



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

**Date:** 03/24/2021

**Time:** 03:05 PM

**Location:** CR 229 & Videoconference

**Committee:** Senate Education

**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, HD2 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 framework (HMTSS). 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. 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 provide 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

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 (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 for 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: 3/24/2021 1:32:44 AM

Testimony for EDU on 3/24/2021 3:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Julie Reyes Oda	Individual	Comments	No

Comments:

**My name is Julie Reyes Oda. I'm a math teacher at Nanakuli High & Intermediate School and a public school mom. I am commenting on HB225, a Bill for a Bullying Prevention and Response Action Plan.**

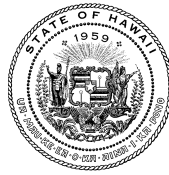
**The content of this bill is excellent, but it is not enough. In this bill, the Board needs to create a plan to prevent, educate, report, preserve/document evidence of bullying, harassment, and retaliation in the schools. The Department must then report their responses, compliance, and review their action plan bi-annually. There are also annual requirements to the legislature to include incidents. The devil is in the details. How do we ensure compliance from the Department?**

**My understanding is that this bill only covers the students. I bet when I ask for an expansion to include employees, it will be said that there are already existing policies in place for the employees to report. More needs to be done for the employees, we need to make improvements on the employer side and I want to see that the employer reports those numbers to the legislature. We can only find new ways of improving if we can justify improvement with the data. If employees are excluded from being reported to the legislature, you will never get the full picture. If we do not have the data collected to justify any change, none will be made.**

**I want to make sure that the bill explicitly includes employees who may face bullying, harassment, and retaliation by a student, volunteer, or employee that may create an intimidating, threatening, or abusive working environment for the recipient. I also want that employee to know that there is a place to report and that the report will be taken seriously.**

**What I am asking you to do, would just include adding a few words to this bill. But what we will have done is create parity with what the effects of bullying does to the victim. Employees who are victims face the same trauma: harm to their emotional, psychological, or physical well-being; coercion; intimidation.**

**Students are not the only ones who are victims. Let's not create a disparity between who is heard and who is not heard. Anyone who comes to a public school campus should have access to the same safety that this bill is talking about. Anyone, whether you are 3 or 80, you should feel safe from bullying, harassment, and retaliation on a Hawai`i public school campus. That is what I thought this bill was telling me. Including the employees would fix the inequities of the system and allow a previous unheard group of voices to be heard.**



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

**Senate Committee on Education**

Wednesday, March 24, 2021  
3:05 p.m.  
Via Videoconference  
Hawaii State Capitol, Room 229

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

Dear Chair Kidani, Vice Chair Kim, 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.

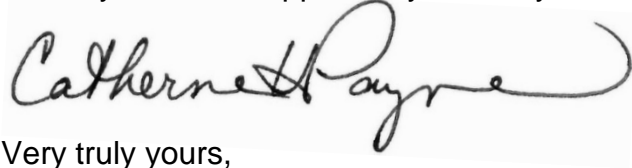
The Board has long advocated for safe learning environments that ensure the wellbeing of students and recognizes bullying as a severe issue.

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 tail that ends in a hook.

Very truly yours,

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

# 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 22, 2021

To: Senator Michelle Kidani, Chair  
And members of the Committee on Education

## **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

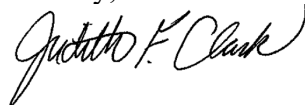
For 9 out of the past 13 years, bullying has been one of the top concerns of the youth who participate in the annual Children and Youth Summit at the State Capitol each October. They tell us that teachers and other school staff do not respond effectively when they witness bullying or bullying is reported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





HAWAII

AMERICANS FOR DEMOCRATIC ACTION

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**MAILING ADDRESS**

P.O. Box 23404  
Honolulu  
Hawaii 96823

March 19, 2021

TO: Chair Kidani and members of the Education Committee

RE: HB 225 HD2 Relating to Bullying

Support for hearing on March 24

Americans for Democratic Action is an organization founded in the 1950s by leading supporters of the New Deal and led by Patsy Mink in the 1970s. We are devoted to the promotion of progressive public policies.

We support HN 225 HD2 as it would require the Board of Education to develop a bullying prevention and response action plan. Bullying is a problem too often condoned in our public schools. This would be a positive step.

Thank you for your favorable consideration.

