

ACT 170

H.B. NO. 2253

A Bill for an Act Relating to School Vandalism.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 298-5, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) If the principal, upon a hearing on the charges, has reasonable cause to believe that the pupil is responsible for the loss, destruction, breakage, or damage of school books, equipment, or supplies, the principal shall design a restitution program which shall be submitted to the pupil and the pupil’s parents or guardian for agreement in writing.

If restitution is made in this fashion, then [all records and documents regarding the charges and hearing shall be destroyed. No] no information about the charges, the hearing, and the actions taken shall be communicated to any person not directly involved in the proceedings.

If the pupil and parent or guardian do not agree with the determination made by the principal, the principal shall [preserve all the records and documents regarding the charges and hearing and shall] report to the district superintendent the determination and the findings made by the principal, including all the records and documents regarding the investigation, for any further action.”

SECTION 2. Section 298-27, Hawaii Revised Statutes, is amended by amending subsection (d) to read as follows:

“(d) At the conference, the principal of the school in which the vandalism occurred shall present the findings of the investigation and the requirements of restitution to the pupil and parents or guardian.

If the pupil and the parents or guardian agree with the findings of the principal and the manner in which restitution is to be made, the principal and the pupil and parent or guardian shall execute a written agreement which shall specify the manner in which restitution is to be made.

Agreements shall be made only for damages that do not exceed \$3,500.

If restitution is made in this fashion, then [all records and documents regarding the investigation and conference shall be destroyed. No] no information about the investigation, conference and the actions taken shall be communicated to any person not directly involved in the proceedings.

If the pupil and parent or guardian do not agree with the findings made by the principal, the principal shall [preserve all the records and documents regarding the investigation and conference and shall] report the findings, including all the records and documents regarding the investigation and conference, to the district superintendent, who shall review the findings and may refer the matter to the attorney general for any further action pursuant to section 577-3.’’

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.

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

(Approved June 6, 1988.)