



**STATE OF HAWAII  
BOARD OF EDUCATION**

P. O. BOX 2360  
HONOLULU, HAWAII 96804

House Comm. on Judiciary  
Hearing: Tues., Mar. 22, 2011  
2:00 p.m., Room 325

**Testimony in SUPPORT of SB934 sd2 hd1 with Amendment  
RELATING TO BULLYING AND CYBERBULLYING**

Chair Keith-Agaran, Vice-Chair Rhoads and Members of the Committee on Judiciary:

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 SB934 sd2 hd1 with amendment.

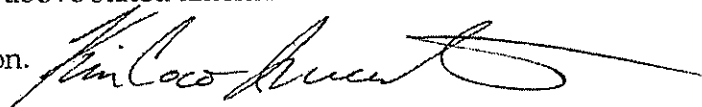
President Obama recently convened a conference to address bullying in schools. He specifically called upon local elected officials to take join him in the effort to decrease the incidences of bullying in the schools. Governor Abercrombie's comprehensive plan for Education includes "safe schools" as one of his *Guiding Principles*. Two weeks ago, the BOE voted to support the Safe Schools Act, HB688 hd1. The Senate companion bill of the Safe Schools Act SB919 was merged into the bill before you today.

The BOE's vision for Hawaii Public Schools includes "[a]ll schools . . . are safe, nurturing learning communities[.]" This vision is underscored in the BOE's approved Goals, specifically that the DOE "Provide safe and secure schools." Implementing SB934 sd2 hd1 should not pose an additional cost to the DOE since it has a pre-existing responsibility to reach those same outcomes. Therefore, I urge this Committee to remove the budget appropriation that the House Education Committee added into the bill as Section 4; leaving this unnecessary section in may have the unfortunate outcome of killing this important bill.

Throughout the many hearings this session on bills addressing bullying, the DOE has never asked for additional funding to implement the prevention and accountability measures contained within the respective bills. The DOE aspires to integrate positive character development and anti-bullying intervention as a standard part of instructional delivery and maintenance of a safe learning environment.

Passage of SB934 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 US Department of Health and Human Services' 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 SB934 sd2 hd1 with the above stated amendment.

Thank you for your consideration.

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

**Date:** 03/22/2011

**Committee:** House Judiciary

**Department:** Education

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

**Title of Bill:** SB 0934,SD2,HD1(hscr981) Relating to Bullying and Cyberbullying

**Purpose of Bill:** Establishes a bullying and cyberbullying policy for all public schools. Requires implementation of the policy in all public schools. Establishes bullying and cyberbullying reporting requirements for all public schools. Defines "bullying" and "cyberbullying". Requires the department of education and the charter school review panel to report to the legislature annually. Effective July 1, 2050.

**Department's Position:** The Department of Education (Department) supports SB 934, SD 2, HD 1 (HSCR 981), but would move to highlight concerns with some of the provisions of this bill. The Department does not agree with language that establishes "bullying" as a misdemeanor. Further, Department employees—principals and other employees, should not be tasked with conducting investigations and determining whether instances and/or activities are misdemeanors. Such decisions are best left to those agencies and individuals who have the knowledge and expertise to make appropriate determinations. Employees in the Department should be involved in bullying prevention—working with students, parents, and communities to reduce bullying and cyberbullying.

The Department is fully committed to addressing this critical issue and will continue to work towards ensuring that all schools are responding to instances of bullying and cyberbullying in a manner that is both timely and proactive. Additionally, the Department is currently working to enhance

their student support system to create communities that focus on proactive interventions and supports for all by ensuring that: (1) the provisions of Chapter 19 are implemented with fidelity; (2) all schools demonstrate maintaining a proactive schoolwide student behavior support system to address schoolwide discipline; (3) the school collaborates with its school community to conduct annual training on the prevention of “bullying and harassment” for students, staff, and families; and (4) schools produce a school safety report annually. These efforts will address some of the critical provisions in this bill.

