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GOVERNOR



KATHRYN S. MATAYOSHI
SUPERINTENDENT

DEPT. COMM. NO. 173

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

OFFICE OF THE SUPERINTENDENT

December 5, 2016

The Honorable Ronald D. Kouchi, President
and Members of the Senate
State Capitol, Room 409
Honolulu, Hawaii 96813

The Honorable Joseph M. Souki, Speaker
and Members of the House of
Representatives
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Kouchi, Speaker Souki, and Members of the Legislature:

For your information and consideration, I am transmitting a copy of the Mandatory Expulsion Policy for Possession of a Firearm, School Year 2015-16 report, pursuant to Section 302A-1134, Hawaii Revised Statutes. In accordance with Section 93-16, Hawaii Revised Statutes, I am also informing you that the report may be viewed electronically at:
<http://www.hawaiipublicschools.org/VisionForSuccess/SchoolDataAndReports/StateReports/Pages/Legislative-reports.aspx>

Very truly yours,

A handwritten signature in black ink, appearing to read "K. Matayoshi", written over a horizontal line.

Kathryn S. Matayoshi
Superintendent

KSM:ar
Enclosures

c: Legislative Reference Bureau
Office of Curriculum, Instruction and Student Support



STATE OF HAWAII
DEPARTMENT OF EDUCATION
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LEGISLATIVE REPORT

SUBJECT: Relating to Mandatory Expulsion Policy for Possession of a Firearm, School Year 2015-16

REFERENCE: Section 302A-1134, Hawaii Revised Statutes (HRS)

ACTION REQUESTED: Annual Report to the Legislature

DOE REPORT: Section 302A-1134, HRS, requires the Superintendent to annually report the number of students excluded, types of firearms found in their possession, and the schools from which they were excluded. Refer to Attachment 1: "Department of Education Annual Report, Mandatory Expulsion Policy for Possession of a Firearm, School Year 2015-16."

Findings: Attachments: Department of Education Annual Report and Appendix B List of Firearm Incidents By Schools

Recommendations: None

ATTACHMENT 1

Department of Education Annual Report Mandatory Expulsion Policy for Possession of a Firearm School Year 2015-16

INTRODUCTION:

With the revision of Chapter 19, Hawaii Administrative Rules, the definition of “firearm” has been expanded beyond the federal and state laws to include air guns (which include BB guns or pistols, pellet guns, and or paintball guns).

SUMMARY OF DATA:

Based on the cumulative data, the following trends were observed:

- A gradual annual decrease from school year (SY) 2009-10 to SY 2014-15 in the total number of firearm incidents, the number of schools and individual students involved. In SY 2015-16, a slight increase in total numbers has emerged.
- In prior years, approximately 88% of all firearm incidents were related to air guns. In SY 2015-16, air gun-related incidents totaled 100%.
- Elementary school firearm incidents have declined over time, while middle/intermediate, and high schools are observing a slight uptick.
- Honolulu, Leeward and Central districts have reported a majority of the SY 2015-16 firearm incidents.
- Most firearm incidents occurred at the beginning and ending of each school year with peaks between December and February.

SCHOOL YEAR 2015-16 ACTIONS BY THE DEPARTMENT:

During school year 2015-16:

1. All schools launched the back-to-school annual statewide “Be Cool and Keep Our School Safe” campaign. Schools proactively and strategically conducted follow-up reminder sessions during the school year based on incident data.
2. Complex areas monitored schools’ implementation status of school-wide positive behavioral supports and interventions to ensure the safety and well-being of all students.
3. School administrators and school team(s):
 - a. routinely examined, analyzed, and addressed school-wide student behavioral data to target identified “hot spots” to prevent escalations of violent behaviors.
 - b. actively implemented school-wide proactive student behavior support system to maintain positive school climate and culture for all students.
 - c. monitored students and adults were acknowledged for demonstrating appropriate school-wide behavioral expectations with a ratio of at least six positives to one negative.

- d. provided monthly feedback to faculty, staff, and school community on student behavioral trends.
 - e. partnered with families and their school community councils to dialogue and problem solve ways to address maintaining safe and violence free communities.
4. Complex area superintendents continued to acknowledge, reinforce, and monitor schools for implementing proactive student behavior practices for school-wide, classroom, non-classroom, individual student, and systems to prevent violence escalation.

FINDINGS:

School Year 2015-16 Summary:

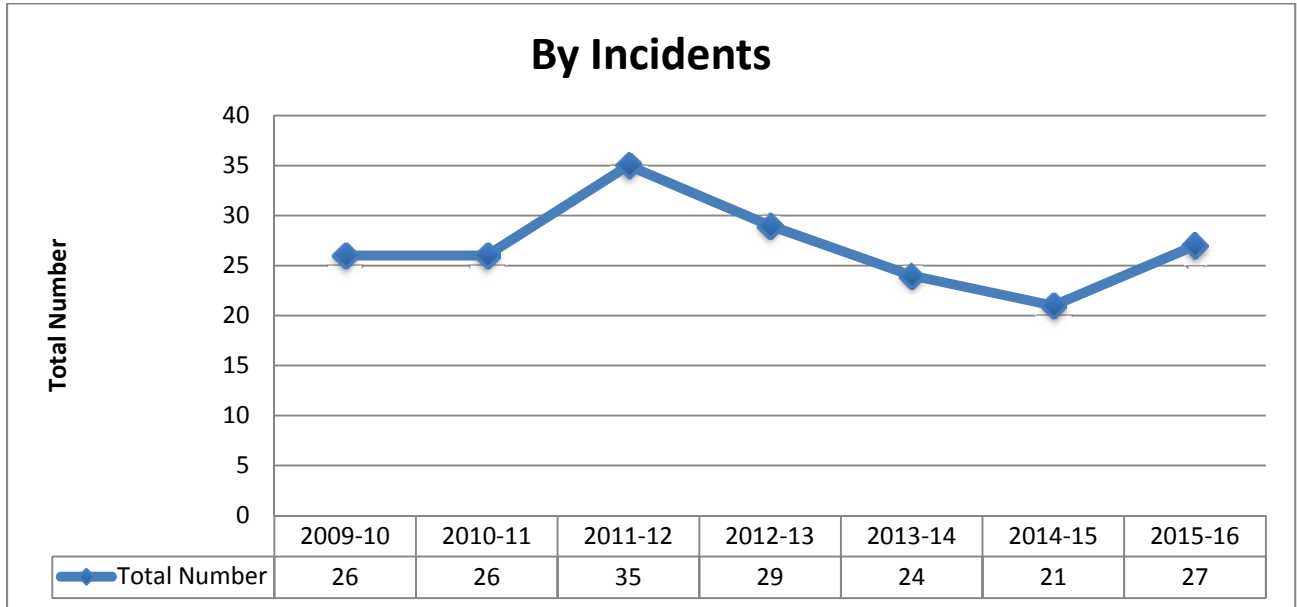
Total number of complexes involved	17
Total number of schools involved	24
Total number of firearms incidents	27
Total number of individual students involved	34

Total Firearms by Type:

