



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

Date: 02/01/2017
Time: 02:00 PM
Location: 309
Committee: House Education

Department: Education

Person Testifying: Kathryn S. Matayoshi, Superintendent of Education

Title of Bill: HB 0307 RELATING TO ALTERNATIVE JUVENILE EDUCATION.

Purpose of Bill: Appropriates funds to the department of education for two alternative schools to provide ongoing education to juveniles involved in the justice system or at-risk of involvement in the justice system. Appropriation.

Department's Position:

The Department of Education (Department) supports the intent of HB 307 to provide ongoing education to juveniles involved in the justice system or at risk of involvement in the justice system for Alternative Learning Centers (ALCs) in Leeward Oahu and Honolulu districts.

Respectfully, it would be the Department's preference to expand programmatic services across all complex ALCs for at-risk youth to ensure that they have access to appropriate educational and support services in an alternative learning center.

Currently, existing appropriated funds are allocated to complex areas. Complex area superintendents and principals collaborate and identify how to best serve their target juvenile population in their school community.

We appreciate that the bill recognizes the need for an additional general fund appropriation to assist with the effective implementation of this measure. The Department requests that the implementation of HB 307 would not replace or adversely impact priorities indicated in our Executive Budget.

Thank you for the opportunity to provide testimony on this measure.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-NINTH LEGISLATURE, 2017**

ON THE FOLLOWING MEASURE:

H.B. NO. 307, RELATING TO ALTERNATIVE JUVENILE EDUCATION.

BEFORE THE:

HOUSE COMMITTEE ON EDUCATION

DATE: Wednesday, February 1, 2017 **TIME:** 2:00 p.m.

LOCATION: State Capitol, Room 309

TESTIFIER(S): Douglas S. Chin, Attorney General, or
Anne T. Horiuchi, Deputy Attorney General

Chair Takumi and Members of the Committee:

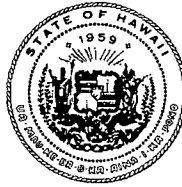
The Department of the Attorney General provides the following comments.

The purpose of this bill is to appropriate funds to the Department of Education for two alternative schools to provide ongoing education to juveniles involved in the justice system or at-risk of involvement in the justice system

This bill might be subject to challenge as being in violation of article III, section 14, of the Hawaii Constitution. Under article III, section 14, "Each law shall embrace but one subject, which shall be expressed in its title." The title of this bill is "Relating to Alternative Juvenile Education." However, the alternative schools proposed by the bill would be available to individuals who are not considered juveniles, but rather adults. Under section 571-2, Hawaii Revised Statutes (HRS), an "adult" is defined as "a person eighteen years of age or older." Under section 302A-1134(c), HRS, regular education students are eligible to attend public school until the age of 20, and individuals eligible under the Individuals with Disabilities Education Act are eligible to attend public school until the age of 22. Therefore, the alternative school participants could be older than what is considered a juvenile.

To address these concerns, we recommend utilizing another bill with an appropriate title that encompasses the subject of the bill.

Thank you for the opportunity to provide comments.



STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES
OFFICE OF YOUTH SERVICES
707 Richards Street, Suite 525
Honolulu, Hawaii 96813

January 31, 2017

TO: The Honorable Roy Takumi, Chair
House Committee on Education

FROM: Merton Chinen, Executive Director

SUBJECT: **HB 307, Relating to Alternative Juvenile Education**

Hearing: Wednesday, February 1, 2017, 2:00 p.m.
State Capitol, Conference Room 309

OFFICE'S POSITION: OYS defers to DOE regarding this measure, and offers the following comments:

- Research suggests that segregating youth at risk from the school campus may not be effective, and can contribute to “deviant peer contagion”, negatively impacting youth in multiple ways.
- Research has shown that mixing youth classified as high and low risk may also have detrimental effects on the low risk youth.
- OYS strongly supports a balanced and multi-prong approach to strengthen protective factors and improve academic outcomes for youth at risk, including supporting classroom programs that build social competence and provide positive behavior support; improved training in behavior management for teachers; proactive prevention programs that help support students experiencing problems in the school setting.

PURPOSE: The purpose of the measure is to appropriate funds to the Department of Education for two alternative schools to provide for operational costs to provide therapeutic prevention and mental health programs for high risk youth.