DEPARTMENT OF THE PROSECUTING ATTORNEY  
**CITY AND COUNTY OF HONOLULU**

ALII PLACE  
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ARMINA A. CHING  
FIRST DEPUTY PROSECUTING ATTORNEY

THE HONORABLE GILBERT S.C. KEITH-AGARAN, CHAIR  
HOUSE JUDICIARY COMMITTEE  
Twenty-sixth State Legislature  
Regular Session of 2011  
State of Hawai'i

March 22, 2011

RE: S.B. 934, S.D. 2 H.D. 1; RELATING TO BULLYING AND CYBERBULLYING.

Chair Keith-Agaran, Vice Chair Rhoads, and members of the House Committee on Judiciary, the Department of the Prosecuting Attorney, City and County of Honolulu submits the following testimony in support of S.B. 934, S.D. 2, H.D. 1.

The purpose of this bill is to create a bullying and cyberbullying policy for all public schools. It also establishes bullying and cyberbullying reporting requirements for all public schools.

This measure requires the Department of Education (DOE) to adopt rules to implement a policy prohibiting bullying and cyberbullying. The DOE is mandated to involve local law enforcement agencies among other organizations and individuals, in the process of adopting the policy. The Department of the Prosecuting Attorney is willing to help the DOE in any way possible to create and adopt this policy.

Specifically, S.B. 934, S.D. 2, H.D. 1 requires the policy to include notification of the policy, reporting, investigation procedures, penalties, remedies, training programs, and educational programs.

It is a policy goal of our department to not only prosecute violent individuals who violate our criminal laws, but educate individuals on the wrongfulness of violence. We need to reach out to our children and teens early about the wrongfulness of bullying and cyberbullying, which causes physical and/or mental injury to others. By impacting our youth early, we may prevent perpetrators of bullying and cyberbullying from escalating to more violent acts in the future, or we may prevent other youth from ever starting such misconduct.

In a 2009 survey done by the Department of Education of 15,000 students or 11% of the public school students, 51% of the students continued to feel bullied and harassed and 63% agreed that bullying and harassment are problems. It has been found that these behaviors have

resulted in campus violence where students and teachers have been killed on campus. It has also been found that some of the shooters were victims of bullying and resorted to violence because the schools did not address the problems sooner.

For these reasons, the Department of the Prosecuting Attorney supports the passage of S.B. 934, S.D. 2, H.D. 1 and we are willing to work with all stakeholders on this important issue. Thank you for this opportunity to testify.

# HAWAII YOUTH SERVICES NETWORK

677 Ala Moana Boulevard, Suite 702 Honolulu, Hawaii 96813

Phone: (808) 531-2198 Fax: (808) 534-1199

Web site: <http://www.hysn.org> E-mail: [info@hysn.org](mailto:info@hysn.org)

Alan Shinn, President

Judith F. Clark, Executive Director

Adolescent Services Program, Kaiser  
Permanente Medical Care System

Aloha House

American Civil Liberties Union of Hawaii

Assistive Technology Resource Ctrs. of HI

Bay Clinic, Inc.

Big Brothers Big Sisters of Honolulu

Big Island Substance Abuse Council

Blueprint for Change

Bobby Benson Center

Catholic Charities Hawaii

Central Oahu Youth Services Assn.

Child and Family Service

Coalition for a Drug Free Hawaii

College Connections

Community Assistance Center

Domestic Violence Action Center

EPIC, Inc.

Family Support Services of West Hawaii

Friends of the Missing Child Center of HI

Hale Kipa, Inc.

Hale 'Opio Kauai, Inc.

Hawaii Behavioral Health

Hawaii Student Television

Healthy Mothers Healthy Babies Coalition

Hina Mauka Teen Care

Hui Malama Learning Center

Kahi Mohala Behavioral Health

Kama'aina Kids, Inc.

KEY (Kualoa-Heeia Ecumenical Youth)  
Project

Kids Behavioral Health

Kids Hurt Too

Kokua Kalihi Valley

Kula No Na Poe Hawaii

Lanai Community Health Center

Life Foundation

Marimed Foundation

The Maui Farm, Inc.

Maui Youth and Family Services

Palama Settlement

P.A.R.E.N.T.S., Inc.