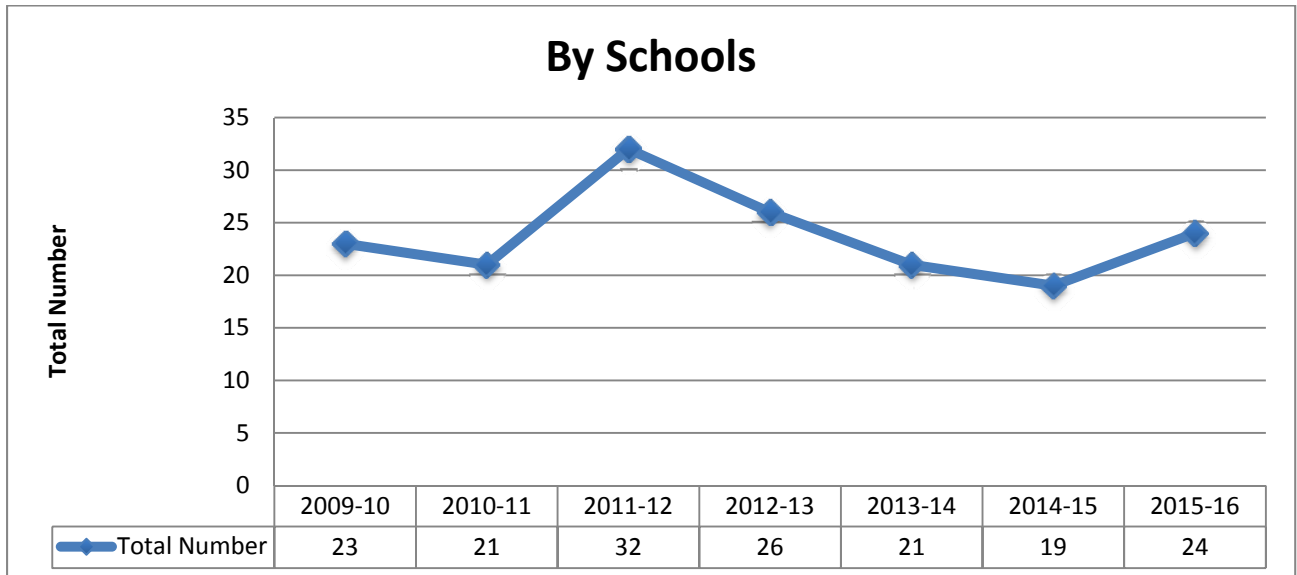
Total number of handguns	0
Total number of rifles	0
Total number of starter guns	0
Total number of shotguns	0
Total number of air guns	27
Total number of crossbows	0
Total number of firearm mufflers	0
Total number of explosive	0
Total number of other firearms	0

OBSERVED TRENDS:

