
A BILL FOR AN ACT

RELATING TO EDUCATION.

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

1 SECTION 1. This Act shall be known as the Safe Schools
2 Act.

3 SECTION 2. The legislature finds that all students have
4 the right to fully participate in the educational process free
5 from bullying, cyberbullying, and harassment. A safe and civil
6 environment in school is necessary for students to learn and to
7 meet high academic standards. Bullying, cyberbullying, and
8 harassment, like other disruptive or violent behaviors, inhibit
9 a student's ability to learn and a school's ability to educate
10 students in a safe environment. It is imperative that all
11 schools in the State establish and maintain clear and consistent
12 policies and procedures to address such behavior. In addition,
13 because students learn by example, school administrators,
14 faculty, staff, parents, guardians, and volunteers should be
15 expected to demonstrate appropriate behavior, treat others with
16 civility and respect, and refuse to tolerate bullying and
17 harassment.



1 The purpose of this Act, therefore, is to require the
2 department of education, public charter school governing boards,
3 and private schools to establish, maintain, monitor, and enforce
4 policies and procedures related to all forms of bullying,
5 cyberbullying, and harassment to protect students in the State.

6 SECTION 3. Chapter 302A, Hawaii Revised Statutes, is
7 amended by adding two new sections to be appropriately
8 designated and to read as follows:

9 "**§302A-A Bullying, cyberbullying, and harassment;**
10 **departmental responsibilities.** (a) This section shall apply to
11 conduct or communication occurring on all public elementary and
12 secondary school premises, at any public school-sponsored
13 function or activity, and on public school-sponsored
14 transportation. This section also applies to electronic
15 technology usage and electronic communications that occur on all
16 public elementary and secondary school premises, at any public
17 school-sponsored function or activity, on public school-
18 sponsored transportation, and on public school computers,
19 networks, forums, mailing lists, and school-issued user
20 accounts.



1 **(b) The department shall establish, maintain, monitor, and**
2 **enforce anti-bullying, anti-cyberbullying, and anti-harassment**
3 **policies that:**

4 **(1) Are applicable to grades pre-kindergarten through**
5 **twelve; and**

6 **(2) Contain definitions of bullying, cyberbullying, and**
7 **harassment, as defined in section 302A-101.**

8 **(c) The department shall establish, maintain, monitor, and**
9 **enforce appropriate procedures that include:**

10 **(1) Implementation of a statewide comprehensive school**
11 **climate change approach to bullying, cyberbullying,**
12 **and harassment prevention at each grade level. A**
13 **comprehensive school climate change approach requires:**

14 **(A) Schools to establish a committee that includes**
15 **school personnel and community members to meet**
16 **monthly to develop clear rules regarding**
17 **bullying, cyberbullying, and harassment of any**
18 **kind and to identify training, curriculum,**
19 **school-level awareness activities, and data**
20 **collection needs;**

21 **(B) Schools to post and enforce bullying,**
22 **cyberbullying, and harassment rules;**



- 1 (C) Schools to hold regular classroom meetings to
2 discuss bullying, cyberbullying, and harassment
3 and appropriate responses;
- 4 (D) All school personnel to be able to intervene
5 immediately when any type of bullying,
6 cyberbullying, or harassment occurs;
- 7 (E) Schools to develop intervention plans that
8 include meetings with students who are targets of
9 bullying, cyberbullying, and harassment and their
10 parents;
- 11 (F) All school personnel to send the same message of
12 building peaceful and respectful relationships
13 and to work to stop bullying, cyberbullying, and
14 harassment of any kind through school initiatives
15 and daily interactions with students;
- 16 (G) Teachers to integrate into the curriculum
17 bullying, cyberbullying, and harassment
18 prevention materials that include definitions of
19 bullying, cyberbullying, and harassment pursuant
20 to section 302A-101, the building of
21 communication and conflict resolution skills,
22 developing empathy and self-awareness, and



