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# A BILL FOR AN ACT

RELATING TO BULLYING AND CYBERBULLYING.

**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 on the psychological, social,  
4 and physical well-being of students in grades K-12. Bullying  
5 also directly affects students' attitudes toward school, school  
6 attendance, and academic achievement. According to a June 25,  
7 2007, report from the department of education safe schools  
8 community advisory committee entitled "Recommendations for  
9 Addressing Harassment in Hawaii Public Schools", bullying and  
10 harassment are common features of American school life. A 2003  
11 nationally representative study of sixth to tenth grade students  
12 found that in the previous year, thirteen per cent of these  
13 students had engaged in bullying behaviors, eleven per cent had  
14 been victims, and six per cent had been victims and had also  
15 engaged in bullying behaviors.

16           The purpose of this Act is to provide greater protection  
17 for Hawaii's children, in and out of school settings, by:



- 1 (1) Establishing a bullying and cyberbullying policy for
- 2 all public schools;
- 3 (2) Requiring implementation of the policy in all public
- 4 schools;
- 5 (3) Establishing bullying and cyberbullying reporting
- 6 requirements for all public schools; and
- 7 (4) Requiring the department of education and the charter
- 8 school review panel to each submit an annual report to
- 9 the legislature on the status of the implementation of
- 10 the policy established pursuant to this Act,
- 11 statistics on bullying and cyberbullying, and the
- 12 impact of the policy on bullying and cyberbullying in
- 13 the schools.

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

- 17 "§302A- Bullying and cyberbullying; policy; reporting.
- 18 (a) No student shall be subjected to bullying or cyberbullying:
  - 19 (1) During any education program or activity;
  - 20 (2) While in school, on school equipment or property, in
  - 21 school vehicles, on school buses, at designated school

1           bus stops, at school-sponsored activities, or at  
2           school-sanctioned events; or

3           (3) Through the use of data, telephone, or computer  
4           software that is accessed through a computer, computer  
5           system, or computer network.

6           (b) The department shall adopt rules to implement a policy  
7 prohibiting bullying and cyberbullying, as defined in subsection  
8 (f). The department shall involve students, parents, legal  
9 guardians, administrators, school staff, school volunteers,  
10 community representatives, and local law enforcement agencies in  
11 the process of adopting the policy. The department's policy  
12 shall be implemented in a manner that is ongoing throughout the  
13 school year and integrated with a school's curriculum,  
14 discipline policies, and other violence prevention efforts.

15           (c) The policy adopted by the department pursuant to  
16 subsection (b) shall contain, at a minimum, the following  
17 components:

18           (1) Notice of the policy, which shall include:

19           (A) A statement prohibiting bullying or  
20           cyberbullying, as defined in subsection (f);

21           (B) A statement prohibiting retaliation or false  
22           accusation against a student target, witness, or



- 1           individual with reliable information about an act  
2           of bullying or cyberbullying;
- 3           (C) A requirement that all students are protected  
4           regardless of their status under the law;
- 5           (D) A statement of how the policy is to be  
6           publicized, including requirements that:
- 7           (i) Annual written notice of the policy shall be  
8           provided to parents, legal guardians, staff,  
9           volunteers, and students, with age  
10           appropriate language for students;
- 11           (ii) Posting of the policy in several locations  
12           in each public school, including cafeterias,  
13           school bulletin boards, and administration  
14           offices, and the department's website; and
- 15           (iii) Inclusion of the policy in all student  
16           conduct and employee handbooks;
- 17           (E) A procedure for providing immediate notification  
18           to the parents or legal guardian of a victim of  
19           bullying or cyberbullying and the parents or  
20           legal guardian of the perpetrator of the bullying  
21           or cyberbullying; and



1           (F) The identification by job title of school  
2           officials responsible for ensuring that the  
3           policy is implemented;

4       (2) Reporting and investigation procedures and  
5       requirements, which shall include:

6           (A) A procedure for reporting an act of bullying or  
7           cyberbullying, including a provision that permits  
8           a person to report a bullying or cyberbullying  
9           act anonymously; provided that no formal  
10          disciplinary action shall be taken solely on the  
11          basis of an anonymous report;

12          (B) A requirement that any school employee who has  
13          information that a student is a target of  
14          bullying or cyberbullying immediately report the  
15          information to the principal of the employee's  
16          school or the principal's designee;

17          (C) A procedure for each school to document any  
18          bullying or cyberbullying incident that is  
19          reported and a procedure to report all incidents  
20          of bullying or cyberbullying and the resulting  
21          consequences, including discipline and referrals,  
22          to the board on a semi-annual basis; and



1           (D) A procedure for prompt investigation of reports  
2           of violations and complaints, identifying either  
3           the principal or the principal's designee as the  
4           person responsible for the investigation;

5           (3) Penalties, remedies, and victim assistance that  
6           include:

7           (A) Penalties, consequences, and appropriate remedial  
8           action for a student who commits an act of  
9           bullying or cyberbullying;

10          (B) Penalties, consequences, and appropriate remedial  
11          action for a student found to have falsely  
12          accused another as a means of retaliation,  
13          reprisal, or as a means of bullying or  
14          cyberbullying;

15          (C) A strategy for providing counseling or referral  
16          to appropriate services, including guidance,  
17          academic intervention, and protection to student  
18          targets and perpetrators, and appropriate family  
19          members affected by bullying or cyberbullying, as  
20          necessary; and

21          (D) A statement encouraging public schools to form  
22          bullying prevention task forces, programs, and



1           other initiatives involving school staff,  
2           students, administrators, volunteers, parents,  
3           legal guardians, law enforcement, community  
4           members, and other stakeholders; and

5       (4) Training and assessment, including the following  
6       educational programs to prevent bullying or  
7       cyberbullying:

8       (A) Annual training for administrators, school  
9       employees, and volunteers who have significant  
10       contact with students in preventing, identifying,  
11       responding to, and reporting incidents of  
12       bullying or cyberbullying; and

13       (B) An educational program for students, parents, and  
14       legal guardians in preventing, identifying,  
15       responding to, and reporting incidents of  
16       bullying or cyberbullying.

17       (d) Nothing in this section shall be construed to prohibit  
18       or prevent a teacher, school or department official, or other  
19       employee or volunteer of the department from reporting other  
20       offenses to the appropriate principal or the principal's  
21       designee.



1       (e) A student, parent, legal guardian, teacher, school or  
2 department official, or other employee or volunteer of the  
3 department who promptly reports in good faith an act of bullying  
4 or cyberbullying to the appropriate school official designated  
5 in the department's policy and who makes this report in  
6 compliance with the procedures set forth in the policy is immune  
7 from a cause of action for damages arising out of the reporting  
8 itself or any failure to remedy the reported incident.

9       (f) For the purposes of this section:

10       "Bullying" or "cyberbullying" means any written, verbal, or  
11 physical act, or any electronic communication including a  
12 communication shown to be motivated by a student's actual or  
13 perceived race, color, religion, national origin, ancestry or  
14 ethnicity, socio-economic status, sexual orientation, physical,  
15 mental, emotional, or learning disability, gender, gender  
16 identity or expression, or other distinguishing personal  
17 characteristic, when the written, verbal, or physical act or  
18 electronic communication is intended to:

19       (1) Physically or emotionally harm a student or damage the  
20 student's property;

21       (2) Substantially interfere with a student's educational  
22 opportunities;





1       (3) Be so severe, persistent, or pervasive as to create an  
2           intimidating or threatening educational environment;  
3           or

4       (4) Substantially disrupt the orderly operation of the  
5           school.

6       "Electronic communication" means any communication through  
7       an electronic device including a telephone, cellular phone,  
8       computer, or pager, including electronic mail or e-mail, instant  
9       messaging, text messages, blogs, mobile phones, pagers, online  
10       games, and websites.

11       (g) The department shall submit an annual report to the  
12       legislature that shall include the status of the implementation  
13       of the policy established pursuant to this section, statistics  
14       on bullying and cyberbullying, and the policy's impact on  
15       bullying and cyberbullying in schools no later than twenty days  
16       prior to the convening of each regular session."

17       SECTION 3. Chapter 302B, Hawaii Revised Statutes, is  
18       amended by adding a new section to be appropriately designated  
19       and to read as follows:

20       "**§302B-     Bullying and cyberbullying; policy; reporting.**

21       (a) No student shall be subjected to bullying or cyberbullying  
22       at any time.



1           (b) The panel shall adopt rules to implement a policy  
 2 prohibiting bullying and cyberbullying, as defined in subsection  
 3 (f). The panel shall involve students, parents, legal  
 4 guardians, administrators, school staff, school volunteers,  
 5 community representatives, and local law enforcement agencies in  
 6 the process of adopting the policy. The panel's policy shall be  
 7 implemented in a manner that is ongoing throughout the school  
 8 year and integrated with a charter school's curriculum,  
 9 discipline policies, and other violence prevention efforts.

10           (c) The policy adopted by the panel pursuant to subsection  
 11 (b) shall contain, at a minimum, the following components:

12           (1) Notice of the policy, which shall include:

13           (A) A statement prohibiting bullying or  
 14           cyberbullying, as defined in subsection (f);

15           (B) A statement prohibiting retaliation or false  
 16           accusation against a student target, witness, or  
 17           individual with reliable information about an act  
 18           of bullying or cyberbullying;

19           (C) A requirement that all students are protected  
 20           regardless of their status under the law;

21           (D) A statement of how the policy is to be  
 22           publicized, including requirements that:



- 1            (i) Annual written notice of the policy shall be
- 2                            provided to parents, legal guardians, staff,
- 3                            volunteers, and students, with age
- 4                            appropriate language for students;
- 5            (ii) Posting of the policy in several locations
- 6                            in each charter school, including
- 7                            cafeterias, school bulletin boards, and
- 8                            administration offices, and the office's
- 9                            website; and
- 10           (iii) Inclusion of the policy in all student
- 11                            conduct and employee handbooks;
- 12           (E) A procedure for providing immediate notification
- 13                            to the parents or legal guardian of a victim of
- 14                            bullying or cyberbullying and the parents or
- 15                            legal guardian of the perpetrator of the bullying
- 16                            or cyberbullying; and
- 17           (F) The identification by job title of school
- 18                            officials responsible for ensuring that the
- 19                            policy is implemented;
- 20           (2) Reporting and investigation procedures and
- 21                            requirements, which shall include:



- 1           (A) A procedure for reporting an act of bullying or  
2           cyberbullying, including a provision that permits  
3           a person to report a bullying or cyberbullying  
4           act anonymously; provided that no formal  
5           disciplinary action shall be taken solely on the  
6           basis of an anonymous report;
- 7           (B) A requirement that any school employee who has  
8           information that a student is a target of  
9           bullying or cyberbullying immediately report the  
10           information to the principal of the employee's  
11           school or the principal's designee;
- 12           (C) A procedure for each school to document any  
13           bullying or cyberbullying incident that is  
14           reported and a procedure to report all incidents  
15           of bullying or cyberbullying and the resulting  
16           consequences, including discipline and referrals,  
17           to the panel on a semi-annual basis; and
- 18           (D) A procedure for prompt investigation of reports  
19           of violations and complaints, identifying either  
20           the principal or the principal's designee as the  
21           person responsible for the investigation;



- 1        (3) Penalties, remedies, and victim assistance that shall  
2        include:
- 3        (A) Penalties, consequences, and appropriate remedial  
4        action for a student who commits an act of  
5        bullying or cyberbullying;
- 6        (B) Penalties, consequences, and appropriate remedial  
7        action for a student found to have falsely  
8        accused another as a means of retaliation,  
9        reprisal, or as a means of bullying or  
10       cyberbullying;
- 11       (C) A strategy for providing counseling or referral  
12       to appropriate services, including guidance,  
13       academic intervention, and protection to student  
14       targets and perpetrators, and appropriate family  
15       members affected by bullying or cyberbullying, as  
16       necessary; and
- 17       (D) A statement encouraging charter schools to form  
18       bullying prevention task forces, programs, and  
19       other initiatives involving school staff,  
20       students, administrators, volunteers, parents,  
21       legal guardians, law enforcement, community  
22       members, and other stakeholders;



1           and

2           (4) Training and assessment, including the following

3           educational programs to prevent bullying or

4           cyberbullying:

5           (A) Annual training for administrators, school

6           employees, and volunteers who have significant

7           contact with students in preventing, identifying,

8           responding to, and reporting incidents of

9           bullying or cyberbullying; and

10          (B) An educational program for students, parents, and

11          legal guardians in preventing, identifying,

12          responding to, and reporting incidents of

13          bullying or cyberbullying.

14          (d) Nothing in this section shall be construed to prohibit

15          or prevent a teacher, school or department official, or other

16          employee or volunteer of the department from reporting other

17          offenses to the appropriate principal or the principal's

18          designee.

19          (e) A student, parent, legal guardian, teacher, school or

20          department official, or other employee or volunteer of the

21          department who promptly reports in good faith an act of

22          harassment, intimidation, bullying, or cyberbullying to the



1 appropriate school official designated in the panel's policy and  
2 who makes this report in compliance with the procedures set  
3 forth in the policy is immune from a cause of action for damages  
4 arising out of the reporting itself or any failure to remedy the  
5 reported incident.

6 (f) For the purposes of this section:

7 "Bullying" or "cyberbullying" shall have the same meaning  
8 as in section 302A- (f).

9 "Electronic communication" shall have the same meaning as  
10 in section 302A- (f).

11 (g) The panel shall submit an annual report to the  
12 legislature that shall include the status of the implementation  
13 of the policy established pursuant to this section, statistics  
14 on bullying and cyberbullying, and the policy's impact on  
15 bullying and cyberbullying in schools no later than twenty days  
16 prior to the convening of each regular session."

17 SECTION 4. There is appropriated out of the general  
18 revenues of the State of Hawaii the sum of \$ or so much  
19 thereof as may be necessary for fiscal year 2011-2012 and the  
20 same sum or so much thereof as may be necessary for fiscal year  
21 2012-2013 to fund the implementation of the policy required by  
22 this Act.



1           The sums appropriated shall be expended by the department  
2 of education for the purposes of this Act.

3           SECTION 5. This Act shall take effect on July 1, 2050.





**Report Title:**

Bullying; Cyberbullying

**Description:**

Establishes a bullying and cyberbullying policy for all public schools. Requires implementation of the policy in all public schools. Establishes bullying and cyberbullying reporting requirements for all public schools. Defines "bullying" and "cyberbullying". Requires the department of education and the charter school review panel to report to the legislature annually. Effective July 1, 2050. (SB934 HD1)

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

