

SB9 19



**STATE OF HAWAII  
BOARD OF EDUCATION**

P. O. BOX 2360  
HONOLULU, HAWAII 96804

Senate Comm. on Education  
Hearing: Mon., Feb. 7, 2011  
1:15 p.m., Conf. Room 225

Testimony in STRONG SUPPORT of SB919  
Relating to Education: SAFE SCHOOLS ACT

Chair Tokuda, Vice-Chair Kidani and Members of the Committee on Education:

Thank you for allowing me to testify in my capacity as a member of the Hawaii State Board of Education (BOE); I testify in strong support of SB919, the Safe Schools Act.

According to the most recent U.S. CDC-funded survey, 51% of Hawaii's public high school students and 63% of middle school students "strongly agree or agree that harassment and bullying by other students is a problem at their school." Between surveys conducted in 2007 and 2009, the number of high school students who indicated that they were hurt by cyber-bullying increased by 34%. One of biggest increases of negative behaviors reported in this section of the survey was a 40% increase in the number of Hawaii middle school students indicating that they "had been harassed because someone thought they were gay, lesbian, or bisexual."

The BOE has updated the student discipline code, Hawaii Administrative Rule Chapter 8-19, to include cyber-bullying and added protected classifications for students. The BOE has adopted Policy #4211 to affirm its stance against bullying, harassment and discrimination of students by employees, and the BOE is scheduled to have a full and final vote on proposed amendments to HAR Chapter 8-41, to bring our student civil rights complaint procedures into compliance with recommendations the BOE received from the DOE's Safe Schools Community Advisory Committee.

The reason why I map the progress made by your BOE is to point out that the details and language of the Safe Schools Act is in alignment with the BOE's policies and administrative rules and the DOE's current practices and purported aspirations. The definitions for bullying, cyber-bullying and harassment are almost identical to those found in HAR Chapter 8-19. The recommendations of the DOE's Safe Schools Community Advisory Committee are reflected throughout the maintenance and enforcement section of the Safe Schools Act.

According to the US Department of Health and Human Services' website, Hawaii is one of only 6 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 Safe Schools Act, HB688, as is.

Thank you for your consideration.

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

**Date:** 02/07/2011

**Committee:** Senate Education

**Department:** Education

**Person Testifying:** Kathryn S. Matayoshi, Superintendent of Education

**Title of Bill:** SB 0919 Related to Education

**Purpose of Resolution:** 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.

**Department's Position:** While the Department of Education (Department) agrees with some of the proposed actions of H.B. 688, the Department opposes this Bill. The Department currently has in place policies and procedures that address the concerns and the proposed requirements of H.B. 0688. 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.



## **American Friends Service Committee**

### ***Hawai'i Area Program***

2426 O'ahu Avenue • Honolulu, HI 96822 • Phone 808/988-6266 • Fax 808/988-4876  
Website: [www.afsc.org](http://www.afsc.org) • Email: [kyle.kajihiro@gmail.com](mailto:kyle.kajihiro@gmail.com)

February 3, 2011

To: Sen. Tokuda and members of the Hawai'i State Senate Committee on Education  
Monday, February 07, 2011, 1:15PM, Conference Room 225  
From: Kyle Kajihiro  
Subject: SUPPORT SB919

Aloha Senator Tokuda and members of the Committee on Education. Thank you for the opportunity to testify.

I am Kyle Kajihiro, Program Director for the American Friends Service Committee – Hawai'i Peace and Justice.

Our organization has long been concerned about violence and discrimination in our community, especially as it affects youth and children. From 1997 to 2008, we had a program that supported gay and lesbian youth and promoted safer schools. This program eventually spun off into a successful gay and lesbian youth organization with which we continue to collaborate. We are proud to have been a part of the Safe Schools Coalition that successfully added stronger anti-harassment protections in the Board of Education administrative rules.

In our experience working with gay and lesbian youth, we have seen the constant level of harassment and bullying that make the schools a dangerous place for these youth. One youth was threatened with a knife for participating in a day of awareness about anti-gay discrimination. Another youth reported being beaten and threatened with rape with a broomstick. When this case was brought to the school administration, he was counseled to change his sexual orientation.

