

Date: 03/03/2011

Committee: House Finance

Department: Education

Person Testifying: Kathryn S. Matayoshi, Superintendent of Education

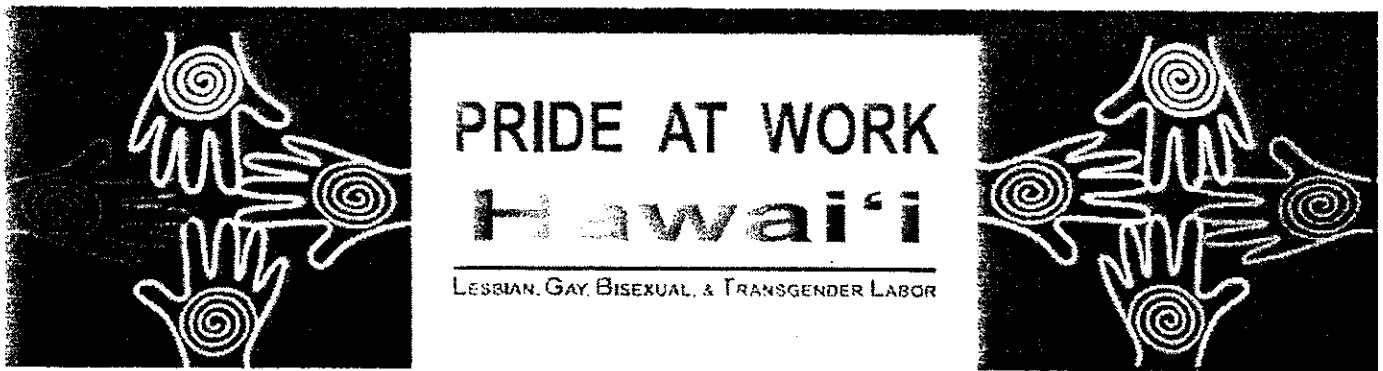
Title of Bill: HB 0688,HD1(hscr586) Relating to Education

Purpose of Bill: Requires the department of education to maintain, monitor, and enforce anti-bullying and anti-harassment policies and procedures to protect students or groups of students from bullying, cyberbullying, and harassment. Effective January 7, 2009.

Department's Position: While the Department of Education (Department) agrees with some of the proposed actions of HB 688, HD 1 (HSCR 586) the Department opposes this Bill. The Department currently has in place policies and procedures that address the concerns and the proposed requirements of HB 688. The Board of Education Policy 4211, Anti-Harassment, Anti-Bullying, and Anti-Discrimination Against Student(s) by Employees Policy, strictly prohibits discrimination, including harassment, by any employee against a student. The Hawaii Administrative Rules, Title 8, Chapter 19 addresses the identification, the investigative procedures, the accountability, the disciplinary consequences and interventions, and the due process procedures for any student misconduct which includes the offenses related to "bullying, cyberbullying, and harassment." In addition, all schools are guided by the Comprehensive Student Support System framework which provides appropriate and timely interventions and supports for all students with academic, social, emotional, and/or physical needs. Further, the guiding principles of schoolwide positive behavioral interventions and supports (SWPBIS) is a preventative approach being

implemented by schools to enhance and sustain school cultures of safety and respect. The key to reducing incidents of "bullying, cyberbullying, and harassment" is for schools to exemplify teaching and learning environments characterized by physical and psychological safety, adult and student respect for each other, and a responsive system that addresses students' social emotional and academic needs.

The Department's investment is with the prevention of "bullying, cyberbullying, and harassment." It is not the creation of additional rules and regulations that will enhance the action taken by schools to address "bullying, cyberbullying, and harassment;" schools within the public school system must work to implement current policies, procedures, and guidelines with fidelity. The Department is committed to its continued work in addressing this issue that impacts our schools and communities.



March 3, 2011

House Committee on Finance
Chair, Rep. Marcus Oshiro
Vice Chair, Rep. Marilyn Lee

Testimony in strong support of HB 688 Relating to Education

Pride At Work Hawai'i, as an affiliate of the Hawai'i State AFL-CIO which works to mobilize lesbian, gay, bisexual, and transgender (LGBT) workers and their supporters for full equality and to build mutual support between the labor movement and the LGBT community, strongly supports HB 688. We believe that all students need to be able to learn and study without the threat of bullying or harassment, and that our public schools should protect and encourage diversity. As drafted, the bill would require the department of education to maintain, monitor, and enforce anti-bullying and anti-harassment policies and procedures to protect students.