Parents and Children Together (PACT)

Planned Parenthood of Hawaii

Queen Liliuokalani Children's Center  
Kona Unit

REAL

Salvation Army Family Intervention Svcs.

Salvation Army Family Treatment Svcs.

Sex Abuse Treatment Center

Susannah Wesley Community Center

The Catalyst Group

The Children's Alliance of Hawaii

Waikiki Health Center

Women Helping Women

YouthVision

YWCA of Kauai

March 18, 2011

To: Representative Gilbert Keith-Agaran, Chair  
And members of the Committee on Judiciary

## TESTIMONY IN SUPPORT OF SB 914 SD2 HD1 RELATING TO BULLYING AND CYBERBULLYING

Hawaii Youth Services Network (HYSN), a statewide coalition of more than 50 youth serving organizations, supports SB 914 SD2 HD1 Relating to Bullying.

The amendments made by the House Education Committee in HD1 have addressed the concerns expressed in our previous testimony on the bill and HYSN is now in full support.

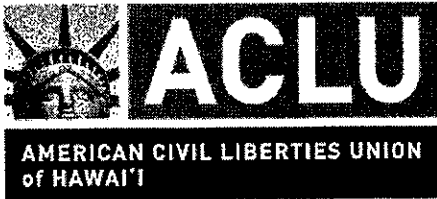
According to the Hawaii Youth Behavioral Risk Survey, Hawaii has a low rate of youth violence in almost every area except bullying. The number of youth who have stated that they were afraid to go to school or have missed school due to bullying is much higher than the national average. Bullying prevention and response was one of the top priorities among the 150 youth who participated in the 2010 Children and Youth Summit at Washington Place.

The Department of Education appears to have adequate rules and regulations that address bullying, but students report that these rules are not being adequately enforced to ensure safety and well-being. When bullying is reported to teachers and other school personnel, they are often told to resolve it among themselves. It is essential that Department of Education personnel provide a quick and appropriate response to bullying by enforcing the existing rules and providing prevention education on bullying and harassment.

Thank you for this opportunity to testify.

Sincerely,

Judith F. Clark  
Executive Director



Committee: Committee on Judiciary  
Hearing Date/Time: Tuesday, March 22, 2011, 2:00 p.m.  
Place: Conference Room 325  
Re: Testimony of the ACLU of Hawaii with Comments to S.B. 934, SD2, HD1, Relating to Bullying and Cyberbullying

Dear Chair Keith-Agaran and Members of the Committee on Judiciary:

The American Civil Liberties Union of Hawaii (“ACLU of Hawaii”) opposes S.B. 934, SD2, HD1, 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. S.B. 934, S.D.2, HD1, as currently drafted, however, is not the proper vehicle to achieve these ends.

S.B. 934, SD2, HD1, applies to all electronic communications whether or not the bullying or cyberbullying originated on school property or with school equipment. Any effort to have schools police the speech 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 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.”<sup>1</sup> 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

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

American Civil Liberties Union of Hawaii  
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Chair Keith-Agaran and Members of the  
Committee on Judiciary  
March 22, 2011  
Page 2 of 3

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.<sup>2</sup>

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.

While the ACLU of Hawaii supports the portions of S.B. 934, SD2, HD1, 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 public. The ACLU of Hawaii is committed to working with the DOE to ensure that proper controls are put into place.

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 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.

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<sup>2</sup> *Id.*



Chair Keith-Agaran and Members of the  
Committee on Judiciary

March 22, 2011

Page 3 of 3

Sincerely,  
Laurie A. Temple  
Staff Attorney  
ACLU of Hawaii

American Civil Liberties Union of Hawaii  
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**Wil Okabe**  
President

**Karolyn Mossman**  
Vice President

**Joan Kamila Lewis**  
Secretary-Treasurer

**Alvin Nagasako**  
Executive Director

**TESTIMONY BEFORE THE HOUSE COMMITTEE ON  
JUDICIARY**

**RE: SB 934, SD2, HD1 – RELATING TO BULLYING AND CYBERBULLYING.**

March 22, 2011

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

Chair Keith-Agaran and Members of the Committee:

The Hawaii State Teachers Association strongly supports SB 934, SD2, HD1. HSTA believes that the school environment must be free from all forms of bullying, including physical, psychological, and cyberbullying.

