



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

**Date:** 03/11/2021  
**Time:** 02:00 PM  
**Location:** 309 & 430 Via  
Videoconference  
**Committee:** House Education

**Department:** Education

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

**Title of Resolution:** HCR 0052 REQUESTING THE OFFICE OF THE GOVERNOR TO CONVENE A TASK FORCE TO ASSESS WHETHER STATE AGENCIES' ANTI-BULLYING POLICIES AND RECORDS OF INCIDENCES OF BULLYING ARE PROPERLY UPDATED AND EFFECTIVELY UTILIZED.

**Department's Position:**

The Hawaii State Department of Education (Department) supports the intent of HCR 0052, the purpose of which is to convene a task force to assess whether State Agencies' anti-bullying policies and records of incidences of bullying are properly updated and effectively utilized; however, the Department would like to note significant concerns.

While the Department appreciates that the task force is requested to develop a model policy related to all forms of bullying, including cyberbullying and harassment, the Department currently has an existing system and rules to address these concerns. The Department instituted a comprehensive three-tiered bullying prevention and response plan using the Hawaii Multi-Tiered System of Support framework. Hawaii Multi-Tiered System of Support 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 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 the state.

Furthermore, the revised Hawaii Administrative Rules 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. Upon the receipt of a bullying, harassment (sexual), discrimination and/or retaliation complaint the school administrator is required to contact the Department's Civil Rights Compliance Branch. There are a total of 15 equity specialists statewide, with one (1) equity specialist assigned to each of the Department's complex areas. Furthermore, there are five (5) Civil Rights Compliance Specialists, who are considered subject matter experts regarding the various protected classes. The Complex Equity Specialists are consulted by school administrators when student-to-student complaints of bullying, harassment (including sexual harassment), discrimination, and retaliation are reported to the schools. Topics of consultation between the Civil Rights Compliance Branch and the school include whether the conduct falls within a protected class, what types of immediate interventions may be implemented for the parties, and what type of remedies, if any, may be provided to the complainant. Within this complaint procedure, parents of 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 Hawaii Administrative Rules Chapter 89, the Department's Code of Conduct, Board of Education Policy #305-10, and Board of Education Policy #900-1.

Although the Department collects data on incidents of bullying, harassment, and discrimination, the Department is concerned with the type of data that would be requested to be provided to the task force. 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. Additionally, any data that may be shared that contains any personally identifiable information of Department employees could be considered a breach of employee confidentiality and privacy policies.

Student discipline, including, bullying, harassment and cyberbullying 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>).

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 for both the complainant and the respondent. Additionally, complex area superintendents have access to their respective complex school's data. 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 school and middle school students may report bullying incidents on the Speak Now HIDOE Anti-Bullying Mobile Application anonymously.

As stated above, the Hawaii Multi-Tiered System of Support framework includes bullying prevention efforts, including tiered supports. Furthermore, the Department educates students on identifying and reporting incidents of bullying, harassment, and discrimination, including those based on protected class(es) through the Speak Now HIDOE Anti-Bullying Mobile App age-appropriate student training videos.

The Department addresses each incident of bullying and harassment on an individual basis. According to Hawaii Administrative Rules Chapter 19, in determining disciplinary actions, school administrators shall consider the following:

- Intention of the offender;
- The nature and severity of the offense;
- The impact of the offense on others, including whether the action was committed by an individual or group of individuals such as a gang;
- The age of the offender; and
- If the offender was a repeat offender.

Additionally, interventions to teach students appropriate behaviors must be instituted when disciplinary actions are imposed. These interventions are non-punitive in nature and include individual school counseling, "check-in" and "check-outs" with the student, re-teaching of school-wide behavior expectations with a designated school staff, and/or

other interventions, as appropriate.

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.

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).



# UNIVERSITY OF HAWAII SYSTEM

## Legislative Testimony

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Testimony Presented Before the  
House Committee on Education  
Thursday, March 11, 2021, at 2:00 p.m.

