

JAN 25 2010

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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. The legislature finds that the board of  
2 education has adopted a controversial issues policy, policy  
3 number 2210, which provides some guidance to teachers on the  
4 discussion of controversial issues at school. The legislature  
5 also finds that department of education regulation 2210.1  
6 requires instructional staff or administration to notify parents  
7 and legal guardians of controversial issues that will be  
8 discussed in the classroom or through other school activities.  
9 However, the legislature finds that neither the controversial  
10 issues policy nor the department of education regulation  
11 sufficiently addresses the need for parents and guardians of  
12 students to be notified of potentially controversial topics to  
13 be discussed in school and procedures or penalties in the event  
14 that a controversial issue is discussed in school without prior  
15 notification.

16           The purpose of this Act is to require instructional staff  
17 and school administrators to notify parents and guardians of  
18 students of potentially controversial issues to be discussed in



1 school and to require the board of education to set procedures  
2 and penalties if a controversial issue is discussed in school  
3 without the required notification.

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

7 **"§302A- Potentially controversial issues; procedures,**  
8 **notification, penalties.** (a) Instructional staff shall be  
9 responsible for ensuring that potentially controversial issues  
10 to be discussed in the classroom or through a school activity  
11 are:

- 12 (1) Consistent with the aims of the instructional program;
- 13 (2) Appropriate for the maturity level of the students  
14 scheduled to engage in discussions of the issues; and
- 15 (3) Necessary to meet department of education standards.

16 Instructional staff shall ensure that any materials or  
17 information relating to the potentially controversial issue are  
18 reviewed for accuracy and appropriateness prior to being  
19 distributed or presented.

20 (b) If a potentially controversial issue is scheduled to  
21 be discussed in the classroom or through another school



1 activity, an instructional staff member or school administrator  
2 shall:

3 (1) Notify parents and legal guardians in writing of the  
4 potentially controversial issue to be discussed  
5 days prior to the date on which the potentially  
6 controversial issue is scheduled to be discussed;

7 (2) Notify parents and legal guardians in writing of the  
8 class for which the potentially controversial issue is  
9 to be discussed and the date of that class; and

10 (3) Provide a means through which and deadline by which  
11 parents and legal guardians may contact instructional  
12 staff or school administrators to exclude their child  
13 from the specific lesson or activity during which the  
14 potentially controversial issue is to be discussed;  
15 provided that if a student is excluded from the  
16 specific lesson or activity, the instructional staff  
17 member or school administrators shall provide the  
18 student with an alternative learning activity.

19 (c) School principals shall be responsible for informing  
20 all instructional staff of the appropriate procedures for  
21 handling potentially controversial issues pursuant to this  
22 section and relevant board policies and department regulations.



1           (d) The board shall establish penalties, including but not  
2 limited to sanctions affecting licensure and mandated leaves of  
3 absence, if the responsible instructional staff member or school  
4 administrator does not notify parents or legal guardians in  
5 accordance with subsection (a).

6           The board shall also establish a procedure and timeline for  
7 school administrators to notify parents and legal guardians when  
8 the notification requirements under subsection (a) have not been  
9 met and a potentially controversial issue has been discussed in  
10 the classroom or through another school activity.

11           (e) For purposes of this section, "potentially  
12 controversial issue" means a topic that can be reasonably  
13 expected to generate opposing points of view or considerable  
14 discomfort or agitation."

15           SECTION 3. New statutory material is underscored.

16           SECTION 4. This Act shall take effect upon its approval.

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**Report Title:**

DOE; Potentially Controversial Issues; Procedures; Notification

**Description:**

Requires timely notification of parents and guardians and procedures for when potentially controversial issues are to be discussed in school.

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