Importantly, the Act specifies that bullying includes conduct that is based on a number of categories, including gender identity or expression and sexual orientation. Studies have shown that LGB youth are four times more likely to attempt suicide than their heterosexual peers, and LGBT youth reporting higher levels of at-school bullying and victimization report higher levels of substance use, suicidal thoughts, feelings and actions, as well as engaging in increased risky behaviors than their heterosexual peers and/or those who are not bullied because of their sexual orientation. Lower victimization rates and decreased suicidality among LGBTQ youth has been linked with anti-bullying policies, along with peer support groups, the availability of non-academic counseling, a student judicial court system, staff training on sexual harassment and peer-tutoring systems.

A 2009 survey of 7,261 middle and high school students found that at school nearly 9 out of 10 LGBT students experienced harassment at school in the past year and nearly two-thirds felt unsafe because of their sexual orientation. Nearly a third of LGBT students had skipped at least one day of school in the prior month because of safety concerns.

Families - including families of working people - are deeply affected by their children's experiences in school. When children face harassment or bullying, additional stress and anxiety are placed on parents, many of whom are already stressed by economic conditions. Schools are also workplaces for teachers, administrators, and service personnel. Allowing bullying and harassment - or not enforcing anti-bullying policies - creates a dangerous atmosphere for these workers, and it is time for the State to act and ensure that every effort is made to make sure it stops.

Thank you for taking the time to hear this important, necessary bill.

FINTestimony

From: eileen mckee [meileen@yahoo.com]
Sent: Thursday, March 03, 2011 2:07 PM
To: FINTestimony
Subject: Testimony in Support of HB688

In Support of HB688

Attn: House Finance Committee

Hearing Date: March 3, 2011

Hearing Time: 3:15 p.m.

1/25/11, 10:00 am, Conf. Room 016

Testimony from: Eileen McKee

Kihei, HI 96753

Thank you for allowing me to submit this testimony rather than appear in person. My testimony is in support of House Bill 688-Relating to Education

I support the passage of House Bill 688.

Our children deserve the right to attend school without bullying or harassment. Recent news stories indicate that this type of errant behavior does indeed exist and increases a child's chance of taking his or her own life. If we implement measures that protect them from harm, we can help save young lives.

Please pass HB688 for the sake of the keiki.

Mahalo,

Eileen McKee

279 Alaume Street

Kihei, HI 96753

Email for testimony

FINTestimony

From: Carolyn Golojuch [gomama808@gmail.com]
ent: Thursday, March 03, 2011 1:54 PM
To: FINTestimony
Subject: HB688 Strong Support of Safe Schools

**PFLAG-OAHU (Parents, Families and Friends of
Lesbians, Gays, Transgendered, Bisexuals,
Transgendered & Questioning)**

92-954 Makakilo Dr. #71, Kapolei, HI 96707 (808) 672-6050

golojuchc@hawaii.rr.com www.pflagoahu.org

ATTN: House Finance Committee

HEARING DATE: March 3, 2011

HEARING TIME: 3:15 p.m.

IN Strong Support of HB688 - RELATING TO Education

Dear Chairs and members of the Judiciary Committee:

PFLAG-Oahu strongly supports passage of HB688 to protect students and enforce anti-bullying and anti-harassment policies and procedures to protect students or groups of students from bullying, cyber bullying, and harassment.

PFLAG-Oahu is the longest existing support organization that focuses on educating, advocating and supporting parents, families and friends of our GLBT and non-gay students for almost 16 years. We

advocated for the passage of Chapter 19 - Non-Discrimination Policy for over two years. Chapter 19 was printed in 2002 and to this date has not been enforced.

PFLAG-Oahu has written letters asking for implementation of Ch.19. Some of these letters are presented as part of this testimony. These letters do not reflect all the incidents that have come to our attention but are presented to reflect the variety and time line involved of our efforts to draw attention to the need for implementation of Chapter 19.