By  
Hae Okimoto, Associate Vice President for Student Affairs  
University of Hawai'i System

HCR 52/HR 41 – REQUESTING THE OFFICE OF THE GOVERNOR TO CONVENE A TASK FORCE TO ASSESS WHETHER STATE AGENCIES' ANTI-BULLYING POLICIES AND RECORDS OF INCIDENCES OF BULLYING ARE PROPERLY UPDATED AND EFFECTIVELY UTILIZED

Chair Woodson, Vice Chair Kapela, and members of the Committee:

Thank you for the opportunity to testify on HCR 52/HR 41 relating to the creation of a task force to assess anti-bullying policies and records of State agencies.

The University of Hawai'i (University) supports the intent of these resolutions. University Executive Policy 7.208, the Systemwide Student Conduct Code, encompasses bullying addressed in this resolution and all University policies are scheduled for review every three (3) years to assure relevancy and update(s). Therefore, the University believes our current practices already support the intent of this resolution and welcomes the opportunity to serve a vital role on the proposed task force.

Thank you for the opportunity to submit testimony on these measures.

# Hawaii Association of School Psychologists

03/10/2021

House of Representatives  
Hawaii State Capitol  
415 South Beretania Street

**Re: Support of Intent of House Resolution 41 and House Concurrent Resolution 52**

Aloha Representatives:

The Hawaii Association of School Psychologists (HASP) supports the intent of House Resolution 41 and its companion, House Concurrent Resolution 52. All students, irrespective of race, culture and background, sexual orientation, socioeconomic status, or educational need, have a right to equitable, high quality education, including access to core curricula incorporating their cultural backgrounds and perspectives, as well as evidence-based educational practices that are delivered in an age-appropriate, developmentally appropriate, and linguistically appropriate general education classroom settings.

HASP appreciates the resolution's attention to determining the effectiveness of current anti-bullying measures, including online (cyberbullying), with the intent of "implementing new policies that focus on progressive rather than punitive punishments for students that have committed acts of bullying, cyberbullying, or harassment."

School psychologists have substantial training and preparation in data-based decision making (at the individual and systems level) and research and program evaluation. They possess the knowledge and skills required to help lead efforts related to needs assessments, establishing progress monitoring systems, evaluating and interpreting data, using data to inform future decisions, and evidence-based anti-bullying programs available to schools.

HASP therefore recommends the language of line 18 is amended to read as follows:

~~(3) Department of Transportation;~~ {(3) Hawaii Association of School Psychologists; }.

As experts in education systems, research and program evaluation, and best practices in regards to anti-bullying programs, HASP strongly believes it is better equipped to serve as a task force representative.

In closing, HASP supports the intent of the companion resolutions indicated above, and encourage they are amended to include the Hawaii Association of School Psychologists as a representative on the task force instead of the Department of Transportation because school psychologists have more appropriate training and expertise to address the intent of the resolutions

Respectfully Submitted:

Alec H Marentic  
Co-Chair, HASP Legislative Committee  
[Alec.marentic@gmail.com](mailto:Alec.marentic@gmail.com)

March 11, 2021

Committee on Education  
Rep. Justin H. Woodson, Chair  
Rep. Jeanne Kapela, Vice Chair

State Capitol  
415 South Beretania Street  
Honolulu, HI 96813

Aloha Chair Woodson, Vice Chair Kapela, and Members of the Committee,

I am a student from Kalani High School and I am proud to support HCR 52.

The COVID-19 pandemic forced students to shift into virtual learning, and stay home to access school class. My school is not an exception and I have been attending school online 2-3 days a week. The time spending on my laptop has increased from past years, and I have experienced more headaches, fatigues, and mental depression. I also feel that I got more sensitive to pressure, anxieties, and the voices of others.

HCR 52 strengthens the anti-bullying policies and urges for frequent updates on and utilization of bullying reports at the district and individual school level.

The promotion of a safe environment free of bullying, cyberbullying, and harassment is important to students because the mental health and effectiveness of school learning can be severely damaged and interfered with by bullying. Cyberbullying is happening more often these days from the online learning environment, where students could bully someone without being seen by teachers, adults, or parents. According to the results of a UCLA study published in the *Journal of Early Adolescence*, bullying and low academic achievement are frequently linked. Bullying could take away the motivation of learners by damaging their mental health status.

HCR 52 is an important resolution to pass at this time of pandemic to protect students from being bullied or harassed in both physical and virtual environments. Please pass this resolution for the students' healthy school life.

Mahalo,

Mana Iketani