



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

**House Committee on Finance**

Wednesday, March 3, 2021  
2:00 p.m.  
Via Videoconference  
Hawaii State Capitol, Room 308

**House Bill 225, House Draft 2, Relating to Bullying**

Dear Chair Luke, Vice Chair Cullen, and Members of the Committee:

The Board of Education ("Board") appreciates the intent of HB 225 HD2 but has comments. HB 225 HD2 would require the Board to develop a bullying prevention and response action plan and report annually to the Legislature.

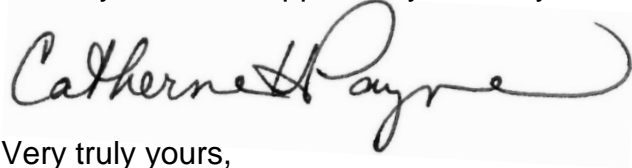
The Board has long advocated for safe learning environments that ensure the wellbeing of students and recognizes bullying as a severe issue.

However, the Board has significant concerns with this measure as currently drafted. The Board generally does not support measures that create additional duties or responsibilities for the Board or Department of Education ("Department") without appropriating adequate, commensurate resources to accomplish such duties or responsibilities. In its current form, this measure creates substantially more work for the Board and Department without any funding to accomplish their new responsibilities.

To be clear, the Board's preference is to defer this measure to another year when funding is not in such short supply, as the Board top priority is preserving funding and resources for student learning at the classroom level.

In addition, the Board believes the responsibility to implement programs and execute plans should lie with the Department, as the Board's fundamental purpose is to create educational policy, pursuant to the Constitution of the State of Hawaii. Therefore, if the Committee still decides to pass this measure, the Board requests that the Committee amend it to place the responsibility to develop and implement a bullying prevention and response action plan with the Department.

Thank you for this opportunity to testify on behalf of the Board.

A handwritten signature in black ink that reads "Catherine Payne". The signature is written in a cursive style with a large, looping initial "C" and a long, sweeping underline.

Very truly yours,

Catherine Payne  
Chairperson, Board of Education  
Chairperson, 2021 Legislative Ad Hoc Committee



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

**Date:** 03/03/2021

**Time:** 02:00 PM

**Location:** 308 Via Videoconference

**Committee:** House Finance

**Department:** Education

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

**Title of Bill:** HB 0225, HD2 RELATING TO BULLYING.

**Purpose of Bill:** Requires the board of education to develop a bullying prevention and response action plan. Requires the board of education to report annually to the legislature. Repeals Act 214, Session Laws of Hawaii 2011. Effective 7/1/3021. (HD2)

**Department's Position:**

The Hawaii State Department of Education (Department) appreciates the intent of HB 225, HD 2 and notes significant concerns:

The Department fosters positive and safe learning environments for all students and staff by creating a culture of respect, responsibility, and resiliency. The Department does not tolerate bullying on any of its campuses, transportation, and/or during sponsored-activities.

In order to ensure the emotional and physical safety of our students, the Department instituted a comprehensive three-tiered bullying prevention and response plan using the Hawaii Multi-Tiered System of Supports (HMTSS) framework. HMTSS engages school teams to regularly assess and monitor bullying prevention efforts and individual student needs (academic, social-emotional, behavior and physical) in three areas:

- Prevention (before the bullying occurs);
- Reporting (addressing the bullying incidents); and
- Follow-up (providing post-incident support to both the complainant and respondent).

The Department's procedures for investigating and remedying student bullying, harassment, and retaliation incidents can be found in Hawaii Administrative Rules (HAR) Chapter 19. This extensive rule includes updated definitions for bullying, harassment, and cyberbullying, which was recently revised in November 2019. The definitions were updated based on research gathered from the bullying policies of

school districts across the country. Additionally, various stakeholders such as the Department, school and district administrators, employees, and members of the community provided input on these definitions in one of eleven feedback sessions held across every island.

The Department appreciates the intent behind the proposed definitions of “bullying,” “cyberbullying,” and “harassment” in HB 225, HD2. However, the Department believes that the existing definitions of these terms found in HAR Chapter 19 and HAR Chapter 89 provides guidance to prevent and mitigate bullying, harassment, and cyberbullying within the Department.

If HB225, HD2 is codified into state law, then the Department will have to adopt the definitions of bullying, cyberbullying, and harassment stated within. As such, if any changes to these definitions are required, new legislation would have to be introduced in order to make such updates. This will require additional resources, responsibilities and funding. Currently, the HAR allows the Department to make updates or changes as required without having to go through the legislative process.

Furthermore, the revised HAR Chapter 19 rule includes a complaint procedure for bullying, harassment (sexual), discrimination and/or retaliation. This complaint procedure ensures that students' complaints are addressed and students are provided with immediate interventions and support during the complaint investigation. Within this complaint procedure parents of the public school students who were either the complainant or respondent are provided with the notice of the investigation, immediate interventions, investigation findings and remedies. The respondent's parents and/or legal guardians receive information on any assigned disciplinary action. The Department's procedures for investigating and remedying issues of bullying and harassment conducted by employees and volunteers, can be found in the HAR 89, Department's Code of Conduct, Board of Education Policy #305-10, and Board of Education Policy #900-1.

