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**CITY AND COUNTY OF HONOLULU**

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FIRST DEPUTY PROSECUTING ATTORNEY

THE HONORABLE GILBERT S.C. KEITH-AGARAN, CHAIR  
HOUSE JUDICIARY COMMITTEE  
Twenty-sixth State Legislature  
Regular Session of 2011  
State of Hawai'i

February 17, 2011

RE: H.B. 688; RELATING EDUCATION.

Chair Keith-Agaran, Vice Chair Rhoads, and members of the House Committee on Judiciary, the Department of the Prosecuting Attorney, City and County of Honolulu submits the following testimony in support of H.B. 688.

The purpose of this bill is to require the Department of Education (DOE) to maintain, monitor, and enforce anti-bullying and anti-harassment policies and procedures to protect students or groups of students from bullying, cyberbullying, and harassment. Specifically, H.B. 688 requires the DOE to publicize its policies, conduct annual training, investigate violations, create mechanisms for reporting, collect statistics available for the public, establish a process for complaints upon failure to implement its policies, ensure accountability, delineate a range of ways to respond, establish appropriate referrals or resources to student victims, prohibit retaliation, allow anonymous reporting, and establish peace promoting elements into each school's curriculum.

It is a policy goal of our department to not only prosecute violent individuals who violate our criminal laws, but educate individuals on the wrongfulness of violence. We need to reach out to our children and teens early about the wrongfulness of bullying and cyberbullying, which causes physical and/or mental injury to others. By impacting our youth early, we may prevent perpetrators of bullying and cyberbullying from escalating to more violent acts in the future, or we may prevent other youth from ever starting such misconduct.

In a 2009 survey done by the Department of Education of 15,000 students or 11% of the public school students, 51% of the students continued to feel bullied and harassed and 63% agree that bullying and harassment are problems. It has been found that these behaviors have resulted in campus violence where students and teachers have been killed on campus. It has also been found that some of the shooters were victims of bullying and resorted to violence because the schools did not address the problems sooner.

**Date:** 02/17/2011

**Committee:** House Judiciary

**Department:** Education

**Person Testifying:** Kathryn S. Matayoshi, Superintendent of Education

**Title of Bill:** HB 0688 (HSCR 88) Relating to Education

**Purpose of Bill:** Requires the department of education to maintain, monitor, and enforce anti-bullying and anti-harassment policies and procedures to protect students or groups of students from bullying, cyberbullying, and harassment.

**Department's Position:** While the Department of Education (Department) agrees with some of the proposed actions of HB 688 (HSCR 88), the Department opposes this Bill. The Department currently has in place policies and procedures that address the concerns and the proposed requirements of HB 688 (HSCR 88). The Board of Education Policy 4211, Anti-Harassment, Anti-Bullying, and Anti-Discrimination Against Student(s) by Employees Policy, strictly prohibits discrimination, including harassment, by any employee against a student. The Hawaii Administrative Rules, Title 8, Chapter 19 addresses the identification, the investigative procedures, the accountability, the disciplinary consequences and interventions, and the due process procedures for any student misconduct which includes the offenses related to "bullying, cyberbullying, and harassment." In addition, all schools are guided by the Comprehensive Student Support System framework which provides appropriate and timely interventions and supports for all students with academic, social, emotional, and/or physical needs. Further, the guiding principles of schoolwide positive behavioral interventions and supports (SWPBIS) is a preventative approach being

implemented by schools to enhance and sustain school cultures of safety and respect. The key to reducing incidents of “bullying, cyberbullying, and harassment” is for schools to exemplify teaching and learning environments characterized by physical and psychological safety, adult and student respect for each other, and a responsive system that addresses students’ social emotional and academic needs.

The Department’s investment is with the prevention of “bullying, cyberbullying, and harassment.” It is not the creation of additional rules and regulations that will enhance the action taken by schools to address “bullying, cyberbullying, and harassment;” schools within the public school system must work to implement current policies, procedures, and guidelines with fidelity. The Department is committed to its continued work in addressing this issue that impacts our schools and communities.



Thursday, February 17, 2011, 2:00 PM  
State Capitol, Room 325

House Committee on Judiciary  
Representative Gilbert S.C. Keith-Agaran, Chair  
Representative Karl Rhoads, Vice Chair

Testimony in Strong Support of HB 688 Relating to Education

Chair Keith-Agaran, Vice Chair Rhoads and Members of the House Committee on Judiciary:

Thank you for this opportunity to testify before your committee. The Democratic Party of Hawai'i stands in strong support of HB 688.

The education section of the Platform of the Democratic Party of Hawai'i reads: "*We need to ensure that our students are safe in our schools, free from bullying and discrimination based on, but not limited to, disability, gender bias, weight, ethnicity, sexual orientation, gender identity and/or religion.*"

We find bullying and harassment, wherever they may occur, to be unacceptable and believe that it is our responsibility as policy makers, parents, and concerned citizens to address it.

While we understand that the Department of Education has established regulations meant to address the issue of bullying in our schools, we feel that codifying such regulations into law would give them teeth and allow our schools a greater measure of enforceability over this very important issue.

Thank you again for this opportunity to testify in strong support of HB 688

Respectfully Submitted,

Debi Hartmann,  
Executive Director  
Democratic Party of Hawai'i

Attested by Dante K. Carpenter, Chairman, Democratic Party of Hawai'i



DEMOCRATIC PARTY OF HAWAII

February 17, 2011

To: Rep. Gilbert Keith-Agaran, Chair  
Rep. Karl Rhoads, Vice Chair and  
Members of the Committee on Judiciary

From: Jeanne Y. Ohta, Co-Chair, Hawai'i State Democratic Women's Caucus

RE: HB 688 Relating to Education  
Hearing: February 17, 2011, 2:00 p.m., Room 325

Position: Support

Good afternoon Chair Keith-Agaran, Vice Chair Rhoads, and members of the Committee on Judiciary. I am Jeanne Ohta, Co-Chair of the Hawai'i State Democratic Women's Caucus testifying in support of HB 688 Relating to Education.

The Hawai'i State Democratic Women's Caucus is a catalyst for progressive, social, economic, and political change through action on critical issues facing Hawai'i's women and girls. It is because of this mission, the Women's Caucus strongly supports this measure.

Harassment and bullying are often based on gender, gender identity and perceived sexual orientation. A safe and supportive environment is necessary for students to learn, to meet high academic standards, and to thrive.

It's difficult to learn and to be motivated to attend school when you are fearful to be on campus. We believe that the Department of Education must take proactive steps to eliminate all types of bullying. School faculty and staff cannot and should not tolerate bullying and harassment. When bullying behavior is ignored, students learn that it is condoned by the school.

This Act requires the Department of Education to maintain, monitor, and enforce anti-bullying and anti-harassment policies and procedures to protect students, applicable to K-12 which define bullying, cyberbullying, and harassment.

