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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. Section 302A-101, Hawaii Revised Statutes, is  
2 amended by adding three new definitions to be appropriately  
3 inserted and to read as follows:

4 "Bullying" means any written, verbal, graphic, or physical  
5 act or acts that:

- 6 (1) A student or group of students exhibits toward another  
7 student or group of students;  
8 (2) Cause mental or physical harm to the other student or  
9 group of students; and  
10 (3) Are sufficiently severe, persistent, or pervasive to  
11 create an intimidating, threatening, or abusive  
12 educational environment.

13 Bullying includes conduct that is based on a student's actual or  
14 perceived race, color, national origin, sex, gender identity or  
15 expression, sexual orientation, physical or mental disability,  
16 religion, physical appearance and characteristic, or  
17 socio-economic status; or a student's association with a person



1 or group with one or more of these actual or perceived  
2 characteristics.

3 "Cyberbullying" means an act or acts exhibited by a student  
4 or group of students to another student or group of students  
5 that:

6 (1) Are conveyed by electronic transmission via the  
7 Internet, a cell phone, a personal digital assistant  
8 (PDA), or a wireless hand-held device;

9 (2) Cause mental or physical harm to the student or group  
10 of students that receives the electronic transmission;  
11 and

12 (3) Are sufficiently severe, persistent, or pervasive to  
13 create an intimidating, threatening, or abusive  
14 educational environment.

15 "Harassment" means harassing, bullying, cyberbullying,  
16 annoying, or alarming a student or group of students by engaging  
17 in conduct that includes:

18 (1) Striking, shoving, kicking, or otherwise touching a  
19 student or group of students in an offensive manner or  
20 subjecting that student or group of students to  
21 offensive physical contact;



- 1        (2) Insulting, taunting, or challenging another student or  
2                    group of students in a manner likely to provoke a  
3                    violent response;
- 4        (3) Making verbal or non-verbal expressions that cause  
5                    another student or group of students to feel  
6                    uncomfortable, pressured, threatened, or in danger  
7                    because of reasons that include the student's or  
8                    group's actual or perceived race, color, national  
9                    origin, sex, gender identity or expression, sexual  
10                   orientation, physical or mental disability, religion,  
11                   physical appearance and characteristic, and  
12                   socio-economic status, or association therewith, that  
13                   creates an intimidating, hostile, or offensive  
14                   educational environment, or interferes with the  
15                   education of a student or group of students, or  
16                   otherwise adversely affects the educational  
17                   opportunity of a student or group of students;
- 18        (4) Name calling, making rude gestures, insulting, or  
19                    teasing another student or group of students who, as a  
20                    result, feels humiliated, intimidated, threatened, or  
21                    embarrassed;



- 1        (5) Making a telephone call without the purpose of  
2        legitimate communication;
- 3        (6) Making repeated communications anonymously, at  
4        extremely inconvenient hours, or in offensively coarse  
5        language on campus or other department of education  
6        premises, on department of education transportation,  
7        or during a department of education-sponsored activity  
8        or event on or off school property;
- 9        (7) Causing fear as to prevent other students or groups of  
10       students from gaining legitimate access to or use of  
11       school buildings, facilities, services, or grounds  
12       such as restroom facilities; and
- 13       (8) Physically harming or restraining, threatening, or  
14       stalking, or a combination thereof."

15       SECTION 2. (a) The board of education shall monitor the  
16       department of education for compliance with any administrative  
17       rules or statutes governing bullying, cyberbullying, and  
18       harassment.

19       (b) The board of education shall establish reporting  
20       requirements for the department of education to report to the  
21       board of education on the department of education's compliance



1 with any administrative rules or statutes governing bullying,  
2 cyberbullying, and harassment.

3 (c) For purposes of this section, "bullying",  
4 "cyberbullying", and "harassment" shall have the same meanings  
5 as in section 1 of this Act.

6 SECTION 3. If any provision of this Act, or the  
7 application thereof to any person or circumstance is held  
8 invalid, the invalidity does not affect other provisions or  
9 applications of the Act, which can be given effect without the  
10 invalid provision or application, and to this end the provisions  
11 of this Act are severable.

12 SECTION 4. This Act does not affect rights and duties that  
13 matured, penalties that were incurred, and proceedings that were  
14 begun before its effective date.

15 SECTION 5. New statutory material is underscored.

16 SECTION 6. This Act shall take effect on July 1, 2030.

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**Report Title:**

Keiki Caucus; Safe Schools Act; Bullying

**Description:**

Defines "bullying", "cyberbullying", and "harassment" in chapter 302A, Hawaii Revised Statutes; requires the board of education to monitor compliance with rules or statutes covering bullying, cyberbullying, or harassment and to establish reporting requirements for the department of education. Effective July 1, 2030. (SD2)

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

