



Hawaii

Compilation of School

Discipline Laws and

Regulations

Prepared: April 3, 2019

Introduction

This compilation presents school discipline-related laws and regulations for U.S. states, U.S. territories, and the District of Columbia, and, where available, links to education agency websites or resources related to school discipline and student conduct. The discipline laws and regulations presented in this compilation have been categorized by type of specific discipline issue covered, according to an organizational framework developed by the National Center for Safe and Supportive Learning Environments (NCSSE). For example, one major category encompasses all laws or regulations governing states or territories that mandate specific disciplinary sanctions (such as suspension) for specific offenses (such as drug possession on school grounds). The school discipline laws and regulations were compiled through exhaustive searches of legislative websites that identified all laws and regulations relevant to each specific category. Compiled materials were subsequently reviewed by state education agency (SEA) representatives in the 50 states, Washington D.C., and the U.S. territories.

Discipline categories were not mutually exclusive. Laws and regulations often appeared across multiple categories. For jurisdictions with more extensive laws covering a breadth of topical areas, relevant sections were excerpted from the larger legislative text for inclusion in the appropriate discipline category. Laws, ordered by chapter and section number, appear first within each category followed by regulations. All laws and regulations listed within categories in the compilation also appear in the sources cited section of the document, which lists laws by chapter and section number and title, and where available, includes active hyperlinks to source websites supported or maintained by state legislatures. Additional links to government websites or resources are provided at the end of this document.

Notes & Disclaimers

To the best of the preparer's knowledge, this Compilation of School Discipline Laws and Regulations is complete and current as of April 2019. Readers should also note that the information in this document was compiled from individual sources that are created by each jurisdiction and which are maintained and updated with varying frequencies. Readers should consult the source information provided directly in order to check for updates to laws and regulations reported in this document or to conduct further research.

For further information, including definitions of the different policy categories, please refer to the [Discipline Laws and Regulations Compendium](#) posted on the Center's website.

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Hawaii State Codes Cited

Hawaii Revised Laws

Title 18. Education

Chapter 302A

Part I. General Provisions

A. Miscellaneous

[§302A-102.](#) Smoking prohibited

Part IV. Provisions Affecting System Structure

B. Accountability

[§302A-1002.](#) Reporting of crime-related incidents

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[§302A-1112.](#) Rules

[§302A-1132.](#) Attendance compulsory; exceptions

[§302A-1133.5.](#) Parent and guardian accountability for compliance with student code of conduct

[§302A-1134.](#) Exclusion from school

[§302A-1134.6.](#) Zero tolerance policy

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[§302A-1141.](#) Punishment of pupils limited

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[§302A-1141.4.](#) Use of physical restraint limited; notification; policies and procedures; training; review

[§302A-1153.](#) Vandalism damage to public school property

Hawaii Regulations

Title 8. Department of Education

Chapter 19. Department of Education, Education, Public schools: Student Misconduct, Discipline, School Searches and Seizures, Reporting Offenses, Police Interviews and Arrests, and Restitution for Vandalism

Subchapter 1. General Provisions

[§8-19-1.](#) Philosophy

[§8-19-2.](#) Definitions

[§8-19-3.](#) Applicability

[§8-19-4.](#) Severability

Subchapter 2. Student Misconduct and Discipline During the Regular School Year

[§8-19-5.](#) Disciplinary actions; authority

[§8-19-6.](#) Prohibited student conduct; class offenses

- [§8-19-7.](#) Crisis removal
- [§8-19-7.1.](#) Investigation
- [§8-19-8.](#) Suspension
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- [§8-19-10.](#) Duration of disciplinary actions
- [§8-19-11.](#) Alternate educational activities and other assistance when students are found to be in violation of this chapter

Subchapter 3. Student Misconduct and Discipline in Summer School

- [§8-19-12.](#) Disciplinary actions; authority
- [§8-19-13.](#) Prohibited student conduct; class offenses

Subchapter 4. School Searches and Seizures

- [§8-19-14.](#) Policy on opening and inspection of student lockers
- [§8-19-15.](#) Policy on general school searches and seizures
- [§8-19-16.](#) Authority
- [§8-19-17.](#) Conditions under which general school searches and seizures may be carried out
- [§8-19-18.](#) Prohibited searches and seizures

Subchapter 5. Reporting Offenses

- [§8-19-19.](#) Reporting class A and class B offenses occurring in school
- [§8-19-20.](#) Indemnity upon reporting class A and class B offenses
- [§8-19-21.](#) Failure to report class A or class B offenses occurring in school; consequences

Subchapter 6. Police Interviews and Arrests

- [§8-19-22.](#) Police interviews in school for school-related offenses
- [§8-19-23.](#) Police interviews in school for non-school-related offenses
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Subchapter 7. Restitution for Vandalism

- [§8-19-25.](#) Liability for vandalism
- [§8-19-26.](#) Procedures applicable to vandalism

General Provisions

Authority to develop and establish rules of conduct

LAWS

§302A-1112. Rules.

Subject to chapter 91, the board may adopt rules for the government of all teachers, educational officers, other personnel, and pupils, and for carrying out the transaction of its business.

REGULATIONS

§8-19-1. Philosophy.

(b) It is the responsibility of every student to demonstrate respectful, responsible, safe and ethical behaviors on department of education transportation, or during a department of education sponsored activity on or off school property. The department supports this through the establishment of a proactive systems approach to schoolwide discipline.

(c) [...] when a student's behavior violates established policies, rules, or regulations of the department, state or local laws, the department may take appropriate disciplinary action in accordance with this chapter. The purpose of school-administered discipline is to:

- (1) Promote and maintain a safe and secure educational environment;
- (2) Teach and acknowledge proper behavior which is beneficial to the educational process and self-development;
- (3) Deter students from acts which interfere with the purpose of education or which are self-destructive, self-defeating or anti-social; and
- (4) Maintain proper student conduct to ensure that educational activities and responsibilities remain uninterrupted."

Scope

LAWS

No relevant laws found.

REGULATIONS

§8-19-3. Applicability.

(a) The provisions of this chapter shall apply to all students enrolled in a public school during the regular school year, summer session, or intersessions regardless of age with the addition that, outside of the hours when school is in session, boarding students are subject to the dormitory rules developed by the school and agreed upon through written consent by the parent(s) or legal guardian(s) of boarding students.

(b) The Hawaii administrative rules for students with disabilities shall apply in the discipline of students who are eligible to receive special education or other services under those chapters.

(c) References to principal or designee in subchapter 2 shall be construed to include summer school director for purposes of discipline in summer school. References to school year in this chapter shall be construed to mean summer session whenever summer school applies.

(d) Discipline during intersessions and in summer school shall be governed by subchapter 3. Discipline of students who receive special education services during an extension of the student's school year shall be governed by subchapter 2 and the guidelines and requirements of the Hawaii administrative rules for students with disabilities.

(e) In all cases of student-related administrative actions and reporting, chapter 8-34 shall apply. In addition, for students who receive special education services, the Hawaii administrative rules for students with disabilities shall prevail.

(f) No action relating to suspension, serious discipline, or restitution for vandalism or negligence shall be taken except in accordance with this chapter.

(g) All matters relating to police interviews or arrests, or both, of students shall be administered in accordance with this chapter.

§8-19-4. Severability.

If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the chapter that can be given effect without the invalid provision or application, and to this end, the provisions of this chapter are severable.

§8-19-6. Prohibited student conduct; class offenses.

(h) The disciplinary action options of subsections (c) and (d) shall be construed as disciplinary actions within a school year.

(i) Disciplinary actions may be carried over to the following school year if the offense is committed within twenty school days from the last instructional day for students in that school year.

§8-19-10. Duration of disciplinary actions.

(a) If the disciplinary action could not be imposed as result of the appeal process, the disciplinary action may be carried over to the next school year at any public school and does not include summer school.

(b) If the acts, which resulted in disciplinary action, was committed within twenty days from the last instructional day for students in the school year the disciplinary action may be carried over to the next school year at any public school and does not include summer school.

(c) This section shall not apply to firearm violations. Disciplinary action for firearm violations is a mandatory not less than one calendar year.

(d) Other than as described in subsections (a) and (b), no disciplinary action shall continue beyond the school year in which the action was committed.

§8-19-5 Disciplinary actions; authority.

(a) Suspensions exceeding ten school days or suspensions that will result in the student being suspended more than a total of ten school days in any single semester, disciplinary transfers, dismissals, and extension of crisis removals shall be approved by complex area superintendent.

(b) Crisis removals and suspensions of ten school days or less may be approved by the principal or designee.

(c) In determining disciplinary actions, the principal or designee shall consider the intention of the offender, the nature and severity of the offense, the impact of the offense on others including whether the action was committed by an individual or a group of individuals such as a gang, the age of the offender, and if the offender was a repeat offender.

§8-19-12. Disciplinary actions; authority.

The summer school director or designee shall impose disciplinary action against any student attending summer school.

Communication of policy

LAWS

§302A-1133.5. Parent and guardian accountability for compliance with student code of conduct.

(a) The department shall inform all parents and guardians of the student code of conduct and of their responsibilities with respect to ensuring that their children comply with the code. The department also shall provide assistance and advice to parents and guardians in meeting their responsibilities under the code.

(Per written communication from Hawaii DOE personnel, the State of Hawaii requires annual dissemination of Chapter 19: Student Misconduct, Discipline, School Searches and Seizures, Reporting Offenses, Police Interviews and Arrests, and Restitution for Vandalism.)

