

Date: 03/30/2011

Committee: House Education

Department: Education

Person Testifying: Kathryn S. Matayoshi, Superintendent of Education

Title of Resolution: HCR 222 (HR193) Requesting the Department of Education to Require Counseling for Anyone Involved with Bullying in School and Possible Expulsion for Failure to Comply Therewith

Purpose of Resolution: Requests the Department of Education to require counseling for anyone involved with bullying in school and possible expulsion for failure to comply therewith.

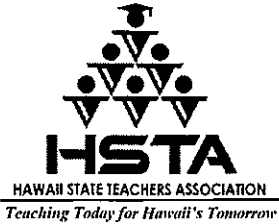
Department's Position: The Department of Education (Department) supports HCR 222 (HR 193). Bullying is an offense in the Department's Chapter 19 and requires disciplinary action. Subsequently, interventions must be provided to teach students appropriate behaviors. As one of the possible interventions, counseling is currently provided to both perpetrators and victims.

Among current best practices, counseling is an appropriate intervention, particularly when parents and other caregivers are involved and provide support to facilitate a change in behavior.

When these interventions are provided, it is not a choice for the student; therefore, non-compliance is not an option. Thus, expulsion or dismissal from school would not be necessary for the instances stated in this resolution. Additionally, if counseling is not promoting change in attitude and/or behaviors, then other types of interventions must be explored before dismissal is considered.

It must be acknowledged that an effective anti-bullying initiative must

include a school-wide foundation that offers a value system based on caring, respect, fairness and promotion of a positive climate, early intervention that teach positive behaviors, and other interventions that provide perpetrators and victims with a range of sustained supports that serve to shape attitudes and change behaviors. Counseling is but one small piece that supports the foundation within a school.



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**TESTIMONY BEFORE THE HOUSE COMMITTEE ON
EDUCATION**

**RE: HCR 222/HR 193 -- REQUESTING THE DEPARTMENT OF EDUCATION
TO REQUIRE COUNSELING FOR ANYONE INVOLVED WITH
BULLYING IN SCHOOL AND POSSIBLE EXPULSION FOR FAILURE TO
COMPLY THEREWITH.**

March 30, 2011

**WIL OKABE, PRESIDENT
HAWAII STATE TEACHERS ASSOCIATION**

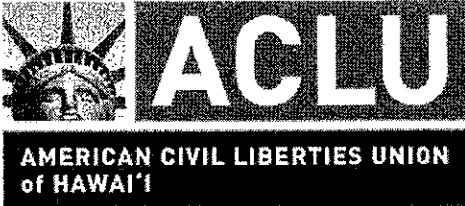
Chair Takumi and Members of the Committee:

The Hawaii State Teachers Association strongly supports SCR 222/HR 193 which requires counseling for anyone involved with bullying in the schools and possible expulsion for failure to comply.

We believe every child should be able to come to school and not feel intimidated or bullied by others. HSTA and NEA believe bullying robs students of their opportunity to learn and exacts scars that can last a lifetime. Its victims are more likely to fall behind, miss school, and eventually drop out. It is our shared responsibility to ensure that every child can attend a safe public school.

We believe students need a safe environment with a significant adult on campus when confronted with intimidation and bullying.

Thank you for the opportunity to testify.



Committee: Committee on Education
Hearing Date/Time: Wednesday, March 30, 2011, 9:00 a.m.
Place: Conference Room 309
Re: Testimony of the ACLU of Hawaii with Comments to H.C.R. 222/ H.R. 193

Dear Chair Takumi and Members of the Committee on Education:

The American Civil Liberties Union of Hawaii (“ACLU of Hawaii”) with comments to H.C.R. 222/ H.R. 193.

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 of comprehensive education policies and procedures designed to educate students and parents about the consequences of bullying and to eradicate discrimination.

However, we caution against creating a zero-tolerance policy that will drive the enforcement of bullying and cyberbullying away from the schools and into the juvenile justice system. Bullying and cyberbullying should be discouraged, but schools should not rely on zero-tolerance policies that often punish the bully and victim. Disciplinary policies that mandatorily impose severe punishments for particular student infractions are pushing students out of schools and into a pipeline running straight from the classroom to the prison. For these reasons, professional organizations from the American Bar Association to the American Psychological Association to the American Academy of Pediatrics have criticized these draconian methods of discipline. Research has shown that criminalizing behavior that was previously dealt with more flexibly through the school system alienates students and causes them to disengage with the educational process. As a result, once a student begins his or her involvement with the criminal justice system, he or she is at greater risk of both further involvement in criminal activities and leaving school permanently.

The ACLU of Hawaii’s mission 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

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Chair Takumi and Members of the
Committee on Education
March 30, 2011
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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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