SENATE 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.

WHEREAS, bullying and cyberbullying continue to be pervasive problems in Hawaii's public schools; and

WHEREAS, according to the Centers for Disease Control and Prevention's 2017 Youth Risk Behavior Survey, 22.6 percent of middle school students in Hawaii reported being electronically bullied and forty percent reported being bullied on school property in the prior twelve months; and

WHEREAS, concerningly, the Youth Risk Behavior Survey also found that 23.1 percent of middle school students seriously considered suicide and 12.4 percent attempted suicide one or more times during the twelve prior months; and

WHEREAS, children who are bullied can experience negative physical, academic, and mental health issues, including higher rates of:

(1) Depression and anxiety, which may persist into adulthood, including increased feelings of sadness and loneliness, changes in sleep and eating patterns, and loss of interest in activities they previously enjoyed;

(2) Health complaints; and

(3) Decreased academic achievement, as reflected in the student's grade point average and standardized test scores; decreased school participation; and a higher
rate of missing, skipping, and dropping out of school; and

WHEREAS, in January 2018, the United States Department of Education's Office for Civil Rights completed a compliance review of the Hawaii Department of Education, which included a review of policies on harassment, in-depth reviews of twenty-nine schools, and two on-site visits in 2013 and 2014; and

WHEREAS, the Office for Civil Rights also conducted a survey of Department of Education students in November and December of 2014, which found that:

(1) Nearly one-third of students who responded to the survey reported being personally bullied or harassed at school;

(2) Of those who indicated that they were bullied, over sixty percent reported that they believed their bullying was done because of their race, sex, or disability; and

(3) More than half of the students surveyed said they personally witnessed another student being bullied or harassed; and

WHEREAS, the Office for Civil Rights' review of the discipline records of twenty-nine Department of Education schools revealed significant inconsistencies in the ways the schools responded to incidents of protected-class harassment involving students; and

WHEREAS, within schools, discipline records also reflected inconsistent responses to harassment incidents, such as in the case of a middle school student who was found to have made inappropriate sexual comments and gestures on three different occasions, receiving a one-day, in-school suspension for each incident; but upon engaging in the same behavior the following year, the same student received a single one-hour detention; and

WHEREAS, the Office for Civil Rights concluded that the Department of Education violated its obligation to address
discrimination on the basis of race, color, national origin, 
sex, and disability; and

WHEREAS, as part of a Resolution Agreement with the Office 
for Civil Rights to address the findings in the compliance 
review, the Department of Education revised its administrative 
rules regarding bullying discrimination and harassment, 
including changes to chapter 19 of Title 8, Hawaii 
Administrative Rules, dealing with student-on-student 
harassment; and the adoption of a new chapter 89 of Title 8, 
Hawaii Administrative Rules, to address student-employee 
harassment; now, therefore,

BE IT RESOLVED by the Senate of the Thirtieth Legislature 
of the State of Hawaii, Regular Session of 2020, the House of 
Representatives concurring, that the Department of Education is 
requested to submit a report to the Legislature on the 
implementation of the amended Chapter 19 and the new Chapter 89 
of Title 8, Hawaii Administrative Rules, including any 
recommendations and proposed legislation; and

BE IT FURTHER RESOLVED that the Department of Education is 
requested to include in its report:

(1) Information on training for students, teachers, and 
staff;

(2) Any memorandums or standard practice documents issued 
to Department of Education employees;

(3) Data collected through the Department of Education's 
Electronic Comprehensive Student Support System and 
the Speak Now Department of Education mobile 
application, including:

(A) The number of bullying and cyberbullying 
incidents 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
(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

(4) Data collected by the Civil Rights Compliance Branch, including:

(A) The number of investigations, broken down by new investigations and ongoing investigations;

(B) The type of investigations, broken down by protected class status;

(C) When each incident that prompted an investigation was initially reported to the Department of Education;

(D) The disposition of each investigation as of the date of the report; and

(E) The number of investigations broken down by school, complex area, and county; and

BE IT FURTHER RESOLVED that the Department of Education is requested to submit its report to the Legislature no later than twenty days prior to the convening of the Regular Session of 2021; and

BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution be transmitted to the Chairperson of the Board of Education, Superintendent of Education, and Director of the Department of Education's Civil Rights Compliance Branch.

OFFERED BY: