

STAND. COM. REP. NO.

586

Honolulu, Hawaii

Feb 18, 2011

RE: H.B. No. 688
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 688 entitled:

"A BILL FOR AN ACT RELATING TO EDUCATION,"

begs leave to report as follows:

The purpose of this bill is to require the Department of Education (DOE) to maintain, monitor, and enforce anti-bullying and anti-harassment policies and procedures to protect public school students from bullying, cyberbully, and harassment. The Act defines the terms "bullying," "cyberbully," and "harassment," and requires DOE to adopt rules to carry out the purpose of this section. This bill is known as the "Safe Schools Act."

The Department of the Prosecuting Attorney of the City and County of Honolulu, the Democratic Party of Hawaii, Hawaii State Democratic Women's Caucus, PFLAG-OAHU, Honolulu Pride, Japanese American Citizens League, Hawaii Youth Services Network, a member of the Board of Education, and many concerned individuals supported this measure. DOE, and a concerned individual opposed this bill.

Your Committee finds that there are a significant number of public school students who have experienced bullying or harassment at school and school-sponsored activities. There is a clear need for DOE to establish and enforce understandable, comprehensive, and consistent anti-bullying and anti-harassment policies and

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procedures. Maintaining such policies will help to ensure that students have a safe and civil learning environment and will raise the bar of respect at our state's schools. Your Committee also finds that the DOE already has broad rule-making authority to carry out the Act pursuant to Section 302A-1112.

Your Committee has amended this bill by:

- (1) Removing the requirement for DOE to adopt rules to maintain and monitor anti-bullying and anti-harassment policies and procedures;
- (2) Requiring DOE to submit a report regarding the implementation of anti-bullying and anti-harassment policies and procedures;
- (3) Changing its effective date to January 7, 2059, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 688, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.B. No. 688, H.D. 1.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



GILBERT KEITH-AGARAN, Chair