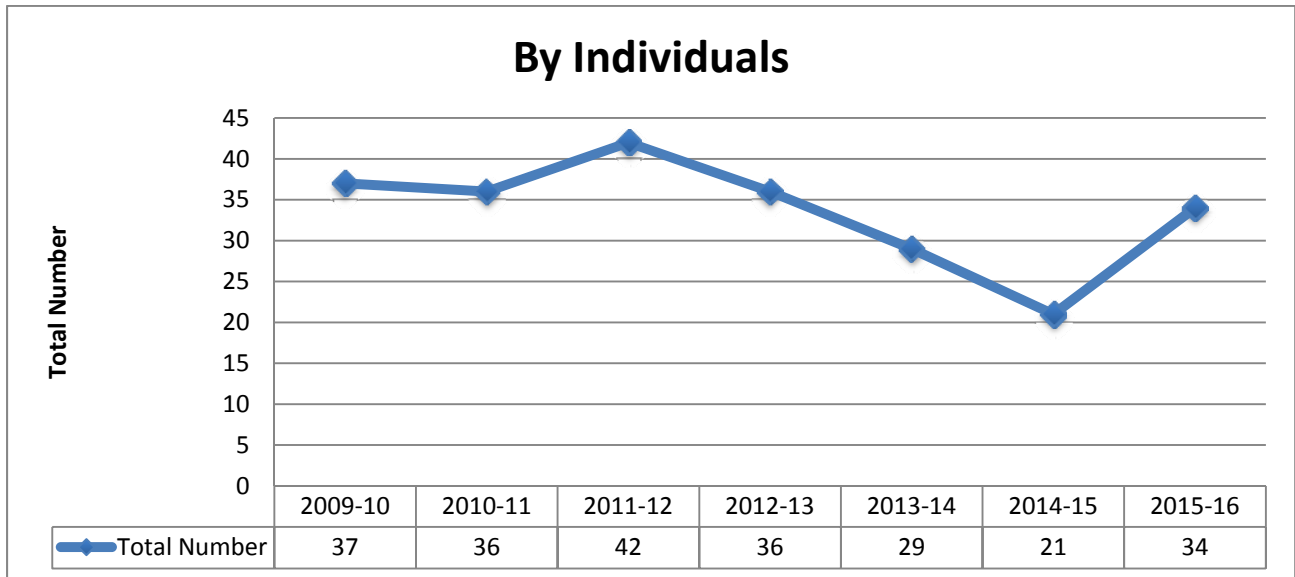
Total Number of Firearm Incidents



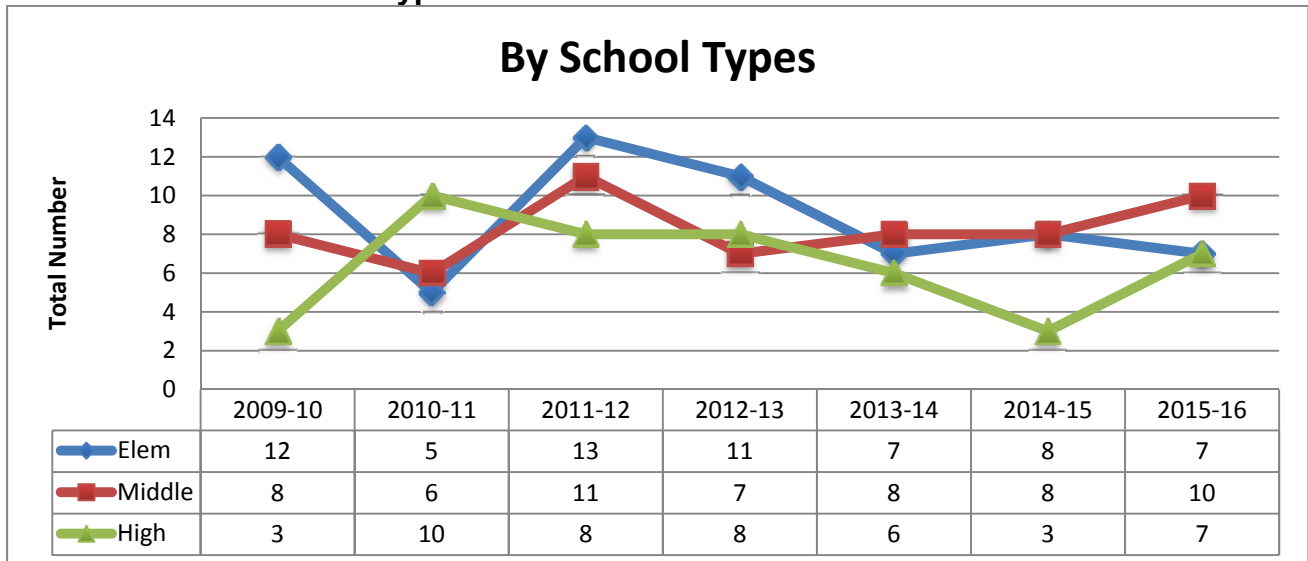
