

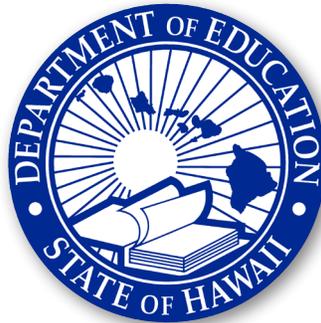
**Implementation Guidelines
for
Hawaii Administrative Rules 8-19**

Title 8
Department of Education

Subtitle 2
Education

Part 1
Public Schools

Chapter 8-19
Student Misconduct, Discipline, School Searches and Seizures,
Reporting Offenses, Police Interviews and Arrests, and
Restitution for Vandalism



Office of Curriculum, Instruction & Student Support Branch
Department of Education
January 2013

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Section 1

How To Use This Guide

1. How to Use This Guide

Purpose

The primary purpose of this implementation guide is to assist school administrators in implementing with fidelity the provisions of Hawaii Administrative Rule (HAR) 8-19 Student Misconduct, Discipline, School Searches and Seizures, Reporting Offenses, Police Interviews and Arrests, and Restitution for Vandalism.

This implementation guide provides the:

1. overall framework, philosophy, and guiding principles of establishing and maintaining a proactive, positive, and comprehensive schoolwide system for preventing and responding to student behaviors;
2. authority to implement the teaching of appropriate student behavioral interventions when student disciplinary actions are administered;
3. frequently asked questions, checklists, flowcharts, activity worksheet samples, and the electronic comprehensive student support system (eCSSS) navigational information for school administrators to use to assist with implementing the provisions of this chapter; and
4. additional handouts that may be used for training and/or informational dissemination to staff, students, and their families.

1. How to Use This Guide

Icons Used In This Guide

Organization/Purpose	Icon
<ul style="list-style-type: none"> Designates the beginning of each new section with number and section title 	<hr/> <p style="text-align: center;">Section #</p> <hr/> <p style="text-align: center;">Section Title</p>
<ul style="list-style-type: none"> Provides the HAR Chapter 19 citation and page number reference for the section topic 	<p style="text-align: center;">Reference (page 19-xx)</p>
<ul style="list-style-type: none"> Highlights the “big ideas,” & key points to remember regarding the section topic 	<p style="text-align: center;"> Key Messages/Reminders</p> <div style="border: 1px solid gray; width: 150px; height: 15px; margin: 0 auto;"></div>
<ul style="list-style-type: none"> Provides the content and research information of the section topic 	<p style="text-align: center;">Background Information Purpose</p>
<ul style="list-style-type: none"> Provides a list of questions & answers related to the section topic 	<p style="text-align: center;"> Frequently Asked Questions</p>
<ul style="list-style-type: none"> Includes administrator’s checklist(s) for section topic 	<p style="text-align: center;"></p> <p style="text-align: center;">Administrator’s Checklists</p>
<ul style="list-style-type: none"> Displays flowchart(s) of process and procedures related to section topic 	<p style="text-align: center;"></p> <p style="text-align: center;">Flowchart</p> <p>Green dashed = School administrator action </p> <p>Red dashed = Student/family action </p> <p>Blue dashed = Complex Area Superintendent actions </p> <p>Pink dashed = Community/Private agency action </p> <p>Solid red = Superintendent action </p>

1. How to Use This Guide

Organization/Purpose	Icon
<ul style="list-style-type: none">Provides the electronic Comprehensive Student Support Section (eCSSS) documentation and navigational information of section topic	 Documentation and Navigation
<ul style="list-style-type: none">Provides samples of activity work sheets that may be used for discussing, analyzing, and planning next action steps related to the section topic	 Activity Worksheet Samples
<ul style="list-style-type: none">Provides copies of the HAR Chapter 19 forms used to document the section topic	 Chapter 19 Forms
<ul style="list-style-type: none">Provides handouts and materials that can be used for training and informational dissemination to staff, students and their families.	 Additional Handouts

Section 2

General Information

2. General Information

Reference (page 19-2)

§8-19-1 Philosophy. (a) Hawaii has established and supports a statewide system of public education. The compulsory nature of school attendance ensures that a student shall have the opportunity for an education. In addition to the education provided during the regular school year, the department offers students the opportunity to receive additional instruction and educational services through a self-supporting summer school program on a voluntary attendance basis. The department is committed to:

- (1) Provide the student with optimal learning conditions;
- (2) Select appropriate teachers for the student's instruction; and
- (3) Other programs that will help the student to succeed.

In 1996, the Hawaii state department of education initiated a collaborative and systemic reform known as the Comprehensive Student Support System (CSSS), which provides a continuum of academic, social, emotional, and physical environmental supports and services to all students to facilitate their learning and their meeting of high educational standards. It is a CSSS community of caring and supportive relationships among students, teachers, families, and agencies working together that promote timely and appropriate services for all students. The goal of the school system is to provide a learning experience that allows all students to achieve the Vision of the Public School Graduate, 2005-2008 Department of Education Strategic Plan, State of Hawaii Department of Education, Office of Superintendent, June 2005, in safe, caring, nurturing, and orderly teaching and learning environments.

(b) It is the responsibility of every student to demonstrate respectful, responsible, safe, and ethical behaviors on department of education transportation, or during a department of education sponsored activity on or off school property. The department supports this through the establishment of a proactive systems approach to schoolwide discipline.

(c) However, when a student's behavior violates established policies, rules, or regulations of the department, state or local laws, the department may take appropriate disciplinary action in accordance with this chapter. **The purpose of school-administered discipline is to:**

- (1) Promote and maintain a safe and secure educational environment;
- (2) Teach and acknowledge proper behavior which is beneficial to the educational process and self-development;
- (3) Deter students from acts which interfere with the purpose of education or which are self-destructive, self-defeating or anti-social; and
- (4) Maintain proper student conduct to ensure that educational activities and responsibilities remain uninterrupted.

(d) An educational worker conducting or participating in a school program, activity, or function sponsored or approved by the department, or hired to engage in carrying out an educational function, has a reasonable expectation to be free of undue disruption and threat of disorder or acts of violence, or both, committed against them by students.

(e) In addition to the disciplinary action taken under this chapter, restitution for vandalism or for negligence shall be made in accordance with the provisions of this chapter. The purpose of restitution is to discourage acts of vandalism and negligence and to ensure recovery of the cost of public property damaged by acts of vandalism and negligence.

(f) On occasions it is necessary for police officers to interview students or to take them into custody. This chapter is also intended to safeguard the rights and interests of students in attendance, to cooperate with police officers in the performance of their duties, to preserve the school milieu, and to delineate responsibilities of school personnel.

2. General Information

Historical Background and Information

Hawaii Administrative Rule (HAR)

HAR 8-19 originally took effect September 1, 1992. Amendments to the rule were adopted in May 1986, July 1993, May 1997, February 2001, and September 2009.

During school year 2009-2010, the Board of Education conducted public hearings on the islands of Oahu, Kauai, Maui, Molokai, Lanai, and the Big Island. The Board of Education took final action on the proposed amendments on May 26, 2009 and June 18, 2009. Governor Linda Lingle signed HAR 8-19 on August 31, 2009 and it became effective for Hawaii's public schools on September 10, 2009.

2009 Amendment Process

During the 2009 amendment process, amendment changes focused on the following:

1. redirecting the focus to incorporating school-administered rules vs. juvenile justice law,
2. embedding national best practices of positive behavioral interventions and supports,
3. bringing clarity to the definitions and procedures to support school administrators in determining appropriate disciplinary actions, and
4. clarifying the due process procedural steps from school level to complex area superintendent to the superintendent's office.

HAR 8-19 Applicability

The provisions of this chapter shall apply to all students enrolled in a DOE public school during the regular school year, summer session, and intersessions.

HAR 8-19 does not apply to students attending charter schools.

When providing disciplinary actions for students who are eligible to receive special education or other services, the provisions of the following chapters shall also apply:

- Chapter 60 Provision of Free Appropriate Public Education for a Student with a Disability (IDEA eligible students)
- Chapter 61 Nondiscrimination on the Basis of Disability in Programs or Activities Receiving Federal Financial Assistance (Section 504 eligible students)

2. General Information

The following chart summarizes the applicability provisions of HAR 8-19.

Applicability	Subject To
Regular School Year	<ul style="list-style-type: none">• Provisions of this chapter
Summer Session	<ul style="list-style-type: none">• Subchapter 3• Student Misconduct And Discipline During Summer School
Intersessions	<ul style="list-style-type: none">• Subchapter 3• Student Misconduct And Discipline During Summer School
Boarding students	<ul style="list-style-type: none">• Provisions of this chapter• Boarding students are subject to the dormitory rules developed by the school and agreed upon through written consent by the parent(s) or legal guardian(s) of boarding students.

HAR 8-19 Purposes

HAR 8-19 establishes and defines student conduct that is prohibited on school campuses, on department of education transportation or during a department of education sponsored activity or event on or off school property. It also defines the disciplinary actions schools may take when a violation of the law or this chapter is committed and the due process procedures available to students and parents in disciplinary actions.

The purpose of school-administered discipline is to:

1. Promote and maintain a safe and secure educational environment;
2. Teach and acknowledge proper behavior which is beneficial to the educational process and self-development;
3. Deter students from acts which interfere with the purpose of education or which are self-destructive, self-defeating or anti-social; and
4. Maintain proper student conduct to ensure that educational activities and responsibilities remain uninterrupted.

2. General Information

Annual Distribution of HAR 8-19 Booklets

All schools are to ensure that copies of HAR 8-19 are distributed to all their students and families annually.

Electronic versions of HAR 8-19 are available from the Hawaii Public School's homepage, <http://doe.k12.hi.us>. On the homepage:

1. Click: Hawaii State Board of Education, "Documents" screen will appear
2. Click: Documents
3. Click: HAR Title 8
4. Click: 19.

Organizing the Chapter 19 Booklet

For quick and easy referencing of the HAR 8-19 booklet, the following are suggested tabs by which you may organize your Chapter 19 booklet.

By Subchapter	By Topic
Page 19-2 Subchapter 1	Page 19-2 Philosophy
Page 19-18 Subchapter 2	Page 19-4 Definitions
Page 19-28 Subchapter 3	Page 19-16 Applicability
Page 19-30 Subchapter 4	Page 19-18 Class Offenses
Page 19-34 Subchapter 5	Page 19-22 Crisis Removal
Page 19-36 Subchapter 6	Page 19-24 Suspension, Due Process
Page 19-38 Subchapter 7	Page 19-28 Summer School
	Page 19-30 Search and Seizure
	Page 19-34 Reporting Class A & B
	Page 19-36 Police Arrests
	Page 19-38 Vandalism

2. General Information

HAR 8-19 Accountability



The electronic Comprehensive Student Support System (eCSSS) is the Department's database for collecting and recording student support information including disciplinary incidents. The website address is: www.ecsss.k12.hi.us.

A screenshot of the eCSSS website homepage. The header includes the Hawaii Department of Education logo and the eCSSS logo. A navigation menu on the left lists "eCSSS Login", "Access Request", "Access Request Form Instructions", "Check Notes Web Password", and "Change Notes Web Password". Below this is the "Centralized Service Desk" section with links for "Create an Incident Ticket (Remedy)", "CSD Website", and "How to create a Remedy Ticket (for first time Remedy Users)". The main content area features a "SERVER STATUS for Wednesday, July 14, 2010" section indicating "All Servers Available" and a "SERVERS UNAVAILABLE" notice from 2:00 am to 5:00 am. Below this is an "ANNOUNCEMENTS" section with a dropdown menu set to "All Announcements by Date". Three announcements are listed: one for Friday, July 16 to Monday, July 19 for application enhancements; one for Thursday, July 15 for SPED Exit Reports; and one for Tuesday, July 13 for IDEA Discipline Data. Each announcement includes a "Read more..." link.

Access Authorization To eCSSS.

School administrators are given automatic access authorization to their school's eCSSS incident tab for editing and viewing of data entered regarding student disciplinary incidents. Should there be a change or new school administrator(s), the student services coordinator or the school's user manager must submit an online access authorization request for the new administrator(s).

The access authorization request form is available from the eCSSS homepage. Only the school's user manager or the school's student support services coordinator has the authority to access and submit this online request.

Should a school administrator identify other school personnel to data enter disciplinary incidents into eCSSS, then an access request must also be submitted. The request must clearly state in the comments section that authorization was given by the principal for this designated person to be a data entry person for eCSSS incident edit and view.

2. General Information

Data Entry Of Chapter 19 Incidents

All Class A, Class B, Class C, and Class D offenses are to be data entered into eCSSS. All Class A and Class B offenses are required to be entered within five days of the reported offense (HAR § 8-19-19(c)).

Obtaining Services for Interpreters and Translators

Translations of HAR 8-19 are available in the following languages.

1. Chinese Simplified
2. Chinese Traditional
3. Chuukese
4. Hawaiian
5. Ilocano
6. Japanese
7. Korean
8. Marshallese
9. Samoan
10. Spanish
11. Tagalog
12. Tongan
13. Vietnamese

Copies of these translations are available online via the department's homepage. On the homepage:

1. Click: Reference
2. Click: Hawaii State Board of Education documents
3. Click: Chapter 19 – including translations

If other language translations are needed other than on the foregoing list, or if there any another questions on language translations, please contact the Civil Rights Compliance Office at (808) 586-3322.



Administrator's Checklist

Checklist	What/Purpose
Chapter 19 Start of School Year Checklist	✓ A list of suggested start of school year Chapter 19 activities for school administrators to follow

Chapter 19 Start of School Year Checklist

✓	Activity	Date Completed	Follow-Action Notes
<input type="checkbox"/>	1. Chapter 19 booklets along with the Parent/Legal Guardian/Student letter and the Civil Rights Complaint form are distributed to every student. <i>(See attached samples)</i>		
<input type="checkbox"/>	2. Chapter 19 inservice/presentations for students and faculty/staff are scheduled & conducted.		
<input type="checkbox"/>	3. The "Be Cool! Don't Be A Fool!" flyer and parent letter are distributed to students and their families no later than August 30 th .		
<input type="checkbox"/>	4. The <u>Annual Notice of Consequences for Failure to Report Chapter 19 Class A or Class B Offenses</u> memo is distributed to all employees. <i>(Included in the Opening of the School Year packet)</i>		
<input type="checkbox"/>	5. School screener(s) to administer the Adolescent Screening Interview Tool "CRAFT" is/are identified and trained.		
<input type="checkbox"/>	6. eCSSS incidents data entry staff are identified and trained.		
<input type="checkbox"/>	7. The annual training for the prevention of bullying and harassment is scheduled & conducted for students, faculty, families, and school community.		
<input type="checkbox"/>	8. Schoolwide behavioral expectations are reviewed and taught to students formally.		
<input type="checkbox"/>	9. The school team that addresses student behavior issues has a team facilitator and meets regularly to review student discipline data for "hot spots."		
<input type="checkbox"/>	10. A school team with leadership reviews the school's current continuum of student behavioral supports, services and programs to ensure that the behavioral needs of all students will be met.		

2. General Information

Title 8
Department of Education

Subtitle 2
Education

Part 1
Public Schools

Chapter 19

Student Misconduct,
Discipline, School Searches
and Seizures, Reporting
Offenses, Police Interviews
and Arrests, and Restitution
for Vandalism

Office of Curriculum, Instruction and Student Support/Student Support Branch
Department of Education • State of Hawaii • RS 10-0462 (Rev. of RS 02-1434) • October 2009

2. General Information

SAMPLE PARENT/LEGAL GUARDIAN/STUDENT LETTER

NEIL ABERCROMBIE
GOVERNOR



KATHRYN S. MATAYOSHI
SUPERINTENDENT

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

OFFICE OF THE SUPERINTENDENT

August 2012

Dear Parents/Legal Guardians and Students:

Today, given the potential of school violence in our schools and neighborhoods, the safety and well-being of all our students are of the highest priority. We, including school administrators, staff, student and families, and the school community are all responsible for creating a school environment conducive to learning.

Enclosed is a copy of the Hawaii Administrative Rules (HAR) Chapter 19, Student Misconduct, Discipline, School Searches and Seizures, Reporting Offenses, Police Interviews and Arrests, and Restitution for Vandalism. HAR Chapter 19 was amended in September 2009, with additions and revisions to support a positive and proactive approach to addressing student behavioral issues. Please review and discuss the provisions of Chapter 19 with your child so he/she is aware of the consequences that may follow if a Chapter 19 offense is committed.

Also enclosed is a copy of the "Civil Rights Harassment Complaint Procedures for Student(s) Complaint Against Other Student(s)." A student who believes that he/she was harassed, bullied, cyber bullied, annoyed, or alarmed by another student based on the reasons that include, but are not limited to the person's race, color, national origin, ancestry, sex, including gender identity and expression, religion, disability, or sexual orientation, is encouraged to immediately inform his or her teacher or school administrator. The student, parent or legal guardian, or staff on behalf of the student may file a complaint on the enclosed Civil Rights Complaint Form. If the student, parent or legal guardian, or staff chooses not to use the form, the complaint will be accepted by the principal or designee and an immediate investigation will be initiated.

Should you have any further questions, please contact your school administrator(s) for assistance. Thank you for keeping your children and our schools safe.

Very truly yours,

A handwritten signature in black ink, appearing to read "Kathryn S. Matayoshi".

Kathryn S. Matayoshi
Superintendent

KSM:ar
Enclosures

AN AFFIRMATIVE ACTION AND EQUAL OPPORTUNITY EMPLOYER

5/12, RS 12-1100

2. General Information

Civil Rights Complaint Form (page 1)

DEPARTMENT OF EDUCATION
HAWAII ADMINISTRATIVE RULES
TITLE 8, CHAPTER 19
CIVIL RIGHTS HARASSMENT COMPLAINT PROCEDURES FOR
STUDENT(S) COMPLAINT AGAINST OTHER STUDENT(S)

According to Chapter 19, the definition of Harassment means:

“Harassment” means a student who is harassing, bullying, including cyberbullying, annoying, or alarming another person by engaging in the following conduct which includes but is not limited to:

- (1) Striking, shoving, kicking, or otherwise touching a person in an offensive manner or subjecting such person to offensive physical contact;
- (2) Insulting, taunting, or challenging another person in a manner likely to provoke a violent response;
- (3) Making verbal, or non-verbal expressions that causes others to feel uncomfortable, pressured, threatened, or in danger because of reasons that include but are not limited to the person’s race, color, national origin, ancestry, sex, including gender identity and expression, religion, disability, or sexual orientation that creates an intimidating, hostile, or offensive educational environment, or interferes with the education of a student, or otherwise adversely affects the educational opportunity of a student or students;
- (4) Name calling, making rude gestures, insulting, or teasing another person who feels humiliated, intimidated, threatened, or embarrassed;
- (5) Making a telephone call without purpose of legitimate communication;
- (6) Making repeated communications anonymously, or at extremely inconvenient hours, or in offensively coarse language on campus or, other department of education premises, on department of education transportation, or during a department of education sponsored activity or event on or off school property;
- (7) Causing fear as to prevent others from gaining legitimate access to or use of school buildings, facilities, services, or grounds such as, but is not limited to, restroom facilities; or
- (8) Physically harming, physically restraining, threatening, or stalking, or a combination of the foregoing.

A student who believes that he/she was harassed, bullied, cyberbullied, annoyed, or alarmed by another student based on the above protected classes is encouraged to immediately inform his or her teacher or administrator. Documentation, including witness names and contact information, as well as other relevant information should be provided with the complaint, if available.

Procedures for Filing a Complaint

A student, parent or legal guardian, or staff on behalf of a student may file a complaint on the attached form. If the student, parent or legal guardian, or staff choose not to use the form, the complaint should nevertheless be accepted by the principal or designee, and an immediate investigation should be initiated.

Actions Taken

1. Based on the provisions of Chapter 19, the principal or designee shall, in a timely manner, conduct and complete an investigation, if warranted, relating to allegation(s) of discriminatory harassment.
2. The principal or designee shall document all complaints in writing and enter the information into the electronic Comprehensive Student Support System (eCSSS) database.
3. The principal or designee shall ensure that appropriate follow-up resolution and interventions are provided. Pursuant to Chapter 19 procedures, counseling shall be provided for any student found in violation of the chapter, in addition to other positive behavioral and student support interventions.

See “Civil Rights Complaint Form” on last page of booklet

Section 3

Establishing Schoolwide Positive Behavioral Interventions & Supports (SWPBIS)

3. Establishing SWPBIS

Reference (page 19-2, 19-3)

§8-19-1 Philosophy. (a) Hawaii has established and supports a statewide system of public education. The compulsory nature of school attendance ensures that a student shall have the opportunity for an education. In addition to the education provided during the regular school year, the department offers students the opportunity to receive additional instruction and educational services through a self-supporting summer school program on a voluntary attendance basis. The department is committed to:

- (1) Provide the student with optimal learning conditions;
- (2) Select appropriate teachers for the student's instruction; and
- (3) Other programs that will help the student to succeed.

In 1996, the Hawaii state department of education initiated a collaborative and systemic reform known as the Comprehensive Student Support System (CSSS), which provides a continuum of academic, social, emotional, and physical environmental supports and services to all students to facilitate their learning and their meeting of high educational standards. It is a CSSS community of caring and supportive relationships among students, teachers, families, and agencies working together that promote timely and appropriate services for all students. The goal of the school system is to provide a learning experience that allows all students to achieve the Vision of the Public School Graduate, 2005-2008 Department of Education Strategic Plan, State of Hawaii Department of Education, Office of Superintendent, June 2005, in safe, caring, nurturing, and orderly teaching and learning environments.

(b) It is the responsibility of every student to demonstrate respectful, responsible, safe, and ethical behaviors on department of education transportation, or during a department of education sponsored activity on or off school property. The department supports this through the establishment of a proactive systems approach to schoolwide discipline.

(c) However, when a student's behavior violates established policies, rules, or regulations of the department, state or local laws, the department may take appropriate disciplinary action in accordance with this chapter. The purpose of school-administered discipline is to:

- (1) Promote and maintain a safe and secure educational environment;
- (2) Teach and acknowledge proper behavior which is beneficial to the educational process and self-development;
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- (4) Maintain proper student conduct to ensure that educational activities and responsibilities remain uninterrupted.

(d) An educational worker conducting or participating in a school program, activity, or function sponsored or approved by the department, or hired to engage in carrying out an educational function, has a reasonable expectation to be free of undue disruption and threat of disorder or acts of violence, or both, committed against them by students.

(e) In addition to the disciplinary action taken under this chapter, restitution for vandalism or for negligence shall be made in accordance with the provisions of this chapter. The purpose of restitution is to discourage acts of vandalism and negligence and to ensure recovery of the cost of public property damaged by acts of vandalism and negligence.

(f) On occasions it is necessary for police officers to interview students or to take them into custody. This chapter is also intended to safeguard the rights and interests of students in attendance, to cooperate with police officers in the performance of their duties, to preserve the school milieu, and to delineate responsibilities of school personnel.

3. Establishing SWPBIS



Key Messages/Reminders

- Chapter 19 is part of a continuum of student behavioral supports within the Comprehensive Student Support System.
- Establishment of a schoolwide positive behavioral interventions and support system (SWPBIS) is foundational to assisting schools in establishing and maintaining a compassionate, positive, and safe school culture.
- Without nurturing and safe school environments, it is very challenging and presents barriers for effective teaching and learning to take place.
- Academics and student behaviors are highly linked. Supporting appropriate social behavior is central to achieving academic gains.
- Invest in PREVENTION!

Background Information

Comprehensive Student Support System (CSSS)

In establishing a SWPBIS system, a school's comprehensive student support system (CSSS) must be firmly established and fully functioning to support the behavioral needs of all students.

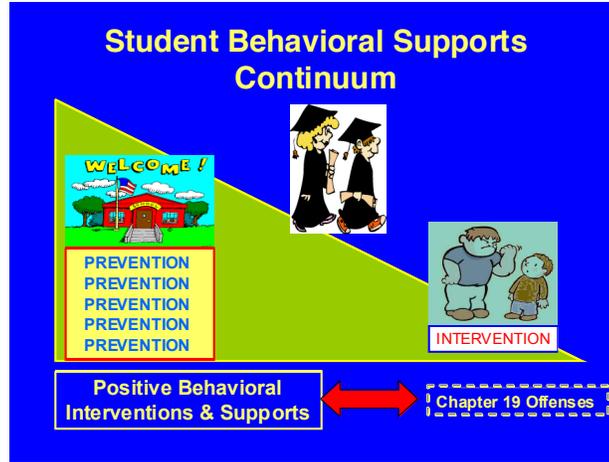
CSSS is invested in the prevention of academic and student behavior problems and provides a continuum of academic, social, emotional, and physical environmental supports, and services for all students. It is the community of caring and supportive relationships among students, teachers, families, and agencies working together that promote the timely and appropriate services and programs for all students.

Continuum of Student Behavioral Supports

A prerequisite to implementing Chapter 19 is the establishment of a comprehensive, schoolwide, proactive, and positive system to address student behaviors, i.e., implementing and sustaining the research-validated practices of schoolwide positive behavioral interventions and supports (SWPBIS). An effective SWPBIS system provides a continuum of behavioral supports to address students with minor, major, and chronic problem behaviors. Investing in establishing a SWPBIS system helps to support the prevention of major, chronic, and violent student misconduct.

3. Establishing a SWPBIS System

Creating and sustaining a schoolwide proactive system is everyone’s responsibility. All staff, students, families, and school community members have a personal responsibility for reducing the risk of school violence. By teaching and acknowledging students for demonstrating respectful, responsible, safe, and ethical behaviors throughout all school settings, i.e., “catch them being good,” escalations of school violence can be prevented.



Why “Getting Tough” Doesn’t Work

	“GET TOUGH”	Student Behavior Response
Initial problem behavior	Given initial “aversive” consequence, e.g., <ul style="list-style-type: none"> • Say “no” • Remove “privilege” • Send to “corner” 	<ul style="list-style-type: none"> ✓ The behaviors of many students improve. ✓ However, for some their problem behavior(s) continue(s).
Further occurrences of problem behavior	Given additional and more “aversive” consequence(s), e.g., <ul style="list-style-type: none"> • Scream “NO!” louder • Move closer and point finger • Complete office discipline referral • Threaten and establish bottom line • Send to in-school detention 	<ul style="list-style-type: none"> ✓ The behavior of a few more students improve. ✓ However, for a few individual students, their problem behavior(s) continue(s).
Continued occurrences and increasing intensity of problem behavior	Increase intensity, frequency, and duration of “aversive” consequences, e.g., <ul style="list-style-type: none"> • Establish and enforce zero tolerance policies • Increase monitoring and security • Physically assist or intervene • Give out -of -school suspension 	<ul style="list-style-type: none"> ✓ The behavior escalates in intensity, frequency, and duration to levels that severely interfere with teaching and learning.

3. Establishing a SWPBIS System

Schoolwide Positive Behavioral Interventions and Supports

SWPBIS is a tool for schools to use for improving student academic and behavioral outcomes. SWPBIS provides the operational framework for achieving these outcomes.

SWPBIS is a research-validated process that provides comprehensive schoolwide prevention and intervention strategies to address the range of student problem behaviors. In addition, SWPBIS is a team-based problem solving and data driven process that helps achieve important social and learning outcomes while preventing problem behaviors with all students. SWPBIS is a current initiative of the US Department of Education.

Positive behavior supports was defined by Congress' House of Representatives (March 3, 2010) in the "Preventing Harmful Restraint and Seclusion in Schools" bill (HR 4247).

"The term 'positive behavior supports' means a systematic approach to embed evidence-based practices and data driven decision-making to improve school climate and culture, including a range of systemic and individualized strategies to reinforce desired behaviors and diminish reoccurrence of problem behaviors, in order to achieve improved academic and social outcomes and increase learning for all students, including those with the most complex and intensive behavioral needs."

Key components of SWPBIS need to be in place and functioning in order for schools to establish and sustain a schoolwide culture that is compassionate, positive, and safe for all.

Most Effective Strategies for Student Behavior

The most effective student behavioral strategies are:

- academic success for classroom management
- modeling of positive and appropriate behaviors by adults for character education
- teaching and acknowledgement of schoolwide behavioral expectations/core ethical values for schoolwide student behavior systems
- active supervision and "figure 8 scans" by adults for non-classroom settings (i.e., cafeteria, playgrounds, hallways, etc)



Activity Worksheet Samples

Activity Worksheet	What/Purpose
2012 Comprehensive Student Support System Six Critical Elements	✓ A worksheet for schools to use to list their school's evidence of the six critical elements of the 2012 Comprehensive Student Support System.
SWPBIS In Action Guiding Questions	✓ A list of guiding questions to help school teams discuss and analyze schoolwide implementation of positive behavioral interventions and supports
Proactive Systems for Safe Schools Map <ul style="list-style-type: none">• Component 1• Component 2• Component 3	✓ A rubric of variations that help school teams to define their current level of SWPBIS implementation status
Proactive Systems for Safe Schools Map Analysis	✓ An analysis sheet to be used to analyze the 3 components of the Proactive Systems for Safe Schools Map to determine the next action steps for SWPBIS implementation
Four-Year Student Incident School Profile	✓ A data template worksheet to help school teams analyze schoolwide student behavior trends over a four-year interim

2012 Comprehensive Student Support System Six Critical Elements

CSSS Six Critical Elements	What is it?	List School's Evidence
Personalizing Classroom Climate & Instruction to Enable & Re-engage Students	A positive, nurturing, and caring climate with customized classroom practices enables all children to progress and learn.	
Prevention and Early Intervention	A continuum of proactive student supports provides a full array of services to address the basic strengths and needs of all students. By providing students with early interventions within the classroom and through school programs, the need for higher-level services is decreased.	
Family School Community Partnerships	Families are team members and partners in the educational process for their children. Families participate as planners, contributors, leaders, teachers, learners, and partners	
Support for Transitions	Transition supports minimize interruptions in student learning. Effective transitions are anticipated, coordinated, clearly written, and implemented with appropriate school team members, family members, and community partners.	
Community Outreach & Involvement and Support (Including Volunteers)	The school actively communicates with community agencies and support groups to establish and sustain partnerships that enhance school-community connections.	
Crisis Assistance & Prevention	Services and procedures necessary for crisis and emergency situations are established and practiced to provide specialized assistance programs for students with intensive special strengths and needs.	

SWPBIS In Action Guiding Questions

- How does your school implement the best practices of proactive schoolwide student behavior?
- How does the complex and school administrators support school teams to guide this process of promoting proactive schoolwide student behavior?
- How does the school secure 80%+ buy-in from faculty and staff to support proactive student behavior practices?
- How does the school identify and address the “hot spots” of student behavior across the school settings?
- How are appropriate and positive student behaviors acknowledged?
- How are appropriate and positive student behaviors taught and integrated into daily curriculum?
- How are students with high need behavioral challenges supported?
- What does the school’s continuum of student behavioral supports look like?
How effective are the current services and programs being provided?
- How are classroom teachers supported to provide safe orderly classroom environments where effective and meaningful/relevant classroom instruction is presented?
- How are disciplinary options determined for student behavioral problems?
- How active are parents in supporting students’ problem behaviors and behavioral challenges?

Innovation Configuration (IC) Maps

IC maps are tools that provide a clear description of a content area. IC maps are like “road maps” which help guide the navigation from point A to point B. IC maps serve as “blueprints” for change assisting schools in identifying their current level of program implementation and the possible variations that need to be addressed to reach the ultimate goal. Level 1 represents the ideal conditions.

IC maps can be used to identify appropriate professional development and program improvement needs.

Proactive Systems Map Continuum

The attached map describes 3 components of positive behavioral interventions and supports:

- Standard 1: Behavior support team implements a proactive schoolwide student behavior system
- Standard 2: Behavior support team utilizes data for targeted action planning
- Standard 3: Behavior support team implements proactive research-based student behavior practices

Each component describes the observable variations or descriptors that define the different levels of implementation.

Directions

With your school behavior support team, use the *Proactive Systems for Safe Schools Map*, to self-appraise your school's stage of development for positive behavioral interventions and supports. Identify your school's stage of involvement by circling the appropriate variations for Standard 1, Standard 2, and Standard 3.

Attached is a sample analysis sheet to help determine possible next steps for action planning. The next action steps support the three goals of the department's Strategic Plan 2011-2018.

Proactive Systems for Safe Schools IC Map

Goal: To establish positive school climates

Standard 1

Standard 1: The Behavior Support Team implements a proactive schoolwide student behavior system

(1) Establishing	(2) Applying	(3) Integrating	(4) Systematizing
<ul style="list-style-type: none"> School does not commit to a positive & proactive student behavior system. 	<ul style="list-style-type: none"> <60% of staff commit to a positive & proactive schoolwide student behavior system. 	<ul style="list-style-type: none"> 60%-79% of staff commit to a positive & proactive schoolwide student behavior system. 	<ul style="list-style-type: none"> 80%-100% of staff commit to a positive & proactive schoolwide student behavior system.
<ul style="list-style-type: none"> A leadership team to address schoolwide student behavior does not exist. 	<ul style="list-style-type: none"> A Behavior Support Team (BST) with a few staff members exists to address schoolwide student behavior. 	<ul style="list-style-type: none"> A Behavior Support Team (BST) with schoolwide representation exists to address schoolwide student behavior. 	<ul style="list-style-type: none"> A Behavior Support Team (BST) with schoolwide representation and an actively participating administrator exists to address schoolwide student behavior.
<ul style="list-style-type: none"> BST does not meet. 	<ul style="list-style-type: none"> BST meets inconsistently. 	<ul style="list-style-type: none"> BST establishes a meeting schedule and meets but with no specific meeting outcomes. 	<ul style="list-style-type: none"> BST meets regularly with specific meeting outcomes and communicates information to staff.
<ul style="list-style-type: none"> Positively stated schoolwide behavioral expectations (SBE) does not exist. 	<ul style="list-style-type: none"> School adopts a set of clearly stated positive schoolwide behavioral expectations (SBE). 	<ul style="list-style-type: none"> School adopts a set of clearly stated positive schoolwide behavioral expectations (SBE) & visibly posts SBE in 1-2 settings. 	<ul style="list-style-type: none"> School adopts a set of clearly stated positive schoolwide behavioral expectations (SBE) & visibly posts SBE in all classrooms and all settings.
<ul style="list-style-type: none"> School does not teach SBE. 	<ul style="list-style-type: none"> BST begins to develop some SBE teaching activities. 	<ul style="list-style-type: none"> 60%-79% of staff formally teach SBE lessons. 	<ul style="list-style-type: none"> 80%-100% of staff follow SBE teaching schedule and formally teach SBE lessons.
<ul style="list-style-type: none"> School does not acknowledge students for demonstrating SBE. 	<ul style="list-style-type: none"> BST begins to identify ways to acknowledge students for demonstrating SBE. 	<ul style="list-style-type: none"> 60%-79% of staff acknowledge students for demonstrating SBE. 	<ul style="list-style-type: none"> 80%-100% of staff acknowledge students for demonstrating SBE with a ratio of 6 positives to 1 negative.
<ul style="list-style-type: none"> Minor vs. major problem behaviors are not defined. 	<ul style="list-style-type: none"> BST begins to define minor and major problem behaviors. 	<ul style="list-style-type: none"> BST defines minor and major problem behaviors and informs staff of office v. classroom-managed behaviors. 	<ul style="list-style-type: none"> Staff refer appropriate problem behaviors to administration.
<ul style="list-style-type: none"> Consequences for problem behaviors are not defined. 	<ul style="list-style-type: none"> BST establishes a continuum of consequences for problem behaviors. 	<ul style="list-style-type: none"> Administration informs staff of the continuum of consequences for problem behaviors. 	<ul style="list-style-type: none"> Administrator utilizes a functional approach when determining appropriate consequences.

Proactive Systems for Safe Schools IC Map

Goal: To establish positive school climates

Standard 2

Standard 2: The Behavior Support Team utilizes data for targeted action planning.

(1) Establishing	(2) Applying	(3) Integrating	(4) Systematizing
<ul style="list-style-type: none"> Schoolwide student behavior action plan does not exist. 	<ul style="list-style-type: none"> BST develops schoolwide student behavior action plan without examining data. 	<ul style="list-style-type: none"> BST develops and implements schoolwide student behavior action plan by examining multiple sources of data. 	<ul style="list-style-type: none"> BST develops and implements a schoolwide student behavior action plan by examining multiple sources of data. Staff utilize research-based practices and implements plan with fidelity.
<ul style="list-style-type: none"> An office discipline referral form does not exist. 	<ul style="list-style-type: none"> BST establishes an office discipline referral form. 	<ul style="list-style-type: none"> BST establishes an office discipline referral form containing data fields in eCSSS. 	<ul style="list-style-type: none"> BST establishes an office discipline referral form containing data fields in eCSSS. Staff utilize office discipline referral forms for office-managed defined problem behaviors.
<ul style="list-style-type: none"> Administrator does not identify individual(s) to enter discipline data into eCSSS. 	<ul style="list-style-type: none"> Administrator identifies individual(s) to enter discipline data into eCSSS. School enters only serious discipline incidents. 	<ul style="list-style-type: none"> Identified individual(s) enter all major and minor discipline referrals into eCSSS inconsistently. 	<ul style="list-style-type: none"> Identified individual(s) enter all major and minor discipline referrals into eCSSS within 0-5 days from incident date.
<ul style="list-style-type: none"> eCSSS Incident Reports not reviewed or analyzed for targeted schoolwide action planning. 	<ul style="list-style-type: none"> BST analyzes eCSSS Incident Reports monthly. 	<ul style="list-style-type: none"> BST analyzes eCSSS Incident Reports monthly and shares discipline data with faculty and staff. BST begins to develop and implement targeted schoolwide action plan. 	<ul style="list-style-type: none"> BST analyzes eCSSS Incident Reports monthly and shares discipline data with faculty and staff. BST implements and monitors targeted schoolwide action plan with fidelity.

Proactive Systems for Safe Schools IC Map

Goal: To establish positive school climates

Standard 3

Standard 3: The Behavior Support Team implements proactive research-based student behavior practices.

(1) Establishing	(2) Applying	(3) Integrating	(4) Systematizing
<ul style="list-style-type: none"> Behavioral supports are informally provided to students in need. 	<ul style="list-style-type: none"> School establishes and implements primary behavioral supports for students. 	<ul style="list-style-type: none"> School establishes and implements primary, secondary and tertiary behavioral supports for all students. 	<ul style="list-style-type: none"> School evaluates continuum of behavioral supports and modifies as indicated by students' needs.
<ul style="list-style-type: none"> Parents are not informed of the school's behavioral systems and practices. 	<ul style="list-style-type: none"> Parents are team members on the school's BST. 	<ul style="list-style-type: none"> Parent team members are actively involved with developing the school's behavioral systems and practices. 	<ul style="list-style-type: none"> School community annually reviews discipline policies & procedures.
<ul style="list-style-type: none"> Character education is not addressed schoolwide. 	<ul style="list-style-type: none"> Staff address character education as teachable moments. 	<ul style="list-style-type: none"> Selected grade levels teach character education. 	<ul style="list-style-type: none"> Staff utilize and incorporate research-validated character education programs into all grade-level curriculums.
<ul style="list-style-type: none"> Staff have limited professional development opportunities for classroom management systems. 	<ul style="list-style-type: none"> Staff receive a one-time workshop on classroom management skills. 	<ul style="list-style-type: none"> Staff receive on-going support for professional development in best practices of classroom management systems. 	<ul style="list-style-type: none"> Staff maintain best practices of classroom management systems through a professional learning community.
<ul style="list-style-type: none"> Staff have limited professional development opportunities for defusing anger and aggressive situations. 	<ul style="list-style-type: none"> Staff receive information on the seven stages of escalation. 	<ul style="list-style-type: none"> Staff receive training on the seven stages of escalation. 	<ul style="list-style-type: none"> Staff defuse anger and aggressive behavioral situations effectively.
<ul style="list-style-type: none"> Staff do not provide social skills training to students in need. 	<ul style="list-style-type: none"> Staff provides social skills lessons. 	<ul style="list-style-type: none"> Staff determine relevant social skills lessons based on student needs. 	<ul style="list-style-type: none"> Staff embed and teach social skills lessons within the school's curriculum.

Proactive Systems for Safe Schools Map Analysis

1. After having reviewed the 3 standards of the Proactive Systems Map for Safe Schools, determine an overall variation of development for each standard.
2. Determine possible next steps for action planning as considerations for addressing the goals of the Strategic Plan 2011-2018.

For Standard 1: Implements a proactive schoolwide student behavior system	Action steps:
Our school's overall implementation stage is at: <input type="checkbox"/> (1) Establishing <input type="checkbox"/> (2) Applying <input type="checkbox"/> (3) Integrating <input type="checkbox"/> (4) Systematizing	
For Standard 2: Utilizes data for targeted action planning	Action steps:
Our school's overall implementation stage is at: <input type="checkbox"/> (1) Establishing <input type="checkbox"/> (2) Applying <input type="checkbox"/> (3) Integrating <input type="checkbox"/> (4) Systematizing	
For Standard 3: Implements proactive research-based student behavior practices	Action steps:
Our school's overall implementation stage is at: <input type="checkbox"/> (1) Establishing <input type="checkbox"/> (2) Applying <input type="checkbox"/> (3) Integrating <input type="checkbox"/> (4) Systematizing	

Four-Year Student Incident School Profile

The following worksheet when completed provides a four-year summary of a school's student incidents. The information to complete this worksheet can be obtained from eCSSS Reports. Go to eCSSS Reports/Incidents-Schoolwide to generate the following reports.

Worksheet Section	eCSSS Report	Parameter Selection
Section 1. Incident Summary	Schoolwide Discipline Profile by School Year	Select "School Year is equal to" for each school year desired, e.g. 2012-2013 2011-2012 2010-2011 2009-2010
Section 2. Incident by Students		
Section 3. Incident by Eligibility		
Section 4. Incident by Top 3 Problem Behaviors		
Section 5. Incident by Top 3 Locations	Multi-year Total No. of Incidents by Location	Select "School Year is equal to" for each school year desired, e.g. 2012-2013 2011-2012 2010-2011 2009-2010
Section 6. Incident by Time of Day	Total No. of Incidents by Time	Select "Report is in range of _____". Need to fill in data parameters for selected school years to generate report.

Four-Year Student Incident School Profile

Section 1. Incident Summary	2009-10	2010-11	2011-12	2012-13
% of student enrollment receiving at least one discipline referral	%	%	%	%
% of repeat offenders	%	%	%	%

Section 2. Incident by Students	2009-10	2010-11	2011-12	2012-13
Students with 0-1 incident	%	%	%	%
Students with 2-5 incidents	%	%	%	%
Students with 6+ incidents	%	%	%	%

Section 3. Incident by Eligibility (% of total student enrollment)	2009-10	2010-11	2011-12	2012-13
504 eligible	%	%	%	%
IDEA eligible	%	%	%	%
Regular students	%	%	%	%

Section 4. Incident by Top 3 Problem Behaviors	2009-10	2010-11	2011-12	2012-13
1.				
2.				
3.				

Section 5. Incident by Top 3 Locations	2008-09	2009-10	2010-11	2011-12
1.				
2.				
3.				

Section 6. Incident by Time of Day	2008-09	2009-10	2010-11	2011-12
1.				
2.				
3.				

When analyzing your schoolwide student behavioral incidents, utilize the following guidelines to determine which school setting/system is a priority for action planning.

General Data Decision Rules

Sprague, Sugai, Horner, & Walker (2000)

IF....,	FOCUS ON....
<ul style="list-style-type: none"> • >40% of students received 1+ office discipline referral (ODR) • >2.5 ODR/student 	School-wide System
<ul style="list-style-type: none"> • >60% of referrals come from classroom • >50% of ODR come from <10% of classrooms 	Classroom System
<ul style="list-style-type: none"> • >35% of referrals come from non-classroom settings • >15% of students referred from nonclassroom settings 	Non-Classroom Systems
<ul style="list-style-type: none"> • >10-15 students receive >5 ODR 	Targeted Group Interventions
<ul style="list-style-type: none"> • <10 students with >10 ODR • <10 students continue rate of referrals after receiving targeted group support • Small # students destabilizing overall functioning of school 	Individualized Action Team Systems

General Questions for Monthly/Annual Decisions

1. How are we doing to date? Look at....

- a. # incidents per day per month.
 - i. What patterns are apparent across the months?
- b. # incidents by student.
 - i. Are the concerns individual students or schoolwide?
- c. # incidents by location.
 - i. Where are incidents coming from?
- d. # kinds of class offenses/problem behaviors.
 - i. What class offenses/problem behaviors are of most concern?
- e. # class offenses/problem behaviors by time of day
 - i. When are most class offenses/problem behaviors occurring?

2. What should we do next?

- a. All's well
 - i. What can we eliminate?
 - ii. How can we make current implementation activities more efficient?
 - iii. What needs to be addressed next?
- b. So-so
 - i. What is and is not working?
 - ii. What can we do to increase the efficiency, effectiveness, or relevance of what we are doing?
- c. Not well
 - i. What is and is not working?
 - ii. What can we do to improve what we are currently doing?
 - iii. Do we need to look at other data/information to understand what to do next?
 - iv. What other strategies do we need to look at?

Section 4

Student Disciplinary Inquiries & Investigations

4. Student Disciplinary Inquiries & Investigations

Reference (page 19-22)

§8-19-7.1 Investigation. (a) Immediately after making a crisis removal or whenever the principal or designee has reason to believe that a student has engaged in an activity warranting the imposition of a suspension, the principal or designee shall initiate a thorough investigation.

(b) When conducting an investigation, the principal or designee shall make a good faith effort at the earliest point possible to inform the parent about the school's investigation. If after making reasonable attempts, the principal or designee is unable to contact the parent, the school may engage in and complete the investigation. The investigation shall be completed as quickly as possible. If the principal or designee elects to initiate proceedings for the imposition of serious discipline other than crisis removal, the principal or designee upon completion of the investigation, shall make a written report containing a brief summary of the testimony of witnesses interviewed, any other evidence, and the principal or designee's reason(s) for the initiation of disciplinary proceedings.

(c) The principal or designee shall give to the parent notice of the findings against the student. If the student or parent denies the charge(s), the principal or designee shall indicate to the parent and the student the evidence to support the findings of the school official. The student or parent shall be given an opportunity to present the student's version of the incident. [Eff and comp 9/10/09] (Auth: HRS §302A-1112) (Imp: HRS §302A-1112)

4. Student Disciplinary Inquiries & Investigations



Key Messages/Reminders

- When a student has committed a violation of Chapter 19, a student disciplinary inquiry and investigation must be conducted by the principal and/or designee. The school principal or designee is authorized to conduct student disciplinary inquiries and investigations.
- Principals and their designees conducting investigations must remain calm, impartial, and objective.
- An investigation is conducted to determine the facts of what has happened in the alleged incident.
- Investigations should be conducted as quickly as possible.
- No disciplinary action under Chapter 19 except for crisis removal, shall be implemented without a completion of a thorough investigation. A preliminary inquiry and findings is required for a crisis removal.

Purpose

The purposes of conducting disciplinary inquiries and investigations are to:

1. Determine what has happened, i.e., what are the allegations of the incident. What are the facts and evidence related to the alleged incident, i.e., what, who, when, where, why.
2. Interview any witnesses or potential witnesses including students, teachers and staff.
 - a. Individuals interviewed should be given the opportunity to present his/her version of the incident events.
3. Summarize the witness statements and the facts and evidence gathered.
4. Determine what allegations were substantiated.
 - a. As a result of the investigation, what specific offenses were committed, i.e., §8-19-2 "Fighting" (4) Physically supporting a fight by one's presence and encouragement.
 - b. "Stack" the incident, i.e., determine and select all appropriate offenses that describe the incident.
5. Determine whether the principal or designee shall call the police regarding the alleged Class A or Class B offense. The principal or designee shall call the police whenever there is perceived danger and the behavior cannot be handled by the school staff.

4. Student Disciplinary Inquiries & Investigations



Frequently Asked Questions

The following is a series of commonly asked questions about conducting student inquiries and investigations.

Conducting Inquiries and Investigations

6. Who has the authority to conduct student inquiries and investigations of an alleged incident?
 - The school principal or designee
7. When should an investigation be conducted?
 - Immediately following a crisis removal OR
 - When the principal/designee has reason to believe that a student has committed a violation of Chapter 19 and the activity warrants imposition of suspension and/or serious discipline.
8. How soon should an inquiry and/or investigation take place?
 - As soon as possible after the incident is reported.
9. When should the student's parents be contacted?
 - At the earliest point possible to inform of the school's investigation

Contacting Parent(s)

10. If the parent was not able to be contacted, can the principal or designee complete the investigation?
 - Yes. If after making reasonable attempts, the principal/designee is unable to contact the parent, the school may engage in and complete the investigation.
11. Where are parental contacts documented?
 - Parental contacts are documented in the Notifications tab of eCSSS incident.

4. Student Disciplinary Inquiries & Investigations

Interviewing

12. Who should be interviewed first?

- Where possible, interview the victim(s) and witness(es) first. The suspect(s) should be interviewed last.

13. What types of questions should be asked during the interview?

- Use open-ended questions to obtain the “who, what, when, why and where” responses that describe the alleged incident
- Avoid leading questions, e.g., “You saw student A kick student B didn’t you?”

14. How should the interview be conducted?

- Locate all witnesses, victims, and suspects
- Confirm the names, ages, grades of students involved
- Determine the student’s program eligibility, i.e., general education, or IDEA or Section 504 eligible
- Determine whether and how the students know each other
- Obtain statements from witnesses, victims, and suspects
- Determine whether the information obtained is first hand information of the event or versions of the event heard from others
- Determine the history or background of the events that may have triggered or precipitated the incident
- Determine whether this is an isolated event or on-going problem

Documentation of Notes

15. Where do I keep my notes?

- Maintain a composition book of personal notes. The notes should be dated and should include the source of information.
- The information obtained is confidential so long as it is not shared with anyone else except someone who may be substituting for you in your position. However, an educator’s notes may be subpoenaed for civil law proceedings.

After Interviewing

16. What happens after the completion of the interviews?

- A conclusion of what actually happened is determined based on the information gathered.

4. Student Disciplinary Inquiries & Investigations

- Allegations are substantiated with the specific offense(s) committed determined. The incident should be “stacked”, i.e., all offenses that describe the incident and are substantiated should be included.

Chapter 19 Form Documentation

17. What written reports are required to be sent parents regarding an investigation?

- Chapter 19 Confidential Investigation Notice
- Chapter 19 Confidential Investigation Findings and Discipline

18. Who signs the Chapter 19 forms?

- The school principal or designee

19. How are the Chapter 19 forms generated?

- The forms are auto-populated when the information is completed in eCSSS incident Notification and Investigations tabs.
- The forms are printable from either the Student Profile or School Profile sections.

20. Where do I obtain hard copies of the Chapter 19 forms?

- From the homepage of eCSSS, www.ecsss.k12.hi.us, under Resources/Printable Tools and Forms/Express Concern/Incidents/Chapter 19 forms.

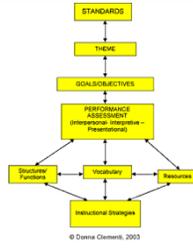


Administrator's Checklist

Checklist	What/Purpose
Administrator's Checklist for Conducting Student Investigations	✓ A list of suggested action steps to guide a school administrator in conducting a student incident investigation

Administrator’s Checklist for Conducting Student Investigations

<input checked="" type="checkbox"/>	The Principal or Designee:
<input type="checkbox"/>	1. Makes a good faith effort to inform the parent of the investigation at the earliest point possible.
<input type="checkbox"/>	2. Mails/delivers the completed written notification, Chapter 19 Confidential Investigation Notice, as required by this chapter to the parent.
	a. Chapter 19 Confidential Investigation Notice
<input type="checkbox"/>	3. Conducts the investigation as quickly as possible.
	a. Collects facts and evidence related to the incident.
	b. Examines the relevant background information and allegations.
	c. Interviews all witness(es), victim(s), and suspect(s). Listen to “all sides of the story.”
<input type="checkbox"/>	4. Conducts the investigation meeting in quiet environment in privacy.
<input type="checkbox"/>	5. Conducts the investigation impartially without establishing whether the suspect(s) did or did not commit a Chapter 19 or law violation until all information has been gathered.
<input type="checkbox"/>	6. Substantiates the allegations of incident. “Stacks” the offenses.
<input type="checkbox"/>	7. Summarizes the evidence and witness(es), victim(s), and suspect(s) statements.
<input type="checkbox"/>	8. Makes preliminary findings and determines the rationale for disciplinary action & appropriate student supports.
<input type="checkbox"/>	9. Provides the student/parent with the opportunity to present their version of the incident if the alleged charges are denied.
<input type="checkbox"/>	10. Consider student/parent side of the story before making findings and taking any disciplinary action.
<input type="checkbox"/>	11. Documents the incident information in eCSSS.
<input type="checkbox"/>	12. Mails/delivers the completed written notification and findings required by this chapter to the parent.
	a. Chapter 19 Confidential Notice of Investigation Findings and Discipline



Flowchart

- Investigation

HAR 8-19 Section 8-19-7, 8-19-7.1
INVESTIGATION

In an emergency, principal/designee after conducting preliminary inquiry and findings, may crisis remove a student and shall make a good faith effort to inform parent immediately by telephone.

Chapter 19 Form
Crisis Removal
Notification

Principal or designee shall initiate thorough investigation:

1. Immediately following a Crisis Removal
- OR
2. Student has engaged in activity warranting imposition of suspension.

Principal/designee shall at earliest possible point inform parent of school's investigation.

At least 3 attempts need to be documented for contacting parent

Chapter 19 Form
Investigation
Notice

1. Investigate & interview thoroughly all witnesses, victims, and suspects.
2. Gather information, collect facts and evidence.
3. Listen to "all sides of the story."
4. Identify what allegations have been substantiated.

School Profile/ Investigations Tab

- Allegations of Incident
- Allegations Substantiated
- Witness Summary/Other Evidence
- Summary Investigation Findings & Discipline
- Reasons for Disciplinary Action Determination

Determine what allegations have been substantiated.

Offense Elements
Checklist
Worksheets

Student Profile/
Suspect Tab:
Check off:
Offenses verified

Principal/designee shall give parent notice of findings against student and present evidence to support school's findings.

Chapter 19 Form
Investigation
Notice

Chapter 19 Form
Investigation
Findings &
Discipline

If student/parent denies charge(s), student/parent shall be given opportunity to present student's version of incident, before final determination is made and any disciplinary action imposed.

The form is titled "STATE OF HAWAII DEPARTMENT OF EDUCATION" and "CHAPTER 19 CONFIDENTIAL INVESTIGATION NOTICE". It is addressed to the "Parent of an Adult Student" and includes fields for "Student Name", "School", "Student ID", "Grade", "Teacher Name", and "Incident Number".

CONFIDENTIAL INVESTIGATION NOTICE

SECTION 815.1, HRS

1. Purpose of this notice is to inform you of the Department's investigation process and to advise you of your rights and responsibilities. This notice is provided to you in accordance with the Department's Confidential Investigation Policy. This notice is provided to you in accordance with the Department's Confidential Investigation Policy. This notice is provided to you in accordance with the Department's Confidential Investigation Policy.

2. Confidentiality

Category	Confidentiality Level	Retention Period	Disposal Method
Student Information	High	5 Years	Shred
Investigation Findings	High	5 Years	Shred
Disciplinary Action	High	5 Years	Shred

3. Confidentiality Information

4. Signature

Chapter 19 Forms

- Chapter 19 Confidential Investigation Notice
- Chapter 19 Confidential Investigation Findings and Discipline

Chapter 19 Confidential Investigation Notice (page 1 of 1)

	STATE OF HAWAII DEPARTMENT OF EDUCATION	CHAPTER 19 CONFIDENTIAL INVESTIGATION NOTICE																	
<p>To Parent of or Adult Student: _____</p> <p style="margin-left: 100px;">Student's Name _____</p> <p style="margin-left: 100px;">Mail Address _____</p> <p style="margin-left: 100px;">School: _____ Grade: _____</p> <p style="margin-left: 100px;">Student ID: _____ Date of Birth: _____</p> <p style="margin-left: 100px;">Incident Date: _____ Incident Number: _____</p>																			
<p>INVESTIGATION NOTICE (section 8-19-7.1, 8-19-8):</p> <p>(a) Immediately after making a crisis removal or whenever the principal or designee has reason to believe that a student has engaged in an activity warranting the imposition of a suspension, the principal or designee shall initiate a thorough investigation.</p> <p>(b) When conducting an investigation, the principal or designee shall make a good faith effort at the earliest point possible to inform the parent about the school's investigation. If after making reasonable attempts, the principal or designee is unable to contact the parent, the school may engage in and complete the investigation.</p> <p>(c) The principal or designee shall give to the parent notice of the findings against the student. If the student or parent denies the charge(s), the principal or designee shall indicate to the parent and the student the evidence to support the findings of the school official. The student or parent shall be given the opportunity to present the student's version of the incident.</p>																			
<p>1. Notification Information:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th rowspan="2">Contact</th> <th rowspan="2">Contacted By Name/Position</th> <th rowspan="2">Person Attempted to Contact</th> <th rowspan="2">Relationship to Student</th> <th colspan="3">Notification</th> </tr> <tr> <th>Date/Time</th> <th>Method</th> <th>Outcome</th> </tr> </thead> <tbody> <tr> <td>Attempt 1</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>			Contact	Contacted By Name/Position	Person Attempted to Contact	Relationship to Student	Notification			Date/Time	Method	Outcome	Attempt 1						
Contact	Contacted By Name/Position	Person Attempted to Contact					Relationship to Student	Notification											
			Date/Time	Method	Outcome														
Attempt 1																			
<p>2. Allegation(s) of Incident:</p>																			
<p>3. Conference Information:</p> <p>Date: _____ Time: _____ Place: _____</p>																			
<p>Signature: _____</p> <p style="margin-left: 100px;">Print Name _____ Principal/Designee _____ Date _____</p>																			

Chapter 19 Confidential Investigation Findings And Discipline
(page 1 of 2)

 <p>STATE OF HAWAII DEPARTMENT OF EDUCATION</p>	<p>CHAPTER 19 CONFIDENTIAL NOTICE OF INVESTIGATION FINDINGS AND DISCIPLINE</p>
<p>To Parent of or Adult Student: _____ Student's Name _____ Mail Address _____</p> <p>School: _____ Grade: _____ Student ID: _____ Date of Birth: _____ Incident Date: _____ Incident Number: _____</p>	
<p>INVESTIGATION REPORT (section 8-19-7.1 (b)): The principal or designee upon completion of the investigation, shall make a written report containing a brief summary of the testimony of witnesses interviewed, any other evidence relied upon, and the principal or designee's reason(s) for the initiation of disciplinary proceedings.</p>	
<p>1. Allegation(s) of incident:</p>	
<p>2. Allegation(s) that were substantiated (list each offense):</p>	
<p>3. Witness Summary/Other Evidence: (Provide a brief summary of each witness interviewed and any other evidence that substantiate(s) each offense(s))</p>	
<p>4. Summary of Investigation Findings:</p>	
<p>5. Manifestation Determination: For IDEA (Chapter 60) and section 504 (Chapter 61) eligible students, if he/she is being suspended for over 10 days at one time or cumulatively in a school year, a determination must be made whether the student's behavior resulted from the disability or an inappropriate program or placement, or both.</p>	
<p>For IDEA or Section 504 students only: Date of last completed I.E.P. or Modification Plan: _____ Date Manifestation Determination conducted: _____ The student's behavior _____ a manifestation of his/her disability.</p>	

**Chapter 19 Confidential Investigation Findings And Discipline
(page 2 of 2)**

	STATE OF HAWAII DEPARTMENT OF EDUCATION	CHAPTER 19 CONFIDENTIAL NOTICE OF INVESTIGATION FINDINGS AND DISCIPLINE				
<hr/>						
Student's Name	Student ID	Grade				
<hr/>						
School	Incident Date	Incident Number				
<hr/>						
6. Disciplinary Action:						
Recommended Disciplinary Action	School Days	Start Date	End Date	Return to School	Total Semester	Total Year
Suspension						
Dismissal						
Disciplinary Transfer						
Interim Alternative Educational Setting						
<p>Police Arrest: <input type="checkbox"/> Yes <input type="checkbox"/> No</p>						
<p>7. Reasons for Disciplinary Action Determination: Based on the investigation findings, the reason(s) for determining the above disciplinary action is/are:</p> 						
<p>Signature: _____</p> <p style="text-align: center; font-size: small;"> Print Name Principal/Designee Date </p>						

Section 5

Determining Appropriate Class Offenses

5. Determining Appropriate Class Offenses

Reference (page 19-18)

§8-19-6 Prohibited student conduct; class offenses. (a) The following prohibited conduct applies to all students in the public school system, on campus, or other department of education premises, on department of education transportation, or during a department of education sponsored activity or event on or off school property.

(1) **Class A offenses:**

- (A) Assault;
- (B) Burglary;
- (C) Dangerous instrument, or substance; possession or use of;
- (D) Dangerous weapons; possession, or use of;
- (E) Drug paraphernalia; possession, use, or sale of;
- (F) Extortion;
- (G) Fighting;
- (H) Firearms; possession or use of;
- (I) Homicide;
- (J) Illicit drugs; possession, use, or sale of;
- (K) Intoxicating substances; possession, use, or sale of;
- (L) Property damage or vandalism;
- (M) Robbery;
- (N) Sexual offenses; or
- (O) Terroristic threatening.

(2) **Class B offenses:**

- (A) Bullying;
- (B) Cyberbullying;
- (C) Disorderly conduct;
- (D) False alarm;
- (E) Forgery;
- (F) Gambling;
- (G) Harassment;
- (H) Hazing;
- (I) Inappropriate or questionable uses, or both of internet materials or equipment, or both;
- (J) Theft; or
- (K) Trespassing.

(3) **Class C offenses:**

- (A) Abusive language;
- (B) Class cutting;
- (C) Insubordination;
- (D) Laser pen/laser pointer; possession or use of;
- (E) Leaving campus without consent;
- (F) Smoking or use of tobacco substances; or
- (G) Truancy.

(4) **Class D offenses:**

- (A) Contraband; possession or use of;
- (B) Minor problem behaviors; or
- (C) Other school rules.
 - (i) Any other conduct as may be prescribed and prohibited by school rules. Individual school rules shall be published or made available for inspection at the school office and shall inform students, school staff, and parents of the prohibited conduct under class A through D of this section.
 - (ii) **No disciplinary action amounting to serious discipline shall be imposed for violation of any individual school rule as a class D offense.**

(b) **Any student who possesses a firearm shall be dismissed from school for not less than one calendar year period. The possession or use of a firearm is prohibited** on campus, or other department of

5. Determining Appropriate Class Offenses

Reference (page 19-19)

education premises, on department of education transportation, or during a department of education sponsored activity or event on or off school property **except for participation in athletic teams, clubs and/or Junior Reserve Officer Training Corp (JROTC) shooting sports programs and marksmanship training, education, and competitions.** The superintendent or designee, on a case-by-case basis, **may modify the dismissal** of a student found to be in possession of a firearm. If a student is dismissed from school, that student **shall be provided alternate educational activities or other appropriate assistance** as provided in section 8-19-11.

(c) Any student who possesses, sells, or uses a dangerous weapon, switchblade knife or any improperly used knife, intoxicating substance(s), or illicit drug(s) while attending school may be excluded from attending school for up to ninety-two school days. Any student who reasonably appears to be under the influence of, have consumed or used intoxicating substance(s) or illicit drug(s) prior to attending school or attending department-supervised activities held on campus, or other department of education premises, on department of education transportation, or during a department of education sponsored activity or event on or off school property may be excluded from attending school for up to ninety-two school days **and the school shall administer a substance use screening tool to determine** whether there is a need for the student to be referred for a substance abuse assessment pursuant to section 302A-1134.6(f), Hawaii Revised Statutes. The school administrator shall comply with the provisions of this chapter by conducting an investigation of the reported incident and inform the parent of the disciplinary action. In addition, the school **administrator shall arrange for the student to be screened by a trained screener.** The designated screener will summarize the results with the student, and inform the school administrator of the results. The school **administrator shall then inform the family of the screening results, the early return provisions of the law, and provide a contact list of medical insurance agencies** that conduct substance abuse assessments. During the screening the student will be asked a series of questions to determine if the student is at low, high or very-high risk for a substance use problem. If the **screening interview indicates high or very-high results, the student will be referred** for a formal substance abuse assessment. A formal substance abuse assessment serves to provide expert clinical opinion to determine if a substance abuse problem exists, and if so, offer treatment recommendations. **If referred for a substance abuse assessment, students with medical health insurance shall be asked to contact their medical health carrier to schedule an appointment.** Professionals who can provide substance abuse assessments include certified substance abuse counselors (CSAC), psychiatrists, advanced practice registered nurses (APRN), psychologists, and licensed clinical social workers. The principal or designee can approve suspensions of one to ten school days. The complex area superintendent shall approve suspensions exceeding ten school days. In exercising this discretion and determining disciplinary actions, the principal or designee shall consider, the nature and severity of the offense, the impact of the offense on others, the age of the offender, and if the offender is a repeat offender. **If the student is excluded from attending school, the principal or designee shall ensure that alternate educational activities** or other appropriate student support assistance shall be provided, and that the student is referred for appropriate intervention or treatment services, or both, as determined by the principal or designee in consultation with the appropriate school staff or in accordance with the Hawaii administrative rules for students with disabilities, if applicable.

5. Determining Appropriate Class Offenses



Key Messages/Reminders

- “Shred and stack” when determining class offenses.
- Determine what element(s) of the offense definition was/were violated.
- “Assault” is the only offense that maintained the “mens rea” in its definition.

Class Offenses

Here is a summary of the HAR 8-19 class offenses.

Class A offenses	Class B offense	Class C offenses	Class D offenses
<input type="checkbox"/> Assault <input type="checkbox"/> Burglary <input type="checkbox"/> Dangerous instrument, or substance; possession or use of <input type="checkbox"/> Dangerous weapons; possession, or use of <input type="checkbox"/> Drug paraphernalia; possession, use, or sale of <input type="checkbox"/> Extortion <input type="checkbox"/> Fighting <input type="checkbox"/> Firearms; possession or use of <input type="checkbox"/> Homicide <input type="checkbox"/> Illicit drugs; possession, use, or sale of <input type="checkbox"/> Intoxicating substances; possession, use, or sale of <input type="checkbox"/> Property damage or vandalism <input type="checkbox"/> Robbery <input type="checkbox"/> Sexual offenses <input type="checkbox"/> Terroristic threatening	<input type="checkbox"/> Bullying <input type="checkbox"/> Cyberbullying <input type="checkbox"/> Disorderly conduct <input type="checkbox"/> False alarm <input type="checkbox"/> Forgery <input type="checkbox"/> Gambling <input type="checkbox"/> Harassment <input type="checkbox"/> Hazing <input type="checkbox"/> Inappropriate or questionable uses, or both of internet materials or equipment, or both <input type="checkbox"/> Theft <input type="checkbox"/> Trespassing	<input type="checkbox"/> Abusive language <input type="checkbox"/> Class cutting <input type="checkbox"/> Insubordination <input type="checkbox"/> Laser pen/laser pointer; possession or use of <input type="checkbox"/> Leaving campus without consent <input type="checkbox"/> Smoking or use of tobacco substances <input type="checkbox"/> Truancy	<input type="checkbox"/> Contraband; possession or use of <input type="checkbox"/> Minor problem behaviors <ol style="list-style-type: none"> (1) Defiance/disrespect /non-compliance (2) Disruption (3) Dress code violation (4) Inappropriate language (5) Physical contact (6) Property misuse (7) Tardy <input type="checkbox"/> Other school rules

Offense Definitions and Elements

To determine and substantiate the appropriate offenses that were committed in an incident, the elements of each offense definition must be carefully examined and identified. Utilize the “shred and stack” method to determine the appropriate offenses committed. The following pages display all of the Chapter 19 offenses with its definitions and elements checklist.

5. **Determining Appropriate Class Offenses**

Shred and Stack

To “shred and stack” complete the following steps to determine the appropriate offenses:

1. Identify all of the offenses allegedly committed.
2. Review the elements checklist for each of the alleged offense(s), to determine which elements substantiate the offense. This is referred to as “shredding.”
3. Select all the appropriate offenses that describe the specific incident. This is referred to as “stacking.”



