

MAR 08 2024

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# SENATE CONCURRENT RESOLUTION

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  
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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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(3) Title II of the Americans with Disabilities Act, which extends protection against discrimination to state and local government services, programs, and activities, including public schools, regardless of whether the services, programs, and activities receive federal financial assistance; and

WHEREAS, when disabled children are bullied at public schools, these laws require the school to take certain actions; and

WHEREAS, the state Department of Education is committed to providing a safe learning environment for students, families, and educators; and

WHEREAS, as part of this commitment, the Department of Education addresses bullying, including cyberbullying, by emphasizing a culture of respect, responsibility, and resiliency using a framework of prevention, response, and reporting; and

WHEREAS, the Department of Education and Board of Education work with communities to promote understanding and investigate incidents to ensure the safety of students; and

WHEREAS, the City and County of Honolulu has also enacted ordinances to prevent bullying and create a safe, protected environment for youth participating in county programming; and

WHEREAS, community-wide strategies can help identify and support children who are bullied; redirect the behavior of children who bully; and modify the attitudes of adults and youth who tolerate bullying behaviors; and

WHEREAS, additional support must be given to victims and bullies to address conditions that have contributed to bullying and prevent bullying from happening; and

WHEREAS, counseling, mental health resources, and social-emotional learning are effective strategies to support children, parents, staff, teachers, and principals; and



1 WHEREAS, bullying can also be prevented by addressing  
2 health, stress, abuse, domestic violence, gang activity, issues  
3 at home, and social-emotional and behavioral health issues; now,  
4 therefore,  
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6 BE IT RESOLVED by the Senate of the Thirty-second  
7 Legislature of the State of Hawaii, Regular Session of 2024, the  
8 House of Representatives concurring, that bullying in Hawaii is  
9 declared to be a matter of statewide concern; and  
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11 BE IT FURTHER RESOLVED that the Department of Education is  
12 requested to update Chapter 19 of Title 8, Hawaii Administrative  
13 Rules, and any related policies, to better support youth,  
14 especially disabled youth, who are subjected to bullying; and  
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16 BE IT FURTHER RESOLVED that the Department of Education is  
17 requested to ensure that the updated administrative rules and  
18 policies be synchronized across all schools, to the fullest  
19 extent possible; and  
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21 BE IT FURTHER RESOLVED that the Hawaii State Council on  
22 Developmental Disabilities is requested to convene a task force  
23 to examine and make recommendations to address:  
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- 25 (1) A no-tolerance policy for all forms of bullying,  
26 including physical, psychological, mental, emotional,  
27 social, and cyber bullying;  
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- 29 (2) Mandatory training for staff regarding the bullying of  
30 disabled children, including how to identify bullying  
31 or other aggressive behavior against disabled children  
32 and how to appropriately respond to that behavior;  
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- 34 (3) Updated reporting procedures;  
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- 36 (4) Updated staff intervention policies;  
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- 38 (5) Protections for victims, families, and staff against  
39 retaliation;  
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- 41 (6) Programs to improve bullying education and awareness;  
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- 1 (7) Programs to improve mental health resources;
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- 3 (8) Mandatory training that integrates social-emotional
- 4 learning and trauma-informed care strategies;
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- 6 (9) The development of an annual systematic internal
- 7 review of reports on bullying incidents that involve
- 8 disabled children in state programs that work with
- 9 children, to improve policies and procedures; provided
- 10 that the plan includes safeguards that address privacy
- 11 concerns and prevent violations of privacy laws;
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- 13 (10) A plan to provide intensive counseling and
- 14 disciplinary actions for violators;
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- 16 (11) Initiatives to protect disabled students, including
- 17 identifying projects and initiatives to provide
- 18 peer-to-peer support; and
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- 20 (12) Enhanced policies to stop the bullying of disabled
- 21 children and youth throughout the State; and
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23 BE IT FURTHER RESOLVED that the task force is requested to  
 24 consider that students who have committed acts of bullying,  
 25 cyberbullying, or harassment be given non-punitive disciplinary  
 26 actions that are meant to address the root causes of bullying,  
 27 including:

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- 29 (1) Meeting with students' parents;
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- 31 (2) Reflective writing;
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- 33 (3) Counseling, including health counseling, mental health
- 34 counseling, or other interventions; and
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- 36 (4) Participation in skills building and resolution
- 37 activities; and
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39 BE IT FURTHER RESOLVED that the Chairperson of the Hawaii  
 40 State Council on Developmental Disabilities, or the  
 41 Chairperson's designee, is requested to serve as chairperson of  
 42 the task force; and



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BE IT FURTHER RESOLVED that the Hawaii State Council on Developmental Disabilities is requested to invite the following individuals or their designees to serve on the task force:

- (1) The Director of the Governor's Office of Wellness and Resilience;
- (2) The Lieutenant Governor;
- (3) The Chairperson of the Board of Education;
- (4) The Superintendent of Education;
- (5) The Attorney General;
- (6) The Assistant Secretary for Civil Rights of the United States Department of Education; and
- (7) Any other representatives of relevant government agencies, programs, nonprofit organizations, and other entities; and

BE IT FURTHER RESOLVED that the task force is requested to submit a report of its findings and recommendations, including any proposed legislation, no later than twenty days prior to the convening of the Regular Session of 2025; and

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



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

