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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. 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 and the charter school review panel to maintain,



1 monitor, and enforce anti-bullying and anti-harassment policies  
2 and procedures to protect students.

3 SECTION 3. Chapter 302A, Hawaii Revised Statutes, is  
4 amended by adding a new section to be appropriately designated  
5 and to read as follows:

6 "§302A- Bullying, cyberbullying, and harassment;  
7 departmental responsibilities. (a) This section shall apply to  
8 conduct occurring on all public elementary and secondary school  
9 premises, at any school-sponsored functions or activities, and  
10 on school-sponsored transportation. This section shall also  
11 apply to electronic technology usage and electronic  
12 communications that occur on all public elementary and secondary  
13 school premises, at any school-sponsored functions or  
14 activities, on school-sponsored transportation, and on school  
15 computers, networks, forums, and mailing lists.

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

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



1        (c) The department shall maintain and enforce appropriate  
2 procedures that incorporate:

3        (1) Effectively publicizing the policies established  
4 pursuant to subsection (b), including adding a  
5 statement of those policies to new employee training  
6 materials, student handbooks, and any other  
7 publication that sets forth comprehensive rules,  
8 procedures, and standards of conduct for schools;

9        (2) Conducting annual training at the school level on how  
10 to promote peace and respect, and intervention  
11 strategies when students are engaged in bullying,  
12 cyberbullying, or harassing behavior;

13        (3) Establishing procedures for investigating violations  
14 of this section;

15        (4) Reporting and response mechanisms that address the  
16 failure of schools, complex areas, and administrators  
17 in implementing this section;

18        (5) Mechanisms for reporting incidents of bullying,  
19 cyberbullying, and harassment by complex areas and  
20 schools;



- 1       (6) Making available to the public statewide statistics  
2       concerning bullying, cyberbullying, and harassment, as  
3       defined in section 302A-101;
- 4       (7) The filing of complaints against complex areas and  
5       schools upon their failure to comply with or implement  
6       policies pursuant to this section;
- 7       (8) Establishing clear lines of accountability, including  
8       the designation of one person in the department as the  
9       primary contact regarding anti-bullying and anti-  
10       harassment policies who shall receive copies of all  
11       formal and informal complaints, be responsible for  
12       assuring the implementation of policies and procedures  
13       pursuant this section, and serve as the primary  
14       contact on the policies and procedures between the  
15       school district and the department;
- 16       (9) Requiring school employees and trained volunteers who  
17       witness incidents of bullying, cyberbullying, or  
18       harassment, or possess reliable information that would  
19       lead a reasonable person to suspect that a person is a  
20       target of bullying, cyberbullying, or harassment, to  
21       promptly report those incidents or that information to



1 the school principal, complex area superintendent, or  
2 superintendent;

3 (10) Prompt investigation of reports or complaints of  
4 bullying, cyberbullying, or harassment, and  
5 identification of either the principal or the  
6 principal's designee as the person responsible for the  
7 investigation;

8 (11) Delineating the range of ways in which a school will  
9 respond once an incident of bullying, cyberbullying,  
10 or harassment is identified, including a range of  
11 potential age-appropriate education-focused  
12 consequences that correspond to the prohibited  
13 bullying, cyberbullying, and harassment act;

14 (12) The provision of appropriate referrals or resources to  
15 student victims, perpetrators, and their respective  
16 families, if necessary;

17 (13) Provisions that prohibit reprisal or retaliation  
18 against any person who reports an act of bullying,  
19 cyberbullying, or harassment and describe appropriate  
20 remedial action for a person who engages in reprisal  
21 or retaliation;



- 1        (14) Provisions that allow for anonymous reporting, but no  
2        remedial action shall be undertaken solely on the  
3        basis of an anonymous report;
- 4        (15) The collection, reporting, and analyzing, at least on  
5        an annual basis, of data on incidents of bullying,  
6        cyberbullying, and harassment; and
- 7        (16) The establishment of a school community culture that  
8        integrates the aloha spirit, as defined in section  
9        5-7.5, Hawaii Revised Statutes, evidence-based anti-  
10       bullying and anti-harassment policies and procedures,  
11       and peace promoting elements into each school's  
12       curriculum, and creates and encourages an environment  
13       of safety and respect for all."

