



DEPT. COMM. NO. 23

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

OFFICE OF THE SUPERINTENDENT

November 1, 2019

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

The Honorable Scott K. Saiki, Speaker
and Members of the House of Representatives
State Capitol, Room 431
Honolulu, Hawaii 96813

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

For your information and consideration, I am transmitting a copy of the Department of Education Annual Report, Mandatory Expulsion for Possession of a Firearm, School Year 2018-19, pursuant to Section 302A-1134, Hawaii Revised Statutes (HRS). In accordance with Section 93-16, HRS, I am also informing you that the report may be viewed electronically at: <http://www.hawaiipublicschools.org/VisionForSuccess/SchoolDataAndReports/StateReports/Pages/Legislative-reports.aspx>.

Sincerely,

A handwritten signature in blue ink, appearing to be "CK", representing Dr. Christina M. Kishimoto.

Dr. Christina M. Kishimoto
Superintendent

CMK:ss
Enclosures

c: Legislative Reference Bureau
Office of Student Support Services



State of Hawaii
Department of Education

Annual Report on the Mandatory Expulsion Policy for the Possession of a Firearm

November 2019

Pursuant to §302A-1134, Hawaii Revised Statutes, the Department of Education (DOE) shall provide an annual report to the United States Department of Education, the state board of education, and the legislature indicating the number of students excluded, the types of firearms found in their possession, and the schools from which they were excluded.

**Department of Education Annual Report
Mandatory Expulsion Policy for Possession of a Firearm
School Year (SY) 2018-19**

INTRODUCTION:

Pursuant to Chapter 19, Hawaii Administrative Rules, the definition of "firearm" has been expanded beyond the federal and state laws to include air guns, such as BB guns or pistols, pellet guns, and paintball guns.

SUMMARY OF DATA:

Based on the cumulative data the following trends were observed:

- A steady decline in firearm incidents from SY 2012-13 to SY 2018-19, noting a significant decrease of firearm incidents for SY 2018-19 in comparison to SY 2017-18;
- Maui, Kauai and Windward districts reported zero firearm incidents. Honolulu district reported the most firearm incidents;
- By school types, middle and high school reported 85% of the total firearm incidents; and
- Most firearm incidents occurred during the Spring semester of the SY 2018-19.

SY 2018-19 ACTIONS BY THE DEPARTMENT:

During school year 2018-19:

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 schoolwide 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 schoolwide student behavioral data to target identified "hot spots" to prevent escalations of violent behaviors.
 - b. actively implemented schoolwide proactive student behavior support systems to maintain positive school climate and culture for all students.
 - c. 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 schoolwide, classroom, non-classroom, and individual student and systems to prevent violence escalation.

School Year 2018-19 Summary:

Total number of complexes involved	11
Total number of schools involved	13
Total number of firearms incidents	17
Total number of individual students involved	21

School Year 2018-19 Total Firearms by Type:

Total number of handguns	1
Total number of rifles	0
Total number of starter guns	0
Total number of shotguns	0
Total number of airguns	15
Total number of crossbows	0
Total number of firearm mufflers	0
Total number of explosive	0
Total number of other firearms	2

OBSERVED TRENDS:

