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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 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 and the establishment of a mechanism to address this harassment,  
7 is essential to ensuring a secure and conducive environment for  
8 educators and students in the State.

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

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

16       "§302A-       Educational workers; protection and workplace  
17 safety; harassment; reporting; training.   (a) An educational



1 worker shall not be required to work under conditions or perform  
2 tasks when the educational worker is being subjected to  
3 harassment, as provided for in section 711-1106 because of the  
4 educational worker's position as an educational worker.

5 (b) When any educational worker believes that the  
6 educational worker is being subjected to harassment, as provided  
7 for in section 711-1106 because of the educational worker's  
8 position as an educational worker, the educational worker may  
9 inform the educational worker's immediate supervisor, who shall  
10 take appropriate action using the procedures established  
11 pursuant to subsection (d) (3).

12 (c) An educational worker who seeks judicial protection  
13 from harassment, as provided for in section 711-1106 because of  
14 the educational worker's position as an educational worker,  
15 including obtaining a temporary restraining order, shall be  
16 entitled to a leave of absence with pay to attend court  
17 proceedings related to the protection. The duration of the  
18 leave of absence with pay shall be reasonable and sufficient to  
19 allow the educational worker to fulfill their court-related  
20 obligations.

21 (d) The department shall:



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

4       (2) Report to the proper law enforcement authority within  
5       forty-eight hours all incidents of harassment  
6       submitted to the department by an educational worker  
7       pursuant to subsection (b), where the incident of  
8       harassment involves a potential threat of physical  
9       harm to the educational worker or another person;

10      (3) Implement procedures for the handling of harassment of  
11      educational workers, including educational workers  
12      excluded from collective bargaining under chapter 89;  
13      provided that:

14      (A) The procedures shall be included in the  
15      department's opening of the school year packet  
16      provided to all department employees annually;  
17      and

18      (B) The procedures shall be posted on the  
19      department's website;

20      (4) Develop a written emergency safety plan for aiding  
21      educational workers who have potentially harmful



1 situations, including situations involving harassment,  
2 occurring in their work areas; provided that the  
3 department shall give consideration to suggestions  
4 provided by educational workers in developing the  
5 emergency safety plan;

6 (5) Assist educational workers with any legal actions that  
7 may arise from harassment, as provided for in section  
8 711-1106 because of the educational worker's position  
9 as an educational worker, including reimbursing the  
10 educational worker for the costs incurred from serving  
11 temporary restraining orders related to the  
12 harassment, but shall not include the payment of  
13 attorney's fees or court costs; and

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

17 (e) For the purposes of this section, "educational worker"  
18 means any administrator, specialist, counselor, teacher, or  
19 employee of the department; a person who is a volunteer, as  
20 defined in section 90-1, in a school program, activity, or  
21 function that is established, sanctioned, or approved by the



1 department; or a person hired by the department on a contractual  
2 basis and engaged in carrying out a department function."

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

6 **"§302D- Educational workers; protection and workplace**  
7 **safety; harassment; reporting; training.** (a) An educational  
8 worker shall not be required to work under conditions or perform  
9 tasks when the educational worker is being subjected to  
10 harassment, as provided for in section 711-1106 because of the  
11 educational worker's position as an educational worker.

12 (b) When any educational worker believes that the  
13 educational worker is being subjected to harassment, as provided  
14 for in section 711-1106 because of the educational worker's  
15 position as an educational worker, the educational worker may  
16 inform the educational worker's immediate supervisor, who shall  
17 take appropriate action using the procedures established  
18 pursuant to subsection (d) (3).

19 (c) An educational worker who seeks judicial protection  
20 from harassment, as provided for in section 711-1106 because of  
21 the educational worker's position as an educational worker,



1 including obtaining a temporary restraining order, shall be  
2 entitled to a leave of absence with pay to attend court  
3 proceedings related to the protection. 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 (d) A public charter school shall:

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

11 (2) Report to the proper law enforcement authority within  
12 forty-eight hours all incidents of harassment  
13 submitted to the public charter school by an  
14 educational worker pursuant to subsection (b), where  
15 the incident of harassment involves a potential threat  
16 of physical harm to the educational worker or another  
17 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 provided to all employees  
2        of a public charter school annually; and

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

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

12       (5) Assist educational workers with any legal actions that  
13       may arise from harassment, as provided for in section  
14       711-1106 because of the educational worker's position  
15       as an educational worker, including reimbursing the  
16       educational worker for the costs incurred from serving  
17       temporary restraining orders related to the  
18       harassment, but shall not include the payment of  
19       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       (e) For the purposes of this section, "educational worker"  
5       means any administrator, specialist, counselor, teacher, or  
6       employee of a public charter school; a person who is a  
7       volunteer, as defined in section 90-1, in a school program,  
8       activity, or function that is established, sanctioned, or  
9       approved by a public charter school; or a person hired by a  
10       public charter school on a contractual basis and engaged in  
11       carrying out a public charter school function."

12       SECTION 4. New statutory material is underscored.

13       SECTION 5. This Act shall take effect on July 1, 3000.





**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. Effective 7/1/3000. (HD1)

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

