
A BILL FOR AN ACT

RELATING TO BULLYING.

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 part to be appropriately designated and
3 to read as follows:
- 4 "PART . BULLYING PREVENTION AND RESPONSE ACTION PLAN
5 §302A- Bullying prevention and response action plan.
- 6 (a) The board shall develop a bullying prevention and response
7 action plan to inform public school students, public school
8 employees or volunteers, and department employees or volunteers
9 of policies and procedures for:
- 10 (1) The prevention of and education regarding bullying,
11 harassment, and retaliation in the department and in
12 public schools;
- 13 (2) Reporting bullying and harassment to the department,
14 board, or law enforcement agencies, as appropriate;
- 15 (3) Reporting bullying or harassment to the parents of the
16 public school students who committed or were affected
17 by bullying or harassment;



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



1 health, social, or family challenges that arise from
2 harassment or bullying; and

3 (8) An appeal process for any party not satisfied with the
4 outcome of the department's or board's investigation
5 or response.

6 (b) The board shall establish requirements for the
7 department to report to the board on the department's compliance
8 with any board policies, administrative rules, or applicable
9 statutes governing bullying and harassment and shall monitor the
10 department's compliance.

11 (c) The board shall review and update the bullying
12 prevention and response action plan every twenty-four months to
13 reflect electronic and technological changes and incorporate
14 best practices in bullying prevention, education, investigation,
15 reporting, and resolution.

16 **§302A- Annual reporting requirements.** The board, or
17 department as the board's designee, shall submit an annual
18 report on the bullying prevention and response action plan,
19 including any proposed legislation, to the legislature no later
20 than twenty days prior to the convening of each regular session
21 of the legislature, beginning with the regular session of 2022.



1 The report shall redact any names or other identifying
2 information that would identify any individual involved in any
3 alleged incident of bullying or harassment. For each alleged
4 incident of bullying or harassment, the report shall include:

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



1 (9) The disposition of any incident that was not
2 identified as resolved in the prior annual report to
3 the legislature; and

4 (10) Any other information the board or department deems
5 pertinent; provided that in no case shall the report
6 include any name, identifying number, or other
7 identifying information of any individual involved in
8 an alleged incident of bullying or harassment that
9 will identify the affected parties."

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

13 "Bullying" means any intentional verbal, physical,
14 written, or electronically transmitted act or conduct that:

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

20 (2) Is severe, pervasive, or persistent, as determined by
21 a reasonable person under the circumstances; and



1 (3) Has any of the following effects, as determined by a
2 reasonable person under the circumstances:

3 (A) Places the recipient in reasonable fear of:

4 (i) Substantial harm to the recipient's
5 emotional, psychological, or physical
6 well-being;

7 (ii) Substantial damage to the recipient's
8 property;

9 (iii) Substantial harm to the emotional,
10 psychological, or physical well-being of a
11 person other than the recipient; or

12 (iv) Substantial damage to the property of a
13 person other than the recipient;

14 (B) Incites, solicits, or coerces an individual or
15 group of individuals to cause or place the
16 recipient in reasonable fear of:

17 (i) Substantial harm to the recipient's
18 emotional, psychological, or physical
19 well-being;

20 (ii) Substantial damage to the recipient's
21 property;



- 1 (2) Insulting, taunting, or challenging another person in
- 2 a manner likely to provoke a violent response;
- 3 (3) Making verbal or nonverbal expressions that cause
- 4 another person to feel uncomfortable, pressured,
- 5 threatened, or in danger because of reasons that
- 6 include but are not limited to the person's race;
- 7 color; national origin; ancestry; sex, including
- 8 gender identity and expression; religion; disability;
- 9 or sexual orientation; and that:
- 10 (A) Create an intimidating, hostile, or offensive
- 11 educational environment, or interferes with the
- 12 education of a student; or
- 13 (B) Otherwise adversely affect the educational
- 14 opportunity of a student or students;
- 15 (4) Name calling, making rude gestures, insults, or
- 16 teasing that causes another person to feel humiliated,
- 17 intimidated, threatened, or embarrassed;
- 18 (5) Making a telephone call without purpose of legitimate
- 19 communication;
- 20 (6) Making repeated communications anonymously, at
- 21 extremely inconvenient hours, or in offensively coarse



1 language on campus or other department premises, on
2 department transportation, or during a department
3 sponsored activity or event on or off school property;

4 (7) Causing fear to prevent another person from gaining
5 legitimate access to or use of school buildings,
6 facilities, services, or grounds, including restroom
7 facilities; or

8 (8) Physically harming, physically restraining,
9 threatening, or stalking another person."

10 SECTION 3. Act 214, Session Laws of Hawaii 2011, is
11 repealed.

12 SECTION 4. New statutory material is underscored.

13 SECTION 5. This Act shall take effect on July 1, 2050.



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. Effective 7/1/2050. (SD1)

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