



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

OFFICE OF THE SUPERINTENDENT

February 28, 2020

TO: All Department of Education Employees

FROM: Dr. Christina M. Kishimoto  
Superintendent

A handwritten signature in black ink, appearing to read "C. Kishimoto".

SUBJECT: **Hawaii Administrative Rules: (1) Chapter 19, Student Misconduct, Discipline, School Searches and Seizures, Reporting Offenses, Police Interviews and Arrests, Restitution for Vandalism, Complaint Procedure and Investigation of Discrimination, Harassment (Including Sexual Harassment), Bullying and/or Retaliation regulations; and (2) Chapter 89, Civil Rights Policy and Complaint Procedure for Student(s) Complaints Against Adult(s)**

The Hawaii Department of Education (HIDOE) is committed to making all schools safe, inclusive, respectful, and supportive of all students by eliminating all discrimination, harassment, and bullying in our schools. The HIDOE is also committed to providing a non-discriminatory learning environment that allows for equal access to programs and services, and an education for all students that embraces the values of dignity and respect for one another. In this effort, we have created Hawaii Administrative Rules (HAR) Chapter 89 Civil Rights Policy and Complaint Procedure for Student(s) Complaints Against Adult(s).

Chapter 89 establishes a procedure in the public school system for filing and resolving complaints of discrimination, harassment, and bullying against a student in any program, activity, or service of the department by employees, volunteers, or third parties on the basis of race, color, religion, sex, sexual orientation, gender identity, gender expression, age, national origin, ancestry, disability, physical appearance and characteristics, socio-economic status, and any retaliation for reporting such conduct. Any student, parent or legal guardian of any student, or employees or volunteers who witness or are otherwise aware of such conduct, may file a complaint regarding an alleged violation under HAR Chapter 89. HAR Chapter 89 can be found at [bit.ly/HIDOE-Chapter-89](http://bit.ly/HIDOE-Chapter-89).

In addition, the HIDOE is also committed to creating and sustaining positive and supportive learning environments where our students feel safe, secure, and welcomed. In this effort, we have revised HAR Chapter 19 Student Misconduct, Discipline, School Searches and Seizures, Reporting Offenses, Police Interviews and Arrests, Restitution for Vandalism, Complaint Procedure and Investigation of Discrimination, Harassment (Including Sexual Harassment), Bullying and/or Retaliation regulations.

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The revised Chapter 19 rule includes new definitions for bullying, harassment, and cyberbullying. It also includes reclassification of Chapter 19 offenses and a procedure for filing complaints of discrimination, bullying, harassment (including sexual harassment), and retaliation. These revisions can be found at [bit.ly/HIDOE-Chapter-19](http://bit.ly/HIDOE-Chapter-19). Additionally, in this link there is a copy of the complaint form titled "Department of Education Hawaii Administrative Rules Title 8, Chapter 19 Complaint Form," which is used for filing complaints of student-to-student discrimination, bullying, harassment (including sexual harassment), and retaliation.

Should you have further questions and/or would like to request a hard copy of the HAR Chapter 89 rule and/or the HAR Chapter 19 rule, please contact your school administrator(s), your complex area Equity Specialist, or the Civil Rights Compliance Branch at (808) 586-3322 or at [CRCB@k12.hi.us](mailto:CRCB@k12.hi.us) for assistance. Thank you for keeping our keiki and schools safe.

CMK:bs