HSTA believes students will engage in rigorous and relevant learning when they know they are in a safe and harmonious environment free from anti-social behaviors of their peers. (BOE Policy 1110-7)

We believe every child should be able to come to school and not feel intimidated or bullied by others. HSTA and NEA believe, bullying and cyberbullying rob 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.

Bullying prevention needs to start at a young age. We feel schools should be committed and active to involve teachers, support professionals, administrators, parents, and students to demonstrate appropriate behavior, treat others with respect to prohibit bullying, harassment and discrimination in our schools. (BOE Policy 4211)

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.



# DEMOCRATIC PARTY OF HAWAII

## The Gay, Lesbian, Bisexual and Transgender Caucus

### JUDICIARY COMMITTEE

Representative Gil Keith-Agaran, Chair

Representative Karl Rhoads, Vice Chair

Members of the House Judiciary Committee: Representatives Blake K. Oshiro Tom Brower, Rida T.R. Cabanilla, Mele Carroll, Robert N. Herkes, Ken Ito, Sylvia Luke, Angus L.K. McKelvey, Joseph M. Souki, Clift Tsuji, George R. Fontaine, Barbara C. Marumoto, Cynthia Thielen

DATE: Tuesday, March 22, 2011

TIME: 2:00PM

PLACE: Conference Room 325

### **TESTIMONY IN SUPPORT OF SB934 SD2 HD1 WITH SUGGESTED AMENDMENT TO DELETE SECTION 4**

The GLBT Caucus supports SB934 SD2 HD1. We would like the bill amended to delete Section 4 – thereby removing the budget proviso. Additional money is not necessary, and DOE has never asked for additional funding. Chapter 19 is already BOE policy. The infrastructure to enforce Chapter 19 is already in place. DOE just needs to implement BOE policies and administrative Rules, have the schools report and take further management action as required to fully implement the intent of Chapter 19.

The Caucus wants DOE to take action on this issue. Children cannot be expected to learn, a higher-order function, when they fear for their safety, a primal function. The Caucus is vested in this issue, because many incidents of bullying are about PERCEIVED sexual orientation.

In hearings on SB934 witness after witness came forward asking DOE to take action. How many deaths will it take 'til we know that too many students have died? This may seem dramatic, but we know bullying by the rash of student suicides that bullying can be fatal.

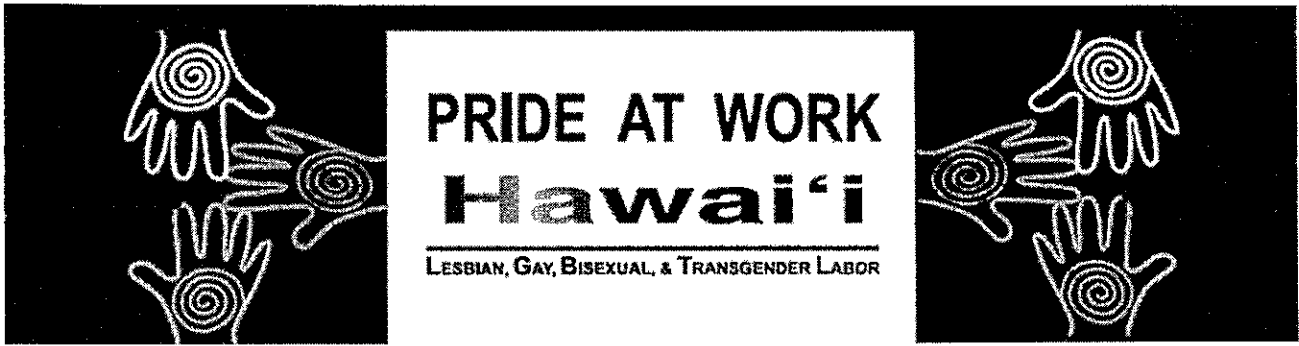
Studies and anecdotal evidence indicate that bullying is systemic: students bully students, teachers bully students, students bully teachers, teachers bully other teachers.... Yet DOE does nothing to address this systemic problem. It leaves it up to each principal – with no reporting or monitoring by DOE.