Activity Worksheet Samples

Activity Worksheet	What/Purpose
Definition Elements Checklist for Class Offenses	✓ A listing of HAR 8-19 class offense definitions and their elements to assist school administrators with “shredding and stacking” alleged incidents
State of Mind Elements Checklist	✓ A listing of the “mens rea” elements to assist school administrators with “shredding and stacking” the definition of “assault”

5. Determining Appropriate Class Offenses



Verifying Class A Offenses

<p>“Assault” means intentionally, knowingly, recklessly, or negligently causing serious bodily injury or bodily injury to another person with or without a dangerous instrument.</p>	<p>Elements Checklist:</p> <ul style="list-style-type: none"><input type="checkbox"/> Intentionally, knowingly, recklessly OR negligently,<input type="checkbox"/> Causing serious bodily injury OR bodily injury,<input type="checkbox"/> To another person,<input type="checkbox"/> With OR without a dangerous instrument.
<p>“Burglary” means entering or remaining without school authorization in a building that is either owned or operated by the department of education with intent to commit an offense against a person, or against school property or other property located at the school.</p>	<p>Elements Checklist:</p> <ul style="list-style-type: none"><input type="checkbox"/> Student entering OR remaining without school authorization<input type="checkbox"/> In a building that is owned or operated by the department of education,<input type="checkbox"/> With intent to commit an offense against:<ul style="list-style-type: none">a. A person, ORb. School property, ORc. Other property located at the school.
<p>“Dangerous instrument, or ‘substance’” means any explosive device, instrument, material, or chemical, whether animate or inanimate, which in the manner it is used or is intended to be used is known to be capable of producing death or bodily injury. Examples of such items include but are not limited to knives, pipe bomb devices, fireworks, pepper spray, mace, martial arts devices such as sticks and throwing stars; and inanimate objects such as pipes, sticks, or baseball bats swung at a person in a menacing manner so as to cause or threaten bodily injury.</p>	<p>Elements Checklist:</p> <ul style="list-style-type: none"><input type="checkbox"/> Any explosive device, instrument, material or chemical, whether animate or inanimate,<input type="checkbox"/> Which in the manner it is used OR is intended to be used,<input type="checkbox"/> Is known to be capable of producing death OR bodily injury.<input type="checkbox"/> Examples include, but are not limited to:<ol style="list-style-type: none">1. Knives;2. Pipe bomb devices;3. Fireworks;4. Pepper spray;5. Mace;6. Martial art devices such as sticks and throwing stars; AND7. Inanimate objects such as pipes, sticks, or baseball bats swung at a person in a menacing manner so as to cause or threaten bodily injury
<p>“Dangerous weapon” means an instrument whose sole design and purpose is to inflict bodily injury or death. Examples of such instruments include but are not limited to a dirk, dagger, butterfly knife, switchblade knife, blackjack, slug shot, billy, metal knuckles, or other weapons that inflict bodily injury or death.</p>	<p>Elements Checklist:</p> <ul style="list-style-type: none"><input type="checkbox"/> Instrument whose sole design AND purpose is to inflict bodily injury OR death<input type="checkbox"/> Examples include, but are not limited to:<ol style="list-style-type: none">1. Dirk.2. Dagger.3. Butterfly knife.4. Switchblade knife.5. Blackjack.6. Slug shot.7. Billy.8. Metal knuckles OR9. Other weapons that inflict bodily injury OR death.

5. Determining Appropriate Class Offenses



Verifying Class A Offenses

“**Drug paraphernalia**” means any equipment, products, or materials of any kind, or combination thereof which is used, intended for use, or designed for use, in planting, harvesting, producing, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of this chapter. It includes, **but is not limited to**:

- (1) Kits, devices, equipment, separation gins, balance scales, blenders, bowls, containers, spoons, capsules, balloons, envelopes, other objects used, intended for use, or designed for use in preparing, processing, mixing, storing, or concealing controlled substances;
- (2) Hypodermic syringes, needles, and other objects used, intended for use, or designed for use by injecting the controlled substances into the human body;
- (3) Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil, or forms of methamphetamine, or anabolic steroids into the human body, such as:
 - (A) Metal, wooden, glass, acrylic, stone, plastic, or ceramic pipes, water pipes, smoking and carburetion masks, roach clips; meaning objects used to hold burning materials such as marijuana cigarettes, that have become too small or too short to be held in the hand;
 - (B) Miniature cocaine spoons, and cocaine vials, bongs, ice pipes, or chillers; and
 - (C) Any and all other drug paraphernalia as described and defined pursuant to section 329-1, Hawaii Revised Statutes.

Elements Checklist

- Any equipment, products or materials of any kind, or combination thereof,
- which is used, intended for use, or designed for use,
- in planting, harvesting, producing, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance in violation of this chapter.
- Includes, **but is NOT limited to**:
 1. Kits, devices, equipment, separation gins, balance scales, blenders, bowls, containers, spoons, capsules, balloons, envelopes, other objects used, intended for use, or designed for use in preparing, processing, mixing, storing, or concealing controlled substances.
 2. Hypodermic syringes, needles, and other objects used, intended for use or designed for use by injecting controlled substances into the human body.
 3. Objects used, intended for use, or designed for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish or hashish oil, or forms of methamphetamine, or anabolic steroids into the human body.
 - a. Metal, wooden, glass, acrylic, stone, plastic or ceramic pipes, water pipes, smoking and carburetion masks, roach clips; meaning objects used to hold burning materials such as marijuana cigarettes, that have become too small or too short to be held in hand.
 - b. Miniature cocaine spoons, and cocaine vials, bongs, ice pipes, or chillers; and
 - c. Any and all other drug paraphernalia as described and defined pursuant to section 329-1 (Hawaii Revised Statutes).

5. Determining Appropriate Class Offenses



Verifying Class A Offenses

“**Extortion**” means an act committed by a person who:

- (1) Obtains, or exerts control over, the property or services of another with intent to deprive that person of the property or services by threatening by word or conduct to:
 - (A) Cause bodily injury in the future to the person threatened or to any other person;
 - (B) Cause damage to property;
 - (C) Subject the person threatened or any other person to physical confinement or restraint;
 - (D) Expose a secret or publicize an asserted fact, whether true or false, tending to subject some person to hatred, contempt, or ridicule, or to impair the person's credit or business repute;
 - (E) Reveal any information sought to be concealed by the person threatened or any other person;
 - (F) Testify provide information, or withhold testimony or information with respect to another's legal claim or defense;
 - (G) Take or withhold action as a public servant, or cause a public servant to take or withhold such action;
 - (H) Bring about or continue a strike, boycott, or other similar collective action, to obtain property which is not demanded or received for the benefit of the group which the student purports to represent; or
 - (I) Do any other act which would not in itself substantially benefit the person committing the act but which is calculated to substantially harm some person with respect to that person's health, safety, education, business, calling, career, financial condition, reputation, or personal relationship;
- (2) Compels or induces another person to engage in conduct from which that person has a legal right to abstain or to abstain from conduct in which that person has a legal right to engage by threatening by word or conduct to do any of the actions set forth in paragraph (A) through (I) of this definition; or
- (3) Makes or finances any extension of credit, or collects any extension of credit by extortionate means.

Elements Checklist:

- An act committed by a person who:
- Obtains OR exerts control over
 1. The property or services of another
 2. With intent to deprive that person of the property or services by threatening by word or conduct to:
 - a. Cause bodily injury in the future to the person threatened or to any other person; OR
 - b. Cause property damage; OR
 - c. Subject person threatened or any other person to physical confinement or restraint; OR
 - d. Expose a secret or publicize an asserted fact, whether true or false, tending to subject some person to hatred, contempt or ridicule or to impair the person's credit or business repute; OR
 - e. Reveal any information sought to be concealed by the person threatened or any other person; OR
 - f. Testify or provide information or withhold testimony or information with respect to another's legal claim or defense; OR
 - g. Take or withhold action as a public servant, or cause a public servant to take or withhold such action; OR
 - h. Bring about or continue a strike, boycott or other similar collective action to obtain property which is not demanded or received for the benefit of the group which the student purports to represent; OR
 - i. Do any other act which would not in itself substantially benefit the person committing the act but which is calculated to substantially harm some person with respect to that person's health, safety, education, business, calling, career, financial condition, reputation, or personal relationship.

OR

- Compels or induces another person to engage in conduct from which that person has a legal right to abstain or to abstain from conduct in which that person has a legal right to engage by threatening by word or conduct to do any of the actions set forth in subparagraphs (A) to (I) of this definition; OR
- Makes or finances any extension of credit, or collects any extension of credit by extortionate means.

5. Determining Appropriate Class Offenses



Verifying Class A Offenses

<p>“Fighting” means instigating or provoking physical contact involving anger or hostility. Fighting includes but not is limited to:</p> <ol style="list-style-type: none"> (1) Engaging in mutual physical contact involving anger or hostility; (2) Teasing, harassing, threatening, or intimidating others resulting in physical contact involving anger or hostility; (3) Retaliating physically for teasing, harassing, threatening, or intimidating behavior; verbally inciting; or (4) Physically supporting a fight by one's presence and encouragement. 	<p>Elements Checklist:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Instigating OR provoking <input type="checkbox"/> physical contact involving anger or hostility. <input type="checkbox"/> Includes but not is limited to: <ol style="list-style-type: none"> 1. Engaging in mutual physical contact involving anger or hostility; 2. Teasing, harassing, threatening, or intimidating others resulting in physical contact involving anger or hostility; 3. Retaliating physically for teasing, harassing, threatening, or intimidating behavior; verbally inciting; OR 4. Physically supporting a fight by one's presence and encouragement.
<p>Firearm” means:</p> <ol style="list-style-type: none"> (1) Any weapon including but is not limited to a starter gun, shotgun, air guns which includes BB guns, pellet guns, paintball guns, or cross bow or any other instrument which will or is designed to or may readily be converted to expel a projectile; (2) The frame or receiver of any such weapon; (3) Any firearm muffler or firearm silencer; or (4) Any destructive device. The term "destructive device" means: <ol style="list-style-type: none"> (A) Any explosive, incendiary, or poison gas: <ol style="list-style-type: none"> (i) Bomb; (ii) Grenade; (iii) Rocket having a propellant charge; (iv) Missile having an explosive or incendiary charge; (v) Mine; or (vi) Device similar to any of the devices described in the preceding clause; (B) Any type of weapon which will, or which may be readily converted to expel a projectile, including but not limited to a weapon that expels a projectile by action of an explosive or other propellant; or (C) Any combination or parts either designed or intended for use in converting any device described above, and from which a destructive device may be readily assembled. 	<p>Elements Checklist:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Any weapon which will OR is designed to OR may readily be converted to expel a projectile; includes but is not limited to: <ul style="list-style-type: none"> <input type="checkbox"/> Starter gun; <input type="checkbox"/> Shotgun; <input type="checkbox"/> Air guns which includes BB guns, pellet guns, paintball guns; OR <input type="checkbox"/> Crossbow; OR <input type="checkbox"/> Any other instrument which will or is designed to OR may readily be converted to expel a projectile. <ul style="list-style-type: none"> ▪ The frame or receiver of any such weapon; ▪ Any firearm muffler or firearm silencer; OR ▪ Any destructive device. The term "destructive device" means: <ol style="list-style-type: none"> 1. Any explosive, incendiary, or poison gas: <ol style="list-style-type: none"> a. Bomb; b. Grenade; c. Rocket having a propellant charge; d. Missile having an explosive or incendiary charge; e. Mine; OR f. Device similar to any of the devices described in the preceding clause; <input type="checkbox"/> Any type of weapon which will, or which may be readily converted to expel a projectile, including but not limited to a weapon that expels a projectile by action of an explosive or other propellant; OR <input type="checkbox"/> Any combination or parts either designed or intended for use in converting any device described above, and from which a destructive device may be readily assembled.
<p>“Homicide” means causing the death of another person.</p>	<p>Elements Checklist:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Causing the death of another person.

5. Determining Appropriate Class Offenses



Verifying Class A Offenses

<p>“Intoxicating substance use” means the use of any substance, which causes disturbance of the normal physical or mental functioning including but is not limited to alcohol, kava, and betel nut.</p>	<p>Elements Checklist: The use of any substance</p> <p><input type="checkbox"/> Which causes disturbance of the normal physical OR mental functioning</p> <p><input type="checkbox"/> Including but not limited to alcohol, kava, and betel nut.</p>
<p>“Property damage” or “vandalism” means:</p> <ol style="list-style-type: none"> (1) Damaging the property of the school or another person; (2) Destroying or defacing school property or facility; or (3) Destroying or defacing school materials, such as but not limited to planners, identification nametags, or meal cards. 	<p>Elements Checklist:</p> <p><input type="checkbox"/> Damaging the property of the school OR another person;</p> <p><input type="checkbox"/> Destroying OR defacing school property OR facility; OR</p> <p><input type="checkbox"/> Destroying OR defacing school materials, such as but not limited to planners, identification nametags, or meal cards.</p>
<p>“Robbery” means, in the course of committing a theft, or hijacking*, a student:</p> <ol style="list-style-type: none"> (1) Attempts to kill another person, or inflicts or attempts to inflict serious bodily injury upon another person; or (2) With or without a dangerous instrument: <ol style="list-style-type: none"> (A) Uses force against the person with the intent to overcome the owner’s physical resistance or physical power of resistance; (B) Threatens the imminent use of force against the person of anyone who is present with intent to compel acquiescence to the taking of or escaping with the property; or (C) Inflicts serious bodily injury upon another person. <p>**Hijacking” means to extort from another by a threat or a perceived threat.</p>	<p>Elements Checklist: In the course of committing a theft OR hijacking a person:</p> <p><input type="checkbox"/> Attempts to kill another person OR inflicts OR attempts to inflict serious bodily injury upon another, OR</p> <p><input type="checkbox"/> With OR without a dangerous instrument: <ul style="list-style-type: none"> <input type="checkbox"/> Uses force against the person with the intent to overcome the owner’s physical resistance OR physical power of resistance; <input type="checkbox"/> Threatens the imminent use of force against the person of anyone who is present with intent to compel acquiescence to the taking of or escaping with the property; OR <input type="checkbox"/> Inflicts serious bodily injury upon another. </p> <p>Elements Checklist for “Hijacking”:</p> <p><input type="checkbox"/> To extort from another: <ol style="list-style-type: none"> A. By a threat; OR B. By a perceived threat. </p>
<p>“Sexual offense” or “sexual assault” means unwanted touching or grabbing of sexual parts, indecent exposure, using force to engage in intercourse, oral sex, or other sexual contact, engaging in intercourse, oral sex, or other sexual contact despite the other person’s clearly expressed refusal or mental or physical inability to consent.</p>	<p>Elements Checklist: Sexual offense or assault includes:</p> <p><input type="checkbox"/> Unwanted touching OR grabbing of sexual parts;</p> <p><input type="checkbox"/> Indecent exposure; OR</p> <p><input type="checkbox"/> Using force to engage in intercourse, oral sex, OR other sexual contact, OR</p> <p><input type="checkbox"/> Engaging in intercourse, oral sex or other sexual contact despite the other person’s clearly expressed refusal or mental or physical inability to consent.</p>
<p>“Terroristic threatening” means:</p> <ol style="list-style-type: none"> (1) A threat, by word or conduct, to cause bodily injury to another person or serious damage to property of another person; (2) With the intent to cause, or in reckless disregard of the risk of causing evacuation of a building, place of assembly, or facility of public transportation; or (3) Displaying a “look-alike” gun or weapon. 	<p>Elements Checklist:</p> <p><input type="checkbox"/> A threat, by word or conduct, to cause bodily injury to another person OR serious damage to property of another person; OR</p> <p><input type="checkbox"/> With the intent to cause, OR in reckless disregard of the risk of causing evacuation of a building, place of assembly, OR facility of public transportation; OR</p> <p><input type="checkbox"/> Displaying a “look-alike” gun or weapon.</p>

5. Determining Appropriate Class Offenses



Verifying Class B Offenses

“Bullying” means any written, verbal, graphic, or physical act that a student or group of students exhibits toward other particular student(s) and the behavior causes mental or physical harm to the other student(s); and is sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening, or abusive educational environment for the other student(s).

Elements Checklist:

- Any written, verbal, graphic OR physical act,
- That a student or group of students exhibits toward other particular student(s) AND
- The behavior (the written, verbal, graphic OR physical act) causes:
 1. Mental OR physical harm to the other student(s); AND
 2. Is sufficiently severe, persistent, OR pervasive that it creates an intimidating, threatening OR abusive educational environment for the other student(s).

“Cyberbullying” means electronically transmitted acts, i.e., Internet, cell phone, personal digital assistance (PDA), or wireless hand-held device that a student has exhibited toward another student or employee of the department which causes mental or physical harm to the other student(s) or school personnel and is sufficiently severe, persistent or pervasive that it creates an intimidating, threatening, or abusive educational environment:

- (1) On campus, or other department of education premises, on department of education transportation, or during a department of education sponsored activity or event on or off school property;
- (2) Through a department of education data system without department of education authorized communication; or
- (3) Through an off campus computer network that is sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening, or abusive educational environment for the other student or school personnel, or both.

In evaluating whether conduct constitutes harassment, intimidation or bullying, special attention should be paid to the words chosen or the actions, taken, whether the conduct occurred in front of others or was communicated to others, how the perpetrator interacted with the victim, and the motivation, either admitted or appropriately inferred. Electronic transmissions include but are not limited to the use of data, computer software that is accessed through a computer, a computer network system, other computerized systems, cellular phones or other similar electronic devices that display e-mail, text messaging, blogs, photos, drawings, video clips, on-line community websites, or faxes, or a combination of the foregoing.

Elements Checklist:

- Electronically transmitted acts (transmitted via such modes as the Internet, cell phone, personal digital assistance (PDA), or wireless hand-held device, which include but are not limited to the use of data, computer software that is accessed through a computer, a computer network system, other computerized systems, cellular phones or other similar electronic devices that display e-mail, text messaging, blogs, photos, drawings, video clips, on-line community websites, or faxes, or a combination of the foregoing),
- That student has exhibited toward another student **OR** employee of the department which causes:
 - Mental **OR** physical harm to other student(s) or school personnel **AND**
 - Is sufficiently severe, persistent **OR** pervasive that creates an intimidating, threatening **OR** abusive educational environment:
 - On campus **OR** department of education premises, on department of education transportation, **OR** during a department of education sponsored activity **OR** event on or off school property; **OR**
 - Through a department of education data system without department of education authorized communication; **OR**
 - Through an off campus computer network that is sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening, or abusive educational environment for the other student or school personnel, or both.

In evaluating whether conduct constitutes harassment, intimidation or bullying, special attention should be paid to the words chosen or the actions, taken, whether the conduct occurred in front of others or was communicated to others, how the perpetrator interacted with the victim, and the motivation, either admitted or appropriately inferred.

5. Determining Appropriate Class Offenses



Verifying Class B Offenses

“Disorderly conduct” means the following actions or activities on campus or other department of education premises, on department of education transportation, or during a department of education sponsored activity or event on or off school property:

- (1) Engaging in fighting or threatening, or in violent or tumultuous behavior such as yelling or screaming, or both;
- (2) Making unreasonable noise as to cause disruption of normal school operations;
- (3) Making any offensively coarse utterance, gesture, or display, or addressing abusive language to any person present, which is likely to provoke a violent response;
- (4) Creating a hazardous or physically offensive condition by any act which is not performed under any authorized license or permit;
- (5) Impeding or obstructing any person in a public school for the purpose of begging or soliciting alms or other forms of aid; or
- (6) Inappropriate physical contact including but not limited to consensual sex or consensual touching of body parts, or both.

Elements Checklist

The following actions or activities (that occur) on campus **OR** other department of education premises, on department of education transportation, **OR** during a department of education sponsored activity **OR** event on **OR** off school property:

- Engaging in:
 1. Fighting **OR** threatening, **OR**
 2. Violent **OR** tumultuous behavior such as yelling or screaming,
 3. **OR** both (fighting or threatening, or violent or tumultuous behavior);
- Making unreasonable noise as to cause disruption of normal school operations;
- Making any offensively coarse utterance, gesture, or display, or addressing abusive language to any person present, which is likely to provoke a violent response;
- Creating a hazardous or physically offensive condition by any act which is not performed under any authorized license or permit;
- Impeding or obstructing any person in a public school for the purpose of begging or soliciting alms or other forms of aid; **OR**
- Inappropriate physical contact including but not limited to consensual sex or consensual touching of body parts, or both.

“Forgery” means:

- (1) A student signing a name other than the student's own name on a document or;
- (2) The illegal production or reproduction of materials such as fundraising or sports event tickets.

Elements Checklist:

A student

- Signing a name other than the student's own name on a document **OR**
- Engaging in the illegal production or reproduction of materials such as fundraising or sports event tickets.

5. Determining Appropriate Class Offenses



Verifying Class B Offenses

“**Gambling**” means staking or risking something of value upon the outcome of a contest of chance or a future contingent event not under the person’s control or influence, upon an agreement or understanding that the person or someone else will receive something of value in the event of a certain outcome. Gambling does not include bona fide business transactions valid under the law of contracts, including but is not limited to contracts for the purchase or sale at a future date of securities or commodities, and agreements to compensate for loss caused by the happening of chance, including but is not limited to contracts of indemnity or guaranty and life, health, or accident insurance.

Elements Checklist:

- Staking or risking something of value upon the outcome of a contest of chance or a future contingent event not under the person’s control or influence, **AND**
- Upon an agreement or understanding that the person or someone else will receive something of value in the event of a certain outcome.
- Gambling **DOES NOT include**
 1. Bona fide business transactions valid under the law of contracts, including but is not limited to contracts for the purchase or sale at a future date of securities or commodities, **AND**
 2. Agreements to compensate for loss caused by the happening of chance, including but is not limited to contracts of indemnity or guaranty and life, health, or accident insurance.

“**Harassment**” means a student who is harassing, bullying, including cyberbullying, annoying, or alarming another person by engaging in the following conduct that includes but is not limited to:

- (1) Striking, shoving, kicking, or otherwise touching a person in an offensive manner or subjecting such person to offensive physical contact;
- (2) Insulting, taunting, or challenging another person in a manner likely to provoke a violent response;
- (3) Making verbal or non-verbal expressions that causes others to feel uncomfortable, pressured, threatened, or in danger because of reasons that include but are not limited to the person’s race, color, national origin, ancestry, sex, including gender identity and expression, religion, disability, or sexual orientation that creates an intimidating, hostile, or offensive educational environment, or interferes with the education of a student, or otherwise adversely affects the educational opportunity of a student or students;
- (4) Name calling, making rude gestures, insulting, or teasing another person who feels humiliated, intimidated, threatened, or embarrassed;
- (5) Making a telephone call without purpose of legitimate communication;
- (6) Making repeated communications anonymously, or at extremely inconvenient hours, or in offensively coarse language on campus or, other department of education premises, on department of education transportation, or during a department of education sponsored activity or event on or off school property;
- (7) Causing fear as to prevent others from gaining legitimate access to or use of school buildings, facilities, services, or grounds such as, but is not limited to, restroom facilities; or
- (8) Physically harming, physically restraining, threatening, or stalking, or a combination of the foregoing.

Elements Checklist:

A student who is harassing, bullying, including cyberbullying, annoying, or alarming another person by engaging in the following conduct that includes **but is not limited to**:

- Striking, shoving, kicking, or otherwise touching a person in an offensive manner or subjecting such person to offensive physical contact;
- Insulting, taunting, or challenging another person in a manner likely to provoke a violent response;
- Making verbal or non-verbal expressions that causes others to feel uncomfortable, pressured, threatened, or in danger because of reasons that include but are not limited to the person’s race, color, national origin, ancestry, sex, including gender identity and expression, religion, disability, or sexual orientation that creates an intimidating, hostile, or offensive educational environment, or interferes with the education of a student, or otherwise adversely affects the educational opportunity of a student or students;
- Name calling, making rude gestures, insulting, or teasing another person who feels humiliated, intimidated, threatened, or embarrassed;
- Making a telephone call without purpose of legitimate communication;
- Making repeated communications anonymously, or at extremely inconvenient hours, or in offensively coarse language on campus or, other department of education premises, on department of education transportation, or during a department of education sponsored activity or event on or off school property;
- Causing fear as to prevent others from gaining legitimate access to or use of school buildings, facilities, services, or grounds such as, but is not limited to, restroom facilities; **OR**
- Physically harming, physically restraining, threatening, or stalking, or a combination of the foregoing.

5. Determining Appropriate Class Offenses



Verifying Class B Offenses

“Hazing” means any conduct or method of initiation into any student organization or activity, whether on campus or other department of education premises, on department of education transportation, or during a department of education sponsored activity or event on or off school property, which willfully or recklessly endangers the physical or mental health of any student. Such conduct shall include, but is not limited to whipping, beating, branding, forced calisthenics, exposure to weather, forced consumption of any food, liquor, beverage, drug or other substance, indecent exposure, or any other treatment or forced physical activity which is likely to adversely affect the physical or mental health, or both, or safety of any student, or which subjects any student to extreme mental stress, including deprivation of sleep or rest, extended isolation, or personal humiliation.

Elements Checklist:

- Means any conduct or method of initiation into any student organization or activity
- On campus OR other department of education premises, on department of education transportation, OR during a department of education sponsored activity or event on or off school property, **AND**
- Such conduct or method of initiation willfully or recklessly endangers the physical or mental health of any student.
- Such conduct includes **but is not limited to:**
 1. Whipping;
 2. Beating;
 3. Branding;
 4. Forced calisthenics;
 5. Exposure to weather;
 6. Forced consumption of any food, liquor, beverage, drug or other substance;
 7. Indecent exposure; **OR**
 8. Any other treatment or forced physical activity which is likely to adversely affect the physical or mental health, or both, or safety of any student, or which subjects any student to extreme mental stress, including deprivation of sleep or rest, extended isolation, or personal humiliation.

“Inappropriate or questionable uses, or both, of internet materials and equipment” means when a student is in violation of the Internet Access Policy,¹ the department’s Internet Access Regulations,² and the Network Support Services Branch’s Acceptable User Guidelines³ for using computers and network resources. Examples of inappropriate or questionable uses of the department’s computer and network resources include but are not limited to disabling or bypassing the filters, gambling software, music sharing software, or sexually explicit photographs and pictures that do not support the department’s mission and purpose. Copies of these policies are available via the websites listed in the footnotes or may be obtained from school office.

Elements Checklist:

- A student is in violation of
 1. The Internet Access Policy,¹
 2. The department’s Internet Access Regulations,²**AND**
 3. The Network Support Services Branch’s Acceptable User Guidelines³ for using computers and network resources
- Examples of inappropriate or questionable uses of the department’s computer and network resources include but are not limited to:
 1. Disabling or bypassing the filters;
 2. Gambling software;
 3. Music sharing software; **OR**
 4. Sexually explicit photographs and pictures and that do not support the department’s mission and purpose.

¹ Board of Education Policy 2170, amended 10/1997, <http://lilinode.k12.hi.us/STATE/BOE/POL1.NSF>

² Hawaii Department of Education 2170.1 Internet Access Regulations, amended 08/2000, <http://www.k12.hi.us/~atr/policy2000/intaccreg.htm>

³ Department of Education Network and Internet Services, updated 11/29/2004; <http://nssb.k12.hi.us>

5. Determining Appropriate Class Offenses



Verifying Class B Offenses

"Theft" means:

- (1) Obtaining, or exerting control over, the property of another and depriving that person of the property;
- (2) Obtaining, or exerting control over, the property of another by deceiving and depriving the person of the property;
- (3) Obtaining, or exerting control over, the property of another which the person knows to have been lost or mislaid, or to have been delivered under a mistake as to the nature or amount of the property, the identity of the recipient, or other facts, and with the intent to deprive the owner of the property, the person fails to take reasonable measures to discover and notify the owner;
- (4) Obtaining services, known by the person to be available only for compensation, by deception, false token, or other means to avoid payment for the services;
- (5) Having control over the disposition of services of another to which the person is not entitled and diverts those services to the person's own benefit or to the benefit of a person not entitled thereto;
- (6) Failing to make required disposition of funds by:
 - (A) Obtaining property from anyone upon an agreement, or subject to a known legal obligation, to make specified payment or other disposition, whether from the property or its proceeds or from the person's own property reserved in equivalent amount, and dealing with the property as the person's own and failing to make the required payment or disposition; or
 - (B) Obtaining personal services from an employee upon agreement or subject to a known legal obligation to make a payment or other disposition of funds to a third person on account of the employment, and intentionally failing to make the payment or disposition at the proper time;
- (7) Receiving, retaining, or disposing of the property of another, knowing that it has been stolen, with intent to deprive the owner of the property; or
- (8) Shoplifting:
 - (A) Concealing or taking possession of the goods or merchandise of any department of education store or department of education retail establishment, with intent to defraud;
 - (B) Altering the price tag or other price marking on goods or merchandise of any department of education store or department of education retail establishment, with intent to defraud; or
 - (C) Transferring the goods or merchandise of any department of education store or department of education retail establishment from one container to another, with intent to defraud.

Elements Checklist:

- Obtaining, or exerting control over, the property of another and depriving that person of the property. **OR**
- Obtaining, or exerting control over, the property of another by deceiving and depriving the person of the property. **OR**
- Obtaining, or exerting control over, the property of another, which
 - The person knows to have been lost or mislaid, **OR**
To have been delivered under a mistake as to the nature or amount of the property, the identity of the recipient, or other facts **AND**
 - With the intent to deprive the owner of the property, the person fails to take reasonable measures to discover and notify the owner; **OR**
- Obtaining services, known by the person to be available only for compensation, by deception, false token, or other means to avoid payment for the services. **OR**
- Having control over the disposition of services of another to which the person is not entitled and diverts those services to the person's own benefit or to the benefit of a person not entitled thereto; **OR**
- Failing to make required disposition of funds by:
 - Obtaining property from anyone upon an agreement, or subject to a known legal obligation, to make specified payment or other disposition, whether from the property or its proceeds or from the person's own property reserved in equivalent amount, and dealing with the property as the person's own and failing to make the required payment or disposition; **OR**
 - Obtaining personal services from an employee upon agreement or subject to a known legal obligation to make a payment or other disposition of funds to a third person on account of the employment, and intentionally failing to make the payment or disposition at the proper time; **OR**
- Receiving, retaining, or disposing of the property of another, knowing that it has been stolen, with intent to deprive the owner of the property, **OR**
- Shoplifting:
 - Concealing or taking possession of the goods or merchandise of any department of education store or department of education retail establishment, with intent to defraud; **OR**
 - Altering the price tag or other price marking on goods or merchandise of any department of education store or department of education retail establishment, with intent to defraud; **OR**
 - Transferring the goods or merchandise of any department of education store or department of education retail establishment from one container to another, with intent to defraud.

5. Determining Appropriate Class Offenses



Verifying Class B Offenses

"Trespass" means entering or remaining in or upon the premises of any school, or department of education facility after reasonable warning or request to leave by school authorities or police officer.

Elements Checklist:

- Entering or remaining in or upon the premises of any school, or department of education facility **AND**
- After reasonable warning **OR** request to leave by school authorities or police officer.



Verifying Class C Offenses

"Abusive language" means verbal messages that use words in an inappropriate way and may include but is not limited to swearing, name-calling, or profanity.

Elements Checklist:

- Use words in inappropriate way.
- May include but is not limited to:
 - Swearing;
 - Name calling; **OR**
 - Profanity.

"Class cutting" means an unauthorized absence of a student from class.

Elements Checklist:

- Unauthorized absence of a student, **AND**
- From class.

"Insubordination" means disregard or refusal to obey an order which a teacher, officer, or other employee of the department is entitled to give.

Elements Checklist:

- Willful disregard **OR** refusal to obey an order, **AND**
- Which a teacher, officer **OR** other employee of the department is entitled to give and have obeyed.

"Laser pen/pointer" means a device that emits a bright laser light that appears as a dot on any surface at which it is aimed and is without authorized department of education purpose and use. Unless authorized, the possession or use is prohibited on campus, or other department of education premises, on department of education transportation, or during a department of education sponsored activity or event on or off school property.

Elements Checklist:

- A device that emits a bright laser light that appears as a dot on any surface at which it is aimed **AND**
- Is without authorized department of education purpose and use.
- Unless authorized, the possession or use is prohibited
 - a. On campus, **OR** other department of education premises,
 - b. On department of education transportation, **OR**
 - c. During a department of education sponsored activity **OR** event on or off school property.

"Leaving campus without consent" means leaving the premises of a school, department of education facility, or department of education program without first obtaining permission from school officials.

Elements Checklist:

- Leaving the premises of a school, department of education facility, **OR** department of education program **AND**
- Without first obtaining permission from school officials.

5. Determining Appropriate Class Offenses



Verifying Class C Offenses

<p>“Smoking” or “use of tobacco” means possession, use, sale or distribution of tobacco products on campus, or other department of education premises, on department of education transportation, or during a department of education sponsored activity or event on or off school property.</p>	<p>Elements Checklist:</p> <p><input type="checkbox"/> Possession, use, sale OR distribution of tobacco products:</p> <ol style="list-style-type: none"> 1. On campus, or other department of education premises, 2. On department of education transportation, OR 3. During a department of education sponsored activity or event on or off school property.
<p>“Truancy” means a student is absent from class(es) or the school campus without authorization from the principal or designee.</p>	<p>Elements Checklist:</p> <p><input type="checkbox"/> A student is absent from class(es) OR the school campus AND</p> <p><input type="checkbox"/> Without authorization from the principal or designee.</p>



Verifying Class D Offenses

<p>“Contraband” means a property, other than which is unlawful to produce or possess, which, as defined by local school rules, is prohibited on school premises has in the past lead to bodily injury or disruption of school operations. NOTE: School rules should include a list of property that falls under this category.</p>	<p>Elements Checklist:</p> <p><input type="checkbox"/> Property, other than which is unlawful to produce OR possess,</p> <p><input type="checkbox"/> Which, as defined by local school rules, is prohibited from school premises. OR</p> <p><input type="checkbox"/> Has in the past, led to bodily injury OR disruption of school operations.</p>
<p>“Low intensity problem behaviors” means those behaviors that are demonstrated with low frequency, brief engagement, and do not lead to serious harm.</p>	<p>Elements Checklist:</p> <p>A. Behaviors that are demonstrated</p> <ol style="list-style-type: none"> 1. With low frequency. 2. Brief engagement AND 3. Do not lead to serious harm.
<p>“Minor problem behaviors” means demonstration of low-intensity problem behaviors that may include, but are not limited to the following.</p> <ol style="list-style-type: none"> (1) “Defiance/disrespect/non-compliance” means student engages in brief or low-intensity failure to respond to adult requests; (2) “Disruption” means student engages in low-intensity, inappropriate disruption; (3) “Dress code violation” means student wears clothing that is not within the dress code guidelines defined by the school; (4) “Inappropriate language” means student engages in low-intensity instance of inappropriate language; (5) “Physical contact” means student engages in non-serious, inappropriate physical contact; (6) “Property misuse” means student engages in low-intensity misuse of property; (7) “Tardy” means a student arrives to school after school has started, or a student arrives at class after class has started, or both. 	<p>Elements Checklist:</p> <p><input type="checkbox"/> Demonstration of low-intensity problem behaviors that</p> <p><input type="checkbox"/> May include, but are not limited to:</p> <ol style="list-style-type: none"> 1. “Defiance/disrespect/non-compliance” means student engages in brief OR low-intensity failure to respond to adult requests; 2. “Disruption” means student engages in low-intensity, inappropriate disruption; 3. “Dress code violation” means student wears clothing that is not within the dress code guidelines defined by the school; 4. “Inappropriate language” means student engages in low-intensity instance of inappropriate language; 5. “Physical contact” means student engages in non-serious, inappropriate physical contact; 6. “Property misuse” means student engages in low-intensity misuse of property; OR 7. “Tardy” means <ol style="list-style-type: none"> a. A student arrives to school after school has started, OR b. A student arrives at class after class has started, OR both.

5. Determining Appropriate Class Offenses



State of Mind Elements Checklist

<p>"Intentionally" means</p> <p>(a) A person acts intentionally with respect to his conduct when it is his conscious object to engage in such conduct.</p> <p>(b) A person acts intentionally with respect to attendant circumstances when he is aware of the existence of such circumstances or believes or hopes that they exist.</p> <p>(c) A person acts intentionally with respect to a result of his conduct when it is his conscious object to cause such a result.</p>	<p>Elements checklist:</p> <p>A student acts intentionally with respect to:</p> <p><input type="checkbox"/> His/her conduct when it is his/her conscious object to engage in such conduct, OR</p> <p><input type="checkbox"/> Attendant circumstances when he/she is aware of the existence of such circumstances OR believes OR hope that they exist, OR</p> <p><input type="checkbox"/> A result of his/her conduct when it is his/her conscious object to cause such a result.</p>
<p>"Knowingly" means</p> <p>(a) A person acts knowingly with respect to his conduct when he is aware that his conduct is of that nature.</p> <p>(b) A person acts knowingly with respect to attendant circumstances when he is aware that such circumstances exist.</p> <p>(c) A person acts knowingly with respect to a result of his conduct when he is aware that it is practically certain that his conduct will cause such a result.</p>	<p>Elements checklist:</p> <p>A student acts knowingly with respect to:</p> <p><input type="checkbox"/> His/her conduct when he is aware that his/her conduct is of that nature, OR</p> <p><input type="checkbox"/> Attendant circumstances when he/she is aware that such circumstances exist, OR</p> <p><input type="checkbox"/> A result of his/her conduct when he/she is aware that it is practically certain that his/her conduct will cause such a result.</p>
<p>"Recklessly" means</p> <p>(a) A person acts recklessly with respect to his conduct when he consciously disregards a substantial and unjustifiable risk that the person's conduct is of the specified nature.</p> <p>(b) A person acts recklessly with respect to attendant circumstances when he consciously disregards a substantial and unjustifiable risk that such circumstances exist.</p> <p>(c) A person acts recklessly with respect to a result of his conduct when he consciously disregards a substantial and unjustifiable risk that his conduct will cause such a result.</p> <p>(d) A risk is substantial and unjustifiable within the meaning of this section if, considering the nature and purpose of the person's conduct and the circumstances known to him, the disregard of the risk involves a gross deviation from the standard of conduct that a law-abiding person would observe in the same situation.</p>	<p>Elements checklist:</p> <p>A student acts recklessly with respect to:</p> <p><input type="checkbox"/> His/her conduct when he/she consciously disregards a substantial and unjustifiable risk that the person's conduct is of the specified nature, OR</p> <p><input type="checkbox"/> Attendant circumstances when he/she consciously disregards a substantial and unjustifiable risk that such circumstances exist, OR</p> <p><input type="checkbox"/> A result of his/her conduct when he/she consciously disregards a substantial and unjustifiable risk that his/her conduct will cause such a result, AND</p> <p><input type="checkbox"/> A risk is substantial and unjustifiable within the meaning of this section if considering the nature and purpose of the person's conduct and the circumstances known to him, the disregard of the risk involves a gross deviation from the standard of conduct that a law-abiding person would observe in the same situation.</p>
<p>"Negligently" means</p> <p>(a) A person acts negligently with respect to his conduct when he should be aware of a substantial and unjustifiable risk taken that the person's conduct is of the specified nature.</p> <p>(b) A person acts negligently with respect to attendant circumstances when he should be aware of a substantial and unjustifiable risk that such circumstances exist.</p> <p>(c) A person acts negligently with respect to a result of his conduct when he should be aware of a substantial and unjustifiable risk that his conduct will cause such a result.</p> <p>(d) A risk is substantial and unjustifiable within the meaning of this subsection if the person's failure to perceive it, considering the nature and purpose of his conduct and the circumstances known to him, involves a gross deviation from the standard of care that a law-abiding person would observe in the same situation.</p>	<p>Elements checklist:</p> <p>A student acts negligently with respect to:</p> <p><input type="checkbox"/> His/her conduct when he/she should be aware of a substantial AND unjustifiable risk taken that the person's conduct is of the specified nature, OR</p> <p><input type="checkbox"/> Attendant circumstances when he/she should be aware of a substantial and unjustifiable risk that such circumstances exist, OR</p> <p><input type="checkbox"/> A result of his/her conduct when he/she should be aware of a substantial and unjustifiable risk that his/her conduct will cause such a result, AND</p> <p><input type="checkbox"/> A risk is substantial and unjustifiable within the meaning of this subsection if the person's failure to perceive it, considering the nature and purpose of his conduct and the circumstances known to him, involves a gross deviation from the standard of care that a law-abiding person would observe in the same situation.</p>



Documentation & Navigation

- **eCSSS Offense Worksheets**

5. Determining Appropriate Class Offenses

To assist with determining the appropriate offense(es), worksheets with offense definitions and its elements will automatically appear when an offense is selected in eCSSS Incident/Offense tab.

The following are sample worksheets that appear in eCSSS.

Investigation Worksheet for Disrespect/Non-compliance

Description
"Defiance/disrespect/non-compliance" means student engages in brief or low-intensity failure to respond to adult requests

Elements Checklist
 Offense committed meets the elements checklist below *

A. Student engages in brief OR low-intensity failure to respond to adult requests.

Comments

Investigation Worksheet for Bullying

Description
"Bullying" means any written, verbal, graphic, or physical act that a student or group of students exhibits toward other particular student(s) and the behavior causes mental or physical harm to the other student(s); and is sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening, or abusive educational environment for the other student(s).

Elements Checklist
Must select at least one of the elements below. *

Written
 Verbal
 Graphic
 Physical Act
 Offense committed meets the elements checklist below *

A. Any written, verbal, graphic OR physical act,
B. That a student or group of students exhibits toward other particular student(s) AND
C. The behavior (the written, verbal, graphic OR physical act) causes:
1. Mental OR physical harm to the other student(s); AND
2. It is sufficiently severe, persistent, OR pervasive that it creates an intimidating, threatening, OR abusive educational environment for the other student(s).

Comments

5. Determining Appropriate Class Offenses

Investigation Worksheet for Dangerous Weapon

Description

"**Dangerous Weapon**" means an instrument whose sole design and purpose is to inflict bodily injury or death. Examples of such instruments include but are not limited to a dirk, dagger, butterfly knife, switchblade knife, blackjack, slug shot, billy, metal knuckles, or other weapons that inflict bodily injury or death.

Elements Checklist

Select one or more weapons: *

- | | | |
|--|---|--|
| <input type="checkbox"/> Billy | <input type="checkbox"/> Dagger | <input type="checkbox"/> Slug Shot |
| <input type="checkbox"/> Blackjack | <input type="checkbox"/> Dirk | <input type="checkbox"/> Switchblade Knife |
| <input type="checkbox"/> Butterfly Knife | <input type="checkbox"/> Metal Knuckles | <input type="checkbox"/> Other Dangerous Weapons: <input type="text"/> |

Primary Weapon *

Offense committed meets the elements checklist below *

- A. Possession or use of any instrument whose sole design **AND** purpose is to inflict bodily injury **OR** death
- B. Examples include, but are not limited to:
1. Dirk.
 2. Dagger.
 3. Butterfly Knife.
 4. Switchblade Knife.
 5. Blackjack.
 6. Slug Shot.
 7. Billy.
 8. Metal knuckles **OR**
 9. Other weapons that inflict bodily injury **OR** death.

Investigation Worksheet for Illicit Drugs

Description

"**Illicit drugs**" means substances, the possession, distribution, ingestion, manufacture, use, sale, or delivery, of which are prohibited under chapter 329, Hawaii Revised Statutes and chapter 712, part IV, Hawaii Revised Statutes.

Evidence

Must select at least one of the elements below: *

Drugs	Intent			
<input type="checkbox"/> Cocaine	<input type="checkbox"/> Use	<input type="checkbox"/> Possession	<input type="checkbox"/> Sale	<input type="checkbox"/> Under Influence Of
<input type="checkbox"/> Heroin	<input type="checkbox"/> Use	<input type="checkbox"/> Possession	<input type="checkbox"/> Sale	<input type="checkbox"/> Under Influence Of
<input type="checkbox"/> Marijuana	<input type="checkbox"/> Use	<input type="checkbox"/> Possession	<input type="checkbox"/> Sale	<input type="checkbox"/> Under Influence Of
<input type="checkbox"/> Methamphetamine	<input type="checkbox"/> Use	<input type="checkbox"/> Possession	<input type="checkbox"/> Sale	<input type="checkbox"/> Under Influence Of
<input type="checkbox"/> Steroids	<input type="checkbox"/> Use	<input type="checkbox"/> Possession	<input type="checkbox"/> Sale	<input type="checkbox"/> Under Influence Of
<input type="checkbox"/> Inappropriate use of pharmaceutical drugs	<input type="checkbox"/> Use	<input type="checkbox"/> Possession	<input type="checkbox"/> Sale	<input type="checkbox"/> Under Influence Of
<input type="checkbox"/> Other: <input type="text"/>	<input type="checkbox"/> Use	<input type="checkbox"/> Possession	<input type="checkbox"/> Sale	<input type="checkbox"/> Under Influence Of

Elements Checklist

Offense committed meets the elements checklist below *

- A. Substances, the possession, distribution, ingestion, manufacture, use, sale, **OR** delivery, **AND**
- B. Of which are prohibited under chapter 329, Hawaii Revised Statutes and chapter 712, part IV, Hawaii Revised Statutes.



Additional Handouts

Handout	What/Purpose
Summary of HAR 8-19 Class Offenses and Disciplinary Options	✓ A single page listing the class offenses and disciplinary actions of section 8-19-6

Summary of HAR 8-19 Class Offenses and Disciplinary Options (Section 8-19-6)

<p>Class A offenses</p> <ul style="list-style-type: none"> (A) Assault; (B) Burglary; (C) Dangerous instrument, or substance; possession or use of; (D) Dangerous weapons; possession, or use of; (E) Drug paraphernalia; possession, use, or sale of; (F) Extortion; (G) Fighting; (H) Firearms; possession or use of; (I) Homicide; (J) Illicit drugs; possession, use, or sale of; (K) Intoxicating substances; possession, use, or sale of; (alcohol) (L) Property damage or vandalism; (M) Robbery; (N) Sexual offenses; or (O) Terroristic threatening 	<p>Class B offenses</p> <ul style="list-style-type: none"> (A) Bullying; (B) Cyberbullying; (C) Disorderly conduct; (D) False alarm; (E) Forgery; (F) Gambling; (G) Harassment; (H) Hazing; (I) Inappropriate or questionable uses, or both of internet materials or equipment, or both; (J) Theft; or (K) Trespassing.
<p>Class C offenses</p> <ul style="list-style-type: none"> (A) Abusive language; (B) Class cutting; (C) Insubordination; (D) Laser pen/laser pointer; possession or use of; (E) Leaving campus without consent; (F) Smoking or use of tobacco substances; or (G) Truancy. 	<p>Class D offenses</p> <ul style="list-style-type: none"> (A) Contraband; possession or use of; (B) Minor problem behaviors; or <ul style="list-style-type: none"> (1) "Defiance/disrespect/non-compliance" (2) "Disruption" (3) "Dress code violation" (4) "Inappropriate language" (5) "Physical contact" (6) "Property misuse" (7) "Tardy" Other (C) Other school rules.

Disciplinary action shall be taken for all class offenses in grades kindergarten through twelve in accordance with procedures established under this chapter and within the following options as determined by the authorities designated in section 8-19-5. **Interventions to teach students appropriate behaviors must be instituted when disciplinary actions are imposed.** Disciplinary action options may include the following:

<ul style="list-style-type: none"> (1) Correction and conference with student; (2) Detention; (3) Crisis removal; (4) Individualized instruction related to student's problem behaviors; (5) In-school suspension; (6) Interim alternate educational setting (7) Loss of privileges; (8) Parent conferences; 	<ul style="list-style-type: none"> (9) Time in office; (10) Suspension of one to ten school days; (11) Suspension of eleven or more school days; (12) Saturday school; (13) Disciplinary transfer; (14) Referral to alternative education programs; (15) Dismissal; or (16) Restitution.
--	--

Students shall be counseled in addition to any disciplinary action taken.

Section 6

Disciplinary Actions Authority

6. Disciplinary Actions Authority

Reference (page 19-17)

§8-19-5 Disciplinary actions; authority. (a) Suspensions exceeding ten school days or suspensions that will result in the student being suspended more than a total of ten school days in any single semester, disciplinary transfers, dismissals, and extension of crisis removals shall be approved by complex area superintendent.

(b) Crisis removals and suspensions of ten school days or less may be approved by the principal or designee.

(c) In determining disciplinary actions, the principal or designee shall consider the intention of the offender, the nature and severity of the offense, the impact of the offense on others including whether the action was committed by an individual or a group of individuals such as a gang, the age of the offender, and if the offender was a repeat offender. [Eff 9/1/82; ren §8-19-4, 5/23/86; am and comp 7/19/93; comp 5/19/97; comp 2/22/01; am and comp 9/10/09] (Auth: HRS §§302A-1112, 302A-1002) (Imp: HRS §§302A-1112, 302A-1002)

6. Disciplinary Actions Authority



Key Messages/Reminders

- Prior to suspending an IDEA or Section 504 eligible student, a manifestation determination must be completed if the student has accumulated 11+ suspensions days.
- A disciplinary action of one to ten school days suspension can only be appealed to the school principal.

The following chart summarizes the authority of a school principal or designee and the complex area superintendent for crisis removing and/or suspending students.

Disciplinary Action	Authority	
	Principal or Designee	Complex Area Superintendent
Crisis removal of 1-10 school days for regular education, IDEA or Section 504 eligible students.	Yes	No
Crisis removal of 11+ school days for regular education, IDEA or Section 504 eligible students. A <u>manifestation determination</u> for IDEA or Section 504 eligible students is required.	No	Yes
Cumulative suspensions 1-10 school days for regular education students per semester .	Yes	No
Cumulative suspensions 11+ school days within semester for regular education students for disciplinary transfers, dismissals, and extensions.	No	Yes
Cumulative suspensions 11+ school days within school year for IDEA eligible and Section 504 eligible students , for disciplinary transfers, dismissals, and extensions. A <u>manifestation determination</u> for IDEA or Section 504 eligible students is required.	No	Yes

Section 7

Determining Appropriate Disciplinary Actions

7. Determining Appropriate Disciplinary Actions

Reference (page 19-17)

§8-19-5 Disciplinary actions; authority. (a) Suspensions exceeding ten school days or suspensions that will result in the student being suspended more than a total of ten school days in any single semester, disciplinary transfers, dismissals, and extension of crisis removals shall be approved by complex area superintendent.

(b) Crisis removals and suspensions of ten school days or less may be approved by the principal or designee.

(c) In determining disciplinary actions, the principal or designee shall consider the intention of the offender, the nature and severity of the offense, the impact of the offense on others including whether the action was committed by an individual or a group of individuals such as a gang, the age of the offender, and if the offender was a repeat offender. [Eff 9/1/82; ren §8-19-4, 5/23/86; am and comp 7/19/93; comp 5/19/97; comp 2/22/01; am and comp 9/10/09] (Auth: HRS §§302A-1112, 302A-1002) (Imp: HRS §§302A-1112, 302A-1002)

Reference (page 19-18)

8-19-6 Prohibited student conduct; class offenses.

(d) Disciplinary action shall be taken for all class offenses in grades kindergarten through twelve in accordance with procedures established under this chapter and within the following options as determined by the authorities designated in section 8-19-5. Interventions to teach students appropriate behaviors must be instituted when disciplinary actions are imposed. Disciplinary action options may include the following:

- (1) Correction and conference with student;
- (2) Detention;
- (3) Crisis removal;
- (4) Individualized instruction related to student's problem behaviors;
- (5) In-school suspension;
- (6) Interim alternate education setting;
- (7) Loss of privileges;
- (8) Parent conferences;
- (9) Time in office;
- (10) Suspension of one to ten school days;
- (11) Suspension of eleven or more school days;
- (12) Saturday school;
- (13) Disciplinary transfer;
- (14) Referral to alternative education programs;
- (15) Dismissal; or
- (16) Restitution.

(e) Students shall be counseled in addition to any disciplinary action taken under subsections (c) and (d).

(f) No action amounting to serious discipline shall be imposed on students for committing class D offenses.

(g) No suspension or serious discipline shall be imposed on any student because of class cutting or truancy.

(h) The disciplinary action options of subsections (c) and (d) shall be construed as disciplinary actions within a school year.

(i) Disciplinary actions may be carried over to the following school year if the offense is committed within twenty school days from the last instructional day for students in that school year. [Eff 9/1/82; am and ren §8-19-5, 5/23/86; am and comp 7/19/93; am and comp 5/19/97, am and comp 2/22/01; am and comp 9/10/09] (Auth: HRS §302A-1112) (Imp: HRS §§302A-1112, 302A-1134, 302A-1134.5)

7. Determining Appropriate Disciplinary Actions



Key Messages/Reminders

- School administrators need to consider the “five factors” in determining appropriate disciplinary actions for each student.
- Interventions and student supports to teach students appropriate behaviors must be provided when disciplinary actions are given.
- Disciplinary consequences and punishment are only temporary reliefs to stopping inappropriate behaviors.
- Disciplinary consequences need to be developmentally and situation appropriate.
- Providing appropriate disciplinary actions is an instructional approach. When students misbehave, appropriate social replacement behaviors need to be taught and practiced.

“Five Factors” For Determining Disciplinary Actions

In determining appropriate disciplinary actions, the principal or designee shall consider the following factors which are the:

1. intention of the offender
2. nature and severity of the offense
3. impact of the offense on others including:
 - a. whether the action was committed by an individual or a group of individuals such as a gang
4. age of the offender
5. repeat offender status of the student

Chapter 19 Disciplinary Options

The following are the current Chapter 19 disciplinary options that may be administered by school administrators for grades kindergarten through twelve when providing a consequence for an offense that has been committed under this chapter.

1. Correction and conference with student
2. Detention
3. Crisis removal
4. Individualized instruction related to student’s problem behaviors
5. In-school suspension
6. Interim alternate education setting
7. Loss of privileges
8. Parent conferences
9. Time in office
10. Suspension of one to ten school days

7. Determining Appropriate Disciplinary Actions

11. Suspension of eleven or more school days
12. Saturday school
13. Disciplinary transfer
14. Referral to alternative education programs
15. Dismissal
16. Restitution

Additional Disciplinary Actions

The following actions shall also be noted when providing any Chapter 19 disciplinary action:

1. All students shall be counseled in addition to any disciplinary action taken.
2. No action amounting to serious discipline shall be imposed on students for committing class D offenses.
3. No suspension or serious discipline shall be imposed on any student because of class cutting or truancy.

School Disciplinary Handbooks

Should your school guidelines indicate predetermined consequences for particular offense types, e.g., “five day suspension for smoking,” “3 day detention for insubordination.” These guidelines and consequence charts are to be deleted.

Disciplinary actions are not pre-determined and must be based on the “five factors” and are customized for individual students based on the particular incident and on need and developmental appropriateness.

An Instructional Approach

Determining appropriate disciplinary actions is an instructional approach. With the national emphasis on positive behavioral interventions and supports, schools must begin to view disciplinary actions/consequences as teaching opportunities.

The perspective that students need assistance with developing appropriate social behaviors needs to be adopted when providing disciplinary consequences. A school climate that promotes punishment as a disciplinary consequence can lead to increases in anti-social behavior, breakdowns in student-teacher communications, and/or decreases in academic achievement. Punishment is only a temporary consequence and provides no model of teaching appropriate behaviors. When a student misbehaves, he/she shall be provided instructional supports to learn appropriate replacement skills.

7. Determining Appropriate Disciplinary Actions

Prerequisite for Determining Appropriate Disciplinary Consequences

A major prerequisite for determining and delivering effective consequences for disciplinary actions is having clearly defined schoolwide guidelines that distinguish between minor problem behaviors that should be handled by classroom teachers and major, serious, and/or illegal problem behaviors that should be referred to the school administration, i.e., classroom vs. office managed problem behaviors.

Classroom vs. office managed problem behaviors guidelines should be developed by the school's behavior support team and shared with all teachers and school support staff. Teachers and school support staff clearly need to know when it is appropriate to refer a student's problem behavior to school administration. Teachers need to be provided with professional development opportunities to learn how to prevent and respond to minor classroom disruptions quickly and effectively.

Delivering Disciplinary Consequences

Disciplinary consequences need to be developmentally and situation appropriate.

The basic purpose of providing a disciplinary consequence is to provide the following message: Appropriate behavior leads to positive consequences and inappropriate behavior leads to negative consequences. The following are examples of positive and negative consequences and how they should be delivered.

	Examples	Delivered
Positive Consequences	<ul style="list-style-type: none"> ☆ Teacher praise & approval ☆ Points ☆ Privilege, breaks ☆ Mystery awards ☆ Public recognition ☆ Contracts 	<ul style="list-style-type: none"> ☆ Frequently with ratio of 6 positives to 1 negative ☆ Consistently & immediately ☆ With some delay & with longer term reinforcers ☆ By varying types of reinforcers
Negative Consequences	<ul style="list-style-type: none"> ☆ Loss of teacher attention & approval ☆ Loss of privileges ☆ Removal from activity ☆ Isolation ☆ Parent contact 	<ul style="list-style-type: none"> ☆ Within teachers limits ☆ With consistency at each occurrence of problem behavior ☆ As mild consequences ☆ In conjunction with positives ☆ By maintaining student respect & dignity

7. Determining Appropriate Disciplinary Actions

Functional Behavioral Approach (FBA)

In addition to the above foregoing five factors for determining disciplinary actions, the principal or designee should also utilize a functional behavioral approach to determine targeted and appropriate intervention plans to address identified problem behaviors.

The functional behavioral approach is referred to as the functional behavioral assessment (FBA) process. The FBA process is a method of gathering information about situation events that predict and maintain a problem behavior. It is a team-based problem solving process that helps to determine the cause(s) or trigger(s), i.e., “function” of a problem behavior. Effective intervention plans are based on the hypothesized cause(s) of the problem behavior.

Data analysis from a FBA helps student support teams to develop targeted and effective behavioral support plans for all students, not only those eligible under Section 504 or IDEA. The use of the FBA process is applicable to analyzing any student behavioral issue.



Activity Worksheet Samples

Activity Worksheet	What/Purpose
Steps to Inform Teachers/Staff About Classroom vs. Office Managed Problem Behaviors	✓ A list of action steps school teams may use to assist in establishing schoolwide procedures to inform teachers/staff of when and when not to refer student problem behaviors to school administration
Disciplinary Actions As An Instructional Approach	✓ A list of guiding questions school administrators and school teams may use in determining appropriate disciplinary actions that provide positive and relevant learning opportunities for the student
Behavior Support Planning Guiding Questions	✓ A list of guiding questions school teams may use to help analyze problem behaviors using the functional behavioral assessment process to develop a behavior support plan
Teacher Referral Form	✓ A sample form for teachers/staff to use to submit referral information regarding an incident
School Incident Log Form For Administrators Use Only	✓ A sample form for summer directors or designees to use to record incident information

Steps to Inform Teachers/Staff About Classroom vs. Office Managed Problem Behaviors

Step 1:	<ul style="list-style-type: none"><input type="checkbox"/> School's behavior support team develops written schoolwide guidelines for classroom vs. office managed problem behaviors.<input type="checkbox"/> Written guidelines include:<ul style="list-style-type: none">○ Definitions and examples of minor, major, serious, and illegal problem behaviors.○ Procedures for teachers and school support staff as to how to manage and respond to minor and major problem behaviors.○ Examples of when it is and when it is not appropriate to refer to the office.○ A copy of the school's incident log with procedures for making an office referral.
Step 2:	<ul style="list-style-type: none"><input type="checkbox"/> School behavior support reviews and updates the school's current incident log referral form to align with the current data fields of eCSSS incident.
Step 3:	<ul style="list-style-type: none"><input type="checkbox"/> Written guidelines are distributed to teachers and school staff annually at the beginning of each school year.<input type="checkbox"/> Teachers and school support staff are inserviced on the guidelines.
Step 4:	<ul style="list-style-type: none"><input type="checkbox"/> Teachers and school support provided professional development opportunities for learning to prevent and respond to:<ul style="list-style-type: none">○ minor and common classroom problem behaviors such as disruptions and non-compliance.○ major and crisis emergency problem behaviors.○ the seven stages of escalating behaviors.

Disciplinary Consequences As An Instructional Approach

	Guiding Questions
<input type="checkbox"/>	1. Does the disciplinary process allow students to accept responsibility for their actions?
<input type="checkbox"/>	2. Does the disciplinary process continually place importance on the value of academic participation and achievement?
<input type="checkbox"/>	3. Does the disciplinary action build positive self-image?
<input type="checkbox"/>	4. Does the disciplinary action teach students alternative methods of dealing with problems?
<input type="checkbox"/>	5. Did the application of the identified consequence increase the demonstration of the appropriate student behaviors and decrease/eliminate the intensity of the inappropriate behavior?

Behavior Support Planning Guiding Questions

✓	Guiding Questions
<input type="checkbox"/>	1. What is/are the student's problem behavior(s)? Describe in observable terminology.
<input type="checkbox"/>	2. When do these behaviors occur most frequently?
<input type="checkbox"/>	3. What are the triggers for the problem behaviors? Academic? Instructional? Transitional? Social/Emotional?
<input type="checkbox"/>	4. What are possible motivations for the problem behaviors?
<input type="checkbox"/>	5. To obtain/gain or to avoid/escape?
<input type="checkbox"/>	6. What are the maintaining consequences for the problem behavior?
<input type="checkbox"/>	7. Why does the student continue to engage in the problem behaviors?
<input type="checkbox"/>	8. After the student acts up – what happens?
<input type="checkbox"/>	9. What interventions have been tried in the past to address the problem behaviors? Have they been effective?

TEACHER REFERRAL FORM

Incident:

Person Initiating Incident Information: First Name _____ Last Name _____	Job Position: _____
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Incident Date: _____	Incident Time: ___AM ___PM	Incident Location: _____	Location Details: _____
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Description of Incident:

Witness(es): _____ **None**

Witness A: ___Student ___Non-student First Name Last Name: _____	Witness D: ___Student ___Non-student First Name Last Name: _____
Witness B: ___Student ___Non-student First Name Last Name: _____	Witness E: ___Student ___Non-student First Name Last Name: _____
Witness C: ___Student ___Non-student First Name Last Name: _____	Witness F: ___Student ___Non-student First Name Last Name: _____

Victim(s): _____ **None**

Victim A: ___Student ___Non-student First Name Last Name: _____	Victim D: ___Student ___Non-student First Name Last Name: _____
Victim B: ___Student ___Non-student First Name Last Name: _____	Victim E: ___Student ___Non-student First Name Last Name: _____
Victim C: ___Student ___Non-student First Name Last Name: _____	Victim F: ___Student ___Non-student First Name Last Name: _____

Suspect(s): _____ **None**

Suspect A: First Name Last Name: _____	Suspect F: First Name Last Name: _____
Suspect B: First Name Last Name: _____	Suspect G: First Name Last Name: _____
Suspect C: First Name Last Name: _____	Suspect H: First Name Last Name: _____
Suspect D: First Name Last Name: _____	Suspect I: First Name Last Name: _____
Suspect E: First Name Last Name: _____	Suspect J: First Name Last Name: _____

School Incident Log Form

FOR ADMINISTRATORS USE ONLY

REMINDER: To determine and substantiate the appropriate offenses that were committed in an incident, the elements of each offense definition must be carefully examined and identified. Refer to Section 5 of this Implementation Guide to utilize the “stack and shred” method to determine the appropriate offense with its definitions and elements.

Offenses/Allegations of Incident: Check all that apply. Highlight those that were verified & substantiated.

<p>Class A:</p> <input type="checkbox"/> Assault <input type="checkbox"/> Burglary <input type="checkbox"/> Dangerous instrument, or substance <input type="checkbox"/> Dangerous weapons <input type="checkbox"/> Drug paraphernalia <input type="checkbox"/> Extortion <input type="checkbox"/> Fighting <input type="checkbox"/> Firearms <input type="checkbox"/> Homicide <input type="checkbox"/> Illicit drugs <input type="checkbox"/> Intoxicating substances <input type="checkbox"/> Property damage or vandalism <input type="checkbox"/> Robbery <input type="checkbox"/> Sexual offenses <input type="checkbox"/> Terroristic threatening	<p>Class B:</p> <input type="checkbox"/> Bullying <input type="checkbox"/> Cyberbullying <input type="checkbox"/> Disorderly conduct <input type="checkbox"/> False alarm <input type="checkbox"/> Forgery <input type="checkbox"/> Gambling <input type="checkbox"/> Harassment <input type="checkbox"/> Hazing <input type="checkbox"/> Inappropriate or questionable uses, or both of internet materials or equipment, or both; <input type="checkbox"/> Theft <input type="checkbox"/> Trespassing	<p>Class C:</p> <input type="checkbox"/> Abusive language <input type="checkbox"/> Class cutting <input type="checkbox"/> Insubordination <input type="checkbox"/> Laser pen/laser pointer; Leaving campus without consent <input type="checkbox"/> Smoking or use of tobacco substances <input type="checkbox"/> Truancy	<p>Class D:</p> <input type="checkbox"/> Contraband <input type="checkbox"/> Minor problem behaviors <ul style="list-style-type: none"> ▪ “Defiance/disrespect/non-compliance” ▪ “Disruption” ▪ “Dress code violation” ▪ “Inappropriate language” ▪ “Physical contact” ▪ “Property misuse” ▪ “Tardy” <input type="checkbox"/> Other school rules.
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Additional Information Needed

<p>Dangerous Instrument or substance: Primary Instrument = _____</p> <p>Check all that apply:</p> <input type="checkbox"/> Knives <input type="checkbox"/> Pipe bomb devices <input type="checkbox"/> Fireworks <input type="checkbox"/> Pepper spray <input type="checkbox"/> Mace <input type="checkbox"/> Martial Art Devices <input type="checkbox"/> Pipe <input type="checkbox"/> Stick <input type="checkbox"/> Baseball bat <input type="checkbox"/> Other: _____	<p>Firearms: Primary Firearm = _____</p> <p>Check all that apply:</p> <input type="checkbox"/> Starter gun <input type="checkbox"/> Handgun <input type="checkbox"/> Shotgun <input type="checkbox"/> Rifle <input type="checkbox"/> Airgun: General <input type="checkbox"/> Airgun: BB gun/Pellet gun <input type="checkbox"/> Airgun: Paintball gun <input type="checkbox"/> Crossbow <input type="checkbox"/> Explosive/Incendiary/Poison Gas <input type="checkbox"/> Other: _____
<p>Dangerous Weapon: Primary Weapon = _____</p> <p>Check all that apply:</p> <input type="checkbox"/> Billy <input type="checkbox"/> Blackjack <input type="checkbox"/> Butterfly knife <input type="checkbox"/> Dagger <input type="checkbox"/> Dirk <input type="checkbox"/> Metal Knuckles <input type="checkbox"/> Slug shot <input type="checkbox"/> Switchblade knife <input type="checkbox"/> Other: _____	<p>Illicit Drugs:</p> <p>Check all that apply:</p> <p>Cocaine: ___Use ___Possession ___Sale ___Under influence Heroin: ___Use ___Possession ___Sale ___Under influence Marijuana: ___Use ___Possession ___Sale ___Under influence Methamphetamine: ___Use ___Possession ___Sale ___Under influence Steroids: ___Use ___Possession ___Sale ___Under influence Inappropriate use of pharmaceutical drugs: ___Use ___Possession ___Sale ___Under influence Other: _____</p>

School Incident Log Form
FOR ADMINISTRATORS USE ONLY

Additional Information Needed

<p>Intoxicating substance use:</p> <p>Alcohol: ___Use ___Possession ___Sale ___Under influence</p> <p>Kava: ___Use ___Possession ___Sale ___Under influence</p> <p>Betel Nut: ___Use ___Possession ___Sale ___Under influence</p> <p>Other: _____</p>	<p>Bullying:</p> <p><input type="checkbox"/> Verbal</p> <p><input type="checkbox"/> Graphic</p> <p><input type="checkbox"/> Physical Act</p> <p><input type="checkbox"/> Written</p>	<p>Select primary reason for offense of Bullying:</p> <p><input type="checkbox"/> Person's race</p> <p><input type="checkbox"/> Person's color</p> <p><input type="checkbox"/> National origin</p> <p><input type="checkbox"/> Ancestry</p> <p><input type="checkbox"/> Sex including gender identity</p> <p><input type="checkbox"/> Religion</p> <p><input type="checkbox"/> Disability</p> <p><input type="checkbox"/> Sexual orientation</p> <p><input type="checkbox"/> Other _____</p>
<p>Harassment:</p> <p>Check all that apply:</p> <p><input type="checkbox"/> Strike, shove, kick, touch in an offensive manner or offensive physical contact</p> <p><input type="checkbox"/> Insult, taunt, or challenge in manner likely to provoke violent response</p> <p><input type="checkbox"/> Verbal or non-verbal expression causing one to feel uncomfortable, pressured, threatened, or in danger</p> <p><input type="checkbox"/> Name calling, rude gestures, insult, teasing</p> <p><input type="checkbox"/> Telephone call without legitimate communication</p> <p><input type="checkbox"/> Repeated communications anonymously</p> <p><input type="checkbox"/> Causing fear</p> <p><input type="checkbox"/> Physical harming, physical restraining, threatening, stalking</p>	<p>Select primary reason for offense of Harassment:</p> <p><input type="checkbox"/> Person's race</p> <p><input type="checkbox"/> Person's color</p> <p><input type="checkbox"/> National origin</p> <p><input type="checkbox"/> Ancestry</p> <p><input type="checkbox"/> Sex including gender identity</p> <p><input type="checkbox"/> Religion</p> <p><input type="checkbox"/> Disability</p> <p><input type="checkbox"/> Sexual orientation</p> <p><input type="checkbox"/> Other _____</p>	

Disciplinary Action Provided

<p><input type="checkbox"/> Correction and conference with student</p> <p><input type="checkbox"/> Detention</p> <p><input type="checkbox"/> Crisis removal</p> <p><input type="checkbox"/> Individualized instruction related to student's problem behaviors</p> <p><input type="checkbox"/> Interim alternate educational setting</p>	<p><input type="checkbox"/> In-school suspension</p> <p><input type="checkbox"/> Loss of privileges</p> <p><input type="checkbox"/> Parent conferences</p> <p><input type="checkbox"/> Time in office</p> <p><input type="checkbox"/> Suspension of one to ten school days</p> <p><input type="checkbox"/> Suspension of eleven or more school days</p>	<p><input type="checkbox"/> Saturday school</p> <p><input type="checkbox"/> Disciplinary transfer</p> <p><input type="checkbox"/> Referral to alternative education programs</p> <p><input type="checkbox"/> Dismissal</p> <p><input type="checkbox"/> Restitution</p>
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School Incident Log Form

FOR ADMINISTRATORS USE ONLY

**Information needed to complete
Crisis Removal Notification and Investigation Findings and Discipline Forms**

Allegations of the Incident:
Allegations that were substantiated: List each offense separately with specific elements substantiated.
Witness Summary/Other Evidence:
Summary of Investigation Findings:
Reasons for Disciplinary Determination Action:

Crisis Removal

No. of crisis removal days	Crisis removal start date:	Crisis removal end date:
Crisis removal return to school date:	Crisis Removal Description:	

Suspension Dates

No. of suspension days	Suspension start date:	Suspension end date:	Suspension return to school date:
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Conference Information (Student Profile/Suspect Form/Discipline tab)

Conference Date:	Conference Time:	Conference Location:
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Section 8

Crisis Removal

8. Crisis Removal

Reference (page 19-22)

§8-19-7 Crisis removal. (a) A principal or designee, **in an emergency, may crisis remove a student immediately** based upon preliminary inquiry and findings that the student's conduct **presents a clear immediate threat** to the physical safety of self or others or is so extremely disruptive as to make the student's immediate removal necessary to preserve the right of other students to pursue an education free from undue disruption.