§302A-1141.4. Use of physical restraint limited; notification; policies and procedures; training; review.

(e) The department shall make information relating to policies and procedures available on the department's website.

(f) If policy or procedural changes related to restraint are made during the school year, the department shall post the changes on its website immediately.

REGULATIONS

§8-19-21. Failure to report class A or class B offenses occurring in school; consequences.

(a) The superintendent of education shall furnish an annual written notice to all schools and offices that failure to report class A or class B offenses occurring on campus, or other department of education premises, on department of education transportation, or during a department of education sponsored activity or event on or off school property may result in disciplinary actions against responsible teachers, officials, or other employees of the department.

In-School Discipline

Use of multi-tiered discipline approaches

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Teacher authority to remove students from classrooms

LAWS

No relevant laws found.

REGULATIONS

§8-19-2. Definitions.

"Crisis removal" means the immediate exclusion of a student from school in an emergency, because the conduct of the student presents a clear, immediate threat to the physical safety of self or others, or the student is so extremely disruptive as to make the immediate removal of the student necessary to preserve the right of other students to pursue their education free from undue disruption...

"Truancy" means a student is absent from class(es) or the school campus without authorization from the principal or designee.

§8-19-7. Crisis removal.

(a) A principal or designee, in an emergency, may crisis remove a student immediately based upon preliminary inquiry and findings that the student's conduct presents a clear immediate threat to the physical safety of self or others or is so extremely disruptive as to make the student's immediate removal necessary to preserve the right of other students to pursue an education free from undue disruption.

Alternatives to suspension

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Use of corporal punishment

LAWS

§302A-1141. Punishment of pupils limited.

No physical punishment of any kind may be inflicted upon any pupil, except as provided for under sections 302A-1141.4 and 703-309(2).

REGULATIONS

No relevant regulations found.

Use of student and locker searches

LAWS

No relevant laws found.

REGULATIONS

§8-19-2. Definitions.

"Search" means if after requesting the student to voluntarily relinquish the contraband item(s) and the student refuses and there are reasonable grounds to believe that the student has violated the law or provisions prohibited under this chapter, or if there is a health or safety issue with illicit drugs, dangerous weapons, dangerous instruments or firearms, or a combination of the foregoing, the school official may examine the contents and belongings which may include but are not limited to purses, fanny packs, backpacks, jackets, shoes, socks, or any other outer clothing.

"Seizure" means to take possession of the contraband item(s) that is or are uncovered during a search.

§8-19-14. Policy on opening and inspection of student lockers.

School lockers provided to the students on campus are subject to opening and inspection (and external dog sniffs) by school officials at any time with or without cause, provided that the searches are not because of the student's race, color, national origin, ancestry, sex, gender identity and expression, religion, disability, or sexual orientation. Section 8-19-15 shall have no applicability to the opening and inspection (and external dog sniffs) of student lockers. None of the restrictions in sections 8-19-15 through 8-19-18 or related to general school searches and seizures shall in any way be construed to create an expectation of privacy in student §8-19-16 19-30 lockers. Students should assume that their lockers are subject to opening and inspection (and external dog sniffs) any time with or without cause.

§8-19-15. Policy on general school searches and seizures.

Except as provided in section 8-19-14 regarding student lockers, students have a reasonable expectation of privacy in their persons on campus, or other department of education premises, on department of education transportation, or during a department of education sponsored activity or event on or off school property. Schools have an equally legitimate need to maintain order and an environment where learning can take place. In fulfilling this legitimate need, school officials may on occasions need to carry out searches and seizures on campus, or other department of education premises, on department of education transportation, or during a department of education sponsored activity or event on or off school property. As a general policy, except as provided in section 8-19-14 regarding student lockers, the searches and seizures are permissible if there are reasonable grounds to suspect, based on the attendant circumstances that the search will turn up evidence that the student or students have violated or are violating either the law or the student conduct prohibited under this chapter. Searches and seizures conducted by school officials shall abide by the provisions of this subchapter.

§8-19-16. Authority.

Except as provided in section 8-19-14 regarding student lockers, property may be searched if there are reasonable grounds to suspect, based on the attendant circumstances that the search will turn up evidence that student or students, or others on campus, or other department of education premises, on department of education transportation, or during a department of education sponsored activity or event

on or off school property have violated the law or the provisions of this chapter. A school official conducting a search shall be accompanied by another school official serving as a witness, unless it is an emergency where prompt action is necessary to protect the health or safety, or both of any person or persons.

§8-19-17. Conditions under which general school searches and seizures may be carried out.

(a) Except as provided in section 8-19-14 regarding student lockers searches and seizures may be carried out by school officials when all of the following conditions are met:

(1) If at the time of the search, there are reasonable grounds to suspect based on the attendant circumstances that the search will turn up evidence that the student or students have violated the law or provisions prohibited under this chapter.

(2) The manner in which the search is to be conducted is reasonably related to the purpose of the search.

(3) The student who will be subjected to a search shall be informed of the purpose of the search and shall be given an opportunity to voluntarily relinquish the evidence sought by the school official.

(b) The principal or designee of the school shall be informed by the school official who will conduct the search that a search is to be conducted and of the purpose of the search unless it is an emergency where immediate action is necessary to protect the health or safety, or both of a person or persons.

(c) If more than one student is suspected of committing a violation, then, if practical and not a risk to health or safety, the school official conducting the search shall start with the student most suspected of having the item sought in the search.

§8-19-18. Prohibited searches and seizures.

Except as provided in section 8-19-14 regarding student lockers:

(1) Random searches are prohibited.

(2) Strip searches are prohibited.

(3) A school official shall not conduct a search requiring bodily contact of a student except when such a search is necessary to prevent harm to the health or safety, or both of a person or persons. §8-19-19

(4) In the course of a search, the use of force against a student is prohibited unless the school official believes that the force to be used is necessary to prevent harm to the health or safety, or both of a person or persons or where the student physically resists the search.

(5) A search conducted under the provisions of this subchapter shall be limited to the object or objects for which the search was conducted. However, any other object observed during a search may be seized by a school official when possession of the object is a violation of law or the provisions of this chapter, or when non-seizure may pose a threat to the health or safety, or both of a person or persons, including the school official conducting the search.

Other in-school disciplinary approaches

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Out-of-School and Exclusionary Discipline: Suspensions, Expulsion, Restraint and Seclusion, and Alternative Placements

Grounds for possible suspension or expulsion

LAWS

§302A-1134.6. Zero tolerance policy.

(a) Any child who possesses, sells, or uses a dangerous weapon or switchblade knife, while attending school or while attending department-supervised activities held on or off school property, may be excluded from attending school for up to ninety-two school days, as determined by the principal and approved by the superintendent or other individuals designated pursuant to rules adopted by the board.

(b) Except as provided in subsection (f), any child who possesses, sells, consumes, or uses intoxicating liquor or illegal drugs, while attending school or while attending department-supervised activities held on or off school property, may be excluded from attending school for up to ninety-two school days, as determined by the principal and approved by the superintendent or other individuals designated pursuant to rules adopted by the board.

(c) Except as provided in subsection (f), any child who reasonably appears to have consumed or used intoxicating liquor or illegal drugs prior to attending school or attending department-supervised activities held on or off school property, may be excluded from attending school for up to ninety-two school days, as determined by the principal and approved by the superintendent or other individuals designated pursuant to rules adopted by the board.

REGULATIONS

§8-19-6. Prohibited student conduct; class offenses.

(c) Any student who possesses, sells, or uses a dangerous weapon, switchblade knife or any improperly used knife, intoxicating substance(s), or illicit drug(s) while attending school may be excluded from attending school for up to ninety-two school days. Any student who reasonably appears to be under the influence of, have consumed or used intoxicating substance(s) or illicit drug(s) prior to attending school or attending department-supervised activities held on campus, or other department of education premises, on department of education transportation, or during a department of education sponsored activity or event on or off school property may be excluded from attending school for up to ninety-two school days and the school shall administer a substance use screening tool to determine whether there is a need for the student to be referred for a substance abuse assessment pursuant to section 302A-1134.6(f), Hawaii Revised Statutes.

Grounds for mandatory suspension or expulsion

LAWS

§302A-1134. Exclusion from school.

(b) Any child who, while attending school, is found to be in possession of a firearm, 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, while attending school, is alleged to be in possession of a firearm. The superintendent, on a case-by-case basis, may modify the exclusion of a child found to be in possession of a firearm while attending school. If 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.

REGULATIONS

No relevant regulations found.

Limitations, conditions or exclusions for use of suspension or expulsion

LAWS

No relevant laws found.

REGULATIONS

§8-19-5. Disciplinary actions; authority.

(c) In determining disciplinary actions, the principal or designee shall consider the intention of the offender, the nature and severity of the offense, the impact of the offense on others including whether the action was committed by an individual or a group of individuals such as a gang, the age of the offender, and if the offender was a repeat offender.

§8-19-6. Prohibited student conduct; class offenses.

(b) The superintendent or designee, on a case-by-case basis, may modify the dismissal of a student found to be in possession of a firearm.

(c) For "any student who possesses, sells, or uses a dangerous weapon, switchblade knife or any improperly used knife, intoxicating substance(s), or illicit drug(s) while attending school [...]" [...] The principal or designee can approve suspensions of one to ten school days. The complex area superintendent shall approve suspensions exceeding ten school days. In exercising this discretion and determining disciplinary actions, the principal or designee shall consider, the nature and severity of the offense, the impact of the offense on others, the age of the offender, and if the offender is a repeat offender.

