

MAR 08 2024

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# SENATE RESOLUTION

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DECLARING THAT BULLYING IS A MATTER OF STATEWIDE CONCERN;  
REQUESTING THE DEPARTMENT OF EDUCATION TO UPDATE ITS RULES  
AND POLICIES TO ADDRESS BULLYING; AND REQUESTING THE HAWAII  
STATE COUNCIL ON DEVELOPMENTAL DISABILITIES TO CONVENE A  
TASK FORCE TO ADDRESS THE BULLYING OF DISABLED CHILDREN.

1 WHEREAS, the Centers for Disease Control and Prevention has  
2 declared bullying to be a form of youth violence and an adverse  
3 childhood experience that causes harm to its victims; and  
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5 WHEREAS, the United States Department of Health and Human  
6 Services has noted that children who are bullied:  
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8 (1) Can experience negative physical, social, emotional,  
9 academic, and mental health issues; and  
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11 (2) Are more likely to experience depression and anxiety,  
12 feelings of sadness and loneliness, changes in sleep  
13 and eating patterns, loss of interest in activities  
14 that they used to enjoy, health issues, and decreased  
15 academic achievement; and  
16

17 WHEREAS, several federal laws were enacted to protect youth  
18 with disabilities, including:  
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20 (1) The Individuals with Disabilities Education Act of  
21 2004, which ensures that eligible children with  
22 disabilities are provided with a free, appropriate  
23 public education;  
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25 (2) Section 504 of the Rehabilitation Act of 1973, which  
26 contains provisions that prohibit individuals with  
27 disabilities from being excluded from participation  
28 in, being denied the benefits of, or being subjected  
29 to discrimination under any program or activity  
30 receiving federal financial assistance; and  
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32 (3) Title II of the Americans with Disabilities Act, which  
33 extends protection against discrimination to state and



1 local government services, programs, and activities,  
2 including public schools, regardless of whether the  
3 services, programs, and activities receive federal  
4 financial assistance; and  
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6 WHEREAS, when disabled children are bullied at public  
7 schools, these laws require the school to take certain actions;  
8 and  
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10 WHEREAS, the state Department of Education is committed to  
11 providing a safe learning environment for students, families,  
12 and educators; and  
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14 WHEREAS, as part of this commitment, the Department of  
15 Education addresses bullying, including cyberbullying, by  
16 emphasizing a culture of respect, responsibility, and resiliency  
17 using a framework of prevention, response, and reporting; and  
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19 WHEREAS, the Department of Education and Board of Education  
20 work with communities to promote understanding and investigate  
21 incidents to ensure the safety of students; and  
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23 WHEREAS, the City and County of Honolulu has also enacted  
24 ordinances to prevent bullying and create a safe, protected  
25 environment for youth participating in county programming; and  
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27 WHEREAS, community-wide strategies can help identify and  
28 support children who are bullied; redirect the behavior of  
29 children who bully; and modify the attitudes of adults and youth  
30 who tolerate bullying behaviors; and  
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32 WHEREAS, additional support must be given to victims and  
33 bullies to address conditions that have contributed to bullying  
34 and prevent bullying from happening; and  
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36 WHEREAS, counseling, mental health resources, and  
37 social-emotional learning are effective strategies to support  
38 children, parents, staff, teachers, and principals; and  
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40 WHEREAS, bullying can also be prevented by addressing  
41 health, stress, abuse, domestic violence, gang activity, issues



1 at home, and social-emotional and behavioral health issues; now,  
2 therefore,

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4 BE IT RESOLVED by the Senate of the Thirty-second  
5 Legislature of the State of Hawaii, Regular Session of 2024,  
6 that bullying in Hawaii is declared to be a matter of statewide  
7 concern; and

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9 BE IT FURTHER RESOLVED that the Department of Education is  
10 requested to update Chapter 19 of Title 8, Hawaii Administrative  
11 Rules, and any related policies, to better support youth,  
12 especially disabled youth, who are subjected to bullying; and

