

HOUSE CONCURRENT RESOLUTION

REQUESTING THE DEPARTMENT OF EDUCATION TO SUBMIT A REPORT TO THE LEGISLATURE ON THE IMPLEMENTATION OF THE AMENDED CHAPTERS 19 AND 89 OF TITLE 8, HAWAII ADMINISTRATIVE RULES.

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WHEREAS, bullying and cyberbullying continue to be
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  pervasive problems in Hawaii's public schools; and
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         WHEREAS, according to the Centers for Disease Control and
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  Prevention's 2017 Youth Risk Behavior Survey, 22.6 percent of
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   middle school students in Hawaii reported being electronically
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   bullied and forty percent reported being bullied on school
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   property in the prior twelve months; and
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         WHEREAS, concerningly, the Youth Risk Behavior Survey also
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  found that 23.1 percent of middle school students seriously
   considered suicide and 12.4 percent attempted suicide one or
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   more times during the twelve prior months; and
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         WHEREAS, children who are bullied can experience negative
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   physical, academic, and mental health issues, including higher
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    rates of:
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         (1)
              Depression and anxiety, which may persist into
              adulthood, including increased feelings of sadness and
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              loneliness, changes in sleep and eating patterns, and
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              loss of interest in activities they previously
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              enjoyed;
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         (2) Health complaints; and
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         (3)
              Decreased academic achievement, as reflected in the
              student's grade point average and standardized test
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              scores; decreased school participation; and a higher
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1 2		rate of missing, skipping, and dropping out of school; and	
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4	WHEREAS, in January 2018, the United States Department of		
5	Education's Office for Civil Rights completed a compliance		
6	review of the Hawaii Department of Education, which included a		
7	review of	policies on harassment, in-depth reviews of twenty-	
8	nine schoo	ols, and two on-site visits in 2013 and 2014; and	
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10	WHERI	EAS, the Office for Civil Rights also conducted a	
11	survey of Department of Education students in November and		
12	December of 2014, which found that:		
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14	(1)	Nearly one-third of students who responded to the	
15		survey reported being personally bullied or harassed	
16		at school;	
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18	(2)	Of those who indicated that they were bullied, over	
19		sixty percent reported that they believed their	
20		bullying was done because of their race, sex, or	
21		disability; and	
22 23	(3)	More than half of the students surveyed said they	
23 24	(5)	personally witnessed another student being bullied or	
25		harassed; and	
26		harabbea, ana	
27	WHEREAS, the Office for Civil Rights' review of the		
28	discipline records of twenty-nine Department of Education		
29	schools revealed significant inconsistencies in the ways the		
30	schools responded to incidents of protected-class harassment		
31	involving students; and		
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33	WHEREAS, within schools, discipline records also reflected		
34	inconsistent responses to harassment incidents, such as in the		
35	case of a middle school student who was found to have made		
36	inappropriate sexual comments and gestures on three different		
37	occasions, receiving a one-day, in-school suspension for each		
38	incident; but upon engaging in the same behavior the following		
39	year, the	same student received a single one-hour detention; and	
40	¥. 77 7 7 1 1 1 1 1	RAG the Office for Givil Diskts see alward that the	
41	WHEREAS, the Office for Civil Rights concluded that the		
42	Department of Education violated its obligation to address		



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discrimination on the basis of race, color, national origin, 1 2 sex, and disability; and 3 4 WHEREAS, as part of a Resolution Agreement with the Office for Civil Rights to address the findings in the compliance 5 review, the Department of Education revised its administrative 6 rules regarding bullying discrimination and harassment, 7 8 including changes to chapter 19 of Title 8, Hawaii 9 Administrative Rules, dealing with student-on-student 10 harassment; and the adoption of a new chapter 89 of Title 8, 11 Hawaii Administrative Rules, to address student-employee harassment; now, therefore, 12 13 14 BE IT RESOLVED by the House of Representatives of the Thirtieth Legislature of the State of Hawaii, Regular Session of 15 2020, the Senate concurring, that the Department of Education is 16 17 requested to submit a report to the Legislature on the implementation of the amended Chapter 19 and the new Chapter 89 18 19 of Title 8, Hawaii Administrative Rules, including any recommendations and proposed legislation; and 20 21 22 BE IT FURTHER RESOLVED that the Department of Education is 23 requested to include in its report: 24 25 (1)Information on training for students, teachers, and staff; 26 27 Any memorandums or standard practice documents issued 28 (2) 29 to Department of Education employees; 30 (3) Data collected through the Department of Education's 31 32 Electronic Comprehensive Student Support System and 33 the Speak Now Department of Education mobile 34 application, including: 35 36 (A) The number of bullying and cyberbullying incidents in school year 2018-2019 and school 37 year 2019-2020, broken down by protected class 38 39 status (race, sex, gender, and disability), 40 school, complex area, and county; and 41



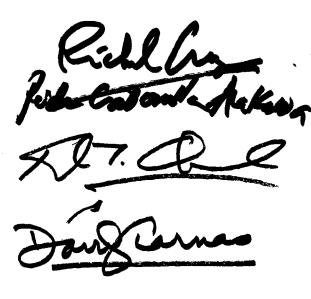
1 2 3 4 5 6 7	(B)	The number and types of disciplinary measures or sanctions imposed for bullying and cyberbullying in school year 2018-2019 and school year 2019- 2020, broken down by protected class status (race, sex, gender, and disability), school, complex area, and county; and			
7 8 9		a collected by the Civil Rights Compliance Branch, .uding:			
10 11 12	(A)	The number of investigations, broken down by new investigations and ongoing investigations;			
13 14 15	(B)	The type of investigations, broken down by protected class status;			
16 17 18 19	(C)	When each incident that prompted an investigation was initially reported to the Department of Education;			
20 21 22	(D)	The disposition of each investigation as of the date of the report; and			
23 24 25	(E)	The number of investigations broken down by school, complex area, and county; and			
 26 27 28 29 30 31 32 33 34 	BE IT FURTHER RESOLVED that the Department of Educate requested to submit its report to the Legislature no lates twenty days prior to the convening of the Regular Session 2021; and BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution be transmitted to the Chairperson o				
35 36 37	Board of Education, Superintendent of Education, and Director of the Department of Education's Civil Rights Compliance Branch.				
38		OFFERED BY: And Mining			
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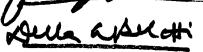
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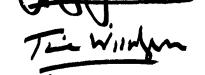
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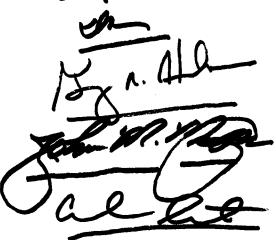
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