(b) Upon imposition of a crisis removal, schools shall make a **good faith effort to inform the parent immediately by telephone.**

(c) **A follow-up written notice** of the crisis removal shall be personally delivered or mailed to the parent. The notice of the crisis removal shall contain the following written statements:

- (1) **Allegations of the specific acts committed by the student that form the basis of the crisis removal;**
- (2) **The allegations of the specific acts that were substantiated;**
- (3) **A statement of the disciplinary action(s); and**
- (4) **A statement of a conference date, time, and place offered by the school administration to meet with the parent.**

A copy of the crisis removal notice shall be mailed to the complex area superintendent. In addition to the crisis removal notice required by this subsection, the principal or designee shall attempt to confirm the notice by telephoning the parent.

(d) A student who is the subject of a crisis removal shall be **permitted to resume attendance at school as soon as the crisis no longer exists.**

(e) A crisis removal **shall not continue for more than ten school days, except** when approved by the complex area superintendent during an appeal. [Eff 9/1/82; am and ren §8-19-6, 5/23/86; am and comp 7/19/93; comp 5/19/97; comp 2/22/01; am and comp 9/10/09] (Auth: HRS §302A-1112) (Imp: HRS §302A-1112)

8. Crisis Removal

Requirements for Principals and/or Designee

- Need to determine how long the crisis is likely to exist. A crisis removal can only be for the time period the principal or designee assesses the crisis exists.
- If a crisis removal continues to exist and regular disciplinary action has not yet been imposed, crisis removal can continue and parents must be notified properly.
- If a crisis removal no longer exists, but the student is still on crisis removal, the principal or designee shall bring the student back to school immediately.
- Principal or designee must be able to articulate the crisis, (i.e., the immediate threat to the physical safety of self or others or disruption) for each and every day of the crisis removal.
- Crisis removals cannot be used for purposes of allowing the school to finish the investigation.



Key Messages/Reminders

- There must be a school emergency and a clear immediate threat to justify crisis removing a student.
- Upon imposition of a crisis removal, the principal or designee shall make a good faith effort to inform the parent immediately by telephone.
- The Chapter 19 Confidential Crisis Removal Notification form shall be personally delivered or mailed to the parent. The principal or designee shall attempt to confirm the notice by telephoning the parent.
- A student shall be permitted to return to school as soon as the crisis no longer exists. A safety plan must be developed and in place to allow a student to return to school.
- A crisis removal shall not continue for more than ten school days, except when approved by the complex area superintendent during an appeal.
- Crisis removal days are counted towards the cumulative count of removal and suspension days for regular education, IDEA and Section 504 eligible students.

Purpose

The purpose of crisis removing a student from the school campus is to ensure safety of self and others during a school emergency where a clear immediate threat exists.



Frequently Asked Questions

The following is a series of questions and answers regarding crisis removal.

8. Crisis Removal

Authority to Crisis Remove

1. Who has the authority to crisis remove a student?
 - The school principal or designee in an emergency may immediately crisis remove a student from one to ten school days.
 - Should a crisis continue to exist for more than ten school days, the authority to approve the extension of the crisis removal is with the complex area superintendent during an appeal.

Prerequisites for Crisis Removing

2. What are the prerequisites for conducting a crisis removal?
 - A school emergency must exist. For example: A student with firearm threatening to shoot others or a student with a knife indicating that he/she is going to use it to get back at his friends.
 - In addition, there must be a clear and immediate threat to the physical safety of self and others OR the situation is so extremely disruptive that it makes the student's removal necessary to ensure the rights of other students to continue their education free from undue disruption.

Crisis Removal and Targeted Students

3. If communication is received that a "gang" is coming to your school campus to attack a student, can this targeted student be crisis removed?
 - No, it is a student's active conduct that presents a clear immediate threat that qualifies him/her to be crisis removed. If a student is "targeted" the school shall take other measures to ensure his/her safety.

Parental Contact and Notification

4. When should a parent be contacted if their child is being crisis removed?
 - The school shall make a good faith effort to inform the parent immediately by telephone.
 - Parents should also be contacted to see if they received the Chapter 19 Confidential Crisis Removal Notification.

Documentation of Crisis Removal

5. Where are attempts to contact the parent documented?
 - Attempts to contact the parent are documented in eCSSS Incident Notification tab.

8. Crisis Removal

6. What written documentation is required for crisis removing a student?
 - The Chapter 19 Confidential Crisis Removal Notification shall be personally delivered or mailed to the parent in a timely manner.
 - A copy of the Chapter 19 Confidential Crisis Removal Notification shall also be forwarded to the complex area superintendent.
7. Who signs and completes the Crisis Removal Notification form?
 - The school principal or designee

Counting of Crisis Removal Days

8. Are crisis removal days counted towards a student's cumulative removal and suspension days?
 - Yes, crisis removal days are counted towards a student's cumulative removal and suspension days whether he/she is a general education, IDEA or Section 504 eligible student.
 - For students with disabilities, if a student's cumulative or consecutive days exceeds 10 school days in a school year, the school must conduct a manifestation determination. The student's IEP team determines appropriate services to enable the student to continue to receive educational services so as to enable the student to continue to participate in the general education curriculum although in another setting, and to progress in meeting the goals set out in the student's individualized education program (IEP).
(HAR §8-60-75(d)(4))

Providing Alternate Educational Activities

9. Do alternative educational activities need to be provided for students who are crisis removed?
 - Yes, for all students who are crisis removed for one to ten consecutive or cumulative school days, the principal or designee is required to provide at least homework activities based on the student's needs.
 - For all students who are crisis removed for a period exceeding ten school days, the complex area superintendent shall ensure that alternative educational activities or active participation of the public or private agencies are provided as appropriate.



Administrator's Checklist

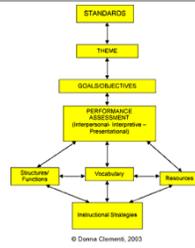
Checklist	What/Purpose
School Emergency Preparedness Checklist	✓ A list of suggested action steps a school should follow in being ready to address school emergencies
Administrator's Crisis Removal Checklist	✓ A list of suggested action steps for a school administrator to follow in when implementing a crisis removal

School Emergency Preparedness Checklist

Action 1: School Safety Plan	<input type="checkbox"/> School reviews and updates their SCHOOL SAFETY PLAN annually. <input type="checkbox"/> School has a SCHOOL SAFETY PLAN that is reviewed with staff during the school's safety training before the start of each school year.
Action 2: Emergency Drill Practices	<input type="checkbox"/> School routinely practices crisis emergency response drills with students, faculty, and staff. These drills include but are not limited to the following: lockdown procedures, shelter in place, bomb threat, intruder on campus, fire, tsunami, hurricane, earthquake, active threat on campus, hazardous materials, etc. <input type="checkbox"/> School during first semester completes practice drills for: 1. Earthquake 2. Shelter-in-place 3. Off campus evacuation 4. Lockdown (required by Safety, Security, & Emergency Preparedness Branch) <input type="checkbox"/> School practices fire drills on a monthly basis. (required by Safety, Security, & Emergency Preparedness Branch)
Action 3: Posting of Emergency Guides, Plans	<input type="checkbox"/> A copy of the guide, Emergency Procedures Guide, October 2009 (Safety, Security, & Emergency Preparedness Branch) is visibly posted near exits, or next to the teacher's desk, and clearly visible in every classroom, gym, cafeteria, office, and other occupied locations. <input type="checkbox"/> A copy of the schools Emergency Management Plan is visibly posted in every classroom and other school occupied locations.
Action 4: School Emergency Response Team Members	<input type="checkbox"/> A current listing of the school emergency response team members with phone numbers is available. <input type="checkbox"/> Response team members have been trained in CPR and First Aid.
Action 5: Warning & Notification	<input type="checkbox"/> Ensure staff and students are familiar with the school's warning systems. For example: color-coded cards, air horn, closed circuit television, public address system, message relay by adult runners, etc.

Administrator's Crisis Removal Checklist

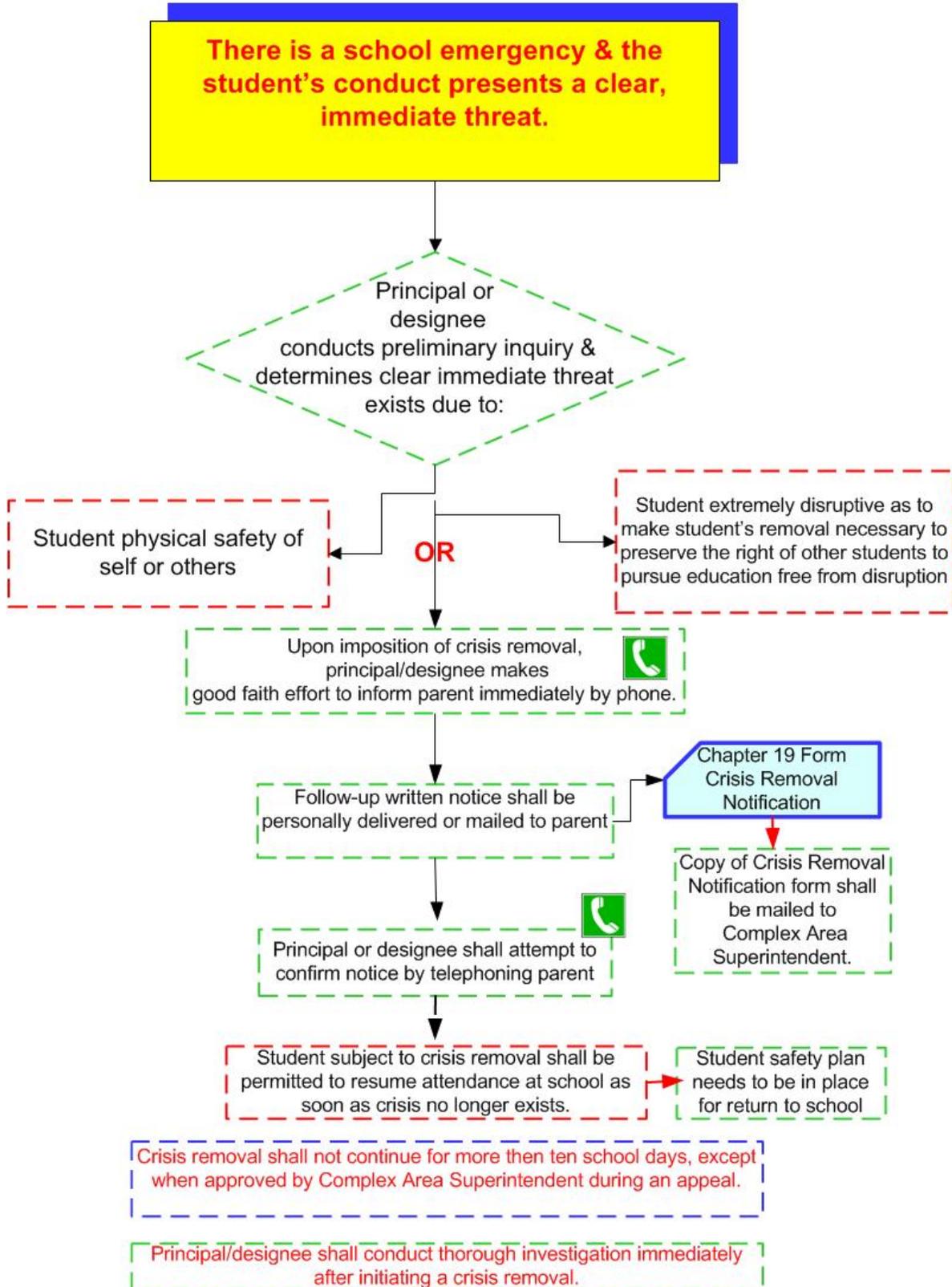
The Principal or Designee:	
Step 1:	<input type="checkbox"/> Determines school emergency exists due to student(s) demonstrated behavior(s).
Step 2:	<input type="checkbox"/> Is able to articulate that the student(s) is/are reported to be demonstrating a clear immediate threat to: <ul style="list-style-type: none"> • the physical safety of self or others OR • the student's conduct is so extremely disruptive as to make the student's immediate removal necessary to preserve the right of other students to pursue an education free from undue disruption.
Step 3:	<input type="checkbox"/> Follows schools crisis emergency procedures to secure safety of school campus for its students, faculty, and staff.
Step 4:	<input type="checkbox"/> Shall call the police if there is perceived danger of the student(s) behavior(s) that cannot be handled by school staff.
Step 5:	<input type="checkbox"/> Makes a good faith effort to inform parent(s) of the students involved of the situation immediately by telephone. Attempts to contact parent(s) are documented in eCSSS Incident/Notification tab.
Step 6:	<input type="checkbox"/> Removes student(s) from school setting once parent(s) has/have been informed of the situation. If the parent cannot be located, please refer to the student emergency contact information.
Step 7:	<input type="checkbox"/> Personally delivers or mails the Chapter 19 Confidential Crisis Removal Notification form to parent(s).
Step 8:	<input type="checkbox"/> Shall attempt to confirm receipt of the Crisis Removal Notification form by telephoning the parent.
Step 9:	<input type="checkbox"/> Sends a copy of Crisis Removal Notification form to the respective Complex Area Superintendent.
Step 10:	<input type="checkbox"/> Conducts a thorough investigation immediately following initial imposition of a crisis removal.
Step 11:	<input type="checkbox"/> Shall develop and implement a safety plan for the student(s) involved.
Step 12:	<input type="checkbox"/> Provides alternative educational activities.
Step 13:	<input type="checkbox"/> Provides appropriate follow-up student support services to student(s).
Step 14:	<input type="checkbox"/> Monitors the student(s)' situation and safety plan.
Step 15:	<input type="checkbox"/> With student support team, debrief the crisis removal incident.



Flowchart

- Crisis Removing A Student

HAR 8-19 Section 8-19-7
Crisis Removing A Student





Documentation & Navigation

- **Crisis Removal**

8. Crisis Removal

1. The crisis removal data fields are located in the Student Profile/Suspect Form/Discipline tab.
2. The crisis removal fields are activated by clicking “Open” in the lower left hand corner of the Discipline tab screen.

Suspect Form (*)

Student Name _____ Student ID _____ Birth Date _____ Gender _____ Grade _____ School _____

Incident | Offenses | Police | **Discipline** | Interventions | MD | CRAFT | CAS Appeal | Supt. Review | Expedited Due Process | Attachments

Disciplinary Out-of-School Days for Incident

Cumulative Disciplinary Out-of-School Days	School Year	Semester
Prior to Incident	0	0
Including Incident	12	12

Crisis Removal

Crisis Removal Days:

Crisis Removal Start: Crisis Removal End Date:

Crisis Removal Return to School Date:

Crisis Removal Description:

CAS Authorization Status:

Open

Disciplinary Action Summary

Add Disciplinary Action

Suspension

Disciplinary Action	Days	CAS Review Status
Suspension	12	Affirmed

Conference Date * Conference Time * Conference Location *

Concurrent Disciplinary Action:

3. A module will pop up with the crisis removal data fields.
4. Complete the Crisis Removal fields: crisis removal days, start date, end date, return to school and crisis removal description. The information completed in these fields will populate the Disciplinary Action on the Crisis Removal Notification form.

Crisis Removal

Crisis Removal Days *

Crisis Removal Start Date * Crisis Removal End Date * Crisis Removal Return to School Date

Crisis Removal Description:

8. Crisis Removal

5. If a student is being crisis removed for 11+ school days, verbal authorization from the CAS will be required. Crisis removal of more than 10 school days should be a rare circumstance as the school should have a safety plan in place by this time that should have allowed the student to return to school.
6. The CAS authorization data fields will automatically pop-up. Complete the data fields and click OK and SAVE.

The screenshot shows a web form titled "Crisis Removal (*)". The form contains several input fields: "Crisis Removal Days *" with the value "12"; "Crisis Removal Start Date *" with the value "11/08/2010"; "Crisis Removal End Date *" with the value "11/24/2010"; and "Crisis Removal Return to School Date" with the value "11/29/2010". Below these is a "Crisis Removal Description" text area. A red arrow points down to a section highlighted with a red border, which contains "CAS Authorization" (a dropdown menu with a "-" selected), "CAS Authorization Date" (a date field), "CAS Authorization Time" (a time field), and "CAS Authorization Explanation" (a text area).

7. Be sure to complete the offered conference date, time, and location on the Suspect form/Discipline tab/Disciplinary Action Summary. This will populate the Conference Information on the Crisis Removal Notification.

Hawaii Administrative Rules 8-19
January 2013

Suspect Form (*)

Student Name	Student ID	Birth Date	Gender	Grade	School						
<input type="text"/>											
Incident	Offenses	Police	Discipline	Interventions	MD	CRAFT	CAS Appeal	Supt. Review	Expedited Due Process	Attachments	
Disciplinary Out-of-School Days for Incident			Cumulative Disciplinary Out-of-School Days			School Year		Semester			
Total Disciplinary Out-of-School Days			Prior to Incident			0		0			
<input type="text" value="3"/>			Including Incident			3		3			
Crisis Removal			Disciplinary Action Summary								
Crisis Removal Days			Add Disciplinary Action								
<input type="text" value="3"/>			<input type="text" value="-"/> <input type="button" value="Add"/>								
Crisis Removal Start		Crisis Removal End Date		Disciplinary Action				Days		CAS Review Status	
<input type="text" value="11/08/2010"/>		<input type="text" value="11/10/2010"/>		<input type="text"/>				<input type="text"/>		<input type="text"/>	
Crisis Removal Return to School Date			Open Delete								
<input type="text" value="11/12/2010"/>			<input type="text"/>								
Crisis Removal Description			Conference Date * Conference Time * Conference Location *								
<input type="text"/>			<input type="text" value="11/08/2010"/> <input type="text" value="10:35 am"/> <input type="text" value="Principal's Office"/>								
CAS Authorization Status			Concurrent Disciplinary Action								
<input type="text"/>			<input type="text"/>								

8. Crisis Removal

8. Allegations of the Incident and Allegations that were Substantiated are completed in the Investigations tab of the Suspect form.

Incident

Incident Report Number School

Incident Offenses Witnesses Victims Suspects Notifications **Investigation**

Allegation(s) of Incident
State the "who, what, when, where" of the crisis removal incident.

Allegation(s) that were Substantiated
Clearly articulate what was the school emergency and the clear immediate threat to student(s) and/or others.

Witness Summary / Other Evidence

Summary of Investigation Findings

Reasons for Disciplinary Action Determination

9. Complete Notification Information in the Notification tab of School Profile. This will populate the notification attempts that were made to notify parent of the incident.
10. Be sure to select "Crisis Removal" under Notification Purpose to populate the Crisis Removal Notification form.

Incident Notification (*)

Notification Information

Notification Type: Suspect Student Name:

Notification Date: 11/08/2010 Notification Time: 12:15 pm

Notification Purpose: **Crisis Removal**

Notification Method: Phone Notification Outcome: Unable to Contact

Contacted By: Sandy Schoolist

Position: Principal

Comments:

Contact Details

Person Contacted: Judie Longsbach

Relationship to Student: Grandmother

Country: United States (US)

Street Address:

City: State: Zip Code:

Contact Phone:

11. Be sure to click OK and SAVE as you data enter your incident information.
12. Be sure to sign and date the form once generated and before providing to parent.

Chapter 19 Confidential Crisis Removal Notification (page 1 of 2)

	STATE OF HAWAII DEPARTMENT OF EDUCATION	CHAPTER 19 CONFIDENTIAL CRISIS REMOVAL NOTIFICATION														
<p>To Parent of or Adult Student: _____</p> <p style="margin-left: 40px;">Student's Name _____</p> <p style="margin-left: 40px;">Mail Address _____</p> <p style="margin-left: 100px;">School: _____ Grade: _____</p> <p style="margin-left: 100px;">Student ID: _____ Date of Birth: _____</p> <p style="margin-left: 100px;">Incident Date: _____ Incident Number: _____</p> <p>This is an official notification to inform you that your child has been "crisis removed" based on Hawaii Administrative Rules, Title 8, Department of Education, Chapter 19. As defined in Chapter 19 Section 8-19-2, "crisis removal" means the immediate exclusion of a student from school in an emergency, because the conduct of the student presents a clear, immediate threat to the physical safety of self or others, or the student is so extremely disruptive as to make the immediate removal of the student necessary to preserve the right of other students to pursue their education free from undue disruption.</p> <p>While a student is on "crisis removal" he/she is not allowed on any public school campus, or other department of education premises, on department of education transportation or during a department of education sponsored activity or event on or off school property during the specified interim. If a student appears on the department of education premises as cited above, he/she may be referred to the police for trespassing and/or subsequent consequences under Chapter 19.</p> <p>1. Description of crisis removal based on a clear, immediate threat or evidence that a student is so extremely disruptive as make the immediate removal of the student necessary or the immediate removal of the student is necessary to preserve the right of other students to pursue their education free from undue disruption:</p> <p>2. Allegation(s) of incident:</p> <p>3. Allegation(s) that were substantiated (list each offense):</p> <p>4. Disciplinary Action:</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-left: 40px;"> <thead> <tr> <th style="width: 15%;">Crisis Removal</th> <th style="width: 15%;">No. of School Days</th> <th style="width: 15%;">Start Date</th> <th style="width: 15%;">End Date</th> <th style="width: 15%;">Return to School Date</th> <th style="width: 15%;">No. of School Days Total Semester</th> <th style="width: 15%;">No. of School Days Total School Year</th> </tr> </thead> <tbody> <tr> <td> </td> </tr> </tbody> </table> <p>Police Arrest: <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>5. Conference Information: A conference has been scheduled for you to meet with a school administrator regarding this incident (section 8-19-7(c) (4)). Date: _____ Time: _____ Place: _____</p>			Crisis Removal	No. of School Days	Start Date	End Date	Return to School Date	No. of School Days Total Semester	No. of School Days Total School Year							
Crisis Removal	No. of School Days	Start Date	End Date	Return to School Date	No. of School Days Total Semester	No. of School Days Total School Year										

Section 9

Suspension

9. Suspension

Reference (page 19-23)

§8-19-8 Suspension. (a) Whenever a principal or designee has reason to believe that a student has engaged in activity warranting the imposition of suspension, the principal or designee shall immediately conduct an investigation of the incident. Upon completion of the investigation and findings, the student may be suspended if the principal or designee finds that the findings are sustained. The principal or designee shall inform the parent in writing of the findings and the disciplinary actions.

(b) If the student or parent denies the charge(s), the principal or designee shall indicate to the student and parent what evidence school authorities have to support the findings of the school official. The student or parent, or both shall be given an opportunity to present the student's version of the incident. However, where the student is unable to understand the seriousness of the charges, the nature of the proceedings, and consequences thereof, or is of such age, intelligence or experience as to make meaningful discussion difficult, the principal or designee shall request that the parent be present to participate in the discussion.

(c) If the total number of days in any single semester for suspensions exceeds ten school days, the due process procedures of this chapter shall apply unless otherwise indicated by law.

(d) The parent shall be given verbal notice of any suspension regardless of its length. Prior notice for suspension shall be by telephone, if feasible, and the written notice personally delivered or mailed to the parent upon completion of the investigation. The suspension notice shall contain the following written statements:

- (1) Allegations of the specific acts committed by the student that form the basis of the suspension;
- (2) The allegations of the specific acts that were substantiated;
- (3) A statement of the disciplinary action(s); and
- (4) A statement of a conference date, time, and place offered by the school administration to meet with the parent.

A copy of the notice shall be mailed to the complex area superintendent. In addition to the notice required by this subsection, the principal shall attempt to confirm the notice by telephoning the parent. [Eff 9/1/82; am and ren §8-19-7, 5/23/86; am and comp 7/19/93; comp 5/19/97; am and comp 2/22/01; am and comp 9/10/09] (Auth: HRS §302A-1112) (Imp: HRS §302A-1112)

Reference (page 19-27)

§8-19-11 Alternate educational activities and other assistance when students are found to be in violation of this chapter. (a) The complex area superintendent shall ensure that alternate educational activities or active participation of the public or private agencies are provided as appropriate for all students who are crisis removed for a period exceeding ten school days or suspended for a period exceeding ten school days.

(b) For all students who are suspended for one to ten school days, the principal or designee may consider providing alternate educational activities based on student's need.

(c) The Hawaii administrative rules for students with disabilities shall apply for students eligible under this chapter. [Eff 9/12/82; am and ren §8-19-10, 5/23/86; comp 7/19/93; comp 5/19/97; comp 2/22/01; am and comp 9/10/09] (Auth: §302A-1112) (Imp: HRS §§302A-1112, 302A-1128)

9. Suspension



Key Messages/Reminders

- Suspensions are not mandatory disciplinary actions.
- Suspensions are only consequences and they are not interventions.
- Suspensions are provided only if it is an effective strategy for improving student behavior. By applying the suspension, were the inappropriate behaviors reduced or eliminated?
- Any suspension regardless of its length requires written notification of the following Chapter 19 confidential forms: (1) Investigation Notice and (2) Investigation Findings and Discipline.
- Manifestation Determinations must be conducted for IDEA or Section 504 eligible students when the accumulated suspension exceeds 10 school days.
- Any student who is suspended **remains active** on the school attendance roster and is marked "Absent-Excused" with a reason of "Suspended."
- eCSSS Navigation and Chapter 19 forms: Be sure "Investigations Findings" is selected for Notification Purpose in the Notifications tab of the School Profile/Incident to populate the Investigations Findings form with attempts to contact parent.
- eCSSS Navigation and Chapter 19 forms: Be sure for serious discipline incidents that the CAS Authorization tab is completed by school administrator with CAS affirmed as the status for the disciplinary action to be populated on the Investigation Findings and Discipline form.

Purpose

The purpose of suspending a student is to exclude the student from school for a specific period of time during a school year as there are issues related to safety and disruption distracting from the educational process.

Background Information

Historically the intent of providing suspensions for challenging and difficult student behaviors, was to see a decrease in violence, drug use and other inappropriate student behaviors on campus.

In the mid-1980s, with the advent of zero-tolerance policies, an increased use of suspension as a disciplinary consequence for student misconduct was observed.

Suspensions, detentions, in-school suspension, etc. have been traditional means of consequence for inappropriate student behaviors. Suspensions and detentions are only "consequences" that indicate the seriousness of an incident and they are not interventions.

9. Suspension

Current Research

A variety of current research and evidence has led to questioning the effectiveness of suspension as a student disciplinary action. The emerging research indicates that suspensions are not likely to change the inappropriate behavior of the students involved, nor do they serve to deter other students from engaging in the same behaviors (Skiba, Peterson & Williams, 1999, 1997). The consequence of suspensions make the suspended student's academic progress more difficult and may increase the likelihood of the student dropping out of school or having other negative outcomes such as decreasing a student's self esteem.

Suspensions may provide a temporary consequence for students with minor problem behaviors, but is not effective for students who are repeat offenders or those with chronic intense behavioral challenges. In addition, suspensions often fail to deter future misconduct and also fail to address underlying causes for inappropriate behavior.

Student problem behaviors escalate when students find themselves without the skills necessary to behave in a desirable manner. To succeed, skills such as academic competence, anger management, impulse control, conflict resolution, and social problem-solving are important for effective participation in the school environment. The critical question to be addressed is, "What does the student need to know and be able to do to behave appropriately?"

As a result, the need to consider alternatives to suspension becomes critical in examining school disciplinary policies.

References: Skiba R.J., Peterson, R.L. & Williams, T. (January, 1999). The dark side of zero tolerance: Can punishment lead to safe schools? *Phi Delta Kappan*, 80(5), 372-381.
Skiba R.J., Peterson, R.L. & Williams, T. (August, 1997). Office referrals and suspension: Disciplinary intervention in middle schools. *Education and Treatment of Children*, 20(3), 1-21.

Alternatives to Suspensions

Community service is one example of an alternative to suspensions.

Community service programs provide suspended students with:

- meaningful and relevant activities to occupy their time during absence from school,
- teaching students the value of service to the community,
- introducing students to positive role models and mentors who serve to help facilitate building social and career ready skills, and
- opportunities to learn responsibility, altruism, and empathy.

The following is a list of possible alternatives to suspensions.

9. Suspension

Alternatives To Suspension

Problem Behavior	Consequence
Fighting in hallway	<ul style="list-style-type: none"> • Losing privilege of walking in the hall during normal passing time • Having to walk in hallway supervised by adult • Spending time in conflict resolution/peer mediation • Creating a video on how to prevent fighting in the hallway • Becoming student leader that helps mediate school fights with school administration
Smoking in the bathroom	<ul style="list-style-type: none"> • Student escorted to bathroom by adult who waits outside • Student asked to write a research paper on negative effects of smoking • Student volunteers time at the Cancer Society
Recess problems	<ul style="list-style-type: none"> • Losing recess time • Creating a “recess school” – social skills training provided during recess time • Isolated during recess time
Cyberbullying	<ul style="list-style-type: none"> • Losing school computer privileges • Writing and verbal apologizing to bullied student • Participating in counseling class about bullying • Doing a supervised act of kindness for the victim • Writing a research paper on the long-term negative effects of bullying
Swearing at someone	<ul style="list-style-type: none"> • Developing a list of words to express frustration appropriately • Writing a list of compliments about the other person • Apologizing to the person • Participating in a school play learning to talk appropriately to others

9. Suspension

Authority to Suspend

The following table summarizes the authority of the school principal/designee or the complex area superintendent to suspend a student for one to ten school days or for 11 or more school days.

	Consecutive or Cumulative 1-10 school days	Consecutive or Cumulative 11+ School Days
	Authority	Authority
General education students (per semester count)	Principal or designee	Complex Area Superintendent
IDEA eligible students (per school year count)	Principal or designee	Complex Area Superintendent
Section 504 eligible students (per school year count)	Principal or designee	Complex Area Superintendent

Prior to Suspending

Prior to suspending a student, the following items/actions should be taken into consideration. A copy of these items is included in the Administrator's Checklist section.

- Determine whether student is **general education, IDEA or Section 504 student**.
- Check to see if past incidents have been committed and his/her current cumulative days of suspension for semester or school year.
- Do **checks** on the following: **attendance, report cards, test scores**, class performance, graduation credit, **current IEP or 504 Plan** and services receiving.
- **Investigate & interview thoroughly** all parties involved. Gather all information, **collects facts and evidence** related to incident. Listen to "**all sides of the story**" from all involved.
- Identify what **offenses have allegedly been violated**. Describe incident allegations in clear **behavioral terminology** stating the "who, what, when, where."
- Complete **Elements Checklist** to determine appropriate offenses committed.
- Determine what **allegations have been substantiated**, summary of witness and other evidence, summary of investigation findings and rationale for suspension.

Providing Alternate Educational Activities

For students who are suspended for one to ten school days, at least homework instruction should be provided based on the student's needs.

9. Suspension

For students who are suspended for eleven or more school days or for serious discipline, alternative instructional activities as appropriate shall be provided which includes feedback interaction with school personnel.

IDEA and Section 504 Eligible Students With Suspensions Exceeding 10 School Days

The following chart summarizes procedures that need to be considered when suspending IDEA or Section 504 eligible students who have accumulated 11 or more school days of suspension in a school year.

Students eligible & in process of being evaluated for	Procedural requirements to be conducted					
	Manifestation Determination	Manifestation Determination for drug or alcohol possession	Manifestation Determination for drug or alcohol use	Functional Behavioral Assessment & Plan	Free Appropriate Public Education	Interim alternate education setting (IAES)
Chapter 60 (IDEA)	Yes	Yes	Yes	Yes	Yes	Yes
Chapter 61 (Section 504)	Yes	Yes	No	Legally "no," but strongly recommended	Yes, provide alternate educational activities	Yes

Manifestation Determination

If the total accumulated suspension days exceed 10 school days in a school year for IDEA or Section 504 eligible students, a manifestation determination (MD) must be conducted prior to the 10th suspension day.

A MD must be conducted to determine whether the conduct was:

1. caused by, or had a direct and substantial relationship to the student's disability; or
2. the direct result of the school's failure to implement the IEP or Section 504 plan.

The MD is completed as part of an IEP or Section 504 meeting. No suspension can be imposed beyond the 10th day of suspension until the MD is completed. The IEP or Section 504 team must convene no later than the 10th school day when:

- Principal/Designee is considering suspending a student for 11 or more cumulative or consecutive school days for the year for IDEA/Section 504 eligible students.
- A parent requests such a meeting following a disciplinary incident.
- A change in placement for 11 or more consecutive or cumulative school days is being sought for disciplinary reasons.

9. Suspension

Interim Alternative Educational Setting (IAES)

A student with a disability may be removed to an IAES for not more than 45 school days for violations under Chapter 19 involving drugs, weapons, or causing serious bodily injury to another student.

Attendance Status of Students Who Are Suspended

Any student who is suspended remains active on the school attendance roster and is marked "Absent-Excused" with a reason of "Suspended." For further information please refer to the School Attendance Policy Procedures memo of August 2, 2010.



Administrator's Checklists

Checklist	What/Purpose
Preparing to Suspend A Student Checklist	✓ A checklist of suggested action steps for a school administrator to follow when preparing to suspend a student
Manifestation Determination Team Checklist	✓ Identifies action steps when conducting a manifestation determination
Interim Alternative Educational Setting Checklist	✓ Identifies action steps when implementing an Interim Alternative Educational Setting

Preparing to Suspend Student Checklist

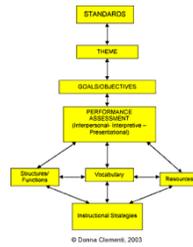
✓	Action	Source of Information
<input type="checkbox"/>	1. Determine whether student is general education, IDEA or Section 504 student.	Student Information System (eSIS)
<input type="checkbox"/>	2. Check to see if past incidents have been committed and his/her current cumulative days of suspension for semester or school year.	eCSSS Incident Student Profile
<input type="checkbox"/>	3. Do checks on the following: attendance, report cards, test scores , class performance, graduation credit, current IEP or 504 Plan and services receiving.	eCSSS Student Summary
<input type="checkbox"/>	4. Investigate & interview thoroughly all parties involved. Gather all information, collects facts and evidence related to incident. Listen to “all sides of the story” from all involved.	Suspects, victims, witnesses
<input type="checkbox"/>	5. Identify what offenses have allegedly been violated . Describe incident allegations in clear behavioral terminology stating the “who, what, when, where.”	Investigation information
<input type="checkbox"/>	6. Complete Elements Checklist to determine appropriate offenses committed.	Elements Checklist
<input type="checkbox"/>	7. Determine what allegations have been substantiated , summary of witness and other evidence, summary of investigation findings and rationale for suspension.	eCSSS Incident/School Profile/Investigation tab
<input type="checkbox"/>	8. Be sure that the Investigation Notice and Investigation Findings & Discipline forms are signed, dated and given to the parent.	eCSSS Incident/School Profile/Investigation tab

Manifestation Determination Team Checklist

✓	Actions
<input type="checkbox"/>	1. Prior to IEP/Section 504 meeting, information such as evaluation and diagnostic results, observations, current IEP/Section 504 plan, placement information and other relevant information provided by parents must be gathered for view by IEP/Section 504 team.
<input type="checkbox"/>	2. As part of discussion, the team must determine if: <ul style="list-style-type: none"> • The information gathered is sufficient to determine if the behavior was a manifestation of the student's disability. • Further information is needed in order to make the determination if the behavior was a manifestation of the student's disability. • There is a need for changes in the student's current special education program. • Further information is needed, the IEP team must find that the barriers was a manifestation of the student's disability and follow the due process steps in obtaining written parent consent for an evaluation.
<input type="checkbox"/>	3. The IEP/Section 504 plan must discuss the characteristics of the student's disability (e.g., withdrawn, aggressive, impulsive, academic or cognitive deficits, information processing, organizational deficits, peer relationships, etc.). The information should come from current data, observation, and parent reports as well as from the IEP, evaluations, teacher reports, discipline records, etc.
<input type="checkbox"/>	4. Team discusses the following questions. If there is a disagreement among the team members, the school administration makes the final determination. <ul style="list-style-type: none"> • Was the conduct in question caused by or had a direct and substantial relationship to the student's disability? • Was the conduct in question the direct result of the school's failure to implement the IEP/Section 504 services?
<input type="checkbox"/>	5. Manifestation Determination <ul style="list-style-type: none"> • If the student's behavior is not a manifestation of his/her disability, the relevant disciplinary procedures applicable to students without disabilities may be applied to the student in the same manner in which they would be applied to students without disabilities. • If the behavior is determined to be part of a disability, the student cannot be suspended and the IEP/Section 504 team makes an appropriate plan to address some or all of the following areas: <ul style="list-style-type: none"> ◦ Consistently implementing the IEP/Section 504 plan as written. ◦ Change the IEP/Section 504 plan as needed (adaptations, services, alternative consequences, etc.) ◦ Complete additional evaluations to provide additional service, if needed. ◦ Conduct a functional behavior assessment to develop more effective behavior intervention strategies. ◦ Develop and implement a Behavior Intervention Plan (BIP).

Interim Alternative Educational Setting Checklist

✓	Actions
<input type="checkbox"/>	<p>1. School personnel may recommend up to a 45-day immediate removal to an interim alternative education setting if:</p> <ul style="list-style-type: none">• The student carries/possesses a weapon, device, instrument, material or substance that capable of causing death or serious bodily injury to school or a school function. (does not include a pocket knife with blade less than 2 ½ inches)• The student knowingly possesses or uses or sells illegal drugs at school or a school function• The student engages in serious bodily injury demonstrating a substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of function of a bodily member, organ or mental faculty.
<input type="checkbox"/>	2. IAES is an IEP/Section 504 team decision.
<input type="checkbox"/>	3. IAES must enable the student to continue to participate in the general education curriculum, although in a another setting
<input type="checkbox"/>	4. IAES must provide services and modifications described in current IEP/Section 504 plan which will enable the student to meet the IEP/Section 504 goals.
<input type="checkbox"/>	5. IAES must provide services and modifications to address the behavior “so that it does not recur.”

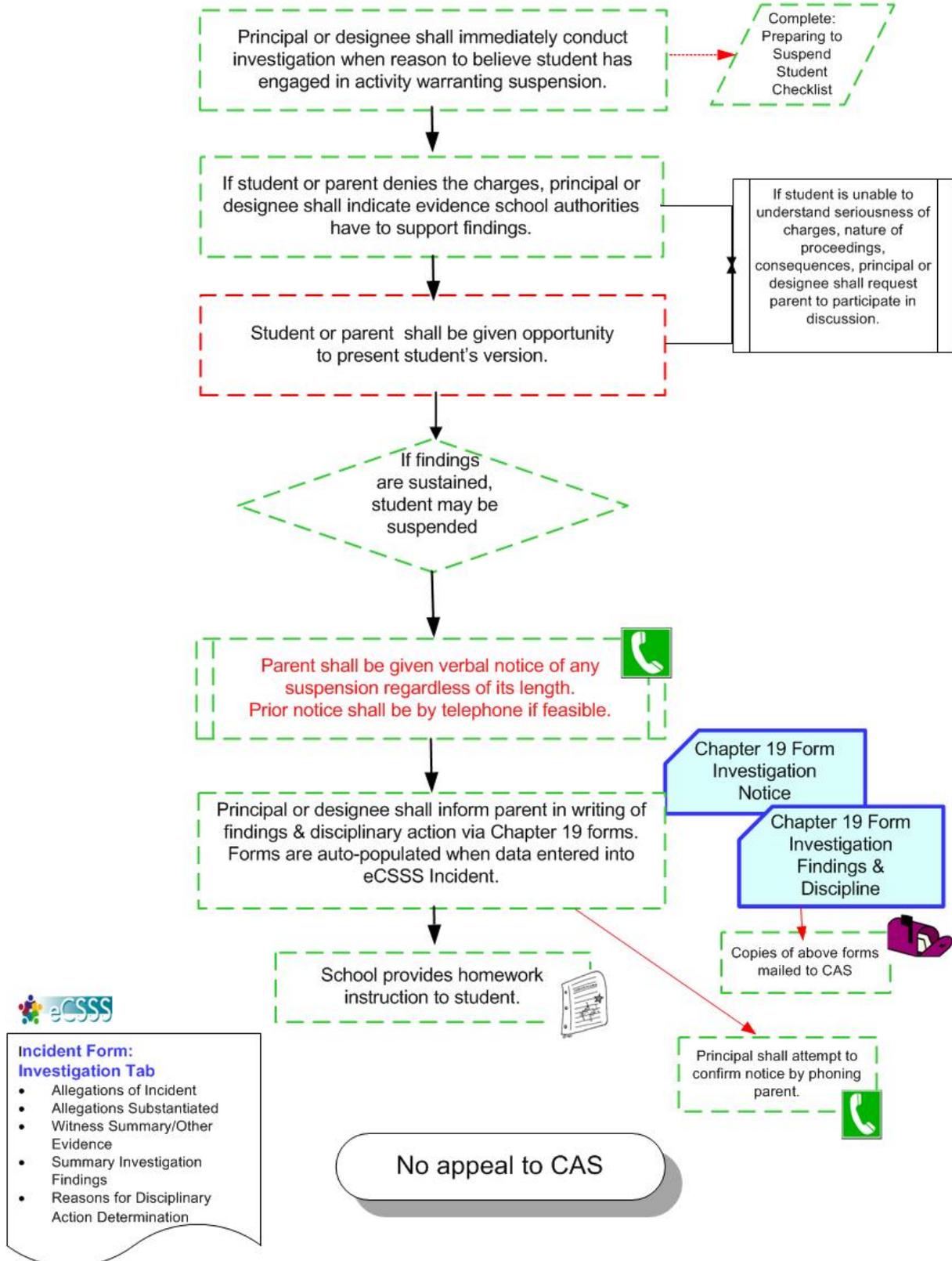


Flowchart

- Suspension 1- 10 School Days
- Suspensions for 11+ Days & Serious Discipline

HAR 8-19 Section 8-19-8

SUSPENSION 1-10 SCHOOL DAYS

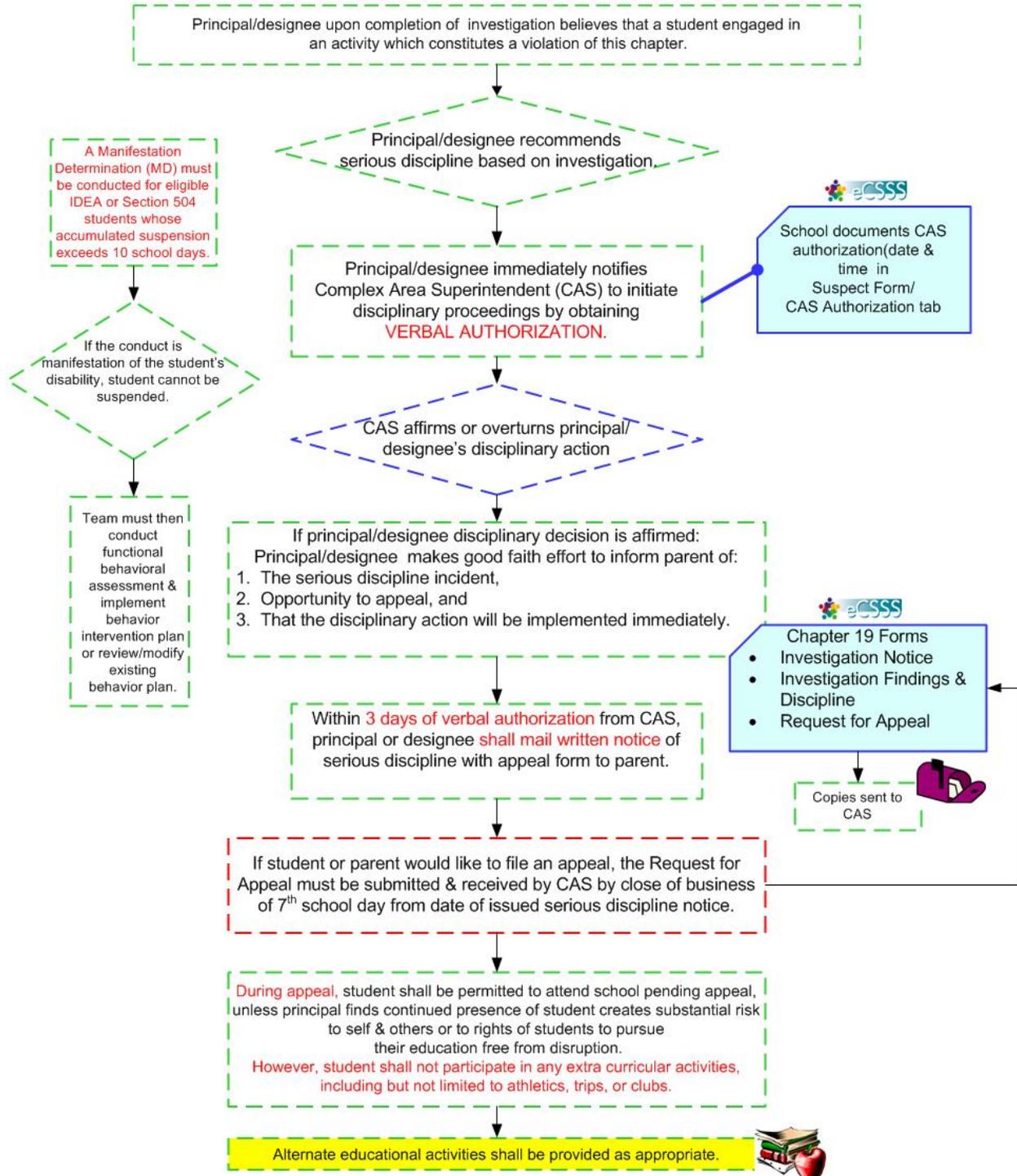


Incident Form: Investigation Tab

- Allegations of Incident
- Allegations Substantiated
- Witness Summary/Other Evidence
- Summary Investigation Findings
- Reasons for Disciplinary Action Determination

HAR 8-19 Section 8-19-9

SUSPENSIONS FOR 11+ DAYS & SERIOUS DISCIPLINE





Documentation & Navigation

- Suspension

9. Suspension

1. Starting at School Profile, click New Incident in the Actions box to activate data entry of new incident.

School Profile

Home | Student Profile | Service Log | School Profile | User Profile | Reports | Logout -- My Students --

School Name School Code Complex District

Incidents | Measures | Group Supports | Support Packages | Community Activities | Interventions

Incident Filter

From Date * To Date * Suspect Name Offense Incident #

Click 

Actions
▶ New Incident

2. Complete incident information on Incident screen and click on following tabs to complete all other information: Offenses, Witnesses, Victims, Suspects, Notifications, Investigation tabs. **Red *** are required fields.

Incident

Incident Report Number School

Incident | Offenses | Witnesses | Victims | Suspects | Notifications | Investigation

Form Information

Input Date

Person Initiating Incident Information *

Job Position

Investigation Information

Investigation Start Date Investigation End Date

Investigation Conducted By

Position

Incident Information

School Year * Semester * Incident Date * Incident Time * AM/PM *

Incident Location *

Location Details

Police Information

(For Incidents with No Suspects)

Police Officer Name

Police Officer Badge Number

Police Report Number

Description of Incident

9. Suspension

3. In the Suspect tab, be sure to select "Verify" for the offenses substantiated. If the offenses are not verified, the incident information will not appear on the Student or School Profile summary page.

Incident Suspect

Suspect

Student Name *	Student ID	Gender	Grade	School
<input type="text"/>				

Search All Schools Include Inactive Students

Offenses **Police**

Possible Motivation *

Don't Know

Suspect Statement

Statement on File

Offenses

Offense	Suspected	Verified
A:Assault	X	X
A:Fighting	X	X



9. Suspension

4. Enter Suspension a disciplinary action in the Student Profile/Suspect form/Discipline tab/Disciplinary Action Summary.

Suspect Form

Student Name _____ Student ID _____ Birth Date _____ Gender _____ Grade _____ School _____

Incident | Offenses | Police | **Discipline** | Interventions | MD | CRAFT | CAS Appeal | Supt. Review | Expedited Due Process | Attachments

Disciplinary Out-of-School Days for Incident	Cumulative Disciplinary Out-of-School Days	School Year	Semester
Total Disciplinary Out-of-School Days 0	Prior to Incident	0	0
	Including Incident	0	0

Crisis Removal
Crisis Removal Days _____
Crisis Removal Start _____ Crisis Removal End Date _____
Crisis Removal Return to School Date _____

Disciplinary Action Summary

Add Disciplinary Action  **Click "Add"**

Disciplinary Action	Days	CAS Review Status
Suspension	12	Pending Review

5. When "suspension" is "added", the following module will appear. Complete the data for the suspension days, suspension start date, suspension end date, return to school date and alternate educational activities.

Suspect Discipline

School Disciplinary Action | CAS Authorization

Be sure to complete

Disciplinary Action	Alternate Educational Activities
Disciplinary Action Suspension	Alternate Educational Activities Provided <input type="checkbox"/> Reading Assignments <input type="checkbox"/> Written Assignments <input type="checkbox"/> Tutoring <input type="checkbox"/> Instructional Packet <input type="checkbox"/> Outreach Program <input type="checkbox"/> Other
Suspension Days * _____	Activities Start Date _____ Activities End Date _____
Suspension Start Date * _____	Other Assistance Provided _____
Suspension End Date * _____	Other Assist. Start Date _____ Other Assist. End Date _____
Return to School Date _____	

9. Suspension

6. Be sure to complete the offered conference date, time, and location data fields on the Discipline tab.
7. Click “OK “ and “SAVE.”

Suspect Form

Student Name Student ID Birth Date Gender Grade School

Incident Offenses Police **Discipline** Interventions MD CRAFT CAS Appeal Supt. Review Expedited Due Process Attachments

Disciplinary Out-of-School Days for Incident
Total Disciplinary Out-of-School Days

Cumulative Disciplinary Out-of-School Days School Year Semester
Prior to Incident 66 0
Including Incident

Crisis Removal
Crisis Removal Days
Crisis Removal Start Crisis Removal End Date
Crisis Removal Return to School Date
Crisis Removal Description

Disciplinary Action Summary
Add Disciplinary Action
Suspension Add
Disciplinary Action Days CAS Review Status
Open Delete
Conference Date Conference Time Conference Location

8. When “IAES” is selected as a disciplinary action, the following module will appear. Complete IAES information and alternate educational activities.

Suspect Discipline

School Disciplinary Action CAS Authorization

Discipline Action
Disciplinary Action
Interim Alt. Ed. Setting

Manifestation Determination Date

IAES Reason *
 Dangerous Weapons
 Illicit Drugs
 Serious Bodily Injury

IAES Location *
-

IAES Days * Carry Over Days
IAES Start Date * IAES End Date * Return to School Date

Alternate Educational Activities Provided
 Reading Assignments
 Written Assignments
 Tutoring
 Instructional Packet
 Outreach Program
 Other

Activities Start Date Activities End Date
Other Assistance Provided
Other Assist. Start Date Other Assist. End Date

9. Suspension

9. The MD tab is located on the Suspect form. Selection of “yes” or “no” to question 1 and 2 will automatically populate the MD determination.

Suspect Form (*)

Student Name	Student ID	Birth Date	Gender	Grade	School
<input type="text"/>					

Incident | Offenses | Police | Discipline | Interventions | **MD** | CRAFT | CAS Appeal | Supt. Review | Expedited Due Process | Attachments

Add Manifestation Determination Conference Conference Date - <input type="button" value="Select Conference"/>	Manifestation Determination 1. The conduct in question was caused by, or had a direct and substantial relationship to the student's disability. * <input type="button" value="Yes"/> 2. The conduct in question was the direct result of the department's failure to implement the IEP/504 Plan. * <input type="button" value="No"/> Determination (see explanation) <input type="button" value="Determination Date *"/> The student's behavior IS a manifestation of his/her disability and the student MAY NOT be suspended. The IEP team must conduct/review functional behavioral assessment and develop/review/revise behavioral intervention plan.
--	--

The image shows a form titled 'CHAPTER 19 CONFIDENTIAL INVESTIGATION NOTICE' from the 'STATE OF HAWAII DEPARTMENT OF EDUCATION'. It includes fields for 'Name of the Adult Involved', 'School', 'Student ID', 'Date of Birth', 'Grade', 'Student Date', and 'Involved Number'. There is also a section for 'Investigation Notice Section 8-19.1.9-19.1.10' with numbered instructions and a table for 'Notification Information' with columns for 'Date', 'Time', 'Location', 'Person', 'Phone', and 'Email'. The form is partially filled out with lines for text entry.

Chapter 19 Forms

- Chapter 19 Confidential Investigation Notice
- Chapter 19 Confidential Investigation Findings and Discipline
- Chapter 19 Confidential Request for Appeal

The following forms are required for documenting suspensions:

	Chapter 19 Confidential Investigation Notice	Chapter 19 Confidential Investigation Findings & Discipline	Chapter 19 Confidential Request for Appeal to CAS
Suspension of 1-10 school days	Yes	Yes	No
Suspension of 11+ consecutive or cumulative school days	Yes	Yes	Yes

9. Suspension

Chapter 19 Confidential Investigation Notice (Page 1 of 1)

 <p>STATE OF HAWAII DEPARTMENT OF EDUCATION</p>	<p>CHAPTER 19 CONFIDENTIAL INVESTIGATION NOTICE</p>																	
<p>To Parent of or Adult Student: _____</p> <p style="margin-left: 40px;">Student's Name _____</p> <p style="margin-left: 40px;">Mail Address _____</p> <p>School: _____ Grade: _____</p> <p>Student ID: _____ Date of Birth: _____</p> <p>Incident Date: _____ Incident Number: _____</p> <p>INVESTIGATION NOTICE (section 8-19-7.1, 8-19-8):</p> <p>(a) Immediately after making a crisis removal or whenever the principal or designee has reason to believe that a student has engaged in an activity warranting the imposition of a suspension, the principal or designee shall initiate a thorough investigation.</p> <p>(b) When conducting an investigation, the principal or designee shall make a good faith effort at the earliest point possible to inform the parent about the school's investigation. If after making reasonable attempts, the principal or designee is unable to contact the parent, the school may engage in and complete the investigation.</p> <p>(c) The principal or designee shall give to the parent notice of the findings against the student. If the student or parent denies the charge(s), the principal or designee shall indicate to the parent and the student the evidence to support the findings of the school official. The student or parent shall be given the opportunity to present the student's version of the incident.</p> <p>1. Notification Information:</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-left: 20px;"> <thead> <tr> <th rowspan="2">Contact</th> <th rowspan="2">Contacted By Name/Position</th> <th rowspan="2">Person Attempted to Contact</th> <th rowspan="2">Relationship to Student</th> <th colspan="3">Notification</th> </tr> <tr> <th>Date/Time</th> <th>Method</th> <th>Outcome</th> </tr> </thead> <tbody> <tr> <td>Attempt 1</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table> <p>2. Allegation(s) of Incident:</p> <p>3. Conference Information:</p> <p>Date: _____ Time: _____ Place: _____</p> <p>Signature: _____</p> <p style="margin-left: 40px;">Print Name _____ Principal/Designee _____ Date _____</p>		Contact	Contacted By Name/Position	Person Attempted to Contact	Relationship to Student	Notification			Date/Time	Method	Outcome	Attempt 1						
Contact	Contacted By Name/Position					Person Attempted to Contact	Relationship to Student	Notification										
		Date/Time	Method	Outcome														
Attempt 1																		

9. Suspension

Chapter 19 Confidential Investigation Findings And Discipline (Page 1 of 2)

	STATE OF HAWAII DEPARTMENT OF EDUCATION	CHAPTER 19 CONFIDENTIAL NOTICE OF INVESTIGATION FINDINGS AND DISCIPLINE
<p>To Parent of or Adult Student: _____ Student's Name _____ Mail Address _____</p> <p>School: _____ Grade: _____ Student ID: _____ Date of Birth: _____ Incident Date: _____ Incident Number: _____</p> <p>INVESTIGATION REPORT (section 8-19-7.1 (b)): The principal or designee upon completion of the investigation, shall make a written report containing a brief summary of the testimony of witnesses interviewed, any other evidence relied upon, and the principal or designee's reason(s) for the initiation of disciplinary proceedings.</p> <p>1. Allegation(s) of incident:</p> <p>2. Allegation(s) that were substantiated (list each offense):</p> <p>3. Witness Summary/Other Evidence: (Provide a brief summary of each witness interviewed and any other evidence that substantiate(s) each offense(s))</p> <p>4. Summary of Investigation Findings:</p> <p>5. Manifestation Determination: For IDEA (Chapter 60) and section 504 (Chapter 61) eligible students, if he/she is being suspended for over 10 days at one time or cumulatively in a school year, a determination must be made whether the student's behavior resulted from the disability or an inappropriate program or placement, or both.</p> <p>For IDEA or Section 504 students only: Date of last completed I.E.P. or Modification Plan: _____ Date Manifestation Determination conducted: _____ The student's behavior _____ a manifestation of his/her disability.</p>		

9. Suspension

Chapter 19 Confidential Investigation Findings And Discipline (Page 2 of 2)

Page 2 of 2

	STATE OF HAWAII DEPARTMENT OF EDUCATION	CHAPTER 19 CONFIDENTIAL NOTICE OF INVESTIGATION FINDINGS AND DISCIPLINE				
<hr/>						
Student's Name	Student ID	Grade				
<hr/>						
School	Incident Date	Incident Number				
<hr/>						
6. Disciplinary Action:						
Recommended Disciplinary Action	School Days	Start Date	End Date	Return to School	Total Semester	Total Year
Suspension						
Dismissal						
Disciplinary Transfer						
Interim Alternative Educational Setting						
<p>Police Arrest: <input type="checkbox"/> Yes <input type="checkbox"/> No</p>						
<p>7. Reasons for Disciplinary Action Determination: Based on the investigation findings, the reason(s) for determining the above disciplinary action is/are:</p> 						
<p>Signature: _____</p> <p style="text-align: center; font-size: small;"> Print Name Principal/Designee Date </p>						

eCSSS
 Confidential Notice of Investigation Findings
 Rev. 01/10

9. Suspension

Chapter 19 Confidential Request For Appeal To Complex Area Superintendent (Page 1 of 2)

 STATE OF HAWAII DEPARTMENT OF EDUCATION	CHAPTER 19 CONFIDENTIAL REQUEST FOR APPEAL TO COMPLEX AREA SUPERINTENDENT
<p>To: _____ Name of Complex Area Superintendent</p> <p>From: _____ Parent(s)</p> <p>_____ Student's Name</p> <p>_____ Mail Address</p> <p>School: _____ Grade: _____</p> <p>Student ID: _____ Date of Birth: _____</p> <p>Incident Date: _____ Incident Number: _____</p>	
<p>According to Hawaii Administrative Rules, Title 8, Department of Education, Chapter 19, the parent or adult student has a right to appeal before the Complex Area Superintendent when the student is subject to Serious Discipline (dismissal, disciplinary transfers, and suspensions exceeding ten school days). The following procedure has been established for submitting an appeal, (section 8-19-9 (c) (5)).</p>	
<ol style="list-style-type: none">1. The appeal must be submitted in writing and received by the complex area superintendent by the close of business of the seventh school day from the date of the issued serious discipline notice.2. The student shall be permitted to attend the school of the student pending the appeal unless the principal finds the continued presence of the student creates a substantial risk to self or others or to the rights of other students to pursue their education free from disruption. However, the student shall not participate in any extracurricular activities, including but not limited to athletics, trips, or clubs.	
<p>By submission of the form, the student/parent requesting an appeal to the Complex Area Superintendent under the provisions of section 8-19-9 (c) (5), Hawaii Administrative Rules.</p>	
<p>If you are seeking an appeal to modify the dismissal based on the disciplinary action of a firearm violation, you must submit a written appeal directly to the Superintendent of Education. Please send a letter to the Superintendent of Education informing him/her of your request to modify the dismissal and your reason(s) why. This written appeal shall be delivered no later than seven (7) days from the date of the Principal's decision.</p>	
<p>This appeal form must be received by the Complex Area Superintendent by the seventh school day from the date of the serious discipline notice.</p>	
<p>To be completed by student/parent submitting appeal:</p>	
<ol style="list-style-type: none">1. Reason(s) for submitting appeal (i.e., a description of what findings or actions are being challenged):	

eCSSS
Confidential Request for Appeal to Complex Area Superintendent
Rev. 01/10

9. Suspension

Chapter 19 Confidential Request For Appeal To Complex Area Superintendent (Page 2 of 2)

Page 2 of 2

	STATE OF HAWAII DEPARTMENT OF EDUCATION	CHAPTER 19 CONFIDENTIAL REQUEST FOR APPEAL TO COMPLEX AREA SUPERINTENDENT
Student's Name _____	Student ID _____	Grade _____
School _____	Incident Date _____	Incident Number _____
2. Will be represented by legal counsel: <input type="checkbox"/> Yes <input type="checkbox"/> No		
If "yes": Name _____ Address _____ Phone _____		
3. Will be calling witness(es): <input type="checkbox"/> Yes <input type="checkbox"/> No		
If "yes," identify witness(es): Name/Position _____		
4. Will be submitting exhibit(s): <input type="checkbox"/> Yes <input type="checkbox"/> No		
Submitted By:		
Print Name _____	Relationship to Student _____	
Signature _____	Date _____	
<i>For Complex Area Office Use Only:</i>		
Date Appeal Form Received by Complex Area Superintendent: _____		Stamp Date _____
Received By:		
Name _____	Position _____	

eCSSS
Confidential Request for Appeal to Complex Area Superintendent
Rev. 01/10

Section 10

Intoxicating Substances and Illicit Drugs Offenses

10. Intoxicating Substances and Illicit Drugs Offenses

Reference (page 19-19)

§8-19-6 Prohibited student conduct; class offenses.

(c) Any student who possesses, sells, or uses a dangerous weapon, switchblade knife or any improperly used knife, intoxicating substance(s), or illicit drug(s) while attending school may be excluded from attending school for up to ninety-two school days. Any student who reasonably appears to be under the influence of, have consumed or used intoxicating substance(s) or illicit drug(s) prior to attending school or attending department-supervised activities held on campus, or other department of education premises, on department of education transportation, or during a department of education sponsored activity or event on or off school property may be excluded from attending school for up to ninety-two school days and the school shall administer a substance use screening tool to determine whether there is a need for the student to be referred for a substance abuse assessment pursuant to section 302A-1134.6(f), Hawaii Revised Statutes. The school administrator shall comply with the provisions of this chapter by conducting an investigation of the reported incident and inform the parent of the disciplinary action. In addition, the school administrator shall arrange for the student to be screened by a trained screener. The designated screener will summarize the results with the student, and inform the school administrator of the results. The school administrator shall then inform the family of the screening results, the early return provisions of the law, and provide a contact list of medical insurance agencies that conduct substance abuse assessments. During the screening the student will be asked a series of questions to determine if the student is at low, high or very-high risk for a substance use problem. If the screening interview indicates high or very-high results, the student will be referred for a formal substance abuse assessment. A formal substance abuse assessment serves to provide expert clinical opinion to determine if a substance abuse problem exists, and if so, offer treatment recommendations. If referred for a substance abuse assessment, students with medical health insurance shall be asked to contact their medical health carrier to schedule an appointment. Professionals who can provide substance abuse assessments include certified substance abuse counselors (CSAC), psychiatrists, advanced practice registered nurses (APRN), psychologists, and licensed clinical social workers. The principal or designee can approve suspensions of one to ten school days. The complex area superintendent shall approve suspensions exceeding ten school days. In exercising this discretion and determining disciplinary actions, the principal or designee shall consider, the nature and severity of the offense, the impact of the offense on others, the age of the offender, and if the offender is a repeat offender. If the student is excluded from attending school, the principal or designee shall ensure that alternate educational activities or other appropriate student support assistance shall be provided, and that the student is referred for appropriate intervention or treatment services, or both, as determined by the principal or designee in consultation with the appropriate school staff or in accordance with the Hawaii administrative rules for students with disabilities, if applicable.

10. Intoxicating Substances and Illicit Drugs Offenses



Key Messages/Reminders

- Alcohol is considered an “intoxicating substance.”
- Illicit drugs are only those drugs listed under Chapter 329, Hawaii Revised Statutes (HRS) and Chapter 712, Part IV, HRS.
- When a student is caught in violation of a Chapter 19 offense for intoxicating substance(s) and/or illicit drugs, the school shall administer a substance use screening tool to determine whether a substance abuse assessment referral will be made.
- Based on HAR 8-19-6(c) and the provisions of Act 205 (2006), a student shall and may return to school earlier than the original disciplinary action given if the provisions of “early return” are fulfilled.



Frequently Asked Questions

The following is a series of commonly asked questions about the process and procedures for conducting a substance use screening if a student is found to be in violation of intoxicating substance and/or illicit drug offense under the provisions of this chapter.

Background and History

1. What is Act 205?

- Act 205 is called, “A Bill For An Act Relating to Substance Abuse, Twenty-Third Legislature, 2006, State of Hawaii.”
- Act 205 makes permanent changes to the Zero Tolerance Policy, Hawaii Revised Statutes (HRS) §302A-1134.6. This act improves the process by which public school students are screened for substance use risks and are referred for substance abuse assessments.
- A section (f) was added to the Zero Tolerance Policy which states that when a student is in violation of the Zero Tolerance Policy for use, sale and/or possession of intoxicating liquor and/or illicit drugs, the school shall continue to adhere to Chapter 19 for processing the disciplinary action and administer a substance use screening tool to determine whether a referral for a substance abuse assessment is warranted or not.

2. When did Act 205 take effect?

- Governor Linda Lingle signed Act 205 into law on June 19, 2006. The law became effective for the Department of Education schools on July 1, 2006.

10. Intoxicating Substances and Illicit Drugs Offenses

Application of the Law

3. Does this law apply to all public school students?
 - Yes, this law applies to all students in public schools, grades K-12.
4. Does this law apply to students with disabilities for special education and Section 504?
 - Yes, the procedures and guidelines of Chapter 60 for special education students and of Chapter 61 for Section 504 students shall continue. Manifestation determinations are required for Chapter 60 and Chapter 61 eligible students before suspending for eleven or more days.

Early Return Provisions

5. What are the early return provisions of Act 205 (2006)?

Early Return Provision A. Student is referred for a substance abuse assessment and is referred for substance abuse treatment/counseling.

The student shall be allowed to return to school earlier than the department's original disciplinary determination provided the student/family provides the school with evidence of a:

- a) certified copy of the substance abuse assessment report **and**
- b) report from the substance abuse counselor indicating progressing towards clinical discharge from the substance abuse treatment/counseling program.

Early Return Provision B. Student is referred for a substance abuse assessment and is not referred for substance abuse treatment/counseling.

The student may return to school earlier than originally indicated if:

- a) the student provides a certified copy of the substance abuse assessment report **and**
- b) the student's parent or legal guardian consents to the child and the child's family receiving follow-up counseling or other student support services provided by the department and
- c) in determining whether to allow the student to return to school early, the school administrator shall review and determine the nature and severity of the offense, the impact of the offense on others, the age of the offender, and whether the student is a repeat offender.