(f) No action amounting to serious discipline shall be imposed on students for committing class D offenses.

(g) No suspension or serious discipline shall be imposed on any student because of class cutting or truancy.

§8-19-7. Crisis removal.

(e) A crisis removal shall not continue for more than ten school days, except when approved by the complex area superintendent during an appeal.

Administrative procedures related to suspension and expulsion

LAWS

§302A-1134. 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 complex area superintendent. The department shall seek the active participation of other public and private agencies in providing help to these 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.

REGULATIONS

§8-19-5. Disciplinary actions; authority.

(a) Suspensions exceeding ten school days or suspensions that will result in the student being suspended more than a total of ten school days in any single semester, disciplinary transfers, dismissals, and extension of crisis removals shall be approved by complex area superintendent.

(b) Crisis removals and suspensions of ten school days or less may be approved by the principal or designee.

(c) In determining disciplinary actions, the principal or designee shall consider the intention of the offender, the nature and severity of the offense, the impact of the offense on others including whether the action was committed by an individual or a group of individuals such as a gang, the age of the offender, and if the offender was a repeat offender.

§8-19-7.1. Investigation.

(a) Immediately after making a crisis removal or whenever the principal or designee has reason to believe that a student has engaged in an activity warranting the imposition of a suspension, the principal or designee shall initiate a thorough investigation.

(b) When conducting an investigation, the principal or designee shall make a good faith effort at the earliest point possible to inform the parent about the school's investigation. If after making reasonable attempts, the principal or designee is unable to contact the parent, the school may engage in and complete the investigation. The investigation shall be completed as quickly as possible. If the principal or designee elects to initiate proceedings for the imposition of serious discipline other than crisis removal, the principal or designee upon completion of the investigation, shall make a written report containing a brief summary of the testimony of witnesses interviewed, any other evidence, and the principal or designee's reason(s) for the initiation of disciplinary proceedings.

§8-19-8. Suspension.

(a) Whenever a principal or designee has reason to believe that a student has engaged in activity warranting the imposition of suspension, the principal or designee shall immediately conduct an investigation of the incident. Upon completion of the investigation and findings, the student may be suspended if the principal or designee finds that the findings are sustained. [...]

(c) If the total number of days in any single semester for suspensions exceeds ten school days, the due process procedures of this chapter shall apply unless otherwise indicated by law.

§8-19-9. Due process for suspensions exceeding ten days, disciplinary transfers, and dismissal.

(a) If, based upon the investigation, the principal or designee believes that a student engaged in an activity which constitutes a violation of this chapter, and if the principal or designee recommends that

serious discipline other than crisis removal be imposed, the principal or designee shall immediately notify the complex area superintendent to initiate disciplinary proceedings by obtaining verbal authorization from the complex area superintendent.

(b) Upon obtaining verbal authorization from the complex area superintendent, the principal or the designee will make a good faith effort to inform the parent of:

- (1) The serious discipline incident,
- (2) The opportunity to appeal, and
- (3) That the disciplinary action will be implemented immediately.

(c) Within three school days of the verbal authorization from the complex area superintendent, the principal or designee shall mail a written notice of the serious discipline incident with the appeal form to the parent. A facsimile signature of or an electronic approval confirmation of the complex area superintendent on the serious discipline incident form is sufficient. The written notice of serious discipline shall contain the following statements:

- (1) Allegations of the specific acts committed by the student that form the basis of the serious discipline;
- (2) The allegations of the specific acts that were substantiated;
- (3) A statement of the disciplinary action(s); and
- (4) A statement that the parent has a right to an appeal to the complex area superintendent at which time the parent may present evidence, call and cross-examine witnesses, and be represented by legal counsel and to the extent the parent provides a written notice of legal representation at least ten calendar days prior to the appeal.
- (5) If the student or parent would like to file an appeal, the appeal must be submitted in writing and received by the complex area superintendent by the close of business of the seventh school day from the date of the issued serious discipline notice. The student shall be permitted to attend the school of the student pending the appeal unless the principal finds the continued presence of the student creates a substantial risk to self or others or to the rights of other students to pursue their education free from disruption. However, the student shall not participate in any extracurricular activities, including but are not limited to athletics, trips, or clubs.

For more information on appeal procedures, refer to §8-19-9 (d), (e) and (f)

In school suspension

LAWS

No relevant laws found.

REGULATIONS

§8-19-6. Prohibited student conduct; class offenses.

(d) Disciplinary action shall be taken for all class offenses in grades kindergarten through twelve in accordance with procedures established under this chapter and within the following options as determined by the authorities designated in section 8-19-5. Interventions to teach students appropriate behaviors must be instituted when disciplinary actions are imposed. Disciplinary action options may include the following:

- (5) In-school suspension;

Return to school following removal

LAWS

No relevant laws found.

REGULATIONS

§8-19-7. Crisis removal.

(d) A student who is the subject of a crisis removal shall be permitted to resume attendance at school as soon as the crisis no longer exists.

(e) A crisis removal shall not continue for more than ten school days, except when approved by the complex area superintendent during an appeal.

Use of restraint and seclusion

LAWS

§302A-1141. Punishment of pupils limited.

No physical punishment of any kind may be inflicted upon any pupil, except as provided for under sections 302A-1141.4 and 703-309(2).

§302A-1141.3. Use of seclusion, chemical restraint, or mechanical restraint prohibited.

The use of seclusion, chemical restraint, or mechanical restraint shall be prohibited in public schools regardless of any consent of the student, parents, or guardians.

§302A-1141.4. Use of physical restraint limited; notification; policies and procedures; training; review.

(a) The use of physical restraint shall be prohibited in public schools unless a student's behavior poses an imminent danger of property damage or physical injury to the student, school personnel, or others and only for so long as the danger persists; provided that other less intrusive interventions have failed or been determined to be inappropriate for the student.

(b) No physical restraint may be imposed that is life threatening, including physical restraint that may restrict breathing.

(c) The board shall establish a policy regarding the use of restraint in public schools. The department shall establish procedures to be followed after each incident involving the imposition of restraint upon a student, including procedures to provide to the parent or legal guardian of the student:

- (1) An immediate verbal or electronic communication on the same day as each incident; and
- (2) Written notification within twenty-four hours of each incident.

(d) All parents and legal guardians of students shall receive, upon the student's entry into public school, written information issued by the department about policies and procedures for restraint. This written information shall include:

- (1) A brief summary describing the training received by public school staff in using restraint in facilities or programs;
- (2) Information describing board policy;
- (3) Information on the procedures for determining when restraint can and cannot be properly used in public school settings;

- (4) Definitions of restraint;
 - (5) Information on the procedural safeguards that are in place to protect the rights of children and their parents or legal guardians;
 - (6) A description of the alignment of policies and procedures on restraint with applicable state laws or department rules;
 - (7) Information on the procedures for notifying parents and legal guardians when restraint has been used with their child; and
 - (8) Information on the procedures for notifying parents and legal guardians about any changes to policies and procedures on restraint.
- (e) The department shall make information relating to policies and procedures available on the department's website.
- (f) If policy or procedural changes related to restraint are made during the school year, the department shall post the changes on its website immediately.
- (g) All public schools shall ensure that staff who use restraint in facilities or programs are trained, recertified, or trained and recertified on a periodic basis no less frequently than annually. Training shall include:
- (1) Evidence-based techniques shown to be effective in the prevention of restraint;
 - (2) Evidence-based techniques shown to be effective in keeping school personnel and students safe when imposing restraint;
 - (3) Evidence-based skills related to positive behavioral supports and interventions, safe physical escort, conflict prevention, understanding antecedents, de-escalation, and conflict management;
 - (4) A wide array of prevention and intervention modalities; and
 - (5) Information describing state policies and procedures that meet the minimum standards established by state statutes and administrative rules.
- (h) No less than annually, there shall be a review of data on students at each public school who were restrained, which shall be conducted as directed by each complex area superintendent. The review shall determine whether:
- (1) There are strategies in place to address the students with dangerous behaviors at issue;
 - (2) The strategies in place are effective in increasing appropriate behaviors of students with dangerous behaviors; and
 - (3) New strategies need to be developed or current strategies need to be revised or changed to prevent the reoccurrence of dangerous behaviors.
- Patterns and trends in the data that are identified by the review shall be reported to the department.
- (i) Each public school shall maintain records of its reviews of restraint data and any resulting decisions or actions regarding the use of restraint.
- (j) The department shall review policies and procedures on the use of restraint, including by reviewing available data on such use, outcomes, settings, individual staff involvement, and programs, and the frequency of use for student populations categorized by: individual students; groups of students; gender; race; national origin; disability status and type of disability; and limited English proficiency, for the purposes of determining:
- (1) Whether policies for restraint are being applied consistently;
 - (2) The accuracy and consistency with which restraint data is being collected, as well as the extent to which this data is being used to plan behavioral interventions and staff training;
 - (3) Whether policies and procedures are being implemented with fidelity;

- (4) Whether policies and procedures continue to protect students; and
- (5) Whether policies and procedures remain properly aligned with applicable state statutes and administrative rules and consistent with privacy laws.

(k) As used in this section:

"Behavior intervention plan" means a proactive plan designed to address problem behaviors exhibited by a student in the educational setting through the use of positive behavioral supports and interventions.

"Chemical restraint" means a drug or medication used on a student to control behavior or restrict freedom of movement; provided that the term does not include a drug or medication that is:

- (1) Prescribed by a licensed physician, or other qualified health professional acting under the scope of the professional's authority under state law, for the standard treatment of a student's medical or psychiatric condition; and
- (2) Administered as prescribed by a licensed physician or other qualified health professional acting under the scope of the professional's authority under state law.

"Emergency situation" means a student's behavior that poses an imminent danger of property damage or physical injury to the student, school personnel, or others and only for so long as the danger persists.

"Mechanical restraint" means the use of devices as a means of restricting a student's freedom of movement or the ability to communicate in the student's primary language or mode of communication.

"Physical restraint" means a personal restriction, other than a chemical or mechanical restraint, that immobilizes or reduces the ability of a student to move the student's arms, legs, or head freely.

"Positive behavioral supports and interventions" means a systematic approach to embed evidence-based practices and data-driven decision-making to improve public school climate and culture and includes a range of systemic and individualized strategies to reinforce desired behaviors and diminish the reoccurrence of problem behaviors in order to achieve improved academic and social outcomes and increase learning for all students, including students with the most complex and intense behavioral needs.

"Restraint" means:

- (1) A mechanical restraint;
- (2) A chemical restraint; or
- (3) A physical restraint.

"Seclusion" means the confinement of a student alone in a room or structure from which the student is physically denied voluntary egress.

REGULATIONS

No relevant regulations found.

Alternative placements

LAWS

§302A-1134. Exclusion from school.

(b) Any child who, while attending school, is found to be in possession of a firearm, 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, while attending school, is alleged to be in possession of a firearm. The superintendent, on a case-by-case basis, may modify the exclusion of a child found to be in possession of a firearm while attending school. If 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.

REGULATIONS

§8-19-6. Prohibited student conduct; class offenses.

(b) If a student is dismissed from school, that student shall be provided alternate educational activities or other appropriate assistance as provided in section 8-19-11.

(c) For "any student who possesses, sells, or uses a dangerous weapon, switchblade knife or any improperly used knife, intoxicating substance(s), or illicit drug(s) while attending school [...]" [...] If the student is excluded from attending school, the principal or designee shall ensure that alternate educational activities or other appropriate student support assistance shall be provided, and that the student is referred for appropriate intervention or treatment services, or both, as determined by the principal or designee in consultation with the appropriate school staff or in accordance with the Hawaii administrative rules for students with disabilities, if applicable.

§8-19-11. Alternate educational activities and other assistance when students are found to be in violation of this chapter.

(a) The complex area superintendent shall ensure that alternate educational activities or active participation of the public or private agencies are provided as appropriate for all students who are crisis removed for a period exceeding ten school days or suspended for a period exceeding ten school days.

(b) For all students who are suspended for one to ten school days, the principal or designee may consider providing alternate educational activities based on student's need.

(c) The Hawaii administrative rules for students with disabilities shall apply for students eligible under this chapter.

Disciplinary Approaches Addressing Specific Infractions and Conditions

Firearms (as required by the Gun-Free Schools Act)

LAWS

§302A-1134. Exclusion from school.

(b) Any child who, while attending school, is found to be in possession of a firearm, 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, while attending school, is alleged to be in possession of a firearm. The superintendent, on a case-by-case basis, may modify the exclusion of a child found to be in possession of a firearm while attending school. If 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.

REGULATIONS

§8-19-6. Prohibited student conduct; class offenses.

(b) Any student who possesses a firearm shall be dismissed from school for not less than one calendar year period. The possession or use of a firearm is prohibited on campus, or other department of education premises, on department of education transportation, or during a department of education sponsored activity or event on or off school property except for participation in athletic teams, clubs and/or Junior Reserve Officer Training Corp (JROTC) shooting sports programs and marksmanship training, education, and competitions. [The superintendent or designee, on a case-by-case basis, may modify the dismissal of a student found to be in possession of a firearm. If a student is dismissed from school, that student shall be provided alternate educational activities or other appropriate assistance as provided in section 8-19-11.] [Bracketed info was also copied to Authority and Alternative Placements sections]

Other weapons

LAWS

§302A-1134.6. Zero tolerance policy.

(a) Any child who possesses, sells, or uses a dangerous weapon or switchblade knife, while attending school or while attending department-supervised activities held on or off school property, may be excluded from attending school for up to ninety-two school days, as determined by the principal and approved by the superintendent or other individuals designated pursuant to rules adopted by the board.

(d) In any case of exclusion from school, the due process procedures as set forth in the provisions of Hawaii administrative rules relating to student discipline shall apply.

(e) If a child is excluded from attending school for more than ten days, 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 appropriate school staff.

(g) For purposes of this section:

"Dangerous weapon" means a dirk, dagger, butterfly knife, blackjack, slug shot, billy, metal knuckles, or other instrument whose sole design and purpose is to inflict bodily injury or death; provided that firearms are excluded from this definition...

"Switchblade knife" is as defined in section 134-52.

(h) The board of education shall adopt rules in accordance with chapter 91 to implement this section.

REGULATIONS

§8-19-6. Prohibited student conduct; class offenses.

(c) Any student who possesses, sells, or uses a dangerous weapon, switchblade knife or any improperly used knife, intoxicating substance(s), or illicit drug(s) while attending school may be excluded from attending school for up to ninety-two school days.

Students with chronic disciplinary issues

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Attendance and truancy

LAWS

§302A-1132. Attendance compulsory; exceptions.

(a) Unless excluded from school or excepted from attendance, all children who will have arrived at the age of at least five years on or before July 31 of the school year, and who will not have arrived at the age of eighteen years, by January 1 of any school year, shall attend either a public or private school for, and during, the school year, and any parent, guardian, or other person having the responsibility for, or care of, a child whose attendance at school is obligatory shall send the child to either a public or private school.

Attendance at a public or private school shall not be compulsory in the following cases:

- (1) Where the child is physically or mentally unable to attend school (deafness and blindness excepted), of which fact the certificate of a duly licensed physician shall be sufficient evidence;
- (2) Where the child, who has reached the fifteenth anniversary of birth, is suitably employed and has been excused from school attendance by the superintendent or the superintendent's authorized representative, or by a family court judge;
- (3) Where, upon investigation by the family court, it has been shown that for any other reason the child may properly remain away from school;
- (4) Where the child has graduated from high school;
- (5) Where the child is enrolled in an appropriate alternative educational program as approved by the superintendent or the superintendent's authorized representative in accordance with the plans and policies of the department, or notification of intent to home school has been submitted to the principal of

the public school that the child would otherwise be required to attend in accordance with department rules adopted to achieve this result; or

(6) Where:

(A) The child has attained the age of sixteen years;

(B) The principal has determined that:

(i) The child has engaged in behavior which is disruptive to other students, teachers, or staff; or

(ii) The child's non-attendance is chronic and has become a significant factor that hinders the child's learning; and

(C) The principal of the child's school, and the child's teacher or counselor, in consultation with the child and the child's parent, guardian, or other adult having legal responsibility for or care of the child, develops an alternative educational plan for the child. The alternative educational plan shall include a process that shall permit the child to resume school.

The principal of the child's school shall file the plan made pursuant to subparagraph (C) with the child's school record. If the adult having legal responsibility for or care of the child disagrees with the plan, then the adult shall be responsible for obtaining appropriate educational services for the child.

(b) Any employer who employs a child who is excused from school attendance in accordance with subsection (a)(2) shall notify the child's school within three days upon termination of the child's employment.

(c) Beginning with the 2014-2015 school year, any parent, guardian, or other person having the responsibility for, or care of, a child who will be at least five years of age on or before July 31 of the school year shall enroll the child in a public school kindergarten unless the child is enrolled at a private school or the child's attendance is otherwise exempt under this section.

§302A-1135. Penalty.

If any child of school age persists in absenting oneself from school, the family court judge, upon a proper petition, citation, or complaint being made by the schoolteacher or any other officer or agent of the department, or police officer, or any other person, shall cause the child, and the father or mother, guardian, or other person having charge of the child, to be summoned to appear before the judge. Upon its being proved that the person responsible for the child had not used proper diligence to enforce the child's regular attendance at school, the responsible party shall be guilty of a petty misdemeanor. This section shall not apply to any child not liable to compulsory attendance at school.

§302A-1136. Enforcement.

The department shall be charged with the enforcement of sections 302A-1132 to 302A-1135. Nothing in this section shall relieve any chief of police or police officer of the chief's or officer's responsibility for the enforcement of these sections, but their enforcement shall be subject to the plans and policies of the department.

REGULATIONS

No relevant regulations found.

Substance use

LAWS

§302A-102. Smoking prohibited; exception.

All public schools within the State, from kindergarten through grade twelve, shall prohibit the use of tobacco at public schools or at public school functions.

§302A-1134.6. Zero tolerance policy.

(b) Except as provided in subsection (f), any child who possesses, sells, consumes, or uses intoxicating liquor or illegal drugs, while attending school or while attending department-supervised activities held on or off school property, may be excluded from attending school for up to ninety-two school days, as determined by the principal and approved by the superintendent or other individuals designated pursuant to rules adopted by the board.

(c) Except as provided in subsection (f), any child who reasonably appears to have consumed or used intoxicating liquor or illegal drugs prior to attending school or attending department-supervised activities held on or off school property, may be excluded from attending school for up to ninety-two school days, as determined by the principal and approved by the superintendent or other individuals designated pursuant to rules adopted by the board.

(d) In any case of exclusion from school, the due process procedures as set forth in the provisions of Hawaii administrative rules relating to student discipline shall apply.

