STAND. COM. REP. NO. 98

Honolulu, Hawaii March 18, 2011

RE: S.B. No. 934 S.D. 2 H.D. 1

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Sixth State Legislature Regular Session of 2011 State of Hawaii

Sir:

Your Committee on Education, to which was referred S.B. No. 934, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO BULLYING AND CYBERBULLYING,"

begs leave to report as follows:

The purpose of this bill is to ensure that Hawaii's students are educated in a safe and civil learning environment by, among other things:

- Requiring the Department of Education to adopt rules to implement a policy prohibiting bullying and cyberbullying;
- (2) Specifying minimum components the policy must contain;
- (3) Requiring the Department of Education and the Charter School Review Panel to submit annual reports to the Legislature on the implementation of this policy; and
- (4) Establishing bullying and cyberbullying as a misdemeanor and requiring that incidents be reported to law enforcement.

The Department of the Prosecuting Attorney of the City and County of Honolulu, Hawaii State Teachers Association, Imua Alliance, and several concerned individuals supported this bill.



STAND. COM. REP. NO. Page 2

The American Friends Service Committee, a member of the Board of Education, and a concerned individual supported this measure with amendments. The Hawaii Youth Services Network and Hawaii Women's Coalition supported the intent of this bill. The American Civil Liberties Union of Hawaii opposed this measure. The Department of Education and several concerned individuals provided comments.

Your Committee has amended this bill by:

- Removing the requirement that the policy apply to electronic communication regardless of where that communication originates;
- (2) Clarifying that as part of the reporting and investigation procedures, school employees must immediately report to the principal or the principal's designee if they have any information that a student is a target of bullying or cyberbullying;
- (3) Including in the definition of "bullying" or "cyberbullying" actions motivated by a student's actual or perceived socio-economic status to reflect Board of Education policy;
- (4) Removing language that makes bullying and cyberbullying a misdemeanor;
- (5) Inserting an appropriation in an unspecified amount to fund the implementation of the bullying and cyberbullying policy; and
- (6) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 934, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 934, S.D. 2, H.D. 1, and be referred to the Committee on Judiciary.

SB934 HD1 HSCR EDN HMS 2011-3105

STAND. COM. REP. NO. 991 Page 3

Respectfully submitted on behalf of the members of the Committee on Education,

ROY TAKUMI, Chair



.

.

State of Hawaii House of Representatives The Twenty-sixth Legislature

Record of Votes of the Committee on Education

Bill/Resolution No.: SB 934 SD2	Committee Referral:		Date: 3/16/2011	
The committee is reconsidering its previous decision on the measure.				
The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Hold Pass short form bill with HD to recommit for future public hearing (recommit)				
EDN Members	Ayes	Ayes (WR)	Nays	Excused
1. TAKUMI, Roy M. (C)	×			
2. BELATTI, Della Au (VC)	X			
3. AQUINO, Henry J.C.	X X			
4. AWANA, Karen L.	<u> </u>			
5. CHANG, Jerry L.				X
6. HANOHANO, Faye P.	X			
7. MIZUNO, John M.	<u> </u>			
8. NAKASHIMA, Mark M.	X			
9. NISHIMOTO, Scott Y.	X			
10. SAIKI, Scott K.	X			
11. TAKAI, K. Mark	X			
12. WOOLEY, Jessica	X			
13. FONTAINE, George R.	X			
14. JOHANSON, Aaron Ling	X			
TOTAL (14)	13			1
The recommendation is: Adopted Image: Not Adopted of the support recommendation of the support recommendation. If joint referral,				
Vice Chair's or designee's signature: Alla a. Belatti				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				