



TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-SIXTH LEGISLATURE, 2011

ON THE FOLLOWING MEASURE:

H.B. NO. 688, H.D. 2, S.D. 1, RELATING TO EDUCATION.

BEFORE THE:

SENATE COMMITTEE ON JUDICIARY AND LABOR

DATE: Thursday, April 7, 2011 TIME: 9:30 a.m.

LOCATION: State Capitol, Room 016

TESTIFIER(S): David M. Louie, Attorney General, or
Lance M. Goto, Deputy Attorney General

Chair Hee and Members of the Committee:

The Department of the Attorney General provides the following comments regarding section 1 of this bill, which creates the criminal offense of harassment by cyberbullying. While the Department supports the goal of addressing the problem of cyberbullying, it recommends that section 1 be deleted from the bill.

The Department has the following two concerns about section 1 of the bill:

take out section 1

(1) The proposed offense of harassment by cyberbullying, as defined in the bill on page 1, lines 4-10, actually duplicates the offense of harassment by stalking, set out in section 711-1106.5, Hawaii Revised Statutes. The only difference is the change in the name of the offense from "stalking" to "cyberbullying."

(2) This bill may be challenged as being unconstitutional because it appears to embrace more than one subject. Article III, section 14, of the Constitution of the State of Hawaii provides in part:

Each law shall embrace but one subject, which shall be expressed in its title.

"ethnicity"
"bullying based on age"

The title of this bill is "A BILL FOR AN ACT RELATING TO EDUCATION." Section 2 of this bill relates to bullying and cyberbullying in schools, but section 1 of this bill creates a general criminal offense of harassment by cyberbullying that is not specifically related to education or schools. It may be challenged that section 1 is beyond the scope of the subject title of this bill.

The Department also offers the following additional comments.

The term, "cyberbullying," although included in the name ("the offense of harassment by cyberbullying"), is not part of the offense, and yet, is defined on page 2, lines 7-13. There is no purpose for this definition. Furthermore, the definition is unclear and confusing.

We note that the offense of harassment by stalking, in violation of section 711-1106.5, Hawaii Revised Statutes, which is duplicated in this bill as the offense of harassment by cyberbullying, prohibits nonconsensual contact that includes any form of electronic communication, as defined in section 711-1111(2), including electronic mail transmissions. In doing so, this offense may already cover the conduct intended to be prohibited by the proposed offense of harassment by cyberbullying.

The Department respectfully recommends that section 1 be deleted from the bill. Thank you for the opportunity to share our concerns.



LATE TESTIMONY

STATE OF HAWAII
BOARD OF EDUCATION

P. O. BOX 2360
HONOLULU, HAWAII 96804

Senate Comm. on Judiciary & Labor
Hearing: Thursday, April 7, 2011
9:30 a.m., Room 016

Testimony in SUPPORT of HB688 with Amendments
Relating to Education: SAFE SCHOOLS ACT

Chair Hee, Vice-Chair Shimabukuro and Members of the Committee:

Thank you for allowing me to testify in my capacity as a member of the Hawaii State Board of Education (BOE); I testify in support of HB688 with amendments.

Governor Abercrombie's comprehensive plan for Education includes "safe schools" as one of his *Guiding Principles*. Last month President Obama convened a conference to address bullying in schools; he specifically called upon local elected officials to join him in the effort to decrease bullying in schools. Shortly after, the BOE voted to support the Safe Schools Act, HB688 hd1.

The earlier hd1 version, that the BOE strongly supports, proscribes greater accountability to students and families that the DOE will take a more active role in preventing, monitoring and correcting bullying behavior with appropriate education-based interventions.

The first section of the current sd1 version before this committee adds "Cyberbullying" to the criminal code as a misdemeanor-felony with mandatory minimum sentencing. This law would further engorge the school to prison pipeline, and recent studies show that punitive practices are disparately harsher for native Hawaiians and gay, lesbian, bisexual and transgender youth. The U.S. Dept. of Health and Human Services' (USDHHS's) Anti-bullying website considers these types of zero-tolerance policies as misdirected because they are overly broad, discourage reporting and deprive students who bully from receiving the behavioral supports that are proven to be more effective.

