
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;
- 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; and
- 16 (3) Establish a task force to create a system for
17 evaluating and assessing all children and those who
18 are exhibiting emergent or persistent behaviors,
19 academic challenges, or chronic absenteeism and are in
20 need of appropriate supports and interventions



1 accessible within the continuum of a multi-tiered
2 system of supports.

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

6 "§302A- Evaluations of vulnerable children and children
7 exhibiting emergent or persistent behavioral issues. (a) Upon
8 request by a parent or guardian of a vulnerable child or a child
9 who has exhibited emergent or persistent behavioral issues, the
10 department shall provide the child with the following
11 assessments and evaluations:

- 12 (1) An adverse childhood experience survey;
13 (2) A clinical assessment and, if needed, mental health
14 services and follow-up counseling; and
15 (3) A comprehensive psychoeducational evaluation that
16 includes:
17 (A) A cognitive assessment using the latest edition
18 of the Wechsler Intelligence Scale for Children,
19 the Universal Nonverbal Intelligence Test, or
20 another test approved by the director of health;



- 1 (B) An academic assessment using the latest edition
- 2 of the Woodcock Johnson Tests of Achievement,
- 3 Wechsler Individual Assessment Tests, or another
- 4 test approved by the director of health;
- 5 (C) A social work assessment based upon the child's
- 6 background, developmental, academic, legal,
- 7 medical, and family history;
- 8 (D) A behavioral and emotional assessment using
- 9 diagnostic interview and assessment measures for
- 10 emotional, behavioral, cognitive, and social
- 11 functioning that identifies strengths, interests,
- 12 and motivators to support rapport building and
- 13 interventions;
- 14 (E) A speech and language assessment; and
- 15 (F) An occupational therapy assessment.
- 16 (b) For purposes of this section:
- 17 "Child" means a person not younger than eleven years of age
- 18 and not older than nineteen years of age.
- 19 "Vulnerable child" means any child who has:
- 20 (1) Been homeless within the past five years;



- 1 (2) One or more parents who have been incarcerated within
2 the past ten years;
- 3 (3) Been in the foster care system;
- 4 (4) Used illegal drugs;
- 5 (5) A family history of alcohol or drug abuse;
- 6 (6) Been a victim of bullying or has bullied others; or
- 7 (7) A gang affiliation.

8 §302A- Protections for students; evaluations to receive
9 special education services. (a) If a school suspends a student
10 who:

- 11 (1) Is between fourteen and nineteen years of age; and
- 12 (2) Has not been evaluated to receive special education
13 services,
- 14 the school shall provide the suspended student's parents or
15 guardians with the option to request a comprehensive assessment
16 be conducted to determine or uncover any contributing factors
17 that may have led to the current offense and that may mitigate
18 any future disciplinary issues or concerns.

19 (b) An assessment requested pursuant to subsection (a)
20 shall be conducted in an expedited manner. If an assessment
21 identifies a social disorder, emotional disorder, or learning



1 difference, the student may choose to attend an alternative
2 educational school or vocational education training program
3 instead of the educational placement determined by school
4 authorities.

5 (c) Proportionate special education per pupil funding
6 shall follow the student; provided that if a student chooses to
7 attend and complete an education in an alternative educational
8 school or vocational education training program, funding for the
9 school from which the student received a suspension shall not be
10 reduced because the suspended student attends a different
11 school.

12 (d) Attendance at an alternative educational school or
13 vocational education training program alone shall not prohibit a
14 student from participating in extramural activities, clubs, and
15 sports of the school from which the student received a
16 suspension."

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

19 "(a) Unless excluded from school or excepted from
20 attendance, all children who will have arrived at the age of at
21 least five years on or before July 31 of the school year, and



1 who will not have arrived at the age of eighteen years, by
2 January 1 of any school year, shall attend either a public or
3 private school for, and during, the school year, and any parent,
4 guardian, or other person having the responsibility for, or care
5 of, a child whose attendance at school is obligatory shall send
6 the child to either a public or private school. Attendance at a
7 public or private school shall not be compulsory in the
8 following cases:

- 9 (1) Where the child is physically or mentally unable to
10 attend school (deafness and blindness excepted), of
11 which fact the certificate of a duly licensed
12 physician shall be sufficient evidence;
- 13 (2) Where the child, who has reached the fifteenth
14 anniversary of birth, is suitably employed and has
15 been excused from school attendance by the
16 superintendent or the superintendent's authorized
17 representative, or by a family court judge;
- 18 (3) Where, upon investigation by the family court, it has
19 been shown that for any other reason the child may
20 properly remain away from school;
- 21 (4) Where the child has graduated from high school;



1 (5) Where the child is enrolled in an appropriate
2 alternative educational program as approved by the
3 superintendent or the superintendent's authorized
4 representative in accordance with the plans and
5 policies of the department; or notification of intent
6 to home school has been submitted to the principal of
7 the public school that the child would otherwise be
8 required to attend in accordance with department rules
9 adopted to achieve this result; or

10 (6) Where:

11 (A) The child has attained the age of [~~sixteen~~
12 fourteen years;

13 (B) The principal has determined that:
14 (i) The child has engaged in behavior which is
15 disruptive to other students, teachers, or
16 staff; or
17 (ii) The child's non-attendance is chronic and
18 has become a significant factor that hinders
19 the child's learning; and

20 (C) The principal of the child's school, and the
21 child's teacher or counselor, in consultation

1 with the child and the child's parent, guardian,
2 or other adult having legal responsibility for or
3 care of the child, develops an alternative
4 educational plan for the child. The alternative
5 educational plan shall include a process that
6 shall permit the child to resume school.

