
A BILL FOR AN ACT

RELATING TO PARENTAL RESPONSIBILITY.

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- Damages, injury, or death caused by student;
5 reward; parent or guardian liable. (a) The parent or guardian
6 of any minor whose wilful misconduct results in injury or death
7 to any minor student or any person employed by, or performing
8 volunteer services for, a school or who wilfully cuts, defaces,
9 or otherwise injures in any way any property, real or personal,
10 belonging to a school, or personal property of any school
11 employee, shall be liable for all damages so caused by the minor
12 student. The liability of the parent or guardian shall not
13 exceed \$10,000. The parent or guardian shall also be liable for
14 the amount of any reward not exceeding \$10,000 paid to identify
15 the minor student. The parent or guardian of a student shall be
16 liable to a school for all property belonging to the school
17 loaned to the minor student and not returned upon demand of an
18 employee of the school authorized to make the demand.



1 (b) Any school whose real or personal property has been
2 wilfully cut, defaced, or otherwise injured, or whose property
3 is loaned to a minor student and wilfully not returned upon
4 demand of an employee of the school authorized to make the
5 demand, after affording the minor student due process rights,
6 may withhold the grades, diploma, and transcripts of the minor
7 student responsible for the damage until the minor student or
8 the minor student's parent or guardian has paid for the damages
9 to the property, as provided in subsection (a).

10 (c) The school shall notify the parent or guardian of the
11 minor student in writing of the minor student's alleged
12 misconduct before withholding the pupil's grades, diploma, or
13 transcripts pursuant to subsection (b). If the minor student
14 and parent are unable to pay for the damages, or to return the
15 property, the school shall provide a program of voluntary work
16 for the minor student in lieu of the payment of monetary
17 damages. Upon completion of the voluntary work, the grades,
18 diploma, and transcripts of the minor student shall be released.

19 (d) The department, with respect to any public school, or
20 the governing body of each private school, shall establish rules
21 and policies governing procedures for the implementation of this
22 section. The procedures shall conform to, but are not



1 necessarily limited to, those procedures established for the
2 expulsion of students.

3 (e) For purposes of this section, "school" has the same
4 meaning as in section 712-1249.6."

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

8 SECTION 3. New statutory material is underscored.

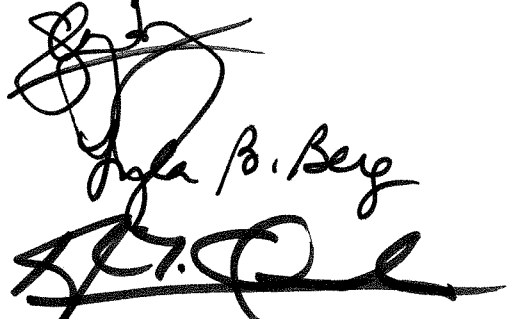
9 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:

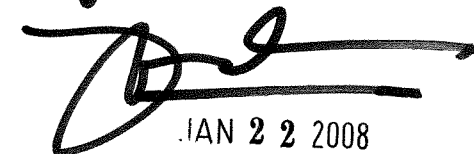
Marilyn B. Lee

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Karen Arana

Jill Karaman


JAN 22 2008



Report Title:

Injury by Student; Parental Liability

Description:

Holds parent or guardian liable for damages, injury, or death caused by child while on school grounds and requires parent or guardian to reimburse department of education for reward offered to identify the perpetrator, up to \$10,000.