Passage of The Safe Schools Act would send a clear message that the BOE, the Legislature, the Governor and the President share the same commitment to decreasing the incidences of bullying in our schools. According to the USDHHS' website, Hawaii is one of only 5 states that does not have anti-bullying legislation. Let's not be the last. For the reasons stated above, I urge this Committee to pass the HB688 in its earlier hd1 form.

Thank you for your consideration.

Kim Coco Iwamoto, Esq., Oahu-at-Large Member

Handwritten notes: ~~HD~~ 1 version cancas, kiki

A BILL FOR AN ACT

RELATING TO EDUCATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. This Act shall be known as the Safe Schools Act.

SECTION 2. The legislature finds that all students have the right to participate fully in the educational process, free from bullying, cyberbullying, and harassment. A safe and civil environment in school is necessary for students to learn and to meet high academic standards. Bullying and harassment, like other disruptive or violent behaviors, are forms of conduct that disrupt both a student's ability to learn and a school's ability to educate its students in a safe environment. The legislature finds that because students learn by example, school administrators, faculty, staff, and volunteers should be expected to demonstrate appropriate behavior, treat others with civility and respect, and refuse to tolerate bullying and harassment.

The purpose of this Act is to require the department of education to maintain, monitor, and enforce anti-bullying and anti-harassment policies and procedures to protect students.

SECTION 3. Chapter 302A, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read

as follows:

"§302A- Bullying, cyberbullying, and harassment; departmental responsibilities. (a) This section shall apply to conduct occurring on all public elementary and secondary school premises, at any school-sponsored functions or activities, and on school-sponsored transportation. This section also applies to electronic technology usage and electronic communications that occur on all public elementary and secondary school premises, at any school-sponsored functions or activities, on school-sponsored transportation, and on school computers, networks, forums, and mailing lists.

(b) The department shall maintain and monitor anti-bullying and anti-harassment policies that:

- (1) Are applicable to grades kindergarten through twelve; and
- (2) Contain definitions of bullying, cyberbullying, and harassment, as defined in section 302A-101.

(c) The department shall maintain and enforce appropriate procedures that incorporate:

- (1) Effective publicizing of the policies established pursuant to subsection (b), including adding a statement of those policies to new employee training materials, student handbooks, and any other publication that sets forth comprehensive rules, procedures, and standards of conduct for schools;
- (2) Conducting annual training at the school level on how to promote peace and respect and how to intervene when students are engaged in bullying, cyberbullying, or harassing behavior;
- (3) The investigation of violations of this section;
- (4) Reporting and response mechanisms that address the failure of schools, complex areas, and administrators in implementing this section;
- (5) Mechanisms for reporting incidents of bullying, cyberbullying, and harassment by complex areas and schools;

(6) Making available to the public statewide statistics concerning bullying, cyberbullying, and harassment, as defined in section 302A-101;

(7) The filing of complaints against complex areas and schools upon their failure to comply with and implement policies pursuant to this section;

(8) Establishing clear lines of accountability, including the designation of one person in the department as the primary contact regarding anti-bullying and anti-harassment policies who shall receive copies of all formal and informal complaints, be responsible for assuring the implementation of policies and procedures pursuant this section, and serve as the primary contact on the policies and procedures between the school district and the department;

(9) Requiring school employees and trained volunteers who witness incidents of bullying, cyberbullying, or harassment, or possess reliable information that would lead a reasonable person to suspect that a person is a target of bullying, cyberbullying, or harassment, to promptly report those incidents or that information to the school principal, complex area superintendent, or superintendent;

(10) Prompt investigation of reports or complaints of bullying, cyberbullying, or harassment, and identification of either the principal or the principal's designee as the person responsible for the investigation;

(11) Delineation of the range of ways in which a school will respond once an incident of bullying, cyberbullying, or harassment is identified, including a range of potential age-appropriate education-focused consequences that correspond to the prohibited bullying, cyberbullying, and harassment acts;

(12) The provision of appropriate referrals or resources to student victims, perpetrators, and their respective families, if necessary;

(13) Provisions that prohibit reprisal or retaliation against any person who reports an act of bullying, cyberbullying, or harassment and describe appropriate remedial action for a person who engages in reprisal or retaliation;

(14) Provisions that allow for anonymous reporting while clarifying that no remedial action shall be undertaken solely on the basis of an anonymous report;

(15) The collection, reporting, and analyzing, at least on an annual basis, of data on incidents of bullying, cyberbullying, and harassment; and

(16) The establishment of a school community culture that integrates the aloha spirit as defined in section 5-7.5, evidence-based anti-bullying and anti-harassment policies and procedures, and peace promoting elements into each school's curriculum, and creates and encourages an environment of safety and respect for all."

