

STAND. COM. REP. NO.

864

Honolulu, Hawaii

MAR 23 2011

RE: H.B. No. 688
H.D. 2
S.D. 1

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Sir:

Your Committee on Education, to which was referred H.B. No. 688, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO EDUCATION,"

begs leave to report as follows:

The purpose and intent of this measure is to provide definitions of bullying, cyberbullying, and harassment in chapter 302A, Hawaii Revised Statutes.

Your Committee received testimony in support of this measure from the Board of Education; Department of Education; Department of the Prosecuting Attorney, City and County of Honolulu; Hawaii State Teachers Association; Hawaii Youth Services Network; Hawaii Safe Schools Coalition; GLBT Caucus of the Democratic Party of Hawaii; Japanese American Citizens League; PFLAG-Oahu; eleven individuals; three students from Kalaheo High School; and two students from Moanalua High School. Your Committee received testimony in opposition to this measure from Imua Alliance. Your Committee received comments on this measure from the Dean of the College of Education at the University of Hawai'i at Manoa, American Civil Liberties Union of Hawai'i, Mental Health America of Hawai'i, Equality Hawaii, Pride at Work Hawai'i, and two individuals.

Your Committee finds that bullying and cyberbullying among students has a detrimental effect on students' academic achievement, as well as their psychological, social, and physical

2011-1811 SSCR SMA.doc



well-being. Students need greater protection against bullying, cyberbullying, and harassment, in and out of the school setting.

Your Committee recognizes that the Department of Education currently has administrative rules in place that address bullying, cyberbullying, and harassment. However, your Committee finds that the Board of Education's monitoring of the Department of Education's compliance with those administrative rules is critical to ensure that the rules are enforced and Hawaii's students are being protected from this devastating and demoralizing conduct. In addition, while rules and policies against cyberbullying are important, your Committee finds that establishing a criminal offense of harassment by cyberbullying will provide greater protection to victims and deter potential bullies.

Accordingly, your Committee has amended this measure by:

- (1) Adding the contents of section 2 of S.B. No. 237, establishing the offense of harassment by cyberbullying;
- (2) Requiring the Board of Education to monitor and establish reporting requirements for the Department of Education's compliance with all administrative rules and statutes governing bullying, cyberbullying, and harassment; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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 H.B. No. 688, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 688, H.D. 2, S.D. 1, and be referred to the Committee on Judiciary and Labor.



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



JILL TOKUDA, Chair



The Senate
 Twenty-Sixth Legislature
 State of Hawai'i

Record of Votes
Committee on Education
EDU

Bill / Resolution No.:* HB688 HD2	Committee Referral: EDU, JDL	Date: 3-21-11		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
TOKUDA, Jill N. (C)	✓			
KIDANI, Michelle N. (VC)	✓			
CHUN OAKLAND, Suzanne	✓			
NISHIHARA, Clarence K.	✓			
TANIGUCHI, Brian T.	✓			
SLOM, Sam	✓			
TOTAL	6	0	0	0
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center; font-family: cursive; font-size: 1.2em;">Michelle N. Kidani</div>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes