

JAN 21 2011

A BILL FOR AN ACT

RELATING TO BULLYING.

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 be appropriately designated
3 and to read as follows:

4 "§302A- Bullying policy. (a) The board shall adopt a
5 policy that prohibits bullying of a student by another student
6 and shall require the prohibition to be included in the student
7 code of conduct. The policy shall:

- 8 (1) Require that, upon a finding by the complex area
9 superintendent that a student in grades six through
10 twelve has committed the offense of bullying for the
11 third time in a school year, the student shall be
12 assigned to another school; provided that this
13 paragraph shall not be construed to require the board
14 to provide transportation to a student transferred to
15 another school as a result of a bullying incident; and
16 (2) Include a method to notify the parent, guardian, or
17 other person who has control or charge of a student
18 upon a finding by a school administrator that the



1 student has committed an offense of bullying or is a
2 victim of bullying.

3 The board shall ensure that students and parents of students are
4 notified of the prohibition against bullying, and the penalties
5 for violating the prohibitions, by posting the information at
6 each school and by including the information in student and
7 parent handbooks.

8 (b) The department shall develop a model policy regarding
9 bullying, which may be revised from time to time, and shall post
10 the policy on its website. The model policy shall include:

11 (1) A statement prohibiting bullying;
12 (2) A requirement that any teacher or other school
13 employee who has reliable information that would lead
14 a reasonable person to suspect that someone is a
15 target of bullying shall immediately report it to the
16 school principal;

17 (3) A requirement that each school have a procedure for
18 the school administration to promptly investigate in a
19 timely manner and determine whether bullying has
20 occurred;

21 (4) An age-appropriate range of consequences for bullying
22 that shall include, at minimum and without limitation,



1 disciplinary action or counseling as appropriate under
2 the circumstances;

3 (5) A procedure for a teacher or other school employee,
4 student, parent, guardian, or other person who has
5 control or charge of a student, either anonymously or
6 in the person's name, at the person's option, to
7 report or otherwise provide information on bullying
8 activity; and

9 (6) A statement prohibiting retaliation following a report
10 of bullying.

11 (c) The department shall develop and post on its website a
12 list of entities and their contact information that produce
13 anti-bullying training programs and materials deemed appropriate
14 by the department for use in schools.

15 (d) Any person who reports an incident of bullying in good
16 faith shall be immune from civil liability for any damages
17 caused by the reporting.

18 (e) As used in this section, "bullying" means an act that
19 occurs on school property, on school vehicles, at designated
20 school bus stops, or at school related functions or activities,
21 or by use of data or software that is accessed through a



1 computer, computer system, computer network, or other electronic
2 technology of a local school system, that is:

3 (1) Any willful attempt or threat to inflict injury on
4 another person, when accompanied by an apparent
5 present ability to do so;

6 (2) Any intentional display of force that would give the
7 victim reason to fear or expect immediate bodily harm;
8 or

9 (3) Any intentional written, verbal, or physical act that
10 a reasonable person would perceive as being intended
11 to threaten, harass, or intimidate, that:

12 (A) Causes another person substantial bodily harm;

13 (B) Has the effect of substantially interfering with
14 a student's education;

15 (C) Is so severe, persistent, or pervasive that it
16 creates an intimidating or threatening
17 educational environment; or

18 (D) Has the effect of substantially disrupting the
19 orderly operation of the school.

20 (f) The superintendent of education shall adopt rules in
21 accordance with chapter 91 to implement this section."

22 SECTION 2. New statutory material is underscored.



S.B. NO. 87

1 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY:

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Report Title:

Schools; Bullying

Description:

Requires the board of education to adopt a policy that prohibits bullying in schools and assigns a student to an alternative school if the student has committed the offense of bullying 3 times in a school year; requires the department of education to adopt a model anti-bullying policy.

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