

February 23, 2011

Senate Committee on Judiciary and Labor
Senator Clayton Hee, Chair
Senator Maile S.L. Shimabukuro, Vice Chair

Public Hearing: February 24, 2011, 9:00 a.m., Room 016
Re: SB 934, SD1

Dear Senator Hee and members of the Committee,

I am testifying as an individual and support Senate Bill 934, SD 1.

This bill establishes a bullying and cyberbullying policy for all public schools.

I am a retired teacher and currently coach Special Olympics. Two of my athletes have experienced bullying in their schools because of their disability. I have included testimony from one of my athletes below:

I was born and raised in Las Vegas, Nevada. I moved to Hawaii in 2005 to be with my family. I attended middle school in the fall of 2006. I was in a fully self-contained classroom for special education. The upper classmen would tell me to rub myself against the wall, make me say inappropriate things like the "f" word and touch a girl's hair. One girl was teasing me about rubbing my butt against the wall and tells me to hump a girl. I am interested in Pokémon, Naruto, Yugioh, and Star Wars. They make fun of the characters. They say the characters are their father, brother, or they say they say "they got the characters autographs." I get teased about it in high school too. I have a twin brother who goes to the same school. We are fraternal twins and don't look alike. I get teased when students are calling me my brother's name and ask "why am I wearing my brother's shirt. In English class, the students were mimicking what I said in class. They were all football players. A boy in my band class said my handwriting is "s". He always irritates me by rushing me. I expressed my concerns about bullying to Karen Ginoza, my Special Olympics coach. She went to talk to the principal at my high school about my situation. In December, my counselor hooked me up with a mentor who is a senior. He is very helpful with people. He gives me a lot of encouragement. He is a good listener. People are teasing me about girls. They say, "You want her number or give her a kiss." I belong to a kung fu and lion dance group. Some people are trying to tell me to show lion dance/martial arts moves in school but, it could get me in trouble for doing these moves that looks like I'm fighting.

This is an example of the cruel actions a student has endured for years. The principal took quick corrective action after I visited her and shared the information. The second student is being home-schooled because the situation became too dangerous. The principal in this school said the school has done everything they can. These two situations show that there needs to be a consistent set of rules, procedures and training in the schools so our students are taught in a safe and caring environment.

I urge you to pass SB 934, SD 1

Thank you for the opportunity to testify.
Karen Ginoza

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Karen Ginoza



LATE TESTIMONY

VIA EMAIL: JDLTestimony@Capitol.Hawaii.Gov
Committee: Committee on Judiciary and Labor
Hearing Date/Time: Thursday, February 24, 2011, 9:00 a.m.
Place: Conference Room 16
Re: Testimony of the ACLU of Hawaii in Opposition to S.B. 934, S.D. 1, Relating to Bullying and Cyberbullying

Dear Chair Hee, Vice Chair Shimabukuro, and Members of the Committee on Judiciary and Labor:

The American Civil Liberties Union of Hawaii (“ACLU of Hawaii”) opposes S.B. 934, S.D.1, Relating to Bullying and Cyberbullying. The ACLU of Hawaii opposes the portions of S.B. 934, S.D.1, which create a zero-tolerance policy on bullying and cyberbullying and which establish a misdemeanor offense for juveniles. The ACLU of Hawaii additionally offers comments on the portions of the bill which 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.1, as currently drafted, however, is not the proper vehicle to achieve these ends.

First, S.B. 934, S.D.1, 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

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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.1, in proposed H.R.S. § 302B(c)(1)(G) appears to 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.”¹ 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.²

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

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

² *Id.*

Chair Hee, Vice Chair Shimabukuro, and Members of the
Committee on Judiciary and Labor
February 23, 2011
Page 3 of 3

(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.

Finally, while the ACLU of Hawaii supports the portions of S.B. 934, S.D.1, 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
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F: 808.522-5909
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LATE TESTIMONY



**STATE OF HAWAII
BOARD OF EDUCATION**

P. O. BOX 2360
HONOLULU, HAWAII 96804

Senate Committee on Judiciary and Labor
Hearing: Thursday, February. 24, 2011
9:00 a.m., Room 016

Testimony in **SUPPORT** of **SB934sd1** with Amendments
RELATING TO BULLYING AND CYBERBULLYING

Chair Hee, Vice-Chair Shimabukuro and Members of the Committee on Judiciary and Labor:

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 SB934sd1 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%.

