

ACT 90

H.B. NO. 3862

A Bill for an Act Relating to School Discipline.

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

SECTION 1. The legislature finds that the rapid increase in the number of disruptive students in our public schools is having a detrimental effect on those students seeking a quality education. The legislature believes that to ensure that schools remain a safe and conducive place of learning, the problems of student discipline that arise from substance abuse and violence on school campuses need to be addressed.

The purpose of this Act is to allow principals, on a case-by-case basis, to exclude students found to be in possession of dangerous weapons, switchblade knives, intoxicating liquor, or illicit drugs while attending school.

SECTION 2. The Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§ - **Zero tolerance policy.** (a) Any child who is found to be in possession of a dangerous weapon, switchblade knife, intoxicating liquor, or illicit drugs while attending school, may be excluded from attending school for up to ninety-two school days, as determined by the principal and approved by the superintendent. The due process procedures of the department of education adopted pursuant to chapter 91, shall apply to any child who is alleged to be in possession of a dangerous weapon, switchblade knife, intoxicating liquor, or illicit drugs while attending school. If a child is excluded from attending school, the superintendent shall ensure that substitute educational activities or other appropriate assistance shall be provided, and that the child is referred for appropriate intervention and treatment services, as determined by the principal in consultation with the school counselor.

(b) For purposes of this section:

- (1) “Dangerous weapon” means a dirk, dagger, butterfly knife, blackjack, slug shot, billy, metal knuckles, or other instrument whose sole design and purpose is to inflict bodily injury or death; provided that firearms are excluded from this definition;
- (2) “Illicit drugs” means substances, the possession, distribution, ingestion, manufacture, sale or delivery of which are prohibited under chapter 329 and chapter 712, part IV, of the Hawaii Revised Statutes; and
- (3) “Switchblade knife” is as defined in section 134-52, Hawaii Revised Statutes.”

SECTION 3. Section 298-11, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) Any child who, while attending school, is found to be in possession of a firearm, [while attending school] shall be excluded from attending school for not less than one year. The due process procedures of [Chapter] chapter 19 of the Department of Education, Hawaii Administrative Rules, shall apply to any child who, while attending school, is alleged to be in possession of a firearm. [while attending school.] The superintendent, on a case-by-case basis, may modify the exclusion of a child found to be in possession of a firearm while attending school, [on a case-by-case basis. In the event] If a child is excluded from attending school, the superintendent shall ensure that substitute educational activities or other appropriate assistance

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shall be provided. The superintendent shall submit to the United States Department of Education, the state board of education, and the legislature an annual report indicating the number of students excluded, the types of firearms found in their possession, and the schools from which they were excluded.”

SECTION 4. If S.B. No. 2446¹ is passed by the legislature in any form during this regular session of 1996, whether before or after the effective date of this Act, then section -1236, Hawaii Revised Statutes, as contained in Section 2 of S.B. No. 2446¹ shall be amended to reflect the amendment of section 298-11, Hawaii Revised Statutes, in this Act.

SECTION 5. Statutory material to be repealed is bracketed. New statutory material is underscored.²

SECTION 6. This Act shall take effect upon its approval.

(Approved June 7, 1996.)

Notes

1. Act 89.
2. Edited pursuant to HRS §23G-16.5.