For decades here in Hawaii, too many parents have felt forced to place their children in private schools or teach their children at home, because DOE fails to provide an environment conducive to learning.

DOE's failure to address bullying leaves the state wide open for suit, particularly since the public and the media have repeatedly brought bullying to DOE's attention. If DOE continues to turn a blind eye, the taxpayers will get stuck paying attorney fees and costs of settlement under a consent decree. Under a consent decree taxpayers must not only pay for DOE to do the job it is supposed to do, it must pay for attorney fees and for the court supervision.

We thank you for this opportunity to testify.

Jo-Ann M. Adams, Chair



March 22, 2011

House Committee on Judiciary

Chair, Rep. Gil Keith-Agaran

Vice Chair, Rep. Karl Rhoads

**Testimony in support of SB934 SD2 HD1 Relating to Bullying and Cyberbullying**

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 934. 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 all students. We are concerned by the inclusion of budget language in the bill, however, as it is our understanding that the DOE already has the necessary funding and infrastructure in place. We therefore recommend the removal of language related to funding.

Importantly, the bill 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 LGBT 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 making the time to hear this important bill.



46-063 Emepela Pl. #U101 Kaneohe, HI 96744 · (808) 679-7454 · Kris Coffield · Co-founder/Legislative Director

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**TESTIMONY ON SENATE BILL 934, SENATE DRAFT 2, HOUSE DRAFT 1, RELATING TO BULLYING AND  
CYBERBULLYING**

**House Committee on Judiciary  
Hon. Gilbert S.C. Keith-Agaran, Chair  
Hon. Karl Rhoads, Vice Chair**

**Tuesday, March 22, 2011, 2:00 PM  
State Capitol, Conference Room 325**

Honorable Chair Takumi and committee members:

I am Kris Coffield, representing the Imua Alliance, a nonpartisan political advocacy organization that currently boasts over 60 local members. On behalf of our members, we offer this testimony in support of SB 934, SD2, HD1, relating to bullying and cyberbullying.

Recent research shows that over 50 percent of Hawaii teenagers report having been subjected to cyberbullying, either over the internet or through cellular devices. Luckily, Hawaii has yet to experience a high profile “bullicide”—suicide resulting from bullying—related to cyberbullying, like the heartbreaking passing of Missouri teen Megan Meier, in 2006, or Massachusetts high school student Phoebe Prince, in 2010, both of which resulted from prolonged harassment online. Hawaii has suffered its fair share of incidents, however, including the case of Damien Memorial School coach Doug Andrade, last October, whereby Andrade discovered that one of the school’s male cheerleaders was being bullied on Facebook, and then used his daughter’s account to sling a string of verbal barbs at the alleged perpetrators of the harassment. Clearly, online content will continue to grow more sophisticated over the coming years, and something must be done to curtail the usurpation of online media for nefarious purposes before misfortune occurs.

Already, teachers have engaged in training to combat the rise of cyberbullying. If a comprehensive policy is not put in place, it is only a matter of time before tragedy strikes. Mahalo for the opportunity to testify in support of this bill.

Sincerely,  
Kris Coffield  
*Legislative Director*  
IMUAlliance

TESTIFIER: Melanie Bailey 277-5121  
Kathy Bryant  
Leocadia Conlon

To: THE SENATE  
THE TWENTY-SIXTH LEGISLATURE  
REGULAR SESSION OF 2011

Attn: Committee on Judiciary  
Representative Keith-Agaran, Chair  
Representative Rhoads, Vice Chair

Re: SB 934 RELATING TO BULLYING AND CYBERBULLYING  
Hearing Date March 22, 2011 2:00pm

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We are in SUPPORT of creating school's that are safe and positive learning environments, free from harassment. Please see the following requests for amendments.

We have been working with a group of parents and have researched Hawaii's proposed legislation and laws from other States. We prefer this bill (SB934) over the Safe Schools Act (HB688).

We recommend:

1. Do not put an emphasis on defining victims. All students should be protected regardless of their status under the law.