14       SECTION 4. Chapter 302B, Hawaii Revised Statutes, is  
15       amended by adding a new section to be appropriately designated  
16       and to read as follows:

17       "§302B-       **Bullying, cyberbullying, and harassment; panel**  
18       **responsibilities.** (a) This section shall apply to conduct  
19       occurring on all charter school premises, at any charter school-  
20       sponsored functions or activities, and on charter school-  
21       sponsored transportation. This section shall also apply to  
22       electronic technology usage and electronic communications that



1 occur on all charter school premises, at any charter school-  
2 sponsored functions or activities, on charter school-sponsored  
3 transportation, and on charter school computers, networks,  
4 forums, and mailing lists.

5 (b) The panel shall maintain and monitor anti-bullying and  
6 anti-harassment policies that:

7 (1) Are applicable to grades kindergarten through twelve;  
8 and

9 (2) Contain definitions of bullying, cyberbullying, and  
10 harassment, as defined in section 302A-101.

11 (c) The panel shall maintain and enforce appropriate  
12 procedures that incorporate:

13 (1) Effectively publicizing the policies established  
14 pursuant to subsection (b), including adding a  
15 statement of those policies to new employee training  
16 materials, student handbooks, and any other  
17 publication that sets forth comprehensive rules,  
18 procedures, and standards of conduct for charter  
19 schools;

20 (2) Conducting annual training at the school level on how  
21 to promote peace and respect, and intervention



- 1           strategies when students are engaged in bullying,  
2           cyberbullying, or harassing behavior;
- 3           (3) Establishing procedures for investigating violations  
4           of this section;
- 5           (4) Reporting and response mechanisms that address the  
6           failure of schools, complex areas, and administrators  
7           in implementing this section;
- 8           (5) Mechanisms for reporting incidents of bullying,  
9           cyberbullying, and harassment by complex areas and  
10           schools;
- 11           (6) Making available to the public statewide statistics  
12           concerning bullying, cyberbullying, and harassment, as  
13           defined in section 302A-101;
- 14           (7) The filing of complaints against complex areas and  
15           schools upon their failure to comply with or implement  
16           policies pursuant to this section;
- 17           (8) Establishing clear lines of accountability, including  
18           the designation of one person from the charter school  
19           administrative office as the primary contact regarding  
20           anti-bullying and anti-harassment policies who shall  
21           receive copies of all formal and informal complaints,  
22           be responsible for assuring the implementation of





1 policies and procedures pursuant this section, and  
2 serve as the primary contact on the policies and  
3 procedures between the office and the department;

4 (9) Requiring school employees and trained volunteers who  
5 witness incidents of bullying, cyberbullying, or  
6 harassment, or possess reliable information that would  
7 lead a reasonable person to suspect that a person is a  
8 target of bullying, cyberbullying, or harassment, to  
9 promptly report those incidents or that information to  
10 the school principal, complex area superintendent, or  
11 superintendent;

12 (10) Prompt investigation of reports or complaints of  
13 bullying, cyberbullying, or harassment, and  
14 identification of either the principal or the  
15 principal's designee as the person responsible for the  
16 investigation;

17 (11) Delineating the range of ways in which a school will  
18 respond once an incident of bullying, cyberbullying,  
19 or harassment is identified, including a range of  
20 potential age-appropriate education-focused  
21 consequences that correspond to the prohibited  
22 bullying, cyberbullying, and harassment act;



- 1        (12) The provision of appropriate referrals or resources to  
2        student victims, perpetrators, and their respective  
3        families, if necessary;
- 4        (13) Provisions that prohibit reprisal or retaliation  
5        against any person who reports an act of bullying,  
6        cyberbullying, or harassment and describe appropriate  
7        remedial action for a person who engages in reprisal  
8        or retaliation;
- 9        (14) Provisions that allow for anonymous reporting, but no  
10       remedial action shall be undertaken solely on the  
11       basis of an anonymous report;
- 12       (15) The collection, reporting, and analyzing, at least on  
13       an annual basis, of data on incidents of bullying,  
14       cyberbullying, and harassment; and
- 15       (16) The establishment of a school community culture that  
16       integrates the aloha spirit, as defined in section  
17       5-7.5, Hawaii Revised Statutes, evidence-based anti-  
18       bullying and anti-harassment policies and procedures,  
19       and peace promoting elements into each school's  
20       curriculum, and creates and encourages an environment  
21       of safety and respect for all."