School administrators record bullying, harassment, and retaliation incidents into the Infinite Campus Behavior Management System. Data collected in Infinite Campus includes:

- Date of incident;
- Type of incident;
- Time of incident;
- Type of offense;
- Immediate interventions;
- Investigation findings;
- Informal resolution;
- Disciplinary action; and
- Remedies.

School teams identify, monitor, and track bullying incidents to determine the effectiveness of current programs and practices. The number of bullying incident reports for the last three school years are stated below:

School Year	Number of Bullying Incidents
2017-2018	506

2018-2019	511
2019-2020	257

Bullying, harassment, and retaliation incidents can be reported to any school personnel, the Civil Rights Compliance Branch, Complex Area Superintendents, and the Superintendent. Anonymous reports may be made to the Department's confidential fraud and ethics hotline, at (855) 233-8085 or at the Department's online reporting service <https://secure.ethicspoint.com/domain/media/en/gui/57591/index.html>. High and middle school students may report bullying incidents on the Speak Now HIDEOE Anti-Bullying Mobile Application (App) anonymously.

Further, the Department's school personnel provide support services to both the complainant and respondent to prevent future incidents from occurring. Examples of these supports, include, but are not limited to the following:

- Individual school counseling - A service that is provided to students to immediate their needs and concerns.
- Check in/out - A behavior strategy where students start their day by checking-in with an adult to promote positive behavior throughout the day. Students also spend a few minutes at the end of each day with an adult to review their daily progress.
- Student and/or Parent Conference - A scheduled meeting to discuss a student's academic and/or behavior concerns.

The Department would possibly violate the Family Educational Rights Privacy Act if the Department were to disclose to the legislature case-by-case student level bullying data. This is due to the confidentiality issues of possible student identification. However, the Department can generate the total count of bullying incidents to the legislature by students, employees and volunteers. Student discipline bullying incidents are included in the annual discipline report to the legislature and posted on the Department's website (

<https://www.hawaiipublicschools.org/VisionForSuccess/SchoolDataAndReports/StateReports/Pages/Discipline-and-Restraint-Reports.aspx>). Additionally, the Department may include victim bullying counts to its annual discipline reports to the legislature and post the information on the Department's website.

The amount of attention and resources to provide bullying incident counts for each student, employee, and volunteer will be a tedious and time consuming process for the designated school level personnel. The data sources that currently exist are comprehensive and give schools the opportunity to review trends, strengths and needs to support their school improvement planning.

Thank you for the opportunity to provide testimony on this measure.

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](http://www.hawaiipublicschools.org).

**HB-225-HD-2**

Submitted on: 3/1/2021 3:22:34 PM

Testimony for FIN on 3/3/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Mike Golojuch, Sr.	Rainbow Family 808	Support	No

Comments:

Our organization definitely supports HB225. It is important for the Board of Education to have a prevention and response action plan to address all forms of bullying in the schools. Please pass this bill.

Mike Golojuch, Sr., Secretary

Rainbow Family 808

**HB-225-HD-2**

Submitted on: 3/1/2021 4:29:37 PM

Testimony for FIN on 3/3/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Louis Erteschik	Hawaii Disability Rights Center	Support	No

Comments:

We are in support.

# 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](mailto:info@hysn.org)

Carole Gruskin, 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

Friends of the Children's Justice Center of Maui

Hale Kipa, Inc.

Hale 'Opio Kauai, Inc.

Hawaii Children's Action Network

Hawaii Health & Harm

Reduction Center

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

March 2, 2021

To: Representative, Representative Sylvia Luke, Chair  
And members of the Committee on Finance

## **Testimony in Support of HB 225 HD 2 Relating to Bullying**

Hawaii Youth Services Network, a statewide coalition of youth-serving organizations, supports HB 225 HD 2 Relating to Bullying

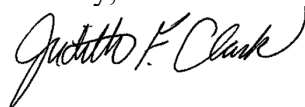
For 9 out of the past 13 years, bullying has been one of the top concerns of the youth who participate in the annual Children and Youth Summit at the State Capitol each October. They tell us that teachers and other school staff do not respond effectively when they witness bullying or bullying is reported by students.

As one concerned grandparent told me, "We are teaching our granddaughter about the issue. Last year she reported 3 kids to teacher because they were taunting a home less girl...{My granddaughter said the teacher just told them not to do again...the kids got nothing out of it."

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. 22.6% of middle school students in Hawaii were cyber-bullied, 40% were bullied on school property, 23.1% seriously considered suicide, and 12.4% attempted suicide during past 12 months.

Thank you for this opportunity to testify.

Sincerely,



Judith F. Clark, MPH  
Executive Director



**HB-225-HD-2**

Submitted on: 3/1/2021 4:22:29 PM

Testimony for FIN on 3/3/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Andrea Quinn	Individual	Support	No

Comments:

Dear Honorable Committee Members,

Please support HB225.

Thank you,

Andrea Quinn

**LATE**

**HB-225-HD-2**

Submitted on: 3/3/2021 12:15:44 PM

Testimony for FIN on 3/3/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Thomas Brandt	Individual	Support	No

Comments:

Strong support.