Table 1: Total Number of Firearm Incidents

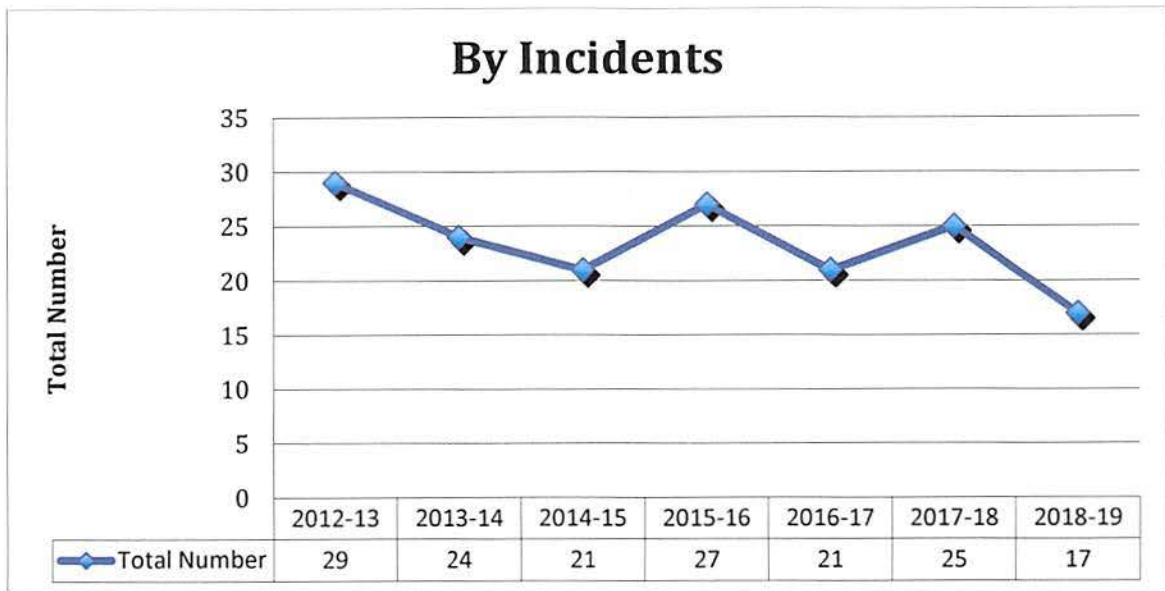


Table 2: Total Number of Schools Involved