It is unacceptable that these kinds of conditions can persist in Hawai'i schools. For the student who is unpopular, outcast, different, public schools are scary, oppressive and dangerous. You can take an important step to make the public schools safer for all students by passing this bill to outlaw bullying. It will set a clear standard of responsibility and conduct for educational professionals to prevent or stop bullying and harassment. More importantly, it will send a strong message to all the students who have been victimized or may become victims of bullying and harassment that they are valued as human beings worthy of respect and deserving of a safe learning environment.

Thank you very much.



February 4, 2011

Senate Committee on Education  
Chair, Sen. Jill Tokuda  
Vice Chair, Sen. Michelle Kidani

### **Testimony in strong support of SB919 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 SB 919. 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.

# EQUALITY HAWAII

February 6, 2011

Senate Committee on Education  
Hearing: Monday, February 7, 2011  
1:15 p.m., Conference Room 225

Testimony: Support of SB87, SB919 & SB934  
Relating to Education, Bullying & Cyberbullying

Aloha distinguished members of the Hawaii State Senate Committee on Education:

On behalf of Equality Hawaii, the state's largest lesbian, gay, bisexual, and transgender (LGBT) advocacy organization we write in strong support of these bills as this is consistent with our mission. SB919 and SB934, both safe schools acts, would require the Department of Education to maintain, monitor, and enforce anti-bullying and anti-harassment policies to protect students. SB87 introduces measures to address those who participate in bullying.

All students deserve a school environment that is safe and conducive to learning. Sadly, all too often, students fall victim to harassment which sometimes leads 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. These bills are very important steps in addressing this very serious issue.

We strongly urge you to support this bill.

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

## TESTIMONY IN SUPPORT OF SB919

The Gay Lesbian Bisexual and Transgender Caucus of the Democratic Party of Hawaii takes particular interest in this issue, because many incidents of harassment and bullying are based on perceived sexual orientation.

A safe and supportive environment is necessary for students to learn and to meet high academic standards. It's hard to learn when you are afraid. It's hard to "Race to the Top" when you are constantly looking over your shoulder.

Bullying has been part of the fabric of the educational system for so many decades that it will take extraordinary efforts to rectify this situation.

Students learn by example, and all too often school administrators turn a blind eye; faculty and staff stand idly by and/or encouraging bullying.

This Act requires the Department of Education to maintain, monitor, and enforce anti-bullying and anti-harassment policies and procedures to protect students, applicable to K-12 which define bullying, cyberbullying, and harassment.

We strongly support this bill.

Aloha,

**Jo-Ann Adams**, Chair

GLBT Caucus of the Democratic Party of Hawaii



## Erin Conner

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, February 06, 2011 8:41 PM  
**To:** EDU Testimony  
**Cc:** nkern5@yahoo.com  
**Subject:** Testimony for SB919 on 2/7/2011 1:15:00 PM

Testimony for EDU 2/7/2011 1:15:00 PM SB919

Conference room: 225  
Testifier position: support  
Testifier will be present: No  
Submitted by: Nancy Kern  
Organization: Haewaii Safe Schools Coalition  
Address: 1933 Ualakaa Street Honolulu, HI 96822  
Phone: 949-4286  
E-mail: [nkern5@yahoo.com](mailto:nkern5@yahoo.com)  
Submitted on: 2/6/2011

**Comments:**

I am in storng support of SB919. Please pass the Hawaii Safe Schools Act so that Hawaii's youth in public schools will have deserved protection from bullying and harassment. This is the right thing to do.

**Erin Conner**

---

**From:** Ann Freed [annfreed@hotmail.com]  
**Sent:** Monday, February 07, 2011 12:53 AM  
**To:** EDU Testimony  
**Subject:** SB 919 STRONG SUPPORT (Bullying)

COMMITTEE ON EDUCATION  
Senator Jill N. Tokuda, Chair  
Senator Michelle Kidani, Vice Chair

DATE: Monday, February 07, 2011  
TIME: 1:15PM  
PLACE: Conference Room 225

Aloha Chair Tokuda, Vice Chair Kidani and members,

**SB 919** 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.

**STRONG SUPPORT of the intent**

We of the Hawai'i Women's Coalition believe that bullying is a problem that our schools have long failed to vigorously pursue. Although DOE has had administrative rules in place to address this diseased behavior, little has been done to enforce them in a consistent way. What we have here is a failure of leadership and a lack of accountability.