Thank you for the opportunity to present this testimony.

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

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CHRISTOPHER D.W. YOUNG
FIRST DEPUTY PROSECUTING ATTORNEY



THE HONORABLE ROY M. TAKUMI, CHAIR
HOUSE COMMITTEE ON EDUCATION
Twenty-Ninth State Legislature
Regular Session of 2017
State of Hawai'i

February 1, 2017

RE: H.B. 307; RELATING TO ALTERNATIVE JUVENILE EDUCATION.

Chair Takumi, Vice-Chair Har and members of the House Committee on Education, the Department of the Prosecuting Attorney of the City and County of Honolulu ("Department") **strongly supports** H.B. 307. In 2013, our Department worked closely with the Department of Education ("DOE") to develop language that would meet their needs in this regard. H.B. 307 contains that same language (with relevant dates updated).

The purpose of H.B. 307 is consistent with this Department's ongoing concern for at-risk youth, as reflected in our efforts to submit similar bills [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. At the same time, the Family Court has implemented a program called Juvenile Detention Alternative Initiative, in which juveniles are (ideally) diverted from detention to attend alternative programs. Yet there continue to be very few programs available to juvenile offenders in Hawaii, often leaving them with little or no meaningful alternatives.

While the purpose of H.B. 307 is to establish an alternative school program for juveniles involved in the justice system, it is our understanding that the DOE currently maintains a number of "alternative learning centers" that serve this general purpose. That said, more programs are desperately needed, and the Department strongly believes that **two (2) additional "alternative schools" are needed** to adequately service our at-risk youth. We defer to the DOE regarding exactly what would be entailed or necessary to implement these additional alternative schools,

but we highly recommend looking at the DOE's "High Core Program"—formerly known as Storefront School—which is located in Wahiawa.

Alternative schools such as High Core provide a non-traditional education that addresses each individual student. Students who are identified by their home-schools as severely alienated or at-risk are enrolled in the alternative school, with a goal to reduce or prevent student dropout in the school district. 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.

Although 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 programs 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, or the criminal justice system.

For all the reasons above, the Department of the Prosecuting Attorney of the City and County of Honolulu strongly supports H.B. 307. Thank you for the opportunity to testify on this matter.

ALTERNATIVE JUVENILE EDUCATION
Public Hearing on House Bill 307
February 01, 2017
2:00PM Rm 309

Good morning, my name is Kawika Miranda. I am a student of the Myron B Thompson school of Social Work at Manoa, entering into my final semester of my master's degree.

I want to thank Chairman Takumi, and Chair-women Har, and fellow members of the Education committee for the opportunity to speak to you today about House Bill 307.

House Bill 307 offers a great opportunity for students whom are failing in high school, or whom are lacking the basic guidance needed to navigate through the public or private school sector(s). House Bill 307 also gives attention to two main parts of the island where these potential schools will be located; Leeward and the Honolulu area(s).

Why should House Bill 307 be adopted? My Social Work colleagues and I, as well as other social workers look at education in a unique way and understand the specific challenges of this population and environment. Understanding where the student(s) is coming from, why he or she is failing, and how they are able to learn outside the non-traditional schooling is very important and should be addressed.

Understanding patterns and the way of life for many of the failing students in a holistic view can ultimately give insight to the needs and wants of the student, but more importantly to the program design. Empowering the youth to serve their communities through; character building, service-learning, and environmental stewardship opportunities that encourage Pono (integrity) with Akua (God), self, and others.

As a social worker, I have worked with many at-risk youth as well as programs designed for that specific population. I have come to understand that not everyone is made for the traditional in class learning. At-risk youth whom I have worked with through programs like the proposed House Bill 307, have had great success and many students that have gone through the proper steps of the programs have not only received their high school diplomas, but also have obtained jobs prior to finishing the program. Needless to say, it's important to understand that the needs are great for students whom don't fit into the traditional settings of school.

I believe that House Bill 307 takes a step forward to ensure a future where quality education can be offered in different ways and locations. I urge you to report out the bill for consideration by the House.

Thank you for your time...

