



STATE OF HAWAII
DEPARTMENT OF EDUCATION
P.O. BOX 2360
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Date: 02/14/2018
Time: 02:55 PM
Location: 229
Committee: Senate Education
Senate Human Services

Department: Education

Person Testifying: Dr. Christina M. Kishimoto, Superintendent of Education

Title of Bill: SB 2323 RELATING TO EDUCATION.

Purpose of Bill: Establishes procedures for a parent or legal guardian to obtain authorization to home school a child. Requires the complex area superintendent or the complex area superintendent's authorized representative to request child welfare services to conduct a child abuse and neglect history inquiry and provide information to the department of education to conduct a background check before approving or denying a notification of intent to home school. Authorizes a parent or legal guardian to petition the family court if the notification of intent to home school is denied.

Department's Position:

The Department of Education (Department) recognizes the pivotal role of public education in the prevention and identification of child abuse and neglect. The Department respectfully offers comments on this measure.

The Department has serious concerns regarding the programmatic implementation mandated by this measure that will immeasurably increase the operational burden on complex area superintendents, school administrators, complex area and school staff, and families.

Further, this bill does not include an appropriation to address cost implications for background checks for parents, legal guardians, and any other adults residing in the home of the child intended to be home schooled pursuant to this measure.

This bill indicates (page 10, lines 20-21 and page 11, line 1), the complex area superintendent or the complex area superintendent's authorized representative "...is presumed to be acting in good faith and shall be immune from civil liability for taking or recommending action based upon such information." While expressed in this measure, this immunity may not sufficiently protect Department employees from lawsuits or court appearances, which will impinge on valuable time

that should be focused on providing quality learning environments and improving student achievement.

Thank you for the opportunity to testify on SB 2323.

The Hawaii State Department of Education seeks to advance the goals of the Strategic Plan which is focused on student success, staff success, and successful systems of support. This is achieved through targeted work around three impact strategies: school design, student voice, and teacher collaboration. Detailed information is available at www.hawaiipublicschools.org.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-NINTH LEGISLATURE, 2018**

ON THE FOLLOWING MEASURE:
S.B. NO. 2323, RELATING TO EDUCATION.

BEFORE THE:

SENATE COMMITTEES ON EDUCATION AND ON HUMAN SERVICES

DATE: Wednesday, February 14, 2018 **TIME:** 2:55 p.m.

LOCATION: State Capitol, Room 229

TESTIFIER(S): Russell A. Suzuki, First Deputy Attorney General, or
Melissa J. Kolonie, or
Anne T. Horiuchi, Deputy Attorneys General

Chairs Kidani and Green and Members of the Committees:

The Department of the Attorney General provides the following comments.

The purposes of this bill are to: (1) establish procedures for a parent or legal guardian to obtain authorization to home school a child; (2) require the complex area superintendent or the complex area superintendent's authorized representative to request Child Welfare Services to conduct a child abuse and neglect history inquiry and provide information to the Department of Education to conduct a background check before approving or denying a notification of intent to home school; and (3) authorize a parent or legal guardian to petition the family court if the notification of intent to home school is denied.

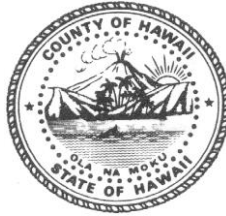
On page 13, lines 3-4, the definition of a "background check" means, in relevant part, a review of records including criminal history records maintained by the Hawaii Criminal Justice Data Center. The Hawaii Criminal Justice Data Center has the authority to conduct criminal history record checks for the purposes set forth under the section 846-2.7, Hawaii Revised Statutes. Pursuant to section 846-2.7(b)(4), the Hawaii Criminal Justice Data Center has the authority to conduct criminal history record checks for the Department of Education "on employees, prospective employees, and teacher trainees in any public school in positions that necessitate close proximity to children as provided by section 302A-601.5." Therefore, we recommend amending section 846-

2.7(b)(4) to authorize the Hawaii Criminal Justice Data Center to conduct criminal history record checks also for the purposes of the section proposed by this bill.

Thank you for the opportunity to provide comments.

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OFFICE OF THE PROSECUTING ATTORNEY

TESTIMONY IN SUPPORT OF SENATE BILL 2323

A BILL FOR AN ACT RELATING TO EDUCATION

COMMITTEE ON EDUCATION

Sen. Michelle N. Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair

COMMITTEE ON HUMAN SERVICES

Sen. Josh Green, Chair
Sen. Stanley Chang, Vice Chair

Wednesday, February 14, 2018, 2:55 P.M.
State Capitol, Conference Room 229

Honorable Chairs Kidani & Green, Vice-Chairs Kahele & Chang, and Members of the Committees on Education & Human Services, the Office of the Prosecuting Attorney, County of Hawai'i submits the following testimony in SUPPORT of Senate Bill No. 2323.

“Peter Boy” Kema Jr. would very likely be alive today if this bill had been in effect during his lifetime. This bill facilitates the coordination between the Department of Education and Child Welfare Services to ensure that no child in the state of Hawai'i falls through the “cracks” of our justice, child welfare and education systems. “Peter Boy” Kema Jr. is one of several Hawai'ian children who have died in the past decades from severe physical abuse and neglect because we have not previously required this coordination between systems.

In a 2014 medical and legal study of 28 cases of child torture published in the Journal of Child and Adolescent Trauma, the authors pointed to the social isolation of these children, accomplished by caregivers with histories of abuse and neglect withdrawing their children from school or day care settings.¹ This measure both protects parents who wish to home school their children given procedures in place for appeal to a court in the event a request is denied and protects children in unsafe home environments.

The current process allows abusive caregivers to withdraw children from school and from the scrutiny of adults who, as mandated reporters, might be in a place to protect those children. This measure is desperately needed if we, as a community, recognize the importance of ensuring that every child in our state is afforded a safe, nurturing home in which to grow and thrive. The Hawai'i County Office of the Prosecuting Attorney is committed to bringing justice to children

who experience abuse and neglect. It is our hope that measures like those proposed in this bill reduce and ultimately end abuse of Hawaiian children.

The Office of the Prosecuting Attorney, County of Hawai‘i supports the passage of Senate Bill No. 2323. Thank you for the opportunity to testify behalf of Hawai‘i’s children.

ⁱ Child Torture as a Form of Child Abuse, Barbara L. Knox, Suzanne P. Starling, Kenneth W. Feldman, Nancy D. Kellogg, Lori D. Frasier and Suzanna L. Tiapula. *Journal of Child and Adolescent Trauma*, March 2014, Volume 7, Issue 1, pp 37 – 49.

SB-2323

Submitted on: 2/9/2018 4:45:30 AM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Rachel L. Kailianu	Ho`omana Pono, LLC	Support	Yes

Comments:

Strong support.

SB-2323

Submitted on: 2/8/2018 2:10:19 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
cheryl		Comments	No

Comments:

As an educator who has seen many sides of home schooling, this bill is quite difficult to support or oppose, thus I am writing comments. The intent of this bill seems to be to have checks and balances and I believe that is a great goal. When I taught in Florida, there was a case of one of my students who was homeschooled until she was 12. The extent of her learning from workbooks from the local big box store put her at an extreme disadvantage. She was also subject to bullying for her lack of knowledge of social experiences. We also have had students who just disappeared from all records. On the other hand, how much should the govt. be able to control what a parent decides to do as for schooling of their child especially when the system does not possibly match their traditional culture or religious etc. views. How much do we regulate the world? Just sharing my mana'o.



Honolulu County Republican Party

725 Kapiolani Blvd, C-105

Honolulu, HI 96813

February 12, 2018

Senate Committee on Education & Senate Committee on Human Services
Conference Room 229
State Capitol
415 South Beretania Street
Honolulu, HI 96813

RE: Opposition to SB-2323 Education; Home Schooling; Notification of Intent to Home School; Child Abuse or Neglect; Background Check; Child Welfare Services.

Dear Chair Kidani, Chair Green, Vice Chair Kahele, Vice Chair Chang and Committee Members:

The Honolulu County Republican Party **STRONGLY OPPOSES** SB-2323.

Hawaii Republicans believe that citizens thrive when they have ready access to high quality education, and that Government should respect the role of parents and legal guardians, who have a critical and vested interest in the educational process of their children. A government that governs least, governs best and our citizens must be free to pursue their own happiness with limited government interference.

SB-2323 is nothing more than an obvious attempt to circumvent parental rights, by inserting the Hawaii Department of Education's unelected and unaccountable bureaucrats into the home schooling network.

SB-2323 would most certainly have horrific effects on a parent's right and freedom to home school. Allowing a public-school superintendent (who is normally pro-public school) decide whether a parent is suitable to home school and subjecting them to an intrusive inquiry and background check by Child Protective Services, is an overreach of government authority.

SB-2323 inaccurately uses the story about Peter Boy as a basis for passage. Anyone who has monitored this case over the years, knows Peter Boy was not a home schooler. But, across the State everyone was appalled when they found out that state authorities, who were aware of the abuse to Peter Boy, in fact returned him to the abusive home. However, this has absolutely nothing to do with home schooling.

Child abuse is horrifying. However, there is no evidence that suggests that home schooled children are at a higher risk of abuse solely because they are home schooled, or that any of the intrusive requirements proposed in SB-2323 would actually prevent child abuse from occurring in a home school.

Never before have Hawaii families been put under such scrutiny while trying to educate their own children. Don't punish good parents now by falsely using the Peter Boy tragedy as a reason to subject them to oversight from public school superintendents or the scrutiny of Child Protective Services. Do not pass SB-2323!

Respectfully,

A handwritten signature in blue ink that reads "Brett Kulbis". The signature is written in a cursive, slightly slanted style.

Brett Kulbis
Chairman
Honolulu County Republican Party

SB-2323

Submitted on: 2/12/2018 5:48:05 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Marilyn Yamamoto	Testifying on behalf of Hawaii Family Advocacy Team	Oppose	No

Comments:

I am a Hawaii member of the National Family Advocacy Team that advocates for parents involved with the child abuse/neglect system to assure that due process is properly applied to families in the system. I strongly oppose SB2323 on the grounds that it abuses the fundamental rights of parents to direct the upbringing, including education, of children in the circumstance of PRIOR involvement with social services. This bill clearly intends to insert double jeopardy into child welfare cases that Hawaii Constitution and child protective statutes does not allow.

This proposed bill wants to do a background check for all parents who request to home school and, if there is a prior history of abuse or neglect, a determination be made whether the parent is safe to home school. The language of the bill fails to specify what records the background checks will use, omits the prior involvement that was adjudicated as a dismissal of the case, omits a reversal in an administrative hearing, and fails to show reasonable data that home-schooled children are at risk of abuse in Hawaii. From the viewpoint of ones who are familiar with child welfare services, laws and policies, this bill does nothing but to question the competency of the state actors whose job is to protect children and failed when they closed a case by reunifying a child with his parents.

This bill cites the 20-year old Peter Boy case that has already been reviewed by special court order due to the circumstances of the case. The child welfare records showed that CWS erred in the recommendation for reunification who then died at the hands of the parents. The Peter Boy case is one of 7000 Hawaii home-schooled students. My perspective is that home school is not the risk for children of previous involvement with CWS, but that CWS needs more oversight. Further, CWS has failed the third round of 3 federal reviews to meet satisfactory standards of practice since 2003. See the 2003, 2009 and 2017 CFSR final reports.

There is a huge difference between a parent convicted of child abuse in a criminal court and one who has a finding of abuse by CWS that is adjudicated in family court. The standard of evidence is low (preponderance of the evidence) and not beyond a reasonable doubt as in a criminal charge. When a child is removed to foster care under allegations that do not reach a criminal offense, there are two possible outcomes. They

are: 1) to address and resolve the issues that brought the state to the attention of the family with a goal of reunification and 2) terminate the parental rights and place the child in permanent guardianship of another family. If a child is reunified, there should be ample evidence that there are no safety issues.

It is a matter of public record that 5 children in Hawaii since Peter Boy are deceased due to CWS lack of attention to warnings submitted by other family members not to reunify a child with the parents. Those children were NOT home schooled. See the Star Advertiser series on "In Harm's Way" November 16, 2014. I saw no bill to address those deaths.

There is currently a class action lawsuit that alleges parents have not been notified that their name was placed on the child abuse registry. My experience with families is that they are not aware that there is even a registry until they apply for child-related employment or to become placement for a child of family members.

The right to appeal a denial of home school will be far out of the reach of parents who can't afford legal representation. It will require a judge's order to unseal closed records, just for starters.

This bill, if passed as written, is a recipe for wrongful denial of home school.

It appears that the recent news stories on child deaths are being used to satisfy a public, with little or no knowledge of how child protection works, that there will be no more home school deaths. To propose a law that mandates a review of closed records suggests that the first point of error was in the judgment of CWS and the family court judge when the case was open.

I called one of the authors of this bill last September to offer my opinion and insight and was flatly told that I had no right, as a member of the public, to participate. There are two sides to every issue. I am disappointed that one author of this bill rejected my request to present issues for which I'm very familiar.

See the view of the parental rights organization on a recent California case.

<https://parentalrights.org/turpin/>

SB-2323

Submitted on: 2/13/2018 9:58:26 AM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Barbara J Ferraro	Testifying on behalf of Concerned Women for America of Hawaii	Oppose	No

Comments:

TO: Senate Committee on Education; Senate committee on Human Services

Dear Senators:

I submit this testimony in strong OPPOSITION to the requirement that authorization be obtained prior to a parent or legal guardian homeschooling a child; that a complex area superintendent or authorized representative be required to request child welfare services to conduct a child abuse and neglect history and background check before approving or deny a notification of intent to homeschool because SB2323: Is government overreach and intrusion.

It is in reaction to an anomaly and heinous case of abuse in California and is not based on a single incident of abuse among Hawaii homeschoolers in over 25 years. The law should not penalize the majority in response to a freak occurrence elsewhere.

It is unnecessary given the provisions and requirements of existing Hawaii Home School Laws. Safeguards and accountability already exist.

It is logistically unsound because Child Welfare Services are already overburdened, unable to adequately monitor known abuse cases and often return abused children to abusive environments, none of which have been homeschools.

This bill will create a hardship and unnecessary delay for parents/legal guardians seeking to homeschool their child(ren) due to bullying, health reasons, or special needs.

I urge you to vote NO on SB 2323.

Thank You,

Barbara J. Ferraro, State Director

CWA of Hawaii

February 12, 2018

RE: Strong Opposition to SB2323

Aloha,

As the founder and president of the Hawaii Homeschool Network, I am deeply concerned about three recently proposed bills that have been introduced regarding homeschooling in Hawaii. In particular, I would like to discuss SB2323.

First, let me establish my position in the homeschooling community. I completed my MA in Applied Educational Anthropology in 2014 after years of research with our local homeschooling population. My thesis was titled "Homeschool Networking on the Big Island of Hawaii," and the applied piece of my research resulted in the creation of the Hawaii Homeschool Network, now a 501(c)3 nonprofit organization serving homeschoolers statewide. At the time, I was (and still currently am), a certified teacher employed by the DOE, with concerns about the current practices in public education. I love teaching, and schools -- in fact I was voted "Person of the Year" in 2013 at Honokaa High and Intermediate School. However, from my MA research, I deduced that teaching my own children was the best way to ensure that they were given a quality education.

Current law requires that families who intend to homeschool inform their local school via letter or 4140 form, submit yearly progress reports, and participate in yearly testing. It is my understanding that the new proposed law would require background checks, potential home visits and approval from a superintendent to homeschool. Requiring criminal background checks of current homeschooling families who are law abiding is both costly and unnecessary, as those aren't the families that this law intends to wrangle. Home visits are a clear invasion of privacy. Finally, approval of a local principal would be a burden on the school that takes away the valuable time and focus needed for all the keiki who are enrolled at their school.

As a DOE and Charter School employee in an alternative program, I understand the already present challenges with chasing families down for paperwork when they don't follow through with required documents to follow homeschool law. The simple fact is that the current law is suitable, and the problem is that the families don't abide by it. The two children that are referenced in the law were likely not even homeschoolers-- did they submit formal letters and/or 4140 forms, along with yearly reports and testing? If so, I would like to see the documented proof of their homeschooling declarations.

My recommendation would be to require this new law (SB2323) be enacted to only provide consequences for those who do not abide by the current homeschooling law, as opposed to all homeschoolers.

SB2323 is an obvious financial burden on both schools and CWS for oversight that would likely require many tax dollars to be rerouted from a highly needed public education budget. Why waste taxpayer dollars to investigate law-abiding homeschooling families who have the best interest of their child at heart? This sounds quite frivolous and unfair to public schools that could use the funds.

If the goal is to improve oversight of homeschoolers, I have several suggestions that would be much more inclusive, financially viable, and logical:

Suggestion 1: Invite homeschoolers to participate with public education opportunities such as sports, part-time enrollment, or after school activities. This would allow more for oversight of homeschoolers and integration into an education system, as well as more opportunities for contact with other adults who are school staff.

Suggestion 2: Support and develop more homeschool support programs, including virtual and blended charter schools that encourage families to formally enroll in a public funded educational program. This would allow for families who search for alternatives to public education an opportunity to find a program that is right for them.

Finally, as a Big Island resident and leader in the homeschooling community, I must mention that I am perplexed as to how bills of this nature can be composed without any attempt to reach out to our current homeschooling community, who is at the very heart of who is affected by these potential measures. As an open and inclusive community, and a formally organized a local 501(c)3, the Hawaii Homeschool Network would have been more than happy to provide information about homeschooling in Hawaii to legislators. It is very concerning that the population who is directly affected by this potential law has been excluded from the development of this proposal. The lack of community input is quite alarming.

I am happy to work with our representatives to consult about what would be a positive and inclusive direction for all of our Hawaii homeschooled keiki. I would hope that our legislature could develop laws that unite as opposed to divide our Hawaii 'ohana, which is why I strongly oppose SB2323.

Mahalo,

Nicole Ryan
President and Founder
Hawaii Homeschool Network
Kamuela, HI

SB-2323

Submitted on: 2/13/2018 1:02:45 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Daniel Mather	Individual	Oppose	Yes

Comments:

My name is Dan Mather and I am President of Christian Homeschoolers of Hawaii. My wife and I homeschooled all four of our children. We believe child abuse is a reprehensible crime against the most vulnerable in our society. I commend the legislature for their efforts to stop child abuse and neglect in Hawaii. However, I oppose Senate Bill 2323 because it does not help to solve the problem of child abuse in Hawaii.

An abusive parent can abuse their child any time -on the week-ends, after school, during school breaks. The law can prevent abusive parents from homeschooling their child but it won't stop them from abusing their child

An abusive parent could choose to not file a letter of intent and would therefore not be identified by the law. This is the case with Melvin and Denise Wright, cited by the Coalition for Responsible Home Education's Homeschooling's Invisible Children web site. It seems the Wrights never filed a letter of intent and would therefore not have been detected if this bill were the law.

Finally, there is no data to support any link between homeschooling and child abuse and neglect. The World Health Organization, The U.S. Commission to Eliminate Child Abuse and Neglect Fatalities, and the American Psychological Association do not list homeschooling as one of the risk factors for child abuse. And yet this bill, in targeting homeschoolers, would place additional burdens and cost on child welfare services.

Contrary to our system of law where people are presumed innocent, it assumes all homeschoolers are suspect until proven innocent. I stand with you to stop child abuse but lets find a more reasonable and efficient way to stop the abuse of our precious keiki in Hawaii.

Signed,

Daniel W. Mather

President, Christian Homeschoolers Of Hawaii

J. MICHAEL SMITH, ESQ.,
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JAMES R. MASON III, ESQ.,
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SCOTT A. WOODRUFF, ESQ.,
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DARREN A. JONES, ESQ.,
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THOMAS J. SCHMIDT, ESQ.,
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MICHAEL P. DONNELLY, ESQ.,
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MARY E. SCHOFIELD, ESQ.,
OF COUNSEL (CA)
TOM SANDERS, ESQ.,
OF COUNSEL (TX)

February 12, 2018

The Honorable Michelle N. Kidani
Chair, Education Committee
Hawaii State Senate
Hawaii State Capitol, Room 228
Honolulu, HI 96816

The Honorable Josh Green
Chair, Human Services Committee
Hawaii State Senate
Hawaii State Capitol, Room 407
Honolulu, HI 96816

**Re: Testimony of Peter Kamakawiwoole, Home School Legal Defense Association
In OPPOSITION to SB 2323**

Chairwoman Kidani and Chairman Green,

My name is Peter Kamakawiwoole. I was raised here in Hawaii, and was homeschooled from kindergarten through twelfth grade. I am an attorney for the Home School Legal Defense Association in Washington D.C., where I assist families from Hawaii and across the country.

I am OPPOSED to SB 2323, which would mandate that homeschool families submit to background checks and receive state "approval" before they can exercise their constitutional right to educate their own keiki at home.

I. The proposed findings in SB 2323 do not accurately characterize Hawaii's homeschool law or homeschooling community.

Before I address areas of disagreement, I want to convey my approval of the bill's clear and unambiguous condemnation of child abuse and neglect. Keiki of all ages, backgrounds and creeds are made in God's image, and for that reason are to be protected and cared for. While I oppose the specific changes in SB 2323, I applaud the legislature's desire to protect at-risk children and to explore solutions aimed at their safety and welfare.

Unfortunately, the specific revisions in SB 2323 stem from an inaccurate assumption about homeschooling families: that they are commonly isolated in a way that fosters abusive behaviors. The truth is that the vast majority of homeschooling families are not isolated.

There are several reasons for this. First, Hawaii's homeschool law does not leave families in isolation. Parents make regular contact with school officials when they begin homeschooling, and whenever a child ages into a new school or the family moves to a different district. Parents must offer a structured, cumulative, and sequential educational program throughout the year, record their progress, and submit an annual assessment to their public school principal review. And HAW. ADMIN. CODE § 8-12-17 instructs the principal to make a report to Child Welfare Services (CWS) if he or she believes that parents are neglecting their child's education.

In addition, Hawaii's local homeschool community is far from isolated. Growing up, I cannot remember a time when my family did not meet regularly with other families. We took PE and ukulele, biology, art and chemistry, robotics, speech and debate, and (for students far more talented than I) symphony and chess. And that was twenty years ago. Today, the internet and social networking have given birth to countless activities, from coops to Classical Conversations, to say nothing of participation in churches, community groups, and even the legislative process, all of which put homeschooled students in regular contact with other adults and peers.

In 2016, the national Commission to Eliminate Child Abuse and Neglect Fatalities recommended that legislators across the country seek to identify **local risk factors** that place children in a heightened danger for abuse or neglect. The Commission identified several common ones: children who live in a household with two unrelated adults are at an increase risk for abuse or neglect, as are children in homes with drug addictions, mental illnesses, or domestic violence. Information sharing between state welfare and law enforcement agencies is a persistent problem, and states don't classify child welfare information consistently or uniformly.

Noticeably absent from these factors is any mention of homeschooling. Nor was homeschooling identified as a risk factor by the Mayo Clinic, the American Psychological Association, the US Centers for Disease Control and Prevention, or the World Health Organization, all of whom have published common risk factors for child abuse. In fact, one constant risk factor suggests that merely regulating homeschooling is likely to affect most at-risk children: in the majority of abuse and neglect fatalities, the victim is an infant or a toddler: half are younger than 1, and three quarters are younger than three. This is well below school age.

II. SB 2323 would have unintended consequences on both state officials and the homeschooling community.

SB 2323 would fundamentally alter Hawaii's homeschool law by adding an "approval" requirement. Only two other states in the country—Rhode Island and Massachusetts—require approval, and their statutes are fundamentally different from the novelty proposed here. In Rhode Island, parents have to submit certain documents to their school committee. If they do, the law says their homeschool program "shall" be approved; if not, they have additional time to provide the missing information before their program is denied. Massachusetts's approval statute is similar, and places the burden on the **school district** to prove that the homeschool program was properly denied. *See Care and Protection of Charles*, 504 N.E.2d 592, 601 (Ma. 1987).

SB 2323, by contrast, says the superintendent "may" approve the homeschool program if none of the conditions in subsection (e) are present, and "may" deny the notice if they are. The only ministerial duty is the directive that the superintendent **shall** request a CWS records check

and background check. What the superintendent **does** with those checks is a matter of discretion. The superintendents may deny a homeschool program that “has any disqualifying information,” but the bill never defines what constitutes “disqualifying information.”

Nor does SB 2323 define what constitutes a “history of child abuse or neglect.” A child welfare report can have three possible outcomes in Hawaii: substantiated, unsubstantiated, and indicated. All three outcomes will show up on a records check, as will families who receive child services. Criminal background checks may pick up any number of records, ranging from convictions and nolo contendens to plea bargains and moving violations.

And Hawaii's records are just the tip of the iceberg: SB 2323 requires superintendents to parse not just state records, but federal records and even records from all other states where **any** parent or other adult in the home has previously resided. But states have no uniform system for codifying, classifying, or characterizing child welfare information. They use different terms and even assign different meanings to common terms.

Even if the Department of Education or Human Services could issue guidance to superintendents on how to interpret Hawaii's own records, they are hardly in a position to issue guidance on the nuances of forty nine other state systems, or to demand that superintendents collect such voluminous information for themselves. Yet SB 2323 would hold superintendents responsible for decoding this disparate information, and create a legal cause of action where superintendents could be **sued** for decisions that were “not reasonable.”

Superintendents only have five business days to collect records on the families of an estimated 7000 students. Even if each homeschooling family has seven children and just one parent, superintendents would still have to sift through 1000 record checks—state, out-of-state, and federal. The vast majority of checks would occur in the brief two-month period from July through August, when superintendents are trying to get their districts off the ground. And this is just the minimum. The number of checks doubles if families have two parents. It more than quadruples if the average number of children drops from “7” to “3.” And of course child welfare agencies in mainland states cannot be legally held to deadlines codified in Hawaii law. This is why Vermont and New York allot up to four weeks to exchange information: public servants have many duties, especially at the start of the school year. Discharging those duties takes time.

III. SB 2323 requires that parents give up important privacy rights before they can exercise their constitutional right to homeschool.

SB 2323 would make Hawaii the first state in the nation where every parent is **required** to waive important privacy rights as a condition of exercising their constitutional right to homeschool. A refusal to consent—by parents or any adult living in the home, even recently graduated adult siblings—can be grounds for a discretionary refusal.

The proposed findings in SB 2323 refer to the Coalition for Responsible Home Education, which has argued that two other states—Arkansas and Pennsylvania—have similar restrictions. But this is simply not true. In Pennsylvania, parents sign an affidavit stating that they have not been convicted of certain enumerated criminal offenses. PA. CODE § 13-1327.1(b)(1). Although an affidavit has teeth—perjury is illegal in Pennsylvania as it is in Hawaii—it is far

less intrusive or time consuming than the multi-state, multi-departmental records checks mandated in SB 2323. As for Arkansas, its only restriction is on registered sex offenders; in other words, you cannot homeschool if you have been convicted in a court of law of a particularly heinous crime, and are already subjected by court order to extensive monitoring (including mandatory electronic tracking) if not incarceration. ARK. CODE § 6-15-508. Treating **every** parent as a suspected abuser—unless a mandatory records check absolves them from guilt and proves them innocent—is an entirely different matter.

It is one thing to condition consent to an extensive records check after a criminal conviction, or as a condition for employment or the receipt of state services. It is quite another to make that consent a condition for exercising a constitutional right. Yet SB 2323 draws no distinction between fit parents—who are presumed to act in the best interests of their keiki—and unfit parents (like Peter Boy’s parents, or parents in Arkansas or Pennsylvania who have been convicted of crimes) who have forfeited that presumption. SB 2323 would pervert this constitutional standard by placing all of the burdens on parents, whether they are fit or not.

Finally, unlike Rhode Island, where parents can appeal a denial to a state hearing officer and then to the Commissioner of Education, SB 2323 says parents can only challenge the superintendent’s decision by filing a petition in family court. The **parent** (not the State) bears the burden of proving by clear and convincing evidence that homeschooling is “appropriate for the child.” And the family courts are given no standards for judging what is “appropriate” for the child. Like the superintendent, they are vested with broad discretion over the educational decisions of fit parents. This is contrary to the Constitution.

IV. The Senate should reject SB 2323 in favor of evidence-based alternatives.

Rather than adopting SB 2323, I encourage the Senate to follow the recommendations of the national Commission and “undertake a retrospective review of child abuse and neglect fatalities to help them identify family and systemic circumstances that led to child maltreatment deaths in the past five years.” The report highlighted two success stories where communities empirically reduced child abuse fatalities by adopting this evidence-based approach:

- After a spike in childhood deaths in Hillsborough County, Florida, officials closely examined all open social services reports in the county. Based on their review, they were able to identify families with multiple known risk factors (none of which including homeschooling) and target them with intensive assistance and services. As a result of this evidenced-based approach, abuse-related deaths in the county dropped to zero.
- Officials in Wichita, Kansas, took a long look at their child welfare system after a steep upswing in child deaths galvanized the community to action. The data they collected showed that most deaths came from specific zip codes, so the government devoted extra energy and resources to those zip code areas, and enlisted the cooperation of over 60 organizations in those local communities. The strategy proved extremely effective: in the three years from 2011 through 2013, there were no maltreatment deaths.

The Senate should follow the example of Hillsborough and Wichita, and call for a detailed analysis of Hawaii’s child welfare system to “identify constellations of circumstances

that might serve as future red flags to caseworkers, law enforcement officers, health care professionals, educators, and others who work with children and families.” Indeed, the legislature has already begun to pursue innovative solutions to these problems that are far more likely to enact meaningful change than the problematic proposals in SB 2323.

- **SB 2276** would establish a pilot program on Hawaii to hire additional support staff in order to cap the number of active social service cases to twenty per social worker, instead of the current **forty to fifty** cases. This makes far more sense than SB 2323, which would add thousands of records checks to social workers.
- **SB 499** would provide continued support to Hawaii's "Zero to Three Court." Unlike SB 2323, this proposal is aimed at a primary risk group (keiki three years or younger) and enables tailor-made solutions to problems rather than a one-size-fits-all policy.

Any of these alternatives would be preferable to—and far more strategic than—the drastic revisions in SB 2323.

V. The Senate should seek a dialogue with the local homeschooling community.

Parents who choose to teach their children at home overwhelmingly take that choice very seriously. They live on a single wage. They pay taxes for public education without receiving a penny from the government in assistance or tax breaks. They give up careers so they can spend their primary wage-earning years with their keiki. They do this because they love them, want what's best for them, and believe that homeschooling is best.

Given these facts, I was surprised to learn that SB 2323 was drafted and introduced without a single discussion with the local homeschooling community. That community was ideally placed to tell the Senate whether the bill's basic assumption about isolation was true, and whether these proposed revisions would have unforeseen consequences.

It is difficult to imagine a scenario where the Senate would not have at least consulted with public or private school teachers if SB 2323 imposed new requirements on them. Just because **homeschool teachers** perform a public good without pay doesn't mean they don't have a stake in the laws that govern them. The length and breadth of responses to this bill is a strong indication that local homeschooling families have a strong, vibrant, connected community, and care a great deal about the future of homeschooling in Hawaii. They are extremely willing to dialogue with legislators on these important issues, if only they are given a seat at the table.

Sincerely,



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Within Our Reach

A National Strategy to Eliminate
Child Abuse and Neglect Fatalities



COMMISSION TO ELIMINATE
CHILD ABUSE AND NEGLECT FATALITIES

Final Report, 2016

Imagine

Imagine a society...

... where children do not die from abuse or neglect.

... where children are valued, loved, and cared for first and foremost by their parents.

... where the safety and well-being of children are everyone's highest priority, and federal, state, and local agencies work collaboratively with families and communities to protect children from harm.

... where leaders of child protective services agencies do not stand alone but share with multiple partners a responsibility to keep children safe long before families reach a crisis.

Imagine a society...

... where research and integrated data are shared in real time in order to identify children most at risk for abuse or neglect fatalities and make informed and effective decisions about policies, practices, and resources.

... where state and local agencies charged with child safety have the resources, leaders, staff, funds, technology, effective strategies, and flexibility to support families when and how it is most helpful.

Imagine a society...

... where every child has a permanent and loving family, and young parents who grew up in foster care get the support they need to break the cycle of abuse and neglect.

... where all children are equally protected and their families equally supported, regardless of race, ethnicity, income, or where they live.

Imagine child welfare in the 21st century...

...where children are safe and families are strong and where prevention of child abuse and neglect deaths is a reality.

What Will It Take to Get There?

Within Our Reach

A National Strategy to Eliminate Child Abuse and Neglect Fatalities



COMMISSION TO ELIMINATE
CHILD ABUSE AND NEGLECT FATALITIES

Final Report, 2016

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Letter From the Chairman

Anyone who has ever been a child welfare director carries forever the memories of getting that midnight call or learning from the media that a child in his or her jurisdiction has died from abuse or neglect. For me, it was like being hit in the stomach. Now, as in the past, media headlines about fatalities drive policy and practice, and that policy is almost always reactive.

When I was a child welfare director 10–15 years ago, we never discussed strategies to prevent these deaths. Our priority was simply to manage the crisis. As my fellow Commissioners and I traveled the country over the past two years, we found that this conversation is beginning to change. We still have to manage crises, but as child welfare leaders, we are ready to get ahead of the curve in order to prevent fatalities.

From Reactive to Proactive

If we as a nation do nothing different to prevent child abuse and neglect fatalities, somewhere between 1,500 and 3,000 U.S. children will die from maltreatment in 2016, 2017, and beyond. I know this because these numbers have remained constant for many years. We can't identify who the next victim will be, but we know a remarkable amount about the characteristics of the children who die and their families. We also know that our current network of services and supports does not adequately ensure safety for these children by strengthening and supporting their caregivers.

It is clear to me that our current approach does not work to achieve the goal given to this Commission, that of eliminating child abuse and neglect fatalities. Our current approach waits until a child is severely injured before intervening with vital supports. It relies primarily on a single government agency to intervene with families who face complex and intersecting challenges. Too often, the current approach inflicts significant additional trauma on the very children it seeks to protect.

In the long term, we need to dramatically redesign our approach to eliminate child abuse and neglect fatalities. At the same time, based on what we learned as a Commission, I am convinced that we can begin to reduce child abuse and neglect fatalities immediately. It would have helped me immensely when I was a child welfare director to know what the Commission has learned:

1. Infants and toddlers are at high risk of an abuse or neglect fatality compared to other age groups. They require special attention.
2. A call to a child protection hotline, regardless of the disposition, is the best predictor of a later child abuse or neglect fatality. This points to the importance of the initial decision to “screen out” certain calls. Screening out leaves children unseen who may be at a high risk for later fatality.

3. Involvement of health care and public health agencies and professionals is vital to safety for children. Well-coordinated interagency efforts are essential.
4. The importance of child protection workers' access to real-time information about families cannot be overestimated.
5. It is critical to have an accurate national count of child protection fatalities. Better data allow us to begin to understand what works and what doesn't.
6. The Nurse-Family Partnership program has been demonstrated to save lives.

As a director, this information would have guided me in making practice and policy decisions that would have reduced fatalities immediately. Our recommendations cover these areas of reform and more. By combining a proactive approach to child safety with a more strategic response to immediate crises, we hope to make prevention of fatalities standard practice.

A Productive Dialogue

The president and Congress appointed 12 Commissioners and charged us with developing a national strategy to prevent fatalities from child abuse and neglect. As Commissioners, we bring together a wide range of perspectives and expertise, but we share a common commitment to children's safety.

If the president and Congress had simply wanted our advice on how to prevent child maltreatment fatalities, they could have asked any of us for our expert opinion. If Congress had the answers already, they could have written legislation and steered it through their regular process. However, in forming this Commission, Congress recognized that child abuse and neglect fatalities are a complex, intractable problem requiring thorough analysis and well-informed solutions. Unlike infant mortality or accidental child deaths, the consistent number of child abuse and neglect deaths from year to year indicates that this problem requires the benefit of



input and research from across the country. Congress didn't want opinions—they wanted informed recommendations leading to viable solutions.

Unfortunately, although we found that we know a lot about what puts children at risk, there are relatively few promising or evidence-based solutions. In fact, we were able to identify only one practice with research evidence showing a reduction in fatalities—Nurse-Family Partnership. Likewise, we found only a handful of communities that identified reduction of child abuse and neglect fatalities as a goal, implemented efforts to achieve that goal, and demonstrated progress. Despite evidence that overall safety for children is improving, these fatalities are not declining. My conclusion is that achieving a reduction in child abuse and neglect fatalities requires a different set of approaches altogether from those that are being successfully used to improve overall safety.

Had we found strong evidence for certain approaches, we would have recommended expansion of these programs and likely achieved unanimity among Commissioners. Instead, we built our recommendations around the most promising approaches we found. Questions related to how effective these approaches will be when applied elsewhere, and the potential benefits of funding these approaches, resulted in lack of consensus for this report as a whole. However, the vast majority of Commissioners supports the full report, and every recommendation in the report is backed by a majority of Commissioners.

The issue of funding was especially challenging. The Commission strongly recommends an immediate significant investment in federal funding to address this issue. However, we did not achieve consensus on how to accomplish this, and in the report, we present four alternatives to more effectively communicate the diversity among the Commissioners' views.

A World of Interest and Energy

In addition to our meetings and hearings, we met with numerous stakeholders during our tenure. Our goal was to learn from them and to engage them in the Commission's work. Together we discussed the problem of child maltreatment fatalities and the challenges in confronting it. These conversations were helpful to us as we began to deliberate and frame our recommendations.

Even more important than what jurisdictions learned from our talks on the road, or what we learned from them, is what state and local leaders learned from each other when we came to town. My speeches often led to healthy dialogue among child protection leaders and staff in the audience about how their system works or doesn't work, how they get data, and how they make decisions. Time and again, Commissioners started the conversation, but it continued long after we left. More states and jurisdictions are now actively engaged in planning for prevention of tragedies. Following the Commission's hearings in their states, leaders in some states mentioned that they were beginning to work on a plan to reduce maltreatment fatalities. This kind of exchange is exactly what we hope will take our recommendations forward into implementation.

All of this suggests that states, tribes, counties, and local communities will play a critical role in achieving the goal of zero child abuse and neglect fatalities. The president and Congress have the opportunity to provide the necessary tools. This includes not just more money, but reform of the current funding structure. Members of Congress have taken the lead in proposing an emphasis on funding prevention and early intervention services in order to mitigate the need for late-end, crisis-oriented, intrusive, and expensive interventions. The Commission strongly endorses this approach. In addition, we recognize the need for continued testing, development, and evaluation of strategies to reduce



child abuse and neglect fatalities, and we support innovation at the state and local levels. Therefore, in addition to supporting permanent finance reform, we support reauthorizing a new round of child welfare demonstration projects (waivers) to further encourage states, localities, and tribes to demonstrate and identify other strategies that would eliminate child abuse and neglect fatalities.

Child protection is perhaps the only field where some child deaths are assumed to be inevitable, no matter how hard we work to stop them. This is certainly not true in the airline industry, where safety is paramount and commercial airline crashes are never seen as inevitable. As a Commission, we believe we can reverse the assumption that some children will die from abuse or neglect. We recognize that our problem is complex, but from the time we began meeting, we knew we owed it to children to come up with a national strategy that will make a difference. We believe we have done so.

Acknowledgments

We wish to thank those who have taken this journey with us, including all those who testified and met with us to discuss their work, to offer their suggestions, and

to share their hopes. Their research, knowledge, and hard questions helped us reach the recommendations we present today.

We thank our dedicated staff, experts in their own right, without whom our hearings and stakeholder meetings would not have been as rich, our decisions not as informed, and our final report not as articulate.

We thank consultants from the Dalton Daley Group, who provided invaluable support to our discussions, particularly around the American Indian/Alaska Native and disproportionality chapters.

We thank Derek LaVallee of Industrium for his and his team's assistance on design of the website and final report; Mark Peterman of the Associated Press, who provided photos from the Salt River Pima-Maricopa Community; and Doug Hahn, who took photos for us in Wichita.

I personally want to thank my fellow Commissioners. I am honored to have had the opportunity to learn from each of them. Their passion, level of commitment, and expertise is unequalled, and I am proud of our product. We debated based on our diverse backgrounds as Congress hoped for and produced a set of recommendations that we believe offers the best opportunity to save children's lives.

Finally, our recommendations are dedicated to all the children who died from abuse or neglect during the two years of our tenure. There were far too many. It is our fervent hope that our recommendations mean their lives lost will have a voice through the lives of children saved in the future.

Executive Summary: Our Promise to Children

Every day, four to eight children in the United States die from abuse or neglect at the hands of their parents or caretakers. No one knows the exact number, and there has been little progress in preventing these tragic deaths. Most of the children who die are infants or toddlers. Concern for these most vulnerable citizens led Congress to create the Commission to Eliminate Child Abuse and Neglect Fatalities (CECANF) in 2013. The president and Congress appointed a diverse group of 12 Commissioners, with the hope that we could identify a national strategy to end child maltreatment fatalities in our country.

The Protect Our Kids Act, the Commission's founding legislation, gave us two years to learn everything we could about this issue. During our tenure, we heard from government leaders, researchers, public and private organizations who serve children and families, and those who work on the front lines of child protection. In the end, we found few evidence-based programs to prevent child maltreatment deaths, and no state with a sufficiently comprehensive plan to eliminate them. But we found examples of promising practices, and we met leaders eager to learn what it takes to save children's lives.

This final report discusses what we learned about the gap between good intentions and real results, and it

outlines the challenges that lie ahead if we are to bridge that divide. It includes recommendations for actions that we believe will most effectively address these challenges, including steps to be taken by the executive branch, Congress, and states and counties.

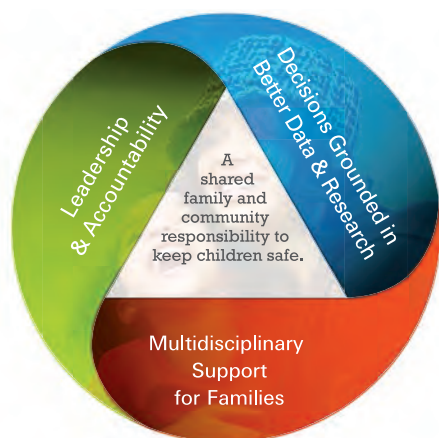
The Framework for Our Recommendations

A set of recommendations that aims simply to improve the current system of child protection in this country may reduce the number of fatalities, but we have reached the conclusion that eliminating these deaths altogether requires fundamental reform. That's why our national strategy proposes a new and reinvigorated child welfare system for the 21st century.

We realize that parents of children who die from abuse or neglect are often struggling. They may have drug addictions, mental illnesses, cognitive disabilities, or previous criminal histories. They may face domestic violence at home or live in unsafe, crime-ridden communities. These conditions do not excuse harmful behaviors toward children, but they do help to explain why no single agency, acting alone, can address all of the complex circumstances in troubled families' lives. Public and private sectors must work together to make a difference.

Our proposals incorporate a public health approach to child safety that engages a broad spectrum of community agencies and systems to identify, test, and evaluate strategies to prevent harm to children. CPS agencies remain critical to this approach, leading the effort and responding quickly to reports of harm. But CPS shares the responsibility for child safety with multiple partners that come into contact with vulnerable families in the community. This report is a vision of how we as a society can realign our organizations and communities—as well as our priorities—to identify and support children at highest risk of abuse or neglect fatality.

Core Components of the 21st Century Child Welfare System



The Commission's national strategy is based on the synergy of three interrelated core components:

1. **Leadership and Accountability:** Strong leaders at every level are needed to work across systems and forge a path to a new child welfare system.
2. **Decisions Grounded in Better Data and Research:** Current data barely begin to give us the information needed to build a better system. More accurate data, and sharing and analysis of those data, are required.

3. **Multidisciplinary Support for Families:** Cross-system prevention and earlier intervention are critical to building and sustaining healthier families and communities.

Recommendations to Save Lives Now

As a Commission, we recognize that large-scale, systemic reform does not happen overnight. At the same time, we cannot abdicate our responsibility to those children who could be saved now.

All of our recommendations should be implemented as soon as possible, but throughout the report we have identified specific steps that will be critical to build infrastructure and the body of knowledge needed to accelerate the rest. If these steps are taken, children will be safer today *and* tomorrow:

- **Identifying children and families most at risk of a maltreatment fatality** is key to knowing when and how to intervene. Therefore, we recommend that states undertake a retrospective review of child abuse and neglect fatalities to help them identify family and systemic circumstances that led to child maltreatment deaths in the past five years. States will then use this information to identify children at highest risk now, and they will develop a fatality prevention plan to prevent similar deaths both now and in the future. **Ensuring that the most vulnerable children are seen and supported** is a critical element of this process.
- **Sharing data electronically and in real time** will have an immediate impact on improving child protection decision-making by state and local entities.
- **Reviewing life-threatening injuries** from abuse and neglect is an important part of the picture when it comes to preventing maltreatment fatalities and should be included in the child death review process.

- **Accountability** is a critical component for success and is relevant to almost all of our recommendations. **A range of providers, including CPS,** must work together and hold each other accountable. **Mandated reporters,** too, should be held to minimum standards and receive quality training.
- **Enhancing the structure of the federal government** and its authority and oversight of state policy and practice was an area of focus for our work. We recommend **elevating the Children’s Bureau** to report directly to the Secretary of HHS and giving the Bureau the stature and authority to partner with states and local jurisdictions as they work together to prevent child maltreatment fatalities.
- **Funding** for the 21st century child welfare system generated lively discussions in our meetings. In the end, we did not all agree on one specific strategy, but we spelled out options to ensure our recommendations move forward.

Recommendations for Populations in Need of Special Attention

Three groups of children present unique challenges when it comes to preventing child abuse and neglect fatalities: children known to the CPS system today who are at high risk of an abuse or neglect fatality, American Indian/Alaska Native children, and African American children. Commissioners discussed efforts to support these children and their families and made a number of recommendations.

Save Children’s Lives Today and Into the Future

Many children who have died from abuse or neglect were known to CPS agencies that did not take adequate action to ensure the children’s safety. Commissioners agreed that analyzing data from past fatalities to identify the children who are at greatest risk right now



could make an immediate difference for children with current and ongoing CPS cases.

Recommendation:

- The administration and Congress should support states in improving current CPS practice and intersection with other systems through a two-year multidisciplinary action to protect and learn from children most at risk of maltreatment fatalities.

Address the Needs of American Indian/Alaska Native Children

The Commission heard from a number of American Indian and Alaska Native (AI/AN) tribal representatives and experts. Testimony presented to the Commission focused on the lack of data about child abuse and neglect deaths of AI/AN children, jurisdictional challenges, and inadequate federal leadership and funding for tribal issues.

Recommendations:

- Improve and support data collection about child abuse and neglect fatalities of AI/AN children, and integrate the data into national databases for analysis, research, and the development of effective prevention strategies.

- Improve collaborative jurisdictional responsibility for Indian children’s safety.
- Designate one person or office to represent federal leadership in the prevention of AI/AN child maltreatment fatalities and to coordinate efforts with tribes and ensure parity with states with regard to resources.



Reduce Child Abuse and Neglect Deaths in Disproportionately Affected Communities

African American children die from abuse or neglect at a rate at least two-and-a-half times higher than white children. This is an issue of deep concern to Commissioners. Challenges to overcoming disproportionate abuse and neglect fatalities include differential treatment for families of color at every stage of the child protection process.

Recommendations:

- Conduct pilot studies of place-based intact family courts in communities with disproportionate numbers of African American child maltreatment fatalities to provide preemptive supports to prevent such fatalities.
- Ensure that quality services are available to all children and families and that all families are treated equitably.

Recommendations to Implement Components of the Commission’s National Strategy

An effective national strategy to prevent child abuse and neglect fatalities must be based on a strong, integrated and collective responsibility to keep children safe. The Commission identified three core components of a recommended national strategy to prevent child abuse and neglect fatalities.

Improve Leadership and Accountability

Through hearings, meetings, and testimony, the Commission learned that nearly 30 major federal programs in more than 20 federal agencies across at least three federal departments address children’s safety and child welfare issues. Related challenges include insufficient federal leadership, lack of coordination for fatality prevention in state planning processes, inadequate federal oversight, and a lack of coordination among congressional committees that oversee this issue.

Recommendations:

- Create an effective federal leadership structure to reduce child abuse and neglect fatalities.
- Consolidate state plans to eliminate child abuse and neglect fatalities.
- Strengthen accountability measures to protect children from abuse and neglect fatalities.
- Hold joint congressional hearings on child safety.

Ground Child Protection Decisions in Better Data and Research

The Commission learned that agencies do not always share data to the extent that would best serve children at risk of abuse or neglect fatalities, the current count of fatalities is incomplete and based on inconsistent definitions, and the lessons learned from reviews of fatalities and life-threatening injuries are not used effectively to prevent future deaths.

Recommendations:

- Enhance the ability of national and local systems to share data to save children's lives and support research and practice.
- Improve collection of data about child abuse and neglect fatalities.
- Conduct child maltreatment fatality reviews and life-threatening injury reviews using the same process and under the same authority within all states.

Enhance Multidisciplinary Support for Families

No single agency, working alone, can be expected to possess the expertise required to effectively eliminate all child abuse and neglect fatalities. Responsibility for protecting children must be shared among many sectors of the community, all working together, to strengthen prevention and early intervention, surveillance, CPS agency intervention, and cross-system collaboration.

Recommendations:

- Ensure access to high-quality prevention and earlier intervention services and supports for children and families at risk.
- Leverage opportunities across multiple systems to

improve the identification of children and families at earliest signs of risk.

- Strengthen the ability of CPS agencies to protect children most at risk of harm.
- Strengthen cross-system accountability.

Conclusion

Our recommendations take a public health approach, linking CPS agencies with partners in the community to build support for and resilience within families before crises occur. Through implementation of these recommendations, we will be creating a learning laboratory, building from pilot sites, testing ideas, and learning from one another.

The approach outlined in this report will support stronger CPS agencies that are better able to use data to identify and protect children who have been harmed and those who are at risk of a fatality. CPS leaders and staff will be held accountable for doing the job they are trained and committed to do. At the same time, the many other agencies and systems that touch the lives of children and families will share data and information to ensure families and communities get the support they need to build on family strengths and keep children safe. This 21st century child welfare system will engage partners in the AI/AN communities to tackle the unique complexities of tribal sovereignty that impact child fatalities and will address disproportionality head on to eliminate fatalities equally among all communities.

Those who take the work of this Commission forward will pool their knowledge and apply what works. This in turn will lead to the goal of a 21st century child welfare system in which children thrive and no child dies from abuse or neglect.

Introduction

In 2003, a 2-year-old died at the hands of his 19-year-old mother. He was beaten in the stomach and died from massive internal bleeding. This last beating was not the first. On an earlier occasion, the toddler was brought to the hospital with a broken leg. A nurse suspected abuse and called the child protective services (CPS) agency and the police.

The broken leg was the fifth time CPS was called to investigate the family; the first report was when he was just 5 days old. Each time, CPS investigated but took no further action—no services were offered to this family who clearly needed help. CPS failed to conduct a thorough investigation; workers believed they lacked evidence to substantiate a specific incident of neglect or violence. CPS staff, medical personnel, and law enforcement officers all saw this child, and all failed to protect him. Following the child's death, his mother, a single parent who was disabled and used a wheelchair, was charged with murder.

Imagine what this child's life might have been had these support systems made his safety their top priority by offering services to his family or removing him to a safe placement. If he had lived, he would have been 15 years old today. He would have been a teenager in high school. Maybe he would have played soccer or basketball. Like most teens, he would have begun dreaming of his future, possibly wanting to serve his community as a law enforcement officer or a

teacher. But he was failed by the systems that could have protected him. He was failed by his mother, who did not get help when it could have made a difference. He had no future at all.¹

Child Abuse and Neglect Fatalities Affect Us All

This toddler's death, and that of every child who dies from abuse or neglect, has a profound and devastating impact on their families and their communities. The ripples of each life cut short extend to us all.

A 2012 study from the Centers for Disease Control and Prevention (CDC)² found that the total lifetime cost for just one year of confirmed cases of child maltreatment (579,000 cases of physical abuse, sexual abuse, psychological abuse, and neglect) is approximately \$124 billion. If a child dies from abuse or neglect, the death equates to a lifetime cost of about \$1.3 million per child,³ money the child would have earned over a lifetime as a productive citizen if he or she had lived.

Despite these shocking figures, the monetary cost pales in comparison to the emotional cost to siblings and relatives, to neighbors, and to society as a whole. Every child abuse and neglect fatality takes an irreversible toll.

Every child abuse and neglect fatality represents an immeasurable loss to the family and to the community... We mourn the death of each child, but I want to learn from those deaths. I think we have an obligation to learn from those deaths.

—Judge John Specia, Commissioner of the Texas Department of Family and Protective Services, in testimony to the Commission⁴

A Time for Action

Thousands of children die each year in the United States at the hands of those who were supposed to protect them. Overwhelmingly young and unthinkably vulnerable, they die from abuse—beatings and brain injuries—inflicted by their parents or caretakers. They die from neglect, including starvation, inadequate medical care, unsafe co-sleeping, or drowning in the bathtub.

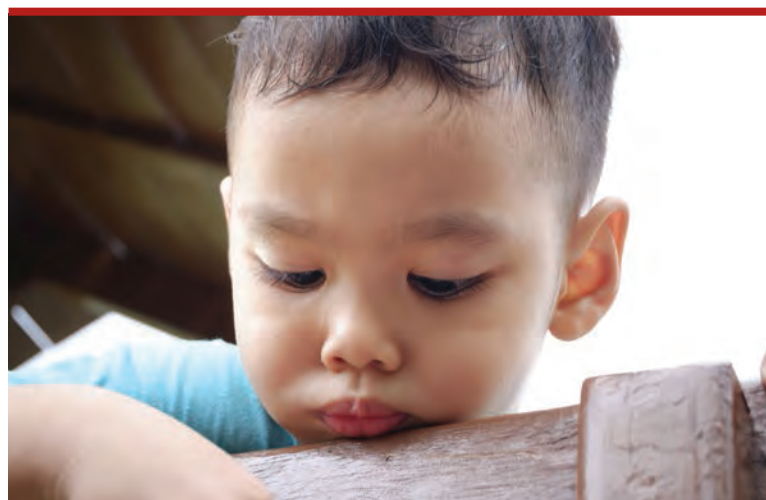
As Commissioners tasked with studying this problem for the last two years, we thought about these children every day. The daily news reports we received of children dead from abuse or neglect fueled our commitment to learn all we could about this issue and to bring to light a better strategy to protect children. We have done so to honor the unfinished lives of children who died in the past and to prevent these tragedies in the future.

The federal government has had its eye on preventing child abuse and neglect fatalities for some time. Previous commissions and reports brought the problem to the nation’s awareness and made specific

recommendations. Some of these recommendations have been implemented, but the number of child maltreatment fatalities has not decreased. In fact, data submitted to the National Child Abuse and Neglect Data System (NCANDS) between 2001 and 2010 show a slight *increase* in fatalities over the decade.⁵

Congress Creates the Commission: Passage of the Protect Our Kids Act

The enactment of the Protect Our Kids Act in January 2013 established the Commission to Eliminate Child Abuse and Neglect Fatalities and called on the Commission to produce a national strategy and recommendations for eliminating fatalities across the country. (See Appendix A.) The legislation received unanimous support in the Senate and passed the House of Representatives with a vote of 330-77. In speaking about the legislation, lead bill sponsor and Ways and Means Subcommittee on Human Resources Ranking Member Lloyd Doggett (D-TX) noted that “it is painful to imagine any child dying from neglect or maltreatment. The Protect our Kids Act will help provide thoughtful consideration of the steps we can take to better protect vulnerable children.”



Then Ways and Means Subcommittee on Human Resources Acting Chairman Erik Paulsen (R-MN), lead cosponsor, also urged support from his colleagues and shared a heartbreaking story of a child fatality from his home state of Minnesota as an example of the type of tragedy he hoped would be prevented as a result of the work of the Commission. After the bill's passage he commented, "we take an important step forward in reducing the number of children who lose their lives at the hands of those who are supposed to protect them. I applaud the actions of my Senate colleagues, and look

forward to working with the president and all stakeholders in implementing the commission and finding solutions to reduce the number of child deaths from abuse and neglect."

Then Ways and Means Committee Chairman Dave Camp (R-MI) stated, "Today the Senate took an important step to reduce child fatalities by approving the House-passed Protect our Kids Act of 2012 ... and I look forward to working with the president and House and Senate leaders who will select members of the commission so they can begin their important work as soon as possible."

Our Charge

CECANF reports directly to the president and Congress on the following issues:

- The use of federally funded child protective services (CPS) and child welfare services to reduce fatalities from child abuse and neglect
- The effectiveness of the services funded by the federal government
- Best practices in preventing child and youth fatalities
- The effectiveness of federal, state, and local policies and systems aimed at collecting accurate, uniform data on child fatalities
- Barriers to preventing fatalities
- Trends in demographic and other risk factors that are predictive of or correlated with child maltreatment
- Methods of prioritizing child abuse and neglect prevention for families with the highest need
- Methods of improving data collection and utilization

Advocacy in support of the Protect Our Kids Act was the focus of five national organizations involved with the National Coalition to End Child Abuse Deaths.⁶ Legislative deliberations were informed by congressional hearings to examine the issue of child deaths and explore the role that a national commission could play to bring about positive changes.⁷ A report commissioned by Congress directed the Government Accountability Office (GAO) to study and report on national data efforts relating to the prevalence and understanding of child abuse and neglect fatalities.⁸ The GAO found that more children have likely died from maltreatment than are counted in NCANDS, the primary federal data system. Further, GAO stated that the U.S. Department of Health and Human Services (HHS) does not take full advantage of available information on the circumstances surrounding child maltreatment deaths.

With the creation of the Commission in 2013 and appointment of 12 commissioners (see Appendix B), the president and Congress sent a galvanizing message: Build on the lessons and recommendations of the past, but create a new, comprehensive national strategy that will truly make a difference. We take this charge seriously.

We began our work in 2014, holding public meetings in 11 jurisdictions. (See Appendix C.) We spoke with government leaders who drive policy and systems reform. We heard from those who work on the front lines of prevention of fatalities: CPS agency staff, medical professionals, public health professionals, law enforcement officials, and advocates. We held listening sessions with researchers and data scientists, public and private organizations that touch the lives of children and families, and parents and youth who have personal experience with CPS. We received valuable input and written testimony from these sources and many others. (See Appendices D and E.)

We looked at what is currently working and what is not. We learned how technology can be harnessed to solve social problems, which led us to look at how data can be used more effectively and the promise it holds for child safety. We heard from a few communities that have come together in ways that appear to be reducing deaths from child abuse and neglect. These approaches are promising, but the Commission found no state or local response that included all the elements we believe are necessary to achieve widespread, lasting results when it comes to preventing child fatalities. Also lacking is a coordinated national response that reflects and responds to the urgency of the present crisis.

It's Time for a 21st Century Child Welfare System

We have reached the conclusion that to succeed, we need to build a new child welfare system for the 21st century. We realize the parents and families of children who die from abuse or neglect are often struggling and have backgrounds of trauma themselves. They may have drug addictions, mental illnesses, cognitive disabilities, or previous criminal histories. They may face domestic violence at home or live in unsafe, crime-ridden communities. Many suffer from a lack

The Importance of Terminology

Leaders in the field often equate the terms *child protective services* and *child welfare*. Both are about the safety of children. But for the purposes of this report, we are making the distinction between the child protection agency and a systemic responsibility and response:

Child protective services (CPS) agency: The state or county agency with legal responsibility for screening, investigating, and responding to reports of child abuse and neglect.

Child welfare system: A multisystem community response to ensure the safety and well-being of children. The CPS agency has a critical and central role to play in a community's child welfare system, particularly to ensure safety when a child has been harmed or is at imminent risk of harm. However, a child welfare system is much larger than the CPS agency alone and includes health care, social services, education, law enforcement, and all other formal and informal support systems that collectively must share responsibility and serve as touch points for families at risk of child abuse and neglect.

of financial resources, inconsistent employment, and housing instability. Often these parents are young; some have had prior experience with foster care or the juvenile justice system. Some have recently returned from deployment in the military and may be suffering from post-traumatic stress syndrome. These conditions, as dysfunctional as they may be, are not meant to excuse harmful behaviors toward children, but they do help to explain them.

For all of these families, we believe strong, effective, and well-resourced CPS agencies are and will always

be critical to our nation's child welfare system. At the same time, we need a system that does not rely on CPS agencies alone to keep all children safe. We must effectively marshal the knowledge, skills, and resources of all government and community agencies that come into contact with families and children. We need public will, shared accountability, local and state and federal leadership, and partnerships with the private sector to bring solutions to life.

In short, now is the time to move away from old patterns and adopt a new course of action to prevent child maltreatment deaths. Now is the time for a 21st century strategy to protect children and support families. Our work responds to a national crisis. We are providing recommendations for the policy changes, tools, and strategies that we believe are needed to turn this tragic emergency around.

NOTES FOR INTRODUCTION

¹ The child's name and location have been removed from the story for privacy reasons.

² Fang, X., Brown, D. S., Florence, C. S., & Mercy, J. A. (2012). The economic burden of child maltreatment in the United States and implications for prevention. *Child Abuse & Neglect*, 36(2), 156-165. Retrieved from <http://www.sciencedirect.com/science/article/pii/S0145213411003140>. Also see the CDC website at <http://www.cdc.gov/violenceprevention/childmaltreatment/economiccost.html>.

³ Ibid.

⁴ Testimony presented at the San Antonio, Texas, meeting on June 3, 2014 (https://eliminatechildabusefatalities.sites.usa.gov/files/2014/05/San_Antonio_Transcript1.pdf).

⁵ Every Child Matters Education Fund. (2012). *Child abuse & neglect deaths in America*. Retrieved from http://www.everychildmatters.org/storage/documents/pdf/reports/can_report_august2012_final.pdf.

⁶ Coalition members include the National Association of Social Workers, National Center for Child Death Review, National Children's Alliance, Every Child Matters Education Fund, and National District Attorneys Association; see http://www.naswdc.org/protectchildren/2011/Coalition_Flier.pdf.

⁷ Ways and Means Subcommittee on Human Resources. (2011, July 12). *Hearing on child deaths due to maltreatment*. Transcript. Retrieved from <http://waysandmeans.house.gov/hearing-on-child-deaths-due-to-maltreatment>. Ways and Means Subcommittee on Human Resources. (2012, December 12). *Hearing on proposal to reduce child deaths due to maltreatment*. Transcript. Retrieved from <http://waysandmeans.house.gov/hearing-on-proposal-to-reduce-child-deaths-due-to-maltreatment>.

⁸ U.S. GAO. (2011, July). *Child maltreatment: Strengthening data on child fatalities could aid in prevention*. (GAO 11-599). Retrieved from <http://www.gao.gov/products/GAO-11-599>.