SECTION 4. Section 302A-101, Hawaii Revised Statutes, is amended by adding three new definitions to be appropriately inserted

and to read as follows:

"Bullying" means any written, verbal, graphic, or physical act or acts that:

- (1) A student or group of students exhibits toward another student or group of students;
- (2) Cause mental or physical harm to the other student or group of students; and
- (3) Are sufficiently severe, persistent, or pervasive to create an intimidating, threatening, or abusive educational environment.

Bullying includes conduct that is based on a student's actual or perceived race, color, national origin, sex, gender identity or expression, sexual orientation, physical or mental disability, religion, physical appearance and characteristic, or socio-economic status; or a student's association with a person or group with one or more of these actual or perceived characteristics.

"Cyberbullying" means an act or acts exhibited by one student or group of students to another student or group of students that:

- (1) Are conveyed by electronic transmission via the Internet, a cell phone, a personal digital assistant (PDA), or a wireless hand-held device;
- (2) Cause mental or physical harm to the student or group of students that receives the electronic transmission; and
- (3) Are sufficiently severe, persistent, or pervasive to create an intimidating, threatening, or abusive educational environment.

"Harassment" means harassing, bullying, including cyberbullying, annoying, or alarming a student or group of students by engaging in conduct that includes:

- (1) Striking, shoving, kicking, or otherwise touching a student or group of students in an offensive manner or subjecting that student or group of students to offensive physical contact;
- (2) Insulting, taunting, or challenging another student or group of students in a manner likely to provoke a violent response;

(3) Making verbal or non-verbal expressions that cause another student or group of students to feel uncomfortable, pressured, threatened, or in danger because of reasons that include the student's or group's actual or perceived race, color, national origin, sex, gender identity or expression, sexual orientation, physical or mental disability, religion, physical appearance and characteristic, and socio-economic status, or association therewith, that creates an intimidating, hostile, or offensive educational environment, or interferes with the education of a student or group of students, or otherwise adversely affects the educational opportunity of a student or group of students;

(4) Name calling, making rude gestures, insulting, or teasing another student or group of students who, as a result, feels humiliated, intimidated, threatened, or embarrassed;

(5) Making a telephone call without the purpose of legitimate communication;

(6) Making repeated communications anonymously, at extremely inconvenient hours, or in offensively coarse language on campus or other department of education premises, on department of education transportation, or during a department of education-sponsored activity or event on or off school property;

(7) Causing fear as to prevent other students or groups of students from gaining legitimate access to or use of school buildings, facilities, services, or grounds such as restroom facilities; and

(8) Physically harming, physically restraining, threatening, or stalking, or a combination thereof."

SECTION 5. The department of education shall submit a report regarding the implementation of this Act, including findings, recommendations, and any proposed legislation, to the legislature no later than twenty days prior to the convening of the regular session of 2012.

SECTION 6. The provisions of this Act shall be liberally construed to give effect to the purposes thereof.

SECTION 7. Nothing in this Act is intended to interfere with the First Amendment rights of free speech and expression of any person affected.

SECTION 8. If any provision of this Act, or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Act, which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

SECTION 9. New statutory material is underscored.

SECTION 10. This Act shall take effect upon on January 7,
2059.

Report Title:

Keiki Caucus; Safe Schools Act; Bullying

Description:

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, 2059. (HB688 HD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

LATE TESTIMONY

Date: 04/07/2011

Committee: Senate Judiciary and Labor

Department: Education

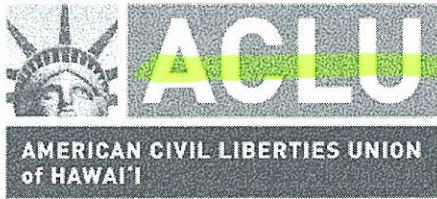
Person Testifying: Kathryn S. Matayoshi, Superintendent of Education