Total Number of Schools Involved



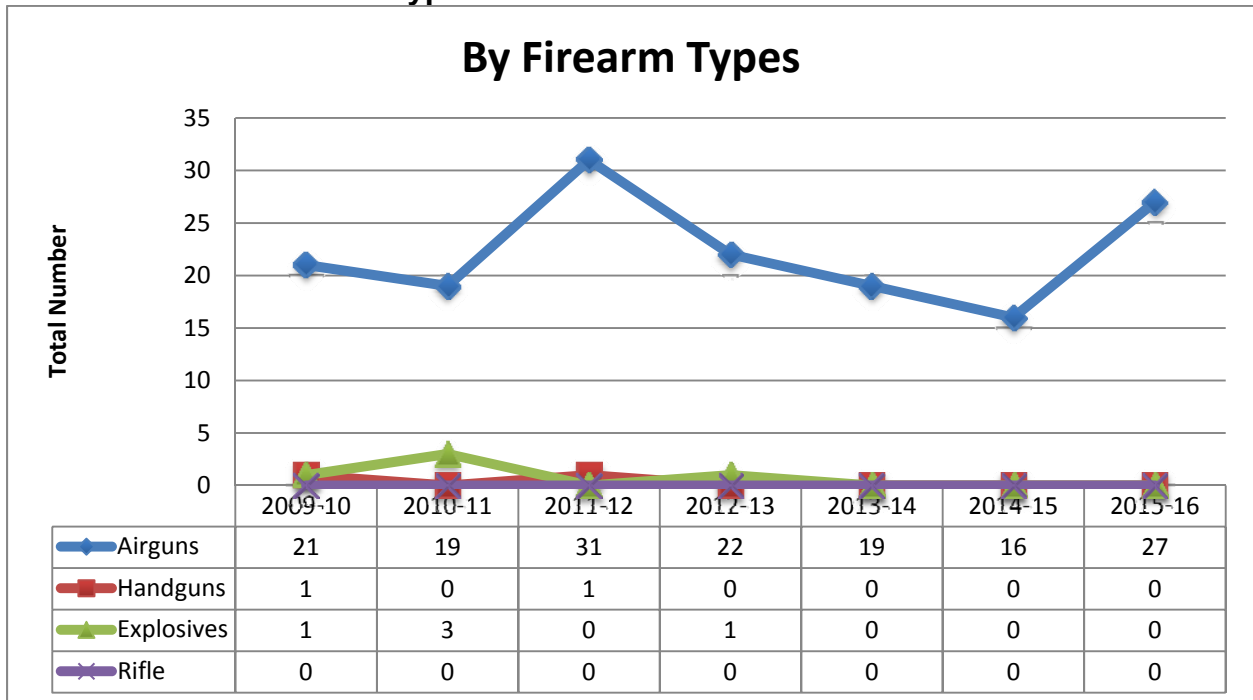
Total Number of Individual Students Involved