The BOE has updated the student discipline code, Hawaii Administrative Rule Chapter 8-19, to include cyber-bullying and added protected classifications for students. The BOE has adopted Policy #4211 to affirm its stance against bullying, harassment and discrimination of students by employees. And the BOE has proposed amendments to HAR Chapter 8-41 to bring our student civil rights complaint procedures into compliance with recommendations the BOE received from the Department of Education's (DOE's) Safe Schools Community Advisory Committee.

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.

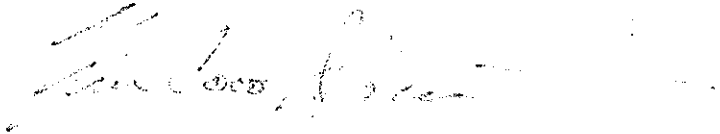
According to the US Department of Health and Human Services' website, Hawaii is one of only 5 states that does not have anti-bullying legislation. Let's not be the last. For the reasons stated above, I urge this Committee to pass the SB934sd1 with the following amendments:

Please consider amending SB934sd1 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.

Thank you for your consideration.

A handwritten signature in cursive script, appearing to read "Kim Coco Iwamoto".

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

LATE TESTIMONY

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 23, 2011 8:02 PM
To: JDLTestimony
Cc: ultimatevball14@yahoo.com
Subject: Testimony for SB934 on 2/24/2011 9:00:00 AM
Attachments: support of SB934.docx

Testimony for JDL 2/24/2011 9:00:00 AM SB934

Conference room: 016
Testifier position: support
Testifier will be present: Yes
Submitted by: Shannon Takamatsu
Organization: Individual
Address:
Phone:
E-mail: ultimatevball14@yahoo.com
Submitted on: 2/23/2011

Comments:

LATE TESTIMONY

My name is Shannon Takamatsu, the mother of TJ-Reilly Takamatsu and would like to share with you what it was like to be a parent of a child who was a victim of bullying and everyday harassment.

My child faced many challenges throughout his life. He was diagnosed with cerebral palsy at birth. From the beginning, I witnessed my son struggle and fight to do things that we would normally take for granted. He has faced every obstacle with his head held high and a bright smile on his face. He strived to be like all the other children his age and accomplished that goal academically. TJ went from a fully loaded individualized educational plan with goals for physical therapy, occupational therapy, speech, and education to a student who attended all general education classes with accommodations in a 504 plan.

My son was always an inspiration to me; he fought and struggled through numerous surgeries and challenges with a very optimistic outlook thinking he could do anything.

All that changed when he was faced with the challenges of his peers. The constant torment and harassment became too much for him to bear. I noticed a change in him that broke my heart. I saw a confident, happy, outgoing young man become someone who was sad, reserved and ashamed of himself. This change was due to the abuse he endured in a place that was supposed to be safe, a place that I entrusted my child to protect him from harm.

When TJ informed me of the torturous abuse he faced every day, I went to speak to his counselor. She tried to rectify the problem with a contract between my son and the main instigator, but the negative abuse continued. I met with the counselor, vice principal, and the school's behavior health specialists in attempts to stop others students from harming my child. All of these actions failed.

After seeing how badly the actions of others had a grave effect on my son, I had to make a choice; we could fight the situation at the cost of my sons emotional and mental well-being, or choose to withdraw from the everyday torture and anguish he endured at school. I am lucky enough to be a single mother, raising three children to have the support of my family and quit my job to homeschool my child.

Please understand that those days that my child suffered because of others choosing to make him a target for this abuse can never be replaced, nor can the damaging effect be erased. Bullying and harassment by other students has robbed my son of his freedom and rights to attend a public school.

I urge you to pass this bill to allow students like my child to have a chance to enjoy his childhood in school amongst his peers. Thank you for allowing me to share our story and I hope that our experience can help you understand the plight we faced and prevent others from enduring the same.

LATE TESTIMONY

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 23, 2011 8:01 PM
To: JDLTestimony
Cc: ultimatevball14@yahoo.com
Subject: Testimony for SB934 on 2/24/2011 9:00:00 AM
Attachments: TJ's testimony.docx

Testimony for JDL 2/24/2011 9:00:00 AM SB934

Conference room: 016
Testifier position: support
Testifier will be present: Yes
Submitted by: TJ-Reilly Takamatsu
Organization: Individual
Address:
Phone:
E-mail: ultimatevball14@yahoo.com
Submitted on: 2/23/2011

Comments:

My name is TJ-Reilly Takamatsu, I am 13 years old. I am an 8th grader that use to attend Central Middle School. I looked forward to attending middle school. I enrolled at Central Middle School as a 7th grader. I liked school and enjoyed going every day. I was born with cerebral palsy and enjoy playing sports. I love to play basketball. Sometimes I was reluctant to play with the other students during recess and PE because of my disability, but I really wanted to, so I tried.