Title of Bill: HB 0688,HD2,SD1(SSCR864) Relating to Education

Purpose of Bill: Defines "bullying", "cyberbullying", and "harassment" in chapter 302A, Hawaii Revised Statutes, relating to the public schools. Establishes the offense of harassment by cyberbullying, with the first and second offenses as misdemeanors, and any third and subsequent offense as a class C felony. Requires the board of education to monitor the department of education's compliance with any rules or statutes covering bullying, cyberbullying, or harassment and to establish reporting requirements for the department of education. Effective July 1, 2030. (SD1)

Department's Position: The Department of Education (Department) supports sections 2 and 3 of HB 688,HD2,SD1(SSCR864) and needs clarification on Section 1. In Section 2, the definitions of "bullying," "cyberbullying," and "harassment" are aligned with the current provisions in the Hawaii Administrative Rules (HAR), Title 8, Chapter 19. Section 3 requires monitoring of the Department's rules governing bullying, cyberbullying, and harassment and this action is part of the Department's implementation plan to address these issues. Section 1 does not specify whether establishing harassment by cyberbullying pertains to adults and/or students. If the intent is to establish harassment by cyberbullying as a misdemeanor then the Department opposes this action as HAR Chapter 19 is governed by school administrative rules and not the provisions of a juvenile justice system. School administrators call police directly when a misdemeanor has been

committed. The Department is invested in the education and not criminalization. There is limited evidence that classifying any incident of bullying or harassment as a misdemeanor or felony will help to reduce incidents in our schools and communities. Schools, other agencies, and community-based organizations must work together, in partnership, to address this issue.



LATE TESTIMONY

Committee: Committee on Judiciary and Labor
Hearing Date/Time: Thursday, April 7, 2011, 9:30 a.m.
Place: Conference Room 16
Re: Testimony of the ACLU of Hawaii Offers Comments to H.B. 688, HD2, SD1, Relating to Bullying and Cyberbullying

Dear Chair Hee and Members of the Committee on Judiciary and Labor:

The American Civil Liberties Union of Hawaii (“ACLU of Hawaii”) offers comments to H.B. 688, HD2, SD1, Relating to Bullying and Cyberbullying.

The ACLU and the ACLU of Hawaii have a long history of vigorously promoting nondiscrimination and respect for the civil rights of children in public education. We are at the forefront of efforts, through both impact litigation and legislative and executive branch work, to ensure that students, in particular children of color, girls, children with disabilities, those with limited English proficiency, and LGBT youth, do not suffer from current discrimination or its legacy. We have consistently fought for an educational system that encourages every student to succeed in school. Moreover, the ACLU of Hawaii strongly supports the adoption comprehensive education policies and procedures designed to educate students and parents about the consequences of bullying and to eradicate discrimination. H.B. 688, HD2, S.D.1, however, raises several serious concerns.

Mandatory minimum sentences should be abolished.

Proposed H.R.S. §711 includes inappropriate and unnecessarily harsh mandatory minimum sentences that will serve only to add to Hawaii’s drastic over-incarceration problem without increasing public safety or deterring crime. Further, mandatory minimum sentences will tie judges’ hands when considering individual circumstances, create racial disparities in sentences and empower prosecutors to force defendants to bargain away their constitutional rights.

Schools do not have the authority to punish students’ speech and conduct outside of school and school-related functions.

H.B. 688, HD2, SD1, in proposed H.R.S. § 302A-101 includes definitions that appear to apply to all communications regardless of the location of the offense. Any effort to have schools police the speech and conduct of children outside of school is certain to run into legal challenges. Simply put, the Department of Education has no authority to regulate students’ speech and

American Civil Liberties Union of Hawaii
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Chair Hee and Members of the
Committee on Judiciary and Labor
April 7, 2011
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conduct outside of school and school-related functions. As the United States Supreme Court stated forty years ago, “School officials do not possess absolute authority over their students.”¹ The Court explained further:

Students in school as well as out of school are ‘persons’ under our Constitution. They are possessed of fundamental rights which the State must respect, just as they themselves must respect their obligations to the State. In our system, students may not be regarded as closed-circuit recipients of only that which the State chooses to communicate. They may not be confined to the expression of those sentiments that are officially approved.²

Legislators are understandably concerned about harassment and threats that occur outside of school. However, speech that is threatening or harassing is not protected under the First Amendment and is already prohibited under Hawaii law. If a student threatens someone outside of school, the student can be arrested and prosecuted (just as any other person could be arrested and prosecuted for threatening speech). The DOE has no authority to regulate out-of-school speech any further, because doing so would infringe on the First Amendment rights of students (as well as on the constitutional rights of the child’s parents to raise her or his child free from government interference). Disciplining a child for out-of-school conduct is a task reserved for the child’s parents or guardians (or law enforcement if appropriate). This authority should not – and constitutionally cannot – be delegated to the DOE.

