

# S.B. NO. 1387

JAN 23 2025

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## A BILL FOR AN ACT

RELATING TO EDUCATION.

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

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

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

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1           Therefore, the purpose of this Act is to allow newly  
2 graduated former students to be eligible for workers'  
3 compensation coverage during the summer following their high  
4 school graduation while participating in work-based learning  
5 programs sponsored by the 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 a student participating in a school-approved  
12 work-based learning program sponsored by the [University]  
13 university of Hawaii undertakes to perform work for a private or  
14 public employer as part of the student's or new high school  
15 graduate's work-based learning program, whether paid or unpaid,  
16 the State shall be deemed to be the responsible employer for the  
17 purposes of workers' compensation coverage[~~7~~]; provided that no  
18 coverage under this section shall be provided beyond July 31 of  
19 the student's or the new high school graduate's high school  
20 graduation year, and that coverage shall be the student's or the  
21 new high school graduate's exclusive remedy to the same extent

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1 as provided for in chapter 386 as against the State and the  
2 private employer participating in the program."

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

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

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INTRODUCED BY: 

8

BY REQUEST

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**Report Title:**

DOE; Workers' Compensation; Work-based Internships

**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 work-based learning programs established and regulated by the Department of Education.

*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

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DEPARTMENT: Education

TITLE: A BILL FOR AN ACT RELATING TO EDUCATION.

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 (Department).

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

JUSTIFICATION: To achieve the goals set forth in the Department'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 work-based learning programs established and regulated by the Department 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 for a certain limited period.

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. Currently, workers' compensation coverage ends once a student graduates from high school.

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

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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 and the Department of Labor and Industrial Relations.

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.