We respectfully urge the committee to pass this measure. Thank you for the opportunity to provide testimony.

**PFLAG-OAHU (Parents, Families and Friends of  
Lesbians, Gays, Transgendered, Bisexuals,  
Transgendered & Questioning)**



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**ATTN: Judiciary Committee**

Rep. Gil Keith-Agaran, Chair  
Rep. Tom Brower  
Rep. Robert Herkes  
Rep. Angus McKelvey  
Rep. Clift Tsuji

Rep. Karl Rhoads, Vice Chair  
Rep. Rida Cabanilla  
Rep. Ken Ito  
Rep. Hermina Morita  
Rep. George Fontaine

Rep. Blake Oshiro  
Rep. Mele Carroll  
Rep. Sylvia Luke  
Rep. Joseph Souki  
Rep. Barbara Marumoto  
Rep. Cynthia Thielen

HEARING DATE:        February 17, 2011  
HEARING TIME:        2 p.m.  
PLACE:                   House Conference Room 325

**IN Strong Support of HB688 - RELATING TO Education**

Dear Chair Keith Agaran and members of the Judiciary Committee:

PFLAG-Oahu strongly supports passage of HB688 to protect students and enforce anti-bullying and anti-harassment policies and procedures to protect students or groups of students from bullying, cyber bullying, and harassment.

PFLAG-Oahu is the longest existing support organization that focuses on educating, advocating and supporting parents, families and friends of our GLBT and non-gay students for almost 16 years. We advocated for the passage of Chapter 19 - Non-Discrimination Policy for over two years. Chapter 19 was printed in 2002 and to this date has not been enforced.

PFLAG-Oahu has written letters asking for implementation of Ch.19. Some of these letters are presented as part of this testimony. These letters do not reflect all the incidents that have come to our attention but are presented to reflect the variety and time line involved of our efforts to draw attention to the need for implementation of Chapter 19.

In addition, over the years PFLAG-Oahu has been called for assistance with problems in a variety of schools and the treatment by schools of our GLBT students. A Student threatened with physical harm by boys who want to show her how to be a female High School Student; transgender female student threatened by a Vice Principal who said he would take her bra off if her bra strap slipped again; transgender female student's hair pulled by school guard (no discipline was ever meted for the guard. One of our first families reported that their gay High School student was told to spend his time reading scriptures during lunch time after complaining of threats by other students.

**"If more people believed in justice, equality would be reality." CMG**

*The following information is from the 2007 National School Climate Survey (New York, NY: GLSEN, 2008)*

- 86.2% of LGBT students reported being verbally harassed, 44.1% reported being physically harassed, and 22.1% reported being physically assaulted at school in the past year because of their sexual orientation.
- More than half (60.8%) of students reported that they felt unsafe in school because of their sexual orientation, and more than a third (38.4%) felt unsafe because of their gender expression.
- 31.7% of LGBT students missed a class and 32.7% missed a day of school in the past month because of feeling unsafe, compared to only 5.5% and 4.5%, respectively, of a national sample of secondary school students.
- The reported grade point average of students who were more frequently harassed because of their sexual orientation or gender expression was almost half a grade lower than for students who were less often harassed (2.8 versus 2.4).

This data, the previous incidents and others have motivated us to continue to work for safe schools for all students. Please pass this bill because all students deserve a safe school environment. Thank you.

Sincerely,

Carolyn Martinez Golojuch, MSW  
President

# **HONOLULU PRIDE**

**CELEBRATING 21 YEARS OF PRIDE IN PARADISE**

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February 15, 2011

Thursday, February 17, 2011 - 2:00 p.m.

House Judiciary Committee

State Capitol Room 325

415 South Beretania Street

RE: House Bill 688 - STRONG SUPPORT

Aloha Chair Ketih-Agaran and fellow committee members,

My name is Rob Hatch and I am Legislative Representative for Honolulu Pride.

We wish this bill was not necessary but for the past 10 years since the passage of the changes to Chapter 19, the anti-bullying policy passed by the Board of Education, we have not seen this policy implemented.

The failure to implement the changes to Chapter 19 began when then Assistant Superintendent Hamamoto placed people on the implementation work group that testified against the changes to Chapter 19. They did everything in their power to halt the implementation the changes. This was highlighted by the fact that the trainer that the DOE sent out to schools, Ms. Wheeler, refused to mention sexual orientation at schools when the principal asked her not to. To this day the changes to Chapter 19 have never been fully implemented.

If this bill was not necessary, and the changes had been fully implemented, then the Department of Education would be able to show you all concrete examples of how they are protecting all the youth from bullying and provide evidence of how they deal with bullying when it happens. That is not the case and the Board of Education basically admitted that at their own Board meeting that was held at in the Windward complex last year.

Further evidence was given at that meeting when a father testified that he had to remove his daughter from Kalaheo High School because of bullying. This was after a news story showed that a family on the Leeward Coast had to file Federal complaint to protect their daughter from bullying and harassment.

So we here at Honolulu Pride, Hawaii's oldest Lesbian, Gay, Bisexual and Transgender Pride and Justice organization, call upon you to pass this bill. This bill will help protect all of Hawaii's students, especially our LGBT students.

This is imperative since LGBT students are 4 times more likely to commit suicide than their straight counterparts. Also keep in mind that LGBT students count for 5 – 10% of the general population but they count for 20 – 40% of the homeless youth population. They are homeless because they are kicked out of their homes because of who they are or because they do not feel safe at home and/or school.

Since going to school is our youth's job it is a necessity that the State do everything in its power to make sure they are providing a safe environment for all students and the major way you can fulfill that necessity is by passing House Bill 688.

Mahalo for your time and consideration,

Rob Hatch  
Legislative Representative



## JAPANESE AMERICAN CITIZENS LEAGUE

HONOLULU CHAPTER

P.O. BOX 1291, HONOLULU, HAWAII 96807

PHONE: 523-8464 EMAIL: [honolulu@jacl.org](mailto:honolulu@jacl.org) WEB: [www.jaclhawaii.org](http://www.jaclhawaii.org)

*Working For A Greater America*

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House Committee on Judiciary  
Thursday, February 17, 2011 at 2 p.m.  
Hawai'i State Capitol – Room 325

### Testimony in **STRONG SUPPORT** of **HB 688**, Relating to Education

Dear Chair Keith-Agaran, Vice Chair Rhoads, and Members of the Committee:

The Japanese American Citizens League (JACL) Honolulu Chapter supports the passage of House Bill 688, which will encourage the Department of Education to maintain and enforce existing anti-bullying policies to protect all children and ensure their right to a safe education.

JACL is the nation's oldest and largest Asian Pacific American civil rights organization with over 20,000 members. Locally our organization has consistently supported efforts to provide equal rights to all citizens of this state.