Finally, while the ACLU of Hawaii supports the portions of H.B. 934, HD2, SD1, that direct the DOE to develop and implement policies concerning bullying and cyberbullying and that the DOE report to the Legislature annually, we have concerns about individual privacy. Much of the information collected at the school level is personally identifiable, extremely sensitive, and deserves the highest possible protection. In order to protect that information, the DOE must ensure that the highest possible privacy standards are maintained. Personal information that is linked to individual students must only be collected and used for limited, predetermined purposes and students must have notice about the information collection. The protections are vital to ensuring that personal information on students is not handled inappropriately or leaked to the

¹ *Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503, 511 (1969).

² *Id.*

American Civil Liberties Union of Hawaii
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Chair Hee and Members of the
Committee on Judiciary and Labor
April 7, 2011
Page 3 of 3

public. The ACLU of Hawaii is committed to working with the DOE to ensure that proper controls are put into place.

The mission of the ACLU of Hawaii is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawaii fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawaii is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawaii has been serving Hawaii for over 40 years.

Thank you for this opportunity to testify.

Sincerely,
Laurie A. Temple
Staff Attorney
ACLU of Hawaii

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LATE TESTIMONY

EQUALITY HAWAII

April 6, 2011

Senate Committee on Judiciary & Labor
Hearing: Thurs., April 7, 2011 • 9 a.m., Conference Room 016
Testimony: In Support of **HB688 HD2 SD1**
Relating to Education, Bullying & Cyberbullying

Aloha, distinguished members of the Hawaii State Senate Committee on Judiciary & Labor:

On behalf of **Equality Hawaii**, the state's largest lesbian, gay, bisexual, and transgender (LGBT) advocacy organization, we write in strong **support** of safe schools legislation.

We appreciate the intent of HB688 to define bullying and cyberbullying as well as the inclusion of sexual orientation, gender identity and gender expression. All students deserve a school environment that is safe and conducive to learning. Sadly, all too often, students fall victim to harassment which can lead to tragic consequences. Most recently, there has been much media publicity on LGBT youth suicide, a problem that is compounded by hostile school environments. Studies have shown for decades that LGBT youth are more likely to be bullied at school based on their real or perceived sexual orientation or gender identity. LGBT youth represent a disproportionate number of youth suicides.

When we were students in the 1970s and 1980s, anti-gay harassment was rampant and teachers/administrators did little to stop it. Times need to change. This bill is a very important step in addressing this very serious issue.

However, while we appreciate the seriousness with which this bill addresses the issue, we also express concerns regarding the scope and degree of punishment it exacts, particularly upon first-time offenders. We support the idea that any endeavor to protect the welfare of our students - still engaged in a process of development - should not hinder or dismiss their ability to fully comprehend the social and personal ramifications of their behaviors. Therefore, while we believe cyberbullying/school bullying qualifies as forms of harassment, we recommend that the criminalization component of this bill be removed or revisited (for first-time offenses).

We strongly urge you to support this bill and ensure the welfare of future generations.

Aloha,
Valerie Smith, Co-Chair
Alan R. Spector, Co-Chair
Josh Frost, Legislative Committee Chair
Donald L. Bentz, Treasurer

LATE TESTIMONY

From: Dara Carlin, M.A. [breaking-the-silence@hotmail.com]
Sent: Wednesday, April 06, 2011 4:00 PM
To: JDLEstimony
Subject: LATE TESTIMONY: HB688 HD2 SD1 to be heard Thursday, 04/07/11 at 9:30am in Room 016
Importance: High

TO: Senator Hee, Chair
Senator Shimabukuro, Vice Chair
Judiciary & Labor Committee Members

FROM: Dara Carlin, M.A.
Domestic Violence Survivor Advocate
881 Akiu Place
Kailua, HI 96734

DATE: 04/07/11

RE: **Strong Support for HB688 HD2 SD1, Relating to Bullying**

Good Morning Senators and apologies (yet again!) for my late testimony.