Sincerely,

John Bickel, President



Testimony Presented before the Senate Committee on Education

HB225 HD2

Wednesday, March 23, 2021

3:05 pm Via Videoconference

Aloha Chair Kidani, Vice-Chair Kim, and Honorable Members:

Support for HB225 HD2, Relating to Bullying

My name is Zoe Lilo, a constituent of Kaneohe. I am currently an MSW graduate student at the University of Manoa School Thompson Social Work and Public Health. I am testifying in favor of HB225 HD2, relating to bullying. The bill will require the Board of Education to provide a bullying prevention response team in all of Hawaii's public-school systems. Each school will provide bullying prevention, action plans, and annual reports to Legislature in working with each district.

The idea of social media has taken over our world today. Nowadays, kids of all ages have access to the world right at their fingertips. In the same way, it has opened doors for more negative opportunities, like bullying, to take place. Bullying encompasses a broad range of harassment from physical, verbal, and mental harm. Consistent bullying can take a detrimental toll on a young person, leaving them with long-lasting effects on their mental health even into adulthood.

When I was younger, I was bullied and made fun of at a very young age. I didn't know who to turn to or where to go, so I kept it to myself. To this day, I remember word for word of every nasty remark of my peers. My self-esteem plummeted from elementary into high school. I have learned that you will always encounter bullies no matter where you go or how old you are. If youth don't get the necessary help when they are young, they will continue to be bullied as adults. We can't change the bullying that has already happened, but we can ensure we address any future bullying to our youth of Hawaii.

In hopes of this bill, Hawaii's youth won't have to endure years and years of hurt that many others and I have suffered due to bullying. HB225 HD2 will provide a dedicated team of professionals to focus on bullying in our public schools. The response team will advocate for all youth undergoing bullying through preventive work, reports, investigations, interventions, and even referring youth to outside services for further assistance. In ensuring all efforts are made, the response team will be kept accountable by providing consistent reports to the Board of Education, Legislature, and other parties involved.

I strongly support HB225 HD2 to prevent and work toward ending bullying for the youth of Hawaii.

Mahalo, for your time and efforts,  
I look forward to your support!  
Zoe Lilo

**HB-225-HD-2**

Submitted on: 3/19/2021 5:06:46 PM

Testimony for EDU on 3/24/2021 3:05:00 PM

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

Comments:

Support.

Before the  
Committee on Education  
Chair Senator Michelle N. Kidani  
Vice Chair Donna Mercado Kim

On the following measure:  
H.B. 225, H.D. 2 RELATING TO BULLYING  
Wednesday, March 24, 2021  
3:05 pm  
Conference Room 229 & Videoconference

Dear Chair Kidani, Vice Chair Kim, and Members of the Committee:

My name is Cassandra Dimailig, a graduate student at the University of Hawai'i at Mānoa. I am testifying in support of House Bill 225, House Draft 2, relating to bullying and the development of a prevention and response action plan for bullying by the Board of Education.

Hawai'i Health Matters states about the 2019 Youth Risk Behavior Survey (YRBS) results of students who reported bullying in school property or electronically at 23.7% within the state of Hawai'i. This percentage of bullying is data of youth who had the opportunity to speak out about their own experiences. There may be youth who are afraid or threatened to talk about their bullying experiences. The Committee for Children recognizes that the reasons youth do not report their experiences is due to feelings of being ashamed, afraid, and the belief that adults rarely intervene in bullying situations.

I strongly believe in this bill for the development of a prevention plan and a response action plan. By having a clear guideline of protocols for bullying within the youth, it showcases to this population that there are adults who will be there for them. House Bill 225, House Draft 2

will support the youth in the education system through preventative measures and a response action plan for support. Thank you for the opportunity to testify on this bill.

Thank you,

Cassandra Dimailig

**LATE**

Before the  
Committee on Education  
Chair Representative Senator Michelle N. Kidani  
Vice Chair Representative Senator Donna Mercado Kim

On the following measure:  
H.B. 225 H.D. 2 RELATING TO BULLYING

Wednesday, March 24, 2021  
3:05 PM  
State Capitol, Conference Room 329  
VIA VIDEOCONFERENCE

Aloha Chair Kidani and Members of the Committee,

My name is Jenny Mae Respicio and I am a graduate student at the University of Hawaii at Manoa. I am testifying in support of H.B. 225 H.D. 2. which aims to require the board of education to develop a bullying prevention and response action plan and require the board of education to report annually to the legislature.

Current DOE policies in place right now are not sufficient enough for our keiki. There are still a lot of children being bullied without a comprehensive plan to address bullying or take a closer look at its root causes. According to the CDC's Youth Risk Behavior Surveillance System (YRBSS) survey, 17% of Hawaii high school students were bullied on school property in 2019, while another 13.1% reported being cyberbullied. The school should be a safe environment for a child to strive in. Instead, 1 in 6 Hawaii high schoolers are reported to be skipping school at least once in the last 30 days due to concerns for their safety.

A common concern that parents have expressed to schools regarding bullying is that schools aren't responsive to their concerns. They claim that school officials don't take sufficient

measures to respond to or protect their children when alerted to alleged misbehavior from other kids, including racial slurs, sexual harassment and physical violence on the school bus.

Unfortunately, this is the same concern I had when my own family member experienced bullying. Victims of bullying already have a difficult time telling a trusted adult what they are going through. As that trusted adult, whom a victim had the courage to seek help from, it's discouraging and disappointing when the school doesn't address these concerns.

This bill will make schools more accountable for all bullying incidents and reports using a bullying prevention and response action plan. It will protect victims of bullying and give the victims and their families a sense of control again.

Mahalo for the opportunity to testify in favor of H.B. 225 H.D. 2.

Jenny Mae Respicio

**HB-225-HD-2**

Submitted on: 3/24/2021 12:01:57 PM

Testimony for EDU on 3/24/2021 3:05:00 PM



Submitted By	Organization	Testifier Position	Present at Hearing
Patricia Coon	Individual	Support	No

Comments:

Aloha,

My name is Patricia Coon. My daughter is disabled due to a stroke she sustained when she was an infant. Bullying is a sensitive topic for me in relation to my daughter as you will read further in my testimony.

Amara started school and has a speech impediment. Kids found that funny and would imitate her. Amara would not understand things being taught. Kids would call her names. Amara would be physically pushed and “picked on’ to the point she did not want to go to school. I put her in a private school, which unfortunately did not have the experience to educationally help Amara. Back to public school she went. This time to a different school with a remarkable principal and teachers. Amara began to re-learn trust.

I put Amara in hula when she was young in hopes she would make some friends. After a month, 2 girls at a time were expected to oil, to gain entrance into the building. I sat in my car watching as each student pushed Amara further and further to the back of the line as no one wanted to oil with Amara. It broke my heart to watch her being treated like this, especially because she had worked hard to memorize the oli. I took Amara out of the hula that afternoon and wrote the Kumu a letter. Years later the Kumu and I had an opportunity to talk. Kumu was unaware of what had been occurring and I believe her. Amends were made. Bullying can be overt or silent.

When my daughter Amara was a teenager, she was at the baseball field in Kapa’a with her Aunty. The Aunty was talking story to one of her friends, not realizing Amara wandered away. Some boys were drinking in the dugout at the baseball field and saw Amara. They called her over, offered her a beer which she refused and pulled her into the dugout. Her Aunty realizing Amara had wandered away, yelled for her friends and began looking for Amara. When they saw Amara being held down by the boys, one of her Aunty’s friends restrained all three of the boys until the police got there. When the police arrived, they began asking Amara questions, which she could not answer, because she did not understand. Her Aunty tried to explain that Amara was disabled and the police stated she did not “look” disabled and she could not answer their questions. They let the boys go, regardless of the fact that people saw Amara being held against her will.



Another time we were in Safeway. Amara was standing in the middle of the aisle while I was taking something out of the freezer. Apparently, a tourist had asked Amara to move. I don't know if Amara did not hear her or understand her, but it doesn't matter. What mattered was this woman hit my daughter with her shopping cart to physically remove her out of the way when Amara did not do what the woman asked her to do.

Another time we were in Walmart. Amara did not realize there was a line to check out. Amara went into the center of the line, I called her to come back to the end of the line. A woman started screaming at Amara to move to the back of the line. I am not talking about raising her voice-I am talking about screaming at her. Amara was scared and did not understand what was happening. I went forward and took Amara by the hand and explained to the woman that Amara was not trying to be rude, but that Amara did understand due to her stroke. The woman continued to yell at Amara and said she didn't care if Amara was disabled or not. It was obviously true, she didn't care.

I can give you so many examples of how my daughter has been bullied.

See one of the "problems" with Amara is that she is very pretty and does not "look" different. Therefore people expect "normal" behavior out of her, which she cannot deliver due to her disability. However as soon as Amara begins to talk, it is more than obvious she is disabled.

As a Mom, I have cried over the way my daughter has been treated. But believe this, Amara has never made me cry and I would not change one thing about her.

Patricia Coon

Kapa', HI 96746