
A BILL FOR AN ACT

RELATING TO SCHOOLS.

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

1 SECTION 1. The legislature finds that bullying and
2 cyberbullying among students have a detrimental effect on
3 academic achievement as well as the psychological, social, and
4 physical well-being of students K-12. Bullying also directly
5 affects students' attitudes toward school, school attendance,
6 and academic achievement. According to a June 25, 2007, Report
7 from the Safe Schools Community Advisory Committee,
8 "Recommendations for Addressing Harassment in Hawaii Public
9 Schools", bullying and harassment are common features of
10 American school life. A 2003 nationally representative study of
11 sixth to tenth grade students found that in the previous year
12 thirteen per cent had engaged in bullying behaviors, eleven per
13 cent had been victims, and six per cent had been victims and had
14 engaged in bullying behaviors.

15 The purpose of this Act is to expand on the department of
16 education's rules regulating bullying and cyberbullying, as set



1 out in chapter 19, Hawaii Administrative Rules, by establishing
2 civil penalties.

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

6 "§302A- Bullying and cyberbullying; penalty. (a) If
7 any child of school age engages in bullying or cyberbullying,
8 the child, and the father, mother, or legal guardian, shall be
9 fined not more than \$100 for each separate offense. Each day of
10 each violation shall constitute a separate offense.

11 (b) For the purposes of this section:

12 "Bullying" means any written, verbal, graphic, or physical
13 act that a student or group of students exhibits toward another
14 particular student or students and the behavior causes mental or
15 physical harm to the other student or students; and is
16 sufficiently severe, persistent, or pervasive that it creates an
17 intimidating, threatening, or abusive educational environment
18 for the other student or students.

19 "Cyberbullying" means electronically transmitted acts,
20 i.e., Internet, cell phone, personal digital assistance (PDA),
21 or wireless hand-held device that a student has exhibited toward
22 another student or employee of the department which causes



1 mental or physical harm to the other student or students or
2 school personnel and is sufficiently severe, persistent or
3 pervasive that it creates an intimidating, threatening, or
4 abusive educational environment:

5 (1) On campus, or other department of education premises,
6 on department of education transportation, or during a
7 department of education sponsored activity or event on
8 or off school property;

9 (2) Through a department of education data system without
10 department of education authorized communication; or

11 (3) Through an off campus computer network that is
12 sufficiently severe, persistent, or pervasive that it
13 creates an intimidating, threatening, or abusive
14 educational environment for the other student or
15 school personnel, or both.

16 In evaluating whether conduct constitutes harassment,
17 intimidation or bullying, special attention should be paid to
18 the words chosen or the actions, taken, whether the conduct
19 occurred in front of others or was communicated to others, how
20 the perpetrator interacted with the victim, and the motivation,
21 either admitted or appropriately inferred. Electronic
22 transmissions include but are not limited to the use of data,



1 computer software that is accessed through a computer, a
2 computer network system, other computerized systems, cellular
3 phones or other similar electronic devices that display e-mail,
4 text messaging, blogs, photos, drawings, video clips, on-line
5 community websites, or faxes, or a combination of the
6 foregoing."

7 SECTION 3. Chapter 302B, Hawaii Revised Statutes, is
8 amended by adding a new section to be appropriately designated
9 and to read as follows:

10 "§302B- Bullying and cyberbullying; penalty. (a) If
11 any child of school age engages in bullying or cyberbullying,
12 the child, and the father, mother, or legal guardian, shall be
13 fined not more than \$100 for each separate offense. Each day of
14 each violation shall constitute a separate offense.

15 (b) For the purposes of this section:

16 "Bullying" means any written, verbal, graphic, or physical
17 act that a student or group of students exhibits toward another
18 particular student or students and the behavior causes mental or
19 physical harm to the other student or students; and is
20 sufficiently severe, persistent, or pervasive that it creates an
21 intimidating, threatening, or abusive educational environment
22 for the other student or students.