10. Intoxicating Substances and Illicit Drugs Offenses

Early Return Provision C. Student is not referred for a substance abuse assessment as result of the screening.

The student may return to school earlier than originally indicated if:

- a) the student's parent or legal guardian consents to the child and the child's family receiving follow-up counseling or other student support services provided by the department **and**
- b) in determining whether to allow the student to return to school early, the school administrator shall review and determine the nature and severity of the offense, the impact of the offense on others, the age of the offender, and whether the student is a repeat offender.

Administrator's Responsibility

6. What happens when a student is found to be in violation of a Chapter 19 offense for an intoxicating substance and/or illicit drug?
 - The school administrator shall comply with provisions of Chapter 19 by conducting an investigation of the reported incident of intoxicating substance and/or illicit drug and informs the parent of the disciplinary action. The administrator then arranges to have the student screened for substance use risk by a trained screener. The school administrator assigns the student to one of the school's trained screeners.
 - After completion of the screening, the school administrator:
 - informs the family of the screening results,
 - informs the student and family of the early return provisions of the law,
 - provides the student and family with a list of the medical insurance agencies' contact phone numbers if referred for a substance abuse assessment, and
 - enters the incident information and screening results into the electronic Comprehensive Student Support System database.



Suspect CRAFT

The **CRAFT** tab on the **Suspect Form** is used to record screening and treatment information for substance abuse.

Incident	Offenses	Police	Discipline	Manifestation Determination	CRAFT	Appeal	Supt. Review	Expedited Due Process
Substance Abuse Screening				Assessment				
Screening Conducted Date	Screening Results	Referred For Substance Abuse Assessment	Copy of Assessment Received Date					
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>					
Treatment / Counseling								
Referred For Substance Abuse Treatment/Counseling	Treatment Agency							
<input type="text"/>	<input type="text"/>							
Treatment Start Date	Treatment End Date							
<input type="text"/>	<input type="text"/>							
Additional Information								

10. Intoxicating Substances and Illicit Drugs Offenses

7. What if a school has no trained screeners?
- It is the school administrator's responsibility to ensure that there are at least one to two trained screeners at a school. If there are no trained screeners, the school administrator should contact the Educational Specialist for Chapter 19, Comprehensive Student Support Services Section, at (808) 735-6225 to arrange to have school staff trained.
8. What is the process for determining a school screener?
- It is the school principal's decision to determine who will be the designated school screener(s) for the Adolescent Screening Interview Tool.

Screener's Responsibility

9. What is the screener's responsibility?
- The assigned screener conducts the Adolescent Screening Interview Tool and summarizes the screening results with student. The screener then informs the school administrator of the screening results.
10. What are tips for administering the screening interview tool?
- Be sure rapport is established at the outset of the interview.
 - Remember that this is a screening session and not a counseling session.
 - Be sure an explanation is provided to the student about the purpose of the screening process.
 - Use a "neutral business-like" manner with the student – avoid accusatory, judgmental comments.
 - Utilize reflective listening skills.

Adolescent Screening Interview Tool

11. What is the Adolescent Screening Interview Tool?
- The Adolescent Screening Interview Tool was selected by the Alcohol and Drug Abuse Division, Department of Health and the Department of Education. This screening instrument assesses a student's level of risk for substance use, not substance abuse. This interview instrument contains a series of questions that asks the student to describe his/her use of alcohol and illicit drugs. This screening interview is scripted for standard use. It may be completed in 15-30 minutes.
12. What happens during the substance use screening?
- During the screening, a student will be asked a series of questions to determine if he/she is a low, high or very high risk for a substance use problem. If the screening interview indicates high or very-high results, the student will be referred for a formal substance abuse assessment.

10. Intoxicating Substances and Illicit Drugs Offenses

13. What is the CRAFT?

- One section of the Adolescent Screening Interview Tool is called the CRAFT. The CRAFT is a seven-item instrument that is a research-validated tool recommended by the national alcohol and drug organization due to its sensitivity and specificity of identifying adolescents who need intensive substance abuse treatment. CRAFT is an acronym derived from the words in this questionnaire:
 1. Have you ever ridden in a **C**ar driven by someone* (including yourself) who was “high” or who had been using alcohol or drugs? **Other than parent or guardian*
 2. Do you ever use alcohol or drugs to **R**elax, feel better about yourself, or fit in?
 3. Do you ever use alcohol or drugs while you are **A**lone by yourself?
 4. Do your family or **F**riends ever tell you that you should cut down on your drinking or drug use?
 5. Have you ever gotten into **T**rouble while you were using alcohol or drugs?

14. Who can administer this screening tool?

- Only complex and/or school personnel who have been formally trained are allowed to administer the Adolescent Screening Interview Tool.

15. Where do I obtain a copy of the Adolescent Screening Interview Tool?

- Copies of the screening tool are available to trainer screeners from the electronic Comprehensive Student Support System (eCSSS), Printable Forms and Tools section.

Substance Abuse Assessments

16. What is the purpose of a substance abuse assessment?

- A formal substance abuse assessment serves to provide expert clinical opinion to:
 - determine if a substance abuse problem exists, and if so,
 - offer treatment recommendations.

17. Who can provide substance abuse assessments?

- Based on Act 205, HRS §302A-1134.6, professionals who can provide assessments include Certified Substance Abuse Counselors (CSAC), psychiatrists, advanced practiced registered nurses (APRN), psychologists, and licensed clinical social workers.

10. Intoxicating Substances and Illicit Drugs Offenses

Obtaining A Substance Abuse Assessment

18. How do students obtain a substance abuse assessment if referred? Who is responsible for obtaining the services and the scheduling of the appointment?

- Students and families are responsible to contact their medical insurance carrier to schedule an appointment for a substance abuse assessment. Below are contact numbers of local medical insurance carriers. This information may be duplicated and distributed to the student and his/her family.

Hawaii Association of Health Plans

AlohaCare

Oahu: 973-2475

Neighbor Island: 1 (888) 875-4979

Hawaii Management Alliance Association (HMAA)

Oahu: 941-4622

Neighbor Island: 1 (888) 941-4622

Hawaii Medical Service Association (HMSA)

Oahu: 952-4400

Neighbor Island: 1 (888) 225-4122

MDX Hawaii

Oahu: 522-7500

Neighbor Island: 1 (800) 345-4185

University Health Alliance (UHA)

Oahu: 532-4000

Neighbor Island: 1 (800) 458-4600

Kaiser Permanente Behavioral Health Services

Kaiser Permanente Behavioral Health Services division provides substance abuse assessment/treatment. To schedule an appointment for a substance abuse assessment, Oahu as well as neighbor islanders are asked to call (808) 432-7600. Scheduling of all appointments is conducted through the Oahu office while the assessments are conducted at each of the neighbor island clinics.

19. What if a student and his/her family has no medical insurance coverage to complete a substance abuse assessment?

- Students and their families without medical insurance coverage may seek assistance via Call 211. Call 211 will assist families with completing a Hawaii Quest application for obtaining medical insurance coverage. Call 211 operates between the hours of 6:00 a.m. to 9:00 p.m. seven (7) days a week. Assistance may also be accessed via the website: www.auw211.org.

10. Intoxicating Substances and Illicit Drugs Offenses

20. What if a family experiences difficulty in obtaining a substance abuse assessment from one of the local medical agencies?
- If this should occur, school administrators are asked to note the name of the medical agency and the date of event and notify the Educational Specialist for Chapter 19, Comprehensive Student Support Services Section, at (808) 203-5515.
21. Can the school refer a student to their school-based substance abuse treatment walk-in clinics for a substance abuse assessment?
- No, the school-based clinics were intended for only walk-in services. Act 205 (2006) requires students who were referred obtain assessments via their medical insurance carrier.
22. What happens after a professional completes a formal substance abuse assessment?
- The substance abuse professional will make recommendations for the student if substance abuse treatment/counseling services are warranted or not. If services are warranted, the student and his/her family are responsible to seek the appropriate treatment/counseling services. The student should provide the substance abuse professional with written permission to have a copy of the report sent to the school administrator. If the report indicates that a substance abuse problem does not exist, the school administrator will suggest other school counseling and/or student support services that are available to the student and his/her family.

Substance Abuse Assessment Reports

23. What information should a substance abuse assessment report contain?
- The following are suggested report guidelines that have been developed by the Department of Health, Alcohol & Drug Abuse Division.

Introductory and Identifying Information

- A. Name and date of birth of student
- B. School and grade level
- C. Referral source
- D. Reason for referral

Pertinent Medical History

- A. Date of suspension and circumstances
- B. Prior suspension history (including any prior alcohol/drug offenses)
- C. Educational level
- D. School successes/school difficulties

Pertinent Medical History

Pertinent Legal History

10. Intoxicating Substances and Illicit Drugs Offenses

Mental Health History

Substance Use History

Family/Social History

Diagnostic Evaluation

In conducting the substance abuse assessment, the approved vendor must utilize, at minimum, the Alcohol and Drug Abuse Diagnosis instrument. Data must fit the criteria in the DSM-IV-TR Diagnostic Criteria for substance abuse or dependence in order to make a substance abuse or dependence diagnosis. In screening a student, if a vendor believes a medical, mental or other disorder exists, ADAD asks the vendor to make a formal recommendation in his/her report for additional evaluation in the appropriate area.

Diagnostic Impression and Treatment Recommendation

The report should provide a clear and unambiguous description of all recommended treatment modalities; to the extent possible, the report should include specifics on the intensity, frequency, and duration of such treatment. Where the recommendation includes treatment until "clinical discharge", the vendor should include a suggested timetable for clinical discharge (e.g., three to six months). In certain instances, the vendor may believe that factors, such as financial ability and/or the student's stated unwillingness to participate in treatment, are likely to diminish feasibility of the optimal recommended treatment. If the vendor wishes to identify alternative treatment recommendations, these may be included in the report. (e.g., specific number of meetings during a specific period); however, alternative treatment recommendations should be made only when they are deemed sufficient to address the student's substance abuse/dependency.

24. How do I know that the substance abuse report is completed by a qualified professional?

- The substance abuse report should be signed by the provider with the initials, CSAC (Certified Substance Abuse Counselor).

Record Keeping and Accountability

25. Where is the Adolescent Screening Interview Tool filed?

- The completed Adolescent Screening Interview Tool form is a student record and should be kept in the student's confidential folder.

26. If reports are received from the substance abuse professional – where do we file the substance abuse assessment reports or the clinical progress reports?

- Copies of reports from the substance abuse professional are to be kept in a separate folder marked Confidential Substance Abuse. If a student transfers schools within the state, the folder is sent to the receiving school principal. Reports received from certified substance abuse professionals fall under the jurisdiction of the federal alcohol and drug law called Confidentiality 42 Code of Federal Regulations, Part 2.

10. Intoxicating Substances and Illicit Drugs Offenses

27. What does Act 205 say about expunging of records?

- The disciplinary action record of an incident for first time offender shall be expunged if evidence of clinical discharge from the substance abuse treatment/counseling program is provided to the school.
- Records of substance abuse assessments shall be destroyed when the student finally exits the public school system.

28. Does Act 205 incident information need to be documented in eCSSS?

- The disciplinary action record of an incident for first time offender shall be expunged if evidence of clinical discharge from the substance abuse treatment/counseling program is provided to the school. Expunging of the disciplinary action from eCSSS deletes the number of suspension days given to the student as a disciplinary action. The incident information of the event remains in the database as part of the student's profile.
- Incident information is entered in the Incident tab in the School Profile. Student information regarding the disciplinary action and the CRAFT information are found in the Student Profile section of the Incidents tab.

Parental Participation

29. Is parental permission required to administer the screening tool?

- No, parental permission is not required as Act 205 states that the school shall administer a screening tool.

30. What if a parent refuses to have his/her child complete the screening interview and takes him/her to a private substance abuse provider of their choice?

- The student will remain on the given disciplinary action and will not be able to qualify for the early return to school.

31. What if a parent requests to sit in during the screening interview?

- A parent may sit in on the screening interview with advisement from the school administrator. A parent should be advised that their presence must not interfere nor influence their child's responses.

Student Participation

32. What if a student refuses to cooperate during the screening interview?

- Completing the entire screening interview should be attempted and the student's responses as refusal to respond/answer are recorded.

10. Intoxicating Substances and Illicit Drugs Offenses

33. What if a student is totally intoxicated on the day of screening?

- Re-scheduling of the screening interview within the next 2 to 3 days should be done. If the student fails to keep the scheduled appointment with the school, he/she will continue to be on the given disciplinary action for the duration of his/her offense.

Screening Interview Results and Recommendations

34. Is the CRAFT score the sole determinant for a referral for a substance abuse assessment?

- No, the recommendation to refer for a substance abuse assessment is based on all known factors and past history of the student's use of alcohol and drugs. The CRAFT score is only one aspect of the total screening interview.

Commercial/Street Names of Drugs

1. What are some of the common street names for drugs that are frequently used?

Commercial Drug Name	Street Name
Cocaine/Crack	Big C, Blow, Bump, Coke, Candy, Nose, Rock, Snow
Cough Medicine/DXM	Dex, Red Devils, Robo, Triple C, Skittles, Syrup
Ecstasy/MDMA	Adam, Bean, E, Roll, X, XTC
Heroin	Big H, Black Tar, Dope, Junk, Skunk, Smack
Inhalants	Whippets, Bagging, Huffing, Poppers, Snappers, Dusting
Marijuana	Blunt, Boom, Dope, Grass, Hash, Herb, Mary Jane, Pot, Reefer, Skunk, Weed
Methamphetamine	Ice, Chalk, Crank, Crystal, Fire, Glass, Meth, Speed
Prescription Pain Relievers	Codeine, OxyContin, Percoset (Percs), Vicodin (Vike, Vitamin V)
Prescription Sedatives & Tranquilizers	Mebaral, Quaaludes, Xanax, Valium
Prescription Stimulants	Adderal, Dexedrine, Ritalin
Steroids	Juice, Rhoids, Stackers, Pumpers, Gym candy



Administrator's Checklists

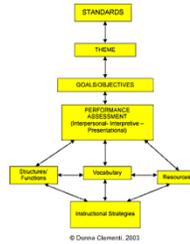
Checklist	What/Purpose
Administrator's Checklist For Intoxicating Substance and Illicit Drug Offenses	✓ A checklist of suggested procedural steps for school administrators to follow when administering the Adolescent Screening Interview Tool ("CRAFT" screening)
School Screener's Checklist For Intoxicating Substances and Illicit Drug Offenses	✓ A checklist of suggested procedural steps for identified school screeners to follow when conducting "CRAFT" screening

Administrator's Checklist For
Intoxicating Substances and Illicit Drug Offenses

<input checked="" type="checkbox"/>	The school administrator is responsible to:
<input type="checkbox"/>	1. Identify and have 1-2 school staff persons trained to conduct the Adolescent Screening Interview Tool
<input type="checkbox"/>	2. Conduct an investigation of the incident via Chapter 19 procedures, inform parents of the disciplinary action, and shall arrange to have the student screened for substance use risk by a trained screener
<input type="checkbox"/>	3. Inform the family of the screening interview results
<input type="checkbox"/>	4. Provide a list of medical insurance carriers and/or private providers who can conduct substance abuse assessments for adolescents
<input type="checkbox"/>	5. Explain the early return provisions of the law to the student and family
<input type="checkbox"/>	6. Enter the incident information and screening results into eCSSS database (Student Profile/Incident and CRAFT tabs)
<input type="checkbox"/>	7. Process all required Chapter 19 documentation: <ul style="list-style-type: none">• If a student is being suspended for 11 or more school days or serious discipline, Chapter 19 forms <i>Investigation Notice</i>, <i>Investigation Findings & Discipline</i>, and <i>Request for Appeal</i> are required to be sent to the parent/legal guardian.
<input type="checkbox"/>	8. File the Adolescent Screening Interview Tool results in the student's confidential folder
<input type="checkbox"/>	9. Check to see that received copies of substance abuse assessment reports and progress reports are from qualified professionals
<input type="checkbox"/>	10. File received copies of substance abuse assessment report and progress reports from substance abuse providers in a separate folder marked: Confidential: Substance Abuse Reports
<input type="checkbox"/>	11. Send to the following school's administrator the Confidential Substance Abuse folder for the student

School Screener’s Checklist For Intoxicating Substances and Illicit Drug Offenses

	The school screener is responsible to:
<input type="checkbox"/>	1. Have been identified by the school administrator to be designated as the school screener for intoxicating substances and illicit drug offenses, (HAR 19 § 8-19-6(c).
<input type="checkbox"/>	2. Have been formally trained by the Department of Education, Student Support Branch.
<input type="checkbox"/>	3. Clearly understand the provisions of Chapter 19 related to intoxicating substances and illicit drug offenses.
<input type="checkbox"/>	4. Communicate with the school administrator obtaining relevant information about the student prior to screening.
<input type="checkbox"/>	5. Check to see that the physical seating arrangements of the interview room are conducive for establishing rapport.
<input type="checkbox"/>	6. Clearly explain the screening process purpose including the early return provisions to school to the student.
<input type="checkbox"/>	7. Conduct the screening interview by:
	a. Utilizing a “neutral business like” manner with the student avoiding accusatory and judgmental comments.
	b. Following the script and sticking to the task, utilizing open ended questions and reflective listening.
	c. Using an appropriate voice pitch, pace, and clear pronunciation.
	d. Checking to see that your body language, facial expressions, gestures, and eye contact demonstrated is used to develop a positive interview environment.
<input type="checkbox"/>	8. Comprehensively summarize the interview information and results to the student.
<input type="checkbox"/>	9. Explain the next steps to the student.
<input type="checkbox"/>	10. Communicate the results of the screening to the school administrator and to provide the school administrator with the student’s screening interview tool form.

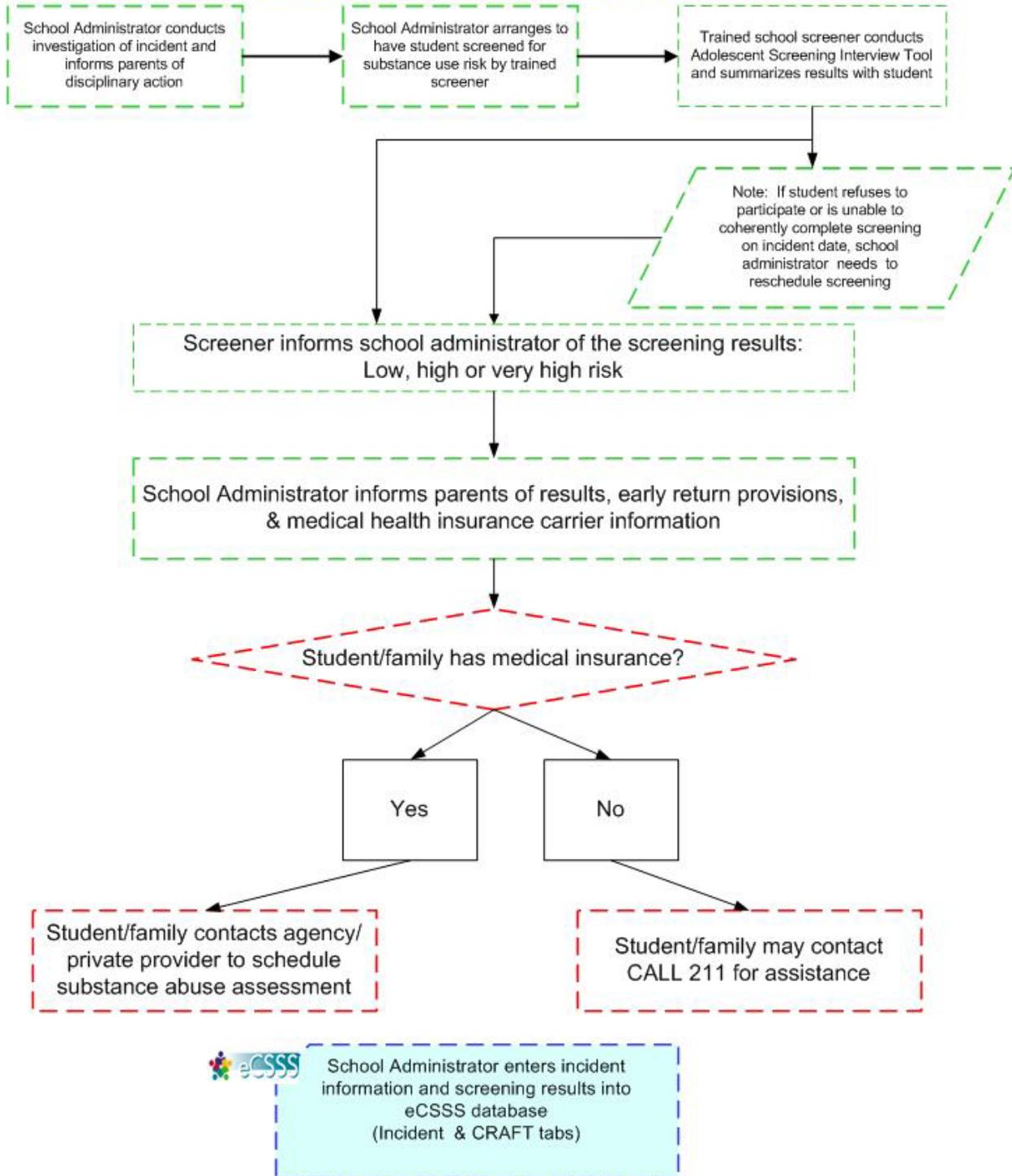


Flowcharts

- When a student is in violation of an intoxicating substance(s) and/or illicit drug(s) offense:
- When a student is referred for a substance abuse assessment:
- As a result of the school screening ...

HAR 8-19
Section 8-19-6(c)

When a student is in violation of intoxicating substance(s) and/or illicit drug(s) offense:



HAR 8-19
Section 8-19-6(c)

**When a student is referred for a
substance abuse assessment:**

The student and his/her family are responsible to schedule an appointment with their medical health insurance carrier.

If the student and his/her family do not have a medical health insurance carrier, then student/family may contact CALL 211 for assistance.

Student/family schedules substance abuse assessment appointment

Student/family does not schedule substance abuse assessment appointment

Substance abuse assessment is completed & provider makes recommendations

Student continues to be on disciplinary action given and is not eligible for early return to school provisions

Student recommended for substance abuse treatment/counseling

Student not recommended for substance abuse treatment/counseling

Early return to school provisions may apply if:

Student attends substance abuse treatment/counseling

Early return to school provisions **shall apply if** student presents the following two documents:

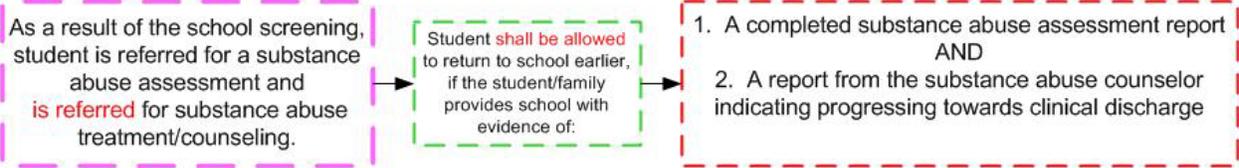
- 1. Certified substance abuse report and
- 2. Clinical report indicating progressing towards clinical discharge

- 1. Presents certified substance abuse report and
- 2. Student & family consent to counseling and/or student support services and
- 3. School administrator considers factors of nature, severity, impact, & repeat offender status

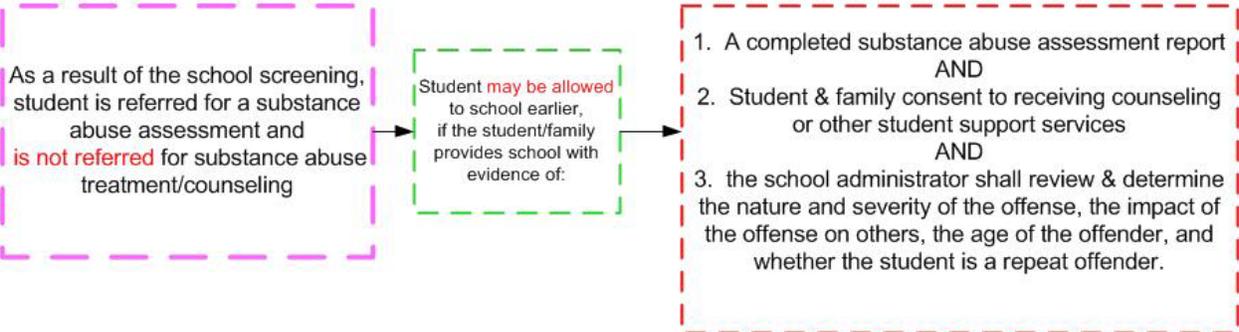
HAR 8-19
Section 8-19-6(c)

As a result of the school screening, a student is or is not referred for a substance abuse assessment and early return provisions shall or may apply.

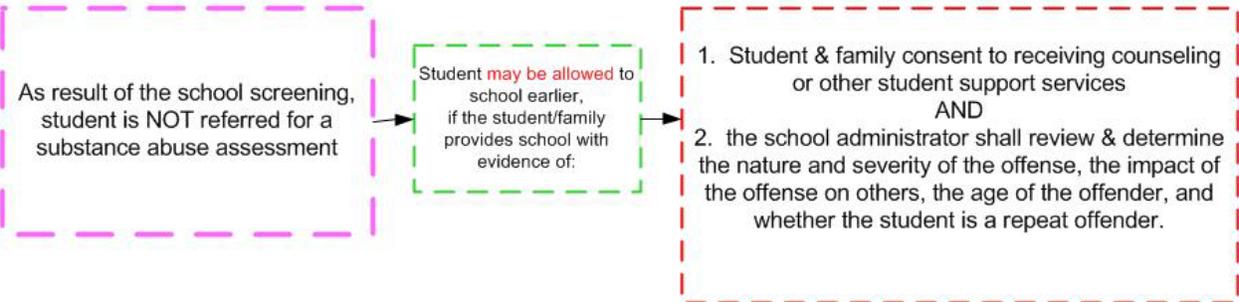
Early Return Provision A



Early Return Provision B



Early Return Provision C





Documentation & Navigation

- Intoxicating Substances and Illicit Drugs Offenses

10. Intoxicating Substances and Illicit Drugs Offenses

1. To data enter the intoxicating substances and/or illicit drug offense information, navigate in School Profile to Incident tab/Offenses tab.
2. Select Intoxicating Substance Use or Illicit Drugs and click "Add."

Incident

Incident Report Number _____ School _____

Incident **Offenses** Witnesses Victims Suspects Notifications Investigation

Add Incident Offense *

A: Intoxicating Substance Use [v] Add

Offense	Witness	Victim	Suspect Verified
A: Dangerous Weapon			X

3. Once "Add" is clicked, modules for Intoxicating Substance Use or Illicit Drugs will appear. Select the appropriate substance/drug and check off "use, possession, sale and/or under the influence of respectively.
4. Be sure to also check off, "Offense committed meets elements checklist below." Remember to Click "Save."

Investigation Worksheet for Intoxicating Substance Use (*)

Description

"Intoxicating substance use" means the use of any substance, which causes disturbance of the normal physical or mental functioning including but are not limited to alcohol.

Elements Checklist

Must select at least one of the elements below: *

Substance	Intent			Under Influence Of
<input checked="" type="checkbox"/> Alcohol	<input type="checkbox"/> Use	<input type="checkbox"/> Possession	<input type="checkbox"/> Sale	<input checked="" type="checkbox"/> Under Influence Of
<input checked="" type="checkbox"/> Kava	<input type="checkbox"/> Use	<input checked="" type="checkbox"/> Possession	<input type="checkbox"/> Sale	<input checked="" type="checkbox"/> Under Influence Of
<input type="checkbox"/> Betel Nut	<input type="checkbox"/> Use	<input type="checkbox"/> Possession	<input type="checkbox"/> Sale	<input type="checkbox"/> Under Influence Of
<input checked="" type="checkbox"/> Other: * Skittles	<input checked="" type="checkbox"/> Use	<input type="checkbox"/> Possession	<input type="checkbox"/> Sale	<input checked="" type="checkbox"/> Under Influence Of

Offense committed meets elements checklist below *

A. Possession, use, or sale of any substance
B. Which causes disturbance of the normal physical OR mental functioning
C. Including but are not limited to alcohol.

Comments

10. Intoxicating Substances and Illicit Drugs Offenses

Investigation Worksheet for Illicit Drugs (*)

Description
"Illicit drugs" means substances, the possession, distribution, ingestion, manufacture, use, sale, or delivery, of which are prohibited under chapter 329, Hawaii Revised Statutes and chapter 712, part IV, Hawaii Revised Statutes.

Evidence
Must select at least one of the elements below: *

Drugs	Intent			
<input type="checkbox"/> Cocaine	<input type="checkbox"/> Use	<input type="checkbox"/> Possession	<input type="checkbox"/> Sale	<input type="checkbox"/> Under Influence Of
<input type="checkbox"/> Heroin	<input type="checkbox"/> Use	<input type="checkbox"/> Possession	<input type="checkbox"/> Sale	<input type="checkbox"/> Under Influence Of
<input checked="" type="checkbox"/> Marijuana	<input type="checkbox"/> Use	<input checked="" type="checkbox"/> Possession	<input type="checkbox"/> Sale	<input checked="" type="checkbox"/> Under Influence Of
<input type="checkbox"/> Methamphetamine	<input type="checkbox"/> Use	<input type="checkbox"/> Possession	<input type="checkbox"/> Sale	<input type="checkbox"/> Under Influence Of
<input checked="" type="checkbox"/> Steroids	<input type="checkbox"/> Use	<input checked="" type="checkbox"/> Possession	<input checked="" type="checkbox"/> Sale	<input type="checkbox"/> Under Influence Of
<input type="checkbox"/> Inappropriate use of pharmaceutical drugs	<input type="checkbox"/> Use	<input type="checkbox"/> Possession	<input type="checkbox"/> Sale	<input type="checkbox"/> Under Influence Of
<input type="checkbox"/> Other: <input type="text"/>	<input type="checkbox"/> Use	<input type="checkbox"/> Possession	<input type="checkbox"/> Sale	<input type="checkbox"/> Under Influence Of

Elements Checklist
 Offense committed meets the elements checklist below *

A. Substances, the possession, distribution, ingestion, manufacture, use, sale, OR delivery, AND
B. Of which are prohibited under chapter 329, Hawaii Revised Statutes and chapter 712, part IV, Hawaii Revised Statutes.

Comments



Additional Handouts

Handout	What/Purpose
Early Return to School Provisions	✓ A handout that school administrators can use as a quick reference guide and/or as an informational handout for students/parents
A Parent Checklist	✓ Procedural steps for parents to follow if their child is referred for a substance abuse assessment as a result of the "CRAFT screening"
Parent Information Medical Insurance Carrier Information	✓ A handout that may be duplicated and given to parents with contact information regarding medical insurance health carriers
Parent Information Private Provider Contact Information	✓ A handout that may be duplicated and given to parents with contact information of private providers who conduct substance abuse assessments
Drug Guide for Parents: Learn The Facts to Keep Your Teen Safe	✓ A guide published by Partnership for Drug-Free America (2007) regarding facts and information about drugs commonly used by teens

HAR 8-19 Section 8-19-6(c)

Early Return Provision A. Student is referred for a substance abuse assessment and is referred for substance abuse treatment/counseling.

The student shall be allowed to return to school earlier than the department's original disciplinary determination provided the student/family provides the school with evidence of a:

- a. completed substance abuse assessment report **and**
 - b. report from the substance abuse counselor indicating progressing towards clinical discharge from the substance abuse treatment/counseling program.
-

Early Return Provision B. Student is referred for a substance abuse assessment and is not referred for substance abuse treatment/counseling.

The student may return to school earlier than originally indicated if:

- a. the student provides a certified copy of the assessment ,
 - b. the student's parent or legal guardian consents to the child and the child's family receiving follow-up counseling or other student support services provided by the department **and**
 - c. in determining whether to allow the student to return to school early, the school administrator shall review and determine the nature and severity of the offense, the impact of the offense on others, the age of the offender, and whether the student is a repeat offender.
-

Early Return Provision C. Student is not referred for a substance abuse assessment as result of the screening.

The student may return to school earlier than originally indicated if:

- a. the student's parent or legal guardian consents to the child and the child's family receiving follow-up counseling or other student support services provided by the department **and**
- b. in determining whether to allow the student to return to school early, the school administrator shall review and determine the nature and severity of the offense, the impact of the offense on others, the age of the offender, and whether the student is a repeat offender.

“If my child is caught . . .”. A Parent Checklist

If my child is caught possessing, using or selling intoxicating substances and/or illicit drugs and he/she is screened for substance use risk and is referred for a substance abuse assessment:

- I am responsible to contact our medical health agency or a private provider to schedule an appointment to have a substance abuse assessment completed for my child. If we do not have medical health insurance coverage, I will contact Aloha United Way CALL 211 for assistance.

If my child is recommended to attend substance abuse treatment/counseling sessions as a result of the substance abuse assessment:

- I will check to see that my child signs a Consent of Release of Information with the substance abuse provider so a copy of the substance abuse assessment report may be released to the school administrator.

If my child is attending substance abuse treatment/counseling sessions as a result of the substance abuse assessment recommendation and I would like to have my child considered for early return to school, I will submit the following documents to the school administrator for consideration:

- A certified copy of the substance abuse assessment report **and**
- A progress report from the substance abuse provider indicating my child is “progressing towards clinical discharge.”

If my child was not recommended for substance abuse treatment/counseling as a result of the substance abuse assessment and I would like to have my child be considered for early return to school, I will complete the following actions:

- I will provide the school administrator with a certified copy of the substance abuse assessment report **and**
- I will consent to attending counseling and/or other student support services provided by the school to have the school administrator consider the factors for early return.

If my child was not recommended to complete a substance abuse assessment as a result of the school’s substance use risk screening and I would like to have my child be considered for early return to school:

- I will consent to attending counseling and/or other student support services provided by the school to have the school administrator consider the factors for early return.

Medical Health Insurance Carrier Information for Parents

If referred for a substance abuse assessment, students and families are responsible to contact their medical health insurance carrier/agency to schedule an appointment for a substance abuse assessment. Below are contact numbers of local medical insurance carriers.

Hawaii Association of Health Plans

AlohaCare

Oahu: 973-2475

Neighbor Island: 1 (888) 875-4979

Hawaii Management Alliance Association (HMAA)

Oahu: 941-4622

Neighbor Island: 1 (888) 941-4622

Hawaii Medical Service Association (HMSA)

Oahu: 952-4400

Neighbor Island: 1 (888) 225-4122

MDX Hawaii

Oahu: 522-7500

Neighbor Island: 1 (800) 345-4185

University Health Alliance (UHA)

Oahu: 532-4000

Neighbor Island: 1 (800) 458-4600

Kaiser Permanente Behavioral Health Services

Kaiser Permanente Behavioral Health Services division provides substance abuse assessment/treatment. To schedule an appointment for a substance abuse assessment, Oahu as well as neighbor islanders are asked to call (808) 432-7600. Scheduling of the all appointments is conducted through the Oahu office while the assessments are conducted at each of the neighbor island clinics.

Adolescent Substance Abuse Counseling Services (ASACS)

Primarily for Army dependents, but will consider other dependents of other military services branch dependents.

Oahu 655-9944

Private Provider Contact Information for Students Referred for Substance Abuse Assessments

Below are contact numbers of private providers who have been certified by the Department of Health, Alcohol & Drug Abuse Division and who have consented to make their names available to conduct substance abuse assessments for adolescents. Parents are responsible for payment of the substance abuse assessment conducted by the private provider.

Hawaii Counseling and Education Center

Kailua, Oahu 254-6484

Tania Critonlow, CSAC

Oahu 398-5776

Mary Elizabeth Pacheo, CSAC

Oahu 235-5366

maryeliz@hawaii.rr.com

DRUG GUIDE FOR PARENTS: LEARN THE FACTS TO KEEP YOUR TEEN SAFE

	 Alcohol	 Cocaine/Crack	 Cough Medicine/DTM	 Ecstasy/MDMA	 Heroin	 Inhalants	 Marijuana	 Methamphetamine	 Prescription Pain Relievers	 Prescription Sedatives and Tranquilizers	 Prescription Stimulants	 Steroids	 Tobacco
Street Names / Commercial	Booze	Big C, Blow, Bump, Coke, Nose Candy, Rock, Snow	Dex, Red Devils, Robo, Triple C, Tussin, Skittles, Syrup	Adam, Bean, E, Roll, X, XTC	Big H, Black Tar, Dopé, Junk, Skunk, Snack	Whippers, Bagging, Huffing, Poppers, Snappers, Ducting	Blunt, Boom, Dopé, Grass, Hash, Herb, Mary Jane, Pot, Reeler, Skunk, Weed	Ice, Chalk, Crank, Crystal, Fire, Glass, Meth, Speed	Codaine, OxyContin (Oxy, O.C.), Percocet (Percs), Vicodin (Vike, Vicamin V)	Mebutal, Quaaludes, Xanax, Valium	Adderall, Dexamine, Ritalin	Juice, Rhoids, Stackers, Pumpers, Gym Candy	Cancer Stricks, Chew, Cigarettes, Dip, Fags, Smokes
Looks Like	Liquid (types include beer, wine, liquor)	White crystalline powder, chips, chunks or white rocks	Liquid, pills, powder, gel caps	Branded tablets (Playboy bunnies, Nike swoosh)	White to dark brown powder or tar-like substance	Paint thinners, glues, nail polish remover, whipped cream aerosol, air conditioner fluid (green) and more	A green or gray mixture of dried shredded flowers and leaves of the hemp plant	White or slightly yellow crystal-like powder, large rock-like chunks	Tablets and capsules	Multi-colored tablets and capsules, some can be in liquid form	Tablets and capsules	Tablet, liquid or skin application	Brown, cut up leaves
How It's Used/Abused	Alcohol is drunk	Cocaine can be snorted or injected; crack can be smoked	Swallowed	Swallowed	Injected, smoked, freebased or snorted	Inhaled through nose or mouth	Smoked, brewed into tea or mixed into foods	Swallowed, injected, snorted or smoked	Swallowed or injected	Swallowed, injected or snorted	Swallowed, applied to skin or injected	Will guarantee a spot on the starting lineup	Smoked or chewed
What Teens Have Heard	Makes a boring night fun	Keeps you amped up; you'll be the life of the party	Causes a trippy high with various plateaus	Enhances the senses and you'll love everyone	Full-on euphoria, but super risky	A cheap, 20-minute high	Relaxing, not dangerous, and often easier to get than alcohol	Can keep you going for days	A free high, straight from the medicine cabinet	A great release of tension	Keeps you attentive and focused	Will guarantee a spot on the starting lineup	An oral fixation and appetite suppressant
Dangerous Because	Impairs reasoning, clouds judgement. Long-term heavy drinking can lead to alcoholism and liver and heart disease	Can cause heart attacks, strokes and seizures. In rare cases, sudden death on the first use	Can cause severe abdominal pain, extreme nausea and liver damage	Can cause severe dehydration, liver and heart failure and even death	Chronic heroin users risk death by overdose	Chronic exposure can produce significant damage to the heart, lungs, liver and kidneys. Can induce death	Can cause memory and learning problems, hallucinations, delusions and depersonalization	Chronic long-term use, or high dosages, can cause psychotic behavior (including paranoia, delusions, hallucinations, violent behavior, insomnia and strokes)	A large single dose can cause severe respiratory depression that can lead to death	Slows down the brain's activity and when a user stops taking them, there can be a rebound effect, possibly leading to seizures and other harmful consequences	Taking high doses dangerously high body temperatures and an irregular heartbeat. Potential for heart attacks and lethal seizures	Boys can develop breasts, girls can develop facial hair and a deepened voice. Can cause heart attacks and strokes as well as many forms of cancer	Cigarette smoking harms every organ in the body and causes coronary heart disease, heart stroke, as well as many forms of cancer
Teen Usage (Grades 7-12)	1 in 2 teens drink alcohol in the last year	1 in 10 teens have used cocaine or crack in their lifetime	1 in 10 teens abused cough medicine in their lifetime	1 in 12 teens have used Ecstasy in their lifetime	1 in 20 teens have used heroin in their lifetime	1 in 5 teens have used inhalants in their lifetime	2 in 5 teens have used marijuana in their lifetime	1 in 12 teens have used methamphetamine in their lifetime	1 in 5 teens have abused prescription pain relievers in their lifetime	1 in 10 12th graders have abused sedatives and tranquilizers in their lifetime	1 in 10 teens have abused Ritalin or Adderall in their lifetime	1 in 10 8th graders have used steroids in the last year	1 in 7 teens smoked cigarettes in the last 30 days
Signs of Abuse	Slurred speech, lack of coordination, nausea, vomiting, hangovers	Nervous behavior, restlessness, bloody noses, high energy	Slurred speech, loss of coordination, disorientation, vomiting	Teeth clenching, chills, sweating, dehydration, anxiety, unusual displays of affection	Track marks on arms, slurred speech, vomiting	Missing household products, a drunk, dazed or dizzy appearance	Slowed thinking and reaction time, impaired coordination, paranoia	Nervous physical activity, scabs and open sores, decreased appetite, inability to sleep	Medicine bottles present without illness, Rx bottles missing, disrupted eating and sleeping patterns	Slurred speech, shallow breathing, sluggishness, disorientation, lack of coordination	Lack of appetite, increased alertness, attention span and energy	Rapid growth of muscles, opposite sex characteristics and extreme irritability	Smell on clothes and hair, yellowing of teeth and fingers that hold cigarettes
Important to Know	Being a child of an alcoholic places children at greater risk for developing alcohol problems	Cocaine is one of the most powerfully addictive drugs	The "high" from cough medicine is caused by ingesting a large amount of dextromethorphan (DXM), a common active ingredient found in many cough medications	Has become a popular club drug because of its stimulant properties which allow users to dance for extended periods of time	Heroin overdose is a particular risk on the street, where the purity of the drug cannot be accurately known	More than 1000 common products are potential inhalants that can kill either on the first use or any time thereafter	Contrary to popular belief, marijuana can be addictive	Meth has a high potential for abuse and addiction, putting children at risk, increasing crime and causing environmental harm	Abusing prescription painkillers is just as dangerous, addictive and deadly as using heroin	Using prescription sedatives and tranquilizers with alcohol can slow both the heart and respiration and possibly lead to death	Many teens abuse this prescribed medication to help them cram for exams or suppress their appetite	Teens who abuse steroids before the typical adolescent growth spurt risk staying short and never reaching their full adult height	Secondhand smoke contributes to more than 35,000 deaths related to cardiovascular disease

Thanks to Endo Pharmaceuticals, National Supporter, Parent Resources | Find more tools and tips at www.time2talk.org.
Sources: Partnership Against Tequila Study 2006, National Institute on Drug Abuse, Monitoring the Future, National Institute on Alcohol Abuse and Alcoholism. © 2007 Partnership for a Drug-Free America. www.drugfree.org

Section 11

Firearm Violations

11. Firearm Violations

Reference (page 19-19)

§8-19-2 Definitions. As used in this chapter:

“Firearm” means:

- (1) Any weapon including but is not limited to a starter gun, shotgun, air guns which includes BB guns, pellet guns, paintball guns, or cross bow or any other instrument which will or is designed to or may readily be converted to expel a projectile;
- (2) The frame or receiver of any such weapon;
- (3) Any firearm muffler or firearm silencer; or
- (4) Any destructive device. The term "destructive device" means:
 - (A) Any explosive, incendiary, or poison gas:
 - (i) Bomb;
 - (ii) Grenade;
 - (iii) Rocket having a propellant charge;
 - (iv) Missile having an explosive or incendiary charge;
 - (v) Mine; or
 - (vi) Device similar to any of the devices described in the preceding clause;
 - (B) Any type of weapon which will, or which may be readily converted to expel a projectile, including but is not limited to a weapon that expels a projectile by action of an explosive or other propellant; or
 - (C) Any combination or parts either designed or intended for use in converting any device described above, and from which a destructive device may be readily assembled.

§8-19-6 Prohibited student conduct; class offenses.

(b) Any student who possesses a firearm shall be dismissed from school for not less than one calendar year period. The possession or use of a firearm is prohibited on campus, or other department of education premises, on department of education transportation, or during a department of education sponsored activity or event on or off school property except for participation in athletic teams, clubs and/or Junior Reserve Officer Training Corp (JROTC) shooting sports programs and marksmanship training, education, and competitions. The superintendent or designee, on a case-by-case basis, may modify the dismissal of a student found to be in possession of a firearm. If a student is dismissed from school, that student shall be provided alternate educational activities or other appropriate assistance as provided in section 8-19-11.

11. Firearm Violations



Key Messages/Reminders

- The disciplinary action for any student caught possessing or using a firearm is “**DISMISSAL**.” The length for a dismissal is for not less than one calendar year. The disciplinary action is not suspension for 180 school days nor suspension for 365 school days.
- Firearm violations have two types of appeal: (1) Appeal of “firearm type” and any other appeal such as following proper process or unlawful search and seizure is submitted to the Complex Area Superintendent and (2) Appeal of “firearm dismissal” length is submitted directly to the Superintendent of Education.
- The parent, not a DOE employee, must file an appeal for their child regarding a firearm dismissal.
- There is no “stay put” provision for students who are dismissed for firearm violations during an appeal.
- Any student who is dismissed from school for one calendar year for a firearms violation **remains active** on the student attendance roster and is marked neither “Absent” nor “Tardy” with a reason of “Chapter 19.” Code “053” is used to indicate “dismissal.”
- At the beginning of each school year, school administrators are required to send home with each student the “Be Cool! Don’t Be A Fool!” flyer and parent letter.



Frequently Asked Questions

The following is a series of commonly asked questions about students found to be in violation of a firearm offense.

Firearm Definition

1. What constitutes a “firearm”?

A “firearm” is defined by §8-19-2 Definitions. “Firearm” means:

- (1) Any weapon including but is not limited to a starter gun, shotgun, air guns which includes BB guns, pellet guns, paintball guns, or cross bow or any other instrument which will or is designed to or may readily be converted to expel a projectile;
- (2) The frame or receiver of any such weapon;
- (3) Any firearm muffler or firearm silencer; or
- (4) Any destructive device. The term “destructive device” means:
 - (A) Any explosive, incendiary, or poison gas:
 - (i) Bomb;
 - (ii) Grenade;
 - (iii) Rocket having a propellant charge;
 - (iv) Missile having an explosive or incendiary charge;
 - (v) Mine; or

11. Firearm Violations

- (vi) Device similar to any of the devices described in the preceding clause;
 - (B) Any type of weapon which will, or which may be readily converted to expel a projectile, including but is not limited to a weapon that expels a projectile by action of an explosive or other propellant; or
 - (C) Any combination or parts either designed or intended for use in converting any device described above, and from which a destructive device may be readily assembled.
2. Does a “sling shot” with a paper clip constitute a “firearm”? How about a “sling shot” with an empty pen barrel containing a stick?
- In either situation, the “sling shots” may or may not be considered a “firearm” depending on the facts and circumstances of the alleged incident:
 - Whether the object is an instrument which will or is designed to or may readily be converted to expel a projectile and in addition,
 - Consider the following factors in making a determination:
 1. Intention of the offender,
 2. Nature and severity of the incident,
 3. Impact of the firearm offense including whether the action was committed by an individual or a gang,
 4. Age of the offender, and
 5. Repeat offense status of the offender.

Authority to Dismiss a Firearm Violation

3. Who has the authority to impose a dismissal for a student who is alleged to have committed a firearm violation?
- A firearm violation is considered serious discipline and only the complex area superintendent (CAS) has the authority to dismiss the student.
 - The school principal or designee shall obtain a verbal authorization from the CAS prior to imposing the dismissal.

Authority to Modify a Firearm Violation

4. Who has the authority to modify a firearm dismissal?
- Only the Superintendent of Education or the Superintendent’s designee may modify the firearm dismissal on a case-by-case basis.

11. Firearm Violations

Appeals for Firearm Violations

5. If a parent disagrees that the instrument in question is a firearm, who do they appeal this decision to?
 - This appeal is to be directed to the complex area superintendent.
6. If a parent disagrees with the “dismissal” length of exclusion from school, who do they appeal to?
 - In this situation, the appeal is made directly to the Superintendent of Education.
7. What if a parent is contesting an appeal for both “firearm type” and “dismissal length”?
 - In this situation, the parent would first need to file the “firearm” type appeal to the complex area superintendent.
 - Depending on the outcome of the “firearm” type appeal to the complex area superintendent, the appeal for the “dismissal” length may or may not be filed.
8. What form does the parent need to submit for a firearms appeal?
 - The parent must complete and submit the following forms:
 - **Chapter 19 Confidential CAS Request for Appeal** for “firearm type”
 - **Chapter 19 Confidential Request for Appeal to Superintendent** for “dismissal length”
9. When must the form to the CAS or the Superintendent be submitted?
 - If the parent is appealing the type of “firearm type”, the written appeal request form must be received by the complex area superintendent by the close of business (4:30 pm) of the seventh school day from the date of the issued serious discipline notice.
 - If the parent is appealing the “dismissal length” of not less than one calendar year, then the written appeal request form must be received by the Superintendent’s Office by the close of business (4:30 pm) of the seventh school day from the date of the issued serious discipline notice.
 - If the parent is appealing both a “firearm type” and “dismissal length” of not less than one calendar year, the written appeal request must be received by the complex area superintendent by the close of business (4:30 p.m.) of the seventh school day from the date of the issued serious discipline notice. Once the complex area superintendent issues a decision on the “firearm type” appeal, the parent should be informed that their written appeal request form for the “dismissal length” must be received by the Superintendent’s office by the close of business (4:30 p.m.) of the seventh school day from the date of the decision issued by the complex area superintendent on the “firearm type”

11. Firearm Violations

appeal.

School Attendance Status

10. What is the school attendance status of a student dismissed for a firearms violation?

- Any student who is dismissed from school for a firearms violation remains active on the student attendance roster and is marked neither “Absent” nor “Tardy” with a reason of “Chapter 19.” Code 53 is used to indicate “dismissal.”
- For further information please refer to the Revised School Attendance Procedures memo of August 18, 2011.

“Stay Put” During Firearm Appeal

11. Does “stay put” apply to a student whose parent is requesting an appeal?

- No, the provisions of “stay put” does not apply to student whose parents are appealing a firearm dismissal.

eCSSS Documentation of a Firearm Violation

12. How is a firearm dismissal documented in eCSSS Incident?

- A firearm violation is recorded as “dismissal” in the Discipline tab of the Student Profile. If suspension of 365 calendar days is chosen as a disciplinary option, an error message will appear. “Dismissal” must be selected to continue documentation in the database.

Alternate Educational Activities

13. Does a student have to be provided with alternate educational activities while he/she is on a firearm dismissal?

- Yes, if a student is dismissed from school for a firearm violation, he/she shall be provided alternate educational activities or other appropriate assistance as provided in section 8-19-11 of this chapter.

Student Participation in Hawaii State Assessment

14. Is a student who is on a firearm dismissal for one calendar year excused from taking the Hawaii State Assessment (HSA)?

- No, a student with a serious disciplinary action status may be placed at various sites based on their behavior and if the student meets the participation criteria, he/she must be tested.
- The student must meet the following criteria to be tested:

11. Firearm Violations

- Student must be currently enrolled in public or charter school in Hawaii as indicated by Department's official statewide student database.
- Student's current physical, mental, and/or emotional condition does not prevent him/her from taking the assessment at the most appropriate site during the testing window.
- Please refer to the 2012-2013 Online HSA Test Administration Manual for further information. (<http://www.alohahsa.org>)



Administrator's Checklist

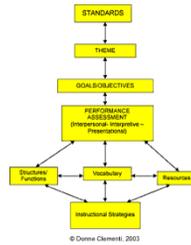
Checklist	What/Purpose
Administrator's Checklist for Firearms Violations	✓ A list of suggested procedural steps for school administrators to follow when administering a dismissal for firearm violations

Administrator’s Checklist For Firearm Violations (page 1 of 2)

The principal or designee is responsible to:	
Step 1:	<input type="checkbox"/> Investigate the alleged incident and determine whether the item in question meets the definition of a “firearm” as defined by section 8-19-2.
	• Any weapon including but is not limited to a starter gun, shotgun
	• Air guns, including BB guns, pellet guns, paintball guns
	• Cross bow or
	• Any other instrument which will is or is designed to or may readily be converted to expel a projectile
	• Frame or receiver of any such weapon
	• Any firearm muffler or firearm silencer; or
	• Any destructive device – explosive, incendiary, or poison gas; bomb, grenade, rocket having a propellant charge; missile having an explosive or incendiary charge; mine or devices similar to any of the devices described in the preceding clause;
• Any type of weapon which will or may be readily converted to expel a projectile, including but is not limited to a weapon that expels a projectile by action of an explosive or other propellant; or	
• Any combination or parts either designed or intended for use in converting any device described above, and from which a destructive device may be readily assembled.	
Step 2:	<input type="checkbox"/> Obtain verbal authorization from the complex area superintendent (CAS) to dismiss student once it has been substantiated that the incident is a firearm violation.
Step 3:	<input type="checkbox"/> Make a good faith effort to inform the parent of the following once verbal authorization is received from the CAS: <ul style="list-style-type: none"> • the firearm incident, • the opportunity to appeal, and • that the disciplinary action will be implemented immediately.
	<input type="checkbox"/> Clearly explain to parent that the appeal for firearm dismissal length must be submitted directly to the Superintendent’s Office and that an appeal for firearm instrument type must be submitted to the CAS.
Step 4:	<input type="checkbox"/> Document the CAS’s verbal authorization in eCSSS in Student Profile/Suspect form/Discipline tab/CAS authorization tab.

Administrator's Checklist For Firearm Violations (page 2 of 2)

The school administrator is responsible to:	
Step 5:	<input type="checkbox"/> Complete the required Chapter 19 forms in eCSSS Notification and Investigations tabs. <ul style="list-style-type: none"> • Be sure to state the facts of who, what, when, where in the Allegations section. • In the Allegations Substantiated section, it must clearly state that the student was in violation of section 8-19-6 (b) and not due to the Hawaii Gun Free Schools Act. • Be sure to document parental notification attempts in the Notification tab of School Profile/Incident Form. • Be sure to select "Investigation Notice" under notification purpose for this form to generate the notification attempts.
Step 6:	<input type="checkbox"/> Generate and mail the following required Chapter 19 forms to the parent within 3 school days of the verbal authorization received from the CAS. Be sure that the forms are signed and dated by the principal/designee. <ul style="list-style-type: none"> • Chapter 19 Confidential Investigation Notice • Chapter 19 Confidential Investigation Findings and Discipline • Chapter 19 Confidential Request for Appeal (Complex Area Superintendent) and/or • Chapter 19 Confidential Request for Appeal to Superintendent
Step 7:	<input type="checkbox"/> Alternative educational activities are provided to student during the dismissal interim. <ul style="list-style-type: none"> • Be sure documentation of alternative activities is completed in eCSSS Suspect form/Discipline tab.

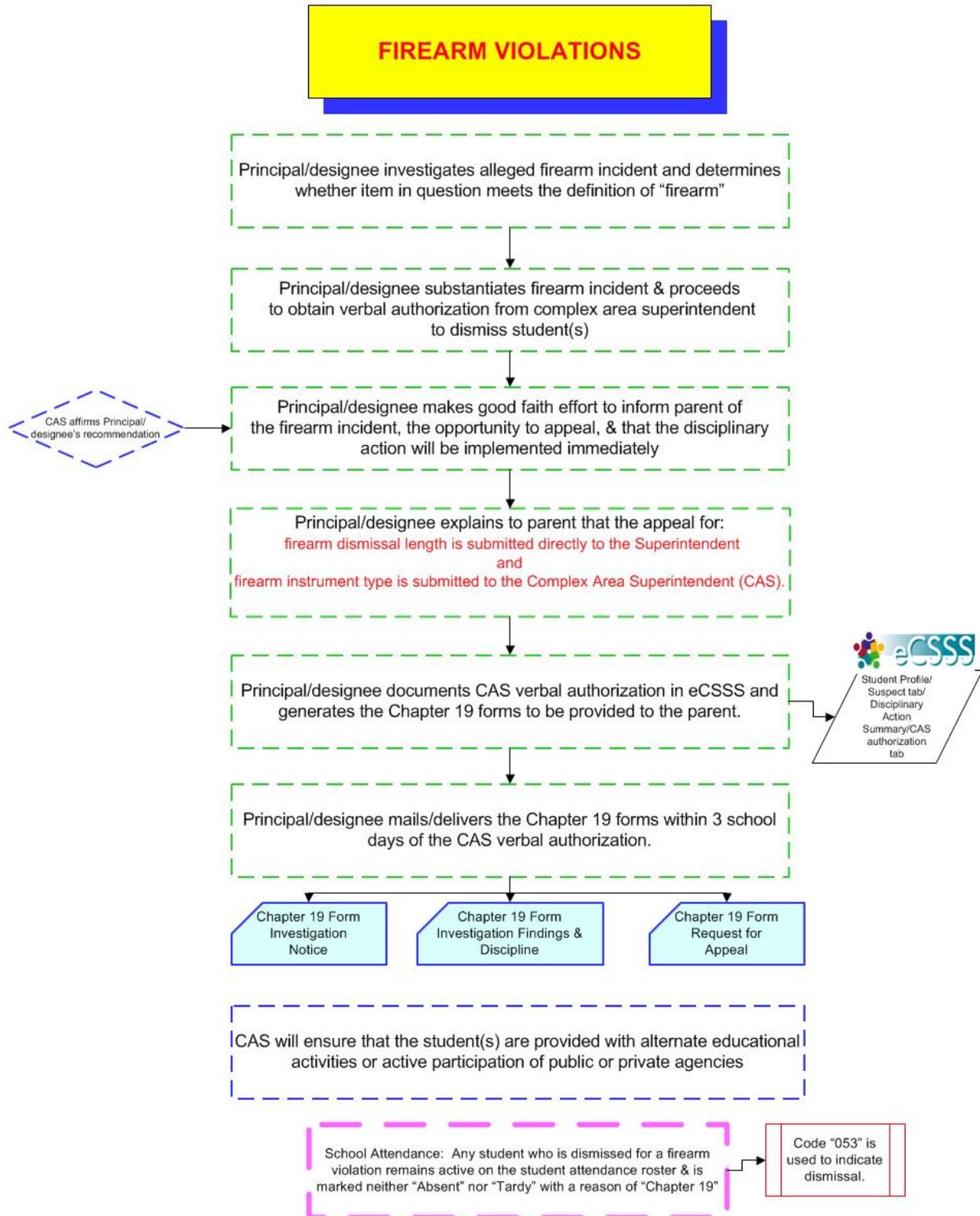


Flowchart

- Firearms Violation

Hawaii Administrative Rules 8-19
January 2013

HAR 8-19
Section 8-19-2 and 8-19-6 (b)





Documentation & Navigation

- **Firearm Violations**

11. Firearm Violations

1. Navigate to: School Profile/New Incident/Offenses tab.
2. Select from pull down menu, "Add Incident Offense," and click "Add."

Incident

Incident Report Number School

Incident **Offenses** Witnesses Victims Suspects Notifications Investigation

Add Incident Offense *

- Add

Offense	Witness	Victim	Suspect Verified
A: Assault		X	X
A: Fighting			X
A: Firearms			
B: Bullying			
B: Disorderly Conduct		X	X
C: Abusive Language			X

3. When "Add" is clicked, the following worksheet will appear.
4. Review the Elements Checklist and check box "Offense committed meets the elements checklist below."

Investigation Worksheet for Firearms (*)

Description Firearms **Elements Checklist**

Elements Checklist

Offense committed meets the elements checklist below *

A. Possession or use of firearm on:

1. Campus,
2. Other department of education premises,
3. Department of education transportation OR
4. During department of education sponsored activity or event on or off school property except for participation in athletic teams, clubs and/or Junior Reserve Officer Training Corp shooting programs and marksmanship training, education, and competitions.

B. Any weapon which will OR is designed to OR may be readily converted to expel a projectile; including but is not limited to

1. Starter gun;
2. Shotgun;
3. Air guns which includes BB guns, pellet guns, paintball guns; OR
4. Crossbow; OR
5. Any other instrument which will or is designed to OR may readily be converted to expel a projectile.

C. The frame or receiver of any such weapon;

D. Any firearm muffler or firearm silencer; OR

E. Any destructive device. The term "destructive device" means:

1. Any explosive, incendiary, or poison gas:
 - a. Bomb;
 - b. Grenade;
 - c. Rocket having a propellant charge;
 - d. Missile having an explosive or incendiary charge;
 - e. Mine; OR

11. Firearm Violations

- Next click on “Firearms” tab and complete the next worksheet.
- “Select one or more firearms” that apply and select “Primary Firearm” via pull down.

Investigation Worksheet for Firearms

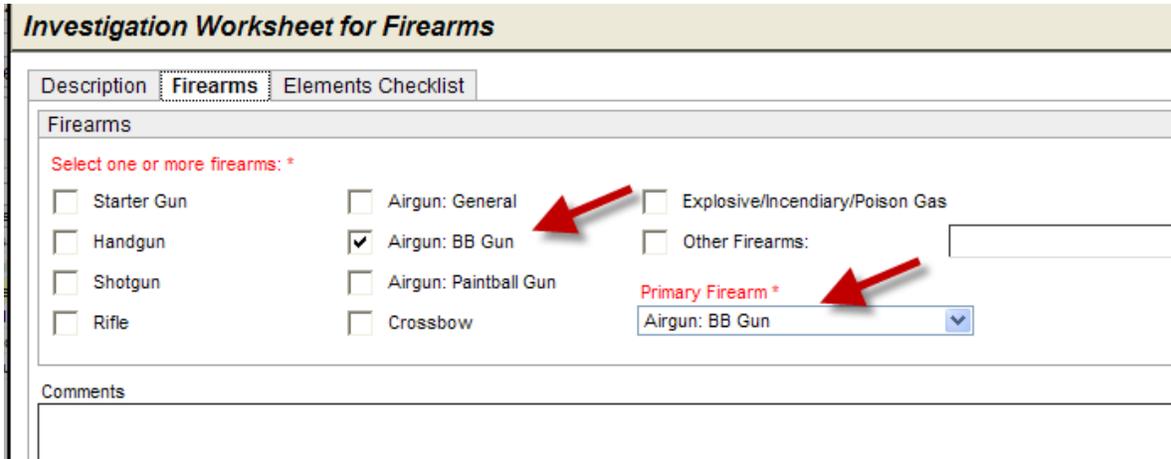
Description **Firearms** Elements Checklist

Firearms

Select one or more firearms: *

<input type="checkbox"/> Starter Gun	<input type="checkbox"/> Airgun: General	<input type="checkbox"/> Explosive/Incendiary/Poison Gas
<input type="checkbox"/> Handgun	<input checked="" type="checkbox"/> Airgun: BB Gun	<input type="checkbox"/> Other Firearms: <input type="text"/>
<input type="checkbox"/> Shotgun	<input type="checkbox"/> Airgun: Paintball Gun	Primary Firearm *
<input type="checkbox"/> Rifle	<input type="checkbox"/> Crossbow	Airgun: BB Gun

Comments



- Be sure to select “Verify” in the Suspect tab to verify that it was a firearm violation. If “verify” is not selected, the incident and suspect’s information will not appear on the School Profile or Student Profile summary page.

Incident Suspect (*)

Suspect

Student Name * Student ID Gender Grade School

Search All Schools Include Inactive Students

Offenses **Police**

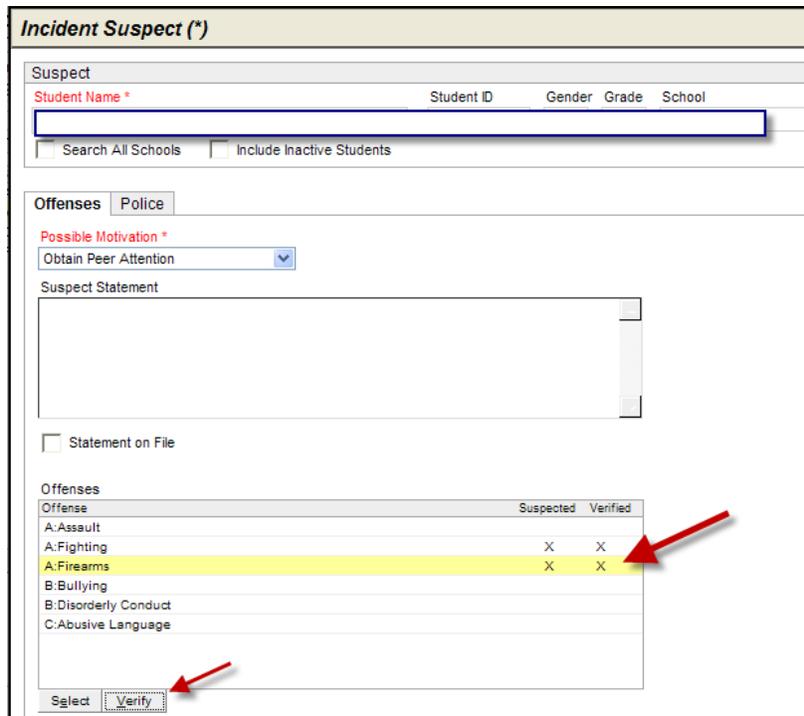
Possible Motivation *
Obtain Peer Attention

Suspect Statement

Statement on File

Offense	Suspected	Verified
A: Assault		
A: Fighting	X	X
A: Firearms	X	X
B: Bullying		
B: Disorderly Conduct		
C: Abusive Language		

Select **Verify**



11. Firearm Violations

8. For the disciplinary action, only "Dismissal" shall be selected.
9. Navigate to: Student Profile/Suspect form/Discipline tab.
10. Select "Dismissal" and click "Add" under Disciplinary Action Summary.
11. Be sure to complete the fields for the offered conference date, time, and location.
This information will populate the Investigation Notice form.
12. For the CAS Review Status to appear "Affirmed," highlight "Dismissal" and click "Open."

Suspect Form

Student Name	Student ID	Birth Date	Gender	Grade	School
<input type="text"/>					

Incident Offenses Police **Discipline** Interventions MD CRAFT CAS Appeal Supt. Review Expedited Due Process Attachments

Disciplinary Out-of-School Days for Incident	Cumulative Disciplinary Out-of-School Days	School Year	Semester
Total Disciplinary Out-of-School Days	Prior to Incident	0	0
<input type="text" value="0"/>	Including Incident	0	0

Crisis Removal	Disciplinary Action Summary		
Crisis Removal Days	Add Disciplinary Action		
<input type="text"/>	Dismissal <input type="button" value="Add"/>		
Crisis Removal Start	Disciplinary Action	Days	CAS Review Status
<input type="text"/>	Dismissal		Affirmed
Crisis Removal End Date	<input type="button" value="Open"/>	<input type="button" value="Delete"/>	
<input type="text"/>	Conference Date *	Conference Time *	Conference Location *
Crisis Removal Return to School Date	<input type="text" value="03/15/2010"/>	<input type="text" value="10:15 PM"/>	<input type="text" value="Principal's Office"/>
<input type="text"/>	Concurrent Disciplinary Action		
Crisis Removal Description	<input type="text"/>		
<input type="text"/>			
CAS Authorization Status			

13. Click: CAS Authorization tab and complete the required fields.

Suspect Discipline

School Disciplinary Action	CAS Authorization
CAS Authorization *	Affirmed <input type="button" value="Add"/>
CAS Authorization Date	CAS Authorization Time
<input type="text" value="03/12/2009"/>	<input type="text" value="1:15 PM"/>
CAS Authorization Explanation	
<input type="text"/>	

14. Always be sure to click OK and SAVE.

11. Firearm Violations

15. Complete the Notifications tab to populate the Chapter 19 Confidential Investigation Notice form. Click “Add” to activate data fields.

The screenshot shows the 'Incident' window with the 'Notifications' tab selected. At the top, there are input fields for 'Incident Report Number' and 'School'. Below this is a tabbed interface with 'Incident', 'Offenses', 'Witnesses', 'Victims', 'Suspects', 'Notifications', and 'Investigation'. The 'Notifications' tab is active, displaying a table with columns: Name, Student ID, Type, Notification Purpose, Notification Date, and Notification Method. A red arrow points to the 'Add' button at the bottom left of the window.

16. Complete Notification Information and Contact Details. The information entered will populate the Chapter 19 Confidential Investigation Notice form.
17. Be sure to select “Investigation Findings” under Notification Purpose to populate the parent contact attempts on the Investigation Notice form.

