



DEPT. COMM. NO. 327

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

OFFICE OF THE SUPERINTENDENT

January 24, 2018

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, pursuant to Section 302A-1141.4, Hawaii Revised Statutes, and Act 151, 2016, Session Laws of Hawaii, I am transmitting a copy of the Department of Education's report on restraint and seclusion. In accordance with Section 93-16, Hawaii Revised Statutes, I am also informing you that the report may be viewed electronically at: <http://bit.ly/DOELegReports>.

Sincerely,

A handwritten signature in black ink, appearing to read "CKM".

Dr. Christina M. Kishimoto
Superintendent

CMK:itk
Enclosure

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



State of Hawaii
Department of Education

Report on Restraint and Seclusion

January 24, 2018

Pursuant to §302A-1141.4 Hawaii Revised Statutes and Act 151, 2016, Session Laws of Hawaii, the Department of Education (DOE) shall provide a report to the Hawaii State Legislature on the DOE's progress in implementing the use of the restraint statutes and expenditure of funds, including details of the training provided and the data accountability.

January 2018

**Relating to Restraint and Seclusion
Report to the 2018 Legislature
School Year (SY) 2016-17**

Act 151, 2016, Session Laws of Hawaii, requires the Superintendent to report on the Department of Education's (Department) implementation of sections 302A-1141, 302A-1141.3, and 302A-1141.4, Hawaii Revised Statutes (HRS); and the expenditure of funds appropriated for this purpose, including details of the training provided and the data accountability.

Sections 302A-1141, 302A-1141.3, and 302A-1141.4, HRS, prohibit the use of seclusion and establish conditions and procedures for the use of restraint in Hawaii public schools.

The 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 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's progress toward implementing sections 302A-1141, 302A-1141.3, and 302A-1141.4, HRS:

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

Recruitment. During school year (SY) 2016-17, the Department conducted its recruitment for a full-time educational specialist for Restraints and Seclusion. The selection process was completed in May 2017. On July 3, 2017, the educational specialist joined the Department's Office of Curriculum, Instruction and Student Support, Student Support Section.

Procedural Information. Additions and revisions were made to the Department's procedures and to the parent information brochure to increase fidelity and alignment with the law. The original iteration of the parent information brochure, *What Parents Should Know About the Use of Restraints and Seclusion*, was posted on the Department's website in the Student Support and Parent Support sections and distributed to parents during SY 2017-18.

A revised brochure will be translated in multiple languages and posted on the Department's website. In each instance, a restraint is imposed on a student, a parent information brochure will be sent to parents with the required written notification.

Restraint Workgroup. During SYs 2015-16 and 2016-17, the Department worked with specialists within the Office of Curriculum, Instruction and Student Support (OCISS) and Safety, Security and Emergency Preparedness Branch (SSEPB) as well as the Special Education Advisory Council (SEAC) to develop and review policies related to restraints and seclusion.

Prior to the end of SY 2017-18, the Department will convene a workgroup including specialists from OCISS (special education and school-based behavioral health) and SSEPB, in addition to SEAC and school principal and district educational specialist representatives to review the restraints data and to continue the policies review. Pursuant to the workgroup discussion, the Department will share data findings with complex area superintendents in order to improve implementation and support to schools, teachers, and students. The Department will submit a recommendation to the Hawaii State Board of Education regarding proposed amendments to BOE Policy 305-4, Use of Force, to improve policy alignment with the Act.

- **Implement Training, Certification, and Recertification**

Training. In July 2016, the Department procured a multi-year contract with QBS, Inc. to develop a cadre of certified trainers for Safety-Care Behavioral Safety Training which includes: restraint prevention, safely imposing restraints, skills relating to Positive Behavior Interventions and Supports (PBIS), safe physical escort, understanding antecedents, de-escalation techniques, and conflict management.

Certified Trainers. By the conclusion of SY 2016-17, QBS, Inc. had certified 135 staff members as trainers in Safety-Care Behavioral Safety Training. These certified Department personnel trained 723 staff members across the state. This training is ongoing, and as of December 2017, the Department had 263 trainers who certified 2,586 staff members in Safety-Care.

Table 1: Preventing and Safely Performing Restraints Implementation Capacity by School Year

School Year	Certified Trainers	Staff Trained
2016-17	135	723
2017-18 (Current*)	263	2586

*as of 1/22/2018

- **Review of Restraints Data Collection Portal**

The Department revised its Restraints Data Collection Portal in the electronic Comprehensive Student Support System (eCSSS) database to align with the revisions to the Department’s procedures and to address Health Insurance Portability and Accountability Act of 1996 (HIPAA) and Family Educational Rights and Privacy Act

(FERPA) concerns related to data collected on injuries sustained by persons other than the student being restrained.

The Restraints Data Collection Portal generates a written parent notification letter which includes the time and location of the incident, reason restraint was imposed, and any evidence of injuries. The annual required restraint data review will utilize portal reports.

2. The expenditure of the funds appropriated for the implementation of Sections 302A-1141, 302A-1141.3, and 302A-1141.4

Pursuant to Act 151 (2016), an appropriation of \$460,000 was approved by the 2016 Legislature. This appropriation was reduced by \$23,000 to reflect the five percent restriction imposed on all State discretionary general funds in Fiscal Year (FY) 2016-17. The Department allocated salary funding for an unappropriated temporary educational specialist position. A breakdown of the \$360,363 for other current expenses is reflected in the following table.

Table 2: FY 2016-17 Other Current Expenses

Expense Category	Amount
Substitutes/Casual Pay for Safety-Care Training	\$76,924.44
Training Supplies	\$1,088.92
Training Manuals	\$43,825.80
InterislandTravel	\$1,923.37
Contracted Services (QBS)	\$180,000.00
Other Expenses	\$20,842.91
Total Expended	\$324,605.44



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