

REPORTING OF CRIME RELATED INCIDENTS POLICY

All Myron B. Thompson Academy personnel shall follow Hawaii Administrative Rules (HAR) 8-19-19, Reporting class A and class B offenses occurring in school, and HAR 8-19-6 which defines class A and class B offenses.

Documents relating to such incidents shall be maintained at the school for three years. No information about the investigation, conference and the actions taken shall be communicated to any person not directly involved in the proceedings.

All Myron B. Thompson Academy personnel shall follow Hawaii Administrative Rules (HAR) 8-19-21, Failure to report class A or class B offenses occurring in school; consequences.

§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).

(e) If the teacher, official, or other employee is dissatisfied with the disciplinary action taken on the offense reported, or if no disciplinary action has been taken within ten school days after the incident was reported by the teacher, official, or other employee, the person who made the report may appeal to the complex area superintendent, in writing.

(f) Within five school days of receiving an appeal as provided in subsection (e), the complex area superintendent or designee shall notify the appellant, in writing, of the disciplinary action taken on the offense reported. [Eff 9/1/82; am and ren §8-19-11, 5/23/86; am and comp 7/19/93; comp 5/19/97; comp 2/22/01; am and comp 9/10/09] (Auth: HRS §§302A-1112, 302A-1002) (Imp: HRS §§302A-1112, 302A-1002)

§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.

§8-19-21 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. Disciplinary actions may include:

- (1) Oral warning;
- (2) Written warning;
- (3) Suspension without pay;
- (4) Demotion; or
- (5) Dismissal.

(b) Teachers, officials, or other employees of the department who fail to report class A or class B offenses as required by section 8-19-19 may be disciplined in accordance with the regulations and procedures of the department.

(c) Any teacher, official, or other employee of the department who is disciplined for 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 event on or off property shall have the right to appeal the disciplinary action as provided by state law or the regulations and procedures of the department or applicable collective bargaining agreements. [Eff 9/1/82; am and ren §8-19-13, 5/23/86; am and comp 7/19/93; comp 5/19/97; comp 2/22/01; am and comp 9/10/09] (Auth: HRS §§302A-1112, 302A-1002) (Imp: HRS §§302A-1112, 302A-1002)