In addition, over the years PFLAG-Oahu has been called for assistance with problems in a variety of schools and the treatment by schools of our GLBT students. A Student threatened with physical harm by boys who want to show her how to be a female High School Student; transgender female student threatened by a Vice Principal who said he would take her bra off if her bra strap slipped again; transgender female student's hair pulled by school guard (no discipline was ever meted for the guard. One of our first families reported that their gay High School student was told to spend his time reading scriptures during lunch time after complaining of threats by other students.

Cost is not an issue as DOE has a responsibility to provide a safe school environment.

The following information is from the 2007 National School Climate Survey (New York, NY: GLSEN, 2008)

- 86.2% of LGBT students reported being verbally harassed, 44.1% reported being physically harassed, and 22.1% reported being physically assaulted at school in the past year because of their sexual orientation.

- More than half (60.8%) of students reported that they felt unsafe in school because of their sexual orientation, and more than a third (38.4%) felt unsafe because of their gender expression.

- 31.7% of LGBT students missed a class and 32.7% missed a day of school in the past month because of feeling unsafe, compared to only 5.5% and 4.5%, respectively, of a national sample of secondary school students.

- The reported grade point average of students who were more frequently harassed because of their sexual orientation or gender expression was almost half a grade lower than for students who were less often harassed (2.8 versus 2.4).

This data, the previous incidents and others have motivated us to continue to work for safe schools for all students. **Please pass this bill because all students deserve a safe school environment. Thank you.**

Sincerely,

Carolyn Martinez Golojuch, MSW

President

FINTestimony

m: Carolyn Golojuch [gomama808@gmail.com]
Sent: Thursday, March 03, 2011 1:56 PM
To: FINTestimony
Subject: Support HB688 Safe Schools/Stop Bullying

Carolyn Martinez Golojuch, MSW

92-954 Makakilo Dr. #71

Makakilo, HI 96707

808 672-9050

Fax: 808 672-6347

Email: gomama808@gmail.com

CTN:House Finance Committee

HEARING DATE: March 3, 2011

HEARING TIME: 3:15 p.m.

IN Strong Support of HB688 - RELATING TO Education

Dear Chairs and members of the Judiciary Committee:

As a Social Worker and former Substitute Teacher, I thank you for the hearing this bill that when it is passed, it will enforce the BOE Chapter 19 - Non-Discrimination Policy.

During my five years as a Substitute Teacher, it was a rare day that I didn't have to produce my copy of Chapter 19 and hold a mini review of this important document. This bill will not cause VAST FINANCIAL COSTS TO IMPLEMENT AS THE SCHOOLS ALREADY HAVE BUDGETS FOR SAFETY CLAUSES. **OUR STUDENTS DESERVE SAFE SCHOOLS.**

I used each incident as a 'teachable moment'. After being with Kapolei Middle School, I found that after years of repeated 'teachable moments,' the students when they were aware of the rules of engagement within a classroom, they exhibited at least an awareness of the principles of Chapter 19. This is an example that consistent review of Chapter 19 was beneficial to the students. This is also an example that the repeat students knew they were safe from bullying, harassment and name calling when I was with them in the classroom.

Students need limits, rules and consistent requirements for their code of conduct that assists with respectful behavior for themselves and those around them. Students need the consistent

reminders for them to become respectful adults.

HB688 is a wonderful way to enforce Chapter 19 without an outlandish budget commitment and an awesome way to protect all students while it enforces BOE's Chapter 19. This presents a win-win for DOE to enforce the policy dated 2001. Please pass HB688 to encourage student attendance in school and create safe school environments' for all students.

Sincerely,

Carolyn Martinez Golojuch, MSW

FINTestimony

From: Carolyn Golojuch [gomama808@gmail.com]
ent: Thursday, March 03, 2011 1:59 PM
To: FINTestimony
Subject: Attachments for JUD Hearing 2-17-11
Attachments: DOE 5-22-06.doc; DOE 10-18 Gay Bashing.doc; Yamamoto 6-26.doc

Aloha Representatives,

The three PFLAG-Oahu letters are submitted as attachments to the Testimony that has been sent via the online web testimony for HB688:

1. 2006 Letter to Patricia Haramoto, Superintendent RE: Protect All Students from assaults and harassment
2. 2007 Letter to Patricia Haramoto, Superintendent RE:Sexual Harassment at Nanakuli Middle and High School
3. 2008 Letter to Patricia Haramoto, Superintendent RE: Needed Updates for Chapter 19

These letters are examples of violations of Ch. 19 and my offer to assist with training for Chapter 19. May these letters add to the testimony of why HB688 needs to be passed.