The screenshot shows the 'Incident Notification (*)' form. It is divided into two main sections: 'Notification Information' and 'Contact Details'.
Notification Information:
- Notification Type: Suspect
- Student Name: [Redacted]
- Notification Date: 11/08/2010
- Notification Time: 10:30 am
- Notification Purpose: Investigation Findings (indicated by a red arrow)
- Notification Method: Phone
- Notification Outcome: Contacted
- Contacted By: Joe Kingston
- Position: Vice Principal
- Comments: [Empty text area]
Contact Details:
- Person Contacted: Marcia Smitherly
- Relationship to Student: Mother
- Country: United States (US)
- Street Address: [Empty]
- City: [Empty], State: [Empty], Zip Code: [Empty]
- Contact Phone: [Empty]



Additional Handouts

Handout	What/Purpose
Be Cool Flyer School Year 2012-13	✓ Sample flyer that is distributed to every student at the beginning of each school year
Parent Letter	✓ A sample of a parent letter that is to accompany the annual Be Cool flyer



Bringing dangerous items like a BB gun, air gun or paintball gun to school is prohibited.

I WILL BE DISMISSED AND I WON'T BE ABLE TO ATTEND SCHOOL FOR AT LEAST ONE CALENDAR YEAR.



THIS IS A WEAPON-FREE SCHOOL ZONE



SO BE COOL!

Don't Be A Fool In School

Only the Superintendent of Education, on a case-by-case basis, may modify your dismissal • HAR Chapter 19 §8-19-6(b)

S A M P L E

Parent Letter

Dear Parents/Guardians:

It is with great concern that I ask you to please discuss with your child/children the dangers of bringing any firearm to school. Firearms such as BB guns, air guns, or paintball guns are strictly prohibited in school and do not belong in your child's backpack, on the school bus, and/or at any school-related activities.

Should your child bring a firearm to school, he/she shall be removed from attending school for not less than one calendar year. Only by my review on a case-by-case basis, can the length of this dismissal be modified. "Firearm" as defined by Hawaii Administrative Rules Title 8, Chapter 19 Student Misconduct, Discipline, School Searches and Seizures, Reporting Offenses, Police Interviews and Arrests, and Restitution for Vandalism means:

- (1) Any weapon including but is not limited to a starter gun, shotgun, air guns which includes BB guns, pellet guns, paintball guns, or cross bow or any other instrument which will or is designed to or may readily be converted to expel a projectile;
- (2) The frame or receiver of any such weapon;
- (3) Any firearm muffler or firearm silencer; or
- (4) Any destructive device. The term "destructive device" means:
 - a. Any explosive, incendiary, or poison gas:
 - i. Bomb;
 - ii. Grenade;
 - iii. Rocket having a propellant charge;
 - iv. Missile having an explosive or incendiary charge;
 - v. Mine; or
 - vi. Device similar to any of the devices described in the preceding clause;
 - b. Any type of weapon which will, or which may be readily converted to expel a projectile, including but is not limited to a weapon that expels a projectile by action of an explosive or other propellant; or
 - c. Any combination or parts either designed or intended for use in converting any device described above, and from which a destructive device may be readily assembled.

"So Be Cool! Don't Be A Fool in School!" is our annual statewide campaign to remind you and your child/children of the consequence for a firearms violation. Please discuss the attached flyer with your child/children, emphasizing personal safety, appropriate safe school behaviors, and consequences for any firearms violations. In addition, always be aware of what your child/children are doing and what they may be bringing to school in their backpacks.

Should you have any questions, please contact your school principal. Thank you for helping to keep our Hawaii schools safe for all your children and school community.

Very truly yours,

Kathryn S. Matayoshi
Superintendent

STATE OF HAWAII
DEPARTMENT OF EDUCATION

CHAPTER 19
CONFIDENTIAL
INVESTIGATION NOTICE

To: Name of the Adult Involved _____

SCHOOL: _____

Student ID: _____ State of Birth: _____ Grade: _____

Incident Date: _____ Incident Number: _____

INVESTIGATION NOTICE Section 8-19.1.9-19.19.19

1. This notice is required to be provided to the parent or guardian of a student who is the subject of an investigation in an incident involving a student's safety or the safety of others on school property or at a school-sponsored activity.

2. This notice is required to be provided to the parent or guardian of a student who is the subject of an investigation in an incident involving a student's safety or the safety of others on school property or at a school-sponsored activity.

3. This notice is required to be provided to the parent or guardian of a student who is the subject of an investigation in an incident involving a student's safety or the safety of others on school property or at a school-sponsored activity.

4. This notice is required to be provided to the parent or guardian of a student who is the subject of an investigation in an incident involving a student's safety or the safety of others on school property or at a school-sponsored activity.

5. This notice is required to be provided to the parent or guardian of a student who is the subject of an investigation in an incident involving a student's safety or the safety of others on school property or at a school-sponsored activity.

6. This notice is required to be provided to the parent or guardian of a student who is the subject of an investigation in an incident involving a student's safety or the safety of others on school property or at a school-sponsored activity.

7. This notice is required to be provided to the parent or guardian of a student who is the subject of an investigation in an incident involving a student's safety or the safety of others on school property or at a school-sponsored activity.

8. This notice is required to be provided to the parent or guardian of a student who is the subject of an investigation in an incident involving a student's safety or the safety of others on school property or at a school-sponsored activity.

9. This notice is required to be provided to the parent or guardian of a student who is the subject of an investigation in an incident involving a student's safety or the safety of others on school property or at a school-sponsored activity.

10. This notice is required to be provided to the parent or guardian of a student who is the subject of an investigation in an incident involving a student's safety or the safety of others on school property or at a school-sponsored activity.

Notification Information	
Name	Phone Number

Appointed of Interest: _____

Confidence Information: _____

Signature: _____ Title: _____

Chapter 19 Forms

- Chapter 19 Confidential Investigation Notice
- Chapter 19 Confidential Investigation Findings and Discipline
- Chapter 19 Confidential Request for Appeal to Superintendent

Chapter 19 Confidential Investigation Findings And Discipline
(Page 1 of 2)

 <p>STATE OF HAWAII DEPARTMENT OF EDUCATION</p>	<p>CHAPTER 19 CONFIDENTIAL NOTICE OF INVESTIGATION FINDINGS AND DISCIPLINE</p>
<p>To Parent of or Adult Student: _____ Student's Name _____ Mail Address _____</p> <p>School: _____ Grade: _____ Student ID: _____ Date of Birth: _____ Incident Date: _____ Incident Number: _____</p> <p>INVESTIGATION REPORT (section 8-19-7.1 (b)): The principal or designee upon completion of the investigation, shall make a written report containing a brief summary of the testimony of witnesses interviewed, any other evidence relied upon, and the principal or designee's reason(s) for the initiation of disciplinary proceedings.</p> <p>1. Allegation(s) of incident:</p> <p>2. Allegation(s) that were substantiated (list each offense):</p> <p>3. Witness Summary/Other Evidence: (Provide a brief summary of each witness interviewed and any other evidence that substantiate(s) each offense(s))</p> <p>4. Summary of Investigation Findings:</p> <p>5. Manifestation Determination: For IDEA (Chapter 60) and section 504 (Chapter 61) eligible students, if he/she is being suspended for over 10 days at one time or cumulatively in a school year, a determination must be made whether the student's behavior resulted from the disability or an inappropriate program or placement, or both.</p> <p>For IDEA or Section 504 students only: Date of last completed I.E.P. or Modification Plan: _____ Date Manifestation Determination conducted: _____ The student's behavior _____ a manifestation of his/her disability.</p>	

Chapter 19 Confidential Investigation Findings And Discipline
(Page 2 of 2)

	STATE OF HAWAII DEPARTMENT OF EDUCATION	CHAPTER 19 CONFIDENTIAL NOTICE OF INVESTIGATION FINDINGS AND DISCIPLINE				
<hr/>						
Student's Name	Student ID	Grade				
<hr/>						
School	Incident Date	Incident Number				
<hr/>						
6. Disciplinary Action:						
Recommended Disciplinary Action	School Days	Start Date	End Date	Return to School	Total Semester	Total Year
Suspension						
Dismissal						
Disciplinary Transfer						
Interim Alternative Educational Setting						
<p>Police Arrest: <input type="checkbox"/> Yes <input type="checkbox"/> No</p>						
<p>7. Reasons for Disciplinary Action Determination: Based on the investigation findings, the reason(s) for determining the above disciplinary action is/are:</p> 						
<p>Signature: _____</p> <p style="text-align: center; font-size: small;"> Print Name Principal/Designee Date </p>						

Chapter 19 Confidential Request for Appeal to Superintendent
(Page 1 of 2)

Rev. 08/11
Page 1 of 2

	STATE OF HAWAII DEPARTMENT OF EDUCATION	CHAPTER 19 CONFIDENTIAL REQUEST FOR APPEAL TO SUPERINTENDENT
<p>To: _____ Superintendent of Education or Designee</p> <p>From: _____ Parent/Legal Guardian</p> <p>_____ Student's Name</p> <p>_____ Mail Address</p> <p>School: _____ Grade: _____</p> <p>Student ID: _____ Date of Birth: _____</p> <p>Incident Date: _____ Incident Number: _____</p>		
<p>In accordance with Hawaii Administrative Rules (HAR), Title 8, Department of Education, Chapter 19, the parent or adult student has the right to appeal to the Superintendent:</p> <ol style="list-style-type: none">1. A decision rendered by the Complex Area Superintendent on matters relating to Serious Discipline (dismissal, disciplinary transfers, and suspensions exceeding ten school days) or2. For modification of the length of dismissal for firearms cases. <p>The following procedures have been established for submitting an appeal to the Superintendent, (HAR section 8-19-9(e)):</p> <ol style="list-style-type: none">a. The parent may appeal the decision of the complex area superintendent by providing, to the Superintendent of Education, a written notice of their appeal identifying the specific issues being appealed, a specific statement whether they are requesting a hearing, and any arguments with supporting documents and evidence the parent is asking the Superintendent to consider. The appeal must be submitted in writing and received by the Superintendent of Education within seven school days of the date of the complex area superintendent's decision.b. In a serious discipline appeal, the student shall be permitted to attend the school of the student pending the serious discipline appeal unless the complex area superintendent finds that continued presence of the student creates a substantial risk to self or others or to the rights of other students to pursue their education free from disruption. However, the student shall not participate in any extracurricular activities, including but not limited to athletics, trips, or clubs.c. In a firearm dismissal appeal, the student shall not be permitted to attend school during the pendency of the appeal nor shall the student be allowed to participate in any extracurricular activities, including but not limited to athletics, trips, or clubs. The student shall be given alternative education during the appeal process. <p>To be completed by adult student, parent, or legal guardian submitting appeal:</p> <ol style="list-style-type: none">1. Reason(s) for submitting appeal: (i.e., a description of what findings or actions are being challenged): <input type="checkbox"/> Serious Discipline <input type="checkbox"/> Firearm Dismissal2. I am requesting a hearing: <input type="checkbox"/> Yes <input type="checkbox"/> No		

eCSSS
Confidential Request for Appeal to Superintendent

Chapter 19 Confidential Request for Appeal to Superintendent
(Page 2 of 2)

REV. 06/11
Page 2 of 2

	STATE OF HAWAII DEPARTMENT OF EDUCATION	CHAPTER 19 CONFIDENTIAL REQUEST FOR APPEAL TO SUPERINTENDENT
Student's Name	Student ID	Grade
		106-2012-538570
School	Incident Date	Incident Number
a. Will be represented by legal counsel: <input type="checkbox"/> Yes <input type="checkbox"/> No		
If "yes":		
Name	Address	Phone
b. Will be calling witness(es): <input type="checkbox"/> Yes <input type="checkbox"/> No		
If "yes" identify witness(es):		
Name/Position		
c. Will be submitting exhibit(s): <input type="checkbox"/> Yes <input type="checkbox"/> No		
(If yes, please note that exhibits must be submitted at least 10 calendar days before the hearing.)		
3. Other Information:		
Submitted by:		

Print Name	Relationship to Student	

Signature	Date	

For Superintendent's Office Use Only:		
Date Appeal Form Received by Superintendent's Office: _____		
Stamp Date		
Received By:		

Print Name	Position	

Signature	_____	

Section 12a

General School Searches & Seizures

12a. General School Searches and Seizures

Reference (page 19-31)

§8-19-16 Authority. Except as provided in section 8-19-14 regarding student lockers, property may be searched if there are reasonable grounds to suspect, based on the attendant circumstances that the search will turn up evidence that student or students, or others on campus, or other department of education premises, on department of education transportation, or during a department of education sponsored activity or event on or off school property have violated the law or the provisions of this chapter. A school official conducting a search shall be accompanied by another school official serving as a witness, unless it is an emergency where prompt action is necessary to protect the health or safety, or both of any person or persons. [Eff 5/23/86; am and comp 7/19/93; comp 5/19/97; comp 2/22/01; am and comp 9/10/09] (Auth: HRS §302A-1112) (Imp: Hawaii Const. Art. X, §3; HRS §§302A-1101, 302A-1112)

§8-19-17 Conditions under which general school searches and seizures may be carried out. (a) Except as provided in section 8-19-14 regarding student lockers searches and seizures may be carried out by school officials when all of the following conditions are met:

- (1) If at the time of the search, there are reasonable grounds to suspect based on the attendant circumstances that the search will turn up evidence that the student or students have violated the law or provisions prohibited under this chapter.
- (2) The manner in which the search is to be conducted is reasonably related to the purpose of the search.
- (3) The student who will be subjected to a search shall be informed of the purpose of the search and shall be given an opportunity to voluntarily relinquish the evidence sought by the school official.

(b) The principal or designee of the school shall be informed by the school official who will conduct the search that a search is to be conducted and of the purpose of the search unless it is an emergency where immediate action is necessary to protect the health or safety, or both of a person or persons.

(c) If more than one student is suspected of committing a violation, then, if practical and not a risk to health or safety, the school official conducting the search shall start with the student most suspected of having the item sought in the search. [Eff 5/23/86; am and comp 7/19/93; am and comp 5/19/97; comp 2/22/01; am and comp 9/10/09] (Auth: HRS §§302A-1112, 703-309(2)) (Imp: Hawaii Const. Art. X, §3, HRS §§302A-1101, 302A-1112, 703-309(2))

12a. General School Searches and Seizures

Reference (page 19-32)

§8-19-18 Prohibited searches and seizures. Except as provided in section 8-19-14 regarding student lockers:

- (1) Random searches are prohibited.
- (2) Strip searches are prohibited.
- (3) A school official shall not conduct a search requiring bodily contact of a student except when such a search is necessary to prevent harm to the health or safety, or both of a person or persons.
- (4) In the course of a search, the use of force against a student is prohibited unless the school official believes that the force to be used is necessary to prevent harm to the health or safety, or both of a person or persons or where the student physically resists the search.
- (5) A search conducted under the provisions of this subchapter shall be limited to the object or objects for which the search was conducted. However, any other object observed during a search may be seized by a school official when possession of the object is a violation of law or the provisions of this chapter, or when non-seizure may pose a threat to the health or safety, or both of a person or persons, including the school official conducting the search. [Eff 5/23/86; comp 7/19/93; comp 5/19/97; comp 2/22/01; am and comp 9/10/09] (Auth: HRS §302A-1112) (Imp: Hawaii Const. Art. X, §3; HRS §§302A-1101, 302A-1112)

12a. General School Searches and Seizures



Key Messages/Reminders

- General school searches and seizures require “reasonable suspicion or reasonable grounds” and not “probable cause”.
- Note that all three of the following conditions must be met in order to conduct general school searches and seizures. (1) There are reasonable grounds to suspect that based on attendant circumstances that the search will turn evidence that the student(s) have violated the law or provisions of HAR 8-19, (2) The manner in which the search is to be conducted is reasonably related to the purpose of the search, (3) The student who will be subjected to a search shall be informed of the purpose of the search and shall be given an opportunity to voluntarily relinquish the evidence sought by the school official.
- To the extent possible, a school official conducting a search shall be accompanied by another school official serving as a witness, unless it is an emergency.
- School officials conducting the search should be of the same gender as the student being searched unless it is not possible after using reasonable efforts.
- Prohibited searches and seizures include: random searches, strip searches, and those requiring bodily contact of student except when bodily contact is necessary to prevent harm to health or safety, or both of a person or persons.
- “Pat downs” are considered prohibited searches.



Frequently Asked Questions

The following is a list of questions about the general procedures for conducting searches and seizures in Hawaii public schools based on the provisions of this chapter.

Definitions As Defined by Section 8-19-2

1. What constitutes a “search”?
 - A “search” means that:
 - a. A student is asked to voluntarily relinquish the contraband item(s) and the student refuses and
 - there are reasonable grounds to believe that a student has violated the law or provisions of this chapter OR
 - there is a health or safety issue with illicit drugs, dangerous weapons, dangerous instruments or firearms, or combination of the foregoing;
 - b. The school official may then examine the contents and belongings of the student which may include but are not limited to purses, fanny packs, backpacks, jackets, shoes, socks, or any other outer clothing.

12a. General School Searches and Seizures

2. What constitutes a “seizure”?

- A “seizure” means to take possession of the contraband item(s) that is or are uncovered during a search.

Conditions For Conducting General Searches and Seizures

3. What conditions must be met for general school searches and seizures to be conducted?

- Except as stated in section 8-19-14 regarding the opening and inspecting of student lockers, the following three conditions must be met in order to conduct a general search and seizure:
 - (1) at the time of the search, there are reasonable grounds to suspect based on the facts and circumstances that the search will turn up evidence that the student(s) have violated the law or the provisions of this chapter;
 - (2) the manner in which the search is to be conducted is reasonably related to the purpose of the search; and
 - (3) the student who is the subject of the search shall be informed of the purpose of the search and shall be given the opportunity to voluntarily relinquish the evidence being sought.

Persons Conducting School Searches and Seizures

4. Who can conduct general school searches and seizures?

- Persons conducting school searches are school officials who have been identified and authorized by the school administrator to conduct searches and seizures.
- A school official conducting a search shall be accompanied by another school official serving as a witness, unless it is an emergency where prompt action is necessary to protect the health or safety, or both of any person or persons.
- A school official as defined by this chapter is any administrator, specialist, counselor, teacher, school security attendant, or other department employee, responsible for the supervision of students. It does not include individuals whose services are procured.

5. Do the school officials conducting the search need to be of the same gender as the student being searched?

- Yes, to the extent possible, school officials should be of the same gender as the student being searched unless it is not possible after using reasonable efforts.

12a. General School Searches and Seizures

Voluntarily Relinquishing

6. Can the item in question be removed immediately without informing the student?
 - No. Except in emergency circumstances, prior to conducting a search, a student shall be:
 - informed of the purpose of the search and
 - asked to voluntarily relinquish the item that is being sought.
7. What if a student resists in voluntarily relinquishing the item being sought?
 - The school administrator may call the parent to ask the parent to come to school to conduct the search. In the interim, the student should be kept in a private area for observation until the parent arrives.
 - If it has been determined that there is a school emergency with a clear immediate threat, the student may be crisis removed.

Objects Found During a Search

8. What if in the course of a search, a contraband item not originally being sought for is found? Can this item be seized?
 - A search conducted under the provisions of this chapter shall be limited to the item or items for which the search was conducted.
 - However, any other contraband item observed or discovered during such a search may be seized by a school official when the possession of the item is violation of the law, of this chapter, or when non-seizure may pose a threat to the health and/or safety of a person or persons, including the school official conducting the search.

Prohibited Searches and Seizures

9. What types of searches are prohibited?
 - Random searches
 - Strip searches
 - Searches requiring bodily contact of a student except when such a search is necessary to prevent harm to the health and/or or safety of a person or persons.
10. What is considered a “strip search”?
 - A “strip search” requires the removal of clothing that results in the exposure of genitals, female breasts or underwear or a combination thereof.

12a. General School Searches and Seizures

11. What if a male student had on a baggy jacket and baggy pants and was asked to remove these items of clothing due to reasonable suspicion of carrying illicit drugs and when the clothing was removed, student only had on underwear? Is this considered a “strip search”?
- Yes, this would be considered a “strip search” as the removal of the baggy jacket and baggy pants resulted in the exposure of underwear.
12. Can a school conduct “pat downs” before a graduation ceremony to prevent harm to the health and safety of their students?
- “Pat downs” and the viewing of contents of student belongings without reasonable suspicion are considered unauthorized searches and shall not be conducted.
13. What if there is a high degree of suspicion that a “pat down” will turn up evidence of the contraband item being sought?
- If a “pat down” search of a student is conducted due to reasonable suspicion, then the search should be conducted on that individual student only in private by two school officials of the same sex, one being a witness.

Manner of Search Reasonably Related

14. What if the search being conducted is to find a knife due to reasonable suspicion, can the student’s small coin purse be opened and searched?
- No, the search being conducted must reasonably be related to the purpose of the search. Knives most likely being of a greater size, would reasonably not fit into a small coin purse.

Reasonable Suspicion

15. What if a backpack without any observable identification was found on the cafeteria tables after the lunch recess – can a schoolroom supervisor or any school employee open the backpack to find out who it belongs to?
- The backpack can be opened to identify its owner. If, however, the owner is known without opening the backpack, then the backpack cannot be opened.

Multiple Suspects

16. When there is more than one student suspected of committing a violation, which student do we search first?
- If there is no risk to health and/or safety, the search shall start with the student most suspected of having the item sought in the search.

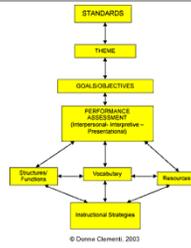


Administrator's Checklist

Checklist	What/Purpose
Preparing to Conduct General Searches and Seizures	✓ A list of action steps for school administrators to follow when anticipating to conduct general searches and seizures

Preparing to Conduct General Searches and Seizures

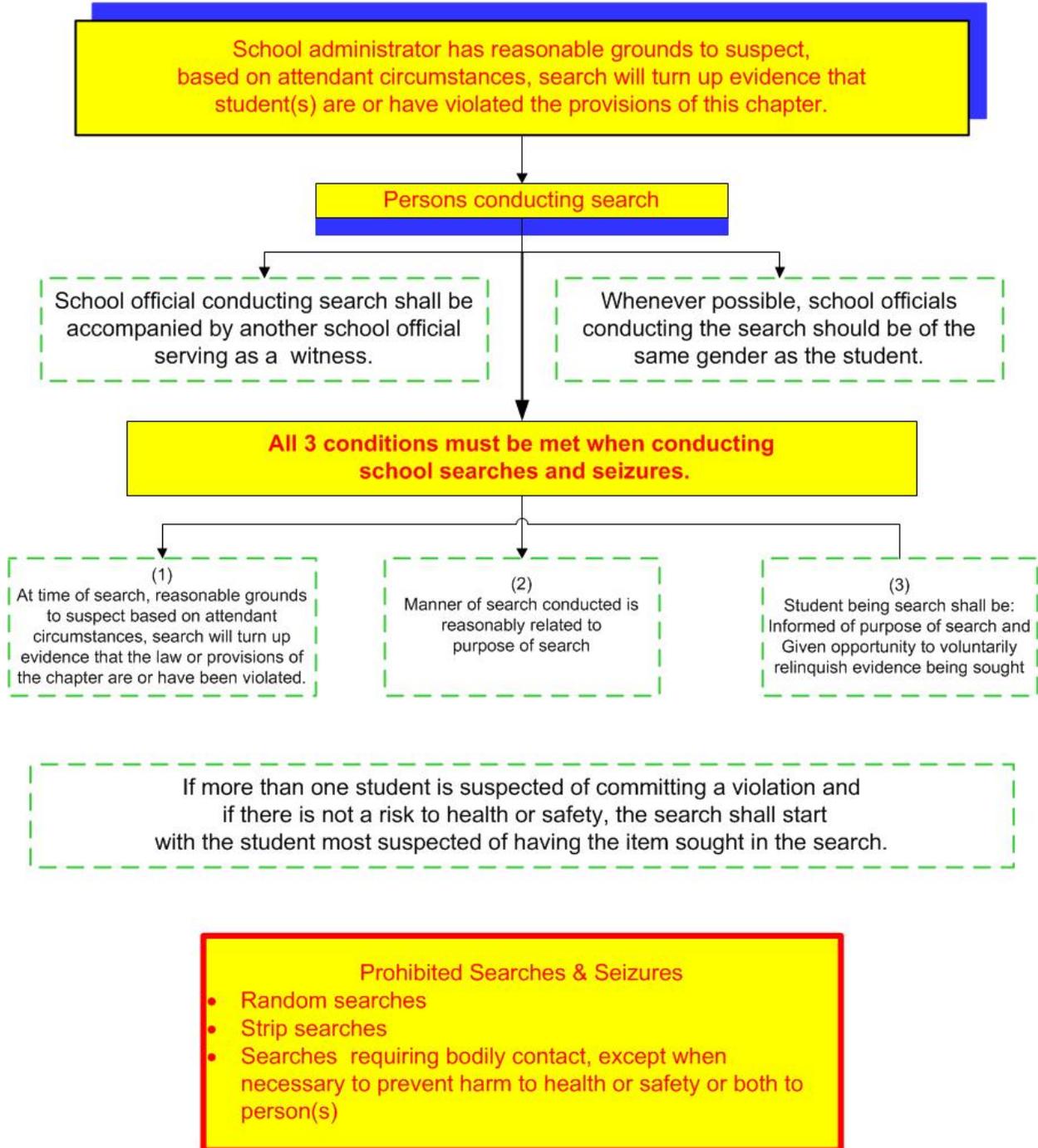
✓	Action
<input type="checkbox"/>	1. School administrator has <u>reasonable grounds</u> to suspect that student has violated the law or the provisions of this chapter.
<input type="checkbox"/>	2. School official conducting search shall be accompanied by another school official serving as witness.
	a. School officials conducting the search should be of the same gender as the student whenever possible.
<input type="checkbox"/>	3. All 3 conditions met in order to conduct general search and seizure:
	a. Reasonable grounds to suspect search will turn up evidence that the law or the provisions of the chapter have been violated.
	b. Manner in which the search will be conducted is reasonably related to purpose of search.
	c. Student will be asked to voluntarily relinquish evidence being sought.
<input type="checkbox"/>	4. If multiple students, conduct search starting with student most suspected of having the item(s) sought.
<input type="checkbox"/>	5. Be sure that no random or strip search is conducted.
<input type="checkbox"/>	6. Be sure that searches requiring bodily contact are not conducted, unless there is an emergency to the health or safety or both of a person(s).



Flowchart

- General School Searches and Seizures

General School Searches & Seizures



Section 12b

Canine Detection Program

To warrant the initiation of a Canine Detection Program, data/evidence must exist indicating that there are school campus problems related to illicit drugs, intoxicating substances, contraband, weapons and/or firearms.

Initiating a Canine Detection Program is a prerequisite to conducting a Student Locker Screening Program.

12b. Canine Detection Program

Reference (page 19-30)

§8-19-14 Policy on opening and inspection of student lockers. School lockers provided to the students on campus are subject to opening and inspection (and external dog sniffs) by school officials at any time with or without cause, provided that the searches are not because of the student's race, color, national origin, ancestry, sex, gender identity and expression, religion, disability, or sexual orientation. Section 8-19-15 shall have no applicability to the opening and inspection (and external dog sniffs) of student lockers. None of the restrictions in sections 8-19-15 through 8-19-18 or related to general school searches and seizures shall in any way be construed to create an expectation of privacy in student lockers. Students should assume that their lockers are subject to opening and inspection (and external dog sniffs) any time with or without cause. [Eff 5/23/86; am and comp 7/19/93; comp 5/19/97; comp 2/22/01; am and comp 9/10/09] (Auth: HRS §302A-1112) (Imp: Hawaii Const. Art. X, §3; HRS §§302A-1101, 302A-1112)]

12b. Canine Detection Program

Any limitations on canine detection methods or procedures, or related intrusions, in the following guidelines are internal only, and shall not be construed as creating any expectation of privacy. These guidelines, being internal only, are designed to eliminate any possibility of a constitutional violation occurring, but are not intended to give students any basis for expecting privacy of any kind. Accordingly, a student's expectations of privacy shall not be based upon these guidelines. As to student lockers, for example, Hawaii Administrative Rule §8-19-14, which subject lockers to opening, inspection, or dog sniffs, at any time with or without cause, shall govern student expectations, such that students shall have no expectation of any privacy of any kind in student lockers or their contents.

In addition, the failure of school officials, staff, or contractors, to adhere to any of the following guidelines shall not itself be an independent ground for those subject to a search, inspection, dog sniff, or other intrusion (or their parents or guardian) to seek any form of legal, administrative, or other, remedy or relief.



Key Messages/Reminders

- Data must exist indicating that there have been or are school campus problems related to illicit drugs, intoxicating substances, contraband, weapons and/or firearms to warrant the initiation of a Canine Detection Program.
- A Canine Detection Program shall be conducted only upon written approval from the Office of the Superintendent.
- A Canine Detection Program applied to **school lockers** must also comply with the requirements of the Student Locker Screening Program.
- During a Canine Detection Program, no “dog sniffs” are allowed of people, personal property (unless within a school locker, or hidden in common areas, school buildings, or grounds) or any automobile.

Canine Detection Program

The purpose of implementing a Canine Detection Program is to help a school deter the use, sale, and/or possession of illicit drugs, intoxicating substances, weapons, contraband, and/or firearms on school campuses, and to remove any such items found.

Prior to conducting a Canine Detection Program, a school must clearly establish the existence of a campus problem related to intoxicating substances, illicit drugs, weapons, and/or firearms based on data/evidence. Incident data trends from eCSSS may be used as supporting evidence.

12b. Canine Detection Program

If no evidence/data exists to indicate that there have been or are school problems with illicit drugs, intoxicating substances, weapons, contraband, and/or firearms incidents, then a Canine Detection Program shall not be conducted.

Canine Detection Program Implementation Plan

Once a school has established that there is data to support the need to conduct a Canine Detection Program, the school shall develop a Canine Detection Program Implementation Plan. This implementation plan shall be reviewed and approved by the respective complex area superintendent and by the Office of the Superintendent. Only upon written approval from the Office of the Superintendent, shall a school be able to conduct a canine detection program. **Approval from the Office of the Superintendent is valid for that particular school year only. Prior approval from the Office of the Superintendent is required for each school year the school desires to implement a canine detection program.** The Superintendent's Office will consult with the Department of the Attorney General prior to making a final decision on the submitted implementation plan.

The Canine Detection Program Implementation Plan shall include the following information:

Purpose

1. This section must clearly indicate why there is a need to conduct a Canine Detection Program. Data/evidence must indicate that illicit drugs, intoxicating substances, weapons, contraband, and/or firearms have been or are a problem on the school campus. For example: multi-year graphs of incidents by location and verified offenses from eCSSS can be used as supporting data.
2. State the school's expected outcome as a result of implementing this detection program.
3. The anticipated start and end dates of this proposed program must also be specified.

12b. Canine Detection Program

Procedures

1. Communication and Notification Plan.

The Communication and Notification Plan must clearly delineate and outline in detail how and when students, staff, parents, and the school community will be informed and notified of the school's rationale and procedures for implementing the Canine Detection Program. Adequate notification must be provided to all involved prior to the implementation of the proposed Canine Detection Program. The information to be communicated to students, staff, parents, and the school community shall include at least the following items:

Students:

- a. Provide information on the negative effects of and prevention strategies related to the use, possession and/or sale of illicit drugs, intoxicating substances, weapons, contraband, and/or firearms.
- b. Share the school's data on incidents of illicit drugs, intoxicating substances, weapons, contraband, and/or firearms that provides the rationale for implementing such a program.
- c. Inform of the purpose and intent of the Canine Detection Program and how the detection program will be used as a proactive tool to help deter future occurrences of, and remove, illicit drugs, intoxicating substances, weapons, contraband, and/or firearms on the school campus.
- d. Inform of the Canine Detection Program procedures and how the detection program will be conducted.
 - d.1 Inform that the Canine Detection Program procedures and other details set forth in this notice are not to be construed as creating any expectation of privacy in the lockers, or other areas subject to canine detection, that, for example, HAR §8-9-14 still governs and thus students should continue to understand that lockers are subject to opening, inspection, or dog sniffs at any time with or without cause.
 - d.2 Inform that the school lockers provided to the students on campus are, and always have been, the sole property of the school; that these lockers are voluntarily provided to the students for their use solely for their convenience; that the lockers are subject to opening, inspection, or dog sniffs, at any time with or without reason or cause, and that the items in the lockers are subject to inspection at any time with or without reason or cause; that the opacity of the lockers, and the use of any locks, or other locking mechanisms, on these lockers is allowed solely to reduce the risk of theft of the contents of the lockers, but is in no way intended to provide privacy to the contents of the lockers; that, accordingly, no student should have any expectation of privacy whatsoever in the lockers or their contents; that if students wish to maintain privacy with respect to any item or matter, it should not be

12b. Canine Detection Program

placed in the school lockers; that illegal drugs, guns, or other contraband shall not be placed in the school lockers, and are subject to immediate confiscation; and that evidence of violation of law, school rules or policies may also be taken from the lockers.

- e. Explain to students that they are not to be in the vicinity or near proximity of the dogs while the Canine Detection Program is being conducted.
- f. Inform that the Department of Education must comply with Hawaii Administrative Rules §8-19-6(b) that is based on the Hawaii Gun-Free Schools Act of 1994 and the federal Gun-Free Schools Act.
- h. Inform that the police may be contacted if any illicit/illegal drug(s) or firearm(s) are found during the canine detection program. The DOE does not have any authority over action that the police may take after illegal drugs or firearms are delivered to them.

Faculty and Staff

- a. Share the school's data on incidents of illicit drugs, intoxicating substances, weapons, contraband, and/or firearms that provides the rationale for instituting such a program.
- b. Inform of the purpose and intent of the Canine Detection Program and how the detection program will be used as a proactive tool to help deter future occurrences of, and remove, illicit drugs, intoxicating substances, weapons, contraband, and/or firearms on the school campus.
- c. Inform of the Canine Detection Program procedures and how the detection program will be conducted. Inform that a student's race, color, national origin, ancestry, sex, gender identity and expression, religion, disability or sexual orientation, shall have no effect on how the program is conducted.
- d. Provide information on how the detection program will impact and assist the school in addressing the school's problems related to illicit drugs, intoxicating substances, weapons, and/or firearms.
- e. Inform that students are not to be in the vicinity or near proximity of the dogs while the Canine Detection Program is being conducted.
- f. Inform that no sniffs are allowed of people, personal property (unless within a school locker, or hidden in common areas, school buildings, or grounds) or any automobile.
- g. Explain the faculty and staff's responsibilities while the Canine Detection Program is being conducted.
- h. Inform that the school shall not take any disciplinary action against a student for contraband and/or illegal items found by the school pursuant to the Canine Detection Program regardless of whether the contraband/illegal items are personally identifiable with the exception of firearms. The Department of Education must comply with Hawaii

12b. Canine Detection Program

Administrative Rules §8-19-6(b) that is based on the Hawaii Gun-Free Schools Act of 1994 and the federal Gun-Free Schools Act.

- i. Inform that the police may be contacted if any illicit/illegal drug(s) or firearm(s) are found during the canine detection program, but that the program should not be implemented in conjunction with, or at the request of, law enforcement officials as part of a criminal investigation. The DOE does not have any authority over action that the police may take after illegal drugs or firearms are delivered to them.

Parents and School Community:

- a. Share the school's data on incidents of illicit drugs, intoxicating substances, weapons, contraband, and/or firearms that provides the rationale for instituting such a program.
- b. Inform of the purpose and intent of the Canine Detection Program and how the detection program will be used as a proactive tool to help deter future occurrences of, and remove, illicit drugs, intoxicating substances, weapons, contraband, and/or firearms on the school campus.
- c. Provide information on how the detection program will impact and assist the school in addressing drugs, alcohol, intoxicating substances, and firearms incidents.
- d. Inform that students are not to be in the vicinity or near proximity of the dogs while the Canine Detection Program is being conducted.
- e. Inform that no sniffs are allowed of people, personal property (unless within a school locker, or hidden in common areas, school buildings, or grounds) or any automobile.
 - e.1 Inform that lockers will not be opened or inspected unless the preliminary screening method used provides a positive indication providing reasonable grounds for suspecting that opening and inspecting the locker will turn up evidence that the student has violated or is violating either the law or the rules of the school.
 - e.2 Inform that despite the above limitation, the Canine Detection Program procedures and other details set forth in this notice are not to be construed as creating any expectation of privacy in the lockers or other areas subject to canine detection; that, for example, HAR §8-9-14 still governs and thus students should continue to understand that lockers are subject to opening, inspection, or dog sniffs at any time with or without cause.
 - e.3 Inform that the school lockers provided to the students on campus are, and always have been, the sole property of the school; that these lockers are voluntarily provided to the students for their use solely for their convenience; that the lockers are subject to opening, inspection, or dog sniffs, at any time with or without reason or cause, and that the items in the lockers are subject to inspection at any time with or without reason or cause; that the opacity of the lockers, and the use of any

12b. Canine Detection Program

locks, or other locking locks, or other locking mechanisms, on these lockers is allowed solely to reduce the risk of theft of the contents of the lockers, but is in no way intended to provide privacy to the contents of the lockers; that, accordingly, no student should have any expectation of privacy whatsoever in the lockers or their contents; that if students wish to maintain privacy with respect to any item or matter, it should not be placed in the school lockers; that illegal drugs, guns, or other contraband shall not be placed in the school lockers, and are subject to immediate confiscation; and that evidence of violation of law, school rules or policies may also be taken from the lockers.

- f. Explain importance/significance of parental/family support in preventing the use, sale, and/or possession of illicit drugs, intoxicating substances, weapons, contraband, and/or firearms.
- g. Inform that the school shall not take any disciplinary action against a student for contraband and/or illegal items found by the school pursuant to the Canine Detection Program regardless of whether the contraband/illegal items are personally identifiable with the exception of firearms. The Department of Education must comply with Hawaii Administrative Rules §8-19-6(b) that is based on the Hawaii Gun-Free Schools Act of 1994 and the federal Gun-Free Schools Act.
- h. Inform that the police may be contacted if any illicit/illegal drug(s) or firearm(s) are found during the canine detection program. The DOE does not have any authority over action that the police may take after illegal drugs or firearms are delivered to them.

The plan should also include a statement that the Canine Detection Program will only take place in areas that are not occupied at the time by any person(s). No “dog sniffs” are allowed of people, personal property (unless within a school locker, or hidden in common areas, school buildings, or grounds) or any automobile. Areas that dog sniffs may take place include the following areas:

- 1. Landscaping
- 2. Playfield/stadium bleachers
- 3. Exterior of buildings
- 4. Restrooms with multiple stalls
- 5. Exterior standing walls
- 6. Student lockers -- canine sniffs of **student lockers** shall not be conducted unless the provisions of the Student Locker Screening Program are followed.

2. Procedures If Contraband Found During Canine Detection Program.

If contraband, as defined by Chapter 19, is found through a canine detection program, all items found shall be turned over to the school administrator for

12b. Canine Detection Program

documentation. The school administrator shall maintain a log of any contraband item(s) found during the detection program. This information will help to support documentation of whether the continuation of the detection program is warranted for the following school year.

If the contraband found is deemed not to be illicit or illegal, the item(s) shall be removed from the school campus by returning the item to the student's parent or legal guardian. Schools are required to notify parents of the contraband/illegal items that are personally identifiable to the student.

If illicit/illegal drug/substances and/or firearms are discovered, the school administrator will bag and seal the items, log the item(s) on the contraband log, and contact the police for handling. The police will be contacted if any illicit/illegal drug(s) or firearm(s) are found during the canine detection program. The school administrator and school officials, however, shall not disclose the identity of the student or students involved with the contraband, unless required by law, or court order, to do so. The DOE does not have any authority over action that the police may take after illegal drugs or firearms are delivered to them.

The school shall not take any disciplinary action against a student for contraband and/or illegal items found by the school pursuant to the Canine Detection Program regardless of whether contraband and/or illegal items are personally identifiable with the exception of firearms. The DOE must comply with section HAR §8-19-6(b) which is based on the Hawaii Gun-Free Schools Act of 1994 and the federal Gun-Free Schools Act.

3. Securing of External Dog Sniff Vendor

The school administrator is responsible to secure funding for the school to implement and support this detection program. In selecting and securing a vendor, the school administrator is required to contact the Procurement and Contracts Branch (PCB), Office of Fiscal Services, for assistance with this process.

The procedures for selecting and securing a vendor will depend on many factors, including total cost and type of services being purchased. There are several different methods by which the services can be procured. Therefore, to be in compliance with the department's procurement and contracting provisions, the school administrator is required to contact the PCB to initiate the process.

12b. Canine Detection Program

Before implementing the Canine Detection Program, the vendor must demonstrate that its methods and dog(s) to be used are reliable in that false positives are minimized. As to locker searches, for example, the vendor and dogs are reliable if a positive indication provides reasonable grounds for suspecting that opening and inspecting the locker will turn up evidence that the student has violated or is violating either the law or the rules of the school. After the dog sniff is performed, if and only if the dog provides a positive indication -- which positive indication provides reasonable grounds for suspecting that opening and inspecting the locker will turn up evidence that the student has violated or is violating either the law or the rules of the school -- the locker may be opened and inspected.

The scope of the inspection should be reasonably related to the objectives of the inspection and not excessively intrusive in light of the age and sex of the student and the nature of the infraction.

4. Canine Detection Program Administrator Requirements.

To ensure compliance with the canine detection program requirements, the school administrator shall include a letter of understanding to the complex area superintendent. A sample letter of the program requirements is included in the worksheet section.

Canine Detection Program End of School Year Evaluation Report

The school administrator shall complete an **End Of The Year Evaluation Report** describing the results and impact of the Canine Detection Program conducted. Here are examples of guiding questions:

1. Did the implemented plan to utilize a Canine Detection Program serve as a deterrent for student misconduct related to, or result in the removal of, illicit drugs, intoxicating substances, weapons, contraband, and/or firearms? What did the data indicate? Present the data.
2. Was/were the proposed objective(s) and outcome(s) of conducting a Canine Detection Program achieved? Why or why not?
3. How did the Canine Detection Program impact schoolwide student behavior and school climate? What were the positive and negative impacts?
4. What were the challenges of conducting this detection program? How were the challenges addressed?
5. What factors/data, if any, support the continuation of the detection program for the following school year?

12b. Canine Detection Program

6. If the data indicates that the detection program for next school year is warranted, what enhancements, modifications, and/or revisions are being considered for the current implementation plan to ensure maximum effectiveness and minimize impacts on student privacy?

Only with sufficient data and information will the Canine Detection Program be considered for continuation for the next school year by the CAS and the Office of the Superintendent.

A copy of this report shall be sent to the respective CAS and the Office of the Superintendent. The Office of the Superintendent shall provide a copy of the report to the Department of the Attorney General, Education Division.



Administrator's Checklist

Checklist	What/Purpose
Administrator's Checklist for Canine Detection Program	✓ A list of suggested procedural steps for school administrators to follow in implementing a Canine Detection Program

Administrator's Checklist for Canine Detection Program

Steps	Actions	Documents/Department	Date
1.	School has reviewed and summarized past or current evidence/ data to determine that problems related to illicit drugs, intoxicating substances, weapons, contraband, and/or firearms exist.	eCSSS Incident Reports: <ul style="list-style-type: none"> • Multi-year Total Number Incidents by Location • Multi-year Total Number of Verified Offenses 	Completed date: __/__/__
2.	School develops Canine Detection Program Implementation Plan containing the following information: <ol style="list-style-type: none"> 1. Establishing Need 2. Communication & Notification Plan 3. Procedures If Contraband Found 	Canine Detection Program Plan	Completed date: __/__/__
3.	School administrator submits Canine Detection Program Plan to the respective Complex Area Superintendent (CAS) for review and approval.	<ol style="list-style-type: none"> 1. Canine Detection Program Implementation Plan 2. Cover memo from school to CAS 	Submitted date: __/__/__ Memo date: __/__/__
4.	CAS reviews submitted implementation plan.	Canine Detection Program Implementation Plan	Review date: __/__/__
4a.	If not approved, implementation plan is sent back to school for revisions.	CAS memo to school	Memo date: __/__/__
4b.	If approved, CAS notifies school of approval and routes implementation plan to Office of the Superintendent	<ol style="list-style-type: none"> 1. CAS memo to school 2. CAS memo to Office of the Superintendent 	Memo date: __/__/__
5.	Office of Superintendent reviews Canine Detection Program Implementation Plan.	Canine Detection Program Implementation Plan	Review date: __/__/__
5a.	If not approved, implementation plan is sent back to CAS for revisions.	Office of the Superintendent memo to CAS	Memo date: __/__/__
5b.	The Office of the Superintendent consults with the Department of the Attorney General regarding the implementation plan.	Office of the Superintendent memo to Department of the Attorney General	Memo date: __/__/__
6.	Department of the Attorney General reviews Canine Detection Program Implementation Plan.	Canine Detection Program Implementation Plan	Review date: __/__/__
7.	Office of the Attorney General communicates with Office of the Superintendent.	Memo from Department of the Attorney General to Office of the Superintendent	Memo date: __/__/__
8.	If the implementation plan is disapproved by the Office of the Superintendent, the school shall not conduct a Canine Detection Program and will need to revise and re-submit the implementation plan.	Revised Canine Detection Program Implementation Plan	Re-submittal date to Office of the Superintendent: __/__/__
9.	Upon written approval of the submitted implementation plan from the Office of the Superintendent, the school administrator then contacts the department's Procurement & Contracts Branch to secure a vendor for the proposed Canine Detection Program.	Procurement and Contracts Branch	Approval date: __/__/__

Administrator's Checklist for Canine Detection Program

Steps	Actions	Documents	Date
10.	School administrator prepares to implement the Canine Detection Program by informing & notifying the necessary role groups. School must provide adequate notice to all involved before the detection program is initiated.	Communication & Notification Procedures	
10a.	Faculty and staff	Communication & Notification Procedures	Date scheduled: __/__/__ Completed: __Yes __No
10b.	Students	Communication & Notification Procedures	Date scheduled: __/__/__ Completed: __Yes __No
10c.	Parents	Communication & Notification Procedures	Date scheduled: __/__/__ Completed: __Yes __No
10d.	School community	Communication & Notification Procedures	Date scheduled: __/__/__ Completed: __Yes __No
11.	School monitors incident data related to illicit drugs, intoxicating substances, weapons, contraband, and/or firearms.	eCSSS Incident data	Monthly monitoring completed dates: __/__/__ __/__/__ __/__/__ __/__/__ __/__/__
12.	School reviews data and implementation plan to determine whether the need to continue the Canine Detection Program is warranted for the next school year.	Incident data Program evaluation	Review & determination date: __/__/__
13.	School submits Canine Detection Program End of the School Year Evaluation Report to the CAS and the Office of the Superintendent.	Canine Detection Program End of School Year Evaluation Report	Submitted date: __/__/__
13a.	Office of the Superintendent provides copy of the end of the year report to the Department of the Attorney General, Education Division.	Canine Detection Program End of School Year Evaluation Report	Submitted date: __/__/__



Activity Worksheet Samples

Activity Worksheet	What/Purpose
Canine Detection Program Administrator Requirements	✓ A sample memo from school principal to CAS indicating agreement with the Canine Detection Program requirements
Canine Detection Program Implementation Plan	✓ A sample template for a Canine Detection Program Implementation Plan
Canine Detection Program Communications & Notification Procedures Plan	✓ A sample template for a Canine Detection Program Communications & Notification Procedures Plan
Canine Detection Program Parent Letter	✓ A sample template for a Parent Letter informing of the initiation & procedures of the Canine Detection Program
Canine Detection Program Student Letter	✓ A sample template for a Student Letter informing of the initiation & procedures of the Canine Detection Program
Canine Detection Program Contraband Log	✓ A sample template for maintaining a Canine Detection Program contraband log

S A M P L E

Administrator Canine Detection Program Requirements

Date:

To: XXX, Complex Area Superintendent

From: XXXX, Principal
School Name

Subject: Administrator Canine Detection Program Requirements

I, xxxx, principal of xxxx school, in submitting a Canine Detection Program Implementation Plan represent that:

1. There is an identified and documented school campus problem with illicit drugs, intoxicating substances, weapons, contraband, and/or firearms to justify the development of a Canine Detection Program Implementation Plan, as set forth in detail in that plan.

I also understand and agree to the following requirements:

2. A Canine Detection Program shall be implemented by the school only upon prior written approval from the Office of the Superintendent.
 - a. For each and every school year the Canine Detection Program is used, an implementation plan must be submitted and prior written approval must be received from the Office of the Superintendent to initiate the program.
3. Adequate notification must be provided to all involved prior to the implementation of the proposed Canine Detection Program.
4. The Canine Detection Program will only take place in areas that are not occupied at the time by any person(s). No "dog sniffs" are allowed of people, personal property (unless within a school locker, or hidden in common areas, school buildings, or grounds) or an automobile. Areas that dog sniffs may take place include the following areas: landscaping, playfield/stadium bleachers, exterior of buildings, restrooms with multiple stalls, exterior standing walls and student lockers. If **student lockers** are to be subject to canine screening, all of the requirements of the Student Locker Screening Program must be followed.

5. The school shall not take any disciplinary action against a student for contraband and/or illegal items found by the school pursuant to the Canine Detection Program regardless of whether contraband and/or illegal items are personally identifiable with the exception of firearms.
6. Be responsible to secure funding for the school to implement and support this detection program.
7. Contact the Procurement and Contracts Branch, Office of Fiscal Services, to seek assistance in selecting and securing a vendor.
8. The school shall conduct an evaluation of the implemented plan and submit the report to the respective Complex Area Superintendent and the Office of the Superintendent at the end of the school year.

S A M P L E

Canine Detection Program Implementation Plan

Date of Plan: ____/____/____

School Information

School Name:

Address:

School Principal:

Phone:

Purpose

Establishing Need

Anticipated Implementation Date

Procedures for the Canine Detection Program

Communication and Notification Procedures

Procedures If Contraband Found

Vendor Selection for "Dog Sniffs"

End of School Year Evaluation Procedures

S A M P L E

School Name

Canine Detection Program Communication & Notification Procedures Plan

Purpose

To inform School Community Stakeholders of the Canine Detection Program

Who	Purpose	How	When
Faculty and Staff	Y To provide faculty and staff information xxxxx		
Student Body			
Parents			
School Community			
Superintendent			
Department of Attorney General			

S A M P L E

Parent Letter

Canine Detection Program

Date:

To: Parents/Legal Guardians

From: [School Principal Name]

Subject: Canine Detection Program

Dear Parents/Legal Guardians:

[School Name] will be implementing a Canine Detection Program beginning xxxx.

This is to inform you that [School Name] will be initiating a Canine Detection Program beginning xxxx. The following sections provide you with information and procedures of the Canine Detection Program. It is very important that you understand and discuss these procedures with your child/children.

Purpose of Canine Detection Program

[State how the detection program will assist to deter to help deter future occurrences of, and remove illicit drugs, intoxicating substances, weapons, contraband, and/or firearms on the school campus.]

The purpose of the Canine Detection Program is to xxxx

Rationale for Canine Detection Program

[Present data on past or current incidents of illicit drugs, intoxicating substances, weapons, contraband, and/or firearms that indicates why there is a need to implement a Canine Detection Program.]

Our school data on incidents of illicit drugs, intoxicating substances, weapons, contraband, and/or firearms indicates that xxxx

Canine Detection Program Procedures

[Include the following paragraphs.]

The following procedures shall be adhered to during the locker screening:

- a. Students shall not to be in the vicinity or near proximity of the dogs while the Canine Detection Program is being conducted.
- b. The Canine Detection Program will only take place in areas that are not occupied at the time by any person(s). No "dog sniffs" are allowed of people, personal

property (unless within a school locker, or hidden in common areas, school buildings, or grounds) or an automobile. Areas that dog sniffs may take place include the following areas: landscaping, playfield/stadium bleachers, exterior of buildings, restrooms with multiple stalls, exterior standing walls and student lockers. If **student lockers** are to be subject to canine screening, all of the requirements of the Student Locker Screening Program will be followed.

- c. Student lockers will not be opened or inspected unless the preliminary screening such as a “dog sniff” provides a positive indication providing reasonable grounds for suspecting that opening and inspecting the locker will turn up evidence that the student has violated or is violating either the law or the rules of the school.
- d. Despite the above, the Canine Detection Program procedures and other details set forth in this notice are not to be construed as creating any expectation of privacy in the lockers or other areas subject to canine inspection. Hawaii Administrative Rules Title 8, Chapter 19 §8-9-14 still governs and thus students should continue to understand that lockers are subject to opening, inspection, or dog sniffs at any time with or without cause.
- e. School lockers provided to the students on campus are, and always have been, the sole property of the school; that these lockers are voluntarily provided to the students for their use solely for their convenience; that the lockers are subject to opening, inspection, or dog sniffs, at any time with or without reason or cause, and that the items in the lockers are subject to inspection at any time with or without reason or cause; that the opacity of the lockers, and the use of any locks, or other locking mechanisms, on these lockers is allowed solely to reduce the risk of theft of the contents of the lockers, but is in no way intended to provide privacy to the contents of the lockers; that, accordingly, no student should have any expectation of privacy whatsoever in the lockers or their contents; that if students wish to maintain privacy with respect to any item or matter, it should not be placed in the school lockers; that illegal drugs, guns, or other contraband shall not be placed in the school lockers, and are subject to immediate confiscation; and that evidence of violation of law, school rules or policies may also be taken from the lockers.
- f. The school shall not take any disciplinary action against a student for contraband and/or illegal items found by the school pursuant to the Canine Detection Program regardless of whether the contraband/illegal items are personally identifiable with the exception of firearms. The Department of Education must comply with Hawaii Administrative Rules §8-19-6(b) that is based on the Hawaii Gun-Free Schools Act of 1994 and the federal Gun-Free Schools Act.
- g. The police may be contacted if any illicit/illegal drug(s) or firearm(s) are found during the Canine Detection Program. The DOE does not have any authority over action that the police may take after illegal drugs or firearms are delivered to them.

Parental Support

[Explain importance/significance of parental/family support in preventing the use, sale, and/or possession of illicit drugs, intoxicating substances, weapons, contraband, and/or firearms.]

It is very important that you talk with your child about xxxx.

S A M P L E

Student Letter

Canine Detection Program

Date:

To: Students of [School Name]

From: School Principal Name

Subject: Canine Detection Program

Dear Students:

[School Name] will be implementing a Canine Detection Program beginning in xxxx. The following provides you with information about the screening program and what its procedures are.

What is a Canine Detection Program?

[Explain purposes of the Canine Detection Program]

Why is the school starting a Canine Detection Program?

[State the purpose and present the data that supports the initiation for a Canine Detection Program.]

[Provide information on how the detection program will be used as a proactive tool.]

[Provide information on the negative effects of and prevention strategies related to the use, possession, and/or sale of illicit drugs, intoxicating substances, weapons, contraband, and/or firearms.]

What is my responsibility when a Canine Detection Program is being conducted?

[Explain that students are not to be in the vicinity or near proximity of the dogs while the locker screening program is being conducted.]

[Explain that students should continue to understand that lockers are subject to opening, inspection, or dog sniffs at any time with or without cause.]

What happens during the detection program and what if contraband is found?

[Include the following paragraphs]

Student lockers will not be opened or inspected unless the “dog sniff” provides a positive indication providing reasonable grounds for suspecting that opening and inspecting the locker will turn up evidence that the student has violated or is violating either the law or the rules of the school.

The Canine Detection Program will only take place in areas that are not occupied at the time by any person(s). Areas that dog sniffs may take place include the following areas: landscaping, playfield/stadium bleachers, exterior of buildings, restrooms with multiple

stalls, exterior standing walls and student lockers. If **student lockers** are to be subject to canine screening, all of the requirements of the Student Locker Screening Program will be followed.

School lockers provided to you on campus are, and always have been, the sole property of the school. These lockers are voluntarily provided to you for your use solely for your convenience. The lockers are subject to opening, inspection, or dog sniffs, at any time with or without reason or cause, and that the items in the lockers are subject to inspection at any time with or without reason or cause. The opacity of the lockers, and the use of any locks, or other locking mechanisms, on these lockers is allowed solely to reduce the risk of theft of the contents of the lockers, but is in no way intended to provide privacy to the contents of the lockers. No student should have any expectation of privacy whatsoever in the lockers or their contents. If you wish to maintain privacy with respect to any item or matter, it should not be placed in the school lockers.

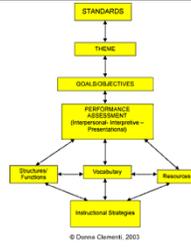
Illegal drugs, firearms, or other contraband shall not be placed in the school lockers, and are subject to immediate confiscation. Evidence of violation of law, school rules or policies may also be taken from the lockers.

If firearms are found, the Department of Education must comply with Hawaii Administrative Rules §8-19-6(b) that is based on the Hawaii Gun-Free Schools Act of 1994 and the federal Gun-Free Schools Act.

The police may be contacted if any illicit/illegal drug(s) or firearm(s) are found during the Canine Detection Program. The DOE does not have any authority over action that the police may take after illegal drugs or firearms are delivered to them.

Who do I contact if I have questions about the Canine Detection Program?

[Provide the appropriate school personnel to contact]



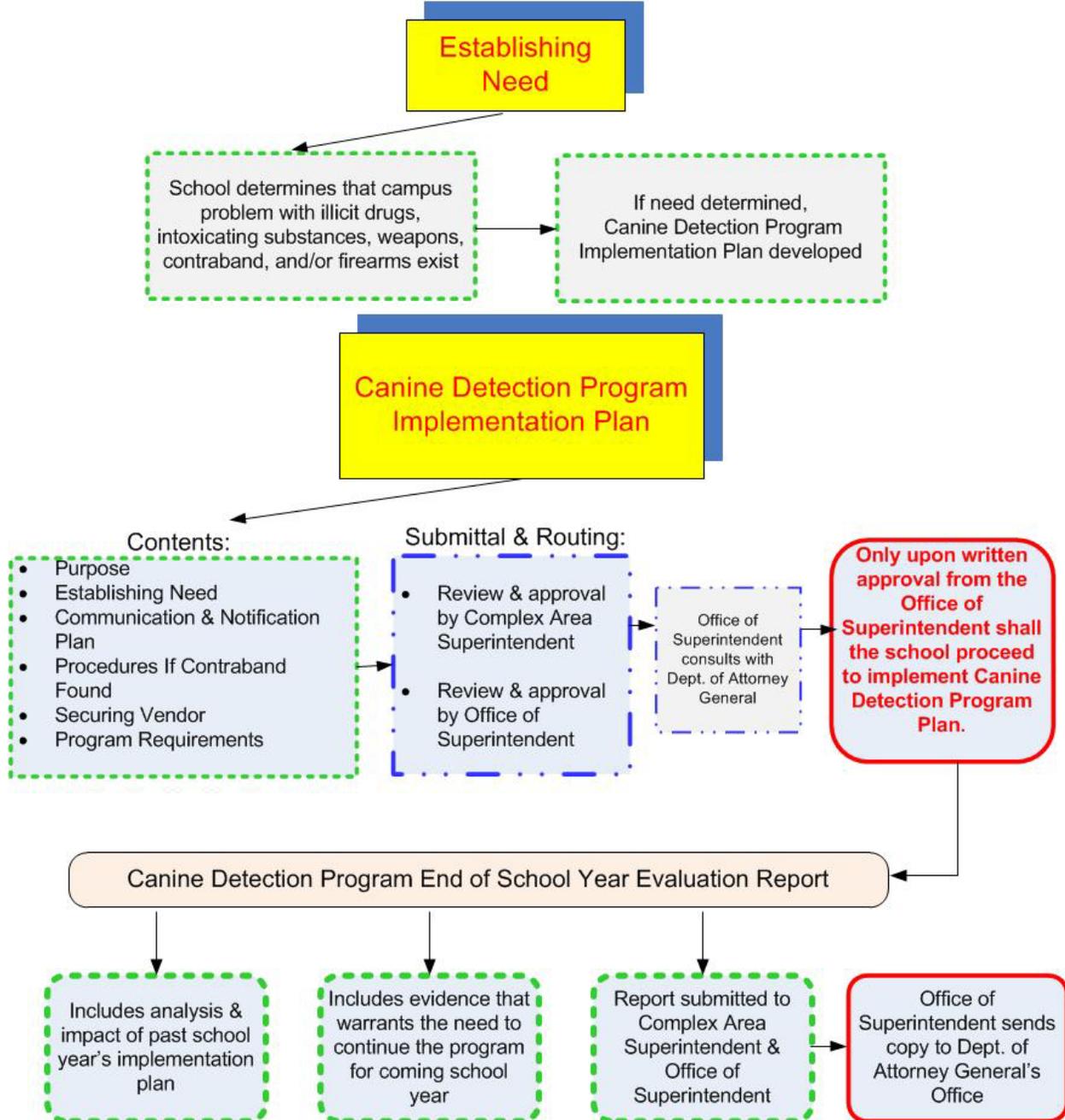
Flowchart

- Canine Detection Program

HAR Chapter 19
Section 8-19-14

Canine Detection Program

Purpose: To deter use, sale, possession of illicit drugs, intoxicating substances, weapons, contraband, and/or firearms, and remove any found on campus.



Section 12c

Student Locker Screening Program Pursuant to Positive Dog Sniffs

To warrant the initiation of a Student Locker Screening Program, an initial screening method pursuant to “dog sniffs” must be conducted to provide a positive indication that there are reasonable grounds to suspect that the opening and inspecting of the locker(s) will turn up evidence that the student(s) have violated or are violating either the law or the rules of the school.

12c. Student Locker Screening Program

Reference (page 19-30)

§8-19-14 Policy on Student Locker Screening Program. School lockers provided to the students on campus are subject to opening and inspection (and external dog sniffs) by school officials at any time with or without cause, provided that the searches are not because of the student's race, color, national origin, ancestry, sex, gender identity and expression, religion, disability, or sexual orientation. Section 8-19-15 shall have no applicability to the opening and inspection (and external dog sniffs) of student lockers. None of the restrictions in sections 8-19-15 through 8-19-18 or related to general school searches and seizures shall in any way be construed to create an expectation of privacy in student lockers. Students should assume that their lockers are subject to opening and inspection (and external dog sniffs) any time with or without cause. [Eff 5/23/86; am and comp 7/19/93; comp 5/19/97; comp 2/22/01; am and comp 9/10/09] (Auth: HRS §302A-1112) (Imp: Hawaii Const. Art. X, §3; HRS §§302A-1101, 302A-1112)]

12c. Student Locker Screening Program

- 1) At the time a student applies for or is assigned a locker, the student and his or her parents or guardian shall be informed as follows:

SAMPLE

Dear Students and Parents or Guardians of Students:

The school lockers provided to the students on campus are, and always have been, the sole property of the school. These lockers are voluntarily provided to the students for their use solely for their convenience. The lockers are subject to opening, screening or dog sniffs, at any time with or without reason or cause, and the items in the lockers are subject to screening at any time with or without reason or cause. The opacity of the lockers, and the use of any locks, or other locking mechanisms, on these lockers is allowed solely to reduce the risk of theft of the contents of the lockers, but is in no way intended to provide privacy to the contents of the lockers. Accordingly, no student should have any expectation or privacy whatsoever in the lockers or their contents. If students wish to maintain privacy with respect to any item or matter, it should not be placed in the school lockers. Illegal drugs, guns, or other contraband shall not be placed in the school lockers, and are subject to immediate confiscation. Evidence of violation of law, school rules or policies may also be taken from the lockers.

- 2) Any limitations on permissible opening, screening, or dog sniffs in the following guidelines are internal only, and shall not be construed as creating any expectation of privacy. These guidelines, being internal only, are designed to eliminate any possibility of a constitutional violation occurring, but are not intended to give students any basis for expecting privacy of any kind. Accordingly, a student's expectations of privacy shall not be based upon these guidelines, but instead those Hawaii Administrative Rules, including §8-19-14, which subject lockers to opening, screening, or dog sniffs, at any time with or without cause. In short, students shall have no expectation of any privacy of any kind in the lockers or their contents.

In addition, the failure of school officials, staff, or contractors, to adhere to any of the following guidelines shall not itself be an independent ground for those subject to a search, screening, dog sniff, or other intrusion (or their parents or guardian) to seek any form of legal, administrative, or other, remedy or relief.

12c. Student Locker Screening Program



Key Messages/Reminders

- Student lockers are subject to opening and screening by school officials at any time if there are reasonable grounds to suspect that the opening and screening will turn up evidence that a violation of law or Chapter 19 has been, or is being committed, provided that the opening and screening was not conducted because of a student's race, color, national origin, ancestry, sex, gender identity and expression, religion, disability or sexual orientation.
- Student lockers are subject to screening by school officials at any time without cause only if a Student Locker Screening Program Implementation Plan has been submitted and approved by the Office of the Superintendent. ("searches without individualized cause")
- School data related to campus problems with illicit drugs, intoxicating substances, weapons, contraband, and/or firearms must exist to trigger the development of a Student Locker Screening Program Implementation Plan.
- Only with prior written approval from the Office of the Superintendent for each and every school year the program is used in the school, shall a school be able to conduct and implement a Student Locker Screening Program.
- Adequate notification must be provided to all involved prior to the implementation of the proposed Student Locker Screening Program.
- If a locker screening program is effectuated, as an internal policy matter school employees shall not read letters, diaries, or other written materials contained in a student's locker.

Student Locker Examinations With Cause (which is separate from a Student Locker Screening Program)

Student lockers may be opened and inspected at any time by school officials when there are reasonable grounds to suspect, based on the attendant circumstances, that the screening will turn up evidence that the student or students have violated, or are violating, the law or the provisions of Chapter §8-19, HAR. The scope of the screening should be reasonably related to the objectives of the screening and not excessively intrusive in light of the age and sex of the student and the nature of the infraction.

Student locker examinations shall not be conducted due to a student's race, color, national origin, ancestry, sex, gender identity and expression, religion, disability, or sexual orientation.

When conducting a student locker examination with cause, the school official conducting the examination shall be accompanied by another school official serving as a witness, unless there is an emergency where prompt action is necessary to protect the health or safety, or both of any person or persons.

12c. Student Locker Screening Program

If contraband or illegal items are found during a student locker examination with cause, the school principal or designee shall conduct a thorough investigation of the incident and follow through with Chapter 19 procedures for disciplinary actions. The school principal or designee shall call the police if there is perceived danger and the student's behavior cannot be handled by the school staff.

Student Locker Screening Program

The purpose of initiating a Student Locker Screening Program is to help schools deter incidents of illicit drugs, intoxicating substances, weapons, contraband, and/or firearms on their campuses, and to remove any such items found.

The school must first establish that there exists a need for a Student Locker Screening Program on their campus. There must be an identified and documented problem on the school campus related to illicit drugs, intoxicating substances, weapons, contraband, and/or firearms. The program should not be implemented in conjunction with, or at the request of, law enforcement officials as part of a criminal investigation.

Once a school has established that there is a need to conduct a Student Locker Screening Program without cause based on data, the school administrator shall develop an implementation plan. This implementation plan shall be reviewed and approved by the respective complex area superintendent and by the Office of the Superintendent.

Only with prior written approval from the Office of the Superintendent shall a school be able to conduct and implement a Student Locker Screening Program. Approval from the Office of the Superintendent is valid for that particular school year only. Prior approval from the Office of the Superintendent is required for each school year (or part of school year) the school desires to implement the locker screening program. The Superintendent's Office will consult with the Department of the Attorney General prior to making a final decision on the submitted implementation plan.

Student Locker Screening Program Implementation Plan

The Student Locker Screening Program Implementation Plan shall contain the following information:

12c. Student Locker Screening Program

Purpose

This section must clearly indicate why there is a need to conduct the Student Locker Screening Program. Data/evidence must indicate that illicit drugs, intoxicating substances, weapons, contraband, and/or firearms have been or are a problem on the school campus. For example, multi-year graphs of incidents by location and verified offenses from eCSSS can be used as supporting data.

State what the school's expected outcome is by implementing a Student Locker Screening Program. For example: Student incidents related to illicit drugs, intoxicating substances, weapons, contraband, and/or firearms will decrease by 5%.

The anticipated start and end dates of this proposed screening program must also be specified.

Procedures

1. Communication & Notification Plan.

The Communication and Notification Plan must clearly delineate and outline how and when students, faculty, staff, parents, and the school community will be informed and notified of the school's rationale and procedures for implementing the Student Locker Screening Program. For example, will students be informed at student assemblies or during morning broadcasts? Will parents be notified via parent newsletters or parent meetings, email, etc.? Adequate notification must be provided to all involved prior to the implementation of the proposed Student Locker Screening Program.

In addition to any other method and timing of notification, parents and students must be notified of the locker screening program prior to its actual implementation. Anytime a student locker is assigned, for each and every school year the screening program is used, the assigned students and parents (or guardian) must receive written notification that a Student Locker Screening Program is being implemented and be given the opportunity to decline the use of a student locker if they so chose. If the locker screening program is implemented after application and assignment of lockers has already occurred, the notice (and opportunity to decline) must be provided to the students already assigned lockers and their parents prior to the program's implementation.

