

JAN 19 2007

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 United States Secret Service report found
6 bullying played a major role in several school shootings on the
7 mainland.

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

14 The legislature finds that ubiquitous technology has given
15 rise to cyberbullying that is used by students with greater
16 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 commune websites such as 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. New statutory material is underscored.

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

15

INTRODUCED BY: Erzanna Chun Oakland

ASST.
J. Alan Goh
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Report Title:

School Bullying

Description:

Requires the department of education to adopt rules to prohibit school bullying and cyberbullying.

