

SB87

Date: 02/07/2011

Committee: Senate Education

Department: Education

Person Testifying: Kathryn S. Matayoshi, Superintendent of Education

Title of Bill: SB 0087 Relating to Education

Purpose of Bill: Requires the board of education to adopt a policy that prohibits bullying in schools and assigns a student to an alternative school if the student has committed the offense of bullying 3 times in a school year; requires the department of education to adopt a model anti-bullying policy.

Department's Position: The Department of Education (Department) opposes SB 87. While the Department concurs that bullying is a very significant issue and requires increased attention, the action to adopt rules to meet this need is currently not necessary. First, the Department continues to institute appropriate measures to address this issue. With respect to policy, Board of Education Policy 4211, Anti-Harassment, Anti-Bullying, and Anti-Discrimination Against Student(s) by Employees Policy was adopted in 2008. With the 2009 amendments to Hawaii Administrative Rules, Title 8, Chapter 19, the language, processes, and procedures to report and address "bullying" and "cyberbullying" were included.

Further, simply removing a student to an alternative school for a third incident of bullying is a reactive measure and provides only temporary relief. The action of removal does not address the existing root cause(s) of the bullying incident, which includes the school climate and a comprehensive approach to addressing school violence and aggression or the students' social-emotional and psychological needs and concerns.

The essential component to creating a school culture that values safety

and respect is built upon positive relationships between adults and students. If root causes are not identified and addressed by the school community, the frequency and intensity of bullying will be exacerbated. Effective approaches to addressing bullying and cyberbullying warrants a schoolwide, comprehensive, and proactive approach aimed at prevention including the ability of adults to supervise, detect, and effectively intervene in these situations. The Department will continue to work to create a system-wide effort that focuses on appropriate supports and measures to address bullying.

Testimony
on
S.B. NO. 87
Relating to Bullying
Senate Education Committee
Monday, February 7, 2011 1:15 P.M.
Submitted by:
Sidney M. Rosen, M.S.W., Ph.D.
President Emeritus
Adult Friends for Youth

Chair Tokuda, members of the Committee, Adult Friends for Youth supports a DOE policy on bullying but believes that the punitive language in this bill does not solve the problem of bullying. The basic flaw in this and other bills, and attitudes towards bullies generally, is that they are vengeful.

There are two issues that bear consideration. The first is the means for preventing harm to the victims of bullying. The second, which achieves the goal of the first, is to change the behaviors of the bully. No one seems to ask or care about what motivates the bully's behavior. As we know, abusers more often than not have experienced abuse and violence themselves. Adult Friends for Youth has worked with youth gangs and violent youth for over two decades, and has experienced bullying and violence in many forms.

I recall one encounter with a gang member who always had plenty of cash even though I knew he had no job. I asked him where he got his money, and he answered, "I just walk up to students and they give it to me." His gang was one of the bullies of the school. The problem of gang intimidation was so wide spread and parents had so little control of their teen-aged children that the bullies were immune to disciplinary action. We found that the gangs and their members believed that they were so messed up already that they were indifferent to threats of punishment. Through the application of AFY's mental health approach, Redirectional Therapy, the gang member who obtained his income through hijacking went on to become a minister and has a church in Texas just outside of Fort Hood. His gang broke up with most of its members now leading successful lives.

AFY recommends three amendments to the bill.

- 1) P2. line three. Strike "the penalties" and insert "courses of action."
- 2) P2. b.4. Rewrite to read, "An age-appropriate range of actions for bullying that shall include counseling and therapeutic mental health intervention with the bully as the first response and disciplinary action as the secondary response.
- 3) P3. line 2. Strike "materials" and insert "therapeutic mental health programs."

These changes look at bullying as, fundamentally, a mental health problem that can be resolved and can go a long way towards safer and healthier schools.

Your consideration of our recommendations is appreciated.

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

Erin Conner

From: Ann Freed [annfreed@hotmail.com]
Sent: Monday, February 07, 2011 12:48 AM
To: EDU Testimony
Subject: SB87 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 87 Requires the board of education to adopt a policy that prohibits bullying in schools and assigns a student to an alternative school if the student has committed the offense of bullying 3 times in a school year; requires the department of education to adopt a model anti-bullying policy.

STRONG SUPPORT

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. Moving students who are bullies may help, but 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



February 4, 2011

Honorable Will Espero
Senator, State of Hawaii
State Capitol, Room 231
Honolulu, Hawaii 96813

Dear Honorable Esepro:

RE: SENATE BILL 87- RELATING BULLYING

My name is Gale Braceros and on behalf of Ewa Weed and Seed, I would like to express our strong support of SB 87.

Ewa Weed and Seed and Honolulu Police Department- Weed and Seed Detail have collaborated with James Campbell High School and Ilima Intermediate School working with youths to address the concerns on bullying on and off school campus.

During the school year, many fights occur on and off campus due to bullying escalating and results in violent fights among students. Weed and Seed Officers participates at school's parent project nights and discuss the problems on bullying. Passing SB 87 will help enforce and address this ongoing problem and will decrease the numerous confrontations that is happening throughout the school year.

As we face the everyday problem of on and off campus fights, SB 87 will an excellent enforcement and will be definitely be a great support in every school campus.

Sincerely,

Gale Braceros
Site Coordinator
Ewa Weed and Seed

Erin Conner

From: Dara Carlin, M.A. [breaking-the-silence@hotmail.com]
Sent: Sunday, February 06, 2011 5:20 PM
To: EDU Testimony
Subject: SB87 to be heard MONDAY, 02/07/11, at 1:15pm in Room 225

Importance: High

TO: Senator Jill Tokuda, Chair
Senator Michelle Kidani, Vice Chair
Education Committee Members

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

DATE: 02/07/11

RE: Strong Support for SB87, Relating to Bullying

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

Please and support this measure that would require the board of education to adopt a policy that prohibits bullying in schools and assign a student to an alternative school if the student has committed the offense of bullying 3 times in a school year.

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.

Respectfully,

Dara Carlin, M.A.
Domestic Violence Survivor Advocate

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.