

STAND. COM. REP. NO. 1201

Honolulu, Hawaii

March 24, 2011

RE: S.B. No. 934  
S.D. 2  
H.D. 2

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Sixth State Legislature  
Regular Session of 2011  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 934, S.D. 2, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO BULLYING AND CYBERBULLYING,"

begs leave to report as follows:

The purpose of this bill to provide greater protections for Hawaii's children, in and out of school settings, by:

(1) Requiring all public and charter schools to establish and implement a bullying and cyberbullying policy, including the following minimum components:

- (A) Notice;
- (B) Reporting and investigation procedures and requirements;
- (C) Penalties, remedies, and victim assistance; and
- (D) Training and assessment;

and

(2) Requiring the Department of Education (DOE) and the Charter School Review Panel to each submit an annual report to the Legislature.

SB934 HD2 HSCR JUD HMS 2011-3299



DOE; the Department of the Prosecuting Attorney of the City and County of Honolulu; Hawaii Youth Services Network; Hawaii State Teachers Association; The Gay, Lesbian, Bisexual and Transgender Caucus of the Democratic Party of Hawaii; Pride At Work Hawaii; Imua Alliance; a member of the Hawaii Safe Schools Coalition; and many concerned individuals testified in support of this measure. A member of the Hawaii State Board of Education, and several concerned individuals supported this bill with amendments. The American Civil Liberties Union of Hawaii opposed this bill. A concerned individual commented on this measure.

Your Committee has amended this bill by deleting its contents and replacing it with language that:

- (1) Requires all public and charter schools to maintain and monitor an anti-bullying and anti-harassment policy for grades kindergarten through 12 to govern all conduct occurring on all elementary and secondary school premises, at any school-sponsored functions or activities, and on school-sponsored transportation, and for technology usage and electronic communications that occur on all public and charter schools elementary and secondary school premises, and on school computers, networks, forums, and mailing lists, which includes, among other things, the following minimum components:
  - (A) Effectively publicizing the policies established, including placement in new employee training materials, student handbooks, and any other publications that set forth comprehensive rules, procedures, and standards of conduct for schools;
  - (B) Making statewide statistics concerning bullying, cyberbullying, and harassment available to the public;
  - (C) Establishing a process for filing of complaints against complex areas and schools upon their failure to implement or uphold the policy;
  - (D) Requiring school employees and trained volunteers who witness incidents of bullying, cyberbullying, or harassment, or possess reliable information that a person is being targeted for bullying, cyberbullying, or harassment to report the



incidents or information to the school principal, complex area superintendent, or superintendent;

- (E) Prohibiting reprisal or retaliation against any person who reports bullying, cyberbullying, or harassment;
  - (F) Collecting, reporting, and analyzing, at least on an annual basis, data on incidents of bullying, cyberbullying, and harassment; and
  - (G) Establishing a school community culture that integrates the aloha spirit and peace promoting elements into school curriculum; and
- (2) Changing the effective date to July 1, 2050, except for the provisions requiring DOE to submit a report to the Legislature which will take effect upon approval, to promote further discussion.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 934, S.D. 2, H.D. 1, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as S.B. No. 934, S.D. 2, H.D. 2.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary,



GILBERT KEITH-AGARAN, Chair