(e) If a child is excluded from attending school for more than ten days, 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 appropriate school staff.

(f) A child determined to be in violation of subsection (b) or (c) shall be subject to the department's disciplinary rules; provided that:

(1) The school shall administer a screening tool approved by the department to determine whether there is a need for the child to be referred for a substance abuse assessment;

(2) The child shall be allowed to return to school earlier than the department's original disciplinary determination; provided that the child gives the school evidence of the following:

(A) A substance abuse assessment has been completed; and

(B) The child is progressing toward clinical discharge from any substance abuse treatment or substance abuse counseling recommended by the substance abuse assessment;

(3) If the substance abuse assessment finds that the child does not need substance abuse treatment or substance abuse counseling, the school may allow the child to return to school earlier than originally indicated; provided that:

(A) The child provides a certified copy of the assessment; and

(B) The child's parent or legal guardian consents to the child and the child's family receiving follow-up counseling or other student support services to be provided by the department.

In determining whether to allow the child to return to school early, the school administrator shall review and determine the nature and severity of the offense, the impact of the offense on others, the age of the offender, and whether the offender is a repeat offender; and

(4) For the child's first violation of subsection (b) or (c), if the child provides evidence of clinical discharge from the substance abuse treatment program or substance abuse counseling, all records of

disciplinary action relating to the original offense shall be expunged. For the purposes of this paragraph, "expunged" means the records of substance abuse assessment shall be segregated and kept confidential but shall be destroyed upon graduation of the child.

(g) For purposes of this section:

"Illegal drugs" means the possession, distribution, ingestion, manufacture, sale, or delivery of substances which are prohibited under chapter 329 and chapter 712, part IV.

(h) The board of education shall adopt rules in accordance with chapter 91 to implement this section.

REGULATIONS

§8-19-6. Prohibited student conduct; class offenses.

(c) Any student who possesses, sells, or uses a dangerous weapon, switchblade knife or any improperly used knife, intoxicating substance(s), or illicit drug(s) while attending school may be excluded from attending school for up to ninety-two school days. Any student who reasonably appears to be under the influence of, have consumed or used intoxicating substance(s) or illicit drug(s) prior to attending school or attending department-supervised activities held on campus, or other department of education premises, on department of education transportation, or during a department of education sponsored activity or event on or off school property may be excluded from attending school for up to ninety-two school days and the school shall administer a substance use screening tool to determine whether there is a need for the student to be referred for a substance abuse assessment pursuant to section 302A-1134.6(f), Hawaii Revised Statutes.

Bullying, harassment, or hazing

LAWS

No relevant laws found.

REGULATIONS

§8-19-2. Definitions.

"Bullying" means any written, verbal, graphic, or physical act that a student or group of students exhibits toward other particular student(s) and the behavior causes mental or physical harm to the other student(s); and is sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening, or abusive educational environment for the other student(s)...

"Cyberbullying" means electronically transmitted acts, i.e., Internet, cell phone, personal digital assistance (PDA), or wireless hand-held device that a student has exhibited toward another student or employee of the department which causes mental or physical harm to the other student(s) or school personnel and is sufficiently severe, persistent or pervasive that it creates an intimidating, threatening, or abusive educational environment:

- (1) On campus, or other department of education premises, on department of education transportation, or during a department of education sponsored activity or event on or off school property;
- (2) Through a department of education data system without department of education authorized communication; or
- (3) Through an off campus computer network that is sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening, or abusive educational environment for the other student or school personnel, or both [...]

In evaluating whether conduct constitutes harassment, intimidation or bullying, special attention should be paid to the words chosen or the actions, taken, whether the conduct occurred in front of others or was communicated to others, how the perpetrator interacted with the victim, and the motivation, either admitted or appropriately inferred. Electronic transmissions include but are not limited to the use of data, computer software that is accessed through a computer, a computer network system, other computerized systems, cellular phones or other similar electronic devices that display e-mail, text messaging, blogs, photos, drawings, video clips, on-line community websites, or faxes, or a combination of the foregoing [...]

"Harassment" means a student who is harassing, bullying, including cyberbullying, annoying, or alarming another person by engaging in the following conduct that includes but is not limited to:

- (1) Striking, shoving, kicking, or otherwise touching a person in an offensive manner or subjecting such person to offensive physical contact;
- (2) Insulting, taunting, or challenging another person in a manner likely to provoke a violent response;
- (3) Making verbal or non-verbal expressions that causes others to feel uncomfortable, pressured, threatened, or in danger because of reasons that include but are not limited to the person's race, color, national origin, ancestry, sex, including gender identity and expression, religion, disability, or sexual orientation that creates an intimidating, hostile, or offensive educational environment, or interferes with the education of a student, or otherwise adversely affects the educational opportunity of a student or students;
- (4) Name calling, making rude gestures, insulting, or teasing another person who feels humiliated, intimidated, threatened, or embarrassed;
- (5) Making a telephone call without purpose of legitimate communication;
- (6) Making repeated communications anonymously, or at extremely inconvenient hours, or in offensively coarse language on campus or, other department of education premises, on department of education transportation, or during a department of education sponsored activity or event on or off school property;
- (7) Causing fear as to prevent others from gaining legitimate access to or use of school buildings, facilities, services, or grounds such as, but is not limited to, restroom facilities; or
- (8) Physically harming, physically restraining, threatening, or stalking, or a combination of the foregoing.

"Hazing" means any conduct or method of initiation into any student organization or activity, whether on campus or other department of education premises, on department of education transportation, or during a department of education sponsored activity or event on or off school property, which willfully or recklessly endangers the physical or mental health of any student. Such conduct shall include, but is not limited to whipping, beating, branding, forced calisthenics, exposure to weather, forced consumption of any food, liquor, beverage, drug or other substance, indecent exposure, or any other treatment or forced physical activity which is likely to adversely affect the physical or mental health, or both, or safety of any student, or which subjects any student to extreme mental stress, including deprivation of sleep or rest, extended isolation, or personal humiliation.

§8-19-6. Prohibited student conduct; class offenses.

(a) The following prohibited conduct applies to all students in the public school system, on campus, or other department of education premises, on department of education transportation, or during a department of education sponsored activity or event on or off school property. (2) Class B offenses:

- (A) Bullying;
- (B) Cyberbullying;
- (G) Harassment;

(H) Hazing;

Other special infractions or conditions

LAWS

§302A-1153. Vandalism damage to public school property.

(a) Any pupil found to be responsible for an act of vandalism against any public school, building, facility, or ground shall make restitution in any manner, including monetary restitution by the pupil or pupil's parents, or guardian, or both.

This section shall be in addition to, and shall in no way limit the provisions of any other law concerning, offenses against property rights.

(b) No pupil, parent, or guardian shall be required to make restitution in any manner unless the pupil and the parents or guardian have been notified and have been given an opportunity to be heard, on any report of vandalism involving the pupil, and the pupil, parent, or guardian have executed a written agreement to make restitution.

(c) The principal of the school in which the vandalism occurred shall make or order an investigation of the vandalism. If after the investigation, the principal has reasonable cause to believe that a specific pupil is responsible for the vandalism, the principal shall schedule a conference with the pupil and the pupil's parents or guardian. Except for the principal of the school in which the vandalism occurred, the pupil and the parents or guardian, no other person shall be permitted to be in the conference for any reason.

(d) At the conference, the principal of the school in which the vandalism occurred shall present the findings of the investigation and the requirements of restitution to the pupil and parents or guardian.

If the pupil and the parents or guardian agree with the findings of the principal and the manner in which restitution is to be made, the principal and the pupil and parent or guardian shall execute a written agreement which shall specify the manner in which restitution is to be made.

Agreements shall be made only for damages that do not exceed \$3,500.

If restitution is made in this fashion, then no information about the investigation, conference, 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 findings made by the principal, the principal shall report the findings, including all the records and documents regarding the investigation and conference, to the complex area superintendent, who shall review the findings and may refer the matter to the attorney general for any further action pursuant to section 577-3.

(e) If the damages exceed \$3,500, the principal shall report the matter to the complex area superintendent, who shall refer the matter to the attorney general for any further action pursuant to section 577-3.

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

REGULATIONS

§8-19-6. Prohibited student conduct; class offenses.

(a) The following prohibited conduct applies to all students in the public school system, on campus, or other department of education premises, on department of education transportation, or during a department of education sponsored activity or event on or off school property.

(1) Class A offenses:

- (A) Assault;
- (B) Burglary;
- (C) Dangerous instrument, or substance; possession or use of;
- (D) Dangerous weapons; possession, or use of;
- (E) Drug paraphernalia; possession, use, or sale of;
- (F) Extortion;
- (G) Fighting;
- (H) Firearms; possession or use of;
- (I) Homicide;
- (J) Illicit drugs; possession, use, or sale of;
- (K) Intoxicating substances; possession, use, or sale of;
- (L) Property damage or vandalism;
- (M) Robbery;
- (N) Sexual offenses; or
- (O) Terroristic threatening.

(2) Class B offenses:

- (A) Bullying;
- (B) Cyberbullying;
- (C) Disorderly conduct;
- (D) False alarm;
- (E) Forgery;
- (F) Gambling;
- (G) Harassment;
- (H) Hazing;
- (I) Inappropriate or questionable uses, or both of internet materials or equipment, or both;
- (J) Theft; or
- (K) Trespassing.