1 nurturing ethical behavior based on values such
2 as aloha, pono, and lokahi;

3 (H) Annual schoolwide education for students and
4 parents on the policies and procedures regarding
5 bullying, cyberbullying, and harassment;

6 (I) Integration of anti-bullying, anti-cyberbullying,
7 and anti-harassment messaging in school
8 activities such as assemblies, extracurricular
9 activities, school fairs, and special events;

10 (J) School personnel to reflect on their own behavior
11 in order to better model respectful and caring
12 relationships;

13 (K) School personnel to correct the offending
14 behavior when bullying, cyberbullying, or
15 harassment does occur, in a positive, consistent,
16 and timely manner, using these incidents as
17 learning opportunities for individual students;

18 (L) Rewarding positive behaviors that help counter
19 bullying, cyberbullying, and harassing behaviors;
20 and

21 (M) The evaluation of the effectiveness of the
22 comprehensive school climate change approach by



1 documenting the activities and tracking the
2 seriousness and frequency of bullying,
3 cyberbullying, and harassment incidents;

4 (2) Establishment of a school community culture that
5 integrates the aloha spirit as defined in section 5-
6 7.5; evidence-based anti-bullying, anti-cyberbullying,
7 and anti-harassment policies and procedures; and
8 peace-promoting elements into each school's
9 curriculum, and creates and encourages an environment
10 of safety and respect for all;

11 (3) Provisions that:

12 (A) Require school employees and trained volunteers
13 who witness incidents of bullying, cyberbullying,
14 or harassment, or possess reliable information
15 that would lead a reasonable person to suspect
16 that a person is a target of bullying,
17 cyberbullying, or harassment, to promptly report
18 to the school principal, complex area
19 superintendent, or superintendent;

20 (B) Require prompt investigation of any report of
21 bullying, cyberbullying, or harassment and
22 identify either the principal or the principal's



1 designee as the person responsible for conducting
2 the investigation;

3 (C) Delineate the manner in which a school will
4 respond once an incident of bullying,
5 cyberbullying, or harassment is identified,
6 including a range of potential age-appropriate,
7 education-focused consequences that correspond to
8 the prohibited acts and the provision of
9 appropriate referrals and resources to all
10 involved parties;

11 (D) Allow for anonymous reporting and specify that no
12 remedial action shall be undertaken solely on the
13 basis of an anonymous report without appropriate
14 investigation; and

15 (E) Prohibit reprisal or retaliation against any
16 person who reports an act of bullying,
17 cyberbullying, or harassment;

18 (4) Implementation of bullying, cyberbullying, and
19 harassment prevention education at each grade level at
20 each school;

21 (5) Annual training for all school personnel at the school
22 level on:



- 1 (A) How to promote peace and respect;
- 2 (B) How to intervene when students or adults are
3 engaged in bullying, cyberbullying, or harassing
4 behavior; and
- 5 (C) Understanding the department's policies on
6 bullying, cyberbullying, and harassment.
- 7 All training shall be documented. As used in this
8 paragraph, "school personnel" includes any individual,
9 including third-party contractors and volunteers, who
10 has direct contact with students;
- 11 (6) Designation as the primary contacts regarding the
12 policies and procedures required by this section of
13 state-level and complex area personnel in the
14 department who shall receive copies of all formal and
15 informal incident reports, be responsible for assuring
16 the implementation of policies and procedures pursuant
17 to this section, and serve as the primary contact
18 between complex areas and the department on such
19 policies and procedures;
- 20 (7) A process to file complaints against schools and
21 complex areas upon their failure to comply with the



1 requirements of this section and for investigations of
2 such complaints;

3 (8) Provision to teachers and educational officers of
4 user-friendly reports that address the effectiveness
5 of schools, complex areas, and administrators in
6 implementing this section, with adequate mechanisms
7 whereby teachers and educational officers may provide
8 feedback;

9 (9) Collection, analysis, and reporting of data on
10 incidents of bullying, cyberbullying, and harassment,
11 including by complex area and school. Data
12 collection, analysis, and reporting shall be completed
13 on at least an annual basis and statewide statistics
14 shall be made available to the public; and

15 (10) Measures by which to ensure the school community is
16 aware of the policies established pursuant to
17 subsection (b), including a statement of those
18 policies in new employee training materials, student
19 handbooks, and any other publication that sets forth
20 comprehensive rules, procedures, or standards of
21 conduct for schools.



