
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 public-facing educational workers, including sports
12 officials, by requiring the department of education and state
13 public charter schools to take certain steps to better address
14 the harassment of educational workers.

15 SECTION 2. Chapter 302A, Hawaii Revised Statutes, is
16 amended by adding a new section to be appropriately designated
17 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, leave shall be negotiated pursuant to section
14 89-9(a). The duration of the leave of absence with pay shall be
15 reasonable and sufficient to allow the educational worker to
16 fulfill their court-related obligations. Paid leave under this
17 subsection may be satisfied through the use of accrued sick
18 leave, vacation leave, administrative leave, or any other paid
19 leave authorized by the employer and shall not require the
20 employer to provide additional paid leave beyond existing leave
21 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; and



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

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

7 (e) The attorney general may assist educational workers
8 who are subjected to harassment or intentional bodily injury in
9 obtaining a temporary restraining order.

10 (f) For the purposes of this section:

11 "Educational worker" means:

12 (1) Any specialist, counselor, teacher, sports official,
13 or employee of the department;

14 (2) A person who is a volunteer, as defined in section 90-
15 1, in a school program, activity, or function that is
16 established, sanctioned, or approved by the
17 department; or

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



1 "Harassment" has the same meaning as provided in section
2 711-1106 and shall be based on the educational worker's position
3 as an educational worker.

4 "Sports official" has the same meaning as defined in
5 section 706-605.6."

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

9 **§302D- Educational workers; protection and workplace**
10 **safety; harassment; reporting; training.** (a) When any
11 educational worker believes that the educational worker is being
12 subjected to harassment, the educational worker may inform the
13 educational worker's immediate supervisor, who shall take
14 appropriate action using the procedures established pursuant to
15 subsection (c).

16 (b) An educational worker who seeks judicial protection
17 from harassment, including obtaining a temporary restraining
18 order, shall be entitled to a leave of absence with pay to
19 attend court proceedings related to the protection; provided
20 that for those employees included in bargaining units pursuant
21 to section 89-6, leave shall be negotiated pursuant to section



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

9 (c) A public charter school shall:

- 10 (1) Conduct a formal investigation of all incidents of
11 harassment reported pursuant to subsection (a);
- 12 (2) Report to the proper law enforcement authority, within
13 forty-eight hours, all incidents of harassment
14 reported pursuant to subsection (a);
- 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 provided to all
20 educational workers of a public charter school
21 annually; and



- 1 (B) The procedures shall be posted on the public
2 charter school's website;
- 3 (4) Develop a written emergency safety plan for aiding
4 educational workers who experience potentially harmful
5 situations, including situations involving harassment,
6 in their work areas; provided that the public charter
7 school shall consider suggestions provided by
8 educational workers in developing the emergency safety
9 plan; and
- 10 (5) Implement annual training for all educational workers
11 on how to use de-escalation techniques and handle
12 harassment from outside actors.
- 13 (d) A public charter school may require an educational
14 worker to work or perform tasks pending a formal investigation
15 initiated pursuant subsection (c).
- 16 (e) The attorney general may assist educational workers
17 who are subjected to harassment or intentional bodily injury in
18 obtaining a temporary restraining order.
- 19 (f) For the purposes of this section:
20 "Educational worker" means:



- 1 (1) Any specialist, counselor, teacher, sports official,
- 2 or employee of a public charter school;
- 3 (2) A person who is a volunteer, as defined in section 90-
- 4 1, in a school program, activity, or function that is
- 5 established, sanctioned, or approved by a public
- 6 charter school; or
- 7 (3) A person hired by a public charter school on a
- 8 contractual basis and engaged in carrying out a public
- 9 charter school function.

10 "Harassment" has the same meaning as provided in section
 11 711-1106 and shall be based on the educational worker's position
 12 as an educational worker.

13 "Sports official" has the same meaning as defined in
 14 section 706-605.6."