1

Confronting the Tragedy of Child Abuse and Neglect Fatalities



OVER THE COURSE OF THIS COMMISSION, we have read with great distress the daily news accounts of child deaths from abuse or neglect. We know these stories only scratch the surface. During each of the two years we met, heard testimony, and deliberated, an estimated 3,000 children died from abuse or neglect. That's eight children a day, every day.

Despite the fact that thousands of children die each year from abuse or neglect, there has been no sustained attention at the federal level to prevent these deaths. Sometimes a child's death is so heinous that it catches our attention, if ever so briefly. A reporter investigates, policymakers call for changes, a new child death review panel is convened, the child protection agency director resigns or is fired, and perhaps a perpetrator is identified and charged. At times, a law is passed to respond to public outcry, such as a special appropriation for additional caseworkers. But for the most part, systemic and lasting changes do not occur, and children continue to die.

As Commissioners, we wonder: In the United States of America, in the 21st century, how can so many preventable deaths happen every day to the most defenseless, helpless babies and young children? We believe

every child deserves a full life. This means providing services and support to those who need help and developing policies and funding programs to prevent child maltreatment fatalities. To do this, we need a new and comprehensive approach to the 21st century child welfare system. Put simply, we believe that as a nation, we must do more and do it better to prevent children from dying.

What We Know About Child Abuse and Neglect Fatalities

As much as we learned about the circumstances around child abuse and neglect fatalities during our two years of hearings, meetings, and research, there is much that we still do not know. We do not know, for example, the exact number of children who die each year from abuse or neglect, nor do we know enough about children who experience life-threatening injuries at the hands of parents or caretakers.

Data

There is no standard, mandated reporting system for child abuse or neglect deaths in this country. Definitions, investigative procedures, and reporting

The Broader Picture of Safety

All children need caring adults who can provide a safe and nurturing home in which to grow up. Under most circumstances, the state cannot interfere with parents' fundamental rights to raise their children as they see fit. However, when parents are unable or unwilling to support and care for their children, and the children's safety is at risk, the state must intervene.

Removing children from their families and homes is almost always a traumatic experience, even when it is necessary. Anyone who has ever seen a toddler crying for his or her mother knows the pain that separation can generate. In addition, growing up in foster care far too often has dire consequences, including uncompleted education, substance abuse, unemployment, incarceration, and homelessness.⁹

Foster care remains a critical safe haven for some children, but it is not in and of itself a guarantee of safety; children have been harmed and, very rarely, even killed in foster care. In addition, placement is used disproportionately in African American families and probably also in American Indian/Alaska Native (AI/AN) families, although there are limited data on the extent of disproportionality among AI/AN children.

Removal and placement, even with relatives, should not be the "default" option when it comes to child safety. Other options exist, such as intervening earlier, so we can keep children at home while their parents receive quality services; more intensive monitoring and engagement by caseworkers and service providers; and evidence-based home visiting programs for families with newborns. Alternatives such as these are at the heart of the Commission's recommendations to build a comprehensive 21st century child welfare system in which child protective services (CPS) agencies share responsibility with other agencies and organizations to ensure children's safety. With this approach, we believe valuable foster care resources will be available to support those children for whom there are no other alternatives, and more children will grow up safely in their own homes.

requirements vary from state to state. Attributing a child's death to abuse rather than to an accident or natural cause is often extremely difficult. The death of a toddler who drowns in a bathtub, for example, may be classified as an accident in one jurisdiction and as a child neglect death in another.

No one data source offers a complete picture of the problem, but several give us insight into the number of child maltreatment deaths:

- The federal government's National Child Abuse and Neglect Data System (NCANDS) collects data on child maltreatment fatalities from states as reported by CPS agencies. In 2014, NCANDS estimated that there were **1,580 child maltreatment deaths** in the United States.¹⁰ NCANDS reporting is voluntary, and not all states currently report on fatalities. There are multiple definitions of abuse or neglect in use by states, and thus counting varies from state to state and even within states. In some states, if the child was not known to the CPS agency, the death is not reported to NCANDS. Therefore, this number is an undercount of the total child abuse and neglect deaths.
- In addition to CPS reports, data on child abuse and neglect fatalities come from other sources—medical examiners, coroners, vital statistics, law enforcement, and fatality review teams, for example.
- The federal government's most recent *National Incidence Study of Child Abuse and Neglect* (NIS-4) collects data from multiple sources on child maltreatment for children who are and are not reported to CPS agencies. For 2005–2006, NIS-4 reported 2,400 child maltreatment deaths (NCANDS reported 1,530 deaths for approximately the same period).

Getting an accurate number of abuse and neglect fatalities in order to learn from it was one of the priorities defined in the Protect Our Kids Act. We know that the number of fatalities is higher than reported by NCANDS. Some researchers estimate that the actual number is more than double the NCANDS total, but at least 3,000 children per year.¹¹

Characteristics of Child Maltreatment Deaths

Better data and research are available on the *characteristics* of children who die from abuse or neglect, and this information can inform strategies to save lives. In reviewing federal and state policies, we paid careful attention to research on the risk factors and circumstances associated with child deaths from abuse and neglect. Analyses of child death review reports showed that social isolation, young parents or single parents, caretakers and parents who struggle with mental health issues or substance abuse or domestic violence, and lack of parenting skills are all associated with increased risk of child fatality from abuse or neglect.¹² Although poverty itself does not cause child abuse or neglect, it puts strains on parents that can elevate stress and increase risk to children.

We found the following:

- Fatal child abuse may involve a single, impulsive incident (e.g., suffocating or shaking a baby) or repeated abuse over time, such as children who are victims of the battered child syndrome.
- Fatal neglect often occurs when the child's death results from a caregiver's egregious failure to act. The neglect may be chronic (e.g., extended malnourishment) or acute (e.g., an infant who drowns after being left unsupervised in the bathtub).
- Children who die from abuse and neglect are overwhelmingly very young. Approximately half are

infants younger than 1 year old, and approximately three-quarters are under 3 years of age. Many are just days or weeks old and are exposed to few adults who might report suspected maltreatment to CPS.¹³

- The young age of so many of these victims is one reason why as many as half or more fatalities involve children unknown to the local CPS agency before the death occurred (although some of their families may have been known in the past).¹⁴
- Disproportionately high numbers of African American children die from abuse or neglect. *Child Maltreatment 2014* reports that African American children die from child abuse or neglect at a rate that is two-and-a-half times greater than that of white or Hispanic children. (See Chapter 4 on Reducing Child Abuse and Neglect Deaths in Disproportionately Affected Communities.)
- Approximately 72 percent of child maltreatment fatalities involve neglect, either alone or in combination with another type of maltreatment¹⁵ and often in families challenged by the stresses of poverty.
- From studies of caregivers who kill children, we learned that parents, either alone or with others, are the most common perpetrators. Other perpetrators include relatives, unmarried partners of parents, and daycare providers. Children residing in households with unrelated adults were more likely to die from inflicted injuries than children residing with two biological parents.¹⁶ For example, in a study of children with abusive head trauma hospitalized at four children's hospitals, nonparent partners made up 22 percent of the perpetrators.¹⁷ Pennsylvania, Kentucky, Ohio, and Kansas each conducted limited studies of the involvement of a parent's unmarried partner in child maltreatment deaths and found that the rates of involvement were between 10 and 21 percent.¹⁸ In Ohio, the

concern was great enough to prompt a “Choose Your Partner Carefully” campaign in at least one county.¹⁹

Our Current Approach to Protecting Children Is Not Enough

CPS agencies have a legal responsibility for screening, investigating, and responding to reports of child abuse

and neglect. But prevention of fatalities must be both a federal and state priority. In order for that to happen, we must address a number of challenges.

Within the U.S. Department of Health and Human Services (HHS), the Children’s Bureau has primary responsibility for overseeing federal programs aimed at preventing child abuse and neglect. Through testimony, the Commission learned that, in some cases, the Bureau has not provided states or localities with clear direction on how to develop effective strategies for keeping children safe from fatal abuse or neglect. In the absence of such guidance, several states and counties have undertaken the hard work of developing their own strategies or initiatives to prevent fatalities or better respond to children at risk of a fatality. But no state we visited had a sufficiently comprehensive plan for a multi-agency, collective effort to share responsibility and prevent child maltreatment deaths.

This results in inconsistent practices across the country’s CPS agencies in general. As a Commission, we heard repeatedly that CPS agencies cannot be held *solely* responsible for protecting children from child abuse and neglect fatalities. Much of this testimony came from CPS directors and workers themselves, as they talked about the challenges to what agencies can accomplish with the current laws, funding, staffing, cross-agency policies and practices, and availability of needed services and support for families. In addition, we learned the following:

- Many young infants die from abuse or neglect without ever having been reported to CPS. If CPS doesn’t know about them, caseworkers cannot protect them. What we came to understand, however, was that many of these children were known to other systems and community members who had knowledge that there were potential safety issues in the home.

Past CPS Reports Are Associated With Increased Risk of Fatality

At the Commission’s meeting in Tampa, Florida, testimony was provided about a population-level study based on multiple sources of data from California on risk factors for fatal child maltreatment.²⁰ Knowledge of risk factors associated with fatalities can help CPS agencies and partners in the community do a better job of protecting children.

After adjusting for risk factors at birth, key findings included the following:

- A prior report to CPS, regardless of its disposition, was the single strongest predictor of a child’s potential risk for injury death (intentional or unintentional) before age 5.
- Given the same risk factors, a child reported to CPS had about a two-and-a-half times greater risk of any injury death.
- Children with a prior CPS report had an almost six (5.8) times greater risk of death from intentional injuries.
- A child with a prior report of physical abuse had a risk of intentional injury death that was five times greater than a child reported for neglect.
- Children reported for neglect had a significantly higher risk of unintentional injury death.
- Risk of sleep-related death was about three-and-a-half times greater when there had been a previous report of child abuse or neglect.

- Approximately 40 percent of cases reported to CPS are screened out,²¹ and no one sees the child.
- CPS professionals have exceedingly difficult jobs and provide a critical public safety service. They are often overworked and highly stressed. The Commission heard from CPS workers and supervisors about high caseloads, frequent turnover, and not enough time to adequately engage families. Shortages of workers, funds, and training may mean that inexperienced workers are tasked with making life-or-death decisions with insufficient preparation or support.²²
- Effecting change in families requires targeted and responsive services and supports that address the underlying issues that led to a report in the first place. Yet funding and access to high-quality services for parents (such as domestic violence services, substance abuse services, mental health services, home visiting, and more) are often limited or nonexistent, especially in rural areas and particularly on American Indian reservations.²³
- Legal and policy barriers to information sharing among agencies and between jurisdictions can leave CPS and other child-serving agencies out of the loop regarding information that might save a child's life. Often, different agencies serving the same family are not able or willing to share information when a family is in crisis. Take the case of a mother who gives birth and who had a child who had died from maltreatment in her family in the past or who had her parental rights terminated with her surviving children. Without data-sharing systems in place and a clear understanding of their responsibilities (and accountability), the hospital may not be aware of the family's history and would not know to alert CPS about the mother's new baby.
- CPS workers often lack evidence-based tools to support the best decisions about children's safety and welfare.
- There are few evidence-based programs to support families at risk of a fatality and limited knowledge about the ability of those programs to prevent a fatality.
- Some high-cost interventions have been identified as less effective. These include long-term group care, generic parenting programs, nonspecific psychotherapy, and short-term emergency foster care placements.²⁴ Investments in these programs could mean the service array does not effectively address the needs of families most at risk of fatalities. Reinvesting the resources elsewhere might be a more beneficial way to serve children and families most at risk of the worst outcomes.

Under the current child welfare system, CPS agencies and workers *do* protect millions of children every year, and most caseworkers are dedicated professionals. But they are not experts in every area of concern to families, nor can they ensure every child's safety under current laws without a commitment of shared responsibility from communities and other agencies that are engaged with families.

A Public Health Approach to Create a 21st Century Child Welfare System

The Commission was charged with identifying a national strategy for eliminating child abuse and neglect fatalities. After two years of hearings, testimony, and deliberation, we have concluded that immediate, significant changes are necessary. To build a 21st century child welfare system, we need a comprehensive public health approach premised on the importance of strong, integrated, and collective responsibility and coordinated action and measurement across agencies and states and within our communities.

A public health approach for child safety is one that promotes the healthy development and well-being of children. It builds off of a public health model used to



Our work environment...was characterized by a high level of turnover, both on the protective services side and on the case management side. So we had lots of staff that were coming and going...you had vacancies, you had higher caseloads, and you had a differential in experience...we had some very inexperienced, fresh-out-of-training folks working with some very high-risk cases...

—Mike Carroll, Secretary, Florida Department of Children and Families, in testimony to the Commission²⁵

tackle complex social problems, a model with a focus on prevention and support for community change. The Surgeon General connected this model with child maltreatment in 2005, calling prevention of child maltreatment a national priority.²⁶ The Centers for Disease Control and Prevention also championed a public health approach around reduction of child abuse and neglect. They define four steps in a public health model:

1. Define and monitor the problem.
2. Identify risk and protective factors.
3. Develop and test prevention strategies.
4. Ensure widespread adoption.²⁷

A public health approach to child safety and prevention of fatalities looks for the maximum benefit for the largest number of people, which means it works not only at the family level, but also at the community and societal level. Public and private sectors work together to align, leverage, and coordinate existing resources to provide support to children and families and to address risks and promote resilience before there is a crisis. The entire system becomes more preventive and responsive.

CPS remains a critical component of this approach in order to respond quickly when children are at risk of serious harm. But CPS is only one part of the picture. Other systems become key partners, including the courts, law enforcement, the medical community, mental health, public health, and education. Even neighbors

who come into regular contact with young children and families are part of a public health approach. All have a role to play to ensure that help is available when families need it through services and supports such as prenatal care, mental health services, evidence-based home visiting programs, employment, education, parent partnerships, housing support, early childhood education, and parent skills training, as well as substance abuse, mental health, and domestic violence programs.

The CPS *agency* in the 21st century child welfare system will continue to respond to allegations of abuse or neglect and work to keep children safe. But the ultimate goal is that fewer families will need involvement with CPS. This will free up CPS agencies to respond with more in-depth support to every child who comes to their attention for abuse or neglect. As a result, CPS agencies will be stronger, and their case management teams will be more effective. They will have more multidisciplinary partners and better connections to professionals in the community to help families. Community-based partners will also be ready to step in with support for families when their CPS cases are closed.

Three Interrelated Components for Success

Our proposed child welfare system for the 21st century relies on the synergy of three interrelated core components:

1. **Leadership and Accountability** refers to a multidisciplinary approach to ending child maltreatment fatalities that is guided by strong leadership at

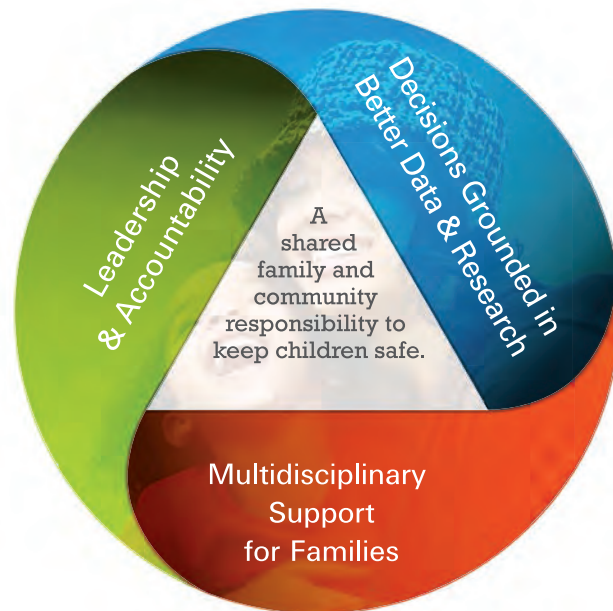
every government level, from federal to state to local. It requires unprecedented collaboration, jointly developed solutions, and a shared, collective focus that includes effective intervention for families in crisis, along with proactively building what is needed for the future. This involves changes in federal legislation, including the Child Abuse Prevention and Treatment Act (CAPTA), as well as stronger leadership at the federal level, and the development of national and state plans for elimination of child maltreatment fatalities. **Leadership and Accountability recommendations are detailed in Chapter 5.**

2. **Decisions Grounded in Better Data and Research** describes the efforts that are necessary to share data in real time to better protect children and to create better systems to collect more accurate and complete data. This component includes recommendations regarding efforts to better count maltreatment fatalities, as well as real-time data sharing and the use of predictive analytics to identify children most at risk of fatalities and factors related to high risk. Better data and analyses over time will illuminate what works in prevention and intervention, helping those who work with families (CPS, medical providers, law enforcement, courts, and more) and families themselves to make better decisions about child safety. **Recommendations for Decisions Grounded in Better Data and Research are detailed in Chapter 6.**

3. **Multidisciplinary Support for Families** refers to prevention and early intervention, surveillance, CPS intervention, and cross-system collaboration. Recommendations include stronger cross-system teaming and accountability, policy shifts so that multidisciplinary team decisions can be made on the basis of safety concerns rather than an incident of abuse, and improved screening and access to

high-quality prevention and intervention services. **Recommendations for Multidisciplinary Support for Families are detailed in Chapter 7.**

Core Components of the 21st Century Child Welfare System



In embracing a public health approach that emphasizes these three core components, the Commission is recommending a higher level of accountability for all of our communities, cities, states, and the federal government to better develop and implement comprehensive prevention efforts in order to prevent serious abuse and neglect to infants and children. For our youngest children who die, this approach is likely the only way we can prevent their deaths. We may get a second chance for infants who are reported to CPS, but they will already be injured. We must strengthen our collective approach to get precious preventive resources to the highest risk families, even as we confront the tremendous challenges in financing, workforce, and safety practices in building robust and effective CPS agencies.

Large-scale change requires immediate action and long-term investments. It will take sustained leadership, expanded and shared use of data, and a collective commitment to multidisciplinary responses to move forward. This report is a vision of how we as a society can realign our organizations and communities—as well as our priorities—to support families at highest risk, preventing child abuse and neglect fatalities, intervening where necessary, and ultimately ensuring the safety of all children.



A Comprehensive Strategy for Immediate and Long-Term Action

As a Commission, we recognize the need for systemic reform, and we realize that large-scale reform does not happen overnight. At the same time, we cannot abdicate our responsibility to those children who could be saved now.

We believe we must act not only to save the children who will die from abuse or neglect tomorrow and the next day and the next, but also to make far-reaching recommendations that will begin to solve the systemic

problems inherent in tasking one agency with a problem that belongs to all of us. We suggest a comprehensive approach to success that includes both immediate and long-term goals to keep children safe now and at the same time to prevent fatalities in the future.

Our recommendations are organized into two sections: populations in need of special attention and an approach to build a more comprehensive and responsive child welfare system overall. Elements of both can, and should, be initiated at the same time.

Section I: Populations in Need of Special Attention

No child's death from abuse or neglect is ever acceptable, but we identified three groups of children who need special attention: those who can be identified through data to be at high risk of a fatality, American Indian and Alaska Native children, and African American children.

Section II: Components of the Commission's National Strategy

The lessons learned from a targeted focus on preventing fatalities among high-risk children can be directly applied to an effort to create a 21st century child welfare system to protect children and support families. This new system includes three core components: strong leadership and accountability among a range of partners, decisions grounded in better data, and multidisciplinary support for families in their own communities.

We Must Act to Save Children's Lives Now: Highlighted Recommendations

Among our comprehensive set of recommendations, the Commission has agreed to highlight 10 that lie at the heart of our strategy. These are actions that

we believe, when acted on by the administration and Congress, will accelerate and support the success of the strategy as a whole.

Six of these recommendations are highlighted because they are actions that will begin to save children's lives immediately, while four of them lay groundwork that we believe to be essential for the rest of the national strategy to succeed. Each recommendation is indicated by number; more detail about these recommendations and the analysis behind them can be found in the chapters that follow.

Recommendations That Can Save Lives Immediately

Unless these steps are taken by the administration and Congress, the Commission believes the same number of children will continue to die each year from child maltreatment fatalities. They are essential to reduce the number of fatalities that will otherwise occur this year and next if we fail to act.

RECOMMENDATION 2.1:

Support states in improving current CPS practice and intersection with other systems through a two-year multidisciplinary action to protect and learn from children most at risk of maltreatment fatalities.

States will first conduct a review of all child abuse and neglect fatalities from the previous five years. Then, using the knowledge gained in this review, states will develop and implement a fatality prevention plan. More details about this process can be found in the Recommendations section of Chapter 2.

As part of the above process, the Commission also emphasizes the importance of the following:

RECOMMENDATION 2.1e:

Ensure that the most vulnerable children are seen and supported.

If states find, during the five-year review (above), that investigation policy is insufficient in protecting children, their fatality prevention plans should ensure that the most vulnerable children are seen and supported. States should review current screening policies to ensure that all referrals of children under age 3 and repeat referrals receive responses. In addition, investigation policy should be reviewed to ensure that reports for children under age 1 are responded to within 24 hours. Alternatives to a CPS agency investigation should be considered. Congress and states should fund the necessary resources. Children under age 5 and children with prior CPS reports should be prioritized for home visiting programs.

RECOMMENDATION 6.1a:

Support data-sharing for child protection.

The administration should spearhead a special initiative to support state and local entities engaged in protecting children, such as law enforcement and CPS, in sharing real-time electronic information on children and families.

RECOMMENDATION 6.3b:

Review life-threatening injuries.

In order to incentivize states to add the reviews of life-threatening injuries caused by child maltreatment into their current child death review activities, receipt of CAPTA funds should be contingent upon states conducting these reviews. (Currently, Wyoming and Oklahoma conduct both types of reviews.)

RECOMMENDATION 7.2a:

Ensure that other children’s services providers have higher levels of accountability to reduce child fatalities.

In health care, Medicaid should create greater accountability for health-care providers to screen families at elevated risk for maltreatment and should use payment mechanisms, including reimbursement strategies, to incentivize greater investment in intergenerational services to these families. Communities with home-visiting programs should have greater accountability to demonstrate the connection of these services to highest risk families. Birth hospitals should be held to a higher level of accountability for Plans of Safe Care.

RECOMMENDATION 7.2d:

Demand greater accountability from mandatory reporters.

Federal legislation should be amended to include a minimum standard designating which professionals should be mandatory reporters, and training of these reporters should be an allowable expense under title IV-E of the Social Security Act, as long as the training model is approved by HHS. For mandatory reporters who need to maintain licenses in their fields, training and competency should be a condition for licensure, with responsibility on the licensees and their licensing entity to make sure they refresh competencies over time.

Recommendations That Lay the Groundwork for Our National Strategy

Four additional recommendations are critical to begin now to lay the groundwork for our national strategy:

RECOMMENDATION 5.1a:

Elevate the Children’s Bureau to report directly to the Secretary of the U.S. Department of Health and Human Services (HHS). Require the HHS Secretary, in consultation with the Children’s Bureau, to report annually to Congress on the progress of the implementation of the recommendations of this Commission.

RECOMMENDATION 5.2a:

Through legislation, Congress should require states to develop and implement a coordinated, integrated, and comprehensive state plan to prevent child maltreatment fatalities.

RECOMMENDATIONS 2.1i, 5.4a, and 7.4d:

Provide resources to create and sustain the 21st century child welfare system required to eliminate maltreatment fatalities. This includes the following recommendations regarding resources:

- **RECOMMENDATION 2.1i:** We strongly recommend a significant appropriation of funds by the federal government to strengthen the child protection system by implementing Recommendation 2.1. There were four different views offered on the funding needed to achieve this goal of fundamentally reforming the country’s child welfare system.
 1. One group of Commissioners strongly believes that the federal funding commitment to effective child protection is drastically underfunded and recommends that Congress immediately authorize and then appropriate at least a \$1 billion increase to the base allotment for CAPTA as a down payment on the funding

necessary to ensure that state CPS agencies are consistently effective and have sufficient funding to keep children protected and that families receive the services and supports they need to ensure their children’s safety. These Commissioners further believe that the first year of funding should support state efforts to implement the case reviews of children known to CPS. This will help to ensure children’s continued safety and determine the broader reforms necessary both to better protect children from abuse and neglect generally and to dramatically reduce child abuse and neglect fatalities. Thereafter, the ability of a state to draw down its share of these new funds will be contingent upon the state having a fatality prevention plan in place and approved by HHS to fundamentally reform the way the child welfare system is designed and delivered, with the goal of better protecting children and significantly reducing child abuse and neglect fatalities and life-threatening injuries.

2. One group of Commissioners recommends an increase in funding but leaves the responsibility to Congress to identify the exact amount of funding needed by all responsible agencies to carry out activities in this goal, sources of that funding, and any offsets in funding that are available to support this recommendation.
3. One group of Commissioners recommends that initial costs be covered by existing funding streams, cost-neutral waivers for children ages 0-5, and a prioritization of services for children ages 0-5 who have been demonstrated to be at the highest risk for a later fatality. An overhaul to the structure of federal funding is required to better align resources pertaining to the

prevention of and response to safety issues for abused or neglected children. Furthermore, we still have few approaches, programs, or services that demonstrate evidence in reducing child abuse and neglect fatalities. Rather than continuing to fund programs with no evidence of effectiveness, we should support state and local funding flexibility, innovation, and research to better determine what works. The child welfare system is woefully underfunded for what it is asked to do, but a significant investment needs to wait until additional evidence is developed to tell us what works.

4. One group of Commissioners strongly believes that the federal funding commitment to effective child protection is drastically underfunded but does not favor making a request for specific dollar amounts in this report. However, if funding is recommended, it should be recommended for all recommendations made by this Commission. Many of the recommendations proposed will require dollars, and all of the recommendations will work toward reducing child abuse and neglect fatalities.

- **RECOMMENDATION 5.4a:** Hold joint congressional hearings on child safety in committees that oversee CAPTA, title IV-E, title IV-B, and Medicaid to better align national policies, resources, and goals pertaining to the prevention of and response to safety issues for abused or neglected children. Coordinating federal child welfare policy in this way would also yield efficiencies through improved governance and oversight.
- **RECOMMENDATION 7.4d:** Congress should establish a multiyear innovation program to finance

the development and evaluation of promising multidisciplinary prevention initiatives to reduce child abuse and neglect fatalities. This innovation fund would provide participating states with resources to design, implement, and evaluate these prevention initiatives at the state or regional level, as outlined by states in their state fatality prevention plans. This model is based on the demonstrated success of the Centers for Medicare and Medicaid Innovation established by section 3021 of the Patient Protection and Affordable Care Act. The cost is approximately \$500 million dollars.²⁸

RECOMMENDATION 7.1h:

Provide funding flexibility.

The Commission supports flexible funding in existing entitlement programs to provide critical intervention services in mental health, substance abuse, and early infant home visiting services to support earlier identification and mitigation of risk within families at risk for child maltreatment fatalities. Currently, more than half of the states are operating title IV-E waiver demonstration projects, which will end in 2019 and have not been authorized to continue.²⁹ The Commission recommends that Congress reauthorize waiver authority under title IV-E of the Social Security Act. Reauthorization of waiver authority under title IV-E should not be seen as a substitute for more fundamental title IV-E financing reform, but rather should be utilized to allow states to experiment with new and innovative ideas regarding the administration of the title IV-E program. The Commission supports the Hatch-Wyden legislation, known as the Family First Bill, which would include provisions to include in title IV-E an option for states, as well as tribes who administer a title IV-E program, to operate a statewide prevention program.

NOTES FOR CHAPTER 1

- ⁹ Child Trends Databank. (2015). *Foster care*. Retrieved from <http://www.childtrends.org/?indicators=foster-care>.
- ¹⁰ U.S. Department of Health & Human Services, Administration for Children and Families, Administration on Children, Youth and Families, Children's Bureau. (2016). *Child maltreatment 2014*. Retrieved from <http://www.acf.hhs.gov/programs/cb/research-data-technology/statistics-research/child-maltreatment>.
- ¹¹ Herman-Giddens, M. E., et al. (1999). Underascertainment of child abuse mortality in the United States. *JAMA*, 282(5), 463-467. Retrieved from <http://jama.jamanetwork.com/article.aspx?articleid=190980>. Also, Cotton, E. E. (2006). *Administrative case review project, Clark County, Nevada: Report of data analysis, findings and recommendations*. Retrieved from <http://dcfs.nv.gov/uploadedFiles/dcfsnvgov/content/Tips/Reports/Attachment07.pdf>. Crume, T. L., DiGuiseppi, C., Byers, T., Sirotnak, A. P., & Garrett, C. J. (2002). Underascertainment of child maltreatment fatalities by death certificates, 1990-1998. *Pediatrics*, 110(2). Retrieved from <http://pediatrics.aappublications.org/content/pediatrics/110/2/e18.full.pdf>. Herman-Giddens et al. estimate actual child abuse and neglect deaths to be as high as three times the national reported amount; similarly, Cotton et al. and Crume et al. found the actual number of deaths to be twice that reported.
- ¹² Child abuse and neglect factsheet. The National Center for the Review and Prevention of Child Deaths. Retrieved from <https://www.childdeathreview.org/reporting/child-abuse-and-neglect>.
- ¹³ U.S. Department of Health & Human Services, Administration for Children and Families, Administration on Children, Youth and Families, Children's Bureau. (2016). *Child maltreatment 2014*. Retrieved from <http://www.acf.hhs.gov/programs/cb/research-data-technology/statistics-research/child-maltreatment>.
- ¹⁴ A number of studies indicate that anywhere from a third to half of child maltreatment fatalities involved families known to CPS. See, for example, Grimm, B. (2007). Child deaths from abuse or neglect. *Youth Law News*, XXVIII. National Center for Youth Law. Retrieved from <http://youthlaw.org/publication/child-deaths-from-abuse-and-neglect>. See also Dexheimer, E., & Ball, A. (2015, January 11). Missed signs, fatal consequences: Part 1: In many cases, families already on state's radar. *Statesman* (Austin, TX). Retrieved from <http://projects.statesman.com/news/cps-missed-signs/missteps.html>.
- ¹⁵ U.S. Department of Health & Human Services, Administration for Children and Families, Administration on Children, Youth and Families, Children's Bureau. (2016). *Child maltreatment 2014*. Retrieved from <http://www.acf.hhs.gov/programs/cb/research-data-technology/statistics-research/child-maltreatment>.
- ¹⁶ Palusci V., & Covington T. (2014). Child maltreatment deaths in the U.S. National Child Death Review Case Reporting System. *Child Abuse & Neglect*, 38, 25-36.
- ¹⁷ Scribano, P. V., Makoroff, K. L., Feldman, K. W., & Berger R. P. (2013). Association of perpetrator relationship to abusive head trauma clinical outcomes. *Child Abuse & Neglect*, 37(10), 771-777.
- ¹⁸ Pennsylvania Department of Public Welfare. (2014). *2013 Annual child abuse report*. Retrieved from http://www.dpw.state.pa.us/cs/groups/webcontent/documents/report/c_086251.pdf. Also, Kentucky Division of Protection and Permanency, Department of Community Based Services Cabinet for Health and Family Services. (2014). *Child abuse and neglect annual report of fatalities and near fatalities*. Retrieved from http://chfs.ky.gov/NR/rdonlyres/8A7A-72CA-BFD4-4183-8827-AED7D6C36AD4/0/DOC_20140916133736.pdf. Department of Health and Ohio Children's Trust Fund. (2014). *Ohio child fatality review fourteenth annual report*. Retrieved from <http://www.odh.ohio.gov/~media/ODH/ASSETS/Files/cfhs/child%20fatality%20review/ohiochildfatalityreviewannualreport2014.ashx>. Kajese, T. M., Nguyen, L. T., Pham, V. K., Melhorn, K., & Kallail, K. J. (2011). Characteristics of child abuse homicides in the state of Kansas from 1994 to 2007. *Child Abuse & Neglect*, 35(2), 147-154.
- ¹⁹ <http://www.pcsao.org/ChooseYourPartnerCampaign.htm>
- ²⁰ Testimony by Emily Putnam-Hornstein at the Tampa, Florida, meeting on July 10, 2014 (https://eliminatechildabusefatalities.sites.usa.gov/files/2014/05/CECANF_Meeting-Minutes-Tampa-FL-July-10-20141.pdf).
- ²¹ U.S. Department of Health & Human Services, Administration for Children and Families, Administration on Children, Youth and Families, Children's Bureau. (2016). *Child maltreatment 2014*. Retrieved from <http://www.acf.hhs.gov/programs/cb/research-data-technology/statistics-research/child-maltreatment>.
- ²² CECANF meeting testimony from Mike Carroll, Florida Department of Children and Families, in Florida on July 10, 2014 (<https://eliminatechildabusefatalities.sites.usa.gov/files/2014/05/Transcript-Tampa-FINAL.pdf>).
- ²³ Child Welfare Information Gateway. (2012). *Rural child welfare practice*. Retrieved from <https://www.childwelfare.gov/pubPDFs/rural.pdf>.
- ²⁴ Samuels, B. (2012, April 18). *Looking to the future: An agenda for the Children's Bureau's next 100 years*. Presentation to the 18th National Conference on Child Abuse and Neglect, Washington, DC.
- ²⁵ Testimony presented at the Tampa, Florida, meeting on July 10, 2014 (<https://eliminatechildabusefatalities.sites.usa.gov/files/2014/05/Transcript-Tampa-FINAL.pdf>).
- ²⁶ Office of the Surgeon General. (2005, March). *Surgeon General's workshop on making prevention of child maltreatment a national priority: Implementing innovations of a public health approach*. Workshop conducted at the National Institutes of Health, Bethesda, MD. Retrieved from <http://www.ncbi.nlm.nih.gov/books/NBK47482>.
- ²⁷ Centers for Disease Control and Prevention. (n.d.). Public health approach to violence prevention. Retrieved from <http://www.cdc.gov/violenceprevention/overview/publichealthapproach.html>.
- ²⁸ Cost based on the amount states spent on home visiting programs in 2010, which is the most recent data available (\$514 million, see <http://www.pewtrusts.org/en/research-and-analysis/reports/2011/08/24/states-and-the-new-federal-home-visiting-initiative-an-assessment-from-the-starting-line>) plus the cost of a convening for state leaders.
- ²⁹ Twenty-eight states, Washington, DC, and the Port Gamble S'Klallam Tribe in Washington state are using title IV-E waivers, according to the National Conference of State Legislatures. Retrieved from <http://www.ncsl.org/research/human-services/child-welfare-financing-101.aspx>.

Section I

Populations in Need of Special Attention

In addition to assessing the challenges and solutions to child abuse and neglect fatalities overall, the Commission focused on three groups: children known to the child protective services (CPS) system today who are at high risk of fatality, American Indian/Alaska Native children, and African American children. Efforts to identify, reach, and protect each of these groups of children present unique challenges deserving of special attention. However, the Commission views the steps that must be taken to overcome these challenges as integral to the creation of an effective 21st century child welfare system that will protect the safety of all of our children in the future.

Chapter

2

Saving Children’s Lives Today and Into the Future

Current data technology allows states to analyze the circumstances of past child abuse and neglect fatalities in order to identify, in each state and jurisdiction, children at high risk of fatalities in the present. This chapter includes a recommendation that states implement a review of all fatalities in the past five years and develop a multidisciplinary plan to identify and support children in similar circumstances. The purpose of this data review is twofold: (1) to ensure a response that will save children’s lives now and (2) to build a body of knowledge that will inform practice and systems to save more lives in the future.

Chapter

3

Addressing the Needs of American Indian/ Alaska Native Children

Data, jurisdictional, and resource complications are huge barriers to understanding and preventing child fatalities in Indian Country. There is no agreement on the number of Indian children or youth who die from abuse or neglect in a year. NCANDS does not collect data from tribes, and they are not eligible for CAPTA funds. Most tribes do not have the resources to improve their data capacity, learn from it, or provide the services that could lead to better outcomes for children. Jurisdictional issues between the federal government and tribes further complicate the ability to understand and prevent deaths. This chapter makes recommendations to address these challenges.

Chapter

4

Reducing Child Abuse and Neglect Deaths in Disproportionately Affected Communities

African American children make up approximately 16 percent of the child population in this country but 30 percent of the child abuse and neglect fatalities. This overrepresentation is a long-standing concern of many child welfare leaders and one the Commission was determined to understand and address. Data sharing, risk assessment, poverty, and implicit institutional racism were part of the discussion and a path to recommendations for solutions.

Hillsborough County, Florida

Using Data to Improve Practice and Keep Children Safe



“If the only thing you do is come up with a list of cases that are high risk, all you’ve done is identify the train that’s coming at you on the tracks. You’ve got to have a way to switch the track,” said Bryan Lindert, Senior Quality Director at Eckerd Kids in Hillsborough County, Florida.

Switching tracks is exactly what leaders in Hillsborough have in mind when it comes to preventing fatalities of young children. They are doing it through an innovative process they developed called Eckerd Rapid Safety Feedback® (ERSF). ERSF uses real-time data to identify a list of high-risk cases, but that is only the beginning. Once the cases are identified, they are flagged and reviewed, often leading to an immediate, intensive meeting between quality management (QM) specialists and the case management team for the family. It is the combination of the two—data and intensive intervention—that makes ERSF both different and promising.

The History in Hillsborough County

The changes in Hillsborough were born from tragedy: A 1-year-old allegedly killed by his mother’s boyfriend; a 4-month-old tossed from a car on an interstate; a 16-month-old taken from his mother and allegedly

beaten to death by his father. From 2009 to 2011, nine children in Hillsborough County died from maltreatment. Each of these children was under 3 years of age. All but one had an open, in-home child protective services (CPS) case.

Sadly, the state of Florida is no stranger to child homicide, but no other county had as many deaths in so short a time as Hillsborough in those two years. The state response was definitive. Eckerd Kids was named to replace the lead child protection agency in the county. Eckerd officials reviewed all nine fatalities in depth, as well as other deaths in the region, looking for common characteristics. They then reviewed every open case in the county, some 1,500 families with more than 3,000 children, looking for additional system gaps and practice concerns that could lead to serious injury or death.

They found that families in which a fatality or serious injury occurred shared multiple risk factors, including in-home, open cases with a child under 3 years of age; young parents; a paramour or unmarried partner in the home; intergenerational abuse; and domestic violence, substance abuse, or mental health problems. Staff identified current cases with immediate practice concerns,

which they used to pinpoint nine critical practice issues.

The goal was to take what they learned from the past and use it to prevent fatalities in the future. But to do this, they needed more data.

Putting Data to Work for Child Safety

Enter Mindshare Technology.³⁰ Using state historical data about maltreatment, the data software company developed predictive models to quantify the likelihood that a particular child would experience a life-threatening episode. Once the model was finely tuned, staff began to feed it daily with data from Hillsborough about new investigations and new cases.

This technology scans the system, looking beyond cases that match predetermined risk factors. It then identifies cases that match the risk factors and produces reports. These include new cases as well as updates on cases already in the system. “Mining the data daily is critical to the success of this process,” said Greg Povolny,³¹ founder and CEO of Mindshare. “Predictive analytics is not a one-time job. The intention is to zero in on children for the long haul.”

Data Analytics Lead to Action

ERSF is a combination of data and practice change focused on prevention of child fatalities. This is the process in Hillsborough County:

- After getting case notices, QM staff review each case, guided by a list of critical practice questions. If answers to any of those questions raise concerns, QM specialists call a meeting with the supervisor and worker for the family the same day.
- Meetings focus on practice and compliance issues that can jeopardize safety. Together the QM and

case management teams address these issues through immediate and more focused visits to the home, improvements to safety plans, access to specific services, and more.

- Additional meetings, follow-up, and coaching continue until risk factors no longer exist, the case is closed, or the child turns 3 years old.
- If necessary, the child is removed. The end goal is always the child’s safety.

This Is Not Traditional Quality Assurance

Launched in January 2013, ERSF is different from traditional quality assurance (QA) programs. QA is typically limited to a random selection of cases and uses up to 200 questions to assess practice. Traditional QA is not based on data that identifies specific children at greatest risk of severe maltreatment.

ERSF prioritizes the cases that need the best and most intense casework. “We read the case files independently,” said Suzanne Barlow, Quality Manager at Eckerd, which allows them to confront the understandable, but sometimes fixed, frame of reference brought to the case by workers and supervisors.

The QM and case management teams then work together to develop a better safety plan and articulate steps required to keep the child safe. Addition of targeted services and community support—and ensuring parents and caretakers actually receive them—are part of the discussion.

Follow-up is part of the package, as is coaching, which promotes the transfer of new skills learned by case managers and supervisors in one case to others.

The Bottom Lines

ERSF pulls together data sharing, better casework by a CPS agency, and collaboration with a wider range of community services. It requires an upfront investment to identify the risk factors, train the QM team, and produce the operational predictive model. Once it is set up and a trained QM team is in place, it can move forward without a lot of additional expenses. The startup cost for a jurisdiction is approximately \$200,000, with approximately \$90,000 in yearly fees to support the portal maintenance and for ongoing fidelity activities.

Interest in ERSF has spread throughout Florida and to other states and jurisdictions across the country, including Alaska, Illinois, Connecticut, Oklahoma, and Maine. Although the process and use of data are similar in different jurisdictions, said Lindert, “the identification of high-risk cases and the practice questions will be tailored to each.” Oklahoma, for example, is looking to introduce ERSF with investigations. That state’s practice questions and risk model will look different from those in Hillsborough.

As of December 2015, more than 2,000 ERSF reviews had been completed in Hillsborough County, including multiple coaching sessions for some cases. Child fatali-

ties still occur. But in Hillsborough, there have been no more abuse-related deaths³² in the population targeted by ERSF.

A formal evaluation of ERSF is underway, but research shows a 36 percent improvement in sharing critical case information with providers (including mental health, substance abuse, and domestic violence services); a 35 percent improvement in supervisory reviews and follow-up by case managers; a 25 percent improvement in the effectiveness of safety plans; and a 22 percent improvement in the quality of case management contacts and discussion with families.³³ Eckerd and Mindshare have shown in Hillsborough that the intricate dance between data and practice can keep an important sector of children safe.

To Povolny, ERSF was a welcome opportunity for those in Hillsborough to be thought leaders. “There are so many program areas in desperate need of change,” he said. “Florida is doing it.”

NOTES FOR HILLSBOROUGH COUNTY, FLORIDA: USING DATA TO IMPROVE PRACTICE AND KEEP CHILDREN SAFE

³⁰ CECANF supports public-private partnerships like the one described here but does not endorse any specific product or corporation.

³¹ Testimony presented at the Tampa, Florida, meeting on July 10, 2014 (<https://eliminatechildabusefatalities.sites.usa.gov/files/2014/05/Transcript-Tampa-FINAL.pdf>).

³² There were four infant fatalities in Hillsborough County in 2015. All were tragic, but none was part of the ERSF process. Two of the deaths took place during the investigation period, which, in Hillsborough, is the responsibility of the Sheriff’s Office. The other two were unsafe sleep deaths; these were investigated independently by the Sheriff’s Office and not substantiated as abuse or neglect.

³³ Eckerd Rapid Safety Feedback. (n.d.). Retrieved from <http://www.eckerd.org/programs-services/system-of-care-management/eckerd-rapid-safety-feedback>.

2

Saving Children's Lives Today and Into the Future



THROUGHOUT OUR TWO-YEAR SERVICE ON THE Commission, we received daily updates on the latest news stories of children’s deaths from abuse or neglect. Every day we read another story, or several, about infants and children who suffered unthinkable deaths while this Commission was meeting and listening to testimony. Too often, the news stories revealed that although a local child protective services (CPS) agency had been alerted to the risks facing these children, either the agency had not consistently monitored their well-being or taken adequate protective action, or other mandatory reporters who had seen the child did not alert CPS about possible abuse or neglect. It is clear, through the Commission’s study of these deaths, that having more eyes on children and shared accountability across the multiple systems that interact with children and their families can save lives.

Therefore, we begin by recommending a process to accelerate states’ ability to study past child fatalities and, through this process, to identify and respond to children currently at highest risk of a fatality in order to prevent their deaths. As a Commission, we agree that what is most important is to ensure that children are safe. To do that, a caring adult must be present in their lives, whether it is their parent or caretaker, a relative,

or a foster parent. In many cases, safety can best be accomplished by providing services and supports to the child’s family. In some cases, the best choice might be to remove the perpetrator from the home, allowing the child to remain safely in familiar surroundings. In some cases, children must be removed from their homes and placed in foster care. But this removal is traumatic and should be a last resort.

In addition to increasing child safety, these recommendations will provide states and the nation with a real-time opportunity to more deeply understand risk, safety, and what it will take to keep children from dying from abuse and neglect at the hands of those whose responsibility it is to protect them. This process can serve as a foundational step in the knowledge development we will need as a nation as we work to implement the rest of this Commission’s recommendations to fundamentally reform the country’s child welfare system.

What We Learned: A Report of Maltreatment Indicates Increased Risk

Although we know that many children who die from abuse or neglect are not known to CPS before their death, we also learned in testimony that a report to CPS

Highlighted Recommendations

Recommendation 2.1: The administration and Congress should support states in improving current CPS practice and intersection with other systems through a two-year multidisciplinary action to protect and learn from children most at risk of maltreatment fatalities. States will first conduct a review of all child abuse and neglect fatalities from the previous five years. Then, using the knowledge gained in this review, states will develop and implement a fatality prevention plan. More details about this process can be found in the Recommendations section of this chapter.

As part of the above process, the Commission also emphasizes the importance of the following two subrecommendations:

Recommendation 2.1e: If states find during the review of five years of data that investigation policy is insufficient in protecting children, their fatality prevention plans should ensure that the most vulnerable children are seen and supported.

Recommendation 2.1i: We strongly recommend a significant appropriation of funds by the federal government to strengthen the child protection system by implementing Recommendation 2.1.

There were four different views offered on the funding needed to achieve this goal of fundamentally reforming the country's child welfare system. These four viewpoints are described in the Recommendations section later in this chapter.

is strongly associated with later injury death. In fact, as described in Chapter 1, research shows that children with a prior CPS report have an increased risk of death from intentional injuries that is almost six (5.8) times greater than that of children who have never been the subject of a report to CPS.³⁴ This research shows that a

previous report to CPS is the single strongest predictor of later death from injury.

It is a sobering thought: Many of the children who will die today, tomorrow, or later this year have already been reported as possible victims of abuse or neglect to CPS.³⁵ The reports may or may not have been investigated; if investigated, the charges may or may not have been substantiated; if substantiated, the families may or may not have received the services and supports required, and the children may or may not have been removed from their homes and placed in foster care. But if they were reported as possible victims, these children's risk of death from abuse has increased significantly.

The Recommendation's Twofold Benefits

This recommendation should be put in place without delay because it has the potential both to save lives immediately and to contribute significantly to our body of knowledge about how to protect children well into the future.

Saving Children's Lives

The recommendation is intentionally flexible, allowing states to identify and target their prevention plans to the cases of those children who are most vulnerable. Based on their review of five years of data, many states may find that their target population consists of very young children who are known to CPS and remain in their homes. But some states may find that their most vulnerable population has other characteristics.

Depending on what a state's retrospective review of data identifies, that state will then develop a plan to use that information to conduct multidisciplinary visits and reviews of cases. This fatality prevention plan will be submitted for approval to the U.S. Department of

Health and Human Services (HHS). For instance, if a state’s multidisciplinary team reviews its past five years of child abuse and neglect fatalities and determines that the vast majority of children were under 2 years old, living at home, and initially reported for physical abuse, the plan will propose that the subsequent review of open cases will focus on current cases of children who share these characteristics. Alternatively, if a state’s retrospective review determines that the vast majority of fatality cases involved caseworkers who had less than one year of experience, then those current open cases would be prioritized for the in-depth multidisciplinary review.

Regardless of the characteristics of the targeted cases identified by the state, the goal of these multidisciplinary reviews will be to determine whether the children are safe. States will use the data from the five-year review to decide where to focus their efforts; there is no requirement that states review only cases in which children are living at home with their parents. Multidisciplinary review teams should include representatives from the medical community, law enforcement, and other systems that protect children.

Learning More About What Contributes to Child Fatalities

Besides serving as a second, third, or fourth set of eyes on the most vulnerable children, this kind of review will help each jurisdiction identify constellations of circumstances that might serve as future red flags to caseworkers, law enforcement officers, health care professionals, educators, and others who work with children and families. These circumstances might include child characteristics (age, health status), parent and family characteristics, neighborhoods, and other factors that might indicate a higher risk for a child maltreatment fatality.

Likewise, this kind of review will point out the policies, practices, and resources that have the potential to reduce child maltreatment deaths. In looking at five years of data, a state might find that, in the majority of child maltreatment deaths, caseworkers had high case-loads, inadequate supervision, or a lack of experience or training. A state might find a spike in deaths when a visit from a caseworker is missed, the agency is understaffed, or when needed services and supports are not available or accessible to parents. It also will allow other systems interacting with these families to consider how their policies, practices, and resources can and do contribute to protecting children. All of these findings will be written into the state’s fatality prevention plan submitted to HHS so that states can address their current systemic issues and make improvements as part of a continuous quality improvement (CQI) process.

Critical Components of This Approach

This recommendation replicates some of the principles and practices in Hillsborough County’s Eckerd Rapid Safety Feedback model in its approach to identifying and reaching children at high risk. Research in Hillsborough County led the county to focus efforts specifically on children up to age 3 with open CPS cases living at home. This Commission recommendation allows states and counties to identify the priorities that best fit the needs and circumstances of families in their jurisdiction. The components from Hillsborough County’s model that should be considered in the implementation of this recommendation are as follows:

- Agency accountability with a clear goal of reducing fatalities
- Research about characteristics that distinguish families in which children die from families in which children survive



- Information system that alerts managers and staff to children in high-risk circumstances
- Revised quality assurance function that assists workers and supervisors in real time, not retrospectively
- Examination of how workers allocate limited time
- Increased support to workers in decision making

The Hillsborough model presents some limitations that could be addressed through the implementation of this recommendation. One major limitation is that the data studied were limited only to children known to CPS. We recommend a public health approach by requiring states also to look at children who died from maltreatment fatalities and were *not* known to CPS. Multidisciplinary reviews for similarly situated children

served through other systems, including health care, could ask what other systems could do to improve protection of children other than referring them to the CPS agency.

In addition, the Hillsborough model utilized data from only the CPS agency to identify the characteristics of children who died. This process will be greatly strengthened by incorporating data from multiple sources, including health care and law enforcement. The lessons learned from examining these cases can be applied to the national learning community created through this process. Taking these steps brings the work of CPS and the multiple systems that interact with children and families closer to realizing the 21st century child welfare system.

Federal Leadership, Incentives, and Support

We are recommending that this issue be immediately considered by the administration and that the federal government partner with states in this process of applying knowledge gained from past child abuse and neglect fatalities to their current population of children. Other systems must share accountability for child safety and play an equal role in this effort. Therefore, resources and technical assistance from the federal government will be needed to help states identify and better protect their most vulnerable children.

Nothing short of more eyes, more action, and shared accountability across systems for the circumstances of each vulnerable child, to confirm or make changes to that child’s case plan as needed, will be sufficient to prevent future deaths.

Recommendations

RECOMMENDATION 2.1:

The administration and Congress should support states in improving current CPS practice and intersection with other systems through a two-year multidisciplinary action to protect and learn from children most at risk of maltreatment fatalities.

The steps in this process are as follows:

2.1a HHS should provide national standards, proposed methodology, and technical assistance to help states analyze their data from the previous five years, review past child abuse and neglect fatalities, and identify the child, family, and systemic characteristics associated with child maltreatment deaths. HHS also should encourage states to explore innovative

ways to address the unique factors that states identify as being associated with higher rates of child abuse and neglect fatalities.

2.1b States will submit a methodology to HHS for approval, describing the steps they would like to take in using data to identify under what circumstances children died from abuse or neglect during the previous five years.

2.1c After HHS approval, states will identify and analyze all of their child abuse and neglect fatalities from the previous five years to identify under what circumstances children died from abuse or neglect, protective factors that may prevent fatalities from occurring, and agency policies and practices across multiple systems that need improvement to prevent fatalities.

2.1d Based on these data, states will develop a fatality prevention plan for submission to the HHS Secretary or designee for approval. State plans will be submitted within 60 days of completing the review of five years of data and will include the following:

1. A summary of the methodology used for the review of five years of data, including specifics on how the reviewers on the multidisciplinary panels were selected and trained.
2. Lessons learned from the analysis of fatalities occurring in the past five years.
3. Based on the analysis, a proposed strategy for (1) identifying children currently in the system who are most at risk of fatalities (which may include both children at home with their families and those in

- 2.1i: We strongly recommend a significant appropriation of funds by the federal government to strengthen the child protection system by implementing Recommendation 2.1. There were four different views offered on the funding needed to achieve this goal of fundamentally reforming the country's child welfare system.
1. One group of Commissioners strongly believes that the federal funding commitment to effective child protection is drastically underfunded and recommends that Congress immediately authorize and then appropriate at least a \$1 billion increase to the base allotment for Child Abuse Prevention and Treatment Act (CAPTA) as a down payment on the funding necessary to ensure that state CPS agencies are consistently effective and have sufficient funding to keep children protected and that families receive the services and supports they need to ensure their children's safety. These Commissioners further believe that the first year of funding should support state efforts to implement the case reviews of children known to CPS. This will help to ensure children's continued safety and determine the broader reforms necessary both to better protect children from abuse and neglect generally and to dramatically reduce child abuse and neglect fatalities. Thereafter, the ability of a state to draw down its share of these new funds will be contingent upon the state having a fatality prevention plan in place and approved by HHS to fundamentally reform the way the child welfare system is designed and delivered with the goal of better protecting children and significantly reducing child abuse and neglect fatalities and life-threatening injuries.
 2. One group of Commissioners recommends an increase in funding but leaves the responsibility to Congress to identify the exact amount of funding needed by all responsible agencies to carry out activities in this goal, sources of that funding, and any offsets in funding that are available to support this recommendation.
 3. One group of Commissioners recommends that initial costs be covered by existing funding streams, cost-neutral waivers for children ages 0-5, and a prioritization of services for children ages 0-5 who have been demonstrated to be at the highest risk for a later fatality. An overhaul to the structure of federal funding is required to better align resources pertaining to the prevention of and response to safety issues for abused or neglected children. Furthermore, we still have few approaches, programs, or services that demonstrate evidence in reducing child abuse and neglect fatalities. Rather than continuing to fund programs with no evidence of effectiveness, we should support state and local funding flexibility, innovation, and research to better determine what works. The child welfare system is woefully underfunded for what it is asked to do, but a significant investment needs to wait until additional evidence is developed to tell us what works.

4. One group of Commissioners strongly believes that the federal funding commitment to effective child protection is drastically underfunded but does not favor making a request for specific dollar amounts in this report. However, if funding is recommended, it should be recommended for all recommendations made by this Commission. Many of the recommendations proposed will require dollars, and all of the recommendations will work toward reducing child abuse and neglect fatalities.

These steps not only will save lives today, but will create a state and national learning community that improves practice, interventions, and shared responsibility and accountability across systems that regularly interface with children and their families.

Even as this Commission's report is being distributed to generate action to prevent future fatalities, we estimate that at least 3,000 children will die from abuse or neglect in the year ahead if there is no further and immediate intervention on their behalf. The Commission recognizes that each state is unique and may identify different characteristics of children at highest risk of fatalities in their jurisdiction. However, it is also true that the collective knowledge gained through this process will benefit all states through a national learning community. If this data-driven prospective review of cases works to prevent deaths, and fatality rates decline, states might consider extending the practice beyond this two-year commitment. This may continue until they have integrated the improvements into their practices, developed confidence in the accessibility of needed services and supports, and established shared accountability across systems for day-to-day functioning.

NOTES FOR CHAPTER 2

³⁴ Testimony presented by Emily Putnam-Hornstein at the Tampa, Florida, meeting on July 10, 2014 (https://eliminatechildabusefatalities.sites.usa.gov/files/2014/05/CECANF_Meeting-Minutes_Tampa-FL--July-10-20141.pdf). Also see Putnam-Hornstein. (2011). Report of maltreatment as a risk factor for injury death: A prospective birth cohort study. *Child Maltreatment*, 16(3), 163-174. Retrieved from <http://cmx.sagepub.com/content/16/3/163>.

³⁵ A number of studies indicate that anywhere from a third to half of child maltreatment fatalities involved families known to CPS. See, for example, Grimm, B. (2007). Child deaths from abuse or neglect. *Youth Law News*, XXVIII. National Center for Youth Law. Retrieved from <http://youthlaw.org/publication/child-deaths-from-abuse-and-neglect>. See also Dexheimer, E., & Ball, A. (2015, January 11). Missed signs, fatal consequences: Part 1: In many cases, families already on state's radar. *Statesman* (Austin, TX). Retrieved from <http://projects.statesman.com/news/cps-missed-signs/missteps.html>.

3

Addressing the Needs of American Indian/ Alaska Native Children



THE COMMISSION WAS CONCERNED with all child maltreatment fatalities but made special efforts to learn about child fatalities from abuse and neglect among American Indian/Alaska Native (AI/AN) families. This concern arose from the notable lack of data on how many AI/AN children die from abuse or neglect and from the unique jurisdictional issues that affect tribes. Although we know about the undercount of all child maltreatment fatalities, we cannot even begin to know about numbers of AI/AN child maltreatment fatalities because they are not recorded in any systematic way.

The annual *Child Maltreatment* report of data from the National Child Abuse and Neglect Data System (NCANDS) does provide a breakdown of child maltreatment fatalities by race and does include AI/AN as a category. These are numbers reported only by states, not by tribes. For each of the 10 years of data between 2005 and 2014, *Child Maltreatment* reported 5-14 deaths of American Indian children, with no discernable trend.³⁷ For example, in 2013, the rate of AI/AN child maltreatment fatalities was 2.85 per 100,000 children compared to the rate for white children of 1.53. In 2014, it was 1.46 for AI/AN children and 1.79 for white children. Clearly, consistent data are lacking.

“Many researchers believe that discussions of race obscure the true contributing factor of poverty, which affects roughly one in two American Indians and one in three African American and Hispanic families, but only one in nine white or Asian families (American Almanac Statistical Abstract of the United States, 1994).... Others have suggested to this Board that the problem is not poverty, but psychological stress caused by dealing with limited opportunities and the effects of racism. These important questions remain unanswered.”

—U.S. Advisory Board on Child Abuse and Neglect, in *A Nation's Shame*, 1995³⁶

The Commission held a special public meeting in March 2015 in Scottsdale, Arizona, to explore key issues related to addressing and preventing child abuse and neglect fatalities in Indian Country. At this meeting and others, tribal leaders, federal agency representatives, and practitioners provided testimony about the challenges of ending AI/AN child abuse and neglect fatalities. Also, the Commission formed its AI/AN subcommittee to focus on child maltreatment fatalities in

Indian Country. All of these elements played a part in the Commission’s development of the envisioned 21st century child welfare system and helped form the Commission’s recommendations presented in this chapter.

What We Learned: Gaps in Statistics, Jurisdictional Authority, and Leadership

Through the testimony provided, the Commission heard about some of the challenges unique to Native American children and families living both on and off reservations. These challenges centered on three main issues:

- Challenge 1: Lack of data on child maltreatment deaths among AI/AN families
- Challenge 2: Blurred jurisdictional authority and responsibility for ensuring the safety of AI/AN children
- Challenge 3: No clear leadership among federal agencies with responsibility for representing the federal government to tribes and for working with tribes on the issue of child maltreatment fatalities and ensuring that tribes have access to the same resources and supports as states

Challenge 1: Lack of Data

The federal government does not collect data from tribes—only from states—in NCANDS, the data source for the annual *Child Maltreatment* report. As Terry Cross noted in testimony to the Commission in October 2014,³⁸ submission of data to NCANDS is tied to funding through the Child Abuse Prevention and Treatment Act (CAPTA), and tribes are not eligible for CAPTA funds. Therefore, there is no provision for them to collect and submit data on child maltreatment deaths.

The Unique Situation of Sovereignty

The overarching theme from the testimony across the multiple Commission meetings was that child abuse and neglect fatalities of AI/AN children can be properly addressed only when tribal nations take responsibility and are allowed to take responsibility for their children. Specifically, the federal government must accept its own description of Native American tribal nations as “domestic dependent [sovereign] nations within our borders,” and it must operate with the tribes under the principle of a trust relationship. In addition, the federal government has a “duty to protect” the tribes, implying the necessary legislative and executive authorities to effect that protection. Further implied is the federal government’s debt of care to these sovereign nations based on history and treaty.

There is a further problem in how AI/AN child abuse and neglect deaths are counted in many states where federal agencies (the Bureau of Indian Affairs or the FBI), rather than tribal officials, handle homicides. In those cases, homicides are documented using the FBI’s Uniform Crime Reports. Unfortunately, that system does not differentiate between child and adult homicides; therefore, the death of a shaken AI/AN baby who dies on a reservation where a federal agency handles homicides may be recorded as a generic homicide. No mention of a child death or a child abuse death may be made.

Challenge 2: Blurred Jurisdictional Authority and Responsibility

There are multiple jurisdictional challenges when a child abuse and neglect fatality of an AI/AN child



It's easy to throw your hands up and say this is way too complicated. I've got way better things to do. The difficulty is the people in the community have three different places they look to for protection, for prosecution, and for help.

—Judge William Thorne, Retired State and Tribal Court Judge, in testimony to the Commission⁴¹

occurs, whether it occurs on tribal lands or nontribal lands. The Commission heard detailed testimony about the challenges of navigating the various jurisdictional authorities. For instance, depending on the state and reservation, either the tribe or the state or the federal government may bear some responsibility when a child dies. Dr. Sarah Kastelic of the National Indian Child Welfare Association, testifying in Arizona, noted that Indian Country has “a patchwork of overlapping jurisdictional schemes.”³⁹ She went on to explain that authority and responsibility depend on a number of factors:

- Whether or not the state is subject to P.L. 280, which mandated a transfer of federal jurisdiction to states in six states (although there are exceptions for several reservations in these states)
- Whether or not the state is a P.L. 280 “option state,” which is allowed to elect similar transfers of power if the affected tribes give their consent
- What type of crime is committed
- Whether the victim is an Indian or not
- Whether the perpetrator is an Indian or not

Although tribes are sovereign nations, not all tribes operate their own child welfare systems. The Bureau of Indian Affairs serves this function in some areas. And, for children and families living outside of reservations, states may provide child welfare services. The Indian Child Welfare Act (ICWA) states that (1) Indian children must be identified as such when they are removed from families by state child welfare agencies because

of maltreatment, and (2) Indian children are subject to tribal jurisdiction. However, states are inconsistent in following ICWA mandates.⁴⁰

The result of this maze is a navigational challenge when it comes to reporting, investigating, and counting incidents of child abuse and neglect, including fatalities. It also is a challenge to providing prevention services and supports to families who might benefit.