University of Hawaii at Manoa
2500 Campus Rd, Honolulu HI 96822
808-823-9771



COMMITTEE ON EDUCATION

Rep. Roy M. Takumi, Chair
Rep. Sharon E. Har, Vice Chair

DATE: Wednesday, February 1, 2017
TIME: 2:00 PM
PLACE: Conference Room 309

Dear Honorable Committee Members,

Opposition to HB307 – Relating to Alternative Juvenile Education

We strongly oppose this measure to segregate juveniles who are involved with, or at “high-risk of being involved with, the justice system from law abiding youth, and from mainstream education. This bill would increase Hawai’i’s current *pipeline to prison* problem.

University of Maryland criminal justice professor, Denise Gottfredson is a nationally recognized expert in *juvenile delinquency* and *school-based delinquency prevention*, which she has extensively researched and found: “There is significant risk of increased criminality in grouping delinquent youth together in schools and programs. The effects of grouping high risk youths together for programming has been extensively studied and found to have the potential to increase criminality (Dishion, McCord, and Poulin, 1999)” (personal email to Lorenn Walker, February 15, 2016).

Youth have excellent rehabilitation prospects. Research (unlike alternative facts) confirms: “The vast majority of juvenile offenders, even those who commit serious crimes, grow out of antisocial activity as they transition to adulthood. Most juvenile offending is, in fact, limited to adolescence” (OJJDP Bulletin, March 2015, *Psychosocial Maturity and Desistance From Crime in a Sample of Serious Juvenile Offenders*, p. 1 <http://www.ojjdp.gov/pubs/248391.pdf>).

Instead of interventions that can increase juvenile criminality, please eliminate *zero tolerance* at schools and fund meaningful mainstream education for all youth.

I am executive director of Hawai’i Friends of Restorative Justice a 30+ year old non-profit dedicated to improving our justice system. When we incorporated in 1980 our first project was a *Street Law* pilot for juveniles under family court supervision. In 2000, we provided a pilot diversion project that UNICEF cites with models of juvenile restorative programs http://www.unicef.org/tdad/index_56513.html. We have worked youth in family court, Hawai’i Youth Correctional Facility, homeless and foster youth, and youth whose parents are imprisoned. Most of our work is published and widely disseminated nationally and abroad.

Additionally, I have personally been on the board of directors for the Central O’ahu Youth Services Association (COYSA) for over 30 years. The late Ed Tonaki founded the original high core alternative high school Storefront, and COYSA as housing for at-risk youth, including those who attended Storefront. While I love and deeply admire the people who work at high core with all my heart, the alternative school model is outdated, and can increase juvenile criminality.

Mahalo for your public service. Please contact me at (808) 218-3712 and lorenn@hawaiiifriends.org for any questions or comments about our work and our strong opposition to this bill.

Aloha, Lorenn Walker, JD, MPH

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Elizabeth Naholowa`a Murph

COMMUNITY ALLIANCE ON PRISONS

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COMMITTEE ON EDUCATION

Rep. Roy Takumi, Chair

Rep. Sharon Har, Vice Chair

Wednesday, February 1, 2016

2:00 p.m.

Room 309

OPPOSE HB 307 - ALTERNATIVE SCHOOLS

Aloha Chair Takumi, Vice Chair Har and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative promoting smart justice policies in Hawai'i for two decades. This testimony is respectfully offered on behalf of the approximately 6,000 Hawai'i individuals living behind bars or under the "care and custody" of the Department of Public Safety on any given day. We are always mindful that approximately 1,400 of Hawai'i's imprisoned people are serving their sentences abroad thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Native Hawaiians, far from their ancestral lands.

Community Alliance on Prisons is in **OPPOSITION** to HB 307 that appropriates funds to the department of education for two alternative schools to provide ongoing education to juveniles involved in the justice system or at-risk of involvement in the justice system.

Greasing the school to prison pipeline is not the direction we should be taking with our youth who are trying to navigate the world. While mainstreaming students is the trend happening across the continent, this bill is proposing to do the opposite. It brands our youth with a stigma they carry with them, sometimes forever.

We have spoken to teachers, social scientists, psychologists and people in the community and have reviewed research on alternative schools. Alternative schools are a thing of the past. In fact, it has been shown that grouping at-risk youth together only increases the likelihood of criminality, thus we find it interesting that this bill is part of the prosecutor's package.

