

JAN 20 2010

S.B. NO. 2094

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# 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:



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.





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

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INTRODUCED BY: Michelle R. Tidoni  
Sharon Ann Oakland  
William J.  
George H. Bal  
Carol Furman



**Report Title:**

Schools; Bullying; Cyberbullying

**Description:**

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

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