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14 BE IT FURTHER RESOLVED that the Department of Education is  
15 requested to ensure that the updated administrative rules and  
16 policies be synchronized across all schools, to the fullest  
17 extent possible; and

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19 BE IT FURTHER RESOLVED that the Hawaii State Council on  
20 Developmental Disabilities is requested to convene a task force  
21 to examine and make recommendations to address:

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23 (1) A no-tolerance policy for all forms of bullying,  
24 including physical, psychological, mental, emotional,  
25 social, and cyber bullying;

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27 (2) Mandatory training for staff regarding the bullying of  
28 disabled children, including how to identify bullying  
29 or other aggressive behavior against disabled children  
30 and how to appropriately respond to that behavior;

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32 (3) Updated reporting procedures;

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34 (4) Updated staff intervention policies;

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36 (5) Protections for victims, families, and staff against  
37 retaliation;

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39 (6) Programs to improve bullying education and awareness;

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41 (7) Programs to improve mental health resources;

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- 1           (8) Mandatory training that integrates social-emotional  
2           learning and trauma-informed care strategies;  
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- 4           (9) The development of an annual systematic internal  
5           review of reports on bullying incidents that involve  
6           disabled children in state programs that work with  
7           children, to improve policies and procedures; provided  
8           that the plan includes safeguards that address privacy  
9           concerns and prevent violations of privacy laws;  
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- 11          (10) A plan to provide intensive counseling and  
12          disciplinary actions for violators;  
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- 14          (11) Initiatives to protect disabled students, including  
15          identifying projects and initiatives to provide  
16          peer-to-peer support; and  
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- 18          (12) Enhanced policies to stop the bullying of disabled  
19          children and youth throughout the State; and  
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21           BE IT FURTHER RESOLVED that the task force is requested to  
22 consider that students who have committed acts of bullying,  
23 cyberbullying, or harassment be given non-punitive disciplinary  
24 actions that are meant to address the root causes of bullying,  
25 including:

- 26           (1) Meeting with students' parents;
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- 28           (2) Reflective writing;
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- 31           (3) Counseling, including health counseling, mental health  
32           counseling, or other interventions; and  
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- 34           (4) Participation in skills building and resolution  
35           activities; and  
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37           BE IT FURTHER RESOLVED that the Chairperson of the Hawaii  
38 State Council on Developmental Disabilities, or the  
39 Chairperson's designee, is requested to serve as chairperson of  
40 the task force; and  
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1 BE IT FURTHER RESOLVED that the Hawaii State Council on  
2 Developmental Disabilities is requested to invite the following  
3 individuals or their designees to serve on the task force:

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- 5 (1) The Director of the Governor's Office of Wellness and  
6 Resilience;
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  - 8 (2) The Lieutenant Governor;
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  - 10 (3) The Chairperson of the Board of Education;
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  - 12 (4) The Superintendent of Education;
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  - 14 (5) The Attorney General;
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  - 16 (6) The Assistant Secretary for Civil Rights of the United  
17 States Department of Education; and
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  - 19 (7) Any other representatives of relevant government  
20 agencies, programs, nonprofit organizations, and other  
21 entities; and
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23 BE IT FURTHER RESOLVED that the task force is requested to  
24 submit a report of its findings and recommendations, including  
25 any proposed legislation, no later than twenty days prior to the  
26 convening of the Regular Session of 2025; and

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28 BE IT FURTHER RESOLVED that certified copies of this  
29 Resolution be transmitted to the Governor, Lieutenant Governor,  
30 Director of the Governor's Office of Wellness and Resilience,  
31 Chairperson of the Hawaii State Council on Developmental  
32 Disabilities, Attorney General, Assistant Secretary for Civil  
33 Rights of the United States Department of Education, and  
34 Superintendent of Education; and

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1 BE IT FURTHER RESOLVED that the Governor is requested to  
2 further transmit copies of this resolution to each state  
3 department, agency, program, or office that works with youth.  
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OFFERED BY: \_\_\_\_\_

  
BY REQUEST