We are in strong support of House Bill 688 because it sets clear and comprehensive expectations of safety for Hawaii's public school students and ensures that all students will be treated equally free from intimidation. House Bill 688 ensures State statutes are aligned with the Department of Education's Policy #4211 (Anti-harassment, Anti-bullying and Anti-discrimination against student(s) by employees) and Hawaii Administrative Rule Chapter 8-19 (prohibiting student conduct including harassment, bullying and cyber-bullying). In addition, the measure will put the recommendations by the Safe Schools Community Advisory Council into statute. What this ultimately means for our students is that they will all be protected from bullying and cyber-bullying and be able to learn in safe environments.

We urge you to pass out the measure. For your time and consideration, thank you.

Respectfully,

/s/ Liann Ebesugawa  
1<sup>st</sup> Vice President



**STATE OF HAWAII  
BOARD OF EDUCATION**

P. O. BOX 2360  
HONOLULU, HAWAII 96804

House Comm. on Judiciary  
Hearing: Thurs., Feb. 17, 2011  
2:00 p.m.. Conf. Room 325

Testimony in STRONG SUPPORT of HB688  
Relating to Education: SAFE SCHOOLS ACT

Chair Keith-Agaran, Vice-Chair Rhoads and Members of the Committee:

Thank you for allowing me to testify in my capacity as a member of the Hawaii State Board of Education (BOE); I testify in strong support of HB688, the Safe Schools Act.

According to the most recent U.S. CDC-funded survey, 51% of Hawaii's public high school students and 63% of middle school students "strongly agree or agree that harassment and bullying by other students is a problem at their school." Between surveys conducted in 2007 and 2009, the number of high school students who indicated that they were hurt by cyber-bullying increased by 34%. One of biggest increases of negative behaviors reported in this section of the survey was a 40% increase in the number of Hawaii middle school students indicating that they "had been harassed because someone thought they were gay, lesbian, or bisexual."

The BOE has updated the student discipline code, Hawaii Administrative Rule Chapter 8-19, to include cyber-bullying and added protected classifications for students. The BOE has adopted Policy #4211 to affirm its stance against bullying, harassment and discrimination of students by employees, and the BOE is scheduled to have a full and final vote on proposed amendments to HAR Chapter 8-41, to bring our student civil rights complaint procedures into compliance with recommendations the BOE received from the DOE's Safe Schools Community Advisory Committee.

The reason why I map the progress made by your BOE is to point out that the details and language of the Safe Schools Act is in alignment with the BOE's policies and administrative rules and the DOE's purported aspirations. However, I believe the DOE and our students, would benefit from a proactive statement from the Legislature and the Governor that decreasing the problem of bullying and harassment in our schools is a priority.

According to the US Department of Health and Human Services' website, Hawaii is one of only 5 states that does not have anti-bullying legislation. Let's not be the last. For the reasons stated above, I urge this Committee to pass the Safe Schools Act as is.

Thank you for your consideration.

Kim Coco Iwamoto, Esq., Oahu-at-Large Member

A handwritten signature in black ink, appearing to read "Kim Coco Iwamoto", written over the typed name.

## JUDtestimony

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**From:** Dara Carlin, M.A. [breaking-the-silence@hotmail.com]  
**Sent:** Tuesday, February 15, 2011 9:58 AM  
**To:** JUDtestimony  
**Subject:** HB688 to be heard Thursday, 02/17/11, at 2:00pm in Room 325

TO: Representative Keith-Agaran, Chair  
Representative Rhoads, Vice Chair  
Judiciary Committee Members

FROM: Dara Carlin, M.A.  
Domestic Violence Survivor Advocate  
881 Akiu Place  
Kailua, HI 96734

DATE: 02/17/11

RE: **STRONG SUPPORT for HB688**

Good Afternoon Representatives and thank you for this opportunity to provide testimony in STRONG SUPPORT of HB688.

Once upon a time, bullying was seen as an "innocent" playground problem that was treated with the equivalent of bad manners, but as headlines in recent years have displayed, bullying in this day and age is far more than an unpleasant childhood rite of passage. As a matter of fact, the EXACT SAME oppressive tactics used by bullies are mirrored in later years in the behaviors of domestic violence perpetrators. Aside from the familial relationship and age, **perpetrators of domestic violence are no different then bullies** - the only thing that changes is the TARGET VICTIM - all else remains the same INCLUDING the roles, behaviors, beliefs and attitudes of everyone else who knows about the bullying/abuse. This needs to change.

If bullying, harassment and cyberbullying are ignored and minimized especially by those in positions of leadership, authority and enforcement the message being sent to the bully, the victim AND EVERYONE ELSE that such aggressive, oppressive, violent, abusive, exploitive, hurtful and harmful behavior is acceptable/tolerable. Bullying must be condemned NOT condoned, and it needs to be fought as if our very lives depend upon it (because in some instances, they do).

As with any problem, early identification and intervention are key for resolution and preventive measures such as adopting an anti-bullying policy are ideal. Taking an affirmative action to eliminate bullying, harassment and cyberbullying in our schools will translate to safer environments - not only during childhood - but will curtail domestic violence by sending the message out early that violence and abuse are NOT tolerable or acceptable in any way, shape, form, environment or age.

We can teach, influence and show EVERY CHILD that violence and abuse in any form is not ok - that it's NOT OK to get your needs met or "entertainment" at someone else's expense. A little education now will spare us all a lot of crime later.

Respectfully,

Dara Carlin, M.A.  
Domestic Violence Survivor Advocate

# HAWAII YOUTH SERVICES NETWORK

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Web site: <http://www.hysn.org> E-mail: [info@hysn.org](mailto:info@hysn.org)

Alan Shinn, President

Judith F. Clark, Executive Director

Adolescent Services Program, Kaiser  
Permanente Medical Care System

Aloha House

American Civil Liberties Union of Hawaii

Assistive Technology Resource Ctrs. of HI  
Bay Clinic, Inc.

Big Brothers Big Sisters of Honolulu

Big Island Substance Abuse Council

Blueprint for Change

Bobby Benson Center

Catholic Charities Hawaii

Central Oahu Youth Services Assn.

Child and Family Service

Coalition for a Drug Free Hawaii

College Connections

Community Assistance Center

Domestic Violence Action Center

EPIC, Inc.

Family Support Services of West Hawaii

Friends of the Missing Child Center of HI

Hale Kipa, Inc.

Hale 'Opio Kauai, Inc.

Hawaii Behavioral Health

Hawaii Student Television

Healthy Mothers Healthy Babies Coalition

Hina Mauka Teen Care

Hui Malama Learning Center

Kahi Mohala Behavioral Health

Kama'aina Kids, Inc.

