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A BILL FOR AN ACT

RELATING TO WORKERS' COMPENSATION.

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

1           SECTION 1. A main goal of the department of education's  
2 State of Hawaii public education 2023-2029 strategic plan is to  
3 have "all students graduate high school prepared for college and  
4 career success and community and civic engagement." As part of  
5 this goal, an action item in the strategic plan includes "expand  
6 students' opportunities for structured work-based learning  
7 experiences, including internships for high school students,  
8 through partnerships with employers, community partners,  
9 military and higher education institutions."

10           In order to achieve the goals set forth in the strategic  
11 plan, the department of education is actively pursuing  
12 internships for students, including graduating high school  
13 students. However, the department finds that once students  
14 graduate from high school, they are no longer considered a  
15 student and, thus, are not covered for workers' compensation  
16 while they are participating in a department-sponsored work-  
17 based learning opportunity during the summer following  
18 graduation.

H.B. NO. 2401

1           The purpose of this Act is to allow newly graduated former  
2 students to be eligible for workers' compensation coverage  
3 during the summer following their high school graduation while  
4 participating in work-based learning programs sponsored by the  
5 department of education.

6           SECTION 2. Section 302A-430, Hawaii Revised Statutes, is  
7 amended to read as follows:

8           "**§302A-430 Coverage for workers' compensation.** Whenever a  
9 student or a new high school graduate participating in a school-  
10 approved work-based learning program sponsored by the department  
11 of education or the University of Hawaii undertakes to perform  
12 work for a private or public employer as part of the student's  
13 or new high school graduate's work-based learning program,  
14 whether paid or unpaid, the State shall be deemed to be the  
15 responsible employer for the purposes of workers' compensation  
16 coverage[7] for students and for new high school graduates until  
17 July 31 of the student's or the new high school graduate's high  
18 school graduation year, and that coverage shall be the student's  
19 or the new high school graduate's exclusive remedy to the same  
20 extent as provided for in chapter 386 as against the State and  
21 the private employer participating in the program."


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1 SECTION 3. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY: 

6

BY REQUEST  
JAN 22 2024

# H.B. NO. 2401

**Report Title:**

Workers' Compensation; Work-based Internships; Department of Education

**Description:**

Allows newly graduated high school students to be eligible for workers' compensation coverage during the summer following their high school graduation while participating in Department of Education sponsored work-based learning programs.

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

## JUSTIFICATION SHEET

DEPARTMENT: Education

TITLE: A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION.

PURPOSE: To allow newly graduated high school students to be eligible for workers' compensation coverage during the summer following their high school graduation while participating in work-based learning programs sponsored by the Department of Education.

MEANS: Amend section 302A-430, Hawaii Revised Statutes.

JUSTIFICATION: To achieve the goals set forth in the Department of Education's State of Hawaii Public Education 2023-2029 Strategic Plan, the Department is actively pursuing internships for our students, including newly graduated high school students. However, the Department finds that once students graduate from high school, they are no longer considered a "student" and, thus, are not covered for workers' compensation while they are participating in a Department-sponsored work-based learning opportunity during the summer following graduation.

Impact on the public: Students who are in work-based learning programs post-graduation will have workers' compensation coverage in the event of an injury.

Impact on the department and other agencies: The State will take on an additional few months of workers' compensation coverage for students once they graduate. Previously, workers' compensation coverage ended once a student graduates from high school.

Increased compensation claims could result from the additional coverage which may have

a fiscal impact that the Department of Budget and Finance would need to be aware of. Additional claims may also create increased workload for the Department of Human Resources Development.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM  
DESIGNATION: None.

OTHER AFFECTED  
AGENCIES: Department of Human Resources Development,  
Department of Labor and Industrial  
Relations, and Department of Budget and  
Finance.

EFFECTIVE DATE: Upon approval.