

ACT 276

H.B. NO. 2837

A Bill for an Act Relating to School Discipline.

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

SECTION 1. Section 302A-1134.5, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Any child who is found to be in possession of a dangerous weapon, switchblade knife, intoxicating liquor, or illicit drugs while attending school, may be excluded from attending school for up to ninety-two school days, as determined by the principal and approved by the superintendent[, the deputy superintendent, or the district superintendent with authority over the child. The] or other individuals designated pursuant to rules adopted by the board. In any case of exclusion from school, the due process procedures of the department adopted pursuant to chapter 91, shall apply to any child who is alleged to be in possession of a dangerous weapon, switchblade knife, intoxicating liquor, or illicit drugs while attending school[.]; provided that if the exclusion is for less than ten days, the provisions of Hawaii administrative rules, title 8, chapter 19, related to student discipline, shall apply. If a child is excluded from attending school, the superintendent or the superintendent’s designee shall ensure that substitute educational activities or other appropriate assistance are provided, such as referral for appropriate intervention and treatment services, as determined by the principal in consultation with the [school counselor.] appropriate school staff.’’

SECTION 2. The board of education shall adopt rules in accordance with chapter 91 to implement the provisions of section 1.

SECTION 3. Notwithstanding section 1, until such time as the board of education has adopted rules pursuant to section 2, the superintendent, deputy superintendent, or district superintendent shall be authorized to exclude students from attending school for up to ninety-two school days.

SECTION 4. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun, before its effective date.

SECTION 5. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 6. This Act shall take effect upon its approval; provided that section 3 shall be repealed on December 31, 1998.

(Approved July 20, 1998.)