1 (d) The department shall submit a report on the progress
2 of the comprehensive school climate change approach to the
3 legislature at the end of each school year.

4 **§302A-B Bullying, cyberbullying, and harassment;**
5 **integrated health lessons.** (a) All elementary and middle
6 school students shall receive a minimum of forty-five minutes
7 per week of integrated social, emotional, and physical health
8 lessons that address:

- 9 (1) Alcohol and other drug use;
- 10 (2) Tobacco use;
- 11 (3) Physical activity;
- 12 (4) Nutrition;
- 13 (5) Injury prevention;
- 14 (6) Family health and sexuality;
- 15 (7) Community and environmental health;
- 16 (8) Mental and emotional health; and
- 17 (9) Personal and consumer health.

18 (b) The department, in collaboration with the department
19 of health, shall determine the appropriate grade level at which
20 the social, emotional, and physical health lessons required by
21 subsection (a) shall be taught."



1 SECTION 4. Chapter 302C, Hawaii Revised Statutes, is
2 amended by adding three new sections to be appropriately
3 designated and to read as follows:

4 "302C-A Bullying, cyberbullying, and harassment; school
5 responsibilities. (a) This section shall apply to conduct or
6 communication occurring on all private elementary and secondary
7 school premises, at any private school-sponsored functions or
8 activities, and on private school-sponsored transportation.
9 This section also applies to electronic technology use and
10 electronic communications that occur on all private elementary
11 and secondary school premises, at any private school-sponsored
12 functions or activities, on private school-sponsored
13 transportation, and on private school computers, networks,
14 forums, mailing lists, and school-issued user accounts.

15 (b) Each private school in the State shall establish,
16 maintain, monitor, and enforce anti-bullying, anti-
17 cyberbullying, and anti-harassment policies that:

18 (1) Are applicable to grades kindergarten through twelve;

19 and

20 (2) Contain definitions of bullying, cyberbullying, and
21 harassment, as defined in section 302C-C.



1 (c) Each private school in the State shall establish,
2 maintain, monitor, and enforce appropriate procedures that
3 include:

4 (1) Implementation of a comprehensive school climate
5 change approach to bullying, cyberbullying, and
6 harassment prevention at each grade level, pursuant to
7 section 302A-A(c)(1);

8 (2) Establishment of a school community culture that
9 integrates the aloha spirit as defined in section 5-
10 7.5; evidence-based anti-bullying, anti-cyberbullying,
11 and anti-harassment policies and procedures; and
12 peace-promoting elements into the school's curriculum,
13 and creates and encourages an environment of safety
14 and respect for all;

15 (3) Provisions that:

16 (A) Require school employees and trained volunteers
17 who witness incidents of bullying, cyberbullying,
18 or harassment, or possess reliable information
19 that would lead a reasonable person to suspect
20 that a person is a target of bullying,
21 cyberbullying, or harassment, to promptly report



1 to the principal, president, or headmaster of the
2 school;

3 (B) Require prompt investigation of any report of
4 bullying, cyberbullying, or harassment and
5 identify the principal, president, or headmaster,
6 or such person's designee as the person
7 responsible for conducting the investigation;

8 (C) Delineate the manner in which the school will
9 respond once an incident of bullying,
10 cyberbullying, or harassment is identified,
11 including a range of potential age-appropriate,
12 education-focused consequences that correspond to
13 the prohibited acts and the provision of
14 appropriate referrals and resources to all
15 involved parties;