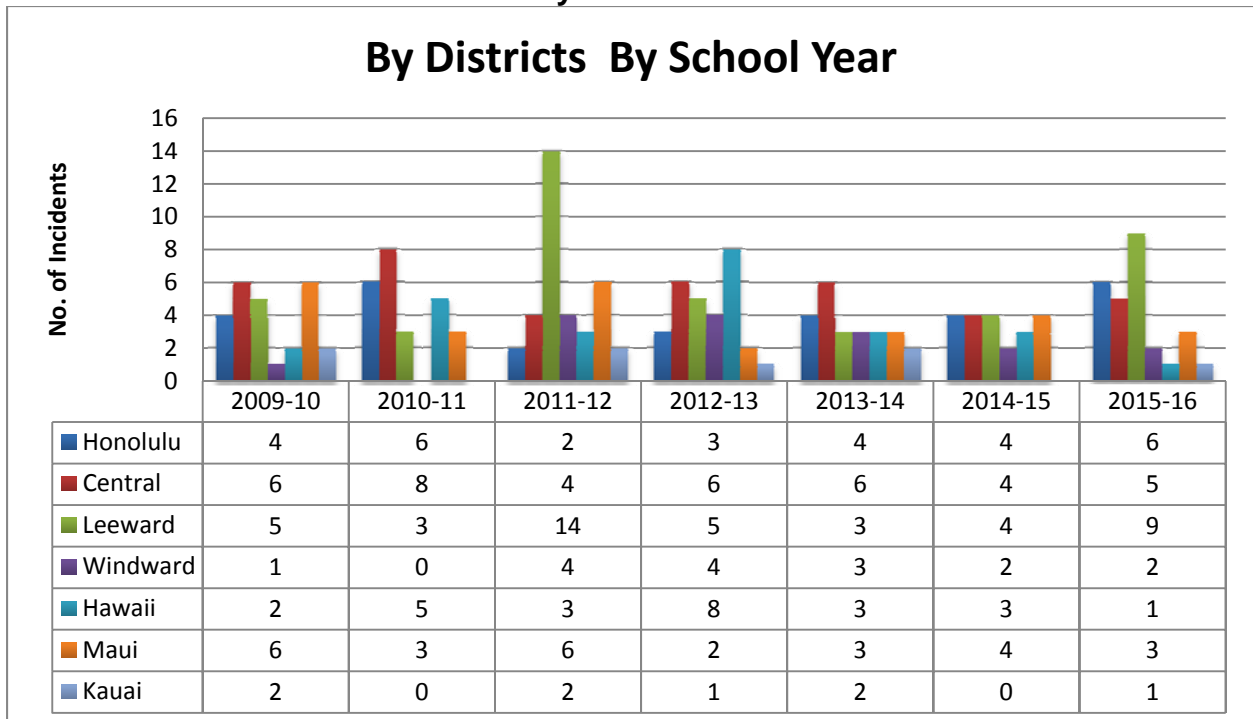
Total Number of School Types Involved



Total Number of Firearm Types

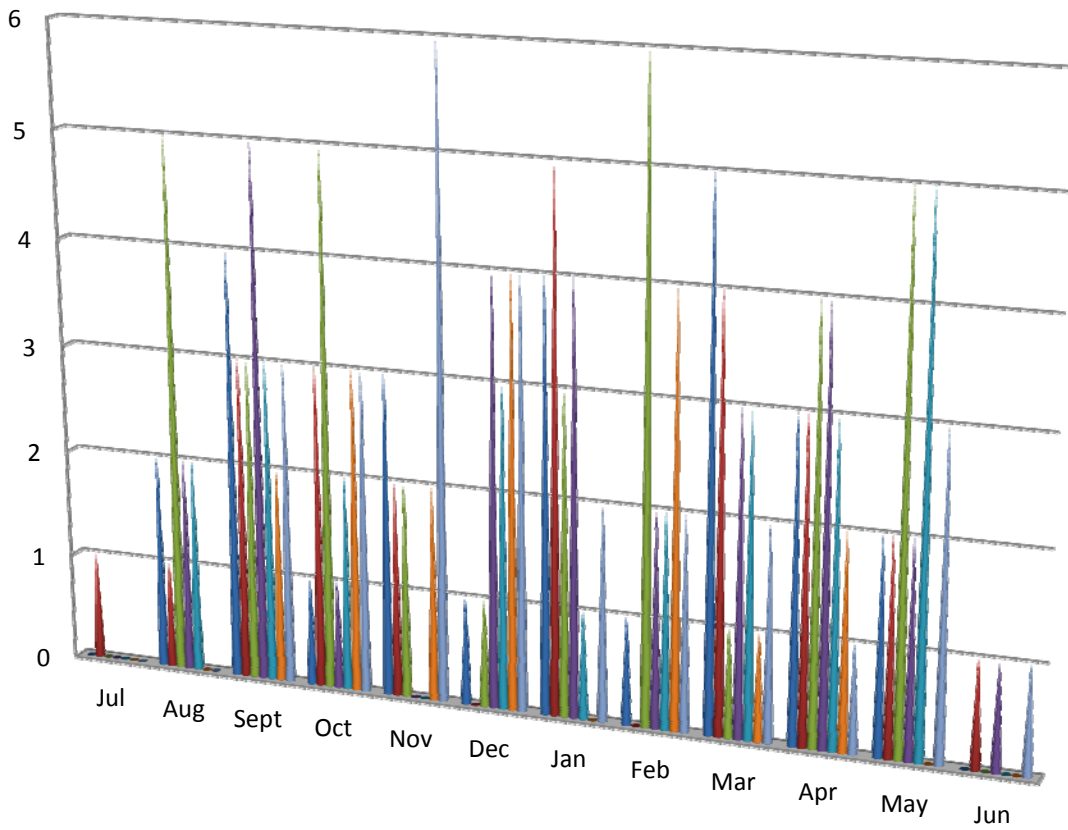


Total Number of Firearm Incidents by Districts



Incidents By Time of Year

By Time of Year



	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
■ 2009-10	0	2	4	1	3	1	4	1	5	3	2	0
■ 2010-11	1	1	3	3	2	0	5	0	4	3	2	1
■ 2011-12	0	5	3	5	2	1	3	6	1	4	5	0
■ 2012-13	0	2	5	1	0	4	4	2	3	4	2	1
■ 2013-14	0	2	3	2	0	3	1	2	3	3	5	0
■ 2014-15	0	0	2	3	2	4	0	4	1	2	0	0
■ 2015-16	0	0	3	3	6	4	2	2	2	1	3	1