A Social Policy Report - *Giving Child and Youth Development Knowledge Away* made these recommendations and conclusions from their report¹:

¹ **Deviant Peer Influences in Intervention and Public Policy for Youth**, Kenneth A. Dodge, Thomas J. Dishion, and Jennifer E. Lansford, 2006. <http://eric.ed.gov/?id=ED521749>

“Recommendations

Three sets of recommendations result from this review of the research.

*The first recommendation is to increase the **use of scientific evidence** about peer aggregation effects in making decisions about funding of programs for youth.*

*The second recommendation is to **identify empirically validated intervention principles** that are both cost-effective **and do not involve aggregating deviant youth.***

*The final recommendations address ways of minimizing deviant peer contagion in **interventions that do involve aggregation of deviant youth.***

Conclusions and Implications

*...In many respects, the entire conceptualization of interventions, policies, and services needs reform. Rather than a medical model of youth illness and after-the-fact treatment of youth deviance or a moral model that justifies retribution toward deviant youth, a new model that emphasizes the cultural and developmental context of deviant behavior may be more appropriate. This new model will rely on education and socialization of all children, every day from birth through adulthood. More appropriate analogies than medical care may be preventive dentistry and education. Thus, **interventions that are effective for reducing deviant peer contagion and improving outcomes are likely to be long-term strategies that follow youth through development in the context of normative institutions.***

*It is clear from this report that simple good intentions to benefit youth are not sufficient. We have learned, once again, the **necessity of scientific rigor in studying the impact of interventions**, addressing the complexity of possible outcomes, and understanding the dynamics of human behavior.”*

On January 29th, I moderated a discussion with the Chief Judge of Family Court and a youth service provider, Marimed Fdn. after a screening of “*They Call Us Monsters*” a powerful new film about the Compound, the section of Sylmar Detention Center in Los Angeles for high-risk youth. The judge said that the youth in the film are not the youth that we have in our facilities – we have youth desperately in need of services...ongoing services and the funding must be continuous to provide these services. When imprisoning a youth costs \$190,000-\$210,000 a year, we know that there are more and better ways to address the challenges our youth are facing that are more effective and less costly. Youth are amenable to rehabilitation and positive mentoring.

The Pathways to Desistance study² followed more than 1,300 serious juvenile offenders for 7 years after their conviction. In this bulletin, the authors present key findings on the link between psychosocial maturity and desistance from crime in the males in the Pathways sample as they transition from mid-adolescence to early adulthood (ages 14–25):

² Psychosocial Maturity and Desistance From Crime in a Sample of Serious Juvenile Offenders, Laurence Steinberg, Elizabeth Cauffman, and Kathryn C. Monahan, March 2015, Highlights, page 1. <https://www.ojjdp.gov/pubs/248391.pdf>

HIGHLIGHTS:

- *Recent research indicates that youth experience protracted maturation, into their midtwenties, of brain systems responsible for self-regulation. This has stimulated interest in measuring young offenders' psychosocial maturity into early adulthood.*
- *Youth whose antisocial behavior persisted into early adulthood were found to have lower levels of psychosocial maturity in adolescence and deficits in their development of maturity (i.e., arrested development) compared with other antisocial youth.*
- *The vast majority of juvenile offenders, even those who commit serious crimes, grow out of antisocial activity as they transition to adulthood. Most juvenile offending is, in fact, limited to adolescence.*
- *This study suggests that the process of maturing out of crime is linked to the process of maturing more generally, including the development of impulse control and future orientation.*

Community Alliance on Prisons urges the committee to hold this bill and in these uncertain times, let's use our precious resources on things that work. Labelling people has never been a strategy that works. The research is clear. We all are up close and personal now to see how marginalizing, stigmatizing and branding people is not a pathway toward peace.

As Marian Wright Edelman put it so eloquently:

*"The question is not whether we can afford to invest in every child,
it is whether we can afford not to."*

Mahalo for this opportunity to testify.

HAWAII YOUTH SERVICES NETWORK

677 Ala Moana Boulevard, Suite 904 Honolulu, Hawaii 96813

Phone: (808) 489-9549

Web site: <http://www.hysn.org> E-mail: info@hysn.org

Rick Collins, President

Judith F. Clark, Executive
Director

Bay Clinic

Big Brothers Big Sisters of
Hawaii

Bobby Benson Center

Central Oahu Youth Services
Association

Child and Family Service

Coalition for a Drug Free Hawaii

Domestic Violence Action Center

EPIC, Inc.