Here are the facts. According to a recent Star Advertiser article, 12 percent of public school students in Hawai'i have attempted suicide, compared to 6.9 percent of high school students nationwide. That's nearly double the national rate. A 2008 report by the State Department of Health found that more than 18 percent of Hawai'i students have "seriously considered" suicide, the second-highest rate in the nation. Physical as well as cyberbullying is directly linked to suicide and to acts of violence against other children. Girls and GLBT children suffer the most from this terroristic practice.

A safe and supportive environment is necessary for students to learn and to meet high academic standards. It's hard to learn when you are afraid. Bullying has been part of the fabric of the educational system for so many decades that it will take specific measures to rectify this situation.

**Unfortunately we do not believe that this legislation goes far enough and may even be redundant.** Again, it is **School Principals who need to be held accountable.** They are the frontline commanders who are responsible for establishing standards of conduct. Students learn by example, and all too often school administrators turn a blind eye; some faculty and staff stand idly by and/or encouraging bullying.

Statistics should be collected and reported to the BOE/DOE, the Governor and the Legislature at set periods. For schools with high incidences of bullying corrective measures should be required.

The lives of our keiki are too important to waste with this viral epidemic.

Ann S. Freed

Co-Chair, Hawai'i Women's Coalition  
Mililani, Hawai'i

808623-5676

Senator Jill Tokuda, Chair

Senator Michelle Kidani, Vice Chair

Committee on Education

Josephine Chang for DA MOMS

Monday, February 7, 2011

In Support of S.B. 919 Relating to Education

I am Josephine Chang, a co-founder of DA MOMS, a support group for parents of gay, lesbian, bi-sexual, and transgender children. DA MOMS is in strong support of SB 919 that would establish state law to require the department of education (DOE) to make our public schools free from bullying and harassment, and to provide a safe and nurturing school environment for all of its students.

I am a graduate of public schools. My 3 sons and one grandchild have graduated from our local public schools. One grandchild is still in high school. My gay son and my grandchild with learning disabilities both experienced a great deal of bullying and harassment throughout their school years. This experience took its toll on both of them. I have heard frequently that the bullying and harassment of children with learning disabilities is not uncommon. It is so sad that some of our most vulnerable children are subjected to an environment that could leave them with life-long emotional scars, instead of bettering their lives. It is particularly important that this bill includes a comprehensive definition of prohibited conduct that would protect these and all other vulnerable students.

Establishing a safe schools act that specifically sets forth the DOE's responsibilities to make schools free from bullying and harassment would give the DOE clear and unequivocal direction from the legislature that this is a responsibility of high priority, and cannot continue to be addressed in a piecemeal and inconsistent manner. Without state law to guide the DOE, the State runs the risk of continued inconsistencies in the schools in protecting students from bullying and harassment on its campuses, thereby continuing to endanger many students' education, health, and physical and mental well-being when they attend our public schools. We believe that the force and weight of this state law would also assist the department by giving greater force and weight to its own policies and procedures to address this problem.

On a technical note: In Section 3 of SB 919, under the new section to be established, subsection (d) on rules appears unnecessary and conflicting. HRS section 302A-1112 already provides the board of education with broad rule-making authority to govern all of the DOE's business. Also, mandatory rule-making may be inadvisable as rules are not always needed or appropriate to implement all laws, and could inadvertently slow the implementation of this bill.

TESTIFIER: Melanie Bailey  
Kathy Bryant

REGULAR SESSION OF 2011

Attn: Committee on Education  
Senator Tokuda, Chair  
Senator Kidani, Vice Chair

Re: SB 87, SB919, SB934 RELATING TO EDUCATION AND BULLYING  
Hearing Date February 7, 2011 1:15pm

We are in SUPPORT of creating school's that are free from harassment and create safe and positive learning environments.

In 1999, following the tragic events at Columbine High School in Colorado and the violent death of a Georgia student at the hands of bullies, Georgia introduced the first anti-bullying legislation. Since then legislation has been passed in 45 States.

