Relating to Restraint and Seclusion

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 restrictive use of restraints, less intrusive interventions are in place and for providing annual training 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 full implementation of sections 302A-1141, 302A-1141.3, and 302A-1141.4, HRS:

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

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. Expanded guidance to the **Restraints and Seclusion Guidelines** occurred to include the reporting process for Extended School Year (ESY), Summer School and Private School placement. The parent information brochure, *What Parents Should Know About the Use of Restraints and Seclusion*, was updated to reflect feedback from the Attorney General's Office and reposted on the Department's website in the Student Support and Parent Support sections and distributed to parents during SY 2017-2018

The revised brochure has been 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.

Reporting and Reviewing of Data As directed by each complex area superintendent each public school reviewed the 2017-2018 restraint date and completed a survey to

ensure positive behavior interventions are in place, identify patterns and trends and develop an action plan to address the use of restraints.

Each complex area superintendent reviewed each public school's restraint data and survey responses and submitted an overall summary of restraints data and action plans to address the school climate and student safety.

The Department completed an initial review of the state's restraint data and complex area superintendent survey responses. A preliminary workgroup consisting of district and state educational specialist from special education and school-based behavioral health specialist reviewed the 2017-18 SY data. Prior to the 2018-19 SY the workgroup will expand to include SEAC and school principal 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.

- **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. Training is ongoing, and as of July 2019, the Department had 251 trainers who certified 3,167 staff members in Safety-Care. The instructor training is an 18 hour program with 6 hours of training for recertification annually. The school specialist training is 12 hours with 6 hours of recertification training annually.

- **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.