Appendix B LIST OF FIREARM INCIDENTS BY SCHOOL
School Year 2015-16

Honolulu District

Complex	School	No. Incidents	No. of Different Individuals	Handgun	Rifle	Starter Gun	Shotgun	Airguns	Crossbow	Firearm Muffler	Explosive	Other Firearms
Farrington	Kalihi Elementary	1	1	0	0	0	0	1	0	0	0	0
Farrington	Kalakaua Middle	1	1	0	0	0	0	1	0	0	0	0
McKinley	Central Middle	1	1	0	0	0	0	1	0	0	0	0
McKinley	McKinley High	2	3	0	0	0	0	2	0	0	0	0
Roosevelt	Stevenson Middle	1	1	0	0	0	0	1	0	0	0	0
3	5	6	7	0	0	0	0	6	0	0	0	0

Central Oahu District

Complex	School	No. Incidents	No. of Different Individuals	Handgun	Rifle	Starter Gun	Shotgun	Airguns	Crossbow	Firearm Muffler	Explosive	Other Firearms
Aiea	Aliamanu Middle	1	2	0	0	0	0	1	0	0	0	0
Aiea	Aiea High	2	2	0	0	0	0	2	0	0	0	0
Moanalua	Moanalua Elementary	1	1	0	0	0	0	1	0	0	0	0
Wahiawa	Wahiawa Middle	1	2	0	0	0	0	1	0	0	0	0
3	4	5	7	0	0	0	0	5	0	0	0	0

Leeward Oahu District

Complex	School	No. Incidents	No. of Different Individuals	Handgun	Rifle	Starter Gun	Shotgun	Airguns	Crossbow	Firearm Muffler	Explosive	Other Firearms
Campbell	Campbell High	1	2	0	0	0	0	1	0	0	0	0
Campbell	Pohakea Elementary	1	1	0	0	0	0	1	0	0	0	0
Nanakuli	Nanakuli High	1	1	0	0	0	0	1	0	0	0	0
Pearl City	Highlands Intermediate	1	1	0	0	0	0	1	0	0	0	0
Pearl City	Pearl City High	2	2	0	0	0	0	2	0	0	0	0
Waianae	Waianae Elementary	1	1	0	0	0	0	1	0	0	0	0
Waianae	Waianae High	1	2	0	0	0	0	1	0	0	0	0
Waianae	Waianae Intermediate	1	1	0	0	0	0	1	0	0	0	0
4	8	9	11	0	0	0	0	9	0	0	0	0

Appendix B LIST OF FIREARM INCIDENTS BY SCHOOL
School Year 2015-16

Windward Oahu District

Complex	School	No. Incidents	No. of Different Individuals	Handgun	Rifle	Starter Gun	Shotgun	Airguns	Crossbow	Firearm Muffler	Explosive	Other Firearms
Castle	Heeia Elementary	1	1	0	0	0	0	1	0	0	0	0
Kailua	Kailua High	1	2	0	0	0	0	1	0	0	0	0
2	2	2	3	0	0	0	0	2	0	0	0	0

Hawaii District

Complex	School	No. Incidents	No. of Different Individuals	Handgun	Rifle	Starter Gun	Shotgun	Airguns	Crossbow	Firearm Muffler	Explosive	Other Firearms
Honokaa	Waimea Middle - PCS	1	1	0	0	0	0	1	0	0	0	0
1	1	1	1	0	0	0	0	1	0	0	0	0

Maui District

Complex	School	No. Incidents	No. of Different Individuals	Handgun	Rifle	Starter Gun	Shotgun	Airguns	Crossbow	Firearm Muffler	Explosive	Other Firearms
Baldwin	Waihee	1	1	0	0	0	0	1	0	0	0	0
Kekaulike	Makawao	1	1					1			0	0
Maui	Maui Waena Intermediate	1	1	0	0	0	0	1	0	0	0	0
3	3	3	3	0	0	0	0	3	0	0	0	0

Kauai District

Complex	School	No. Incidents	No. of Different Individuals	Handgun	Rifle	Starter Gun	Shotgun	Airguns	Crossbow	Firearm Muffler	Explosive	Other Firearms
Kauai	Kamakahahei Middle	1	2	0	0	0	0	1	0	0	0	0
1	1	1	2	0	0	0	0	1	0	0	0	0

