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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. This Act shall be known as the Safe Schools  
2 Act.

3 SECTION 2. The legislature finds that all students have  
4 the right to participate fully in the educational process, free  
5 from bullying, cyberbullying, and harassment. A safe and civil  
6 environment in school is necessary for students to learn and to  
7 meet high academic standards. Bullying and harassment, like  
8 other disruptive or violent behaviors, are forms of conduct that  
9 disrupt both a student's ability to learn and a school's ability  
10 to educate its students in a safe environment. The legislature  
11 finds that because students learn by example, school  
12 administrators, faculty, staff, and volunteers should be  
13 expected to demonstrate appropriate behavior, treat others with  
14 civility and respect, and refuse to tolerate bullying and  
15 harassment.

16 The purpose of this Act is to require the department of  
17 education to maintain, monitor, and enforce anti-bullying and  
18 anti-harassment policies and procedures to protect students.



1 SECTION 3. 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, cyberbullying, and harassment;  
5 departmental responsibilities. (a) This section shall apply to  
6 conduct occurring on all public elementary and secondary school  
7 premises, at any school-sponsored functions or activities, and  
8 on school-sponsored transportation. This section also applies  
9 to electronic technology usage and electronic communications  
10 that occur on all public elementary and secondary school  
11 premises, at any school-sponsored functions or activities, on  
12 school-sponsored transportation, and on school computers,  
13 networks, forums, and mailing lists.

14 (b) The department shall maintain and monitor anti-  
15 bullying and anti-harassment policies that:

- 16 (1) Are applicable to grades kindergarten through twelve;
- 17 and
- 18 (2) Contain definitions of bullying, cyberbullying, and
- 19 harassment, as defined in section 302A-101.

20 (c) The department shall maintain and enforce appropriate  
21 procedures that incorporate:



- 1        (1) Effective publicizing of the policies established  
2        pursuant to subsection (b), including adding a  
3        statement of those policies to new employee training  
4        materials, student handbooks, and any other  
5        publication that sets forth comprehensive rules,  
6        procedures, and standards of conduct for schools;
- 7        (2) Conducting annual training at the school level on how  
8        to promote peace and respect and how to intervene when  
9        students are engaged in bullying, cyberbullying, or  
10       harassing behavior;
- 11       (3) The investigation of violations of this section;
- 12       (4) Reporting and response mechanisms that address the  
13       failure of schools, complex areas, and administrators  
14       in implementing this section;
- 15       (5) Mechanisms for reporting incidents of bullying,  
16       cyberbullying, and harassment by complex areas and  
17       schools;
- 18       (6) Making available to the public statewide statistics  
19       concerning bullying, cyberbullying, and harassment, as  
20       defined in section 302A-101;



- 1        (7) The filing of complaints against complex areas and  
2        schools upon their failure to comply with and  
3        implement policies pursuant to this section;
- 4        (8) Establishing clear lines of accountability, including  
5        the designation of one person in the department as the  
6        primary contact regarding anti-bullying and anti-  
7        harassment policies who shall receive copies of all  
8        formal and informal complaints, be responsible for  
9        assuring the implementation of policies and procedures  
10       pursuant this section, and serve as the primary  
11       contact on the policies and procedures between the  
12       school district and the department;
- 13       (9) Requiring school employees and trained volunteers who  
14       witness incidents of bullying, cyberbullying, or  
15       harassment, or possess reliable information that would  
16       lead a reasonable person to suspect that a person is a  
17       target of bullying, cyberbullying, or harassment, to  
18       promptly report those incidents or that information to  
19       the school principal, complex area superintendent, or  
20       superintendent;
- 21       (10) Prompt investigation of reports or complaints of  
22       bullying, cyberbullying, or harassment, and



- 1           identification of either the principal or the  
2           principal's designee as the person responsible for the  
3           investigation;
- 4       (11) Delineation of the range of ways in which a school  
5           will respond once an incident of bullying,  
6           cyberbullying, or harassment is identified, including  
7           a range of potential age-appropriate education-focused  
8           consequences that correspond to the prohibited  
9           bullying, cyberbullying, and harassment acts;
- 10       (12) The provision of appropriate referrals or resources to  
11           student victims, perpetrators, and their respective  
12           families, if necessary;
- 13       (13) Provisions that prohibit reprisal or retaliation  
14           against any person who reports an act of bullying,  
15           cyberbullying, or harassment and describe appropriate  
16           remedial action for a person who engages in reprisal  
17           or retaliation;
- 18       (14) Provisions that allow for anonymous reporting while  
19           clarifying that no remedial action shall be undertaken  
20           solely on the basis of an anonymous report;



1       (15) The collection, reporting, and analyzing, at least on  
2       an annual basis, of data on incidents of bullying,  
3       cyberbullying, and harassment; and

4       (16) The establishment of a school community culture that  
5       integrates the aloha spirit as defined in section 5-  
6       7.5, evidence-based anti-bullying and anti-harassment  
7       policies and procedures, and peace promoting elements  
8       into each school's curriculum, and creates and  
9       encourages an environment of safety and respect for  
10       all."

11       SECTION 4. Section 302A-101, Hawaii Revised Statutes, is  
12 amended by adding three new definitions to be appropriately  
13 inserted and to read as follows:

14       "Bullying" means any written, verbal, graphic, or physical  
15 act or acts that:

16       (1) A student or group of students exhibits toward another  
17       student or group of students;

18       (2) Cause mental or physical harm to the other student or  
19       group of students; and

20       (3) Are sufficiently severe, persistent, or pervasive to  
21       create an intimidating, threatening, or abusive  
22       educational environment.



1 Bullying includes conduct that is based on a student's actual or  
2 perceived race, color, national origin, sex, gender identity or  
3 expression, sexual orientation, physical or mental disability,  
4 religion, physical appearance and characteristic, or socio-  
5 economic status; or a student's association with a person or  
6 group with one or more of these actual or perceived  
7 characteristics.

8 "Cyberbullying" means an act or acts exhibited by one  
9 student or group of students to another student or group of  
10 students that:

- 11 (1) Are conveyed by electronic transmission via the  
12 Internet, a cell phone, a personal digital assistant  
13 (PDA), or a wireless hand-held device;  
14 (2) Cause mental or physical harm to the student or group  
15 of students that receives the electronic transmission;  
16 and  
17 (3) Are sufficiently severe, persistent, or pervasive to  
18 create an intimidating, threatening, or abusive  
19 educational environment.

20 "Harassment" means harassing, bullying, including  
21 cyberbullying, annoying, or alarming a student or group of  
22 students by engaging in conduct that includes:



- 1        (1) Striking, shoving, kicking, or otherwise touching a  
2        student or group of students in an offensive manner or  
3        subjecting that student or group of students to  
4        offensive physical contact;
- 5        (2) Insulting, taunting, or challenging another student or  
6        group of students in a manner likely to provoke a  
7        violent response;
- 8        (3) Making verbal or non-verbal expressions that cause  
9        another student or group of students to feel  
10       uncomfortable, pressured, threatened, or in danger  
11       because of reasons that include the student's or  
12       group's actual or perceived race, color, national  
13       origin, sex, gender identity or expression, sexual  
14       orientation, physical or mental disability, religion,  
15       physical appearance and characteristic, and socio-  
16       economic status, or association therewith, that  
17       creates an intimidating, hostile, or offensive  
18       educational environment, or interferes with the  
19       education of a student or group of students, or  
20       otherwise adversely affects the educational  
21       opportunity of a student or group of students;





1        (4) Name calling, making rude gestures, insulting, or  
2        teasing another student or group of students who, as a  
3        result, feels humiliated, intimidated, threatened, or  
4        embarrassed;

5        (5) Making a telephone call without the purpose of  
6        legitimate communication;

7        (6) Making repeated communications anonymously, at  
8        extremely inconvenient hours, or in offensively coarse  
9        language on campus or other department of education  
10       premises, on department of education transportation,  
11       or during a department of education-sponsored activity  
12       or event on or off school property;

13       (7) Causing fear as to prevent other students or groups of  
14       students from gaining legitimate access to or use of  
15       school buildings, facilities, services, or grounds  
16       such as restroom facilities; and

17       (8) Physically harming, physically restraining,  
18       threatening, or stalking, or a combination thereof."

19       SECTION 5. The department of education shall submit a  
20       report regarding the implementation of this Act, including  
21       findings, recommendations, and any proposed legislation, to the



1 legislature no later than twenty days prior to the convening of  
2 the regular session of 2012.

3 SECTION 6. The provisions of this Act shall be liberally  
4 construed to give effect to the purposes thereof.

5 SECTION 7. Nothing in this Act is intended to interfere  
6 with the First Amendment rights of free speech and expression of  
7 any person affected.

8 SECTION 8. If any provision of this Act, or the  
9 application thereof to any person or circumstance is held  
10 invalid, the invalidity does not affect other provisions or  
11 applications of the Act, which can be given effect without the  
12 invalid provision or application, and to this end the provisions  
13 of this Act are severable.

14 SECTION 9. New statutory material is underscored.

15 SECTION 10. This Act shall take effect upon on January 7,  
16 2059.



**Report Title:**

Keiki Caucus; Safe Schools Act; Bullying

**Description:**

Requires the department of education to maintain, monitor, and enforce anti-bullying and anti-harassment policies and procedures to protect students or groups of students from bullying, cyberbullying, and harassment. Effective January 7, 2009. (HB688 HD1)

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