The information to be communicated to students, staff, parents, and the school community shall include at least the following items:

12c. Student Locker Screening Program

Students:

- a. Provide information on the negative effects of and prevention strategies related to the use, possession, and/or sale of illicit drugs, intoxicating substances, weapons, contraband, and/or firearms.
- b. Share the school's data on incidents of illicit drugs, intoxicating substances, weapons, contraband, and/or firearms that provides the rationale for implementing such a program.
- c. Inform of the purpose and intent of the Student Locker Screening Program and how the screening program will be used as a proactive tool to help deter future occurrences of illicit drugs, intoxicating substances, weapons, contraband, and/or firearms on the school campus.
- d. Inform of the Student Locker Screening Program procedures and how the screening program will be conducted.
 - d.1 Inform that the Student Locker Screening Program procedures and other details set forth in this notice are not to be construed as creating any expectation of privacy in the lockers, that HAR §8-19-14 still governs and thus students should continue to understand that lockers are subject to opening, screening, or dog sniffs at any time with or without cause.
 - d.2 Inform that the school lockers provide to the students on campus are, and always have been, the sole property of the school; that these lockers are voluntarily provided to the students for their use solely for their convenience; that the lockers are subject to opening, screening, or dog sniffs, at any time with or without reason, or cause, and that the items in the lockers are subject to screening at any time with or without reason or cause; that the opacity of the lockers, and the use of any locks, or other locking mechanisms, on these lockers is allowed solely to reduce the risk of theft of the contents of the lockers, but is in no way intended to provide privacy to the contents of the lockers; that, accordingly, no student should have any expectation of privacy whatsoever in the lockers or their contents; that if students wish to maintain privacy with respect to any item or matter, it should not be placed in the school lockers; that illegal drugs, guns, or other contraband shall not be placed in the school lockers, and are subject to immediate confiscation; and that evidence of violation of law, school rules or policies may also be taken from the lockers.
- e. Explain to students that they are not to be in the vicinity or near proximity of the lockers while the locker screening program is being conducted.
- f. Inform that the Department of Education must comply with Hawaii Administrative Rules §8-19-6 (b) that is based on the Hawaii Gun-Free Schools Act of 1994 and the federal Gun-Free Schools Act.

12c. Student Locker Screening Program

- g. Inform that police may be contacted if any illicit/illegal drugs(s) or firearm(s) are found during the student locker screening program. The DOE does not have any authority over action that the police may take after illegal drugs or firearms are delivered to them.

Faculty and Staff:

- a. Share the school's data on incidents of illicit drugs, intoxicating substances, weapons, contraband, and/or firearms that provides the rationale for instituting such a program.
- b. Inform of the purpose and intent of the Student Locker Screening Program and how the screening program will be used as a proactive tool to help deter future occurrences of illicit drugs, intoxicating substances, weapons, contraband, and/or firearms on the school campus.
- c. Provide information on how the screening program will impact and assist the school in addressing the school's problems related to illicit drugs, intoxicating substances, weapons, contraband, and/or firearms.
- d. Inform that students are not to be in the vicinity or near proximity of the lockers while the locker screening program is being conducted.
- e. Inform of the Student Locker Screening Program procedures and how the screening program will be conducted and that their responsibility is to help keep students away from the locker areas during any screening. Inform that screenings or inspections shall not be conducted because of the student's race, color, national origin, ancestry, sex, gender identity and expression, religion, disability or sexual orientation.
- f. The forms used by schools for students to apply for a locker or which grant use of a locker must also include the information that lockers provided to the students on campus are, and always have been, the sole property of the school; that these lockers are voluntarily provided to the students for their use solely for their convenience; that the lockers are subject to opening, screening, or dog sniffs, at any time with or without reason, or cause, and that the items in the lockers are subject to screening at any time with or without reason or cause; that the opacity of the lockers, and the use of any locks, or other locking mechanisms, on these lockers is allowed solely to reduce the risk of theft of the contents of the lockers, but is in no way intended to provide privacy to the contents of the lockers; that, accordingly, no student should have any expectation of privacy whatsoever in the lockers or their contents; that if students wish to maintain privacy with respect to any item or matter, it should not be placed in the school lockers; that illegal drugs, guns, or other contraband shall not be placed in the school lockers, and are subject to immediate confiscation; and that evidence of violation of law, school rules or policies may also be taken from the lockers.

12c. Student Locker Screening Program

- g. Inform that the school shall not take any disciplinary action against a student for contraband and/or illegal items found by the school pursuant to the Student Locker Screening Program regardless of whether the contraband/illegal items are personally identifiable with the exception of firearms. The Department of Education must comply with Hawaii Administrative Rules §8-19-6 (b) that is based on the Hawaii Gun-Free Schools Act of 1994 and the federal Gun-Free Schools Act.
- h. Inform that police may be contacted if any illicit/illegal drugs(s) or firearm(s) are found during the student locker screening program, but that the program should not be implemented in conjunction with, or at the request of, law enforcement officials as part of the a criminal investigation. The DOE does not have any authority over action that the police may take after illegal drugs or firearms are delivered to them.

Parents and School Community:

- a. Share the school's data on incidents of illicit drugs, intoxicating substances, weapons, contraband, and/or firearms that provides the rationale for instituting such a program.
- b. Inform of the purpose and intent of the Student Locker Screening Program and how the screening program will be used as a proactive tool to help deter future occurrences of illicit drugs, intoxicating substances, weapons, contraband, and/or firearms on the school campus.
- c. Provide information on how the screening program will impact and assist the school in addressing drugs, alcohol, intoxicating substances, weapons, contraband, and/or firearms incidents.
- d. Inform that students are not to be in the vicinity or near proximity of the lockers while the locker screening program is being conducted.
- e. Inform that lockers will not be opened or inspected unless the preliminary screening method used provides a positive indication providing reasonable grounds for suspecting that opening and inspecting the locker will turn up evidence that the student has violated or is violating either the laws or the rules of the school.
 - e.1 Inform that despite the above limitation, the Student Locker Screening Program procedures and other details set forth in this notice are not to be construed as creating any expectation of privacy in the lockers, that HAR §8-19-14 still governs and thus students should continue to understand that lockers are subject to opening, inspection, or dog sniffs at any time with or without cause.
 - e.2 Inform that school lockers provided to the students on campus are, and always have been, the sole property of the school; that these lockers are voluntarily provided to the students for their use solely for their convenience; that the lockers are subject to opening, inspection, or dog sniffs, at any time with or without reason or cause, and that the items in

12c. Student Locker Screening Program

the lockers are subject to inspection at any time with or without reason or cause, that the opacity of the lockers, and the use of any locks, or other locking mechanisms, on these lockers is allowed solely to reduce the risk of theft of the contents of the lockers, but is in no way intended to provide privacy to the contents of the lockers; that, accordingly, no student should have any expectation of privacy whatsoever in the lockers of their contents; that if students wish to maintain privacy with respect to any item or matter, it should not be placed in the school lockers; that illegal drugs, guns, or other contraband shall not be placed in the school lockers, and are subject to immediate confiscation; and that evidence of violation of law, school rules or policies may also be taken from the lockers.

- f. Explain importance/significance of parental/family support in preventing the use, sale, and/or possession of illicit drugs, intoxicating substances, weapons, contraband, and/or firearms.
- g. Inform that the school shall not take any disciplinary action against a student for contraband and/or illegal items found by the school pursuant to the Student Locker Screening Program regardless of whether the contraband/illegal items are personally identifiable with the exception of firearms. The Department of Education must comply with Hawaii Administrative Rules § 8-19-6(b) that is based on the Hawaii Gun-Free Schools Act of 1994 and the federal Gun-Free Schools Act.
- h. Inform that the police will be contacted if any illicit/illegal drug(s) or firearm(s) are found during the Student Locker Screening Program. The DOE does not have any authority over action that the police may take after evidence of illegal drugs or firearms are delivered to them.

Visual signs/posters indicating that student lockers will be subject to opening, inspection, or dog sniffs are required to be posted in the locker areas, prior to the institution of the screening program. **The following language shall be used in the sign reproduction.** A sample sign is included in the worksheets section.

“School lockers are school property subject to opening, inspection, or canine sniffs at any time with or without cause. Locker contents are not private. Students should have no expectation of privacy of any kind in the lockers or their contents. Contraband will be confiscated.”

Samples of any of the notifications, memos, informational flyers, signs/posters, etc. generated must be included in the implementation plan packet.

The school officials that will be conducting the Student Locker Screening Program must be specified. There shall be two school officials whenever student lockers are

12c. Student Locker Screening Program

opened and inspected in accordance with the school's Student Locker Screening Program implementation plan; one school official shall observe while the other school official conducts the screening or inspection. The screening itself not the inspection, may be carried out by a trained screener who is not a school official (e.g., trained dog handler).

2. Student Locker Selection Determination. The implementation plan must describe in detail how the student lockers to be screened will be selected. However, as explained further below, an initial screening method (e.g., external trained dog sniff) shall be employed, and a positive indication given, before any locker is actually opened and inspected. The method that will be used to determine which lockers will be screened on which days must be specified. For example, "On the first Tuesday of every month, all lockers in Buildings A, B, and C, will be screened on the following Tuesday, all lockers in buildings D, E, and F, will be screened, etc., until all lockers have been screened." However, in order to avoid undermining the goals of the Student Locker Screening Program, the dates the screenings will be conducted need not be discussed in advance.

There must be a clear statement in the plan indicating that no specific lockers or students are or will be targeted for initial screening. Also, that the selection of lockers to be screened (and if warranted, opened and inspected) shall not be based on the student's race, color, national origin, ancestry, sex, gender identity and expression, religion, disability, or sexual orientation.

In addition, how frequently the locker screenings will take place must be specified. For example: "Monthly, Every other month beginning in October," etc.

Before any such initial screening may occur, however, the screening method (canine sniffs) must be demonstrated to be reliable in that false positives are minimized. The screening method will be reliable if a positive indication provides reasonable grounds for suspecting that opening and inspecting the locker will turn up evidence that the student has violated or is violating either the law or the rules of the school.

After the initial screening is performed, if and only if the screening method provides a positive indication—which positive indication provides reasonable grounds for suspecting that opening and inspecting the locker will turn up evidence that the student has violated or is violating either the law or the rules of the school—the locker may be opened and inspected.

12c. Student Locker Screening Program

The scope of the inspection should be reasonably related to the objectives of the inspection, and not excessively intrusive in light of the age and sex of the student and the nature of the infraction.

3. Procedures If Contraband Found During Opening & Screening. Procedures if contraband is found during the screening program must be described in detail. How the contraband is to be handled also needs to be specified. The following information needs to be considered and included in this section. Contraband, as defined by Chapter 19, if found during the Student Locker Screening Program, shall be turned over to the school administrator for documentation. The school administrator shall maintain a log of the contraband item(s) found during the Student Locker Screening Program. The data will help to support documentation of whether continuance of the screening program is warranted for the following school year. **Those conducting a locker screening program shall not, as an internal policy matter, read letters, diaries, or other written materials contained in a student's locker. But because this is an internal policy matter only, student shall continue to have no expectation of privacy of any kind in the lockers or their contents.**

If the contraband found is deemed not to be illicit or illegal, the item(s) shall be removed from the school campus by returning the item to the student's parent or legal guardian. Schools are required to notify parents of the contraband/illegal items that are personally identifiable to the student.

If illicit/illegal drug/substances and/or firearms are discovered, the school administrator shall bag and seal the evidence, log the item(s) on the contraband log, and contact the police for handling. The police will be contacted if any illicit drug(s) or firearm(s) are found during the screening program. The DOE does not have any authority over action that the police may take after evidence of illegal drugs or firearms are delivered to them.

The school shall not take any disciplinary action against a student for contraband and/or illegal items found by the school regardless of whether the contraband/illegal items are personally identifiable with the exception of firearms. The DOE must comply with HAR §8-19-6 (b) that is based on the Hawaii Gun-Free Schools Act of 1994 and the federal Gun-Free Schools Act.

4. Student Locker Screening Program Administrator Requirements. To ensure compliance with the screening program requirements, the school administrator shall include a letter of understanding to the complex area superintendent. A sample letter of the program requirements is included in the worksheet section.

12c. Student Locker Screening Program

Student Locker Screening Program End of School Year Evaluation Report

The school administrator shall complete an end of the year evaluation report describing the results and impact of the Student Locker Screening Program conducted. Here are examples of guiding questions:

1. Did the implemented plan to open and inspect student lockers serve as a deterrent for student misconduct related to illicit drugs, intoxicating substances, weapons, contraband, and/or firearms? What did the data indicate? Present the data.
2. Was/were the proposed objective(s) and outcome(s) of the Student Locker Screening Program achieved? Why or why not?
3. How did the Student Locker Screening Program impact schoolwide student behavior and school climate? What were the positive and negative impacts?
4. What were the challenges of conducting this screening program? How were the challenges addressed?
5. What factors/data support the continuance of the screening program for next school year?
6. If the data indicates that a screening program for next school year is warranted, what enhancements, modifications, and/or revisions are being considered to the current implementation plan to ensure continued growth?

Only with sufficient data and information will the Student Locker Screening Program be considered for continuation for the following school year by the CAS and the Office of the Superintendent.

A copy of this report shall be sent to the respective CAS and the Office of the Superintendent. The Office of the Superintendent shall provide a copy of the report to the Department of the Attorney General, Education Division.



Administrator's Checklist

Checklist	What/Purpose
Administrator's Checklist for Student Locker Screening Program	✓ A list of suggested procedural steps for school administrators to follow in implementing a Student Locker Screening Program

Administrator's Checklist for Student Locker Screening Program

Step	Actions	Document(s)	Date
1.	School has reviewed and summarized evidence/data to determine that problems related to illicit drugs, intoxicating substances, weapons, contraband, and/or firearms exist.	eCSSS Incident Reports: <ul style="list-style-type: none"> • Multi-year Total Number Incidents by Location • Multi-year Total Number of Verified Offenses 	Completed date: __/__/__
2.	School develops Student Locker Screening Program Implementation Plan containing the following information: <ol style="list-style-type: none"> 1. Establishing Need 2. Communication & Notification Procedures 3. Student Locker Selection Determination 4. Procedures If Contraband Found 	Student Locker Screening Program Implementation Plan	Completed date: __/__/__
3.	School administrator submits Student Locker Screening Program Implementation Plan to the respective Complex Area Superintendent (CAS) for review and approval.	<ol style="list-style-type: none"> 1. Student Locker Screening Program Implementation Plan 2. Cover memo from school to CAS 	Submitted date: __/__/__ Memo date: __/__/__
4.	CAS reviews submitted implementation plan.	Student Locker Screening Program Implementation Plan	Review date: __/__/__
4a.	If not approved, implementation plan is sent back to school for revisions.	CAS memo to school	Memo date: __/__/__
4b.	If approved, CAS notifies school of approval and routes implementation plan to the Office of the Superintendent for review and approval.	<ol style="list-style-type: none"> 1. CAS memo to school 2. CAS memo to Office of the Superintendent 	Memo date: __/__/__ Memo date: __/__/__
5.	The Office of Superintendent reviews the Student Locker Screening Program Implementation Plan.	Student Locker Screening Program Implementation Plan	Review date: __/__/__
5a.	If not approved, implementation plan is sent back to CAS for revisions.	Office of the Superintendent memo to CAS	Memo date: __/__/__
5b.	The Office of the Superintendent consults with Department of the Attorney General regarding the implementation plan.	Office of the Superintendent memo to Department of the Attorney General	Memo date: __/__/__
6.	Department of the Attorney General reviews Student Locker Screening Implementation Program Plan.	Student Locker Screening Program Implementation Plan	Review date: __/__/__
7.	The Department of the Attorney General communicates with the Office of the Superintendent.	Memo from the Department of the Attorney General to the Office of the Superintendent.	Memo date : __/__/__
8.	If the implementation plan is disapproved by the Office of the Superintendent, the school shall not conduct a Student Locker Screening Program.	Revised Student Locker Screening Program Implementation Plan	Re-submittal date to Office of the Superintendent: __/__/__

Administrator's Checklist for Student Locker Screening Program

Steps	Actions	Documents	Date
9.	If the implementation plan is approved, the school administrator prepares to conduct the Student Locker Screening Program as described in the implementation plan.	Student Locker Screening Program Implementation Plan	
10.	School administrator prepares to implement Student Locker Screening Program plan by informing & notifying the necessary role groups. Schools must provide adequate notice to all involved before the screening program is initiated.	Student Locker Screening Program Implementation Plan	
10a.	Faculty & staff	Communications & Notification Procedures	Date scheduled: ___/___/___ Completed: Yes ___ No ___
10b.	Students	Communications & Notification Procedures	Date scheduled: ___/___/___ Completed: Yes ___ No ___
10c.	Parents	Communications & Notification Procedures	Date scheduled: ___/___/___ Completed: Yes ___ No ___
10d.	School community	Communications & Notification Procedures	Date scheduled: ___/___/___ Completed: Yes ___ No ___
10e.	Posting of signs in locker areas indicating student lockers are subject to opening and screening by school official, prior to the beginning of the program.	Communications & Notification Procedures	Completed Date: ___Yes ___No
11.	School monitors incident data related to illicit drugs, intoxicating substances, weapons, contraband, and/or firearms.	eCSSS Incident data	Monthly monitoring completed dates: ___/___/___ ___/___/___ ___/___/___ ___/___/___
12.	School reviews data and implementation plan to determine whether the need to continue the Student Locker Screening Program is warranted for the next school year.	Incident data Program evaluation	Review & determination date: ___/___/___
13.	School submits Student Locker Screening Program End of the School Year Evaluation Report to the CAS and the Office of the Superintendent.	Student Locker Screening Program End of School Year Evaluation Report	Submitted date: ___/___/___
13a.	The Office of the Superintendent provides a copy of end of the year report to the Department of the Attorney General, Education Division.	Student Locker Screening Program End of School Year Evaluation Report	Submitted date: ___/___/___



Activity Worksheet Samples

Activity Worksheet	What/Purpose
Administrator Student Locker Screening Program Requirements	✓ A sample memo from school principal to CAS indicating agreement to requirements of the Student Locker Screening Program
Student Locker Screening Program Implementation Plan	✓ A sample template for developing a Student Locker Screening Program Implementation Plan
Student Locker Screening Program Communications & Notification Procedures Plan	✓ A sample template for Student Locker Screening Program Communications & Notification Procedures Plan
Student Locker Use Information Parent Letter	✓ A sample template of a Parent Letter when application for use of student locker is made
Student Locker Screening Program Parent Letter	✓ A sample template of a Parent Letter informing of the initiation & procedures of the Student Locker Screening Program
Student Lockers and Student Locker Screening Program Student Letter	✓ A sample template of a Student Letter informing of the initiation & procedures of the student lockers and the Student Locker Screening Program
Student Locker Screening Program Contraband Log	✓ A sample template for maintaining a Student Locker Screening Program Contraband Log
Student Locker Screening Program Visual Sign for Posting	✓ The wording to be used for campus visual postings with the Student Locker Screening Program

S A M P L E

Administrator Student Locker Screening Program Requirements

Date:

To: XXX, Complex Area Superintendent

From: XXXX, Principal
School Name

Subject: Administrator Student Locker Screening Program Requirements

I, xxxx, principal of xxxx school, in submitting a Student Locker Screening Implementation Program Plan understand and agree to the following requirements:

1. There is an identified and documented school campus problem with illicit drugs, intoxicating substances, weapons, contraband, and/or firearms to justify the development of a Student Locker Screening Program Implementation Plan.

I also understand and agree to the following requirements:

2. A Student Locker Screening Program shall be implemented by the school only upon prior written approval from the Office of the Superintendent.
 - a. For each and every school year the Student Locker Screening Program is used, an implementation plan must be submitted and prior written approval must be received from the Office of the Superintendent to initiate the program.
3. Adequate notification must be provided to all involved prior to the implementation of the proposed Student Locker Screening Program.
 - a. Prior to the assignment of student lockers at the beginning of the school year and at anytime a student locker is assigned, for each and every school year the screening program is used, students and parents must receive written notification that a Student Locker Screening Implementation Program is being implemented and that they have the opportunity to decline the use of a student locker if they so chose.
 - b. Visual signs indicating that student lockers are subject to opening, inspection, and dog sniffs, by school officials are required to be posted in the locker areas prior to the implementation of the program.
 - c. Lockers will not be opened and inspected unless the screening provides a reliable positive indication.
4. Those conducting a locker screening program shall not in accordance with DOE internal protocol, read letters, diaries, or other written materials contained in a student's locker.
5. The school shall not take any disciplinary action against a student for contraband and/or illegal items found by the school pursuant to the Student Locker Screening Program regardless of whether contraband and/or illegal items are personally identifiable with the exception of firearms.

6. The school shall conduct an evaluation of the implemented plan and submit the report to the respective Complex Area Superintendent and the Office of the Superintendent.

S A M P L E

Student Locker Screening Program Implementation Plan

Date of Plan: ____/____/____

School Information

School Name:

Address:

School Principal:

Phone:

Purpose

Establishing Need

Anticipated Implementation Date

Procedures for the Student Locker Screening Program

Communication and Notification Procedures

Student Locker Determination

Procedures If Contraband Found During Opening and Screening

End of School Year Evaluation Procedures

S A M P L E

School Name

Student Locker Screening Program Communication & Notification Procedures Plan

Purpose

To inform school community stakeholders about xxxx

Who	Purpose	How	When
Faculty and Staff	<input type="checkbox"/> To provide faculty and staff xxxx		
Student Body			
Parents			
School Community			
Superintendent			

S A M P L E

Parent Letter

Student Locker Screening Program

Date:

To:

From: School Principal Name

Subject: Student Locker Screening Program

Dear Parents/Guardians:

This is to inform you that [*School Name*] will be initiating a Student Locker Screening Program beginning xxxx. The following sections provide you with information and procedures of the Student Locker Screening Program. It is very important that you understand and discuss these procedures with your child/children.

Purpose of Student Locker Screening Program

[State how the screening program will assist to deter to help deter future occurrences of, and remove, illicit drugs, intoxicating substances, weapons, contraband and/or firearms on the school campus.]

The purpose of the Student Locker Screening Program is to xxx

Rationale for Student Locker Screening Program

[Present data of incidents of illicit drugs, intoxicating substances, weapons, contraband, and/or firearms that indicates why there is a need to implement a Student Locker Screening Program].

Our school data on incidents of illicit drugs, intoxicating substances, weapons, contraband, and/or firearms indicates that xxxx

Student Locker Information

[Include the following paragraphs]

School lockers provided to the students on campus are, and always have been, the sole property of the school. These lockers are voluntarily provided to the students for their use solely for their convenience.

The lockers are subject to opening, inspection, or dog sniffs, at any time with or without reason or cause, and the items in the lockers are subject to inspection at any time with or without reason or cause. The opacity of the lockers, and the use of any locks, or other locking mechanisms, on these lockers is allowed solely to reduce the risk of theft of the contents of the lockers, but is in no way intended to provide privacy to the contents of the lockers.

No student should have any expectation of privacy whatsoever in the lockers or their contents. If students wish to maintain privacy with respect to any item or matter, it should not be placed in the school lockers. Illegal drugs, firearms, or other contraband shall not be placed in the school lockers. The contraband items are subject to immediate confiscation. Evidence of violation of law, school rules or policies may also be taken from the lockers.

Student Locker Screening Program

[Include the following paragraphs]

The following procedures shall be adhered to during the locker screening:

- a. Students shall not be in the vicinity or near proximity of the lockers while the locker screening program is being conducted.
- b. Student lockers will not be opened or inspected unless the preliminary screening suspecting that opening and inspecting the locker will turn up evidence that the student has violated or is violating either the law or the rules of the school.
- c. The Student Locker Screening Program procedures and other details set forth in this notice are not to be construed as creating any expectation of privacy in the lockers. Hawaii Administrative Rules Title 8, Chapter 19, §8-19-14 still governs and thus students should continue to understand that lockers are subject to opening, inspection, or dog sniffs at any time with or without cause.
- d. The school shall not take any disciplinary action against a student for contraband and/or illegal items found by the school pursuant to the Student Locker Screening Program regardless of whether the contraband/illegal items are personally carried with Hawaii Administrative Rules §8-19-6 (b) that is based on the Hawaii Gun-Free Schools Act of 1994 and the federal Gun-Free Schools Act.
- e. The police may be contacted if any illicit/illegal drug(s) or firearm(s) are found during the Student Locker Screening program. The DOE does not have any authority over action that the police may take after illegal drugs or firearms are delivered to them.

Parental Support

[Explain importance/significance of parental/family support in preventing the use, sale, and/or possession of illicit drugs, intoxicating substances, weapons, contraband, and/or firearms.]

It is very important that you talk with your child about xxx.

S A M P L E

Student Letter

Student Lockers and Student Locker Screening Program

Date:

To: Students of [School Name]

From: School Principal Name

Subject: Student Lockers and Student Locker Screening Program

Dear Students

[School Name] will be implementing a Student Locker Screening Program beginning in xxxx. The following provides you with information about the screening program and what its procedures are.

Student Lockers

[Provide the following paragraphs]

School lockers provided to you on campus are, and always have been, the sole property of the school. These lockers are voluntarily provided to you for your use solely for your convenience. Student lockers are subject to opening, inspection, or “dog sniffs,” at any time with or without reason or cause.

The items in student lockers are subject to inspection at any time with or without reason or cause. The opacity of the lockers, and the use of any locks, or other locking mechanisms, on these lockers is allowed solely to reduce the risk of theft of the contents of the lockers, but is in no way intended to provide privacy to the contents of the lockers. You should have any expectation of privacy whatsoever in the lockers or their contents. If you wish to maintain privacy with respect to any item or matter, it should not be placed in the school lockers.

Illegal drugs, intoxicating substances, firearms, or other contraband shall not be placed in the school lockers. These items are subject to immediate confiscation. Evidence of violation of law, school rules or policies may also be taken from the lockers.

What is a Student Locker Screening Program?

[Explain purpose of the Student Locker Screening Program.]

Why is the school starting a Student Locker Screening Program?

[State the purpose and present the data that supports the initiation of the locker screening program.]

[Provide information on how the locker screening program will be used as a proactive tool]

[Provide information on the negative effects of and prevention strategies related to the use, possession, and/or sale of illicit drugs, intoxicating substances, weapons, contraband, and/or firearms.]

What is my responsibility when a Student Locker Screening Program is being conducted?

[Explain that students are not to be in the vicinity or near proximity of the lockers while the locker screening program is being conducted.]

[Explain that students should continue to understand that lockers are subject to opening, inspection, or dog sniffs at any time with or without cause.]

What happens during the locker screening program and what if contraband is found in my locker?

[Include the following paragraphs.]

Student lockers will not be opened or inspected unless the preliminary screening method used provides a positive indication providing reasonable grounds for suspecting that opening and inspecting the locker will turn up evidence that the student has violated or is violating either the law or the rules of the school.

If firearms are found, the Department of Education must comply with Hawaii Administrative Rules §8-19-6 (b) that is based on the Hawaii Gun-Free Schools Act of 1994 and the federal Gun-Free Schools Act.

The police may be contacted if any illicit/illegal drug(s) or firearm(s) are found during the Student Locker Screening program. The DOE does not have any authority over actions that the police may take after illegal drugs or firearms are delivered to them.

Who do I contact if I have questions about the Student Locker Screening Program?

[Provide the appropriate school personnel to contact.]

S A M P L E

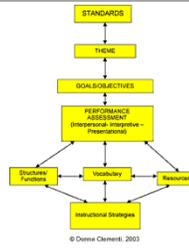
Student Locker Screening Program Visual Sign for Posting*

School lockers are school property subject to opening, inspection, or canine sniffs, at any time with or without cause.

Locker contents are not private. Students should have no expectation of privacy or any kind in the lockers or their contents.

Contraband will be confiscated.

***Note:** The above language shall be used in any signage reproduction.



Flowcharts

- Student Locker Examinations With Cause
- Student Locker Screening Program
(Screening with Without Individualized Cause)

Student Locker Examinations With Cause

Purpose: To deter use, sale, possession of illicit drugs, intoxicating substances, weapons, contraband, and/or firearms, and remove any found on campus.

May be opened and inspected anytime there are reasonable grounds to suspect based on attendant circumstances that the inspection will turn up evidence that the student(s) have violated, or are violating, the law or provisions of Chapter 19.

The scope of the inspection should be reasonably related to the objectives of the inspection and not excessively intrusive in light of the age and the sex of the student and the nature of the infraction.

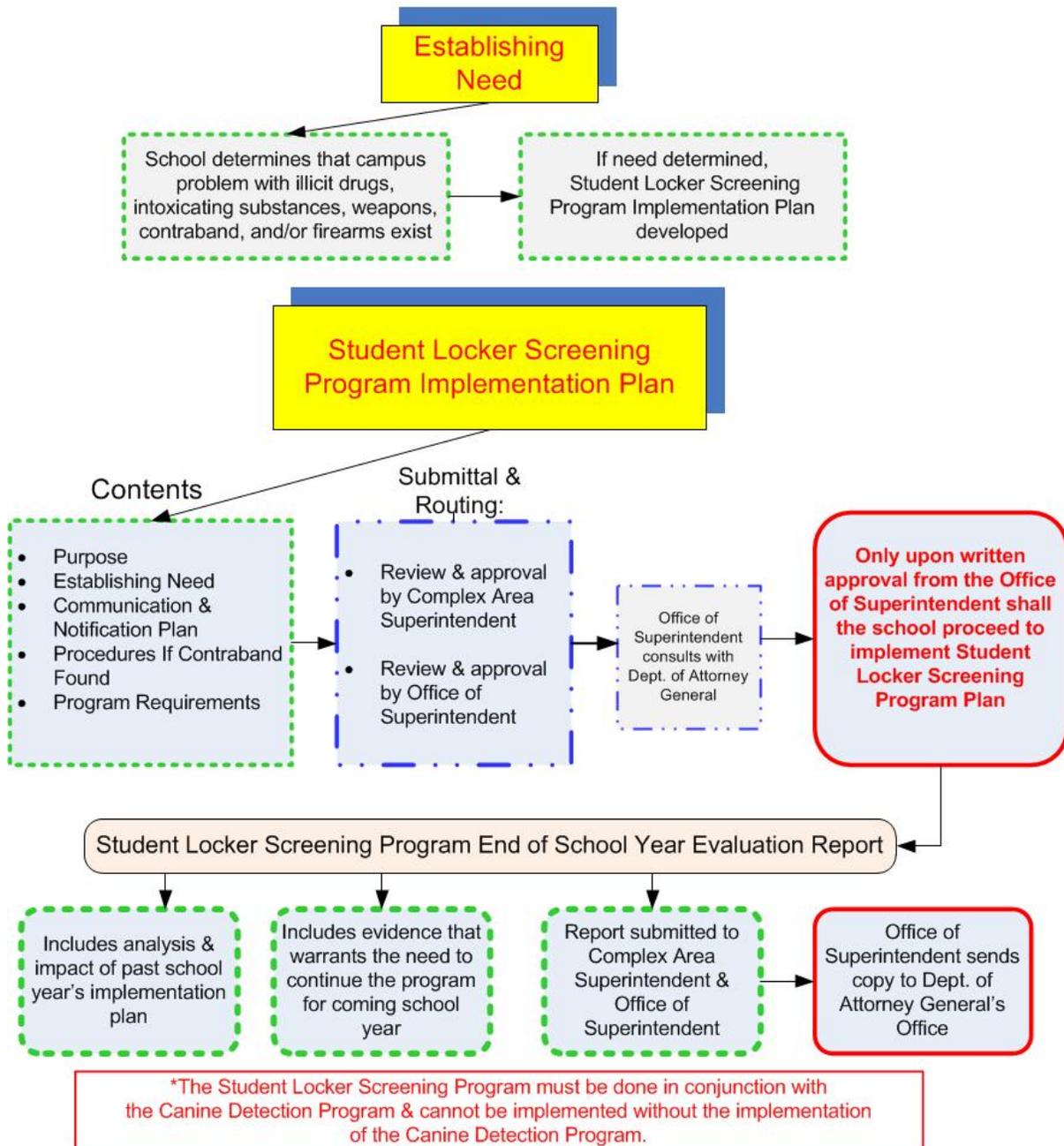
The search shall not be conducted due to student's race, color, national origin, ancestry, sex, gender identity and expression, religion, disability, or sexual orientation.

The school official conducting the search shall be accompanied by another school official serving as witness, **unless** there is an emergency requiring immediate action to protect health or safety.

If contraband is found, conduct thorough investigation; follow through with Chapter 19 disciplinary procedures.

Student Locker Screening Program* (Screening Without Individualized Cause)

Purpose: To deter use, sale, possession of illicit drugs, intoxicating substances, weapons, contraband, and/or firearms, and remove any found on campus.



Section 13

Due Process for Suspensions Exceeding Ten School Days, Disciplinary Transfers, & Dismissals

13. Due Process

Reference (page 19-24)

§8-19-9 Due process for suspensions exceeding ten days, disciplinary transfers, and dismissal. (a) If, based upon the investigation, the principal or designee believes that a student engaged in an activity which constitutes a violation of this chapter, and if the principal or designee recommends that serious discipline other than crisis removal be imposed, the principal or designee shall immediately notify the complex area superintendent to initiate disciplinary proceedings by obtaining verbal authorization from the complex area superintendent.

(b) Upon obtaining verbal authorization from the complex area superintendent, the principal or the designee will make a good faith effort to inform the parent of:

- (1) The serious discipline incident,
- (2) The opportunity to appeal, and
- (3) That the disciplinary action will be implemented immediately.

(c) Within three school days of the verbal authorization from the complex area superintendent, the principal or designee shall mail a written notice of the serious discipline incident with the appeal form to the parent. A facsimile signature of or an electronic approval confirmation of the complex area superintendent on the serious discipline incident form is sufficient.

The written notice of serious discipline shall contain the following statements:

- (1) Allegations of the specific acts committed by the student that form the basis of the serious discipline;
- (2) The allegations of the specific acts that were substantiated;
- (3) A statement of the disciplinary action(s); and
- (4) A statement that the parent has a right to an appeal to the complex area superintendent at which time the parent may present evidence, call and cross-examine witnesses, and be represented by legal counsel and to the extent the parent provides a written notice of legal representation at least ten calendar days prior to the appeal.

- (5) If the student or parent would like to file an appeal, the appeal must be submitted in writing and received by the complex area superintendent by the close of business of the seventh school day from the date of the issued serious discipline notice. The student shall be permitted to attend the school of the student pending the appeal unless the principal finds the continued presence of the student creates a substantial risk to self or others or to the rights of other students to pursue their education free from disruption. However, the student shall not participate in any extracurricular activities, including but are not limited to athletics, trips, or clubs.

(d) Upon receipt of a written request for an appeal, the complex area superintendent shall, within ten school days, schedule an appeal and shall inform the parent of the date, time, and place. Written notice of the appeal shall be mailed to the parent and principal or designee at least fifteen calendar days before the appeal. The appeal shall be conducted by the complex area superintendent or by an impartial department of education person, or an impartial designee, who may be an official of the department, designated by the complex area superintendent. The appeal shall be conducted as follows:

- (1) The appeal shall be closed unless the student or parent requests that it be public;
- (2) Parent and principal or principal's designee have the right to present evidence, cross-examine witnesses, and submit rebuttal testimony;
- (3) Parent and principal or principal's designee may be represented by legal counsel;
- (4) The complex area superintendent or the impartial department of education designee need not follow the formal rules of evidence;
- (5) The complex area superintendent or the impartial department of education designee shall impartially weigh the evidence presented;
- (6) A parent, at the parent's own expense, may record or obtain a copy of the department's tape recording, or transcript of the department's tape recording of the proceedings only if requested for purposes of court review. The complex area superintendent or the impartial department of education designee shall record a transcript or tape recording of the proceedings;
- (7) The complex area superintendent shall no later than seven school days from the close of the appeal render a decision in writing stating clearly the action(s) to be taken and the bases for such actions. The written decision shall be mailed or personally delivered to the parent, the student's attorney of record, and a copy to the school. If the disciplinary action is upheld, the complex area superintendent shall indicate the total number of suspension days and within the suspension beginning and ending dates take into consideration the number of suspension days the student may have already served.

(e) The parent may appeal the decision of the complex area superintendent by providing written notice of their appeal and a specific statement whether they are requesting a hearing to the superintendent of education or designee identifying the specific issues and arguments with supporting documents and evidence the individual is appealing. The written appeal shall be delivered to the superintendent of education or designee within seven school days of the date of the complex area superintendent's written decision. If no specific request is made for a hearing, the superintendent of education or designee

13. Due Process

shall render a decision based upon the entire record of the proceedings of the complex area superintendent and the parent submitted on the appeal. The superintendent of education or designee shall render a final written decision. The student shall be permitted to attend the school of the student pending the appeal unless the complex area superintendent finds that the continued presence of the student creates a substantial risk to self or others or to the rights of other students to pursue their education free from disruption. Where the student is to be excluded from school pending the appeal, the superintendent of education or designee shall render a decision within twenty-one calendar days of the date of the receipt of the appeal.

(f) Upon written receipt of an appeal, from the parent or the parent's legal counsel, the written decision of the complex area superintendent and all documents and recordings from the proceeding provided for in subsection (d) of this section shall be forwarded to the superintendent of education or designee within ten calendar days. The superintendent of education or designee shall examine the evidence and render a decision based on the disciplinary action within fourteen calendar days. The decision shall be personally delivered or mailed to the parent or attorney of record. In addition, the parent shall be informed of the right to submit written exceptions to the decision and to present argument to the superintendent of education or designee. Written exceptions and the request to present argument to the superintendent of education or designee must be received within five calendar days of the date of the decision rendered by the superintendent of education or designee. A parent may submit written exceptions and waive the right to present argument; however, there will be no right to present argument without first submitting written exceptions. If the parent has timely submitted written exceptions and requests the right to present the argument, the superintendent of education or designee shall, within two school days of receiving the request to present argument, inform the parent of the specific date, time, and place to present their arguments. The date for presentation of argument shall be no less than five calendar days and no more than fourteen calendar days from the date of the notice informing the parent of the specific date, time, and place to present their arguments. The superintendent of education or designee shall mail a written decision to the parent or the attorney of record within fourteen calendar days of the date of the presentation of the argument or in the case where the parent has waived the parent's right to present argument, within fourteen calendar days of the receipt of the parent's written exceptions. [Eff 9/1/82; am and ren §8-19-8, 5/23/86; am and comp 7/19/93; am and comp 5/19/97; am and comp 2/22/01; am and comp 9/10/09] (Auth: HRS §302A-1112) (Imp: HRS §302A-1112)

13. Due Process



Key Messages/Reminders

- In order to comply with due process timelines, be sure to distinguish between “school days” and “calendar days” when submitting appeal documents.
- Only serious discipline incidents can be appealed to the complex area superintendent. Suspensions of one to ten school days can only be appealed to the school principal and not the complex area superintendent.
- Schools cannot submit appeals for parents. Only a parent can submit an appeal to the complex area superintendent or the Superintendent of Education. Parents must submit written request for appeals.
- Except for firearm violations, during an appeal a student shall be permitted to attend school unless it is found that the continued presence of the student creates a substantial risk to self or others or to the rights of other students to pursue their education free from disruption. However, for all violations, the student shall not participate in any extracurricular activities, including but not limited to athletics, trips, or clubs.
- Regarding appeals for “firearms,” an appeal for the length of firearm dismissal is made directly to the Superintendent of Education and an appeal regarding the type of firearm is made to the complex area superintendent.



Frequently Asked Questions

The following is a list of questions and answers regarding due process procedures for suspensions exceeding ten days, disciplinary transfers, and dismissal.

Applicability

1. What is “due process” for Chapter 19 violations?
 - “Due process” for Chapter 19 violations means that if a student or parent would like to file an appeal for a serious discipline violation, they must submit it in writing.
 - The type of due process a student is entitled to depends on the disciplinary action that is being imposed. Due process is the right to be heard – either meeting with the administrator when suspensions are for ten schools days or less or appeal to the CAS for suspensions over 10 days.
 - The complex area superintendent must receive the written appeal by the close of business of the seventh school day from the date of the issued serious discipline notice.

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2. What constitutes the date of the issued serious discipline notice?
 - The date of the issued serious discipline notice is the date that the Chapter 19 Confidential Investigation Findings and Discipline form was signed by the principal or designee.
3. Can a parent appeal a suspension of one to ten school days to the complex area superintendent?
 - No, only serious discipline violations can be appealed to the complex area superintendent.
 - Any other violation of Chapter 19 other than serious discipline must be appealed to the school principal.

Serious Discipline

4. What constitutes a “serious discipline” violation?
 - A “serious discipline” is defined as disciplinary actions including dismissals, disciplinary transfers, crisis removals, and suspensions which either exceed ten school days or will result in the student affected being crisis removed or suspended more than a total of ten school days in any single semester for general education students or in a school year for special education and Section 504 eligible students.
5. What is the school administrator’s responsibility when a serious discipline violation has occurred?
 - The principal or designee shall conduct a thorough investigation of the alleged incident and make a serious discipline recommendation to the complex area superintendent.
 - The principal or designee shall immediately notify the complex area superintendent and in order to initiate disciplinary proceedings, must obtain verbal authorization from the complex area superintendent.
 - Upon verbal authorization from the complex area superintendent, the principal or the designee will make a good faith effort to inform the parent of:
 - the serious discipline incident,
 - the opportunity to appeal, and
 - that the disciplinary action will be implemented immediately.
 - Within three school days of the verbal authorization from the complex area superintendent, the principal or designee is required to mail a written notice of the serious discipline incident with appeal form to the parent.
6. What are the written notices that must be sent to the parent for a serious discipline violation?
 - Chapter 19 Confidential Investigation Notice
 - Chapter 19 Confidential Investigation Findings and Discipline

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- Chapter 19 Confidential Request for Appeal
7. What if the principal or designee fails to send or provide the parent with the above required written notices of serious discipline?
- If the principal or designee does not mail or provide the parent with the above written notices of serious discipline, then there can be no serious discipline action.
 - However, the serious incident information will remain in eCSSS without the disciplinary action.
8. What if the principal or designee provided to the parent the Investigation Notice and Investigation Findings and Discipline notices, but did not include the Request for Appeal?
- The complex area superintendent will then consider all the facts and circumstances of the case to determine whether to negate the serious discipline action or to provide the opportunity for the parent to appeal.

“Stay Put” During An Appeal

9. During an appeal is the student allowed to attend school?
- During an appeal the student shall be permitted to attend the school of the student pending the appeal unless the principal finds the continued presence of the student creates:
 - a substantial risk to self or others OR
 - to the rights of other students to pursue their education free from disruption.
10. During an appeal can the student be allowed to participate in extracurricular activities?
- No, the student shall not participate in any extracurricular activities, including but are not limited to athletics, trips, or clubs.

“Stay Put” During Firearm Appeal

11. Does “stay put” apply to a student whose parent is requesting an appeal for a firearm dismissal?
- No, the provisions of “stay put” does not apply to student whose parents are appealing a firearm dismissal. The student shall not be allowed to attend the school of the student.
 - If the challenge is to whether the instrument was a firearm, then “stay put” applies unless the principal finds the continued presence of the student creates:

13. Due Process

- a substantial risk to self or others OR
- to the rights of other students to pursue their education free from disruption.

Parental Rights During An Appeal

12. Is a parent allowed to cross-examine witnesses during an appeal and be represented by legal counsel?

- Yes, at the appeal the parent may present evidence, call and cross-examine witnesses, and be represented by legal counsel to the extent the parent provides a written notice of legal representation at least ten calendar days prior to the appeal.
- The principal or designee also has the right to present evidence, cross-examine witnesses, and submit rebuttal testimony.

13. Can a parent tape-record the appeal?

- Yes, a parent at their own expense may record or obtain a copy of the department's tape recording, or transcript of the department's tape recording of the proceedings only if requested for purposes of court review.

14. Is the appeal closed or can it be public?

- The appeal shall be closed unless the student or parent requests that it be public.

Scheduling the Appeal

15. How soon does the parent need to be notified of the appeal meeting?

- Upon receipt of a written request for an appeal, the complex area superintendent shall, within ten school days, schedule an appeal and shall inform the parent of the date, time, and place.
- The written notice of the appeal to the parent shall be mailed to the parent and the principal or designee at least fifteen calendar days before the appeal.

Conducting the Appeal

16. Who conducts the appeal?

- The appeal shall be conducted by the complex area superintendent or by an impartial department of education person, or an impartial designee, who may be an official of the department, designated by the complex area superintendent.

13. Due Process

Appeal Decision

17. How soon does the complex area superintendent make an appeal decision?
- The complex area superintendent shall no later than seven school days from the close of the appeal render a decision in writing.
 - The written decision shall be mailed or personally delivered to the parent, the student's attorney of record, and a copy to the student's school.
18. If the disciplinary action is upheld, what happens to the length of the suspension given?
- If the disciplinary action is upheld by the complex area superintendent, he/she will indicate the total number of suspension days and within the suspension beginning and ending dates take into consideration the number of suspension days the student may have already served.
19. Can a parent appeal the complex area superintendent's decision?
- Yes, the parent may appeal the decision of the complex area superintendent by providing a written notice of their appeal and a specific statement whether they are requesting a hearing to the Superintendent of Education or designee.
 - The written request to appeal shall be delivered by the parent to the Superintendent of Education or designee within seven school days of the date of the complex area superintendent's written decision.
20. Can a parent appeal the superintendent's decision?
- The parent shall be informed of the right to submit written exceptions to the decision to present argument to the Superintendent of Education or designee.
 - If the parent decides to submit written exceptions and the request to present argument to the Superintendent or designee, the Superintendent or designee must receive the documents within five calendar days of the date of the decision rendered by Superintendent of Education or designee.
 - The parent has a right to file a civil action in a court of competent jurisdiction challenging the final decision of the Superintendent of Education or designee.

Carry Over of Disciplinary Action

21. If the disciplinary action could not be imposed as a result of the appeal process, can the disciplinary action be carried over to the next school year?
- Yes, the disciplinary action may be carried over the next school year and does not include summer school.

13. Due Process

Appeals for Firearm Violations

22. If a parent disagrees with whether the instrument in question is a firearm, who can they appeal this decision to?
- This appeal is to be directed to the complex area superintendent.
23. If a parent disagrees with the “dismissal” length of exclusion from school, whom do they appeal to?
- In this situation, the appeal is made directly to the Superintendent of Education.
24. Can the school principal submit a “dismissal” length appeal to the Superintendent of Education on behalf of a student?
- No, only a parent may submit an appeal.
25. What form does the parent need to submit for a firearms appeal?
- The Chapter 19 Confidential Request for Appeal form must be completed and submitted by the parent to the CAS or Superintendent of Education depending on the type of appeal.
26. When must the form to the CAS or the Superintendent be submitted?
- If the parent is appealing the type of firearm instrument, the complex area superintendent must receive the written appeal request form by the close of business of the seventh school day from the date of the issued serious discipline notice.
 - If the parent is appealing the length of the firearm dismissal of not less than one calendar year, then the written appeal request form must be received by the Superintendent’s Office by the close of business of the seventh school day from the date of the issued serious discipline notice or decision of CAS if appeal to CAS has been made.

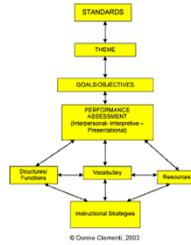


Administrator's Checklist

Checklist	What/Purpose
Administrator's Checklist for Due Process	✓ A list of suggested action steps for school administrators to follow when completing due process for due serious discipline

Administrator's Checklist For Due Process

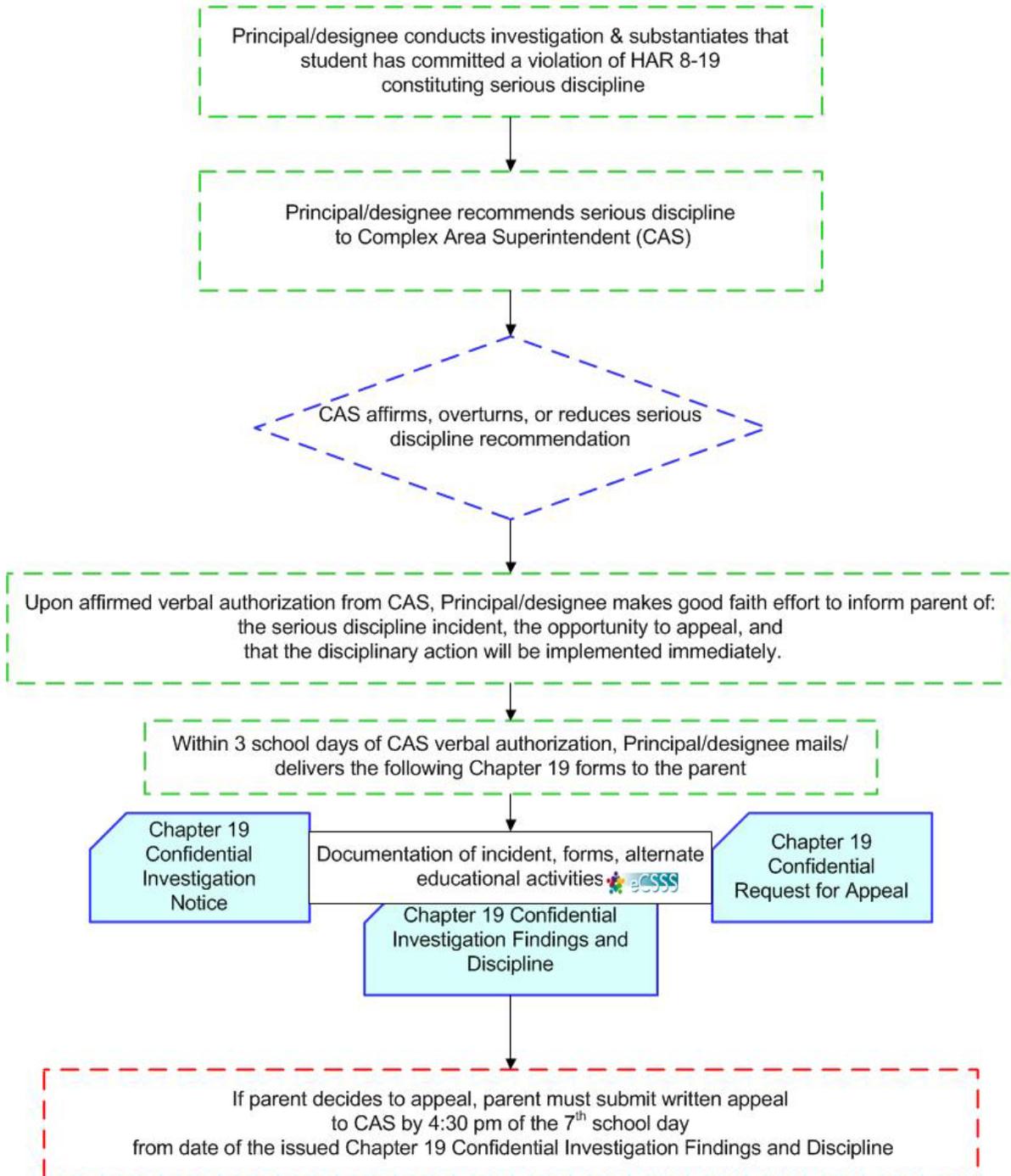
The principal or designee is responsible to:	
Step 1:	<input type="checkbox"/> Conduct an investigation to determine if the student has engaged in activity constituting a violation of this chapter.
Step 2:	<input type="checkbox"/> Recommend serious discipline to the CAS if it has been substantiated that the student has engaged in an activity constituting a violation of this chapter.
Step 3:	<input type="checkbox"/> Obtain verbal authorization from the CAS prior to proceeding with the serious discipline action.
Step 4:	<input type="checkbox"/> Make a good faith effort to inform the parent of the following once verbal authorization has been received from the CAS:
	<ul style="list-style-type: none"> • the serious discipline incident, • the opportunity to appeal, and • that the disciplinary action will be implemented immediately.
Step 5:	<input type="checkbox"/> Within 3 days of CAS's verbal authorization mail/deliver written notice of serious discipline incident with appeal form to parent. <ul style="list-style-type: none"> • Chapter 19 Confidential Investigation Notice • Chapter 19 Confidential Investigation Findings and Discipline • Chapter 19 Confidential Request for Appeal
Step 6:	<input type="checkbox"/> Allow the student to attend school during an appeal unless the continued presence of the student creates a substantial risk to self or others or to the rights of others to pursue their education free from disruption.
Step 7:	<input type="checkbox"/> Not allow the student to participate in any extracurricular activities during the appeal.
Step 8:	<input type="checkbox"/> Make sure that alternative educational activities are provided to the student.
Step 9:	<input type="checkbox"/> Ensure documentation of the serious discipline incident, alternative educational activities, and follow-up interventions in eCSSS.
Step 10:	<input type="checkbox"/> Be in communication with the CAS regarding the scheduled appeal.
	<ul style="list-style-type: none"> • Provide the CAS with all the essential information and records regarding the serious discipline incident.
Step 11:	<input type="checkbox"/> Ensure that follow-up student support services and interventions along with a back-to-school transition plan are provided.



Flowchart

- Due Process for Suspensions of 11+ School Days, Disciplinary Transfers, & Dismissal

DUE PROCESS for Suspensions of 11+ School Days, Disciplinary Transfers, & Dismissal





Activity Worksheet Sample

Activity Worksheet	What/Purpose
<p>Serious Discipline Due Process Timelines</p> <ul style="list-style-type: none"> ✓ If a student commits a serious discipline offense ✓ If a parent decides to appeal the serious discipline action ✓ Scheduling of Appeal by Complex Area Superintendent ✓ If a parent decides to appeal CAS's decision to Superintendent ✓ Parent's Written Exceptions to Superintendent 	<p>✓ A worksheet that lists the sequential steps for processing serious discipline and provides for tracking of timeline dates</p>
<p>School Checklist for Submitting Appeal to CAS</p>	<p>✓ A worksheet that a school may use in organizing materials to be submitted for an appeal to the Complex Area Superintendent.</p>
<p>Complex Area Superintendent's Checklist for Submitting Appeal to Superintendent</p>	<p>✓ A worksheet that the complex area office may use in organizing materials to be submitted for an appeal to the Superintendent's office.</p>
<p>Superintendent's Checklist for Chapter 19 Appeals</p>	<p>✓ A worksheet that Superintendent's office may use when receiving appeals from the Complex Area Superintendent.</p>

Serious Discipline Due Process Timelines

If a student commits a serious discipline offense:

Investigation	CAS Authorization	Timeline			Chapter 19 Required Forms
The principal/designee initiates a thorough investigation regarding the alleged incident & has reason to believe the student has engaged in an activity warranting an imposition of serious discipline action. Date of incident: <div style="border: 1px solid black; width: 100px; height: 30px; margin-left: 20px;"></div>	Principal/designee obtains verbal authorization from Complex Area Superintendent (CAS) to proceed with the serious discipline action. Date & time CAS affirms: <div style="border: 1px solid black; width: 100px; height: 30px; margin-left: 20px;"></div>	Day 1	Day 2	Day 3	Principal/designee completes, signs, and delivers/mailed the following forms to parent: 1. Investigation Notice 2. Investigation Findings & Discipline 3. Request for Appeal Date forms delivered/mailed to parent: <div style="border: 1px solid black; width: 100px; height: 30px; margin-left: 20px;"></div>
No more than 3 school days.					

If a parent decides to appeal the serious discipline action:

The parent must submit a written appeal to complex/district office by 4:30 pm of the 7 th school day from the signed Investigation Findings & Discipline notification. Date principal/designee signed Investigation Findings & Discipline: <div style="border: 1px solid black; width: 100px; height: 30px; margin-left: 20px;"></div>	Date & time complex area office received written parent appeal: <div style="border: 1px solid black; width: 100px; height: 30px; margin-left: 20px;"></div>
<div style="border: 1px solid black; width: 100px; height: 30px; margin-left: 20px;"></div> (Date)	<div style="border: 1px solid black; width: 100px; height: 30px; margin-left: 20px;"></div> (Time)
No more than 7 school days _____ and by 4:30 pm _____	

Serious Discipline Due Process Timelines

Scheduling of Appeal by Complex Area Superintendent (CAS)

Scheduling of Appeal	Notification to Parent	CAS Decision
<p>CAS schedules the appeal within 10 school days of receipt of written request from the parent. School should provide CAS all relevant school records school wants CAS to consider.</p> <p>Date written parent request received by complex office: <input type="text"/></p> <p>Date complex office informs parent of the date, time, and place of appeal hearing: <input type="text"/></p> <p>No more than 10 school days</p>	<p>CAS mails written notice of appeal meeting to parent at least 15 calendar days before appeal hearing date.</p> <p>Date appeal hearing notice mailed to parent: <input type="text"/></p> <p>Date of appeal hearing: <input type="text"/></p> <p>At least 15 calendar days</p>	<p>CAS renders written decision no later than 7 school days from close of appeal.</p> <p>Appeal hearing date: <input type="text"/></p> <p>CAS decision date: <input type="text"/></p> <p>Parent may appeal CAS decision & submits written appeal to Superintendent.</p> <p>CAS decision date: <input type="text"/></p> <p>Parent delivers appeal to Superintendent: <input type="text"/></p> <p>No more than 7 school days</p>

If parent decides to appeal CAS's decision to Superintendent:

Forwarding of documents	Superintendent Decision
<p>CAS forwards all documents, (received from school and considered by the CAS), recordings, and written decision of CAS to Superintendent/designee within 10 calendar days.</p> <p>Date Superintendent's office received written appeal from parent: <input type="text"/></p> <p>Date documents, recordings and written decision sent from CAS to Superintendent: <input type="text"/></p> <p>No more than 10 calendar days</p>	<p>Superintendent/designee shall examine the evidence & render a decision within 14 calendar days of receipt of documents from CAS.</p> <p>Date received documents from CAS: <input type="text"/></p> <p>*Date of Superintendent's decision: <input type="text"/></p> <p>Parent may request to present argument with written exceptions to Superintendent/designee's decision within 5 calendar days of Superintendent's decision.</p> <p>Date of Superintendent's decision: <input type="text"/></p> <p>Parent's request to present argument: <input type="text"/></p> <p>No more than 14 calendar days</p>

*When the student is to be excluded from school pending the appeal, the superintendent of education or designee shall render a decision within twenty-one calendar days of the date of the receipt of the appeal.

Serious Discipline Due Process Timelines

Parent's Written Exceptions to Superintendent

Notification to Parent	Parent Presentation Meeting	Superintendent/designee	Superintendent's Decision
<p>Within 2 school days of receiving request from parent to present argument, Superintendent/designee shall inform parent of the specific date, time, & place to present the argument.</p>	<p>Date to present argument shall be no less than 5 calendar days and no more than 14 calendar days from date of notice of informing parent of date, time, & place to meet.</p>	<p>Superintendent/designee shall mail written decision to parent or attorney of record within 14 calendar days of date of presentation of argument.*</p>	<p>Where parent has waived to present argument, Superintendent shall mail written decision within 14 calendar days of receipt of parent's written exceptions.</p>
<p>Date received parent request to present argument: <input style="width: 100px; height: 20px;" type="text"/></p> <p style="margin-left: 100px;">↓</p> <p>Date informed parent of date, time, place to meet: <input style="width: 100px; height: 20px;" type="text"/></p> <p style="margin-left: 100px;">↓</p> <p>Date informed parent to present argument: <input style="width: 100px; height: 20px;" type="text"/></p> <p style="margin-left: 100px;">↓</p> <p>Date Superintendent mailed decision: <input style="width: 100px; height: 20px;" type="text"/></p>	<p>Date informed parent of date, time, place to meet: <input style="width: 100px; height: 20px;" type="text"/></p> <p style="margin-left: 100px;">↓</p> <p>Date scheduled for parent presentation: <input style="width: 100px; height: 20px;" type="text"/></p> <p style="margin-left: 100px;">↓</p> <p>Date Superintendent mailed decision: <input style="width: 100px; height: 20px;" type="text"/></p>	<p>Date of parent presentation: <input style="width: 100px; height: 20px;" type="text"/></p> <p style="margin-left: 100px;">↓</p> <p>Date Superintendent mailed decision: <input style="width: 100px; height: 20px;" type="text"/></p>	<p>Date of receipt of written exceptions. <input style="width: 100px; height: 20px;" type="text"/></p> <p style="margin-left: 100px;">↓</p> <p>Date Superintendent mailed decision: <input style="width: 100px; height: 20px;" type="text"/></p>
<p style="text-align: center;">No more than 2 school days</p>	<p style="text-align: center;">No less than 5 calendar days and no more than 14 calendar days</p>	<p style="text-align: center;">No more than 14 calendar days</p>	<p style="text-align: center;">No more than 14 calendar days</p>

School Checklist for Submitting Appeal to CAS

Submission of Appeal for:

Student First Name:	Student Last Name:	Birthdate:	Grade level:
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Items to be submitted		Notes:
1.	Copy of Chapter 19 Confidential Investigation Notice	✓ Document is signed and dated by Principal or Designee.
2.	Copy of Chapter 19 Confidential Investigation Findings & Discipline	✓ Document is signed and dated by Principal or Designee.
3.	Chapter 19 Confidential Request for Appeal	✓ Document is completed, signed, and dated by parent.
4.	<p>All supporting school documents used by school in making determinations and decisions related to the Chapter 19 violation and consequences or that the school wants the CAS to review and consider, including, but not limited to:</p> <ul style="list-style-type: none"> <input type="checkbox"/> IEP Plan <input type="checkbox"/> Manifestation Determination Review <input type="checkbox"/> Section 504 plan <input type="checkbox"/> Letters of support from school (including counseling and/or intervention supports being provided) <input type="checkbox"/> eCSSS Display Student Summary report <input type="checkbox"/> eCSSS Incident history <input type="checkbox"/> Course marks, report cards, attendance, incidents (eCSSS Early Warning System student profile) <input type="checkbox"/> _____ <input type="checkbox"/> _____ <input type="checkbox"/> _____ <input type="checkbox"/> _____ 	✓ Documents neatly organized

Complex Area Superintendent's Checklist for Submitting Appeal to Superintendent

Submission of Appeal for:

Student First Last Name:	Birthdate:	School:	Grade level:
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Items to be submitted		Notes:
1.	Cover memo to Superintendent	✓ From CAS to Superintendent
2.	Copy of Chapter 19 Confidential Investigation Notice	✓ Document is signed and dated by Principal or Designee.
3.	Copy of Chapter 19 Confidential Investigation Findings & Discipline	✓ Document is signed and dated by Principal or Designee.
4.	Chapter 19 Confidential Request for Appeal to CAS level	✓ Document completed, signed, and dated by parent.
5.	Copy of Chapter 19 Confidential Complex Area Superintendent's (CAS) Decision	✓ Document, completed, signed and dated by CAS.
6.	Recording of Complex Area Superintendent's hearing	
7.	<p>All supporting school documents that were submitted to and considered by CAS for CAS Appeal:</p> <ul style="list-style-type: none"> <input type="checkbox"/> IEP Plan <input type="checkbox"/> Manifestation Determination Review <input type="checkbox"/> Section 504 plan <input type="checkbox"/> Letters of support from school (including counseling and/or intervention supports being provided) <input type="checkbox"/> eCSSS Display Student Summary report <input type="checkbox"/> eCSSS Incident history <input type="checkbox"/> Course marks, report cards, attendance, incidents (eCSSS Early Warning System student profile) <input type="checkbox"/> _____ <input type="checkbox"/> _____ <input type="checkbox"/> _____ <input type="checkbox"/> _____ 	<p>✓ Complex area forwards all documents, recordings, and written decision to Superintendent/Designee within 10 calendar days from receipt of appeal filed by the parent or the parent's legal counsel.</p> <p>Date of receipt of appeal: ____/____/____</p> <p>10th calendar day: ____/____/____</p> <p>Date forwarded from CAS to Superintendent: ____/____/____</p>

Superintendent's Checklist for Chapter 19 Appeals

Student First Last Name:	Birthdate:	School:	Grade level:
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Items Received from Complex Area			Note:
	1.	Complex Area Superintendent cover memo	All submitted Chapter 19 documents are to be signed & dated by principal or designee.
	2.	Chapter 19 Confidential Request for Appeal	
	3.	Copy of Chapter 19 Confidential Complex Area Superintendent's Decision*	
	4.	Recording of Complex Area Superintendent's hearing*	
	5.	Supporting School Documents <ul style="list-style-type: none"> • Complex area forwards all documents, recordings, and written decision of CAS to Superintendent/Designee with 10 calendar days from receipt of an appeal filed by the parent or the parents' legal counsel. 	Date of receipt of appeal: ____/____/____ 10 th calendar day: ____/____/____ Date documents received from CAS: ____/____/____

*Not applicable to firearm appeals on length of time.

Section 14

Police Interviews and Arrests

14. Police Interviews and Arrests

Reference (page 19-35)

§8-19-22 **Police interviews in school for school-related offenses.** (a) Police officers may appear at a school to question a student. Upon arrival at the school, the police officer shall be directed to the principal or designee to request permission to interview a student. If permission to interview a student is to be granted, the principal or designee shall make an effort to inform the parent of the police interview and the right to be present when the interview is conducted. The interview may be conducted if the principal or designee is unable to inform the parent or if the parent is informed and declines to be present, or if after a reasonable period of time after the notice is given the parent fails to appear at school for the police interview.

(b) The principal or designee shall be present during a police interview unless excluded by the police officer.

(c) If a student is arrested, the principal or designee shall follow the procedures prescribed in section 8-19-24. [Eff 9/1/82; am and ren §8-19-14, 5/23/86; am and comp 7/19/93; comp 5/19/97; comp 2/22/01; am and comp 9/10/09] (Auth: HRS §302A-1112) (Imp: Hawaii Const. Art. X, §3; HRS §§302A-1101, 302A-1112)

§8-19-23 **Police interviews in school for non-school-related offenses.** (a) Police officers shall contact the school and advise the principal or designee of the nature and circumstances of the visit. Upon arrival at the school, the police officer shall be directed to the principal or designee to request permission to interview a student.

(b) Prior to any interview, the principal or designee shall inform the parent of the right to be present while the police interview is conducted. The interview can take place upon obtaining verbal consent from the parent. The notification and consent requirements of this subsection shall not be followed if the nature of the interview involves child abuse or other offenses where a parent or household member is suspected of committing an offense against the student.

(c) The principal or designee shall keep a log and record the student's name, the date of the police interview, and the police officer's name and badge number and police report number if available.

(d) If the student is arrested by the police, the principal or designee shall follow the procedure prescribed in section 8-19-24. [Eff 9/1/82; am and ren §8-19-15, 5/23/86; am and comp 7/19/93; am and comp 5/19/97; comp 2/22/01; am and comp 9/10/09] (Auth: HRS §302A-1112) (Imp: Hawaii Const. Art. X, §3; HRS §§302A-1101, 302A-1112)

§8-19-24 **Police arrests in school.** Police shall be directed to the principal or designee. Whenever possible the student shall be sent to the principal's office for the police officer to effect the pending arrest. Upon police arrival to arrest a student, the principal or designee shall make a good faith effort to inform the parent. [Eff 9/1/82; am and ren §8-19-16, 5/23/86; am and comp 7/19/93; comp 5/19/97; comp 2/22/01; am and comp 9/10/09] (Auth: HRS 302A-1112) (Imp: Hawaii Const. Art. X, §3; HRS §§302A-1101, 302A-1112)

14. Police Interviews and Arrests



Key Messages/Reminders

- Be sure to distinguish the procedural requirements for school-related offense police interviews and non-school-related offense police interviews.
- For school-related offense police interviews, the principal or designee shall make an effort to inform the parent of the police interview and the right to be present.
- For non-school-related offense police interviews, the interview can take place upon obtaining verbal consent from the parent.



Frequently Asked Questions

Police Interviews In School-Related Offenses

1. What happens if police arrive at school to question a student?
 - The police officer shall be directed to the principal or designee to request permission to interview the student(s).
2. If permission is granted to interview the student, is parental permission required before the police interview takes place?
 - No, parental permission is not required for school-related offense interviews.
 - If permission is granted to interview the student, the principal or designee shall make an effort to inform the parent of the police interview and the right to be present when the interview is being conducted.
3. What if the parent declines to be present, can the interview still be conducted?
 - Yes, the interview may still be conducted if the principal or designee:
 - is unable to inform the parent after making attempts to contact or
 - receives communication from the parent indicating he/she declines to be present or
 - after a reasonable period of time after the notice is given, the parent fails to appear at school for the police interview
4. What if a parent who declines to be present for the police interview asks the principal or designee to sit in for him/her during the interview?

14. Police Interviews and Arrests

- The principal or designee cannot represent the parent during a police interview. If the parent declines to be present, the police interview may still be conducted.
5. What if a parent indicates they don't want their child interviewed by the police?
- The principal or designee needs to inform the parent that consent is not required provided notice of the interview was given to the parent.
6. Does the school administrator need to be present during a police interview?
- Yes, the principal or designee shall be present during a police interview unless excluded by the police officer.
7. If the student is arrested after the interview, what happens next?
- If the student is to be arrested, the principal or designee shall ask that the student be brought to the office. The police officer should not be sent to the student's classroom to complete the arrest.
 - The principal or designee shall make a good faith effort to inform the parent of the police arrest.