(3) Class C offenses:

- (A) Abusive language;
- (B) Class cutting;
- (C) Insubordination;
- (D) Laser pen/laser pointer; possession or use of;
- (E) Leaving campus without consent;
- (F) Smoking or use of tobacco substances; or
- (G) Truancy.

(4) Class D offenses:

- (A) Contraband; possession or use of;
- (B) Minor problem behaviors; or
- (C) Other school rules.

(i) Any other conduct as may be prescribed and prohibited by school rules. Individual school rules shall be published or made available for inspection at the school office and shall inform students, school staff, and parents of the prohibited conduct under class A through D of this section.

(ii) No disciplinary action amounting to serious discipline shall be imposed for violation of any individual school rule as a class D offense.

§8-19-13. Prohibited student conduct; class offenses.

(a) The following prohibited conduct applies to all students in summer school during summer school hours, on campus, or other department of education premises, on department of education transportation, or during a department of education sponsored activity or event on or off school property.

(1) Class A offenses:

- (A) Assault;
- (B) Burglary;
- (C) Dangerous instrument, or substance; possession or use of;
- (D) Dangerous weapons; possession or use of;
- (E) Drug paraphernalia; possession, use, or sale of;
- (F) Extortion;
- (G) Fighting;
- (H) Firearms; possession or use of;
- (I) Homicide;
- (J) Illicit drugs; possession, use, or sale of;
- (K) Intoxicating substances; possession, use, or sale of;
- (L) Property damage or vandalism;
- (M) Robbery;
- (N) Sexual offenses; or
- (O) Terroristic threatening.

(2) Class B offenses:

- (A) Bullying;
- (B) Cyberbullying;
- (C) Disorderly conduct;
- (D) False alarm;
- (E) Forgery;
- (F) Gambling;
- (G) Harassment;
- (H) Hazing;
- (I) Inappropriate or questionable uses, or both of internet materials or equipment, or both;
- (J) Theft; or
- (K) Trespassing.

(3) Class C offenses:

- (A) Abusive language;
- (B) Class cutting;

- (C) Insubordination;
- (D) Laser pen/laser pointer; possession or use of;
- (E) Leaving campus without consent;
- (F) Smoking or use of tobacco substances; or
- (G) Truancy.

(4) Class D offenses:

- (A) Contraband; possession or use of;
- (B) Minor problem behaviors; or
- (C) Other school rules.

(b) Class C and D offenses: A summer school student who commits two of any class C or D offense as defined in section 8-19-6 in the course of summer school shall receive a warning for the first offense and may be released from summer school for the second offense.

(c) Any student who commits a class A or class B offense shall be dismissed from summer school. The summer school director or designee shall notify and meet with the student and parent prior to dismissal from summer school. The summer school director shall file a report with the complex area superintendent and shall provide a copy to the parent.

(d) A summer school director or designee, in an emergency, may impose a crisis removal of a student immediately after finding that the student's conduct presents an immediate clear threat to the physical safety of self or others or is so extremely disruptive as to make the student's immediate removal necessary to preserve the right of other students to pursue an education free from undue disruption. The summer school director or designee shall inform and meet with the student and parent prior to the student's reinstatement in summer school. No student shall be reinstated without the meeting. The summer school director or designee shall file a report with the complex area superintendent and shall provide a copy to the parent.

Prevention and Behavioral Interventions (Non-Punitive)

Prevention

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Behavioral interventions and student support services

LAWS

No relevant laws found.

REGULATIONS

§8-19-6. Prohibited student conduct; class offenses.

(c) For "any student who possesses, sells, or uses a dangerous weapon, switchblade knife or any improperly used knife, intoxicating substance(s), or illicit drug(s) while attending school [...]" [...] If the student is excluded from attending school, the principal or designee shall ensure that alternate educational activities or other appropriate student support assistance shall be provided, and that the student is referred for appropriate intervention or treatment services, or both, as determined by the principal or designee in consultation with the appropriate school staff or in accordance with the Hawaii administrative rules for students with disabilities, if applicable.

(d) Disciplinary action shall be taken for all class offenses in grades kindergarten through twelve in accordance with procedures established under this chapter and within the following options as determined by the authorities designated in section 8-19-5. Interventions to teach students appropriate behaviors must be instituted when disciplinary actions are imposed. Disciplinary action options may include the following:

- (1) Correction and conference with student;
- (2) Detention;
- (3) Crisis removal;
- (4) Individualized instruction related to student's problem behaviors;
- (5) In-school suspension;
- (6) Interim alternate education setting;
- (7) Loss of privileges;
- (8) Parent conferences;
- (9) Time in office;
- (10) Suspension of one to ten school days;
- (11) Suspension of eleven or more school days;
- (12) Saturday school;
- (13) Disciplinary transfer;
- (14) Referral to alternative education programs;

(15) Dismissal; or

(16) Restitution.

(e) Students shall be counseled in addition to any disciplinary action taken under subsections (c) and (d).

Professional development

LAWS

§302A-1141.4. Use of physical restraint limited; notification; policies and procedures; training; review.

(g) All public schools shall ensure that staff who use restraint in facilities or programs are trained, recertified, or trained and recertified on a periodic basis no less frequently than annually. Training shall include:

- (1) Evidence-based techniques shown to be effective in the prevention of restraint;
- (2) Evidence-based techniques shown to be effective in keeping school personnel and students safe when imposing restraint;
- (3) Evidence-based skills related to positive behavioral supports and interventions, safe physical escort, conflict prevention, understanding antecedents, de-escalation, and conflict management;
- (4) A wide array of prevention and intervention modalities; and
- (5) Information describing state policies and procedures that meet the minimum standards established by state statutes and administrative rules.

REGULATIONS

No relevant regulations found.

Monitoring and Accountability

Formal incident reporting of conduct violations

LAWS

§302A-1002. Reporting of crime-related incidents.

The board shall adopt rules pursuant to chapter 91 to:

- (1) Require a report to appropriate authorities from a teacher, official, or other employee of the department who knows or has reason to believe that an act has been committed or will be committed, which:
 - (A) Occurred or will occur on school property during school hours or during activities supervised by the school; and,
 - (B) Involves crimes relating to arson, assault, burglary, disorderly conduct, dangerous weapons, dangerous drugs, harmful drugs, extortion, firearms, gambling, harassment, intoxicating drugs, marijuana or marijuana concentrate, murder, attempted murder, sexual offenses, rendering a false alarm, criminal property damage, robbery, terroristic threatening, theft, or trespass;
- (2) Establish procedures for disposing of any incident reported; and
- (3) Impose, in addition to any other powers or authority the department may have to discipline school officials, appropriate disciplinary action for failure to report these incidents, including probation, suspension, demotion, and discharge of school officials.

§302A-1134. Exclusion from school.

(b) Any child who, while attending school, is found to be in possession of a firearm, 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, while attending school, is alleged to be in possession of a firearm. The superintendent, on a case-by-case basis, may modify the exclusion of a child found to be in possession of a firearm while attending school. If 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.

REGULATIONS

§8-19-7.1. Investigation.

(b) The investigation shall be completed as quickly as possible. If the principal or designee elects to initiate proceedings for the imposition of serious discipline other than crisis removal, the principal or designee upon completion of the investigation, shall make a written report containing a brief summary of the testimony of witnesses interviewed, any other evidence, and the principal or designee's reason(s) for the initiation of disciplinary proceedings.

§8-19-8. Suspension.

(d) A copy of the [parental suspension] notice shall be mailed to the complex area superintendent.

§8-19-9. Due process for suspensions exceeding ten days, disciplinary transfers, and dismissal.

(a) If, based upon the investigation, the principal or designee believes that a student engaged in an activity which constitutes a violation of this chapter, and if the principal or designee recommends that serious discipline other than crisis removal be imposed, the principal or designee shall immediately notify the complex area superintendent to initiate disciplinary proceedings by obtaining verbal authorization from the complex area superintendent.

§8-19-19. Reporting class A and class B offenses occurring in school.

(a) Any teacher, official, or other employee of the department who is a witness to a class A or class B offense as defined in this chapter, or who has reasonable cause to believe that a class A or class B offense has been committed or will be committed, against a student, teacher, official, or other employee of the department, or involving school property, shall promptly report the incident to the principal or designee. Nothing in this subsection shall be construed to prohibit or prevent a teacher, official, or other employee of the department from reporting class C or class D offenses to the principal or designee.

(b) Upon receiving a class A or class B offense report, the principal or designee shall conduct an investigation to determine whether the behavior requires a direct call to the police or whether the behavior can be handled through school disciplinary procedures. The principal or designee shall call the police whenever there is perceived danger and the behavior cannot be handled by the school staff.

(c) The principal or designee shall record the incident information into the department's electronic database system within five school days of the reported offense.

(d) The principal or designee shall notify the reporting teacher, official, or other employee, of the disciplinary action, if any, taken on the class offense(s) within five school days after the incident is reported in accordance with subsection (c).

Parental notification

LAWS

§302A-1141.4. Use of physical restraint limited; notification; policies and procedures; training; review.

(d) All parents and legal guardians of students shall receive, upon the student's entry into public school, written information issued by the department about policies and procedures for restraint. This written information shall include:

- (1) A brief summary describing the training received by public school staff in using restraint in facilities or programs;
- (2) Information describing board policy;
- (3) Information on the procedures for determining when restraint can and cannot be properly used in public school settings;
- (4) Definitions of restraint;
- (5) Information on the procedural safeguards that are in place to protect the rights of children and their parents or legal guardians;
- (6) A description of the alignment of policies and procedures on restraint with applicable state laws or department rules;
- (7) Information on the procedures for notifying parents and legal guardians when restraint has been used with their child; and

(8) Information on the procedures for notifying parents and legal guardians about any changes to policies and procedures on restraint.

§302A-1153. Vandalism damage to public school property.

(a) Any pupil found to be responsible for an act of vandalism against any public school, building, facility, or ground shall make restitution in any manner, including monetary restitution by the pupil or pupil's parents, or guardian, or both.

This section shall be in addition to, and shall in no way limit the provisions of any other law concerning, offenses against property rights.

(b) No pupil, parent, or guardian shall be required to make restitution in any manner unless the pupil and the parents or guardian have been notified and have been given an opportunity to be heard, on any report of vandalism involving the pupil, and the pupil, parent, or guardian have executed a written agreement to make restitution.

(c) The principal of the school in which the vandalism occurred shall make or order an investigation of the vandalism. If after the investigation, the principal has reasonable cause to believe that a specific pupil is responsible for the vandalism, the principal shall schedule a conference with the pupil and the pupil's parents or guardian. Except for the principal of the school in which the vandalism occurred, the pupil and the parents or guardian, no other person shall be permitted to be in the conference for any reason.

(d) At the conference, the principal of the school in which the vandalism occurred shall present the findings of the investigation and the requirements of restitution to the pupil and parents or guardian.

If the pupil and the parents or guardian agree with the findings of the principal and the manner in which restitution is to be made, the principal and the pupil and parent or guardian shall execute a written agreement which shall specify the manner in which restitution is to be made.

Agreements shall be made only for damages that do not exceed \$3,500.

If restitution is made in this fashion, then no information about the investigation, conference, 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 findings made by the principal, the principal shall report the findings, including all the records and documents regarding the investigation and conference, to the complex area superintendent, who shall review the findings and may refer the matter to the attorney general for any further action pursuant to section 577-3.

(e) If the damages exceed \$3,500, the principal shall report the matter to the complex area superintendent, who shall refer the matter to the attorney general for any further action pursuant to section 577-3.

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

REGULATIONS

§8-19-6. Prohibited student conduct; class offenses.

(c) For "any student who possesses, sells, or uses [...] intoxicating substance(s), or illicit drug(s) while attending school [...] [or] [...] who reasonably appears to be under the influence of, have consumed or used intoxicating substance(s) or illicit drug(s) prior to attending school or attending department-supervised activities held on campus, or other department of education premises, on department of education transportation, or during a department of education sponsored activity or event on or off school property, [...] the school administrator shall comply with the provisions of this chapter by conducting an

investigation of the reported incident and inform the parent of the disciplinary action. In addition, the school administrator shall arrange for the student to be screened by a trained screener. The designated screener will summarize the results with the student, and inform the school administrator of the results. The school administrator shall then inform the family of the screening results, the early return provisions of the law, and provide a contact list of medical insurance agencies that conduct substance abuse assessments."

§8-19-7. Crisis removal.

(b) Upon imposition of a crisis removal, schools shall make a good faith effort to inform the parent immediately by telephone.

(c) A follow-up written notice of the crisis removal shall be personally delivered or mailed to the parent. The notice of the crisis removal shall contain the following written statements:

- (1) Allegations of the specific acts committed by the student that form the basis of the crisis removal;
- (2) The allegations of the specific acts that were substantiated;
- (3) A statement of the disciplinary action(s); and
- (4) A statement of a conference date, time, and place offered by the school administration to meet with the parent.

§8-19-7.1. Investigation.

(b) When conducting an investigation, the principal or designee shall make a good faith effort at the earliest point possible to inform the parent about the school's investigation. If after making reasonable attempts, the principal or designee is unable to contact the parent, the school may engage in and complete the investigation.

(c) The principal or designee shall give to the parent notice of the findings against the student. If the student or parent denies the charge(s), the principal or designee shall indicate to the parent and the student the evidence to support the findings of the school official. The student or parent shall be given an opportunity to present the student's version of the incident.

§8-19-8. Suspension.

(a) Whenever a principal or designee has reason to believe that a student has engaged in activity warranting the imposition of suspension, the principal or designee shall immediately conduct an investigation of the incident. Upon completion of the investigation and findings, the ... principal or designee shall inform the parent in writing of the findings and the disciplinary actions.

(b) If the student or parent denies the charge(s), the principal or designee shall indicate to the student and parent what evidence school authorities have to support the findings of the school official. The student or parent, or both shall be given an opportunity to present the student's version of the incident. However, where the student is unable to understand the seriousness of the charges, the nature of the proceedings, and consequences thereof, or is of such age, intelligence or experience as to make meaningful discussion difficult, the principal or designee shall request that the parent be present to participate in the discussion.

(d) The parent shall be given verbal notice of any suspension regardless of its length. Prior notice for suspension shall be by telephone, if feasible, and the written notice personally delivered or mailed to the parent upon completion of the investigation. The suspension notice shall contain the following written statements:

- (1) Allegations of the specific acts committed by the student that form the basis of the suspension;
- (2) The allegations of the specific acts that were substantiated;

- (3) A statement of the disciplinary action(s); and
- (4) A statement of a conference date, time, and place offered by the school administration to meet with the parent.

In addition to the notice required by this subsection, the principal shall attempt to confirm the notice by telephoning the parent.

§8-19-9. Due process for suspensions exceeding ten days, disciplinary transfers, and dismissal.

(a) If, based upon the investigation, the principal or designee believes that a student engaged in an activity which constitutes a violation of this chapter, and if the principal or designee recommends that serious discipline other than crisis removal be imposed, the principal or designee shall immediately notify the complex area superintendent to initiate disciplinary proceedings by obtaining verbal authorization from the complex area superintendent.

(b) Upon obtaining verbal authorization from the complex area superintendent, the principal or the designee will make a good faith effort to inform the parent of:

- (1) The serious discipline incident,
- (2) The opportunity to appeal, and
- (3) That the disciplinary action will be implemented immediately.

(c) Within three school days of the verbal authorization from the complex area superintendent, the principal or designee shall mail a written notice of the serious discipline incident with the appeal form to the parent. A facsimile signature of or an electronic approval confirmation of the complex area superintendent on the serious discipline incident form is sufficient. The written notice of serious discipline shall contain the following statements:

- (1) Allegations of the specific acts committed by the student that form the basis of the serious discipline;
- (2) The allegations of the specific acts that were substantiated;
- (3) A statement of the disciplinary action(s); and
- (4) A statement that the parent has a right to an appeal to the complex area superintendent at which time the parent may present evidence, call and cross-examine witnesses, and be represented by legal counsel and to the extent the parent provides a written notice of legal representation at least ten calendar days prior to the appeal.
- (5) If the student or parent would like to file an appeal, the appeal must be submitted in writing and received by the complex area superintendent by the close of business of the seventh school day from the date of the issued serious discipline notice. The student shall be permitted to attend the school of the student pending the appeal unless the principal finds the continued presence of the student creates a substantial risk to self or others or to the rights of other students to pursue their education free from disruption. However, the student shall not participate in any extracurricular activities, including but are not limited to athletics, trips, or clubs.

For more information on appeal procedures, refer to §8-19-9 (d), (e) and (f)

§8-19-22. Police interviews in school for school-related offenses.

(a) Police officers may appear at a school to question a student. Upon arrival at the school, the police officer shall be directed to the principal or designee to request permission to interview a student. If permission to interview a student is to be granted, the principal or designee shall make an effort to inform the parent of the police interview and the right to be present when the interview is conducted. The interview may be conducted if the principal or designee is unable to inform the parent or if the parent is informed and declines to be present, or if after a reasonable period of time after the notice is given the parent fails to appear at school for the police interview.

(b) The principal or designee shall be present during a police interview unless excluded by the police officer.

(c) If a student is arrested, the principal or designee shall follow the procedures prescribed in section 8-19-24.

Reporting and referrals between schools and law enforcement

LAWS

§302A-1135. Penalty.

If any child of school age persists in absenting oneself from school, the family court judge, upon a proper petition, citation, or complaint being made by the schoolteacher or any other officer or agent of the department, or police officer, or any other person, shall cause the child, and the father or mother, guardian, or other person having charge of the child, to be summoned to appear before the judge. Upon its being proved that the person responsible for the child had not used proper diligence to enforce the child's regular attendance at school, the responsible party shall be guilty of a petty misdemeanor. This section shall not apply to any child not liable to compulsory attendance at school.

§302A-1136. Enforcement.

The department shall be charged with the enforcement of sections 302A-1132 to 302A-1135. Nothing in this section shall relieve any chief of police or police officer of the chief's or officer's responsibility for the enforcement of these sections, but their enforcement shall be subject to the plans and policies of the department.

§302A-1137. Attendance records; availability to authorized police officers.

Dates of attendance of a student shall be made available to authorized police officers upon request.

REGULATIONS

§8-19-19. Reporting class A and class B offenses occurring in school.

(b) [...] The principal or designee shall call the police whenever there is perceived danger and the behavior cannot be handled by the school staff.

§8-19-22. Police interviews in school for school-related offenses.

(a) Police officers may appear at a school to question a student. Upon arrival at the school, the police officer shall be directed to the principal or designee to request permission to interview a student. If permission to interview a student is to be granted, the principal or designee shall make an effort to inform the parent of the police interview and the right to be present when the interview is conducted. The interview may be conducted if the principal or designee is unable to inform the parent or if the parent is informed and declines to be present, or if after a reasonable period of time after the notice is given the parent fails to appear at school for the police interview.

(b) The principal or designee shall be present during a police interview unless excluded by the police officer.

(c) If a student is arrested, the principal or designee shall follow the procedures prescribed in section 8-19-24.

§8-19-23. Police interviews in school for non-school-related offenses.

(a) Police officers shall contact the school and advise the principal or designee of the nature and circumstances of the visit. Upon arrival at the school, the police officer shall be directed to the principal or designee to request permission to interview a student.

(b) Prior to any interview, the principal or designee shall inform the parent of the right to be present while the police interview is conducted. The interview can take place upon obtaining verbal consent from the parent. The notification and consent requirements of this subsection shall not be followed if the nature of the interview involves child abuse or other offenses where a parent or household member is suspected of committing an offense against the student.

(c) The principal or designee shall keep a log and record the student's name, the date of the police interview, and the police officer's name and badge number and police report number if available.

(d) If the student is arrested by the police, the principal or designee shall follow the procedure prescribed in section 8-19-24.

§8-19-24. Police arrests in school.

Police shall be directed to the principal or designee. Whenever possible the student shall be sent to the principal's office for the police officer to effect the pending arrest. Upon police arrival to arrest a student, the principal or designee shall make a good faith effort to inform the parent.

Disclosure of school records

LAWS

§302A-1137. Attendance records; availability to authorized police officers.

Dates of attendance of a student shall be made available to authorized police officers upon request.

REGULATIONS

No relevant regulations found.

Data collection, review, and reporting of disciplinary policies and actions

LAWS

§302A-1141.4. Use of physical restraint limited; notification; policies and procedures; training; review.

(h) No less than annually, there shall be a review of data on students at each public school who were restrained, which shall be conducted as directed by each complex area superintendent. The review shall determine whether:

- (1) There are strategies in place to address the students with dangerous behaviors at issue;
- (2) The strategies in place are effective in increasing appropriate behaviors of students with dangerous behaviors; and
- (3) New strategies need to be developed or current strategies need to be revised or changed to prevent the reoccurrence of dangerous behaviors.

Patterns and trends in the data that are identified by the review shall be reported to the department.

(i) Each public school shall maintain records of its reviews of restraint data and any resulting decisions or actions regarding the use of restraint.

(j) The department shall review policies and procedures on the use of restraint, including by reviewing available data on such use, outcomes, settings, individual staff involvement, and programs, and the frequency of use for student populations categorized by: individual students; groups of students; gender; race; national origin; disability status and type of disability; and limited English proficiency, for the purposes of determining:

- (1) Whether policies for restraint are being applied consistently;
- (2) The accuracy and consistency with which restraint data is being collected, as well as the extent to which this data is being used to plan behavioral interventions and staff training;
- (3) Whether policies and procedures are being implemented with fidelity;
- (4) Whether policies and procedures continue to protect students; and
- (5) Whether policies and procedures remain properly aligned with applicable state statutes and administrative rules and consistent with privacy laws.

REGULATIONS

§8-19-19. Reporting class A and class B offenses occurring in school.

(a) Any teacher, official, or other employee of the department who is a witness to a class A or class B offense as defined in this chapter, or who has reasonable cause to believe that a class A or class B offense has been committed or will be committed, against a student, teacher, official, or other employee of the department, or involving school property, shall promptly report the incident to the principal or designee. Nothing in this subsection shall be construed to prohibit or prevent a teacher, official, or other employee of the department from reporting class C or class D offenses to the principal or designee.

(b) Upon receiving a class A or class B offense report, the principal or designee shall conduct an investigation to determine whether the behavior requires a direct call to the police or whether the behavior can be handled through school disciplinary procedures. The principal or designee shall call the police whenever there is perceived danger and the behavior cannot be handled by the school staff.

(c) The principal or designee shall record the incident information into the department's electronic database system within five school days of the reported offense.

(d) The principal or designee shall notify the reporting teacher, official, or other employee, of the disciplinary action, if any, taken on the class offense(s) within five school days after the incident is reported in accordance with subsection (c).

School Resource and Safety Officers (SROs/SSOs) and Truant/Attendance Officers

Authority and power to implement school arrest

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Certification or training

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

MOUs, authorization, and/or funding

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

State Education Agency Support

State model policies and implementation support

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Funding appropriations

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Other or Uncategorized

Professional immunity or liability

LAWS

§302A-1003. Indemnity upon reporting.

The State shall indemnify and hold harmless anyone participating in good faith in making a report pursuant to section 302A-1002 from any civil liability that might otherwise be incurred or imposed by, or as a result of, the making of the report.

REGULATIONS

§8-19-20. Indemnity upon reporting class A and class B offenses.

Any teacher, official, or other employee of the department who in good faith reports as required under §8-19-19 shall be indemnified and held harmless in accordance with section 302A-1003, Hawaii Revised Statutes.

§8-19-25. Liability for vandalism.

(a) When any student is found to be responsible for an act of vandalism against any public school building, facility, or ground, restitution shall be made by the student or parent. There shall be no restitution when vandalism cannot be proved to have been committed by the student.

Community input or involvement

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Other or Uncategorized

LAWS

No relevant laws found.

REGULATIONS

§8-19-26. Procedures applicable to vandalism.

(a) Whenever a principal or designee has reason to believe that a student may be responsible for an act of vandalism against any public school building, facility or ground, the principal or designee shall immediately initiate an investigation.

(b) If the vandalism is an act which subjects the student to disciplinary action under this chapter, the principal or designee shall include as part of the investigation required under sections 8-19-7, 8-19-8, 8-19-9, and 8-19-10, a determination of the facts and circumstances that support restitution under this subchapter. Further action related to restitution shall be held in abeyance until disciplinary action has been determined and appeal procedures have been exhausted.

(c) If after the investigation, the principal or designee has reason to believe that a student is responsible for the vandalism, the principal or designee shall schedule a conference with the student and parent. Attendance at the conference shall be limited to the principal or designee, student, and parent.

(d) Advance written notice of the conference shall be made on departmental forms, which shall be delivered by mail to the parent. No student or parent shall be required to make restitution in any manner unless the parent has been notified and has been given an opportunity to be heard. The notice shall inform the parent of the findings and the date, time, and location of the conference. The notice shall be mailed at least fifteen calendar days before the date of the conference. When necessary to achieve effective communication the notice shall be provided in the native language of the parent. The school may use other means of communication, such as the telephone, to augment the written communication between the school and the parent. [...]

State-Sponsored, Publicly Available Websites or Other Resources on School Discipline

Safe, supportive learning environments use disciplinary policies and practices that help students stay out of the justice system, while ensuring academic engagement and success for all students. The following resources provided by Hawaii provide additional context to state policy and regulations and, in some cases, may support the readers' efforts to provide a positive disciplinary school climate.

Title	Description	Website address (if applicable)
<i>Website</i>		
Safe Schools, Hawaii State Department of Education (HIDOE)	Provides information on the Department's comprehensive safety system, including links to information on bullying prevention, Internet safety, emergency response, and other school safety procedures.	http://www.hawaiipublicschools.org/BeyondTheClassroom/SafeSchools/Pages/home.aspx
Anti-Bullying Work, HIDOE	Provides information on bullying, including definitions of bullying behavior, state approaches to bullying prevention and response, and information on featured bullying prevention programs.	http://www.hawaiipublicschools.org/BeyondTheClassroom/SafeSchools/AntiBullyingWork/Pages/home.aspx
Internet Safety, HIDOE	Provides information on Internet safety including an instructional video, links to Acceptable Use Guidelines, information on digital citizenship, and recommendations for how to handle bullying or threatening messages.	http://www.hawaiipublicschools.org/BeyondTheClassroom/SafeSchools/AntiBullyingWork/Pages/Internet-safety.aspx
Safety at School, HIDOE	Provides an overview of school safety and describes the approach used to maintain the safety and security of school environments. Includes links to Board of Education policies and resources to support children.	http://www.hawaiipublicschools.org/BeyondTheClassroom/SafeSchools/SafetyAtSchool/Pages/home.aspx
<i>Documents</i>		
Nā Hopena A'o Statements: HĀ: BREATH (November 2015), HIDOE	Culturally-based framework emphasizing the development of six key competencies, including sense of belonging, responsibility, excellence, aloha, total wellbeing, and Hawai'i.	http://www.hawaiipublicschools.org/DOE%20Forms/NaHopenaAoE3.pdf
Chapter 19, State of Hawaii Board of Education	Administrative guidelines for school policies addressing student misconduct, discipline, school searches and seizures, reporting offenses, police interviews and arrests, and restitution for vandalism.	http://boe.hawaii.gov/policies/AdminRules/Pages/AdminRule19.aspx

Title	Description	Website address (if applicable)
<i>Other Resources</i>		
Youth Risk Behavior Survey, Hawaii Health Data Warehouse, Health Reports and Data	Data dashboard providing access to state and county level reports summarizing data from the Youth Risk Behavior Survey. The survey monitors six categories of priority health risk behaviors among youth and young adults.	http://hhdw.org/health-reports-data/data-source/yrbs-reports/
Speak Now HIDOE Anti-Bullying Reporting App, HIDOE	Anonymous reporting tool for students to report incidents of bullying in schools.	http://www.hawaiipublicschools.org/BeyondTheClassroom/SafeSchools/AntiBullyingWork/Pages/Speak-Now-HIDOE.aspx