

Honolulu, Hawaii

March 6, 2015

RE: H.B. No. 819

H.D. 2

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Eighth State Legislature
Regular Session of 2015
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 819, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO BULLYING,"

begs leave to report as follows:

The purpose of this measure is to protect youth in Hawaii from bullying by:

- (1) Requiring all youth-serving agencies and grantees of the State to adopt, enforce, and report on anti-bullying policies and procedures;
- (2) Prohibiting a public charter school from discriminating against a student or limiting admission to a student based on gender identity or expression; and
- (3) Establishing and funding a Bullying Prevention Task Force within the Department of Education.

The Honolulu Police Department, Hawaii State Teachers Association, Hawaii Youth Services Network, Hawaii State Democratic Women's Caucus, Best Buddies Hawaii, Human Rights Campaign, Democratic Party of Hawaii, Office of LGBT Student Services at the University of Hawaii at Manoa, Equality Hawaii, IMUAlliance, GLSEN Hawaii, Rainbow Family 808, GLBT Caucus of the Democratic Party of Hawaii, MoveOn.org Honolulu Council, and numerous concerned individuals testified in support of this



measure. The Hawaii Civil Rights Commission testified in support and recommended an amendment. The American Civil Liberties Union of Hawaii testified in support and provided comments. The Special Education Advisory Council supported the intent of this measure and provided recommendations. The Department of Education and the State Council on Developmental Disabilities supported the intent of this measure and provided comments. The State Public Charter School Commission and several concerned individuals provided comments.

Your Committee has amended this measure by:

- (1) Clarifying the definition of bullying;
- (2) Clarifying that this measure is not intended to apply to private schools, except to the extent that they receive state funding;
- (3) Removing repetitive language regarding the enforcement of the bullying prevention policy on an agency or grantee's property;
- (4) Providing that the bully prevention policy requirements set forth are a minimum standard;
- (5) Requiring that each agency or grantee inform youth about their right to be free from bullying and available remedies in age appropriate language;
- (6) Adding representatives from the Judiciary and law enforcement to the task force;
- (7) Removing reference to Chapter 84, Hawaii Revised Statutes, so that the task force falls under regular provisions regarding task force members;
- (8) Amending anti-discrimination requirements for public charter schools to align with requirements for bullying prevention policies; and
- (9) Making technical and stylistic non-substantive changes.



As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 819, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 819, H.D. 2.

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



KARL RHOADS, Chair



State of Hawaii
House of Representatives
The Twenty-eighth Legislature

HSCR 831

Record of Votes of the Committee on Judiciary

Bill/Resolution No.: HB 819, HD1	Committee Referral: EDN, JUD	Date: 3/3/15		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. RHOADS, Karl (C)	✗			
2. SAN BUENAVENTURA, Joy A. (VC)	✗			
3. BELATTI, Della Au				✗
4. BROWER, Tom				✗
5. CREAGAN, Richard P.	✗			
6. HASHEM, Mark J.				✗
7. KAWAKAMI, Derek S.K.	✗			
8. LEE, Chris	✗			
9. MORIKAWA, Dee	✗			
10. NAKASHIMA, Mark M.				✗
11. TAKAYAMA, Gregg	✗			
12. WOODSON, Justin H.	✗			
13. MCDERMOTT, Bob	✗			
14. THIELEN, Cynthia	✗			
TOTAL (14)	11	0	0	3
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: _____				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				