Thank you,

Carolyn M. Golojuch, MSW
PFLAG-Oahu President



"If more people believed in justice equality would be a reality." cmg

May 22, 2006

Patricia Hamamoto
Hawaii Superintendent
Department of Education
1390 Miller Street
Honolulu, HI 96813

RE: Protect All Students from assaults and harassment

Dear Ms. Hamamoto,

Recently PFLAG-Oahu was notified about the ongoing harassment and physical assaults of the gay, lesbian, bisexual, transgendered and intersexed students on Kalaheo High School campus. Kalaheo has a history of civil rights violations and discrimination towards a variety of protected classes besides the GLBTI students. Unfortunately, Kalaheo is not the only educational facility in Hawaii to violate student safety.

Over the years, students from other schools, besides Kalaheo have contacted PFLAG-Oahu seeking support and assistance in making their schools safe for themselves and others.

In the past:

- In the late 1990's a male athletic coach at Pearl City High told gay bashing tales during gym class and warned seniors about shower assaults in the military;
- In one Waianae coast high school, students were allowed to harass transgendered students and not one of the offenders were ever disciplined for their transgressions;
- In the late 1990's a transgendered student in a Honolulu middle school was physically assaulted by school security; the guard was never disciplined or educated on their responsibility to provide a safe environment for all students; the principal threatened to remove the student's bra if the strap was ever seen again;
- In the mid 1990's, an African-American teacher suffered a broken nose at the hands of student yelling "Black" on a neighbor island and the student was never disciplined;
- At the same neighbor island school, an African-American student was harassed and nearly knocked out of his wheelchair; the only help came from ACLU.
- On Kauai, a high school student was beaten in a school restroom; the principal told the parent that the incident was to be forgotten or there would be retribution by the offending student.

DOE now has a policy that is suppose to protect all students from harassment and assaults covered by Chapter 19. Unfortunately, the chapter has not been implemented and the atrocities continue. It appears that the criminal acts will continue until DOE takes a zero tolerance approach to harassment and assaults towards any student. The lack of respect and security at Kalaheo are proof of these degenerate acts.

Now is the time to take proactive steps to enforce Chapter 19 to ensure protection not only for the GLBTI students but all students, including students with glasses, light or dark skin, slight or heavy weight and any other distinguishing characteristics of any and all students.



"If more people believed in justice equality would be a reality." cmg

To ensure that a safe educational environment is promoted, the following actions need to be taken:

- The recent homophobic incidents at Kalaheo High School must be met with a clear and visible statement (i.e., an announcement on the morning news, an entire-school assembly, a memo to all faculty/staff/students, etc.) from administration stating that homophobia and homophobic incidents are not acceptable;
- An immediate statement issued from Superintendent Hamamoto (by July 27 at the latest) supporting the establishment of statewide GSAs and their equal treatment, and furthermore swiftly address any future obstructions of GSAs or GSA activities;
- A training session specifically dealing with LGBT issues be presented annually at the summer Principals' Leadership Academy by qualified, knowledgeable people on LGBT issues;
- Mandatory in-service for all DOE personnel to be conducted annually by qualified, knowledgeable people on LGBT issues;
- Annual anti-harassment trainings for students specifically mention sexual orientation and discuss the issues therein;
- DOE commission a locally relevant school climate survey be conducted in every DOE school from elementary to high school across the state;
- ensure that there are at least two positively LGBT-themed books from an approved list (provided by Hawaii Safe Schools Coalition and Rainbow Revolutionaries) in every Hawaii public school library, from elementary to high school by the beginning of the fall semester/quarter;
- Mandatory in-service for all BOE personnel to be conducted annually by qualified, knowledgeable persons on LGBT issues to ensure that BOE starts to monitor Chapter 19 violations in an orderly fashion.

