



**STATE OF HAWAII  
BOARD OF EDUCATION**

P. O. BOX 2360  
HONOLULU, HAWAII 96804

House Committee on Education  
Hearing: Wednesday, March 16, 2011  
2:00 p.m., Room 309

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

Chair Takumi, Vice-Chair Belatti 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 support of SB934 sd2 with Amendments.

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%.

Just last week, President Obama 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*. Last week, 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 DOE claims that SB934sd1 is unnecessary because it is already working towards the accountability measures listed in the bill. However, I must report, with the utmost respect for the DOE, that it has not adequately implemented its own recommendations. In fact its own internal desk review of its Safe Schools programs received the lowest scores in the areas of effectiveness and continuous improvement. Passage of an SB934 would send a clear message to the DOE that the BOE, the Legislature and the Governor share the same commitment to decreasing the incidences of bullying in our schools.

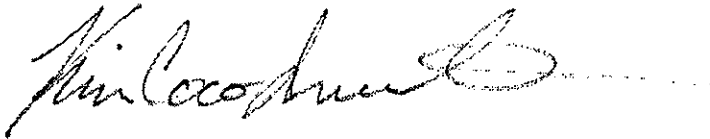
According to the US Department of Health and Human Services' website, Hawaii is one of only 5 states that does not have anti-bullying legislation. Let's not be the last. For the reasons stated above, I urge this Committee to pass the SB934sd1 with the following amendments:

Please consider amending SB934 sd2 by adding in "socio-economic status" as a protected class in the definition of "bullying". This would be consistent with the DOE SSCAC recommendations and the BOE's own anti-bullying policy, Policy #4211.

Please also consider removing the criminalization of all bullying. A school's prime directive should be to intervene through education, not criminalization. We do not need to feed more children into the school to prison pipeline. The juvenile justice system is not the most effective solution to this particular crisis.

While I believe the community should be allowed access to the numbers of incidents of bullying, I do not think mandating the reporting of all incidences of bullying to the police would further that goal. And I question what the unintended consequences will be when private schools are forced to report all incidences of bullying to the police – will private school be more inclined to adopt a zero-tolerance policy that expels first-time offenders into our public schools.

Thank you for your consideration.

A handwritten signature in cursive script, appearing to read "Kim Coco Iwamoto". The signature is written in dark ink and is positioned above the printed name.

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

Personal Testimony Presented Before the  
House Committee on Education

March 16, 2011 at 2:00 pm  
Conference Room 309

Written Testimony  
By  
Christine K. Sorensen  
Dean, College of Education  
University of Hawaii at Mānoa

**SB 934: RELATING TO BULLYING AND CYBERBULLYING**

Chair Tamuki, Vice Chair Belatti, and members of the Committee:

As Dean of the University of Hawai'i at Mānoa's College of Education, I believe SB 934 addresses an increasingly important issue that affects our keiki. Increasingly popular and ubiquitous social networking sites and other technologically enhanced communication devices have created a forum through which students develop the capability to harass and intimidate one another without ever engaging in physical confrontations. This new sort of bullying requires new and innovative ways to monitor and enforce student conduct, so that all children are able to obtain an education free from intimidation and harassment.

This bill lays out a comprehensive plan for creating and implementing policies to combat cyberbullying, while still allowing individual schools some autonomy in creating these policies. Mandating that schools create a plan for identifying, reporting, and enforcing consequences will not only protect students, but also raise awareness of the harmful and destructive consequences of cyberbullying.

Sections §302A(3)(c)(4) and §302(B)(c)(1)(4), mandate annual training for administrators and school employees, as well as educational programs for students and parents. These programs are valuable tools in preventing cyberbullying. While we all know that Hawaii's educational system is financially stretched, funding will need to be allocated to implement the programs mandated in this bill if we hope to address this critical issue. Without funding to support the schools as they prepare and enforce their policies and training programs, it will be challenging for this bill to create maximum impact.

Thank you for the opportunity to testify.

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

ALII PLACE  
1060 RICHARDS STREET • HONOLULU, HAWAII 96813  
PHONE: (808) 768-7400 • FAX: (808) 768-6552

KEITH M. KANESHIRO  
PROSECUTING ATTORNEY



ARMINA A. CHING  
FIRST DEPUTY PROSECUTING ATTORNEY

THE HONORABLE ROY M. TAKUMI, CHAIR  
HOUSE EDUCATION COMMITTEE  
Twenty-sixth State Legislature  
Regular Session of 2011  
State of Hawai'i

March 16, 2011

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

Chair Takumi, Vice Chair Belatti, and members of the House Committee on Education, the Department of the Prosecuting Attorney, City and County of Honolulu submits the following testimony in support of S.B. 934, S.D. 2.

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. The bill further creates a misdemeanor offense of bullying or cyberbullying a minor.

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 requires the policy to include not only reporting and penalties, but counseling, referral to appropriate services, guidance, academic intervention, protection, task forces, programs, and other initiatives.

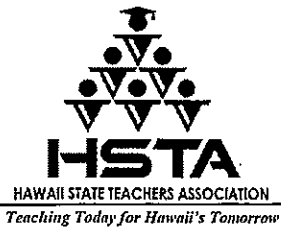
It is a policy goal of our department to not only prosecute violent individuals who violate our criminal laws, but educate individuals on the wrongfulness of violence. We need to reach out to our children and teens early about the wrongfulness of bullying and cyberbullying, which causes physical and/or 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.

In regards to the misdemeanor offense of bullying or cyberbullying a minor that is in this bill, we are willing to work with all stakeholders to have a penalty that is fitting for the age of the perpetrator, as well as the nature of the “bullying” or “cyberbullying.”

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



1200 Ala Kapuna Street λ Honolulu, Hawaii 96819  
Tel: (808) 833-2711 λ Fax: (808) 839-7106 λ Web: www.hsta.org

**Wil Okabe**  
President

**Karolyn Mossman**  
Vice President

**Joan Kamila Lewis**  
Secretary-Treasurer

**Alvin Nagasako**  
Executive Director

## TESTIMONY BEFORE THE HOUSE COMMITTEE ON EDUCATION

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

March 16, 2011

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

Chair Takumi and Members of the Committee:

The Hawaii State Teachers Association strongly supports SB 934, SD2. 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.



## 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: [kkajihjiro@afsc.org](mailto:kkajihjiro@afsc.org)

March 14, 2011

To: Rep. Takumi, Chair, Rep. Au Bellati, Vice Chair, and members of the Hawai'i State House Committee on Education

Wednesday, March 16, 2011, 2:00 PM, Conference Room 309

From: Kyle Kajihiro

Subject: SUPPORT WITH AMENDMENTS SB934, SD 1, RELATING TO BULLYING AND CYBERBULLYING.

Aloha Chair Takumi, Vice Chair Au Bellati 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 sponsored a program for gay and lesbian youth that 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.

**We support SB934, SD 1, but urge you to amend the bill to remove the sections classifying bullying as a misdemeanor.** This would be essentially a “zero tolerance” policy that expands the school-to-prison pipeline, increasing the criminalization of youth without effectively educating them about how to communicate and relate to one another in respectful and nonviolent ways.

We support documentation of incidents and reporting of the aggregated data, which will improve tracking of the problem. However, we oppose requiring schools to report each bullying incident to the police, which creates a climate of punishment rather than prevention.

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. These incidents arise because the denigration and demonization of lesbian, gay, bisexual and transgender youth are a commonplace occurrence and a widely accepted attitude even among the adult educators.

One youth was threatened with a knife for participating in a day of awareness about anti-gay discrimination. The administration failed to take decisive action to address the assault, thereby compounding the victim's sense of vulnerability. 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. In both examples, the adult educators and the educational system failed the youth perpetrators as well as victims by not conducting adequate preventative education about diversity and oppression, by failing to establish a culture of respect for oppressed groups and by neglecting to interrupt oppressive behaviors in ways that created safety for the victim while allowing the perpetrators a chance to take responsibility for their actions and change their behaviors.

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 prevent 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 equal treatment in a safe learning environment.

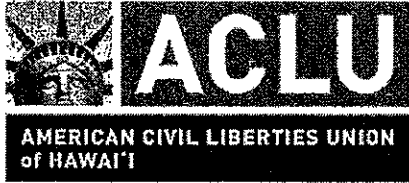
A proactive step to prevent bullying and violence in schools would be to fund the peace education mandate that passed several years ago. Rather than punishing youth for committing acts of bullying after the fact, invest in creating a culture of respect and nonviolence so that all youth can have the social tools for navigating difference and transforming conflict nonviolently.

Thank you very much.

Sincerely

Kyle Kajihiro





VIA EMAIL: [EDNTestimony@Capitol.Hawaii.Gov](mailto:EDNTestimony@Capitol.Hawaii.Gov)  
Committee: Committee on Education  
Hearing Date/Time: Wednesday, March 16, 2011, 2:00 p.m.  
Place: House Conference Room 309  
Re: *Testimony of the ACLU of Hawaii in Opposition to S.B. 934, S.D. 2, Relating to Bullying and Cyberbullying*

Dear Chair Takumi and Members of the Committee on Education:

While the American Civil Liberties Union of Hawaii ("ACLU of Hawaii") supports generally the passage of safe schools legislation to target bullying and cyberbullying, the ACLU of Hawaii opposes S.B. 934, S.D.2, Relating to Bullying and Cyberbullying as currently drafted. Specifically, the ACLU of Hawaii opposes the portions of S.B. 934, S.D.2, which: (1) create a zero-tolerance policy on bullying and cyberbullying and (2) establish a misdemeanor offense for juveniles. The ACLU of Hawaii additionally offers comments on the portions of the bill that require that the Department of Education ("DOE") develop and implement policies regarding bullying and cyberbullying and further that the DOE gather data on bullying and cyberbullying and report to the Legislature annually.

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, as currently drafted, however, is not the proper vehicle to achieve these ends.

First, S.B. 934, S.D.2, in proposed H.R.S. § 302B(c)(2)(D), requires that all acts of bullying and cyberbullying be reported to law enforcement. In turn, proposed H.R.S. § 707 defines bullying or cyberbullying of a minor as a misdemeanor. In essence, the bill creates 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

American Civil Liberties Union of Hawaii  
P.O. Box 3410  
Honolulu, Hawaii 96801  
T: 808.522-5900  
F: 808.522-5909  
E: [office@acluhawaii.org](mailto:office@acluhawaii.org)  
[www.acluhawaii.org](http://www.acluhawaii.org)

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.

Second, S.B. 934, S.D.2, in proposed H.R.S. § 302A(b)(1)(G) and § 302B(c)(1)(G) direct the DOE to develop a policy that 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 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

---

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

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

Chair Takumi and Members of the Committee on Education  
March 14, 2011  
Page 3 of 3

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.

Finally, while the ACLU of Hawaii supports the portions of S.B. 934, S.D.2, 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 mission of the ACLU of Hawaii 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.

Sincerely,  
Lois K. Perrin  
Legal Director  
ACLU of Hawaii

American Civil Liberties Union of Hawaii  
P.O. Box 3410  
Honolulu, Hawaii 96801  
T: 808.522-5900  
F: 808.522-5909  
E: [office@acluhawaii.org](mailto:office@acluhawaii.org)  
[www.acluhawaii.org](http://www.acluhawaii.org)

# 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 (FACT)

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

February 15, 2011

To: Representative Roy Takumi, Chair  
And members of the Committee on Education

## **TESTIMONY IN SUPPORT OF THE INTENT OF SB 914 RELATING TO BULLYING AND CYBERBULLYING**

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

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.

Hawaii Youth Services Network opposes the section of the bill that requires all bullying to be reported to law enforcement, thus creating a zero tolerance policy. We believe that most offenses can be dealt with internally in the school without creating a criminal record that would damage a student's future opportunities.

Thank you for this opportunity to testify.

Sincerely,

Judith F. Clark  
Executive Director





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

---

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

House Committee on Education  
Hon. Roy M. Takumi, Chair  
Hon. Della Au Belatti, Vice Chair

Wednesday, March 16, 2011, 2:00 PM  
State Capitol, Conference Room 309

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, relating to bullying and cyberbullying, with consideration for amendments.

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, 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 tragedy occurs.

That said, the Imua Alliance believes that SB 934, SD2 can be strengthened before final passage, and we suggest the following amendments. First, section §302A- (c)(1)(G) states that the adopted cyberbullying policy shall pertain to an electronic communication “whether or not the bullying or cyberbullying originated on school property or with school equipment,” provided that harm is intended. Department of Education schools cannot be held culpable for actions undertaken by students away from school grounds and/or property, however, and should not be held accountable for cyberattacks that transpire in such a fashion (for example, if the harassing item was transmitted through a home computer). Additionally, section §302A- (c)(1)(G)(i)(bb) provides that “insulting or demeaning any student or any group of students in any way” is a potential condition of determining whether or not

cyberbullying has occurred. As you well know, though, the perception of insult, particularly when directed toward a group of individuals, is often affiliated with freedom of speech issues, since the terms “insulting” and “demeaning” are subjective and, as this bill is written, undefined. If, say, a Hawaiian student, frustrated with a classmate who is of another race, posts a provocative political statement on Facebook asserting that the classmate is a “haole that needs to be woken up,” is the Hawaiian student guilty of cyberbullying? What if he or she posts a link to an inflammatory website calling for the removal of foreigners from the Hawaiian archipelago? These examples are docile compared to much of what can be found on social networking sites. Absent a clear definition of what constitutes a “reasonable fear of harm,” they could easily lead to the perception of danger and, if this bill is passed as written, legal action. Thus, at the very least, the committee should consider clarifying this provision to prevent misapplication. Similarly, section §302A- (c)(2)(B) requires any school employee possessing “reliable information which would lead a reasonable person to suspect that a student is a target of bullying or cyberbullying” to report the information to administration. While well intended, the vague and unnecessary qualifiers contained in this provision—“reliable,” “reasonable,” and “suspect”—are confusing and, again, exacerbated by the proliferation of social media. What constitutes reliable information? Student gossip about what they read on their friend’s Facebook or Myspace pages? Also, why is the standard for initiation of an investigation only “suspect” actions, rather than direct knowledge? To rectify these problems, Imua Alliance urges the committee provide clarity by amending §302A- (c)(2)(B) to read: **“A requirement that any school employee who has information that a student is the target of bullying or cyberbullying immediately report the information to the principal of the employee’s school or the principal’s designee.”** Finally, concerns have been expressed to Imua Alliance, and other groups, about the feasibility of charging minors with misdemeanors for cyberbullying, given the incidence rate of personal attacks associated with post-pubescent and teenage psychosocial development. Though we are often loathe to admit it, teens can, and often are, cruel, but they typically grow out of their spite as they age. Turning every instance of cruelty, then, into a criminal offense undermines maturation. What *must* be prevented, however, is the malicious targeting of minors by unprincipled adults, especially those using cyberspace as a tool for misrepresentation. Therefore, we recommend amending section §707A- (1) of this bill to prevent “any **adult** who intentionally bullies or cyberbullies,” keeping the rest of section §707 unchanged.

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*  
Imua Alliance

**belatti4-Joal**

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, March 13, 2011 12:13 PM  
**To:** EDNtestimony  
**Cc:** tgreene@hawaii.edu  
**Subject:** Testimony for SB934 on 3/16/2011 2:00:00 PM  
**Attachments:** bill 934 testimony.docx

Testimony for EDN 3/16/2011 2:00:00 PM SB934

Conference room: 309  
Testifier position: support  
Testifier will be present: No  
Submitted by: Tanya Greene  
Organization: Individual  
Address:  
Phone:  
E-mail: [tgreene@hawaii.edu](mailto:tgreene@hawaii.edu)  
Submitted on: 3/13/2011

Comments:

I support bill SB934.

I feel that all children deserve to be in a safe and positive learning environment. No child should be afraid to get an education.

Bullying can have detrimental effects, including but not limited to social withdrawal, depression, and the worst being suicide. It is important to have policies that protect victims against all types of bullying. It is also essentially that once these policies are created, they will be successfully implemented. Once again, I am in strong support for BILL SB934.

Thank you for your time!