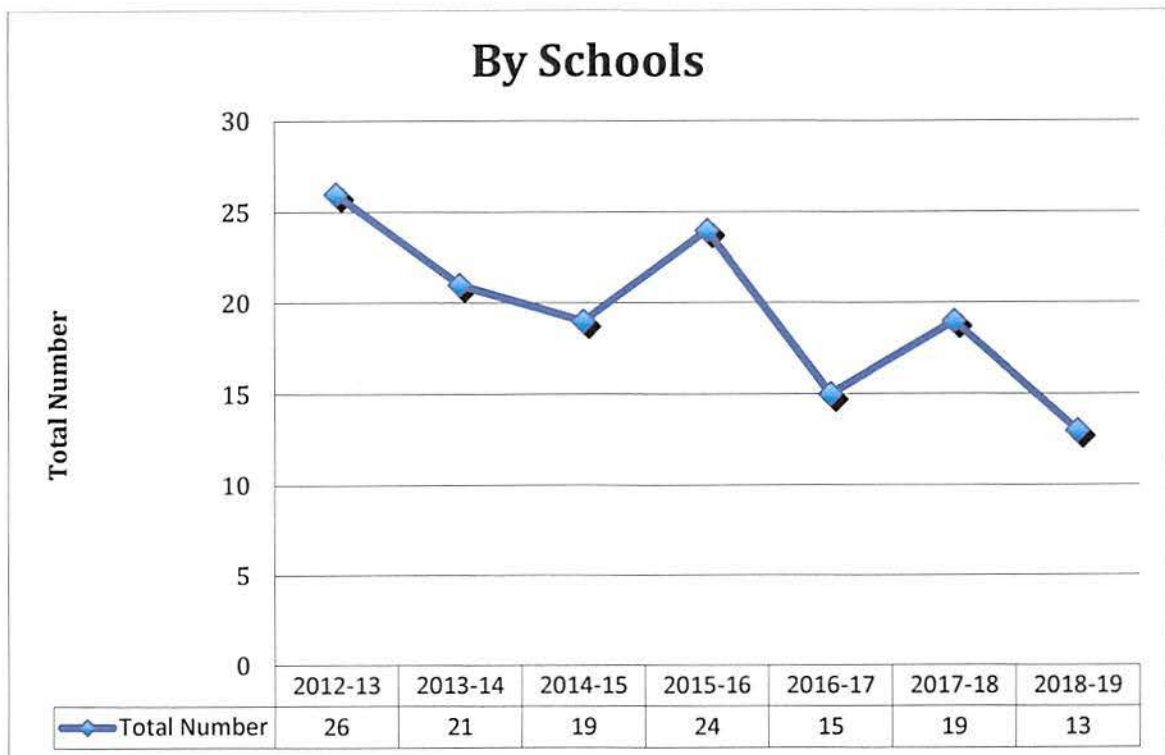


Table 3: Total Number of Individual Students Involved

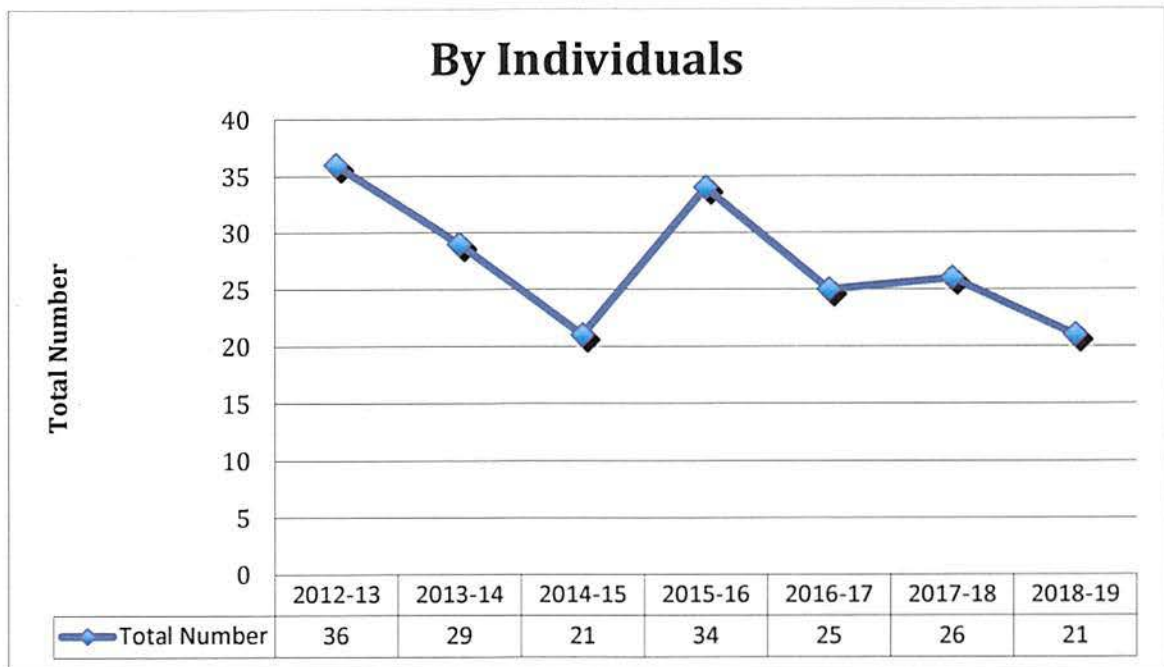


Table 4: Total Number