
A BILL FOR AN ACT

RELATING TO EDUCATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The purpose of this Act is to give schools
2 authority to suspend or expel students for bullying fellow
3 students over the Internet, in text-messaging, or by other
4 electronic means.

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

8 "§302A- Cyberbullying; disciplinary action. (a) A
9 student may be suspended or expelled for any act of
10 cyberbullying that is related to school activity or school
11 attendance that occurs at any time, at or on the way to or from
12 any elementary or secondary school, or through the use of school
13 property, including any of the following:

14 (1) During the lunch period whether on or off campus;

15 (2) During, while going to, or coming from, a school
16 sponsored activity; or

17 (3) On school computers, networks, forums, and mailing
18 lists.



1 (b) A student may be suspended from school if the
2 superintendent or the principal of the school in which the
3 student is enrolled determines that the student has engaged in
4 an act of cyberbullying.

5 (c) Notwithstanding subsection (b), the superintendent or
6 principal of the school in which the student is enrolled may use
7 discretion in providing alternatives to suspension or expulsion,
8 including:

9 (1) A counseling or anger management program for a student
10 subject to discipline under this section; and

11 (2) Performing community service on school grounds in the
12 areas of outdoor beautification or community or campus
13 improvement, and participation in teacher, peer, or
14 youth assistance programs.

15 (d) The department of education shall adopt administrative
16 rules, pursuant to chapter 91, regarding disciplinary actions
17 and alternative disciplinary methods to address cyberbullying.

18 (e) For purposes of this section:

19 "Bullying" means an act or conduct by one or more students
20 that:



- 1 (1) Places a reasonable student or students in fear of
2 harm to that student's or those students' person or
3 property;
- 4 (2) Causes a reasonable student to experience a
5 substantially detrimental effect on the student's
6 physical or mental health;
- 7 (3) Causes a reasonable student to experience substantial
8 interference with the student's academic performance;
9 or
- 10 (4) Causes a reasonable student to experience substantial
11 interference with his or her ability to participate in
12 or benefit from the services, activities, or
13 privileges provided by a school.

14 "Cyberbullying" means bullying through an electronically
15 transmitted act.

16 "Electronically transmitted act" means the transmission of
17 a communication, including a message, text, sound, or image, or
18 a post on a social network Internet web site, by means of an
19 electronic device, including a telephone, wireless telephone or
20 other wireless communication device, computer, or pager.

21 "Reasonable student" means a student, including an
22 exceptional child, who exercises average care, skill, and



1 judgment in conduct for a person of that age, or for a person of
2 that age with exceptional needs.

3 "School property" includes electronic files and databases
4 under the control or ownership of the department of education."

5 SECTION 3. New statutory material is underscored.

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



Report Title:

Bullying; Cyberbullying; Education; Disciplinary Action

Description:

Authorizes the Superintendent of Education and principals to suspend or expel students who engage in cyberbullying. (HB1559 HD1)

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

