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# A BILL FOR AN ACT

RELATING TO EDUCATION.

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

1           SECTION 1. Because of teachers' position and authority  
2 over students, the legislature finds that it is essential that  
3 teachers be held to high ethical standards for behavior in all  
4 interactions with students, including interactions via  
5 electronic sources. While the digital age has brought with it  
6 myriad opportunities for teachers and students to connect in  
7 potentially more meaningful ways, allowing teachers to remain  
8 relevant by participating in the same social forums as their  
9 students, the likelihood of inappropriate contact and  
10 relationships increases. There have already been several such  
11 incidents in other states, including California, Florida, and  
12 Mississippi.

13           The State may be exposed to liability by permitting  
14 unmonitored communication between teachers and students through  
15 social networking sites and students' personal cellular phones.  
16 In addition, under Article IX, section 10 of the Hawaii state  
17 constitution, the State reserves the power to provide for the  
18 safety of the State's residents from crimes against persons and



1 property. The legislature further finds that it is crucial to  
2 exercise this power where children are concerned, particularly  
3 in light of the increased risk children face in the digital  
4 environment.

5 Therefore, the purpose of this Act is to require teachers,  
6 when communicating electronically with their students, to solely  
7 use resources and systems available through the department of  
8 education's networks, and to prohibit teachers from interacting  
9 with their students through social networking sites, personal  
10 electronic mail accounts, and students' personal cellular  
11 phones.

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

15 "§302A- Electronic communication; teacher-student  
16 interaction. (a) For the duration of the teacher-student  
17 relationship:

18 (1) Electronic communication between a teacher and the  
19 teacher's students shall be limited to those resources  
20 and systems made available through the department's  
21 networks; and



1        (2) All interaction between a teacher and the teacher's  
2        students on social networking sites; by electronic  
3        mail through a teacher or student's personal  
4        electronic mail account, unless made available through  
5        the department's networks; or via a student's personal  
6        cellular phone shall be prohibited.

7        (b) The department shall adopt rules in accordance with  
8        chapter 91 to effectuate the purposes of this section.

9        (c) As used in this section:

10       "Social networking site" means an online service, platform,  
11       or site that enables users to create public profiles and form  
12       relationships with other users of the same service, platform, or  
13       site to facilitate the building of social networks among  
14       individuals who share interests, activities, backgrounds, or  
15       real-life connections.

16       "Teacher-student relationship" means the association of a  
17       teacher and student while the student is enrolled in the school  
18       at which the teacher is employed."

19       SECTION 3. New statutory material is underscored.



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

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INTRODUCED BY:

OL? (BR)

JAN 22 2013



**Report Title:**

Department of Education; Social Networking Sites

**Description:**

Limits electronic communication between a teacher and a student to those resources and systems made available through Department of Education networks. Prohibits specified electronic communication between certain teachers and students.

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

