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## HOUSE 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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26           WHEREAS, Hawaii's Board of Education is tasked with  
27 oversight of the public school system; and  
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1           WHEREAS, one of the functions of the Board of Education is  
2 to adopt administrative policies and regulations relating to the  
3 management of the statewide systems of public schools; and  
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5           WHEREAS, Hawaii's public school teachers and administrators  
6 deserve the benefit of administrative policies and regulations  
7 that support any efforts to prevent threats to classroom safety  
8 posed by students disciplined for abuse or possession of alcohol  
9 or drugs; and  
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11           WHEREAS, Hawaii's public school teachers and administrators  
12 further deserve to be indemnified and held harmless for any  
13 incidents arising out of readmission of such students to the  
14 classroom over the teacher's and/or school administration's  
15 objection(s); now, therefore,  
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17           BE IT RESOLVED by the House of Representatives of the  
18 Twenty-sixth Legislature of the State of Hawaii, Regular Session  
19 of 2012, that the Board of Education is requested to review its  
20 by-laws and policies, applicable administrative rules and  
21 statutes, as well as any internal practices and procedures, to  
22 provide the best possible legal protection for public school  
23 teachers and administrators who have concerns about re-admitting  
24 certain students to the classroom following any disciplinary  
25 action of the student for abuse or possession of alcohol or  
26 drugs.  
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28           BE IT FURTHER RESOLVED that following such review, the  
29 Board of Education should make any necessary changes to its by-  
30 laws and policies, applicable administrative rules, or internal  
31 practices and procedures, in order to be consistent with  
32 indemnifying and holding teachers and administrators harmless  
33 for any incidents arising out of the readmission of such  
34 students to the classroom over the teacher's and/or school  
35 administration's objection(s); and  
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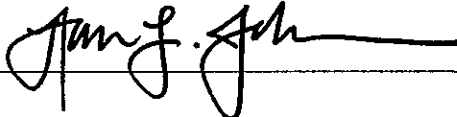
37           BE IT FURTHER RESOLVED that the Board of Education submit a  
38 report of its findings, including any changes made to its by-  
39 laws and policies, applicable administrative rules, or internal  
40 practices and procedures, to the Legislature no later than  
41 twenty days prior to the convening of the Regular Session of  
42 2013; and  
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1 BE IT FURTHER RESOLVED that the Board of Education submit a  
2 report to the Legislature, including any proposed legislation,  
3 no later than twenty days prior to the convening of the Regular  
4 Session of 2013; and

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

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OFFERED BY:  \_\_\_\_\_

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