

JAN 21 2020

SENATE CONCURRENT RESOLUTION

REQUESTING THE DEPARTMENT OF EDUCATION TO SUBMIT A REPORT TO THE
LEGISLATURE ON THE IMPLEMENTATION OF THE AMENDED CHAPTERS
19 AND 89 OF TITLE 8, HAWAII ADMINISTRATIVE RULES.

1 WHEREAS, bullying and cyberbullying continue to be
2 pervasive problems in Hawaii's public schools; and

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4 WHEREAS, according to the Centers for Disease Control and
5 Prevention's 2017 Youth Risk Behavior Survey, 22.6 percent of
6 middle school students in Hawaii reported being electronically
7 bullied and forty percent reported being bullied on school
8 property in the prior twelve months; and

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10 WHEREAS, concerningly, the Youth Risk Behavior Survey also
11 found that 23.1 percent of middle school students seriously
12 considered suicide and 12.4 percent attempted suicide one or
13 more times during the twelve prior months; and

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15 WHEREAS, children who are bullied can experience negative
16 physical, academic, and mental health issues, including higher
17 rates of:

- 18
19 (1) Depression and anxiety, which may persist into
20 adulthood, including increased feelings of sadness and
21 loneliness, changes in sleep and eating patterns, and
22 loss of interest in activities they previously
23 enjoyed;
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25 (2) Health complaints; and
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27 (3) Decreased academic achievement, as reflected in the
28 student's grade point average and standardized test
29 scores; decreased school participation; and a higher



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1 rate of missing, skipping, and dropping out of school;
2 and

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4 WHEREAS, in January 2018, the United States Department of
5 Education's Office for Civil Rights completed a compliance
6 review of the Hawaii Department of Education, which included a
7 review of policies on harassment, in-depth reviews of twenty-
8 nine schools, and two on-site visits in 2013 and 2014; and

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10 WHEREAS, the Office for Civil Rights also conducted a
11 survey of Department of Education students in November and
12 December of 2014, which found that:

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14 (1) Nearly one-third of students who responded to the
15 survey reported being personally bullied or harassed
16 at school;

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18 (2) Of those who indicated that they were bullied, over
19 sixty percent reported that they believed their
20 bullying was done because of their race, sex, or
21 disability; and

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23 (3) More than half of the students surveyed said they
24 personally witnessed another student being bullied or
25 harassed; and

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27 WHEREAS, the Office for Civil Rights' review of the
28 discipline records of twenty-nine Department of Education
29 schools revealed significant inconsistencies in the ways the
30 schools responded to incidents of protected-class harassment
31 involving students; and

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33 WHEREAS, within schools, discipline records also reflected
34 inconsistent responses to harassment incidents, such as in the
35 case of a middle school student who was found to have made
36 inappropriate sexual comments and gestures on three different
37 occasions, receiving a one-day, in-school suspension for each
38 incident; but upon engaging in the same behavior the following
39 year, the same student received a single one-hour detention; and

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41 WHEREAS, the Office for Civil Rights concluded that the
42 Department of Education violated its obligation to address



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1 discrimination on the basis of race, color, national origin,
2 sex, and disability; and

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4 WHEREAS, as part of a Resolution Agreement with the Office
5 for Civil Rights to address the findings in the compliance
6 review, the Department of Education revised its administrative
7 rules regarding bullying discrimination and harassment,
8 including changes to chapter 19 of Title 8, Hawaii
9 Administrative Rules, dealing with student-on-student
10 harassment; and the adoption of a new chapter 89 of Title 8,
11 Hawaii Administrative Rules, to address student-employee
12 harassment; now, therefore,

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14 BE IT RESOLVED by the Senate of the Thirtieth Legislature
15 of the State of Hawaii, Regular Session of 2020, the House of
16 Representatives concurring, that the Department of Education is
17 requested to submit a report to the Legislature on the
18 implementation of the amended Chapter 19 and the new Chapter 89
19 of Title 8, Hawaii Administrative Rules, including any
20 recommendations and proposed legislation; and

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22 BE IT FURTHER RESOLVED that the Department of Education is
23 requested to include in its report:

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- 25 (1) Information on training for students, teachers, and
26 staff;
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 - 28 (2) Any memorandums or standard practice documents issued
29 to Department of Education employees;
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 - 31 (3) Data collected through the Department of Education's
32 Electronic Comprehensive Student Support System and
33 the Speak Now Department of Education mobile
34 application, including:
 - 35
 - 36 (A) The number of bullying and cyberbullying
37 incidents in school year 2018-2019 and school
38 year 2019-2020, broken down by protected class
39 status (race, sex, gender, and disability),
40 school, complex area, and county; and
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(B) The number and types of disciplinary measures or sanctions imposed for bullying and cyberbullying in school year 2018-2019 and school year 2019-2020, broken down by protected class status (race, sex, gender, and disability), school, complex area, and county; and

(4) Data collected by the Civil Rights Compliance Branch, including:

(A) The number of investigations, broken down by new investigations and ongoing investigations;

(B) The type of investigations, broken down by protected class status;

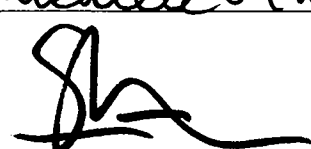

(C) When each incident that prompted an investigation was initially reported to the Department of Education;

(D) The disposition of each investigation as of the date of the report; and

(E) The number of investigations broken down by school, complex area, and county; and

BE IT FURTHER RESOLVED that the Department of Education is requested to submit its report to the Legislature no later than twenty days prior to the convening of the Regular Session of 2021; and

BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution be transmitted to the Chairperson of the Board of Education, Superintendent of Education, and Director of the Department of Education's Civil Rights Compliance Branch.

OFFERED BY: Michelle D. Felani



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