

DAVID Y. IGE
GOVERNOR



PANKAJ BHANOT
DIRECTOR

CATHY BETTS
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES
P. O. Box 339
Honolulu, Hawaii 96809-0339

February 10, 2020

TO: The Honorable Representative Chris Lee, Chair
House Committee on Judiciary

FROM: Pankaj Bhanot, Director

SUBJECT: **HB 2483 HD1 – RELATING TO BULLYING**

Hearing: February 11, 2020, 2:00 p.m.
Conference Room 325, State Capitol

DEPARTMENT'S POSITION: The Department of Human Services (DHS) supports this bill as it will make it a standard practice for youth organizations to have in place established written policies and practices on addressing and preventing bullying in their programs. DHS defers to the Department of Health, Department of Education, and the University of Hawaii that worked on the Hawaii School Health Survey Workgroup that addressed the issue of bullying. DHS appreciates the amendments of House Committees of Lower & Higher Education and the Human Services & Homelessness.

PURPOSE: The purpose of the bill requires all entities that provide educational or recreational activities to youths to establish, maintain, and enforce written policies and procedures on bullying, harassment, and retaliation, and provide staff with appropriate annual training, regardless of whether the entity receives any government funding. Takes effect on 7/1/2050. (HD1)

The Department currently contracts with various organizations that provide for services mentioned in this bill and would be able to add a clause in future contracts stipulating that this shall be a requirement. It may be beneficial if minimum standards be adopted for consistency.

Thank you for the opportunity to testify on this measure.

AN EQUAL OPPORTUNITY AGENCY



STATE OF HAWAII
DEPARTMENT OF EDUCATION
P.O. BOX 2360
HONOLULU, HAWAII 96804

Date: 02/11/2020
Time: 02:00 PM
Location: 325
Committee: House Judiciary

Department: Education

Person Testifying: Dr. Christina M. Kishimoto, Superintendent of Education

Title of Bill: HB 2483, HD1 RELATING TO BULLYING.

Purpose of Bill: Requires all entities that provide educational or recreational activities to youths to establish, maintain, and enforce written policies and procedures on bullying, harassment, and retaliation, and provide staff with appropriate annual training, regardless of whether the entity receives any government funding. Takes effect on 7/1/2050. (HD1)

Department's Position:

The Department of Education (Department) supports the intent of HB 2483. The Department is committed to provide training to all school administrators, faculty, and staff on the amended Hawaii Administrative Rule, Chapter 19 Student Misconduct, Discipline, School Searches and Seizures, Reporting Offenses, Police Interviews and Arrests, Restitution for Vandalism, Complaint Procedure and Investigation of Discrimination, Harassment (Including Sexual Harassment), Bullying and/or Retaliation (HAR Chapter 19).

In September 2019, the Board of Education unanimously approved amending HAR Chapter 19 and HAR Chapter 89 Civil Rights Policy and Complaint Procedure for Student(s) Complaints Against Adult(s) (HAR Chapter 89). These rules became effective in January 2020.

HAR Chapter 19 expands the definitions for bullying, harassment, and cyberbullying. New protected class definitions and offenses can also be found in this amended rule. A complaint procedure for bullying, harassment (sexual harassment), discrimination and retaliation was also added. Additionally, a new Behavior Management System was implemented in January 2020 to capture student behavior incidents.

There were over thirty (30) HAR Chapter 19 and HAR Chapter 89 mandatory training sessions provided to school and district administrators from October 2019 through December 2019. Currently, HAR Chapter 19 and HAR Chapter 89 make-up training sessions are being provided to school and district level administrators and staff.

To ensure the empowerment of student voice, the Department implemented the "Speak Now" anti-bullying mobile application for intermediate and high school students. This mobile

application will be made available to elementary students in Fall 2020. The Speak Now mobile application provides students with another mechanism to report incidents of bullying on Department campuses, during transportation and during Department-sponsored activities.

As a note, the Department acknowledges that this measure attempts to make adjustments to Title 10 of HRS - Public Safety and Internal Security. As such, the Department defers to the appropriate state agency for implementation and looks forward to working with them to better safeguard Hawai'i's keiki.

Thank you for the opportunity to provide testimony on HB 2483.

The Hawai'i State Department of Education is committed to delivering on our promises to students, providing an equitable, excellent, and innovative learning environment in every school to engage and elevate our communities. This is achieved through targeted work around three impact strategies: school design, student voice, and teacher collaboration. Detailed information is available at www.hawaiipublicschools.org.



