

- 1 (3) Reporting bullying or harassment to the parents of the
2 public school students who committed or were affected
3 by bullying or harassment;
- 4 (4) The investigation of alleged bullying or harassment by
5 the department if the alleged bullying or harassment
6 occurred in a public school or by the board if the
7 alleged bullying or harassment occurred in the
8 department;
- 9 (5) Preserving and documenting evidence of bullying and
10 harassment in the department or public schools;
- 11 (6) Engaging in mediation, non-punitive response, or other
12 alternative dispute resolution for conduct occurring
13 between public school students, employees, or
14 volunteers of equal power; provided that no public
15 school student, employee, or volunteer shall be
16 required to accept mediation, non-punitive response,
17 or other alternative dispute resolution in lieu of
18 reporting to law enforcement agencies if the act or
19 conduct may be reasonably construed to constitute
20 bullying or harassment;



H.B. NO. 225

- 1 (7) The referral, if appropriate, of public school
2 students, public school employees or volunteers, or
3 department employees or volunteers to outside
4 resources or counseling services to remedy any mental
5 health, social, or family challenges that arise from
6 harassment or bullying; and
- 7 (8) An appeal process for any party not satisfied with the
8 outcome of the department or board's investigation or
9 response.
- 10 (b) The board shall establish requirements for the
11 department to report to the board on the department's compliance
12 with any board policies, administrative rules, or applicable
13 statutes governing bullying and harassment and shall monitor the
14 department's compliance.
- 15 (c) The board shall review and update the bullying
16 prevention and response plan every twenty-four months to reflect
17 electronic and technological changes and incorporate best
18 practices in bullying prevention, education, investigation,
19 reporting, and resolution.
- 20 §302A- Annual reporting requirements. The board, or
21 department as the board's designee, shall submit an annual



1 report on the bullying prevention and response action plan,
2 including any proposed legislation, to the legislature no later
3 than twenty days prior to the convening of each regular session
4 of the legislature, beginning with the regular session of 2022.

5 The report shall redact any names or other identifying
6 information that would identify any individual involved in any
7 alleged incident of bullying or harassment. For each alleged
8 incident of bullying or harassment, the report shall include:

- 9 (1) A brief description of each act or conduct included in
10 the incident;
- 11 (2) The date on which, or date range during which, the
12 incident occurred;
- 13 (3) The date on which the incident was reported to the
14 department or board;
- 15 (4) The status of the investigation by the department or
16 board into the incident, as of the date of the report;
- 17 (5) The disposition of the investigation, as of the date
18 of the report;
- 19 (6) The number of days elapsed between the date on which
20 the incident was reported to the department or board
21 and the implementation of its response, if any;



- 1 (7) Identification of the public school associated with
- 2 the incident;
- 3 (8) The disposition of any incident that was not
- 4 identified as resolved in the prior annual report to
- 5 the legislature; and
- 6 (9) Any other information the board or department deems
- 7 pertinent; provided that in no case shall the report
- 8 include any name, identifying number, or other
- 9 identifying information of any individual involved in
- 10 an alleged incident of bullying or harassment that
- 11 will identify the affected parties."

12 SECTION 2. Section 302A-101, 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 intentional verbal, physical,
16 written, or electronically transmitted act or conduct that:

- 17 (1) Is done by a public school student, public school
- 18 volunteer or employee, or department volunteer or
- 19 employee to insult, taunt, or challenge another public
- 20 school student, public school volunteer or employee,
- 21 or department volunteer or employee;



H.B. NO. 225

- 1 (2) Is severe, pervasive, or persistent, as determined by
- 2 a reasonable person under the circumstances; and
- 3 (3) Has any of the following effects, as determined by a
- 4 reasonable person under the circumstances:
- 5 (A) Places the recipient in reasonable fear of:
- 6 (i) Substantial harm to the recipient's
- 7 emotional, psychological, or physical well-
- 8 being;
- 9 (ii) Substantial damage to the recipient's
- 10 property;
- 11 (iii) Substantial harm to the emotional,
- 12 psychological, or physical well-being of a
- 13 person other than the recipient; or
- 14 (iv) Substantial damage to the property of a
- 15 person other than the recipient;
- 16 (B) Incites, solicits, or coerces an individual or
- 17 group of individuals to cause or place the
- 18 recipient in reasonable fear of:
- 19 (i) Substantial harm to the recipient's
- 20 emotional, psychological, or physical well-
- 21 being;



- 1 (ii) Substantial damage to the recipient's
- 2 property;
- 3 (iii) Substantial harm to the emotional,
- 4 psychological, or physical well-being of a
- 5 person other than the recipient; or
- 6 (iv) Substantial damage to the property of a
- 7 person other than the recipient; or
- 8 (C) Creates an intimidating, threatening, or abusive
- 9 educational environment for the recipient.

10 "Electronically transmitted act or conduct" means an act or
11 conduct that involves the transmission of electronic data,
12 including but not limited to words, drawings, pictures, video
13 files, or audio files, through a computer, computer network
14 system, or other network system, cellular phone, or other
15 similar electronic device that has the capability of sending and
16 receiving data.

17 "Harassment" means the act of bullying, annoying, or
18 alarming a public school student, public school volunteer or
19 employee, or department volunteer or employee by engaging in
20 conduct that includes but is not limited to:



- 1 (1) Striking, shoving, kicking, or otherwise touching a
2 person in an offensive manner or subjecting such
3 person to offensive physical contact;
- 4 (2) Insulting, taunting, or challenging another person in
5 a manner likely to provoke a violent response;
- 6 (3) Making verbal or non-verbal expressions that cause
7 another person to feel uncomfortable, pressured,
8 threatened, or in danger:
- 9 (A) Because of reasons that include but are not
10 limited to the person's race; color; national
11 origin; ancestry; sex, including gender identity
12 and expression; religion; disability; or sexual
13 orientation;
- 14 (B) And that create an intimidating, hostile, or
15 offensive educational environment, or interferes
16 with the education of a student; or
- 17 (C) And that otherwise adversely affect the
18 educational opportunity of a student or students;
- 19 (4) Name calling, making rude gestures, insults or teasing
20 that causes another person to feel humiliated,
21 intimidated, threatened, or embarrassed;



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

14 SECTION 3. Act 214, Session Laws of Hawaii 2011, is
15 repealed.

16 SECTION 4. New statutory material is underscored.

17 SECTION 5. This Act shall take effect upon its approval.

18

INTRODUCED BY: 
JAN 21 2021

H.B. NO. 225

Report Title:

Bullying Prevention and Response Action Plan; BOE; DOE

Description:

Requires the board of education to develop a bullying prevention and response action plan. Requires the board of education to report annually to the legislature. Repeals Act 214, Session Laws of Hawaii 2011.

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