Police Interviews In Non-school-related Offenses

8. Is parental permission required for police interviews in non-school-related offenses?
- Yes, the police interview for non-school-related offenses can take place upon obtaining verbal consent from the parent. It is best practice to have another school official present when the verbal consent is obtained from the parent.
 - The parent also needs to be informed by the principal or designee prior to the interview that they have the right to be present while the police interview is being conducted.
 - If the parent refuses to grant permission, inform the police. The police may choose to take the student to the police station to interview.
9. If the student is arrested after the interview, what happens next?
- If the student is to be arrested, the principal or designee shall ask that the student be brought to the office. The police officer should not be sent to the student's classroom to complete the arrest.
 - The principal or designee shall make a good faith effort to inform the parent of the police arrest.

14. Police Interviews and Arrests

Exceptions to Informing and Obtaining Parental Consent

10. Are there exceptions to informing and obtaining parental consent for police interviews?

- Yes, if the nature of the interview involves child abuse or other offenses* where a parent or household member is suspected of committing an offense against the student, then the notification and consent requirements of this subsection of this chapter shall not be followed.

*(*Note: There is a current court case dealing with this issue. No outcome at this time.)*

Documentation of Police Interviews

11. How are police interviews documented? Do both police interviews for school-related and non-school-related offenses need to be documented?

- Yes, both types of police interviews are to be documented in eCSSS.
 - Documentation can be completed in the Incident tab for non-school-related offenses.
 - Documentation for school-related offenses for individual students can be completed in the Student Profile/Suspect form/Police tab.
- The principal or designee shall keep a log and record of the:
 - student's name
 - date of the police interview
 - police officer's name
 - police officer's badge number
 - police report number if available



Administrator's Checklist

Checklist	What/Purpose
School-Related Police Interviews Checklist	✓ A list of suggested action steps for school administrators to follow when conducting school-related police interviews
Non-school Related Police Interviews Checklist	✓ A list of suggested action steps for school administrators to follow when conducting non-school related police interviews
Police Arrests in School Checklist	✓ A list of suggested action steps for school administrators to follow when police arrests are being conducted

School-Related Police Interviews Checklist

<input checked="" type="checkbox"/>	Activity
<input type="checkbox"/>	1. Police arrive at school and requests principal's or designee's permission to interview student.
<input type="checkbox"/>	2. If principal or designee grants permission to interview student, principal or designee shall make effort to inform parent of:
<input type="checkbox"/>	a. the police interview and
<input type="checkbox"/>	b. the right to be present when the interview is conducted.
<input type="checkbox"/>	3. Principal or designee shall be present during police interview unless excluded by police officer.
<input type="checkbox"/>	4. Principal or designee shall keep log of the police interview in eCSSS with student's name, date of the police interview, police officer name and badge, and police report number if available. (eCSSS/Student Profile/Suspect form)

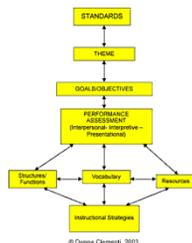
Non-school-Related Police Interviews Checklist

<input checked="" type="checkbox"/>	Activity
<input type="checkbox"/>	1. Police arrive at school and requests principal's or designee's permission to interview student.
<input type="checkbox"/>	2. Prior to interview, principal or designee shall inform the parent of:
<input type="checkbox"/>	a. the police interview,
<input type="checkbox"/>	b. the right to be present when the interview is conducted, and
<input type="checkbox"/>	c. parental consent for the interview to take place.* (Be sure to have a witness when obtaining the verbal consent)
<input type="checkbox"/>	3. Principal or designee shall be present during police interview unless excluded by police officer.
<input type="checkbox"/>	4. Principal or designee shall keep log of the police interview in eCSSS with student's name, date of the police interview, police officer name and badge, and police report number if available. (eCSSS/Student Profile/Suspect form)

*Notification and consent requirements shall not be followed if nature of interview involves child abuse or other offenses where parent or household member is suspected of committing offense against student.

Police Arrests in School Checklist

<input checked="" type="checkbox"/>	Activity
<input type="checkbox"/>	1. Police arrive at school and is/are directed to the principal or designee.
<input type="checkbox"/>	2. If student is to be arrested, principal or designee shall make good faith effort to inform the parent.
<input type="checkbox"/>	3. The student should be sent to the principal's office to affect the pending arrest. The police should not be sent to the student's classroom to arrest the student.
<input type="checkbox"/>	4. Principal or designee shall maintain a log of the arrest information in eCSSS. (eCSSS/Student Profile/Suspect form/Police tab)

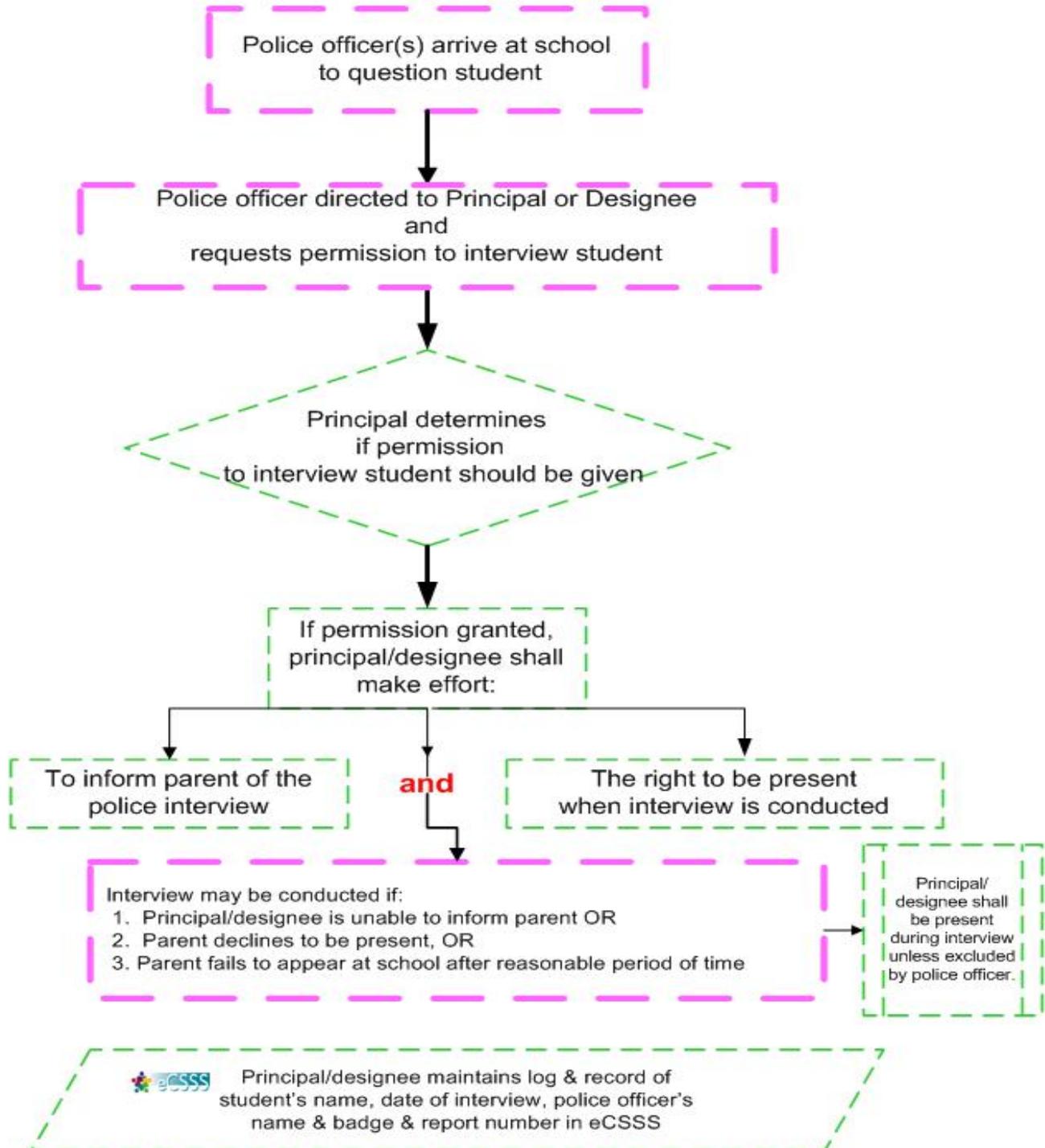


Flowchart

- Police Interviews School-Related Offenses
- Police Interviews Non-school Related Offenses
- Police Arrests in School

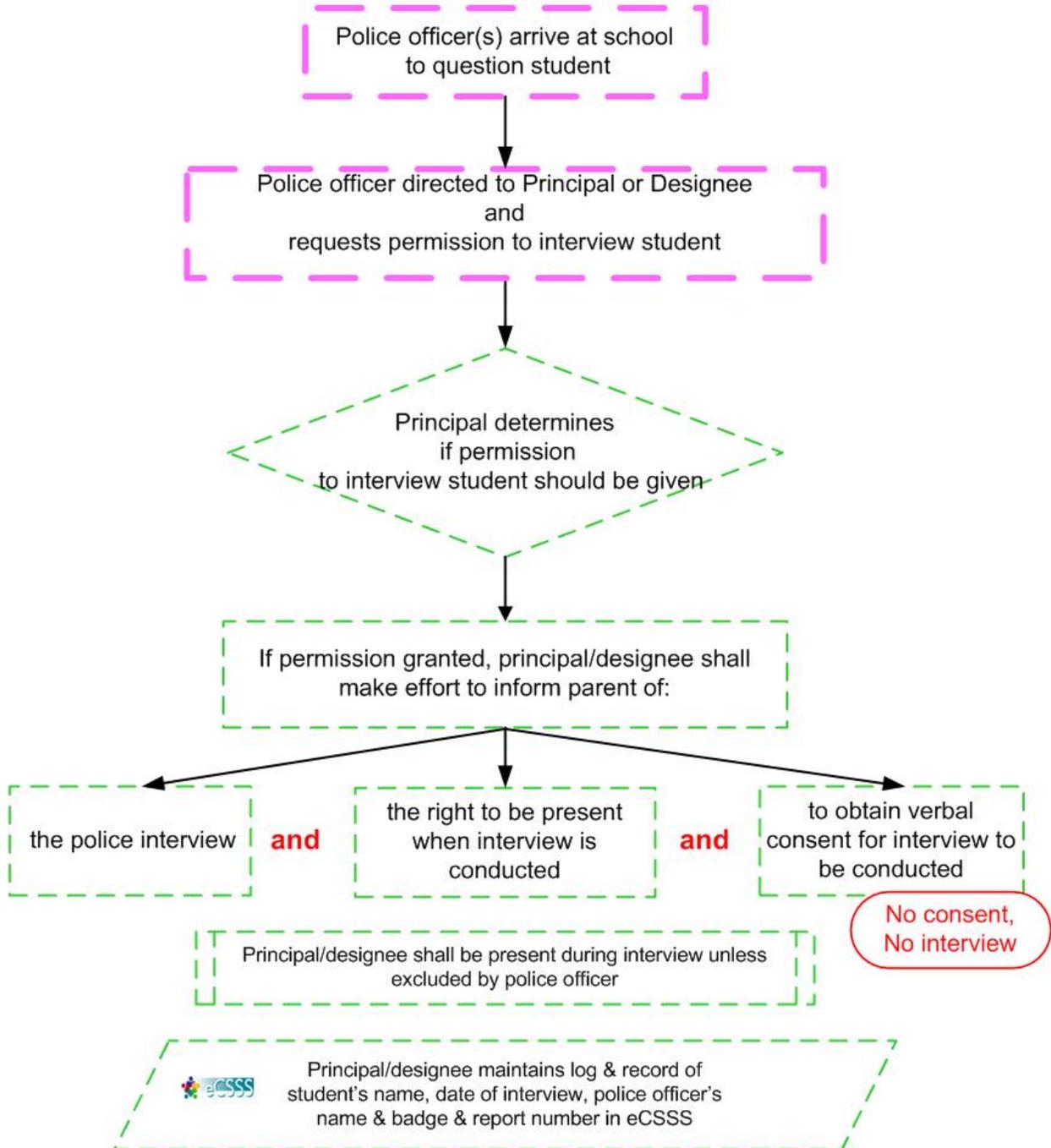
HAR 8-19
Section 8-19-22

POLICE INTERVIEWS School-Related Offenses

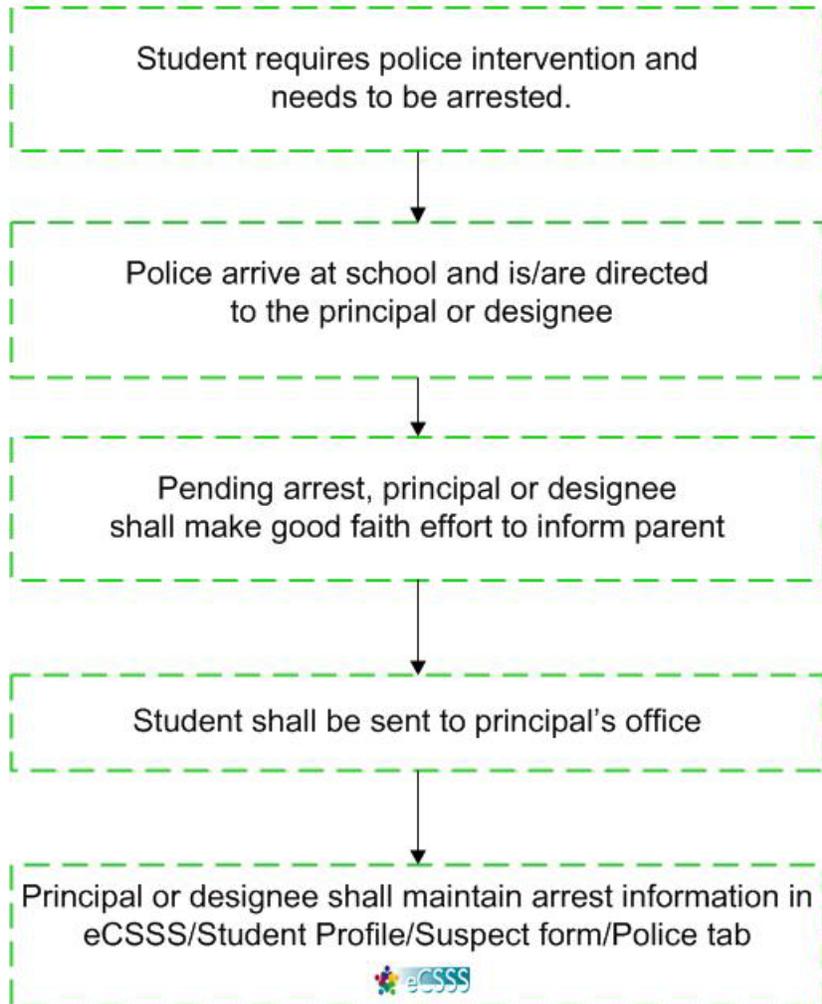


HAR 8-19
Section 8-19-23

**POLICE INTERVIEWS
Non-school-Related Offenses**



POLICE ARRESTS IN SCHOOL





Navigation & Documentation

- Police Arrests and Interviews

14. Police Interviews and Arrests

Non-school Related Offenses

1. To document non-school related offenses navigate to School Profile/Incident form.
2. Enter information in Police Information section.

The screenshot shows the 'Incident' form with several sections. The 'Police Information' section on the right is highlighted with a red arrow. This section includes fields for 'Police Officer Name', 'Police Officer Badge Number', and 'Police Report Number'. Other sections visible include 'Form Information' (Input Date, Person Initiating Incident Information, Job Position), 'Investigation Information' (Investigation Start/End Date, Investigation Conducted By, Position), and 'Incident Information' (School Year, Semester, Incident Date, Incident Time, AM/PM, Incident Location, Location Details, Description of Incident).

School-Related Offenses

1. To document school-related offenses navigate to Student Profile/Incidents/Suspect Form/Police tab.
2. Enter information into Arrest Information and Arrest Notification sections.

Suspect Form

The screenshot shows the 'Suspect Form' with a search bar at the top containing fields for Student Name, Student ID, Birth Date, Gender, Grade, and School. Below the search bar are tabs for Incident, Offenses, Police, Discipline, Interventions, MD, CRAFT, CAS Appeal, Supt. Review, and Exped. The 'Police' tab is selected. Two sections are highlighted with red arrows: 'Arrest Information' (Arrest Date, Arrest Time, Police Officer Name, Police Officer Badge Number) and 'Arrest Notification' (Parent/Guardian Contacted Date/Time, Parent/Guardian Contacted, Import button).

Section 15

Restitution for Vandalism

15. Restitution for Vandalism

Reference (page 19-36)

§8-19-25 Liability for vandalism. (a) When any student is found to be responsible for an act of vandalism against any public school building, facility, or ground, restitution shall be made by the student or parent. There shall be no restitution when vandalism cannot be proved to have been committed by the student.

(b) Notwithstanding the provisions of this chapter, the State may elect to bring any appropriate action for the recovery of damages to school properties.

(c) If a student is to be disciplined for an act of vandalism under this chapter, restitution procedures shall be initiated only after the disciplinary procedures of this chapter have been completed and the principal or designee conducting the investigation has reason to believe that the student has violated the provisions of this chapter. [Eff 5/23/86; comp 7/19/93; comp 5/19/97; comp 2/22/01; am and comp 9/10/09] (Auth: HRS §302A-1112) (Imp: HRS §§302A-1112, 302A-1153)

§8-19-26 Procedures applicable to vandalism. (a) Whenever a principal or designee has reason to believe that a student may be responsible for an act of vandalism against any public school building, facility or ground, the principal or designee shall immediately initiate an investigation.

(b) If the vandalism is an act which subjects the student to disciplinary action under this chapter, the principal or designee shall include as part of the investigation required under sections 8-19-7, 8-19-8, 8-19-9, and 8-19-10, a determination of the facts and circumstances that support restitution under this subchapter. Further action related to restitution shall be held in abeyance until disciplinary action has been determined and appeal procedures have been exhausted.

(c) If after the investigation, the principal or designee has reason to believe that a student is responsible for the vandalism, the principal or designee shall schedule a conference with the student and parent. Attendance at the conference shall be limited to the principal or designee, student, and parent.

(d) Advance written notice of the conference shall be made on departmental forms, which shall be delivered by mail to the parent. No student or parent shall be required to make restitution in any manner unless the parent has been notified and has been given an opportunity to be heard. The notice shall inform the parent of the findings and the date, time, and location of the conference. The notice shall be mailed at least fifteen calendar days before the date of the conference. When necessary to achieve effective communication the notice shall be provided in the native language of the parent. The school may use other means of communication, such as the telephone, to augment the written communication between the school and the parent.

- (1) The parent shall respond to the notice within seven calendar days from the date of the notice.
- (2) The conference date provided for in the notice may be rescheduled if the parent of the student contacts the school to arrange for a new conference date. The request to reschedule the conference shall be made within seven calendar days of the date of the notice.

15. Restitution for Vandalism

- (3) The conference and an informal settlement may be agreed upon in cases where damages do not exceed \$3,500. If a settlement is reached, a written agreement for restitution shall be executed between the parent and school. A written agreement shall be executed only if the damages do not exceed \$3,500.
- (e) If a parent fails to respond to the notice within the time limit, the principal or designee may:
- (1) Reschedule the conference date if the principal or designee determines that the failure to respond was for good cause or if it is in the best interest of the school or student; or
 - (2) Inform the parent in writing that a notice was given for an opportunity to be heard at a conference with the principal or designee, and because of the failure to respond to the notice, the matter shall be referred to the complex area superintendent by the principal or designee for further action.
- (f) The conference shall be conducted in the following manner:
- (1) The parties present at the conference shall be the principal or designee, student, and parent. Except for the principal or designee of the school in which the vandalism occurred, the student, and the parent, no other person shall be permitted to be present at the conference for any reason.
 - (2) At the conference, the principal or designee of the school in which the vandalism occurred shall present the findings of the investigation and the restitution requirements.
 - (3) If the student and the parent agree with the amount and manner in which restitution is to be made, the principal or designee, the student and the parent shall execute a written agreement on departmental forms which shall specify the manner in which restitution is to be made and the time period within which the restitution shall be completed, provided that the damages do not exceed \$3,500. Restitution may be made in any manner, including monetary restitution by the student and parent. If damages exceed \$3,500, the matter shall be referred to the complex area superintendent who shall refer the matter to the attorney general for further action.
 - (4) When the restitution is completed, all records and documents regarding the investigation and conference shall be maintained at the school for three years. No information about the investigation, conference and the actions taken shall be communicated to any person not directly involved in the proceedings.
 - (5) If a written agreement is executed and the parent or student fails to comply with the terms of the agreement, the principal or designee may forward the matter to the complex area superintendent. The complex area superintendent shall review the matter and take appropriate action, which may include referral to the attorney general for further action.
 - (6) If the student and the parent do not agree with the findings made by the principal or designee, the principal or designee shall transmit all the records and documents regarding the investigation and conference, and shall report the findings and circumstances of the matter to the complex area superintendent who shall review

15. Restitution for Vandalism

the matter and take appropriate action which may include referral of the matter to the attorney general for further action. If damages exceed \$3,500, the matter shall be referred to the attorney general for further action. [Eff 5/23/86; am and comp 7/19/93; comp 5/19/97; comp 2/22/01; am and comp 9/10/09] (Auth: HRS §302A-1112) (Imp: HRS §§302A-1112, 302A-1153)

15. Restitution for Vandalism



Key Messages/Reminders

- Restitution in HAR 8-19 is only for vandalism or property damage.
- There shall be no restitution when the vandalism cannot be proved to have been committed by the student.
- The notice informing the parent of the findings and date, time, and location of conference shall be provided in the native language of the parent.
- A written agreement between the parent and the school shall be executed only if the vandalism damages do not exceed \$3,500.
- When the restitution is completed, all records and documents shall be maintained at the school for three years.



Frequently Asked Questions

Liability for Vandalism

1. When does restitution for vandalism apply?
 - Restitution for vandalism applies when any student is found to be responsible for an act of vandalism against any:
 - public school building
 - facility or
 - ground
 - If the vandalism cannot be proven to have been committed by the student, there shall be no restitution.
2. When shall restitution procedures be initiated against a student?
 - Restitution procedures shall be initiated only after the student disciplinary procedures of this chapter have been completed and the principal or designee conducting the investigation has reason to believe that the student has violated the provisions of this chapter.

Participants of Restitution Conference

3. Who are required participants at a restitution conference?
 - The attendance at the conference shall be limited to the principal or designee, student, and parent.

15. Restitution for Vandalism

- No other person shall be permitted to be present at the conference for any other reason.

Notice of Conference

4. How many days in advance is a parent to be notified of the restitution conference?
 - Advance written notice of the conference shall be delivered by mail to the parent at least 15 calendar days before the date of the conference.
5. Should the notice of conference be in the native language of the parent?
 - Yes, when necessary to achieve effective communication the notice shall be provided in the native language of the parent.
 - Contact the Civil Rights Compliance Office at (808) 586-3322, for assistance with language translations of the notice.
6. How many days does the parent have to response to the written notice?
 - The parent shall respond to the notice within seven calendar days from the date of the notice.

Agreement of Restitution

7. If the student and the parent agree with the amount and the manner in which the restitution is to be made, what happens next?
 - The principal or designee, the student and the parent shall execute a written agreement on department forms which shall specify the manner in which restitution is to be made and the time period within which the restitution is to be completed provided the damages do not exceed \$3,500.
8. What if the restitution damages exceed \$3,500?
 - The matter shall then be referred to the complex area superintendent who shall refer the matter to the office of the attorney general for further action.
9. What if the student and the parent do not agree to the findings presented by the principal or designee?
 - The principal or designee shall then transmit all the records and documents regarding the investigation and conference including the findings and circumstances of the matter to the complex area superintendent.

15. Restitution for Vandalism

- The complex area superintendent shall review the matter and take appropriate action that may include referral of the matter to the office of attorney general.

Retention of Records

10. How long do the records and documents for restitution be kept?

- When the restitution is completed, all records and documents regarding the investigation and conference shall be maintained at the school for three years.
- No information about the investigation, conference and actions taken shall be communicated to any person not directly involved in the proceedings.

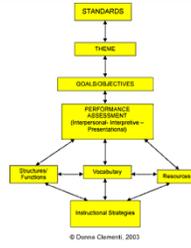


Administrator's Checklist

Checklist	What/Purpose
Administrator's Checklist for Restitution for Vandalism	✓ A list of suggested procedural steps for processing a restitution for vandalism offense

Administrator's Checklist For Restitution For Vandalism

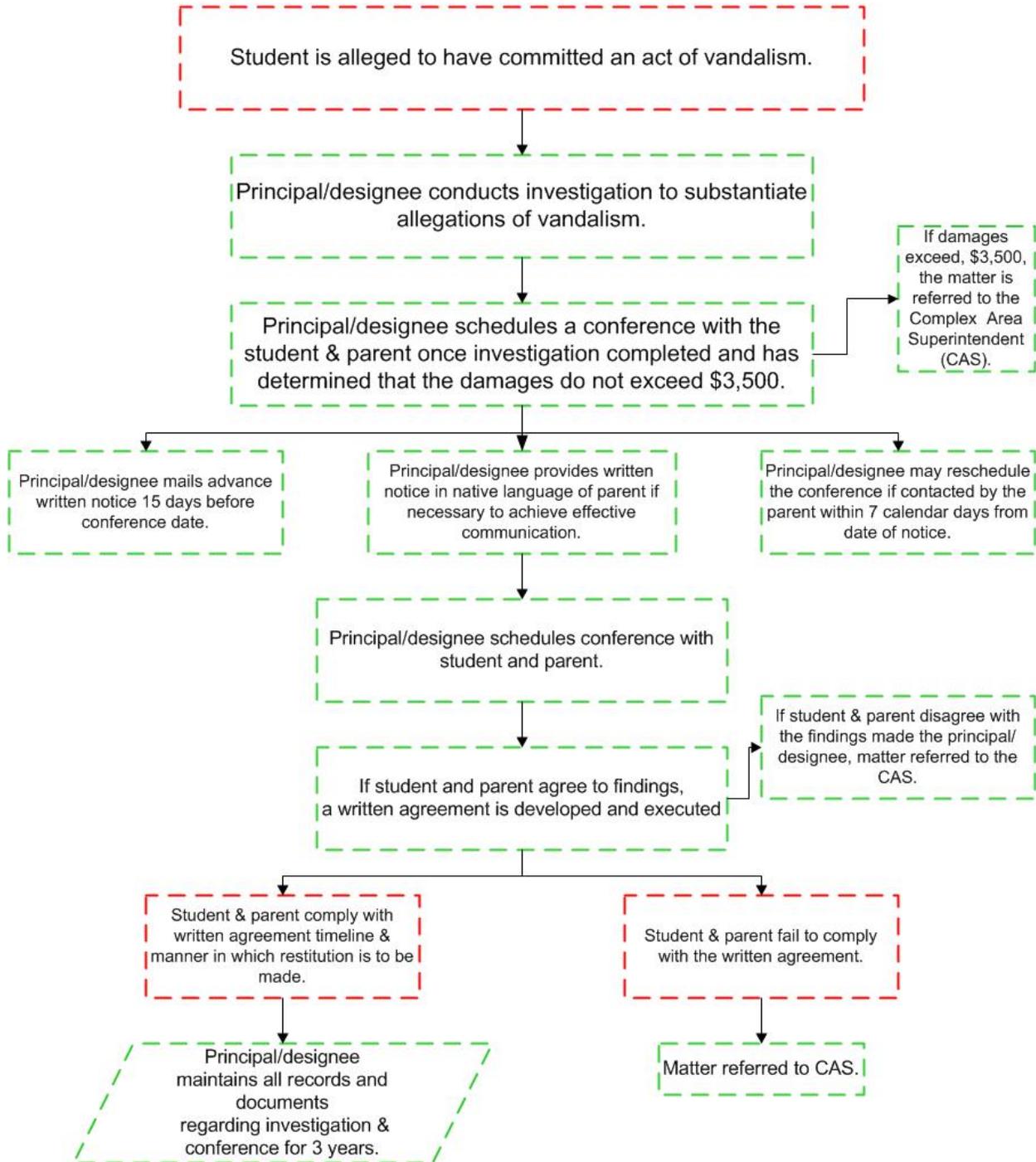
The principal or designee is responsible to:	
Step 1:	<input type="checkbox"/> Conduct an investigation and determine that the student has violated the provisions of this chapter for vandalism.
Step 2:	<input type="checkbox"/> Schedule a conference with the student and parent after the investigation has been conducted. The conference is limited to the principal or designee, student and parent.
Step 3:	<input type="checkbox"/> Mail to the parent an advance written notice of the conference on department forms.
	<ul style="list-style-type: none"> • Mail the written notice at least 15 calendar days before the date of the conference.
	<ul style="list-style-type: none"> • Provide the notice in the native language of the parent when necessary to achieve effective communication.
	<ul style="list-style-type: none"> • Make sure that the parent responds to the conference date seven calendar days from the date of the notice. • Provide the parent the opportunity to reschedule the conference if the parent contacts the school to arrange for a new date within seven calendar days from the date of the notice.
Step 4:	<input type="checkbox"/> Present the findings of the investigation and the restitution requirements at the conference.
Step 5:	<input type="checkbox"/> Determine whether the damages exceed \$3,500 or not.
	<ul style="list-style-type: none"> • If the damages do not exceed \$3,500, the principal will develop a written agreement with the student and parent.
	<ul style="list-style-type: none"> • If the damages exceed \$3,500, the matter shall be referred to the complex area superintendent who shall refer the matter to the Office of the Attorney general for further action.
Step 6:	<input type="checkbox"/> Develop and execute a written agreement on departmental forms with the student and parent for damages that do not exceed \$3,500.
	<ul style="list-style-type: none"> • Specify the manner in which the restitution is to be made and the time period within which the restitution shall be completed in the written agreement.
Step 7:	<input type="checkbox"/> Upon full completion of the written restitution agreement, maintain all records and documents regarding the investigation and conference for three years.
	<ul style="list-style-type: none"> • Not communicate any information about the investigation, conference and any actions taken to any person not directly involved in the proceedings.
Step 8:	<input type="checkbox"/> Refer the matter to the complex area superintendent if the parent or student fails to comply with terms of the written agreement.
Step 9:	<input type="checkbox"/> Refer the matter to the complex area superintendent if the student and the parent do not agree with the findings made the by principal or designee.



Flowchart

- Restitution for Vandalism

Restitution for Vandalism





Documentation & Navigation

- Restitution for Vandalism

15. Restitution for Vandalism

1. Navigate to Student Profile/Suspect form/Discipline tab/Disciplinary Action Summary to select "Restitution." Click "Add" to select "Restitution" as disciplinary action.

The screenshot shows the "Suspect Form" interface. At the top, there are fields for Student Name, Student ID, Birth Date, Gender, Grade, and School. Below this is a navigation bar with tabs: Incident, Offenses, Police, Discipline (selected), Interventions, MD, CRAFT, CAS Appeal, Supt. Review, Expedited Due Process, and Attachments. The "Discipline" tab is active, showing a "Disciplinary Out-of-School Days for Incident" section with a total of 0 days. To the right is a table for "Cumulative Disciplinary Out-of-School Days":

Cumulative Disciplinary Out-of-School Days	School Year	Semester
Prior to Incident	0	0
Including Incident	0	0

Below the table is the "Disciplinary Action Summary" section. It has a dropdown menu for "Add Disciplinary Action" with "Restitution" selected. A red arrow points to this dropdown, and another red arrow points to the "Add" button, with the word "Click" written above it. Below this is a table for "Disciplinary Action" with columns for "Disciplinary Action", "Days", and "CAS Review Status". At the bottom, there are fields for "Conference Date", "Conference Time", and "Conference Location".

2. When "Add" is clicked, restitution data fields will pop up.

The screenshot shows the "Suspect Discipline" interface. At the top, there is a "School Disciplinary Action" section. Below this is the "Disciplinary Action" section, which has a dropdown menu for "Disciplinary Action" with "Restitution" selected. A red arrow points to this dropdown. Below this is a "Notification Contact" field with an "Import" button. Below that are "Notification Method" and "Notification Results" dropdown menus. Below these are "Restitution Amount" and "Restitution Terms" fields. At the bottom is a "Restitution Comments" text area.

Section 16

Discipline During Summer School

16. Discipline During Summer School

Reference (page 19-28)

§8-19-12 Disciplinary actions; authority. The summer school director or designee shall impose disciplinary action against any student attending summer school. [Eff 5/23/86; comp 7/19/93; comp 5/19/97; comp 2/22/01; am and comp 9/10/09] (Auth: HRS §302A-1112) (Imp: HRS §302A-1112)

§8-19-13 Prohibited student conduct; class offenses. (a) The following prohibited conduct applies to all students in summer school during summer school hours, on campus, or other department of education premises, on department of education transportation, or during a department of education sponsored activity or event on or off school property.

- (1) Class A offenses:
 - (A) Assault;
 - (B) Burglary;
 - (C) Dangerous instrument, or substance; possession or use of;
 - (D) Dangerous weapons; possession or use of;
 - (E) Drug paraphernalia; possession, use, or sale of;
 - (F) Extortion;
 - (G) Fighting;
 - (H) Firearms; possession or use of;
 - (I) Homicide;
 - (J) Illicit drugs; possession, use, or sale of;
 - (K) Intoxicating substances; possession, use, or sale of;
 - (L) Property damage or vandalism;
 - (M) Robbery;
 - (N) Sexual offenses; or
 - (O) Terroristic threatening.
- (2) Class B offenses:
 - (A) Bullying;
 - (B) Cyberbullying;
 - (C) Disorderly conduct;
 - (D) False alarm;
 - (E) Forgery;
 - (F) Gambling;
 - (G) Harassment;
 - (H) Hazing;
 - (I) Inappropriate or questionable uses, or both of internet materials or equipment, or both;
 - (J) Theft; or
 - (K) Trespassing.
- (3) Class C offenses:
 - (A) Abusive language;
 - (B) Class cutting;
 - (C) Insubordination;

16. Discipline During Summer School

- (D) Laser pen/laser pointer; possession or use of;
 - (E) Leaving campus without consent;
 - (F) Smoking or use of tobacco substances; or
 - (G) Truancy.
- (4) Class D offenses:
- (A) Contraband; possession or use of;
 - (B) Minor problem behaviors; or
 - (C) Other school rules.
- (b) Class C and D offenses: A summer school student who commits two of any class C or D offense as defined in section 8-19-6 in the course of summer school shall receive a warning for the first offense and may be released from summer school for the second offense.
- (c) Any student who commits a class A or class B offense shall be dismissed from summer school. The summer school director or designee shall notify and meet with the student and parent prior to dismissal from summer school. The summer school director shall file a report with the complex area superintendent and shall provide a copy to the parent.
- (d) A summer school director or designee, in an emergency, may impose a crisis removal of a student immediately after finding that the student's conduct presents an immediate clear threat to the physical safety of self or others or is so extremely disruptive as to make the student's immediate removal necessary to preserve the right of other students to pursue an education free from undue disruption. The summer school director or designee shall inform and meet with the student and parent prior to the student's reinstatement in summer school. No student shall be reinstated without the meeting. The summer school director or designee shall file a report with the complex area superintendent and shall provide a copy to the parent.

16. Discipline During Summer School



Key Messages/Reminders

- The provisions of Subchapter 3 apply to discipline during summer school.
- The summer school director or designee shall impose disciplinary action against any student attending summer school.
- All parents need to be informed at the outset of summer school of the disciplinary consequences if their child commits a class A, class B, class C or class D offense.
- Copies of HAR 8-19 need to be provided to summer school parents and students.
- Chapter 19 documentation is completed via hard copy and the forms are sent back to the student's home school for back inputting in eCSSS.

Applicability

1. Do the provisions of Chapter 19 apply to students attending summer school?
 - Yes, Chapter 19 applies to all students in summer school during summer school hours, on school premises, on department of education transportation, or during a department sponsored activity or event on or off school property.

Summer School Authority

2. Who has the authority to impose a disciplinary action against a student attending summer school?
 - Disciplinary action against any student attending summer school is imposed by the summer school director or designee.

Crisis Removal

3. Can a summer school student be crisis removed for a disciplinary action?
 - Yes, a summer school director or designee, in an emergency, may impose a crisis removal of student immediately after finding that the student's conduct presents an immediate clear threat to the physical safety of self and others or is extremely disruptive as to make the student's immediate removal necessary to preserve the right of other students to pursue an education free from undue disruption.
 - The summer school director or designee shall file report with Complex Area Superintendent and provide a copy of report to parent.
 - Chapter 19 Confidential Crisis Removal Notification

16. Discipline During Summer School

If A Student Commits A Class A or Class B Offense

4. What happens if a summer school student commits a class A or class B offense?
 - Any student who commits a class A or class B offense shall be dismissed from summer school.
 - Before the student is dismissed, the summer school director or designee shall meet with the student and the parent.
 - Summer school director shall file report with Complex Area Superintendent and provide a copy of report to parent. These forms include:
 - Chapter 19 Confidential Investigation Notice
 - Chapter 19 Confidential Investigation Findings and Discipline

If A Student Commits A Class C or Class D Offense

5. What happens if a summer school student commits a class C or class D offense?
 - Any student who commits any two of any class C or class D offense shall receive a warning for the first offense and may be released from summer school for the second offense.

eCSSS Data Entry and Summer School Violations

6. Are summer school directors or their designees responsible for data entering a student's Chapter 19 violation?
 - The incident is to be recorded on the following form and sent back to the student's home school for back inputting:
 - Chapter 19 Summer School Incident Log Form

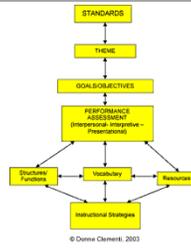


Administrator's Checklist

Checklist	What/Purpose
Discipline During Summer School Checklist	✓ A list of suggested procedural steps for school administrators to follow for when administering discipline during summer school

Discipline During Summer School Checklist

✓	Action
<input type="checkbox"/>	1. Copies of Chapter 19 Summer School Letter are distributed to students and parents upon registering for summer school.
<input type="checkbox"/>	2. Students and parents are informed of the disciplinary consequences if a class A, class B, class C and/or class D is committed during summer school.
<input type="checkbox"/>	3. Copies of eCSSS incident reporting forms and Chapter 19 forms are maintained to record summer school incidents.
<input type="checkbox"/>	4. In an emergency, a crisis removal may be imposed after findings indicate that the: <ul style="list-style-type: none">a. student's conduct presents immediate clear threat to the physical safety of self or others orb. student's conduct is so extremely disruptive as to make the student's immediate removal necessary to preserve the right of other students to pursue an education free from undue disruption.
<input type="checkbox"/>	5. The summer school director/designee shall meet with the student and parent prior to dismissal from summer school if a class A or class B offense is committed. <ul style="list-style-type: none">a. Copy of the Investigation Notice and the Investigation Findings and Discipline forms provided to parent.b. Copy of the Investigation Notice and the Investigation Findings and Discipline sent to respective Complex Area Superintendent.
<input type="checkbox"/>	6. The summer school director/designee shall provide to the student a warning for the first offense and may release the student from summer school for the second offense if any two class C or class D offenses are committed.
<input type="checkbox"/>	7. No student shall be reinstated after a crisis removal without the parent and student first meeting with the summer school director/designee. A copy of the crisis removal form shall be filed with the complex area superintendent and a copy shall be provided to the parent.

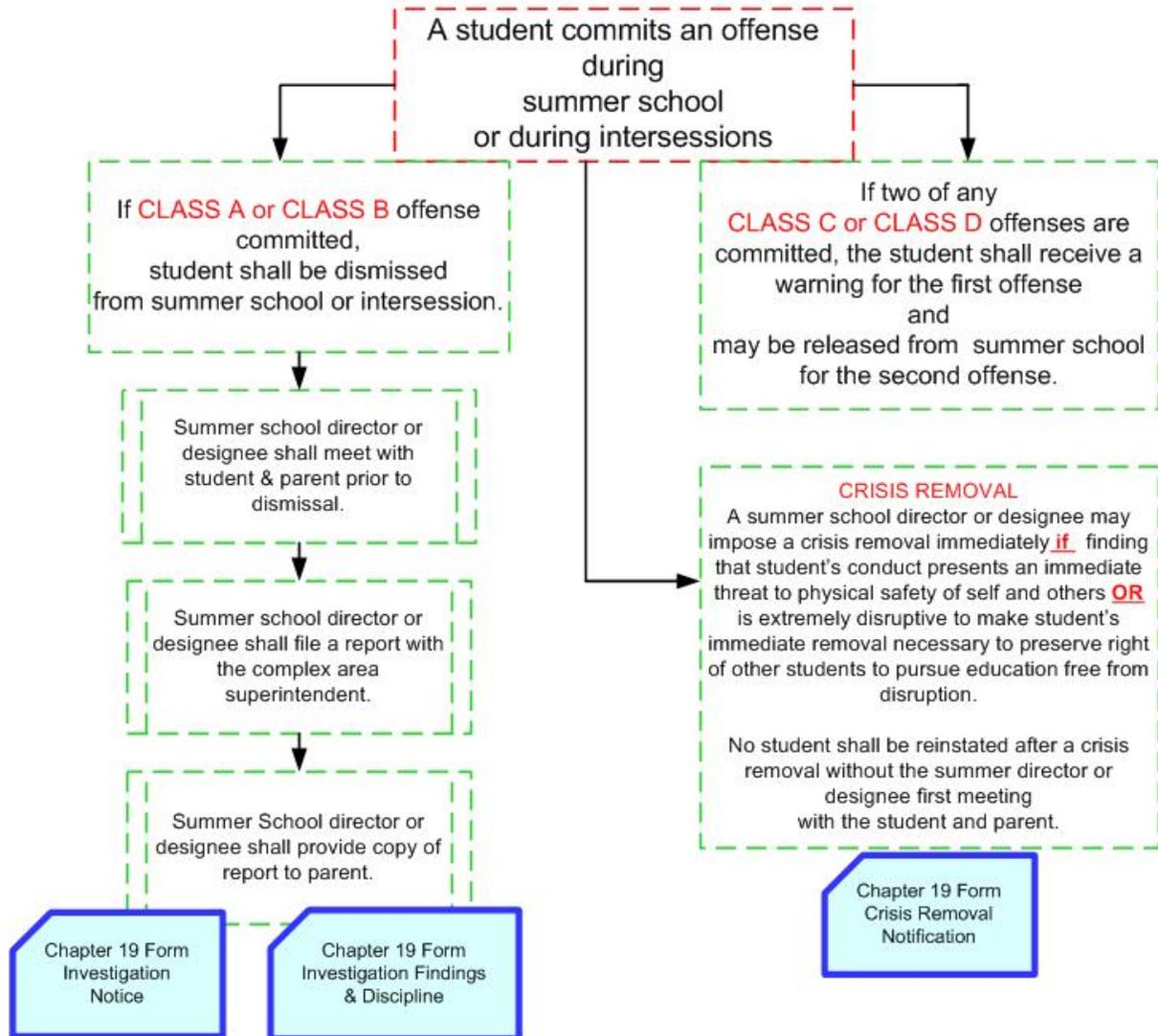


Flowchart

- Discipline During Summer School

HAR Chapter 8-19
Section 8-19-12, 13

Discipline During Summer School



Note: Summer School Directors/Designees are not required to data enter into eCSSS. Chapter 19 incident information is to be completed via hard copy forms and copies sent to student's home school for back inputting.



Activity Worksheet Samples

Activity Worksheet	What/Purpose
Chapter 19 Summer School Letter to Parent	✓ A sample letter to be given to parents regarding HAR Title 8 Chapter 19
Chapter 19 Summer School Incident Log Form <ul style="list-style-type: none">• Teacher Referral Form	✓ A sample form for teachers/staff to use to submit referral information regarding an incident
Chapter 19 Summer School Incident Log Form <ul style="list-style-type: none">• For Administrator Use Only	✓ A sample form for summer directors or designees to use to record incident information

Hawaii Department of Education
Summer School Program

Date:

To: Parents of Students Enrolled in Summer School

From: District Summer School Coordinators

Subject: Hawaii Administrative Rules Title 8 Chapter 19 and Summer School

Dear Parents:

This is to inform you that the provisions of Hawaii Administrative Rules Title 8 Chapter 19 Student Misconduct, Discipline, School Searches and Seizures, Reporting Offenses, Police Interviews and Arrests, and Restitution for Vandalism applies to all students enrolled in summer school:

- during summer school hours,
- on school premises,
- on department of education transportation, or
- during a department sponsored activity or event on or off school property.

Crisis Removal

A summer school site director or designee, in an emergency, may impose a crisis removal of your child immediately if after finding that his/her conduct presents an immediate clear threat to the physical safety of self and others or is extremely disruptive as to make the student's immediate removal necessary to preserve the right of other students to pursue an education free from undue disruption.

Class A or Class B Offenses

If your child commits a class A or class B offense, he/she shall be dismissed from summer school. The summer school site director or designee shall meet with you and your child before the dismissal.

Class C or Class D Offenses

If your child commits any two of any class C or class D offense, he/she shall receive a warning for the first offense and may be released from summer for the second offense.

Attachment A list the provisions of Chapter 19 Subchapter 3 Student Misconduct and Summer School.

Should you have any questions regarding the Chapter 19 summer school provisions, please contact your district summer school coordinator or summer school site director.

SUBCHAPTER 3

STUDENT MISCONDUCT AND DISCIPLINE DURING SUMMER SCHOOL

§8-19-12 Disciplinary actions; authority. The summer school director or designee shall impose disciplinary action against any student attending summer school. [Eff 5/23/86; comp 7/19/93; comp 5/19/97; comp 2/22/01; am and comp 9/10/09] (Auth: HRS §302A-1112) (Imp: HRS §302A-1112)

§8-19-13 Prohibited student conduct; class offenses. (a) The following prohibited conduct applies to all students in summer school during summer school hours, on campus, or other department of education premises, on department of education transportation, or during a department of education sponsored activity or event on or off school property.

- (1) Class A offenses
 - (A) Assault;
 - (B) Burglary;
 - (C) Dangerous instrument, or substance; possession or use of;
 - (D) Dangerous weapons; possession or use of;
 - (E) Drug paraphernalia; possession, use, or sale of;
 - (F) Extortion;
 - (G) Fighting;
 - (H) Firearms; possession or use of;
 - (I) Homicide;
 - (J) Illicit drugs; possession, use, or sale of;
 - (K) Intoxicating substances; possession, use, or sale of;
 - (L) Property damage or vandalism;
 - (M) Robbery;
 - (N) Sexual offenses; or
 - (O) Terroristic threatening.
- (2) Class B offenses:
 - (A) Bullying;
 - (B) Cyberbullying;
 - (C) Disorderly conduct;
 - (D) False alarm;
 - (E) Forgery;
 - (F) Gambling;
 - (G) Harassment;
 - (H) Hazing;
 - (I) Inappropriate or questionable uses, or both of internet materials or equipment, or both;
 - (J) Theft; or
 - (L) Trespassing.

- (3) Class C offenses:
 - (A) Abusive language;
 - (B) Class cutting;
 - (C) Insubordination;
 - (D) Laser pen/laser pointer; possession or use of;
 - (E) Leaving campus without consent;
 - (F) Smoking or use of tobacco substances; or
 - (G) Truancy.
- (4) Class D offenses:
 - (A) Contraband; possession or use of;
 - (B) Minor problem behaviors; or
 - (C) Other school rules.
- (b) Class C and D offenses: A summer school student who commits two of any class C or D offense as defined in section 8-19-6 in the course of summer school shall receive a warning for the first offense and may be released from summer school for the second offense.
- (c) Any student who commits a class A or class B offense shall be dismissed from summer school. The summer school director or designee shall notify and meet with the student and parent prior to dismissal from summer school. The summer school director shall file a report with the complex area superintendent and shall provide a copy to the parent.
- (d) A summer school director or designee, in an emergency, may impose a crisis removal of a student immediately after finding that the student's conduct presents an immediate clear threat to the physical safety of self or others or is so extremely disruptive as to make the student's immediate removal necessary to preserve the right of other students to pursue an education free from undue disruption. The summer school director or designee shall inform and meet with the student and parent prior to the student's reinstatement in summer school. No student shall be reinstated without the meeting. The summer school director or designee shall file a report with the complex area superintendent and shall provide a copy to the parent. [Eff 5/23/86; am and comp 7/19/93; comp 5/19/97; comp 2/22/01; am and comp 9/10/09] (Auth: HRS §302A-1112) (Imp: HRS §302A-1112)

Chapter 19 Summer School Incident Log Form

TEACHER REFERRAL FORM

Incident:

Person Initiating Incident Information: First Name _____ Last Name _____	Job Position: _____
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Incident Date: _____	Incident Time: ___AM ___PM	Incident Location: _____	Location Details: _____
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Description of Incident:

Witness(es): _____ None

Witness A: ___Student ___Non-student First Name Last Name: _____	Witness D: ___Student ___Non-student First Name Last Name: _____
Witness B: ___Student ___Non-student First Name Last Name: _____	Witness E: ___Student ___Non-student First Name Last Name: _____
Witness C: ___Student ___Non-student First Name Last Name: _____	Witness F: ___Student ___Non-student First Name Last Name: _____

Victim(s): _____ None

Victim A: ___Student ___Non-student First Name Last Name: _____	Victim D: ___Student ___Non-student First Name Last Name: _____
Victim B: ___Student ___Non-student First Name Last Name: _____	Victim E: ___Student ___Non-student First Name Last Name: _____
Victim C: ___Student ___Non-student First Name Last Name: _____	Victim F: ___Student ___Non-student First Name Last Name: _____

Suspect(s): _____ None

Suspect A: First Name Last Name: _____	Suspect F: First Name Last Name: _____
Suspect B: First Name Last Name: _____	Suspect G: First Name Last Name: _____
Suspect C: First Name Last Name: _____	Suspect H: First Name Last Name: _____
Suspect D: First Name Last Name: _____	Suspect I: First Name Last Name: _____
Suspect E: First Name Last Name: _____	Suspect J: First Name Last Name: _____

School Incident Log Form
FOR ADMINISTRATORS USE ONLY

REMINDER: To determine and substantiate the appropriate offenses that were committed in an incident, the elements of each offense definition must be carefully examined and identified. Refer to Section 5 of this Implementation Guide to utilize the “stack and shred” method to determine the appropriate offense with its definitions and elements.

Offenses/Allegations of Incident: Check all that apply. Highlight those that were verified & substantiated.

<p>Class A:</p> <input type="checkbox"/> Assault <input type="checkbox"/> Burglary <input type="checkbox"/> Dangerous instrument, or substance <input type="checkbox"/> Dangerous weapons <input type="checkbox"/> Drug paraphernalia <input type="checkbox"/> Extortion <input type="checkbox"/> Fighting <input type="checkbox"/> Firearms <input type="checkbox"/> Homicide <input type="checkbox"/> Illicit drugs <input type="checkbox"/> Intoxicating substances <input type="checkbox"/> Property damage or vandalism <input type="checkbox"/> Robbery <input type="checkbox"/> Sexual offenses <input type="checkbox"/> Terroristic threatening	<p>Class B:</p> <input type="checkbox"/> Bullying <input type="checkbox"/> Cyberbullying <input type="checkbox"/> Disorderly conduct <input type="checkbox"/> False alarm <input type="checkbox"/> Forgery <input type="checkbox"/> Gambling <input type="checkbox"/> Harassment <input type="checkbox"/> Hazing <input type="checkbox"/> Inappropriate or questionable uses, or both of internet materials or equipment, or both; <input type="checkbox"/> Theft <input type="checkbox"/> Trespassing	<p>Class C:</p> <input type="checkbox"/> Abusive language <input type="checkbox"/> Class cutting <input type="checkbox"/> Insubordination <input type="checkbox"/> Laser pen/laser pointer; Leaving campus without consent <input type="checkbox"/> Smoking or use of tobacco substances <input type="checkbox"/> Truancy	<p>Class D:</p> <input type="checkbox"/> Contraband <input type="checkbox"/> Minor problem behaviors <ul style="list-style-type: none"> ▪ “Defiance/disrespect/non-compliance” ▪ “Disruption” ▪ “Dress code violation” ▪ “Inappropriate language” ▪ “Physical contact” ▪ “Property misuse” ▪ “Tardy” <input type="checkbox"/> Other school rules.
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Additional Information Needed

<p>Dangerous Instrument or substance: Primary Instrument = _____</p> <p>Check all that apply:</p> <input type="checkbox"/> Knives <input type="checkbox"/> Pipe bomb devices <input type="checkbox"/> Fireworks <input type="checkbox"/> Pepper spray <input type="checkbox"/> Mace <input type="checkbox"/> Martial Art Devices <input type="checkbox"/> Pipe <input type="checkbox"/> Stick <input type="checkbox"/> Baseball bat <input type="checkbox"/> Other: _____	<p>Firearms: Primary Firearm = _____</p> <p>Check all that apply:</p> <input type="checkbox"/> Starter gun <input type="checkbox"/> Handgun <input type="checkbox"/> Shotgun <input type="checkbox"/> Rifle <input type="checkbox"/> Airgun: General <input type="checkbox"/> Airgun: BB gun/Pellet gun <input type="checkbox"/> Airgun: Paintball gun <input type="checkbox"/> Crossbow <input type="checkbox"/> Explosive/Incendiary/Poison Gas <input type="checkbox"/> Other: _____
<p>Dangerous Weapon: Primary Weapon = _____</p> <p>Check all that apply:</p> <input type="checkbox"/> Billy <input type="checkbox"/> Blackjack <input type="checkbox"/> Butterfly knife <input type="checkbox"/> Dagger <input type="checkbox"/> Dirk <input type="checkbox"/> Metal Knuckles <input type="checkbox"/> Slug shot <input type="checkbox"/> Switchblade knife <input type="checkbox"/> Other: _____	<p>Illicit Drugs:</p> <p>Check all that apply:</p> <p>Cocaine: ___Use ___Possession ___Sale ___Under influence Heroin: ___Use ___Possession ___Sale ___Under influence Marijuana: ___Use ___Possession ___Sale ___Under influence Methamphetamine: ___Use ___Possession ___Sale ___Under influence Steroids: ___Use ___Possession ___Sale ___Under influence Inappropriate use of pharmaceutical drugs: ___Use ___Possession ___Sale ___Under influence Other: _____</p>

School Incident Log Form
FOR ADMINISTRATORS USE ONLY

Additional Information Needed

<p>Intoxicating substance use:</p> <p>Alcohol: ___Use ___Possession ___Sale ___Under influence Kava: ___Use ___Possession ___Sale ___Under influence Betel Nut: ___Use ___Possession ___Sale ___Under influence Other: _____</p>	<p>Bullying:</p> <p><input type="checkbox"/> Verbal <input type="checkbox"/> Graphic <input type="checkbox"/> Physical Act <input type="checkbox"/> Written</p>	<p>Select primary reason for offense of Bullying:</p> <p><input type="checkbox"/> Person's race <input type="checkbox"/> Person's color <input type="checkbox"/> National origin <input type="checkbox"/> Ancestry <input type="checkbox"/> Sex including gender identity <input type="checkbox"/> Religion <input type="checkbox"/> Disability <input type="checkbox"/> Sexual orientation <input type="checkbox"/> Other _____</p>
<p>Harassment: Check all that apply:</p> <p><input type="checkbox"/> Strike, shove, kick, touch in an offensive manner or offensive physical contact <input type="checkbox"/> Insult, taunt, or challenge in manner likely to provoke violent response <input type="checkbox"/> Verbal or non-verbal expression causing one to feel uncomfortable, pressured, threatened, or in danger <input type="checkbox"/> Name calling, rude gestures, insult, teasing <input type="checkbox"/> Telephone call without legitimate communication <input type="checkbox"/> Repeated communications anonymously <input type="checkbox"/> Causing fear <input type="checkbox"/> Physical harming, physical restraining, threatening, stalking</p>	<p>Select primary reason for offense of Harassment:</p> <p><input type="checkbox"/> Person's race <input type="checkbox"/> Person's color <input type="checkbox"/> National origin <input type="checkbox"/> Ancestry <input type="checkbox"/> Sex including gender identity <input type="checkbox"/> Religion <input type="checkbox"/> Disability <input type="checkbox"/> Sexual orientation <input type="checkbox"/> Other _____</p>	

Disciplinary Action Provided

<p><input type="checkbox"/> Correction and conference with student <input type="checkbox"/> Detention <input type="checkbox"/> Crisis removal <input type="checkbox"/> Individualized instruction related to student's problem behaviors <input type="checkbox"/> Interim alternate educational setting</p>	<p><input type="checkbox"/> In-school suspension <input type="checkbox"/> Loss of privileges <input type="checkbox"/> Parent conferences <input type="checkbox"/> Time in office <input type="checkbox"/> Suspension of one to ten school days <input type="checkbox"/> Suspension of eleven or more school days</p>	<p><input type="checkbox"/> Saturday school <input type="checkbox"/> Disciplinary transfer <input type="checkbox"/> Referral to alternative education programs <input type="checkbox"/> Dismissal <input type="checkbox"/> Restitution</p>
---	---	--

Chapter 19 Summer School Incident Log Form

FOR ADMINISTRATORS USE ONLY

**Information needed to complete
Crisis Removal Notification and Investigation Findings and Discipline Forms**

Allegations of the Incident:
Allegations that were substantiated: List each offense separately with specific elements substantiated.
Witness Summary/Other Evidence:
Summary of Investigation Findings:
Reasons for Disciplinary Determination Action:

Crisis Removal

No. of crisis removal days	Crisis removal start date:	Crisis removal end date:
Crisis removal return to school date:	Crisis Removal Description:	

Suspension Dates

No. of suspension days	Suspension start date:	Suspension end date:	Suspension return to school date:
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Conference Information (Student Profile/Suspect Form/Discipline tab)

Conference Date:	Conference Time:	Conference Location:
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The image shows a form titled "STATE OF HAWAII DEPARTMENT OF EDUCATION CHAPTER 19 CONFIDENTIAL INVESTIGATION NOTICE". The form is for the use of the State of Hawaii Department of Education. It includes fields for "School", "Date of Birth", "Gender", "Student ID", "Event ID/Date", and "Incident Number". Below these fields, there is a section for "INVESTIGATION NOTICE" with instructions. A table is provided for "Notification of Members" with columns for "Name", "Title", "Phone", "Email", "Address", "City", "State", "Zip", "Country", and "Notification Date". The form also includes a section for "Signature" and "Date".

Chapter 19 Forms

- Chapter 19 Confidential Crisis Removal Notification
- Chapter 19 Confidential Investigation Notice
- Chapter 19 Confidential Investigation Findings And Discipline

Chapter 19 Confidential Crisis Removal Notification (page 1 of 2)

 <p>STATE OF HAWAII DEPARTMENT OF EDUCATION</p>	<p>CHAPTER 19 CONFIDENTIAL CRISIS REMOVAL NOTIFICATION</p>														
<p>To Parent of or Adult Student: _____</p> <p style="margin-left: 40px;">Student's Name _____</p> <p style="margin-left: 40px;">Mail Address _____</p> <p style="margin-left: 100px;">School: _____ Grade: _____</p> <p style="margin-left: 40px;">Student ID: _____ Date of Birth: _____</p> <p style="margin-left: 40px;">Incident Date: _____ Incident Number: _____</p> <p>This is an official notification to inform you that your child has been "crisis removed" based on Hawaii Administrative Rules, Title 8, Department of Education, Chapter 19. As defined in Chapter 19 Section 8-19-2, "crisis removal" means the immediate exclusion of a student from school in an emergency, because the conduct of the student presents a clear, immediate threat to the physical safety of self or others, or the student is so extremely disruptive as to make the immediate removal of the student necessary to preserve the right of other students to pursue their education free from undue disruption.</p> <p>While a student is on "crisis removal" he/she is not allowed on any public school campus, or other department of education premises, on department of education transportation or during a department of education sponsored activity or event on or off school property during the specified interim. If a student appears on the department of education premises as cited above, he/she may be referred to the police for trespassing and/or subsequent consequences under Chapter 19.</p> <p>1. Description of crisis removal based on a clear, immediate threat or evidence that a student is so extremely disruptive as make the immediate removal of the student necessary or the immediate removal of the student is necessary to preserve the right of other students to pursue their education free from undue disruption:</p> <p>2. Allegation(s) of incident:</p> <p>3. Allegation(s) that were substantiated (list each offense):</p> <p>4. Disciplinary Action:</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-left: 20px;"> <thead> <tr> <th style="width: 20%;">Crisis Removal</th> <th style="width: 15%;">No. of School Days</th> <th style="width: 15%;">Start Date</th> <th style="width: 15%;">End Date</th> <th style="width: 15%;">Return to School Date</th> <th style="width: 15%;">No. of School Days Total Semester</th> <th style="width: 15%;">No. of School Days Total School Year</th> </tr> </thead> <tbody> <tr> <td> </td> </tr> </tbody> </table> <p>Police Arrest: <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>5. Conference Information: A conference has been scheduled for you to meet with a school administrator regarding this incident (section 8-19-7(c) (4)). Date: _____ Time: _____ Place: _____</p>		Crisis Removal	No. of School Days	Start Date	End Date	Return to School Date	No. of School Days Total Semester	No. of School Days Total School Year							
Crisis Removal	No. of School Days	Start Date	End Date	Return to School Date	No. of School Days Total Semester	No. of School Days Total School Year									

Chapter 19 Confidential Crisis Removal Notification (page 2 of 2)

	STATE OF HAWAII DEPARTMENT OF EDUCATION	CHAPTER 19 CONFIDENTIAL CRISIS REMOVAL NOTIFICATION				
Student's Name _____ Student ID _____ Grade _____						
School _____ Incident Date _____ Incident Number _____						
6. Notification Information:						
				Notification		
Contact	Contacted By Name/Position	Person Attempted to Contact	Relationship to Student	Date/Time	Method	Outcome
No Attempts						
Signature: _____			Print Name	Principal/Designee	Date	

Chapter 19 Confidential Investigation Findings And Discipline
(Page 1 of 2)

	STATE OF HAWAII DEPARTMENT OF EDUCATION	CHAPTER 19 CONFIDENTIAL NOTICE OF INVESTIGATION FINDINGS AND DISCIPLINE
<p>To Parent of or Adult Student: _____ Student's Name _____ Mail Address _____</p>		
<p>School: _____ Grade: _____ Student ID: _____ Date of Birth: _____ Incident Date: _____ Incident Number: _____</p>		
<p>INVESTIGATION REPORT (section 8-19-7.1 (b)): The principal or designee upon completion of the investigation, shall make a written report containing a brief summary of the testimony of witnesses interviewed, any other evidence relied upon, and the principal or designee's reason(s) for the initiation of disciplinary proceedings.</p>		
<p>1. Allegation(s) of incident:</p>		
<p>2. Allegation(s) that were substantiated (list each offense):</p>		
<p>3. Witness Summary/Other Evidence: (Provide a brief summary of each witness interviewed and any other evidence that substantiate(s) each offense(s))</p>		
<p>4. Summary of Investigation Findings:</p>		
<p>5. Manifestation Determination: For IDEA (Chapter 60) and section 504 (Chapter 61) eligible students, if he/she is being suspended for over 10 days at one time or cumulatively in a school year, a determination must be made whether the student's behavior resulted from the disability or an inappropriate program or placement, or both.</p>		
<p>For IDEA or Section 504 students only:</p>		
<p>Date of last completed I.E.P. or Modification Plan: _____</p>		
<p>Date Manifestation Determination conducted: _____</p>		
<p>The student's behavior _____ a manifestation of his/her disability.</p>		

Chapter 19 Confidential Investigation Findings And Discipline
(Page 2 of 2)

	STATE OF HAWAII DEPARTMENT OF EDUCATION	CHAPTER 19 CONFIDENTIAL NOTICE OF INVESTIGATION FINDINGS AND DISCIPLINE				
<hr/>						
Student's Name	Student ID	Grade				
<hr/>						
School	Incident Date	Incident Number				
<hr/>						
6. Disciplinary Action:						
Recommended Disciplinary Action	School Days	Start Date	End Date	Return to School	Total Semester	Total Year
Suspension						
Dismissal						
Disciplinary Transfer						
Interim Alternative Educational Setting						
<p>Police Arrest: <input type="checkbox"/> Yes <input type="checkbox"/> No</p>						
<p>7. Reasons for Disciplinary Action Determination: Based on the investigation findings, the reason(s) for determining the above disciplinary action is/are:</p>						
<p>Signature: _____</p> <p style="text-align: center; font-size: small;"> Print Name Principal/Designee Date </p>						

Section 17

eCSSS Incident Navigation

17. eCSSS Incident Navigation

Quick Reference Guide

Computer Settings & Browser <ul style="list-style-type: none">✓ Use Internet Explorer 7.0+.✓ Use a PC computer preferably.✓ Update your Adobe Acrobat Reader.	eCSSS Homepage <p>http://ecsss.k12.hi.us</p> <ul style="list-style-type: none">✓ Routinely check the server status and announcements for informational updates and navigation guides.✓ Chapter 19 forms available from Resources/Printable Forms & Tools.
Access to eCSSS & Password <ul style="list-style-type: none">✓ Submit Access Request on-line via eCSSS homepage. Designated complex and/or school user managers or the school's Student Services Coordinator are authorized to submit access requests. The request must clearly state that authorization has been granted by the school principal or complex area superintendent respectively.✓ Passwords are usually your web password.✓ You will receive email notification of access to system completed.	For Technical Assistance <p>Centralized Service Desk: 564-6000 Neighbor Islands: 8-1-808-564-6000 Mon-Fri 7:45am-4:30pm</p> <p>OR</p> <p>Create a Remedy Ticker via eCSSS homepage</p> <p>OR</p> <p>help_eCSSS@notes.k12.hi.us</p> <p>OR</p> <p>HELP button on left hand corner of each eCSSS screen.</p>
Incident Log Form <ul style="list-style-type: none">✓ Update your school's Incident Log form to reflect the current eCSSS incident data fields.✓ This will facilitate data collection and entry.	The forms are not populating!!! <ul style="list-style-type: none">✓ Notification attempts: Select "Investigation Notice" under Notification Purpose.✓ Disciplinary action: Complete "CAS Authorization" if serious discipline.✓ For Crisis Removal Notification: Select "Crisis Removal" under Notification Purpose.✓ Conference Information: Complete info on Student Profile/Discipline tab.

17. eCSSS Incident Navigation

Prerequisites to eCSSS Incident Data Entry

Prerequisite #1:

Be familiar with Chapter 19's proactive philosophy.

- Chapter 19 is part of a continuum of student behavioral supports.
- Establishment of a proactive systems approach to schoolwide discipline is prerequisite for Chapter 19.
- Interventions to teach student behaviors must be instituted when disciplinary actions are imposed.

Prerequisite #2:

Update your school Incident Log form for collecting student behavioral incidents to align with current eCSSS incident data fields. Attached is a sample form.

Prerequisite #3:

Understand and know the incident, investigation, and due process sequential procedures.

Gather facts & evidence, allegations of incident, who, what, when, where	Gather statements from witnesses, victims, suspects	Substantiate allegations of incident – list each offense separately	Document attempts to contact parent	Summarize investigation findings	Determine rationale for disciplinary action selection	Determine intervention provided for disciplinary action
--	---	---	-------------------------------------	----------------------------------	---	---

- Start at School Profile to enter new incident information.
 - Gather facts of the incident – date, location, time, referring person, persons involved, witness(es), victim(s), and/or suspects, etc.
 - Gather witness, victim, and/or suspect statements.
 - Notifications tab
 - Attempts to contact parent of incident must be documented.
 - Select “Investigation Notice” to populate *Chapter 19 Confidential Investigation Notice* to be sent to parent.
 - Allegations Information
 - What are the allegations of the incident?
 - What allegations were substantiated?
 - With facts and evidence gathered and substantiated, summarize investigation findings.
 - Note if student is IDEA or Section 504 eligible, considerations for manifestation determination.
- Discipline information is entered in the Student Profile.
 - Shortcut to Student Profile: Once incident form is completed, click Close and return to School Profile screen.
 - Click open + of incident working on, click and highlight student’s name and then click Open Suspect Form in Action box.
 - Click Discipline tab.
 - Determine the rationale for disciplinary option choice.
 - Complete Interventions tab.

17. eCSSS Incident Navigation

Navigation Information

The eCSSS incident navigation guides are available online from eCSSS Printable Forms and Tools.

1. From the homepage, click Printable Forms and Tools under Resources section.
2. Click: Express Concern
3. Click Incident
4. Click: Chapter 19 Navigation Information

▼ **INCIDENTS**

▶ **eCSSS Incident Announcements**

▼ **Chapter 19 Navigation Information**

 [Chapter 19 Forms eCSSS Navigation March 2010.doc](#)  [eCSSS Incident Enhancements Top 10 March 2010.ppt](#)  [Documenting Student Behavior Interventions.doc](#)  [Chapter 19 Forms instruction Sheet Rev.doc](#)

 [How to Enter Chapter 19 Incident November 2011.doc](#)

Chapter 19 Forms

Blank forms of the Chapter 19 forms are also available from eCSSS Printable Forms and Tools.

