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# 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 play an important role in shaping the future  
3 and ensuring the welfare of the State's children. Increasing  
4 safeguards for educational workers who may encounter instances  
5 of harassment, and the establishment of a mechanism to address  
6 this harassment, is essential to ensuring a secure and conducive  
7 environment for educators and students in the State.

8       The purpose of this Act is to provide increased protection  
9 for educational workers by requiring the department of education  
10 and state public charter schools to take certain steps to better  
11 address the harassment of educational workers.

12       SECTION 2. Chapter 302A, Hawaii Revised Statutes, is  
13 amended by adding a new section to be appropriately designated  
14 and to read as follows:

15       "§302A-       Educational workers; protection and workplace  
16 safety; harassment; reporting; training. (a) An educational  
17 worker shall not be required to work under conditions or perform



1 tasks when the educational worker is being subjected to  
2 harassment.

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

8 (c) 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. The  
12 duration of the leave of absence with pay shall be reasonable  
13 and sufficient to allow the educational worker to fulfill their  
14 court-related obligations.

15 (d) The department shall:

16 (1) Conduct a formal investigation of all incidents of  
17 harassment submitted to the department by an  
18 educational worker pursuant to subsection (b);

19 (2) Report to the proper law enforcement authority within  
20 forty-eight hours all incidents of harassment  
21 submitted to the department by an educational worker



1        pursuant to subsection (b), where the incident of  
2        harassment involves a potential threat of physical  
3        harm to the educational worker or another person;

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

8        (A) The procedures shall be included in the  
9        department's opening of the school year packet  
10       provided to all department employees annually;  
11       and

12       (B) The procedures shall be posted on the  
13       department'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       department shall give consideration to suggestions  
19       provided by educational workers in developing the  
20       emergency safety plan;



(5) Assist educational workers with any legal actions that may arise from harassment, including covering the costs incurred from serving temporary restraining orders related to the harassment; and

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

(e) For the purposes of this section, "educational worker" means any administrator, specialist, counselor, teacher, or employee of the department; a person who is a volunteer, as defined in section 90-1, in a school program, activity, or function that is established, sanctioned, or approved by the department; or a person hired by the department on a contractual basis and engaged in carrying out a department function."

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

**"§302D- Educational workers; protection and workplace safety; harassment; reporting; training.** (a) An educational worker shall not be required to work under conditions or perform



1 tasks when the educational worker is being subjected to  
2 harassment.

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

8 (c) 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. The duration  
12 of the leave of absence with pay shall be reasonable and  
13 sufficient to allow the educational worker to fulfill their  
14 court-related obligations.

15 (d) A public charter school shall:

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

19 (2) Report to the proper law enforcement authority within  
20 forty-eight hours all incidents of harassment  
21 submitted to the public charter school by an



1 educational worker pursuant to subsection (b), where  
2 the incident of harassment involves a potential threat  
3 of physical harm to the educational worker or another  
4 person;

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 employees  
10 of a public charter school annually; and

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

13 (4) Develop a written emergency safety plan for aiding  
14 educational workers who have potentially harmful  
15 situations, including situations involving harassment,  
16 occurring in their work areas; provided that the  
17 public charter school shall give consideration to  
18 suggestions provided by educational workers in  
19 developing the emergency safety plan;

20 (5) Assist educational workers with any legal actions that  
21 may arise from harassment, including covering the



costs incurred from serving temporary restraining orders related to the harassment; and

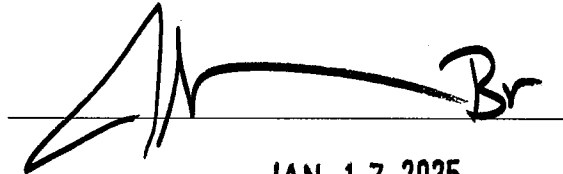
(6) Implement annual training for all educational workers on how to use de-escalation techniques and handle harassment from outside actors.

(e) For the purposes of this section, "educational worker" means any administrator, specialist, counselor, teacher, or employee of a public charter school; a person who is a volunteer, as defined in section 90-1, in a school program, activity, or function that is established, sanctioned, or approved by a public charter school; or a person hired by a public charter school on a contractual basis and engaged in carrying out a public charter school function."

SECTION 4. New statutory material is underscored.

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

INTRODUCED BY:



JAN 17 2025



# H.B. NO. 616

**Report Title:**

Department of Education; Public Charter Schools; Educational Workers; Protection and Workplace Safety; 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.

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