16 (D) Allow for anonymous reporting and specify that no
17 remedial action shall be undertaken solely on the
18 basis of an anonymous report without appropriate
19 investigation; and

20 (E) Prohibit reprisal or retaliation against any
21 person who reports an act of bullying,
22 cyberbullying, or harassment;



1 (4) Implementation of bullying, cyberbullying, and
2 harassment prevention education at each grade level;

3 (5) Annual training for all school personnel on:

4 (A) How to promote peace and respect;

5 (B) How to intervene when students or adults are
6 engaged in bullying, cyberbullying, or harassing
7 behavior; and

8 (C) Understanding the school's policies on bullying,
9 cyberbullying, and harassment.

10 All training shall be documented. As used in this
11 paragraph, "school personnel" includes any individual,
12 including third party contractors and volunteers, who
13 has direct contact with students;

14 (6) Designation as the primary contact regarding the
15 policies and procedures required by this section of a
16 single individual at the school who shall receive
17 copies of all formal and informal incident reports and
18 be responsible for assuring the implementation of
19 policies and procedures pursuant to this section;

20 (7) A process to file complaints against the school upon
21 its failure to comply with the requirements of this
22 section and for investigations of such complaints;



1 (8) Provision to teachers of user-friendly reports that
2 address the effectiveness of the school and its
3 administrators in implementing this section, with
4 adequate mechanisms whereby teachers may provide
5 feedback;

6 (9) Collection, analysis, and reporting of data on
7 incidents of bullying, cyberbullying, and harassment.
8 Data collection, analysis, and reporting shall be
9 completed on at least an annual basis and statistics
10 shall be made available to the public; and

11 (10) Measures by which to ensure the school community is
12 aware of the policies established pursuant to
13 subsection (b), including a statement of those
14 policies in new employee training materials, student
15 handbooks, and any other publication that sets forth
16 comprehensive rules, procedures, and standards of
17 conduct for the school.

18 (d) Each private school in the State shall submit a report
19 on the progress of the comprehensive school climate change
20 approach to the legislature at the end of each school year.

21 §302C-B Bullying, cyberbullying, and harassment;
22 integrated health lessons. (a) All private school students in



1 grades equivalent to elementary and middle school grades in
2 department of education schools shall receive a minimum of
3 forty-five minutes per week of integrated social, emotional, and
4 physical health lessons that address:

- 5 (1) Alcohol and other drug use;
- 6 (2) Tobacco use;
- 7 (3) Physical activity;
- 8 (4) Nutrition;
- 9 (5) Injury prevention;
- 10 (6) Family health and sexuality;
- 11 (7) Community and environmental health;
- 12 (8) Mental and emotional health; and
- 13 (9) Personal and consumer health.

14 (b) Each private school in the State shall determine the
15 appropriate grade level at which the social, emotional, and
16 physical health lessons required by subsection (a) shall be
17 taught.

18 **§302C-C Definitions.** As used in this chapter, unless the
19 context clearly indicates otherwise:

20 "Bullying" means any written, verbal, graphic, or physical
21 act that:



1 (1) A student or group of students exhibits toward another
2 student or group of students;

3 (2) Causes mental or physical harm to the other student or
4 group of students; and

5 (3) Is sufficiently severe, persistent, or pervasive that
6 it creates an intimidating, threatening, or abusive
7 educational environment.

8 Bullying includes conduct that is based on a student's actual or
9 perceived race, color, national origin, sex, gender identity or
10 expression, sexual orientation, physical or mental disability,
11 religion, physical appearance and characteristic, or socio-
12 economic status or a student's association with a person or
13 group with one or more of such actual or perceived
14 characteristics.

