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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 chronically disruptive pupils and violent pupils.

6           (a) The teacher shall stand in the place of the parents,  
7 guardians, or custodians in exercising authority over the school  
8 student and shall have control of all pupils enrolled in the  
9 school from the time the pupils reach the school until the  
10 pupils have left the school.

11           Where transportation of pupils is provided, the driver in  
12 charge of the school bus or other mode of transportation shall  
13 exercise this authority and control over the pupils while the  
14 pupils are in transit to and from the school.

15           (b) The teacher or driver in charge, as the case may be,  
16 shall exclude from the teacher's classroom or the driver in  
17 charge's school bus any pupil who:

18           (1) Engages in disorderly conduct;



1       (2) In any manner interferes with an orderly educational  
2       process;

3       (3) Threatens, abuses, or otherwise intimidates or  
4       attempts to intimidate a school employee, a pupil or  
5       other individual authorized to be on the school campus  
6       or a driver in charge, including, but not limited to,  
7       repairmen, guest lecturers, or delivery personnel;

8       (4) Wilfully disobeys a school employee or driver in  
9       charge acting within the scope of their authority; or

10      (5) Uses abusive or profane language directed at a school  
11      employee or driver in charge of a vehicle transporting  
12      students.

13      (c) Any pupil excluded shall be placed under the control  
14      of the principal of the school or a designee. The excluded  
15      pupil may be admitted to the classroom or school bus only when  
16      the principal, or a designee, provides written certification to  
17      the teacher that the pupil must be re-admitted and specifies the  
18      specific type of disciplinary action, if any, that was taken.

19      If the principal finds that disciplinary action is  
20      warranted, the principal shall provide written and, if possible,  
21      telephonic notice of this action to the parents, guardians, or  
22      custodians of the pupil.



1        (d) When a teacher or driver in charge excludes the same  
2 pupil from the teacher's classroom or from a school bus, as the  
3 case may be, three times in any twelve-month period, and after  
4 exhausting all reasonable methods of classroom discipline  
5 provided in the school discipline plan, the pupil may be re-  
6 admitted to the teacher's classroom only after:

7        (1) The principal, teacher, and, if possible, the parents,  
8 guardians, or custodians of the pupil have held a  
9 conference to discuss the pupil's disruptive behavior  
10 patterns; and

11       (2) The teacher and the principal agree on a course of  
12 discipline for the pupil and inform the parents,  
13 guardians, or custodians of the course of action.

14       (e) If the pupil's disruptive behavior persists, then upon  
15 the teacher's request or with the concurrence of the teacher,  
16 the principal, to the extent feasible, shall transfer the pupil  
17 to an alternative educational setting or placement.

18       If the teacher and the principal cannot agree on a course  
19 of discipline for the pupil, then the principal, to the extent  
20 feasible, shall temporarily transfer the pupil to another  
21 regular classroom or to an alternative educational setting or  
22 placement; provided that the pupil may be temporarily



1 transferred to another regular classroom only with the  
2 concurrence of that other classroom's teacher.

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

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

13 (g) If a pupil's behavior in an alternative educational  
14 setting or placement, even with the provision of appropriate  
15 behavioral supports, strategies, or interventions, will  
16 substantially impair the learning of other pupils, then that  
17 alternative educational setting or placement does not meet the  
18 pupil's educational needs and is not appropriate for that pupil.

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



1 (h) For the purposes of this section:

2 "Alternative educational setting or placement" includes  
3 time-out rooms, in-school suspension, short-term and long-term  
4 alternative classes and schools, and correctional institutions  
5 for criminal offenders.

6 "Disruptive behavior" includes violent behavior."

7 SECTION 2. This Act does not affect rights and duties that  
8 matured, penalties that were incurred, and proceedings that were  
9 begun, before its effective date.

10 SECTION 3. The department of education shall adopt new  
11 rules, or amend current rules, pursuant to chapter 91, to effect  
12 the purposes of this Act.

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

15 SECTION 5. New statutory material is underscored.

16 SECTION 6. This Act shall take effect upon its approval.

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JAN 21 2011



**Report Title:**

Teacher Bill of Rights; Exclusion of Disruptive & Violent Pupils

**Description:**

Allows a teacher or driver in charge to exclude from the teacher's classroom or the driver in charge's school bus any pupil who: is guilty of disorderly conduct; interferes with an orderly educational process; threatens, abuses, or intimidates a school employee; willfully disobeys a school employee; or uses abusive or profane language directed at a school employee.

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

