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# A BILL FOR AN ACT

RELATING TO EDUCATION.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that children living in  
2 poverty who have one or more parents incarcerated, are the  
3 victims of abuse or neglect, or are homeless often experience a  
4 range of traumatic and toxic stress. This stress can harm the  
5 child's brain development and physical, social, mental,  
6 emotional, and behavioral health and well-being.

7           The legislature further finds that in 2013, the Healthcare  
8 Association of Hawaii conducted a comprehensive study on Kauai  
9 to, among other things, uncover the needs of vulnerable  
10 populations, many of which have individuals of native Hawaiian  
11 ancestry. The study revealed that teens who drop out of school  
12 have a diminished ability to advocate for their own health and  
13 wellness compared to their peers still enrolled in school.

14 Compounding this problem is that in 2017, 14.2 per cent of the  
15 students in department of education schools dropped out,  
16 amounting to 25,546 students.



1           The legislature finds that since high school dropouts are  
2 more likely to experience incarceration and poverty, it is  
3 imperative that the department of education identify vulnerable  
4 students who are likely to drop out, assess their needs, and  
5 provide them with the services they need to succeed.

6           The purpose of this Act is to require the department of  
7 education to:

- 8           (1) Evaluate and assess certain vulnerable children and  
9 children exhibiting emergent or persistent behavioral  
10 issues; and
- 11           (2) Assess suspended students at the request of the  
12 student's parent or guardian to identify factors  
13 contributing to the student's suspension and provide  
14 services to the student for any social disorder,  
15 emotional disorder, or learning difference.

16           SECTION 2. Chapter 302A, Hawaii Revised Statutes, is  
17 amended by adding two new sections to part II, subpart C, to be  
18 appropriately designated and to read as follows:

19           "§302A-       Evaluations of vulnerable children and children  
20 exhibiting emergent or persistent behavioral issues. (a) Upon  
21 request by a parent or guardian of a vulnerable child or a child



1 who has exhibited emergent or persistent behavioral issues, the  
2 department shall provide the child with the following  
3 assessments and evaluations:

- 4       (1) An adverse childhood experience survey;
- 5       (2) A clinical assessment and, if needed, mental health  
6       services and follow-up counseling; and
- 7       (3) A comprehensive psychoeducational evaluation that  
8       includes:
  - 9           (A) A cognitive assessment using the latest edition  
10           of the Wechsler Intelligence Scale for Children,  
11           the Universal Nonverbal Intelligence Test, or  
12           another test approved by the director of health;
  - 13           (B) An academic assessment using the latest edition  
14           of the Woodcock Johnson Tests of Achievement,  
15           Wechsler Individual Assessment Tests, or another  
16           test approved by the director of health;
  - 17           (C) A social work assessment based upon the child's  
18           background, developmental, academic, legal,  
19           medical, and family history;
  - 20           (D) A behavioral and emotional assessment using  
21           diagnostic interview and assessment measures for



1                   emotional, behavioral, cognitive, and social  
2                   functioning that identifies strengths, interests,  
3                   and motivators to support rapport building and  
4                   interventions;

5                   (E) A speech and language assessment; and

6                   (F) An occupational therapy assessment.

7                   (b) For purposes of this section:

8                   "Child" means a person not younger than eleven years of age  
9 and not older than nineteen years of age.

10                  "Vulnerable child" means any child who has:

11                  (1) Been homeless within the past five years;

12                  (2) One or more parents who have been incarcerated within  
13 the past ten years;

14                  (3) Been in the foster care system;

15                  (4) Used illegal drugs;

16                  (5) A family history of alcohol or drug abuse;

17                  (6) Been a victim of bullying or has bullied others; or

18                  (7) A gang affiliation.

19                  §302A-    Protections for students; evaluations to receive  
20 special education services. (a) If a school suspends a student  
21 who:



- 1        (1) Is between fourteen and nineteen years of age; and
- 2        (2) Has not been evaluated to receive special education
- 3            services,

4 the school shall provide the suspended student's parents or  
5 guardians with the option to request a comprehensive assessment  
6 be conducted to determine or uncover any contributing factors  
7 that may have led to the current offense and that may mitigate  
8 any future disciplinary issues or concerns.