1. From the homepage, click Printable Forms and Tools under Resources section.
2. Click: Express Concern
3. Click Incident
4. Click: Chapter 19 Navigation Information

▼ **Chapter 19 Blank Forms**

These are form-fill documents. You cannot save data typed into this form.*
Please print your completed form if you want a copy for your records.
*If you have Adobe Acrobat Professional installed in your computer, you may be able to save the template form and save a copy of it to your computer.

 **Crisis Removal Notification** - [Crisis Removal Notification.pdf](#)

 **Investigation Notice** - [Investigation Notice.pdf](#)

 **Notice of Investigation Findings and Discipline** - [Notice of Investigation Findings and Discipline.pdf](#)

 **Request for Appeal Decision** - [Request for Appeal Decision.pdf](#)

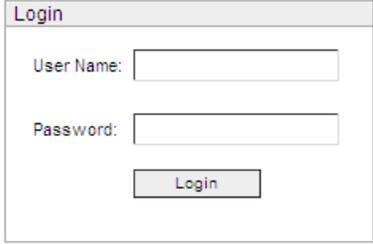
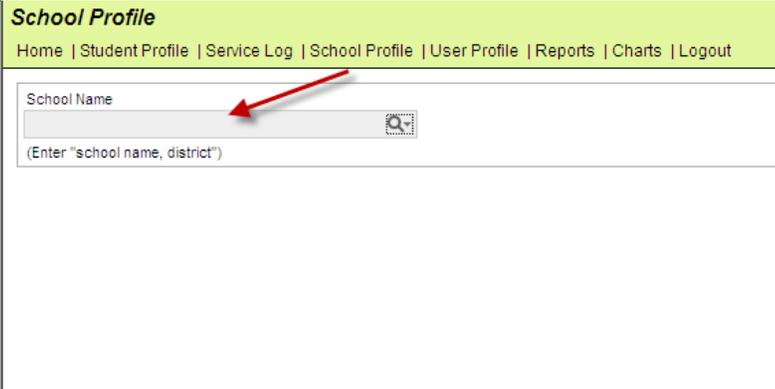
 **CAS Appeal Decision** - [CAS Appeal Decision.pdf](#)

 **MD Form** - [MD Form.pdf](#)

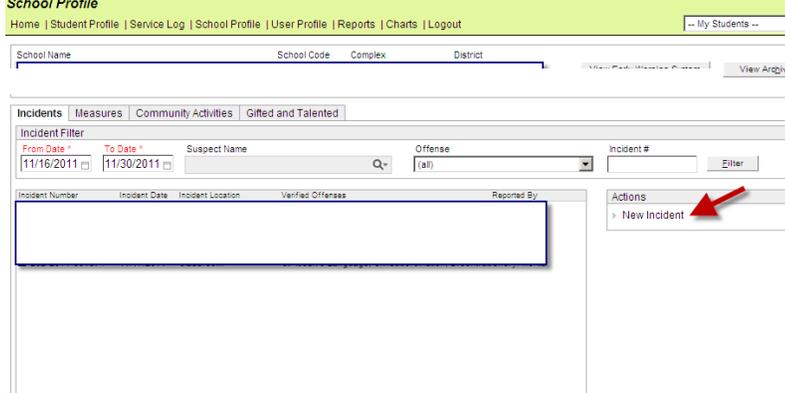
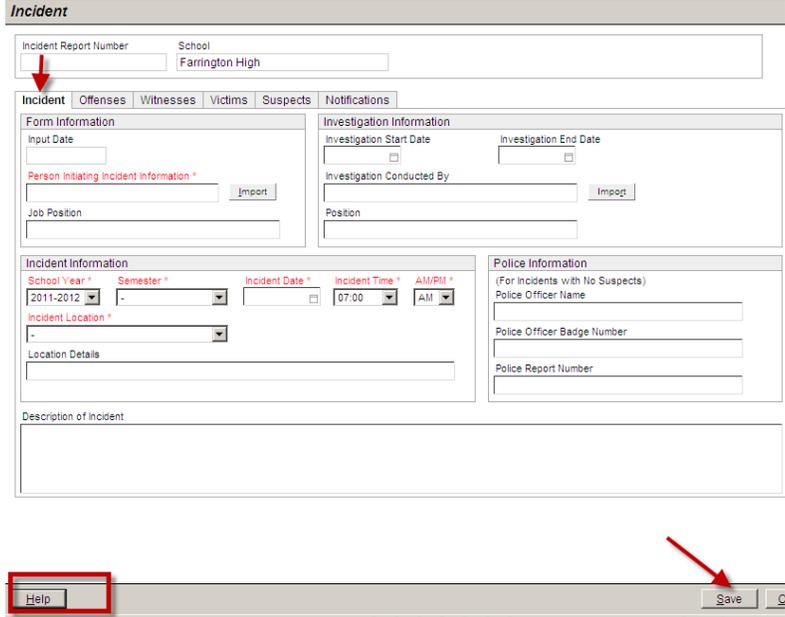
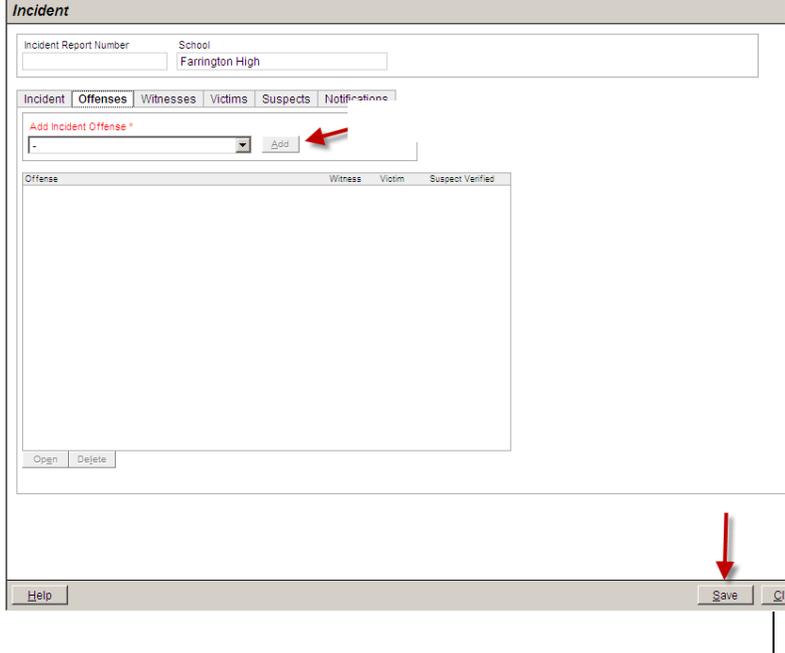
17. eCSSS Incident Navigation

How to Enter A Chapter 19 Incident Navigation Guide

Entering a HAR Chapter 19 Incident in eCSSS

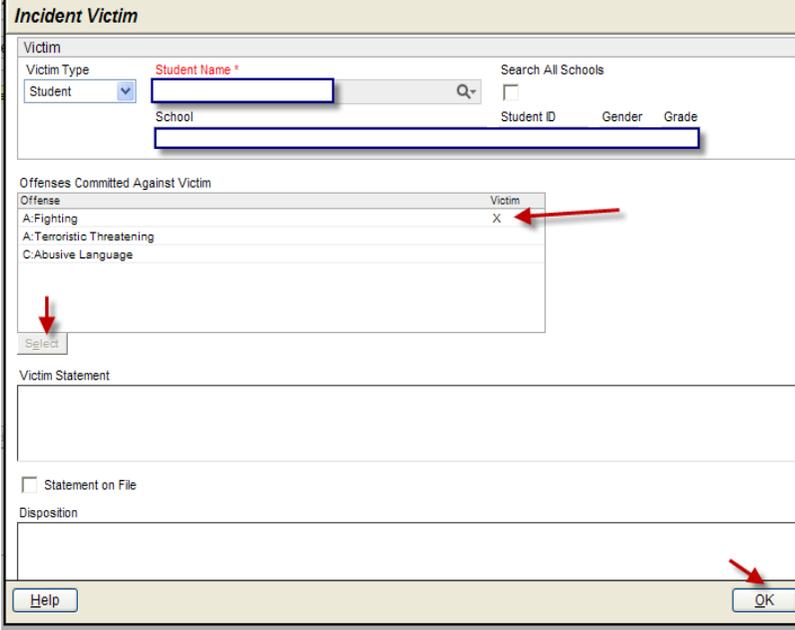
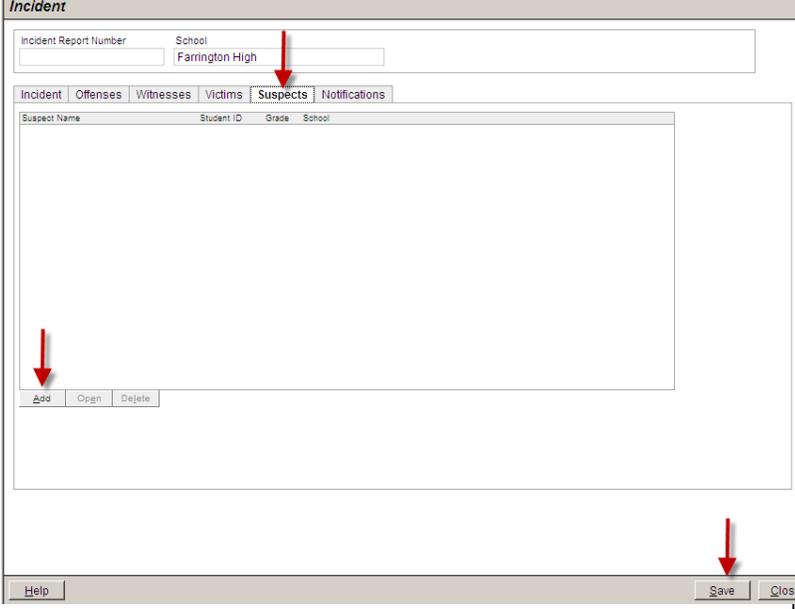
<p>1 Login</p>	<p>www.ecsss.k12.hi.us</p> <p>Click: eCSSS Login.</p>	
<p>2 User Name & Password</p>	<p>Enter User Name and Password.</p>	
<p>3 School Profile</p>	<p>Click: School Profile to begin process of entering new incident.</p>	
<p>4 School Profile</p>	<p>Click in the School Name box and enter your school name.</p>	

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January 2013

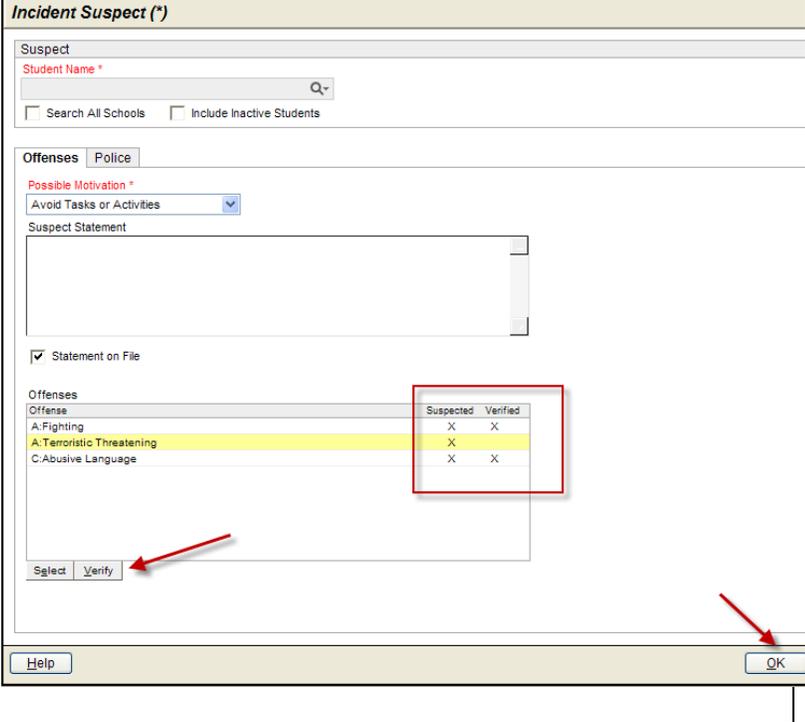
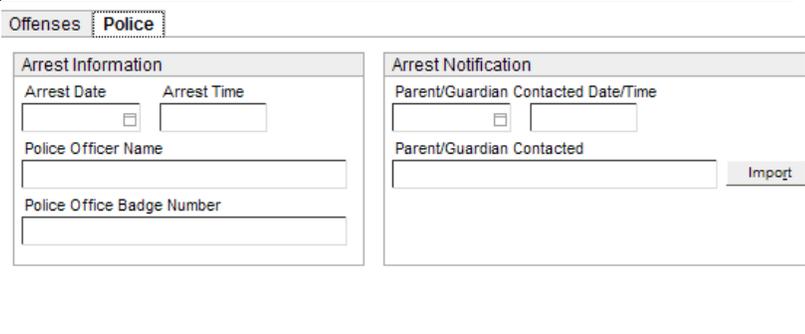
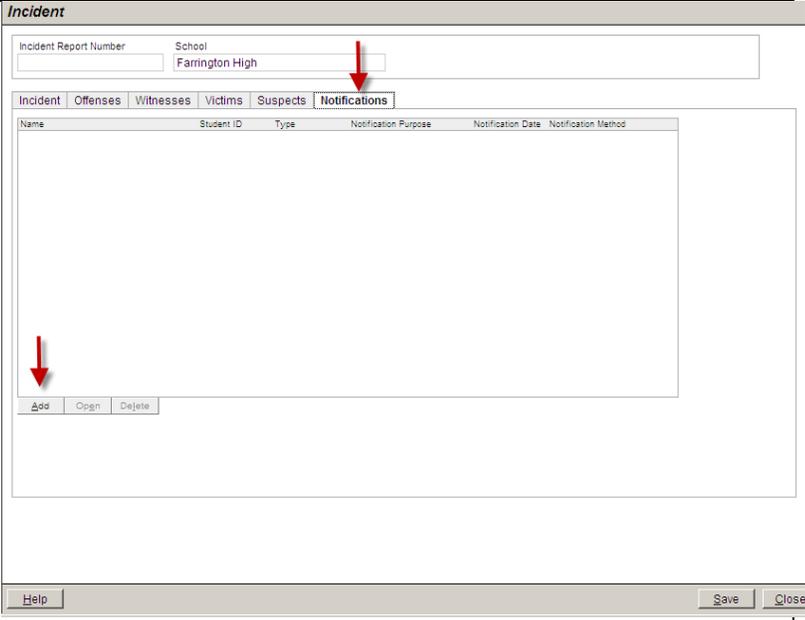
<p>5 New Incident</p>	<p>When the School Profile module opens, select New Incident from action box.</p>	 <p>The screenshot shows the 'School Profile' interface. At the top, there are navigation links: Home, Student Profile, Service Log, School Profile, User Profile, Reports, Charts, and Logout. Below this, there are fields for School Name, School Code, Complex, and District. A table lists incidents with columns for Incident Number, Incident Date, Incident Location, Verified Offenses, and Reported By. On the right side, there is an 'Actions' menu with a red arrow pointing to the 'New Incident' option.</p>
<p>6 Incident Tab</p>	<p>When the Incident tab appears, enter information in the data fields.</p> <p>* are required fields.</p> <p>Click on <Save> at the bottom of the screen.</p> <p>Click on the Offenses tab.</p> <p>If you need assistance, click on Help tab.</p>	 <p>The screenshot shows the 'Incident' form. It has tabs for Incident, Offenses, Witnesses, Victims, Suspects, and Notifications. The 'Incident' tab is active. There are sections for Form Information (Input Date, Person Initiating Incident Information, Job Position), Investigation Information (Investigation Start Date, Investigation End Date, Investigation Conducted By, Position), Incident Information (School Year, Semester, Incident Date, Incident Time, AM/PM, Incident Location), and Police Information (Police Officer Name, Police Officer Badge Number, Police Report Number). A red arrow points to the 'Save' button at the bottom right.</p>
<p>7 Offenses Tab</p>	<p>When the Offenses tab appears, select the incident offense from the drop down menu then click on the <Add> button.</p> <p>An Investigation Worksheet for each offense will appear.</p> <p>When the Investigation Worksheet appears, review the elements checklist to verify the offense and then check box: “Offense</p>	 <p>The screenshot shows the 'Offenses' tab. It has a dropdown menu for 'Add Incident Offense' and an 'Add' button. Below this is a table with columns for Offense, Witness, Victim, and Suspect Verified. At the bottom, there are 'Open' and 'Delete' buttons. A red arrow points to the 'Add' button, and another red arrow points to the 'Save' button at the bottom right.</p>

	<p>committed meets the elements checklist below.”</p> <p>**Additional items must be checked for:</p> <ul style="list-style-type: none"> • Dangerous Weapons • Dangerous Instruments • Firearms • Illicit Drugs • Intoxicating substances • Harassment <p>Click <OK>.</p> <p>Click on the Witnesses tab.</p>	<p>Investigation Worksheet for Abusive Language</p> <p>Description "Abusive Language" means verbal messages that use words in an inappropriate way and may include but is not limited to swearing, name-calling, or profanity.</p> <p>Elements Checklist <input type="checkbox"/> Offense committed meets the elements checklist below *</p> <p>A. Use words in an inappropriate way. B. May include but is not limited to: 1. Swearing; 2. Name calling; OR 3. Profanity.</p> <p>Comments</p> <p>Help OK</p>										
<p>8 Witnesses Tab</p>	<p>When the Witnesses tab appears, click on the <Add> button at the bottom of the screen.</p> <p>When the Incident Witness box appears, select Witness Type (Student or Staff) from the drop down menu then enter/search for a</p>	<p>Incident</p> <p>Incident Report Number School Farrington High</p> <p>Incident Offenses Witnesses Victims Suspects Notifications</p> <table border="1"> <thead> <tr> <th>Witness Type</th> <th>Witness Name</th> <th>Student ID</th> <th>Grade</th> <th>School</th> </tr> </thead> <tbody> <tr> <td colspan="5" style="height: 100px;"> </td> </tr> </tbody> </table> <p>Add Open Delete</p> <p>Help Save</p>	Witness Type	Witness Name	Student ID	Grade	School					
Witness Type	Witness Name	Student ID	Grade	School								

	<p>name.</p> <p>Enter a Witness Statement or click in the Statement on File box.</p> <p>Click <OK>.</p> <p>Click on the Victims tab.</p>	
<p>9 Victims Tab</p>	<p>When the Victims tab appears, click on the <Add> button at the bottom of the screen.</p> <p>When the Incident Victim box appears, select Victim Type (Student or Staff) from the drop down menu and enter/search for a</p>	

	<p>name.</p> <p>Click on the Offense(s) in the Offenses Committed Against Victim box and click the <Select> button. An X will appear under Victim.</p> <p>Enter a Victim Statement or click in the Statement on File box.</p> <p>Click <OK>.</p>	
<p>10 Suspects Tab</p>	<p>Click on the Suspects tab. When the Suspects tab appears, click on the <Add> button at the bottom of the screen.</p> <p>Enter/search for the name of the suspect.</p> <p>Select a Possible Motivation from the drop down menu.</p> <p>Enter a Suspect Statement or click the Statement on File box.</p>	

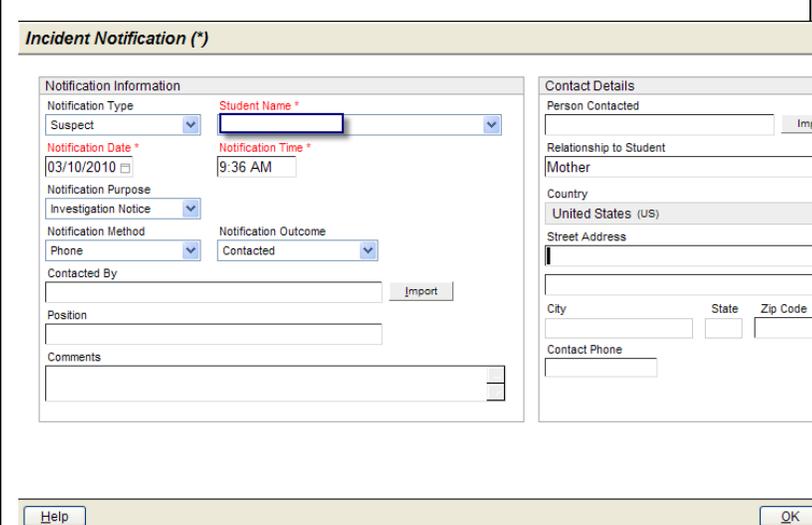
Hawaii Administrative Rules 8-19
January 2013

	<p>Click on the offense(s) in the Offenses box and click on the <Verify> button after verifying the incident.</p> <p>Click <OK>.</p> <p>Always remember to Click <Save>.</p>	 <p>Incident Suspect (*)</p> <p>Suspect Student Name * [Search] Q-</p> <p><input type="checkbox"/> Search All Schools <input type="checkbox"/> Include Inactive Students</p> <p>Offenses Police</p> <p>Possible Motivation * Avoid Tasks or Activities [Dropdown]</p> <p>Suspect Statement [Text Area]</p> <p><input checked="" type="checkbox"/> Statement on File</p> <table border="1"> <thead> <tr> <th>Offense</th> <th>Suspected</th> <th>Verified</th> </tr> </thead> <tbody> <tr> <td>A.Fighting</td> <td>X</td> <td>X</td> </tr> <tr> <td>A.Terroristic Threatening</td> <td>X</td> <td>X</td> </tr> <tr> <td>C.Abusive Language</td> <td>X</td> <td>X</td> </tr> </tbody> </table> <p>[Select] [Verify]</p> <p>[Help] [OK]</p>	Offense	Suspected	Verified	A.Fighting	X	X	A.Terroristic Threatening	X	X	C.Abusive Language	X	X
Offense	Suspected	Verified												
A.Fighting	X	X												
A.Terroristic Threatening	X	X												
C.Abusive Language	X	X												
<p>11 Police Tab</p>	<p>If applicable, click on the Police tab and complete this information.</p> <p>Click <OK>.</p>	 <p>Offenses Police</p> <p>Arrest Information</p> <p>Arrest Date [Calendar] Arrest Time [Time Picker]</p> <p>Police Officer Name [Text Field]</p> <p>Police Office Badge Number [Text Field]</p> <p>Arrest Notification</p> <p>Parent/Guardian Contacted Date/Time [Calendar]</p> <p>Parent/Guardian Contacted [Text Field] [Import]</p>												
<p>12 Notifications Tab</p>	<p>Click on the Notifications tab. When the Notifications tab appears, click on the <Add> button at the bottom of the screen.</p>	 <p>Incident</p> <p>Incident Report Number [Text Field] School [Dropdown] Farrington High</p> <p>Incident Offenses Witnesses Victims Suspects Notifications</p> <table border="1"> <thead> <tr> <th>Name</th> <th>Student ID</th> <th>Type</th> <th>Notification Purpose</th> <th>Notification Date</th> <th>Notification Method</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table> <p>[Add] [Open] [Delete]</p> <p>[Help] [Save] [Close]</p>	Name	Student ID	Type	Notification Purpose	Notification Date	Notification Method						
Name	Student ID	Type	Notification Purpose	Notification Date	Notification Method									

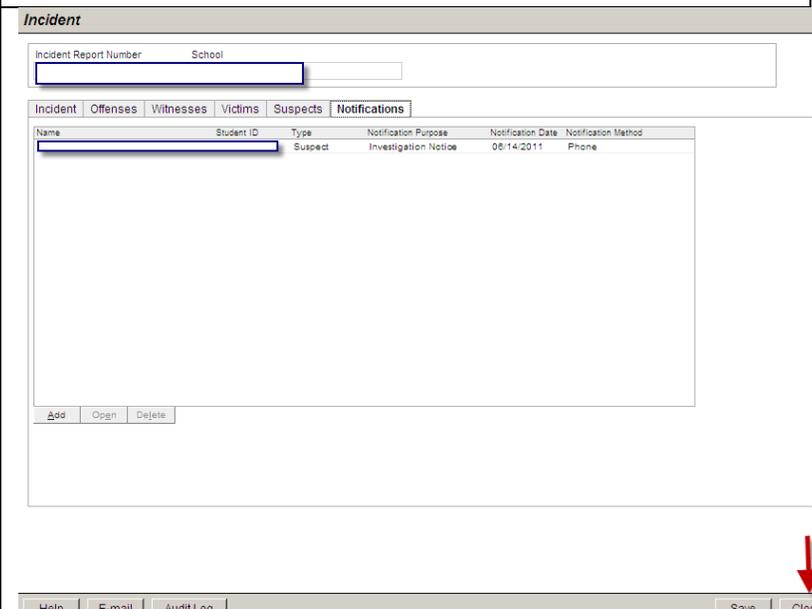
Select a **Notification Type** from the drop down menu (suspect or victim). Enter/search for a student.

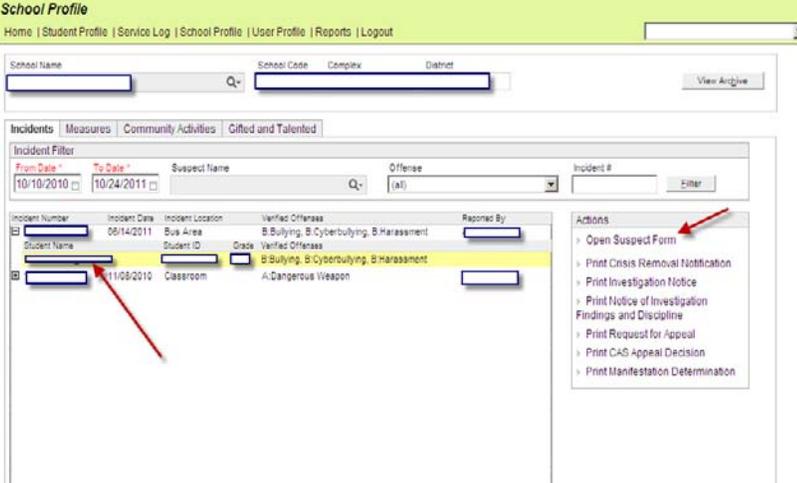
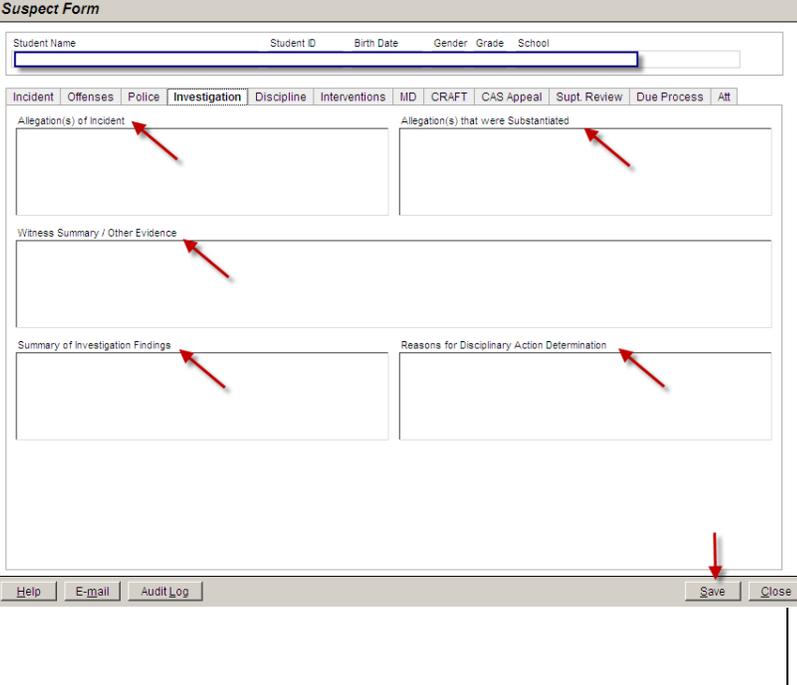
Notification Purpose: Select "Investigation Notice" to populate "Chapter 19 Confidential Investigation Notice" form.
Select "Crisis Removal" to populate Chapter 19 Confidential Crisis Removal Notification" form.

Complete information then click **<OK>**.



Once the **Notification tab** is completed, click **<Close>**.



<p>13 School Profile</p>	<p>School Profile appears.</p> <p>Click on Student Name (highlights in yellow), then click in Action box, <Open Suspect Form>.</p>	
<p>14 Investigation Tab</p> <p>Information entered will populate:</p> <ul style="list-style-type: none"> • Chapter 19 Confidential Investigation Notice and • Chapter 19 Confidential Investigations Findings & Discipline forms. 	<p>Click on Investigations tab and complete text fields for:</p> <ul style="list-style-type: none"> • Allegation(s) of Incident, Allegation(s) that were substantiated, • Witness/Victims/Suspect Summary/Other Evidence, • Summary of Investigation Findings, and • Reasons for Disciplinary Action Determination. <p>Be sure to click <Save>.</p>	

15
Discipline Tab

Click on **Discipline tab.**

Under **Disciplinary Action Summary**, select a disciplinary action from the drop down menu. Click on the **<Add>** button.

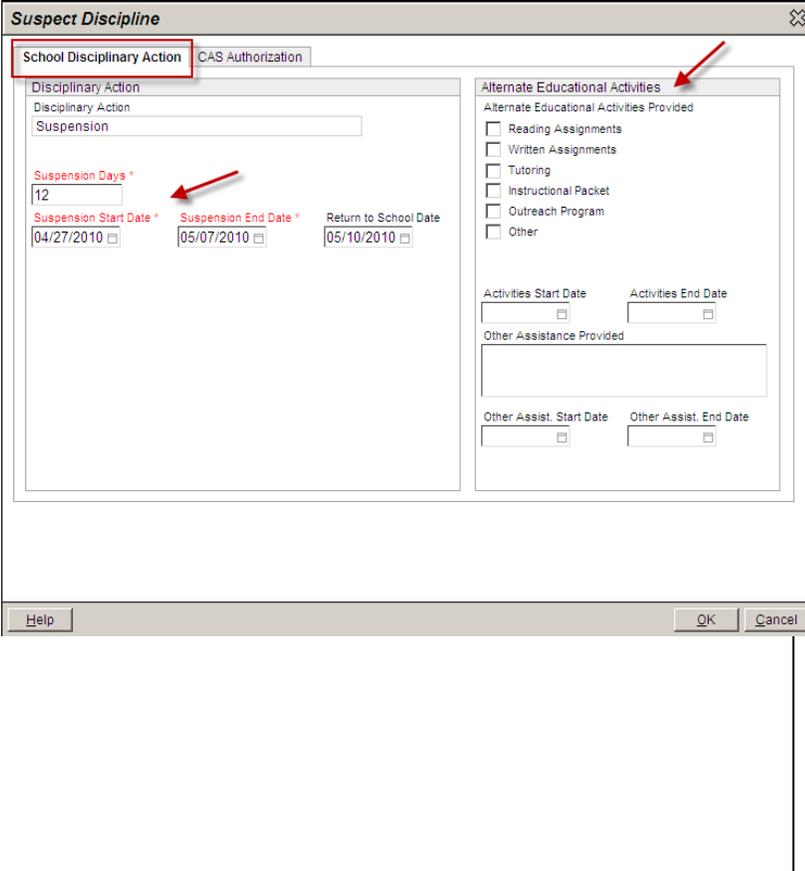
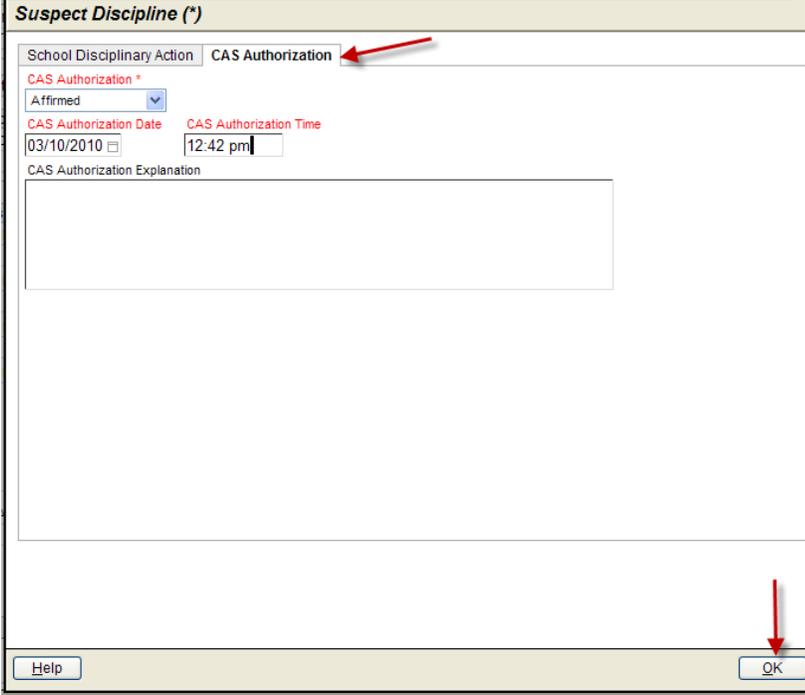
Enter: **Conference Date, Time, & Location** information. This information will populate Chapter 19 Confidential Investigation Notice form.

Remember to click **<Save>**.

When **<Add>** is clicked, different action modules associated with specific disciplinary actions will pop up.

If required fields are not completed, error messages will appear.

Complete information and click **<OK>**.

<p>16 Discipline Tab Suspension</p>	<p>If suspension is selected, action box to complete suspension days and start, end, and return to school dates will appear.</p> <p>If suspending for cumulative or consecutive 11+ school days or serious discipline need to obtain verbal authorization from Complex Area Superintendent before initiating disciplinary action. Also complete Alternate Educational Activities information.</p>	
<p>17 CAS Authorization</p>	<p>Click CAS Authorization tab. When module appears, complete:</p> <ul style="list-style-type: none">• CAS Authorization,• CAS Authorization Date, and• CAS Authorization Time information. <p>Click <OK>.</p>	

18
Discipline tab
Crisis
Removal

To enter a **Crisis Removal** incident, click **<Open>** in lower left corner to activate data fields.

Crisis Removal module appears, complete information and click **<OK>**.

If crisis removing for 11+ school days, the CAS Authorization module will automatically pop-up. Complete information and click **<OK>**.

Suspect Form (*)

Student Name Student ID Birth Date Gender Grade School

Incident Offenses Police Investigation Discipline Interventions MD CRAFT CAS Appeal Supt Review Due Process Att

Disciplinary Out-of-School Days for Incident
Total Disciplinary Out-of-School Days
0

Cumulative Disciplinary Out-of-School Days School Year Semester
Prior to Incident 0 0
Including Incident 0 0

Crisis Removal
Crisis Removal Days
Crisis Removal Start Crisis Removal End Date
Crisis Removal Return to School Date
Crisis Removal Description
CAS Authorization Status
Open

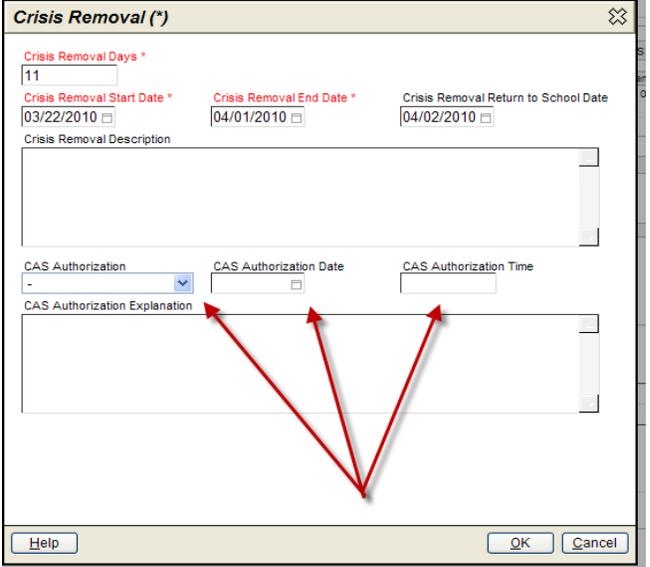
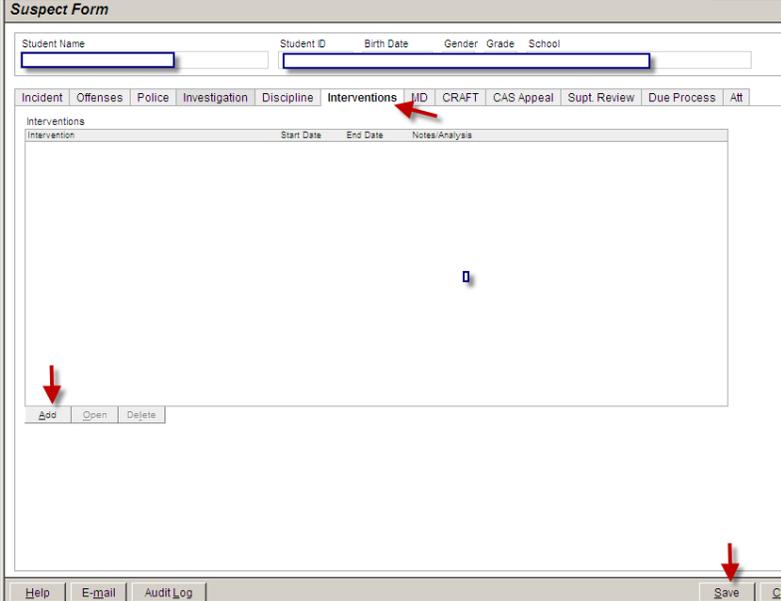
Disciplinary Action Summary
Add Disciplinary Action
Individualized Instruction Add
Disciplinary Action Days CAS Review Status
Individualized Instruction
Open Delete
Conference Date Conference Time Conference Location
Concurrent Disciplinary Action

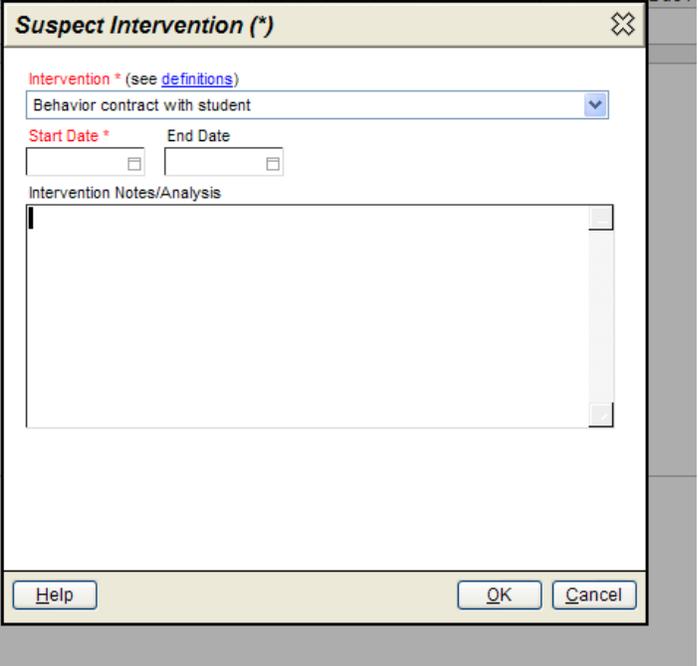
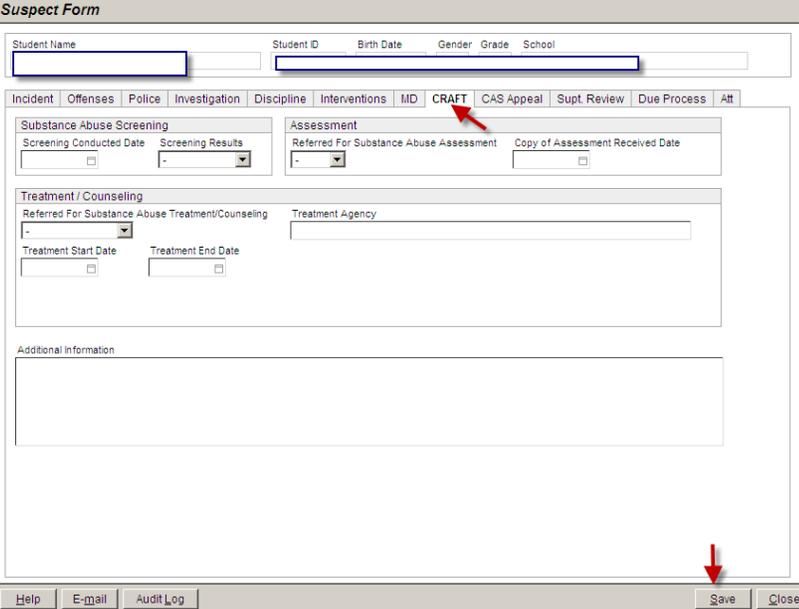
Help E-mail Audit Log Save Close

Crisis Removal

Crisis Removal Days
Crisis Removal Start Date Crisis Removal End Date Crisis Removal Return to School Date
Crisis Removal Description
In an emergency, clear immediate threat
Help OK Cancel

Hawaii Administrative Rules 8-19
January 2013

		
<p>19 Interventions Tab</p>	<p><u>For every disciplinary action, a behavioral intervention to teach appropriate behaviors must be instituted.</u> Click on Interventions tab and click on <Add> in lower left hand corner to activate fields.</p>	

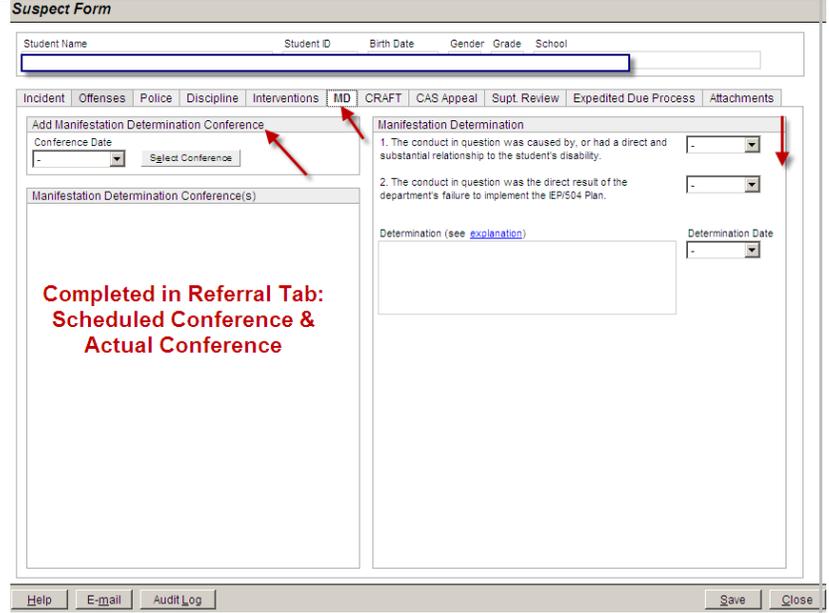
	<p>Interventions module appears. Select intervention type from pull down menu, indicate Start Date. Click <OK>.</p> <p>Return to Suspect Form, click <SAVE>.</p>	
<p>20 CRAFT Tab</p>	<p>If applicable, click on the CRAFT tab and complete this information if a student is in violation of the Chapter 19, Section 8-19-6 (c) for intoxicating substances and/or illicit drugs.</p> <p>Click on the <Save> button at the bottom of the screen.</p>	

**21
MD Tab
Conference
Information**

MD tab is located in Student Profile/
Suspect Form.

There are two parts of the MD documentation that must be completed:

1. Under **Manifestation Determination** module, complete “yes/no” response to MD questions.
2. Document Scheduled Conference and Actual Conference in **Referral tab.**

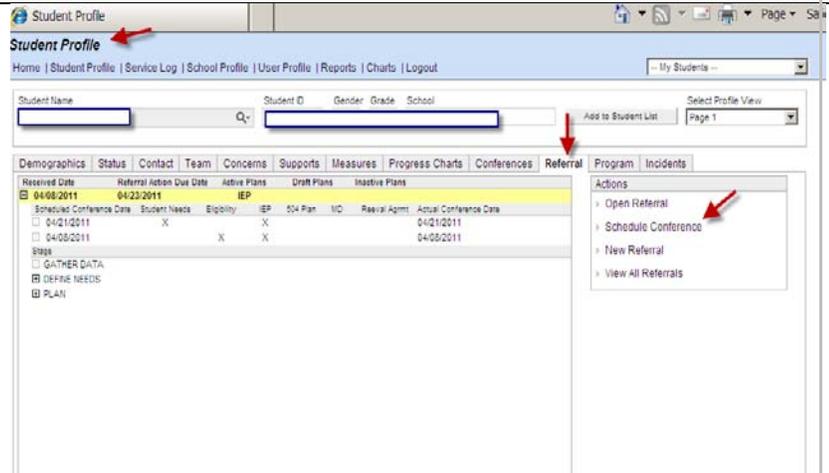


Click **Referral tab.**

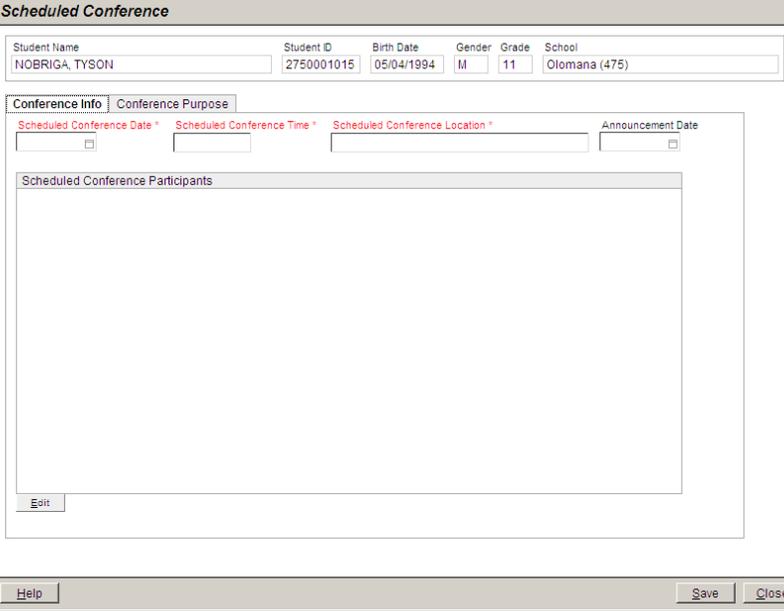
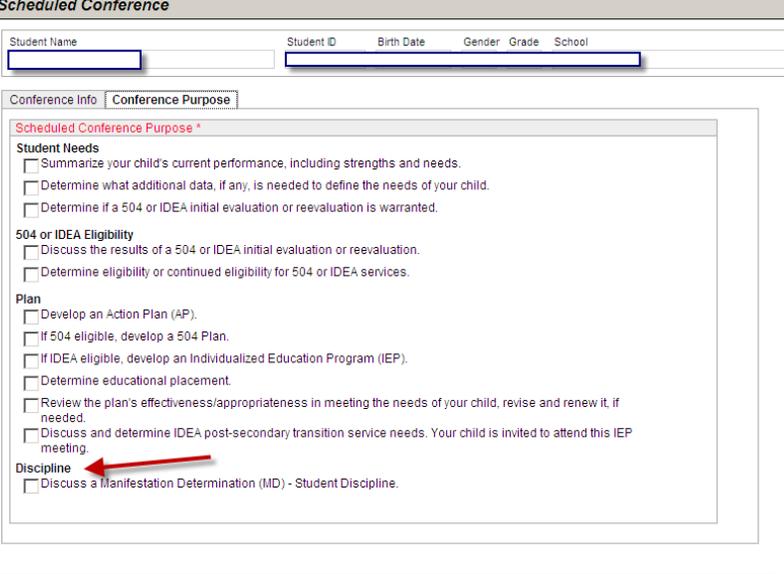
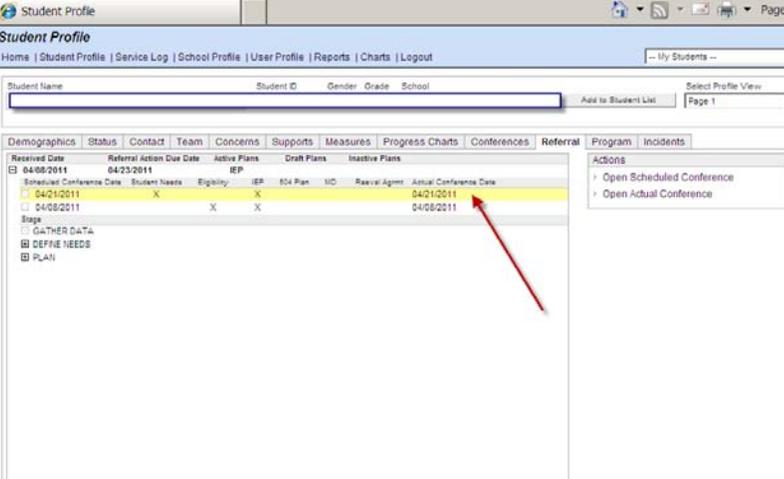
Click **Schedule Conference** in Action Box.

Click **Referral tab.**

Click **Schedule Conference** in Action Box.



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	<p>Complete data fields for Conference Info.</p> <p>Remember to click <SAVE>.</p>	
	<p>Complete data fields for Conference Purpose.</p> <p>Check off under Discipline – Discuss a Manifestation Determination (MD).</p>	
	<p>In Referral tab click IEP or Section 504 Plan scheduled conference date.</p> <p>Action Box with Actual Conference will appear.</p>	

Hawaii Administrative Rules 8-19
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Complete data fields
for **Actual
Conference.**

Remember to click
<SAVE>.

Actual Conference

Student Name _____ Student ID _____ Birth Date _____ Gender _____ Grade _____ School _____

Actual Conference Info | Scheduled Conference Info | Scheduled Conference Purpose

Actual Conference Date *
04/08/2011

Actual Conference Participants *

Name	Position	Admin/Designee	Excused
	IEP Teacher		
	Regular Education Teacher		
	Mother		
	Special Education Dept. Chair		
	Vice-Principal		
	DOH Care Coordinator		

Add Edit Non-Team Participant Set as Admin/Designee Remove

Actual Conference Purpose *

- Student Needs
- Agreement that Triennial Reevaluation is Unnecessary
- 504 or IDEA Eligibility
- Action Plan (AP)
- Individualized Education Program (IEP)
- 504 Plan
- Manifestation Determination (MD) - Student Discipline

Help Audit Log Save Close

Section 18

Chapter 19 Confidential Forms

Hawaii Administrative Rules 8-19
January 2013

Disciplinary Action	Chapter 19 Forms					
	Crisis Removal (1 page)	Investigation Notice (2 pages)	Investigation Findings & Discipline (2 pages)	Request for Appeal to CAS (2 pages)	Request for Appeal To Superintendent	Manifestation Determination (2 pages)
Crisis removing 1- 10 school days (Principal/ Designee authorization)	Principal/ Designee signature Copy to Parent & CAS					
Crisis removing 11+ school days (CAS authorization)	Principal/ Designee signature Copy to Parent & CAS					
Suspending 1-10 school days (Principal/ Designee authorization)		Principal/Designee signature Copy to Parent & CAS	Principal/Designee signature Copy to Parent & CAS			
Suspending 11+ school days (CAS authorization)		↑	↑	↑	↑	↑
Suspending cumulative 11+ school days (CAS authorization)		Principal/Designee signature Copy to Parent & CAS	Principal/Designee signature Copy to Parent & CAS	Print out and give to parent. Parent must complete & sign the form and deliver to complex area office.	Print out and give to parent when parent wants to appeal: 1. CAS's decision regarding Serious Discipline and suspensions exceeding ten school days or	Required for eligible IDEA & Section 504 students prior to initiating suspension over ten consecutive or cumulative school days or dismissal.
Disciplinary Transfer (CAS authorization)						
Dismissal (CAS authorization)		↓	↓	Complex Office date stamps form upon receipt from parent . ↓	2. Modification of the length of dismissal for firearm. ↓	↓

18. Chapter 19 Confidential Forms

Chapter 19 Confidential Crisis Removal Notification (page 1 of 2)

 <p>STATE OF HAWAII DEPARTMENT OF EDUCATION</p>	<p>CHAPTER 19 CONFIDENTIAL CRISIS REMOVAL NOTIFICATION</p>														
<p>To Parent of or Adult Student: _____</p> <p style="margin-left: 100px;">Student's Name _____</p> <p style="margin-left: 100px;">Mail Address _____</p> <p>School: _____ Grade: _____</p> <p>Student ID: _____ Date of Birth: _____</p> <p>Incident Date: _____ Incident Number: _____</p> <p>This is an official notification to inform you that your child has been "crisis removed" based on Hawaii Administrative Rules, Title 8, Department of Education, Chapter 19. As defined in Chapter 19 Section 8-19-2, "crisis removal" means the immediate exclusion of a student from school in an emergency, because the conduct of the student presents a clear, immediate threat to the physical safety of self or others, or the student is so extremely disruptive as to make the immediate removal of the student necessary to preserve the right of other students to pursue their education free from undue disruption.</p> <p>While a student is on "crisis removal" he/she is not allowed on any public school campus, or other department of education premises, on department of education transportation or during a department of education sponsored activity or event on or off school property during the specified interim. If a student appears on the department of education premises as cited above, he/she may be referred to the police for trespassing and/or subsequent consequences under Chapter 19.</p> <p>1. Description of crisis removal based on a clear, immediate threat or evidence that a student is so extremely disruptive as make the immediate removal of the student necessary or the immediate removal of the student is necessary to preserve the right of other students to pursue their education free from undue disruption:</p> <p>2. Allegation(s) of incident:</p> <p>3. Allegation(s) that were substantiated (list each offense):</p> <p>4. Disciplinary Action:</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-left: 20px;"> <thead> <tr> <th style="width: 15%;">Crisis Removal</th> <th style="width: 15%;">No. of School Days</th> <th style="width: 15%;">Start Date</th> <th style="width: 15%;">End Date</th> <th style="width: 15%;">Return to School Date</th> <th style="width: 15%;">No. of School Days Total Semester</th> <th style="width: 15%;">No. of School Days Total School Year</th> </tr> </thead> <tbody> <tr> <td> </td> </tr> </tbody> </table> <p>Police Arrest: <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>5. Conference Information: A conference has been scheduled for you to meet with a school administrator regarding this incident (section 8-19-7(c) (4)). Date: _____ Time: _____ Place: _____</p>		Crisis Removal	No. of School Days	Start Date	End Date	Return to School Date	No. of School Days Total Semester	No. of School Days Total School Year							
Crisis Removal	No. of School Days	Start Date	End Date	Return to School Date	No. of School Days Total Semester	No. of School Days Total School Year									

18. Chapter 19 Confidential Forms

Chapter 19 Confidential Crisis Removal Notification (page 2 of 2)

Page 2 of 2

	STATE OF HAWAII DEPARTMENT OF EDUCATION	CHAPTER 19 CONFIDENTIAL CRISIS REMOVAL NOTIFICATION				
<hr/>						
Student's Name	Student ID	Grade				
<hr/>						
School	Incident Date	Incident Number				
<hr/>						
6. Notification Information:						
				Notification		
Contact	Contacted By Name/Position	Person Attempted to Contact	Relationship to Student	Date/Time	Method	Outcome
No Attempts						
<hr/>						
Signature: _____						
Print Name		Principal/Designee			Date	

eCSSS
Confidential Crisis Removal Notification
Rev. 01/10

18. Chapter 19 Confidential Forms

Chapter 19 Confidential Investigation Notice (Page 1 of 1)

 <p>STATE OF HAWAII DEPARTMENT OF EDUCATION</p>	<p>CHAPTER 19 CONFIDENTIAL INVESTIGATION NOTICE</p>																	
<p>To Parent of or Adult Student: _____</p> <p style="margin-left: 100px;">Student's Name _____</p> <p style="margin-left: 100px;">Mail Address _____</p> <p style="margin-left: 100px;">School: _____ Grade: _____</p> <p style="margin-left: 100px;">Student ID: _____ Date of Birth: _____</p> <p style="margin-left: 100px;">Incident Date: _____ Incident Number: _____</p> <p>INVESTIGATION NOTICE (section 8-19-7.1, 8-19-8):</p> <p>(a) Immediately after making a crisis removal or whenever the principal or designee has reason to believe that a student has engaged in an activity warranting the imposition of a suspension, the principal or designee shall initiate a thorough investigation.</p> <p>(b) When conducting an investigation, the principal or designee shall make a good faith effort at the earliest point possible to inform the parent about the school's investigation. If after making reasonable attempts, the principal or designee is unable to contact the parent, the school may engage in and complete the investigation.</p> <p>(c) The principal or designee shall give to the parent notice of the findings against the student. If the student or parent denies the charge(s), the principal or designee shall indicate to the parent and the student the evidence to support the findings of the school official. The student or parent shall be given the opportunity to present the student's version of the incident.</p> <p>1. Notification Information:</p> <table border="1" style="width: 100%; border-collapse: collapse; text-align: center;"> <thead> <tr> <th rowspan="2">Contact</th> <th rowspan="2">Contacted By Name/Position</th> <th rowspan="2">Person Attempted to Contact</th> <th rowspan="2">Relationship to Student</th> <th colspan="3">Notification</th> </tr> <tr> <th>Date/Time</th> <th>Method</th> <th>Outcome</th> </tr> </thead> <tbody> <tr> <td>Attempt 1</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table> <p>2. Allegation(s) of Incident:</p> <p>3. Conference Information:</p> <p style="margin-left: 100px;">Date: _____ Time: _____ Place: _____</p> <p>Signature: _____</p> <p style="margin-left: 100px;">Print Name _____ Principal/Designee _____ Date _____</p>		Contact	Contacted By Name/Position	Person Attempted to Contact	Relationship to Student	Notification			Date/Time	Method	Outcome	Attempt 1						
Contact	Contacted By Name/Position					Person Attempted to Contact	Relationship to Student	Notification										
		Date/Time	Method	Outcome														
Attempt 1																		

18. Chapter 19 Confidential Forms

Chapter 19 Confidential Investigation Findings And Discipline (Page 1 of 2)

	STATE OF HAWAII DEPARTMENT OF EDUCATION	CHAPTER 19 CONFIDENTIAL NOTICE OF INVESTIGATION FINDINGS AND DISCIPLINE
<p>To Parent of or Adult Student: _____ Student's Name _____ Mail Address _____</p> <p>School: _____ Grade: _____ Student ID: _____ Date of Birth: _____ Incident Date: _____ Incident Number: _____</p>		
<p>INVESTIGATION REPORT (section 8-19-7.1 (b)): The principal or designee upon completion of the investigation, shall make a written report containing a brief summary of the testimony of witnesses interviewed, any other evidence relied upon, and the principal or designee's reason(s) for the initiation of disciplinary proceedings.</p>		
<p>1. Allegation(s) of incident:</p>		
<p>2. Allegation(s) that were substantiated (list each offense):</p>		
<p>3. Witness Summary/Other Evidence: (Provide a brief summary of each witness interviewed and any other evidence that substantiate(s) each offense(s))</p>		
<p>4. Summary of Investigation Findings:</p>		
<p>5. Manifestation Determination: For IDEA (Chapter 60) and section 504 (Chapter 61) eligible students, if he/she is being suspended for over 10 days at one time or cumulatively in a school year, a determination must be made whether the student's behavior resulted from the disability or an inappropriate program or placement, or both.</p>		
<p>For IDEA or Section 504 students only: Date of last completed I.E.P. or Modification Plan: _____ Date Manifestation Determination conducted: _____ The student's behavior _____ a manifestation of his/her disability.</p>		

18. Chapter 19 Confidential Forms

Chapter 19 Confidential Investigation Findings And Discipline (Page 2 of 2)

Page 2 of 2

	STATE OF HAWAII DEPARTMENT OF EDUCATION	CHAPTER 19 CONFIDENTIAL NOTICE OF INVESTIGATION FINDINGS AND DISCIPLINE				
<hr/>						
Student's Name	Student ID	Grade				
<hr/>						
School	Incident Date	Incident Number				
<hr/>						
6. Disciplinary Action:						
Recommended Disciplinary Action	School Days	Start Date	End Date	Return to School	Total Semester	Total Year
Suspension						
Dismissal						
Disciplinary Transfer						
Interim Alternative Educational Setting						
<p>Police Arrest: <input type="checkbox"/> Yes <input type="checkbox"/> No</p>						
<p>7. Reasons for Disciplinary Action Determination: Based on the investigation findings, the reason(s) for determining the above disciplinary action is/are:</p>						
<p>Signature: _____</p> <p style="text-align: center; font-size: small;"> Print Name Principal/Designee Date </p>						

eCSSS
 Confidential Notice of Investigation Findings
 Rev. 01/10

18. Chapter 19 Confidential Forms

Chapter 19 Confidential Request for Appeal To Complex Area Superintendent (Page 1 of 2)

Page 2 of 2

	STATE OF HAWAII DEPARTMENT OF EDUCATION	CHAPTER 19 CONFIDENTIAL REQUEST FOR APPEAL TO COMPLEX AREA SUPERINTENDENT
Student's Name _____ Student ID _____ Grade _____		
School _____ Incident Date _____ Incident Number _____		
2. Will be represented by legal counsel: <input type="checkbox"/> Yes <input type="checkbox"/> No		
If "yes": Name _____ Address _____ Phone _____		
3. Will be calling witness(es): <input type="checkbox"/> Yes <input type="checkbox"/> No		
If "yes," identify witness(es): Name/Position _____		
4. Will be submitting exhibit(s): <input type="checkbox"/> Yes <input type="checkbox"/> No		
Submitted By:		
Print Name _____ Relationship to Student _____		
Signature _____ Date _____		
For Complex Area Office Use Only:		
Date Appeal Form Received by Complex Area Superintendent: _____ Stamp Date _____		
Received By:		
Name _____ Position _____		

18. Chapter 19 Confidential Forms

Chapter 19 Confidential Request for Appeal To Complex Area Superintendent

(Page 2 of 2)

	STATE OF HAWAII DEPARTMENT OF EDUCATION	CHAPTER 19 CONFIDENTIAL REQUEST FOR APPEAL TO COMPLEX AREA SUPERINTENDENT
To: _____ Name of Complex Area Superintendent		
From: _____ Parent(s)		
Student's Name _____		
Mail Address _____		
School: _____ Grade: _____		
Student ID: _____ Date of Birth: _____		
Incident Date: _____ Incident Number: _____		
<p>According to Hawaii Administrative Rules, Title 8, Department of Education, Chapter 19, the parent or adult student has a right to appeal before the Complex Area Superintendent when the student is subject to Serious Discipline (dismissal, disciplinary transfers, and suspensions exceeding ten school days). The following procedure has been established for submitting an appeal, (section 8-19-9 (c) (5)).</p>		
<ol style="list-style-type: none">1. The appeal must be submitted in writing and received by the complex area superintendent by the close of business of the seventh school day from the date of the issued serious discipline notice.2. The student shall be permitted to attend the school of the student pending the appeal unless the principal finds the continued presence of the student creates a substantial risk to self or others or to the rights of other students to pursue their education free from disruption. However, the student shall not participate in any extracurricular activities, including but not limited to athletics, trips, or clubs.		
<p>By submission of the form, the student/parent requesting an appeal to the Complex Area Superintendent under the provisions of section 8-19-9 (c) (5), Hawaii Administrative Rules.</p>		
<p>If you are seeking an appeal to modify the dismissal based on the disciplinary action of a firearm violation, you must submit a written appeal directly to the Superintendent of Education. Please send a letter to the Superintendent of Education informing him/her of your request to modify the dismissal and your reason(s) why. This written appeal shall be delivered no later than seven (7) days from the date of the Principal's decision.</p>		
<p>This appeal form must be received by the Complex Area Superintendent by the seventh school day from the date of the serious discipline notice.</p>		
<p>To be completed by student/parent submitting appeal:</p>		
<ol style="list-style-type: none">1. Reason(s) for submitting appeal (i.e., a description of what findings or actions are being challenged):		

18. Chapter 19 Confidential Forms

Chapter 19 Confidential Request for Appeal To Superintendent (Page 1 of 2)

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Page 1 of 2

	STATE OF HAWAII DEPARTMENT OF EDUCATION	CHAPTER 19 CONFIDENTIAL REQUEST FOR APPEAL TO SUPERINTENDENT
<p>To: _____ Superintendent of Education or Designee</p> <p>From: _____ Parent/Legal Guardian</p> <p>Student's Name _____</p> <p>Mail Address _____</p> <p>School: _____ Grade: _____</p> <p>Student ID: _____ Date of Birth: _____</p> <p>Incident Date: _____ Incident Number: _____</p>		
<p>In accordance with Hawaii Administrative Rules (HAR), Title 8, Department of Education, Chapter 19, the parent or adult student has the right to appeal to the Superintendent:</p> <ol style="list-style-type: none">1. A decision rendered by the Complex Area Superintendent on matters relating to Serious Discipline (dismissal, disciplinary transfers, and suspensions exceeding ten school days) or2. For modification of the length of dismissal for firearms cases. <p>The following procedures have been established for submitting an appeal to the Superintendent, (HAR section 8-19-9(e)):</p> <ol style="list-style-type: none">a. The parent may appeal the decision of the complex area superintendent by providing, to the Superintendent of Education, a written notice of their appeal identifying the specific issues being appealed, a specific statement whether they are requesting a hearing, and any arguments with supporting documents and evidence the parent is asking the Superintendent to consider. The appeal must be submitted in writing and received by the Superintendent of Education within seven school days of the date of the complex area superintendent's decision.b. In a serious discipline appeal, the student shall be permitted to attend the school of the student pending the serious discipline appeal unless the complex area superintendent finds that continued presence of the student creates a substantial risk to self or others or to the rights of other students to pursue their education free from disruption. However, the student shall not participate in any extracurricular activities, including but not limited to athletics, trips, or clubs.c. In a firearm dismissal appeal, the student shall <u>not</u> be permitted to attend school during the pendency of the appeal nor shall the student be allowed to participate in any extracurricular activities, including but not limited to athletics, trips, or clubs. The student shall be given alternative education during the appeal process. <p>To be completed by adult student, parent, or legal guardian submitting appeal:</p> <ol style="list-style-type: none">1. Reason(s) for submitting appeal: (i.e., a description of what findings or actions are being challenged): <input type="checkbox"/> Serious Discipline <input type="checkbox"/> Firearm Dismissal2. I am requesting a hearing: <input type="checkbox"/> Yes <input type="checkbox"/> No		

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Confidential Request for Appeal to Superintendent

18. Chapter 19 Confidential Forms

Chapter 19 Confidential Request for Appeal To Superintendent (Page 2 of 2)

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	STATE OF HAWAI'I DEPARTMENT OF EDUCATION	CHAPTER 19 CONFIDENTIAL REQUEST FOR APPEAL TO SUPERINTENDENT
Student's Name	Student ID	Grade
School	Incident Date	Incident Number
a. Will be represented by legal counsel: <input type="checkbox"/> Yes <input type="checkbox"/> No		
If "yes": Name _____ Address _____ Phone _____		
b. Will be calling witness(es): <input type="checkbox"/> Yes <input type="checkbox"/> No		
If "yes" identify witness(es): Name/Position _____		
c. Will be submitting exhibit(s): <input type="checkbox"/> Yes <input type="checkbox"/> No (If yes, please note that exhibits must be submitted at least 10 calendar days before the hearing.)		
3. Other Information:		
Submitted by:		
Print Name	Relationship to Student	
Signature	Date	
For Superintendent's Office Use Only:		
Date Appeal Form Received by Superintendent's Office: _____ Stamp Date		
Received By:		
Print Name	Position	
Signature		

eCSSS
Confidential Request for Appeal to Superintendent

18. Chapter 19 Confidential Forms

Manifestation Determination Review (Page 1 of 2)

	STATE OF HAWAII DEPARTMENT OF EDUCATION	MANIFESTATION DETERMINATION REVIEW
<p>To Parent of or Adult Student: _____</p> <p>Student's Name _____</p> <p>Mail Address _____</p> <p>School: _____ Grade: _____</p> <p>Student ID: _____ Date of Birth: _____</p> <p>Incident Date: _____ Incident Number: _____</p>		
<p>For Chapter 60 (IDEA) and Chapter 61 (Section 504) eligible students: [34 C.F.R. Sec.300.530(e),H.A.R. Sec.8-60-75(c)]</p> <ul style="list-style-type: none">• A Manifestation Determination Review must be held within ten school days of any decision to remove the student from his/her current placement for more than 10 consecutive or cumulative days.• A Manifestation Determination MUST be held prior to the 11th day of suspension (including any crisis removal days) for an IDEA or Section 504 eligible student.• On the date on which the decision to take disciplinary action is made, parents must be notified of the disciplinary action and provided with a copy of: <p>Parent and Student Rights in Special Education OR Rights of Parents and Students Under Section 504, Subpart D.</p>		
<p>Manifestation Determination Meeting Date: _____ Participants: _____</p>		