This is simply an awesome piece of legislation that I am sincerely hoping that you'll pass unamended. The reason I feel so strongly about it is because there is a strong connection between bullying and domestic violence.

If bullying and the response to bullying is addressed and taken seriously, my hypothesis is that we'll see a drop in the rates of teen dating violence and domestic violence in our future generations since the EXACT SAME oppressive tactics used by bullies are mirrored in later years in the behaviors of domestic violence perpetrators.

Just as with domestic violence, the problem is not confined to the victim and perpetrator - OUR RESPONSE to the problem is just as important and if we say "zero tolerance" we need to back that up with action (otherwise you're empowering the perpetrator and helping him/her to practice their budding skills at manipulation).

As with any problem, early identification and intervention are key for resolution and preventive measures such as adopting an anti-bullying policy are ideal. Taking an affirmative action to eliminate bullying in our schools will translate to safer environments not only during childhood but will curtail domestic violence by sending the message out early that violence and abuse are not tolerable or acceptable in any way, shape, form, environment or age.

Respectfully,

Dara Carlin, M.A.
Domestic Violence Survivor Advocate

LATE TESTIMONY

From: cloudia charters [cloudia.charters@gmail.com]
Sent: Wednesday, April 06, 2011 5:05 PM
To: JDLTestimony
Subject: Testimony FAVORING HB688 HD2 SD1

To: Judicial Chair & Esteemed Members

Testimony IN FAVOR of HB688 HD2 SD1

Aloha Greetings;

As an ordained minister with a background in youth work, I have seen first-hand the soul-crushing effects of bullying - including suicide.

Surely we can agree to take a stand on this! Forget ideology and just think of the child how endures bullying on a daily basis. Perhaps YOU were that child and have preferred to forget the intense pain.

Thank You for your leadership in this crucial need of our youth for protection and direction.

Sincerely, Rev. Cloudia Charters,
Honolulu

--
<http://www.amazon.com/ALOHA-Where-You-Like-Satisfaction/dp/1598006495/ref=sr_1_1?ie=UTF8&s=books&qid=1227747134&sr=1-1>
<www.comfortspiral.blogspot.com>

LATE TESTIMONY

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, April 06, 2011 5:04 PM
To: JDLTestimony
Cc: philadelphia@hawaiiintel.net
Subject: Testimony for HB688 on 4/7/2011 9:30:00 AM

Testimony for JDL 4/7/2011 9:30:00 AM HB688

Conference room: 016
Testifier position: support
Testifier will be present: No
Submitted by: Elaine C. Goldberg
Organization: Individual
Address:
Phone:
E-mail: philadelphia@hawaiiintel.net
Submitted on: 4/6/2011

Comments:

I strongly support this bill-our children should be in an educational environment where they are safe and not fearful of other students doing wrong treatment via bullying, harassment and e-mail communications making derogatory statements against them. Training employees to report bullying will be a good thing. I would also think surveillance cameras and recording devices would be helpful. E. Goldberg, Kapolei

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, April 06, 2011 4:44 PM
To: JDLTestimony
Cc: alohamelaniebailey@yahoo.com
Subject: Testimony for HB688 on 4/7/2011 9:30:00 AM

LATE TESTIMONY

Testimony for JDL 4/7/2011 9:30:00 AM HB688

Conference room: 016
Testifier position: support
Testifier will be present: No
Submitted by: Melanie Bailey
Organization: Individual
Address:
Phone:
E-mail: alohamelaniebailey@yahoo.com
Submitted on: 4/6/2011

Comments:

I am in SUPPORT of this bill with AMENDMENTS. Anti-bullying legislation sends a clear message that harassment will not be tolerated. Schools need to be a safe haven for students of all ages.

I am concerned about the current draft and believe the consequences are too severe to be unilaterally enforced. Cases need to be evaluated individually, there is no "one size fits all" punishment.

In addition, I do not feel we should list the "type" of person who is bullied. All children can be bullied. I believe it sends a message that only people who are "different" are subject to bullying.

Thank you for giving me this opportunity to testify.

