



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

OFFICE OF THE SUPERINTENDENT

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 2016

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 - 2016."

Findings: See attached

RECOMMENDATIONS: See attached

Status Report on Act 206 Relating to Restraints and Seclusion in Hawaii Public Schools – 2016

Introduction:

Signed into law on July 2, 2014, Act 206 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 examining its policies and procedures to ensure the proper use of restraints and providing annual trainings for employees. Further, 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 Board of Education Policies**

On September 1, 2015, the Board approved Policy 101.7, School Climate and Discipline. Policy 101.7 states, *“Schools shall create an environment where all members are respected, welcomed, supported, and feel safe in school: socially, emotionally, intellectually and physically. When a school’s data indicate significant concerns regarding school climate and discipline, the school shall develop school climate goals and take actions to improve school climate.”*

The Hawaii State Board of Education (Board) Finance and Infrastructure Committee recommended the Board adopt its Policy 305.4, Use of Force, at its March 17, 2015 meeting. The Board will continue to consider and deliberate on this policy and others during school year 2015-16.

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

As part of its planned outreach on Policy 101.7, the Department’s Office of Curriculum, Instruction and Student Support (OCISS) will be soliciting input from state, complex area, and school personnel to develop 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. Meetings also will be scheduled with parent and community groups to solicit input and feedback, and collaboratively finalize a procedural document.

During school years 2014-15 and 2015-16, OCISS worked on informational technology specifications for incident documentation to be incorporated as part of the Department's current electronic Comprehensive Student Support Services

(eCSSS) database. In addition to periodic and annual state, school, and complex reports, OCISS has explored and planned for database generated written and electronic communication to parents and legal guardians. Due to the delayed release of funds for this measure, OCISS adjusted its timeline for the building and implementation of desired information technology requirements.

An informational brochure based on the adoption of Board policies and the comprehensive protocol will be produced and distributed to parents and legal guardians upon a student's entry to any Hawaii public school. Information will also be made available on the Department's website.

- **Implement Training, Certification and Recertification**

The Department received feedback pursuant to a Request for Information (RFI) posted in October 2015. RFI D16-040, "Certified Instructor Training to Effectively Respond to Students With Challenging Behaviors," sought community input to facilitate the Department's efforts in developing an RFP for certified instructor training, to be provided to employees, addressing effective response to students with challenging behaviors, including but not limited to proper restraint methods and best practices.

Currently, the Department is in the final stages of issuing a Request for Proposal (RFP). Total funds, less a \$25,000 restriction, were provided through the passage of Act 206 and were approved for release by Governor David Ige in Spring 2015.

The RFP will identify potential vendors who are able 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 would also include 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 would be responsible for annual training and certification/recertification needs in complex area schools.

An electronic database to track training and certification of state/complex/school personnel in the schools will need to be built or purchased pursuant to available funding.

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

Beginning in school year 2016-17, the collection of data via incident documentation at each school will allow for active monitoring and periodic reviews. Reviews will assist schools to ensure appropriate strategies are in place or make warranted adjustments to ensure the safety of students and personnel. Additionally, the data review will allow school personnel 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:** Year 1 funding (FY16) is to identify specifications and requirements to create the database infrastructure within the Department's existing eCSSS database. Following the launch of the fully-functional database and reports, 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
Staff Training, Certification, Recertification	\$175,000	\$295,000	\$300,000	\$250,000	\$250,000	\$250,000
Database Development and Maintenance	\$50,000	\$75,000	\$75,000	\$50,000	\$20,000	\$20,000
TOTAL:	\$225,000	\$370,000	\$375,000	\$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.*

In addition to the projected budgetary costs previously provided, \$85,000 for staffing would assist with the implementation of Act 206.

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

- **Proposed Legislation**

None.

Our public schools must be both safe and supportive for effective teaching and learning to take place. Implementation of provisions in accordance with Act 206 will expand and augment educational settings better able to support student learning, safety, and well being.