The bullying started in the 2nd quarter of the 7th grade. A boy began to ridicule me about my CP. He made comments in front of my friends and classmates and called me crippled. He would intimidate me when I was in class, walked down the hallways, and during recess. I talked to my counselor and she made us sign a contract saying that we wouldn't talk to each other and leave each other alone, but it didn't work.

Soon other kids began to make fun of me every chance they got. When I would try to play basketball during recess, the kids would tell me I couldn't play because I couldn't walk right. Every time I saw those kids in the hallway, I would turn around and walk the other way to avoid them. I tried my best to avoid them all the time, but I would always end up late for class and miss the beginning of class. I felt like I was trapped. This made me feel worthless, sad, angry, and so frustrated. I hated going to school and I never ever wanted to go back.

Two days before my winter break was over I really didn't want to go back to school. I cried myself to sleep thinking about it. I didn't know what to do. Bullying made me become incredibly frustrated and it would affect my behavior at home. I would have terrible outbursts when told to do chores. My mom wanted to know why I was so angry. I told her what was going on in school and she went to the office to talk to my principal and counselor.

I felt a little relieved and hoped they would stop teasing me and leave me alone, but they didn't. I felt so lost. Because the bullying didn't stop I told my mom I really hated school, so she said she would homeschool me.

Homeschooling made my life better because nobody bullied and intimidated me anymore. But the bad side about it was I couldn't see my friends.

I really want this bill to happen, so it can protect students like me. I also have a younger brother and sister. I don't want them to go through and feel the way I did.

Thank you for listening to me.

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 23, 2011 11:32 PM
To: JDLTestimony
Cc: jadamsesq@aol.com
Subject: Testimony for SB934 on 2/24/2011 9:00:00 AM

Testimony for JDL 2/24/2011 9:00:00 AM SB934

Conference room: 016
Testifier position: support
Testifier will be present: No
Submitted by: Jo-Ann M. Adams
Organization: Individual
Address:
Phone:
E-mail: jadamsesq@aol.com
Submitted on: 2/23/2011

Comments:

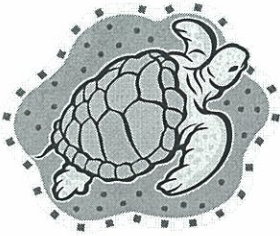
Bullying appears to be systemic in the DOE and the schools -- students, teachers, administrators. That is why it must be addressed from the top down, from the bottom up and peer-to-peer.

A confidential survey shows that more than half of the students feel that bullying is a problem. If teachers and administrators are part of the problem, one cannot realistically expect children to come forward?

Because bullying may be systemic, I believe that it is premature to criminalize this behavior. An aggressive program of education at every organizational level should be tried before incarceration. The educational program should be monitored. If the incidence of bullying does not decline, then criminalization would be important.

This bill suggests what may be a complete shift in "culture." We shouldn't incarcerate students, teachers and administrators until they have been given an opportunity for education and reform.

Mahalo for the opportunity to testify.



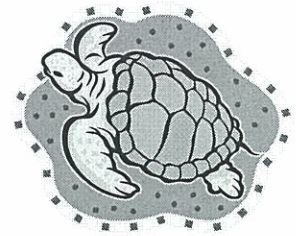
Francine Mae Aona Kenyon

dba Kuli Ike Kokua

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SENATE COMMITTEE ON JUDICIARY AND LABOR

Senator Clayton Hee, Chair

Senator Maile S. L. Shimabukuro, Vice-Chair

Thursday, February 24, 2011 at 9:00 am in Conference Room 016

SENATE BILL NO. 934, SD 1, RELATING TO BULLYING AND CYBERBULLYING

Aloha, my name is **Francine Mae Aona Kenyon**. I am an active, strong Deaf advocate for the civil rights of people with disabilities including those who are deaf, hard of hearing, and deaf-blind in the State of Hawaii with many hats. I have been testifying for more than 20 years on various bills. I am a parent of two sons now grown-up and married and a grandmother of six.

I definitely **support** Senate Bill No. 934, Senate Draft 1, that (1) establishes a bullying and cyberbullying policy for all public schools; (2) requires implementation of the policy in all public schools; (3) establishes bullying and cyberbullying reporting requirements for all public and private schools; (4) establishes a misdemeanor offense of bullying or cyberbullying a minor; defines "bullying" and "cyberbullying"; (5) requires the department of education and the charter school review panel to report to the legislature annually because it did happen to my oldest son when he was then in third grade.

