

Honolulu, Hawaii

March 18, 2011

RE: S.B. No. 934  
S.D. 2  
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 Education, to which was referred S.B. No. 934, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO BULLYING AND CYBERBULLYING,"

begs leave to report as follows:

The purpose of this bill is to ensure that Hawaii's students are educated in a safe and civil learning environment by, among other things:

- (1) Requiring the Department of Education to adopt rules to implement a policy prohibiting bullying and cyberbullying;
- (2) Specifying minimum components the policy must contain;
- (3) Requiring the Department of Education and the Charter School Review Panel to submit annual reports to the Legislature on the implementation of this policy; and
- (4) Establishing bullying and cyberbullying as a misdemeanor and requiring that incidents be reported to law enforcement.

The Department of the Prosecuting Attorney of the City and County of Honolulu, Hawaii State Teachers Association, Imua Alliance, and several concerned individuals supported this bill.

SB934 HD1 HSCR EDN HMS 2011-3105



The American Friends Service Committee, a member of the Board of Education, and a concerned individual supported this measure with amendments. The Hawaii Youth Services Network and Hawaii Women's Coalition supported the intent of this bill. The American Civil Liberties Union of Hawaii opposed this measure. The Department of Education and several concerned individuals provided comments.

Your Committee has amended this bill by:

- (1) Removing the requirement that the policy apply to electronic communication regardless of where that communication originates;
- (2) Clarifying that as part of the reporting and investigation procedures, school employees must immediately report to the principal or the principal's designee if they have any information that a student is a target of bullying or cyberbullying;
- (3) Including in the definition of "bullying" or "cyberbullying" actions motivated by a student's actual or perceived socio-economic status to reflect Board of Education policy;
- (4) Removing language that makes bullying and cyberbullying a misdemeanor;
- (5) Inserting an appropriation in an unspecified amount to fund the implementation of the bullying and cyberbullying policy; and
- (6) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 934, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 934, S.D. 2, H.D. 1, and be referred to the Committee on Judiciary.



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



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ROY TAKUMI, Chair