1 "Cyberbullying" means electronically transmitted acts,
2 i.e., Internet, cell phone, personal digital assistance (PDA),
3 or wireless hand-held device that a student has exhibited toward
4 another student or employee of the charter school which causes
5 mental or physical harm to the other student or students or
6 school personnel and is sufficiently severe, persistent or
7 pervasive that it creates an intimidating, threatening, or
8 abusive educational environment:

9 (1) On campus, or other department of education or another
10 school's premises, on department of education or
11 charter school transportation, or during a department
12 of education or charter school sponsored activity or
13 event on or off school property;

14 (2) Through a department of education or charter school
15 data system without department of education or charter
16 school authorized communication; or

17 (3) Through an off campus computer network that is
18 sufficiently severe, persistent, or pervasive that it
19 creates an intimidating, threatening, or abusive
20 educational environment for the other student or
21 school personnel, or both.



1 In evaluating whether conduct constitutes harassment,
2 intimidation or bullying, special attention should be paid to
3 the words chosen or the actions, taken, whether the conduct
4 occurred in front of others or was communicated to others, how
5 the perpetrator interacted with the victim, and the motivation,
6 either admitted or appropriately inferred. Electronic
7 transmissions include but are not limited to the use of data,
8 computer software that is accessed through a computer, a
9 computer network system, other computerized systems, cellular
10 phones or other similar electronic devices that display e-mail,
11 text messaging, blogs, photos, drawings, video clips, on-line
12 community websites, or faxes, or a combination of the
13 foregoing."

14 SECTION 4. Chapter 302C, Hawaii Revised Statutes, is
15 amended by adding a new section to be appropriately designated
16 and to read as follows:

17 "§302C- Bullying and cyberbullying; penalty. (a) If
18 any child of school age engages in bullying or cyberbullying,
19 the child, and the father, mother, or legal guardian, shall be
20 fined not more than \$100 for each separate offense. Each day of
21 each violation shall constitute a separate offense.

22 (b) For the purposes of this section:



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1 "Bullying" means any written, verbal, graphic, or physical
2 act that a student or group of students exhibits toward another
3 particular student or students and the behavior causes mental or
4 physical harm to the other student or students; and is
5 sufficiently severe, persistent, or pervasive that it creates an
6 intimidating, threatening, or abusive educational environment
7 for the other student or students.

8 "Cyberbullying" means electronically transmitted acts,
9 i.e., Internet, cell phone, personal digital assistance (PDA),
10 or wireless hand-held device that a student has exhibited toward
11 another student or employee of the school which causes mental or
12 physical harm to the other student or students or school
13 personnel and is sufficiently severe, persistent or pervasive
14 that it creates an intimidating, threatening, or abusive
15 educational environment:

- 16 (1) On campus, or another school's premises, on school
17 transportation, or during a department of education or
18 other school sponsored activity or event on or off
19 school property;
- 20 (2) Through a school data system without the school's
21 authorized communication; or



1 (3) Through an off campus computer network that is
2 sufficiently severe, persistent, or pervasive that it
3 creates an intimidating, threatening, or abusive
4 educational environment for the other student or
5 school personnel, or both.

6 In evaluating whether conduct constitutes harassment,
7 intimidation or bullying, special attention should be paid to
8 the words chosen or the actions, taken, whether the conduct
9 occurred in front of others or was communicated to others, how
10 the perpetrator interacted with the victim, and the motivation,
11 either admitted or appropriately inferred. Electronic
12 transmissions include but are not limited to the use of data,
13 computer software that is accessed through a computer, a
14 computer network system, other computerized systems, cellular
15 phones or other similar electronic devices that display e-mail,
16 text messaging, blogs, photos, drawings, video clips, on-line
17 community websites, or faxes, or a combination of the
18 foregoing."

19 SECTION 5. This Act does not affect rights and duties that
20 matured, penalties that were incurred, and proceedings that were
21 begun before its effective date.

22 SECTION 6. New statutory material is underscored.



1 SECTION 7. This Act shall take effect upon its approval.

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Report Title:

Schools; Bullying; Cyberbullying

Description:

Establishes a fine of \$100 for each separate offense of bullying and cyberbullying; defines "bullying" and "cyberbullying".

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