March 13, 2011

EDN Committee

Re: SB934, Bullying; Cyber-bullying

Hearing Date: March 16, 2011 (2:00pm)

Chair Roy Takumi and Vice Chair Della Au Belatti

Hawaii State Senate

Chair Takumi and Vice Chair Au Belatti of the EDN Committee:

My name is Lee Ann O. Shimabuku and I am in full support of this bill. I am currently a MSW student at the Hawaii Pacific University- School of Social Work with hopes to work within the Department of Education upon graduation. This bill is important to me because I feel that bullying and cyber-bullying within schools should be addressed through preventative measures such as the implementation of formal policies prohibiting bullying. Bullying is a serious issue at the grade school level because it has the potential to cause harmful, long-term social and psychological impairment within the victim. This may lead to a higher rate of absences and ultimately, affect academic achievement. Since these children are the future leaders and change agents, they should be able to identify school as a protected environment for positive learning opportunities and personal growth.

This bill will inform students that there is a zero-tolerance policy within the Department of Education regarding bullying and cyber-bullying. It will provide an in depth process of reporting and investigating bullying and cyber-bullying which will reinforce the seriousness of the policy to the student body. If this bill is passed and zero-tolerance bullying policies are put into effect, I believe that the prevalence of this issue will greatly decrease.

Please support this measure. Thank you for the opportunity to present my testimony.

Lee Ann Okido Shimabuku

[lshimab1@my.hpu.edu](mailto:lshimab1@my.hpu.edu)

**belatti4-Joal**

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 14, 2011 5:32 PM  
**To:** EDNtestimony  
**Cc:** nkern5@yahoo.com  
**Subject:** Testimony for SB934 on 3/16/2011 2:00:00 PM  
**Attachments:** 3.14.11-TESTIMONY ON SENATE BILL 934 sd2.doc

Testimony for EDN 3/16/2011 2:00:00 PM SB934

Conference room: 309  
Testifier position: support  
Testifier will be present: No  
Submitted by: Nancy Kern  
Organization: Hawaii Safe Schools Coalition  
Address:  
Phone:  
E-mail: [nkern5@yahoo.com](mailto:nkern5@yahoo.com)  
Submitted on: 3/14/2011

**Comments:**

Please note that I am submitting testimony in support of SB934 sd2, with amendments. Thank-you for the opportunity to provide testimony.  
Nancy Kern

TESTIMONY ON SENATE BILL 934, SD2

I am testifying in support of this bill with amendments. I agree that a policy establishing a bullying and cyberbullying policy for all public schools – including reporting requirements - is a positive initiative for Hawaii. The requirement of the Department of Education and the charter school review panel to report to the legislature annually will strengthen the monitoring component of this policy.

However, SB934 sd2 still makes all bullying a crime. I do not support this because schools should first educate the child about their behavior and teach them alternative ways of communicating, dealing with their emotions.

This bill also mandates that all private schools report every incident of bullying to the police. This would put even more pressure for private schools to expel these students into the public school system.

This bill does not include "socio-economic status" as a protected class, which is recommended by the Safe Schools Community Advisory Committee Recommendations to the DOE.

Thank-you for this opportunity to provide testimony.

03/14/2011

Senate Committee on Judiciary and Labor Senator Clayton Hee, Chair Rep. Roy M. Takumi Rep. Della Au Belatti, Vice Chair

Public Hearing: Wednesday, March 16, 2011 2:00pm room. 309  
Re: SB934, SD2

Dear Senator Hee and members of the committee,

I am testifying as an individual and support Senate Bill 934, SD2 because I feel that bullying and cyberbullying is not allowed in all public and private schools. Everyone has the freedom to dress and act the way they want to be and someone should not be bullied due to their actions. Everyone is raised differently to where some may act more maturely than others, but that does not give anyone the right to bully someone around. I am very interested in this and as a student trying to get my Master's degree in Social Work I feel that I am able to help these students with overcoming their fear of being bullied at school. Also, in one of my classes we are doing a documentary on something we will be able to advocate for and we chose to do our project on Bullying because I see that this has become a problem here in our society. With that, we hope to get a message across that bullying is not a nice thing and no one should be treated without respect. School is supposed to be a place where the children feel safe and care-free because they are in a learning environment, but if there is bullying in the schools how will the children know that they are really safe. Along with cyberbullying we should be aware of because many people rather express their thoughts and feelings through the internet or through a text message because they cannot take it anymore. We as parents should monitor our children's uses on many network so that way we can decrease the count of cyberbullying. Children have feelings and they should not be mistreated due to their looks, the way they act, or even their sexual orientation. Again, I fully support Senate Bill 934, SD2 because no one deserves to be mistreated in any type of way. Although, I have never experienced bullying in my life, I can totally put myself in other people's shoe and because I am getting my degree in Social Work, I believe they go hand in hand.

