

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

**House Committee on Education**

Thursday, February 4, 2021  
2:00 p.m.  
Via Videoconference  
Hawaii State Capitol, Room 309

**House Bill 225, Relating to Bullying**

Dear Chair Woodson, Vice Chair Kapela, and Members of the Committees:

The Board of Education ("Board") appreciates the intent of HB 225 but has comments. HB 225 would require the Board to develop a bullying prevention and response action plan and report annually to the Legislature.

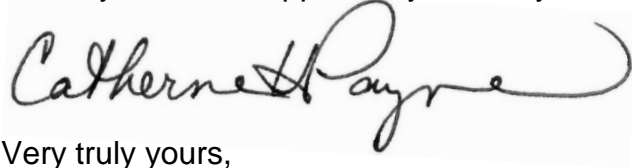
The Board has long advocated for safe learning environments that ensure the wellbeing of students and recognizes bullying as a severe issue.

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 underline.

Very truly yours,

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



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

**Date:** 02/04/2021

**Time:** 02:00 PM

**Location:** Via Videoconference

**Committee:** House Education

**Department:** Education

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

**Title of Bill:** HB 0225 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.

**Department's Position:**

The Hawaii State Department of Education (Department) supports the intent of HB 225 and respectfully offers comments:

The Department currently has a bullying prevention and response plan in place. 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. The Hawaii Multi-Tiered System of Supports 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 Chapter 19. This extensive rule includes updated definitions for bullying, harassment, and cyberbullying. It also 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 or guardians receive information on any assigned disciplinary action. The Department's procedures for investigating and remedying issues of bullying and harassment amongst employees and volunteers can be found in the 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 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
2019-2020	257

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 (855-233-8085) or at the Department's online reporting service ([secure.ethicspoint.com/domain/media/en/gui/57591/index.html](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 anonymously.

Additionally, 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 immediately meet 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 (FERPA) 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 count of bullying incidents to the legislature by students, employees, and volunteers. Additionally, 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**

Submitted on: 2/1/2021 6:29:28 PM

Testimony for EDN on 2/4/2021 2:00:00 PM

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

Comments:

We support this bill.

**HB-225**

Submitted on: 2/2/2021 10:36:12 PM

Testimony for EDN on 2/4/2021 2:00:00 PM

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

Comments:

I support this bill.

**HB-225**

Submitted on: 2/3/2021 11:20:44 AM

Testimony for EDN on 2/4/2021 2:00:00 PM

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

Comments:

Support. This bullying policy/program should extend to all employees and well as students.