15 "Cyberbullying" means an act exhibited by a student or
16 group of students to another student or group of students that
17 is electronically transmitted through the use of the Internet, a
18 cell phone, a personal digital assistant, or a wireless hand-
19 held device that:

20 (1) Causes mental or physical harm to the student or group
21 of students who receives the electronic transmission;
22 and



1 (2) Is sufficiently severe, persistent, or pervasive that
2 it creates an intimidating, threatening, or abusive
3 educational environment.

4 "Harassment" means persistently irritating, annoying,
5 tormenting, bullying, or cyberbullying a student or group of
6 students by engaging in conduct that includes:

7 (1) Striking, shoving, kicking, or otherwise touching a
8 student or group of students in an offensive manner or
9 subjecting the student or group of students to
10 offensive physical contact;

11 (2) Insulting, taunting, or challenging another student or
12 group of students in a manner likely to provoke a
13 violent response;

14 (3) Making verbal or non-verbal expressions that cause
15 another student or group of students to feel
16 uncomfortable, pressured, threatened, or in danger for
17 any reason, including the student's or group of
18 students' actual or perceived race, color, national
19 origin, sex, gender identity or expression, sexual
20 orientation, physical or mental disability, religion,
21 physical appearance or characteristic, or socio-
22 economic status or a student's association with a



- 1 person or group with one or more such actual or
2 perceived characteristics;
- 3 (4) Name calling, making rude gestures, insulting, or
4 teasing another student or group of students who, as a
5 result, feels humiliated, intimidated, threatened, or
6 embarrassed;
- 7 (5) Making a telephone call to a student or group of
8 students without the purpose of legitimate
9 communication;
- 10 (6) Making repeated anonymous communications at extremely
11 inconvenient hours or in offensively coarse language
12 on campus or other school premises, on school-
13 sponsored transportation, or during a school-sponsored
14 activity or event;
- 15 (7) Causing fear so as to prevent another student or group
16 of students from gaining legitimate access to or use
17 of school buildings, facilities, services, or grounds;
18 and
- 19 (8) Physically harming, physically restraining,
20 threatening, stalking, or any combination thereof."

21



1 SECTION 5. Chapter 302D, Hawaii Revised Statutes, is
2 amended by adding two new sections to be appropriately
3 designated and to read as follows:

4 "§302D-_____ Bullying, cyberbullying, and harassment;
5 governing board responsibilities. (a) This section shall apply
6 to conduct or communication occurring on all public charter
7 school premises, at any public charter school-sponsored
8 functions or activities, and on public charter school-sponsored
9 transportation. This section also applies to electronic
10 technology usage and electronic communications that occur on all
11 public charter school premises, at any public charter school-
12 sponsored functions or activities, on public charter school-
13 sponsored transportation, and on public charter school
14 computers, networks, forums, mailing lists, and school-issued
15 user accounts.

16 (b) Each governing board of a public charter school shall
17 establish, maintain, monitor, and enforce anti-bullying, anti-
18 cyberbullying, and anti-harassment policies that:

- 19 (1) Are applicable to grades kindergarten through twelve;
20 and
21 (2) Contain definitions of bullying, cyberbullying, and
22 harassment, as defined in section 302D-1.



1 (c) Each governing board of a public charter school shall
2 establish, maintain, monitor, and enforce appropriate procedures
3 that include:

4 (1) Implementation of a comprehensive school climate
5 change approach to bullying, cyberbullying, and
6 harassment prevention at each grade level, pursuant to
7 section 302A-A(c)(1);

8 (2) Establishment of a school community culture that
9 integrates the aloha spirit as defined in section 5-
10 7.5; evidence-based anti-bullying, anti-cyberbullying,
11 and anti-harassment policies and procedures; and
12 peace-promoting elements into each public charter
13 school's curriculum, and creates and encourages an
14 environment of safety and respect for all;

15 (3) Provisions that:

16 (A) Require public charter school employees and
17 trained volunteers who witness incidents of
18 bullying, cyberbullying, or harassment, or
19 possess reliable information that would lead a
20 reasonable person to suspect that a person is a
21 target of bullying, cyberbullying, or harassment,



- 1 to promptly report to the principal, president,
2 or headmaster of the public charter school;
- 3 (B) Require prompt investigation of any report of
4 bullying, cyberbullying, or harassment and
5 identify the principal, president, or headmaster,
6 or such person's designee as the person
7 responsible for conducting the investigation;
- 8 (C) Delineate the manner in which a public charter
9 school will respond once an incident of bullying,
10 cyberbullying, or harassment is identified,
11 including a range of potential age-appropriate,
12 education-focused consequences that correspond to
13 the prohibited acts and the provision of
14 appropriate referrals and resources to all
15 involved parties;
- 16 (D) Allow for anonymous reporting and specify that no
17 remedial action shall be undertaken solely on the
18 basis of an anonymous report without appropriate
19 investigation; and
- 20 (E) Prohibit reprisal or retaliation against any
21 person who reports an act of bullying,
22 cyberbullying, or harassment;



1 (4) Implementation of bullying, cyberbullying, and
2 harassment prevention education at each grade level;

3 (5) Annual training for all public charter school
4 personnel on:

5 (A) How to promote peace and respect;

6 (B) How to intervene when students or adults are
7 engaged in bullying, cyberbullying, or harassing
8 behavior; and

9 (C) Understanding the governing board's policies on
10 bullying, cyberbullying, and harassment.

11 All training shall be documented. As used in this
12 paragraph, "public charter school personnel" includes
13 any individual, including third party contractors and
14 volunteers, who has direct contact with students;

15 (6) Designation as the primary contact regarding the
16 policies and procedures required by this section of a
17 single individual at the public charter school who
18 shall receive copies of all formal and informal
19 incident reports, be responsible for assuring the
20 implementation of policies and procedures pursuant to
21 this section, and serve as the primary contact between



- 1 the public charter school and its governing board on
2 such policies and procedures;
- 3 (7) A process to file complaints against the public
4 charter school upon its failure to comply with the
5 requirements of this section and for investigations of
6 such complaints;
- 7 (8) Provision to teachers of user-friendly reports that
8 address the effectiveness of the public charter school
9 and its administrators in implementing this section,
10 with adequate mechanisms whereby teachers may provide
11 feedback;
- 12 (9) Collection, analysis, and reporting of data on
13 incidents of bullying, cyberbullying, and harassment.
14 Data collection, analysis, and reporting shall be
15 completed on at least an annual basis and forwarded to
16 the state public charter school commission, which
17 shall be responsible for making statewide statistics
18 available to the public; and
- 19 (10) Measures by which to ensure the public charter school
20 community is aware of the policies established
21 pursuant to subsection (b), including a statement of
22 those policies in new employee training materials,



1 student handbooks, and any other publication that sets
2 forth comprehensive rules, procedures, or standards of
3 conduct for the public charter school.

4 (d) Each governing board of a public charter school shall
5 submit a report on the progress of the comprehensive school
6 climate change approach to the state public charter school
7 commission at the end of each school year. The state public
8 charter school commission shall aggregate the reports and submit
9 a comprehensive report to the legislature no later than ninety
10 days following the end of each school year.

11 §302D- Bullying, cyberbullying, and harassment;
12 integrated health lessons. (a) All public charter school
13 students in grades equivalent to elementary and middle school
14 grades in department schools shall receive a minimum of forty-
15 five minutes per week of integrated social, emotional, and
16 physical health lessons that address:

- 17 (1) Alcohol and other drug use;
- 18 (2) Tobacco use;
- 19 (3) Physical activity;
- 20 (4) Nutrition;
- 21 (5) Injury prevention;
- 22 (6) Family health and sexuality;



1 (7) Community and environmental health;

2 (8) Mental and emotional health; and

3 (9) Personal and consumer health.