Delete in Section 4 (f): "be motivated by a student's actual or perceived race, color, religion, national origin, ancestry or ethnicity, sexual orientation, physical, mental, emotional or learning disability, gender, gender identity or expression, or other distinguishing personal characteristic"

2. Including ALL schools. In many laws around the country all schools have been included. The following is the wording used in Massachusetts law which was signed last year.

***"Each school district, charter school, approved private day or residential school and collaborative school shall develop, adhere to and update a plan to address bullying prevention and intervention..."***

3. In Section Two under "Reporting and investigation procedures and requirements, which shall include:

Insert: (F) A procedure for following up with the victim periodically after the investigation is complete.

Thank you for your consideration.

Aloha.

## JUDtestimony

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**From:** Dara Carlin, M.A. [breaking-the-silence@hotmail.com]  
**Sent:** Sunday, March 20, 2011 1:52 PM  
**To:** JUDtestimony  
**Subject:** SB934 SD2 HD1 to be heard Tuesday, 03/22/11 at 2:00pm in Room 325

TO: Representative Keith-Agaran, Chair  
Representative Rhoads, Vice Chair  
Judiciary Committee Members

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

DATE: 03/22/11

RE: **Strong Support for SB934 SD2 HD1**, Relating to Bullying & Cyberbullying

Good Afternoon Representatives and thank you for this opportunity to provide testimony.

Once upon a time, bullying was seen as a playground problem that was treated as the equivalent of bad manners, but as headlines in recent years have reported, bullying in this day and age is far more than an unpleasant childhood rite of passage. As a matter of fact, the EXACT SAME oppressive tactics used by bullies are mirrored in later years in the behaviors of domestic violence perpetrators.

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.

In his 12/16/08 article entitled "Some Take Their Hate Online" Honolulu Advertiser reporter, Rob Perez, began by saying

"Not content with just inflicting physical or verbal abuse, domestic violence offenders are turning to the digital and electronic worlds to hound their victims. Those who deal with restraining orders in domestic abuse cases say they are seeing a growing number of examples in which the abuser uses text messaging, public Web sites or other forms of high-tech communication to reach their targets."

Indeed, EVERYTHING about our society and culture has gone cyber (or viral or whatever the lingo is for turning absolutely everything digital/electronic) and domestic violence and bullying have also adapted and assimilated. Cyberbullying has increased in tandem with the technology that supports it and is not limited to adult relationships as the Megan Meier My Space suicide case tragically exemplified. (In that case, a group of teens AND ADULTS created a fictitious 16 year-old named Josh who expressed interest in a 13 year-old teen named Megan over an internet page. The purpose of this deception was to get personal information about Megan and then use that to humiliate her. When the group became tired of the charade, "Josh" sent incredibly mean and hurtful "hate mail" to Megan, who as a direct consequence, hung herself in her closet hours later.)

Because I have had to research cyberstalking and harassment, perhaps the following will assist with establishing the criteria of bullying or cyberbullying:

A person commits the offense of bullying/cyberbullying if the actions taken have the intent to **harass, annoy, alarm, torment, cause fear or extreme emotional distress** to any other person. Actions of bullying/cyberbullying include:

- publicizing private facts without the other person's explicit consent
- creating publications that places a person in a false and misleading light
- promoting a person's name or likeness maliciously that may place that person at physical risk or emotional harm by others

Respectfully,

**Dara Carlin, M.A.**

Domestic Violence Survivor Advocate



## JUDtestimony

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, March 18, 2011 2:25 PM  
**To:** JUDtestimony  
**Cc:** marcyfrommaui@gmail.com  
**Subject:** Testimony for SB934 on 3/22/2011 2:00:00 PM

Testimony for JUD 3/22/2011 2:00:00 PM SB934

Conference room: 325  
Testifier position: support  
Testifier will be present: No  
Submitted by: Marcy Koltun-Crilley  
Organization: Individual  
Address:  
Phone:  
E-mail: [marcyfrommaui@gmail.com](mailto:marcyfrommaui@gmail.com)  
Submitted on: 3/18/2011