February 10, 2020

House's Committee on Judiciary
Hawaii State Capitol
415 South Beretania Street, Room 325
Honolulu, HI 96813

Hearing: Tuesday, February 11, 2019 – 2:00 p.m.

RE: **SUPPORT for House Bill 2483**

Aloha Chair Lee, Chair San Buenaventura and fellow committee members,

I am writing in SUPPORT for House Bill 2483 House Draft 1 on behalf of the LGBT Caucus of the Democratic Party of Hawai'i, Hawaii's oldest and largest policy and political LGBTQIA+ focused organization. HB 2483 HD 1 requires all entities that provide educational or recreational activities to youths to establish, maintain, and enforce written policies and procedures on bullying, harassment, and retaliation, and provide staff with appropriate annual training, regardless of whether the entity receives any government funding.

Bullying is the number one reason LGBTQIA+ youth miss school.

Every study shows that bullying puts youth at increased risk for depression, suicide, using drugs and alcohol, and risky sexual behavior all of which negatively impacts their academic performance. For LGBTQIA+ youth these risks are even higher.

Every organization that has youth as their clients needs to have everything that HB 2483 calls for especially the training and prevention.

For all these reasons the LGBT Caucus fully supports HB 2483 HD 1.

Mahalo nui loa for your time and consideration,

Michael Golojuch, Jr.
Chair
LGBT Caucus of the Democratic Party of Hawai'i

HB-2483-HD-1

Submitted on: 2/10/2020 1:56:54 PM

Testimony for JUD on 2/11/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Pride at Work - Hawaii	Pride @ Work - Hawaii	Support	No

Comments:

HAWAII YOUTH SERVICES NETWORK

677 Ala Moana Boulevard, Suite 904 Honolulu, Hawaii 96813

Phone: (808) 489-9549

Web site: <http://www.hysn.org> E-mail: info@hysn.org

Rick Collins, President

Judith F. Clark, Executive Director

Bay Clinic

Big Brothers Big Sisters of Hawaii

Big Island Substance Abuse Council

Bobby Benson Center

Child and Family Service

Coalition for a Drug Free Hawaii

Collins Consulting, LLC

Domestic Violence Action Center

EPIC, Inc.

Family Programs Hawaii

Family Support Hawaii

Friends of the Children of West Hawaii

Hale Kipa, Inc.

Hale 'Opio Kauai, Inc.

Hawaii Children's Action Network

Hawaii Health & Harm

Reduction Center

Hawaii Student Television

Ho'ola Na Pua

Kahi Mohala

Kokua Kalihi Valley

Kokua Ohana Aloha (KOA)

Maui Youth and Family Services

Na Pu'uwai Molokai Native

Hawaiian Health Care Systems

P.A.R.E.N.T.S., Inc.

Parents and Children Together (PACT)

PHOCUSED

PFLAG – Kona Big Island

Planned Parenthood of the Great Northwest and

Hawaiian Islands

Residential Youth Services

& Empowerment (RYSE)

Salvation Army Family

Intervention Services

Sex Abuse Treatment Center

Susannah Wesley Community Center

The Catalyst Group

February 10, 2020

To: Representative Chris Lee, Chair
And members of the Committee on Judiciary

Comments on HB 2483 HD1 Related to Bullying

Hawaii Youth Services Network (HYSN), a statewide coalition of youth-serving organizations, is providing comments on HB 2483 HD1 Relating to Bullying.

There is no doubt that bullying is a serious issue in our schools and other programs for children and youth and we welcome legislative action that will increase the capacity of schools and service providers to prevent and intervene.

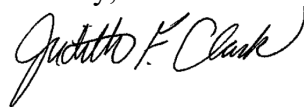
We agree that all children and youth-serving organizations should have anti-bullying policies and procedures in place and should provide training to staff and volunteers on the topic.

This bill does not provide any mechanism for determining whether an organization has adopted a bullying policy or provide staff/volunteer training. No government agency is named to monitor compliance and there is no mention in the bill of penalties or actions if a youth-serving organization is not compliant. In short, there is no mechanism for enforcement specified in the bill.

HYSN recommends amendments to the bill to limit the requirement for an anti-bullying policy and training to organizations that have state contracts. Then the state agency issuing the contract could monitor for and enforce compliance.

Thank you for this opportunity to testify.