Challenge 3: Lack of Federal Leadership

Related to jurisdictional confusion, the Commission noted a lack of leadership and authority at the federal level to work with tribes on the issue of child abuse and neglect fatalities. Various agencies are involved with tribes at the federal level, including the Bureau of Indian Affairs (within the Department of the Interior) and various agencies within the Department of Health and Human Services and the Department of Justice. However, no one agency is focusing on child abuse and neglect deaths of Indian children or is in a position to coordinate the various government services necessary to work with tribes to address this task.

In addition, there is currently no one office or individual at the federal level that works toward parity for tribes with states in terms of resources and supports for child welfare. States have access to many more funding streams and supports. For instance, although tribes were granted the right to apply for title IV-E money in 2008, the challenges of meeting the requirements have discouraged or prevented the majority of tribes from

applying for and receiving those funds that could be used for child welfare services. Diedra Henry-Spires, speaking at the Commission’s Arizona public meeting, expressed the challenge succinctly:⁴²

[T]he challenges ... are summarized in three numbers: 80, 27, and 5. Eighty tribes initially expressed interest in direct IV-E. Twenty-seven, by 2014, got direct IV-E funding developmental grants. Only five run their own tribal IV-E programs. That ... when you go from 80 to five, is indicative of the challenge ... [T]he first thing to note is the words, “In the same manner as states,” and ... those six words, “In the same manner as states,” ... are a big umbrella for what the challenges are in tribal IV-E.

The Resiliency Response

The positive side of those challenges highlighted by speakers is the resiliency of the clan and family structures within tribes to maintain their sovereign tribal communities. Of great importance is the notion that the tribe is one family and that well-being of all the children is the responsibility of the family and the tribe. This approach aligns well with what the Commission envisions as a new 21st century child welfare system that relies on collective responsibility for all children. It is with that lens that several examples of efforts within specific tribes were highlighted through testimony. The following examples stood out as sustainable and potentially effective in mainstream systems:

- **Eastern Band of Cherokee Indians’ Multisystem Collaboration:** The Eastern Band of Cherokee Indians has developed a multijurisdictional, multi-agency, and multidisciplinary approach to child protection built on common goals and a

common language across all systems and jurisdictions involved. This multisystem collaboration has focused on services and accountability, using a results-based accountability framework to measure and monitor progress and areas for continued development. The Eastern Band also has developed an integrated child welfare team that has child protection, foster care, case managers, and behavioral health staff all working in one central place to promote teaming in working with families. To enhance that work, the Eastern Band is also leveraging Medicaid dollars to free up other resources to provide more in-home supports to families.

- **Pima-Maricopa Family Advocacy Center’s Multidisciplinary Approach:** The Pima-Maricopa Family Advocacy Center uses a multidisciplinary approach in juvenile justice in addressing tribal child abuse and neglect investigative functions. This work is highlighted in the story, “Salt River Pima-Maricopa Indian Community: Multiple Eyes on the Child,” later in this report. The Commissioners were able to conduct a site visit to the Family Advocacy Center and also heard testimony in Arizona from the center’s director.

Recommendations

The Commission offers the following recommendations to address the three challenges noted above and to bring about a 21st century child welfare system.

RECOMMENDATION 3.1:

Address the lack of data on AI/AN children who die from child abuse and neglect by working with tribes to improve and support data collection and by integrating the data into national databases for analysis, research, and the development of effective prevention strategies.

Tribes, states, and the federal government should have a common goal for sharing data across tribal and state child protection/child welfare systems that is supported by the provision of resources and technical support for a data infrastructure to help tribes collect and provide needed data.

Executive Branch and Congress

- 3.1a Mandate that the Bureau of Indian Affairs (BIA) immediately implement the practice of distinguishing child and adult homicide victims when reporting fatalities in Indian Country.
- 3.1b Mandate that the FBI identify key data that tribes could track and that the BIA could collect. At a minimum, the FBI should ask BIA to use the National Incident-Based Reporting System (NIBRS) or request that BIA provide more detailed child-specific information. BIA and FBI data collection about AI/AN children and child fatalities should be coordinated to be complementary and comprehensive.
- 3.1c To generate accurate crime reports for Indian Country, amend FBI reporting requirements for state and local law enforcement agencies' crime data as follows: (1) include information about the location at which a crime occurred and victims' and offenders' Indian status; and (2) require reservation-level victimization data in its annual reports to Congress on Indian Country crime.
- 3.1d Mandate that tribal data on AI/AN child abuse and neglect and AI/AN child abuse and neglect fatalities be reported in NCANDS.

3.1e Create a pilot program to support the coordinated collection of child welfare and criminal justice data related to child abuse and neglect fatalities in select tribal communities and states.

3.1f Ensure the accuracy of data/information and ensure that tribes have the capacity and tools to provide that data/information.

States and Counties

3.1g The National Association of State Registrars should work with states to coordinate the addition of tribal affiliations on death certificates.

RECOMMENDATION 3.2:

Improve collaborative jurisdictional responsibility for Indian children's safety.

There must be collective responsibility for children's safety in order to curtail the death of children in Indian Country. No one jurisdiction, be it the federal government, a state, or a tribe, is able to adequately overcome the jurisdictional hurdles that continue to bar proper prevention and intervention strategies.

Executive Branch

3.2a Taking into account already existing tribal structures, require that there be a jurisdictional committee composed of both state and tribal leaders to determine jurisdictional issues in criminal matters associated with child abuse and neglect fatalities and life-threatening injuries.

3.2b The federal government should release an RFP (request for proposal) for demonstration projects using a multidisciplinary approach to address the needs of AI/AN children and their families that requires tribal, federal, and state partnerships.

3.3d Work to provide for the delivery of mental health services through Medicaid and title IV-B. In addition, tribes should be able to access case management, case monitoring, and supports necessary to maintain children within the home, beyond the standard work day hours of 9:00 a.m. to 5:00 p.m.

RECOMMENDATION 3.3:

Designate one person or office to represent federal leadership in the prevention of AI/AN child maltreatment fatalities and to coordinate efforts with tribes and ensure parity with states with regard to resources.

3.3e Ensure that tribes are provided with adequate funding for child abuse and neglect reporting.

3.3f Create consistent tribal title IV-E guidance and improve the timeliness of the title IV-E assistance and reviews for tribes. In consultation with tribes, Congress and the administration should consider flexibilities in the title IV-E program that will help the tribes implement direct tribal IV-E in the context of sovereignty.

Note: Additional recommendations made by stakeholders specific to AI/AN populations are available in Appendix G.

Executive Branch and Congress

3.3a Mandate the appointment or strengthen an existing role of a staff person within the administration with oversight over every federal department concerning child abuse and neglect fatalities of AI/AN children. This person should be looking at tribal policy in each department and reporting to someone in the White House with the authority to convene federal departments and hold them accountable.

3.3b Explore alternatives to current grant-based and competitive Indian Country criminal justice and child welfare funding in the Department of Justice to ensure that all tribes have fair opportunity for access to those funds.

3.3c Bring funding for tribal systems providing services and support in the area of child maltreatment into parity.



NOTES FOR CHAPTER 3

³⁶ U.S. Advisory Board on Child Abuse and Neglect. (1995). *A nation's shame: Fatal child abuse and neglect in the United States: Fifth report*. Retrieved from <http://files.eric.ed.gov/fulltext/ED393570.pdf>.

³⁷ For *Child Maltreatment* reports between 2005 to 2014, see the Children's Bureau website at <http://www.acf.hhs.gov/programs/cb/research-data-technology/statistics-research/child-maltreatment>.

³⁸ Testimony from Terry Cross at the Burlington, Vermont, meeting on October 23, 2014 (https://eliminatechildabusefatalities.sites.usa.gov/files/2014/08/CECANF-Vermont-meeting-10.23-24.14_FINAL.pdf).

³⁹ Sarah Kastelic, Ph.D., testifying at the CECANF public meeting in Arizona on March 25, 2015 (https://eliminatechildabusefatalities.sites.usa.gov/files/2014/11/Arizona-mtg_3.25-3.26.15-final-transcript_rev-6.29.15.pdf).

⁴⁰ For the full text of ICWA, see https://www.ssa.gov/OP_Home/comp2/F095-6o8.html.

⁴¹ Testimony at the Scottsdale, Arizona, meeting on March 25, 2015 (https://eliminatechildabusefatalities.sites.usa.gov/files/2014/11/Arizona-mtg_3.25-3.26.15-final-transcript_rev-6.29.15.pdf).

⁴² Testimony at the Scottsdale, Arizona, meeting on March 25, 2015 (https://eliminatechildabusefatalities.sites.usa.gov/files/2014/11/Arizona-mtg_3.25-3.26.15-final-transcript_rev-6.29.15.pdf).

4

Reducing Child Abuse and Neglect Deaths in Disproportionately Affected Communities



EARLY ON, THE COMMISSION WAS STRUCK BY THE stunningly high rates of child maltreatment deaths among African American families. We heard testimony around the racial inequity that occurs in the child welfare system—as well as in many other public systems—and we endeavored to explore the disparities between child welfare interventions and outcomes for children of color as compared with those for white children.

Child abuse and neglect fatality data available through the National Child Abuse and Neglect Data System (NCANDS) and reported in *Child Maltreatment 2014* tell us that, although African American children are approximately 16 percent of the child population nationally, they make up 30 percent of the child abuse and neglect fatalities.⁴³ They die from abuse or neglect at a rate of 4.36 per 100,000 children, a rate that is approximately two-and-a-half times greater than that of white children.⁴⁴

Disproportionality and disparities were discussed and considered by the Commission as we held meetings around the country. There was some level of discussion at several public meetings, as well as a focused discussion on disproportionality at the Commission's New York meeting in August 2015. The issue of racial

disproportionality among child abuse and neglect fatality victims is an area of concern for the Commission, and the Commission feels it is imperative to put forward recommendations to address disproportionality and racial inequity in child welfare where they impact child fatalities.

What We Learned: Challenges to Reducing Child Abuse and Neglect Deaths in Disproportionately Affected Communities

The Commission heard testimony that reinforced what we knew from research. The research on child welfare involvement broken down by race indicates that African American children are more likely than white children to be reported to child protective services (CPS) as possible victims of abuse or neglect, more likely to be investigated, and more likely to be removed from their families and placed in foster care.⁴⁵ African American families are less likely to receive in-home services or to be reunified than are white families.⁴⁶ We also heard testimony about the implicit bias and stereotyping that is systemic in many child welfare agencies.⁴⁷

These same findings were reiterated at the New York meeting in the presentation by Dr. Paul Elam of the



[T]he differential standard for neglect and abuse of black and white families can actually push families, black families, further outside the safety net. And that's not what we want. One of the things that does that is a differential response of child welfare. We have often times identical risk factors for black families and white families, but when the risk factors are identical, white families are more likely to get family and home support, and black families are more likely to have their children removed.

—Dr. Rita Cameron Wedding, California State University, in testimony to the Commission⁵³

Michigan Race Equity Coalition.⁴⁸ Dr. Elam described how documentation of the higher rates of African American families' involvement in the child welfare system at every decision point led to greater awareness of implicit bias and, eventually, to concrete steps to address it. This becomes an issue for child fatalities when caseworkers' implicit bias or systemic bias results in fewer and lower quality services for African American families or when it has the effect of discouraging African American parents from seeking help because they are afraid of how they and their children might be treated. As Dr. Cameron Wedding stated in the New York meeting, "Implicit bias alienates families from the very system designed to help them."⁴⁹

Also at the New York meeting, presenter Chet Hewitt described the experience of Sacramento County, California, where high rates of African American child deaths from maltreatment continued for 20 years before anyone took action.⁵⁰ Previous death review reports showing the same problem came out during that time, and there was no action by the community or the government. Clearly, many systems are not addressing the needs of families of color.

Studies of whether the actual incidence of maltreatment is greater among African American families are

less common and yield complex results. A 2010 study by the federal government, the National Incidence Study—4 (NIS—4), found that African American children were maltreated at a higher rate than white children *in some categories*.⁵¹ For instance, African American children experienced higher rates of physical abuse, but the presence of the difference depended on family income. Other findings of differences in maltreatment rates between African American and white families were also subject to other factors. Analysis of the complex findings led researchers to attribute at least partial cause for some higher rates of maltreatment of African American children to (1) greater precision in analysis in this fourth version of the NIS and (2) greater poverty among African American families than white families.⁵²

Addressing Racial Disproportionality in Child Welfare

The Commission had the opportunity to hear about specific examples in Michigan and in Sacramento County, California that focus on child abuse and neglect fatalities to address issues of disproportionality.

Michigan's⁵⁴ effort built an accountability and business case for addressing disproportionality and promot-

ing equity as a social justice issue. When researchers determined that racism had been institutionalized in the child welfare system, the Michigan Race Equity Coalition was established with state and local leadership teams. A demonstration site used surveys, focus groups, and interviews to identify decision points where disproportionality could occur. The coalition found that children of color were more likely than white children to be investigated, be removed, age out, and die in the system. To address these findings, the coalition disseminated their report and also provided cultural competence training for both child welfare workers and law enforcement personnel. They are already seeing promising approaches from this work, including data-driven decision-making, collaboration among system leaders, increased culturally responsive practice, more youth and family engagement, and a focus on addressing the underlying causes of abuse and neglect.

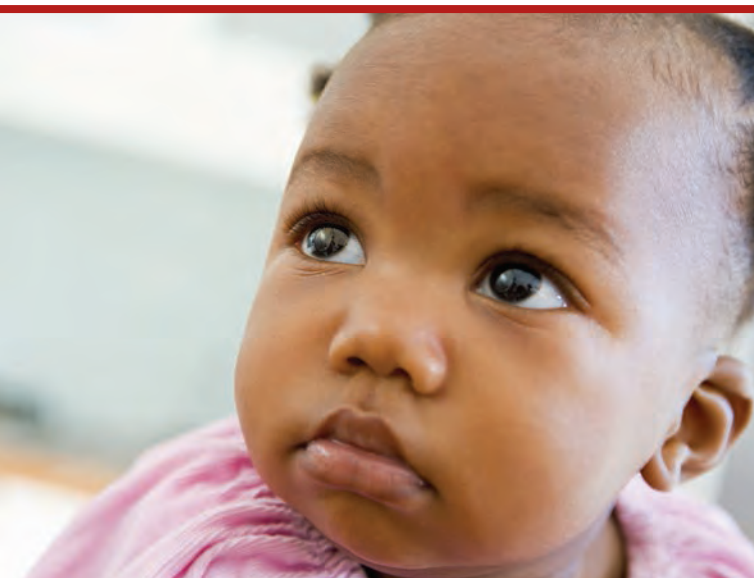
Sacramento County's⁵⁵ work on addressing child abuse fatalities of African American children is an example of using a place-based strategy and mobilizing a broad

range of stakeholders to address the issue. In 2011, the county death review team released a report based on 20 years of data that showed that African American children were dying of maltreatment at much higher rates than white children. A blue ribbon commission was organized and charged with making recommendations to reduce African American child death rates by 10 percent to 20 percent by the year 2020. The commission is currently working on an implementation plan for its recommendations, which target six Sacramento neighborhoods that account for the great majority of African American child deaths. These neighborhoods share a number of risk factors, including higher rates of childhood trauma, poverty, and poor school performance and attendance. Implementation will involve collaboration across family service systems, as well as community and family and youth engagement and development. Community engagement is also a large component of the implementation.

Recommendations

The Commission heard a great deal of testimony about caseworkers' implicit bias, bias and racism in the child welfare system, and the impact of this bias on outcomes for African American children and families. We recognize that significant changes need to be made in the current system to address implicit bias and racism and to ensure that all children and families receive equitable treatment. A new 21st century child welfare system must be a system that confronts and eliminates bias in workers, stakeholders, and systems to ensure that every family receives equitable treatment and support.

In offering recommendations, we attempted to narrow our focus to reducing the extraordinarily high rate of maltreatment fatalities among African American children. Therefore, this focus is on place-based (e.g., neighborhood) strategies, which appear to hold promise



by targeting those communities and families where the highest rates of fatalities occur, and it is also on correcting the bias that may lead to substandard services and supports for families of color and to alienation of these families.

RECOMMENDATION 4.1:

Conduct pilot studies of place-based Intact Family Courts in communities with disproportionate numbers of African American child fatalities to provide preemptive supports to prevent child abuse and neglect fatalities.

Use public/private partnerships to develop place-based pilots focused on communities with disproportionate child abuse and neglect fatalities among families of color to address the needs of young children (5 years old and younger) where there is a substantial risk of abuse or neglect. Elements of the Intact Family Court would include the following:

- Referrals to the court would come from medical workers, law enforcement, clergy, caseworkers, or other mandated reporters.
- There would be a voluntary process for families.
- Initial intake would include a physical examination for every child.
- A judge would appoint a guardian ad litem, instead of a lawyer, for the child. (No lawyers would be engaged.)
- Assessment would be made to provide focused coaching and supportive services to the family.
- This would be a confidential process.
- The caseworker would drive the Intact Family Court process and still pursue a more formal dependency process if necessary.

- The court's role would be broadened to be a resource both in the Intact Family Court, as well as in the current role in more formal dependency proceedings.

The Intact Family Court would provide preemptive supports to prevent child abuse and neglect fatalities. The process could have similarities among the pilots without being too prescriptive to address the unique needs in a specific community and provide targeted supports to families.

Congress

- 4.1a Congress should incentivize the establishment of Intact Family Court demonstration projects that feature a multidisciplinary team approach in order to promote healthy families and communities where there is a disproportionate incidence of child abuse and neglect and child abuse and neglect fatalities. This approach should not be limited to support through federal funds but could be implemented through public/private partnerships.

RECOMMENDATION 4.2:

Ensure that quality services are available to all children and families and that all families are treated equitably.

Quality services (i.e., services that are effective, culturally appropriate, and targeted) are needed to support children and their families who are disproportionately represented in child welfare and other child-serving systems. Services other than foster care must be identified and implemented. Particularly in communities disproportionately represented in child welfare and with a higher incidence of child abuse and neglect fatalities, efforts at the federal, state, and local levels need to

address quality with the same emphasis as availability and accessibility.

Executive Branch

- 4.2a Ensure that the newly elevated Children’s Bureau addresses racial equity and disproportionality in child welfare through guidance and policies on agency self-assessment, worker training, and use of decision-making tools.
- 4.2b Incorporate into the Child and Family Services Reviews (CFSRs) an indicator of the degree to which racial disproportionality is found within various aspects of a state’s child welfare system.
- 4.2c Provide guidance, through the regulatory process, on best practices in the use of Structured Decision-Making (SDM) tools in areas where a disproportionate number of child abuse and neglect fatalities have been documented, to effect reduction of bias in child welfare systems’ screening, investigations, and interventions.
- 4.2d Encourage states to promote examples, such as the National Council of Juvenile and Family Court Judges (NCJFCJ) Bench Card, to expose practitioners to decision-making tools that are focused on addressing bias directly.
- 4.2e Where disproportionality is pervasive, prioritize training of the child welfare workforce, partners, and mandated reporters on the topics of (1) family engagement, development, and strengthening; (2) understanding distinct racial and ethnic cultures and racial and ethnic cultural norms and differences; (3) understanding the historical context of racism; (4) understanding and recognizing biases; and

(5) how biases can impact assessment of risk, access to services, and delivery of services.

- 4.2f Require racial equity training across federal, state, and local child welfare agencies and other child-serving systems to ensure that families disproportionately represented are served and supported by a workforce that is trained, prepared, and mobilized around equitable decision-making and shared accountability.
- 4.2g Require racial equity impact assessments to address issues of disproportionality and disparities at the federal, state, and local levels, when utilizing predictive analytics to develop prevention and intervention strategies. A racial equity impact assessment is a systematic examination of how different racial and ethnic groups will likely be affected by a proposed action or decision.⁵⁶

Congress

- 4.2h Promote examples such as the focused efforts in Sacramento County, CA, and Michigan in order to inform states and other communities in the replication of a balanced, data-informed, community-driven response to address the reduction of child abuse and neglect fatalities.
- 4.2i Incentivize states to implement funding mechanisms that integrate assessments, metrics, and accountability structures to ensure that the quality of services is a fundamental component of any program/service approach that is serving disproportionately represented children and their families, with ongoing continuous quality improvement (CQI) strategies also integrated.

- 4.2j Promote examples from communities and/or also fund demonstration projects that leverage community partnerships (i.e., neighborhood-based work, faith-based partners, and others) to provide supports and services to families to improve outcomes and reduce child abuse and neglect and child abuse and neglect fatalities for children and families who are disproportionately represented.
- 4.2k Promote focused research on how implicit biases impact assessment, access to services, and service delivery. “Abusive” head trauma might be an area for a specific study on how white children and nonwhite children are assessed and related services are identified and provided.

Note: Additional recommendations made by stakeholders specific to disproportionality are available in Appendix G.

NOTES FOR CHAPTER 4

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⁴⁴ Ibid.

⁴⁵ Fluke, J., Jones Harden, B., Jenkins, M., & Ruehrdanz, A. (2011). A research synthesis on child welfare disproportionality and disparities. In *Disparities and disproportionality in child welfare: Analysis of the research: Papers from a research symposium convened by the Center for the Study of Social Policy and The Annie E. Casey Foundation on behalf of The Alliance for Racial Equity in Child Welfare*. Retrieved from http://www.cssp.org/publications/child-welfare/alliance/Disparities-and-Disproportionality-in-Child-Welfare_An-Analysis-of-the-Research-December-2011.pdf. Also see Lee, J., Bell, Z., & Ackerman-Brimber, M. (2015). *Implicit bias in the child welfare, education and mental health systems*. National Center for Youth Law. Retrieved from http://youthlaw.org/wp-content/uploads/2015/07/Implicit-Bias-in-Child-Welfare-Education-and-Mental-Health-Systems-Literature-Review_061915.pdf

⁴⁶ Ibid.

⁴⁷ Testimony by Dr. Rita Cameron Wedding and Dr. Renee Canady on implicit bias at the New York, New York, meeting on August 6, 2015 (https://eliminatechildabusefatalities.sites.usa.gov/files/2014/11/CECANF_NYC-Mtg-Transcript_Aug-6-and-7.pdf).

⁴⁸ Testimony by Paul Elam, Ph.D., at the New York, New York, meeting on August 6, 2015 (https://eliminatechildabusefatalities.sites.usa.gov/files/2014/11/CECANF_NYC-Mtg-Transcript_Aug-6-and-7.pdf); also see slides at https://eliminatechildabusefatalities.sites.usa.gov/files/2014/11/NYC_combined-slides_8.6.15.pdf.

⁴⁹ Testimony by Dr. Rita Cameron Wedding at the New York, New York, meeting on August 6, 2015 (https://eliminatechildabusefatalities.sites.usa.gov/files/2014/11/CECANF_NYC-Mtg-Transcript_Aug-6-and-7.pdf).

⁵⁰ Testimony by Chet Hewitt at the New York, New York, meeting on August 6, 2015 (https://eliminatechildabusefatalities.sites.usa.gov/files/2014/11/CECANF_NYC-Mtg-Transcript_Aug-6-and-7.pdf).

⁵¹ Sedlak, A.J., Mettenburg, J., Basena, M., Petta, I., McPherson, K., Greene, A., and Li, S. (2010). *Fourth National Incidence Study of Child Abuse and Neglect (NIS-4): Report to Congress*. Washington, DC: U.S. Department of Health and Human Services, Administration for Children and Families. Retrieved from http://www.acf.hhs.gov/sites/default/files/opre/nis4_report_congress_full_pdf_jan2010.pdf.

⁵² Sedlak, A.J., McPherson, K., & Das, B. (2010). *Supplementary analyses of race differences in child maltreatment rates in the NIS-4*. Washington, DC: U.S. Department of Health and Human Services, Administration for Children and Families. Retrieved from http://www.acf.hhs.gov/sites/default/files/opre/nis4_supp_analysis_race_diff_mar2010.pdf.

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⁵⁴ Testimony by Dr. Paul Elam at the New York, New York, meeting on August 6, 2015 (https://eliminatechildabusefatalities.sites.usa.gov/files/2014/11/CECANF_NYC-Mtg-Transcript_Aug-6-and-7.pdf).

⁵⁵ Testimony by Chet Hewitt at the New York, New York, meeting on August 6, 2015 (https://eliminatechildabusefatalities.sites.usa.gov/files/2014/11/CECANF_NYC-Mtg-Transcript_Aug-6-and-7.pdf).

⁵⁶ See Race Forward's definition at <https://www.raceforward.org/practice/tools/racial-equity-impact-assessment-toolkit>.

Section II

Components of the Commission's National Strategy

A stronger, more accountable child protective services (CPS) agency is critical to success when it comes to preventing fatalities, but CPS cannot do it alone. The Commission believes a national strategy must incorporate a range of agencies, organizations, and leaders utilizing a public health approach to child safety. Such an approach is based on a strong, integrated, and collective responsibility to keep children safe. The Commission identified three core components of a recommended national strategy to prevent child abuse and neglect fatalities.

Chapter

5

**Leadership
and Accountability**

Strong, collaborative leadership at both the state and federal levels is critical to working across systems to keep children safe. When it comes to reducing child maltreatment fatalities, the Commission found that federal leadership and oversight is currently diffuse and uncoordinated. Among the core recommendations in this chapter is a proposal to elevate the authority and responsibility of the Children’s Bureau, with the leader of this re-envisioned agency reporting directly to the Secretary of the U.S. Department of Health and Human Services.

Chapter

6

**Decisions Grounded in
Better Data and Research**

Data, data sharing, and research are critical to understanding the causes of child abuse and neglect fatalities and to finding and delivering effective responses to prevent them. Numerous agencies come into contact with vulnerable children and families but do not currently share data or knowledge learned from data. This chapter includes proposals to fill the gaps and achieve more accurate counting and reviews of child maltreatment fatalities and to use the lessons learned to prevent fatalities and life-threatening injuries.

Chapter

7

**Multidisciplinary
Support for Families**

CPS is charged with responsibility for protecting children, but no one agency can be expected to meet the needs of families struggling with multiple risks and stresses. Services to protect children and support parents and caretakers must come from a variety of agencies and numerous directions and must be offered to families and children across systems throughout the continuum, from prevention to intervention. Based on cross-system collaboration and service delivery, the recommendations in this chapter focus on building more effective partnerships between CPS and other family-serving agencies as they work together to support families and prevent fatalities.

Wichita, Kansas

Champions for Children



“Intolerable” was the single-word headline of an editorial in the *Wichita Eagle*, September 25, 2008. The headline referred to the fact that six young children had died from abuse or neglect in the city since the beginning of the year. What the *Eagle* editors did not know at the time was that before the year was out, two more children would lose their lives at the hands of adults who were supposed to take care of them.

The city reeled from these eight deaths, more than twice the number of any year in the preceding decade. All eight of the children were age 4 or under; three were younger than 1 year old. “It took our breath away and really created urgency,” said Vicky Roper, Director of Prevent Child Abuse Kansas at the Kansas Children’s Service League.⁵⁷

The editors of the *Eagle* broadcast the urgency. But rather than berating the child protection agency and calling on the commissioner to resign—a pattern in many states with high-profile abuse or neglect deaths—the editors called on leaders in the community to come together and do something about it.

The community responded. Within days, the Wichita Children’s Home and Prevent Child Abuse Kansas

pulled together a citywide summit. It was an all-hands-on-deck response that gave birth to the Wichita Coalition for Child Abuse Prevention.

Initiating Change

Leaders came from multiple sectors: public and private organizations, nonprofits, education, the medical community, and grassroots organizations. They brought a passion for children and families along with a wealth of expertise and energy.

The Coalition embarked on what is now a seven-years-and-counting effort to support families and prevent abuse. Using a collective impact model, coalition partners defined the problem and set a common agenda. They aligned their efforts and agreed on measures of success. They engaged facilitators at Wichita State University to serve as a backbone of support. “We had a lot of champions,” said Roper, citing active support from the mayor, the deputy police chief, a former lieutenant governor of the state, as well as the Department for Children and Families. The Children’s Trust Fund provided direction and early funding. It takes leaders with clout to move an endeavor as expansive as this one.

⁵⁷ Testimony at the Salt Lake City, Utah, meeting on May 19, 2015 (https://eliminatechildabusefatalities.sites.usa.gov/files/2014/11/CECANF_Utah-Mtg-May-19-20-2015_transcript_FINAL.pdf).

The Coalition eventually grew to embrace 60 organizational partners. “We are better together, and families are able to get services and referrals they wouldn’t otherwise get,” said Roper.

From Ideas to Action

The vision was surround-sound support in targeted neighborhoods for the city’s most vulnerable children and families. The Coalition began by working in the ZIP code with the largest number of fatalities, the highest rates of substantiated abuse and neglect, and the highest poverty rates.

The Coalition took lessons from the 2008 deaths as they ramped up the support networks. They created new upstream services and reinforced existing ones:

- Several of the 2008 deaths occurred when children were left by their mothers with relatives or acquaintances in order to go to work or tend to a medical issue. One death occurred at day care. The Coalition increased services to support parents at critical times and adopted an evidence-based crisis nursery model to provide drop-in child care. They also expanded evidence-based home visiting programs to educate young parents about child safety, including finding safe substitute caregivers when needed.
- The triggering event in three of the 2008 deaths was persistent crying by an infant. Coalition partners reached out to the medical community and also conducted a public education campaign directed at parents with messages about how to deal with crying infants. Almost every new parent in the state now gets information from the Period of PURPLE Crying,[®] a campaign developed by the National Center on Shaken Baby Syndrome.

A video about preventing shaken baby syndrome was shown to every high school sophomore in Wichita.

- Half the children who died in 2008 were killed by mothers’ boyfriends living in the home. This led to the creation of the Greater Wichita Fatherhood Coalition, which engages fathers and boyfriends around child development and provides technical assistance to help agencies become more father-friendly.

Families needed the help. Wichita suffered enormously in the economic recession, the effects of which spilled over to families who were already struggling. Boeing, the heart of the airline industry, moved out, leaving many citizens unemployed. These and other economic factors made the Coalition’s work harder but did not stop leaders who wanted to make a difference.

Coalition leaders changed the conversation about child abuse and neglect. “See something, say something” became a constant message around safety and prevention.

A Renewed Sense of Urgency

There was a significant reduction in maltreatment deaths. From 2011 through 2013, there were none, and in the other years, either one or two. By 2015, reports to the hotline and investigations were up, but substantiated child abuse was down.

When it comes to funding, however, reality is not always kind. Severe budget cuts buffeted the city, particularly the social services sector, and by the end of 2015 threatened to undermine the Coalition’s progress. Cuts came from federal, state, and local sources. Funds were not transferred to other programs or cities in the state. They were just cut. Evidence-based home

visiting programs were hurt significantly. One of these is the Parents as Teachers program, which helped 767 families in 2008 but can serve just 47 families today. Coalition leaders worked to find private support for core programs; business and philanthropy stepped up to help. Coalition leaders spoke out regularly to make the point that prevention is less costly to society than abuse—and to children and families.

As if to remind leaders just how difficult this work really is, four children died from abuse in 2015, two of them in a two-week period, two of them allegedly killed by boyfriends in the home. To say this was disappointing news is an understatement. “It creates a new sense of secondary stress on the front lines and brings back the trauma of 2008,” said Roper. But, she added, it also “creates a renewed sense of urgency.”

It is clear that leaders in Wichita are tireless when it comes to child safety. They believe in the programs they put in place and are doing everything they can to keep them going in the face of budget cuts. They know, as Roper says, “that when we invest in healthy child development, we are investing in community and economic development.” She added, “It takes all of us to be able to do that. I can’t sit in my office and make it happen.”

5

Leadership and Accountability



THE COMMISSION FOUND that accountable leadership at both the federal and state levels for reducing fatalities is often diffuse and occasionally lacking. It is frequently unclear who is ultimately responsible for reducing child abuse and neglect fatalities, and those with authority over resources to reduce or eliminate child abuse and neglect fatalities are not accountable to the goal. Congress has historically found that leadership and accountability for reducing child abuse and neglect must extend beyond child protective services (CPS) agencies at the federal, state, and local levels, and the Commission believes this applies similarly to reducing fatalities. There must be an integrated and cross-program monitoring and evaluation approach that assesses the effectiveness of all systems involved in addressing risk factors and supporting families. Such an approach would recognize that outcomes for children and families are the product of multiple programs, supports, and community circumstances, not of discrete programs or services delivered to families in isolation.⁵⁸

Addressing child abuse and neglect has historically been a federal-state partnership. Given the federal role of setting policy, providing resources, and enforcing standards, system leadership and accountability must be modeled and supported at the federal level. We

found that, currently, there is an ineffective and inefficient federal focus on preventing child abuse and neglect fatalities. The Children's Bureau, within the U.S. Department of Health and Human Services (HHS), has primary responsibility for overseeing federal programs aimed at preventing child abuse and neglect. When the Children's Bureau was originally authorized to address the issue of infant mortality in 1912, its chief reported directly to the president. Today, however, there are many layers of authority above the associate commissioner of the Children's Bureau.

Other aspects of children's safety and child welfare are addressed by nearly 30 major federal programs administered by more than 20 federal agencies across at least three federal departments. This includes agencies that manage the following federal programs, all of which play a role in communities' ability to support families and protect children from fatalities:

- **Child protection programs** (titles IV-B, IV-E, and XX of the Social Security Act; the Child Abuse Prevention and Treatment Act [CAPTA])
- **Public health programs** (title V; the Substance Abuse and Mental Health Services Administration

[SAMHSA); Maternal, Infant and Early Childhood Home Visiting [MIECHV]; the Teen Pregnancy Prevention program)

- **Health care** (Medicaid; State Children’s Health Insurance Program [SCHIP]; Indian Health Services [IHS])
- **Early education** (Child Care and Development Block Grant [CCDBG])
- **Disability services** (Individuals with Disabilities Education Act [IDEA])
- **Violence prevention and justice programs** (Victims of Crime Act; Victims of Child Abuse Act; Violence Against Women Act)

The Children’s Bureau as currently configured lacks authority to meaningfully coordinate efforts across these federal programs. Nor has it provided states or localities with clear direction on how to develop effective strategies for keeping children safe from fatal abuse and neglect.

Stronger leadership is needed at the federal and state levels to forge productive collaborations among agencies that oversee the services and supports for families aimed at ameliorating the conditions associated with fatal child maltreatment. Retaining the current siloed structure will continue to result in missed opportunities to save children’s lives.

What We Learned About Leadership and Accountability

During its deliberations, the Commission held state public meetings in 11 localities and heard from experts in many disciplines related to this issue. (See Appendix C.) We also met with agency leaders from the Children’s Bureau, the Centers for Disease Control

Highlighted Recommendations

Recommendation 5.1a: Elevate the Children’s Bureau to report directly to the Secretary of HHS. Require the HHS Secretary, in consultation with the Children’s Bureau, to report annually to Congress on the progress of the implementation of the recommendations of this Commission.

Recommendation 5.2a: Through legislation, Congress should require states to develop and implement a coordinated, integrated, and comprehensive state plan to prevent child maltreatment fatalities.

Recommendation 5.4a: Hold joint congressional hearings on child safety in committees that oversee CAPTA, title IV-E, title IV-B, and Medicaid to better align national policies, resources, and goals pertaining to the prevention of and response to safety issues for abused or neglected children.

and Prevention (CDC), Health Resources and Services Administration (HRSA), SAMHSA, Centers for Medicare and Medicaid Services (CMS), Department of Justice (DOJ), and other federal agencies. We observed the following challenges that inform our recommendations to establish clear leadership and strengthen lines of accountability:

- **Challenge 1:** There is insufficient federal leadership around the issue of child abuse and neglect fatalities.
- **Challenge 2:** States are required to submit multiple plans that touch on their ability to effectively prevent child abuse and neglect fatalities; coordination among these plans is lacking.

- Challenge 3: Federal oversight for this issue is inadequate.
- Challenge 4: More coordination is needed among congressional committees that oversee this issue.

Challenge 1: Insufficient Federal Leadership

In studying the issue of child maltreatment fatalities, the Commission examined a wide range of federal policies and programs. (See Appendix F.) There is no question about the commitment of resources and attention to children’s health and safety across the federal government. But there is a lack of coordination across agencies and departments as it relates to the safety and well-being of abused and neglected children, including those who have suffered fatalities or life-threatening injuries.

This is not new. The lack of coordination at the federal level was well documented in reports by the U.S. Advisory Board on Child Abuse and Neglect, which was created in 1988 and which issued five reports from 1990 to 1995.⁵⁹



This current Commission has identified several specific opportunities to enhance federal leadership, including the following:

- **Federal policy guidance.** There is little specific federal leadership or guidance to states and localities on how to prevent or respond to child abuse and neglect fatalities. CAPTA provides a federal framework for policies relating to child abuse and neglect prevention. However, the law is considered fragmented and extremely underfunded by many in the field. Its provisions are inconsistently implemented by the states. The federal government does not provide needed guidance on implementing its requirements, nor does it adequately monitor or enforce the required provisions. This lack of attention to the issue in policy guidance hinders the ability of state officials and communities to develop or implement prevention and intervention practices backed by solid research.
- **Caseload/workload standards.** The Commission heard from caseworkers across the country about the stressful working conditions under which they make critical life and death decisions each day. These conditions often include high caseloads and challenging workloads. After the first round of Child and Family Services Reviews (CFSRs), about half of the states’ Program Improvement Plans (PIPs) noted the need for improvements in caseloads or workload.⁶⁰ These challenges have persisted through Round 2 of the CFSRs—yet the federal government has not released or required caseload or workload standards. To prevent fatalities, workloads must support the level of contact with families necessary to assess the current status of a child’s safety and a caregiver’s progress, with intensive contacts when children remain at home or have been reunited with parents.

- **Safety science.** Following the events at Three Mile Island and the Challenger disaster, new approaches began to emerge for learning from disasters and for anticipating disasters before they occur. These systemic approaches look beyond human error to examine the full range of system forces at work when disasters occur. This “safety science” is already being applied with strong results by the airline and hospital industries. CPS agencies share many features in common with these and other high-risk industries and, with federal leadership and guidance, may benefit from the lessons learned from this work (see sidebar).

Tennessee: Pioneers in Safety Science

The Tennessee Department of Children’s Services is implementing some of the elements of safety science through three primary efforts: a systemic approach to Critical Incident Reviews, legislatively protected confidential reporting, and an agency-wide safety culture survey. The agency has developed a revised protocol for critical incident reviews that focuses on understanding what happened and how, rather than assigning blame. The state is training staff on techniques intended to get at the reasons behind decisions and actions and to reduce the effects of hindsight and confirmation bias. The strategy entails building a broad category of staff with skills in safety science. With support from a national foundation, Tennessee staff are providing support to three states that have expressed interest in this work.

Challenge 2: Lack of Coordinated, Consolidated State Plans

Coordinated leadership is also required at the state level to effectively address the problem of child abuse and neglect fatalities. The Commission recognizes that states are required to produce multiple plans, but no plan specifically addresses the prevention of child abuse and neglect fatalities.

In the Child and Family Services Improvement and Innovation Act of 2011 (the reauthorization of the Safe and Stable Families Program), Congress required states to describe how children at greatest risk for child maltreatment will be identified and how the state targets its child and family services to reach those children and their families as part of their Promoting Safe and Stable Families plan.⁶¹ This is a step in the right direction; however, review of these plans shows great unevenness in how states are identifying children at greatest risk, and there is no federal oversight or guidance in states’ approaches to targeting and serving these families.

Challenge 3: Inadequate Federal Oversight

The Commission undertook an extensive review of policy and legislation and sought to identify laws and policies that, if strengthened, could make a measurable difference in the prevention of child deaths from abuse or neglect.

We studied the child welfare programs specified in the Protect Our Kids Act (i.e., titles IV and XX of the Social Security Act). The Commission also examined relevant policies and programs beyond CPS that play a key role in keeping children safe and supporting families in need. Commission staff also reviewed the National Survey of Child and Adolescent Well-Being⁶² and

research and recommendations from the Government Accountability Office (GAO) related to child abuse and neglect fatalities,⁶³ as well as recommendations from the Advisory Board on Child Abuse and Neglect.

Through this review, we identified several areas where federal oversight and accountability could be strengthened to better protect children:

ASFA Reunification Bypass. Since 1980, federal law has required state child welfare agencies to demonstrate that “reasonable efforts” have been made to keep families together prior to a foster care placement and in reuniting a child with his or her family once a child has been removed from home. In 1997, in response to concerns that children were sometimes put in harm’s way by their parents, even when family preservation or reunification services were delivered, Congress updated federal policies relating to reasonable efforts as part of the Adoption and Safe Families Act (ASFA).

ASFA generally retained the requirements to preserve and reunify families but made the child’s health and safety a paramount concern in determining the extent to which reasonable efforts should be made. ASFA specified circumstances in which reasonable efforts to preserve and reunify the family are *not* required and gave states latitude to identify additional “aggravated circumstances” in which parents need not be offered services (e.g., child abandonment, felony assault resulting in bodily injury to the child, murder of another child). In testimony provided to the Commission, experts noted that the reunification bypass aligns with current child welfare practice by taking into account a broader family context.⁶⁴

One research study, drawing a sample of case records from six California counties, found that nearly 40 percent of child welfare-involved families met at least

one condition of the allowable exceptions for reunification. Yet, reunification bypasses were requested and approved for only 4 percent of all families involved in child welfare. The researchers concluded that the reunification bypass is not commonly used.⁶⁵

Today, we know even more about the connection between prior reports to CPS, particularly those concerning severe physical abuse, and the risk of later fatalities to children. Yet there is no federal requirement for states to report on use of the reunification bypass. Little rigorous research exists to provide insight on how many cases are subject to the reunification bypass policy or the impact of this policy on child safety.

Infant Safe Haven Laws. All 50 states have enacted legislation allowing mothers in crisis to safely relinquish their babies to trusted providers, beginning with “Baby Moses” laws in Texas in 1999. Research finds a correlation between public awareness of these “safe haven” laws and their effectiveness.⁶⁶ However, news accounts, such as a recent story about an infant found at a church in Pennsylvania,⁶⁷ highlight a continued lack of awareness among the public about safe havens. (In Pennsylvania law, churches are not considered to be safe havens.)

Child Welfare Information Gateway conducted a legal analysis of state infant safe haven laws in 2013 as part of its State Statutes Series.⁶⁸ It found wide variation in state policies. In most states, the laws apply to very young infants who are 72 hours old or younger (12 states), up to 1 month old (19 states), and varying other young ages. Other components of state law that vary include who may leave a baby at a safe haven, what entities qualify as safe haven providers, responsibilities of safe haven providers, immunity from liability for providers, protections for parents, and consequences of relinquishment.

Transparency. Transparency is a critical precondition for accountability. Without access to clear and accurate information, the public and other key stakeholders are unable to make informed decisions about what is needed to reduce child abuse and neglect fatalities and hold agencies and systems accountable for ensuring that performance standards are met. Transparency means to provide external stakeholders and the public with information that is relevant, accessible, timely, and accurate.

The federal government does not currently adequately define for states what information they must disclose and what information cannot be disclosed following a child maltreatment fatality or life-threatening injury. In reauthorizing CAPTA in 2010, Congress instructed HHS and its Administration for Children and Families (ACF) to develop clear guidelines in the form of regulations instructing states of their responsibilities under CAPTA to release public information in cases of child maltreatment fatalities and life-threatening injuries. Instead, on March 30, 2015, HHS announced in the *Federal Register* that it was removing all CAPTA regulations in their entirety. In its announcement withdrawing the regulations, HHS stated that no new regulation is needed.

A report by two legal advocacy organizations found that, as of 2012, 20 states received a grade of “C” or below on public disclosure regarding child maltreatment fatalities. The criteria for grading the states included whether or not they have an official policy regarding disclosure, scope of information released, and criteria regarding when and how information is provided.⁶⁹

Challenge 4: Need for Enhanced Coordination Among Congressional Committees

There is a disparity between federal legislation on child safety and the impact at the local level. For example,

the Commission received extensive input about the potential for CAPTA to drive needed reforms but also heard testimony about a range of problems with the implementation of CAPTA, including resource constraints and a lack of coordination with other systems. Furthermore, there is little federal oversight and enforcement of CAPTA implementation. There is an opportunity to improve coordination among congressional committees that oversee funding streams related to child safety, including CAPTA, title IV-E, and title IV-B.

Recommendations

RECOMMENDATION 5.1:

Create an effective federal leadership structure to reduce child abuse and neglect fatalities.

Executive Branch

5.1a Elevate the Children’s Bureau to report directly to the Secretary of HHS. Require the HHS Secretary, in consultation with the Children’s Bureau, to report annually to Congress on the progress of the implementation of the recommendations of this Commission.

A primary responsibility of the newly elevated Children’s Bureau will be to ensure that federal child abuse and neglect prevention and intervention efforts are coordinated, aligned, and championed to reduce child maltreatment fatalities and life-threatening injuries. It would do this by encouraging partnership among all levels of government, the private sector, philanthropic organizations, educational organizations, and community and faith-based organizations. Further, the Children’s Bureau will be responsible for coordinating with other

key stakeholders in the relevant offices within HHS and the Departments of Education, Justice, and Defense.

The Children’s Bureau would have the following additional responsibilities:

- Lead the development and oversight of a comprehensive national plan to prevent child abuse and neglect fatalities
- Collect and analyze data from the states’ retrospective reviews of five years of data (see Recommendation 2.1) to contribute to the knowledge base about the causes and circumstances of child abuse and neglect fatalities
- Review and coordinate approval of state plans, including working with federal partners to facilitate funding flexibility when needed to implement state plans
- Establish national caseload/workload standards
- Fund pilot projects to test the effectiveness of the application of safety science to improve CPS practice

Additional detail about these and other proposed responsibilities of the Children’s Bureau are detailed in Appendix H.

5.1b Consider moving the Maternal and Child Health Bureau (MCHB) back into the Children’s Bureau. Many health programs originally created by the Children’s Bureau became the responsibility of MCHB during a reorganization of the federal government in 1969.⁷⁰ Bringing responsibility for these programs back under the Children’s Bureau would build and reinforce the use of a public health approach to child welfare services.

5.1c Create a position on the Domestic Policy Council that is responsible for coordinating family policy across multiple issues of priority for the administration, one of which would be child abuse and neglect fatalities.

RECOMMENDATION 5.2:

Consolidate state plans to eliminate child abuse and neglect fatalities.

Congress

5.2a Through legislation, Congress should require states to develop and implement a coordinated, integrated, and comprehensive state plan to prevent child maltreatment fatalities.

The state fatality prevention plan should specify how the state is targeting resources to reach children at highest risk for fatalities, as identified by the state’s data mining effort (as described in Chapter 2).

Legislation should specify certain safety benchmarks, and all state plans should address common risk factors for child abuse and neglect fatalities, but legislation should allow states local flexibility in designing their plans to best meet the unique needs of their population and build on resources already in place. States should be directed to utilize evidence-based strategies and be responsible for evaluating their effectiveness. The federal government could provide targeted funds to spur innovation and to help states test and evaluate their strategies.

State child fatality prevention plans should take a comprehensive, early intervention approach, with CPS being one of multiple key partners. Core components of state plans should include the following:

- **Data.** The plan's action strategy must be driven by data (including state needs assessments and cross-system data sharing). Data tracking must include the following:
 - Use of three or more data sources in tracking fatalities and life-threatening injuries
 - Identification of the ZIP codes and/or census tracts with high rates of child abuse and neglect fatalities and life-threatening injuries
- **Partners.** The state must have a plan to engage public-private partners, community organizations, faith-based communities, and families. For example, if parental substance use is identified as a significant risk factor for fatality, the plan should reflect coordination and shared accountability between CPS and the state's substance abuse services.
- **Clear interagency roles and responsibilities.** The plan should reflect clear and effective programmatic coordination to address risk factors identified through data mining. The plan also may include requests for flexibility in relevant funding streams to better address documented needs.
- **Recommendations from fatality reviews and life-threatening injury reviews.** Reviews of child maltreatment fatalities and life-threatening injuries will be the basis for recommendations

and for establishing cross-system priorities for correcting problems identified and achieving progress toward these priorities.

State public health agencies (including title V programs) should be required through their federal authorizing legislation to assist state child welfare agencies in identifying children most at risk of maltreatment and contribute to the development of the plan for addressing their needs. This plan should be shared with the state court and included in training programs for state court improvement directors using funds already provided under the Court Improvement Program.⁷¹

Congress should direct HHS to provide technical assistance to states in identifying children at greatest risk for child abuse and neglect fatalities and provide training resources.

States and Counties

- 5.2b Prepare state fatality prevention plans on child abuse and neglect fatalities, as required above, under the leadership of the governor's office. This plan, similar to a comprehensive national plan to prevent child abuse and neglect fatalities, would demonstrate how the state is leveraging multiple federal grant programs whose mission involves child safety and family strengthening toward the goal of preventing fatalities from child maltreatment. At a minimum, the plan should be developed in consultation with the judiciary, agency leaders responsible for child care and early education programs, Medicaid and hospital administration, law enforcement, public health, and child protection.

RECOMMENDATION 5.3:

Strengthen accountability measures to protect children from abuse and neglect fatalities.

Executive Branch

- 5.3a Provide examples of best practices in state level policies, including expanding infant safe haven laws to cover infants up to age 1.
- 5.3b Tribal child protection programs that meet accountability and child safety standards, as outlined in federal guidelines, should be operated and implemented at the discretion of the tribe and should enable the tribe to innovate and develop best practices that are culturally specific, while maintaining those standards.

Congress

- 5.3c Require training and technical assistance for courts on implementation of the federal law relating to the ASFA Reunification Bypass.
- 5.3d Amend CAPTA to clarify and require that all information currently specified in CAPTA must be released following a death or life-threatening injury from abuse or neglect and must be posted on the state's website no later than 48 hours after receipt of the report, excepting any information that might otherwise compromise an ongoing criminal investigation. CAPTA should be further amended to require Critical Incident Review Teams (CIRTs) to review all child abuse or neglect deaths and to require that reports issued by the CIRTs be published in full on the state's website

New York City Children's Cabinet

In August 2015, the Commission held a state public meeting in New York City, where Commissioners heard from state and local leaders about child safety efforts throughout the state.⁷² When asked what New York City is doing to prevent child fatalities and to promote safety, Gladys Carrión, Commissioner of New York City's Administration for Children's Services, answered, "Coordination, coordination, and collaboration." She spoke about child safety being the responsibility not only of the child welfare system but a shared responsibility among many other systems that touch the lives of these families.

The New York City Children's Cabinet has more than 23 different city agencies with a goal of promoting consistent and meaningful communication to ensure child safety and well-being. The mayor has challenged each and every city agency to be part of the work of the Administration for Children's Services to keep all children safe, to support families, and to promote the well-being of children. Carrión offered multiple examples of how departments and agencies are collaborating and urged the federal government to provide leadership on collaboration.

An important finding from the meeting with New York officials was about New York City's Instant Response Teams (IRTs). IRTs were developed and implemented in the late 1990s as a joint effort between the CPS agency and the police department in response to a high-profile child fatality. Their purpose was to improve coordination between CPS and law enforcement to enhance child safety. In 2006, the IRT effort was expanded to include a database that is used to relay information in real time between CPS and the police department. Today, IRTs coordinate a rapid response to all fatalities reported to the child abuse hotline and all other cases involving severe maltreatment.

within 12 months of the child's death. These reviews should be coordinated with the state's child death and life-threatening injury review programs.

States and Counties

- 5.3e Amend state infant safe haven laws to expand the age of protected infants to age 1 and to expand the types of safe havens accepted, including more community-based entities such as churches, synagogues, and other places of worship. States also should expand public awareness campaigns for safe haven laws, given the correlation between awareness and effectiveness.
- 5.3f Publish child abuse and neglect fatality information on state public websites at least annually, similar to the approach in Florida.

RECOMMENDATION 5.4:

Hold joint congressional hearings on child safety.

Congress

- 5.4a Hold joint congressional hearings on child safety in committees that oversee CAPTA, title IV-E, title IV-B, and Medicaid to better align national policies, resources, and goals pertaining to the prevention of and response to safety issues for abused or neglected children. Coordinating federal child welfare policy in this way would also yield efficiencies through improved governance and oversight.

NOTES FOR CHAPTER 5

⁵⁸ American Public Human Services Association. (June 2013). *Accountability in human services*. Retrieved from <http://www.aphsa.org/content/dam/aphsa/pdfs/Innovation%20Center/2013-06-Accountability-in-Human-Services.pdf>.

⁵⁹ The reports are the 1990 *Critical First Steps in Response to a National Emergency*, the 1991 *Creating Caring Communities: Blueprint for an Effective Federal Policy*, the 1993 *The Continuing Child Protection Emergency: A Challenge to the Nation*, the 1993 *Neighbors Helping Neighbors: A New National Strategy for the Protection of Children*, and the 1995 *A Nation's Shame: Fatal Child Abuse and Neglect in the United States*. Reports available through the Child Welfare Information Gateway Library at <https://www.childwelfare.gov/library>.

⁶⁰ Child Welfare Information Gateway. (2010). *Caseload and workload management*. Retrieved from https://www.childwelfare.gov/pubPDFs/case_work_management.pdf.

⁶¹ Section 432(a)(10)); see http://www.ssa.gov/OP_Home/ssact/title04/0432.htm.

⁶² See <http://www.acf.hhs.gov/programs/opre/research/project/national-survey-of-child-and-adolescent-well-being-nscaw>.

⁶³ U.S. GAO. (2011, July). *Child maltreatment: Strengthening data on child fatalities could aid in prevention*. (GAO 11-599). Retrieved from <http://www.gao.gov/products/GAO-11-599>.

⁶⁴ Testimony by Dr. Richard Barth at the Tampa, Florida, meeting on July 10, 2014 (https://eliminatechildabusefatalities.sites.usa.gov/files/2014/05/CECANF_Meeting-Minutes_Tampa-FL_July-10-20141.pdf) and testimony by John Mattingly at the New York, New York, meeting on August 6, 2015 (https://eliminatechildabusefatalities.sites.usa.gov/files/2014/11/CECANF_NYC-Mtg-Transcript_Aug-6-and-7.pdf).

⁶⁵ Barth, R., et al. (2005). From anticipation to evidence: Research on the Adoption and Safe Families Act. *Virginia Journal of Social Policy & the Law*, 12. Retrieved from <http://cap.law.harvard.edu/wp-content/uploads/2015/07/assignment7.pdf>.

⁶⁶ Ayres, S., (2009). Kairos and safe havens: The timing and calamity of unwanted birth. *William and Mary Journal of Women and the Law*, 15(2). Retrieved from <http://scholarship.law.wm.edu/wmjowl/vol15/iss2/2/>.

⁶⁷ Lee, P. (2015, September 1). Baby found at church in Moosic. WNEP-16 news. Retrieved from <http://wnep.com/2015/09/01/baby-found-at-church-in-moosic>.

⁶⁸ Child Welfare Information Gateway. (2013). *Infant safe haven laws*. Retrieved from <https://www.childwelfare.gov/topics/systemwide/laws-policies/statutes/safehaven/>.

⁶⁹ Children's Advocacy Institute of the University of San Diego School of Law. (2012). *State secrecy and child deaths in the U.S.: An evaluation of CAPTA mandated public disclosure policies about child abuse and neglect fatalities or near fatalities, with state rankings*. Retrieved from <http://www.cachildlaw.org/Misc/StateSecrecy2ndEd.pdf>.

⁷⁰ Children's Bureau. (1969). Reorganization at HEW. *Children*, November-December, 242. Retrieved from http://hearth.library.cornell.edu/cgi/t/text/pageviewer-idx?c=hearth;cc=hearth;rgn=full%20text;idno=4761305_142_006;didno=4761305_142_006;view=image;seq=0036;node=4761305_142_006%3A6.8.

⁷¹ For information about the Court Improvement Program, see <http://www.acf.hhs.gov/programs/cb/resource/court-improvement-program>.

⁷² See the transcript of the New York, New York, meeting on August 6, 2015 (https://eliminatechildabusefatalities.sites.usa.gov/files/2014/11/CECANF_NYC-Mtg-Transcript_Aug-6-and-7.pdf).

Double Protection for Children

Connecting Law Enforcement and CPS



“A call to a child abuse hotline is as much a request for help as a call to 911. You don’t want to put it on hold for a week,” said Dan Scott, a retired sergeant in the Los Angeles County Sheriff’s office and a leader in the effort to improve cross reporting between child protective services (CPS) and law enforcement.⁷³

Building data links between the two departments may seem a self-evident goal, since safety is the clarion call of both. But despite laws in many states that require cross reporting, most states comply only sporadically. In Los Angeles County in the past, too many of the child abuse reports sent to law enforcement, most of them by U.S. mail or FAX, simply went into a “round file” in a sheriff’s office or police office.⁷⁴

In California, law enforcement is required to investigate all serious allegations of physical and sexual child abuse. With some 175,000 calls per year coming in to the child abuse hotline in Los Angeles County, this is a high wall to scale, even though not all calls reflect serious allegations.

It took advocacy from both law enforcement and the child protective services (CPS) agency, the Department of Children and Family Services (DCFS), to make shar-

ing data manageable by making it electronic. In 2009, the county’s Suspected Child Abuse Report System (SCARS) became E-SCARS, the Electronic Suspected Child Abuse Report System, a web-based system that allows rapid and secure electronic transmission of reports between the agencies. Now all it takes is a click of the mouse to connect law enforcement and DCFS.

How It Works

A call to the child abuse hotline starts the process. DCFS investigators initiate an E-SCARS report and send all serious physical or sexual abuse allegations to law enforcement and the district attorney’s (DA’s) office, which has oversight. If law enforcement gets a 911 call first, they report it to the child protection hotline and can send a car right away.

DCFS and law enforcement are required to investigate all E-SCARS reports independently. They have different definitions of abuse. Law enforcement focuses on criminal evidence, while DCFS looks at the family, the causes of abuse, and whether or not the child needs to be removed.

Child abuse has no office hours; safety requires a 24/7

response. Police are used to this. Because the dispatcher routes the call to the police station near the family's home, many times the police can get there before CPS. This is a huge asset in LA County, which covers a total area of 4,850 square miles.

Benefits of E-SCARS

E-SCARS adds a new layer of protection for children in LA County:

- Law enforcement and CPS staff bring different training and experience, and each sees the family's situation with different eyes. Sharing information promotes greater depth of analysis and more accurate decision-making by both.
- E-SCARS files include prior allegations and other important information about the family, including known risk factors for serious abuse or homicide—information that can be life-saving to a child.
- When CPS and law enforcement close a case, even if it is at different times or for different reasons, the information about the family and the names of investigating officers and caseworkers go into the system in case they are needed to inform future investigations about the same family. Names and contact information are a visible chain of command and accountability.

Miles to Go

Implementing something as large as E-SCARS in a county as large as Los Angeles has its challenges. There are 46 police or sheriff's offices covering the county, and not all have bought into the electronic version. Some still rely on faxes.

Scott believes law enforcement is still the weakest link in child protection, not because police officers do not care about child safety, but because they are not held as

E-SCARS in Action

A call came in about a mother who was beating her child. There were previous referrals on this family, and the sheriff who got the call opened the prior E-SCARS report. He learned there were two children living in the home and went right out, interviewed the mother, and asked to see the child. She brought out one child, who was fine. The officer then asked to see the other child. She denied that she had two children, but when pushed, she said the other child was with his father who lived in a neighboring county. The officer put the mother in the car and they went to find the father. While in the car, the mother texted the father that they were on their way. They got to the father's home just in time to see him putting the child in the car, ready to drive off. The child had been severely beaten and was taken into protective custody.

Had E-SCARS not been in effect, this story might have had a different ending. The deputy would not have known there were two children. They might not have reached the injured child in time.

accountable as CPS. CPS is often blamed by the public and elected officials when a child on their watch is injured or killed. With E-SCARS, law enforcement and CPS share responsibility for safety.

The DA's office holds the responsibility for ensuring DCFS and law enforcement do their jobs. Public accountability can be a powerful incentive. The DA can go public if a police department in one city sends a car out on 90 percent of their E-SCARS reports and another responds on only 30 percent. Time matters when it comes to child safety.

Several enhancements to E-SCARS are in the wings:

- When DCFS and law enforcement reach different conclusions about a case, an alert is supposed to notify each system. The assumption is that they should at least agree on whether or not severe abuse exists and, if they do not agree, they must take another look. But because of state and local regulations, DCFS often takes longer than law enforcement to come to a conclusion, and the alert sometimes does not go out. Scott wants to ensure that it does and noted that the technology is built into E-SCARS but is not being utilized.
- E-SCARS can serve as an early warning system for hazardous cases. If a certain number of risk factors exist in a family, such as a combination of very young children, no biological father in the home, parental criminal history, and drug or alcohol problems, the supervisors for the caseworker and the law enforcement officer could automatically get a notice to flag the case as high risk for potential homicide. This booster alert “wouldn’t cost a dime,” said Scott. But the respective bureaucracies have not taken it on yet.

Technology, even something as innovative as E-SCARS, is only useful to the extent it is used. In LA County, it is highly valued. John Langstaff, Principal Information Systems Analyst at DCFS and Scott’s colleague in turning SCARS into E-SCARS, said: “For emergency response social workers, there is no more important piece of information than knowing when a police agency finds criminal child abuse on a case they are investigating.”

There have been some 400,000 E-SCARS reports since 2008, when the system was initiated. There is no formal evaluation yet. But both Scott and Langstaff believe more children are safe because of E-SCARS. There is interest from other California counties and even other states. But for now, LA County is the sole pioneer in the state and the entire country. They have a lot of promise to share.

NOTES FOR DOUBLE PROTECTION FOR CHILDREN: CONNECTING LAW ENFORCEMENT AND CPS

⁷³ Dan Scott was also a commissioner on the Los Angeles County Blue Ribbon Commission for Child Protection and served as a consultant for the Commission to Eliminate Child Abuse and Neglect Fatalities.

⁷⁴ In Los Angeles County, the police and sheriffs do essentially the same job. There are 46 law enforcement agencies in the county, including sheriff’s offices and the Los Angeles Police Department (LAPD).

6

Decisions Grounded in Better Data and Research



WE KNOW THAT SHARING DATA among multiple public agencies working with the same at-risk children and families can provide a more complete picture of family circumstances and improve the quality of decision-making about child safety.⁷⁵ At a local level, children and families who are reported to child protective services (CPS) frequently interact with other public agencies, such as law enforcement or substance abuse treatment centers. However, even where laws permit, these agencies do not always share information with CPS that could potentially save children's lives.

For example, when a police officer is called to a home on a domestic violence report, she may not know that CPS has had seven other reports of suspected abuse or neglect of the children in that home. Having access to that information could help the police officer make a more informed decision about the overall safety of children in a home. Similarly, for CPS workers, knowing that the police had visited a home for reports of domestic violence or other criminal activities could aid decision-making. Unfortunately, this kind of information exchange is not consistent across the country and relies on relationships and interpretations of law at the local level.

Some pockets of innovation do exist, and innovations in technology and policy now make it possible to connect disparate data systems across locations and fields for relatively low cost. This means that critical information can now be shared more easily across agencies and systems, improving our ability to support families and keep children safe.