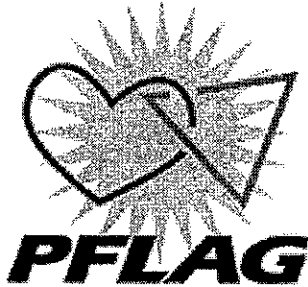
Thank you for your speedy attention to this matter. PFLAG-Oahu is more than qualified and willing to assist with these requests. A follow-up letter will be sent by June 1, 2006 to ensure that this correspondence has been received. PFLAG-Oahu joins with you in your concern for a safe educationally supportive environment for all students.

Respectfully,

Carolyn Martinez Golojuch, MSW
President, PFLAG-OAHU

CC: Principal James Schlosser
Louise Wolcott, Interim Complex Area Superintendent
Arlyne Yonemoto, Incoming Complex Area Superintendent

**PFLAG-OAHU (Parents, Families and Friends of
Lesbians, Gays, Transgendered, Bisexuals,
Transgendered & Questioning)**



92-954 Makakilo Dr. #71, Kapolei, HI 96707 (808) 672-9050
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June 26, 2008

Patricia Yamamoto
DOE Superintendent
1390 Miller St., Room 405
Honolulu, HI 96813

Dear Ms. Yamamoto,

While doing research for some students, I found that the DOE website for Chapter 19 needs to be up-dated to meet the ruling and standards of 2002. The booklet found in most Middle and High School offices is listed as the 'The Office of Curriculum, Instruction and Student Su0pp0ort/Student Support Services Branch Department of Education*State of Hawaii*RS 0201434 Rev. f RS 01-1380)*June 2002.'

The following items need to be updated from the website posting:

1. The current website version omits the word 'bully' in the definition of 'harassment' Chapter 19-8.
2. The current website version only has items (1) to (7) under harassment, while the Chapter 19 booklet dated 2002 lists (1) to (9) items.

Harassment and bullying are a daily problem and Chapter 19 gives the educational process a standard to protect the students and educate them as well. The website is a very user friendly opportunity and the booklet is a great teaching tool to address teachable moments in the classroom.

Thank you to your attention to this matter that protects DOE Students. Please have a staff member notify me when this matter has been addressed.

Mahalo and aloha,

A handwritten signature in cursive script that reads "Carolyn M. Golojuch".

Carolyn Martinez Golojuch, MSW
PFLAG-Oahu President

"If more people believed in justice, equality would be reality." CMG



"If more people believed in justice equality would be a reality." cmg

October 18, 2007

Superintendent Patricia Hamamoto
1390 Miller Street
Honolulu, Hawai'i 96804

RE: Sexual Harassment at Nanakuli Middle and High Schools

Dear Superintendent Hamamoto,

It has come to our attention that Dr. Kauffmann, a teacher at Nanakuli Middle and High Schools has been a victim of harassment which is a violation of the Non-Discrimination Policy for Hawaii State teachers and staff. The information regarding Dr. Kaufmann's harassment was made public on October 17, 2007 during the 10PM Channel 8 KGMB News Report.

This situation is not a surprise. As a frequent Substitute Teacher in the Leeward District, gay bashing is a common occurrence. When it occurs during an assigned class, I read Chapter 19 of the Hawaii State Department of Education regarding the section on Non-Discrimination to the students. The protections provided in Chapter 19 for the students are provided DOE faculty and staff in a previous provision that was established years before DOE extended protection to the students.

While I can protect students in a classroom situation, this is not possible on the rest of the campus. Time does not provide me the opportunity to educate, advocate and support the non-discrimination violations on campus. These violations are common on the Middle and High Schools in the Leeward District.

As an educator, we both know that students need a safe environment to learn. Teachers and staff are better able to teach when they work in a safe environment. This safe environment has to be provided the entire Nanakuli campus and the rest of the Hawaii State DOE complex.

I can provide a list of violations that I have experienced at Nanakuli and other campuses upon your request. Also available are photos of other violations at another school location. HSTA has a Diversity Training available that is desperately needed ASAP at Nanakuli before the entire state is scheduled for this training.

After 12 years of experience in the field with sexual harassment as President of Parents, Families, and Friends of our GLBT community and a social worker, I offer my services to address this unacceptable and unsafe environment on our school campuses.

Respectfully,
Carolyn Martinez Goljuch, MSW
President, PFLAG-OAHU

CC: BOE; ACLU; KGMB; KITV; KHNL; KHON; Honolulu Advertiser; Honolulu Star Bulletin; Hawaii State Civil Rights Commission.