

ACT 148

S.B. NO. 647

A Bill for an Act Relating to Education.

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

SECTION 1. The legislature finds that the U.S. Congress enacted the Gun-Free Schools Act of 1994 as an amendment to the Elementary and Secondary Education Act of 1965, as amended. This federal act requires that all states adopt a mandatory expulsion policy for any student attending a public school who is found in possession of a firearm, provided that the local governing authority may modify the expulsion policy on a case-by-case basis. The legislature further finds that this federal mandate requires the states to adopt this policy by October, 1995, in order to continue to receive federal funds under the Elementary and Secondary Education Act of 1965, as amended.

The purpose of this Act is to adopt as state law the mandates of the federal act in order to continue to receive federal funds.

SECTION 2. Section 298-11, Hawaii Revised Statutes, is amended to read as follows:

“§298-11 Exclusion from school. (a) If for any reason a child becomes a detriment to the morals or discipline of any school, the child may be precluded from attending school by the principal with the approval of the district superintendent. The department of education shall seek the active participation of other public and private agencies in providing help to such children before and after they have left school. An appeal may be taken on behalf of the child to the superintendent of education within ten days from the date of such action.

(b) Any child who is found to be in possession of a firearm while attending school shall be excluded from attending school for not less than one year. The due process procedures of Chapter 19 of the Department of Education, Hawaii Administrative Rules shall apply to any child who is alleged to be in possession of a firearm while attending school. The superintendent may modify the exclusion of a child found to be in possession of a firearm while attending school on a case-by-case basis. In the event a child is excluded from attending school, the superintendent shall ensure that substitute educational activities or other appropriate assistance shall be provided. The superintendent shall submit to the United States Department of Education, the state board of education, and the legislature an annual report indicating the number of students excluded, the types of firearms found in their possession, and the schools from which they were excluded.

(c) No child who is seventeen years of age or over shall be admitted to the ninth grade of a public four-year high school, and no child who is eighteen years of age or over shall be admitted to the tenth grade of a public senior high school, except upon the written permission of the superintendent when in the superintendent's opinion the facts warrant such admission."

SECTION 3. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved June 13, 1995.)