Family Programs Hawaii

Family Support Hawaii

Hale Kipa, Inc.

Hale 'Opio Kauai, Inc.

Hawaii Student Television

Ho'ola Na Pua

Hui Malama Learning Center

Kokua Kalihi Valley

Life Foundation

Marimed Foundation

Maui Youth and Family Services

P.A.R.E.N.T.S., Inc.

Parents and Children Together
(PACT)

Planned Parenthood of the
Great Northwest and
Hawaiian Islands

Salvation Army Family

Intervention Services

Sex Abuse Treatment Center

Susannah Wesley Community
Center

The Catalyst Group

Uhane Pohaku Na Moku

O Hawai'i

Waikiki Health

January 31, 2017

Rep. Roy Takumi, Chair

And members of the Committee on Education

TESTIMONY IN OPPOSITION TO HB 307 RELATING TO ALTERNATIVE JUVENILE EDUCATION

Hawaii Youth Services Network (HYSN), a statewide coalition of youth-serving organizations, opposed HB 307 Relating to Alternative Juvenile Education.

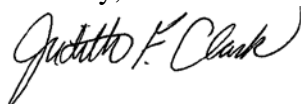
Youth that are involved in the juvenile justice system or having difficulty in school need supports from their family, school and community. Failing a class, frequent absences, or minor disciplinary issues will not be resolved simply by placing the youth in an alternative school.

Nearly half of the youth in the juvenile justice system have been arrested for status offenses such as running away from home or being truant from school. They are already stigmatized and traumatized by their involvement with the law enforcement and court systems. They should not be stigmatized further by removal from their home school and friends into an alternative school placement unless they are unable to function in a regular school setting.

Providing tutoring, mental health and substance abuse treatment, and family support services are more likely to meet the needs of the youth and family than removal from community and school-based support systems.

Thank you for this opportunity to testify.

Sincerely,



Judith F. Clark, MPH
Executive Director

**African American Lawyers Association
1188 Bishop St. #1908
Honolulu, HI 96813**

January 31, 2017

**Committee on Education Representative Roy Takumi, Chair
Representative Sharon Har, Vice Chair**

RE: Testimony in Opposition to HB307 Relating to Alternative Juvenile Education

Hearing Wednesday, February 1, 2017, 2:00 PM, Room 309

Dear Chair Representative Takumi, and Vice Chair Representative Har and Education
Committee Members:

The African American Lawyers Association strongly opposes HB307 relating to Alternative Juvenile Education. This appears to be a form segregation for students who are deemed to be at risk involvement in the justice system. Treating young adults and juveniles as though they will be future criminals is an extremely bad idea and leads to segregation, poor self worth, negative stereotyping and places labels on these students. Segregation is not education. Instead, separation based upon what someone else believes is at risk behavior is a negative presumption, stereotype and type casting of a young adult. No one can determine whether a young person is at risk and may become an inmates. In Brown v. Board of Education, segregation based upon race was struck down. Segregation does not help children, it hurts. No money should be spent on segregation based upon a subjective belief that a child is at risk, nor should this segregation be permitted in Hawaii schools. Children learn from each other and adults. Separation does nothing to promote education and learning from others. Please do not pass this bill.

By Daphne E. Barbee Wooten
President
African American Lawyers Association

EDNtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, January 29, 2017 9:07 PM
To: EDNtestimony
Cc: cchaudron08@gmail.com
Subject: Submitted testimony for HB307 on Feb 1, 2017 14:00PM

HB307

Submitted on: 1/29/2017

Testimony for EDN on Feb 1, 2017 14:00PM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Camila Chaudron	Individual	Support	No

Comments: Dear representatives, my name is Camila Chaudron and I am from the Manoa/Makiki area. I support this measure because I believe that rehabilitation is the fact-based, compassionate approach to dealing with juvenile crime. The Civil Beat just published a great editorial on this issue and it seems like a logical step in the right direction. This program has tremendous potential to help the youth and future of our State. Thank you for supporting this measure. Mahalo!

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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