KEY (Kualoa-Heeia Ecumenical Youth)  
Project

Kids Behavioral Health

Kids Hurt Too

Kokua Kalihi Valley

Kula No Na Poe Hawaii

Lanai Community Health Center

Life Foundation

Marimed Foundation

The Maui Farm, Inc.

Maui Youth and Family Services

Palama Settlement

P.A.R.E.N.T.S., Inc.

Parents and Children Together (PACT)

Planned Parenthood of Hawaii

Queen Liliuokalani Children's Center  
Kona Unit

REAL

Salvation Army Family Intervention Svcs.

Salvation Army Family Treatment Svcs.

Sex Abuse Treatment Center

Susannah Wesley Community Center

The Catalyst Group

The Children's Alliance of Hawaii

Waikiki Health Center

Women Helping Women

YouthVision

YWCA of Kauai

February 15, 2011

To: Representative Gilbert Keith-Agaran, Chair  
And members of the Committee on Judiciary

## TESTIMONY IN SUPPORT OF HB 688 RELATING TO BULLYING

Hawaii Youth Services Network (HYSN), a statewide coalition of more than 50 youth serving organizations, supports HB 688 Relating to Bullying.

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. Bullying prevention and response was one of the top priorities among the 150 youth who participated in the 2010 Children and Youth Summit at Washington Place.

Students who are victims of bullying are not able to take full advantage of their educational opportunities. They are unable to concentrate on their studies, may choose truancy to avoid contact with bullies, and, in extreme cases, find the bullying so intolerable that they choose suicide as the only way to end it.

The Department of Education appears to have adequate rules and regulations that address bullying, but students report that these rules are not being adequately enforced to ensure safety and well-being. When bullying is reported to teachers and other school personnel, they are often told to resolve it among themselves. It is essential that Department of Education personnel provide a quick and appropriate response to bullying by enforcing the existing rules and providing prevention education on bullying and harassment.

Thank you for this opportunity to testify.

Sincerely,

Judith F. Clark  
Executive Director

**Michelle Rho**  
909 Kapiolani Blvd. #3102  
Honolulu, Hawaii. 96814  
[mrho@hawaii.edu](mailto:mrho@hawaii.edu)  
February 15<sup>th</sup>, 2011

**To:** Representative Keith- Agaran, Chair  
House Committee on Judiciary  
February 17<sup>th</sup>, 2011 - 2:00 p.m.  
House Conference Room 325

**RE: Testimony in SUPPORT of HB688**  
**Relating to Education – Safe Schools Act**

Dear Chair, Vice Chair, and Committee Members,

My name is Michelle Rho and I am a 2<sup>nd</sup> year Master's in Social Work student at the University of Hawaii at Manoa. I also work for a non-profit social service agency that promotes family strengthening and child abuse and neglect prevention. Today, I write to you as a student, a social worker, and as someone who has been a victim of cyberbullying. Thank you for the opportunity to share my strong support for HB 688 – relating to education, the Safe Schools Act.

I believe that every child has the right to be in a safe and nurturing learning environment. Safety should not be granted to a few, but to all. No one deserves the trauma of living with harassment. Bullying can result in fear, isolation, low self esteem, aggression, self-harm and a number of other problems. These can affect not only the child being bullied, but their families, friends and ultimately their communities. The message that we are no longer going to accept the victimization of our children must be made clear to all. Although we have an existing anti-bullying policy in place, far too many people have failed to enforce them. Schools lack consistency of procedures while providers lack either the education or training on how to implement these policies. Parents are either unaware of their rights or unable to hold school officials accountable.

By requiring the DOE to implement, maintain, monitor, and consistently enforce the policies and procedures of HB688, it will help ensure that the faculty and staff of Hawaii's public schools are aware of these policies, know how to put them into practice, are consistent on establishing consequences and feel that they supported in their efforts to keep Hawaii's children safe. Your support is fundamental at this time and I thank you for the opportunity to express my support for HB688.

Sincerely,  
Michelle Rho

February 15, 2011

Aloha Chair Keith-Agaran, Vice Chair Rhoads and members of the House Judiciary Committee,

Today I would like to speak to the issue of bullying in our public schools and my strong support for HB 688. It is time that the Hawaii State Legislature takes a public and strong stand against bullying of any and all public school students.

In speaking to the issue of bullying, I encourage the members of the Judiciary Committee to review a story reported by KITV news regarding a school bullying complaint that was filed with the Federal Department of Education due to inaction on the part of the Hawaii Department of Education (<http://www.kitv.com/news/25312007/detail.html>). The report shared the story of a Waianae High School student who was – and perhaps still is – being bullied because of her race. After the school and the district were non-responsive, the parents of the student filed a complaint with the federal government. A review of the complaint led to an agreement with the Hawaii DOE in which the school's administration and staff were to begin sexual and racial harassment training in January. Hawai'i School Superintendent Kathy Matayoshi reportedly said, "The training and notice are intended to make sure the department of education policy is no sexual harassment, no racial harassment. It is not acceptable and we are taking this seriously."

I have three concerns about the response to this bullying incident. First, it is unacceptable that the local and state school officials took no action and that the student and her family had to bring their complaint to the federal government before something was done.

Second, the resolution in this case seems to assume that bullying is only taking place at this particular school. We know that bullying and the need for training is a statewide issue.

Last, the news report and the resolution seem to suggest that sexual and racial harassment are wrong but other forms of harassment are either acceptable or simply the DOE does not plan to address them. In light of the many recent suicides as a result of students being bullied due to their perceived or actual sexual orientation, I would encourage you to take a public, productive and proactive stance to support and encourage multiple anti-bullying efforts in all of our public schools that address the multiple forms of bullying that take place.

In my role mentoring student teachers and current in-service teachers at the University of Hawaii-Manoa, I spend several days a week in public middle and high schools around the state. During my school visits I frequently hear students call each other "fags" when they are displeased with their friends action or describing an event they do not like as "so gay". For example, when a tenth grade biology student was asked to move his seat during class, he expressed his frustration by commenting to the teacher "that's so gay".

The teacher, who has several years teaching experience, said nothing. When these phrases are ignored by authority figures and are allowed to become part of our everyday language, negative stereotypes and perceptions of the target group are reinforced. Students internalize this hurtful and harmful language, and these incidents foster an environment that tolerates more direct bullying.

As an educator, I understand that we cannot control the actions of all people all of the time but we can educate our students, teachers and administrators on the impact of our actions and our non-actions. One of our primary goals for public education must be to ensure that all students feel safe and valued in their schools. The problem of bullying is invasive in our schools and must be addressed. While the DOE has argued that this legislation is unnecessary because of the existence of Education Policy 4211 and The Hawaii Administrative Rules, Title 8, Chapter 9. I argue that, as evidenced by the DOE's initial inaction in the case of the Waianae High School student, those policies and rules are simple words on paper. Passage of HB 688 will require the DOE to be accountable for enacting policies and rules that are currently left unchecked and are often ignored.

Sincerely,

Tara B. O'Neill, PhD  
808-226-8044  
toneill@hawaii.edu

## JUDtestimony

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 15, 2011 10:24 PM  
**To:** JUDtestimony  
**Cc:** birthwaves@aol.com  
**Subject:** Testimony for HB688 on 2/17/2011 2:00:00 PM

Testimony for JUD 2/17/2011 2:00:00 PM HB688

Conference room: 325  
Testifier position: support  
Testifier will be present: No  
Submitted by: tamara fehling  
Organization: Individual  
Address:  
Phone:  
E-mail: [birthwaves@aol.com](mailto:birthwaves@aol.com)  
Submitted on: 2/15/2011

Comments:

## JUDtestimony

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 15, 2011 10:25 PM  
**To:** JUDtestimony  
**Cc:** longdriver62@aol.com  
**Subject:** Testimony for HB688 on 2/17/2011 2:00:00 PM

Testimony for JUD 2/17/2011 2:00:00 PM HB688

Conference room: 325  
Testifier position: support  
Testifier will be present: No  
Submitted by: kenneth fehling  
Organization: Individual  
Address:  
Phone:  
E-mail: [longdriver62@aol.com](mailto:longdriver62@aol.com)  
Submitted on: 2/15/2011

Comments:

Jaylin Kauwale  
47-532 Ipu Lepo Way  
Kaneohe, HI 96744

February 15, 2011

House Committee on Judiciary  
Thursday, February 17, 2011 at 2 p.m.  
Hawai'i State Capitol — Room 325.

The Honorable Rep. Jon Riki Karamatsu, Chair, & Rep. Ken Ito, Vice-Chair  
Judiciary Committee Members

**Testimony in SUPPORT of HB 688, Relating to Education**

Aloha Representative Jon Riki Karamatsu & Members of the Committee,

My name is Jaylin Kauwale, and I'm a graduate student from the Myron B. School of Social Work at the University of Hawai'i Manoa. I also have had experience with working with students of all ages, grades, disabilities at various schools and community centers around the island of Oahu.

I strongly support HB 688 that will help to maintain and enforce anti-bullying rules to increase safety and promote well-being for all students. I am also in support of adding the new definitions of bullying, harassment, and cyber-bullying to the HRS Chapter 302-A for the following reasons:

- Bullying incidents, causing emotional stress and physical damage to students, have been increasing.
- Technology is becoming an integral part of a child's everyday life, and there is little education or awareness of the power of the Internet & it's communicative capabilities. Cyber-bullying has been on the rise because of the lack of education of this newly developed social issue.
- Effects of bullying can last well into adulthood.
- Bullying has had fatal outcomes in Hawai'i's school including the Shooting at Farrington High-school in 2007.

I believe that through this bill will help develop more intervention, educational awareness, and services need to be provided to create an environment free of violence.

Thank you for the opportunity to testify, and I urge this committee to pass this bill to the Finance Committee.

Mahalo,  
Jaylin Kauwale  
kauwale@hawaii.edu

## JUDtestimony

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 16, 2011 12:48 AM  
**To:** JUDtestimony  
**Cc:** web@cartoonistforchrist.org  
**Subject:** Testimony for HB688 on 2/17/2011 2:00:00 PM

Testimony for JUD 2/17/2011 2:00:00 PM HB688

Conference room: 325  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Lee McIntosh  
Organization: Individual  
Address:  
Phone:  
E-mail: [web@cartoonistforchrist.org](mailto:web@cartoonistforchrist.org)  
Submitted on: 2/16/2011

### Comments:

Mr. Chair and Members of the Judiciary Committee:

Aloha, my name is Lee McIntosh. I live in Kau on the Big Island. I am not in favor of HB 688, which seeks to create policies and procedures to address bullying in schools. In this bill's attempt to try and address every angle of bullying, it has invented a new means to enable students to legally bully and harass each other by not focusing only on physical violence. HB 688 is vague, should not include references to emotional bullying, and the anonymous provision should be removed. Thank you for the opportunity to testify on HB 688.

## JUDtestimony

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 16, 2011 3:47 AM  
**To:** JUDtestimony  
**Cc:** jadamsesq@aol.com  
**Subject:** Testimony for HB688 on 2/17/2011 2:00:00 PM

Testimony for JUD 2/17/2011 2:00:00 PM HB688

Conference room: 325  
Testifier position: support  
Testifier will be present: No  
Submitted by: Jo-Ann M. Adams, Esq.  
Organization: Individual  
Address:  
Phone:  
E-mail: [jadamsesq@aol.com](mailto:jadamsesq@aol.com)  
Submitted on: 2/16/2011

**Comments:**

HB688 requires the DOE to act on the policy it has in place - Chapter 19.

Bullying is systemic. That is why it must be addressed from the top down, from the bottom up and peer-to-peer.

Why must we get a consent decree before we are willing to take action? Why does the DOE turn a blind eye for years, and then WHAM the taxpayer is stuck paying horrendous attorney fees and the costs of settlement. Under a consent decree we taxpayers pay the DOE to do the job it is supposed to do, and the court to supervise the DOE to make sure that it is doing the job that it should have been doing all along.

You would think that the DOE would have learned its lesson after the Felix consent decree. But no, even a rash of suicides and sporadic reports in the papers are insufficient to spur them into action.

Asking those who are bullied to come forward shows that there is disbelief in the pervasiveness of this problem. If a confidential survey shows that more than half of the students feel that bullying is a problem, and if teachers and administrators are part of the problem, how can you realistically expect children to come forward?

## JUDtestimony

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 16, 2011 6:15 AM  
**To:** JUDtestimony  
**Cc:** ehrhornp001@hawaii.rr.com  
**Subject:** Testimony for HB688 on 2/17/2011 2:00:00 PM

Testimony for JUD 2/17/2011 2:00:00 PM HB688

Conference room: 325  
Testifier position: support  
Testifier will be present: No  
Submitted by: Erick Peter Ehrhorn  
Organization: Individual  
Address:  
Phone:  
E-mail: [ehrhornp001@hawaii.rr.com](mailto:ehrhornp001@hawaii.rr.com)  
Submitted on: 2/16/2011

**Comments:**

Please be advised that I strongly support this bill. I do not think we need to have criminal penalties involved like in the other bill that supports school safety. Prisons are not the answer and we have far too many people in jail as it is. We do not need to add to the prison population.

Education and programs involving conflict resolution are far more effective.

Thank you for considering my testimony.

