
A BILL FOR AN ACT

RELATING TO DISCIPLINARY ACTIONS IN PUBLIC SCHOOLS.

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

1 SECTION 1. The legislature finds that there is significant
2 public benefit to ensuring that all students have access to a
3 quality education in a welcoming learning environment. This
4 access leads to higher levels of academic achievement; reduced
5 rates of homelessness, crime, and substance abuse; and better
6 overall social, economic, and physical well-being.

7 The legislature also finds that the disciplinary practice
8 of excluding children, particularly those children that belong
9 to a protected class, from time, resources, and activities at
10 school has a detrimental public impact. Exclusionary school
11 discipline policies, including suspensions, expulsions, and
12 school-based arrests, contribute to the school-to-prison
13 pipeline, a national trend that occurs when students are
14 funneled out of the public school system into the juvenile and
15 adult criminal justice systems. Students who experience
16 exclusionary discipline are more likely to have continued



1 contact with the criminal justice system and less successful
2 outcomes later in life.

3 The legislature further finds that among the many possible
4 disciplinary interventions and consequences available to school
5 officials, exclusions from school, including out-of-school
6 suspension and in-school suspension, are the most serious.
7 Exclusionary school policies can lead to increased rates of
8 disengagement and drop-out in addition to poorer academic and
9 school climate outcomes from schools.

10 The legislature additionally finds that an estimated thirty
11 states have established a public reporting mechanism for
12 exclusionary discipline, and roughly thirty-seven states cap or
13 eliminate suspensions entirely. The legislature finds that
14 Hawaii would benefit by building upon local and national models
15 to reduce the use of suspensions as a disciplinary tool and
16 eliminate inconsistencies and disparities in the discipline of
17 students. In particular, curbing the disparate application of
18 exclusionary school discipline policies on students based on
19 actual or perceived race, color, religion, age, creed,
20 ethnicity, national origin, alienage, citizenship status,
21 immigration status, disability by an individualized education



1 program or 504 plan, age, sexual orientation, sex, gender,
2 gender identity, gender expression, English language learner
3 status, or weight will help dismantle systemic disparities and
4 lead to a more equitable education system.

5 Accordingly, the purpose of this Act is to require the
6 department of education to track and publish data regarding all
7 instances in which exclusionary discipline procedures were used,
8 disaggregated by student subgroup.

9 SECTION 2. Chapter 302A, Hawaii Revised Statutes, is
10 amended by adding a new section to part IV, subpart C, to be
11 appropriately designated and to read as follows:

12 "§302A- School discipline data reporting. (a) The
13 board and the legislature shall review annually the:

- 14 (1) Data concerning the number of students who were
15 excluded from school during the previous school year
16 pursuant to section 302A-1134;
17 (2) Type of exclusion from school, including the duration
18 of the exclusion;
19 (3) Reason or rationale for each exclusion from school;
20 (4) Specific school from which each student was excluded;
21 and



1 (5) Age, grade, gender, English language learner status,
2 race, national origin, or disability status of each
3 student excluded from school; provided that disability
4 status shall mean disability status as designated by
5 an individualized education program developed pursuant
6 to part B of the Individuals with Disabilities
7 Education Act, P.L. 101-476, or a 504 plan made
8 pursuant to the United States Rehabilitation Act of
9 1973, title 29 United States Code section 701 et seq.

10 The board shall make this data public in an annual report,
11 reporting the data required by this section when the number of
12 students in a particular data subgroup is greater than five and
13 redacting when the number of students in a particular data
14 subgroup is five or less; provided that the personally
15 identifiable information of each student shall be kept private.

16 (b) The superintendent, or the superintendent's designee,
17 shall review annually the discipline data collected pursuant to
18 this section and section 302A-1134, to determine whether the
19 discipline imposed has a disproportionate impact on students
20 based on race, ethnicity, national origin, gender, English
21 language learner status, or disability status; provided that



1 disability status shall mean disability status as designated by
2 an individualized education program developed pursuant to part B
3 of the Individuals with Disabilities Education Act, P.L.
4 101-476, or a 504 plan made pursuant to the United States
5 Rehabilitation Act of 1973, title 29 United States Code section
6 701 et seq. If the superintendent or the superintendent's
7 designee determines that the discipline data collected indicates
8 a disparity, the superintendent or appropriate complex area
9 superintendent shall respond appropriately to address the
10 disparity. In addition to the data submitted, the department
11 shall submit an annual report to the board describing what
12 action, if any, the superintendent, complex area superintendent,
13 principal, or any designee has taken to address the disparity.
14 If no disparity is found for a particular school or complex
15 area, the report shall include a statement to that effect. Any
16 report made pursuant to this section shall be deemed to be a
17 public record."

18 SECTION 3. New statutory material is underscored.

19 SECTION 4. This Act shall take effect on July 1, 2050.



Report Title:

DOE; Schools; Discipline; Data; Reporting

Description:

Requires the department of education to track and publish the use of all exclusionary discipline disaggregated by student subgroup. Takes effect on 7/1/2050. (HD1)

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