

JAN 17 2007

A BILL FOR AN ACT

RELATING TO EDUCATION.

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

1 SECTION 1. Chapter 302A, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§302A- Departmental exemption from liability; parent
5 teacher association activities. The department of education and
6 the State shall be exempt from liability for the actions of a
7 person employed by the department of education when the person
8 is participating in parent teacher association activities or
9 related activities. The person shall be personally liable for
10 wilful actions that the person commits while participating in
11 these activities."

12 SECTION 2. By January 1, 2008, the board of education
13 shall establish a policy that encourages and allows department
14 of education employees to participate in parent teacher
15 association activities or related activities, including those
16 designed to support extra-curricular activities at schools, such
17 as booster clubs. The policy shall also include provisions that



1 establish procedures to ensure that the department of education
2 and the State shall not be liable for wilful acts of department
3 of education employees while participating in these activities,
4 and clarify or delineate the extent to which these types of
5 activities fall within the course and scope of the employees'
6 regular duties.

7 SECTION 3. The board of education shall submit a report to
8 the legislature not later than twenty days prior to the
9 convening of the 2008 regular session on the policy it is
10 required to establish under section 2 of this Act. The report
11 shall include but not be limited to:

- 12 (1) A description of the criteria used by the board of
13 education to establish the policy;
- 14 (2) An assessment as to whether department of education
15 employee participation in any other activities that
16 the board of education deems appropriate should be
17 included under the policy;
- 18 (3) The actual policy;
- 19 (4) A description of and benchmarking criteria for
20 measuring the effectiveness of the policy;
- 21 (5) An explanation of the safeguards included in the
22 policy to ensure that the department of education and



1 the State will not incur any liability due to wilful
 2 acts by department of education employees
 3 participating in parent teacher association activities
 4 or other activities included under the policy; and
 5 (6) Proposed legislation, as necessary, to effectuate the
 6 policy.

7 SECTION 4. The board of education may request the
 8 assistance of the attorney general in developing the policy
 9 required under section 2 of this Act. The attorney general
 10 shall comply with any request made by the board of education to
 11 effectuate the purpose of section 2 of this Act.

12 SECTION 5. New statutory material is underscored.

13 SECTION 6. This Act shall take effect upon its approval.

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INTRODUCED BY: Clarence W. Dickerson

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Report Title:

Education; Parent Teacher Association Activities; Liability

Description:

Exempts the department of education from liability when a person employed by the department participates in parent teacher association activities or related activities. Makes that person personally liable for wilful acts committed during these activities. Requires DOE to establish a policy that encourages and allows DOE employees to participate in such activities and to report on its actions.

