



The Judiciary, State of Hawai‘i

Testimony to the Senate Committee on Ways and Means

Senator Donovan M. Dela Cruz, Chair

Senator Gilbert S.C. Keith-Agaran, Vice Chair

Thursday, April 5, 2018

10:30 a.m.

State Capitol, Conference Room 211

By

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Deputy Chief Judge, Senior Family Judge

Family Court of the First Circuit

WRITTEN TESTIMONY ONLY

Bill No. and Title: House Bill No. 2176, H.D.2, S.D.1, Relating to Education

Purpose: Appropriates funds to fund existing alternative learning centers or alternative learning schools, a new alternative learning school within the Nanakuli-Waianae school complex area, the planning and designing of alternative learning schools in each of the remaining school complex areas across the State, and one full-time equivalent (1.0 FTE) position to be the director of alternative schools. Takes effect on 7/1/2050. (SD1)

Judiciary's Position:

The Judiciary submits this testimony in strong support of this bill authorizing and funding alternative learning centers or alternative learning schools, to be developed by the Department of Education (DOE).

For many and varied reasons, many of which are outside the control of the students, at-risk youth and youth in the juvenile justice system are not well equipped to succeed in the traditional school setting. Often their younger years have been shaped by traumatic life



experiences, dysfunctional family systems, continuing neglect and abuse, and lack of school readiness skills. Much of these early experiences result in short attention spans, impulsive behaviors, difficulty managing anger and frustration, and dissociative coping behaviors. Many are also laboring under undiagnosed or misdiagnosed psychological or educational disabilities. As a result, the youth are unable to succeed and experience repeated failures, despite their best efforts and the best efforts of their teachers in traditional settings.

In the past, alternative schools have been developed and were successful. The Family Court worked closely with such schools to refer appropriate students and then to support those students by augmenting their court orders with individual and/or family counseling. We also worked closely with the alternative schools to ensure student accountability through probation incentives and court reviews and appropriate court sanctions.

The DOE already provides two models of successful alternative schools in the programs that they administer in Hale Ho'omalulu (the detention home) and the Hawaii Youth Correctional Facility. These two schools are prime examples of flexible curricula, motivated experienced teachers who are invested in every single student, individualized learning goals, and close attention to bridging the youth to mainstream traditional schooling in the future. Despite the circumstances that placed the youth in these two facilities, they are indeed fortunate to receive such care.

This bill places confidence in the DOE to adequately meet the needs of this special population. The funds invested in this program will assist the youth in concrete ways and will maximize their chances to develop into healthy and contributing members of this community, thereby repaying the community's investment.

Thank you for the opportunity to submit testimony on this bill.

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THE HONORABLE DONAVAN M. DELA CRUZ, CHAIR
SENATE COMMITTEE ON WAYS AND MEANS
Twenty-Ninth State Legislature
Regular Session of 2018
State of Hawai'i

April 5, 2018

RE: H.B. 2176; RELATING TO EDUCATION.

Chair Dela Cruz, Vice-Chair Keith-Agaran and members of the Senate Committee on Ways and Means, the Department of the Prosecuting Attorney of the City and County of Honolulu ("Department") **strongly supports** H.B. 2176, H.D. 2, S.D. 1, **with two suggested amendments**.

The purpose of H.B. 2176, H.D. 2, S.D. 1, is consistent with this Department's ongoing concern for at-risk youth, as reflected in our efforts to submit and support prior bills dealing with alternative learning centers and/or alternative learning schools [S.B. 419 (2013), H.B. 237 (2013), H.B. 1461, (2015), S.B. 2110 (2016) and H.B. 1666 (2016)]. Over the years, increases in juvenile crime have prompted various business groups to request assistance in curbing crime against their establishments, and the Department has seen increasing incidents where the juvenile offenders are as young as 12 years old. Many of these juvenile offenders are excluded (primarily through their own doing) from the traditional public education system, which only worsens the problem and may increase the chances of future involvement in the criminal justice system. While there has been an increasing desire to divert juveniles from detention or formal prosecution, to attend alternative programs, there are still very few programs available to juvenile offenders in Hawaii—or those most at risk of becoming juvenile offenders—often leaving them with little or no meaningful alternatives.

H.B. 2176, H.D. 2, S.D. 1, appears to provide for a multi-faceted approach to supporting the Department of Education's ("DOE") existing "alternative learning centers" ("ALC") program, while simultaneously developing an "alternative learning schools" ("ALS") program. Based on our understanding, the DOE's current ALC system allocates funds to all public high schools in Hawaii, to provide specialized programs and/or curriculum to youth identified by their home-schools as severely alienated or at-risk. At this time, however, there does not appear to be any consistency or structure to how these funds are utilized. While some schools choose to pool

their funds to establish substantial, standalone “alternative schools” (our term, not DOE’s)--such as the High Core program (located in Wahiawa, Oahu)--other schools choose to run their own small programs on-campus, or follow other models, with varying success.

While the Department understands that every school / complex has unique circumstances and demographics, we strongly believe that establishing standalone “alternative schools” holds a strong advantage to other models, by temporarily removing at-risk youth from their “usual” school campus, usual peers and usual environment, in which—or among whom—they were noticeably struggling. Standalone “alternative schools,” or alternative learning schools, such as High Core, provide a non-traditional education that addresses each individual student, with a goal to reduce or prevent student dropout, and get students back-on-track to return to their home-schools, better equipped to excel in that environment and curriculum.

In addition to academics, High Core provides its students with a learning environment that is better-suited to their needs, and helps them to develop appropriate socio-emotional competencies and other self-development through guidance and counseling activities. Within this unique setting, students receive individualized attention and can acquire the skills and tools that they may not have been able to learn (or internalize) otherwise, and without which they would be very unlikely to succeed in our mainstream school system.

We would point out that the High Core program—again, just one example—reintegrates 100% of its students back to their originating home-schools. So while these students are temporarily removed from the environment that got them to where they are—meaning, the point of needing ALC intervention in the first place—they all return to learn and work side-by-side with the rest of their class, but better-equipped to do so.

With regards to the specific provisions of H.B. 2176, H.D. 2, S.D. 1, the Department would **strongly recommend that both the terms “alternative learning center” and “alternative learning school” be defined**, to indicate a clear distinction between the DOE’s current ALC system and (what we believe is) the ultimate goal of establishing an ALS system. We also urge the committee to **expand Section 3 of this bill, to provide for a comprehensive study** of all existing ALC programs statewide—with a mandatory report to the Legislature—to provide an in-depth, school-by-school, complex-by-complex, assessment of what is working (by whatever standards are deemed appropriate by the Legislature and/or the DOE), to what extent, and how that can be improved upon and/or successfully applied to other schools or complexes. We also support the inclusion of “planning and designing of alternative learning schools” as part of that study/report.

While our Department's primary role is to prosecute juvenile and criminal cases within the justice system, our overarching focus is on public safety for the community, and that starts with prevention and education. If a sufficient number of alternative learning schools—like High Core—were developed and implemented, the Department strongly believes that many more at-risk youth could be “diverted” before they ever become part of the juvenile justice system, and certainly before they ever reach the criminal justice system.

For all of the foregoing reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu strongly supports H.B. 2176, H.D. 2, S.D. 1. Thank you for the opportunity to testify on this matter.

HB-2176-SD-1

Submitted on: 4/2/2018 6:58:01 PM

Testimony for WAM on 4/5/2018 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Benton Kealii Pang, Ph.D.	Individual	Support	No

Comments: