



DEPT. COMM. NO. 329

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

OFFICE OF THE SUPERINTENDENT

March 9, 2017

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 Legislative Report relating to Restraint and Seclusion, pursuant to Section 302A-1141.4 HRS. 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,


Kathryn S. Matayoshi
Superintendent

KSM:lt
Enclosures

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



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LEGISLATIVE REPORT

SUBJECT: Relating to Restraint and Seclusion

REFERENCE: Act 206, SLH 2014 HB 1796 HD2, SD1, CD1

ACTION REQUESTED: Report to the Legislature, Regular Session 2017

DOE REPORT:

Introduction:

Act 206 requires the Department of Education to report on the status of: 1) The Department of Education's plan to phase in the implementation of Sections 2 and 3 of this Act; 2) Any budgetary needs of the Department of Education in implementing Sections 2 and 3 of this Act; and, 3) Any proposed legislation necessary to implement sections 2 and 3 of this Act. Refer to the attachment entitled "Status Report on Act 206 Relating to Restraints and Seclusion in Hawaii Public Schools - 2017."

Findings: See attached

RECOMMENDATIONS: See attached

Status Report on Act 206 Relating to Restraints and Seclusion in Hawaii Public Schools – 2017

Introduction:

Act 206, signed into law on July 2, 2014, prohibits the use of seclusion and establishes conditions and procedures for the use of restraint in Hawaii public schools. The Department of Education (Department) has been tasked with ensuring the proper use of restraints and providing annual trainings for employees. Required recordkeeping and accountability protocols will promote the safety of all students and personnel in public schools and a positive school climate and culture.

The following section provides updates related to the action items iterated in the aforementioned Act.

1. The Department of Education's plan to phase in the implementation of section 2 and 3 of the Act.

- **Review of Hawaii State Board of Education (Board) Policies**

Policy 101-7, School Climate and Discipline

<http://boe.hawaii.gov/policies/Board%20Policies/School%20Climate%20and%20Discipline.pdf>

Approved: September 1, 2015

Policy 305-4, Use of Force

<http://boe.hawaii.gov/policies/Board%20Policies/Use%20of%20Force.pdf>

Approved: February 17, 2015

Amended: (Item 2) March 17, 2015

As the Department implements Act 206, it will continue to review Board policies and recommend updates, as needed.

- **Establish Department Procedures Following Use of Restraint**

The Department has developed a protocol to document all incidents involving the use of restraint, and procedures to ensure appropriate and immediate communication/notification to parents or legal guardians.

During school year 2015-16, OCISS finalized the informational technology specifications for incident documentation. These specifications have been incorporated as part of the Department's current electronic Comprehensive

Student Support Services (eCSSS) database. Trainings for administrators are focused on the database-generated communication to parents and legal guardians and reporting features.

A brochure has been approved for print and translation in multiple languages. The brochure will be distributed to parents and legal guardians upon a student's entry to any Hawaii public school and will also be made available on the Department's website.

- **Implement Training, Certification and Recertification**

In July 2016, the Department awarded a contract to a vendor to provide statewide training certification and recertification to enable school personnel to effectively respond to students with challenging behaviors founded on the guiding principles of positive behavioral interventions and supports. Training includes the proper use of restraints and a comprehensive continuum of evidence-based prevention and intervention strategies and supports.

The Department's long-term goal is to build a cadre of certified trainers in all 15 complex areas. These certified trainers will be responsible for annual training and certification/recertification needs in complex area schools.

Training and certification of state/complex/school personnel in the schools is ongoing. As of January 2017, 94 employees have participated in the three-day trainings and completed certification.

- **Review of Data on Students Who Were Restrained**

Beginning in school year 2016-17, the collection of data via incident documentation at schools will allow for active monitoring and periodic reviews.

Data reviews will assist school administrators to confirm appropriate strategies are in place or make warranted adjustments to ensure the safety of students and personnel.

School personnel may opt to adjust student behavioral plans and/or programs to address any trends and patterns identified in student behaviors over a period of time.

- **Examine Policies and Procedures on the Use of Restraints**

During school year 2017-18, a workgroup will be convened to conduct a yearly review of incident data and policies and procedures on the use of restraint. This team of volunteers will also ascertain whether policies and procedures are being implemented with fidelity, verify proper alignment with applicable state statutes and administrative rules, and propose recommended changes.

2. Any budgetary needs of the Department of Education in implementing sections 2 and 3 of the Act.

- **Identify Budgetary Needs**

The Department has identified budgetary needs to support the ongoing implementation of this measure, as follows:

- **Staff training/certification/recertification:** Support for statewide training of complex/school personnel and training materials. During the initial three years* (FY16, FY17, FY18), the Department will establish a cadre of trainers in each complex area. Thereafter, estimated costs are related to recertification and training of new staff.
- **Database development and maintenance:** During Year 1, the Department identified and finalized specifications and requirements to create the database infrastructure within the Department's existing eCSSS database. Starting with Year 2, projected costs are associated with periodic maintenance and enhancements to the existing infrastructure.

The Department's budgetary funding projections to support the implementation of this initiative, as follows:

	FY16*	FY17**	FY18	FY19	FY20	FY21
Personnel	-0-	\$76,637	\$91,909			
Staff Training, Certification, Recertification	\$175,000	\$295,000	\$300,000	\$250,000	\$250,000	\$250,000
Database Development and Maintenance	\$50,000	\$65,363	\$75,000	\$50,000	\$20,000	\$20,000
TOTAL:	\$225,000	\$437,000	\$466,909	\$300,000	\$270,000	\$270,000

*Adjusted first year from FY15 to FY16 due to delay in release of funds. Original funds totaling \$250,000 per Act 206 (2014) less a restriction of \$25,000.

**Act 151 (SLH 2016) appropriated general funds totaling \$460,000 for fiscal year 2016-17 including one full-time position to provide training and data accountability. The legislative allocation was reduced by \$23,000 to reflect the 5 percent restriction imposed on all State discretionary general funds in FY 2017.

The Board-approved budget for the Fiscal Biennium 2017-2019 included personnel and funding to support the implementation of this measure. In February 2017, due to the Council on Revenues reduced revenue forecast, revisions to the Executive Budget eliminated funding support for FY18.

3. Any proposed legislation necessary to implement sections 2 and 3 of the Act.

- **Proposed Legislation**

None.

On December 6, 2016, the Board approved the BOE/DOE Strategic Plan for 2017-2020. The Plan clearly articulates the Vision and Mission for public schools in Hawaii.

Vision: Hawaii's students are educated, healthy, and joyful lifelong learners who contribute positively to our community and global society.

Mission: We serve our community by developing the academic achievement, character, and social-emotional well-being of our students to the fullest potential. We work with partners, families, and communities to ensure that all students reach their aspirations from early learning through college, career, and citizenship.

Further, under Goal 1 – Student Success, Objective 2: Whole Child, says “All students are safe, healthy, and supported in school, so that they can engage fully in high-quality educational opportunities.

Students' physical, social, mental, emotional, and cognitive development are critical as they move from early childhood to adolescence to adulthood. Students' well-being and health increase their readiness to learn. Students succeed when their individual needs are met and their innate gifts and abilities are nurtured.

Our learning environments must be caring, safe, and supportive for effective teaching and high-quality learning to take place. Act 206 improves our educational settings and facilitates student learning, safety, and well-being.