 forty-eight hours, all incidents of harassment
3 submitted to the public charter school by an
4 educational worker pursuant to subsection (b);
- 5 (3) Implement procedures for the handling of harassment of
6 educational workers, including educational workers
7 excluded from collective bargaining under chapter 89;
8 provided that:
- 9 (A) The procedures shall be provided to all
10 educational workers of a public charter school
11 annually; and
- 12 (B) The procedures shall be posted on the public
13 charter school's website;
- 14 (4) Develop a written emergency safety plan for aiding
15 educational workers who have potentially harmful
16 situations, including situations involving harassment,
17 occurring in their work areas; provided that the
18 public charter school shall give consideration to
19 suggestions provided by educational workers in
20 developing the emergency safety plan;



- 1 (5) Assist educational workers subject to harassment,
2 including providing assistance through the
3 commission's advocate in obtaining a temporary
4 restraining order and reimbursing the educational
5 worker for the costs incurred from serving temporary
6 restraining orders related to the harassment, but not
7 including the payment of attorney's fees or court
8 costs; and
- 9 (6) Implement annual training for all educational workers
10 on how to use de-escalation techniques and handle
11 harassment from outside actors.
- 12 (e) For purposes of this section:
- 13 "Educational worker" means:
- 14 (1) Any administrator, specialist, counselor, teacher, or
15 employee of a public charter school;
- 16 (2) A person who is a volunteer, as defined in section 90-
17 1, in a school program, activity, or function that is
18 established, sanctioned, or approved by a public
19 charter school; or



1 (3) A person hired by a public charter school on a
2 contractual basis and engaged in carrying out a public
3 charter school 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 4. Section 605-14, Hawaii Revised Statutes, is
8 amended to read as follows:

9 "**§605-14 Unauthorized practice of law prohibited.** It
10 shall be unlawful for any person, firm, association, or
11 corporation to engage in or attempt to engage in or to offer to
12 engage in the practice of law, or to do or attempt to do or
13 offer to do any act constituting the practice of law, except and
14 to the extent that the person, firm, or association is licensed
15 or authorized so to do by an appropriate court, agency, or
16 office or by a statute of the State or of the United States.
17 Nothing in sections 605-14 to 605-17 contained shall be
18 construed to prohibit the preparation or use by any party to a
19 transaction of any legal or business form or document used in
20 the transaction[-] or the preparation of any legal form of



1 document for any complainant seeking a temporary restraining
2 order as provided by sections 302A- or 302D- ."

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

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

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



1 electronic mail transmissions, without purpose of
2 legitimate communication;

3 (d) Repeatedly makes a communication anonymously or at an
4 extremely inconvenient hour;

5 (e) Repeatedly makes communications, after being advised
6 by the person to whom the communication is directed
7 that further communication is unwelcome; or

8 (f) Makes a communication using offensively coarse
9 language that would cause the recipient 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 (2) Harassment is a petty misdemeanor[-] unless the victim
14 is an educational worker, in which case harassment is a
15 misdemeanor.

16 (3) For the purposes of this section, "educational worker"
17 means:

18 (a) Any administrator, specialist, counselor, teacher, or
19 employee of the department of education or an employee
20 of a charter school;



1 (b) A person who is a volunteer as defined in section
2 90-1, in a school program, activity, or function that
3 is established, sanctioned, or approved by the
4 department of education or a public charter school; or
5 (c) A person hired by the department of education on a
6 contractual basis and engaged in carrying out
7 department of education or public charter school
8 function."

PART III

10 SECTION 8. This Act does not affect rights and duties that
11 matured, penalties that were incurred, and proceedings that were
12 begun before its effective date.

13 SECTION 9. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 10. This Act shall take effect on July 1, 3000.



Report Title:

DOE; Public Charter Schools; Educational Workers; Protection and Workplace Safety; Penal Code; Harassment; 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. Elevates the penalty for harassment to a misdemeanor when the recipient is an educational worker. Appropriates funds. Effective 7/1/3000. (HD2)

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