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

17 **"§605-14 Unauthorized practice of law prohibited.** It
 18 shall be unlawful for any person, firm, association, or
 19 corporation to engage in or attempt to engage in or to offer to
 20 engage in the practice of law, or to do or attempt to do or
 21 offer to do any act constituting the practice of law, except and



1 to the extent that the person, firm, or association is licensed
 2 or authorized so to do by an appropriate court, agency, or
 3 office or by a statute of the State or of the United States.
 4 Nothing in [~~sections 605-14~~] this section to section 605-17
 5 [~~contained~~] shall be construed to prohibit the preparation or
 6 use by any party to a transaction of any legal or business form
 7 or document used in the transaction[~~+~~] or the preparation of any
 8 legal form or document for any complainant seeking a temporary
 9 restraining order as provided by sections 302A- or 302D- ."

PART II

SECTION 5. Section 706-605.6, Hawaii Revised Statutes, is amended to read as follows:

"§706-605.6 Assault against a sports official. (1) If a person is convicted of the offense of:

(a) Assault in the first degree, as provided by section 707-710;

(b) Assault in the second degree, as provided by section 707-711(1)(a), (b), or (d) [~~or (n)~~];

(c) Assault in the third degree, as provided by section 707-712;



1 (d) Terroristic threatening in the first degree, as
2 provided by section 707-716(a), (e), or (f); or
3 (e) Terroristic threatening in the second degree, as
4 provided by section 707-717; and
5 the victim of the offense is a sports official engaged in the
6 lawful discharge of the sports official's duties, the court may
7 order, in the court's discretion, that the defendant, in
8 addition to any other punishment imposed pursuant to chapter
9 706, be enjoined from attending any sports event of the type at
10 which the sports official was engaged in the lawful discharge of
11 the sports official's duties for a period of up to twelve months
12 from the date of sentencing for a first offense, and for life
13 for a second or subsequent offense.

14 (2) For the purposes of this section:

15 "Lawful discharge of the sports official's duty" means the
16 performance of duties of a sports official from the time the
17 sports official arrives at the venue of a sports event and
18 ending when the sports official returns to their residence or
19 business.

20 "Sports event" means any organized amateur or professional
21 athletic contest in the State.



1 "Sports official" means a person at a sports event,
2 including but not limited to a sports event at a public or
3 private school, who enforces the rules of the event, such as an
4 umpire, referee, timer, or scorer, or a person who supervises
5 the participants, such as a coach, or a league or school
6 administrator, regardless of whether the person is paid or
7 provides their services as an unpaid volunteer."

8 SECTION 6. Section 707-710, Hawaii Revised Statutes, is
9 amended by amending subsection (1) to read as follows:

10 "(1) A person commits the offense of assault in the first
11 degree if the person intentionally or knowingly causes:

12 (a) Serious bodily injury to another person; or
13 (b) Substantial bodily injury to a person who is sixty
14 years of age or older and the age of the injured
15 person is known or reasonably should be known to the
16 person causing the injury[+]; or

17 (c) Bodily injury to:
18 (i) A sports official who is engaged in the lawful
19 discharge of the sports official's duties;
20 provided that for the purposes of this
21 subparagraph, "sports official" and "lawful



1 discharge of the sports official's duties" have
2 the same meanings as defined in section
3 706-605.6; or

4 (ii) An educational worker who is engaged in the
5 performance of duty or who is within an
6 educational facility; provided that for the
7 purposes of this subparagraph, "educational
8 worker" means:

9 (A) Any specialist, counselor, teacher, or
10 employee of the department of education or a
11 public charter school;

12 (B) A person who is a volunteer, as defined in
13 section 90-1, in a school program, activity,
14 or function that is established, sanctioned,
15 or approved by the department of education
16 or a public charter school; or

17 (C) A person hired by the department of
18 education or by a public charter school on a
19 contractual basis and engaged in carrying
20 out a department of education or public
21 charter school function, respectively."



1 SECTION 7. Section 707-711, Hawaii Revised Statutes, is
2 amended by amending subsection (1) to read as follows:

3 "(1) A person commits the offense of assault in the second
4 degree if the person:

5 (a) Intentionally, knowingly, or recklessly causes
6 substantial bodily injury to another;

7 (b) Recklessly causes serious bodily injury to another;

8 (c) Intentionally or knowingly causes bodily injury to a
9 correctional worker, as defined in section 710-
10 1031(2), who is engaged in the performance of duty or
11 who is within a correctional facility;

12 (d) Intentionally or knowingly causes bodily injury to
13 another with a dangerous instrument;

14 ~~[(e) Intentionally or knowingly causes bodily injury to an~~
15 ~~educational worker who is engaged in the performance~~
16 ~~of duty or who is within an educational facility. For~~
17 ~~the purposes of this paragraph, "educational worker"~~
18 ~~means any administrator, specialist, counselor,~~
19 ~~teacher, or employee of the department of education or~~
20 ~~an employee of a charter school; a person who is a~~
21 ~~volunteer, as defined in section 90-1, in a school~~



1 ~~program, activity, or function that is established,~~
2 ~~sanctioned, or approved by the department of~~
3 ~~education; or a person hired by the department of~~
4 ~~education on a contractual basis and engaged in~~
5 ~~carrying out an educational function;~~

6 ~~(f)~~ (e) Intentionally or knowingly causes bodily injury
7 to any emergency medical services provider who is
8 engaged in the performance of duty. For the purposes
9 of this paragraph, "emergency medical services
10 provider" means emergency medical services personnel,
11 as defined in section 321-222, and physicians,
12 physician's assistants, nurses, nurse practitioners,
13 certified registered nurse anesthetists, respiratory
14 therapists, laboratory technicians, radiology
15 technicians, and social workers, providing services in
16 the emergency room of a hospital;

17 ~~(g)~~ (f) Intentionally or knowingly causes bodily injury
18 to a person employed at a state-operated or -
19 contracted mental health facility. For the purposes
20 of this paragraph, "a person employed at a state-
21 operated or -contracted mental health facility"



1 includes health care professionals as defined in
2 section 451D-2, administrators, orderlies, security
3 personnel, volunteers, and any other person who is
4 engaged in the performance of a duty at a state-
5 operated or -contracted mental health facility;

6 [~~(h)~~] (g) Intentionally or knowingly causes bodily injury
7 to a person who:

8 (i) The defendant has been restrained from, by order
9 of any court, including an ex parte order,
10 contacting, threatening, or physically abusing
11 pursuant to chapter 586; or

12 (ii) Is being protected by a police officer ordering
13 the defendant to leave the premises of that
14 protected person pursuant to section 709-906(4),
15 during the effective period of that order;

16 [~~(i)~~] (h) Intentionally or knowingly causes bodily injury
17 to any firefighter or water safety officer who is
18 engaged in the performance of duty. For the purposes
19 of this paragraph, "firefighter" has the same meaning
20 as in section 710-1012 and "water safety officer"
21 means any public servant employed by the United



1 States, the State, or any county as a lifeguard or
 2 person authorized to conduct water rescue or ocean
 3 safety functions;

4 ~~[(j)]~~ (i) Intentionally or knowingly causes bodily injury
 5 to a person who is engaged in the performance of duty
 6 at a health care facility as defined in section
 7 323D-2. For purposes of this paragraph, "a person who
 8 is engaged in the performance of duty at a health care
 9 facility" includes health care professionals as
 10 defined in section 451D-2, physician assistants,
 11 surgical assistants, advanced practice registered
 12 nurses, nurse aides, respiratory therapists,
 13 laboratory technicians, and radiology technicians;

14 ~~[(k)]~~ (j) Intentionally or knowingly causes bodily injury
 15 to a person who is engaged in providing home health
 16 care services, as defined in section 431:10H-201;

17 ~~[(l)]~~ (k) Intentionally or knowingly causes bodily injury
 18 to a person employed or contracted to work by a mutual
 19 benefit society, as defined in section 432:1-104, to
 20 provide case management services to an individual in a
 21 hospital, health care provider's office, or home,



1 while that person is engaged in the performance of
2 those services;

3 ~~(m)~~ (l) Intentionally or knowingly causes bodily injury
4 to a person who is sixty years of age or older and the
5 age of the injured person is known or reasonably
6 should be known to the person causing the injury;

7 ~~(n)~~ ~~Intentionally or knowingly causes bodily injury to a~~
8 ~~sports official who is engaged in the lawful discharge~~
9 ~~of the sports official's duties. For the purposes of~~
10 ~~this paragraph, "sports official" and "lawful~~
11 ~~discharge of the sports official's duties" have the~~
12 ~~same meaning as in section 706-605.6;~~

13 ~~(o)~~ (m) Intentionally or knowingly causes bodily injury
14 to a national guard member who is engaged in the
15 performance of duty. For purposes of this paragraph,
16 "national guard member" means a member of the national
17 guard on any duty or service done under or in
18 pursuance of an order or call of the governor or the
19 President of the United States or any proper authority
20 as provided by law; or



1 ~~[(p)]~~ (n) Intentionally or knowingly causes bodily injury
2 to any protective services worker who is engaged in
3 the performance of the worker's duties. For purposes
4 of this paragraph, "protective services worker" means
5 any administrator, specialist, social worker, case
6 manager, or aide employed by the department of human
7 services to investigate or provide services in
8 response to reports of child abuse or neglect, or to
9 investigate or provide services in response to reports
10 of abuse or neglect of a vulnerable adult."

11 PART III

12 SECTION 8. Section 711-1106, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "**§711-1106 Harassment.** (1) A person commits the offense
15 of harassment if, with intent to harass, annoy, or alarm any
16 other person, that person:

17 (a) Strikes, shoves, kicks, or otherwise touches another
18 person in an offensive manner or subjects the other
19 person to offensive physical contact;

20 (b) Insults, taunts, or challenges another person in a
21 manner likely to provoke an immediate violent response



1 or that would cause the other person to reasonably
2 believe that the actor intends to cause bodily injury
3 to the recipient or another or damage to the property
4 of the recipient or another;

5 (c) Repeatedly makes telephone calls, facsimile
6 transmissions, or any form of electronic communication
7 as defined in section 711-1111(2), including
8 electronic mail transmissions, without purpose of
9 legitimate communication;

10 (d) Repeatedly makes a communication anonymously or at an
11 extremely inconvenient hour;

12 (e) Repeatedly makes communications, after being advised
13 by the person to whom the communication is directed
14 that further communication is unwelcome; or

15 (f) Makes a communication using offensively coarse
16 language that would cause the recipient to reasonably
17 believe that the actor intends to cause bodily injury
18 to the recipient or another or damage to the property
19 of the recipient or another.



1 SECTION 9. 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 10. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 11. This Act shall take effect on July 1, 3000.



Report Title:

DOE; AG; Public Charter Schools; Educational Workers; Sports Officials; Protection and Workplace Safety; Penal Code; Harassment; Intentional Bodily Injury

Description:

Part I: 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, including sports officials. Authorizes the Attorney General to assist educational workers who have been subject to harassment or intentional bodily injury in obtaining a temporary restraining order. Part II: Clarifies that a sports official includes a school or league administrator. Clarifies that a sports official's duties cover sports events at public schools and private schools. Makes intentional bodily injury of an educational worker or a sports official engaged in the lawful discharge of their duties a class B felony. Part III: Elevates the penalty for harassment of educational workers to a misdemeanor. Effective 7/1/3000. (SD1)

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