1        (d) For the purposes of this section, "bullying,"  
2 "cyberbullying," and "harassment" shall have the same meaning as  
3 in section 302A-101."

4        SECTION 5. Section 302A-101, Hawaii Revised Statutes, is  
5 amended by adding three new definitions to be appropriately  
6 inserted and to read as follows:

7        "Bullying" means any written, verbal, graphic, or physical  
8 act or acts that:

9        (1) A student or group of students exhibits toward another  
10 student or group of students;

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

13        (3) Are sufficiently severe, persistent, or pervasive to  
14 create an intimidating, threatening, or abusive  
15 educational environment.

16 Bullying includes conduct that is based on a student's actual or  
17 perceived race, color, national origin, sex, gender identity or  
18 expression, sexual orientation, physical or mental disability,  
19 religion, physical appearance and characteristic, or socio-  
20 economic status; or a student's association with a person or  
21 group with one or more of these actual or perceived  
22 characteristics.



1       "Cyberbullying" means an act or acts exhibited by one  
2 student or group of students to another student or group of  
3 students that:

4       (1) Are conveyed by electronic transmission via the  
5 Internet, a cell phone, a personal digital assistant,  
6 or a wireless hand-held device;

7       (2) Cause mental or physical harm to the student or group  
8 of students that receives the electronic transmission;  
9 and

10       (3) Are sufficiently severe, persistent, or pervasive to  
11 create an intimidating, threatening, or abusive  
12 educational environment.

13       "Harassment" means harassing, bullying, including  
14 cyberbullying, annoying, or alarming a student or group of  
15 students by engaging in conduct that includes:

16       (1) Striking, shoving, kicking, or otherwise touching a  
17 student or group of students in an offensive manner or  
18 subjecting that student or group of students to  
19 offensive physical contact;

20       (2) Insulting, taunting, or challenging another student or  
21 group of students in a manner likely to provoke a  
22 violent response;



- 1        (3) Making verbal or non-verbal expression that causes  
2        another student or group of students to feel  
3        uncomfortable, pressured, threatened, or in danger  
4        because of reasons that include the student's or  
5        group's actual or perceived race, color, national  
6        origin, sex, gender identity or expression, sexual  
7        orientation, physical or mental disability, religion,  
8        physical appearance and characteristic, and socio-  
9        economic status, or association therewith, that  
10       creates an intimidating, hostile, or offensive  
11       educational environment, or interferes with the  
12       education of a student or group of students, or  
13       otherwise adversely affects the educational  
14       opportunity of a student or group of students;
- 15       (4) Name calling, making rude gestures, insulting, or  
16       teasing another student or group of students who, as a  
17       result, feels humiliated, intimidated, threatened, or  
18       embarrassed;
- 19       (5) Making a telephone call without the purpose of  
20       legitimate communication;
- 21       (6) Making repeated communications anonymously, at  
22       extremely inconvenient hours, or using offensively



1 coarse language on campus or other department of  
2 education premises, on department of education-  
3 sponsored transportation, or during a department of  
4 education-sponsored activity or event on or off school  
5 property;

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

10 (8) Physically harming, physically restraining,  
11 threatening, stalking, or any combination thereof."

12 SECTION 6. The department of education, in consultation  
13 with the charter school review panel on matters relating to  
14 charter schools, shall submit a report regarding the  
15 implementation of this Act, including findings, recommendations,  
16 and any proposed legislation, to the legislature no later than  
17 twenty days prior to the convening of the regular session of  
18 2012.

19 SECTION 7. The provisions of this Act shall be liberally  
20 construed to give effect to the purposes thereof.



1 SECTION 8. Nothing in this Act is intended to interfere  
2 with the First Amendment rights of free speech and expression of  
3 any person affected.

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

10 SECTION 10. New statutory material is underscored.

11 SECTION 11. This Act shall take effect on July 1, 2050,  
12 provided that Section 6 shall take effect upon its approval.



**Report Title:**

Bullying; Cyberbullying

**Description:**

Requires establishment and implementation of a bullying and cyberbullying policy for all public schools and charter schools. Establishes bullying and cyberbullying reporting requirements for all public schools and charter schools. Defines "bullying", "cyberbullying", and "harassment". Requires the department of education and the charter school review panel to report to the legislature annually. Effective July 1, 2050. (SB934 HD2)

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