Comments:  
I fully SUPPORT this bill. SB934

## JUDtestimony

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**From:** lkakatsu@hawaii.rr.com  
**Sent:** Monday, March 21, 2011 12:06 PM  
**To:** JUDtestimony  
**Subject:** Testimony for SB 934, SD 2, HD 1 on 3/22/2011 at 2:00 PM

Testimony for Committee on Judiciary, 3/22/2011 at 2:00 PM

Conference room: 325  
Testifier position: Strongly support  
Testifier will be present: NO  
Submitted by: Lynn Murakami-Akatsuka  
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Submitted on: 3/21/2011

Comments: I support the components of this bill, the policy and procedures identified to have it in place for all public schools, and the annual reporting required of the DOE and the Charter Schools in the implementation of this policy to the legislature. However I would like to see this bill have an effective date of 7/1/2011 to assure students and their families that the legislature regards bullying and cyberbullying as a public health problem and will move towards its implementation as quickly as possible within the DOE and the Charter School administrations.

I am in strong support of SB 934, SD2, HD1. Thank you for the opportunity to testify.

To: Reps Gilbert Keith-Agaran, Chair & Karl Rhoads Vice Chair  
House Committee on Judiciary

**Hearing Info: House Committee on Judiciary  
Tuesday, March 22, 2011 at 2:00 pm  
Conference Room 325**

From: Annette Taeko Mente

RE: Testimony In Support of SB934, SD2, HD1 Relating to Bullying & Cyberbullying

Aloha Chair Keith-Agaran and Members of the Committee,

I wish to commend the Chair and members for hearing this important bill and offer testify in strong support of SB934, SD2, HD1 (with amendments). I work as a planner for the Department of Health, Family Health Services Division, but testify today as a private citizen over growing concerns in our community regarding bullying among our youth. We are all too familiar with attention the issue has received both locally and nationally, including a recent summit held by President Obama.

The social environment for youth today exposes them to increasingly more images and examples of violence and bullying as well as technologies that can readily exact harmful behaviors on others. It is truly incumbent upon our communities and institutions, like the Department of Education (DOE), to be much more aggressive in our efforts to prevent and monitor incidents of bullying.

Although the DOE has rules and regulations that address bullying, students continue to report that they do not feel they are effective. According to the Youth Behavioral Risk Survey (YRBS), Hawaii has a low rate of youth violence in almost every area except bullying. In 2009, 51% of high school students and 63% of middle school students strongly agreed that harassment and bullying was a problem at their school. The number of youth who have stated that they were afraid to go to school or have missed school due to bullying is much higher than the national average (7.9% vs. 5.0%). Bullying was also identified as one of the top priorities among the youth who participated in the 2010 Children and Youth Summit at Washington Place.

A 2009 DOH FHSD survey of 240 community and agency stakeholders also identified bullying as one of the top issues for children and youth in the state. The issue has become a priority concern as a result.

Although current DOE rules provide for collection of data on school safety, it is woefully inadequate to assess the extent and severity of bullying incidences. The public health adage is "what gets measured, gets done" and normally DOE is quite effective in measuring performance. However, in this case they are not able to produce any accurate or useful data regarding bullying among students; therefore, it's difficult to know whether the current rules and policies are effective in preventing bullying. In fact, the YRBS data that is available, proves just the opposite is true.

While we all understand DOE must address numerous education priorities, students cannot learn effectively in an environment where they do not feel safe and supported. Moreover, YRBS

data also indicates that Hawai'i students have some of the highest rates of suicide ideation in the U.S., which can be a consequence of bullying.

DOE is not alone in addressing the bullying issue. There are many community and agency partners that are willing to work with them to address this important concern for our youth.

I encourage the Committee to pass this bill with amendments. Due to likely increased state budget shortfalls, provisions for funding of this bill may jeopardize its eventual passage. To ensure progress is made to address this issue, the Committee may wish to delete those sections requiring provision of funds.

Mahalo for your consideration.

ORAL TESTIMONY

SB 934 S02 HI 1

Hawaii is only one of eight remaining states without an anti-bullying bill in force.

Thanks for adding that criminalizing bullying would not be appropriate, unless there is actual harm or continued pattern causing harm?