Highlighted Recommendations

Recommendation 6.1a: The administration should spearhead a special initiative to support state and local entities engaged in protecting children, such as law enforcement and CPS, in sharing real-time electronic information on children and families.

Recommendation 6.3b: In order to incentivize states to add the reviews of life-threatening injuries caused by child maltreatment into their current child death review activities, receipt of Child Abuse Prevention and Treatment Act (CAPTA) funds should be contingent upon states conducting these reviews.

Likewise, innovations in technology also make it possible to collect better data on child abuse and neglect fatalities and life-threatening injuries. More and better data allow researchers and practitioners to perform more sophisticated data analysis and draw conclusions that can better inform policy and practice. We know there are many areas in local, state, and national data collection and analysis where improvements could lead to saving children's lives.

What We Learned About Data and Research

The Commission reviewed the literature and heard from experts about the quality and extent of data currently collected on child abuse and neglect fatalities, how data and research are currently being used to prevent harm to children, and opportunities to improve and expand these uses. We identified three primary challenges:

- Challenge 1: When agencies do not share data about children and families at risk, children die whose lives might otherwise be saved.
- Challenge 2: The current count of child abuse and neglect fatalities is incomplete and based on inconsistent definitions.
- Challenge 3: We are not using knowledge gained from child maltreatment fatalities and life-threatening injuries effectively to prevent future deaths.

These challenges are not new. In some ways, the Commission finds itself in roughly the same position as those who have sought to tackle this problem in years past, identifying similar findings about information sharing and counting. However, today, we have the benefit of new technologies and specific ideas for changes that can provide greater insight into the problem and improve the effectiveness of policies and

programs. These are reflected in the recommendations that follow this section.

Challenge 1: Sharing Data

Data sharing has long been recognized as a key component of efforts to prevent child abuse and neglect fatalities; however, costs and concerns about confidentiality have impeded progress in this area. Public programs and their information systems developed in silos, partly as a result of the way they were funded and structured. Collaboration and information sharing across these silos has traditionally been difficult because of uncertain lines of authority and technical limitations. The inability to see data across systems impedes the ability of staff on the ground to share real-time information that could inform practice to save children's lives, and it inhibits research that could lead to better policies and practices. We have an obligation to thoroughly explore whether enhanced data sharing can identify patterns or warning signs that may better inform when and how best to intervene in families.

In the past few years, new methods have emerged to facilitate the electronic exchange of selected pieces of information between systems without sharing complete case files. Some of these include the following:

- California's Child Abuse and Neglect Reporting Act (CANRA) requires CPS and law enforcement to share information about allegations of suspected child abuse. To further this goal, Los Angeles County launched the Electronic Suspected Child Abuse Report System (E-SCARS) in 2009. (See story on the preceding pages.) Infrastructure like the E-SCARS database, in combination with adequate technical assistance and resources, can help more communities utilize real-time data from a variety of sources to protect children.

- Data standards such as the National Information Exchange Model (NIEM) are enabling data to be shared more easily across agencies by creating common agreements to name a given piece of data the same way, allowing different systems to “talk” with one another.⁷⁶
- Advances in big data analytics, such as the combining and combining of raw data sets, have allowed the aviation industry to greatly improve passenger safety. Applying a similar approach with data on the circumstances in which child abuse and neglect fatalities occur could help researchers more readily identify patterns of risk or opportunity that could inform both policy and practice decisions.⁷⁷

Challenge 2: Counting the Fatalities: State Variations and Federal Requirement Gaps

The determination that a child’s death is due to abuse or neglect varies across states for many reasons, including differences in states’ definitions of abuse and neglect, death investigation systems, and reporting practices. If two children in two different states die under the same circumstances, each state may make a different determination about whether the deaths were caused by abuse or neglect. The same may be true of different jurisdictions within the same state or even within the same jurisdiction in different years. The definition of what constitutes physical abuse tends to be fairly consistent across agencies and professions, but determining if a death is due to neglect is a more complex problem. Each agency or investigator may have different views of the societal norms that draw the line between minimally adequate care or supervision and serious, life-threatening neglect.

Significant variations also exist in local investigators’ or child death reviewers’ knowledge and expertise in interpreting policy and practice. Depending on the

jurisdiction, death certificates may be completed by a medical examiner (a medical doctor trained in the field of forensic pathology) or a coroner (an elected official who may or may not be required to have prior training in medicine, forensic science, or death investigation). Nationwide, about 70 percent of the death investigation officials are coroners.⁷⁸ Coroners are not required to engage a forensic pathologist to conduct an autopsy, and when they do, are not bound by the forensic pathologist’s opinion.

In addition, the determination of death made by a medical examiner or coroner may be interpreted differently by CPS, law enforcement, and prosecutors. Each of these entities will have different legal requirements.

Gaps in Federal Requirements for Reporting Fatality

Data. CAPTA requires states that receive CAPTA state grant funds to report annually—“to the maximum extent practicable”—at least 12 data items to the National Child Abuse and Neglect Data System (NCANDS),⁷⁹ including the number of deaths resulting from child abuse or neglect. NCANDS has significant limitations as the nation’s official source of child maltreatment fatality data.

- NCANDS primarily reflects fatalities reported to, investigated by, and substantiated as abuse or neglect by CPS agencies. If these agencies are not aware of a death, choose not to investigate it, or do not classify the death as the result of abuse or neglect, it is not counted. Other sources of data on child deaths that may or may not be consulted and subsequently counted include death certificates from state vital statistics offices and medical examiner or coroner offices, state and local child death review team records, and uniform crime reports. A 2011 Report to Congress by the Government Accountability Office (GAO) found that



nearly half of states report to NCANDS only data on children already known to CPS agencies.⁸⁰ Yet a peer-reviewed study of fatal child maltreatment in three states that reviewed multiple sources of data on child deaths found that state child welfare records undercount child fatalities from maltreatment by 55-76 percent. They also found that a multidisciplinary team review of records from multiple sources was a much improved method for counting maltreatment.⁸¹

- The submission of state data about abuse or neglect fatalities to NCANDS is not required; it is voluntary. All states submit data, but states do not all submit the same data in the same way.
- NCANDS provides limited information about the circumstances under which children die from abuse and neglect. The system collects but does not report on some data that could be useful for prevention, such as perpetrators' previous maltreatment of children. It is important to know the family's—not just the child's—past experience with CPS and what transpired. Information about the perpetrator, relationship to the child, possible substance use or mental health issues, any special

needs that the child had, and other variables are all important for data analysis and for determining effective prevention strategies, which may be different for children at risk for different types of deaths.

For these reasons, there is widespread agreement that the number of child abuse and neglect fatalities reported through NCANDS is an undercount; experts believe the real number is at least double the current number.⁸² In addition to NCANDS, there are six other federally funded data systems that collect data on deaths due to child abuse and neglect.⁸³ These systems are not linked to NCANDS, and the data are not reconciled.

Challenge 3: Using Data From Fatality and Life-Threatening Injury Reviews for Prevention

There are significant gaps in how the field applies lessons learned from child abuse and neglect fatalities and life-threatening injuries to prevent future deaths. Two of these gaps stand out: (1) Data on life-threatening injuries from child abuse and neglect are not usually collected, analyzed, and used for prevention, and (2) official reviews of child abuse and neglect deaths at the state level often lack uniformity and carry-through to policy change and prevention efforts.

Collecting data on life-threatening injuries from child abuse and neglect is important because the children who suffer from these injuries closely resemble children who die from abuse or neglect. Statistically, the two groups are almost identical in age, family risk factors (including high prevalence of domestic violence and substance abuse), and relationships between perpetrators and victims. What often differentiates a life-threatening injury from a fatality is simply the difference in medical care received and the timing of that medical care.

Thus, collecting and analyzing data on these children would help to build a knowledge base to ground fatality prevention efforts. Including life-threatening injuries in this knowledge base would provide a significant increase in available data, since research suggests that, for every infant under 1 year of age who dies as a result of maltreatment, more than 10 infants are hospitalized with severe abuse-related injuries.⁸⁴ These data suggest that tens of thousands of children suffer life-threatening injuries from maltreatment each year.

Given the insight that data on life-threatening injuries could provide, why are those data not collected? Two major factors contribute to this omission:

- There is no clear or universally accepted definition of a life-threatening injury. CAPTA uses the term “near fatality,” defining it as “an act that, as certified by a physician, places the child in serious or critical condition,” but states have their own definitions of what it means for a child to be in “serious” or “critical” condition. Because of the lack of a standardized definition, the same event might be considered a life-threatening injury in one state but not in another, just as similar fatalities may be classified differently in different states.
- There is no requirement for states to collect and report data on life-threatening injuries in the same way they review and report on child abuse and neglect fatalities.

Wide variation in child death reviews and in the ways that the review findings are (or are not) used to further prevention efforts accounts for the other major gap in usable data. There are a number of child fatality review processes that examine circumstances surrounding a child’s death and generate data that are sometimes included in counting child abuse and neglect deaths, including a state’s Child Death Review (CDR) and Citizen Review Panel reviews, Foster Care Review Board reviews, and the Domestic Violence Fatality Review. However, a number of factors contribute to the lack of usable data produced by these reviews:⁸⁵

- This so-called “web of reviews” is disjointed and inconsistently implemented, and funding for the reviews is limited.
- State definitions and requirements vary, and, consequently, there is variation in the child deaths that state CDR teams choose to review.
- The lack of uniformity extends to the reviewers: Qualifications and training for reviewers vary significantly.
- The mechanism for communicating findings from these reviews to decision makers is unclear. Some states produce annual reports with recommendations for change, while others do not. Even when recommendations are made, they may not be acted upon.

“

Accurate counting of fatalities is important, as is review of child fatalities to identify potential missed opportunities for prevention. But the only way to actually decrease fatalities is **to implement changes**.

—Dr. Randall Alexander, Statewide Medical Director of the Florida Child Protection Teams, testifying to the Commission⁸⁶

Recommendations

RECOMMENDATION 6.1: Enhance the ability of national and local systems to share data to save children’s lives and support research and practice.

Executive Branch

6.1a Spearhead a special initiative to support state and local entities engaged in protecting children, such as law enforcement and CPS, in sharing real-time electronic information on children and families.

Regulations from the U.S. Department of Health and Human Services (HHS) and Department of Justice (DOJ) and state laws should require that state entities share real-time electronic information between agencies engaged in protecting children (specifically, law enforcement, CPS, public health agencies, hospitals and doctors, schools, and early childhood centers). States can find guidance on building such systems by reviewing projects completed under the State Systems Interoperability and Integration Projects (S2I2).⁸⁷

6.1b Increase the interoperability of data related to child protection across federal systems.

Data collected related to child protection and safety sit in a number of different federal, state, and local agencies, including various divisions within HHS such as the Administration on Children, Youth and Families, the National Institute of Child Health and Human Development, the Centers for Disease Control

and Prevention (CDC), and the Maternal and Child Health Bureau, as well as other agencies such as DOJ. As a result, our understanding of circumstances that might contribute to child abuse and neglect fatalities is incomplete. Policy and procedures are needed to enable these systems to talk to each other.

6.1c Increase system capacity at the national level to apply the latest statistical and big data techniques to the problem of preventing child abuse and neglect fatalities.

The Commission recommends establishing a Federally Funded Research and Development Center (FFRDC) on Preventing Child Abuse and Neglect Fatalities similar to the Centers for Medicare & Medicaid Services (CMS) Alliance to Modernize Healthcare. This could be housed within HHS or DOJ. Analyses conducted by this FFRDC must be made available to the Children’s Bureau’s new Coordinating Council on Child Abuse and Neglect Fatalities and shared with all entities that submit data so that state and local agencies can use data to inform policy and practice decisions. (See Appendix H for more details about the Council.)

Congress

6.1d Consider what legislative or funding changes would be required to empower the Executive Branch to carry out Recommendations 6.1a: Enhanced real-time electronic data sharing among state agencies engaged in protecting children; 6.1b: Increased interoperability of data related to child protection across federal systems; and 6.1c: Application of the latest

statistical and big data techniques to the problem of preventing child abuse and neglect fatalities.

- 6.1e Require federal legislation that defines the permissibility of data sharing for children involved in the child welfare system, those who are dependents of active duty military, and those receiving publicly funded prevention services, to require the sharing of information between civilian CPS agencies and Department of Defense family advocacy offices and related agencies.
- 6.1f Clarify federal legislation that allows CPS agencies access to National Crime Information Center criminal background information.

States and Counties

- 6.1g Require cross-notification for allegations of child abuse and neglect between law enforcement and CPS agencies, implementing a system similar to the Electronic Suspected Child Abuse Report System (E-SCARS) in Los Angeles County.

RECOMMENDATION 6.2: Improve collection of data about child abuse and neglect fatalities.

Executive Branch

- 6.2a Rapidly design and validate a national standardized classification system to include uniform definitions for counting child abuse and neglect fatalities and life-threatening injuries.

This national maltreatment fatality classification scheme should include criteria,

El Paso County, Colorado: Connecting the Dots Between the Military and CPS

Military families are often isolated, without a lot of support from relatives and extended families. When one spouse is deployed overseas, the other becomes a temporary single parent. When parents return from combat zones, re-entry can be difficult. Jill Nugin, the Family Advocacy Program Manager at the Fort Carson Army Base in Colorado, told Commissioners about the particular challenges of fathers returning from overseas duty: “You know, you leave a young wife, and you leave a house with just a puppy, and you come home to a baby, and after you have been at war for a year, that can be a tough transition to make.”⁸⁸

In El Paso County, where Fort Carson is located, 10 percent of the child abuse or neglect reports involve military families, either living on bases or in the community. Following a series of 10 child fatalities in 2011, seven of them in military families, the local CPS agency, the military, and other key stakeholders initiated a countywide coalition. In addition to the military and CPS, the coalition includes law enforcement, the medical community, the fire department, faith-based leaders, and more. The coalition launched a program called Not One More Child to prevent child maltreatment fatalities.

Today in El Paso County, collaboration between the military and CPS is standard operating procedure. The military and CPS have a memorandum of agreement that requires the military to report child abuse cases to CPS; likewise, when CPS has off-base military cases, they refer families to the Family Advocacy Center on the base. A military committee of the Not One More Child coalition offers boot camp for new military dads (taught only by men), abusive head trauma education, and parenting support during reintegration when troops come home from war.

The coalition’s work is paying off. From 10 child maltreatment fatalities in the county in 2011, deaths dropped to 3 in 2012, 4 in 2013, and as of September 2014, when members of the coalition testified to the Commission, there had been one child maltreatment death that year.

operational definitions, and a process to ascertain fatal and life-threatening physical abuse and neglect. It should reconcile information from multiple agencies, using the U.S. Air Force–Family Advocacy program Central Repository Board Project as a model.⁸⁹

This will require development, field-testing, and implementation of a uniform operationalized definition and decision tree for child abuse and neglect fatalities. The definitions should not rely on agency-specific definitions of child abuse and neglect and should be developed for the purpose of counting and preventing fatalities (and include cases that may or may not meet criminal or civil definitions of abuse and neglect for purposes of substantiation or prosecution). The process of determining whether a fatality is due to abuse or neglect using the standardized definition must require the use of multidisciplinary teams (e.g., child welfare, law enforcement, health care) and shared decision-making. States should be required to use these standardized definitions and processes.

- 6.2b Improve the system of child death investigation and death certification by developing standards of investigation and expertise in investigation and certification.
- Develop a nationally standardized child death investigation protocol for use by medical examiners, coroners, and law enforcement, and update the CDC’s sudden unexplained infant death investigation guidelines.
 - Provide national training and resources to encourage widespread use of the protocol and guidelines.

- Encourage states to transition from coroner systems to medical examiner systems that utilize forensic pathologists in all suspected child maltreatment deaths.
- Encourage states to establish an administrative position at the state level for an experienced forensic pathologist to provide training and oversight and ensure high-quality, standardized investigations of all sudden and unexpected child deaths.

6.2c Develop the National Fatal and Life-Threatening Child Maltreatment Surveillance System as a National Data Repository to collect, analyze, and report data on fatalities and life-threatening injuries from maltreatment.

Require states to conduct multidisciplinary reviews of all child maltreatment fatalities and life-threatening injuries, using records from multiple agencies, and to utilize the national standardized classification system (described already in Recommendation 6.2) to classify and count all fatal and life-threatening maltreatment. These data would be reported into the Data Repository. All entities reporting into the Data Repository would have access to the data for the purposes of research and improving practice. The data collected into the repository would include the subset of cases also entered into the NCANDS System, which will remain the CPS reporting system.

6.2d Expand upon the HHS national report of child abuse and neglect fatalities, currently provided in the annual *Child Maltreatment* report, by collecting and synthesizing all available information (cross-agency) on the circumstances surrounding child maltreatment

deaths to inform policy. The report should be issued by the Children’s Bureau’s new Coordinating Council on Child Abuse and Neglect Fatalities. (See Appendix H for more details about the Council).

See Appendix I for a list of suggested elements that an expanded *Child Maltreatment* report might include. To support states, HHS should prioritize its provision of technical assistance to states to ensure timely and accurate submission of this data.

6.2e Conduct longitudinal research about the leading factors related to child abuse and neglect fatalities of AI/AN children, 18 and under. It may be possible to integrate a longitudinal research component in the Tiwahe Initiative (a partnership between HHS and the Departments of Justice and Interior) currently being piloted in four tribes.

Congress

6.2f Consider whether statutory changes and/or additional funding may be required for the Executive Branch to carry out Recommendation 6.2b: Improve the system of child death investigation and death certification by developing standards of investigation and expertise in investigation and certification; 6.2c: Develop the National Fatal and Life-Threatening Child Maltreatment Surveillance System; and 6.2d: Expand upon HHS’s national report of child abuse and neglect fatalities, currently provided in the annual *Child Maltreatment* report.

6.2g Amend CAPTA to improve the data on fatalities and life-threatening injuries that states are required to collect and submit to NCANDS until the Data Repository is operational. Consider what additional funding may be necessary to support these changes.

- Building on current policy in CAPTA, all states should be required to collect child abuse and neglect fatality data from all sources (state vital statistics departments, child death review teams, law enforcement agencies, and offices of medical examiners or coroners) and submit consolidated data to NCANDS. To ensure compliance, these data requirements should be placed in authorizing legislation pertinent to programs being asked to share data, including but not limited to title IV-E, title V, the Public Health Services Act, and others.
- Expand the standardized set of data elements required to be submitted into NCANDS for all child abuse and neglect fatalities and life-threatening injuries as defined by the operationalized definitions discussed above. Currently, there are no case-specific (vs. aggregate) data elements in NCANDS that provide any details about the circumstances of a given death. This recommendation would result in a separate fatality/life-threatening injury file within NCANDS with data elements to better understand the circumstances of fatalities to inform practice and policy.
- Require redefining the data element that requires the “number of children reunited with their families or receiving family preservation services that, within five years, result in subsequent substantiated reports of child abuse or

neglect, including the death of a child” [CAPTA Sec 106(d)(11)] to include all children in the family reported to CPS, regardless of acceptance or substantiation, who later died from abuse or neglect.

- Add a data element to allow for collection of data about all deaths of children while in foster care or after being adopted from the child welfare system.⁹⁰
- Add data elements as needed to respond to the additional elements required for inclusion in an expanded *Child Maltreatment* report (see earlier recommendation).

RECOMMENDATION 6.3:

Fatality reviews and life-threatening injury reviews should be conducted using the same process within all states.

Executive Branch

- 6.3a Lead the analysis and synthesis of all child maltreatment fatality and life-threatening injury review information at the national level; include expanded information in the *Child Maltreatment* report, and broadly disseminate findings including to state child welfare programs as well as to title V and CDC programs. This analysis will be conducted within HHS and overseen by the Children’s Bureau’s Coordinating Council for Child Abuse and Neglect Fatalities.
- 6.3b In order to incentivize states to add the reviews of life-threatening injuries caused by child maltreatment into their current child

death review activities, receipt of CAPTA funds should be contingent upon states conducting these reviews. Currently, Wyoming and Oklahoma conduct both types of reviews.

- 6.3c Develop uniform standards and guidelines for conducting case reviews of maltreatment deaths so that they will lead to improved case ascertainment, agency policy, and practice improvements and actions for prevention.

Congress

- 6.3d Consider whether statutory changes and/or additional funding may be required for the Executive Branch to carry out the preceding recommendations in support of uniform fatality and life-threatening injury reviews.

NOTES FOR CHAPTER 6

⁷⁵ Testimony by Erinn Kelley-Siel at the Portland, Oregon, meeting on February 26, 2014 (https://eliminatechildabusefatalities.sites.usa.gov/files/2014/12/MtgMinutes_OR_5-8-15.pdf); testimony by Dr. Richard Barth at the Tampa, Florida, meeting on July 10, 2014 (https://eliminatechildabusefatalities.sites.usa.gov/files/2014/05/CECANF_Meeting-Minutes_Tampa-FL_July-10-20141.pdf); National Association of Public Child Welfare Administrators (NAPCWA), see <http://www.aphsa.org/content/dam/aphsa/pdfs/What's%20New/APHSA%20NAPCWA%20CECANF%20Recommendations%20-%20%20Final%20v.2.pdf>.

⁷⁶ For information on NIEM, see <https://www.niem.gov/Pages/default.aspx>.

⁷⁷ During testimony provided by MITRE at the New York, New York, meeting on August 7, 2015 (https://eliminatechildabusefatalities.sites.usa.gov/files/2014/11/CECANF_NYC-Mtg-Transcript_Aug-6-and-7.pdf), several parallels were drawn between the complexity of passenger safety data from the aviation community and that of data gathered from the vast network of child protection agencies. Although some argue that the variables going into the situations surrounding a child abuse and neglect fatality are much more complex than those that surround aviation crashes, the use of the latest statistical modeling techniques could yield valuable insight. Additionally, some critics contend that the quality of the child welfare data is poor and uses inconsistent definitions and that analyses using these data would be invalid. However, most data analysts would argue that using and examining data tends to result in overall improved data quality, as agencies and organizations recognize the data are being used and therefore improve their collection of the data being submitted. In addition, data modeling techniques allow for the ability to program in differences in variable definitions in order to improve the ability of comparing apples to apples.

⁷⁸ Testimony by Sam Gulino at the San Antonio, Texas, meeting on June 2, 2014 (https://eliminatechildabusefatalities.sites.usa.gov/files/2014/05/San_Antonio_Transcript1.pdf).

⁷⁹ See <http://www.acf.hhs.gov/programs/cb/resource/about-ncands> to learn more about NCANDS.

⁸⁰ U.S. GAO. (2011, July). *Child maltreatment: Strengthening data on child fatalities could aid in prevention*. (GAO 11-599). Retrieved from <http://www.gao.gov/products/GAO-11-599>.

⁸¹ Schnitzer P. G., Covington, T. M., Wirtz, S. J., Verhoek-Oftedahl, W., & Palusci, V. J. (2008). Public health surveillance of fatal child maltreatment: Analysis of 3 state programs. *American Journal of Public Health, 98*(2), 296-303.

⁸² Herman-Giddens, M. E., et al. (1999). Underascertainment of child abuse mortality in the United States. *JAMA, 282*(5), 463-467. Retrieved from <http://jama.jamanetwork.com/article.aspx?articleid=190980>. Also, Cotton, E. E. (2006). *Administrative case review project, Clark County, Nevada: Report of data analysis, findings and recommendations*. Retrieved from <http://dcfs.nv.gov/uploadedFiles/dcfsnv.gov/content/Tips/Reports/Attachment07.pdf>. Crume, T. L., DiGuseppi, C., Byers, T., Sirotnak, A. P., & Garrett, C. J. (2002). Underascertainment of child maltreatment fatalities by death certificates, 1990-1998. *Pediatrics, 110*(2). Retrieved from <http://pediatrics.aappublications.org/content/pediatrics/110/2/e18.full.pdf>. Herman-Giddens et al. estimate actual child abuse and neglect deaths to be as high as three times the national reported amount; similarly, Cotton et al. and Crume et al. found the actual number of deaths to be twice that reported.

⁸³ These include the National Child Death Review Case Reporting System (NCDR-CRS), the National Vital Statistics System (NVSS), Uniform Crime Reporting (UCR) including the National Incident-Based Reporting System (NIBRS), the National Violent Death Reporting System (NVDRS), the Sudden Unexpected Infant Death (SUID) Case Registry, and the Web-based Injury Statistics Query and Reporting System (WISQARS).

⁸⁴ Leventhal, J.M., Martin, K.D., & Gaither, J.R. (2012). Using U.S. data to estimate the incidence of serious physical abuse in children. *Pediatrics, 129*(3), 458-464.

⁸⁵ Kelly, D. P., Oppenheim, L., & Yuan, Y.-Y. (2013). *Applying lessons learned from child fatality reviews to preventing fatalities and near fatalities*. Presentation at the 2013 State Liaison Officers (SLO) / Children's Justice Act (CJA) meeting. Retrieved from http://nrccps.org/wp-content/uploads/Yuan-Oppenheim-Kelly-Presentation-Slides_FINALR_041920131.pptx.

⁸⁶ Testimony at the Tampa, Florida, meeting on July 10, 2014 (<https://eliminatechildabusefatalities.sites.usa.gov/files/2014/05/Transcript-Tampa-FINAL.pdf>).

⁸⁷ For instance, see the Administration for Children and Families' website at <http://www.acf.hhs.gov/omb-partnership-fund-pilot-state-systems-interoperability-and>.

⁸⁸ Testimony at the Denver, Colorado, meeting on September 22, 2014 (https://eliminatechildabusefatalities.sites.usa.gov/files/2014/06/Colorado_Transcript_FINAL.pdf).

⁸⁹ Testimony by Dr. Amy Slep at the Detroit, Michigan, meeting on August 28, 2014 (<https://eliminatechildabusefatalities.sites.usa.gov/files/2014/05/Michigan-Transcript-FINAL1.pdf>), as well as Slep, A. M., & Heyman, R. E. (2006). Creating and field-testing child maltreatment definitions: Improving the reliability of substantiation determinations. *Child Maltreatment, 11*(3), 217-236.

⁹⁰ Testimony by Dr. Richard Barth at the Tampa, Florida, meeting on July 10, 2014 (https://eliminatechildabusefatalities.sites.usa.gov/files/2014/05/CECANF_Meeting-Minutes_Tampa-FL_July-10-20141.pdf).

Salt River Pima-Maricopa Indian Community

Multiple Eyes on the Child



“Seeing a dead child changes your life,” said Alane Breland, assistant chief prosecutor at the Salt River Pima-Maricopa Indian Community near Phoenix, Arizona. Breland had only been working in the Community for nine months when, on a hot evening in August 2008, she was called to the scene where two siblings, ages 4 and 5, had suffocated to death in the trunk of a car.

On the day the children died, the temperature was 105 degrees Fahrenheit. Their mother was drinking. No one drove the car where the kids played; it was not operable. But the children knew how to pop the trunk.

The death of the two siblings was a wake-up call for this Community, which consists of two tribes, the Pima and the Maricopa. It is a small Community, with only 10,000 people, half of them children. Everyone knows everyone, a tribal strength. “So how can a child die in a Community such as this? How can that happen?” asked Sheri Freemont, chief prosecutor at the time. The immediate response to her question was anger and grief, but that was followed quickly by determination to change the system, to involve the whole Community, and to prevent this from happening ever again.

Missed Opportunities: Lessons From the Past

Many people in the Community knew this troubled Salt River family before the two siblings died. Some tribal child welfare staff knew that a few years earlier, when the family lived outside the Community, there had been a sleep-related death. After the family moved to Salt River, child protective services (CPS) opened a neglect case and removed the children due to the unsuitable living conditions inside the home. The children were returned home after the mother got treatment for alcohol abuse. Tribal police knew she was still tied to her addiction and continued to drink, but CPS staff did not know. “The database was in our heads,” said Freemont. “It didn’t translate down to the front lines.”

Two weeks before the children died, a probation officer went to the home looking for a person on probation registered at that address. There was no response to the officer’s knocks on the door, but she saw a child peeking through the window. Thinking the children were home alone, she called the police. The eldest child—only 7 years old—met the probation officer at the back door, holding her infant sister, with the other two siblings behind her. When the probation and police officers entered the home, they found broken dishes

on the floor, open alcohol containers accessible to small children, and no appropriate food for the children in the family. Their mother had passed out on the couch; it took the officers several minutes to wake her.

The two officers that night did not know the family had an open CPS case or that the children had only recently returned from placement. The officers made a referral but did not call CPS from the scene and did not remove the children. The probation officer changed the baby's soiled diaper, took a photo of all four children on the couch, and left.

CPS visited the home over the next two weeks, but no one saw the children. The police report included detailed information that would have increased CPS's understanding of the urgency, but it was a paper form, placed in a basket for eventual delivery to CPS. It included only the notation, "Mom is neglecting her children." No one at CPS saw that report before the siblings died.

The Family Advocacy Center: A Multidisciplinary Response

Following the two deaths, the tribal council led the Pima-Maricopa Community in an in-depth planning process, identifying a range of partner agencies that had to be involved to keep children safe. They agreed on a multidisciplinary approach to investigating abuse and neglect that included earlier and more comprehensive support for children and families. They included a 360-degree view of parents' history in order to more fully understand the family's circumstances. Freemont pointed out, for example, that the mother had had traumatic incidents in her life that led her to this point and that she was very upset at the death of her children.

The Family Advocacy Center⁹¹ opened in 2010 as a trib-

ute to the two children who died. It is a child-friendly, trauma-informed center for investigations that brings together CPS, probation, police, education, prosecution, behavioral health, the fire department, and other agencies as needed. New technology means referrals are online and can be seen in real time by a large circle of tribal child protection staff, instead of remaining in a worker's head or on a paper form left in a basket.

Multidisciplinary team (MDT) meetings are held for almost all cases and sometimes even before a family comes into the system. Trained specialists do forensic interviews with maltreated children and youth. Staff provide trauma-informed, culturally relevant services. The goals are long-term well-being for the child, the family, and the Community. As Freemont says, "I know we have safer kids now, because sharing information is a mandated commitment from tribal leadership for all tribal employees." Before any child is removed, up to 20 people will have discussed the needs and strengths of the family.

How the Current System Works

With the launch of the Family Advocacy Center, families are served differently. In a recent case, a respected elder in the Community opened his home to a number of relatives and extended family. The elder's grandson and his girlfriend, parents of four children, came to the attention of CPS through a number of vague referrals. The family was resistant to intervention, and CPS didn't have enough information to get a warrant, which is required for entry unless there is an emergency. Workers would "knock and check" and be sent on their way. Police also came to the house, but they also had no warrant and were not allowed inside.

The tide turned when a snake got into the house and someone called the Fire Department. Under the new

system, firefighters were trained as CPS partners. When they went in the house to get the snake, they saw rotten food, illegal drugs, and drug paraphernalia. The firefighters called CPS.

CPS moved quickly, getting a warrant. They removed the grandson's four children (all of whom tested positive for methamphetamine exposure). The children's parents agreed to go into treatment. The house was cleaned.

The children have since returned home, and this family is making progress. The MDT meetings gave staff the information they needed to support the family. Keeping the communication links active between CPS, firefighters, and the police during a series of vague referrals paid off.

Making a Difference

The science of predicting fatalities in a given family is in its infancy. There was no way to know if the problems in the elder's home would have swept his family members into more serious crisis without intervention. But it is clear that the Family Advocacy Center, the attention of CPS, the police, and the firefighters made a difference in the lives of this family.

As a gaming Community with an economic corridor and a sophisticated government structure, the Pima-Maricopa tribes have resources that few other tribes

have. Leaders there also know that it takes more than money to transform a system. The MDT meetings at the Family Advocacy Center increased the focus on safety. This initially led to more removals, in part, according to Freemont, because of a lack of sufficient services that would allow families to keep children at home. But nearly half of those children are placed with relatives. And placements are now trending down: from 428 in the first quarter of fiscal year 2015 (October–December 2014) to 348 in the same period for fiscal year 2016.

The cost to the Community, approximately \$1 million a month, includes all placement costs, staff, administration, and treatment services for children in residential facilities. (The Community does not currently draw down any federal title IV-E funds for foster care, although that is a possibility in the future.) The Center is also working to create more placement resources on the reservation in order to keep children closer to home when they do have to be removed.

The bottom line is that children are safer.⁹² "I know in my heart that the two children who died in the car would be alive today if the protocols we have now had been in place then," said Breland. "They had their childhood stolen. We can make it better. We are their only voice now."

NOTES FOR SALT RIVER PIMA-MARICOPA INDIAN COMMUNITY: MULTIPLE EYES ON THE CHILD

⁹¹ The Family Advocacy Center hosted a site visit when CECANF met in Scottsdale, Arizona, on March 24, 2015; Sheri Freemont, director of the Family Advocacy Center, testified before the Commission in Arizona on March 25, 2015 (https://eliminatechildabusefatalities.sites.usa.gov/files/2014/11/Arizona-mtg_3.25-3.26.15_-final-transcript_rev-6.29.15.pdf).

⁹² Two toddlers died on the reservation since 2014, but neither was substantiated as a child abuse death.

7

Multidisciplinary Support for Families



THE THIRD CORE COMPONENT of the Commission’s national strategy recognizes that families in which fatal maltreatment occurs face complex, interconnected challenges. While media stories frequently blame child protection agencies alone following a child abuse or neglect fatality, we found that parents today are more likely to have drug addictions, mental illnesses, and previous criminal histories, and these issues contribute to fatalities. Many of these families face inconsistent employment, a lack of financial resources, housing instability, and social isolation. We know a disproportionate number of the parents are young and that some of them may have had prior experience with foster care or juvenile justice systems. Domestic violence is present in many of these families; in some, a parent has recently returned from long deployments for the military. The literature on toxic stress informs us that when stressors compound, caregiving capacity can be diminished and the risk of a fatality increases.⁹³

With causes so complex and diverse, it is clear that no single agency, working alone, can be expected to possess the expertise required to effectively eliminate all child abuse and neglect fatalities. Responsibility for protecting children must be shared among many sectors of the community, including medical professionals, early

education providers, law enforcement, family and criminal courts, and other social service agencies, as well as community and faith-based organizations—all working together toward a common goal. Strong child protective services (CPS) agencies are central to this strategy, but their interventions are limited, and preventing fatalities must become something that all sectors of the community work toward every day.

Understanding the risks associated with fatalities helps provide a road map for action, because the earlier intervention occurs, the greater the chance for preventing a fatality. Congress has acknowledged these findings. The 2010 reauthorization of the federal Child Abuse Prevention and Treatment Act (CAPTA), the legal framework for the country’s child protection system, notes the following:

“the problem of child abuse and neglect requires a comprehensive approach that: (A) integrates the work of social service, legal, health, mental health, domestic violence services, education, and substance abuse agencies and community-based organizations; (B) strengthens coordination among all levels of government, and with private agencies, civic, religious, and professional

organizations, and individual volunteers; (C) emphasizes the need for abuse and neglect prevention, assessment, investigation, and treatment at the neighborhood level”

We found that, contrary to the above, the current child protection system emphasizes a single agency reaction to an event that has already occurred rather than the proactive building of protective factors to ensure child safety. The Commission concludes that this current approach, which too often responds only after abuse or neglect has occurred, will never achieve the congressional goal of zero fatalities. Unfortunately, the Commission found little concrete evidence of approaches or programs that have been proven to be effective in reducing child abuse and neglect fatalities. Nor is there evidence that investing more money in our current response alone will reduce fatalities. However, anecdotal evidence, including the approach cited above in Wichita, and our in-depth review of child fatalities suggests that having the eyes of a caring trained professional on children who are most vulnerable is one of the best ways to ensure safety and reduce fatalities. In the current system, that responsibility often falls solely on a child protection worker following a complaint of abuse or neglect. We believe that a more effective response is the one outlined above by Congress. The immediate goal is to ensure that children at risk of life-threatening injuries or fatalities are screened, assessed, investigated, and immediately protected. This requires expertise beyond that possessed by most if not all child protection agencies. It requires, at a minimum, the involvement of law enforcement, public health, health care, mental health, substance abuse, and domestic violence agencies, and it includes interventions other than foster care.

In the long term, the Commission agrees that to proactively reduce familial and community stressors, oppor-

Highlighted Recommendations

Recommendation 7.1h: Maintain flexible funding in existing entitlement programs to provide critical intervention services in mental health, substance abuse, and early infant home visiting services to support earlier identification and mitigation of risk within families at risk for child maltreatment fatalities.

Recommendation 7.2a: Ensure that other children’s services providers have higher levels of accountability to reduce child fatalities.

Recommendation 7.2d: Demand greater accountability from mandatory reporters.

Recommendation 7.4d: Establish a multiyear innovation program to finance the development and evaluation of promising multidisciplinary prevention initiatives to reduce child abuse and neglect fatalities.

tunities must be leveraged throughout the continuum from prevention to intervention and across multiple systems to improve the identification of children and families at the earliest signs of risk. This requires strong multisystem support for families and cross-sector engagement at the parent, family, neighborhood, and system levels. All the systems that interact with families must serve as touch points for proactive prevention and targeted support.

What We Learned About Multidisciplinary Support for Families

The call for multidisciplinary support for families was one of the most resounding themes from the Commission’s hearings and submitted testimony.

Why Multidisciplinary Support? A Case Example

A 20-year-old mother brought her 1-week-old infant to a pediatrician for a newborn visit. In conversation with the mother, the doctor found that the mother had a long history of CPS agency involvement as a child, had bipolar disorder, and was discharged at the end of her pregnancy without a scheduled mental health appointment or refills for her psychiatric medications. The mother reported that she was having panic attacks and that she had considered leaving her baby on the side of the road.

The doctor could not obtain timely access to mental health services for the mother, nor was he able to reach any of the home visiting services in the community to enroll the mother. Ultimately, the infant was removed from her care because of a fundamental collective failure to ensure the infant's safety any other way.

It is entirely plausible that a serious event of harm might have happened without the pediatrician's timely screening and intervention. The infant is now in safe hands. However, the costs for the mother's subsequent inpatient psychiatric treatment and for the child's care by the CPS agency will far outstrip an investment that could have been made earlier to provide the right resources at the right time for this family.

This recommendation came from testimony by child welfare leaders, families, and experts in nearly every discipline.

Challenges were identified in the following areas:

- Prevention and early intervention
- Surveillance
- CPS screening and investigation
- Cross-system collaboration

These activities form the foundation for the 21st century child welfare system. Each must be strengthened in order for that system to be effective.

Challenge 1: Prevention and Early Intervention

Preventing child abuse and neglect fatalities requires a spectrum of high-quality services and supports to address families' needs, which may include substance abuse, mental health challenges, inadequate housing, economic hardship, and domestic violence. CPS agencies often are unable to provide appropriate supports that could address risk factors and strengthen families before harm occurs, due to lack of legal authority, resources, coordination with the agencies responsible for providing these supports, or all of the above.

Although some CPS agencies have the capacity to offer voluntary service options, CPS can only intervene with the support of a family court when families choose not to cooperate.



The answer to how we keep kids safer is that we all need to work together to do that. It needs to be a shared responsibility. It could never be one agency, one department; it has to be all of us.

—Kim Coe, director of the community program LUND, in testimony to the Commission⁹⁴

During our tenure, Commissioners read and heard testimony about numerous instances in which a child's life might have been saved if families could have been engaged earlier in voluntary services and supports.

What works. There is limited research on interventions that explicitly have been shown to prevent fatalities. Most intervention research has focused on the prevention of child abuse and neglect, and not on the prevention of child abuse and neglect fatalities per se. Early childhood home visiting presents particular promise in reducing maltreatment fatalities. The federal government has identified 19 evidence-based early childhood home visiting models, of which 8 have research demonstrating reductions in child maltreatment. The most robust findings are for Nurse Family Partnership.⁹⁵ Wide-scale dissemination of voluntary early childhood home visiting has been enabled through the federal Maternal, Infant, and Early Childhood Home Visitation (MIECHV) program in partnership with states.

Significant lessons also can be learned from the reductions in preventable child death from the national Back to Sleep Campaign, which contributed to a greater than 50 percent decrease in child mortality through a massive public health education campaign.⁹⁶ A growing body of research focusing on interventions to reduce fatal maltreatment, particularly shaken baby syndrome, presents promise.⁹⁷ Some of these interventions target parent skill-building at the time of pregnancy or early childhood, either in the hospital or at home. However, much remains to be learned about effective strategies to eliminate these fatalities. As investments in program evaluation expand, assessing the impact on fatalities must be a priority.

Resources. Stakeholders both within and beyond CPS consistently testified about the need for more resources for prevention and early intervention services. Common

requests included more flexible federal and state funding sources, more opportunities to braid siloed funding streams, and policy changes to better align state and local resources. Dual-generation reimbursement strategies are needed to identify how Medicaid can flexibly finance services (e.g., mental health treatment, substance abuse screening and treatment) for the parent or parent and child together under the child's health care coverage (in meeting the requirements of the Early and Periodic Screening, Diagnostic, and Treatment or EPSDT benefit requirements).

Grant opportunities for state Medicaid programs might enable payment and financing innovation. Such grants could permit flexibility to state Medicaid programs for building capacity for integrated family service delivery and dual-generation reimbursement, while also holding programs accountable to outcomes. Grants also could prioritize investments in place-based strategies within communities where risk of abuse and neglect fatalities is higher.

Support for young parents. Special attention is warranted to prevention and early intervention services for young parents and youth who grow up in the foster care system—not with a goal of removing their children—but because they are often in need of supports in order to succeed. According to the Guttmacher Institute, one third (33 percent) of young women in foster care become pregnant by age 18.⁹⁸ By age 19, the rate increases to 48 percent.⁹⁹

There are no data tracked or reported to AFCARS or NCANDS about child abuse and neglect deaths to the children of parents who are in or who have previously aged out of foster care. However, a study in California examined intergenerational CPS agency involvement. This research determined that “maternal history of victimization is a significant risk factor” for subsequent

abuse or neglect and that, by age 5, those children born to adolescent mothers who themselves were victims of maltreatment “were abused and neglected at twice the rate of other children.”¹⁰⁰

Challenge 2: Surveillance

The Commission’s best estimate is that as many as half of fatality victims’ families have had prior CPS agency contact.¹⁰¹ In many cases, victims of fatal maltreatment are not known to CPS because of their very young age (most frequently, under a few months of age). Infants and young children are especially vulnerable to abuse and neglect that can lead to death due to their small size, inability to defend themselves, and dependence upon caregivers to meet their needs.¹⁰² Infants and young children often are not visible outside the home, as families with young children tend to be socially isolated.

Nonetheless, review of most fatality cases reveals that the children and families were known to *someone* who was in a position to help. Most often, this includes—at a minimum—medical personnel at the hospital where the mother gave birth. Other common touch points include interactions with other medical providers, domestic violence advocates, mental health and substance abuse treatment providers, and/or neighbors who noticed the parent was having a challenging time.

Mandatory reporters. In our nation’s current approach to child protection, many professionals who serve children and families are mandatory reporters (persons who are required by law to report suspected child maltreatment to an appropriate agency). As such, they are expected to be vigilant for signs of abuse or neglect and to report their suspicions to the local CPS agency. Federal funding conditions for CAPTA require states to have statutes regarding mandatory reporters, but state

policies vary greatly in the types of individuals who are included.¹⁰³

Despite the critical role that mandatory reporters play in identifying children suspected of being abused or neglected, several research studies indicate that professionals who are mandatory reporters have varying levels of knowledge and information about child abuse and neglect reporting.¹⁰⁴ One study found that clinicians did not report at least one-quarter of injuries considered *likely* to be due to child abuse, and they did not report three-quarters of injuries *possibly* caused by abuse.¹⁰⁵ At least part of the reluctance to report may be due to clinicians’ negative past experiences with CPS and lack of feedback after making a report.¹⁰⁶ There has been little to no federal leadership through research or policy to guide states on how best to shape their mandatory reporter laws or on the efficacy of training programs for mandated reporters.

While serving as mandatory reporters, many service providers do not look beyond the presenting problem or consider its impact specifically on the safety of all children within the home. For example, a mental health professional may treat a mother’s depression but not closely examine how the depression is affecting her capacity to keep her children safe.

Examples of enhanced surveillance. In the 21st century child welfare system, all community systems will work together to ensure child safety and strengthen parents’ ability to be safe and effective caregivers. Risk factors for fatalities will be identified and addressed within the broader context of protecting the safety of children within strong families and communities. Some examples of such opportunities include the following:

- **Birth hospitals (Plans of Safe Care).** Nearly all births (99 percent) take place in a hospital.¹⁰⁷

CAPTA requires assurances from states that policies and procedures are in place regarding the development of a Plan of Safe Care for newborn infants identified as being affected by illegal substance abuse, withdrawal symptoms, or fetal alcohol spectrum disorder. The purpose of this requirement is to ensure that the infants do not leave the hospital without supports in place. The Commission heard from issue experts in the field and spoke with officials at HHS who noted the “lack of teeth” in the CAPTA Plan of Safe Care requirement and its uneven implementation across states.¹⁰⁸ Many state agencies are unfamiliar with this requirement, and no state has designated a single accountable agency or person responsible for its implementation. States’ lack of understanding of the policy is reflected in questions submitted to federal officials through the HHS Child Welfare Policy Manual.¹⁰⁹

- **Medical providers.** Medical personnel may be the only professionals who regularly see very young infants at risk of fatality. Health care is an important entry point for universal screening and assessment of families, starting prenatally through children’s regular well-child visits. For example, 96 percent of children ages 12 months to 2 years saw a medical professional for a well-child visit or a sick visit. Further, most children see medical providers for multiple well-child visits in the first year of life.¹¹⁰ At these visits, health professionals can screen for risks to the child such as parental mental health challenges, domestic violence, or substance use problems, or respond to bruises or signs of neglect.
- **Emergency departments.** Emergency departments in hospitals are another important frontline prevention point where personnel may identify injuries potentially due to abuse or neglect. Research

has found that children with repeat injuries may not be identified by a medical provider. With the increasing use of electronic health records, these data are available to the medical provider and managed care organization and could trigger a flag to the emergency department. No child with a history of multiple visits to the hospital for prior injuries should be missed.

- **Public health departments (birth match).** Several states have “birth match” programs that require hospitals to alert CPS to the births of children born to parents who have previously had a termination of parental rights. These families then receive, at minimum, timely home visiting to ensure that this very high-risk combination of child vulnerability and likely parental incapacity receives a prompt protective response.¹¹¹ A detailed description of the implementation of birth match in three jurisdictions (New York City, Maryland, and Michigan) describes birth match as a “timely, low-cost, intervention squarely based on current legal premises to increase the protection of newborns and very young children.” According to the study, evidence from the use of birth match in Maryland found that 30 percent of the matches were previously unknown to the system and led to open cases, which suggests that a birth match process can identify infants at risk. Although no federal policies restrict the sharing of birth data between health departments and CPS, few states have such systems in place at this time.¹¹²
- **Mental health systems.** Multiple studies have identified a link between parental mental illness and risk of infant and child death. The association is most pronounced with parental psychiatric illness, especially major depression with psychotic features.¹¹³ Further, parents suffering from poor mental health perpetrate child maltreatment

at greater rates and with greater severity, compared to healthy parents.¹¹⁴ Screening for maternal depression during pediatric visits is one strategy to better link parents with mental health treatment. Research has found that targeted screening and intervention for parents experiencing toxic stress and depression can greatly improve parental caregiving capacity, and thereby keep children safer.¹¹⁵

- **Domestic violence professionals.** Research shows that perpetrators of domestic violence present a risk not only to their spouses or partners, but also to any children in the home.¹¹⁶ All who answer or investigate domestic violence calls should look out for the safety of the children as much as for the adult victims. In testimony, the Commission heard that law enforcement, domestic violence, and CPS agencies have critical insights to share with one another in the interest of protecting children in potentially lethal situations. Maryland and Utah have programs in which professionals use a special lethality assessment protocol at the scene of a domestic violence call. This helps to better identify children in families at risk.¹¹⁷



Challenge 3: CPS Screening and Investigation

We know that at least half of the families of children who die from maltreatment were known to CPS agencies. Research demonstrates that a prior report to a CPS agency, even if it was not substantiated, is the single strongest predictor of a child's injury death before the age of 5. For children who die from intentional injuries, having a prior report to CPS means a six times greater risk of dying than children without a report.¹¹⁸ Consequently, we must focus on strengthening CPS screening and investigation.

Nationally, during federal fiscal year 2014, CPS agencies received an estimated 3.6 million referrals involving approximately 6.6 million children.¹¹⁹ State policies vary in how they screen and investigate reports of suspected abuse or neglect, but nearly all states utilize some type of safety assessment to determine which reports require immediate responses, with most states categorizing reports based on levels of risk of harm to the child.

The Commission heard repeatedly that a multidisciplinary approach is essential to assess child safety more accurately. Studies of child abuse and neglect fatalities reveal multiple risk factors with complex interactions. Families in which fatalities occur face a wide range of risk factors, often with great intensity. Understanding the contribution of individual risk factors is beyond the reach of any single discipline, particularly that of CPS agency staff who tend to be trained as generalists.

Challenge 4: Cross-System Collaboration

Building multidisciplinary support for families requires strong collective accountability mechanisms. The public health model underpins this framework, as it challenges public systems to work together by holding

these systems accountable for broader outcomes within their community.

We have seen this on a large scale in Oregon, which is building a framework for collective action and accountability by using quality performance measures to drive systemwide improvements in outcomes and growing the state’s investments in prevention.¹²⁰ We also have seen some jurisdictions do this specifically with a targeted focus on fatality prevention, such as Wichita’s use of the collective impact model to identify shared outcome measures and spark coordinated action across its community partners, both public and private, to drive change.

A public health approach requires entities to collectively and proactively work to ensure the health and well-being of families. This accountability for the whole family can be a catalyst for prevention. Numerous health systems are leading the way. For example, in Hennepin County, Minnesota, they have linked the provision of health care and social services through one entity: Hennepin Health. This incentivizes the provider to treat the family unit, which is critical, as we know that parental well-being drives child safety.

Recommendations

RECOMMENDATION 7.1:

Ensure access to high-quality prevention and earlier intervention services and supports for children and families at risk.

Executive Branch

7.1a Permit Medicaid reimbursement for evidence-based infant home visiting services provided to youth in foster care who are parents

(Medicaid-eligible by definition) to promote expansion of home visiting services to this high risk population.

7.1b Support state waivers that would provide and evaluate the impact of presumptive Medicaid eligibility and reimbursement for parental mental health and substance abuse treatment services on behalf of EPSDT for a Medicaid-enrolled child if those intergenerational services are deemed necessary for the safety of the child.

Enabling reimbursement for immediate mental health services or other necessary treatment services for a parent under a child’s EPSDT benefit would permit providers within states with Medicaid expansion to more quickly access services for parents, and might allow providers within states that have not expanded Medicaid to provide critical services to a family to prevent imminent harm to a child and prevent family disruption. Evaluation of such waivers could provide needed evidence to determine whether the EPSDT benefit to children should be amended through legislation to include parental mental health and substance abuse treatment services if those services are deemed necessary to protect the safety of the child.

7.1c Incorporate maltreatment fatality and serious injury prevention as a core value in the Office of Adolescent Health’s Pregnant and Parenting Teen grant programs. Further, the Office of Adolescent Health should work with its grantees to ensure that education on crying babies and safe sleep become a routine part of education efforts with parents.

Executive Branch and Congress

- 7.1d Mandate the development and implementation of educational curricula connecting youth to their cultural traditions, particularly around native language renewal and positively presented Native American history, to be used at all levels of pre-collegiate education.
- 7.1e Mandate the development of a culturally accurate assessment of how to provide services optimally within tribes, being informed by tribes, particularly being informed by traditional medicine practitioners within tribes, in the context of federal funding opportunities and practice standards/requirements related to child and family well-being.
- 7.1f Mandate the implementation of fatherhood initiatives in Indian Country as well as mandating improved drug abuse education programming.
- 7.1g Promote and facilitate peer-to-peer connections around examples of well-formed efforts focused on AI/AN children and families.

Congress

- 7.1h Maintain flexible funding in existing entitlement programs to provide critical intervention services in mental health, substance abuse, and early infant home visiting services to support earlier identification and mitigation of risk within families at risk for child maltreatment fatalities.

Currently, more than half of the states are operating title IV-E waiver demonstration projects that will end in 2019 and have not been

authorized to continue.¹²¹ The Commission recommends that Congress reauthorize waiver authority under title IV-E of the Social Security Act.

Reauthorization of waiver authority under title IV-E should not be seen as a substitute for more fundamental title IV-E financing reform, but rather should be utilized to allow states to experiment with new and innovative ideas regarding the administration of the title IV-E program. The Commission supports the Hatch-Wyden legislation, known as the Family First Bill, which would include provisions to include in title IV-E an option for states, as well as tribes who administer a title IV-E program, to operate a statewide prevention program.

- 7.1i Increase resources for the development, piloting, and scale-up of evidence-based prevention and intervention supports and services. Congress should provide resources for the testing of promising prevention and intervention supports and services.

States and Counties

- 7.1j Test and develop the ability of home visiting to reduce child abuse and neglect fatalities. Utilize the research infrastructure through the national Home Visiting Applied Research Collaborative to support this effort.¹²²
- 7.1k Capitalize on state and payer investment in primary care medical homes and health homes to increase access to trauma-informed programs (for both parents and children), home visiting services, and other family-based social services within primary care settings.

- 7.1l Ensure that CPS-involved children and families at the greatest risk of fatalities have priority access to effective mission-critical services, especially as they relate to caregiver mental health, substance abuse, insufficient caregiver protective capacities, and domestic and interpersonal violence.
- 7.1m Prioritize prevention and support services and skill-building for adolescent parents to prevent and address abuse and neglect by young parents, with a particular focus on youth in the child welfare and juvenile justice systems. These young parents have many risk factors, and government systems have access to them and have a heightened responsibility for many of the risk factors that affect their ability to parent effectively.
- 7.1n Provide direct purchase of services funds to local CPS agencies, ensuring prioritized access to critical services.

tional services to these families. Communities with home-visiting programs should have greater accountability to demonstrate the connection of these services to highest risk families. Birth hospitals should be held to a higher level of accountability for Plans of Safe Care.

- 7.2b Ensure that HHS agencies, specifically, CMS, the Administration for Children and Families (ACF), and the Substance Abuse and Mental Health Services Administration (SAMHSA), issue clear and joint guidance to states to aid in effective implementation of Plans of Safe Care. For example, guidance should identify best practices for screening and referrals and should provide model policies and provide information on how states can access federally supported technical assistance. HHS should collect annual data from hospitals and CPS on Plans of Safe Care to learn more about the needs of children at risk of harm and to make appropriate policy updates.

RECOMMENDATION 7.2:

Leverage opportunities across multiple systems to improve the identification of children and families at earliest signs of risk.

Executive Branch

- 7.2a Ensure that other children’s services providers have higher levels of accountability to reduce child fatalities. In health care, Medicaid should create greater accountability for health care providers to screen families at elevated risk for maltreatment and should use payment mechanisms, including reimbursement strategies, to incentivize greater investment in intergenera-

- 7.2c Ensure that CMS encourages pediatric health information exchanges to share information on prior injury visits across provider systems, so that emergency department and acute care settings can access this information during visits for acute pediatric care and better assess children at risk of abuse and neglect. Clinical decision support in hospitals should enable the identification of abuse and neglect visits.

- 7.2d Ensure that HRSA and CDC expand the rollout of evidence-based screening tools for Adverse Childhood Experiences (ACEs) and parental risk. The tools should be nonproprietary to ensure expanded access. Screenings must be

supported with access to effective, high-quality treatment services to address the identified needs of both parent and child.

Congress

7.2e Demand greater accountability from mandatory reporters. Federal legislation should be amended to include a “minimum standard” designating which professionals should be mandatory reporters, and training of these reporters should be an allowable expense under title IV-E administration, so long as the training model is approved by HHS. For mandatory reporters who need to maintain licenses in their fields, training and competency should be a condition for licensure, with responsibility on the licensees and their licensing entity to make sure they refresh competencies over time.

7.2f Amend CAPTA and relevant health policy to clarify the roles and responsibilities at the federal and state level to improve the implementation of CAPTA’s Plan of Safe Care. Clarifications should include a requirement for hospitals’ full cooperation in implementing Plans of Safe Care and specify accountability measures for both CPS and hospitals in the timely development of Plans of Safe Care and referral of services.

States and Counties

7.2g Pass state legislation to establish policies for matching birth data to data on termination of parental rights and conducting preventive visits. These can be modeled after Michigan, Maryland, or New York City.¹²³

7.2h Expand the screening of caregivers for elevated risk factors, including toxic stress and social determinants of health, and provide early connections to services. Innovation can be strengthened via public-private partnerships that help to eliminate barriers to accessing early infant mental health services that engage parents in strengthening parenting.

7.2i Ensure that health information exchanges facilitate access to injury and health service histories of children at the point of care, especially for children presenting with injuries in hospitals’ emergency departments.

RECOMMENDATION 7.3:

Strengthen the ability of CPS agencies to protect children most at risk of harm.

Executive Branch

7.3a Ensure that HHS and the Department of Justice (DOJ) provide guidance on best practice on screening and investigation models.

Executive Branch and Congress

7.3b Mandate the implementation of service approaches that prioritize keeping AI/AN children within their tribes as a primary alternative to out-of-home placement.

Congress

7.3c Update federal policy in CAPTA to align with and incentivize best practice in multidisciplinary investigations of child abuse and neglect fatalities. States should have clear policies on when investigations should be

conducted by multidisciplinary teams, to include clinical specialists and first responders such as the “Instant Response Team” policy implemented in New York City in 1998 and the co-location of health and law enforcement in El Paso County, Colorado, as part of their “Not One More Child” campaign that began in 2012.

- 7.3d Require CPS agencies to identify partners/contracted resources for medical review and evaluation; case management for access to voluntary home visiting services; and access for families to domestic violence counseling, mental health services, and substance abuse treatment services.

- 7.4b Prioritize the reduction of early childhood fatalities via state or regional demonstration projects within the Centers for Medicare and Medicaid Innovation (CMMI). CMMI or another entity within HHS should provide time-limited funds to test the implementation of promising multidisciplinary prevention initiatives identified within state fatality prevention plans.

- 7.4c Develop new pediatric quality measures for ensuring follow-up visits for failure to thrive and tracking early childhood injuries.

Congress

- 7.4d Establish a multiyear innovation program to finance the development and evaluation of promising multidisciplinary prevention initiatives to reduce child abuse and neglect fatalities. This innovation fund would provide participating states with resources to design, implement, and evaluate these prevention initiatives at the state or regional level, as outlined by states in their state fatality prevention plans. This model is based on the demonstrated success of the CMMI established by section 3021 of the Patient Protection and Affordable Care Act.

RECOMMENDATION 7.4:

Strengthen cross-system accountability

Executive Branch

- 7.4a Require states to articulate in their state plans (as detailed in Chapter 2) how they are approaching coordinated case management for families at high risk of child abuse and neglect fatalities.

NOTES FOR CHAPTER 7

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Conclusion

Taking Our Recommendations Forward



NOTHING IS DEFINITIVE when it comes to preventing child fatalities from abuse or neglect. In the Commission's two years of hearings, deliberations, and meetings with stakeholder groups, we found little in the way of evidence-based programs to end child maltreatment deaths. We found no state that had developed a sufficiently comprehensive plan to address the problem. But we found hope and urgency for building the steps to a 21st century child welfare system that can prevent deaths of the 3,000 children who will die from abuse or neglect next year if the status quo remains in place.

In our two years of hearings and meetings:

- We saw promising practices and programs that can prevent abuse and neglect fatalities.
- We examined current laws and regulations in order to better understand child abuse and neglect and heard recommendations for strengthening them in order to prevent fatalities.
- We talked with leaders at multiple levels of government, public-private agencies, and community organizations, all committed to ending child maltreatment deaths. We saw examples of what it looked like when they worked together collaboratively.

- We learned about models of targeted intervention to save children.
- We looked at data-sharing programs that lead to more informed decision-making and faster and stronger responses to potential serious harm.
- We examined what CPS agencies need to truly protect children and families in their care.
- We learned about the challenges of reaching infants and children not known to the CPS system at all.
- We heard from families who know what it's like to be desperate and to need help that is not always forthcoming.

We are convinced that this country can find the political wisdom, courage, and resources to save the lives of children. We must build a more comprehensive child welfare system that goes beyond CPS agencies and uses a public health approach to develop community capacity to help families and prevent abuse and neglect before problems turn into tragedy. We believe that our recommendations do this—that they address the multiple systemic and individual causes of child maltreatment deaths—whether or not the family was known to CPS agencies.

Action to Protect Children Now and in the Future

The president and Congress asked us to develop a national strategy to move forward. We believe we have done so. But every journey begins with a first step.

The very first recommendation in our report, Recommendation 2.1, describes that critical beginning. Our intention and hope is that this early action will become the impetus and provide a critical knowledge base for the other recommendations, all of them links in the chain to protect children from fatalities.

The more we know about children who died in the past, the better we can identify children most at risk of fatalities now and intervene to keep them safe. Therefore, we recommend that the administration support states in undertaking an immediate safety analysis of children who died in the past in order to protect children now and in the future.

This first step is a review of child maltreatment deaths during the previous five years. What were the characteristics of children who died? What family circumstances or agency actions (or failures to act) put them most at risk? When results from the analysis of past data are linked to children currently in the system, then the CPS agency and multidisciplinary partners, including at least health care and law enforcement, should immediately review current cases in order to determine whether the children are safe and whether their families need additional supports or services to protect them.

This analysis could also extend beyond children known to CPS. Taking a broader look at a randomly selected group of children who died from abuse or neglect, but were *not* known to CPS, it would be possible to answer questions such as, Why were they not known? Were there missed opportunities to save those children?

What can we put in place across systems to ensure these children get protection immediately?

We believe a safety analysis like the one described in Chapter 2 can save lives now, but it will also yield lessons directly applicable to future practice and policy. Leaders will learn more about factors and circumstances that contribute to child fatalities—whether the family is known to CPS or not. Leaders will learn how to interrupt crises effectively. As leaders share information across jurisdictions and states, they will create a national learning community to better protect children and prevent fatalities. Lessons learned by the multiple systems that interface with children and families will also contribute to the 21st century child welfare system. More eyes on a child and shared accountability for children across systems make a difference when it comes to safety.

Solutions Are Within Our Reach

With our recommendations and this report, our journey as a Commission is over. But the real work to end deaths of children from abuse or neglect is just beginning.

In our time together, we heard about unimaginable tragedies, but more importantly we realize now that some of those deaths could have been prevented had recommendations like ours been in place. Our recommendations require policy improvements, a change in culture, cross-system planning, and coordination of resources. The recommendations in this report are both immediate and long-term, but action on both can begin immediately.

The Protect Our Kids Act called on us to find solutions. Despite some skepticism in the field that this could be done, we are convinced that it is possible and that

our recommendations point the way. We believe in the promise of a public health approach to the 21st century child welfare system in which CPS agencies and partners are equipped with the knowledge of what it takes to work together for child safety and have the resources to turn knowledge into action.

We now hand over our work to the administration, Congress, and the states. We know they have the best interests of children and families at heart and will help bring our proposals to fruition. It's the least we can do to ensure that all children have the opportunity to live their lives to their fullest potential.



Appendices

Appendix A: Protect Our Kids Act of 2012

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PUBLIC LAW 112–275—JAN. 14, 2013

Public Law 112–275
112th Congress

An Act

Jan. 14, 2013
[H.R. 6655]

To establish a commission to develop a national strategy and recommendations for reducing fatalities resulting from child abuse and neglect.

Protect our Kids
Act of 2012.
42 USC 1305
note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. COMMISSION.

This Act may be cited as the “Protect our Kids Act of 2012”.

SEC. 2. FINDINGS.

Congress finds that—

- (1) deaths from child abuse and neglect are preventable;
- (2) deaths from child abuse and neglect are significantly underreported and there is no national standard for reporting such deaths;
- (3) according to the Child Maltreatment Report of 2011, in fiscal year 2011, 1,545 children in the United States are reported to have died from child abuse and neglect, and many experts believe that the actual number may be significantly more;
- (4) over 42 percent of the number of children in the United States who die from abuse are under the age of 1, and almost 82 percent are under the age of 4;
- (5) of the children who died in fiscal year 2011, 70 percent suffered neglect either exclusively or in combination with another maltreatment type and 48 percent suffered physical abuse either exclusively or in combination;
- (6) increased understanding of deaths from child abuse and neglect can lead to improvement in agency systems and practices to protect children and prevent child abuse and neglect; and
- (7) Congress in recent years has taken a number of steps to reduce child fatalities from abuse and neglect, such as—
 - (A) providing States with flexibility through the Child and Family Services Improvement and Innovation Act of 2011 to operate child welfare demonstration projects to test services focused on preventing abuse and neglect and ensuring that children remain safely in their own homes;
 - (B) providing funding through the Child and Family Services Improvement Act of 2006 for services and activities to enhance the safety of children who are at risk of being placed in foster care as a result of a parent’s substance abuse;
 - (C) providing funding through the Fostering Connections to Success and Increasing Adoptions Act of 2008

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for grants to facilitate activities such as family group decisionmaking meetings and residential family treatment programs to support parents in caring for their children; and

(D) requiring States through the Child and Family Services Improvement and Innovation Act of 2011 to describe how they will improve the quality of data collected on fatalities from child abuse and neglect.

SEC. 3. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established the Commission to Eliminate Child Abuse and Neglect Fatalities (in this Act referred to as the “Commission”).

(b) MEMBERSHIP.—

(1) COMPOSITION.—

(A) MEMBERS.—The Commission shall be composed of 12 members, of whom—

Appointments.

(i) 6 shall be appointed by the President;

President.

(ii) 2 shall be appointed by the Speaker of the House of Representatives;

(iii) 1 shall be appointed by the minority leader of the House of Representatives;

(iv) 2 shall be appointed by the majority leader of the Senate; and

(v) 1 shall be appointed by the minority leader of the Senate.

(B) QUALIFICATIONS.—Each member appointed under subparagraph (A) shall have experience in one or more of the following areas:

(i) child welfare administration;

(ii) child welfare research;

(iii) child development;

(iv) legislation, including legislation involving child welfare matters;

(v) trauma and crisis intervention;

(vi) pediatrics;

(vii) psychology and mental health;

(viii) emergency medicine;

(ix) forensic pathology or medical investigation of injury and fatality;

(x) social work with field experience;

(xi) academia at an institution of higher education, as that term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001), with a focus on one or more of the other areas listed under this subparagraph;

(xii) law enforcement, with experience handling child abuse and neglect matters;

(xiii) civil law, with experience handling child abuse and neglect matters;

(xiv) criminal law, with experience handling child abuse and neglect matters;

(xv) substance abuse treatment;

(xvi) education at an elementary school or secondary school, as those terms are defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801);

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- (xvii) epidemiology; and
- (xviii) computer science or software engineering with a background in interoperability standards.
- President. (C) DIVERSITY OF QUALIFICATIONS.—In making appointments to the Commission under subparagraph (A), the President and the congressional leaders shall make every effort to select individuals whose qualifications are not already represented by other members of the Commission.
- Congress.
- Deadline. (2) DATE.—The appointments of the members of the Commission shall be made not later than 90 days after the date of enactment of this Act.
- (c) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.
- Deadline. (d) INITIAL MEETING.—Not later than 60 days after the date on which a majority of the members of the Commission have been appointed, the Commission shall hold its first meeting.
- (e) MEETINGS.—The Commission shall meet at the call of the Chairperson.
- (f) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.
- President. (g) CHAIRPERSON.—The President shall select a Chairperson for the Commission from among its members.

SEC. 4. DUTIES OF THE COMMISSION.

- (a) STUDY.—
 - (1) IN GENERAL.—The Commission shall conduct a thorough study on the use of child protective services and child welfare services funded under title IV and subtitle A of title XX of the Social Security Act to reduce fatalities from child abuse and neglect.
 - (2) MATTERS STUDIED.—The matters studied by the Commission shall include—
 - (A) the effectiveness of the services described in paragraph (1) and best practices in preventing child and youth fatalities that are intentionally caused or that occur due to negligence, neglect, or a failure to exercise proper care;
 - (B) the effectiveness of Federal, State, and local policies and systems within such services aimed at collecting accurate, uniform data on child fatalities in a coordinated fashion, including the identification of the most and least effective policies and systems in practice;
 - (C) the current (as of the date of the study) barriers to preventing fatalities from child abuse and neglect, and how to improve efficiency to improve child welfare outcomes;
 - (D) trends in demographic and other risk factors that are predictive of or correlated with child maltreatment, such as age of the child, child behavior, family structure, parental stress, and poverty;
 - (E) methods of prioritizing child abuse and neglect prevention within such services for families with the highest need; and

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(F) methods of improving data collection and utilization, such as increasing interoperability among State and local and other data systems.

(3) MATERIALS STUDIED.—The Commission shall review— Review.

(A) all current (as of the date of the study) research and documentation, including the National Survey of Child and Adolescent Well-Being and research and recommendations from the Government Accountability Office, to identify lessons, solutions, and needed improvements related to reducing fatalities from child abuse and neglect; and

(B) recommendations from the Advisory Board on Child Abuse and Neglect.

(b) COORDINATION.—The Commission shall provide opportunities for graduate and doctoral students to coordinate research with the Commission.

(c) RECOMMENDATIONS.—The Commission shall—

(1) develop recommendations to reduce fatalities from child abuse and neglect for Federal, State, and local agencies, and private sector and nonprofit organizations, including recommendations to implement a comprehensive national strategy for such purpose; and

(2) develop guidelines for the type of information that should be tracked to improve interventions to prevent fatalities from child abuse and neglect. Guidelines.

(d) REPORT.—

(1) IN GENERAL.—Not later than 2 years after the date on which a majority of the members of the Commission have been appointed, the Commission shall submit a report to the President and Congress, which shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislation and administrative actions as it considers appropriate.

(2) EXTENSION.—The President may extend the date on which the report described in paragraph (1) shall be submitted by an additional 1 year.

(3) ONLINE ACCESS.—The Commission shall make the report under paragraph (1) available on the publicly available Internet Web site of the Department of Health and Human Services. Public information.
Web posting.

SEC. 5. POWERS OF THE COMMISSION.

(a) HEARINGS.—

(1) IN GENERAL.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this Act.

(2) LOCATION.—The location of hearings under paragraph (1) shall include—

(A) areas with high fatality rates from child abuse and neglect; and

(B) areas that have shown a decrease in fatalities from child abuse and neglect.

(3) SUBJECT.—The Commission shall hold hearings under paragraph (1)—

(A) to examine the Federal, State, and local policies and available resources that affect fatalities from child abuse and neglect; and

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(B) to explore the matters studied under section 4(a)(2).

(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this Act. Upon request of the Chairperson of the Commission, the head of such department or agency shall furnish such information to the Commission.

(c) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

SEC. 6. COMMISSION PERSONNEL MATTERS.

(a) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(b) STAFF.—

(1) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(2) COMPENSATION.—The Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(c) DETAIL OF GOVERNMENT EMPLOYEES.—At the discretion of the relevant agency, any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(d) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

SEC. 7. TERMINATION OF THE COMMISSION.

The Commission shall terminate on the earlier of—

(1) the 30th day after the date on which the Commission submits its report under section 4(d); or

(2) the date that is 3 years after the initial meeting under section 3(d).

SEC. 8. FEDERAL AGENCY RESPONSE.

Deadline.
Reports.

Not later than 6 months after the submission of the report required under section 4(d), any Federal agency that is affected

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by a recommendation described in the report shall submit to Congress a report containing the response of the Federal agency to the recommendation and the plans of the Federal agency to address the recommendation.

SEC. 9. ADJUSTMENT TO THE TANF CONTINGENCY FUND FOR STATE WELFARE PROGRAMS.

(a) IN GENERAL.—Section 403(b)(2) of the Social Security Act (42 U.S.C. 603(b)(2)) is amended by striking “for fiscal years 2011 and 2012” and all that follows through the end of the paragraph and inserting “for fiscal years 2013 and 2014 such sums as are necessary for payment to the Fund in a total amount not to exceed \$612,000,000 for each fiscal year, of which \$2,000,000 shall be reserved for carrying out the activities of the commission established by the Protect our Kids Act of 2012 to reduce fatalities resulting from child abuse and neglect.”

(b) PREVENTION OF DUPLICATE APPROPRIATIONS FOR FISCAL YEAR 2013.—Expenditures made pursuant to section 148 of the Continuing Appropriations Resolution, 2013, for fiscal year 2013, shall be charged to the applicable appropriation provided by the amendments made by this section for such fiscal year.

Approved January 14, 2013.

LEGISLATIVE HISTORY—H.R. 6655:

CONGRESSIONAL RECORD:

Vol. 158 (2012): Dec. 19, considered and passed House.

Vol. 158 (2013): Jan. 2, considered and passed Senate.



Appendix B: Commissioner Biographies

David Sanders, Ph.D., Chairman, is an executive vice-president for Casey Family Programs, a position he has held since 2006. Sanders previously served as the director of the Los Angeles County Department of Children and Family Services from 2003 to 2006. From 1985 to 2003, Sanders worked at the Hennepin County Children, Family, and Adult Services Department in Minneapolis. He began his career at the department as a clinical psychologist, becoming a senior clinical psychologist in 1987 and chief clinical psychologist in 1990. Sanders went on to serve as Human Services director for children and family services (1993–2001) and for children, family, and adult services (2001–2003). In 2003, Sanders received a Congressional Coalition on Adoption Institute’s Angels in Adoption award, and he received the Peter W. Forsythe Award for Leadership in Public Child Welfare from the American Public Human Services Association in 2007. Sanders received a B.A. in psychology from Princeton University and a Ph.D. in psychology from the University of Minnesota.

Amy Ayoub has been active in the fight to prevent child abuse and neglect through her political and community participation for more than three decades. In February 2013, she testified before the Nevada State Assembly and Senate Judiciary Committees, using her personal story in support of Assembly Bill 67, which seeks to increase penalties for those convicted of sex trafficking. She is considered a highly sought-after speaker for her engaging presentations. She frequently speaks on conquering fear of public speaking, increasing business through effective public speaking, capitalizing on individual communication styles, and relationship building. Ayoub is a

former licensed financial planner and has been a successful fundraiser for more than 30 years. She serves on the board of directors for the Mob Museum and as an ambassador for St. Jude’s Ranch for Children. Ayoub was honored as one of the “2012 Women of Distinction” in her field by the Southern Nevada chapter of National Association of Women Business Owners. Governor Kenny Guinn selected her as the first woman to serve on the Nevada Athletic Commission in 1999.

Theresa Martha Covington, M.P.H., is the director of the National Center for the Review and Prevention of Child Deaths, a position she has held at the Michigan Public Health Institute since 2003. From 1995 to 2009, she was senior program director of the Michigan Public Health Institute’s child and adolescent health program area. From 1989 to 1995, she managed the Northwestern Teen Health Center and the Beecher Teen Health Center. From 1986 to 1987, she coordinated outreach programs for the Mott Children’s Health Center, and from 1985 to 1987 she coordinated the Genesee Child Health Council. She serves on the board of directors for Parent Heart Watch and on the advisory boards of the Children’s Safety Network and the National Fetal and Infant Mortality Review resource center. She received a B.S. from the University of Michigan and an M.P.H. from the University of Michigan School of Public Health.

The Hon. Robert “Bud” Cramer, Jr., was a member of the U.S. House of Representatives, representing Alabama’s 5th congressional district from his first election as the Democratic candidate in 1990 until his retirement in January 2009. Cramer’s public career started in 1973, when he was appointed assistant district attorney in Madison County. He was an attorney in private practice from 1975 to

1980, when he challenged the incumbent Madison County district attorney and won at age 33. He was district attorney from 1981 to 1990, until elected to Congress. While serving as district attorney, Cramer founded the National Children's Advocacy Center (NCAC) in 1985 in an effort to organize a better system for helping abused children. The child advocacy center model pulls together law enforcement, criminal justice, child protective services, and medical and mental health professionals into a single, coordinated team. Many communities across the country began to model their child abuse programs after the NCAC, due to its influence and training. He holds a B.A. and J.D. from the University of Alabama.

Susan N. Dreyfus is president and chief executive officer of the Alliance for Strong Families and Communities. Prior to joining the Alliance in 2012, Dreyfus was secretary for the Washington State Department of Social and Health Services. She had responsibility for Medicaid, aging and long-term care, child welfare, behavioral health care, juvenile justice, economic assistance, and other human services. She was appointed by Governor Chris Gregoire in May 2009 and served as a member of the governor's Executive Cabinet. Dreyfus served as senior vice president and chief operating officer for the Alliance from 2003 to 2007. In 1996, she was appointed by the administration of Wisconsin Governor Tommy G. Thompson to be the first administrator of the Division of Children and Family Services. Her responsibilities included child welfare, child care quality and licensing, youth development, and an array of emergency assistance and other community programs.

Wade Horn, Ph.D., is a director with Deloitte Consulting LLP, where he is a key advisor to health and human services clients of the firm's state government practice. Horn is a former assistant secretary for the Administration for Children and Families at the U.S. Department of Health and Human Services (HHS). He previously served as the commissioner for Children, Youth and Families and as chief of the Children's Bureau within HHS. He transitioned from that role to serve as president of the National Fatherhood Initiative, an organization dedicated to improving the well-being of children by increasing the number of children growing up with involved, committed, and responsible fathers. Horn has a Ph.D. in clinical psychology from Southern Illinois University and has served as associate director of the Michigan State University Psychological Clinic. He also has held the position of director of outpatient psychological services at Children's National Medical Center and associate professor of psychiatry and behavioral sciences at George Washington University.

The Hon. Patricia M. Martin is presiding judge of the Child Protection Division of the Circuit Court of Cook County, Illinois, a position she has held since 2000. Her previous roles at the Circuit Court of Cook County include judge of the Law Division (1998–2000) and judge of the Child Protection Division (1996–1998). From 1986 to 1996, she worked in various roles in the law office of the Cook County public defender; she was the deputy chief of the fifth district from 1994 to 1996, an attorney trial supervisor from 1989 to 1994, and an assistant public defender from 1986 to 1989. She is a member and past chair of the Supreme Court of Illinois Judicial Conference Study Committee on Juvenile Justice. She also served as president of the

board of trustees of the National Council of Juvenile and Family Court Judges. She was a recipient of the C.F. Stradford Award from the Cook County state's attorney's office in 2007. Judge Martin received a B.S. from Middlebury College and a J.D. from Northern Illinois University College of Law.

Michael R. Petit, M.S.W., serves as an advisor to the Every Child Matters Education Fund. He is the organization's founder and served as its president from 2001 to 2015. Previously, Petit served as deputy director of the Child Welfare League of America (CWLA) from 1995 to 2001 and as the director of the CWLA National Center for Excellence in Child Welfare from 1990 to 1994. From 1987 to 1990, he was principal at Michael Petit Associates, where he consulted on child welfare issues with states and child welfare agencies. Petit was commissioner for the Maine Department of Human Services from 1979 to 1987 and a member of the National Governors Association Staff Advisory Council on Human Services from 1981 to 1986. He received a B.A. from Bowdoin College and an M.S.W. from Boston College.

Jennifer Rodriguez, J.D., is executive director of the Youth Law Center (YLC), a position she has held since 2012. Rodriguez's previous roles at YLC include staff attorney (2008–2011) and fellow (2007–2008). A former foster child, Rodriguez is an advocate for vulnerable children and youth. Prior to her work at YLC, Rodriguez worked for California Youth Connection as the legislative and policy manager (2002–2007) and a youth organizer (1999–2002). She is currently a board member for California Youth Connection. She previously served as a board member for California Court Appointed Special Advocates and the National Association of Counsel for Children. Rodriguez was the recipient of the 2007 California Foster

Care Change a Lifetime Award. She received a B.A. in sociology and a J.D. from the University of California, Davis, with an emphasis on public interest law.

David Rubin, M.D., M.S., is an attending pediatrician at the Perelman School of Medicine at the University of Pennsylvania, a position he has held since 2001. Since 2014, he also has been a professor of pediatrics at the Perelman School of Medicine. Since 2008, Rubin has served as founding co-director of PolicyLab at the Children's Hospital of Philadelphia, a center that uses interdisciplinary research to inform programs and policies for children. He previously served as the director of research and policy (2004–2011) and the fellowship director (2003–2010) for Safe Place: The Center for Child Protection and Health, a comprehensive program at the Children's Hospital of Philadelphia that addresses critical issues associated with child abuse, neglect, and foster care. Rubin received a B.S. from the University of Pennsylvania, an M.D. from the University of California, San Francisco School of Medicine, and an M.S. in clinical epidemiology and biostatistics from the University of Pennsylvania School of Medicine.

Cassie Statuto Bevan, Ed.D., has extensive experience in child welfare and public policy. Statuto Bevan earned her Ed.D. from Columbia University. She has been awarded two fellowships: a postdoctoral fellowship at the Bush Program for Child Development and Social Policy at the University of Michigan and a Congressional Science Fellowship under the auspices of the Society for Research in Child Development. Statuto Bevan worked in the U.S. House of Representatives for more than 20 years. After serving as staff director for the Select Committee on Children, Youth, and Families, she joined the Committee on Ways and Means as a

professional staff member. In this role, and later as a staff member in the offices of both the Majority Whip and the Majority Leader, Statuto Bevan played a critical role in drafting some of the most important child welfare and social policy legislation of the past decade. In 2006, Statuto Bevan joined the House Foreign Affairs Committee as a senior professional staff member and carried a human rights portfolio. Currently, she is the Child Welfare Fellow at the Field Center for Children's Policy, Practice, and Research at the University of Pennsylvania as well as a faculty member at the University of Pennsylvania School of Social Policy and Practice.

Marilyn Bruguier Zimmerman,¹²⁴ M.S.W., is an enrolled member of the Fort Peck Assiniboine and Sioux Tribes. She is the director of the National Native Children's Trauma Center. She also serves as associate director of the Institute for Educational Research and Service, which allows her to work throughout the nation on culturally relevant, evidence-based interventions to treat childhood traumatic stress, reduce risk factors, and increase protective factors for substance abuse, violence, and suicide among American Indian/Alaska Native youth. She provides technical assistance and is a frequently invited speaker at the tribal, state, regional, and national levels on childhood trauma, compassion fatigue, historical trauma, suicide prevention, and resiliency promotion. She currently serves on the U.S. Attorney General's Task Force on American Indian and Alaska Native Children Exposed to Violence. She has served on the Indian Health Service National Suicide Prevention Committee and is a member of the National Action Alliance for Suicide Prevention's American Indian/Alaska Native Task Force.



¹²⁴ Commissioner Zimmerman resigned on November 6, 2015, in order to accept a position with the U.S. Department of Justice.

Appendix C: Presenters at Public Meetings

San Antonio, TX, June 2-3, 2014

Rachel Berger,
Children’s Hospital,
Pittsburgh Child Advocacy
Center,
and CECANF Staff

W. Raymond Bryant,
Bethel African Methodist
Episcopal Church

James Castro,
St. Peter-St. Joseph
Children’s Home

Laurie Charles,
Christus Santa Rosa
Children’s Hospital, Texas
Child Fatality Review Team

Lloyd Doggett,
U.S. House of
Representatives (TX)

Kathleen Fletcher,
Voices for Children

Rebecca Girardet, University
of Texas Medical School,
Division of Child Protection
Pediatrics

Chris Greeley,
Center for Clinical
Research and Evidence-Based
Medicine, University of
Texas Health Science
Center at Houston

Sam Gulino,
Pennsylvania Medical
Examiner’s Office

Dakotah Hickle,
Parents Anonymous

David Lakey,
Texas Department of State
Health Services

James Lukefahr, Children’s
Hospital of San Antonio,
Center for Miracles

Madeline McClure,
TexProtects

F. Scott McCown,
Children’s Rights Clinic,
University of Texas
Law School

William McManus,
San Antonio Police
Department

Krista Melton,
Office of the District
Attorney of Bexar County

Jolyn Mikow,
University of Texas
at San Antonio

Joseluis Morales,
Texas Department
of Family and
Protective Services

Marta Peláez,
Family Violence
Prevention Services

Lisa Pion-Berlin,
Parents Anonymous

Joy Hughes Rauls,
Children’s Advocacy
Centers of Texas

Annette Rodriguez,
The Children’s Shelter

Peter Sakai,
District Court, Bexar County
Children’s Court

John Specia,
Texas Department of Family
and Protective Services

Vicki Spriggs,
Texas CASA, Inc.

Melissa Stoeltje,
San Antonio Express-News

Emilie Stoltzfus,
Congressional Research
Service

Martell Teasley,
University of Texas
at San Antonio

Carlos Uresti,
Texas State Senate

Clarissa Zamora,
ChildSafe

Tampa, FL, on July 10, 2014

Randell Alexander,
University of Florida
College of Medicine

Richard Barth,
University of Maryland

Albert Blackmon,
SAS

Robert Bullara,
Hillsborough County
Sheriff's Office

Mike Carroll,
Florida Department of
Children and Families (DCF)

Howard Davidson,
American Bar Association
Center on Children and
the Law, retired

Katherine Essrig,
Florida Thirteenth
Judicial Circuit

Holly Grissinger,
Florida Sixth
Judicial Circuit

Gayle Harrell,
Florida House of
Representatives

Kristi Hill,
Family Services Department,
Seminole Tribe

John Jackson,
DCF

Ghia Kelly,
Florida Coalition Against
Domestic Violence

Geir Kjellevoid,
North Highland

Curtis Krueger,
Tampa Bay Times

Barbara Macelli,
Healthy Families
Hillsborough

Yomika McCalpine,
Healthy Families
Hillsborough

Carol Marbin Miller,
Miami Herald

Celeste Philip,
Florida Department
of Health

Miranda Phillips,
Florida Youth SHINE

Greg Povolny,
Mindshare Technology

Emily Putnam-Hornstein,
University of
Southern California

Lisa Rivera,
DCF

Connie Shingledecker,
Manatee County Sheriff's
Office

Lorita Shirley,
Eckerd Community
Alternatives

Christina Spudeas,
Florida's Children First

Mary Beth Vickers,
Child Abuse Death
Review Committee

Rick Zelznak,
North Highland

Victoria Vangalis Zepp,
Florida Coalition for Children

Detroit, MI, on August 28, 2014

Stacie Bladen,
Children's Services
Administration, Michigan
Department of Human
Services (DHS)

Debi Cain,
Michigan Domestic and
Sexual Violence Prevention
and Treatment, DHS

Dave Camp,
U.S. House of
Representatives (MI), retired

Renée Branch Canady,
Michigan Public Health
Institute

Maura D. Corrigan,
Michigan DHS

Paulette Dobyne Dunbar,
Michigan Department of
Community Health (DCH)

Kaitlin Ferrick,
Michigan Head Start
Collaboration

Brenda Fink,
Division of Family and
Community Health, Bureau
of Family, Maternal and Child
Health, DCH

Michael Foley,
Children's Trust Fund

Carol Hackett Garagiola,
Michigan Domestic and
Sexual Violence Prevention
and Treatment Board,
Michigan DHS

Heidi Hilliard,
Michigan Child Death
Review Program and Sudden
Unexpected Infant Death
Case Registry, Michigan
Public Health Institute

Brian Hunter,
Office of the
Medical Examiner,
Genesee County

Sandy Levin,
U.S. House of
Representatives (MI)

Justin McElwee,
FosterClub

Tobin Miller,
Office of the State
Ombudsman

Bethany Mohr,
Child Protection
Team, C.S. Mott
Children's Hospital

Vincent Palusci,
Department of Pediatrics,
Bellevue Hospital, New York
University, Langone
Medical Center

Colin Parks,
Children's Services
Administration, DHS

Seth Persky,
Office of the
Family Advocate

Cheryl Polk,
HighScope Educational
Research Foundation

Elizabeth M. Reust,
Sparrow Hospital,
Forensic Pathology

Blandina Rose,
Promise Neighborhoods,
Black Family
Development, Inc.

Patricia Schnitzer,
Sinclair School of Nursing,
University of Missouri

Amy M. Smith Slep,
Family Translational
Research Group,
New York University

Stacey Tadgerson,
Native American Affairs,
Michigan DHS

Frank E. Vandervort,
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School

Nancy Vivoda,
Detroit Center for
Family Advocacy

Lora Weingarden,
Wayne County Prosecutor's
Office, Child Abuse Division

Steve Wirtz,
Injury Surveillance and
Epidemiology Section, Safe
and Active Communities
(SAC) Branch, California
Department of
Public Health

Steve Yager,
Children's Services
Administration, DHS

**Denver, CO,
on September 22-23, 2014**

Reggie Bicha,
DHS

Keith Brown,
El Paso County Human
Services

Sallie Clark,
Not One More
Child Coalition

Elizabeth Collins, Colorado
Coalition Against Domestic
Violence

Diego Conde,
FosterClub

Daryle Conquering Bear,
FosterClub

Kathy Delgado,
Colorado 17th Judicial
District Court

Brett Drake,
Washington University
in St. Louis

Kendra Dunn,
Office of Early Childhood,
Colorado Department of
Human Services (DHS)

John Fluke,
Kempe Center, University of
Colorado

J. Christopher Graham,
University of Washington

Mark Kling,
Family Resource
Center Association

Julie Krow,
Office of Children,
Youth and Families, DHS

Karen Logan,
Child Protection,
El Paso County

Marc J. Mackert,
Administrative
Review Division, DHS

Dan May,
Fourth Judicial District

Gary Melton,
Kempe Center, University
of Colorado

Linda Mikow,
Ralston House

Toni Miner,
Jefferson County Child
and Youth Leadership
Commission

Grace Sage Musser,
Denver Indian Family
Resource Center

Lindsey Myers,
Injury and Violence
Prevention Unit, Colorado
Department of Health and
Public Environment

Linda Newell,
Colorado State Senate

Jill Nugin,
Family Advocacy Program,
Fort Carson Army Base

David Olds,
Prevention Research Center
for Family and Child Health,
University of Colorado

Donna Parrish,
Kempe Center, University of
Colorado

Laura Rago,
El Paso County Attorney's
Office

Paige Rosemond,
DHS

Desmond Runyan,
Kempe Center,
University of Colorado

Jonathan Singer, Colorado
General Assembly

Stephanie Villafuerte,
Rocky Mountain
Children's Law Center

Kathryn Wells,
Denver Health Clinic at the
Family Crisis Center

Larry Wolk,
DPHE

**Burlington, VT,
on October 23-24, 2014**

Matthew Bergeron,
Family Services Division,
Vermont Department for
Children and Families (DCF)

Charlie Biss,
Child, Adolescent
and Family Unit,
Vermont Department
of Mental Health

Sally Borden,
KidSafe Collaborative;
Children and Recovering
Mothers (CHARM) Team

Lance Burnham,
Vermont State Police

Kim Coe,
Residential and Community
Treatment Programs, Lund

Jacqueline Corbally,
Vermont Department
of Health (VDH)

Theresa Costello,
ACTION for Child Protection

Terry Cross,
National Indian Child
Welfare Association

Emily Douglas,
School of Social
Work, Bridgewater
State University

Sally Fogerty,
Children's Safety Network

Breana Holmes,
Maternal and Child
Health Division, VDH

Kyle Hoover,
DCF

Tammy Simoneau

Beth Tanzman,
Blueprint for Health

Amy Torchia,
Vermont Network
Against Domestic Violence
and Sexual Assault

Shawn Vetere,
St. Albans DCF
District Office

Cindy Walcott,
Family Services
Division, DCF

Joanne Wood,
Perelman School of Medicine,
University of Pennsylvania

**Research Round Table,
Philadelphia, PA,
on December 4, 2014**

Rick Barth,
University of Maryland

John Fluke,
Kempe Center,
University of Colorado

Emily Putnam-Hornstein,
University of
Southern California

Rhema Vaithianathan,
Auckland (New Zealand)
University of Technology

**Portland, OR,
on February 26-27, 2015**

Amy Baker,
Addictions and Mental
Health Division, Oregon
Health Authority

Helen Bellanca,
Health Share of Oregon

JooYeun Chang,
Children's Bureau,
U.S. Department of Health
and Human Services

Myles Edwards,
Independent Consultant

Don Graham,
Walter R. McDonald
& Associates

Erinn Kelley-Siel,
Oregon Department of
Human Services (DHS)

MaryAnne Lindeblad,
Washington State Health
Care Authority, Washington
State Department of Social
& Health Services

Kathleen Noonan,
PolicyLab at The Children's
Hospital of Philadelphia

Ryan Vogt,
DHS

Joan Levy Zlotnik,
Social Work Policy Institute,
National Association of Social
Workers Foundation

**Scottsdale, AZ,
on March 25-26, 2015**

Gladys Ambrose,
Navajo Child Death
Review Team

Beverly Cotton,
Division of Behavioral Health,
Indian Health Service (IHS)

David Foley,
Navajo Child Death
Review Team

Francis Frazier,
Office of Public Health
Support, IHS

Sheri Freemont,
Family Advocacy Center,
Salt River Pima-Maricopa
Indian Community

Megan Gregory,
Tlingit Tribe

Martin Harvier,
Salt River Pima-Maricopa
Indian Community

Diedra Henry-Spires,
The Dalton Daley Group

Sarah Kastelic,
National Indian Child
Welfare Association

Catherine Pierce,
Office of Juvenile Justice and
Delinquency Prevention, U.S.
Department of Justice

Dimitra Sampson,
U.S. Attorney's Office,
District of Arizona, U.S.
Department of Justice

Tina Saunooke,
Safe Babies Program, Eastern
Band of Cherokee Indians

Hannah Smith,
Office of the Attorney
General, Eastern Band
of Cherokee Indians

Earl Sutherland,
Bighorn Valley
Health Center

William Thorne,
Utah Court of
Appeals, retired
Philandrian Tree,
Navajo Reservation

**Memphis, TN,
on April 28-29, 2015**

Carla Aaron,
Office of Child Safety,
Tennessee Department of
Children's Services (DCS)

Amy Coble,
Office of Child Safety, DCS

Michael Cull,
Office of Child Health, DCS

Michael Dunavent,
25th Judicial District
of Tennessee

Noel Hengelbrok,
Office of Child Health, DCS

James Henry,
DCS

Teresa Huizar,
National Children's Alliance

Scott Modell,
Office of Child Safety, DCS

Chris Newlin,
National Children's
Advocacy Center

Michael Warren,
Division of Family Health
and Wellness, Tennessee
Department of Health

Amy Weirich,
30th Judicial District
of Tennessee

Nancy Young,
Children and Family Futures

**Salt Lake City, UT,
on May 19-20, 2015**

LaRene Adams,
Fostering Healthy
Children Program, Utah
Department of Health

Vera Bothner,
Bothner and Bradley,
Wichita, Kansas

Greg Butler,
Woods Cross
Police Department

Kristine A. Campbell,
Department of Pediatrics,
University of Utah

Cheryl Dalley,
Bureau of Services Review,
Utah Department of Human
Services (DHS)

Adam Osoro,
Woods Cross Police
Department

Jennifer Oxborrow,
DHS

Robert Parrish,
Special Victim Team,
Salt Lake County

Brent Platt,
Utah Division of Child and
Family Services (DCFS)

Sean Reyes,
Office of the Utah
Attorney General

Vicky Roper,
Kansas Children's
Service League

Lana Stohl,
DHS

**Middleton, WI,
on July 15-16, 2015**

Julie Ahnen,
CPS Services,
Dane County

Eloise Anderson,
Wisconsin Department of
Children and Families (DCF)

Fredi-Ellen Bove,
Division of Safety and
Permanence, DCF

Jerin Falcon,
Office of Justice Services,
Bureau of Indian Affairs
(BIA) District VII

Kerma Greene,
Midwest Region, BIA

Amy Harfeld,
Children's Advocacy Institute

Cynthia Johnson,
Kenosha County
Division of Health

Mark Lyday,
Child Advocacy and
Protection Services,
Children's Hospital
of Wisconsin

Kirk Mayer,
Bureau of Milwaukee Child
Welfare (BMCW)

Tara Muender,
BMCW

Eileen Munro,
London School of Economics

Kathleen Noonan,
PolicyLab, The Children's
Hospital of Philadelphia

Kelly Oleson,
Youth Services,
Adams County

Mitch Pearlstein,
Center of the American
Experiment

Mark Testa,
University of North
Carolina at Chapel Hill

Valerie Vasquez,
Midwest Region, BIA

David Woods,
Ohio State University

**New York City, NY,
on August 6-7, 2015**

Oxiris Barbot,
New York City Department of
Health and Mental Hygiene

Rahil Briggs,
Albert Einstein College of
Medicine and Healthy Steps
at Montefiore

Richard Buery,
New York City Strategic
Policy Initiatives

Renee Canady,
Michigan Public
Health Institute

Gladys Carrión,
New York City Administration
for Children's Services (ACS)

Angela Diaz,
Icahn School of Medicine
at Mount Sinai

Paul Elam,
Public Policy Associates

Chet Hewitt,
Sierra Health Foundation

Andrea Goetz,
Clinical Practice and Support,
New York City ACS

John Mattingly,
New York City ACS, retired

Jacqueline McKnight,
Child Welfare Programs,
New York City ACS

Susan Morley,
New York City ACS

Michael Osgood, New York
City Police Department,
Special Victims Division

Daniel Squadron,
New York State Senate,
26th District

Lorraine Stephens,
New York City Department
of Homeless Services

Mark Thomas,
Center for Transforming
Health, The MITRE
Corporation

Laura Velez,
Division of Child Welfare
Services, New York State
Office of Children and Family
Services (OCFS)

Edward B. Walsh, III,
Aviation Safety Analysis,
The MITRE Corporation

Rita Cameron Wedding,
California State University,
Sacramento



Appendix D: Stakeholders and Stakeholder Organizations

In addition to the public hearings around the country and meetings with the White House and congressional committees, CECANF Commissioners and staff met with a variety of individuals from government and nongovernment organizations to share information about CECANF and to collect input on a national strategy to eliminate child abuse and neglect fatalities. Meetings included in-person and teleconference events, as well as presentations at conferences.

Alliance for Children and Families (national conference)	Centers for Medicare and Medicaid Services	Federal Interagency Work Group on Child Abuse and Neglect
American Academy of Pediatrics	Child Welfare League of America	Field Center, University of Pennsylvania (One Child, Many Hands conference)
American Professional Society on the Abuse of Children (annual colloquium)	Children's Bureau Child Abuse Prevention Grantees, Children's Justice Act Grantees, and State Liaison Officers (under the auspices of the Children's Bureau's Office on Child Abuse and Neglect)	Hennepin County, Minnesota, Human Services and Public Health Department
American Public Human Services Association	Children's Bureau's Office on Child Abuse and Neglect	Maryland State Council on Child Abuse and Neglect
Association of Maternal and Child Health Programs	Council on Social Work Education	Maternal and Child Health Bureau, Health Resources and Services Administration
Black Administrators in Child Welfare	Department of Defense Family Advocacy Program	National Academy for State Health Policy
Center for the Developing Child, Harvard University	Department of Defense Fatality Review Summit	National Association of Counties and National Association of County Human Services Administrators
Center for Medicaid, CHIP, and Survey & Certification	Department of Justice	National Association of Deans and Directors of Schools of Social Work
Center for the Study of Social Policy	Eunice Kennedy Shriver National Institute of Child Health and Human Development, Pediatric Trauma and Critical Illness Branch	
Centers for Disease Control and Prevention's National Center for Injury Prevention and Control: Division of Violence Prevention		

National Association of Public Child Welfare Administrators (affiliate of the American Public Human Services Association)	National Home Visiting Research Network	Texas Select Committee on Child Protection
National Association of Social Workers	National Indian Child Welfare Association	Trust for America's Health
National Center for State Courts	Office of the Assistant Secretary for Planning and Evaluation, Office of Planning, Research and Evaluation, and Office of Data, Analysis, Research, and Evaluation	U.S. Surgeon General's Advisory Group on Prevention, Health Promotion, and Integrative and Public Health
National Center on Shaken Baby Syndrome (conference)	Pennsylvania Office of Children, Youth and Families, Statewide Fatality and Near Fatality Trend Analysis Team	Virginia Children's Cabinet
National Center on Substance Abuse and Child Welfare	Prevent Child Abuse America (Executive Leadership meeting)	Virginia Commonwealth University
National Child Abuse Coalition	Protecting Delaware's Children	
National Child Abuse Coalition, Prevention Subcommittee	Ray Helfer Society (conference)	
National Conference of State Legislatures	Substance Abuse and Mental Health Services Administration	
National Council of Juvenile and Family Court Judges		
National Governors Association		

Appendix E: Organizations Providing Written Testimony

American Academy of Pediatrics	Children and Family Futures	New York City Administration for Children's Services
American Federation of State, County and Municipal Employees	Fight Crime: Invest in Kids	Pennsylvania State Coroners Association
Birth Parent Advisory Committee (in association with the National Alliance of Children's Trust and Prevention Funds and Casey Family Programs)	Inter-Agency Council on Child Abuse and Neglect (ICAN) National Center on Child Fatality Review	Prevent Child Abuse America
California Protective Parents Association	National Alliance of Children's Trust and Prevention Funds	Tennessee Department of Children's Services
Center on the Developing Child, Harvard University	National Association of Public Child Welfare Administrators and American Public Human Services Association	ZERO TO THREE
Child Welfare Organizing Project (in association with the New York City Administration for Children's Services)	National Child Abuse Coalition	
	National Child Welfare Workforce Institute	
	New Jersey Fatality and Near Fatality Review Board	

Appendix F: List of Federal Policies and Programs Reviewed

LEGISLATION	ADMINISTERING AGENCY	COMMITTEE OF JURISDICTION
Child and Family Services Improvement and Innovation Act of 2011	HHS, ACF, ACYF, Children's Bureau	Senate Committee on Finance; House Committee on Ways and Means
Patient Protection and Affordable Care Act (Maternal, Infant, Early Childhood Home Visiting Program)	HHS, HRSA, Maternal and Child Health Bureau; HHS, ACF, Office of Early Childhood Development	Senate Committee on Finance; House Committee on Ways and Means
Adam Walsh Child Protection and Safety Act of 2006	Department of Justice; HHS, ACF, Children's Bureau	-
Safe and Timely Interstate Placement of Foster Children Act of 2006	HHS, ACF, ACYF, Children's Bureau	Senate Committee on Finance; House Committee on Ways and Means
Deficit Reduction Act of 2006 (Court Improvement Program)	HHS, ACF, ACYF, Children's Bureau	-
Foster Care Independence Act of 1999	HHS, ACF, ACYF, Children's Bureau	-
Adoption and Safe Families Act of 1997	HHS, ACF, ACYF, Children's Bureau	Senate Committee on Finance; House Committee on Ways and Means
Health Insurance Portability and Accountability Act of 1996	HHS, CMS; HHS, Office for Civil Rights	Senate Committee on Health, Education, Labor and Pensions; House Committee on Energy and Commerce
Temporary Assistance to Needy Families (1996)	HHS, ACF, Office of Family Assistance	Senate Committee on Finance; House Committee on Ways and Means
Family Violence Prevention Services Act of 1994	HHS, ACF, ACYF, Family and Youth Services Bureau	-
Crime Victims Fund (1994)	-	-
Multiethnic Placement Act of 1994	-	-
Family Preservation and Support Services Program Act of 1993	HHS, ACF, ACYF, Children's Bureau	Senate Committee on Finance; House Committee on Ways and Means
Substance Abuse Prevention and Treatment Block Grant (1993)	HHS, SAMSHA, Office of Financial Resources	Senate Committee on Health, Education, Labor and Pensions; House Committee on Energy and Commerce
Violence Against Women Act of 1994	Department of Justice, Office of Violence Against Women	Senate Committee on the Judiciary; House Committee on the Judiciary
Child Care and Development Block Grant (1990)	HHS, Office of Child Care	Senate Committee on Health, Education, Labor and Pensions; House Committee on Education and the Workforce; Senate Committee on Finance; House Committee on Ways and Means

LEGISLATION	ADMINISTERING AGENCY	COMMITTEE OF JURISDICTION
Part C of IDEA: The Early Intervention Program for Infants and Toddlers with Disabilities (1986)	Department of Education; Office of Special Education	Senate Committee on Health, Education, Labor and Pensions; House Committee on Education and the Workforce
Preventive Health and Health Services Block Grants (OBRA 1981)	HHS, CDC, Office for State, Tribal, Local and Territorial Support	Senate Committee on Health, Education, Labor and Pensions; House Committee on Energy and Commerce
Community Mental Health Services Block Grant (1981)	HHS, SAMHSA, Center for Mental Health Services, Division of State and Community Systems Development	Senate Committee on Health, Education, Labor and Pensions; House Committee on Energy and Commerce
The Social Services Block Grant program (1981)	HHS, ACF, Office of Community Services	Senate Committee on Finance; House Committee on Ways and Means
Preventive Health and Health Services Block Grant (OBRA 1981)	HHS, CDC	Senate Committee on Health, Education, Labor and Pensions; House Energy and Commerce Committee
Adoption Assistance and Child Welfare Act of 1980 (Independent Foster Care Program)	HHS, ACF, ACYF, Children’s Bureau	Senate Committee on Finance; House Committee on Ways and Means
Indian Child Welfare Act of 1978		Senate Committee on Indian Affairs; House Committee on Natural Resources
Indian Health Care Improvement Act of 1976	HHS, Indian Health Services	Senate Committee on Indian Affairs; House Committee on Natural Resources; Senate Committee on Finance; House Committee on Energy and Commerce
Health Centers Program	HHS, HRSA, Bureau of Primary Health Care	Senate Committee on Health, Education, Labor and Pensions; House Energy and Commerce Committee
Child Abuse Prevention and Treatment Act of 1974	HHS, ACF, ACYF, Children’s Bureau, Office on Child Abuse and Neglect	Senate Committee on Health, Education, Labor and Pensions; House Committee on Education and the Workforce
Head Start Programs (1965)	HHS, ACF, Office of Head Start	Senate Committee on Health, Education, Labor and Pensions; House Committee on Education and the Workforce
Medicaid (1965)	HHS Center for Medicare and Medicaid Services, Center for Medicaid and CHIP Services	Senate Committee on Finance; House Energy and Commerce Committee
Maternal and Child Health Services Block Grant (SSA 1935)	HHS, HRSA, Maternal and Child Health Bureau	Senate Committee on Finance; House Committee on Ways and Means

Appendix G: Additional Recommendations From Stakeholders for Chapters 3 and 4

The federal government should mandate the recognition of tribal criminal jurisdiction in Indian Country in cases of child abuse and neglect, regardless of the perpetrator's race.

Increase reporting upfront to the Bureau of Indian Affairs (BIA) on tribal and state child welfare cases involving American Indian/Alaska Native (AI/AN) children.

Congress should mandate the provision of training and technical assistance for tribes around collecting data and building data systems.

Federal policy should provide incentives for states and tribes to increase participation and deputation agreements and other recognition agreements between state and federal law enforcement agencies.

Coordination between and among jurisdictions should be mandated, facilitated, and incentivized.

Congress should mandate that all CPS cases consider the total well-being (physical, mental, and emotional) of (1) the child, and (2) the nuclear family and shall proceed with the presumption of preserving the holistic health of the family in anticipation of reunification and/or kinship care where practicable.

Congress should mandate that all reviews of temporary and permanent kinship placement cases be conducted in favor of and prioritizing placement of children with (1) suitable kin, including relatives in and out of the immediate jurisdiction, and (2) verifiable familiar friends of the family deemed suitable for placement.

Congress should mandate that all due diligence be made, on an interstate basis, to locate suitable kin including verifiable familiar friends willing to receive placement of a child in need of assistance.

At a minimum, suitability shall be determined by a successful CJIS background check devoid of any convictions for violent and/or sexual assault offenses.

Congress should mandate that all organizations receiving federal funding or benefits have at least one responsible party who is registered in a federal registry and that said party be trained in the nuances of mandatory reporting of child abuse and neglect. Similar to doctors, other health care providers and attorneys, clergy and parishioners enjoy a common law communication protection of confidentiality—a shield of confidentiality that shall only be broken when evidence of harm to self or others is presented. In such situations, clergy shall have the ability to report under the shield of anonymity.

Congress should encourage increased emphasis on teen pregnancy prevention, especially for young women in high poverty areas and those in foster care.

Congress should mandate that no person, having been convicted and/or incarcerated for violent crimes or sexual assault crimes, be assigned probation or parole to cohabit in a dwelling where any resident is presently the subject of a CPS or domestic violence investigation, temporary placement and/or adjudicated case. Congress should further mandate that receipt of any such person shall result in a CPS investigation and home study to determine the safety of all children within said dwelling. This cohabitation restriction shall terminate upon completion of probation or parole.

Appendix H: Proposed Additional Responsibilities of the Children's Bureau

Children's Bureau Responsibilities at a Glance

In addition to its current responsibilities, the newly elevated Children's Bureau will be responsible for the following:

1. Lead the development and oversight of a comprehensive national plan that articulates federal goals and specific roles for all federal agencies involved in preventing child abuse and neglect fatalities.
2. Convene an interagency Coordinating Council to focus federal efforts to reduce child abuse and neglect fatalities. The Council shall be responsible for the following:
 - Establishing data-sharing protocols across agencies and producing an annual report to Congress and the president
 - Developing a national research agenda focused on eliminating child maltreatment fatalities and disseminating research knowledge and best practices to states
3. Establish national standards for supervisory and case management caseloads/workloads that are commensurate with child safety requirements.
4. Fund pilot programs to test the effectiveness of applying principles of safety science to improve CPS practice.
5. Establish a multidisciplinary center for research on child abuse and neglect fatalities and life-threatening injuries.

The Commission recommends the following new responsibilities for the elevated Children's Bureau.

Lead the development and oversight of a comprehensive national plan that articulates federal goals and specific roles for all federal agencies involved in preventing child abuse and neglect fatalities.

The plan should be issued to the president and Congress and include requests for legislative changes and/or executive orders to establish the collective responsibility of federal agencies focused on the goal of child safety, specifically, the prevention of child abuse and neglect fatalities. The plan will identify a core set of federal agencies whose involvement is critical to achieving greater protection of children from fatal child abuse or neglect. Agencies expected to be included in the national plan include, but are not limited to, agencies within HHS (Centers for Medicare and Medicaid Services [CMS], the Children's Bureau, the Health Resources and Services Administration, Centers for Disease Control and Prevention [CDC], Substance Abuse and Mental Health Services Administration [SAMHSA], and National Institutes of Health [NIH]), as well as others within the Department of Justice and the Department of Education.

Convene an interagency Coordinating Council to focus federal efforts to reduce child abuse and neglect fatalities.

A Coordinating Council on Child Abuse and Neglect Fatalities should be established in federal statute with the specific goals of (1) providing steady national leadership on child safety and the prevention of fatalities and (2) coordinating federal programs and activities aimed at keeping children safe from fatal maltreatment. The council should be co-led by the Chief of the Children's

Bureau and the Attorney General in the Department of Justice (DOJ). Its membership should be composed of senior officials from agencies that share in the responsibility of protecting children from harm and serving families in need. The council's priorities should be the synthesis of national data about child abuse and neglect fatalities, identification of inefficiencies in existing programs charged with child safety, and improved coordination of programmatic goals and services. The council could be modeled on the Coordinating Council on Juvenile Justice and Delinquency Prevention, which includes a charter outlining its goals and specifies that the council report to the president and Congress.

Composition of the coordinating body should include individuals with decision-making authority and access from the following agencies:

HHS: Administration for Children and Families; Administration on Children, Youth and Families; Assistant Secretary for Planning and Evaluation; Centers for Disease Control and Prevention; Health Resources and Services Administration (Maternal and Child Health Bureau); Substance Abuse and Mental Health Services Administration; Center for Medicaid and CHIP Services; Indian Health Service; Office of Head Start; Office of Child Care; National Institutes of Health (especially the National Institute of Child Health and Human Development)

DOJ: Office of Juvenile Justice and Delinquency Prevention, Office of Victims of Crime

The Council will be charged with the following:

Providing oversight, leadership, and guidance in development of child maltreatment fatality and life-threatening injury investigation and measurement systems. (See Chapter 6 for more detailed recommendations on measurement.)

Establishing data-sharing protocols across agencies and producing an annual report to Congress and the president. This report should include all of the current information on child abuse and neglect fatalities that is reported in the annual *Child Maltreatment* report but expanded to include additional data elements, discussed in detail in Appendix I.

Developing a national research agenda focused on eliminating child maltreatment fatalities and disseminating research knowledge and best practices to states.

After speaking to dozens of researchers and experts, it soon became clear that we know very little about what works to prevent child abuse and neglect fatalities. Partly this is due to poor data quality and fragmented data sets; however, it is also due to a historical failing of the federal government to prioritize efforts to build knowledge of effective child protection strategies.

The Coordinating Council on Child Abuse and Neglect Fatalities should convene experts and philanthropic partners to develop a national research agenda needed to advance our collective knowledge on what is needed to prevent child maltreatment fatalities. HHS should commission research projects focused on studying effectiveness of various models for preventing child abuse and neglect fatalities. It will be the Council's responsibility to consider the findings of this research and the implications of those findings on related policies and future needs of the country.

Fund pilot programs to test the effectiveness of applying principles of safety science to improve CPS practice.

We recommend that the federal government facilitate the application of principles of safety science to improve CPS practice by funding pilot programs in five states to develop proactive safety management plans

modeled after the requirements in aviation and hospitals. These states must then implement these plans. An evaluation component must be required to determine the impact of these safety plans.

As a first step, it may be necessary to provide research and development funding to support the adaptation of lessons from safety science into CPS agencies. The field of safety science has grown to develop a vast array of literature and research and cadre of experts in its application. It is critical to tap into this area of expertise and adapt methods that can make the child welfare system a safer place for children.

This could be done by **supporting a Federally Funded Research and Development Center (FFRDC) on child abuse and neglect fatalities**. The federal government has successfully utilized the FFRDC model for a range of special issues, including airline safety. This approach is a good fit for the complex problem of child abuse and neglect fatalities because it offers research independence and an especially strong technical capacity. The Commission studied the FFRDC model carefully and concluded that a key element of a national strategy to prevent child maltreatment fatalities must include the type of statistical techniques that are found in FFRDC approaches. (See Chapter 6 for more information.)

Collect and analyze data gathered by states through their reviews of past fatalities (see Chapter 2).

Disseminate the knowledge gained through this process.

Establish a multidisciplinary center for research on child abuse and neglect fatalities and life-threatening injuries.

The center would encourage public and private collaborations to fund research and an overall focus

on linking research to changes in policy and practice. States should be incubators of innovation in addressing new modalities for fatality prevention. This should be supported through federal innovation dollars and collaboration with public-private partners.

Research gaps identified through the Commission's work include a lack of safety and risk assessment tools and a lack of evidence that services that families receive change their level of risk for fatalities. In addition, research on brain development and the impact of trauma on the brain should be used to drive practice.

Establish national standards for supervisory and case management caseloads/workloads commensurate with child safety requirements.

We recommend that the Children's Bureau and states work together to identify standards for case supervisory and case management practices critical to child safety. In addition, other federal agencies and associations of first responders and service providers will need to identify workload standards to ensure child safety.

Under the Government Performance and Results Act (GPRA), establish performance goals specific to the reduction of child abuse and neglect fatalities.

GPRA has been in effect for many years, and current law requires federal agencies to set goals and targets for performance management for main function areas. The Commission has found no agency that is using GPRA to drive results in the area of child abuse and neglect prevention (including prevention of fatalities and life-threatening injuries). We therefore identify GPRA as an important policy that could be leveraged to specify a national policy goal for the prevention of child abuse and neglect fatalities.

We recommend that the Children’s Bureau create a federal government performance plan featuring cross-agency priority (CAP) goals and targets for improved child safety, with an emphasis on preventing child abuse and neglect fatalities. Under this new GPRA goal, federal agencies would work collectively and through the Office of Community Services to review goals and progress on a regular basis. Performance data on this measure would be reported via a central website at [Performance.gov](https://www.performance.gov).

In addition, Congress should amend relevant areas of federal statute to ensure that the national policy goal established under GPRA is embedded in public health, health care, early education, and law enforcement programs as appropriate.

Focus on cases most at risk of maltreatment fatalities. The Children’s Bureau should add measures specific to child abuse and neglect fatalities to its Child and Family Services Reviews (CFSRs).

Since 2001, the Children’s Bureau has been conducting CFSRs to (1) assess states’ compliance with federal child welfare requirements, (2) determine what is actually happening to children and families as they are engaged in child welfare services, and (3) assist states in helping children and families achieve positive outcomes.

The CFSRs do not directly assess states’ performance in eliminating child abuse and neglect fatalities. At the completion of the second round of CFSRs, no state had achieved substantial conformity with the two safety outcomes that are measured:

Safety Outcome 1: Children are, first and foremost, protected from abuse and neglect. This includes timeliness of initiating investigations and repeat maltreatment.

Safety Outcome 2: Children are safely maintained in their homes whenever possible and appropriate. This includes (1) services to families to protect children in the home and prevent removal or re-entry into foster care and (2) risk assessment and safety management.

As the Children’s Bureau conducts Round 3 of the CFSRs, we recommend that the Bureau make the following changes to the process:

Adjust the methodology to oversample cases involving children most at risk of maltreatment fatalities and re-reports on children and/or their siblings.

Work with states specifically around improving risk and safety assessment for these cases.

Collect and report data about how many children served by CPS agencies died of abuse or neglect and review a sample of these cases.

Incorporate measures of agency management, supervision, and workforce quality that incorporate learnings from “safety science” in the Child and Family Services Reviews (CFSRs) systemic factors and in states’ approach to child death review, especially those reviews focusing on cases with prior CPS agency history.

Although child welfare agencies experience serious challenges with management, supervision, and use of effective quality improvement systems that inhibit their abilities to keep children safe and provide quality services to families, CFSRs and death reviews currently include inadequate measures of agency staff effectiveness and management related to safety.

Appendix I: List of Proposed New Data Elements to Include in the Annual *Child Maltreatment Report*¹²⁵

The Commission recommends, at a minimum, the following additions to the Children's Bureau's annual *Child Maltreatment* report:

The number of infant homicides and the number of those homicides that were the subject of any referral for services, reports to CPS, and/or investigated and substantiated as victims of child abuse or neglect.

The number of infants safely surrendered at a designated Safe Haven and information about the disposition of these children's cases (i.e., number reunified, adopted, etc.).

The number of infants who were abandoned but not at a safe haven (per state law) and who died.

The age and number of children enrolled in Medicaid and designated as failing to thrive.

The number of referrals made by health care professionals per CAPTA's requirement for Plans of Safe Care; the number of those same children who received a referral to Part C of the Individuals with Disabilities Education Act (IDEA) or home visiting who received services.

The number of children identified through birth match between hospitals and CPS as being at risk due to the prior termination of parental rights due to the parent's perpetration of violence on another child.

The age and number of children receiving Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) screens that detected a need for treatment of child abuse or neglect.

The age and number of abused or neglected children referred to Part C of IDEA.

The number of parents who were candidates for courts to utilize the reunification bypass as authorized by the Adoption and Safe Families Act.

The number of births reimbursed by Medicaid in which an infant had a neonatal abstinence syndrome (NAS) diagnosis and the number of NAS-diagnosed infants referred to Part C.

The number of infants referred under a Plan of Safe Care who were adjudicated dependent in the first year of life and the number who were victims of child abuse or neglect fatalities in the first year of life.

A state-by-state analysis of state laws or other policies that specify how death scene investigations are conducted and the process for determining cause and manner of death for children.

The age and number of children who received federal home visiting benefits who were victims of child abuse or neglect fatalities.

A summary of research underway within the federal government focused on the prevention of child abuse and neglect fatalities. This should be developed in consultation with research partners on the Interagency Coordinating Council, including NIH, CDC, and ASPE, as well as with the Federally Funded Research and Development Center on Child Abuse and Neglect Fatalities (per the recommendation earlier in this report).

Recommendations for national policy and practice systems improvements and prevention.

¹²⁵ <http://www.acf.hhs.gov/programs/cb/research-data-technology/statistics-research/child-maltreatment>

Appendix J: Record of Voting on the Final Report

The following duly appointed members of the Commission to Eliminate Child Abuse and Neglect Fatalities voted to approve (yes) or not approve (no) the Final Report on February 19, 2016:

David Sanders, Ph.D. (Chairman)	Yes
Amy Ayoub	Yes
Theresa Martha Covington, M.P.H.	Yes
The Hon. Bud Cramer	Yes
Susan N. Dreyfus	Yes
Wade Horn, Ph.D.	Yes
The Hon. Patricia M. Martin	No
Michael R. Petit, M.S.W.	Yes
Jennifer Rodriguez, J.D.	Yes
David Rubin, M.D., M.S.C.E.	Yes
Cassie Statuto Bevan, Ed.D.	No

Appendix K: Minority Report¹²⁶**Submitted by Commissioner Cassie Statuto Bevan, Ed.D.**

“The purpose of life is to matter, to count, to have it make some difference that we lived at all. Having experienced the pain of children, we seek to honor them and confirm that their brief lives did matter, each and every one of them. By understanding child abuse and neglect fatalities, and how such tragedies could be prevented, we are given the opportunity to ensure that it did make a difference that these children lived at all.”

—U.S. Advisory Board on Child Abuse and Neglect, 1995

I am grateful for the opportunity to serve on this Commission and I am humbled by the charge to eliminate child abuse and neglect fatalities. I respect the work and commitment of all the Commissioners, especially the Chair, David Sanders, to seriously examine the circumstances surrounding the deaths of children from maltreatment. I also want to note that the Commission has made recommendations that I fully endorse such as increasing access to evidence-based home visiting programs like Nurse-Family Partnership, utilizing Birth Match to enhance child safety, expanded Safe Haven Laws, and becoming more intentional and monitoring Plans of Safe Care for substance-exposed newborns, among others. I also support finance reform and allowing states more flexibility toward investing in evidence-based strategies.

Nevertheless, I am sorry to say that I largely view these two and one half years as a missed opportunity to concretely address the deaths of children, mostly babies and toddlers. These children have been forsaken in life and forgotten in death.

I did not sign this report because it is my belief that this product of the Commission does not place children’s safety (within the context of a family) as a priority in its scores of recommendations, rather, it demands more funding, which will lead to more programs and more bureaucracy. Injecting more money into the current failed child protection funding streams, or into services that are currently ineffective or duplicative will not save the lives of very young children. I believe we owe the 4 children who will die today from abuse and neglect, and the 4 who died yesterday, and the 4 that will die tomorrow more than this. I believe what is needed is our critical judgment and the benefit of our collective experience on what has contributed to their deaths and what has happened to their killers.

To this end, I have the following eight reasons for opposing the recommendations in the commission report.

1. The Commission is claiming that spending one billion dollars on an experiment reviewing previous deaths will IMMEDIATELY SAVE LIVES. This claim is not supported by evidence and the claim should not be made.

¹²⁶ This minority report was submitted by Commissioner Statuto Bevan after the final Commission vote. It has not been reviewed or discussed by the full Commission, nor was it subjected to the same factual and editorial review processes as the other sections of this report.

2. From the start, the Commission failed to distinguish what deaths it was actually counting and how different types of fatalities may require different prevention and interventions. We learned that each state counts these deaths differently and that the one federally funded entity that is charged with counting these deaths, the National Center for Child Death Review (NCCDR) “collects more detailed data on circumstances from 39 states but these child maltreatment deaths have not been synthesized or published” (GAO, 2011). It was never established how states and tribes count or exclude from the count specific types of child fatalities: infanticide, homicide, filicide, so called “accidental” neglect deaths, infants who die from drug exposure, infants who suffocate because the mother “rolled over the child” because she was incapacitated by drugs or alcohol, children who were tortured or starved to death, or infants who were thrown into toilets. While the federal government funds the NCCDR there has been “limited collaboration” between it and the federal government (GAO, 2011). This information should have provided an impetus for the Commission to form a recommendation that NCCDR increase collaboration and share more detailed information with the federal government that is, after all, paying for these data, but it did not.

3. The Commission has made at least 110 recommendations the vast majority of which are unfunded mandates. More individual requirements as a condition of states receiving federal money flies in the face of the testimony that we heard from state officials all around the country. Financing reform is needed to allow the states to focus on the safety of children and not on additional bureaucracy that increased federal mandates will entail.

4. The Commission has failed to develop an urgent national strategy that will save the lives of these little ones. The central recommendation of the Commission’s report is a call for one billion dollars for the Child Abuse Prevention and Treatment Act (CAPTA)(P.L. 93-237) for states to conduct a review of all child abuse and neglect deaths for the previous 5 years and then use the results of these efforts to develop prevention plans. This dollar amount is not the result of a careful formulation. In fact, it is not known if one billion dollars is sufficient to the tasks identified. There is no evidence that this experiment will result in saving children’s lives and there has been no acknowledgement that this experiment doesn’t reconcile that Commission discovered questions about the reliability of the current data states have (and federally funded reporting systems) and the subjective nature of how it is decided that a death was or was not determined to be child abuse or neglect.

Child safety must be the paramount concern of every decision made for a child who is abused or neglected. Reasonable efforts and services, in most cases, should be made to keep the family together or reunite the family when it is safe for the child to do so. The Commission found conflicting information about the tools utilized to assess child safety and even too little evidence that much of the menu of current services provided to families are effective in keeping the child safe and changing the family’s crisis circumstances or abusive behavior. Yet the Commission’s report is full of recommendations to provide services without adequate attention to these services’ lack of effectiveness in protecting children from abuse. I would support well-thought out, carefully formulated recommendations to fund effective services, but funding ineffective services put children, who have already been identified as abused, at an even higher risk of re-abuse or even death.

5. The Commission has failed to examine the many federal and state laws that require reporting, investigation, determination, intervention and services to children and families. The implementation of these laws is contingent upon states fulfilling certain requirements to keep children safe. For example, the Adoption and Safe Families Act (ASFA) (P.L. 105-89) requires that child safety must be paramount and that “reasonable efforts” to preserve and reunify families can be bypassed. For example, ASFA provides in cases where the child has been subjected to “aggravated circumstances ... (...which ... may include but not be limited to abandonment, torture, chronic abuse and sexual abuse); ... the parent has ... committed murder ... of another child of the parent; ... committed voluntary manslaughter.... of another child of the parents;...” that no efforts need be made. Few states are using aggravated circumstances to protect abused children from re-abuse or death, but continue to receive federal funds.

The Child Abuse Prevention and Treatment Act (CAPTA) (P.L. 93-237) contains provisions that are very similar to ASFA clarifying that states are not required to make reasonable efforts to reunite a child whose parents have been convicted of a heinous crime against a child or a sibling (Compared id. § 51061, with Adoption and Safe Families Act of 1997, P.L. No. 105-89, §101, 111 Stat. 2115, 2116 (1997)). In addition, CAPTA requires hospitals to have in place “a plan of safe care “ for infants born prenatally exposed to illegal drugs or suffering from withdrawal symptoms or Fetal Alcohol Syndrome Disorder (FASD). Child Protection Services (CPS) must be notified to assure the infant’s safety through the provisions of services to the mother and infant following discharge. The plan of safe care requires notification to CPS in cases of substance-exposed infants, but the notification is not a report of child abuse, it is a pathway to access needed services. This Commissioner would like to see a requirement to amend the CAPTA safe plan to include how the state is effectively developing inter-disciplinary plans of safe care. It is also important for states to develop collaborative plans across cabinet-level departments and funding streams (such as Maternal, Infant & Early Childhood Home Visiting Programs (MIECHV), MCH, SAMHSA, and IV-E and IV-B) to support substance-exposed newborns and their mothers. Few states are using the “plan of safe care” for newborns but continue to receive federal funds. There are no federal regulations in place to guide states on CAPTA law in its entirety or in this provision. This gap is not adequately addressed in the Commission’s report.

6. The lack of implementation of current laws with the goal of child protection is well known in the field. Meeting the requirements of current federal laws is a condition of states’ receiving federal funds, yet no state has lost any funding for failure to implement these child protection laws. The Commission has not called for penalizing states that are not in compliance with current child protection statutes.

7. IV-E waivers were first established in 1994 and have been extended many times since, the latest in the Child and Family Services Improvement & Innovation Act (P.L. 112-34). The latest statute reauthorized ten new waivers for FY 2012-2014 but added a new provision that specified that all waivers must terminate September 30, 2019. The Hatch-Wyden proposed bill, Family First Act would begin the process of finance reform as it would open up the IV-E funding streams to provide specific services to children at imminent risk of entering foster care, and services to parents, and to kin caregivers for 12 months through the IV-E program. Evidenced-based, trauma-informed mental health, substance abuse and in-home skill building services

will be offered to parents and kin caregivers. The bill has not yet been introduced but it is the hope of this Commissioner that the program start with babies from birth to five years. It is also my hope that the bill addresses the serious opioid epidemic that is so devastating to the survival of many children and their mothers. The Commission in supporting the extension of IV-E waivers undermines the purposes established in the Hatch-Wyden legislation. The time for discrete waivers has come and gone, it is time for full finance reform.

8. The Commission has made no mention of the failure of most states to criminally prosecute perpetrators who are most often parents or caregivers. Many child abuse and neglect cases are not the subject of criminal court proceedings. If the case does go to criminal court, the typical sentence includes probation or five years in jail (criminal.findlaw.com). As Governor Cuomo recently noted, abusers too often do not go to jail for endangering the welfare of a child. In his recent State of the State address he proposed that the penalty for child abuse be raised from a misdemeanor to a felony with up to 7 years in prison (AP, January 14, 2016). The fact that serious, repeat child abusers most often are not processed through criminal court leads this Commissioner to believe that the lack of criminal prosecution in these cases makes young children highly vulnerable. This is not a new issue. In 1995, the Federal Advisory Board recommended that states should enact “felony murder or homicide by child abuse statutes for child abuse and neglect” (U.S. Advisory Board on Child Abuse and Neglect, 1995). The Commission is silent on prosecution of perpetrators.

In conclusion, my no vote represents my belief that putting more money into an ineffective child protection structure will not save lives. Likewise, providing limited funding for ineffective services will not save lives. The Commission missed an opportunity to reform and then rebuild a fragmented child protection system in this country. Instead its approach is reactive, reactive to a system and structure that has itself been built in a reactive and fragmented manner over decades and is failing innocent children. Open and critical review of current policy and practices, and pathways to improving these issues is what cries out to be addressed, and not merely the balm of more money.

Appendix L: Letters From Commissioners

This appendix contains letters submitted by individual Commissioners after the final Commission vote. These letters have not been reviewed or discussed by the full Commission, nor have they been subjected to the same factual and editorial review processes as the other sections of this report.



Susan N. Dreyfus
President and CEO

OFFICERS

Dennis Richardson
Chair

Molly Greenman
Vice Chair

Ron Manderschied
Treasurer

Mary Hollie
Secretary

Feb. 22, 2016

It has been a true honor to serve our nation's children and families as a member of the Commission to Eliminate Child and Abuse Neglect Fatalities. Our Chairman, Dr. David Sanders, has done a superb job. Our process has been comprehensive and has provided many opportunities for people across the country to be engaged in helping us provide the President and Congress a pathway of interconnected solutions that should provide great hope and confidence that we can solve this vexing and longstanding tragedy in our nation. I want to thank John Boehner, former speaker of the U.S. House of Representatives for appointing me to this commission and this inspiring opportunity.

Throughout this process, my fellow Commissioners, while at times differing on strategy, were united in our paramount goal to keep more children from dying from abuse and neglect. It has been an honor to serve with them. I fully support the Commission's final report and all of its recommendations. The issue of child fatalities by abuse and neglect is a complex challenge that simply can't be fixed with quick and singularly focused solutions. As a country, we have tried that time and again, which is why we continue to be perplexed by this national epidemic. We understood—and I truly believe—that if our recommendations are seen as an interconnected web of solutions, we can save children's lives.

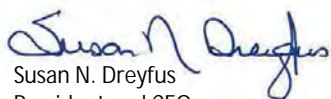
I have been deeply involved in child welfare since 1996. I have been responsible for child protection in both Washington State under Gov. Chris Gregoire and in Wisconsin under Gov. Tommy Thompson. I have served both Republican and Democrat governors. Now, as president and CEO of the Alliance for Strong Families and Communities, I am honored to serve, strengthen, and represent nationally nonprofit human-serving organizations that are critical partners with the public sector and communities to protect children and strengthen families.

I never experienced partisanship in either of the states I served because of our deep belief across the political spectrum in the responsibility of parents and the importance of strong and loving families as the most important building block for children to grow and reach their fullest potential. We understood that none of us became good parents on our own, and that as a community we share responsibility to help all families succeed and make sure children are safe and healthy. We were clear that when they were not and we were unable to preserve and strengthen their birth family, we had the paramount responsibility to ensure their safety and provide them with lasting permanency in a loving home, preferably with another fit and willing relative. During this time, we were learning more from the advancing sciences about the devastating and expensive loss of human potential caused by child abuse and neglect and other complex stresses in a child's life, and about adapting the science to our policy and practice. While we may have differed on how to do it, we never were separated on these core values, principles, and goals. I believe that across our country this is true today.

So, why we are still perplexed by our inability to solve this issue? I often tell people that when it comes to child protection, I feel as if I am watching a soap opera whose storyline never seems to change. The issues and challenges we faced more than 20 years ago never seem to sustainably improve at scale and we still are not getting in front of the public health crisis of child maltreatment in our nation.

We simply can't confront this issue with the already-tried solutions that have a singular focus on the work of public child protection agencies alone. Yes, strong and effective child protection agencies are the critical foundation for our country's ability to respond effectively to safety concerns. But it will take a new national strategy that creates the 21st Century Child Welfare System our report calls for. This system is a multidisciplinary system with shared accountability. It is built through the proven public health approach that when combined with making sense of the multiple existing funding sources across the federal government, new funding, focused waivers, a priority on very young children, and the other interconnected strategies articulated in this report, we truly can put an end to this national tragedy and see more children reach their fullest potential as contributing members of society.

Sincerely,



Susan N. Dreyfus
President and CEO
Alliance for Strong Families and Communities

February 22, 2016

David Sanders
Chairman
Commission to Eliminate Child Abuse and Neglect Fatalities

Dear Chairman Sanders:

I would like to thank you and all of our fellow commissioners for their hard work over the last two years. Together, we sought to find effective means to prevent the deaths of children from abuse and neglect. In attempting to fulfill that charge, we had the honor to hear from dedicated and caring individuals from across the United States. Our goal was to identify existing interventions for at risk children and to make recommendations that could have a meaningful impact in preventing child abuse and neglect fatalities. Unfortunately, on the whole, I am unable to agree that the Commission's report accomplishes that goal.¹

At a very early stage in our work, we recognized the deficiencies in the data with which we had to work. As we looked at the data across jurisdictions we saw differing definitions, differing caliber in reporting, differing ability to ascertain correctly whether a death was the result of abuse or neglect, and differing means to create infrastructure to improve data collection. Although these concerns reflect only a fraction of our data deficiencies, they demonstrate the need for comprehensive data collection improvements. There must be universal definitions and collection and reporting requirements. Obviously, this requires a robust data collection infrastructure. For those jurisdictions that lack the means to create such an infrastructure, funds must be made available to fulfill that mandate. This last point is of particular importance to sovereign Native American Tribes.

As data collection improves, Congress and child protection systems will be able to prioritize resources. There is an urgent need to examine which services actually work. The vast sums discussed in the Commission's report are meaningless if they are used to buy quantity over quality. Our charge is to prevent abuse and neglect fatalities not to enrich bureaucracies.

To prevent fatalities and to identify effective interventions, we need to change the way we look at families. For example, whether or not Congress accepts the recommendation that States evaluate fatalities for the previous five years, there is a need to evaluate both the risk factors that existed in those families *and* the protective factors possessed by similarly situated families that do not experience these tragedies. A true preventative intervention would allow us to duplicate or enhance those protective factors, thus protecting children without the trauma of disrupting familial bonds.

¹ In addition, as a sitting judge, I cannot ethically endorse either explicitly or implicitly specific entities. Nor may I allow myself to be attached to a report that may be construed as an advertisement for those entities.

David Sanders
February 22, 2016
Page Two

As we expand how we look at families, we cannot afford to forget about the deaths of older children. The Commission focuses on children under five but we must remember that 30% of abuse and neglect fatalities involve victims aged five and older. Likewise, we must remember that there are historical factors that affect families. Accordingly, those historical factors must guide our efforts. For example, when we look at Native Americans, we must recognize that for some families hopelessness can fill the void left by the loss of language and culture.

As we paint a more holistic picture of families, the Commission is right to elevate the plight of children by raising the status of the Children's Bureau within the Department of Health and Human Services. We should not, however, dilute that new status by bringing other departments (such as the Maternal and Child Health Bureau) under the authority of the Children's Bureau. Nor should we expend scarce resources on additional bureaucracies such as a coordinating council. Instead we should maximize existing resources by encouraging cross disciplinary training amongst existing actors in the greater child protection community. For example, there is no reason we could not encourage training including such diverse actors as police and doctors. Police can educate doctors on investigative matters while doctors educate police on recognizing medical indicators of abuse or neglect.

The Intact Family Court demonstration sites that the Commission's Report proposes are a particularly inviting manner to expend funds. These courts provide the opportunity to take advantage of many of the strategies that I have raised. First, by focusing on family preservation, these courts by necessity would need to target services designed to enhance and promote protective factors. Second, by taking a holistic view of the family, these courts would be able to explore interventions that build on a family's culture and history. Third, by drawing on readily accessible cross disciplinary resources, these courts provide a vehicle through which we could draw on the expertise of disparate professions and a vehicle through which cross disciplinary training could occur. In this manner the intervention would exceed the sum of its parts resulting in an intervention befitting the 21st Century.

Sincerely,



Patricia M. Martin
Commissioner

Jennifer Rodriguez, Executive Director
Youth Law Center
jrodriguez@ylc.org

February 24, 2016

David Sanders, Chairman
Commission to End Child Abuse and Neglect Fatalities

Dear Chairman Sanders,

It has been an honor to serve under your leadership on the Commission as we learned from experts across the country about needed actions to protect America's children from fatalities due to abuse and neglect. While each of the Commissioners brought different experiences and perspectives to this work, I believe we shared a common belief that the life, health, and spirit of every child in our country matters, and that the need to make drastic changes to the way we approach child protection is urgent.

My commitment to the children impacted by this Commission's findings and recommendations is both professional and personal. I am one of the hundreds of thousands of children for whom CPS intervened due to abuse and neglect. Like so many children, I was placed in foster care as removal was the only intervention available to those charged with ensuring my safety. While I am deeply grateful that this intervention kept me alive, I left foster care with the permanent scars of growing up under the care of an overburdened, underfunded system that was never able to provide the nurturing parenting I desperately needed. Our child protective system was unable to provide any resources to help my parents, and they never received the interventions that might have assisted them to become healthy.

I believe I may have learned the most about the ways that our child protective system needs reform from my current experience as a mother. Despite the incredible supports I received that created stability in my adult life, I have faced the challenge of parenting without a roadmap and without resolution of my own early trauma and loss. I also have seen how making good decisions for my children requires me to be constantly learning, assessing the results of my efforts, prioritizing and harnessing every available resource, technology, and tool to ensure my children have happy and healthy childhoods. Over the course of the commission, as I learned the heartbreaking stories of children we have failed, I could not help but be dismayed by the contrast of the very

different approach we have taken with our child protective efforts. I believe we have a moral, ethical and legal obligation to reform our efforts to protect children by investing in learning how to provide supports and interventions that are effective and meaningful, developing and using innovation, and partnering to provide a real support net to children and families.

I strongly support the recommendations in this report that will help us achieve this goal of a child protection safety net that incorporates the rigorous research, data collection and sharing, multi-disciplinary approach, and concrete supports to children and families that we are currently capable of providing. We need the knowledge, skills, resources and leadership of agencies that have not previously taken ownership of the welfare of vulnerable children and families. We must make efforts to apply what we are learning through safety science to CPS agencies chronically plagued with leadership, management, workforce and accountability troubles. We must assess our ability to creatively harness technology and data to assist these children and families. We need to invest in rigorous research to develop a knowledge base about the services, supports, and interventions that support families in healing and health. We must offer vulnerable families who are devastated by the impacts of mental illness, substance abuse and poverty concrete resources such as immediate access to mental health and substance abuse treatment that allows parents and children to remain unified, subsidized high quality childcare, and in home supports in lieu of removal whenever possible. And, we must engage and listen to the voices of families and youth about what is working, what is needed, and what is not helpful.

It is a national tragedy and public health crisis when thousands of children are deprived of a childhood and the chance to experience the joys and milestones of life. With my fellow Commissioners, I strongly believe we can do better: as individuals, as communities, as states and as a nation. I hope this report assists in establishing a vision and pathway to that goal. Vulnerable children are depending on our nation's collective assurances that we will take every necessary action to ensure their well-being.

Sincerely,

Quuphy Yvkypn | l f

Jennifer Rodriguez



David Sanders, Ph.D., Chairman

Dear Commissioner Sanders:

It has truly been an honor to serve as a White House appointee to the Commission to Eliminate Child Abuse & Neglect Fatalities over the last two years. As our Commission traversed across the country, I was humbled by the individuals we met in every community, who all shared the commitment to serving families that are at highest risk for child abuse and neglect. I was moved by all the testimony, whether from a state leader, a child welfare frontline caseworker, a local community service provider, or a parent.

As our Commission began deliberating after our two years on the road, there were many times that I was not sure if my fellow Commissioners and I would achieve consensus. We hailed from quite different backgrounds, and we often differed in our interpretation of the testimony we heard together. But, in the end, I do believe that a true consensus emerged, resulting in a national strategy that is reflected in this Commission report. That national strategy relies heavily on supporting local communities to better develop solutions that will fast track services for families at the moment risk is identified. And these solutions will only come if silos are removed, and all the key players are enabled and held responsible for protecting children and helping families.

To say a consensus was reached is not to say that compromises were not made. But they were made because we all believed that the national epidemic of child abuse and neglect fatalities demanded that we identify concrete steps for immediate action. The safety and well-being of too many children at risk drove us to find consensus and a way forward.

Indeed, a set of foundational principles emerged from our deliberations that were shared across Commissioners and resonate from these pages. First, given the great diversity of local communities with very different capacities and challenges, we concluded that we needed to be cautious in prescribing local solutions from the federal level. Rather, we needed to permit local communities to identify and be held responsible for the strategies that promoted better cross-system collaboration to protect children from imminent harm. These strategies would recognize that the responsibility for the fatalities that were occurring do not rest solely within child protective services, but are shared across many professions that work with young children and their families, including those in healthcare, childcare and early education. We concluded if states could apply the knowledge gained from interdisciplinary review of prior fatalities and their highest risk cases, they could develop strong plans that best leveraged their resources and prevention programs for as many families in need as possible. If accompanied by more organized and integrated federal executive leadership for children and families, alongside new funding or flexibility in how existing funding streams could be used to achieve these goals, we would in essence be creating a new, learning child welfare system across every state in the country that could better confront the needs of families into the future.

Where consensus did break down was in how we would ultimately finance this new national strategy. Many advocated for new base funding for the Child Abuse Prevention and Treatment Act (CAPTA), recognizing that CAPTA was an unfunded mandate from its inception, and also acknowledging that many



systems lacked the funding to recruit and sustain our child protective services workforce. Others debated the scale of funding that would be necessary to achieve these goals. Finally, there were some who foresaw the many restrictive and siloed funding streams in child welfare and human services to be the greatest impediment to states making prevention services more readily available to high-risk families. A major strength in this report is that we acknowledged these differences, providing choices for Congress and the Administration to deliberate as to how best to resource this plan in its entirety moving forward.

Only time will tell if this report has the impact we all hope it will have. If, 10 years from now, we have 50 states implementing plans that are more capable of bringing together professionals across many disciplines to better serve our highest risk families, we will know we are on track to a better future. What is needed now is a determination in Congress and within the Administration to act on this new strategy as soon as possible, and with an urgency befitting the knowledge that many children will continue to die each day until they do so.

Sincerely,

A handwritten signature in black ink, appearing to read 'David Rubin'.

David Rubin, MD MSCE
Director of PolicyLab
The Children's Hospital of Philadelphia
Professor of Pediatrics
Perelman School of Medicine at the University of Pennsylvania



COMMISSION TO ELIMINATE
CHILD ABUSE AND NEGLECT FATALITIES

<https://eliminatechildabusefatalities.sites.usa.gov/>

SB-2323

Submitted on: 2/12/2018 4:18:28 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Louis Erteschik	Testifying on behalf of Hawaii Disability Rights Center	Comments	Yes

Comments:

While we understand that the intent of this bill is to protect children from being abused (a goal that obviously we support) we definitely have some concerns to express. We have several clients who have made the decision to home school their children. Frequently it results from the inability of the school to provide for the needs of the child. The DOE is often very resistant to providing appropriate special education services and so sometimes the parents, in disgust, attempt to find other ways to help their children. Sometimes it results from difficult behaviors of the child that cannot be managed in schools. We offer those examples to make the point that many parents have legitimate reasons for deciding to educate their children outside of the public schools. We are concerned that this bill may be an overreach in that it almost presumes that a child is being kept at home for the purpose of concealing certain conduct from the public eye.

Currently, we are aware of some cases where the parents are home schooling their children because they have autism spectrum disorder and the DOE will neither provide applied behavioral analysis services in the IEP, nor will they allow outside providers to come to the school to serve those children under the Medicaid EPSDT program. Despite a ruling from the 9th Circuit which specifies that ABA is the presumptively appropriate therapy to be provided to children with autism spectrum disorders in their IEPs under the IDEA, the DOE consistently refuses to implement it. Somehow, despite the evidence submitted by parents in these IEPs, the DOE often seems to find some pretextual justification to support their position that it is "not necessary". Additionally, despite the mandate under Medicaid law that medically necessary ABA services be provided in the schools, the DOE refuses to allow these providers to come onto campuses to do so. So, what happens is that in order for the Medicaid providers to provide ABA the parent needs to keep the child out of school to receive the services.

This is an untenable situation that will ultimately either be resolved through litigation or some legislative intervention. But, in the meantime, it seems particularly unfair for a parent who is attempting to make up for the DOE's shortfall to then become subject to a criminal background investigation and a visit from the Child Protective Services.

For those reasons, we urge caution as this measure is considered.

SB-2323

Submitted on: 2/12/2018 10:40:26 AM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Bryan Revell	Revellution Tech & Design LLC	Oppose	No

Comments:

We should have the right to educate our children the way we see fit. I myself have been educated in Home school system after the public education system failed me as a child I then went on to college and run my own successful business in Hawaii and have for osme time now. My children currently attend public school in Hawaii and I am finding the system lacking in educating them with what they need to learn. Year after year the only thing they seem to learn is how to take stests and with all the budget cuts learn very little else. I will educate my children how I see fit as my right as a parent! This bill violates our rights on many levels and I will oppose it whole heartidly.

SB-2323

Submitted on: 2/12/2018 10:04:57 AM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Dara Carlin, M.A.	Domestic Violence Survivor Advocate	Oppose	No

Comments:

SB-2323

Submitted on: 2/8/2018 3:15:32 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kimberly Jacobson	Jacobson Christian Academy	Oppose	No

Comments:

To Whom it May Concern:

I have homeschooled 15 years, and though I realize it is extremely important to keep our keiki in Hawaii safe in all situations, I do not agree that the state of Hawaii should be the approving official for a family to homeschool. I do agree families should have a background check and medical check annually to turn in with any homework to the school districts. But only if something comes up during the background check or medical check should the families THEN be spoken to and possibly have child services check on THAT family. Not ALL homeschool families should be put through the interrogation before being approved to homeschool. Each family should have 90 days after the school start date to provide a social security number for a background check as well as a medical examination form from a licensed doctor. Again, ONLY if these come back with 'suspicion' should there be someone from child services coming into the home for a check, but not necessarily "denial/approval" of the homeschool. Thank you!

SB-2323

Submitted on: 2/10/2018 9:51:05 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Sara Johnson-Steffey	Do Justice Coalition	Oppose	No

Comments:

I have homeschooled my children over the years but currently have two out of four in a public charter school. I was homeschooled myself and went on to get a college degree and then a masters. I have known literally hundreds of homeschool families over the years and I have never once heard of a family who was in need of intervention. This law so horribly stereotypes homeschool families as reclusive and abusive that I am appalled to read it. You would be subjugating Hawaii state child service employees to countless unnecessary hours of work and they are understaffed and overwhelmed as it is. You would be traumatizing children and families to unnecessary home and safety checks as if they were criminal to suggest they might do a better job at educating their own children than the overburdened education system. I understand the intent of this law comes from the Danny boy case but the tactic here is wildly off base. So, will you then subjugate any parent to these home safety checks? Because I would reason to guess that the majority of abuse cases arise in families utilizing the public school system, seeing as there are many more of these families in the state, or families who don't even bother being official with the school system. The logic of this bill in trying to protect children makes little sense. Maybe try to put more funding into parent support classes, the education system itself, and the understaffed child welfare system, rather than focusing your negative attention onto homeschoolers through this biased and reactionary legislative effort.

SB-2323

Submitted on: 2/9/2018 5:29:41 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Tiffany Hogge	Homeschoolers of Oahu	Oppose	No

Comments:

As a mother who loves and desires the best for her children and also my right to choose whether homeschool is the best option for my children academically / emotionally or otherwise, I oppose bill SB2323.

I shouldn't have to prove what would be best for my child or give power to someone else to make that decision.

SB-2323

Submitted on: 2/9/2018 11:08:58 AM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Catherine Lightfoot, CPM	Lightfoot Birth & Midwifery	Oppose	No

Comments:

This bill attempts to over-regulate and creates unnecessary obstacles for homeschool families.

I strongly oppose SB2323.

SB-2323

Submitted on: 2/10/2018 4:21:23 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Cheryl Kvalvik	Classical Conversations	Oppose	No

Comments:

February 9, 2019

Dear Committee members, House Speakers, Representatives, and Chairs:

After reviewing the three bills that are currently before the Hawaiian legislature, SB-2274, SB-2323, HB-2244, it became urgent that I write you as a representative of Classical Conversations, Leaders in Home-Centered Education.

I have raised nine children, eight of whom were homeschooled. They are all active and successful participants in society, including two that are currently serving in the US Navy. I do agree that there is a lot of abuse that happens within the family unit, and perhaps parents do pull their children out of school to hide this fact. It is vitally important to consider both sides of an issue before coming to a conclusion.

I do know of many public school students who have been abused by parents and they still attend school; so to make the statement that abuse only happens in one education system and not another would not be true. The next question would be then about the likelihood of abuse. What do we consider abuse? Would we also look at emotional as well as physical distress caused by parents? What I believe the conversation at hand comes to is the quality of education. Is the quality of home-centered education less than that of public education? It was not for any of my children.

I did send four of my children to public schools for a period of time and two were abused by teachers, and two by other students. There are many teachers and bullies in the public sector that should not be allowed in our system of education. We do what we can to get help to parents that are unable to properly care for their children, but I believe that you will find less physical and emotional trauma in children who are in loving homes than in foster homes or in the public system. All of the students that I tutor one day a week, who came from the public system to the home school environment were severely bullied in the public school system. I think that is one main reason parents choose home school as a viable option. It takes sacrifice, diligence, and commitment to make that choice and that is why we want to protect our rights as parents. I believe there are other

ways to protect our Hawaiian children than to punish parents who are not evil people. I have some ideas if you would like to discuss them with me.

There are, I understand, already requirements for getting permission to home school here in Hawaii. My friend did apply and never heard back from the State office, so she assumed that the State OKed her decision. I think you would need to hire a huge number of people to keep this idea of monitoring the 7,000+ home school students in our State. This seems overwhelming and would be a huge cost to the government. In Maryland, where my daughter was homeschooling her five children, an educator came to her house once a year to talk to the students, look at the work completed etc. She never had a problem with this process which took about an hour each time, but I wonder if that is something we are willing to commit to in Hawaii?

A large percent of the home schooled students here are military. I am wondering if you would hold the same standards for the military families as you would the people who are local? I do not believe the news report which said that nearly 25% of the homeless teens are military children. I have begun research into this number that was reported.

Please consider these issues as I am also concerned with abused children here in Hawaii and have seen several preschool children get slapped and beaten by parents. Maybe if we had public announcements or a push to solve this problem. By the time these children arrive at school after already enduring years of mistreatment by troubled parents, it is too late to help, and do we have enough foster parents to take in the hundreds of abused and homeless children on this island?

I would like to invite you to join one of our several home school communities on this island for an open house on Friday, March 2nd at 8:30 a.m. I think you will be impressed by the Latin play that we will present at the 8th grade level. Every classroom is open and we welcome visitors. The address is 3121 Arizona Street, Honolulu.

Our classically based program is 20 years old and has 120,000 students worldwide. I also would love for you to attend the Christian Home School of Hawaii conference that is held every year, (apply online). Please call me if you have any questions or want to discuss this with me, a seasoned mother and presently a tutor for Classical Conversations Homeschool Organization. I am sure you want to scrutinize all possibilities before passing bills

Kind Regards,

Cheryl Kvalvik

850-766-4688

SB-2323

Submitted on: 2/10/2018 8:02:23 AM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
shannon tauchert	WHEA	Oppose	No

Comments:

SB-2323

Submitted on: 2/12/2018 8:17:37 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Melissa Kamakawiwoole	Testifying on behalf of Hawaii Homeschoolers Unite	Oppose	Yes

Comments:

Aloha Legislators, Senators, House and everyone present representing the homeschool community here,

My name is Melissa Kamakawiwoole and I was a homeschooler for about ten years from 1992-2001. I am currently employed by the Department of Education as a long term sub at Mckinley High School but want to give my input as a private citizen. I am not representing the DOE in this testimony and I was not asked to speak on behalf of the DOE. I am here to plead with the legislators and those in charge of making laws regarding homeschooling.

With regard to homeschooling being a possible environment in which a child will be abused, these cases are extremely rare and not to be viewed as the norm. The overwhelming majority of those who have chosen the path of teaching their children at home are committed, devoted parents who want to assume the responsibility of their children's education and they are to be commended for their sacrifice and assuming the full burden of all that it entails. I have seen and witnessed in countless classrooms from pre kindergarten to high school how often parents do not take any responsibility or offer any support to their own children when it comes to learning.

I have seen and know of too many cases where there is no biological parent in the home. At the last two faculty meetings I have attended, administration has admonished faculty and teachers to take on the role of caring for students, to the point of realizing that it has come to this because parents are abdicating their duties as parents and leaving it up to the teachers to fill in all the gaps. It is well known that teachers are taking on second jobs, buying school supplies, doing over and beyond what should be asked of them. This bill is not going to serve any purpose except to be punitive toward those who want to do right by their kids by educating them at home. This is wrong. The superintendent and DOE personnel such as principals, teachers and counselors are already overwhelmed with so many arduous tasks and have neither the time nor resources to implement and follow through on something like this.

I have personally seen many troubled young people who would give their eye teeth to have parents who loved and cared for them in the way that these homeschooling

families do. Please do what is right and reasonable and allow these families to continue to follow through on their convictions and calling.

We are already witnessing the fallout of the family unit as evidenced by such articles that have been in the newspaper in recent days. The study conducted by the Waikiki Health Center, Hale Kipa and the University of Hawaii found there are between 400-600 homeless youth on the streets every year.

We need to be supportive of those who are trying to instill values and integrity at home and not scrutinize what they are trying to do when they are giving all that they can to their families through home education. Home is where it all starts and lets leave them to do that and give them support instead of getting in the way of their heart and intention for their children.

SB-2323

Submitted on: 2/12/2018 1:21:59 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kathleen Hashimoto	homeschooler	Oppose	Yes

Comments:

As a parent who is homeschooling my children because it is the best way to care for their body, mind, and soul, I oppose SB 2323. This bill would require that both my children, my husband and I undergo a rigorous vetting process and be approved before I can home school. If I disagree with the superintendent's decision, my only way to appeal is by filing a petition in family court, where I bear the burden of proving that homeschooling is appropriate for my child. Hawaii's current home school law strikes a healthy balance between respecting the constitutional right of parents to home school and having regular contact between parents and school officials through the filing of a notice of intent and an annual report on each child's progress.

As a former State teacher, I have sacrificed work outside the home to home school our two children for the last 18 years. They are now about to go on to college extremely well prepared and educated.

I resent the state imposing expanded control on homeschooling in Hawaii.

The vast majority of Hawaiian homeschooling parents are caring, devoted, excellent and responsible. To list the Peter Boy Kema tragedy as the impetus for this intrusive control is pathetic, especially as that was an example of the gross misconduct of CPS, not homeschooling.

Please resist the temptation to exploit the very few cases of child abuse as a means to penalize and chip away parental authority, autonomy and our primary roles as educators of our children.

Thanks you,

Mrs. Kathleen Hashimoto

SB-2323

Submitted on: 2/9/2018 5:14:08 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Sarah Badat Richardson		Oppose	Yes

Comments:

I am the mother of a 2nd grade daughter. She has been homeschooled since Preschool. We live on Oahu. While I fully support measures put in place to protect children, I want to make sure that the "good people" don't end up paying a heavier price in loss of personal freedom, time and resources, because of the new measures taken. Sadly, in the case of Peter boy, the authorities already had strong evidence of abuse and yet he and his siblings were returned to their parents anyway, with no regular follow ups from authorities that could have brought the new abuse to light. That is appalling. Unfortunately, I don't think SB2323 would have helped save Peter boy's life.

Here are my concerns about this bill:

1: Currently, Hawaii law only requires that a parent send a letter of intent to **INFORM** the public school of their decision to homeschool. Now a parent would need to **request permission/approval** from said school officials. That is a big red flag. Will the bill make it very clear that the **ONLY** reason permission to homeschool can be denied is **IF** there has been a proven case of child neglect/abuse within the household? As I read it, it seems there could be some loopholes and that approval is at the discretion of principal/superintendent.

1a: Currently a parent is only required to send the letter of intent once at each level of school (primary, secondary and senior secondary). Will that change?

1b: The bill states that the department is allowed to ask for *"(7) Any other information that the department deems necessary."* How far can that go? Will the presence of firearms in the home become ground for refusing parents rights to homeschool? Will a parent not vaccinating a child become ground to deny the request to homeschool said child? Etc, etc...

2: What information received from social services will result in denying a parent's right to homeschool? This must be made very clear. We all have heard of people who were reported without just cause to CPS by malevolent neighbors/family members. Would these same people not be able to homeschool because they have a history of an open case with CPS but no proof of abuse. What happens if the case is under investigation? Can the parent homeschool until proof of abuse has been established clearly?

3: The bill states that a parent can expect a response back within 5 days (this may change to 2 weeks).

3a: What happens if a child is a victim of bullying or is severely mentally disturbed by their public school's environment and a parent decides that, for their child's safety and well being, he/she must be removed from school immediately? Will a parent have a recourse to protect their child despite that 5 day-2 week window?

3b: What happens at the beginning of a school year when all letters of intent are being received and it is very likely that there will be delays in answering parents? Is a parent going to be required to send their kid to public school until they receive a response?

4: Where will the funds come from to pay for those background checks and for the added work required of school officials and CPS workers?

4a: Will the background checks be limited to criminal records or is a parent going to be subject to investigation of all their personal information such as employment, education, credit history, motor vehicle and license record checks?

I would appreciate receiving further clarification. Thank you for your time. Aloha, Sarah Richardson

I, Rachel Fritz oppose SB2323.

My husband, Kirk Fritz, and I educate our five children within a loving, Christian founded homeschool using various curriculum with association to Classical Conversations, a worldwide recognized homeschool organization.

Here are the points of opposition:

- 1. The wording used in the bill is very clearly slanted against homeschoolers and the constitutional right of parents to make informed decisions regarding their children's education.**
- 2. The bill was introduced under the guise of helping abused children citing various cases in which children that were abused for years were failed by an incomplete and inconsistent welfare system. As in, these children WERE SEEN by the state and the state failed to follow through and protect said children. Child abuse should absolutely be prevented when possible but targeting homeschoolers with child abuse laws is a grossly misled way to do so.**
- 3. Statistically speaking, homeschooled children are actually the “most safe” from child abuse when compared to public schooled, private schooled, charter schooled, adopted, and foster care children. Might I add that fostered children, the only group seen by the state regularly, are by and large the most abused.**
- 4. Those supporting this bill are citing child abuse numbers to bolster their position. The problem is that the majority of the abuse is actually children 4 and under which are not even school aged children. Again, a bill targeting homeschoolers would not help this abused demographic whatsoever.**
- 5. There is ALREADY A LAW in place for Hawaii homeschooling families' accountability. Each family must submit a letter of intent when attending a new school and then submit an end of year progress report for each student. We have a system in place that is too taxed to deal with up to two pieces of paper per year per homeschooled student and this bill is suggesting placing a significantly larger load on this system's shoulders. In short, there is no personnel at any level to handle this type of paperwork influx.**
- 6. The burden for child welfare services would also be exponentially more difficult. CPS workers here are disgustingly overwhelmed with cases of ACTUAL abuse and they would be required to add many of the approximately 7,000 homeschoolers to their case load. Why are we proposing to take away their precious minimal time with each real abuse case to target homeschoolers?**
- 7. There is no recourse mentioned if the superintendent is delayed in their decision making progress. In Hawaii it takes MONTHS for them to respond to a letter of intent (again, if they respond at all) so what do we do in the meantime? Flood public schools with 7,000 more students?**

8. If this bill passes we will have entered the slippery slope era of the government choosing how we raise and educate our children. This is dangerous territory. This is a catastrophic downhill slide into being approved to parent your own children.

Thank you,

Rachel Fritz

SB-2323

Submitted on: 2/11/2018 4:55:49 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Christine Nelson		Oppose	Yes

Comments:

I want to express my strong opposition to SB 2323. I have been homeschooling my children for the last 8 years. I have always educated myself and complied with state and local homeschool laws. SB 2323 introduces itself as a way to protect children from child abuse. It is sad that the Coalition for Responsible Home Education, an organization from Massachusetts, seems to have influenced this proposed law to fix a problem that doesn't exist.

The problem is that homeschooling and child abuse have nothing in common. I have never seen any study or statistic that showed or even suggested that homeschooling was associated with a higher rate of child abuse.

This bill goes against one of the fundamental principals of all societies: the family. Parents have duty and responsibility to raise their children and society only intervenes when parents are proven to be dangerous or neglectful. This bill will allow a nonelected individual to decide educational choices of families that have not been convicted of any crimes.

This bill creates a system where any parent or guardian that desires to legally homeschool children must prove their innocence. Parents are considered guilty by default. Their sufficient innocence must be satisfactory met by the superintendent who can require any information from the parents and all other adults living in the household.

The bill mandates background checks on all adults of the household. This will require large amounts of personal information to include birthdays, social security numbers, and previous addresses. The superintendent can also request information that is "deemed necessary". This information could include income/financial, mental health history, firearms, living quarters inspections, and screening interviews. Any refusal of information will result in an automatic denial of approval to homeschool.

The bill does not define what "disqualifying information" is or what "may pose a risk to the health, safety, or welfare of the child" means. A superintendent is hired to administer schools, they are not social workers who are trained to make judgements in these areas.

Even if the parents have no record the superintendent can still deny approval. The parents will then have to petition the court to allow them to homeschool. The parents are again required to prove why they should be allowed to homeschool, and why it is in their child's best interest.

These background checks and child welfare services will require time and money. The bill does not specify who will pay, so either an undue financial burden will be placed on homeschooling families or taxpayers. Thousands of background checks and abuse and neglect inquiries will require hiring more staff or place an increased burden on the department of education and child welfare services. This money isn't helping at risk children, or improving the education of students. This money will be wasted on unnecessary screening.

I request that you vote against SB 2323.

February 11, 2018

Testimony regarding SB2323, Hawaii State Legislature

My name is Rachel Wickes, and I oppose bill SB2323.

My children have been homeschooled by me from the beginning. The only times my children have stepped foot in a public school building were to hand-deliver a letter-of-intent to homeschool – twice, as the first hand-delivered letter was lost by the school – and to accompany my husband and I to vote. Before making this choice to homeschool, I was a high school mathematics teacher and have worked in both public and private arenas. Here in Hawai'i, I taught at St. Andrew's Priory School for Girls for 5 years before choosing to stay home with my babies.

Choice, the freedom of it, is why I'm speaking out today. Though the bill's stated intent is to protect children, a concern we, the homeschool community, have in common with you, SB2323 instead threatens the very civil liberty I have been teaching my daughter through our American history studies. If this bill passes, rather than feeling free to choose the best educational path for our own children, families in the state of Hawai'i will feel threatened and accused when choosing to educate their children at home.

I know there are many conflicting views about homeschooling. I myself, as a public and private school educator, did not use to think very well of families that chose to homeschool. However, my opinion changed after having my own children. God gave these two precious gifts to my husband and me, not to the state of Hawai'i. It is my husband's and my kuleana to love, care for, provide for, and make decisions for our children; it is not yours. This is our civil liberty, and it is being trampled on by SB2323.

My children, my family, my home, should not be subjected to invasive, annual government probing because of a choice we make on how to educate our children.

The stories that have come out in recent months of children being abused, their abusers hiding under the guise of homeschooling, is despicable and heart-wrenching. Child abuse is a terrible monster and measures need to be put in place to protect its victims, but SB2323 is not that measure. Targeting the homeschool community is not the solution to this problem. Child abuse is not confined to the educational choices families make; it is, unfortunately, found in homes regardless of educational choice, regardless of income or geography or race or religion or any social confines we can name.

Child abuse is non-discriminatory; this proposed bill is not. SB2323 discriminates against the homeschool community, treating parents and care-givers as criminals, assuming guilt first and requiring us to prove our innocence. Again, backwards from what I am teaching my daughter in our American history studies. This bill punishes the masses for the actions of a few and is the start to a very slippery slope of government overreach into every home. If you want to be non-discriminatory in investigating parents and care-givers annually for their choice to homeschool, then every year you must also investigate every teacher, every head of school, every superintendent, every custodian, every principal, every person involved in the schooling of every child. Why not just cover all the bases and investigate every family every year? Why should homeschool families get such special treatment? Just because some politicians turn out to be corrupt, should every politician be subjected to annual audits of their personal and public affairs in order to gain the approval of their constituents and stay in public office? Then again, maybe we are on to something. Rest assured that when I go to the polls this November, I will remember the names of those who wrote and endorsed this bill, and I will remind every friend and acquaintance I have in this state. Just as those who have committed these heinous crimes against children under the guise of homeschool, this bill inflicts damage on our civil liberties as parents under the guise of protecting children.

Kill this bill and let the civil liberties of parents and care-givers remain. Many of us were once part of the larger community before choosing to stay home and educate our children. If given the opportunity, we will gladly work with policymakers to find fair and effective ways to address the issue of child abuse within the homeschool community.

Thank you for listening.

SB-2323

Submitted on: 2/11/2018 7:15:57 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kristin Wilson		Oppose	Yes

Comments:

Thank you for taking the time to hear from the Homeschooling community.

As a citizen in your state who homeschools, I am very disappointed that SB 2274 and SB 2323 are attempting to make major changes to Hawaii's homeschool law without first discussing those changes with the homeschooling community. In addition to being parents, homeschooling parents are also taxpayers, voters, and, most importantly, teachers. We care deeply about the education of our children. So deeply that we have given up careers, overcome financial hardships, and devote hours each day to provide them with an education. All without receiving benefits or pay.

These laws that you are considering will affect our children greatly. These are our children. We have made the decision to homeschool because we want what is best for them. When there are cases that are brought to the public eye regarding abuse and they mention that the child was homeschooled, you must realize that most of the time these kids were not actually being schooled. Nor did the parents have any intention of doing what is best for those children. There is not a strong correlation between homeschooling and child abuse to warrant the burden of proof on us as parents, families, and teachers. I do not believe placing the burden on parents to disprove abuse is the best possible option. If this bill affected other teachers in Hawaii's formal educational system, they would have been consulted. I'm very disappointed that homeschool teachers were not afforded the same courtesy by their elected legislators.

This is an infringement on our rights and responsibilities as homeschoolers, and as citizens of this state and country. We should not be singled out as homeschoolers. That is a discrimination based on our schooling choice. Please closely examine how this will affect your constituents and consider if you would be willing to submit to a voluntary CPS evaluation on your ability to raise and teach your children.

Thank you for your time.

Senate Education and Human Services Committee Members:

My name is Ian MacPherson. I served honorably in the Air Force for 24 years, am now a civilian contractor working on Joint Base Pearl Harbor Hickam, and am a homeschooling father of four.

I oppose Hawaii Senate Bill 2323.

While I support the goal of eliminating child abuse and neglect, this bill fails to efficiently work toward that end. The final report of the Commission to Eliminate Child Abuse and Neglect Fatalities published in March of 2016, for example, does not even identify homeschooled children as a population in need of special attention. Additionally, the State of Hawaii Department of Human Services Audit, Quality Control, and Research Office statistical report on Child Abuse and Neglect in Hawaii for 2015 (most recent available) indicates that social isolation was a precipitating factor in the abuse only 0.7% of the time - 11 incidences out of 1,546.

This bill is excessive in its requirements for approval to homeschool. Child Welfare Services workers are already overtaxed, with approximately 50 cases per worker. Attention in the bill has not been paid to the needs of the children whose cases are already in the system and how they would be affected by the large influx of work required to provide adequate checks on homeschooling families. Will the children already identified as being at risk be serviced well enough to identify abusive situations?

This bill is lacking in clarity for what would occur during the time the background check is in progress. Would students be required to attend public school while the background check is in progress? Are schools able to accommodate that influx of students, reportedly 7000 state-wide?

One of our biggest reasons for homeschooling is to provide consistency in education for our children. That would be completely disrupted by this requirement. We had lived in nine houses across five mainland states, two foreign countries on two different continents, and in Hawaii before we had been married thirteen years. To have to enroll our children and then pull them out of schools in all of those places would have been extremely disruptive to their educations. By homeschooling, we were able to provide them with continuity in their studies and take advantage of local cultural opportunities. Our children are fluent in German, are advanced in their studies after learning in a tutorial environment for the entirety of their schooling, and have traveled extensively. Forcing them to sit in classes that are not studying material on their levels would be detrimental to their emotional and educational health. It has taken months for us to receive back our acknowledged Letter of Intent at each of the schools we have submitted them. They do not even require any checks by any other entities. How long is this proposed approval process realistically going to take?

While the intent of this bill to reduce child abuse and neglect is admirable, the targeting of homeschoolers at the expense of their education is counterproductive and impractical. I urge you to reconsider this bill.

Respectfully,
Ian MacPherson, Jr., Kaneohe, HI

My name is Anna Louise Meisner Black. I am a military spouse and a mother of four who has homeschooled for more than five years. We moved to Oahu a little over a year ago and live in Senate District 15. I'm a freelance writer, and have contributed stories for Hawaii Parent Magazine and am a contracted writing and grammar tutor.

I oppose Senate Bill 2323 for many reasons. Everyone in this room can agree that the abuse of children is despicable and that we have a shared responsibility to protect our youngest citizens. But this bill is a reactionary and discriminatory proposal that will not be effective in stopping evildoers from hurting children, but has the strong potential to negatively impact law abiding families.

They say moms wear a lot of hats – but I like to say I wear a lot of shirts. Here are a few our family has obtained since our January 2017 arrival to this island:

Hawaii Youth Chorus: Despite being military and homeschooling, it's important to our family to be a part of the community at large. My children have sung alongside keiki from all over the island for three seasons.

Cavaliers basketball: Three of my children play basketball through the Army Youth Sports program. I'm the team mom for the Cavaliers – the five year olds.

Boyscouts: My son is a wolf scout in Pack 388. I am submitting a background check to be the Bear Scout leader this fall, because when you work with other people's children, a background check is pretty standard.

AMR Chapel: I help teach Sunday School at my church. There was a lengthy background check process for this volunteer position, but when you work with other people's kids, that's par for the course.

Navy: This is my husband's uniform shirt. I can assure you that the Top Secret Clearance background check required to be a radioman on a Navy submarine is one of the most intense there is. It's pretty invasive, but he is in a position that requires that level of scrutiny.

PWOC: So that mothers of young children can be a part of this women's ministry, I volunteer in the nursery. There was a rigorous background check process because those little ones aren't my children.

Pacific Club: My Middle Schoolers are a part of this program which provides military teens and tweens a place to belong and be understood. In order to help out, finger printing and paperwork were required.

Manawalea 4-H Club: When the former leader moved, I ended up the Cloverbud Leader for grades k-2. I submitted a background check and interviewed with the UH Extension Office coordinator before I could take on the job.

I hope you can see that I have no problem submitting to a background check when I am doing a job that places other people's children in my care. I think you can see too that law-abiding homeschoolers are not hiding their children from the community. We are in the community working, volunteering, playing, learning, performing, cleaning beaches and attending Senate hearings.

My last shirt is from my weekly homeschool group. Here I tutor a class of 14 4th-6th graders in grammar and writing. I didn't get a background check for this job though, because the parents, who are their actual teachers, are also required to attend the sessions. And when children are with their parents, without a preponderance of evidence to suggest otherwise, we must assume they are safe.

We do not give a background check to new parents before they take their babies home from the hospital. We do not background check parents to raise their children before they “have arrived at the age of at least five years on or before July 31 of the school year.” We do not background check the parents of public or private school children without cause, even though their kids are with them after school, on weekends and during holidays. We don't do these checks because – they are the parents – and they have a fundamental right to be with their child, raising them, teaching them and loving them- from the moment they created them. The State of Hawaii doesn't background check these parents because without a valid reason to suspect abuse, it would be an abysmal violation of their rights.

SB 2323 is a violation of ours.

TO: Senator Michelle Kidani, Chair
Senator Kaiali'i Kahele Vice Chair
Committee on Education

HEARING: Wednesday, February 14, 2018
2:55 PM
Conference Room

FROM: Esther B. McDaniel

RE: SB2323 – Relating to Education

Thank you Senators for the opportunity to share my thoughts about this bill.

I am a licensed resource caregiver (AKA foster parent) and I was homeschooling my children when I received the first child in my home from Child Welfare Services back in 2003. I oppose SB 2323.

I care very much about our keiki in foster care. I also care about their birth families, about fellow foster parents and also about our Child Welfare Services workers. Over the years I have gotten to know many social workers, attorneys and other social service providers who intersect with the foster care system. I've participated as a community member on the federal audit of CWS and formerly worked for the agency that recruited and processed applications for general licensed foster homes.

Creating an approval process for parents who would like to home educate their children is not the best use of our resources. As parents we still have the right to choose public, private or home education for our children and that right should remain.

When addressing issues of child abuse and neglect, there are basic preventative measures that are foundational to our culture of aloha and ohana. We need to come together to protect our children and strengthen our families, families coming alongside families and especially for those engaged with the foster care system. Cherish each other, cherish our keiki.

In addition to that, we need to build on work that has already been done. *Within Our Reach: A National Strategy to Eliminate Child Abuse and Neglect Fatalities* is the title of the 2016 final report submitted by The Commission to Eliminate Child Abuse and Neglect Fatalities. The Commission worked hard over a 2-year time period traveling the United States, studying the issue and providing their findings and recommendations. There's too much to cover in this piece of testimony, but the Commission's findings did not include more monitoring of home schools. We need to use our resources to find solutions to address the gaps that led to child deaths. Children who die due to abuse or neglect are often children who are known by and already have a history with CWS. Below is an excerpt from *Within Our Reach*:

Past CPS Reports Are Associated With Increased Risk of Fatality

At the Commission's meeting in Tampa, Florida, testimony was provided about a population-level study based on multiple sources of data from California on risk factors for fatal child maltreatment.²⁰ Knowledge of risk factors associated with fatalities can help CPS agencies and partners in the community do a better job of protecting children.

After adjusting for risk factors at birth, key findings included the following:

- A prior report to CPS, regardless of its disposition, was the single strongest predictor of a child's potential risk for injury death (intentional or unintentional) before age 5.
- Given the same risk factors, a child reported to CPS had about a two-and-a-half times greater risk of any injury death.
- Children with a prior CPS report had an almost six (5.8) times greater risk of death from intentional injuries.

- ● A child with a prior report of physical abuse had a risk of intentional injury death that was five times greater than a child reported for neglect.
- ● Children reported for neglect had a significantly higher risk of unintentional injury death.
- ● Risk of sleep-related death was about three-and-a-half times greater when there had been a previous report of child abuse or neglect.

CWS social workers carry a huge responsibility in serving our most vulnerable children as well as serving their birth families and the resource caregivers by providing timely referrals for services, writing court reports, and attending hearings and ohana conferences as well as conducting regular home visits. There are also different types of social workers. For a foster placement in my home I might interact with a licensing worker, investigative social worker, case worker and possibly a supervising social worker and Section Administrator. I'm grateful to have met them! Most do good work and some are exceptional in their care and advocacy for children and families. These workers and the families they serve need community support and partnership. Another point from *Within Our Reach*:

- Effecting change in families requires targeted and responsive services and supports that address the underlying issues that led to a report in the first place. Yet funding and access to high-quality services for parents (such as domestic violence services, substance abuse services, mental health services, home visiting, and more) are often limited or nonexistent, especially in rural areas and particularly on American Indian reservations.

On Oahu and Hawaii Island I'm part of a group that has created free resources for our children and families. It's a broad spectrum of services including evidence based, trauma informed parenting classes, home visits, phone support and Kokua Closet-a free store in Wahiawa and Keiki Closet-a free store in Hamakua. Our group in Hamakua has taught us a lot about the needs of Hawaii Island and they have worked to increase the number of licensed resource caregivers in their community. We can and are filling in gaps, but if we divert State time, attention and funding away from areas that need refining and improvement to create something else new we could make our current deficiencies worse.

Please protect parents' rights to choose the best form of education for their children.

Please use our existing and future resources wisely and make it a priority to address the needs of vulnerable keiki in foster care, their families and the workers who work to protect them.

Thank you for your consideration and work on this issue.

Submitted with Much Aloha,

Esther B. McDaniel
Wahiawa, Hawaii

February 12, 2018

Senate Committee for SB2323:

We oppose SB 2323, requires the department of to perform background checks and home investigations of those intending to homeschool their children. It does not help in the education or welfare of the homeschooling child. Rather it puts added strain on an already strained welfare system that looks out for the welfare of children in vulnerable situations. In the case of homeschooling families, the vast majority are parents that care for their children's welfare and go above and beyond by sacrificing one income to educate their children at home. Most are very proactive about their child's welfare, taking great effort to secure opportunities for their children to grow and flourish.

We have homeschooled our children for 20 plus years, and have graduated all four of our children from high school as of 2015. Our oldest child had learning difficulties that we discovered at an early age. Because we were able to have him diagnosed at an early age we were able to obtain necessary interventions and accommodations in the approach to teaching and learning. We are so proud to report that he is now attending the University of Georgia pursuing his PHD in Plant Pathology. Our oldest daughter has graduated with a liberal arts AA degree and has gone on to serve in missions with the University of the Nations in Kona, Hawaii. Our youngest son has graduated with a liberal arts AA degree and is currently working fulltime as a server at a local restaurant. Our youngest is about to graduate with her AA degree in Digital Media. We are very excited to see the paths our children take to becoming responsible citizens and residents of this great state while serving the needs of their community through the careers that they eventually choose.

The Marquez Ohana is just one of many families just like us who are enjoying the fruit of the hard work of homeschooling our children. It is my belief that this legislation is misdirected at attacking the ones who are taking an active role in the welfare of the keiki of Hawaii. Homeschoolers are already checking in with the Department of Education by filing letters of intent with their district school and submitting end of the year assessments.

Department of Education regulations already instruct school officials to contact social services if they believe a homeschooled child is suffering from abuse or neglect. Rather than presuming that homeschooling families are guilty until proven innocent and saddling social workers with the task of conducting routine records checks on thousands of homeschooling parents and children, the Senate should pursue policy changes that will give social workers the staffing, training, and resources they need to respond to allegations of abuse and neglect.

Sincerely,

Michael and Kimberly Marquez

Dear Senators Kidani, Dela Cruz, Espero, Green, Chang, Wakai, and Tokuda:

My name is Leslie Ragan. I am a home educator of two keiki. I am what you call an “accidental homeschooler”. My keiki were late born and the law at the time did not allow them to attend school until very late for what I was dealing with. I had a child that learned to read at three. However, upon going on this journey, I educated myself on all aspects of homeschooling, realized I had been homeschooling all along, filed my letter of intent, and have complied with all aspects of our existing DOE rules.

My children have participated in the City and County’s Parks and Recreation programs such as: learn to swim, ceramics, and archery over the years right alongside public and private school keiki. They have also been on USTA tennis teams and USA Swimming teams. They have taken private music lessons. A home educated friend of ours won a summer scholarship to London at the Royal Academy of Dramatic Art. <http://www.honolulumagazine.com/Honolulu-Magazine/May-2016/Two-Talented-Hawaii-High-School-Students-Win-Big-at-National-Poetry-Competitions/> Just one week ago a homeschool team, NESI, won second place at the Aloha Bowl, a marine science competition. They beat Iolani by over 100 points when they faced them in the first round. Most of the other competitors were senior high school students. Our team was mainly 9th and 10th graders. <http://www.mauinews.com/news/local-news/2018/02/maui-high-team-wins-state-ocean-sciences-bowl/> Homeschool teams regularly compete in the Science Olympiad. This past weekend they took fourth place and are off to States. A home educated student won the Hawai’i Dean’s List award, the homeschool team won the THINK award, they took 3rd place in Inspire. Homeschoolers compete in the Air Force Association’s CyberPatriot competitions and do very well. We have nationally ranked young surfers, too. Why do I mention all of this? Because they are unique? No! Because THIS is what REAL homeschoolers look like. I want you to see us as we are and NOT lump us with criminals that have nothing to do with homeschooling. Our keiki regularly do amazing things. What they don’t do, in true local fashion, is brag. They are humble. It seems we are now paying for our humility.

Like any normal human being, I know child abuse is a disgusting crime. I commend you for your efforts to stop child abuse and neglect in Hawai’i. However, I totally OPPOSE SB 2323 because it does not help solve the problem of child abuse in Hawai’i.

An abusive parent can abuse their child any time -on the week-ends, after school, during school breaks. The law can prevent abusive parents from homeschooling their child but it won't stop them from abusing their child.

An abusive parent could choose to not file a letter of intent and would therefore not be identified by the law. This is the case with Melvin and Denise Wright, cited by the Coalition for Responsible Home Education's Homeschooling's Invisible Children web site. It seems the Wrights never filed a letter of intent and would therefore not have been detected if this bill were the law.

Finally, there is no data to support any link between homeschooling and child abuse and neglect. The World Health Organization, The U.S. Commission to Eliminate Child Abuse and Neglect Fatalities, and the American Psychological Association do not list homeschooling as one of the risk factors for child abuse. And yet this bill, in targeting homeschoolers, would place additional burdens and cost on child welfare services.

Contrary to our system of law where people are presumed innocent, it assumes all homeschoolers are suspect until proven innocent. I stand with you to stop child abuse but lets find a more reasonable and efficient way to stop the abuse of our precious keiki in Hawaii.

Even though I strongly condemn child abuse and neglect, I oppose SB 2323's changes to Hawaii's homeschool law. In March 2016, Congress's national Commission to Eliminate Child Abuse and Neglect Fatalities published a report calling on state legislatures to take a broad and holistic approach to preventing child abuse. The Commission identified several key risk factors for abuse - which did not include homeschooling - and encouraged state legislatures to carefully study the causes of child abuse locally to identify real solutions. The Senate should pause and consider the Commission's recommendation before it dramatically reshapes Hawaii's homeschool law.

My name is Kristi Murai, and I am from the Nuuanu area. Our family has been homeschooling for almost 11 years. Because it is important to us to make this investment of time and resources to educate our own children, we have been very thankful for the balanced homeschool laws in Hawaii. We relish the time we get to spend with our four children, pouring into their lives not just academics/knowledge but our faith and values as well. We feel our home is the best learning environment where we can tailor our kids' education to how they best learn. Also, on top of regular academics, we can nurture their passions and help them pursue their interests which has been an added benefit!

I OPPOSE SB2323. Here are my greatest concerns:

Dangerous government oversight

Every parent essentially "homeschools" their child from birth (i.e. they "teach" their children in their own homes). We teach our children how to eat, how to use the bathroom, how to speak, how to walk; basically, we are raising them up to be self-governing individuals. We love them the most, know them the best, and more than anyone else, have their best interests in mind, and we will do all that we can to help them succeed. Homeschooling to us is a natural extension of parenting, and SB2323 is a giant step towards giving the state/government the authority to say who is fit to parent. Based on the fact that ALL parents "teach" their children, would the state require that every parent that is expecting a child to undergo this type of vetting process to see if they are fit to parent? Before a baby is born, will the parents-to-be be subjected to a criminal background check as standard protocol? As I mentioned, once a child is received into the arms of their parents, they are on a lifelong journey to teach their child and prepare them for life. God forbid we would ever turn into a dystopian state that allows the government to determine whether an individual is fit or unfit to parent! SB2323 is a dangerous prelude to this type of oversight and control.

Additional reasoning:

- The numbers of homeschool abuse cases does not justify the restrictive regulations of SB2323. The number of homeschool abuse cases are a mere fraction of overall abuse cases, and much of the abuse occurs before a child is even of school age. How will targeting homeschoolers help reduce the majority of cases that happen before a parent needs to let the state know of their intent to homeschool? Furthermore, if you look at the research, there are higher percentages of abuse happening IN schools by not only teachers/staff but by fellow students as well. This bill could delay a child from leaving an abusive environment.
- It will require homeschoolers to undergo a vetting process and to pass a criminal background check in order to homeschool. This is an infringement upon our constitutional right to make educational decisions for our children as we see fit.
- This bill discriminates against and targets a very small group (as homeschoolers make up a tiny fraction of all abuse cases), judges homeschoolers as guilty until proven innocent, and requires them to pass a "test" to see if they are fit to homeschool.
- It will take away a lot of time, money, and resources which the state already does not have.
- This bill is not a "solution" to the problem of abuse; it shifts the blame away from those ACTUALLY responsible (i.e. the state and the actual parents involved in the cases themselves) and seeks to undermine homeschoolers and use them as a scapegoat.

This bill is a dangerous idea, and I wholeheartedly oppose SB2323.

Testimony in OPPOSITION to SB 2323

Committees on Education and Human Services

Public Hearing on Senate Bill 2323

February 14, 2018

Aloha, my name is Mary Hirose. I am a homeschool graduate and a home educator of my four daughters who are here with me today. I am speaking in opposition to Senate Bill 2323. I believe that the intended goal of protecting our Keiki is honorable and extremely important. Unfortunately, I do not believe SB 2323 will protect our Keiki any more than our current laws do. In my testimony, I'd like to highlight a few problems I have with SB2323 and some suggestions I have that might meet the goal of protecting our Keiki while not infringing on a family's privacy. I do wish the homeschool community were invited to help in drafting this important legislation. We all have the common goal of protecting our Keiki.

SB 2323 will not solve the problem of abusive parents taking their children out of school because of abuse. These parents are not going to file letters of intent and wait for a background check and permission to keep their children home. This bill simply encourages truancy. This bill also won't catch new abusers unknown to CWS, but only those who have already been caught. Homeschoolers around the state should not have to abide by intrusive background checks and interaction with Social Services in order to educate their children.

Hawaii has, what I consider, wonderful laws for homeschooling. They aren't invasive, but they hold parents accountable to prove that their children are learning. At the beginning of the year a letter of intent or Form 4140 needs to be filed with the principle of the local public school our children would attend. At the end of the year, the burden of proof rests with the parents to report back to the school and prove that the child has progressed during the preceding year. There are many ways this can be done. We have the option to provide work samples or we can submit standardized testing scores. The law currently does a wonderful job of holding homeschoolers accountable. The current law protects our Keiki.

Secondly, this bill does not specify which type of previous interaction with CPS that will automatically disqualify a family from homeschooling. If a parent has been helped by CPS due to ignorance, but has taken parenting classes and shown that they are trying to be good parents will they still be denied? How long will a family be disqualified to homeschool after their case is closed?

If the goal of SB2323 is to prevent known offenders from isolating their children so the abuse can continue, the focus should be on them not homeschoolers as a whole. These parents have already been identified. They are already in the system. The state should make it illegal for those convicted of child neglect and abuse to homeschool for a set period of time and until the parents can prove they have taken parenting classes and are ready to educate their children.

While a family is under investigation for abuse and neglect, they should report to their case worker their child's attendance record.

If the goal of SB2323 is to catch new abuse cases and increase a child's interaction with mandatory reporters, I have two suggestions which would achieve this goal without infringing on a parent's right to privacy.

First, allow homeschoolers to participate in afterschool programs like sports, theater, music, etc. The homeschool community would embrace having their child participate in these activities.

Second, invite home educators to be trained as a mandatory reporter. Homeschoolers are extremely active in Hawaii. My children are involved in four different homeschool groups, an art class, music lessons, and ice skating. If homeschool parents were made mandatory reporters, there would be far more success in seeking out children who might be falling through the cracks.

I humbly ask that you vote NO on SB2323 and that we all come to the table with our ideas to face the tragedy of child neglect and abuse while also honoring a parent's right to privacy and to parent as they deem best for their children.

SB-2323

Submitted on: 2/13/2018 1:28:50 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
June Mather	Individual	Oppose	Yes

Comments:

Senators,

My name is June Mather. My husband and I homeschooled our four children from 1987 through 2009, during which time we served, and continue to serve, on the board for Christian Homeschoolers of Hawaii.

I would first like to commend the legislators for their efforts to stop child abuse and neglect in Hawaii. When I read the stories about child abuse, I am horrified at what these children were subjected. How can parents commit such cruelty against their own children is beyond understanding.

That being said, I am here to express my opposition and concerns with Senate Bill 2323 which would require parents who choose to homeschool their children to submit a letter of intent and wait until background checks have been completed by child welfare services before getting approval (or denial) from the superintendent.

Under the current homeschool law, Chapter 12 Compulsory Attendance Exceptions (<http://boe.hawaii.gov/policies/AdminRules/Pages/AdminRule12.aspx>), which has been in place since 1991, a parent who chooses to homeschool their child is required to file a letter of intent to the public school and then submit an end of the year report (narrative, test scores, or evaluation by a certified public school teacher). In other words, there is communication between the Department of Education and the family.

It appears the authors of SB 2323 have gathered information from the Coalition for Responsible Home Education (CRHE), an organization formed to “raise awareness of the need for homeschooling reform, provide public guidance, and advocate for responsible home education practices.” They also operate Homeschooling’s Invisible Children, which keeps a database of children who were abused and neglected. Their database includes Peter Kema Jr. claiming he was a homeschooled child who was abused by his parents.

In a previous email to Senator Kahele (date February 1, 2018), I pointed out that Peter Kema Jr. should not be counted as a child who was homeschooled as the Chapter 12 homeschool law did not apply to him when he was five years old. The information on the

Homeschooling's Invisible Children website is inaccurate and misleading and therefore should not be used to justify increased homeschool regulation.

You have probably heard or read a wide range of testimonies opposing this bill, including:

- The majority of homeschooling parents are loving parents who are committed to educating their children; this is true and SB 2323 acknowledges that.

- Homeschooling parents are assumed guilty until proven innocent. This is contrary to the principles of our Nation.

- Most homeschooling families in Hawaii do not homeschool in isolation. They are connected with other families through co-ops, church activities, extra curricular activities, etc.

- According the 2016 final report by the Commission to Eliminate Child Abuse and Neglect Fatalities, homeschooling was not a risk factor for abuse.

- There is no empirical evidence or logical argument that homeschooling should be regulated to protect children from any alleged potential harm.

This is all true. And the question that I have yet to see answered through this bill is, "How would this law stop child abuse?" The law would stop abusive parents from homeschooling their children but it would not stop them from abusing their children; abuse can occur any day, any time. The law would also not detect the abusive parent who never files a letter of intent.

Meanwhile, you delay parents with good intentions from home educating their child until they receive approval from the superintendent. Child welfare services will be tasked with additional work as would DOE officials.

I stand against child abuse and neglect, but let's look for a more reasonable and efficient way to protect our keiki in Hawaii!

Respectfully submitted,

June Mather

My name is Kyle Murai, and I am from the Nuuanu area. Our family has been homeschooling for almost 11 years. We have chosen to homeschool because we feel strongly about teaching, molding, and helping our children to learn and grow. I OPPOSE SB2323.

Statistically, SB2323 will burden homeschoolers with restrictive regulations that are unjustified.

The numbers do not add up. According to Brian Ray¹, almost half of child abuse occurs before the child is school aged, and in regards to fatalities, about 85% were among preschool aged children. In 2012, there were about 197 fatalities among some 55 million children. According to limited research, homeschool abuse cases occur less frequently than cases found through other forms of education. This brings the numbers of homeschoolers who are abusing their children to a mere fraction of total abuse cases. How will requiring potential homeschoolers to meet certain requirements and pass a background check catch the the majority of abusers that are abusing their children before the child is even of age to attend school? Furthermore, if a child is prevented from being homeschooled, how will you prevent a parent from abusing their child after school hours and on weekends? And, if you look at the research,² there is abuse being perpetrated by not only parents but school staff/teachers/officials and other students (bullying) as well. And to add insult to injury, if there is bullying or some other type of abuse occurring at a brick and mortar school, these regulations will only delay a child from being pulled from an abusive situation. As such, creating more regulations for homeschoolers will not catch the majority of abusers and prevent abuse, but it will infringe upon a parent's right to make decisions with their child's best interests at heart. In any society, there will be individuals who behave badly in every realm of not only education but in business, politics, government, Hollywood, sports, and the list goes on. It is hypocritical and very BIG brother for the state/government to believe they are the gatekeepers of the good and the bad, that they are able to control people and keep them in check. Ray states, "The government/state should not create laws that serve as pre-emptive dragnets in an attempt to catch adults before they might do harm to someone, whether a child or another adult. Doing such moves the state toward more oppression of the free people."³

Additional reasoning:

- If you are a parent, you are a teacher. Every parent essentially "homeschools" their child from birth. They "teach" their children in their own homes (e.g. how to walk, talk, take care of themselves, etc.). Homeschooling to us is a natural extension of parenting, and SB2323 is a giant step towards giving the state/government the authority to say who is fit to parent. This is absolutely dangerous oversight and control!
- It will require homeschoolers to undergo a vetting process and to pass a criminal background check in order to homeschool. This is an infringement upon our constitutional right to make educational decisions for our children as we see fit.
- It will be a big waste of time, money and resources which the state does not have.
- This bill is not a "solution" to the problem of abuse; it shifts the blame away from those ACTUALLY responsible (i.e. the state and the actual parents involved in the cases themselves) and seeks to undermine homeschoolers and uses them as a scapegoat.
- This bill discriminates against and targets a very small group (as homeschoolers make up a tiny fraction of all abuse cases), judges homeschoolers as guilty until proven innocent, and requires them to pass a "test" to see if they are fit to homeschool.

I therefore oppose SB2323.

¹ Brian D. Ray, *Private Homeschool Education: Research and Philosophy Show Government Control Not Needed* (Brian D. Ray, 2018), 4.

² Brian D. Ray, *Private Homeschool Education: Research and Philosophy Show Government Control Not Needed*, 4.

³ Brian D. Ray, *Private Homeschool Education: Research and Philosophy Show Government Control Not Needed*, 5.

SB-2323

Submitted on: 2/13/2018 1:59:14 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Sarah Grosjean	Individual	Oppose	Yes

Comments:

As a homeschool mother, I am opposed to SB 2323.

The bill found that research “emphasize[s] the need to provide safeguards to curb the abuse of children in home school settings.” Without a doubt, child abuse is one of the most heinous crimes in our society and a problem that many have tackled, including **President Obama who authorized the Commission to Eliminate Child Abuse and Neglect Fatalities**. This group traveled around the nation, studied reports, and interviewed CPS workers and parents for two years.

But, in their Final Report in 2016, home education was not mentioned as a way for parents to isolate and hide abuse. Rather, it found that 74.8% of child fatalities occur before the age of 3 and that poverty, single family homes, and certain ethnicities are the biggest factors in abuse. Additionally, the report on page 44, found that “a previous report to CPS is the strongest indicator of later death from injury. It is a sobering thought: Many of the children who will die today, tomorrow, or later this year have already been reported as possible victims of abuse or neglect to CPS.” The report quotes several studies, including Youth Law News XXVIII, that indicate anywhere from a third to half of child maltreatment fatalities involved families already known to CPS.

Such is the case for the heartbreaking story of Peter Boy. This bill touts his case saying, “without appropriate safeguards to protect abused children who are home schooled, the consequences can be fatal, such as Peter Kema, Jr.” But, preschool attendance is not mandatory and never was, so he didn’t even meet the Hawaii age requirements to homeschool.

Also, in this case and Shaelynn Lehano Stone’s, Child Protective Services was already involved and did absolutely nothing. In Peter Boy’s situation, they ignored the pleas of his foster parents and even a court-appointed psychologist and signed his death warrant by sending him back to his clearly abusive and psychologically ill parents. In fact, on April 13, 2017, a special master appointed by Third Circuit Court laid the blame solely at the feet of CPS: “it is probable that had CPS complied with their own standards and protocols and acted on this complaint as the law required, Peter Boy would be alive today.” Please note that it didn’t say, “had homeschooling not been an option, Peter Boy would be alive today.”

If you'd like to write a bill that prevents parents with open CPS investigations from homeschooling or would train our current CPS workers to better handle the cases they already have, I will support that 110%. But, it is ludicrous to tax the overly burdened and already unresponsive CPS and CWS system by mandating additional scrutiny of parents for their decision to homeschool. Homeschoolers already need to submit a notice of intent, yearly progress reports, and standardized tests for grades 3,5,8 and 10; and non-compliance is grounds for further investigation and revoking of homeschool rights.

We all want the best for our keiki; but a bill that couldn't even save the one child it's written specifically for, is not the answer.

Please vote "no" on SB 2323. Thank you!

Members of the Senate Education Committee and Senate Human Services Committee,

I didn't always plan on homeschooling my children. I am ashamed to admit now that I was once one of the many who let my ignorance turn into prejudice toward homeschooling. When my daughter turned four years old, I enrolled her in preschool. Then she attended Kindergarten at a local public school the next fall. She loved it. The next year, I enrolled her in first grade because that's just what you do. That year was different, however. Her dad deployed to Afghanistan for the second time in her short little life. Because of the time difference, it was very difficult for her to get a chance to talk to her dad via Skype. I remember sitting down and plotting the times they would even be able to talk into an Excel spreadsheet. The overlap was maybe 10 minutes before she had to get on the bus for school. She missed her daddy and my heart broke seeing that connection between them fading away. It was during this time that I found my way to homeschooling. If I could keep my daughter at home, she would be able to see her dad. She would be able to keep that connection with him while he was so very far away serving his country. When I finally decided to pull her out of first grade, I noticed an immediate change in her. She was happy and she was thriving. She wasn't being told to sit down and be quiet all day (as she was in first grade). I have nothing against public school. I think it's a fine alternative for those who can't or don't want to homeschool. In fact, I am so grateful I live in a free country where schooling children is made a priority. However, I am even more grateful for the freedom I have to homeschool my children. It gives us the flexibility to learn even among deployments, change of duty station moves and other life altering events. It has been a tremendous blessing to my family.

I am urging you to vote no on Senate Bill 2323 because I don't want other families to be denied or scared away from homeschooling their own children. I love this country, but I don't believe it is the government's responsibility or duty to raise my children.

Child abuse is a horrendous evil in this world. Whenever people see children being abused, we want to jump in and fix it. We want to do something to change it. We want to **do** something. I believe that is why this bill was originally created. No one wants to perpetuate child abuse! However, I feel that the authors of the bill missed the mark. In their intent to do something about child abuse, they have perpetuated untrue stereotypes about homeschoolers. They have pointed their attack at the wrong people.

I do not believe Senate bill 2323 will do anything to rectify the problem of child abuse. It won't get rid of child abuse and it won't deter people from doing it. All it will do is keep good people from wanting to try homeschooling and keep social workers so busy trying to monitor these homeschoolers that abused or neglected children will fall through the cracks. Instead of infringing on the rights of good parents who dutifully and diligently teach their children at home, we need to provide better assets for social workers to assist the children in our community who really need it. We need to punish the people who are abusing the children, not the people who aren't.

I hope you will use your legislative power to really do something about child abuse. I hope you will not let the opponents of homeschooling cloud your judgment into thinking that Senate Bill 2323 will. Please vote NO on Senate Bill 2323.

Thank you.

Sincerely,

Julie Prince

SB-2323

Submitted on: 2/13/2018 12:09:46 AM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Dawn Dang	Individual	Oppose	Yes

Comments:

Dear Senate Committee:

My name is Dawn Dang, and I have lived in Hawaii for 21 years. I have a Bachelor's of Science degree in Mathematics with a concentration in secondary education. I taught high school math at Hawaii Baptist Academy and started a company specializing in providing math and music training for preschool-aged children. I currently teach English as a Second Language online to children in China, and have been homeschooling for over 15 years. I have a 4th grader, 10th grader, and have successfully graduated my oldest daughter who won a prestigious scholarship from the US State Department to study in China for 9 months. My second daughter was one of 15 nationwide to receive an aviation scholarship to pursue her private pilot's license. They are healthy and thriving in the Hawaii homeschool community! All of my children have been heavily involved in the community through club sports teams, extracurricular activities, and regular community service. We stand with the committee against child abuse and are very saddened to hear of innocent children being hurt by the hands of their parents and guardians. However, we are in strong opposition to SB 2323 for numerous reasons.

First, child abuse can happen afterschool, on holiday breaks, and on the weekends. Limiting access to the option to homeschool and singling out one type of educational choice in hopes of protecting children from child abuse just does not make logical sense. There is no evidence that homeschooling increases the likelihood of child abuse! It is also discrimination to assume a population of the community is guilty until proven innocent solely because of their desire to have the choice to help their children learn in a safe and productive environment at home and/or in local homeschool co-op groups.

Second, there is no documentation or proof that the two child abuse cases that were mentioned in the bill were legally homeschooling. There are sufficient homeschooling laws already in place in Hawaii. If a person is going to commit a crime, they are not going to register with the school system and risk being caught. Both cases involved prior abuse reports which would not have been prevented even if this bill had been in place. How do you justify taking away parental rights to educate our children in the safety of our homes while week after week there are reports of dangerous activities and abuse happening in the Hawaii public school system?

Third, if this bill were to pass, the caseload burden on our already overworked CWS system would be overwhelming. Why would you want to take social workers away from their existing legitimate child abuse cases to do background checks and home visits to thousands of law-abiding and thriving families! The burden and incredible cost that this bill will cause the social workers, the school systems, and the superintendent would be unrealistic and potentially detrimental to an already overtaxed educational system!

Fourth, the wording in the bill does not require the superintendent to grant permission to families, even if there are no problems with the CWS reports. No timeline or time frame is given for the superintendent to respond to requests, and it gives the power of the decision to the superintendent. If processing the request to homeschool takes too long, our children will be forced to enroll in public school against our family desire. If our request is denied for any reason, we would be required to hire a lawyer and incur court costs to fight the denial. What is preventing the superintendent from deciding that the per child monetary benefit in the Hawaii public school system is more critical than granting permissions to families to homeschool?

Senate Bill 2323 does not protect children from child abuse. It will only take resources away from the Keiki that so desperately need help! Why is it okay to assume that I am a potential child abuser solely because I desire to homeschool my children. Please DO NOT pass this bill!

Sincerely,

Dawn Dang

I write to you as an eight year resident of Hawaii, homeschool parent in our sixth year, mom of three kids, military veteran, and active leader and member of the local homeschool community. I would like to take this opportunity to express my **dissatisfaction and opposition to SB2323**.

I oppose the bill as written. Its **current wording is too vague**, granting too much authority, flexibility, and leeway to the superintendent and department as a whole. Nothing stops discriminatory acts or injecting personal beliefs or preferences into the decision. The bill assumes they act in good faith, when corruption and agendas are all too common in today's world.

I object to the unwise, rushed passing of a bill that **doesn't have sufficient objective data to back it**. There is no evidence to suggest that SB 2323 would actually create the desired result of fewer child abuse deaths, but it would certainly require taxpayer dollars, manpower and time, while placing additional burdens on an already swamped educational system and Child Welfare Services, and your constituents who, by far majority, love their keiki dearly – with many choosing homeschooling, in part, in order to keep them safe!

I object to the assumption that homeschooling is a root cause or facilitator for child abuse. Many cases exist of terrible, heart-wrenching abuse where truancy or educational neglect is a factor. The guise of homeschooling as a cover for abuse is just truancy with another name. This bill might stop an abuser from *using the term* homeschool and **re-categorize the abuse to truancy**, but **the abuse would remain** and the child would still be in dire need of help. Money and resources will have been spent creating more hoops and red tape, to no avail!

This bill seems misguided and misplaced. **With limited resources**, we must be judicious, careful, and **wise in choosing how to allocate them** or we risk stealing them from an area in dire need.

I also oppose the bill because it **intrudes upon an American citizen's right** to be innocent until proven guilty.

I oppose the bill because **it's ineffective**. Background checks probably won't work. They don't prevent teachers and other school staff from abusing kids.

Most importantly, the **main factor we must consider is if this bill would achieve the results for which it aims. I strongly believe it will NOT**. Oppose and vote no on SB2323!

I would be happy to discuss the issue with you further and may even have an idea for a different bill that could potentially achieve the desired result. Mahalo!

Sincerely,
Laura Oliveria

SB-2323

Submitted on: 2/13/2018 6:31:56 AM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Lisa Reeder	Individual	Oppose	Yes

Comments:

Senators, I am a 21 year veteran homeschool mom of 4 children that I dearly love. My oldest is my home educated biological child who is a college grad that now holds a full-time job with a reputable firm here in Honolulu. My 3 home educated middle schoolers are all adopted from China. My husband, who is retired from 24 years active duty Navy service, and I had to pass numerous background checks in order to complete our homestudies for each child's adoption. And we did. And they became our children. We have submitted letters of intent, school work samples, and testing scores in accordance with the current homeschool law which is fair, reasonable, and sufficient. To require us as their parents to be subjected to such back ground checks and more is preposterous. This assumes us guilty until proven innocent. There is no justification for these investigations on homeschool parents and any other adults in the home without probable cause. There is no justice or fairness in singling out homeschool families/parents. I respectfully remind everyone that we live in the land of the free and the home of the brave. Please uphold these freedoms and withdraw SB2323. Thank you.

SB-2323

Submitted on: 2/13/2018 11:58:52 AM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Sally Suemoto	Individual	Oppose	Yes

Comments:

Dear Senators,

Aloha from a concerned homeschooling mother who has previously worked as a CPS/CWS social worker. I strongly disagree with SB2323 as it will take away from real CWS investigations, not to mention it may take several visits over weeks/months and different environments to establish a conclusive decision of abuse or neglect. If you expect CWS to just "take a look around", that is an insult to the hard work they actually do. Abuse and neglect cases such as Peter Boy Kema, and Shaelynn Lehano fell through the cracks because the system is already overburdened.

From my personal experience, I feel this bill will further burden the social workers to investigate unfounded at-risk cases. I have not heard of any studies that found homeschoolers to be at high risk for abuse and neglect. If there are, please provide references. This bill implies that homeschooler are "guilty until proven innocent". **This is the same thing that the Japanese-Americans were accused of during WWII, they were "guilty until proven innocent".** This resulted in the Japanese-Americans being put into internment camps. I feel this implication on homeschoolers is not far from the atrocity that Hawaii sadly endured decades ago.

Even though I strongly condemn child abuse and neglect, I oppose SB 2323's changes to Hawaii's homeschool law. In March 2016, Congress's national Commission to Eliminate Child Abuse and Neglect Fatalities published a report calling on state legislatures to take a broad and holistic approach to preventing child abuse. The Commission identified several key risk factors for abuse - which DID NOT include homeschooling - and encouraged state legislatures to carefully study the causes of child abuse locally to identify real solutions. **The Senate should pause and consider the Commission's recommendation before it dramatically reshapes Hawaii's homeschool law.**

Very Sincerely and Respectfully,

Sally Suemoto

Aloha and thank you for taking the time to carefully read my testimony in opposition to SB2323. I respect your time and efforts so I will try to make my statement brief.

Some background on me:

I have long been an advocate for children's health and safety. I spent a year with AmeriCorps as the Youth and Family Services member in Omaha, Nebraska, where I created and implemented programs for local children's well-being. Later, I minored in sociology, writing my senior thesis on the topic of family violence. I spent a year interning at a domestic violence shelter during that time. After college, I became a public school teacher with Hawaii Public Schools. My heart has always been with the children, so when I had my own, my husband and I spent years finding the right school environment for them. We tried private preschool, then public kindergarten (where my anaphylactic allergic daughter was not physically safe), then we tried a hybrid home-charter school (Hawaii Technology Academy) before we settled on complete homeschooling.

1) Why I oppose the bill as written:

I do not oppose CWS or background checks on homeschool families. However, giving a superintendent the means to deny a homeschool request without specific parameters for such a decision could potentially open the door for administrators to turn down requests based on any criteria (perhaps the student is high performing and the district could use better scores, for instance). The ensuing court case would be a drain on our judicial system.

How the bill could be altered to be more effective:

If the superintendent is given such a power, the parameters for denying the right to homeschool must be clearly stated so that there is no room for false denials. I think we can agree that if a parent does not have clean CWS/background records to support their ability to homeschool they should also no longer have custody of their children, in which case it should also be written that a denial to permit homeschooling should be reported to CWS as well.

2) Why I oppose the bill as written:

Likewise, running CWS checks uses precious resources that could be used to find more likely abusers or to follow up more thoroughly with families who need it, rather than letting them fall through the cracks like they did in both cases cited behind this law (Peter Boy was under the compulsory age of school so wouldn't have had the "public school protection" anyway, and instead should have had his case workers following up on him, and the little girl who was starved to death died within two months of being withdrawn from school, the same amount of time that passes during summer break).

How the bill could be altered to be more effective:

It should be made illegal to homeschool if a parent or guardian has been found guilty of child abuse or neglect. CWS should require proof of student enrollment in public or private schools when following up with families with known histories of violence or neglect. This would eliminate the need for extra checks being run on families without such history.

Alternately, students could be asked to submit a statement of health and wellness from a physician at varying times in their educational career. This gives the child a chance to interact

with a mandatory reporter, while giving the school system reassurance that the student is thriving in their homeschool environment.

3) Why I oppose the bill as written:

The public school environment was unfortunately not safe for my anaphylactic daughter and not allowing parents to begin homeschooling until they receive approval (even if the goal is to have approval or denial within 5 days) could potentially put other children's health or even their lives at risk. We also all know how long these kind of checks might actually take, meaning the superintendent may not have completed the checks before making a decision.

How the bill could be altered to be more effective:

If, even with the many suggestions received through this testimony period, SB2323 passes committee, one revision is a must- parents must be allowed to begin homeschooling before they receive approval and whomever is completing the background and CWS checks should be the ones held accountable to the timeline they're given. While teachers need background checks before working with their students, that is because they are not the children's parents. Parents have the right to keep their children at home unless, and until, proven that they aren't able to properly care for them.

Finally, the public schools have another opportunity to encourage homeschool students to interact with mandatory reporters. Currently individual schools are under no obligation to offer activities for homeschool students. If homeschool students were allowed to utilize partial enrollment in public schools or even just in after school activities or sports, our students would benefit, and the state would get more children in an environment with mandatory reporters. I believe this is another bill in committee now.

Let us remember that the primary purpose of public education is to educate the children. Exposure to mandatory reporters is a secondary benefit, so in regulating homeschooling it should be viewed in the same light. If the schools/government is truly serving students' best interest, their primary goal should be to ensure students are receiving education. If the schools were better equipped to enforce current homeschool legislation, the ability of a parent to remove a child to isolate and neglect or abuse them would be greatly diminished. Simply by taking the time to compare students' end of year reports and standardized test scores, schools will have the opportunity to catch red flags when presented with them.

Mahalo for your time and consideration. I know you will read and hear many moving testimonies from homeschool families who feel threatened by this proposed law. Please remember we all have the same end goal, to protect our keiki from harm and offer them the best education they can receive.

Michelle Okimoto
michelleokimoto@yahoo.com
Waianae Resident

SB-2323

Submitted on: 2/13/2018 11:24:25 AM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Scott Suemoto	Individual	Oppose	Yes

Comments:

Dear Senators,

I am writing to you urging you to reconsider supporting SB 2323.

I grew up in Hawaii's public school system, from elementary through high school. I am grateful for the time and experiences learned. I have lots of loved ones that currently work (very hard) in our public and private school systems.

When I became a parent, I just assumed my children would take a similar path, because in my mind, that was the only option. Private school was not (and still isn't) an affordable option for us. We were introduced to homeschooling through another family at church. To be honest, I was hesitant about homeschooling our children. I was concerned about all the misperceptions about homeschooling. Will our children be socially awkward? How are we equipped to "school" our children? Where the heck do we even start? After long discussions and prayer, we decided to homeschool our children, starting with our daughter. She had gone to a public charter school for Kindergarten but we decided to homeschool full time from 1st grade on and I have ZERO regrets. The deficiency in the public school in our area was a factor in deciding to homeschool but it was not the main reason.

We felt that homeschooling our daughter, and then our son, provides them with a wider experience of LIFE. Although I feel academics is important, if that were the only goal for our children, I would work two or three jobs and commute for hours a day (contributing to the already overcrowded roads) to accomplish that goal. But life is more than academics. How many children actually learn in the institutionalized classroom setting, where the ratio of teacher to students can be 1:20, 30 or even more? Life is about curiosity, trial and error, learning life lessons that can actually be applied as they get older (how often have I had to recall history lessons as an adult? Almost never).

Our children have the opportunity to "learn" in so many different ways. There is no ONE way to homeschool. As each family and child is different, so is the approach. That's the

beauty of homeschooling. There is no cookie-cutter way to educate them. They are uniquely created and learn uniquely. In the institutionalized school system, if a child is falling behind they either get left behind or have to get remedial training - both of which is damaging to an already fragile psychological development of a child.

Doing “school” for 8 hours a day does not mean the child is learning. Homeschooling allows for flexibility. We can homeschool anytime we want, anywhere we want and, for now, anyhow we want. Want to learn about Ocean Science? There’s a huge laboratory for that...it’s all around our island. Biology? Let’s take a hike and get lost (not literally). Remember the lost art of Home Economics? Let’s cook breakfast and learn how to make omelettes. My children have become lab assistants, sous chefs, laundry kings (and queens), janitor (nothing wrong about that), auto mechanics and landscapers. I know of other children (who are the same ages) that do not know how to put laundry in the washer or cook rice or peel carrots. Basic life skills, no?

Children that are in the institutionalized school system are forced to conduct extracurricular activities outside of “school hours”. Sports, music, etc. are all done in the late afternoon or early evenings and then for the majority of weekend. I grew up playing community league baseball. No complaints. Loved it. Made lifelong friends through it. But with all these activities taking up time outside of “school hours”, where does that leave FAMILY time? Children are often tired after a long day of school and extracurricular activities. Sleep is critical to a child’s development and it’s already being stunted at such a young age due to the expectations placed upon them by parents, coaches and teachers. Where is the free time to read leisurely, create forts out of blankets and pillows, have meaningful conversations at the dinner table (without electronics)? Where is the ability for spontaneity on the weekends for a beach day or fishing if it’s all taken up by shuttling children to and from the next activity?

I believe that homeschooling allows my children to learn at their own pace, instead of forcing them to a certain “standard” that is outdated with more of a political agenda than focused on our children’s education. Why is there a “standard” of schooling anyway? Why are we forcing children to stick to a certain “standard” of living? Isn’t that autocratic?

Speaking of autocracy, socialization is a major misperception about homeschooling. We do not keep our children cooped up in the house all day. As mentioned above, they go out and do activities outside of the house way more than I ever did as a child. They

have lots of friends. They are well socialized. And besides, what is the most common thing kids in institutionalized schools get in trouble for? You got it...socializing.

By taking away the parents' right to choose how to educate their children opens up a pandora's box to regulate families in general. What's next? Restricting where families live in order to resolve traffic problems on the road? Preventing families from driving certain vehicles that don't meet environmental "standards"? Do you see how ridiculous this sounds? Requiring parents to go through unnecessary hoops (sometimes set on fire) to justify educating their OWN children is a waste of taxpayers' time and paperwork.

CPS is already underequipped to handle actual abusive and dangerous familial situations. No fault of their own, that's just the way it is. The public school system is already overwhelmed and overcrowded (see above ratio). What about the organizations that support and provide resources for homeschoolers in Hawaii? Kroc Center. Myron B Thompson Academy. Other public charter schools. YMCA/YWCA. How would this bill negatively impact these organizations and the people who work for them?

It was a sad tragedy of what happened to Shaelynn Lehano and Peter Boy Kema. Let's take nothing away from that. Homeschoolers currently have rules and regulations in place. And we are very responsive and timely to ensure we are meeting them. Adding further regulations that will take up countless man hours and forests of paperwork will be an unnecessary burden upon not just the homeschooling families, but everyone involved. This is a negative ripple effect.

Please reconsider supporting SB 2323. It will only further hinder the next leaders of Hawaii, the nation and the world.

Sincerely,

Scott Suemoto

Proud Homeschooling Father, Devoted Husband

SB-2323

Submitted on: 2/12/2018 12:11:45 AM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kara Sahito	Homeschool Mom	Oppose	No

Comments:

This proposed legislature is extremely harmful to homeschooling families here in Hawaii and sends the wrong message to all children about education. Hawaii is already a state that has stronger homeschooling regulations, in comparison with many other states, and this bill would make a gross overreach of the states power to control the lives of our children. For a school official to have the power to dictate how our children learn is simply wrong.

One case of neglect is not indictive of an entire population of homeschoolers. Every homeschooling family I have ever met has chosen to homeschool their children because they love them and want to help them be independent and succeed at their own education. That's why I homeschool. Homeschoolers are confident, smart, and have the freedom to pursue their passions and learn all they can. Why would we want to limit that kind of growth in our youth? Treating homeschooling families like criminals is not the answer!

SB-2323

Submitted on: 2/13/2018 1:57:37 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Melani Sunia	Individual	Oppose	No

Comments:

I oppose Bill SB2323 because it will restrict my right as a parent to educate my children according to my standards and values. If that right gets taken away, whether the Superintendent gives me permission to homeschool, who knows what they school system will teach my child? I cannot allow other people's mistakes and their sins, to affect my right as a good citizen, and my right to homeschool my children according to what I as a parent deem right for them. I took my children out of public school because of the manifestation of certain characters that were not taught at home, but they picked up from school, from their friends. My goals for homeschooling is to teach and train my children to know Jesus, and to make Him known. Do I need permission from the school system to do that? Do I need another person's permission to teach my child how to apply Godly principles into their daily lives and how to learn to make responsible and wise choices? If my kids end up being back in school, will their teachers have the time to train them certain principles in the bible that prepares them to be a adult?

February 13, 2018

Aloha,

My name is Lynelle Troche McElhannon and I currently live with my family of 5 in Ewa Beach. I was born and raised in Kauai but completed Graduate studies in Public Health and Social Work at San Jose State University. For years I was a mandated reporter while living in California. I worked in juvenile detention, WIC, home visitation, hospital health, and overall health education throughout Contra Costa and Santa Clara County.

Today, I am a home educating mother to three amazing children - 2 in elementary school and 1 in middle school. I also coordinate a group - Home Educated Keiki comprised of 138 home educating ohana. It is through this active group where we participate in many co-ops, field trips, hikes, educational workshops and health/fitness activities. It is through this group where ideas are shared, relationships are nurtured and home educating parents receive support. I also am a Coach and Board Member for AYSO Region 769 - American Youth Soccer Organization and spend a minimum of 6 hours a week at the soccer field with children from all educational backgrounds.

I am writing to you today because I first want to commend the local legislators for their effort to stop child abuse and neglect in our community. Through careful review of the last Child Abuse Report 2015, it became apparent that the age group where most abuse is conducted is keiki aged five years old or younger -- with most being one year old and under. Forty-four percent of abuse is happening in the four and under group according to this report. Unfortunately, SB2323 is targeting school aged keiki. The group that efforts should be targetter towards are the non-school aged group of keiki as this is where the problem is the highest.

As much as I agree with you and commend you for your efforts I strongly oppose the SB2323.

Peter Boy Kema entered the system of Child Welfare at a under-school age, which meant that when he finally passed away, he had become a child who "fell through the cracks" of the current CWS system here in Hawaii. It appears that the current system, is failing our most innocent members of society - Hawaii's own keiki. What happened to Peter Boy should NEVER have happened had our system -- CWS -- worked as it was supposed to.

Now, I think we both can agree that an abusive parent can abuse their child any time of the day, weekend, school break or after school. Imposing a law such as what this bill is calling for will not change the abuse.

As a Public Health Educator with many years in Social Services, I join with you to stop child abuse and neglect. Creating a more reasonable and efficient way to stop the abuse of our precious keiki in Hawaii.

Please, let's figure out a way to enforce the current homeschooling law in Hawaii. I suggest we figure out a way to enforce what we currently know to be required.

I leave with you a final thought -- our keiki are our most precious investment. Most home educating ohana care too much to maintain environments where they are not achieving the best they can be.

They are the only ones who will carry on the ideas of our Hawaiian Culture and the Aloha that Hawaii is all about.

Mahalo for all that you do,

Lynelle Troche McElhannon, MPH
91-1540 Pukanala Street Ewa Beach
808-840-0047

SB-2323

Submitted on: 2/13/2018 11:36:00 AM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Rebecca Canevali	Individual	Oppose	No

Comments:

Welina mai kakou,

We are a homeschooling Ohana here in Hawai'i and we oppose SB 2323, which would automatically treat all homeschooling parents as suspected criminals and child abusers. Department of Education regulations already instruct school officials to contact social services if they believe a homeschooled child is suffering from abuse or neglect. Rather than presuming that homeschooling families are guilty until proven innocent and saddling social workers with the task of conducting routine records checks on thousands of homeschooling parents and children, the Senate should pursue policy changes that will give social workers the staffing, training, and resources they need to respond to allegations of abuse and neglect.

Furthermore, one of the determining factors that led us to Homeschool our children was to specifically keep them safe from bullies within the public school system. There was a situation that occurred where two of my daughters were bullied by their bus driver; and when I reported the incident it was not taken seriously. The bus driver was able to keep their job when clearly someone who would bully elementary children should never be allowed near them. In addition to their well-being, when my children are sick I need not worry about them spreading their sickness to others. A perfect example would be when my daughters were continuously sent home for head lice due to other people not properly caring for their child/children. This situation occurred numerous times and led to necessary absences. We not only paid for the necessary medicines and took the proper steps to treat our home; I also had to take time off from my full-time job. After all this I was then sent a letter by the school in regards to my daughter's absences. In this letter they required me to attend a meeting to explain her absences and if I refused they threatened to take me to court. Since we began homeschooling three years ago we no longer have any of those disruptions to my children's education. My children are safe, happy, and learning perfectly fine in the comfort of our home. Homeschooling has been the best decision we have made in regards to their overall wellbeing and their education.

Please oppose SB 2323 for the future of Hawai'i's keiki.

O wau no me ka ha'aha'a,

Rebecca M. Canevali

SB-2323

Submitted on: 2/13/2018 1:45:29 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Katrina Hovanski	Individual	Oppose	No

Comments:

To all involved, especially those Senators and Representatives of Hawai'i Island, I respectfully address you herein:

I oppose SB 2323, which would automatically treat all homeschooling parents as suspected criminals and child abusers. Department of Education regulations already instruct school officials to contact social services if they believe a homeschooled child is suffering from abuse or neglect. Rather than presuming that homeschooling families are guilty until proven innocent and saddling social workers with the task of conducting routine records checks on thousands of homeschooling parents and children, the Senate should pursue policy changes that will give social workers the staffing, training, and resources they need to respond to allegations of abuse and neglect.

As a citizen in your district who homeschools, I am very disappointed that HB 2323 is attempting to make major changes to Hawaii's homeschool law without first discussing those changes with the homeschooling community. In addition to being parents, homeschooling parents are also taxpayers, voters, and, most importantly, teachers. We care deeply about the education of our children-so deeply that we have given up careers, overcome financial hardships, and devoted hours each day to provide them with an education, all without receiving benefits or pay. If this bill affected any other Hawaii teachers, they would have been consulted. I'm very disappointed that homeschool teachers were not afforded the same courtesy by their elected legislators.

The Constitution of the United States upholds the freedom and rights of the citizens of our country. Those rights are for homeschooling families. Parents know what is best for their children. SB 2323 would take those rights from the 'Ohana of Hawai'i and give it to the State. 'Ohana is what our society is built on. If 'Ohana loses its rightful power then our society will fail. Please carefully consider these things.

I have been so exhilarated by all of the wonderful resources we have here in our beautiful state! I have been enriched and invigorated by the energy I experience as homeschooling families gather together throughout the year. I have been challenged and inspired as I see and experience young people reaching out and helping in our communities. I want this beautiful and strong community to thrive and continue to grow. Please oppose SB 2323. Thank you so much for your thoughtful consideration in this very important matter.

Mahalo and Aloha,

Katrina Hovanski

Aloha,

As a second generation homeschooler (dating back to 1986), as a current foster and adoptive mother (since 2011), and as a homeschooling Mom to our 6 children (2 of which were adopted through foster care here in Hawaii), **I stand strongly opposed to SB 2323.**

SB 2323 unjustifiably draws a connection between homeschooling and abuse, questions the innocent to search for the guilty, weighs down an already burdened system, and ultimately takes away our parental freedoms regarding personal education choices.

There is no study finding a connection between homeschooling and abuse. **President Obama commissioned a team to travel the U.S. for two years to strategize how to “eliminate child abuse and neglect fatalities.” The 2016 150-page report did not name or identify homeschooling as a known risk for abuse.** Children ages 3 and under are the highest at risk and make up 75% of the victims. In addition, children from single homes, children who have parents with a history of drug abuse, or families already in the Child Welfare Systems (as in the case with Peter Kema’s family) are among those with greater risk for neglect and/or abuse. Homeschooling is not a risk factor.

In addition, one of the most powerful principles in America’s justice system is that a defendant is innocent until proven guilty. **If we seek to homeschool our children here in Hawaii, are we automatically put on trial, so to speak, to defend and prove our innocence, even when no harm or laws have been broken?** In a sense, this bill would flip this process around deeming homeschoolers guilty until proven innocent. We are left to prove ourselves safe and capable of homeschooling and then required to accept the approval or rejection of our desire to teach our children at home. This goes against the heartbeat of our great and free country.

To add insult to injury, our state systems would get further buried in the process. As Resource Caregivers (foster parents), our first-hand experience in working with the Department of Human Services (DHS) and Child Welfare Systems (CWS) over the past 7 years causes me to be immensely concerned for our state’s systems. Our case workers are already overworked, overburdened and overstressed. There are not enough workers to do this great task of monitoring, checking, and being a part of the approval process for families to pursue or continue homeschooling their children. **The caseworkers, aides and office personnel are currently inundated with calls, emergencies, follow-ups, meetings, court hearings, reports and other similar tasks to do their job to the best of their abilities. They work hard, but cannot meet all of the needs of our communities.** To imagine adding to their already bulging schedule and finite capacity to serve our communities, is unfathomable.

Unfortunately, **the very real cases of neglect and abuse will fall through the cracks with the CWS’s attention so greatly divided in unnecessary ways.**

Furthermore, our local schools would also be burdened with unnecessary reviewing and approving/rejecting families regarding homeschooling. Our local public elementary school is already 200+ kids *over* capacity and still growing. With being over capacity, in size and responsibility, how thorough will the school staff be in approving or rejecting various homeschooling families? Will they just send everyone through (or stop them) without a second thought? **Will anything really be accomplished, other than giving the state the power and authority to tell parents what they can and cannot do?**

Though my personal interaction with our local schools has been a positive one, seeking *approval* from them goes against our constitutional right to choose to homeschool.

Parents have the legal right and responsibility to meet the needs of their children physically, emotionally, spiritually, and mentally. For many families, these needs are best met through the avenue of homeschooling. To have that freedom potentially and unjustifiably removed at the whim and judgment of a state employee is downright wrong.

As it now stands, the homeschooling system in Hawaii strikes a healthy balance between respecting a family's desire to homeschool *without* requiring approval to do so, and maintaining regular contact with local schools and officials through filing an intent to homeschool and also submitting an annual report of each child's progress.

Please reject SB 2323. It does not need amending, it needs to be thrown out completely. It is not the solution.

Respectively,
Amanda Halverson
Homeschooling Mom to 6 keiki on Maui

SB-2323

Submitted on: 2/13/2018 1:28:56 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Lori Westerfeld	Individual	Oppose	No

Comments:

As the mother of a preschooler, I STRONGLY oppose SB 2323, which would automatically treat all homeschooling parents as suspected criminals and child abusers.

The Department of Education regulations already instruct school officials to contact social services if they believe a homeschooled child is suffering from abuse or neglect. Rather than presuming that homeschooling families are guilty until proven innocent and saddling social workers with the task of conducting routine records checks on thousands of homeschooling parents and children, the Senate should pursue policy changes that will give social workers the staffing, training, and resources they need to respond to allegations of abuse and neglect.

This bill requires my husband and I to seek permission to raise our family in the way we deem best. As law abiding citizens, familial choices should be in our hands and not those of government officials.

Thank you for your consideration,

Lori Westerfeld

SB-2323

Submitted on: 2/13/2018 10:28:32 AM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Ricky Eilerman	Individual	Oppose	No

Comments:

I am wholeheartedly opposed to this bill. I find it ludicrous that the State feels they know better what is better for my children than I do. I have 4 adopted children and have been homeschooling/distance learning for over 10 years. My children are excelling and my oldest has been accepted to every college he applied to with honors. He starts in the fall. I can guarantee that our home techniques are far superior to the public school system, where my oldest would have been lost.

It is no secret that the public school system is failing out children, with Hawaii being one of the worst Education systems in the Nation. I refuse to allow my children to be forced to go to public school as they have special needs and focused attention that the public school does not offer. This is socialism at its best.

If this bill is passed, I will vote with my feet and leave this state. They are MY children not Hawaii's. Before I adopted two of my children they were in 1st and 3rd grade. NEITHER could read, write or do math. ONE year under my homeschooling they were not only caught up but getting ahead. You will NEVER see results such as this in public school.

To sum this up, I refuse to allow the state, the county or anyone else determine what is best for my children. That is my RIGHT as a parent to decide the best course of action for them. In addition, I am a Pastor that occasionally performs field mission in foreign countries. Homeschooling is the only option for us to be able to fulfill this mission.

Sincerely,

Pastor Rick Eilerman

I am a father, a law abiding, fluent Hawaiian speaking, citizen, and I have 3 children who are currently being homeschooled. I am a former teacher who cares about all children, including my own. I oppose SB2323. This bill automatically treats parents who choose to homeschool as criminals having to go thru criminal background checks and approval on how they choose to educate their own child. It grants to government permission to ask for any information deemed necessary. It also states that our rights as parents to choose homeschool can be denied for absolutely any reason. Any reason. Additionally, there are no specific guidelines in which an approval nor denial are to be given, therefore making this process completely subjective to any singular individual. This opens the door to potential complications down the road.

Secondly, this bill was built on the premise of protecting our children and preventing child abuse. In the research literature, there is no link between homeschooling and child abuse. The CDC states the known risks for child abuse and homeschooling is not among them.

<https://www.cdc.gov/violenceprevention/childmaltreatment/riskprotectivefactors.html>

Instead, let the Senate consider giving consequences to all of those convicted child abusers by banning THEM from ever homeschooling their children. Allow the agencies and schools to work in tandem in informing each other so that all those convicted will not be allowed to hurt children ever again. Do not punish those who have never harmed their own children.

Lastly, I would urge you to to discuss more effective ways of preventing child abuse without punishing the innocent, as well as meeting with homeschooling parents before making any rash decisions.

Vote NO on SB2323.

Mahalo,
K. McCabe

SB-2323

Submitted on: 2/13/2018 10:08:28 AM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Tara Qalo	Individual	Oppose	No

Comments:

As a homeschooling parent I am deeply concerned about my child's education, character, and safety. I am also concerned about child abuse in Hawaii both in homes and in public and private schools. Bill SB 2323, however, singles out homeschooling parents and clearly violates our constitutional right of choice of education by treating us as guilty before any evidence. This is a governmental over reach into the privacy of our homes.

SB-2323

Submitted on: 2/13/2018 8:09:51 AM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Stacy Huerta	Individual	Oppose	No

Comments:

I have home-educated 3 children for 16 years. We began home-educating in Alabama, a non-home-school friendly state. We complied with the laws and home-schooled for 9 years. We then home-schooled in a Florida for 4 years. Our kids were on the swim team for a Christian School as well as track and field. My son graduated with honors, went on to college and is now serving in the United States Coast Guard. Our Oldest daughter just graduated high school here in Hawaii. I have nothing to be ashamed of and would welcome anyone to view my home, but I absolutely oppose this bill. It is an attack on our parental rights to educate our children according to our family values and religious beliefs. It breaks my heart what has happened to the abused children but you can be assured they were NOT home-educating their children, they were abusing them. Please consider the repercussions and do not lump all people who say they home-school into the same group.

SB-2323

Submitted on: 2/13/2018 10:00:49 AM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Shelley	Individual	Oppose	No

Comments:

As a former Educator and current Homeschool parent of two, I oppose this bill.

We are a retired military family from Hawaii living in Ewa. We pay our taxes and we vote in this state. We work hard to improve the quality of life of everyone in this beautiful state. As parents we have the constitutional right to educate our children in customized ways which best fit their needs. Through this proposed bill you are demonizing and criminalizing this positive nurturing activity.

Come along side us and support us for educating or keiki's at home. Don't presume homeschooling parents are child abusers. Don't assume that we are guilty until proven innocent. Homeschooling our keiki makes Hawaii smarter, safer, healthier, and stronger.

Vote NO on SB 2323. Legislation should be based on sound peer-reviewed research. Homeschooling laws in the state of Hawaii should remain unchanged.

DATE: FEBRUARY 13, 2018

COMMITTEE ON EDUCATION

Senator Michelle N. Kidani, Chair
Senator Kaiali`i Kahele, Vice Chair

COMMITTEE ON HUMAN SERVICES

Senator Josh Green, Chair
Senator Stanley Chang, Vice Chair

RE: Senate Bill 2323

Position: Oppose

Dear Chairs Kidani and Green, Vice Chairs Kahele and Chang, and Committee Members:

My name is Anuhea Maeda. I am a homeschool graduate and currently homeschool my five beautiful children. I love the way homeschool gives me the freedom to tailor my children's education according to their specific needs and allows me more time to invest into their lives than I would otherwise have if they were to attend a public or private school.

I commend the legislature for their efforts to stop child abuse and neglect in the state of Hawaii, however I strongly stand against Senate Bill 2323 because it will not help solve the problem of child abuse in our state.

An abusive parent could avoid the law by simply choosing not to submit a letter of intent and therefore keep their child hidden. This law also fails to protect the 44% (Hawaii DHS CAN 2015) of abused children that are ages 4 and under. And while this law seeks to protect children, it will be violating the privacy and rights of thousands of law abiding homeschool parents and families. There is no data that proves children that are homeschooled are more likely to be abused than children that are in private or public school. It's disconcerting that homeschool families would be the only ones that would be required to undergo mandatory investigation through child welfare services and criminal background checks simply for choosing a completely legal and viable education option.

I find it interesting that in the case of Peter Boy Kema, the bill targets homeschool as being the problem when it clearly states that he was abused from when he was an infant. It wasn't homeschool that killed him. That poor boy shouldn't have been with his parents in the first place. Even if he had been in school, he still would have gone home every day to his abusive parents.

It is also ironic that the measures in this bill indicate an assumption that homeschool parents should be characterized as abusive parents when the two entities couldn't be more different. Homeschool parents are so dedicated to their children and their education that they are willing to sacrifice their careers, time and money in order to meet that need. Treating homeschoolers as guilty until proven innocent is unlawful, unfair and discriminatory.

A government that seeks to protect vulnerable children should also be seeking to empower law abiding families that contribute to the community in positive ways by allowing them the freedom to live according to their convictions without infringing on their rights. The strength of a community is in it's families. We can work to find a more reasonable way to protect the children of Hawaii.

Thank you for your time and for the opportunity to provide testimony.

Sincerely,

Anuhea Maeda

SB-2323

Submitted on: 2/13/2018 12:21:22 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Christine Morrice	Individual	Oppose	No

Comments:

I am currently a parent that has been homeschooling my six-year old daughter for the past four years and my three-year old son for the past year. I have several reasons for homeschooling, many of which are shared by other homeschooling parents.

The first is that I believe I can provide an excellent, customized education in a small classroom environment, adjusting the curriculum to their different temperaments. The second is that while we would like to send our children to the private school of our choice, as a family of three, we simply cannot afford it in the state that has the highest cost of living in the US. To severely restrict the homeschooling option would do a great disservice to middle class families simply trying to provide a good education for their kids in Hawaii.

The results speak for themselves. Every year, per current laws, I submit an annual report to the principal of our district school in the form of the results of nationally normed standardized test. Every year, my daughter exceeds national standards by one, or even two, grade levels.

I believe current laws, which are considered moderately strict compared to other states, are sufficient enough to monitor a homeschooled child's progress in their education. One has to ask whether the parents of the few unfortunate children that died as a result of abuse in their homes submitted annual reports and whether that was followed up on. Media reports already indicate that Child Protective Services were negligent in their follow-up of these cases.

The third, and perhaps, most important reason we homeschool is to keep our children SAFE, so it is ironic that this bill was introduced to protect children from "danger". In the homeschool environment, the source of potential danger are the parents. In the private or public school environment, the sources of danger are much more: several teachers, coaches, school staff, other students and even strangers that wander onto school property or victimize children on the way to and from school.

According to the Hawaii Health Data Warehouse, 7,500 Hawaii high schoolers reported being bullied, 2,800 high schoolers were threatened/injured, and 10,400 high schoolers were offered/sold/received drugs in the last 12 months in 2015 alone. And this is just at

the high school level. In fact, the State Department of Health in Hawaii reports that suicide is the first leading cause of death among ages 15-24 in Hawaii in 2017.

Many homeschoolers, including myself, do not homeschool in a vacuum. Most of us are part of a weekly co-op where all parents participate to teach and supervise each other's children. Parents look out for each other's children in a supportive environment, which is safe because of the high parent:student ratio.

As the recent scandals at USA Gymnastics and Kamehameha Schools show, child abuse is not confined to the home alone. Despite the fact that staff at these establishments have access to dozens, and even hundreds of young children and young adults, there are no restrictions on them on the scale introduced by this bill for homeschooling families. I know this because my daughter is also in the gymnastics team at a local gym here.

The Honolulu Advertiser recently reported that dozens of homeless children who have run away from abusive homes (that are low-income, rather than homeschooling homes), are now at high risk of being victimized by criminals or committing crimes themselves. In fact, 88 percent of those surveyed reported using drugs recently. These are the segments of society that should be focused in.

I respectfully ask whether this bill adequately addresses the issue of child abuse and neglect in society given the scale and other potential sources of child abuse that are more statistically proven and realized. It certainly does not seem to be good use of limited state resources and will have a limited impact on protecting children from abuse. Most importantly, this bill assumes that parents are not capable of caring for their own keiki because of a select few grossly abusive parents. This premise is dangerous for a cohesive family unit, which is the building block of society, Hawaiian or otherwise.

DATE: February 13, 2018

COMMITTEE ON EDUCATION
Senator Michelle N. Kidani, Chair
Senator Kaiali`i Kahele, Vice Chair

COMMITTEE ON HUMAN SERVICES
Senator Josh Green, Chair
Senator Stanley Chang, Vice Chair

RE: Senate Bill 2323

Position: Oppose

Dear Chairs Kidani and Green, Vice Chairs Kahele and Chang, and Committee Members:

My name is Darren Maeda. I work as a mobile service technician to support my family while my wife homeschool's our five children at home.

I'm thankful to live in a state that wants to protect innocent children in abusive homes but I stand strongly against Senate Bill 2323 because of the excessive and invasive requirements it puts on law abiding homeschool families.

The homeschool laws that are currently in place are not even being strictly enforced and to require more oversight from the already overtaxed state system is impractical and will take valuable resources from children who truly need them. A follow through on the letters of intent to homeschool and the yearly required submittals is sufficient to ensure the education of the children that are homeschooled. Any laws that pertain to child abuse should remain separate from homeschool and apply to every child in the state of Hawaii as a whole. Targeting a specific group to undergo criminal background checks and social service investigations with undue cause is discriminating and criminalizes a perfectly legal and viable education option.

I believe in protecting the children in our state but let's do it in a way that doesn't rob parents of their rights to educate their children according to their own convictions.

Thank you for your time and for the opportunity to provide testimony.

Sincerely,

Darren Maeda

Oppose Senate Bill 2323

Aloha Senators. Thank you for serving the people of Hawai'i, as well as seeking to protect our youth. As a Hawai'i resident, homeschooling parent, previous Parent Educator and licensed foster care parent, I oppose SB 2323.

Like most residents of Hawai'i, I too wept over and was so outraged, saddened, and heartbroken over Peter Boy's torturous abuse and murder. Hawai'i rallied together, as we all followed the news day after day, month after month, year after year, hopeful of good news, prayerful that the truth would be revealed, and upset that Peter Boy's parents were walking free for 20+ years! The public, as well as our Hawai'i State Government, knew that Child Protective Services did not do what their very name implied—they did NOT protect Peter Boy Kema. Even experts acknowledged that CPS was negligent in regards to the life and death of Peter Boy Kema (nothing regarding homeschooling).

FACT: As stated in **KHON2** April 26, 2017

<http://khon2.com/2017/04/26/court-appointed-expert-outlines-years-of-abuse-in-peter-boy-case-missteps-by-child-protective-services/>

"A court-appointed expert who investigated his disappearance and death said if Child Protective Services had followed the law, Peter Boy would be alive today.

The expert said Peter Boy's abuse started when he just a newborn. He and his siblings were removed several times from their parents' home, only to be returned to a household that led to abuse, starvation, torture and, in Peter Boy's case, death."

In conclusion, the report says Peter Boy should have never been returned to his parents after his birth, and that "It is probable that had CPS complied with their own standards and protocols and acted on this complaint as the law required, Peter Boy would be alive today."

This bill has deceitfully targeted homeschool families as a knee-jerk-reaction to the Peter Boy Kema case. In the SB2323 bill it states "...existing law provides little to prevent abusive parents from using home school as a means to isolate their children and hide evidence of maltreatment (Section 1, Paragraph 3) " and that "Although Peter Boy's parents had a history of child abuse and neglect, they were allowed to home school Peter Boy. **As a result**, Peter Boy was isolated and his marks of abuse

and neglect were hidden from those who are required by law to report suspicions of child abuse and neglect, such as teachers (Section 1, Paragraph 4).”

Peter Boy Kema was abused as a newborn through his death at the age of six. He was IN PRESCHOOL when they pulled him out. In the State of Hawai'i, preschool is not mandatory, nor is a letter of intent required. Is there documentation of a letter of intent or Form 4140 submitted by Peter Boy's parents? If they did not submit any documents at the time Peter Boy turned 6, this would be defined as truancy, not classified as homeschooled. If the proper homeschool documentation was submitted, with such a high abusive case, why would the Case Worker allow for the Kemas to homeschool? As defined by HAWAII ADMINISTRATIVE RULES, Chapter 12, Peter Boy Kema did not legally become “school-aged” until the age of six.

§8-12-2 Definitions.

"School age child" means a child who will have arrived at the age of at least six years, and who will not have arrived at the age of eighteen years on or before December 31 of any school year.

SB2323 states:

Although he was enrolled in preschool, Peter Boy was withdrawn from school to be home schooled where the abuse continued until his death in 1997 when his parents hid his body and lied to the authorities regarding their son's whereabouts for twenty years.

The Kema parents did not technically homeschool, if they did not submit a letter of intent or Form 4140. They were truant.

§8-12-2 Definitions.

"Home schooling" means a viable educational option where a parent instructs the parent's own child.

FACT: As stated in **Hawaii News Now**

<http://www.hawaiinewsnow.com/story/4845754/wheres-peter-boy> ,
“When he (Peter Boy) was just three months old, Peter Boy suffered fractured ribs and legs.”

FACT: As stated in **Hawaii News Now** April 6, 2017

<http://www.hawaiinewsnow.com/story/35070538/peter-boys-father-expected-to-plead-guilty-for-sons-1997-death>

“The Kemas had been facing state CPS investigations for years before Peter Boy's death, and documents showed he had been the victim of repeated

incidents of abuse. At just 3 months old, he was brought to Hilo Hospital with multiple new and healing fractures.”

FACT: As stated in **USNEWS** January 12, 2018

<https://www.usnews.com/news/best-HILO,Hawaii> (AP) — “Peter Kema Jr.'s siblings filed a lawsuit against the state and Kema Jr.'s parents, claiming the boy's death in 1997 was preventable.

The suit was filed Wednesday by attorney Randall Rosenberg on behalf of Kema Jr.'s estate and siblings. It came after a court-appointed special master found in April 2017 that Kema Jr., known as ‘Peter Boy,’ and his siblings were returned to their parents' home despite multiple removals for possible child abuse.”

The special master said the state Department of Human Services could've done a better job protecting the boy.

‘There was overwhelming evidence that Peter Kema, Sr. and Jaylin Kema were unfit, violent and abusive parents, yet family reunification continued to be the goal of the state’ special master Stephen Lane said.”

Why do I bring all of this up? SB2323 is so flawed in its attempts to shift blame of Peter Boy's abuse and death from neglect of CPS to ‘homeschooling’, as stated in the SB2323 bill:

Although Peter Boy's parents had a history of child abuse and neglect, they were allowed to home school Peter Boy. As a result, Peter Boy was isolated and his marks of abuse and neglect were hidden from those who are required by law to report suspicions of child abuse and neglect, such as teachers.

On the contrary, Peter Boy Kema's abuse was NOT hidden. It was well documented within 2000 pages of CPS documentation according to Fox News:<http://www.foxnews.com/us/2017/04/27/fbi-joins-hunt-for-body-hawaiian-child-missing-for-two-decades.html>

The consistent physical abuse and neglect that Kema and his wife, Jaylin Kema, put their tiny son through and that ultimately led to his death, sparked outrage throughout the state. The Kemas retained parental rights, despite 2,000 pages of Child Protective Services records documenting the abuse and warnings from other family members about the safety and well-being of Peter Boy and his three siblings.

Also medical documentation as stated on KITV:

<http://www.kitv.com/story/35082610/peter-boy-kema-case-the-good-bad>

In Peter's case the abuse started being documented when he was just three months old. After being brought into the hospital, x-rays showed old and new fractures in his shoulder, elbow, ribs and knees. He and his older siblings were removed from the home and they lived with their grandparents for the next three years.

Timeline PRIOR to "school age" is evidence that Peter Boy Kema's abuse was NOT HIDDEN (as SB2323 states) and that multiple people and professionals reported such abuse to CPS.

Star Bulletin: June 1, 2005

<http://archives.starbulletin.com/2005/06/01/news/story3a.html>

» **Aug. 11, 1991:** Peter Boy Kema is admitted to Hilo Hospital. X-rays show multiple new and healing fractures in his shoulder, elbow, ribs and knee. All children are removed from the home. The older children are placed with their maternal grandparents. Peter Boy spends part of the time in foster care and part of the time with his maternal grandparents.

» **August 14, 1991:** Edith Kawai Radl, guardian ad litem, recommends that DHS seriously consider "terminating parental rights as a viable option, sooner rather than later" because of Jaylin and Peter Sr.'s noncompliance with their service plan.

» **Oct. 31, 1991:** Psychologist John Wingert's psychological evaluation says: "Jaylin and Peter both come across as extremely needy and emotionally immature persons who are evasive of responsibility and who displace the source of difficulties onto others. They appeared to be so wrapped up in their own adjustment problems and unhappiness to the point that this compromises their ability to be empathic and understanding of the children's needs and neither of them comes across as particularly child oriented." His assessment says both parents are at risk for abusing their children.

While I could continue to show evidence against the verbiage in the SB2323 bill that claims Peter Boy Kema's abuse and death was a result of 'homeschooling' and isolation, I hope this was a reminder that CPS had multiple documentation of abuse prior to the age of six. Yet Peter Boy was still placed with his parents DESPITE all the evidence of abuse. As a previous foster parent, I can attest to the shortfalls, understaffing, and lack of efficiency within the CPS system. Rather than presuming that homeschooling families are guilty until proven innocent and saddling social workers with the task of conducting routine records checks on thousands of

homeschooling parents and children, the Senate should pursue policy changes that will give social workers the staffing, training, and resources they need to respond to allegations of abuse and neglect.

Most parents, like myself, are in favor of finding solutions to protect ALL children, whether public schooled, private schooled, homeschooled, or those who are truant. Abuse happens at all levels, in all different circumstances, whether hidden or in plain sight. Hawai'i alone has had several cases of certified DOE teachers and coaches abusing students, so will all DOE teachers and coaches undergo extensive CPS checks to protect the youth that they are in contact with? Or are we placing value of one set of youth greater than others? Yes, I do agree that some parents will hide behind 'homeschooling' to isolate and hide their horrendous acts of abuse, and yes, I do agree that we need to figure out a way to protect these children. But like the small minority of teachers that have betrayed the trust of the youth and have abused their students, so is the small minority of parents who use homeschooling as veil to abuse their children. What about the cases of public school and private school parents who abuse their children? Will all parents that attend their schools have to undergo CPS checks soon as well? Will you look at statistics of child abuse in Hawai'i and start targeting the majority ethnic groups that abuse their children? Or will you start targeting the majority social-economic social class that abuse their children? Will all parents have to undergo CPS checks, just to be safe? Will you undergo CPS scrutiny if you have children yourself? What about doctors that work with children in the state of Hawai'i? Doctor Larry Nassar is testament that abusers come from all walks of life, even very public ones.

Hawaii's current homeschool law strikes a healthy balance between respecting the constitutional right of parents to homeschool and having regular contact between parents and school officials through the filing of a notice of intent and an annual report on each child's progress. Please oppose bill SB2323.

Thank You for your time,

Amanda Wong

February 12, 2018

Dear Senators Kidani, Dela Cruz, Espero, Green, Chang, Wakai, and Tokuda:

My name is John Ragan. I am a father to two home educated children. I am also a registered voter.

This bill would require that both my children, wife, and I undergo a rigorous vetting process and be approved before we can homeschool. If we disagree with the superintendent's decision, our only way to appeal is by filing a petition in family court, where we would bear the burden of proving that homeschooling is appropriate for our keiki. Hawaii's current homeschool law strikes a healthy balance between respecting the constitutional right of parents to homeschool and having regular contact between parents and school officials through the filing of a notice of intent and an annual report on each child's progress. That balance shouldn't be scuttled in the hope of creating a dragnet.

