

ACT 84

H.B. NO. 490

A Bill for an Act Relating to Replacement of School Books.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 2985,[†] Hawaii Revised Statutes, is amended to read as follows:

“Section 298-5 Public schools special fees and charges. (a) No equipment, material or other fees shall be assessed against any pupil in any school, except that the department of education may assess and collect special fees and charges from pupils who negligently break, damage, lose, or destroy equipment and supplies. Any pupil found to be responsible for loss, destruction, breakage, or damage to school books, which shall include library and textbooks, shall make restitution to the school in any manner including the payment by the pupil or the pupil’s parents of the actual replacement costs of the books.

(b) No pupil shall be required to make restitution in any manner, unless the pupil and the pupil’s parents and guardians have been notified and have been given an opportunity to be heard before the principal of the school on the charges that the pupil was responsible for the loss, destruction, breakage, or damage to school books.

(c) If the principal upon a hearing on the charges has reasonable cause to

[†]So in original. Probably was intended to read “Section 298-5.”

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believe that the pupil is responsible for the loss, destruction, breakage, or damage to school books he shall design a restitution program which shall be submitted to the pupil, his or her parents or guardian for agreement in writing.

If restitution is made in this fashion, then all records and documents regarding the charges and hearing shall be destroyed. No information about the charges, hearing and the actions taken shall be communicated to any person not directly involved in the proceedings.

If the pupil and parent or guardian do not agree with the determination made by the principal, the principal shall preserve all the records and documents regarding the charges and hearing and shall report to the district superintendent of the determination made by the principal for any further action.

(d) Notwithstanding any provisions herein to the contrary, the State may elect to bring any appropriate action for the recovery of all damages to school properties. Nothing in this act shall limit the right of the State to bring such action against any person to recover such damages.

(e) The fees or charges shall be deposited in a separate fund and expended by the department under such rules and regulations as it may prescribe.

The department shall raise the standards of all public schools to the level of the English standard system starting in September 1949, and continue these adjustments annually, until all the schools of the State are raised to the level of a single standard system.

The department may continue to group pupils within any public school in accordance with their abilities and educational needs."

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.*

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

(Approved May 18, 1978.)

*Edited accordingly.