

JAN 21 2022

S.B. NO. 2551

A BILL FOR AN ACT

RELATING TO SCHOOL CAMPUSES.

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

1 SECTION 1. The legislature finds that Hawaii is unique in
2 being the only state with a single unified school district. The
3 department of education, state public charter school commission,
4 and each county's police commission lack clear guidelines with
5 regards to student discipline involving police on school
6 campuses. The recent arrest of a ten-year old African American
7 girl with disabilities at a Mililani elementary school for an
8 offensive drawing demonstrates the problems that can arise from
9 the lack of clear guidelines.

10 The legislature further finds that in 2013, the U.S.
11 Department of Justice recommended that governing protocols, such
12 as a memorandum of understanding, be established by school
13 districts and police departments to distinguish between student
14 disciplinary misconduct and criminal offenses, and to promote
15 problem-solving policing rather than simply responding to
16 incidents as they occur on campus. This means ensuring



1 transparency and accountability in ways that promote non-
2 punitive approaches to student behavior as much as possible.

3 A study conducted by the non-profit Leadership for
4 Educational Equity found that a sample of school districts that
5 implemented governing protocols experienced a sixty to sixty-six
6 per cent decrease in student suspensions, a fifty-four to fifty-
7 five per cent decrease in expulsions from school, and a forty-
8 two to fifty-seven per cent decrease in school-based arrests or
9 referrals to law enforcement. In Clayton County, Georgia,
10 dangerous weapons on campus decreased by seventy per cent,
11 graduation rates increased by twenty per cent, and the racial
12 disparities in punitive discipline between African American
13 students and white students notably decreased. Numerous school
14 districts around the country have experienced similarly positive
15 results in student conduct after establishing governing
16 protocols for police in schools, including school districts in
17 California, West Virginia, and Wyoming.

18 The purpose of this Act is to require the department of
19 education, state public charter school commission, and each
20 county's police commission to create a memorandum of
21 understanding and other governing protocols, with input and



1 collaboration from child development and justice experts, to
2 provide clear guidelines on student discipline and police on
3 campus.

4 SECTION 2. (a) No later than August 1, 2022, the
5 department of education, state public charter school commission,
6 and each county's police commission shall create a memorandum of
7 understanding and other governing protocols, with input and
8 collaboration from child development and justice experts, that:

- 9 (1) Identifies and outlines when and how school
10 administrators are to address unacceptable school
11 conduct with available school resources, including
12 counselors, student-teacher response teams,
13 administrators, and security guards;
- 14 (2) Identifies and outlines when and how police are to be
15 called onto school campus, considering the police's
16 roles for different circumstances;
- 17 (3) Identifies and outlines when and how police are to
18 interact with students in different age categories of
19 elementary school, middle or intermediate school, and
20 high school, including procedures for questioning
21 students, searching for students, filing a citation or



1 complaint against students, arresting students, and
2 notifying students' parents; and

3 (4) Encourages the implementation of restorative justice
4 programs in schools that have proven successful in
5 addressing the needs of victims, holding perpetrators
6 accountable, and educating and empowering bystanders.

7 (b) The department of education shall submit a report of
8 its findings and recommendations, including any proposed
9 legislation, to the legislature no later than twenty days prior
10 to the convening of the regular session of 2023.

11 SECTION 3. This Act shall take effect upon its approval.

12
INTRODUCED BY:

Laura Acasio



S.B. NO. 2551

Report Title:

Department of Education; Police; School Campuses; Memorandum of Understanding; Governing Protocols

Description:

Requires the Department of Education, State Public Charter School Commission, and each county's police commission to create a memorandum of understanding and other governing protocols, with input and collaboration from child development and justice experts, to provide clear guidelines on student discipline and police on campus.

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