Appendix B LIST OF FIREARM INCIDENTS BY SCHOOL
School Year 2015-16

Statewide Totals

No. of Complexes	School	No. Incidents	No. of Different Individuals	Handgun	Rifle	Starter Gun	Shotgun	Airguns	Crossbow	Firearm Muffler	Explosive	Other Firearms
17	24	27	34	0	0	0	0	27	0	0	0	0

ATTACHMENT 2 - APPENDIX A Section 302A-1134, HRS

§302A-1134.6 Zero tolerance policy. (a) Any child who possesses, sells, or uses a dangerous weapon or switchblade knife, while attending school or while attending department-supervised activities held on or off school property, may be excluded from attending school for up to ninety-two school days, as determined by the principal and approved by the superintendent or other individuals designated pursuant to rules adopted by the board.

(b) Except as provided in subsection (f), any child who possesses, sells, consumes, or uses intoxicating liquor or illegal drugs, while attending school or while attending department-supervised activities held on or off school property, may be excluded from attending school for up to ninety-two school days, as determined by the principal and approved by the superintendent or other individuals designated pursuant to rules adopted by the board.

(c) Except as provided in subsection (f), any child who reasonably appears to have consumed or used intoxicating liquor or illegal drugs prior to attending school or attending department-supervised activities held on or off school property, may be excluded from attending school for up to ninety-two school days, as determined by the principal and approved by the superintendent or other individuals designated pursuant to rules adopted by the board.

(d) In any case of exclusion from school, the due process procedures as set forth in the provisions of Hawaii administrative rules relating to student discipline shall apply.

(e) If a child is excluded from attending school for more than ten days, the superintendent or the superintendent's designee shall ensure that substitute educational activities or other appropriate assistance are provided, such as referral for appropriate intervention and treatment services, as determined by the principal in consultation with the appropriate school staff.

(f) A child determined to be in violation of subsection (b) or (c) shall be subject to the department's disciplinary rules; provided that:

(1) The school shall administer a screening tool approved by the department to determine whether there is a need for the child to be referred for a substance abuse assessment;

(2) The child shall be allowed to return to school earlier than the department's original disciplinary determination; provided that the child gives the school evidence of the following:

- (A) A substance abuse assessment has been completed; and
- (B) The child is progressing toward clinical discharge from any substance abuse treatment or substance abuse counseling recommended by the substance abuse assessment;

(3) If the substance abuse assessment finds that the child does not need substance abuse treatment or substance abuse counseling, the school may allow the child to return to school earlier than originally indicated; provided that:

- (A) The child provides a certified copy of the assessment; and
- (B) The child's parent or legal guardian consents to the child and the child's family receiving follow-up counseling or other student support services to be provided by the department.

In determining whether to allow the child to return to school early, the school administrator shall review and determine the nature and severity of the offense, the impact of the offense on others, the age of the offender, and whether the offender is a repeat offender; and

(4) For the child's first violation of subsection (b) or (c), if the child provides evidence of clinical discharge from the substance abuse treatment program or substance abuse counseling, all records of disciplinary action relating to the original offense shall be expunged. For the purposes of this paragraph, "expunged" means the records of substance abuse assessment shall be segregated and kept confidential but shall be destroyed upon graduation of the child.

(g) For purposes of this section:

"Dangerous weapon" means a dirk, dagger, butterfly knife, blackjack, slug shot, billy, metal knuckles, or other instrument whose sole design and purpose is to inflict bodily injury or death; provided that firearms are excluded from this definition.

"Illegal drugs" means the possession, distribution, ingestion, manufacture, sale, or delivery of substances which are prohibited under chapter 329 and chapter 712, part IV.

"Switchblade knife" is as defined in section 134-52.

(h) The board of education shall adopt rules in accordance with chapter 91 to implement this section. [L 2000, c 274, §§2, 4; am L 2004, c 44, §14; am L 2005, c 213, §§2, 5; am L 2006, c 205, §4 (1), (2)]

Note

Students may be excluded from attending school for up to ninety-two school days until rules are adopted. L 2000, c 274, §5.

Cross References

Self-administration of medication by student and emergency administration permitted, see §302A-1164.