of School Types Involved

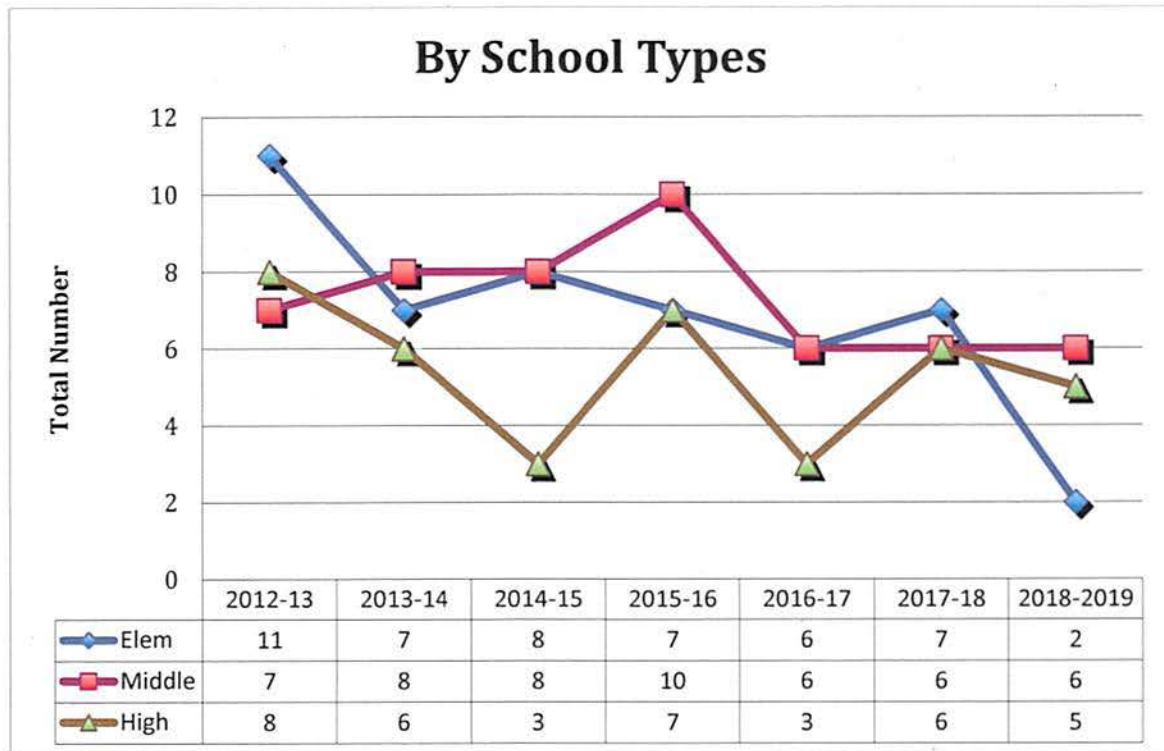


Table 5: Total Number of Firearm Types

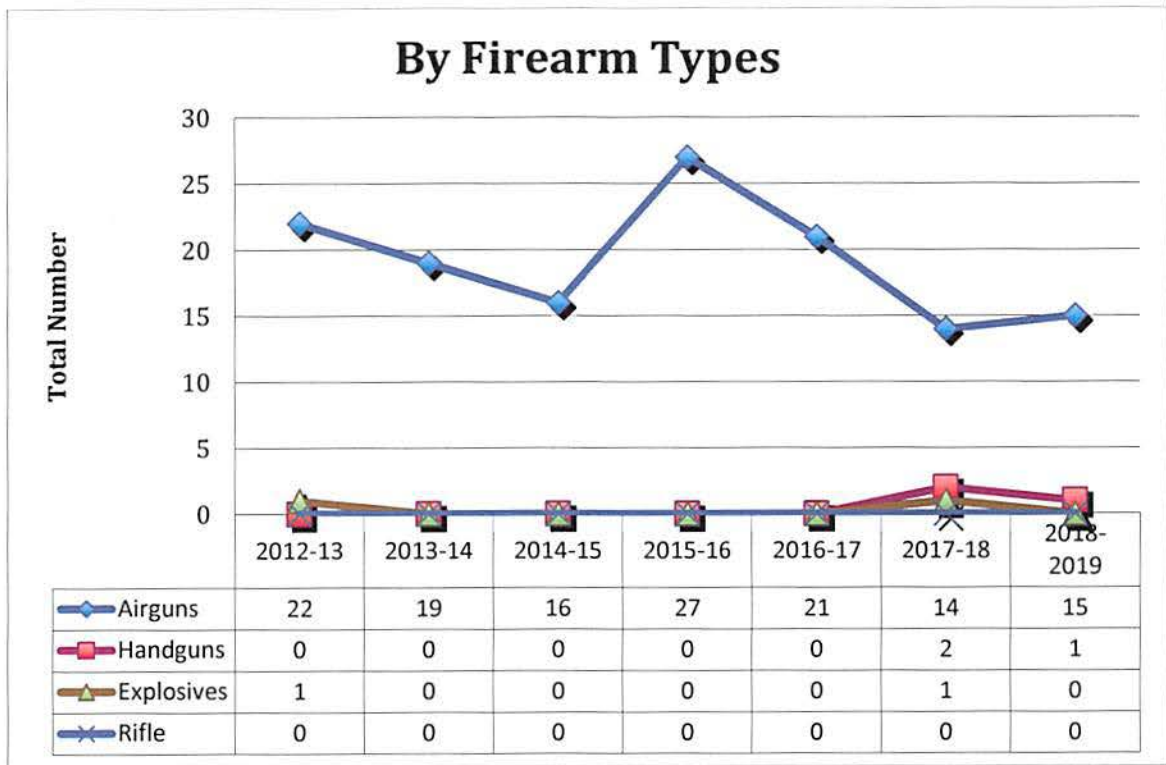


