

JAN 18 2019

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 and educational issues; and
11 (2) Evaluate suspended students to identify and provide
12 services for any social disorder, emotional disorder,
13 or learning difference.

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

17 "§302A- Evaluations of vulnerable children and children
18 exhibiting emergent or persistent behavioral. (a) Upon request
19 by a parent or guardian of a vulnerable child or a child who has
20 exhibited emergent or persistent behavioral issues, the



1 department shall provide the child with the following
2 assessments and evaluations:

3 (1) An adverse childhood experience survey;

4 (2) A clinical assessment and, if needed, mental health
5 services and follow-up counseling; and

6 (3) A comprehensive psychoeducational evaluation that
7 includes:

8 (A) A cognitive assessment using the latest edition
9 of the Wechsler Intelligence Scale for Children,
10 the Universal Nonverbal Intelligence, or another
11 test approved by the director of health;

12 (B) An academic assessment using the latest edition
13 of the Woodcock Johnson Tests of Achievement,
14 Wechsler Individual Assessment Tests, or another
15 test approved by the director of health;

16 (C) A social work assessment based upon the child's
17 background, developmental, academic, legal,
18 medical, and family history;

19 (D) A behavioral and emotional assessment using
20 diagnostic interview and assessment measures for
21 emotional, behavioral, cognitive, and social



1 functioning that identifies strengths, interests,
2 and motivators to support rapport building and
3 interventions;

4 (E) A speech and language assessment; and

5 (F) An occupational therapy assessment.

6 (b) For purposes of this section:

7 "Child" means a person not younger than eleven years of age
8 and not older than nineteen years of age.

9 "Vulnerable child" means any child who has:

10 (1) Been homeless within the past five years;

11 (2) One or more parents who have been incarcerated within
12 the past ten years;

13 (3) Been in the foster care system;

14 (4) Used illegal drugs;

15 (5) A family history of alcohol or drug abuse;

16 (6) Been a victim of bullying or has bullied others; or

17 (7) A gang affiliation.

18 **§302A- Protections for students; evaluations to receive**

19 **special education services.** (a) If a school that suspends a
20 student who:

21 (1) Is between fourteen and nineteen years of age; and



1 (2) Has not been evaluated to receive special education
2 services,
3 the school shall provide the suspended student with a
4 comprehensive mental health and learning differences assessment
5 during the suspension period.

6 (b) Assessments made pursuant to subsection (a) shall be
7 conducted in an expedited manner. If an assessment identifies a
8 social disorder, emotional disorder, or learning difference, the
9 student may choose to attend an alternative educational school
10 or vocational education training program instead of the
11 educational placement determined by school authorities.

12 (c) Proportionate special education per pupil funding
13 shall follow the student; provided that if a student chooses to
14 attend and complete an education in an alternative educational
15 school or vocational education training program, funding for the
16 school from which the student received a suspension shall not be
17 reduced because the suspended student attends a different
18 school.

19 (d) Attendance at an alternative educational school or
20 vocational education training program alone shall not prohibit a
21 student from participating in extramural activities, clubs, and

1 sports of the school from which the student received a
2 suspension."

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

5 "(a) Unless excluded from school or excepted from
6 attendance, all children who will have arrived at the age of at
7 least five years on or before July 31 of the school year, and
8 who will not have arrived at the age of eighteen years, by
9 January 1 of any school year, shall attend either a public or
10 private school for, and during, the school year, and any parent,
11 guardian, or other person having the responsibility for, or care
12 of, a child whose attendance at school is obligatory shall send
13 the child to either a public or private school. Attendance at a
14 public or private school shall not be compulsory in the
15 following cases:

16 (1) Where the child is physically or mentally unable to
17 attend school (deafness and blindness excepted), of
18 which fact the certificate of a duly licensed
19 physician shall be sufficient evidence;

20 (2) Where the child, who has reached the fifteenth
21 anniversary of birth, is suitably employed and has



1 been excused from school attendance by the
2 superintendent or the superintendent's authorized
3 representative, or by a family court judge;

4 (3) Where, upon investigation by the family court, it has
5 been shown that for any other reason the child may
6 properly remain away from school;

7 (4) Where the child has graduated from high school;

8 (5) Where the child is enrolled in an appropriate
9 alternative educational program as approved by the
10 superintendent or the superintendent's authorized
11 representative in accordance with the plans and
12 policies of the department, or notification of intent
13 to home school has been submitted to the principal of
14 the public school that the child would otherwise be
15 required to attend in accordance with department rules
16 adopted to achieve this result; or

17 (6) Where:

18 (A) The child has attained the age of [~~sixteen~~]
19 fourteen years;

20 (B) The principal has determined that:



1 (i) The child has engaged in behavior which is
2 disruptive to other students, teachers, or
3 staff; or

4 (ii) The child's non-attendance is chronic and
5 has become a significant factor that hinders
6 the child's learning; and

7 (C) The principal of the child's school, and the
8 child's teacher or counselor, in consultation
9 with the child and the child's parent, guardian,
10 or other adult having legal responsibility for or
11 care of the child, develops an alternative
12 educational plan for the child. The alternative
13 educational plan shall include a process that
14 shall permit the child to resume school.

15 The principal of the child's school shall file the
16 plan made pursuant to subparagraph (C) with the
17 child's school record. If the adult having legal
18 responsibility for or care of the child disagrees with
19 the plan, then the adult shall be responsible for
20 obtaining appropriate educational services for the
21 child."



1 SECTION 4. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 5. This Act shall take effect upon its approval.
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INTRODUCED BY:

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Report Title:

DOE; Special Education; Disability; Expulsion; Student Rights

Description:

Authorizes parents and guardians of vulnerable students and students exhibiting behavioral issues to request a clinical or psychoeducational evaluation. Requires the Department of Education after expelling a student, to provide an assessment to receive special education services.

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