

SB934,SD1

Testimony

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THE HONORABLE CLAYTON HEE, CHAIR
SENATE JUDICIARY AND LABOR COMMITTEE
Twenty-sixth State Legislature
Regular Session of 2011
State of Hawai'i

February 24, 2011

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

Chair Hee, Vice Chair Shimabukuro, and members of the Senate Committee on Judiciary and Labor, the Department of the Prosecuting Attorney, City and County of Honolulu submits the following testimony in support of S.B. 934, S.D. 1.

The purpose of this bill is to establish a bullying and cyberbullying policy for all public schools. It also establishes bullying and cyberbullying reporting requirements for all public and private schools. The bill further establishes 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. 1 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.

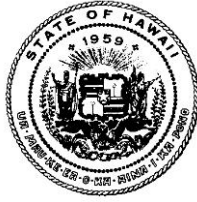
It is a policy goal of our department to not only prosecute violent individuals who violate our criminal laws, but educate individuals on the wrongfulness of violence. We need to reach out to our children and teens early about the wrongfulness of bullying and cyberbullying, which causes physical and/or 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. 1, and we are willing to work with all stakeholders on this important issue. Thank you for this opportunity to testify.



**STATE OF HAWAII
BOARD OF EDUCATION**

PO BOX 2360
HONOLULU, HI 96804

OFFICE OF THE STUDENT MEMBER

February 24, 2011

**TESTIMONY TO THE STATE SENATE
COMMITTEE ON JUDICIARY**

**State Capitol
415 S Beretania St.
Honolulu, HI. 96819**

Aloha Chair Hee and Members of the Senate Judiciary Committee:

My name is Mark Dannog, the current elected Student Member of the Hawai'i State Board of Education, elected by approximately 50,000 public secondary school students in the state.

On behalf of the students, I oppose the purpose of SB No. 934, SD 1. "Bullying", "harassment", and "cyberbullying" by students are already addressed in Hawaii Administrative Rules (HAR), Title 8, Chapter 19, in order to prohibit the problems thereof. Chapter 19 must be enforced and implemented by all stakeholders at the school and state level.

Furthermore, the Board of Education (Board) and Department of Education (Department) are diligently working towards addressing the rising issues of bullying and harassment in public schools, by investigating the issue and developing comprehensive solutions and initiatives to improve the safety and well-being of Hawai'i's children. The Board and Department strongly believe that no child should ever be bullied or bully another. It is our commitment to Hawai'i's future to provide a quality education in a safe, comfortable, and open learning environment, and as a home away from home.

Mahalo and best wishes,

Mark Dannog, Student Member
Board of Education

From: [GLBT Caucus Chair](#)
To: [JDLTestimony](#)
Subject: SB934, Feb. 24, 2011 @ 9 AM - In Support
Date: Sunday, February 20, 2011 10:11:44 PM
Attachments: [top.letterhead](#)

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Bullying is systemic in the public schools, and it may be systemic in the private schools as well.

That is why it must be addressed from the top down, from the bottom up and peer-to-peer.

Because it is systemic, it is appropriate for an outside agency like the legislature to intercede - and thereby force the schools to address this issue by codifying that bullying is not acceptable and insisting that it be tracked and reported.

A confidential survey showed that more than half of the students feel that bullying is a problem. If teachers and administrators are part of the problem, whether it is through direct participation, complicit ratification by "turning a blind eye" or denial by dismissing abusive behavior as "kids will be kids", the current culture of abuse cannot continue.

This is one of those times when the legislature must "weigh in" -- just to level the playing field. The legislature needs to be the voice for those who are too afraid to speak. You cannot realistically expect children to come forward to report bullying when the teachers and administrators are part of the problem.

Feeling that they have no place to turn, children bottle in the fear, shame and pain until they either take their own lives and/or those of their tormentors.

How many deaths will it take 'til we know that too many students have died?
For example, we recently had several suicides by students at Kahuku High.