9        (b) An assessment requested pursuant to subsection (a)  
10 shall be conducted in an expedited manner. If an assessment  
11 identifies a social disorder, emotional disorder, or learning  
12 difference, the student may choose to attend an alternative  
13 educational school or vocational education training program  
14 instead of the educational placement determined by school  
15 authorities.

16        (c) Proportionate special education per pupil funding  
17 shall follow the student; provided that if a student chooses to  
18 attend and complete an education in an alternative educational  
19 school or vocational education training program, funding for the  
20 school from which the student received a suspension shall not be



1 reduced because the suspended student attends a different  
2 school.

3 (d) Attendance at an alternative educational school or  
4 vocational education training program alone shall not prohibit a  
5 student from participating in extramural activities, clubs, and  
6 sports of the school from which the student received a  
7 suspension."

8 SECTION 3. Section 302A-1132, Hawaii Revised Statutes, is  
9 amended by amending subsection (a) to read as follows:

10 "(a) Unless excluded from school or excepted from  
11 attendance, all children who will have arrived at the age of at  
12 least five years on or before July 31 of the school year, and  
13 who will not have arrived at the age of eighteen years, by  
14 January 1 of any school year, shall attend either a public or  
15 private school for, and during, the school year, and any parent,  
16 guardian, or other person having the responsibility for, or care  
17 of, a child whose attendance at school is obligatory shall send  
18 the child to either a public or private school. Attendance at a  
19 public or private school shall not be compulsory in the  
20 following cases:



- 1 (1) Where the child is physically or mentally unable to  
2 attend school (deafness and blindness excepted), of  
3 which fact the certificate of a duly licensed  
4 physician shall be sufficient evidence;
- 5 (2) Where the child, who has reached the fifteenth  
6 anniversary of birth, is suitably employed and has  
7 been excused from school attendance by the  
8 superintendent or the superintendent's authorized  
9 representative, or by a family court judge;
- 10 (3) Where, upon investigation by the family court, it has  
11 been shown that for any other reason the child may  
12 properly remain away from school;
- 13 (4) Where the child has graduated from high school;
- 14 (5) Where the child is enrolled in an appropriate  
15 alternative educational program as approved by the  
16 superintendent or the superintendent's authorized  
17 representative in accordance with the plans and  
18 policies of the department, or notification of intent  
19 to home school has been submitted to the principal of  
20 the public school that the child would otherwise be



- 1 required to attend in accordance with department rules  
2 adopted to achieve this result; or
- 3 (6) Where:
- 4 (A) The child has attained the age of [~~sixteen~~  
5 fourteen years;
- 6 (B) The principal has determined that:
- 7 (i) The child has engaged in behavior which is  
8 disruptive to other students, teachers, or  
9 staff; or
- 10 (ii) The child's non-attendance is chronic and  
11 has become a significant factor that hinders  
12 the child's learning; and
- 13 (C) The principal of the child's school, and the  
14 child's teacher or counselor, in consultation  
15 with the child and the child's parent, guardian,  
16 or other adult having legal responsibility for or  
17 care of the child, develops an alternative  
18 educational plan for the child. The alternative  
19 educational plan shall include a process that  
20 shall permit the child to resume school.





1           The principal of the child's school shall file the  
2           plan made pursuant to subparagraph (C) with the  
3           child's school record. If the adult having legal  
4           responsibility for or care of the child disagrees with  
5           the plan, then the adult shall be responsible for  
6           obtaining appropriate educational services for the  
7           child."

8           SECTION 4. Statutory material to be repealed is bracketed  
9 and stricken. New statutory material is underscored.

10          SECTION 5. This Act shall take effect on July 1, 2052.



**Report Title:**

DOE; Special Education; Disability; Student Rights

**Description:**

Requires DOE to provide specified assessments and evaluations, upon parent or guardian request, to vulnerable students exhibiting behavioral issues and to students who have been suspended for the purpose of providing appropriate services that allow the child to complete education. Lowers the threshold age for alternative or vocational schools from 16 to 14. (SB388 HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

