
A BILL FOR AN ACT

RELATING TO EDUCATION.

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

1 SECTION 1. Chapter 302A, Hawaii Revised Statutes, is
2 amended by adding a new section to part IV, subpart C to be
3 appropriately designated and to read as follows:

4 "§302A-A Authority of teachers and other school employees;
5 exclusion of disruptive pupils. (a) The teacher shall stand
6 in the place of the parents, guardians, or custodians in
7 exercising authority over the school and shall have control of
8 all pupils enrolled in the school from the time the pupils reach
9 the school until the pupils have left the school.

10 Where transportation of pupils is provided, the driver in
11 charge of the school bus or other mode of transportation shall
12 exercise this authority and control over the pupils while the
13 pupils are in transit to and from the school.

14 (b) The teacher or driver in charge, as the case may be,
15 shall exclude from the teacher's classroom or the driver in
16 charge's school bus any pupil who uses abusive or profane
17 language directed at a school employee.



1 (c) Any pupil so excluded shall be placed under the
2 control of the principal of the school or a designee. The
3 excluded pupil may be admitted to the classroom or school bus
4 only when the principal, or a designee, provides written
5 certification to the teacher that the pupil must be re-admitted
6 and specifies the specific type of disciplinary action, if any,
7 that was taken.

8 If the principal finds that disciplinary action is
9 warranted, the principal shall provide written and, if possible,
10 telephonic notice of this action to the parents, guardians, or
11 custodians of the pupil.

12 (d) When a teacher or driver in charge excludes the same
13 pupil from the teacher's classroom or from a school bus, as the
14 case may be, three times in any twelve-month period, and after
15 exhausting all reasonable methods of classroom discipline
16 provided in the school discipline plan, the pupil may be re-
17 admitted to the teacher's classroom only after:

18 (1) The principal, teacher, and, if possible, the parents,
19 guardians, or custodians of the pupil have held a
20 conference to discuss the pupil's disruptive behavior
21 patterns; and



1 (2) The teacher and the principal agree on a course of
2 discipline for the pupil and inform the parents,
3 guardians, or custodians of the course of action.

4 (e) If the pupil's disruptive behavior persists, then upon
5 the teacher's request or with the concurrence of the teacher,
6 the principal, to the extent feasible, shall transfer the pupil
7 to an alternative educational setting or placement.

8 If the teacher and the principal cannot agree on a course
9 of discipline for the pupil, then the principal, to the extent
10 feasible, shall temporarily transfer the pupil to another
11 regular classroom or to an alternative educational setting or
12 placement; provided that the pupil may be temporarily
13 transferred to another regular classroom only with the
14 concurrence of that other classroom's teacher.

15 (f) The department shall ensure that a continuum of
16 alternative educational settings or placements, from least
17 restrictive to most restrictive, is available to meet the
18 educational needs of chronically disruptive pupils and violent
19 pupils.

20 To the maximum extent appropriate, chronically disruptive
21 pupils shall be educated in the least restrictive alternative
22 educational setting or placement. Chronically disruptive pupils



1 shall not be placed in the same alternative educational setting
2 or placement as violent pupils.

3 (g) If a pupil's behavior in an alternative educational
4 setting or placement, even with the provision of appropriate
5 behavioral supports, strategies, or interventions, will
6 substantially impair the learning of other pupils, then that
7 alternative educational setting or placement does not meet the
8 pupil's educational needs and is not appropriate for that pupil.

9 A chronically disruptive pupil shall not be removed from
10 education in age-appropriate or academically appropriate regular
11 classrooms solely because of needed modifications in the general
12 curriculum.

13 (h) For the purposes of this section:

14 "Alternative educational setting or placement" includes
15 time-out rooms, in-school suspension, short-term and long-term
16 alternative classes and schools, and correctional institutions
17 for criminal offenders.

18 "Disruptive behavior" means the use of abusive or profane
19 language by students."

20 SECTION 2. This Act does not affect rights and duties that
21 matured, penalties that were incurred, and proceedings that were
22 begun, before its effective date.



1 SECTION 3. The department of education shall adopt new
2 rules, or amend current rules, pursuant to chapter 91, to effect
3 the purposes of this Act.

4 SECTION 4. This Act is not intended to create a private
5 cause of action.

6 SECTION 5. New statutory material is underscored.

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

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INTRODUCED BY:

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JAN 24 2007



Report Title:

Exclusion of Disruptive Pupils

Description:

Allows a teacher or driver in charge to exclude from the teacher's classroom or the driver in charge's school bus any pupil who uses abusive or profane language directed at a school employee.