I urge you to pass SB 934, SD2

Sincerely,  
Kristian Faye Aggasid

## EDNtestimony

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 15, 2011 6:39 PM  
**To:** EDNtestimony  
**Cc:** skrzsb@aol.com  
**Subject:** Testimony for SB934 on 3/16/2011 2:00:00 PM

Testimony for EDN 3/16/2011 2:00:00 PM SB934

Conference room: 309  
Testifier position: support  
Testifier will be present: No  
Submitted by: Zsuzsa Bakonyi  
Organization: Individual  
Address:  
Phone:  
E-mail: [skrzsb@aol.com](mailto:skrzsb@aol.com)  
Submitted on: 3/15/2011

**Comments:**

I strongly support SB934. It is time Hawaii joined the rest of the nation in having a comprehensive anti-bullying legislation. Thank you for taking up this worthy cause.

MAR 15 11 08:00P DORES WIKARI 000 000 0000 P.1

TESTIFIER: Melanie Bailey  
Human Resource Professional  
alohamelaniebailey@yahoo.com



Attn: HOUSE OF REPRESENTATIVES  
THE TWENTY-SIXTH LEGISLATURE  
REGULAR SESSION OF 2011  
Committee on Education  
Representative Roy Takumi, Chair  
Representative Della Au Belatti, Vice Chair

Re: SB934 RELATING TO BULLYING AND CYBERBULLYING  
Hearing Date March 16, 2011 2:00pm

---

I am in **SUPPORT** of creating school's that are safe and positive learning environments, free from harassment. I speak to you as a parent and the Human Resource Manager of a restaurant who employee 300 employees, 200 of them in their teens and twenties.

As an employer we are required to provide a workplace that is free from harassment and are dependent on our public and private schools to lay the groundwork. By continually working on having a positive work environment we have found attendance has improved and productivity is enhanced. A safe school environment will produce the same results.

The Board of Education has put policies into place but recent surveys and events have shown that reporting, investigation, and intervention are not being followed through in a consistent manner. I believe the State has an obligation to provide safe schools for our children and that this legislation is taking a step in the right direction.

Thank you for your time.

## EDNtestimony

---

**From:** Lynn Murakami-Akatsuka [lkakatsu@hawaii.rr.com]  
**Sent:** Monday, March 14, 2011 8:58 PM  
**To:** EDNtestimony  
**Subject:** Testimony for SB 934, SD 2 on 3/16/2011 at 2:00 PM

Testimony for Committee on Education, 3/16/2011 at 2:00 PM

Conference room: 309  
Testifier position: Strongly support  
Testifier will be present: NO  
Submitted by: Lynn Murakami-Akatsuka  
Organization: Individual  
Address: 45-606 Keole Street; Kaneohe, HI 96744  
E-mail: [lkakatsu@hawaii.rr.com](mailto:lkakatsu@hawaii.rr.com)  
Submitted on: 3/14/2011

Comments: This bill will put in place a bullying and cyberbullying policy for all public schools. Although there is Chapter 19 in place in the DOE, a standard implementation of the policy for all public schools statewide by its schools' administrations, standard reporting requirements for all public schools, legal consequences for the offender, definition clarification of "bullying" and "cyberbullying," and accountability through reporting to the legislature annually will make this issue a standard operating procedure for all school personnel to implement. It will facilitate a "social norm change" in the schools and community.

Every student and school personnel should expect that the school is a safe learning environment and can count on quick action on the part of administration when bullying and cyberbullying is reported. I would highly like to see this bill have an effective date of 7/1/2011 to assure students that the legislature regards bullying and cyberbullying as a public health problem and will move towards implementing policies and procedures as quickly as possible within the DOE.

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