

**Agenda Item IV.B, Committee Action on reconsideration of Committee recommendation
of Board approval of Board Policy 305.4, Use of Force**
Finance and Infrastructure Committee Meeting
March 17, 2015

On February 17, 2015, the Finance and Infrastructure Committee recommended Proposed Board Policy 305.4, Use of Force for Board of Education ("Board") approval, with the following changes: (1) including the term "Department of Education" in the first sentence and adding a rationale at the end of the policy.

Since the Board's approval of the policy, an issue has arisen regarding the definition of the word "wrongdoing," which appears in the second paragraph, section 1. This section states that use and application of force is permissible "[t]o restrain a student from an act of wrongdoing."

The Committee now proposes to delete the phrase in section 1 that uses the term "wrongdoing" and amend section 2 of the same paragraph to read as follows: "[t]o quell a disturbance or restrain a student threatening physical injury to self or others[.]" Underlined language is added.

The changes the Committee is considering as a part of this reconsideration are shown on the following page.

POLICY 305.4**USE OF FORCE**

An individual who is a Department of Education teacher, administrator, school employee, or school volunteer may, within the scope of that person's employment, including involvement in co-curricular activities and athletics, use and apply such amount of force as is reasonable and necessary to accomplish the following purposes:

~~1. To restrain a student from an act of wrongdoing;~~

~~21.~~ To quell a disturbance or restrain a student threatening physical injury to self or others;

~~32.~~ To obtain possession of weapons or other dangerous objects which are within the control of a student;

~~43.~~ For the protection of self, others or public property; and

~~54.~~ To implement a therapeutic behavioral plan as prescribed in a student's Individualized Education Plan or Section 504 Modification Plan.

An act of a teacher or other staff member shall not be considered child abuse if the act was performed in good faith and in compliance with Board policies and Department regulations. Such acts shall not be construed to constitute corporal punishment. Physical pain or discomfort caused by athletic competition or other recreational activities voluntarily engaged in by the student is not corporal punishment.

Within a reasonable time after a teacher or other staff member uses force or physical intervention with a student, the teacher or other staff member shall report the incident to the principal or the principal's designee. The principal or the principal's designee shall notify the student's parents or guardians of the incident.

Rationale: Maintaining an orderly, safe environment conducive to learning is an expectation of all staff members of the Hawaii public education system. When their actions comply with state statutes governing physical restraint of students, staff members shall have the full support of the Board of Education in their efforts to maintain a safe environment.

Approved: 4/18/02