
A BILL FOR AN ACT

RELATING TO THE SAFETY OF EDUCATIONAL WORKERS.

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

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

10 The purpose of this Act 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:

17 "§302A- Educational workers; protection and workplace



1 safety; harassment; reporting; training. (a) When any
2 educational worker believes that the educational worker is being
3 subjected to harassment, as provided for in section 711-1106, by
4 a person not employed by the department because of the
5 educational worker's position as an educational worker, the
6 educational worker may inform the educational worker's immediate
7 supervisor, who shall take appropriate action using the
8 procedures established pursuant to subsection (c)(3), including
9 but not limited to change of workstation, development of a
10 safety plan, mediation, administrative leave, or other actions
11 in alignment with collective bargaining agreements.

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



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

5 (c) The department shall:

- 6 (1) Conduct a formal internal investigation of all
7 incidents of harassment submitted to the department by
8 an educational worker pursuant to subsection (a);
9 provided that for the purposes of this paragraph,
10 "formal internal investigation" does not include an
11 investigation conducted by a contracted third party;
- 12 (2) Report to the proper law enforcement authority within
13 forty-eight hours all incidents of harassment
14 submitted to the department by an educational worker
15 pursuant to subsection (a), where the incident of
16 harassment involves a potential threat of physical
17 harm to the educational worker or another person;
- 18 (3) Implement procedures for the handling of harassment of
19 educational workers, including educational workers
20 excluded from collective bargaining under chapter 89;
21 provided that:



1 (A) The procedures shall be included with current
2 information related to harassment and safety in
3 the department's opening of the school year
4 packet that is provided to all department
5 employees annually; and

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

9 (4) Develop a written emergency safety plan for aiding
10 educational workers who may experience potentially
11 harmful situations, including situations involving
12 harassment, occurring in their work areas; provided
13 that the department shall give consideration to
14 suggestions provided by educational workers in
15 developing the emergency safety plan; provided further
16 that plans shall include procedures developed pursuant
17 to paragraph (3) and subsection (a);

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



1 the educational worker's position as an educational
2 worker, including reimbursing the educational worker
3 for the costs incurred from serving temporary
4 restraining orders related to the harassment; provided
5 that reimbursement shall not include the payment of
6 attorneys' fees or court costs; and

7 (6) Ensure implementation of annual training for all
8 educational workers on how to handle harassment
9 situations and the use of de-escalation techniques;
10 provided that this training shall be included in the
11 annual safety training provided by the department for
12 all employees.

13 (d) For the purposes of this section, "educational worker"
14 means any administrator, specialist, counselor, teacher, or
15 employee of the department or a person hired by the department
16 on a contractual basis and engaged in carrying out a department
17 function."

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



1 "§302D- 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, as provided for in section 711-1106, by
5 a person not employed by a public charter school because of the
6 educational worker's position as an educational worker, the
7 educational worker may inform the educational worker's immediate
8 supervisor, who shall take appropriate action using the
9 procedures established pursuant to subsection (c)(3), including
10 but not limited to change of workstation, development of a
11 safety plan, mediation, administrative leave, or other actions
12 in alignment with collective bargaining agreements.

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



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

7 (c) A public charter school shall:

- 8 (1) Conduct a formal internal investigation of all
9 incidents of harassment submitted to the public
10 charter school by an educational worker pursuant to
11 subsection (a); provided that for the purposes of this
12 paragraph, "formal internal investigation" does not
13 include an investigation conducted by a contracted
14 third party;
- 15 (2) Report to the proper law enforcement authority within
16 forty-eight hours all incidents of harassment
17 submitted to the public charter school by an
18 educational worker pursuant to subsection (a), where
19 the incident of harassment involves a potential threat
20 of physical harm to the educational worker or another
21 person;



1 (3) Implement procedures for the handling of harassment of
2 educational workers, including educational workers
3 excluded from collective bargaining under chapter 89;
4 provided that:

5 (A) The procedures shall be provided to all employees
6 of a public charter school annually; and

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

9 (4) Develop a written emergency safety plan for aiding
10 educational workers who may experience potentially
11 harmful situations, including situations involving
12 harassment, occurring in their work areas; provided
13 that the public charter school shall give
14 consideration to suggestions provided by educational
15 workers in developing the emergency safety plan;
16 provided further that plans shall include procedures
17 developed pursuant to paragraph (3) and
18 subsection (a);

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



1 by a person not employed by a public charter school
2 because of the educational worker's position as an
3 educational worker, including reimbursing the
4 educational worker for the costs incurred from serving
5 temporary restraining orders related to the
6 harassment; provided that reimbursement shall not
7 include the payment of attorneys' fees or court costs;
8 and

9 (6) Ensure implementation of annual training for all
10 educational workers on how to handle harassment
11 situations and the use of de-escalation techniques.

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

17 SECTION 4. New statutory material is underscored.

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



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

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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