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# SENATE RESOLUTION

REQUESTING THE HAWAII DEPARTMENT OF EDUCATION TO CREATE A  
WORKING GROUP TO DISCUSS AND IMPLEMENT INSTITUTIONAL  
CHANGES IN SUSPENSION POLICY AT THE SCHOOL-LEVEL.

1           WHEREAS, studies show that suspensions are not an effective  
2 means of improving school functioning and school morale, but  
3 have a profoundly negative impact on student behavior,  
4 increasing drop-out rates, producing more aggressive behavior  
5 because of higher stress levels, denying students valuable  
6 education time and burdening the family with their care during  
7 school time resulting in job difficulties for parents, and a  
8 lack of supervision for the suspended student raising the  
9 possibility of the child ending up in the juvenile justice  
10 system and fueling the school-to-prison pipeline; and

11  
12           WHEREAS, the Department of Education reported to the  
13 federal government in its Civil Rights Data Collection  
14 (2015-2016) suspension numbers which show that Hawaii has the  
15 highest rate in the nation for suspending students with  
16 disabilities, and very high rates of suspending Native  
17 Hawaiians, which has been shown to affect all students by  
18 creating perceptions that their disciplinary environment is less  
19 favorable; and

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21           WHEREAS, the Department of Education says its reporting was  
22 inaccurate but has continuously refused and failed to produce  
23 new statistics in a way that allows it to state what its actual  
24 rate of suspension is for students with disabilities and they  
25 have refused to explain why it will not provide this information  
26 required by federal law; and

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28           WHEREAS, there are multiple reports that students with  
29 disabilities are sent home from school for a variety of reasons  
30 wherein the Department of Education does not call it a  
31 suspension and probably does not report it as a suspension -  
32 these circumstances include situations where parents are  
33 encouraged and pressured to sign the child out as sick although  
34 that is not true - which suggests that Department of Education's  
35 true suspension rates may be much higher than reported; and



1  
2 WHEREAS, the Department of Education has almost unfettered  
3 discretion in suspending children from school for long periods  
4 of time resulting in disproportionate suspensions of Native  
5 Hawaiians and students with disabilities; and

6  
7 WHEREAS, the Department of Education has shown opposition  
8 towards the proposal of reducing the number of suspensions that  
9 can be used, explaining that it would not be beneficial for  
10 maintaining school safety and limit the administrator's ability  
11 to uphold school policy; and

12  
13 WHEREAS, the State of Hawaii has often led the nation in  
14 protecting the rights of children and minorities, such as  
15 becoming the third state in the nation to ban corporal  
16 punishment in schools, but is now leading the nation in allowing  
17 the suspension of students with disabilities and Native  
18 Hawaiians; and

19  
20 WHEREAS, the Department of Education needs to create a new  
21 culture wherein suspensions are a last resort for serious safety  
22 issues and all reasonable attempts are made to keep children in  
23 school, as seen in other states that have begun to utilize  
24 restorative educational practices to mitigate group disparities  
25 and juvenile delinquency; now, therefore;

26  
27 BE IT RESOLVED by the Senate of the Thirtieth Legislature  
28 of the State of Hawaii, Regular Session of 2020, that the  
29 Department of Education is requested to create a working group  
30 to discuss and implement institutional changes in school  
31 suspension policy, looking at updated suspension data, and  
32 drafting ideas for best practices; and

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34 BE IT FURTHER RESOLVED that the Hawaii Department of  
35 Education is requested to convene a working group on suspensions  
36 and school exclusion to do the following:

- 37  
38 (1) Evaluate scientific research on the use of suspensions  
39 and exclusions of children from school and the effects  
40 thereof;  
41



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- 1           (2)   Examine other state programs being used to best  
2           implement a restorative model through compromise;  
3
- 4           (3)   Recommend strategies to reduce suspensions and  
5           exclusion of students from school; and  
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- 7           (4)   Determine more appropriate discipline than suspensions  
8           and exclusions; and  
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10           BE IT FURTHER RESOLVED that the Superintendent of Education  
11 or the Superintendent's designee shall serve as chair and invite  
12 to serve as members of the working group a:

- 13
- 14           (1)   Principal from a Hawaii Department of Education  
15           School;
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- 17           (2)   Special education teacher from a Hawaii Department of  
18           Education School;
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- 20           (3)   Student services coordinator from a Hawaii Department  
21           of Education School;
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- 23           (4)   General education teacher from a Hawaii Department of  
24           Education School;
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- 26           (5)   Complex area superintendent from the Hawaii Department  
27           of Education;
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- 29           (6)   Licensed pediatrician;
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- 31           (7)   Representative from a social service agency;
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- 33           (8)   Representative from a parent advisory group;
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- 35           (9)   Representative from the Special Education Advisory  
36           Council;
- 37
- 38           (10)  Representative from the American Civil Liberties  
39           Union;
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- 41           (11)  Representative from the Hawaii Disability Rights  
42           Center;



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(12) Representative from the Center on Disability Studies, University of Hawaii; and

(13) Any other persons that may be invited by the working group; and

BE IT FURTHER RESOLVED that the working group shall convene no later than August 1, 2020; and

BE IT FURTHER RESOLVED that the agenda of the first convening of the working group shall include updated data reporting from the 2015-2016 Civil Rights Data Collection and applicable 2017-2018 reporting data; and

BE IT FURTHER RESOLVED that the working group is requested to submit a report to the Legislature of its findings and recommendations, including any proposed legislation, no later than 30 days prior to the convening of the Regular Session of 2021; and

BE IT FURTHER RESOLVED that certified copies of this Resolution shall be transmitted to the Chairperson of the Board of Education and Superintendent of Education.

OFFERED BY: Michelle H. Tidani

Daniel Delo

DK

Louise R. Brown

Clarence M. Nishikawa

[Signature]



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A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.