

JAN 19 2007

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# A BILL FOR AN ACT

RELATING TO BULLYING.

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

1           SECTION 1. The legislature finds that there is a growing  
2 body of research on the prevalence of school bullying, the  
3 likelihood of school bullies to develop anti-social behavior,  
4 and the effects of bullying on its victims and on school  
5 climates. A 2002 U.S. Secret Service report found bullying  
6 played a major role in several school shootings on the mainland.

7           In Hawaii, three newspaper articles in the *Honolulu*  
8 *Advertiser*, dated February 5, 2006, June 28, 2006, and  
9 July 3, 2006 have highlighted the problem of bullying in  
10 Hawaii's public schools. The legislature finds that more  
11 attention and awareness needs to be focused within the schools  
12 on bullying.

13           The legislature finds that ubiquitous technology has given  
14 rise to cyberbullying which is used by students with greater  
15 frequency in lieu of traditional schoolyard bullying.



1           The purpose of this Act is to require the department of  
2 education to adopt rules to reduce and prevent school bullying,  
3 and cyberbullying.

4           SECTION 2. Section 302A-101, Hawaii Revised Statutes, is  
5 amended by adding two new definitions to be appropriately  
6 inserted and to read as follows:

7           "Cyberbullying" means to make electronic telecommunication  
8 transmissions, including but not limited to, the use of data or  
9 computer software that is accessed through a computer, computer  
10 system, blogs, cellular phones, faxes, text messaging, on-line  
11 community websites like MySpace, or computer network, and  
12 similar transmissions, without purpose of legitimate  
13 communication, including but not limited to, harassment,  
14 taunting, and ridicule.

15           "School bullying" means aggressive behavior or causing  
16 intentional harm committed by an individual or group repeated  
17 over time. The act of bullying may take various forms,  
18 including but not limited to physical abuse, harassment,  
19 intimidation, taunting, and ridicule."

20           SECTION 3. Chapter 302A, Hawaii Revised Statutes, is  
21 amended by adding a new section to part IV, subpart C, to be  
22 appropriately designated and to read as follows:



1        "§302A-    **Bullying; rules.**    The department shall adopt  
2 rules in accordance with chapter 91 to adopt policies and  
3 procedures to reduce and prevent school bullying and  
4 cyberbullying. At a minimum the rules shall provide for:

5        (1) Prohibiting pupils from bullying other pupils on  
6 school grounds, on school property, on school buses,  
7 at school bus stops, and at school sponsored events  
8 and activities;

9        (2) Prohibiting pupils from cyberbullying other pupils;

10       (3) A procedure for pupils to confidentially report to  
11 school officials incidents of bullying or  
12 cyberbullying;

13       (4) A procedure for parents and guardians of pupils to  
14 submit written reports to school officials of  
15 suspected incidents of bullying or cyberbullying;

16       (5) A requirement that school district employees report  
17 suspected incidents of bullying or cyberbullying to  
18 the appropriate school official;

19       (6) A formal process for the documentation of reported  
20 incidents of bullying or cyberbullying, except that no  
21 documentation shall be maintained unless the bullying  
22 or cyberbullying has been proven;



- 1        (7) A formal process for the investigation by the  
2        appropriate school officials of suspected incidents of  
3        bullying or cyberbullying;
- 4        (8) A formal process for reporting incidents of bullying  
5        and cyberbullying to the county police department;
- 6        (9) Disciplinary procedures, including but not limited to  
7        suspension from school for up to five days, for pupils  
8        who have admitted or been found to have committed  
9        incidents of bullying or cyberbullying; and
- 10       (10) A procedure that sets forth consequences for  
11       submitting false reports of incidents of bullying or  
12       cyberbullying."

13       SECTION 4. There is appropriated out of the general  
14 revenues of the State of Hawaii the sum of \$                    , or so  
15 much thereof as may be necessary for fiscal year 2007-2008, and  
16 the same sum, or so much thereof as may be necessary for fiscal  
17 year 2008-2009, for the department of education to implement  
18 model anti-bullying programs in public schools.

19       The sums appropriated shall be expended by the department  
20 of education for the purposes of this Act.

21       SECTION 5. New statutory material is underscored.



1 SECTION 6. This Act shall take effect upon its approval;  
2 provided that section 4 shall take effect on July 1, 2007.  
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**Report Title:**  
School Bullying

**Description:**  
Requires the department of education to adopt rules to prohibit school bullying and cyberbullying. Makes appropriation.

