

JAN 23 2009

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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. The legislature finds that there is a growing  
2 body of research on the prevalence of school bullying, the  
3 likelihood of school bullies to develop antisocial behavior, and  
4 the effects of bullying on its victims and on school climates.  
5 A 2002 United States Secret Service report found bullying played  
6 a major role in several school shootings on the mainland.

7           In Hawaii, three newspaper articles in *The Honolulu*  
8 *Advertiser*, dated February 5, 2006, June 28, 2006, and  
9 September 26, 2006, highlighted the problem of bullying in  
10 Hawaii's public schools. The legislature finds that more  
11 attention and awareness needs to be focused within the schools  
12 on bullying.

13           The legislature further finds that the widespread use of  
14 technology has given rise to cyberbullying, which is used by  
15 students with greater frequency in lieu of traditional  
16 schoolyard bullying.



1           The purpose of this Act is to require the department of  
2 education to adopt rules to reduce and prevent school bullying  
3 and cyberbullying.

4           SECTION 2. Chapter 302A, Hawaii Revised Statutes, is  
5 amended by adding a new section to be appropriately designated  
6 and to read as follows:

7           "§302A-    Bullying; rules. The department shall adopt  
8 rules in accordance with chapter 91 regarding policies and  
9 procedures to reduce and prevent school bullying and  
10 cyberbullying. At a minimum, the rules shall include:

11           (1) A prohibition against students bullying other students  
12           on school grounds, on school property, on school  
13           buses, at school bus stops, and at school sponsored  
14           events and activities;

15           (2) A prohibition against students cyberbullying other  
16           students;

17           (3) A procedure for students to confidentially report to  
18           school officials incidents of bullying or  
19           cyberbullying;

20           (4) A procedure for parents and guardians of students to  
21           submit written reports to school officials of  
22           suspected incidents of bullying or cyberbullying;



- 1        (5) A requirement that school district employees report  
2                    suspected incidents of bullying or cyberbullying to  
3                    the appropriate school official;
- 4        (6) A formal process for the documentation of reported  
5                    incidents of bullying or cyberbullying, except that no  
6                    documentation shall be maintained unless the bullying  
7                    or cyberbullying has been proven;
- 8        (7) A formal process for the investigation by the  
9                    appropriate school officials of suspected incidents of  
10                   bullying or cyberbullying;
- 11       (8) A formal process for reporting incidents of bullying  
12                   and cyberbullying to the county police department;
- 13       (9) Disciplinary procedures, including but not limited to  
14                   suspension from school for up to five days, for  
15                   students who have admitted to committing or have been  
16                   found to have committed bullying or cyberbullying; and
- 17       (10) A procedure that sets forth consequences for  
18                   submitting false reports of incidents of bullying or  
19                   cyberbullying."

20            SECTION 3. Section 302A-101, Hawaii Revised Statutes, is  
21 amended by adding two new definitions to be appropriately  
22 inserted and to read as follows:



1       "Cyberbullying" means to communicate electronically,  
2 including but not limited to, communications transmitted through  
3 a computer system, blog, cellular telephone, facsimile, text  
4 message, online community website such as MySpace, computer  
5 network, or similar telecommunication mechanism, and with the  
6 electronic communication not having a legitimate purpose and  
7 including elements of harassment, intimidation, taunting, and  
8 ridicule.

9       "School bullying" means aggressive behavior or intentional  
10 harm directed at another student and committed by an individual  
11 student or group of students repeatedly over time. The act of  
12 bullying may take various forms, including but not limited to  
13 physical abuse, harassment, intimidation, taunting, and  
14 ridicule."

15       SECTION 4. There is appropriated out of the general  
16 revenues of the State of Hawaii the sum of \$                    or so  
17 much thereof as may be necessary for fiscal year 2009-2010 and  
18 the sum of \$                    or so much thereof as may be necessary  
19 for fiscal year 2010-2011 for the implementation of model anti-  
20 bullying programs in schools.

21       SECTION 5. The sums appropriated shall be expended by the  
22 department of education for the purposes of this Act.

1 SECTION 6. New statutory material is underscored.

2 SECTION 7. This Act shall take effect on July 1, 2009.

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INTRODUCED BY: Shzanne Chun Oakland

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**Report Title:**

DOE; School Bullying; Model Anti-Bullying Programs;  
Appropriation

**Description:**

Requires the department of education to adopt rules to prohibit school bullying and cyberbullying. Makes appropriation.

