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## 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 disruptive pupils.       (a) A teacher shall exclude  
6 from the teacher's classroom any pupil who directs abusive or  
7 profane language at a school employee.

8           (b) The driver of a school bus shall exclude from the  
9 driver's school bus any pupil who directs abusive or profane  
10 language at a school employee.

11           (c) Any pupil so excluded shall be placed under the  
12 control of the principal of the school or the principal's  
13 designee. If the principal finds that disciplinary action is  
14 warranted, the principal shall provide written and, if possible,  
15 telephonic notice of this action to pupil's parent, guardian, or  
16 custodian of the pupil. A pupil may be readmitted to the  
17 classroom only when the principal or the principal's designee  
18 informs the teacher in writing that the pupil may be readmitted.



1        (d) When a pupil is excluded three times in any twelve-  
2 month period, and after all reasonable methods of classroom  
3 discipline provided in the school discipline plan have been  
4 exhausted, the pupil may be readmitted only after:

5        (1) The principal, teacher, and, if possible, the pupil's  
6 parent, guardian, or custodian have held a conference  
7 to discuss the pupil's disruptive behavior patterns;  
8 and

9        (2) The teacher and the principal agree on a course of  
10 discipline for the pupil and inform the parent,  
11 guardian, or custodian of the course of action.

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

19        (e) If the pupil's disruptive behavior persists, then upon  
20 the teacher's request or with the concurrence of the teacher,  
21 the principal, to the extent feasible, shall transfer the pupil  
22 to an appropriate alternative educational setting or placement.



1        (f) The department shall ensure that a continuum of  
2 alternative educational settings or placements, from least  
3 restrictive to most restrictive, is available to meet the  
4 educational needs of chronically disruptive pupils and violent  
5 pupils.

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

11       (g) If a pupil's behavior in an alternative educational  
12 setting or placement, even with the provision of appropriate  
13 behavioral supports, strategies, or interventions, will  
14 substantially impair the learning of other pupils, then that  
15 alternative educational setting or placement shall be deemed  
16 unable to meet the pupil's educational needs and inappropriate  
17 for that pupil.

18       A chronically disruptive pupil shall not be removed from an  
19 age-appropriate or academically-appropriate regular classroom  
20 solely because of needed modifications in the general  
21 curriculum.

22       (h) 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, counseling and other programs  
4 for status offenders, detention facilities for law violators,  
5 and correctional institutions for criminal offenders.

6        "Disruptive behavior" means the use of abusive or profane  
7 language by pupils."

8        SECTION 2. The department of education shall adopt new  
9 rules, or amend current rules, pursuant to chapter 91, to  
10 effectuate the purposes of this Act.

11        SECTION 3. This Act does not affect rights and duties that  
12 matured, penalties that were incurred, and proceedings that were  
13 begun, before its effective date.

14        SECTION 4. This Act is not intended to create a private  
15 cause of action.

16        SECTION 5. In codifying the new section added by section 1  
17 of this Act, the revisor of statutes shall substitute an  
18 appropriate section number for the letter used in designating  
19 the new section in this Act.

20        SECTION 6. New statutory material is underscored.

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

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**Report Title:**

Disruptive Pupils

**Description:**

Allows a teacher or driver to exclude from the teacher's classroom or the driver's school bus any pupil who directs abusive or profane language at a school employee. Provides for chronically disruptive and violent pupils.

