
A BILL FOR AN ACT

RELATING TO BULLYING.

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

1 SECTION 1. The legislature finds that all students have
2 the right to fully participate in the educational process free
3 from bullying, including cyberbullying. A safe and civil
4 environment in school is necessary for students to learn and to
5 meet high academic standards. Bullying, including
6 cyberbullying, like other disruptive or violent behaviors,
7 inhibit a student's ability to learn and a school's ability to
8 educate students in a safe environment. It is imperative that
9 all schools in the State establish and maintain clear and
10 consistent policies and procedures to address such behavior. In
11 addition, because students learn by example, school
12 administrators, faculty, staff, parents, guardians, and
13 volunteers should be expected to demonstrate appropriate
14 behavior, treat others with civility and respect, and refuse to
15 tolerate bullying and harassment.



1 The purpose of this Act is to require the department of
2 education to establish and enforce policies against bullying and
3 cyberbullying to protect Hawaii's youth.

4 SECTION 2. Chapter 302A, Hawaii Revised Statutes, is
5 amended by adding a new part to be appropriately designated and
6 to read as follows:

7 **"PART . ANTI-BULLYING POLICY"**

8 **"§302A-A Definitions.** As used in this chapter, the term:

9 "Alternative discipline" means disciplinary action other
10 than suspension or expulsion from school that is designed to
11 correct and address the root causes of a student's specific
12 misbehavior while retaining the student in class or school, or
13 restorative school practices to repair the harm done to
14 relationships and persons from the student's misbehavior.

15 Alternative discipline includes:

- 16 (1) Meeting with the student and the student's parents;
- 17 (2) Reflective activities, such as requiring the student
18 to write an essay about the student's misbehavior;
- 19 (3) Counseling;
- 20 (4) Anger management;
- 21 (5) Health counseling or intervention;



- 1 (6) Mental health counseling;
- 2 (7) Participation in skills building and resolution
- 3 activities, such as social-emotional cognitive skills
- 4 building, resolution circles, and restorative
- 5 conferencing;
- 6 (8) Community service; and
- 7 (9) In-school detention or suspension, which may take
- 8 place during lunchtime, after school, or on weekends.

9 "Bullying" means any severe, pervasive, or persistent act
10 or conduct, whether physical; electronic, including any form of
11 cyberbullying; or verbal that:

- 12 (1) May be based on a student's actual or perceived race;
- 13 sex, including gender identity or expression; sexual
- 14 orientation; color; religion; ancestry; or disability,
- 15 or any other distinguishing characteristic, or on a
- 16 student's association with a person, or group with any
- 17 person, with one or more of the actual or perceived
- 18 foregoing characteristics; and

- 19 (2) Can be reasonably predicted to:
 - 20 (A) Place the student in reasonable fear of physical
 - 21 harm to the student's person or property;



1 (B) Cause a substantial detrimental effect on the
2 student's physical or mental health;

3 (C) Substantially interfere with the student's
4 academic performance or attendance; or

5 (D) Substantially interfere with the student's
6 ability to participate in or benefit from the
7 services, activities, or privileges provided by
8 an agency, educational institution, or grantee.

9 "Department" means the department of education.

10 "Disability" has the same meaning as provided in chapter
11 489.

12 "Educational institution" means any local education agency
13 that receives funds from the State, including public charter
14 schools.

15 "Electronic communication" means a communication
16 transmitted by means of an electronic device, including but not
17 limited to the following:

18 (A) Telephone;

19 (B) Cellular telephone;

20 (C) Computer;

21 (D) Tablet;



- 1 (E) Pager;
- 2 (F) Video or audio recording; or
- 3 (G) Any device allowing for messaging, online
- 4 comment, or access to social media.

5 "Employee" means an individual who performs a function for
6 the department and who receives compensation for the performance
7 of that function.

8 "Gender identity or expression" has the same meaning as
9 provided in chapter 489.

10 "Party" means a person accused of bullying, a target of
11 bullying, or a parent, guardian, or caregiver of a person who is
12 either accused of bullying or a target of bullying.

13 "Sexual orientation" has the same meaning as provided in
14 chapter 489.

15 **§302A-B Bullying prevention policy.** (a) Within three-
16 hundred sixty-five days of the effective date of this chapter,
17 the department shall adopt a bullying prevention policy to be
18 enforced by each individual school:

- 19 (1) On its property, including electronic communication on
- 20 or within its property;
- 21 (2) At functions sponsored by the school; and



- 1 (3) In vehicles owned or sponsored by the school.
- 2 (b) The department shall control the content of its
- 3 policy; provided that each policy shall include:
- 4 (1) The definition of bullying set forth in section 302A-
- 5 A;
- 6 (2) A statement prohibiting bullying with actionable
- 7 consequences for every violation;
- 8 (3) A statement that the policy applies to participation
- 9 in school sponsored functions;
- 10 (4) A code of conduct;
- 11 (5) A list of the consequences, including alternative
- 12 discipline approaches, that may result from an
- 13 identified incident of bullying, and are designed to:
- 14 (A) Appropriately correct the bullying behavior;
- 15 (B) Prevent another occurrence of bullying or
- 16 retaliation;
- 17 (C) Protect the victim of the bullying; and
- 18 (D) Be consistent in both method of application and
- 19 severity of punishment.
- 20 (6) A procedure for reporting bullying or retaliation for
- 21 reporting an act of bullying, including a procedure



1 for anonymous reports of bullying; provided that no
2 formal response shall be taken solely on the basis of
3 an anonymous report;

