

Honolulu, Hawaii

February 28, 2014

RE: H.B. No. 1796  
H.D. 2

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

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 1796, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO EDUCATION,"

begs leave to report as follows:

The purpose of this measure is to promote the safety and well-being of students and school personnel by requiring the Board of Education and the Department of Education to establish policies and procedures for the use of restraint or seclusion in public schools in order to:

- (1) Ensure that school staff who might use restraint or seclusion are properly trained and certified;
- (2) Prevent or reduce the use of restraint or seclusion, and in the event their use becomes necessary, protect students from abusive application; and
- (3) Ensure that restraint or seclusion are used only when a student's behavior poses an imminent danger of physical injury to themselves or others.

The Department of Education; State Council on Developmental Disabilities; Special Education Advisory Council; Community Children's Council of Hawaii; Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO; and several concerned individuals testified in support of this bill. Several concerned



individuals opposed this bill. The Hawaii Disability Rights Center, Easter Seals Hawaii, and a concerned individual provided comments on this bill.

Your Committee has amended this measure by:

- (1) Deleting "chemical restraint" from the definition of allowable restraints;
- (2) Adding an appropriation of an unspecified amount to provide resources for training and data accountability;
- (3) Changing its effective date to August 26, 2151, to facilitate discussion; and
- (4) Making technical, nonsubstantive amendments for purposes of clarity, consistency, and style.

It is not the intent of your Committee that the reasonable force provisions of sections 302A-\_\_\_\_ and 703-309(2), Hawaii Revised Statutes, be construed as punishment.

Your Committee respectfully notes that there may be some ambiguity in this measure as to who shall be responsible for rules, procedures, notices, and data collection, and encourages further discussion on these matters as this measure progresses through the legislative process.

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. 1796, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1796, H.D. 2.

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



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KARL RHOADS, Chair



