

Honolulu, Hawaii

March 17, 2006

RE: S.B. No. 3273
S.D. 2
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 Committees on Education and Health, to which was referred S.B. No. 3273, S.D. 2, entitled:

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

beg 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 amending the zero tolerance policy (Policy) for drugs and alcohol in public schools, including:

- (1) Making permanent the provisions that allow a child who violates the Policy to return to school earlier than indicated in the original disciplinary determination;
- (2) Allowing certified substance abuse counselors to conduct assessments to qualify individuals for substance abuse-related insurance benefits; and
- (3) Implementing other amendments to the Policy as suggested by the Student Substance Abuse Assessment and Treatment Advisory Task Force.

The Department of Education, Department of Commerce and Consumer Affairs, Hina Mauka, Hawaii Substance Abuse Coalition, and a concerned individual testified in support of this bill. The Department of Health (DOH) and Kaiser Permanent Hawaii supported



the intent of this measure. The Hawaii Medical Service Association offered comments.

Upon consideration, your Committees have amended this bill by replacing its entire contents with the language of H.B. No. 2212 H.D. 2. As amended, this bill:

- (1) Allows certified substance abuse counselors to conduct substance abuse assessments to qualify individuals for substance abuse-related insurance benefits;
- (2) Requires assessments to be completed within 10 days of the request for a determination if the applicant faces disciplinary action for violating the Policy for drugs and alcohol in public schools, and allows an insurance or health care plan carrier to contract with DOH to complete the determination;
- (3) Requires public schools to use a department-approved screening tool to screen students who face substance abuse-related discipline to determine if a need exists for a substance abuse assessment referral;
- (4) Mandates 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;
- (5) Requires 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 child's age, and whether the child is a repeat offender;
- (6) Clarifies that the expungement of disciplinary records for certain first-time violators of the Policy means the records are segregated and kept confidential, not destroyed; and
- (7) Makes permanent the provisions that allow a child who violates the Policy to return to school earlier than indicated in the original disciplinary determination;



As affirmed by the records of votes of the members of your Committees on Education and Health that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 3273, S.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 3273, S.D. 2, H.D. 1, and be referred to the Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committees on Education and
Health,



DENNIS A. ARAKAKI, Chair



ROY TAKUMI, Chair