Best Regards,

Erick Peter Ehrhorn  
254 Kaha St.  
Kailua, Hawaii 96734

House Comm. on Judiciary  
Hearing: Thursday, February 17, 2011  
2:00 p.m., Conference Room 325

Testimony in STRONG SUPPORT of HB688  
Relating to Education: SAFE SCHOOLS ACT

Chair Rep. Gilbert S.C. Keith-Agaran, Vice-Chair Karl Rhoads and Members of the  
Committee on Judiciary.

My name is Michelle Dean from the University of Hawaii at Manoa School of Social  
Work and I am submitting my testimony in strong support of HB 688, relating to Safe  
Schools Act.

When we think about school violence, events such as Columbine come to mind.  
Tragedies, such as Columbine, in which began as web sites containing threats against  
fellow students have ended in a massacre of people. Columbine is an early example of  
what we know today as cyber-bullying.

Typically, adults approach computers as practical tools, while for adolescents the Internet  
is a lifeline to their peer group. In today's world, adolescents can easily access and use  
information and communication technologies, such as emails, web sites, chat rooms, cell  
phones and text messaging to connect with an on-line world that can be used to support  
hostile behaviors towards others kids. Social network sites, such as Face book are popular  
and effective vehicles for adolescents to connect with friends and harass people when  
they don't have to do it face-to-face. On one hand, social network sites provide a voice  
for adolescents who are quiet, shy, and not outspoken to speak, but by the same token can  
be places that harbor hostile behaviors that can lead to harassment and psychological  
harm.

Cyber-bullying, while being similar to the definition of harassment with its intent to hurt  
others through power and control, is different because of the use of new technologies that  
connect kids on-line. The difficulty in controlling cyber-bullying, as you may know, is  
that adolescents can communicate in ways that are often unknown by adults and away  
from supervision. When adolescents perceive the Internet and other technologies as  
acceptable resources to vent frustrations and hostile behaviors towards others without and  
consequences or boundaries, these behaviors can become very destructive. It is  
imperative that adolescents are taught how to use technology appropriately, respectfully,  
and responsibility. Educating adolescents in schools about the appropriate use of Internet  
must be a priority. Adolescents must also be accountable for abusing technology or the  
Internet.

Education and non-legal solutions to the problem of cyber-bullying and harassment are  
ideal. However, legal solutions may be required to punish bad behaviors. It is essential  
that the State statutes are aligned with the Department of Education's Policy #4211 and

Hawaii Administrative Rule Chapter 18-19 and there is anti-bullying legislation in Hawaii. I urge this Committee to pass the Safe Schools Act, HB688.

Thank your for your consideration.

Respectfully,

Michelle Dean

MSW student, University of Hawaii at Manoa

February 16, 2011

House Committee on Judiciary  
Rep. Gilbert S.C. Keith-Agaran , Chair  
Rep. Karl Rhoads, Vice Chair

Public Hearing: February 17, 2011, 2:00 p.m., Room 325  
Re: HB 688 (HSCR88)

Dear Chair Keith-Agaran and members of the Committee,

I am testifying as an individual and support House Bill 688(HSCR88).

This bill would require the department of education to maintain, monitor, and enforce anti-bullying and anti-harassment policies and procedures to protect students or groups from bullying, cyber bullying, and harassment.

I am a retired teacher and currently coach Special Olympics. Two of my athletes have experienced bullying in their schools because of their disability. I have included testimony from one of my athletes below:

I was born and raised in Las Vegas, Nevada. I moved to Hawaii in 2005 to be with my family. I attended middle school in the fall of 2006. I was in a fully self-contained classroom for special education. The upper classmen would tell me to rub myself against the wall, make me say inappropriate things like the "f" word and touch a girl's hair. One girl was teasing me about rubbing my butt against the wall and tells me to hump a girl. I am interested in Pokémon, Naruto, Yugioh, and Star Wars. They make fun of the characters. They say the characters are their father, brother, or they say they say "they got the characters autographs." I get teased about it in high school too. I have a twin brother that goes to the same school. We are fraternal twins and don't look alike. I get teased when students are calling me my brother's name and ask "why am I wearing my brother's shirt. In English class, the students were mimicking what I said in class. They were all football players. A boy in my band class said my handwriting is "s". He always irritates me by rushing me. I expressed my concerns about bullying to Karen Ginoza, my Special Olympics coach. She went to talk to the principal at my high school about my situation. In December, my counselor hooked me up with a mentor who is a senior. He is very helpful with people. He gives me a lot of encouragement. He is a good listener. People are teasing me about girls. They say, "You want her number or give her a kiss." I belong to a kung fu and lion dance group. Some people are trying to tell me to show lion dance/martial arts moves in school but, it could get me in trouble for doing these moves that looks like I'm fighting.

This is an example of the cruel actions, a student has endured for years. The principal took quick corrective action after I visited her and shared the information. The second student is being home-schooled because the situation became too dangerous. The principal in this school said the school has done everything they can. These two situations show that there needs to be a consistent set of rules and procedures and training in the schools so our students are taught in a safe and caring environment.

I urge you to pass HB 688 (HSCR88).

Thank you for the opportunity to testify.  
Karen Ginoza

## JUDtestimony

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 16, 2011 3:19 PM  
**To:** JUDtestimony  
**Cc:** skrzsb@aol.com  
**Subject:** Testimony for HB688 on 2/17/2011 2:00:00 PM  
**Attachments:** HB688 testimony.docx

Testimony for JUD 2/17/2011 2:00:00 PM HB688

Conference room: 325  
Testifier position: support  
Testifier will be present: Yes  
Submitted by: Zsuzsa Bakonyi  
Organization: Individual  
Address:  
Phone:  
E-mail: [skrzsb@aol.com](mailto:skrzsb@aol.com)  
Submitted on: 2/16/2011

Comments:

As a mother of three school-age children, two of whom are in public school, I strongly support HB688, creating a bullying and harassment safe environment at Hawai'i schools.

After recent tragedies on the mainland I have seen most states enact anti-bullying legislation, and I believe that it is time Hawai'i joins their ranks. Thank you for taking up this issue.

I have two comments about the bill itself. First, I feel that detailing possible reasons for bullying and harassment may distract from the intent of the bill, which is to safeguard ALL children from ALL forms of bullying and harassment. HB688 discusses at length the possible reasons a child could be harassed. This list is not all-inclusive however; in fact, sometimes there is no clear reason a child gets picked on by others. (I have seen for example a child being harassed by another student, simply because he was making friends with another child whom the bully himself wanted to befriend.) I believe the intent of this measure is to define what bullying is and to establish procedures to report it and deal with it, and not to define the whys.

My other comment would be about the scope of this bill. One out of every five children in Hawai'i attend private school. I would really like to see the legislature consider including something in this measure that safeguards all those children from bullying, the same way public school students would be.

I have studied current anti-bullying legislation passed by other states and found for example the Massachusetts law addressing this issue:

“Each school district, charter school, non-public school, approved private day or residential school and collaborative school shall develop, adhere to and update a plan to address bullying prevention and intervention in consultation with teachers, school staff, professional support personnel, school volunteers, administrators, community representatives, local law enforcement agencies, students, parents and guardians. The consultation shall include, but not be limited to, notice and a public comment period; provided, however, that a non-public school shall only be required to give notice to and provide a comment period for families that have a child attending the school.”

As a parent who has one child in a private middle school I would really like to see legislation pass that requires all schools in Hawai'i to put in place procedures and policies to protect all students from any form of bullying, cyber-bullying and harassment.

Thank you for your time. Aloha.

Representative Gilbert Keith-Agaran, Chair

Representative Karl Rhoads, Vice Chair

Committee on Judiciary

Josephine Chang for DA MOMS

Monday, February 7, 2011

In Support of H.B. 688 Relating to Education

I am Josephine Chang, a co-founder of DA MOMS, a support group for parents of gay, lesbian, bi-sexual, and transgender children. DA MOMS is in strong support of HB 688 that would require the department of education (DOE) to make our public schools free from bullying and harassment, and to provide a safe and nurturing school environment for all of its students.

I am a graduate of public schools. My 3 sons and one grandchild have graduated from our local public schools. One grandchild is still in high school. My gay son and my grandchild with learning disabilities both experienced a great deal of bullying and harassment throughout their school years. This experience took its toll on both of them. I have heard frequently that the bullying and harassment of children with learning disabilities is not uncommon. It is so sad that some of our most vulnerable children are subjected to an environment that could leave them with life-long emotional scars, instead of bettering their lives. It is particularly important that this bill includes a comprehensive definition of prohibited conduct that would protect these and all other vulnerable students.

Establishing a safe schools act that specifically sets forth the DOE's responsibilities to make schools free from bullying and harassment would give the DOE clear and unequivocal direction from the legislature that this is a responsibility of high priority, and cannot continue to be addressed in a piecemeal and inconsistent manner. Without state law to guide the DOE, the State runs the risk of continued inconsistencies in the schools in protecting students from bullying and harassment on its campuses, thereby continuing to endanger many students' education, health, and physical and mental well-being when they attend our public schools. We believe that the force and weight of this state law would also assist the department by giving greater force and weight to its own policies and procedures to address this problem.

On a technical note: In Section 3 of HB 688, under the new section to be established, the subsection (d) on rules appears unnecessary and conflicting with HRS section 302A-1112 that already provides the board of education with broad rule-making authority to govern all of the DOE's business. This subsection (d) is also inadvisable as it makes rule-making mandatory, but rules are not always needed or appropriate to implement a law, and could inadvertently slow the implementation of this bill.

**Carolyn Martinez Golojuch, MSW**

92-954 Makakilo Dr. #71

Makakilo, HI 96707

808 672-9050

Fax: 808 672-6347

Email: [gomama808@gmail.com](mailto:gomama808@gmail.com)

**ATTN: Judiciary Committee**

Rep. Gil Keith-Agaran, Chair  
Rep. Tom Brower  
Rep. Robert Herkes  
Rep. Angus McKelvey  
Rep. Clift Tsuji

Rep. Karl Rhoads, Vice Chair  
Rep. Rida Cabanilla  
Rep. Ken Ito  
Rep. Hermina Morita  
Rep. George Fontaine

Rep. Blake Oshiro  
Rep. Mele Carroll  
Rep. Sylvia Luke  
Rep. Joseph Souki  
Rep. Barbara Marumoto  
Rep. Cynthia Thielen

HEARING DATE: February 17, 2011  
HEARING TIME: 2 p.m.  
PLACE: House Conference Room 325

**IN Strong Support of HB688 - RELATING TO Education**

Dear Chair Keith Agaran and members of the Judiciary Committee:

As a Social Worker and former Substitute Teacher, I thank you for the hearing this bill that when it is passed, it will enforce the BOE Chapter 19 - Non-Discrimination Policy.

During my five years as a Substitute Teacher, it was a rare day that I didn't have to produce my copy of Chapter 19 and hold a mini review of this important document.

I used each incident as a 'teachable moment'. After being with Kapolei Middle School, I found that after years of repeated 'teachable moments,' the students when they were aware of the rules of engagement within a classroom, they exhibited at least an awareness of the principles of Chapter 19. This is an example that consistent review of Chapter 19 was beneficial to the students. This is also an example that the repeat students knew they were safe from bullying, harassment and name calling when I was with them in the classroom.

Students need limits, rules and consistent requirements for their code of conduct that assists with respectful behavior for themselves and those around them. Students need the consistent reminders for them to become respectful adults.

HB688 is a wonderful way to enforce Chapter 19 without an outlandish budget commitment and an awesome way to protect all students while it enforces BOE's Chapter 19. This presents a win-win for DOE to enforce the policy dated 2001. Please pass HB688 to encourage student attendance in school and create safe school environments' for all students.

Sincerely,

Carolyn Martinez Golojuch, MSW

**WITH LIBERTY AND JUSTICE FOR ALL**

## JUDtestimony

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 16, 2011 11:47 PM  
**To:** JUDtestimony  
**Cc:** nsyurrow@msn.com  
**Subject:** Testimony for HB688 on 2/17/2011 2:00:00 PM

Testimony for JUD 2/17/2011 2:00:00 PM HB688

Conference room: 325  
Testifier position: support  
Testifier will be present: No  
Submitted by: N & J Yurow  
Organization: Individual  
Address:  
Phone:  
E-mail: [nsyurrow@msn.com](mailto:nsyurrow@msn.com)  
Submitted on: 2/16/2011

### Comments:

As a parent I strongly support HB688. Hawaii needs to take a stronger stance against bullying. I understand Hawaii is 1 of 5 states without anti-bullying legislation. We need to change that. The current policies in the schools are not sufficient to deal with bullying when it occurs or to prevent it from occurring. My daughter was recently harassed in the public schools to the point we had to remove her from the school. The emotional effects have been devastating for her and our family. We feel a strong anti-bullying law would have made it easier for our daughter to fight the harassment. Please pass the Safe Schools Act.

## Testimony IN SUPPORT of HB688

February 17, 2011

Paige Calahan  
PO Box 1380  
Puunene, HI 96784

Representatives,

Thank you for considering this important piece of legislation.

I am a domestic violence survivor. My son is still a victim. This legislation is important because bullying and cyber-bullying is a tool used by perpetrators of domestic violence to manipulate others and it is a behavior that abusers teach and children learn.

My son attended Carden Academy on Maui. He was in Tammy Donnor's third grade class. Ms. Donner allowed my son to be bullied. She was negligent and also manipulated by my very convincing Ex. Most teachers are not educated about the signs of DV or the dynamics of an abusive relationship. My son confided in me. He said his teacher didn't see the bullying. He said it was because was not the "important kid" in class.

I visited the class. We were just a few months into our divorce and I expected my Son was having problems adjusting. I wanted to observe his interactions throughout the day. What I observed was shocking. Ms. Donnor didn't watch or care where my son went throughout the day. He wandered the campus, staying away from the bullies. He often ended up in the fifth grade class (he was in 3<sup>rd</sup> grade), where he interacted well and was supervised by that teacher. Ms. Donnor was unaware he was gone. When there was bullying, she not intervene.

During playtimes I witnessed my son being bullied by other students, one was a "board member's" child and another a teacher's child. I spoke to Ms. Donnor and she said she would look into it. This is where domestic violence comes more openly into the issue and why it's important to stop bullying.

Ms. Donnor began corresponding with my ex. I became aware when I found a note hidden in my son's backpack. It was personal and was helping my ex to circumvent court ordered visitation days/times at school. When brought to the school's attention, the teacher was "talked to" and she became very angry at being exposed. She became hostile towards me though I did nothing. She allowed herself to be unknowingly manipulated by a convincing perpetrator of DV. This inappropriate empathy morphed into a relationship between the teacher and my ex that my son described as "dating". What was actually happening was that my ex was spending time with the single person who spent all day with my son. He fed her stories and lies and this successfully convinced the teacher I was harmful to my son. It made her ultra-sensitive to anything and everything involving me. THIS harmed my son who is very attached to me. He was

treated as “less than”, and the bullying was ignored. Ms. Donnor’s unsubstantiated statements were brought into court and used against me. This was a huge factor in custody change. Again, THIS harmed my son.

As the teacher’s behavior and the bullying continued, my son began acting out, refusing to go to class and it became quite a multi-step process to get him there. He began alleging sexual abuse by his father, his problems became worse, and the bullying persisted. The school would not intervene because of their “not taking sides” policy. The school and the teacher isolated me away from the “process” because my ex spoke so negatively about me. His behavior was awful when they supported me. The school over-reacted, refused to support my son, myself or my ex after my ex threatened legal action if they did. This escalated against me and my son was expelled. After multiple letters and motions into the court by my ex and a GAL that was not present or able to recall conversations with me, the school administrator wrote a letter and made clear to the court that my ex was not telling the truth and that this was hurting my son. This was ignored entirely by Judge Keith Tanaka. My son’s behavior escalated. I was restrained from any contact with school and my time with my son heavily reduced. All school contact was removed based on how Carden Academy handled threats from my ex. My son was taken from me and put in a private school 3 weeks after the new term started. Keith Tanaka complied with my ex’s request to withhold my son from school while he looked for a more “acceptable” school. I was custodial parent and I had registered my son in school months before this drama. The bullying ended in the new school but the abuser’s control (of my son and myself) continued at 100%. This has not ended.

All of the above happened at Carden Academy even though the school KNEW they had called the police to remove my ex. He was escorted off campus when he interrupted graduation ceremonies so he could take my son out of graduation ceremonies in violation of a TRO. My understanding is that he was armed at the time. Immediately prior to this I was hosting classroom parties, attending every function (my ex did not) and I was one of the parents all the kids (and teachers) wanted to see.

Bullying, cyber or otherwise, is a tool of domestic violence abusers. This behavior was present in our home and it worked its way into my son’s school. My son was a victim, not a bully. He was a victim at school, by the kids, teacher and his father. He learned (at home and school) what happens if you resist. Control, manipulation and how others view them is a tool of abusers. Correction of this behavior at school would have supported my son. It would have empowered him and made him feel safe. He would have wanted to go to school and would have stopped the ex and teacher from ganging up on me. By allowing it to continue it has destroyed my son, and made him motherless.

Please stop bullying at school and please take it very seriously. It would have helped us if someone had stopped it then. Domestic abuse does not just happen at home!

Respectfully,

Paige Calahan, Mother of an abused child

## JUDtestimony

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**From:** Melanie Bailey [alohamelaniebailey@yahoo.com]  
**Sent:** Wednesday, February 16, 2011 9:25 PM  
**To:** JUDtestimony  
**Cc:** kathybryant@hawaii.rr.com; skrzsb@aol.com  
**Subject:** Testimony HB688 2.17.11

TESTIFIER: Melanie Bailey 277-5121

Kathy Bryant 225-9043

HOUSE OF REPRESENTATIVES

THE TWENTY-SIXTH LEGISLATURE

REGULAR SESSION OF 2011

Attn: Committee on Judiciary  
Representative Keith-Agaran, Chair  
Representative Rhoads, Vice Chair

Re: HB688 RELATING TO EDUCATION AND BULLYING  
Hearing Date February 17, 2011 2:00pm

We are in SUPPORT of creating school's that are safe and positive learning environments, free from harassment. The Board of Education has put policies into place but recent events have shown that reporting, investigation, and intervention are not being followed through in a consistent manner.

In 1999, following the tragic events at Columbine High School in Colorado and the violent death of a Georgia student at the hands of bullies, Georgia introduced the first anti-bullying legislation. Since then legislation has been passed in 45 States.

Much of the legislation was passed after a bullying based suicide and many of the laws are named after specific children. Massachusetts last year after the suicide of a 15-year-old Pheobe Prince and 11-year-old Carl Walker-Hoover. Florida in 2008 after the suicide of 15-year-old Jeffrey Johnson.

We have an opportunity to put in a well-written law as many states have paved this road already and are now updating their laws based on experience. Just last month, New Jersey signed what is considered to be the toughest piece of legislation after the suicide of Tyler Clementi.

Our research, we recommend [www.bullypolice.org](http://www.bullypolice.org), shows as we move forward that:

- There should not be any emphasis on defining victims. A bully can victimize any child and the reason should not be the focus.
- All schools should be included: public, charter, private.
- The vast majority of States are supporting age appropriate consequences as well as counseling.

Thank you for your time.

Aloha.

## JUDtestimony

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, February 17, 2011 7:56 AM  
**To:** JUDtestimony  
**Cc:** raew@hawaii.rr.com  
**Subject:** Testimony for HB688 on 2/17/2011 2:00:00 PM

Testimony for JUD 2/17/2011 2:00:00 PM HB688

Conference room: 325  
Testifier position: support  
Testifier will be present: No  
Submitted by: Rae Watanabe  
Organization: Individual  
Address:  
Phone:  
E-mail: [raew@hawaii.rr.com](mailto:raew@hawaii.rr.com)  
Submitted on: 2/17/2011

### Comments:

Please pass this bill. Without it, DOE anti-bullying policies have no real teeth. Hawaii has the worst LGBT teen suicide rate in the country. Surely, this bill is one step in the right direction to end Hawaii's "holding"; this shameful "title";!