4 (7) A procedure for prompt investigation of reports of
5 violations of its policy and of complaints of bullying
6 or retaliation, including the name and contact
7 information of the person responsible for
8 investigating reports;

9 (8) A procedure of prompt notification of the parents or
10 guardians of the student alleged to have committed an
11 act of bullying and the parents or guardians of the
12 student targeted by the alleged act; provided that if
13 the administrator believes, in the administrator's
14 professional capacity, that contacting the parent or
15 guardian would endanger the health or well-being of a
16 student, the administrator may delay such contact as
17 appropriate;

18 (9) A procedure for initiating an in person meeting with
19 all involved parties;

20 (10) An appeal process for a party who is not satisfied
21 with the outcome of the initial investigation; and



1 (11) A statement that prohibits retaliation against any
2 person who reports or witnesses incidents of bullying.

3 (c) The requirements of this chapter and any policy
4 adopted pursuant to this chapter shall be deemed to meet any
5 health and safety standards that are required for educational
6 institutions, if applicable.

7 (d) Information on the bullying prevention policy shall be
8 incorporated into the department's new employee training.

9 (e) The department shall develop a plan for how the policy
10 is to be publicized, and shall include:

11 (1) Making a developmentally-appropriate version of the
12 bullying prevention policy available to students at
13 the beginning of each academic year;

14 (2) Posting on its website the policy and a
15 developmentally-appropriate version of the policy for
16 students;

17 (3) Making a mandatory bullying and cyberbullying training
18 session for parents and guardians of students that
19 shall:

20 (A) Be completed either in person or through an
21 online training portal;



- 1 (B) Be accompanied by an official certificate of
- 2 completion; and
- 3 (C) Be completed by the parent or guardian prior to
- 4 the first day of the academic year; and
- 5 (4) Making available the name and contact information of
- 6 the person responsible for investigating reports of
- 7 bullying.

8 **§302A-C Secondary investigation; appeal.** (a) A party who
9 is not satisfied with the outcome of the initial investigation
10 conducted pursuant to this chapter may request a secondary
11 investigation by submitting a written appeal to the higher-level
12 authority in the department designated to hear appeals. A
13 written request for an appeal shall be submitted within thirty
14 days of the conclusion of the initial investigation.

15 (b) The secondary investigation shall be completed within
16 thirty days of receipt of the written request for appeal,
17 unless:

- 18 (1) Circumstances require additional time to complete a
- 19 thorough investigation;



1 (2) The higher-level authority sets forth those
2 circumstances identified pursuant to paragraph (1) in
3 writing; and

4 (3) The additional time does not exceed fifteen days.

5 (c) When a written request for an appeal for a secondary
6 investigation is submitted, the department shall inform the
7 party about their ability to seek further redress under chapter
8 489.

9 (d) This section shall not be construed to limit the right
10 of a person to assert or seek redress for a claim arising under
11 chapter 489.

12 **§302A-D Retaliation, reporting, and immunity.** (a) An
13 employee, volunteer, or student shall not retaliate against a
14 victim or witness of bullying or a person who reports bullying.

15 (b) An employee or volunteer who has witnessed bullying in
16 violation of a bullying prevention policy, or has reliable
17 information that a person has been subjected to bullying in
18 violation of a bullying prevention policy, shall promptly report
19 the incident or information to the person designated by the
20 department as responsible for investigating the reports.



1 (c) An employee, volunteer, or student who promptly and in
2 good faith reports an incident of, or information on, bullying
3 in compliance with the policy of the department shall be immune
4 from a cause of action for damages arising from the making of
5 such report.

6 **§302A-E Bullying prevention programs.** Following the
7 adoption of a bullying prevention policy, the department shall:

8 (1) Establish an annual bullying prevention program for
9 students, which for each educational institution,
10 shall align with established health-education
11 standards;

12 (2) Inform students about their right to be free from
13 discrimination in public accommodations and education,
14 and of the remedies available for a violation of their
15 rights under chapter 489; and

16 (3) Provide annual training on bullying prevention to all
17 employees and volunteers who have significant contact
18 with students."

19 SECTION 3. In accordance with section 9 of article VII, of
20 the Constitution of the State of Hawaii and sections 37-91 and
21 37-93, Hawaii Revised Statutes, the legislature has determined



H.B. NO. 2730

1 that the appropriation contained in this Act will cause the
2 state general fund expenditure ceiling for fiscal year 2024-2025
3 to be exceeded by \$, or per cent. The reasons
4 for exceeding the general fund expenditure ceiling are that the
5 appropriation made in this Act is necessary to serve the public
6 interest and to meet the need provided for by this Act.

7 SECTION 4. There is appropriated out of the general
8 revenues of the State of Hawaii the sum of \$ or so much
9 thereof as may be necessary for fiscal year 2024-2025 for anti-
10 bullying and suicide prevention efforts in Hawaii's public
11 schools.

12 The sum appropriated shall be expended by the department of
13 education for the purposes of this Act.

14 SECTION 5. This Act shall take effect shall take effect on
15 July 1, 2024.

INTRODUCED BY: 

JAN 24 2024



H.B. NO. 2730

Report Title:

Bullying; Education; Youth; Students; General Fund Exceeded

Description:

Requires the department of education to create and implement anti-bullying policies. Outlines the requirements for each institution's policy and specifies reporting, investigation, and appeals procedures involving incidents of bullying. Appropriates funds for anti-bullying and suicide prevention efforts in the public schools.

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