
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 part IV, subpart C to be
3 appropriately designated and to read as follows:

4 "§302A-A Authority of teachers and other school employees;
5 exclusion of chronically disruptive pupils and violent pupils.

6 (a) The teacher shall stand in the place of the parents,
7 guardians, or custodians in exercising authority over the school
8 and shall have control of all pupils enrolled in the school from
9 the time the pupils reach the school until the pupils have left
10 the school.

11 Where transportation of pupils is provided, the driver in
12 charge of the school bus or other mode of transportation shall
13 exercise this authority and control over the pupils while the
14 pupils are in transit to and from the school.

15 (b) The teacher or driver in charge, as the case may be,
16 shall exclude from the teacher's classroom or the driver in
17 charge's school bus any pupil who:

18 (1) Engages in disorderly conduct;



1 (2) In any manner interferes with an orderly educational
2 process;

3 (3) Threatens, abuses, or otherwise intimidates or
4 attempts to intimidate a school employee or a pupil;

5 (4) Wilfully disobeys a school employee; or

6 (5) Uses abusive or profane language directed at a school
7 employee.

8 (c) Any pupil excluded shall be placed under the control
9 of the principal of the school or a designee. The excluded
10 pupil may be admitted to the classroom or school bus only when
11 the principal, or a designee, provides written certification to
12 the teacher that the pupil must be re-admitted and specifies the
13 specific type of disciplinary action, if any, that was taken.

14 If the principal finds that disciplinary action is
15 warranted, the principal shall provide written and, if possible,
16 telephonic notice of this action to the parents, guardians, or
17 custodians of the pupil.

18 (d) When a teacher or driver in charge excludes the same
19 pupil from the teacher's classroom or from a school bus, as the
20 case may be, three times in any twelve-month period, and after
21 exhausting all reasonable methods of classroom discipline



1 provided in the school discipline plan, the pupil may be re-
2 admitted to the teacher's classroom only after:

3 (1) The principal, teacher, and, if possible, the parents,
4 guardians, or custodians of the pupil have held a
5 conference to discuss the pupil's disruptive behavior
6 patterns; and

7 (2) The teacher and the principal agree on a course of
8 discipline for the pupil and inform the parents,
9 guardians, or custodians of the course of action.

10 (e) If the pupil's disruptive behavior persists, then upon
11 the teacher's request or with the concurrence of the teacher,
12 the principal, to the extent feasible, shall transfer the pupil
13 to an alternative educational setting or placement.

14 If the teacher and the principal cannot agree on a course
15 of discipline for the pupil, then the principal, to the extent
16 feasible, shall temporarily transfer the pupil to another
17 regular classroom or to an alternative educational setting or
18 placement; provided that the pupil may be temporarily
19 transferred to another regular classroom only with the
20 concurrence of that other classroom's teacher.

21 (f) The department shall ensure that a continuum of
22 alternative educational settings or placements, from least



1 restrictive to most restrictive, is available to meet the
2 educational needs of chronically disruptive pupils and violent
3 pupils.

4 To the maximum extent appropriate, chronically disruptive
5 pupils shall be educated in the least restrictive alternative
6 educational setting or placement. Chronically disruptive pupils
7 shall not be placed in the same alternative educational setting
8 or placement as violent pupils.

9 (g) If a pupil's behavior in an alternative educational
10 setting or placement, even with the provision of appropriate
11 behavioral supports, strategies, or interventions, will
12 substantially impair the learning of other pupils, then that
13 alternative educational setting or placement does not meet the
14 pupil's educational needs and is not appropriate for that pupil.

15 A chronically disruptive pupil shall not be removed from
16 education in age-appropriate or academically appropriate regular
17 classrooms solely because of needed modifications in the general
18 curriculum.

19 (h) A teacher or principal that acts in good faith to
20 effect the purpose of this section shall be immune from civil
21 liability.

22 (i) For the purposes of this section:



1 "Alternative educational setting or placement" includes
2 time-out rooms, in-school suspension, short-term and long-term
3 alternative classes and schools, and correctional institutions
4 for criminal offenders.

5 "Disruptive behavior" includes violent behavior."

6 SECTION 2. This Act does not affect rights and duties that
7 matured, penalties that were incurred, and proceedings that were
8 begun, before its effective date.

9 SECTION 3. The department of education shall adopt new
10 rules, or amend current rules, pursuant to chapter 91, to effect
11 the purposes of this Act.

12 SECTION 4. This Act is not intended to create a private
13 cause of action.


14 SECTION 5. New statutory material is underscored.


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

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INTRODUCED BY:











Barbara Mamm Colin Muf

JAN 18 2008



Report Title:

Teacher Bill of Rights; Exclusion of Disruptive & Violent Pupils

Description:

Allows a teacher or driver in charge to exclude from the teacher's classroom or the driver in charge's school bus any pupil who: is guilty of disorderly conduct; interferes with an orderly educational process; threatens, abuses, or intimidates a school employee; willfully disobeys a school employee; or uses abusive or profane language directed at a school employee.