Table 6: Total Number of Firearm Incidents by Districts

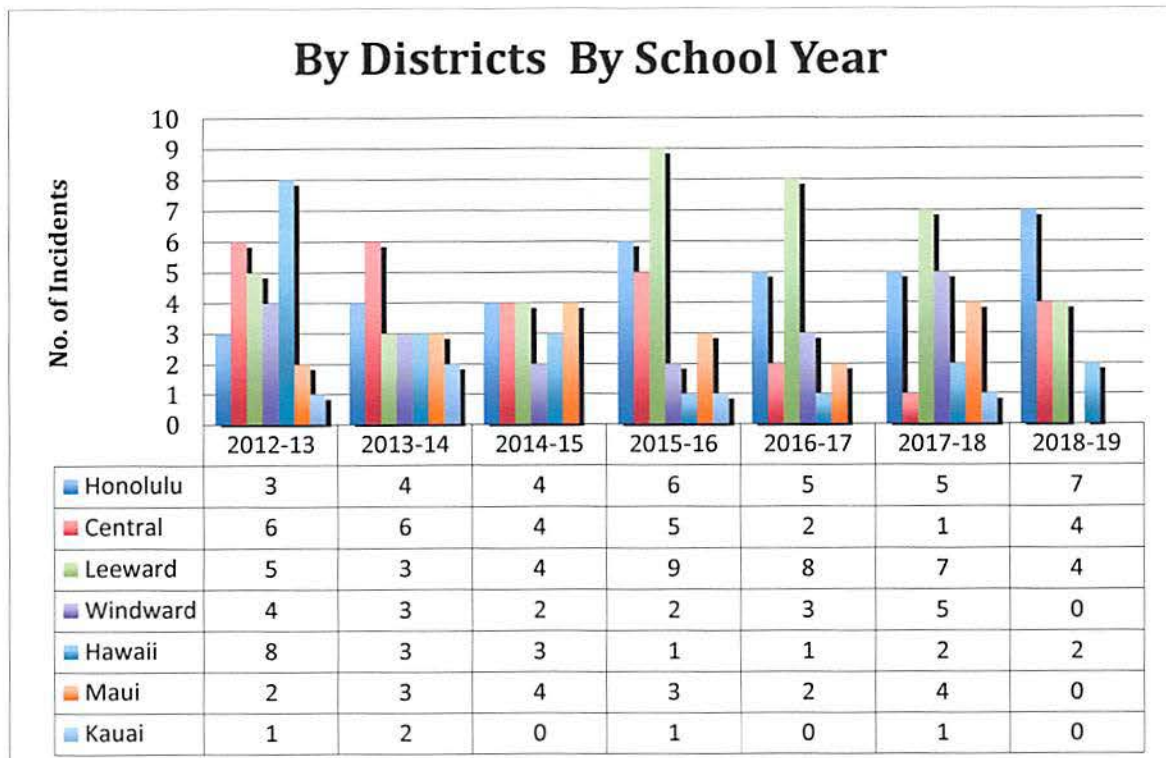
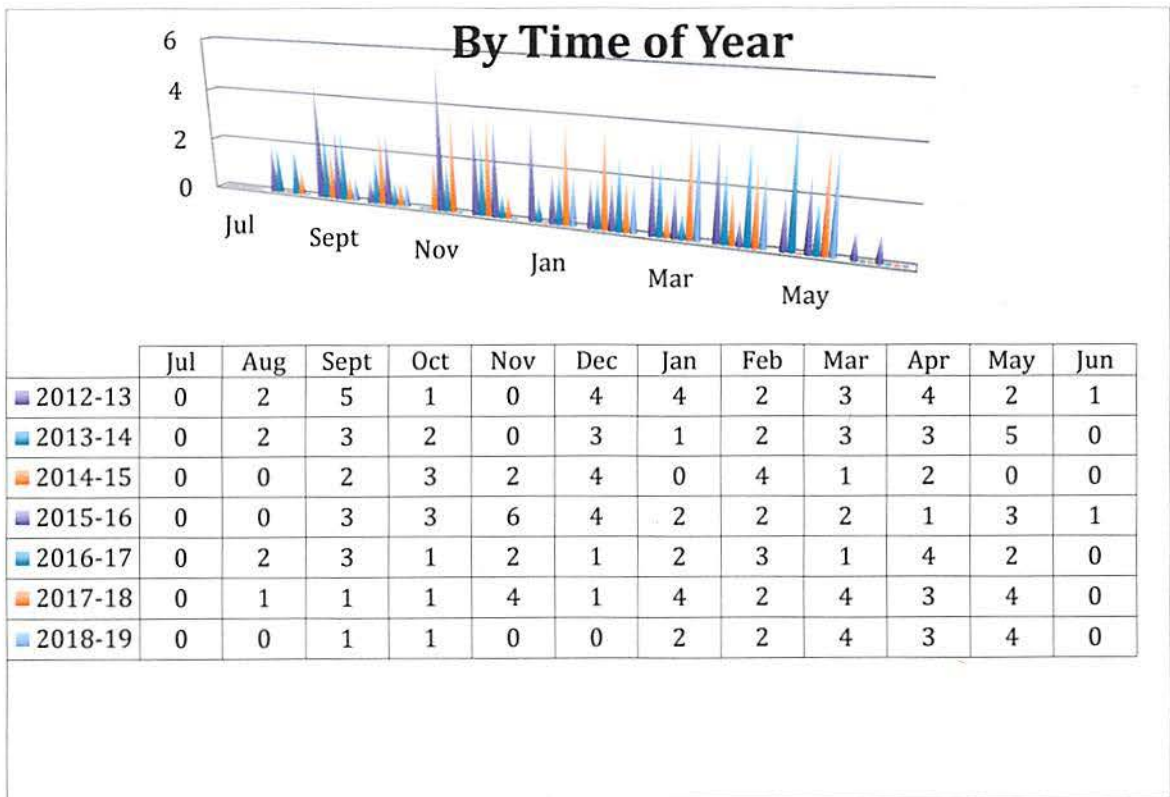


Table 7: Incidents By Time of Year



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.

**Appendix B LIST OF FIREARM INCIDENTS BY SCHOOL
School Year 2018-19**

Honolulu District

Complex	School	No. Incidents	No. of Different Individuals	Handgun	Rifle	Starter Gun	Shotgun	Airguns	Crossbow	Firearm Muffler	Explosive	Other Firearms
Farrington	Dole Middle	2	3	0	0	0	0	2	0	0	0	0
Farrington	Kaiser High	1	1	0	0	0	0	1	0	0	0	0
Kaimuki	Kaimuki High	2	2	0	0	0	0	2	0	0	0	0
McKinley	McKinley High	2	2	0	0	0	0	2	0	0	0	0
3	4	7	8	0	0	0	0	7	0	0	0	0

*The same firearm was identified in both incident.

Central Oahu District

Complex	School	No. Incidents	No. of Different Individuals	Handgun	Rifle	Starter Gun	Shotgun	Airguns	Crossbow	Firearm Muffler	Explosive	Other Firearms
Aiea	Aiea Inter	1	2	0	0	0	0	1	0	0	0	0
Mililani	Mililani Middle	1	1	0	0	0	0	1	0	0	0	0
Leilehua	Wahiawa Middle	2	2	0	0	0	0	1	0	0	0	1
3	3	4	5	0	0	0	0	3	0	0	0	1

Leeward Oahu District

Complex	School	No. Incidents	No. of Different Individuals	Handgun	Rifle	Starter Gun	Shotgun	Airguns	Crossbow	Firearm Muffler	Explosive	Other Firearms
Kapolei	Kapolei High	1	1	1	0	0	0	0	0	0	0	0
Waianae	Maili Elementary	1	1	0	0	0	0	1	0	0	0	0
Waianae	Waianae High	1	1	0	0	0	0	1	0	0	0	0
Waipahu	Waipahu Intermediate	1	3	0	0	0	0	2	0	0	0	0
3	4	4	6	1	0	0	0	4	0	0	0	0

Windward District

Complex	School	No. Incidents	No. of Different Individuals	Handgun	Rifle	Starter Gun	Shotgun	Airguns	Crossbow	Firearm Muffler	Explosive	Other Firearms
Windward		0	0	0	0	0	0	0	0	0	0	0
1	0	0	0	0	0	0	0	0	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
Waiakea	Waiakea Intermediate	1	1	0	0	0	0	1	0	0	0	0
Kealakehe	Waikoloa Elementary	1	1	0	0	0	0	0	0	0	0	1
2	2	2	2	0	0	0	0	1	0	0	0	1

Maui District

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

Statewide Totals

No. of Complexes	School	No. Incidents	No. of Different Individuals	Handgun	Rifle	Starter Gun	Shotgun	Airguns	Crossbow	Firearm Muffler	Explosive	Other Firearms
14	13	17	21	1	0	0	0	15	0	0	0	2