Unfortunately much of the legislation was passed after a bullying based suicide and many of the laws are named after specific children. Massachusetts last year after the suicide of a 15-year-old Pheobe Prince and 11-year-old Carl Walker-Hoover. Florida in 2008 after the suicide of 15-year-old Jeffrey Johnson.

We have an opportunity to put in a well-written law as many states have paved this road already and are now updating their laws based on experience. In January, New Jersey signed what is considered to be the toughest piece of legislation after the suicide of Tyler Clementi and many states are looking at modeling their law.

We recommend as we move forward that there should not be any emphasis on defining victims. A bully can victimize any child. Defining victims will slow the process of lawmaking, dividing parties who will argue over which victims get special rights over other victims.

Of the three pieces of anti-bullying legislation being proposed today, we recommend sb919 move forward.

Thank you for your time.  
Aloha.

My name is Kristel Yoneda. I am Hawaii born and raised, graduating from high school in 2001. It wasn't until after high school that I felt safe enough to come out to my family and friends.

In high school, I was frequently harassed by classmates with little or no intervention or protection from the faculty and staff. I spent the majority of my high school years feeling unsafe and unloved.

During my junior year, I was called in to the counselor's office during class. Appointments like this were reserved for students being punished. The school counselor made small talk with me and then, apparently tired of being polite, asked me point-blank if I was gay. This was more of an accusation than a question and her tone revealed that admitting my sexuality was not encouraged. Back then, I hadn't even really admitted to myself that I was gay and suddenly I was being met with hostility from an authority figure, someone we were told to feel safe with.

She repeated the gossip that many of my classmates spread, saying that I was a dyke, a lesbian, and when I failed to admit my sexuality she asked if my best friend was gay. I told her no, repeatedly, to which she said, "Well, I heard she's just a slut."

I returned to class, holding back tears, and feeling violated. Years later, while in school I found out one of my classmates went to our counselor and said, "I don't feel comfortable that Kristel is a lesbian. Either she leaves or I'll leave."

Some think that getting bullied is some strange rite of passage, so they keep quiet and suffer alone. Nobody should be teased or harassed for who they are. Nobody should be afraid to be themselves or feel ashamed for who they love.

The school has a responsibility of keeping their students safe and creating an environment where they can flourish and discover themselves without fear of discrimination or bullying. For this reason, I am in strong support of SB919.

Dear Senate Committee on Education,

My name is Julie Uyeno-Pidot and I am writing to you in support of SB919. As a product of the Hawaii public school system and the mother of a Hawaii public school student, I want our state's public schools to provide a learning environment that is as rich and nurturing as possible. Children can't be expected to excel academically if they're constantly worried about their health and safety due to bullying, cyberbullying, or harassment. Adults who work outside the home have human resources laws that protect them from hostile work environments; don't our keiki deserve the same?

Thank your for your time and consideration.

Mahalo,  
Julie Uyeno-Pidot  
3626 Crater Rd.  
Honolulu, HI 96816

## **Testimony in support of SB919, known as the Safe Schools Act.**

Aloha!

My name is Brooks G. Bays, Jr; I am a resident of the City and County of Honolulu, Hawai'i, and I would like to add my voice in the strongest possible support of SB919 — the "Safe Schools Act."

It is shocking to contemplate that the State of Hawai'i does not currently have legislation in place requiring the Department of Education to maintain, monitor, and enforce anti-harassment policies and procedures, protecting the physical, emotional, and psychological wellbeing of all students. It is heartbreaking to contemplate that school children are subject to bullying, cyberbullying, and all other forms of harassment — weapons that exist so that an individual or group can diminish the lives of other individuals or groups — while at school, or traveling between school and home. These weapons are used to keep the lives of other people "small" by reducing the target child's feelings of safety and security, thereby diminishing their ability to grow and learn. Serious levels of bullying and harassment are in no way free speech; let us not pretend that they are protected by the First Amendment to the Constitution of the United States. Let them not be tacitly tolerated by the people of Hawai'i.

No one pretends that such policies and procedures, in and of themselves, will end all forms of bullying and harassment, but they are necessary to teach that such behavior is unacceptable when it threatens the wellbeing of other people. Such policies and procedures are necessary because there can be horrific unintended consequences of bullying and harassment. They are necessary because when suffering becomes too burdensome for a young heart — when a young person dies by his or her own hand, driven to that point by the actions of other young people — it is not the result of "kids just being kids." It is the failure of adults to protect children.

Recently, the news was full of the names of young people tragically driven by bullying and harassment to take their own lives, but such tragedies were not uncommon before the spotlight was on them, and they continue long after the spotlight moves on. Many, many more lives are not ended but are diminished, "made small" in an effort to make the bullying stop; mine was one of those.

Sincerely,

Brooks G. Bays, Jr  
1673 B Paula Drive  
Honolulu, HI 96816  
808.352-4809



## Erin Conner

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, February 04, 2011 7:20 AM  
**To:** EDU Testimony  
**Cc:** ehrhornp001@hawaii.rr.com  
**Subject:** Testimony for SB919 on 2/7/2011 1:15:00 PM

Testimony for EDU 2/7/2011 1:15:00 PM SB919

Conference room: 225  
Testifier position: support  
Testifier will be present: No  
Submitted by: Erick Peter Ehrhorn  
Organization: Individual  
Address: 254 Kaha St. Kailua, Hawaii  
Phone: 808 262-7288  
E-mail: [ehrhornp001@hawaii.rr.com](mailto:ehrhornp001@hawaii.rr.com)  
Submitted on: 2/4/2011

**Comments:**

Dear senate committee on education,

I am in favor of this bill as schools should be safe for all students. Hawaii used to be the state that is first but today we appear to be among the last states to legislate against bullying.

If we are to put students first, bullying needs to stop. That is the primary reason I sent my daughter to a private school. I did not want her to be distracted by bullying and other anti learning practices in the public schools.

Thank you for considering my testimony.

## Erin Conner

---

**From:** EDU Testimony  
**Subject:** FW: Testimony for SB919 on 2/7/2011 1:15:00 PM  
**Attachments:** test2-7edu.txt

Testimony for EDU 2/7/2011 1:15:00 PM SB919

Conference room: 225  
Testifier position: support  
Testifier will be present: No  
Submitted by: Dorothy Cornell  
Organization: Individual  
Address: 545 Queen St. #717 Honolulu HI 96813  
Phone:  
E-mail: [HawaiiVotingProject@gmail.com](mailto:HawaiiVotingProject@gmail.com)  
Submitted on: 2/4/2011

**Comments:**

The bill doesn't mention harassment of students by faculty and school employees. At the hearing several years ago at the board of education, there was testimony by teachers of bullying/harassment by employees/faculty.

## Erin Conner

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, February 06, 2011 9:39 PM  
**To:** EDU Testimony  
**Cc:** raew@hawaii.rr.com  
**Subject:** Testimony for SB919 on 2/7/2011 1:15:00 PM

Testimony for EDU 2/7/2011 1:15:00 PM SB919

Conference room: 225  
Testifier position: support  
Testifier will be present: No  
Submitted by: Rae Watanabe  
Organization: Individual  
Address:  
Phone:  
E-mail: [raew@hawaii.rr.com](mailto:raew@hawaii.rr.com)  
Submitted on: 2/6/2011

Comments:

## Erin Conner

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 07, 2011 7:12 AM  
**To:** EDU Testimony  
**Cc:** nsyurou@msn.com  
**Subject:** Testimony for SB919 on 2/7/2011 1:15:00 PM

Testimony for EDU 2/7/2011 1:15:00 PM SB919

Conference room: 225  
Testifier position: support  
Testifier will be present: No  
Submitted by: N & J Yurow  
Organization: Individual  
Address: Kailua, Hawaii  
Phone:  
E-mail: [nsyurou@msn.com](mailto:nsyurou@msn.com)  
Submitted on: 2/7/2011

**Comments:**

TESTIMONY: As parents of a beautiful seventeen year old honor student who was bullied at school last year due to her religion, and removed by her parents from the school when the school was unable to protect her, we strongly urge you to vote in favor of SB919. SB919, the Safe Schools Act, requires schools to provide a safe environment from bullying by establishing and enforcing anti-bullying policies and procedures. The effects of bullying last a lifetime. We hope that with the passage of this bill no other students will have to endure what our daughter went through.