
HOUSE CONCURRENT RESOLUTION

REQUESTING THE BOARD OF EDUCATION TO REVIEW ITS BY-LAWS AND POLICIES, APPLICABLE ADMINISTRATIVE RULES AND STATUTES, AS WELL AS ANY INTERNAL PRACTICES AND PROCEDURES, TO PROVIDE THE BEST POSSIBLE LEGAL PROTECTION FOR PUBLIC SCHOOL TEACHERS AND ADMINISTRATORS WHO HAVE CONCERNS ABOUT RE-ADMITTING CERTAIN STUDENTS TO THE CLASSROOM FOLLOWING ANY DISCIPLINARY ACTION OF THE STUDENT FOR ABUSE OR POSSESSION OF ALCOHOL OR DRUGS.

1 WHEREAS, Hawaii's Department of Education employs
2 approximately thirteen thousand public school teachers who have
3 the responsibility of educating approximately one hundred eighty
4 thousand students; and
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6 WHEREAS, the professional well-being of Hawaii's public
7 school teachers and administrators depends in part upon the
8 department's willingness to consider any legitimate concerns of
9 its teachers and administrators regarding classroom safety, and
10 to take any necessary and appropriate administrative action; and
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12 WHEREAS, students who have been disciplined by the teacher
13 and/or the school administration for abuse or possession of
14 alcohol or drugs pose a heightened risk to classroom safety,
15 particularly in classrooms where certain types of tools or
16 equipment capable of causing serious physical injury are readily
17 available; and
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19 WHEREAS, the teachers of such students must be allowed to
20 give input to the school administration regarding the
21 appropriateness of the student's re-admission to the classroom;
22 the school administration must be able to freely communicate
23 those concerns to the department; and such input should be
24 seriously considered by the department; and
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1 WHEREAS, Hawaii's Board of Education is tasked with
2 oversight of the public school system; and
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4 WHEREAS, one of the functions of the Board of Education is
5 to adopt administrative policies and regulations relating to the
6 management of the statewide systems of public schools; and
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8 WHEREAS, Hawaii's public school teachers and administrators
9 deserve the benefit of administrative policies and regulations
10 that support any efforts to prevent threats to classroom safety
11 posed by students disciplined for abuse or possession of alcohol
12 or drugs; and
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14 WHEREAS, Hawaii's public school teachers and administrators
15 further deserve to be indemnified and held harmless for any
16 incidents arising out of the readmission of such students to the
17 classroom over the teacher's and/or school administration's
18 objection(s); now, therefore,
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20 BE IT RESOLVED by the House of Representatives of the
21 Twenty-sixth Legislature of the State of Hawaii, Regular Session
22 of 2012, the Senate concurring, that the Board of Education is
23 requested to review its by-laws and policies, applicable
24 administrative rules and statutes, as well as any internal
25 practices and procedures, to provide the best possible legal
26 protection for public school teachers and administrators who
27 have concerns about re-admitting certain students to the
28 classroom following any disciplinary action of the student for
29 abuse or possession of alcohol or drugs.
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31 BE IT FURTHER RESOLVED that following such review, the
32 Board of Education should make any necessary changes to its by-
33 laws and policies, applicable administrative rules, or internal
34 practices and procedures, in order to be consistent with
35 indemnifying and holding teachers and administrators harmless
36 for any incidents arising out of the readmission of such
37 students to the classroom over the teacher's and/or school
38 administration's objection(s); and
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40 BE IT FURTHER RESOLVED that the Board of Education submit a
41 report of its findings, including any changes made to its by-
42 laws and policies, applicable administrative rules, or internal
43 practices and procedures, to the Legislature no later than



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1 twenty days prior to the convening of the Regular Session of
2 2013; and

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4 BE IT FURTHER RESOLVED that the Board of Education submit a
5 report to the Legislature, including any proposed legislation,
6 no later than twenty days prior to the convening of the Regular
7 Session of 2013; and

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9 BE IT FURTHER RESOLVED that certified copies of this
10 Concurrent Resolution be transmitted to the Chairperson of the
11 Board of Education, the Superintendent of Education, the
12 President of the Hawaii State Teachers Association, and the
13 Executive Director of the Hawaii Government Employees
14 Association.

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OFFERED BY:



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