

LEGISLATIVE REPORT

SUBJECT: Mandatory Expulsion Policy for Possession of a Firearm

REFERENCE: Act 148, Section 2 (1995 Legislature- S.B. 647), Mandatory Expulsion Policy for Possession of a Firearm

§302A--1134, Hawaii Revised Statutes

Chapter 19, Hawaii Administrative Rules (amended and compiled 5/19/97)

ACTION REQUESTED: Report on number of students excluded, types of firearms found in their possession and the schools from which they were excluded.

DOE REPORT:

With the revision of Chapter 19, Hawaii Administrative Rules, in May 1997, the definition of "firearm" was expanded beyond the federal and state laws to include airguns (which include BB guns or pistols, pellet guns, and CO2 or paint guns).

During the 2000-2001 school year there were a total of 13 incidents involving 17 students and two (or more) unknown perpetrators.

Eleven incidents involved airguns (16 students).

Two incidents involved "firearms" as defined by the federal Bureau of Alcohol, Tobacco, and Firearms (BATF). These incidents involved a homemade bomb/explosive device by unknown persons.

Please refer to the Attachment for details.

Gun-Free Schools Act Annual Report
 (Based on Suspension and School Incident Reports)
 School Year 2000-01

Honolulu District

School	Date	Type of Firearm	Disciplinary Action	Comments
Kaimuki High	5/18/01	Airgun	365 days suspension	
Kaimuki Middle	2/7/01	Airgun	2 days suspension	School initially classified weapon as a toy.
Kalakaua Middle	5/25/01	Air BB gun	10 days suspension	
Kalani High	9/25/00	Air pistol	365 days suspension	
Fern Elementary	5/2/01	Homemade bomb	Unknown perpetrator.	Found in bushes by a classroom. Police bomb squad removed it and confirmed that it was a bomb.

Central District

School	Date	Type of Firearm	Disciplinary Action	Comments
Moanalua High	5/14/01	BB gun pistol	13 days suspension (until end of	Received permission

			school year)	from state superintendent for lesser penalty.
--	--	--	--------------	---

Leeward District

School	Date	Type of Firearm	Disciplinary Action	Comments
Nanakuli High & Inter.	3/7/01	BB pistol	2 days suspension	
Waipahu High	11/30/00	BB gun	114 days suspension	
Waipahu High	11/30/00	BB gun	114 days suspension	
Waipahu High	11/30/00	BB gun	114 days suspension	
Waipahu High	11/30/00	BB gun	114 days suspension	
Waipahu High	11/30/00	BB gun	114 days suspension	

Windward District

School	Date	Type of Firearm	Disciplinary Action	Comments
Kailua Elementary	3/23/01	Unloaded air shotgun	5 days suspension	

Hawaii District

School	Date	Type of Firearm	Disciplinary Action	Comment
--------	------	-----------------	---------------------	---------

Hilo High	12/11/00	BB gun	10 days suspension	
Hilo High	12/11/00	BB gun	10 days suspension	
Naalehu Elementary	9/7/00	Airguns (BB guns)	3 days suspension	Special education student
Naalehu Elementary	9/7/00	Airguns (BB guns)	3 days suspension	Special education student

Maui District

None

Kauai District

School	Date	Type of Firearm	Disciplinary Action	Comments
Kauai High	10/4/00	Explosive device	Unknown perpetrator	Damaged toilet dispenser. Called police.
Waimea Canyon Elementary & Inter.	3/20/01	pellet gun	181 days suspension	