
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) When any
3 educational worker believes that the educational worker is being
4 subjected to harassment, the educational worker may inform the
5 educational worker's immediate supervisor, who shall take
6 appropriate action using the procedures established pursuant to
7 subsection (c).

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



1 (c) The department shall:

2 (1) Conduct a formal investigation of all incidents of
3 harassment reported pursuant to subsection (a);

4 (2) Report to the proper law enforcement authority, within
5 forty-eight hours, all incidents of harassment
6 reported pursuant to subsection (a);

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 in the
12 department's opening of the school year packet
13 provided to all educational workers annually; and

14 (B) The procedures shall be posted on the
15 department's website;

16 (4) Develop a written emergency safety plan for aiding
17 educational workers who experience potentially harmful
18 situations, including situations involving harassment,
19 in their work areas; provided that the department
20 shall consider suggestions provided by educational
21 workers in developing the emergency safety plan;



1 (5) Assist educational workers who are subjected to
2 harassment, including providing assistance in
3 obtaining a temporary restraining order and
4 reimbursing the educational worker for the costs
5 incurred in serving a temporary restraining order
6 related to the harassment, but not including the
7 payment of attorney's fees or court costs; and

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

11 (d) The department may require an educational worker to
12 work or perform tasks pending a formal investigation initiated
13 pursuant subsection (c).

14 (e) For the purposes of this section:

15 "Educational worker" means:

16 (1) Any administrator, specialist, counselor, teacher, or
17 employee of the department;

18 (2) A person who is a volunteer, as defined in section 90-
19 1, in a school program, activity, or function that is
20 established, sanctioned, or approved by the
21 department; or



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

4 "Harassment" has the same meaning as provided in section
5 711-1106 and shall be based on the educational worker's position
6 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) When any
12 educational worker believes that the educational worker is being
13 subjected to harassment, the educational worker may inform the
14 educational worker's immediate supervisor, who shall take
15 appropriate action using the procedures established pursuant to
16 subsection (c).

17 (b) An educational worker who seeks judicial protection
18 from harassment, including obtaining a temporary restraining
19 order, shall be entitled to a leave of absence with pay to
20 attend court proceedings related to the protection; provided
21 that for those employees included in bargaining units pursuant



1 to section 89-6, such leave shall be negotiated pursuant to
2 section 89-9(a). The duration of the leave of absence with pay
3 shall be reasonable and sufficient to allow the educational
4 worker to fulfill their court-related obligations. Paid leave
5 under this subsection may be satisfied through the use of
6 accrued sick leave, vacation leave, administrative leave, or any
7 other paid leave authorized by the employer and shall not
8 require the employer to provide additional paid leave beyond
9 existing leave benefits.

10 (c) A public charter school shall:

11 (1) Conduct a formal investigation of all incidents of
12 harassment reported pursuant to subsection (a);

13 (2) Report to the proper law enforcement authority, within
14 forty-eight hours, all incidents of harassment
15 reported pursuant to subsection (a);

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



1 (A) The procedures shall be provided to all
2 educational workers of a public charter school
3 annually; and

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

6 (4) Develop a written emergency safety plan for aiding
7 educational workers who experience potentially harmful
8 situations, including situations involving harassment,
9 in their work areas; provided that the public charter
10 school shall consider suggestions provided by
11 educational workers in developing the emergency safety
12 plan;

13 (5) Assist educational workers who are subjected to
14 harassment, including providing assistance in
15 obtaining a temporary restraining order and
16 reimbursing the educational worker for the costs
17 incurred in serving a temporary restraining order
18 related to the harassment, but not including the
19 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 (d) A public charter school may require an educational
5 worker to work or perform tasks pending a formal investigation
6 initiated pursuant subsection (c).

7 (e) For purposes of this section:

8 "Educational worker" means:

9 (1) Any administrator, specialist, counselor, teacher, or
10 employee of a public charter school;

11 (2) A person who is a volunteer, as defined in section 90-
12 1, in a school program, activity, or function that is
13 established, sanctioned, or approved by a public
14 charter school; or

15 (3) A person hired by a public charter school on a
16 contractual basis and engaged in carrying out a public
17 charter school function.

18 "Harassment" has the same meaning as provided in section
19 711-1106 and shall be based on the educational worker's position
20 as an educational worker."



1 SECTION 4. Section 605-14, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§605-14 Unauthorized practice of law prohibited.** It
4 shall be unlawful for any person, firm, association, or
5 corporation to engage in or attempt to engage in or to offer to
6 engage in the practice of law, or to do or attempt to do or
7 offer to do any act constituting the practice of law, except and
8 to the extent that the person, firm, or association is licensed
9 or authorized so to do by an appropriate court, agency, or
10 office or by a statute of the State or of the United States.
11 Nothing in [~~sections 605-14~~] this section to section 605-17
12 [~~contained~~] shall be construed to prohibit the preparation or
13 use by any party to a transaction of any legal or business form
14 or document used in the transaction[~~-~~] or the preparation of any
15 legal form or document for any complainant seeking a temporary
16 restraining order as provided by sections 302A- or 302D- ."

17 PART II

18 SECTION 5. Section 711-1106, Hawaii Revised Statutes, is
19 amended to read as follows:



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

4 (a) Strikes, shoves, kicks, or otherwise touches another
5 person in an offensive manner or subjects the other
6 person to offensive physical contact;

7 (b) Insults, taunts, or challenges another person in a
8 manner likely to provoke an immediate violent response
9 or that would cause the other person 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 (c) Repeatedly makes telephone calls, facsimile
14 transmissions, or any form of electronic communication
15 as defined in section 711-1111(2), including
16 electronic mail transmissions, without purpose of
17 legitimate communication;

18 (d) Repeatedly makes a communication anonymously or at an
19 extremely inconvenient hour;



1 (e) Repeatedly makes communications, after being advised
2 by the person to whom the communication is directed
3 that further communication is unwelcome; [~~or~~]

4 (f) Makes a communication using offensively coarse
5 language that would cause the recipient to reasonably
6 believe that the actor intends to cause bodily injury
7 to the recipient or another or damage to the property
8 of the recipient or another[~~-~~]; or

9 (g) Disrupts or interferes with the administration or
10 functions of any school, school administration office,
11 or school board.

12 (2) Harassment [~~is~~] shall be a petty misdemeanor[~~-~~];
13 provided that if the victim is an educational worker, harassment
14 shall be a misdemeanor.

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

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

20 (b) A person who is a volunteer as defined in section
21 90-1, in a school program, activity, or function that



Report Title:

DOE; Public Charter Schools; Educational Workers; Protection and Workplace Safety; Penal Code; 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. Elevates the penalty for harassment of educational workers to a misdemeanor. Effective 7/1/3000. (HD3)

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

