



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

**Date:** 02/11/2019  
**Time:** 03:20 PM  
**Location:** 229  
**Committee:** Senate Education  
Senate Government Operations

**Department:** Education

**Person Testifying:** Dr. Christina M. Kishimoto, Superintendent of Education

**Title of Bill:** SB 1011 RELATING TO THE DEPARTMENT OF EDUCATION.

**Purpose of Bill:** Requires the Auditor to conduct a management and program audit of the Department of Education's policies relating to bullying and cyberbullying, especially as they apply to students who are members of certain minority groups.

**Department's Position:**

The Department of Education (Department) supports the intent of SB 1011 and offers comments.

The Department's current revisions to Hawaii Administrative Rules (HAR), Chapter 19 and, new rule, Chapter 89, will be presented at public hearing. Incorporated in the revision of both sets of HAR are the expanded definitions of bullying and cyberbullying towards students. Concurrently, the Department is also reviewing how the data will be captured in the Department's Electronic Comprehensive Student Support System (eCSSS).

Currently, BOE Policy 305-10, *Anti-Harassment, Anti-Bullying, and Anti-Discrimination Against Student(s) by Employees*, pertains to non-discrimination, including harassment, on the basis of protected classes, including students with disabilities, ethnic and racial minorities, and students who may be consider lesbian, gay, bisexual, transgender, or queer. Training on BOE Policy 305-10 is being planned for the 2019-2020 school year. Additionally, the Department is establishing a Civil Rights Compliance Advisory Committee to monitor and address concerns related to these protected groups.

To ensure student voice is empowered, the Department is piloting the "Speak Now" anti-bullying mobile application for students in middle and intermediate schools, designed in part, with proactive student input. This application will be made available for high school and elementary school students in the upcoming school years. The Speak Now application will provide another mechanism for students to report incidents of bullying on DOE campuses, transportation and

during DOE-sponsored activities that they have either experienced or witnessed. Reporting may be done anonymously.

In addition to providing training to students and school administrators on the use of the Speak Now application, the Department also continues to provide tri-level professional training development to schools and complex areas personnel based on their needs and context.

Training and supports include but are not limited to:

- Character education, including bullying prevention
- HA: Na Hopena A'o outcome framework
- Mental health awareness
- Multi-tiered system of support Cadre
- Personalized learning
- Positive behavior support systems
- Vulnerability Assessment and Tiered Fidelity Inventory
- Diana Browning Wright Cohort Training on Multi-Tiered System of Support
- Ci3T Partnership with the University of Hawaii

Thank you for the opportunity to provide testimony on this measure.

The Hawaii State Department of Education seeks to advance the goals of the Strategic Plan which is focused on student success, staff success, and successful systems of support. 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).



SENATE COMMITTEE ON EDUCATION  
The Honorable Michelle N. Kidani, Chair  
The Honorable Donna Mercado Kim, Vice Chair

SENATE COMMITTEE ON GOVERNMENT OPERATIONS  
The Honorable Laura H. Thielen, Chair  
The Honorable Lorraine R. Inouye, Vice Chair

**S.B. NO. 1011, RELATING TO THE DEPARTMENT OF EDUCATION**

Hearing: Monday, February 11, 2019, 3:20 p.m.

The Office of the Auditor has **no position** regarding S.B. No. 1011, which requires a management and program audit of the Department of Education's (DOE) anti-bullying efforts. **However, we believe that the audit may be premature and also have concerns about our ability to perform certain of the work required by the bill .**

As part of the management and program audit, S.B. No. 1011 requires that we, among other things:

- (1) Focus on the efficiency of the department's operations, taking into consideration the experiences of members of minority groups that have faced bullying or cyberbullying;
- (2) Review complaints of bullying or cyberbullying and review the findings and any actions taken to address the complaints;
- (3) Determine the best practices for the department to identify and address the root causes of bullying and cyberbullying; and
- (4) Identify the complex area superintendents' "plans, actions, educational workshops, or trainings" to improve understanding of the experiences of individuals and groups who have been targets of bullying or cyberbullying in order to create a respectful and supportive learning environment for all students.

It is our understanding that the U.S. Department of Education, Office of Civil Rights (OCR) conducted a compliance review of DOE's policies, procedures, and processes for responding to complaints of harassment and found certain aspects to be non-compliant. We further understand that, in December 2017, DOE and OCR entered into a "resolution agreement," under which DOE agreed to address the issues OCR had identified, including creating and disseminating grievance procedures to address complaints of harassment, reviewing "any other policies, procedures, state laws or regulations that may apply to harassment of students based on race, sex, and disability to

ensure consistency with its newly developed procedures,” and training all employees (including teachers, administrators, counselors, psychologists, athletic coaches, transportation staff, student resource officers, and health personnel) responsible for recognizing and reporting harassment. Under the resolution agreement, OCR will monitor DOE’s implementation of the terms of the agreement.

We are unaware of the status of DOE’s implementation. Because an audit is an historic assessment of any agency’s performance against objective criteria, which includes policies and procedures, it is necessary to have sufficient historical data to meaningfully assess DOE’s actions with respect to bullying and cyberbullying. If DOE has only recently developed and implemented or has yet to implement procedures to address harassment complaints, an audit of DOE’s program to address bullying and cyberbullying likely is premature. DOE needs time to develop and implement the policies, procedures, and processes so that we can assess whether, for instance, complaints are being addressed in accordance with those policies, procedures, and processes.

Thank you for considering our testimony related to S.B. No. 1011.

**LATE**

**SB-1011**

Submitted on: 2/11/2019 1:34:17 AM

Testimony for EDU on 2/11/2019 3:20:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Melodie Aduja	Testifying for O`ahu County Committee on Legislative Priorities of the Democratic Party of Hawai`i	Support	No

Comments:

**SB-1011**

Submitted on: 2/8/2019 2:15:13 PM

Testimony for EDU on 2/11/2019 3:20:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
maile rogers	Individual	Support	No

Comments:

**SB-1011**

Submitted on: 2/9/2019 7:57:20 PM

Testimony for EDU on 2/11/2019 3:20:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
cheryl	Individual	Support	No

Comments:

In addition to students, staff members should also be included in this study. Bullying and harassment is a daily occurrence in the DOE. Results should be shared with the public.