7 The principal of the child's school shall file the
8 plan made pursuant to subparagraph (C) with the
9 child's school record. If the adult having legal
10 responsibility for or care of the child disagrees with
11 the plan, then the adult shall be responsible for
12 obtaining appropriate educational services for the
13 child."

14 SECTION 4. (a) The department of education shall
15 establish a task force to create a system for evaluating and
16 assessing all children and those who are exhibiting emergent or
17 persistent behaviors, academic challenges, or chronic
18 absenteeism and are in need of appropriate supports and
19 interventions accessible within the continuum of a multi-tiered
20 system of supports.



1 (b) The following individuals shall serve as members of
2 the task force:

- 3 (1) The superintendent of education or the
4 superintendent's designee, who shall serve as the
5 chairperson of the task force;
- 6 (2) The director of health or the director's designee;
- 7 (3) The director of human services or the director's
8 designee;
- 9 (4) An elementary school principal or the principal's
10 designee, to be determined by the complex area
11 superintendent;
- 12 (5) A secondary school principal or the principal's
13 designee, to be determined by the complex area
14 superintendent;
- 15 (6) The director of alternative learning programs;
- 16 (7) The assistant superintendent of the office of student
17 support services or the assistant superintendent's
18 designee;
- 19 (8) Representatives from the office of student support
20 services, including the multi-tiered system of



- 1 supports educational specialist and school based
2 behavioral health educational specialist;
- 3 (9) Two school-level representatives to be determined by
4 the elementary school principal and secondary school
5 principal; and
- 6 (10) One school based behavioral health educational
7 specialist from the education complex area.
- 8 (c) The chairperson shall invite the following community
9 members and organizations to serve as part of the task force and
10 provide a constituent voice and technical and practitioner
11 advisement:
- 12 (1) The executive director of Kinai 'Eha;
- 13 (2) Two representatives from Kinai 'Eha;
- 14 (3) One representative from the strategy and innovation
15 division for Kamehameha Schools;
- 16 (4) One representative from the Hawaii youth correctional
17 facility;
- 18 (5) One representative from the systems change division of
19 the Queen Liliuokalani Trust;
- 20 (6) One representative from the Partners in Development
21 Foundation; and



1 (7) One representative from Assets School.

2 (d) Members of the task force shall serve without
3 compensation but shall be reimbursed for reasonable expenses,
4 including travel expenses, incurred in relation to the
5 performance of duties required pursuant to this Act.

6 (e) The task force shall convene no less than four times a
7 year with the initial meeting of the task force being held no
8 later than September 12, 2019.

9 (f) The task force shall:

10 (1) Consider best practices and evidence-based strategies
11 when reviewing current policies, programs, and
12 assessments and making recommendations for the
13 establishment of protocol to identify students in need
14 of appropriate supports and interventions due to the
15 experience of trauma;

16 (2) Identify essential components and promote the use of
17 multi-tiered system of supports innovative evidence-
18 based strategies, research-based approaches, and
19 practices; and review the use of assessments to
20 identify students of trauma;



- 1 (3) Utilize the adverse childhood experiences assessment
2 protocol by coordinating and assembling the strongest
3 components of resources from the department of
4 education and community networks to effectively
5 respond to the challenge of reducing and preventing
6 adverse childhood experiences while providing
7 flexibility for communities and all related agencies
8 to design responses that are appropriate for the
9 children;
- 10 (4) Establish a seventh and ninth grade pilot program for
11 the adverse childhood experiences assessment and
12 identify a complex area for the pilot program;
13 provided that middle school participation is subject
14 to the approval of the complex area's superintendent.
15 The task force shall collect and analyze the data from
16 participating pilot schools and make recommendations
17 regarding the implementation of the adverse childhood
18 experiences assessment statewide;
- 19 (5) Develop a system of data collection and implementation
20 framework for statewide use;



1 (6) Aggregate the data within and across agencies to
2 inform treatment interventions, systems responses to
3 trauma, and public policies to address and prevent
4 childhood trauma;

5 (7) Examine the evaluation of suspended students to
6 identify and provide services for any social disorder,
7 emotional disorder, or learning difference; and

8 (8) Examine lowering the threshold age for alternative or
9 vocational schools from sixteen to fourteen.

10 (g) The task force shall submit a preliminary report of
11 its findings and recommendations, including any proposed
12 legislation, to the legislature by July 19, 2020.

13 SECTION 5. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 6. 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. Requires DOE to establish a task force. (SB388 HD2)

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