Aloha,
Melanie Bailey
277-5121



JAPANESE AMERICAN CITIZENS LEAGUE

HONOLULU CHAPTER

P.O. BOX 1291, HONOLULU, HAWAII 96807

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Legal Counsel

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Allicyn Hikida-Tasaka

Clayton Ikei

William Kaneko

Colbert Matsumoto

Alan Murakami

Senate Committee on Judiciary and Labor
Thursday, April 7, 2011 at 9:30 a.m.
Hawai'i State Capitol – Room 016

Testimony in **SUPPORT of HB 688 HD2 SD1** with amendments, Relating to Education

Dear Chair Hee, Vice-Chair Shimabukuro, and Members of the Committee:

The Japanese American Citizens League (JACL) Honolulu Chapter supports the passage of House Bill 688 HD2 SD1 with amendments, which will encourage the Department of Education to maintain and enforce existing anti-bullying policies to protect all children and ensure their right to a safe education.

JACL is the nation's oldest and largest Asian Pacific American civil rights organization with over 20,000 members. Locally our organization has consistently supported efforts to provide equal rights to all citizens of this state.

We are in strong support of this measure because it sets expectations of safety for Hawaii's public school students and ensures that all students will be treated equally, free from intimidation. We do not, however, believe that student cyber-bullying should be criminalized. Moreover, the anti-cyberbullying provisions may be duplicative as there already are anti-harassment and anti-stalking laws encompassing electronic communication. Therefore, we urge you to remove Section 1 of the current version of the bill.

House Bill 688 ensures State statutes are aligned with the Department of Education's Policy #4211 (Anti-harassment, Anti-bullying and Anti-discrimination against student(s) by employees) and Hawaii Administrative Rule Chapter 8-19 (prohibiting student conduct including harassment, bullying and cyber-bullying). In addition, the measure will put the recommendations by the Safe Schools Community Advisory Council into statute. What this ultimately means for our students is that they will all be protected from bullying and cyber-bullying and be able to learn in safe environments.

We urge you to pass out the measure. For your time and consideration, thank you.

Respectfully,

/s/ Liann Ebesugawa
1st Vice President

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, April 07, 2011 2:41 AM
To: JDLEstimony
Cc: shirleyj1952@yahoo.com
Subject: Testimony for HB688 on 4/7/2011 9:30:00 AM
Attachments: BULLYING.uot

Testimony for JDL 4/7/2011 9:30:00 AM HB688

Conference room: 016
Testifier position: support
Testifier will be present: Yes
Submitted by: Shirley Jones
Organization: Individual
Address:
Phone:
E-mail: shirleyj1952@yahoo.com
Submitted on: 4/7/2011

Comments:

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, April 07, 2011 6:57 AM
To: JDLTestimony
Cc: jmace@hawaii.rr.com
Subject: Testimony for HB688 on 4/7/2011 9:30:00 AM

Testimony for JDL 4/7/2011 9:30:00 AM HB688

Conference room: 016
Testifier position: support
Testifier will be present: No
Submitted by: Jessica Mace
Organization: Individual
Address:
Phone:
E-mail: jmace@hawaii.rr.com
Submitted on: 4/7/2011

Comments:

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, April 07, 2011 7:36 AM
To: JDLTestimony
Cc: calltheschatz@hawaii.rr.com
Subject: Testimony for HB688 on 4/7/2011 9:30:00 AM

LATE TESTIMONY

Testimony for JDL 4/7/2011 9:30:00 AM HB688

Conference room: 016
Testifier position: support
Testifier will be present: No
Submitted by: Debbie Schatz
Organization: Individual
Address:
Phone:
E-mail: calltheschatz@hawaii.rr.com
Submitted on: 4/7/2011

Comments:

HB688 has my full support because it addresses measures of prevention that can be and should be done:

teacher training, documentation so trends can be followed and addressed, and a person in the DOE to monitor, oversee and be held responsible for implementation.

For community engagement, I will go one step further to recommend schools be required to partner with their community HPD C.R.O.S.S. (Community Response of Security in Schools) or other school program to support prevention at all levels k-12.

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, April 07, 2011 8:16 AM
To: JDLTestimony
Cc: bradyandandrea@yahoo.com
Subject: Testimony for HB688 on 4/7/2011 9:30:00 AM

Testimony for JDL 4/7/2011 9:30:00 AM HB688

Conference room: 016
Testifier position: support
Testifier will be present: No
Submitted by: Andrea Reed
Organization: Individual
Address:
Phone :
E-mail: bradyandandrea@yahoo.com
Submitted on: 4/7/2011

Comments: