
HOUSE CONCURRENT RESOLUTION

REQUESTING THE SUPERINTENDENT OF EDUCATION TO CONVENE A TASK
FORCE TO ADDRESS THE ISSUE OF BULLYING IN SCHOOLS.

1 WHEREAS, a safe and civil environment in school is
2 necessary for students to learn and to meet high academic
3 standards; and

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5 WHEREAS, all students have the right to participate fully
6 in the education process, free from bullying; and

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8 WHEREAS, bullying does not occur just at schools, and its
9 effects can reverberate throughout a community; and

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11 WHEREAS, bullying is not simply a harmless rite of passage
12 or an inevitable part of growing up but can have very
13 destructive consequences; and

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15 WHEREAS, bullying has been defined as any unwanted
16 aggressive behavior by another youth or youths, who are not
17 siblings or current dating partners of the victim, that involves
18 an observed or perceived power imbalance and is repeated
19 multiple times or is highly likely to be repeated; and

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21 WHEREAS, bullying fosters a climate of fear and disrespect
22 that can seriously impair the physical and psychological health
23 of its victims; and

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25 WHEREAS, bullying may inflict harm or distress on the
26 targeted youth, including physical, psychological, social, or
27 educational harm; and

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29 WHEREAS, recent statistics indicate that a third of middle-
30 school and high-school students have reported being bullied
31 during the school year, and almost 3,000,000 students have
32 reported being pushed, shoved, tripped, or even spat on; and



1 WHEREAS, bullying, like other disruptive or violent
2 behaviors, disrupts a student's ability to learn and a school's
3 ability to educate its students in a safe environment; and
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5 WHEREAS, establishing clear and consistent policies in
6 schools is key to creating a climate in which it is clear that
7 no bullying, regardless of form, type, or severity, will be
8 tolerated in schools; and
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10 WHEREAS, preventive education and supportive school
11 structures are important elements in reducing bullying in
12 schools; and
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14 WHEREAS, some student misconduct that falls under a
15 school's anti-bullying policy may also trigger responsibilities
16 under one or more of the federal anti-discrimination laws
17 enforced by the United States Department of Education's Office
18 for Civil Rights; and
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20 WHEREAS, the statutes that the Office for Civil Rights
21 enforces include:
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- 23 (1) Title VI of the Civil Rights Act of 1964, which
24 prohibits discrimination on the basis of race, color,
25 or national origin;
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- 27 (2) Title IX of the Education Amendments of 1972, which
28 prohibits discrimination on the basis of sex;
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- 30 (3) Section 504 of the Rehabilitation Act of 1973; and
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- 32 (4) Title II of the Americans with Disabilities Act of
33 1990; and
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35 WHEREAS, the first Federal Partners in Bullying Prevention
36 Summit, hosted in August 2010 by the United States Department of
37 Education and other federal agencies, brought together
38 government officials, policymakers, researchers, and education
39 practitioners to explore strategies to combat bullying in
40 schools and exposed an information gap regarding anti-bullying
41 laws and policies across the nation; and



1 WHEREAS, to address this information gap and respond to
2 requests for technical assistance, the United States Department
3 of Education composed *Anti-Bullying Policies: Examples of*
4 *Provisions in State Laws*, a guidance document outlining common
5 key components of state anti-bullying laws; and
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7 WHEREAS, the United States Department of Education released
8 on December 6, 2011, *Analysis of State Bullying Laws and*
9 *Policies*, a report summarizing current approaches in the 46
10 states with anti-bullying laws and the 41 states that have
11 created anti-bullying policies as models for schools; and
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13 WHEREAS, the administrative rules of the Hawaii Department
14 of Education require any teacher, official, or other employee of
15 the Department who is a witness to school bullying, or who has
16 reasonable cause to believe that school bullying has been
17 committed or will be committed, against a student, teacher,
18 official, or other employee of the Department, or involving
19 school property, must promptly report the incident to the
20 principal or the principal's designee; and
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22 WHEREAS, Act 214, Session Laws of Hawaii 2011, requires the
23 Board of Education to oversee the Department of Education's
24 compliance with administrative rules and statutes regarding
25 bullying, including required reporting procedures; and
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27 WHEREAS, despite the efforts of the Department of
28 Education, studies indicate that bullying continues to be a
29 problem in Hawaii's public schools and that children with
30 disabilities are two to three times more likely to be victims of
31 bullying than their non-disabled peers; and
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33 WHEREAS, the bullying of disabled students raises the
34 specter of renewed federal court intervention in the
35 administration of Hawaii's public schools, similar to what took
36 place during the 1990s; and
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38 WHEREAS, because students learn by example, school
39 administrators, faculty, staff, and volunteers should be
40 expected to demonstrate appropriate behavior, treat others with
41 civility and respect, and refuse to tolerate bullying; now,
42 therefore,



1 BE IT RESOLVED by the House of Representatives of the
2 Twenty-seventh Legislature of the State of Hawaii, Regular
3 Session of 2014, the Senate concurring, that the Superintendent
4 of Education is requested to convene a task force to address the
5 issue of bullying in schools; and

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7 BE IT FURTHER RESOLVED that the Superintendent of Education
8 is requested to serve as the chairperson of the task force; and

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10 BE IT FURTHER RESOLVED that the Superintendent of Education
11 is requested to invite the following persons to serve as members
12 on the task force:

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14 (1) The Attorney General, or the Attorney General's
15 designee;
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17 (2) A member of the House of Representatives, to be
18 appointed by the Speaker of the House of
19 Representatives;
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21 (3) A member of the Senate, to be appointed by the
22 President of the Senate;
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24 (4) A licensed attorney, to be appointed by the President
25 of the Hawaii State Bar Association;
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27 (5) Two public school teachers, to be appointed by the
28 President of the Hawaii State Teachers Association;
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30 (6) Two parents of public school students, to be appointed
31 by the Superintendent of Education; and
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33 (7) Other interested persons, to be appointed by the
34 Superintendent of Education; and
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36 BE IT FURTHER RESOLVED that the Department of Education is
37 requested to submit a report of its findings and
38 recommendations, including any proposed legislation, to the
39 Legislature no later than 20 days prior to the convening of the
40 Regular Session of 2015; and

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42 BE IT FURTHER RESOLVED that the Legislative Reference
43 Bureau is requested to assist the task force in finalizing its
44 report and any proposed legislation to implement the task



1 force's recommendations; provided that the task force is
2 requested to submit a draft of its report and any proposed
3 legislation to the Bureau no later than November 1, 2014; and
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5 BE IT FURTHER RESOLVED that certified copies of this
6 Concurrent Resolution be transmitted to the Chairperson of the
7 Board of Education, Superintendent of Education, Attorney
8 General, President of the Hawaii State Bar Association,
9 President of the Hawaii State Teachers Association, and Acting
10 Director of the Legislative Reference Bureau.
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OFFERED BY: 



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