I lived in Riverdale, Maryland when David was enrolled at the elementary school across the creek. When he did not come home from school after school, I began worrying about his being late for home so I drove over to school to look for him. I found him standing in the corner near the bridge. I called Dave to come in to my car but he said he cannot. I asked him why not. He said the junior patroller won't let him go. I got out of the car and asked the junior patroller what was wrong with my son. The junior patroller said that it was nothing and that he can go ahead with me. So we both got into my car. All of sudden, Dave cried. I asked him what was the matter. He told me that the junior patrollers called him a "Shrimp" and told him that mom and dad were deaf and dumb and that he was stupid. I was shocked and upset so I drove back to school to report to the principal who happened to invite me to preaching at his church! The principal heard and talked with my son. Then he called the entire junior patrol group and the Junior Patrol advisor to the meeting. Three junior patrollers admitted they did bully my son so the principal called their parents and suspended them for three weeks from school for bullying my son. Then the principal invited me to giving a talk to parents, teachers, and counselors at PTA meeting.

I also learned that some school children do bully people with disabilities outside the school ground, even at the pools, here when I moved to Hawaii from Maryland. My second son, then 12 years old, and I were once teased by the school children about my disability at the Palolo public pool. I did report to the lifeguard on duty and he DID NOTHING! I already reported this to the Recreation Director. But nothing was done. That was 20 years ago!!

Another circumstance was that back in 1999, the four school boys skateboarded back and forth, in front of a woman, who is deaf. She was sitting and waiting for the bus at the bus stop in Salt Lake. She got upset and screamed at them, telling them to stop, and angrily took their science project, pen, and paper. But the boys yelled at the bus driver to stop her and reported to him what she did. The bus driver called the police who arrested her, instead of the boys! I felt that the police SHOULD ALSO ARREST THE BOYS for harassing the poor deaf woman at the bus stop as a lesson! I met their lawyer at the court and told him that the boys SHOULD NOT HARRASS the poor deaf woman at the bus stop with them skating back and forth to scare her out! Instead of giving the boys the community service, the judge gave the poor deaf woman 500 hours of community services!! That was a stupid sentence that the judge gave her when he should have also given the 500 hours of community services to the boys, requiring them to help people with disabilities in such agencies like Goodwill Industries or school for the deaf.

IF I were a judge, I would also give the sentences to any students bullying anyone with disabilities to do the community services, instead of sending them to correctional institutions! Yes, I was in a seminary, taking a course in Ministering to

Police Community in which I learned from some young people in youth correctional institutions in Virginia. I felt that those young offenders would do better if they do the community services, rather than being sent to correctional institutions for a numerous of years.

All public and private schools SHOULD HAVE PROVIDED LESSONS to school children from kindergarten to high school and THEIR PARENTS, not bullying anyone with disabilities, including adults with disabilities, TWENTY YEARS AGO!! Why wait too long? This would not have happened by now! Now graffiti and bringing toy guns to schools are ridiculous.

I am sorry I am late on testifying on the bill earlier but am not aware of this bill until I noticed it on the hearing notice. As a parent and advocate, I should speak up on behalf of people with disabilities who were or are being bullied by school children, teenagers, or young adults.

I have a great confidence in you for making the wise decision-making. I recommend you pass Senate Bill No. 892, SD 1 with the amendments regarding the personhood and consistency.

Mahalo!

Sincerely,

Francine Mae Aona Kenyon
Deaf Advocate

From: lkakatsu@hawaii.rr.com
Sent: Wednesday, February 23, 2011 6:33 PM
To: JDLEstimony
Subject: Testimony for SB 934, SD 1 on 2/24/2011 at 9:00 AM

LATE TESTIMONY

Testimony for Committee on Judiciary and Labor, 2/24/2011 at 9:00 AM

Conference room: 016
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
Submitted on: 2/23/2011

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' administration, standard reporting requirements for all public and private schools, a legal consequence 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 the community. A safe environment for each child to attend school and to know there will be action taken by administration and a consequence for the perpetrator when the bullying and/or cyberbullying is reported.

I am in strong support of this bill SB 934, SD1. Thank you for the opportunity to testify.

From: Dara Carlin, M.A. [breaking-the-silence@hotmail.com]
Sent: Wednesday, February 23, 2011 5:01 PM
To: JDLTestimony
Subject: SB934 SD1 to be heard Thursday, 02/24/11, at 9:00am in Room 016

Importance: High

LATE TESTIMONY

TO: Senator Clayton Hee, Chair
Senator Maile Shimabukuro, Vice Chair
Judiciary & Labor Committee Members

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

DATE: 02/24/11

RE: **Strong Support for SB934 SD1**, Relating to Bullying & Cyberbullying

Good Morning Senators 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



LATE TESTIMONY

Thursday, February 24, 2011, 9:00 AM
State Capitol, Conference Room 016

Senate Committee on Judiciary and Labor
Senator Clayton Hee, Chair
Senator Maile S.L. Shimabukuro, Vice Chair

Testimony in Strong Support of SB 934 Relating to Education

Chair Hee, Vice Chair Shimabukuro and Members of the Senate Committee on Judiciary and Labor:

Thank you for this opportunity to testify before your committee. The Democratic Party of Hawai'i stands in strong support of SB 934.

The education section of the Platform of the Democratic Party of Hawai'i reads: "*We need to ensure that our students are safe in our schools, free from bullying and discrimination based on, but not limited to, disability, gender bias, weight, ethnicity, sexual orientation, gender identity and/or religion.*"

We find bullying and harassment, wherever they may occur, to be unacceptable and believe that it is our responsibility as policy makers, parents, and concerned citizens to address it.

While we understand that the Department of Education has established regulations meant to address the issue of bullying in our schools, we feel that codifying such regulations into law would give them teeth and allow our schools a greater measure of enforceability over this very important issue.

Thank you again for this opportunity to testify in strong support of SB 934.

Respectfully Submitted,

Debi Hartmann,
Executive Director
Democratic Party of Hawai'i

Attested by Dante K. Carpenter, Chairman, Democratic Party of Hawai'i

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 23, 2011 1:10 PM
To: JDLTestimony
Cc: alohamelaniebailey@yahoo.com
Subject: Testimony for SB934 on 2/24/2011 9:00:00 AM

Testimony for JDL 2/24/2011 9:00:00 AM SB934

Conference room: 016
Testifier position: support
Testifier will be present: No
Submitted by: Melanie Bailey
Organization: Individual
Address:
Phone:
E-mail: alohamelaniebailey@yahoo.com
Submitted on: 2/23/2011

Comments:
TESTIFIER: Melanie Bailey 277-5121 & Kathy Bryant 225-9043

Attn: THE SENATE
THE TWENTY-SIXTH LEGISLATURE
REGULAR SESSION OF 2011
Committee on Judiciary

We are in SUPPORT of creating school's that are safe and positive learning environments, free from harassment. The Board of Education has put policies into place but recent events have shown that reporting, investigation, and intervention are not being followed through in a consistent manner.

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.

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. Just last month, New Jersey signed what is considered to be the toughest piece of legislation after the suicide of Tyler Clementi.

Our research, we recommend www.bullypolice.org, shows as we move forward that:

- There should not be an emphasis on defining victims. A bully can victimize any child and the reason should not be the focus.
- All schools should be included: public, charter, private.
- The vast majority of States are supporting age appropriate consequences as well as counseling.

Thank you for your time.
Aloha.

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 23, 2011 1:38 PM
To: JDLTestimony
Cc: nkern5@yahoo.com
Subject: Testimony for SB934 on 2/24/2011 9:00:00 AM

LATE TESTIMONY

Testimony for JDL 2/24/2011 9:00:00 AM SB934

Conference room: 016
Testifier position: support
Testifier will be present: No
Submitted by: Nancy Kern
Organization: Hawaii Safe Schools Coalition
Address:
Phone:
E-mail: nkern5@yahoo.com
Submitted on: 2/23/2011

Comments:

LATE TESTIMONY

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 23, 2011 9:42 AM
To: JDLTestimony
Cc: theede@hawaii.rr.com
Subject: Testimony for SB934 on 2/24/2011 9:00:00 AM

Testimony for JDL 2/24/2011 9:00:00 AM SB934

Conference room: 016
Testifier position: support
Testifier will be present: No
Submitted by: Teri Heede
Organization: Individual
Address:
Phone:
E-mail: theede@hawaii.rr.com
Submitted on: 2/23/2011

Comments:

Aloha Chair & Committee Members,

As a parent and grandparent with extensive computer experience, I can assure you this legislation is both timely and necessary. This must be implemented immediately.

Mahalo for your help in passing this important legislation!

Respectfully,

Teri Heede
92-994 Kanehoa Loop
Kapolei, HI 96707 (808)672-6312