While the Caucus supports most of the provisions of the bill, we do not agree with the provisions to make bullying a misdemeanor.

Since the problem is so systemic, we would rather that an aggressive program of education, reporting and enforcement short of incarceration be implemented and the results monitored before we start incarcerating students, teachers, counselors and administrators for behavior that was heretofore tolerated. If the problem is not abated through an aggressive educational effort, we can always consider incarceration at that point.

Aloha,

Jo-Ann Adams, Chair
[GLBT Caucus of the
Democratic Party of Hawaii](#)

From: [Marya Grambs](#)
To: [JDLTestimony](#)
Cc: [Antonia Alvarez](#); [Mary Waterhouse](#); [Kim Coco Iwamoto](#)
Subject: TESTIMONY: SB934,SD1; for JDL hearing 2/24
Date: Tuesday, February 22, 2011 4:38:43 PM

COMMITTEE ON JUDICIARY AND LABOR

Senator Clayton Hee, Chair
Senator Maile S.L. Shimabukuro, Vice Chair

DT: 2/21/11

RE: SB934, SD1, Relating to Bullying and Cyberbullying; **Testimony in Strong Support**

Dear Chair, Vice Chair, and members, Committee on Judiciary and Labor:

Mary Pat Waterhouse, Chair, Board of Directors, and I, Marya Grambs, Executive Director, of Mental Health America of Hawai`i, are submitting testimony in strong support of SB934, SD1.

Bullying is a serious national and local problem. A college student in New Jersey killed himself after a secret videotape circulated on the internet, and a 13-year-old girl died by suicide after a humiliating photo went viral and she was taunted and harassed; both of these are illustrations of the tragic impact of "cyberbullying." A 15-year-old girl killed herself after months of bullying, sexual harassment, and ostracization. A 15-year-old freshman boy hanged himself after a year of taunts that had become unbearable. An 8th grade boy shot himself in the head after months of cruel harassment. The victims of many of the highly publicized "bullicides" were gay/lesbian youth – or youth who were *perceived* to be gay/lesbian.

A national study found that half of all high school students in the United States admitted to bullying someone in the past year, and nearly half reported they had been victims of bullying.

In Hawai`i, the problem is even greater. When we ask students, "How many of you have been bullied," *at least 75% of the students raise their hands, and even more indicate* that they have been bullied. In fact, Hawai`i has the ***highest rate in the nation of teenage girls who missed school because they were afraid***, and a higher than average rate of boys as well. Recently, a girl and her family sued the U.S. Department of Education because the school she attended on Oahu failed to stop the merciless bullying to which she was being subjected.

Cyberbullying has been found to have a significant impact on youth here in Hawai`i. A

recent study of 677 youth who had been victims of cyberbullying showed that they were 2.5 times more likely to binge drink or abuse marijuana, almost two times more likely to report depression, and 3.2 times more likely to attempt suicide.

Bullying can be directed at someone because of race or ethnicity, physical size or appearance. Youth in military families are often targets of bullying and they are often bullies themselves. Lesbian and gay youth – or those who are *perceived* as being lesbian/gay -- are frequently targets of bullying.

The bullied person often starts to believe the things that are said about them – that they are stupid, or ugly, and that everyone hates them. Many get angry, but may not be able to express that anger, or don't have anyone they can tell. Many victims begin to feel hopeless, especially when the bullying continues over a long period of time. Some become very depressed and suicidal, as indicated by the above.

It is imperative that our schools take this seriously, because a bullied student will not be able to function well in school. It is our duty to protect all our students.

I urge you to support SB934, SD1.

With Aloha,

Marya Grambs, Executive Director
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...Helping Hawai'i Live Life Well
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Honolulu, HI 96813

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Note: Please let me know by emailing me if it's not okay with you to be added to our email list to receive occasional emails from us (invitations to our mental health seminars and our May luncheon, job announcements, etc.).