Sincerely,



Judith F. Clark, MPH
Executive Director

HB-2483-HD-1

Submitted on: 2/10/2020 9:48:39 PM

Testimony for JUD on 2/11/2020 2:00:00 PM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Rainbow	Rainbow Family 808	Support	Yes

Comments:

Rainbow Family 808 Strongly supports HB2483 HD1 because Bullying and Harassment have been a problem for over 20 years with numerous attempts made to address this issue.

As a Social Worker for 20 years, my first experience in 1995 was supporting a family AFTER their high school student was harassed and bullied with the bullies chasing the student, attacking him which ended with the loss of sight in one eye. The sage of this student started with bullies harassing him for being gay. The school required the student:1) Spend a period in an empty classroom reading selected biblical passages directed by a teacher (Violation of the student's Freedom of Religion, one is not to force their religion on another; 2) then the school transferred the student to another high school where a new set of students taunted, bullied and outran him which ended up with the attack and the lost of sight in one eye and hospitalization. This injustice happened on Oahu.

Then still in the 1990's, community groups rallied with the establishment of a procedure added to the Code of Conduct for the entire state which identified and set standards for the protection of the students from being bullied. The documented added to the Statewide establishment on the issue of bullying, harassment in the Code of Conduct only to watch as the guidelines were not implemented in the schools. This fits my old adage that guidelines, rules, decorum are only valuable when they are ENFORCED. That's why HB2483 HD1 needs to be amended to it's original state and intent.

I counceled a father whose children were harassed because he was gay, not the boys. After years of asking for relief, the family moved out of state as the teachers did not enforce the safety requirement to end the bullying. This case happened on the Big Island.

Now I call for Justice for students around this State that will be ENFORCED for their protection and safety. I have first hand experiences of students involving bullying, harassment and more on Kauai and Maui as well. Unless those responsible for the safety and protection of students ENFORE any measure docified, we waste our time and the students age out or Drop Out. This is not a responsible solution for our children. They are NOT to suffer during the most important time of their learning years.

If we continue to write one bill after another, one decade after another, we neglect to do our duty as a responsible society. Please pass the original bill as submitted. Those wanting to change the bill do the students harm. Thank you for hearing my plea for HB2483 HD1.

Carolyn Martinez Golojuch, MSW

Activist for Safety and Justice



Promoting Healthy Lifestyles through Cyclovias

Honolulu, HI 96825

808-395-3233

LATE

TO: Members of the House Committee on Judiciary

HEARING: 2 p.m. Tuesday, February 11, 2020

SUBJECT: HB 2483, HD1, Anti-Bullying Policy - **COMMENTS**

Cycle On Hawaii is a 501(c)(3) organization that supports Safe Routes to School, Open Streets and other cycling-related activities such as Bike and Walk to School Days and participation in community parades. We are an all-volunteer organization.

HB 2483, HD1, requires all organizations that provide educational or recreational services to individuals under the age of 18 to have a bullying prevention policy and an annual training program. Simply put, implementing a formal bullying prevention policy and related annual training program would be onerous for us, and we would likely no longer be able to provide these activities to our youth.

Sincerely,

Natalie Iwasa, President

Cycle On Hawaii is a 501(c)(3) charitable organization founded in 2012 by a group of advocates for bicyclists. Managed and directed entirely by volunteers, Cycle On Hawaii organizes community events such as Bike and Walk to School Days, cyclovias, bike rodeos for children, bike contests and parades, and educational workshops and presentations on Safe Routes to School.

LATE

HB-2483-HD-1

Submitted on: 2/11/2020 12:15:37 PM

Testimony for JUD on 2/11/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
amy agbayani	Filipina Advocacy Network FAN	Support	No

Comments:

HB-2483-HD-1

Submitted on: 2/10/2020 5:41:07 PM

Testimony for JUD on 2/11/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Mike Golojuch	Individual	Support	No

Comments:

I support the intent of HB2483.

Mike Golojuch, Sr.

HB-2483-HD-1

Submitted on: 2/10/2020 6:40:17 PM

Testimony for JUD on 2/11/2020 2:00:00 PM



Submitted By	Organization	Testifier Position	Present at Hearing
Justin Salisbury	Individual	Support	No

Comments:

LATE

HB-2483-HD-1

Submitted on: 2/10/2020 8:04:29 PM

Testimony for JUD on 2/11/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Lynn Robinson-Onderko	Individual	Support	No

Comments: