

Honolulu, Hawaii

Feb 17, 2006

RE: H.B. No. 2212

H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Third State Legislature
Regular Session of 2006
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 2212 entitled:

"A BILL FOR AN ACT RELATING TO SUBSTANCE ABUSE,"

begs leave to report as follows:

The purpose of this bill is to improve the process by which public school students are assessed and treated for substance abuse by:

- (1) Allowing certified substance abuse counselors to conduct substance abuse assessments to qualify individuals for substance abuse-related insurance benefits;
- (2) Requiring assessments to be completed within 10 days of the request for a determination if the applicant faces disciplinary action for violating the zero tolerance policy for drugs and alcohol in public schools;
- (3) Making permanent the provisions that allow a child who violates the zero tolerance policy to return to school earlier than indicated in the original disciplinary determination;
- (4) Requiring public schools to screen students who face substance abuse-related discipline to determine if a need exists for a substance abuse assessment referral;



- (5) Requiring the parent or legal guardian of a child facing discipline, but who has been assessed as not needing substance abuse treatment or counseling, to consent to follow-up counseling or other student support services for the child and the child's family;
- (6) Requiring the school administrator, in determining whether to allow a child to return to school early, to review and determine the nature and severity of the child's offense, its impact on others, the offender's age, and whether the child is a repeat offender; and
- (7) Clarifying that the expungement of disciplinary records for certain first-time violators of the zero tolerance policy means the records are segregated and kept confidential, not destroyed.

The Department of Education (DOE), Hina Mauka, and Hawaii Substance Abuse Coalition testified in support of this bill. The Drug Policy Action Group and Drug Policy Forum of Hawaii supported the intent of this measure. A concerned individual supported this bill with amendments. The Hawaii Medical Service Association offered comments.

Your Committee notes that although concerns have been raised over the use of the word "expunge" in regards to the disposition of disciplinary records for certain first-time violators of the zero tolerance policy, section 831-3.2(c), Hawaii Revised Statutes, illustrates how the expungement of files can mean that the files are kept confidential and not destroyed, as the definition of "expunge" in this measure is intended.


Your Committee has amended this bill by:

- (1) Clarifying that the screening tool used by the schools must be approved by DOE; and
- (2) Making technical, nonsubstantive amendments for clarity, consistency, and style.

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. 2212, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.B. No. 2212, H.D. 1.



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

for 

SYLVIA LUKE, Chair



