

Honolulu, Hawaii

April 29, 2014

RE: H.B. No. 1796
H.D. 2
S.D. 1
C.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawaii

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawaii

Sir and Madam:

Your Committee on Conference on the disagreeing vote of the House of Representatives to the amendments proposed by the Senate in H.B. No. 1796, H.D. 2, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO EDUCATION,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to promote the safety and well-being of students, staff, and others by prohibiting the use of seclusion, chemical restraint, and mechanical restraint and limiting the use of physical restraint in public schools.

Your Committee on Conference has amended the bill by, among other things:

- (1) Removing the prohibition against the imposition of physical restraint that is contraindicated based on the student's disability, health care needs, or medical or psychiatric condition, as documented in a health care

HB1796 CD1 HCCR HMS 2014-3525



directive or medical management plan, a behavior intervention plan, an individual education program, or an individualized family service plan (as defined in Section 602 of the Individuals with Disabilities Education Act, (20 U.S.C. 1401)), or plan developed pursuant to Section 504 of the Rehabilitation Act of 1973;

- (2) Amending the frequency and content of the written information that parents and legal guardians of students receive regarding the use of restraint in public schools;
- (3) Requiring the Department of Education to make information relating to policies and procedures available on its website;
- (4) Requiring the Department of Education to post changes on its website immediately, if policy or procedural changes related to restraint are made during the school year;
- (5) Requiring an annual, rather than quarterly, review of data on students at each public school who were restrained;
- (6) Establishing definitions for "behavior intervention plan", "emergency situation", and "positive behavioral supports and interventions";
- (7) Amending the frequency and content the Department of Education's reports to the Legislature;
- (8) Requiring the Department of Education to update the Senate Committee on Education and House of Representatives Committee on Education no later than 20 days prior to the convening of the Regular Session of 2017 on the Department of Education's policy and procedures on the use of restraint in public schools;
- (9) Appropriating \$250,000 to provide resources for training and data accountability;
- (10) Changing its effective date to upon its approval; provided that:
 - (A) Sections 2 and 3 of the bill take effect on August 1, 2016; and



(B) Section 6 of the bill takes effect on July 1, 2014;
and

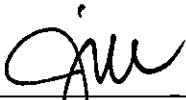
(11) Making technical, nonsubstantive amendments for clarity,
consistency, and style.

As affirmed by the record of votes of the managers of your
Committee on Conference that is attached to this report, your
Committee on Conference is in accord with the intent and purpose of
H.B. No. 1796, H.D. 2, S.D. 1, as amended herein, and recommends
that it pass Final Reading in the form attached hereto as H.B.
No. 1796, H.D. 2, S.D. 1, C.D. 1.


Respectfully submitted on behalf
of the managers:

ON THE PART OF THE SENATE

ON THE PART OF THE HOUSE



JILL N. TOKUDA, Chair



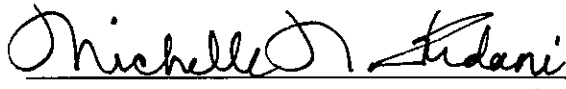
ROY M. TAKUMI, Co-Chair



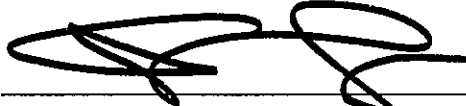
CLAYTON HEE, Co-Chair



KARL RHOADS, Co-Chair



MICHELLE N. KIDANI, Co-Chair



SYLVIA LUKE, Co-Chair



Hawaii State Legislature

Record of Votes of a
Conference Committee

CCR 151-14

Bill / Concurrent Resolution No.: HB 1796, HD 2, SD 1	Date/Time: 4/28/14 4:05 pm
---	-----------------------------------

The recommendation of the House and Senate managers is to pass with amendments (CD).

The Committee is reconsidering its previous decision.

<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure	<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.
---	---

Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
TOKUDA, Jill N., Chr.	✓				TAKUMI, Roy M., Co-Chr.	✓			
HEE, Clayton, Co-Chr.	✓				RHOADS, Karl, Co-Chr.	✓			
KIDANI, Michelle N., Co-Chr.	✓				LUKE, Sylvia, Co-Chr.	✓			
RUDEMAN, Russell E.					FALE, Richard Lee	✓			
SLOM, Sam	✓								
TOTAL	4	0	0	1	TOTAL	4	0	0	0

A = Aye WR = Aye with Reservations N = Nay E = Excused

Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted	House Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted
---	--

Senate Lead Chair's or Designee's Signature: 	House Lead Chair's or Designee's Signature:
--	---

Distribution:	Original <i>File with Conference Committee Report</i>	Yellow <i>House Clerk's Office</i>	Pink <i>Senate Clerk's Office</i>	Goldenrod <i>Drafting Agency</i>
---------------	--	---------------------------------------	--------------------------------------	-------------------------------------