

STAND. COM. REP. NO.

2492

Honolulu, Hawaii

FEB 26 2010

RE: S.B. No. 2790  
S.D. 1

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fifth State Legislature  
Regular Session of 2010  
State of Hawaii

Madam:

Your Committee on Education and Housing, to which was referred S.B. No. 2790 entitled:

"A BILL FOR AN ACT RELATING TO EDUCATION,"

begs leave to report as follows:

The purpose of this measure is to require the timely notification of parents and guardians and procedures for the discussion of potentially controversial issues in the classroom or through other school activities.

Testimony in support of this measure was submitted by two individuals. Testimony in opposition to this measure was submitted by two state agencies, nine private organizations, and five individuals. Written testimony presented to the Committee may be reviewed on the Legislature's website.

This measure addresses appropriate responses following the occurrence of situations that may have caused physical, psychological, or emotional harm to students during a school activity. Your Committee finds that such situations raise two related but separate issues: the confidentiality rights of school personnel and the communication from school employees to parents, guardians, children, and staff of information that is necessary to prevent or mitigate harm to children.

Your Committee has heard the concerns regarding the subjectivity of determining materials that constitute controversial issues, the need to protect the rights of school



personnel, the impact of this measure on the instruction of accurate and necessary information in schools, and the occasional need to address, discuss, and debate controversial and uncomfortable issues in school.

Your Committee finds that children should feel safe and be safe to learn and grow in a variety of ways in school and during school activities. Your Committee understands that controversial or uncomfortable issues sometimes arise in the process of learning and maturing; however, whenever these issues are addressed and discussed through school activities, the physical, mental, and emotional health, safety, and well-being of children should never be harmed and should be carefully considered along with other concerns, including personnel matters. Your Committee believes that the confidentiality of school personnel can be maintained while ensuring that necessary information is communicated between school employees and parents and guardians to prevent or mitigate harm to children in these circumstances.

Upon further discussion to refine the nature and source of the issues addressed by this measure, your Committee has amended this measure by:

- (1) Removing the language detailing notification requirements and establishing penalties for failure to provide notification;
- (2) Inserting language to ensure that after the occurrence of a situation that may have caused physical, psychological, or emotional harm to a child during a school activity, the appropriate teachers, educational officers, and school administrators shall carefully consider the health, safety, and well-being of the children involved in addition to other considerations and provide as much information as an appropriate school authority deems necessary to parents, guardians, children, and staff to prevent or mitigate harm to the children;
- (3) Inserting language to require the Department of Education to provide training to teachers, educational officers, and school administrators on the proper procedures for communicating information necessary to prevent or mitigate harm to the children following the occurrence of a situation that may cause physical,

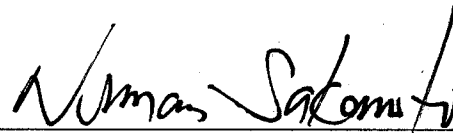


psychological, or emotional harm to students during a school activity;

- (4) Inserting an effective date of July 1, 2050, to allow for further discussion of this measure; and
- (5) Making a technical, nonsubstantive change for the purpose of clarity.

As affirmed by the record of votes of the members of your Committee on Education and Housing that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2790, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2790, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on  
behalf of the members of the  
Committee on Education and  
Housing,



NORMAN SAKAMOTO, Chair