4 (b) Each governing board shall determine the appropriate
5 grade level at which the social, emotional, and physical health
6 lessons required by subsection (a) shall be taught."

7 SECTION 6. Section 302A-101, Hawaii Revised Statutes, is
8 amended by adding three new definitions to be appropriately
9 inserted and to read as follows:

10 "Bullying" means any written, verbal, graphic, or physical
11 act that:

12 (1) A student or group of students exhibits toward another
13 student or group of students;

14 (2) Causes mental or physical harm to the other student or
15 group of students; and

16 (3) Is sufficiently severe, persistent, or pervasive that
17 it creates an intimidating, threatening, or abusive
18 educational environment.

19 Bullying includes conduct that is based on a student's actual or
20 perceived race, color, national origin, sex, gender identity or
21 expression, sexual orientation, physical or mental disability,
22 religion, physical appearance and characteristic, or socio-



1 economic status or a student's association with a person or
2 group with one or more of such actual or perceived
3 characteristics.

4 "Cyberbullying" means an act exhibited by a student or
5 group of students to another student or group of students that
6 is electronically transmitted through the use of the Internet, a
7 cell phone, a personal digital assistant, or a wireless hand-
8 held device that:

- 9 (1) Causes mental or physical harm to the student or group
10 of students who receives the electronic transmission;
11 and
12 (2) Is sufficiently severe, persistent, or pervasive that
13 it creates an intimidating, threatening, or abusive
14 educational environment.

15 "Harassment" means persistently irritating, annoying,
16 tormenting, bullying, or cyberbullying a student or group of
17 students by engaging 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 the 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 for
7 any reason, including the student's or group of
8 students' actual or perceived race, color, national
9 origin, sex, gender identity or expression, sexual
10 orientation, physical or mental disability, religion,
11 physical appearance or characteristic, or socio-
12 economic status or a student's association with a
13 person or group with one or more of such actual or
14 perceived characteristics;
- 15 (4) Name calling, making rude gestures, insulting, or
16 teasing another student or group of students who, as a
17 result, feels humiliated, intimidated, threatened, or
18 embarrassed;
- 19 (5) Making a telephone call to a student or group of
20 students without the purpose of legitimate
21 communication;



- 1 (6) Making repeated anonymous communications at extremely
2 inconvenient hours or in offensively coarse language
3 on campus or other department premises, on school- or
4 department-sponsored transportation, or during a
5 school- or department-sponsored activity or event;
- 6 (7) Causing fear so as to prevent another student or group
7 of students from gaining legitimate access to or use
8 of school buildings, facilities, services, or grounds;
9 and
- 10 (8) Physically harming, physically restraining,
11 threatening, stalking, or any combination thereof."

12 SECTION 7. Section 302D-1, Hawaii Revised Statutes, is
13 amended by adding three new definitions to be appropriately
14 inserted and to read as follows:

15 "Bullying" means any written, verbal, graphic, or physical
16 act that:

- 17 (1) A student or group of students exhibits toward another
18 student or group of students;
- 19 (2) Causes mental or physical harm to the other student or
20 group of students; and



1 (3) Is sufficiently severe, persistent, or pervasive that
2 it creates an intimidating, threatening, or abusive
3 educational environment.

4 Bullying includes conduct that is based on a student's actual or
5 perceived race, color, national origin, sex, gender identity or
6 expression, sexual orientation, physical or mental disability,
7 religion, physical appearance and characteristic, or socio-
8 economic status or a student's association with a person or
9 group with one or more of such actual or perceived
10 characteristics.

11 "Cyberbullying" means an act exhibited by a student or
12 group of students to another student or group of students that
13 is electronically transmitted through the use of the Internet, a
14 cell phone, a personal digital assistant, or a wireless hand-
15 held device that:

16 (1) Causes mental or physical harm to the student or group
17 of students who receives the electronic transmission;
18 and

19 (2) Is sufficiently severe, persistent, or pervasive that
20 it creates an intimidating, threatening, or abusive
21 educational environment.



1 "Harassment" means persistently irritating, annoying,
2 tormenting, bullying, or cyberbullying a student or group of
3 students by engaging in conduct that includes:

4 (1) Striking, shoving, kicking, or otherwise touching a
5 student or group of students in an offensive manner or
6 subjecting the student or group of students to
7 offensive physical contact;

8 (2) Insulting, taunting, or challenging another student or
9 group of students in a manner likely to provoke a
10 violent response;

11 (3) Making verbal or non-verbal expressions that cause
12 another student or group of students to feel
13 uncomfortable, pressured, threatened, or in danger for
14 any reason, including the student's or group of
15 students' actual or perceived race, color, national
16 origin, sex, gender identity or expression, sexual
17 orientation, physical or mental disability, religion,
18 physical appearance or characteristic, or socio-
19 economic status or a student's association with a
20 person or group with one or more of such actual or
21 perceived characteristics;



- 1 (4) Name calling, making rude gestures, insulting, or
2 teasing another student or group of students who, as a
3 result, feels humiliated, intimidated, threatened, or
4 embarrassed;
- 5 (5) Making a telephone call to a student or group of
6 students without the purpose of legitimate
7 communication;
- 8 (6) Making repeated anonymous communications at extremely
9 inconvenient hours or in offensively coarse language
10 on campus or other school premises, on school-
11 sponsored transportation, or during a school-sponsored
12 activity or event;
- 13 (7) Causing fear so as to prevent another student or group
14 of students from gaining legitimate access to or use
15 of school buildings, facilities, services, or grounds;
16 and
- 17 (8) Physically harming, physically restraining,
18 threatening, or stalking, or any combination thereof."

19 SECTION 8. The department of education shall submit a
20 report regarding the implementation of this Act, including
21 findings, recommendations, and proposed legislation, if any, to



1 the legislature no later than twenty days prior to the convening
2 of the regular session of 2014.

3 SECTION 9. The state public charter school commission
4 shall submit a report regarding the implementation of this Act
5 at each public charter school under its jurisdiction, including
6 findings, recommendations, and proposed legislation, if any, to
7 the legislature no later than twenty days prior to the convening
8 of the regular session of 2014.

9 SECTION 10. The provisions of this Act shall be liberally
10 construed to give effect to the purposes thereof.

11 SECTION 11. Nothing in this Act is intended to interfere
12 with the First Amendment rights of free speech and expression of
13 any person.

14 SECTION 12. If any provision of this Act, or the
15 application thereof to any person or circumstance, is held
16 invalid, the invalidity does not affect other provisions or
17 applications of the Act that can be given effect without the
18 invalid provision or application, and to this end the provisions
19 of this Act are severable.

20 SECTION 13. In codifying the new sections added by
21 sections 3 and 4 of this Act, the revisor of statutes shall



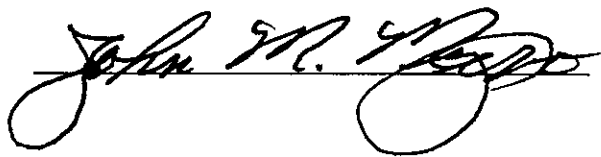
1 substitute appropriate section numbers for the letters used in
2 designating the new sections in this Act.

3 SECTION 14. New statutory material is underscored.

4 SECTION 15. This Act shall take effect upon its approval.

5

INTRODUCED BY:

A handwritten signature in black ink, appearing to read "John M. Papp", is written over a horizontal line.

JAN 18 2013



H.B. NO. 397

Report Title:

Cyberbullying; Bullying; Harassment; Safe Schools Act

Description:

Requires the Department of Education, charter school governing boards, and private schools to establish, maintain, monitor, and enforce anti-bullying, anti-cyberbullying, and anti-harassment policies and procedures.

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