Nobody has a right to dictate what constitutes an acceptable home to do homeschooling in. Everybody's home is different. This entire bill represents a very slippery slope. This bill discriminates and profiles a minority group. It targets the minority group of homeschoolers. Right now, those that don't homeschool are saying, "It doesn't affect me." We have seen moments like this throughout history. It starts with what some people think is a "small action" that the targeted group "shouldn't mind". That moment starts with this bill. Is this what you want your legacy to be?

We have nothing to hide—our children are everywhere every day. They are at all sorts of classes like art, science, foreign language, sewing, music, gymnastics, ballet, robotics, tennis, and swimming; participating in Model United Nations; and volunteering at the library or the Waikiki aquarium; and doing full internships in all sorts of fields, etc. I could go on. This small list is just to illustrate that none of us are "hiding" our children.

Even though I strongly condemn child abuse and neglect, I oppose SB 2323's changes to Hawaii's homeschool law. WHO and the American Psychological Association **do not list homeschooling** as one of the risk factors for child abuse. In March 2016, Congress's National Commission to Eliminate Child Abuse and Neglect Fatalities published a report calling on state legislatures to take a broad and holistic approach to preventing child abuse. The Commission identified several key risk factors for abuse - **which did not include homeschooling** - and encouraged state legislatures to carefully study the causes of child abuse locally to identify real solutions. The Senate should pause and consider the Commission's recommendation before it dramatically reshapes Hawaii's homeschool law.

Mahalo for taking the time to read my testimony.

Sincerely,
John Ragan, District 51

SB-2323

Submitted on: 2/13/2018 10:15:20 AM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Mindy Doyle	Individual	Oppose	No

Comments:

Thank you for giving thoughtful consideration to the concerns of local citizens in regard to Hawaii SB 2323.

My biggest concerns are that SB2323:

1. Is singling out homeschool parents. President Obama’s Commission to Eliminate Child Abuse and Neglect Fatalities found common risk factors for child abuse. Homeschooling is not one of those risk factors.
(https://www.acf.hhs.gov/sites/default/files/cb/cecanf_final_report.pdf).
2. Gives the superintendents and some unspecified department and its designee unrestricted authority to request any information from homeschool parents. Section 2 §302A(3)(b)(6)and(7) indicates that the complex area superintendent, the complex area superintendent’s authorized representative, the ‘department’ (department of what?), and/or the department’s designee can request “any other information that it deems necessary.”
3. Is eroding parental rights despite the fact that the bill will not slow, prevent or end child abuse in Hawaii. The American ideal of presumed innocence will be trampled for a law that will not stop child abuse in the state.
4. is really being used as a thinly-veiled excuse to restrict homeschool freedoms. The deaths of Shaelynn Lehano and Peter Boy Kema were a direct result of the failures of Hawaii Child Protective Services and had nothing to do with the fact that they were supposedly “homeschooled”.

Both died because Hawaii Child Protective Services failed to protect them. HCPS knew of Shaelynn Lehano’s abuse for 8 or 9 years and knew of Peter Boy Kema’s abuse for 6 years! Efforts to prevent and stop child abuse should be focused elsewhere, not on law-abiding homeschool parents. Homeschooling is not a risk factor for child abuse.

Hawaii “Child Protective Services had been in contact with the family of a 9-year-old girl (Shaelynn Lehano) who starved to death on the Big Island since she was a toddler.” “The girl had been in the CPS system since she was a toddler”.

(<http://www.hawaiinewsnow.com/story/35891003/big-island-police-arrest-3-who-allegedly-starved-girl-to-death>)

(<http://www.hawaiinewsnow.com/story/35992407/experts-lenient-homeschooling-rules-allow-abused-children-to-slip-through-the-cracks>)

“A court-appointed expert who investigated his disappearance and death said if Child Protective Services had followed the law, Peter Boy would be alive today. The expert said Peter Boy’s abuse started when he just a newborn.” “In conclusion, the report says Peter Boy should have never been returned to his parents after his birth, and that 'It is probable that had CPS complied with their own standards and protocols and acted on this complaint as the law required, Peter Boy would be alive today.’” (<http://khon2.com/2017/04/26/court-appointed-expert-outlines-years-of-abuse-in-peter-boy-case-missteps-by-child-protective-services/>)

I have homeschooled my three children for the past 15 years. My oldest is a senior in college, my middle child is a junior in college, and my youngest is a high school junior. Over the years we have been actively involved in homeschool programs like robotics and drama, as well as community activities like soccer and Boy Scouts. This is the norm for homeschool families. They are typically active in both homeschool and community activities. Salon reports that, “Homeschooled children are rarely in one on one situations, rather participating as active members of their community.”

(https://www.salon.com/2017/11/15/the-perspective-on-homeschooling_partner/)

My husband has been on active duty in the Navy for the past 25 years, stationed here in Hawaii for 12 of those years. We consider Hawaii “home”. He has also been a Boy Scout leader for 15 years. Our oldest is an Eagle Scout and our youngest is nearly there as well. Our current local Boy Scout troop includes a number of homeschoolers, and this has been the case in each troop we’ve been involved with.

Child abuse is a tragic and serious issue that must be tackled. This should be done by getting to the root of the problem and addressing issues at HCPS. Passing legislation that further strains the resources at HCPS and HDOE and infringes on parental rights and homeschool freedoms without solving the problem of child abuse in the state is irresponsible at best.

Please do not allow this measure to become law.

Thank you,

Mindy Doyle

1.

SB-2323

Submitted on: 2/13/2018 6:21:56 AM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Beth Yos	Individual	Oppose	No

Comments:

Homeschool Testimony against SB 2323

My name is Beth Yos and I am a homeschooling mom of four children. They are 17, 14, 12 and 10 and have been homeschooled all of their lives. I think my children have really benefited from their homeschooling because it allows them to learn in ways that best suit their needs and participate in all kinds of activities that have helped them grow as people. For example, my oldest child is a little sleepy today because he was up late performing in the chorus of Hawaii Opera Theater's Daughter of the Regiment. Normally on Wednesdays my middle son is at the University of Hawaii participating in a sustainable agriculture internship but we thought he should come here instead. All of my children including my younger two have had great experiences learning survival skills, aloha, and mindfulness from musician Brother Noland as well as singing with the Hawaii Youth Opera Chorus. Despite being a very busy family, I wanted to take a few minutes to share my thoughts about SB 2323.

As a homeschooling mother and a part time teacher at a public school, my greatest concern is for the children. I have two children I would like to talk to you about to illustrate my concern regarding this bill.

The first experience I would like to share is from when I was teaching kindergarten. After school I saw the mother of my student treat a toddler in a very rough way, a way I had never seen before. I reported what I saw to the school administration and they contacted CPS. It turned out that CPS was already aware of the family. Many days later my student and his siblings were removed from their home and it was discovered that they had bruises from being hit but only in the areas covered by long pants and t-shirts. I never saw any bruises, they were so well hidden. When the children were removed that toddler was found to have a fractured skull that the parents said was self-inflicted but I found that hard to believe. I am sharing this story because it clearly illustrates how much the youngest children bear the brunt of child abuse. In 2015 over 40% of confirmed Hawaii child abuse victims were infants to age 5. Another important statistic is that of all mandatory reporters, school personnel come in 4th place. Law enforcement or members of the criminal justice system are the highest reporters, followed by medical personnel and social services personnel. Those three groups reported more than 64% of the child abuse cases while members of the school system reported only 11.5% of child abuse cases. I am an example of a teacher who

didn't know that her student was being abused. Perhaps we should not be depending so heavily on our over worked school employees to discover child abuse cases because clearly they are reporting only a small fraction of the cases being reported. Are children going to public school safer than being homeschooled? Those statistics cast doubt on that.

The second story I would like to share is of a homeless girl we befriended. She was living in a homeless shelter that had a predator living there as well so we would take her home to our house on the weekends because it was safer. One summer we went on a long trip. When we got back I noticed that she had the same cough she had when we left. We took her and her guardian to a clinic where she was diagnosed and treated for severe ailments. Her guardian and other relatives didn't have enough knowledge about medical care to know that she was days away from being put in a hospital. She had to stay with us for a longer period of time so that she could be given medication at correct intervals. After she recovered, she went to live with other relatives and has bounced from place to place but things have worked out for her. And every so often she calls us to update us on how she is doing. She has made it to adulthood. She was a real example of neglect. I don't know what would have happened to her without the medical care she received at that clinic. And I wonder why homeless children like her were not kept track of even though she went to public school.

These are my personal examples of students that were under served. I have to wonder why our state is going to put all this effort into making a broad sweep of our homeschool community. We should be offering more preventative services to all families with infants and young pre-school children, an age group that is significantly hurt by child abuse. Instead our government is planning to do background checks on families that want to educate their own children. Why don't we instead prohibit confirmed child abusers from homeschooling? Make more funds and personnel available to have the victims checked on a regular basis instead of checking on homeschooled children in case they are being abused? If confirmed abusive parents want to homeschool they can go to family court and explain why they should be allowed to. An innocent family should not have to go to such lengths because a district superintendent arbitrarily decided to not approve them. Prohibiting abusers from homeschooling doesn't require a background check because CPS should be checking in and notified by the school when the child changes school or is pulled out. That requires cooperation between CPS and the DOE except it correctly focuses on the wrong doers and the victims. I know people could skirt this prohibition however they can avoid detection under this current bill by not telling authorities they are homeschooling. We need to focus on better funding and staffing for CPS, not wandering around hoping to discover child abuse by checking the backgrounds of innocent families.

Lastly, our family took care of my father, a retired school principal, for around five years while he suffered from dementia. One thing he would say to me was, "Never mind me, take care of the kids!" That school principal role remained within him. Now I am telling you – Never mind me and my homeschooled family, take care of those kids who really need it!

Mahalo for considering my testimony,

Beth (Ajifu) Yos

Kailua, Oahu

DATE: Monday, February 12, 2018

COMMITTEE ON EDUCATION
Senator Michelle N. Kidani, Chair
Senator Kaiali'i Kahele, Vice Chair

COMMITTEE ON HUMAN SERVICES
Senator Josh Green, Chair
Senator Stanley Chang, Vice Chair

RE: SB 2323

Position: Oppose

Dear Chairs Kidani and Green, Vice Chairs Kahele and Chang, and Committee Members:

My name is Maluhia Miller. I am a Hilo resident, a homeschooling mother to my eight children, and have been homeschooling for ten years. I strongly oppose SB 2323 and ask you to oppose this bill as well. Well aware of the condition of our school district's option of public schools, my eldest daughter was initially enrolled into a private school. After experiencing bullying by both student and staff, my husband and I recognized homeschooling to be our preferred choice of education. As our family grew so did our conviction to homeschool. Ten years and 7 children later we still consider home education to be our number one choice as it offers us optimal family time, flexibility, the ability to customize our children's curriculum, along with the peace of mind knowing that our children are in a safe and healthy environment.

The purpose of Hawaii's homeschool laws are to ensure that homeschooled children are, in fact, being educated. The required annual report is sufficient in displaying that progress is either being made or not. It is then the responsibility of the school officials to confirm receipt of these reports and review them. Reinforcing the current laws can aide in distinguishing the law abiding homeschoolers from the non compliant. Imposing child abuse laws into homeschool laws is severely misdirected. Homeschooling and child abuse are two entirely different entities and they should not be viewed as if they are correlated. It is my position to maintain current homeschool laws while directing focus on intervention and prevention of child abuse to the Child Welfare Services and their policies and procedures.

The tragic cases of Peter Kema Jr., and Shaelynn Lehano are heartbreaking. The parents of both these children had a known and recorded history of abuse long before they withdrew their children from school. Child Welfare Services was in a position to protect these children yet they allowed them to slip through the cracks. I agree that child abuse is a significant problem and I know that a solution can be found, but the answer is not to impose infringing regulations on the homeschooling community. Rather focus CWS efforts and resources toward hiring and properly training caseworkers to be able to manage the relevant cases that already overwhelm their desks.

SB 2323 intends to require homeschooling hopefuls to seek approval from their district superintendent, and go through unconstitutional inquiries and background checks. These conditions directly conflict with our civil liberties, violates our parental rights, criminalizes homeschooling parents, and demonizes our legal option to homeschool. In addition the language in this proposed bill is too broad, which would allow for superintendents or their authorized representative to construe its definition to mean whatever they deem fit with no specific parameters set.

Sadly, child abuse is present within all forms of education. Why then are we homeschoolers being targeted and regulated differently than public schooled and private schooled parents? There are no known facts proving that legally homeschooled children are at a higher risk of abuse. Instead I'd argue that our children are far more protected.

Thank you for your time and for the opportunity to provide testimony.

Sincerely,

Maluhia Miller

REGULAR SESSION OF 2018

For: Honorable Senate EDU/HHS Committee Members,

Hearing date 2-14-18, 2:55 p.m., Rm 229

Re: SB2323 – Relating to Education and Homeschooling - IN OPPOSITION

Dear Madams and Sirs,

This bill restricts parental rights to choose the best education for their children. I have chosen to homeschool my children because it is the best form of education for their individual learning styles. Although I agree that child abuse is deplorable, this bill will not protect these children from abuse. I oppose this bill.

I am a certified middle school and high school math, general science and chemistry teacher. I have worked in public, charter and private schools. I have worked as a child abuse counselor. None of the children I worked with as an abuse counselor were homeschooled. Child abuse is not correlated with homeschooling. There are many homeschooling families who provide loving homes within which to educate their children. There are many schooled children who live in abusive situations. This bill puts undue stress on homeschooling parents, the school system and child welfare system to prove the child is in a non-abusive environment before homeschooling is approved. The appeal system should a parent not be approved is by filing a petition in family court. This also puts undue stress on the homeschooling family and on the court system.

Hawaii's current homeschool laws strikes a healthy balance between a parent's right to homeschool and communication between parents and school officials. Parents already file notices of intent and submit annual reports on each child's progress. Please do not pass this bill that will restrict parent's rights to choose the best education for their children.

Thank you,

Suzanna Kinsey

suzannakinsey@gmail.com

SB-2323

Submitted on: 2/13/2018 1:21:25 AM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Chanelle	Individual	Oppose	No

Comments:

The highest calling in my life is that of a Mother and Parent. I have two beautiful children and expecting another one in April. I am a registered nurse but was called to stay at home and care for my family. I am truly blessed at the opportunity to care for my family. My husband is in the military and his job and schedule includes long hours and traveling. I am the constant presence for my children in this season of our life.

This is my first year homeschooling my oldest child. I am able to teach and provide one-to-one attention for my son in multiple subject areas. I am also able to instill character traits that will help him to be a law abiding citizen and a productive and contributing member to our society.

I oppose SB 2323 as it unnecessarily targets homeschool families by requiring all parents and children to obtain routine record checks. As a parent it is my duty to ensure my children are cared for and to make the best decisions on their behalf. SB 2323 imposes on this right that we have as parents which would automatically treat all homeschooling parents as suspected criminals and child abusers. Department of Education regulations already instruct school officials to contact social services if they believe a homeschooled child is suffering from abuse or neglect. Rather than presuming that homeschooling families are guilty until proven innocent and saddling social workers with the task of conducting routine records checks on thousands of homeschooling parents and children, the Senate should pursue policy changes that will give social workers the staffing, training, and resources they need to respond to allegations of abuse and neglect.

The Senate should consider collaborating with the homeschooling community to gain understanding and insight as to a better way to address the serious concerns of abuse and neglect of our children. We have to start addressing the root of the problem instead of placing band-aids over them.

Madeleine Loewen

PO Box 235

Hakalau

HI 96710

February 13th, 2018

Dear Senator,

As a homeschooling parent on the Big Island of Hawaii, I want to urge you not to support bill SB2323. While I understand the State's concern for the welfare of kids in abusive or negligent homes, this bill would assume that all homeschoolers fall into that category, unless they can prove otherwise. This is a shocking invasion of our rights as parents.

Homeschooled children, for the most part, are being raised in loving and caring families, by parents who are making sacrifices to be able to provide a personal and individual education plan for their children. We are raising compassionate and caring individuals with the skills to think outside of the status quo and solve the problems the future generations will encounter. To treat us all as potential abusers goes against everything this nation stands for. What happened to "innocent until proven guilty?"

Finally, public schools across the island educate kids who are in abusive homes, teachers in private schools are abusing children, and yet these bills seek to reduce the rights of parents who are clearly invested in what is very best for their child.

Thank you for hearing my concerns. Please support the many homeschoolers across the islands who exercise their right to teach their children using an alternative approach, without interruption and obstruction.

Yours faithfully,

Madeleine Loewen

SB-2323

Submitted on: 2/13/2018 9:40:34 AM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Amanda Jeppson	Individual	Oppose	No

Comments:

Dear Senators,

My name is Amanda Jeppson. I am a mother to two wonderful children, Logan age 10 and Savannah age 5. I homeschool my children for a variety of reasons. Logan is on the Autism spectrum. Before pulling him out to homeschool, he was in a mainstream kindergarten class. At the end of the year his report card showed little to no progress toward stated goals. There was no way he would progress in a first grade classroom. He would have become a statistic of someone left behind by the schools. Since then, he has thrived. We receive 30 hours per week of Applied Behavior Analysis (ABA) therapy, 2 hours a week of Occupational Therapy (OT), 1.5 hours a week of Speech Therapy, and 1 hour per week of Physical Therapy (PT). None of this would be possible if he was in public school.

This bill, though noble in its intentions, would allow someone else to decide whether homeschooling is best for my children. It is my right, and duty, as a parent to decide what is best for my children. My greatest fear with this bill is putting the decision about homeschooling in the hands of people who would profit from denying my right to homeschool. My son, being special needs and a military child, would become nothing more than a price tag for the school.

Please oppose this bill as it would violate the rights of many parents and their children.

Thank you,

Amanda Jeppson

DATE: 2/12/18

COMMITTEE ON EDUCATION

Senator Michelle N. Kidani, Chair
Senator Kaiali'i Kahele, Vice Chair

COMMITTEE ON HUMAN SERVICES

Senator Josh Green, Chair
Senator Stanley Chang, Vice Chair

RE: SB2323

Position: **Strongly Oppose**

Dear Chairs Kidani and Green, Vice Chairs Kahele and Chang, and Committee Members:

I am the parent of three children whom we have been homeschooling for the last six years. I have been an assistant and advocate for the developmentally disabled population through ten years employment in a local non profit, and am an active participant in food pantries and outreach in my community.

I am writing in opposition to SB2323, a bill that is poorly written, poorly justified, and egregiously over reaching. In it's stated attempt to protect children, **this bill targets the entire home-school population** and red flags them for scrutiny by CWS based solely on their making a lawful and legitimate choice in the education of their children. This bill effectively revokes a constitutional right, only returning it after a "guilty until proven innocent" process is appeased and grants the state broad and invasive rights over families who have done nothing wrong. **It is a terrible piece of legislation and I urge you to please vote against it's passing.**

We have in place a criminal justice system with existing laws to protect children from neglect and abuse. We already have laws to provide notification and accountability for our home-schooled children. In the case of Peter Boy (given as example), was there notification to his school district that he was being home-schooled? Was he even of required age for that? Did his family, which had a history of abuse and neglect, submit progress reports, or in any way comply with the other requirements placed upon them by the state for their history or criminal conduct?

Appropriate action to prevent abuse of children by limiting home-school rights **must take the form of specific, justified measures enabling the state to limit such rights with probable cause. This bill does no such thing.** Instead it incriminates all families who home-school and **casts unjustified suspicion on the decision to home-school itself.** This is wrong headed and offensive. Our school system is there primarily to educate our children, and so targeting our choice of educational environment to solve this problem is a backwards and ill directed method.

I would fully support a better guided measure that if a parent of family member goes through our court system for a relevant offense, then their right to home-school be brought under review, as well as households that are under case management through CPS. These individuals exhibiting problem behaviors are the place to begin this scrutiny, **not the home-school community as a whole.**

In my experience, families who choose to home-school **do so out of an increase in concern** for the health and well being of their children, and **exercise a greater responsibility to nurture their students** in a healthy and safe environment. It is in this spirit that I as a homeschooling parent am writing to you my opposition to this bill. Thank you for your time and for the opportunity to provide testimony.

Sincerely,
Jeff Pressey
Pahoa, HI

Mrs. Petra Clark

H District 39

S District 20

Kapolei, Hawaii

My name is Petra Clark. I am a mother of four amazing children. As a homeschooling parent who dearly loves my children and wants what's best for them, I **strongly oppose SB2323**.

For more than 30 years, Hawaii has recognized the constitutional right of parents to teach their children at home. Hawaii's current homeschool law strikes a healthy balance by respecting the right of parents to homeschool without obtaining approval from the state, while also ensuring that regular contact exists between parents and school officials through the filing of a notice of intent and an annual report on each child's progress.

This bill SB2323 wrongly assumes that homeschooling families are potential child abusers. It presumes guilt and scares homeschooling parents who are doing a wonderful job educating their children at home. There is no peer-reviewed research that links homeschooling with child abuse.

This bill clearly oversteps government authority and violates the civil liberties of homeschooling parents and children.

The tragic deaths of two children have nothing to do with homeschooling. They were not "hiding behind homeschooling" as the text of the bill claims. This was a complete failure of the agency to carry out their responsibilities under existing laws and regulations designed to protect children.

There is nothing in SB2323 that would have prevented these deaths. CPS was involved with both cases for years before the children were pulled out of public schools.

Please vote **NO** on SB2323. As well intentioned as this law may be, it will unfortunately **NOT** prevent child abuse. Homeschooling laws in the state of Hawaii should remain unchanged.

SB-2323

Submitted on: 2/13/2018 12:25:48 AM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Thomas Yos	Individual	Oppose	No

Comments:

My name is Dr. Thomas Yos. I am the father of 4 home-school children. I also have nearly 2 decades of experience doing counseling within DOE schools. I am submitting this testimony as a private individual and not as a representative of the DOE.

I strongly oppose SB 2323 and its House counterparts for the following reasons:

1) These Bills are unnecessary. Our State already has a well-established and successful means for monitoring the well-being of children. Any person within our community can file a report with Child Welfare Services. This Bill seems to assume that just because a child isn't enrolled in a school, there aren't community members looking out for him/her. This simply isn't the case. Most every child is a member of an extended family, has neighbors, belongs to a religious institution, and/or is a member of some sort of team, club, or community organization. There are many eyes in our community to look out for our children. And they do. In fact, usually it is these many eyes, and not the child's school, which reports incidences of suspected abuse.

2) These Bills will distract us from actual problems. Undetected child abuse by home-school families is, like the recent ballistic missile alert, a phantom threat. Look back at prominent and tragic cases of child abuse, including the recent horrific event on the mainland, and one will find that Child Welfare Services were alerted. The problem wasn't that there was a failure to inform. The eyes of the community saw and reported. The problem was that Child Welfare Services didn't have the resources and/or procedures to address the situation. Child Welfare Services and School Administrators are already stretched too thin dealing with problems that are real problems. We shouldn't ask them to spend their time addressing non-existent problems.

3) These Bills are vague and, so, leave open the possibility of an impingement upon parents' rights. Our country has a long and successful history of home-schooling. Indeed, all of our country's founding fathers and many of its greatest minds were home-schooled. Home-schooled does not mean "not schooled." It means entrusting citizens to take on the sacred trust of educating our children. We have the right to educate our children. And a right is something that you lose if you do wrong. It isn't something that you have to prove you deserve.

Home-schooling parents do a great job. (That this is the case is evidenced by the progress reports and standardized test scores that home-school parents, as is already required by the State, submit to their area schools.) And these Bills raise the possibility that someone could arbitrarily and unjustly interfere with this good work. What if, for instance, a neighbor who simply doesn't like me calls in false accusations to Child Welfare Services? The devil, as the old saying goes, is in the details. It certainly seems possible that, while based on laudable sentiment, this Bill could lead to unreasonable restrictions.

I am deeply aware of the problem of child abuse. I've had to deal with it professionally throughout my career. Yes, we ought to try to better protect our keiki. But this isn't the way to do it. This Bill aims at the wrong target and, in the process of doing so, endangers too many innocent bystanders.

Thank you for taking the time to consider my testimony.

DATE: February 12, 2018

COMMITTEE ON EDUCATION

Senator Michelle N. Kidani, Chair
Senator Kaiali'i Kahele, Vice Chair

COMMITTEE ON HUMAN SERVICES

Senator Josh Green, Chair
Senator Stanley Chang, Vice Chair

RE: Senate Bill 2323

Position: Oppose

Aloha Chairs Kidani and Green, Vice Chairs Kahele and Chang, and Committee Members:

My name is Floyd C. Loving III. I have been a teacher with the Hawaii State Department of Education since 1990. During this time my wife has also been homeschooling our children. This gives me a valuable perspective on this issue.

Being with the DOE for close to 30 years has allowed me to see children in dire circumstances. My first year of teaching, I remember speaking with a high school student who had been placed in foster care as an elementary student. He shared how his mother would have him stay with "uncles" (non relatives) for the weekend to support her drug habit. Being a naïve, new teacher, and puzzled by this arrangement, I thought the student meant that through his presence the "uncles" would pity them and support them with money that she would use for drugs. The student clarified that when less than 5 years old until he was removed from his home, these "uncle" visits were of a sexual nature. I was stunned. For at risk students, there needs to be more scrutiny in identified cases. The only way to provide more scrutiny is by lowering case-loads of professionals trying to help. This Senate Bill 2323 does the opposite by stretching existing resources to oversee homeschooling instead of abuse.

Watching my wife homeschool our children has been amazing. I have taught arithmetic to AP Calculus, but she teaches crawling to Calculus and phonics to Latin, sometimes simultaneously... ☺ It takes a tremendous amount of effort and dedication over time, but she pays the high price. It is incredibly demoralizing to have all that hard work conflated with the incompetent and twisted individuals who perpetuated the crimes that this bill references. My first 3 children were Presidential Scholars in the University of Hawaii system. The fourth is the inaugural recipient of the Akaka Regents Scholarship. All are published researchers. Our son is the first Hawaiian to earn a PhD in Bioinformatics. Our daughter is in line to be the first Hawaiian to earn a PhD in Theoretical Mathematics. They travel the world learning and teaching. It would be an error to associate their homeschooling experience with that of children whose parents say they are homeschooling but are not. The state already requires yearend testing, and that is sufficient to identify parents with false homeschooling claims. Abuse should be the red flag, not homeschooling.

From 2010 through 2014 there were 385 drowning deaths in Hawaii. Many of these were children, far more than have been killed in high profile bogus, so-called homeschool situations. Would it be wise to mandate all parents taking their children to enjoy the beach prove they are certified to do so safely?

Mahalo for letting me testify on this critical issue.

SB-2323

Submitted on: 2/12/2018 10:31:40 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jeanmarie Smith	Individual	Oppose	No

Comments:

My husband and I home school our children and we also belong to the Waianae Home School Ohana Group. I strongly oppose this bill which would require home schooling parents to prove that they are not abusing or neglecting their children. I do not understand why home schooling families would be targeted to be investigated when from my experience, parents who are home schooling their children go out of their way and endure many sacrifices including financial because they are seeking the best education for their children that they know only they can provide. Furthermore, I do not know how these investigations would show that a child is being abused or neglected. From what I understand there are many children receiving a public education who have suffered from abuse and neglect. It does not make any sense. I also believe that the approval of home schooling families may be a long process, take time, money, increased bureaucracy and deter many families from home schooling. Parents should be encouraged to seek the best education for their children and if they know they can provide the best education through home schooling, their children, they should be encouraged to do so not discouraged.

SB-2323

Submitted on: 2/12/2018 11:21:35 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
kimberly kihei lani	Individual	Oppose	No

Comments:

Aloha,

I am an employee of the DOE, and have recently decided to home school my elementary aged children.

This decision needed to be made swiftly, yet responsibly. I understand the idea behind this bill, however, I believe there are more effective ways to achieve the same results. Homeschool parent educators exhibiting the "right and safe behaviors" should not be burdened with checks and balances, due to the wrong doing of a few.

Please kill and research alternatives to this bill; it will create more burden upon homeschoolers, who are already going over and beyond to care and educate their keiki.

mahalo

Kimberly Lani

Yvonne Roussakies

Homeschooling Mother/Certified Teacher in FL

SB 2323 RELATING TO HOMESCHOOLING LAW

Senate Committee on Education

Senate Committee on Human Services

Joint Public Hearing Scheduled for- February 14, 2018 2:55 p.m., State Capitol, Conference Room 229

SB 2323 seeks to protect home schooled children from child abuse. While this is a worthy goal, the way in which this bill presumes to do so is in opposition to my parental rights. I stand in opposition to the passage of this bill.

As a military spouse, former public school teacher and current homeschooling mother, I find that this bill, while portraying home schooled children as being at higher risk of abuse, fails to adequately document that this is the case. The proposal to make approval for homeschooling contingent on a background check makes life harder and more stressful for homeschooling parents, but in essence does nothing to protect children. Petey Boy, as cited in the bill, was previously abused. The state eventually allowed him to return to his parents care, and now wishes to blame homeschooling for his death, rather than accept failure on their part. Perhaps, more follow up on children who have been abused in the past would be a better way to protect them. Parents who have met the standards put forth by the state to get their children back, should not have to complete paperwork to homeschool, since the state has determined the child to be safe in the home. Public Schools do not preclude children from being abused. Parents who have no record of abusing their children, most certainly should not be treated as possible criminals, and required to undergo a background check to homeschool.

My concerns in regard to this bill are many. Does the state have the money and manpower to complete background checks within five days? What is a parent's recourse if they are denied? Are we punishing parents who have made amends and been cleared by the state? Is holding them to a different standard than their private and public schooling peers legal? Is this what America is about?

Personally, I have other concerns. My children have moved from Connecticut to Guam, Hawaii, Japan, the mainland, Bahrain, the mainland, and back to Hawaii since December of 2010, and most likely will move again in August. They are 10 and almost 14. Adding another hoop for me to jump through, to continue their education is stressful and unnecessary. Homeschooling has provided them with a consistent curriculum, and allowed us to remain with my spouse through all of those moves. My son, just today competed in a Science Olympiad Regional event, where he took third place in Rocks and Minerals, while his homeschool team advanced to the state level of competition. He took the ACT as a 12 year old and scored high enough to be accepted at the University of Hawaii. They both play tennis and other sports with MWR through the base, they take art, ballet, piano, ukulele, do Sea Cadets, have participated in First Lego League, attend AWANA and church, among other activities. They are far from isolated. A final concern is in regards to high school. Since Hawaii high schools do not accept homeschool credits earned, what would be done for those students, whose parents are denied the right to homeschool? Thank you for the opportunity to comment on this bill.

Yvonne Roussakies 460 McGrew Loop Aiea, HI 96701

SB-2323

Submitted on: 2/12/2018 9:48:24 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
yvette kurtgis	Individual	Oppose	No

Comments:

I am a parent who is homeschooling my children because my husband and I believe that it is the best way to care for their mind, body, and soul. I strongly oppose SB2323. This bill would require that both my children and I undergo a rigorous vetting process and be approved before I can homeschool. If I disagree with the superintendent's decision, my only way to appeal is by filing a petition in family court, where I would be required to prove that homeschooling is appropriate for my children. Hawaii's current homeschool law strikes a healthy balance between respecting the constitutional right of parents to homeschool and having regular contact between parents and school official through the filing of a notice of intent and an annual report on each child's progress. That balance shouldn't be scuttled in the hope of creating a dragnet.

Sincerely,

Yvette Kurtgis

SB-2323

Submitted on: 2/12/2018 9:43:43 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Beatrice Sproat-Augustiro	Individual	Oppose	No

Comments:

Aloha,

Thank you for the opportunity to submit my testimony. My name is Beatrice Sproat-Augustiro, better known as Kalehua. I live on the island of Molokai. I am a wife and a mother of 5 kids ages 18, 16, 12, 10, and 3. My son who is 10 is currently being homeschooled. I have 2 associates degrees and have worked for the department of education for several years in 3 of the 6 public schools here on the island. I chose to homeschool my son because 1. He is a very different type of learner which the "school system" has no place for him. 2. The school system has failed him, making him to feel inadequate due to his test scores and placing him in reading classes with children who are younger than he is. Leaving him to feel inadequate and with low self-esteem.

It is very disturbing to me that if this bill is passed it would take away our freedom of choice to homeschool. Isn't this the land of the FREE?! The state needs to find other ways of screening for child abuse and neglect or is this just a way to discourage people from taking their kids out of the "school system"?!! I sure hope not.

My family and I **STRONGLY OPPOSE** and urge you legislators to kill this bill! I am a loving mother and homeschool educator that wants what is BEST for **MY** child.

Mahalo!

To Hawaii State legislators:

As a parent who is homeschooling my children because it is the best way to care for their body, mind, and soul, I oppose SB 2323. This bill would require that both my children and I undergo a rigorous vetting process and be approved before I can homeschool. If I disagree with the superintendent's decision, my only way to appeal is by filing a petition in family court, where I would bear the burden of proving that homeschooling is appropriate for my child. Hawaii's current homeschool law strikes a healthy balance between respecting the constitutional right of parents to homeschool and having regular contact between parents and school officials through the filing of a notice of intent and an annual report on each child's progress. Start with following up with the CURRENT laws in place and penalizing for those who don't. Don't place unfair assumption of guilt on those that are already providing safe environments for their children and don't place an undue burden on an already understaffed and underfunded social services system.

Additionally, even though I strongly condemn child abuse and neglect, I still strongly oppose SB 2323's changes to Hawaii's homeschool law. In March 2016, Congress's national Commission to Eliminate Child Abuse and Neglect Fatalities published a report calling on state legislatures to take a broad and holistic approach to preventing child abuse. The Commission identified several key risk factors for abuse - which did not include homeschooling - and encouraged state legislatures to carefully study the causes of child abuse locally to identify real solutions. The Senate should pause and consider the Commission's recommendation before it dramatically reshapes Hawaii's homeschool law. The information and research in no way shows a link between homeschooling and these awful instances of child abuse and neglect. The research more accurately shows a failing of other procedures already in place that were not followed up in (namely with CPS, etc). Please do not vilify homeschool families as the cause of child abuse.

As a military spouse (who changes her voting state as we move), I have homeschooled in three states so far and am very concerned as to the ridiculous reaches this bill is introducing and making as it would pertain to my homeschooling in this beautiful state I currently call home. Please do not make giving my children the best education available to them, at home with me, left to the approval of a superintendent and require me to get an unnecessary background check and put me under the visitation requirements of CPS. Even as I write those requirements I am in utter disbelief at the invasion proposed in this bill. Please join reasonable and responsible parents and educators in OPPOSING SB2323.

Mahalo for your time,
Diana Gartner

SB-2323

Submitted on: 2/12/2018 10:55:29 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Lori Glorioso	Individual	Oppose	No

Comments:

My husband & I are healthcare professionals. We also enjoy homeschooling our children. I find it insulting that we would be required to seek approval to homeschool them. Is there really anyone else that cares more for the welfare & education of our children, than us, their parents? This bill will harm many hardworking, caring & very dedicated families!

Elwina Danner
P.O. Box 499
Hoolehua, HI 96729

February 12, 2018

Senator Michelle N. Kidani, Chair
Senator Kaiali'I Kahele, Vice Chair
Committee on Education

Senator Josh Green, Chair
Senator Stanley Chang, Vice Chair
Committee on Human Services

State of Hawaii Senate
415 South Beretania Street
Honolulu, HI 96813

Re: Opposition to SB2323

Dear Senators:

As a mother of two girls, ages 9 and 11, who have been homeschooled all their lives, I am writing to express my concern with and opposition to the proposed SB2323 as drafted. Homeschooling my daughters has been one of the best decisions my husband and I have made in the furtherance of our daughters' educational, spiritual, social, emotional and physical well-being and it has allowed us to instill a strong sense of self-sufficiency, accountability and individuality in our children. Homeschooling allows me to ensure that my children are receiving a quality education tailored to their individual needs and learning styles in an environment free from harassment, bullying and violence so prevalent in the public schools. At the same time, I appreciate the concern regarding child abuse and neglect this bill is attempting to address, even as I believe it is addressing it in the wrong way.

Section 1 of the proposed bill lays out the tragic history of Peter Kema, Jr., aka "Peter Boy" as part of the findings that lay the foundation for why this bill is deemed "necessary." The bill discusses how Peter Boy was removed from his parents' care for four years, at which time he was returned to his parents, where the abuse resumed, and eventually led to his death. His parents hid their complicity in his death for more than 20 years from police investigators and other authorities. This is a shocking case of failure by the system on multiple levels, but this bill seems to imply that if Peter Boy were not homeschooled, all of this tragedy would have been avoided. That is where the fallacy exists, and where the foundation for this bill crumbles.

Even if Peter Boy was required to attend public or private school, and teachers and other professionals were required by law to report any suspected harm, to whom would they report it? To the same agency that returned Peter Boy to his abusive parents in the first place? The same agency that already had a mandate to follow-up on Peter Boy's safety once it decided to reunify him with parents with a known and substantiated history of abuse?

The fact is that the child welfare services was aware of, and involved in, Peter Boy's life long before he was removed from public school to be homeschooled. By the bill's own account, CWS had been involved in his young life nearly since birth. While there is no doubt that these terrible parents used the ability to homeschool their child as a means to hide their abuse, that ability isn't what allowed Peter Boy's abuse to continue. Mandatory reporting wouldn't have helped. He was already on the radar for child welfare services, and they repeatedly failed in their responsibility to perform welfare checks and other measures to intervene in his fate.

With all due respect, Senators, why does this bill presume that mandatory reporters like teachers and principals will be able to identify and prevent extreme cases like Peter Boy's from happening when the trained social workers at CWS who already knew there was a serious history of abuse in the family could or did not?

This bill unduly hampers a parent's right to make educational decisions for their children, including the prudence of homeschooling, because the Child Welfare Services failed in its duties more than 20 years ago, and worse, empowers that same failed system to determine whether a parent's right can easily be abridged, and does so on the basis of the faulty logic that if Peter Boy was simply required to attend public school, all of his misfortune could have been avoided.

This bill makes Superintendents responsible for reviewing and understanding a "child abuse and neglect history inquiry" and empowers them to prevent the exercise of parental authority for any interpretation of that "inquiry" or any criminal history found in a background check, including non-violent offenses and offenses unrelated to children. Further, it does not define whether the contents of the "child abuse and neglect history inquiry" is to consist of substantiated occurrences of actual abuse or neglect, or simply a printout of a list of reports Child Welfare Services has received.

There are many cases where reports of suspected harm are made to Child Welfare Services and are not substantiated (meaning no actual abuse or neglect was found), especially because professionals required to report "suspected" harm will err on the side of caution, as they should. The problem is, this bill may mean that one unsubstantiated report of suspected harm is interpreted to be sufficient "history" to deny a petition to homeschool any and all children in the family. This bill empowers Superintendents, without any proof of any wrongdoing, to fundamentally infringe on the rights of parents to make decisions about the education and wellbeing of their children.

This bill creates the ridiculous presumption that any parent seeking to homeschool his/her child(ren) is doing so in order to hide domestic violence or poor parenting skills. It places the burden of providing “clear and convincing evidence” that homeschooling is “appropriate” on parents, rather than placing the burden of proof that homeschooling is “inappropriate” on the Superintendent or the child welfare services, and allows a judge to force participation in domestic violence or parenting programs in cases where no proof, by any standard of evidence, of such issues exist. This is a fundamental and destructive intrusion into the rights of parents and children, and one that relies heavily on efficacy of two public systems--public schools and child welfare services--that historically have failed children and families in Hawaii with regularity.

The Coalition for Responsible Home Education website, mentioned in this bill, under its “Fast Facts” section, states “A 2014 study of child torture found that 47% of school-age child torture victims were removed from school to be homeschooled.” While there is no citation to the full study to support this “fast fact”, it is important to note two things: 1) this means that 53% of school-age child torture victims were not homeschooled (and were still tortured despite being enrolled in schools with mandatory reporters); and 2) this in no way indicates that a significant percentage of homeschooled children are abused or neglected at all.

Ending child abuse and neglect should be one of our highest priorities as a society, and enacting laws that do that is the responsibility of this Legislature, but this bill does nothing towards that end. Perhaps the bill should focus on improving capacity and accountability within the child welfare services system, or on reducing violence and bullying to improve educational outcomes in the public school system instead.

Please do not infringe on the freedom and rights of hardworking parents like me to determine what is in the best interests of my children by enacting this well-intended but ill-conceived bill into law.

Thank you for your consideration,

Elwina Danner

SB-2323

Submitted on: 2/12/2018 7:22:15 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jenn	Individual	Oppose	No

Comments:

Hello,

I have worked for our local school district for several years (7-8 years) and am currently homeschooling two of my children. I enjoyed my work with the public school district, although I eventually made the decision to stay home with my children.

I have read about the Turpin case, which I am supposing could have precipitated the desire for this kind of legislature. I understand the concern for abuse, but this bill is not the answer. One need only do a cursory search on the computer for abuse to see that it happens just as commonly (if not more so) at public schools as it does homeschools. In most cases, those who abuse or neglect their children are ones who have no care or desire to help them. The majority of homeschoolers are parents who are highly dedicated to their children, to the point where they are willing to sacrifice comfort, ease, and money to teach their children in the way they feel is best. A parent is a child's first teacher, and for homeschoolers, they would like to be their only teacher. They know their students before a teacher possibly can because they have already established at least 4 years with their children by that point (usually more). Teachers come and go, and I'm aware they provide notes on the child's behavior, but there is so much more that can't be written down in a file.

This bill is asking that we subject parents to background checks, and to in-home visits. This is wrong. To see how wrong it is, one need only look at what the reception would be to weekly in-home checks for parents of public school children. People would balk at the idea - what an invasion of privacy! The homeschooling parents I know have nothing to hide, but that doesn't make this bill any less an invasion of privacy and infringement of rights. I don't consider myself an unreasonable person. I actually go through a charter school, which meets with me on a monthly basis to check in on my children's progress and see if there are any areas where they or I could use some help. I also take them to a weekly program taught by a teacher and they meet up with their peers. I wouldn't be averse to a weekly meetup, but, as stated above, in-home visits and background checks are taking it too far.

I do not support this bill, as it is an extreme violation of rights and of privacy.

Thank you for your time,

J, Wallace

SB-2323

Submitted on: 2/12/2018 10:49:12 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Shani Naleieha	Individual	Oppose	No

Comments:

Thank you Senators for reading my testimony.

(Note: I am submitting my testimony as I did not receive confirmation on my first submission)

I am a registered voter in the State of Hawaii. I am a wife, mother, and a taxpayer. I am a law abiding citizen and contributor to society. I am also a homeschooler.

Our reason for homeschooling was very simple. My husband worked long hours and would never see his children if they were in school. As the children got older, one of our children developed health issues that would have prevented regular school attendance in a traditional brick and mortar school. After investigating our options, we decided that we would homeschool.

We have been the directors of our children's education from the very beginning. We sought out infant and toddler programs that would provide stimulation and help educate us in parenting and teach us how to help our children along each milestone. Once we began homeschooling, we sought out organizations in Hawaii that had information about homeschooling. We joined co-ops, Communities, book clubs, athletic teams, clubs, social media groups and many more. We continually seek educational, vocational, and recreational opportunities for our children to ensure a well-rounded education and life.

We intentionally sacrificed my full-time income and career in order to homeschool. That is how dedicated we are to our children and to their education and well-being. We have had to live with family for the first 20 years of our marriage and we have never gone on a cruise or to Disneyland. My children do not mind. They are working hard on their education and fulfilling their dreams! These are achievements that will benefit them for a lifetime!

We are dedicated to providing a personalized education for our children. We attend seminars and conferences, we read books, we research on-line, we research countless curriculum and their organizations. We do all this in an effort to provide the best possible education for our children. We seek out the best resources for our use at home

We love our children and are dedicated to their safety and well-being. We provide for each and every need for our children. We raise them to be morally responsible people. We raise them to love God and to serve their neighbors. We have taken them to volunteer with our church and with other organizations in the community so they take ownership in the world around them.

We are law abiding citizens and teach our children to do the same. We pay our taxes, we cast our votes, and we love our neighbors as ourselves. We happily follow the current homeschooling laws of Hawaii. This bill assumes that we are already guilty of crimes that we would never commit!

I hope you can see that we do not take our parental right to homeschool our children lightly. My husband and I work hard to ensure our family's needs are met, and our children are getting the education they deserve.

We ask that you vote NO to SB2323. There are more productive ways to prevent child abuse tragedies in Hawaii. Before you target honest, hardworking homeschooling families like us, please look to the other safeguards in place and look to correcting those agencies instead. Where did CPS fail those children? Where did the public school system with its teachers and counselors and "professionals" fail these victims? Where did the police fail them?

Homeschooling is an act of dedication and love for our children. The crimes that sparked these bills were evil acts of hate and malice.

Sincerely,

Shani Naleieha

45-359 Akimala Street

Kaneohe, Hawaii 96744

(808) 729-0394

SB-2323

Submitted on: 2/12/2018 10:53:11 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Regina Guzzo	Individual	Oppose	No

Comments:

I oppose this bill. It has nothing to do with helping the education of homeschooled children. As a parent who has now homeschooled 3 of my 4 children, I disagree with multiple aspects within this bill. The main case of Peter Boy Kema being used for the basis of this bill is invalid. The State of Hawaii is at fault for allowing the boy to return to his parents with the knowledge that they abused multiple children. If the state had never given him back to his parents he would be alive today. His case is irrelevant in this bill since child abuse was known to have taken place and the state did not follow up. CPS has more cases than they can handle now, Adding to that with all of these checks will extremely over burden an already over burdened system that is currently flawed.

The bill states that the superintendent or assigned representative has the right to approve or deny any application. It is our legal Right to chose to homeschool our children. We should not ever have to ask permission. The way the bill is stated, any representative can deny any family they want. Even if there is no abuse to be found Thus Forcing families to send their children to public schools. Public schools that are not even up to federal code in some areas. I have a son that attends Roosevelt High school and only about half the bathrooms on campus are open. They others are locked! So children have to run to a completely separate building just to relieve themselves! I've had Vice Principals falsely accuse my straight A student son who is now graduated, of theft and try to expel him without proof. I also had a junior high level counselor withhold my son's school work from us when he had a serious injury. My son was unable to do any of his school work thus taking him from an A student to failing! I'm sorry but the standards at the public schools especially in middle and high school are the main reasons my husband and I chose to homeschool in the first place. Now you want me to ask permission from these same people that treated my children poorly if I can homeschool my own children?

The means you have set will not deter a child abuser, you are simply punishing those of us who actually follow the law. Maybe you should make a law stating that if you have a record of child abuse you are not allowed to homeschool. Or how about mandatory yearly check ups for all school aged children, not just homeschooled. Peter boy's case is irrelevant in today's standards. His death is more than 2 decades ago.

As for the background checks, any check of child abuse on a person who has never had any evidence of it could cost them a potential or even current job. We have a lot of

civilian workers that need certain clearance levels in order to work on base. A background check like that, even if cleared could cost them their job and livelihood. Never mind the fact it's an invasion of privacy. Especially for those who are not even the homeschooled child's parents.

This bill oversteps so many rights! And invades privacy and should not be passed. I strongly oppose this bill.

Will all school age parents have to undergo the same background checks? Will all parents of school age children have to receive certification to help their child with their homework?

By adding the certification to homeschool to the law you are again refusing the right to homeschool to many families! It is their choice where their child should receive the best education and attend school. By forcing certification you are refusing this option of homeschooling and forcing people against their will to send their children to public school. Will the state fit the bill for the certification process? I highly doubt it. Which makes me wonder if the local government isn't just using this as a ploy to receive more government funds for public schools. Furthermore, Hawaii should not only deny this bill but right a new one that actually helps homeschooled children by allowing them to participate in public school extra curricular activities that are available at the public schools. Unless the state of Hawaii is giving out grants for homeschool curriculum, the state has no legal basis to demand homeschool families to submit to these outrageous invasions of privacy. If the state wants to have the right to background check families that want to homeschool, then why not offer grants for curriculum and as part of the application process the parents have to undergo background checks. That is the only legal way this invasion can not be an invasion of privacy.

I have 1 child I am homeschooling now that has multiple learning disabilities. He was attending public school but the sped program failed him because they were limited in what aids they could offer him and he attended one of the top elementary schools in the state. He is so far behind I have been having to work hard to get him caught up. He does not learn the same way other children do and if forced to attend public school would fail miserably. I have every right to chose to homeschool him since I can not afford private school. He is a smart boy but has ADHD, dyslexia and Irlens syndrome. His older brother who's 15 was also homeschooled for his junior high years and is now an A student even though he too has the same learning disabilities. I understand not wanting child abusers to homeschool, but making all homeschool families have to ask permission to Homeschool is not the way to solve this. Maybe change the law to state if you have ever been found guilty of abuse, any kind of abuse, you forfeit your right to homeschool and have it on record of any children these people have so if they try to homeschool it is clearly noted in the child's file! Then CPS and the proper authorities can be called in.

This law will not stop abusers. Just like every child who is abused that still attends school is not found. There are two extreme cases that happened within 2 decades of

each other. One of which the authorities knew the family was abusive and still allowed the child to remain in the home and in fact gave the child back to the known abusers! That is the states fault! Not mine or any other homeschool parent! This is not legal standing enough to invade our privacy and to deny us or make us ask permission for something that is our right! This is not the solution, this is a scapegoat.

SB-2323

Submitted on: 2/12/2018 7:08:52 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Wendy Bowman	Individual	Oppose	No

Comments:

Aloha,

2/12/2018

We are asking that you oppose SB 2323. It punishes homeschool families with a 'guilty until proven innocent' approach. If it passes, it will become a time consuming and costly process for CWS and homeschooling families that has no way of preventing child abuse. In the case of Peter Boy, CWS already knew his parents were abusive and CWS allowed him to return to his home and live in the house with abusive parents. His situation would not have been helped by SB 2323. CWS dropped the ball on this child and no amount of homeschool legislation would have changed it.

In the case of Shaelynn Lehano, many agencies dropped the ball on her (and her brother). CWS and the court system had been involved with her case for over 8 years before she died. If CWS didn't protect her during that time, then it only points to a failed CWS system, not homeschooling.

It's safe to say that actual homeschooling looks very different from what you may expect. My husband and I have homeschooled our children for the past 14 years and it was something we started out of necessity. Prior to moving to Hawaii, my daughter was attending a private Christian school. At that time we were not completely against sending our kids to school, if it measured up to our expectations. We wanted the best education possible and the use of Christian curriculum for some of their subjects. We had no acceptable options, so our homeschooling adventure began. Let me also add, that neither my husband nor myself have any college degrees.

Our home life was and has always been busy. My husband and I own a construction company, with him working at the job sites and me running the books from the office in

our home. In a normal work week, my husband would work 50+ hours and I'd work 30+ hours. You might wonder how we homeschool our kids appropriately if we work so many hours. And I'll be the first to admit that it was not always easy. Our children learned more real life experiences that they would have ever learned in a classroom. These real life experiences have been one of the defining things that set them apart from their peers, who have attended both public and private schools. Our children learned first-hand how to: build a house, run a business, communicate with people of all different ages, fix cars, built an aquaponics system, live on a budget, cook healthy meals, surf, fish, and are certified scuba divers. Our children have been able to take multiple missions trips to Haiti and were even able to help in building the MARS habitat on Mauna Loa.

These days' kids have a sense of entitlement. They lack a good work ethic, are experimenting with drugs at an earlier age, and have little sense of responsibility. We have taught our children to be assets to society, not a burden. My son graduated from 12th grade at the age of 17 and was accepted into the California Maritime Academy, where he is now studying Marine Transportation, so he can become a ship captain. Upon graduating from high school, he had already completed 4 college level math and English classes at Hawaii Community College (HCC) in Kona. Our daughter attended HCC for two years after she finished high school and is now at UH Manoa, finishing her bachelor's degree (and next her doctorate degree) in Architecture. Both of our children chose college and career paths that are academically difficult and because they were raised up with grit and a strong work ethic, they are excelling in their classes.

One large downside to SB 2323, is the time it will take to determine if a student should be allowed to homeschool. I don't know of any homeschool children who have been abused, but I know of many who left the public school system because they were bullied by other students at school. In every case, the principal and teachers were unable to do anything to stop the situation. These students were forced to leave public school for their own safety and homeschool instead. Had they been required to go through an application process, they would have endured additional extreme abuse at the public school, while waiting for approval to homeschool.

We must ask ourselves, is homeschooling really a cause or common thread in child abuse cases? If you look at real child abuse statistics, the answer is "NO." Changing our current homeschool laws, won't help children who are being abused. Sadly, those children would be abused regardless of where they receive their education. I suggest that you to look at the following options as ways to protect children, while not placing more duties onto an already stressed CWS system. (1) Allow homeschool children to

participate in public school activities such as sports, music and drama. Teachers will get to know these students and report possible abuse if they notice it. (2) Provide more safe resources for parents who struggle with anger, drug or alcohol abuse. (3) Start mass publicizing a hotline for adults and children to call if they are being abused or know of someone who is. (4) Provide more housing for homeless families with children, being sure that it keeps the family unit intact and not separate them.

As American's, we have the right to choose what's best for our children and their education. It is not for the government, at any level, to make this decision for us. We are to be considered innocent until proven guilty. When we started our homeschool journey, it was out of necessity, but we quickly saw the fruit in our children's lives and it became something we were passionate about. I used to think homeschool families were strange, until we saw first-hand how wonderful it can be.

Mahalo,

Wendy Bowman

PO Box 44656

Kamuela, Hawaii

96743

SB-2323

Submitted on: 2/12/2018 9:25:16 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Theresa Loving	Individual	Oppose	No

Comments:

DATE: February 12, 2018

COMMITTEE ON EDUCATION

Senator Michelle N. Kidani, Chair

Senator Kaiali'i Kahele, Vice Chair

COMMITTEE ON HUMAN SERVICES

Senator Josh Green, Chair

Senator Stanley Chang, Vice Chair

RE: SB2323

Position: Oppose

Dear Chairs Kidani and Green, Vice Chairs Kahele and Chang, and Committee Members:

As a Big Island home educator, we have graduated five students fully homeschooled K thru 12. We are presently homeschooling seven sons. Our graduates have all attended UH Hilo where they have made significant contributions both academically and to the improvement of the university community. They work as tutors, provide leadership and vision in clubs, deliver commencement speeches and strive to actualize not only their potential but to encourage the best in those around them. We have worked hard as homeschooling parents for over two decades to encourage our children to be compassionate, ethical, honest, hard working, outside the box thinkers. We have worked with some of our children who were very gifted and much ahead of grade level. Homeschooling allowed them to advance through studies much more quickly than a traditional school would permit. We have also had children with severe health issues like epilepsy which impacted not only their physical abilities but also their cognitive functioning. In these cases, the home environment saved them from common problems like bullying and falling through the cracks which can occur in public schools. These children were able to learn at their own pace without anxiety or feeling like they were behind.

Our family works hard to meet our needs on my husband's DOE teaching salary. We expend much time, money and effort on our present homeschool efforts. We are pretty typical of the homeschool families we know. We have always provided 4140 forms as well as yearend standardized test scores. In fact on multiple occasions, we have provided copies of documentation previously submitted to the DOE to replace what they have misplaced or lost.

The families referenced in this bill were under CWS oversight. They are not reflective of homeschooling families. They are reflective of very dysfunctional families in the overloaded child welfare system. We believe that Big Island children would be better served by the DOE and CWS using their moneys on lowering social worker caseloads and implementing policies which improve CWS oversight. These very tragic deaths highlight the need for improved interventions in the lives of abused or neglected children, not a need to oversee well established, healthy family units.

We appreciate the opportunity to express our opposition to this bill.

Sincerely,
Theresa L. Loving

EDU Testimony

From: Ruth & Rudy Poglitch <rpoglitch@yahoo.com>
Sent: Tuesday, February 13, 2018 8:19 AM
To: EDU Testimony
Cc: Sen. Michelle Kidani; Sen. Kaiali'i Kahele; Sen. Donovan Dela Cruz
Subject: SB2323; disapprove and comment

Honorable Chairs Kidani and Green and members of the committees,

My name is Rudy Poglitch and I am a homeschooling father. I write to express my extreme disapproval of Senate Bill 2323. I urge you to kill this bill.

This bill assumes homeschool parents are guilty of child abuse until proven innocent. This is in gross violation of the most fundamental spirit and rules of American jurisprudence. Surely Hawaii doesn't want to go on record as supporting fascistic, Orwellian bureaucratic intrusion. Sadly, SB2323 proposes precisely that kind of governmental intrusion and overreach.

In reality, innumerable parents choose to homeschool because they care deeply for their children, and are convinced of the fact that parents are the first and most important teachers of their children. The many children who pass through homeschooling emerge as intelligent, articulate, kind, and mature young adults, and they become the kind of adults universities and businesses are pleased to have join their institutions. Such intelligent and compassionate young people will build a wonderful Hawaii and United States of America.

For the sake of Hawaii's "Aloha" reputation and for the sake of upcoming generations, kill SB2323.

Thank you for your attention to this critical matter. I look forward to your speedy reply.

Sincerely,
Rudy Poglitch
907-232-2066

[LETTER: President of Hawai'i Homeschool Network Opposes SB 2323](#)



LETTER: President of Hawai'i Homeschool Network Opposes SB 2323

As the founder and president of the Hawaii Homeschool Network, I am deeply concerned about three recently propos...

SB-2323

Submitted on: 2/13/2018 12:42:40 AM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Rachael Brenneis	Individual	Oppose	No

Comments:

I am a homeschooling mother of 3 and strongly oppose SB2323. This proposed bill targets homeschooling families and condemns them as potential child abusers until they can prove themselves innocent. I thought we lived in a country where our individual freedoms were protected. A place where a person is assumed innocent until proven guilty. This bill is a serious overreach by the government.

The bill is using two cases of tragic child abuse to gain sympathy. This in of itself is disgusting. The two cited cases had nothing to do with homeschooling. In fact, both children were already "in the system" and were failed by the state of Hawaii.

There are already acceptable laws regarding homeschooling in Hawaii. Homeschoolers are currently required to submit a letter of intent and an end of year summary. More often than not neither of these are even acknowledged by the school. How will the department of education handle the additional workload if they cannot even acknowledge homeschoolers under the current law?

My husband and I are homeschooling our 3 boys. I am Hawaiian but we currently live in California. We go where the Marine Corps needs my husband and had hoped to return to Oahu. I feel that this proposed bill unfairly targets military families who are residents of their home states and therefore have no vote in the state they are stationed in. If SB2323 passes Hawaii will sadly no longer be a viable home option for our family.

To Whom It May Concern:

Currently, I am a homeschooling mother of 3 children and have been homeschooling for the past 3 years because it is the best choice for our children's mind, body, and soul. I would like to thank you for supporting parental rights to choose the educational program that fits each child's needs. Not all children thrive in a school setting, however, they can in a home setting where they are educated properly. Sometimes, despite attempts from the school, having more attention, time, and love from home can enable a child to excel.

As a former school teacher and counselor, I care deeply for all children and their welfare. Even though I strongly condemn child abuse and neglect, I oppose SB 2323's changes to Hawaii's homeschool law. In March 2016, Congress's national Commission to Eliminate Child Abuse and Neglect Fatalities published a report calling on state legislatures to take a broad and holistic approach to preventing child abuse. The Commission identified several key risk factors for abuse - which did not include homeschooling - and encouraged state legislatures to carefully study the causes of child abuse locally to identify real solutions. The Senate should pause and consider the Commission's recommendation before it dramatically reshapes Hawaii's homeschool law. This bill would automatically treat all homeschool parents as suspected criminals and child abusers. Department of Education regulations already instruct school officials to contact social services if they believe a homeschooled child is suffering from abuse or neglect. Rather than presuming that homeschooling families are guilty until proven innocent and adding to the social workers already overflowing workload, the Senate should pursue policy changes that will give social workers the staffing, training, and resources they need to response to allegations of abuse and neglect.

Please take the time to consider the impact this bill will have on stripping away parental rights to choose for their own children an appropriate and beneficial education. Do not let two cited cases of extreme abuse, in which the state was already involved, be the cause to invoke thousands of others to "approval"

Sincerely,
J. McCabe

Aloha,

My name is Emily Rogers and I have been a homeschool mother for 15 years. I am writing to oppose SB2323, as well as any similar legislature that unfairly targets homeschool families as child abusers and requires them to get permission from state agencies before being allowed to homeschool. I oppose this legislation for the following 3 reasons:

1. **Families should not be targeting and persecuted just because of the educational choices we make for our children.** We are not child abusers. Our children are not isolated from the community. We are not breaking any laws, our children are excelling, and yet we are persecuted. In the 15 years that I have been homeschooling, I have met scores of other homeschool families. Every one of them was actively seeking out and participating in community activities. My children have participated in music lessons, martial arts classes, art exhibitions, swim teams, science fairs and Olympiads, paid internships, and mentorship programs among many other activities. Most homeschoolers are well socialized and there are evidenced based studies to back up my claims. Please see: <https://www.nheri.org/research-facts-on-homeschooling/> for a summary and bibliography of some of these studies. Targeting homeschool families is embracing a prejudice and there is no place for that in our free and democratic society.
2. **This law will not help abused children because home schooling is not the problem.** Although there have been several high-profile cases in the news lately that seem to feature homeschooling as a leading factor in the abuse, the data does not show that this is true. It must be noted that child abuse in the homeschool community is very rare. Please see the data collected by the US Department of health - <https://www.acf.hhs.gov/cb/resource/child-maltreatment-2016>. When we compare these figures to the numbers presented by the Coalition for Responsible Homeschooling we can see that the number of perpetrators masquerading as homeschoolers is very low. In fact, this evidence suggest that children being abused by teachers, guidance counselors , social service workers, and other agents of the state is much than that of homeschoolers. It is as if homeschoolers are a scapegoat in the media for abuse. For example, although the news on TV linked Peter Kema to this bill, he was not homeschooled, he was below the age of school attendance when he died. Please rely on the hard data and not anecdotal evidence presented in the media.
3. **This proposal will take away time and resources from both the DOE and CWS.** My husband and I are licensed resource caregivers for the state of Hawaii (foster parents). We know first hand how overworked our Child Welfare Service Department is. The Department of Education also has problems of its own that it needs to attend to. In the case of Peter Kema and in the other child more recently died in Hilo, we know that CWS was already involved with those families. If they had the resources they need, then perhaps CWS may not have missed the signs of the abuse that killed those children.

I know that the intentions of this bill are to prevent child abuse and that is a noble cause. Please do not waste time and resources by harassing homeschool families. I suggest a better strategy to prevent abuse would be through educational campaigns that help the public, as well as mandated reporters recognize when there is abuse and know how to report it.

Also, please do everything you can to increase resources to CWS, to limit the number of children each case worker is responsible for, increase the number of investigators that can respond to abuse reports.

Thank you, Emily Rogers

DATE: February 13, 2018

COMMITTEE ON EDUCATION

Senator Michelle N. Kidani, Chair
Senator Kaiali'i Kahele, Vice Chair

COMMITTEE ON HUMAN SERVICES

Senator Josh Green, Chair
Senator Stanley Chang, Vice Chair

RE: SB 2323

Position: Oppose

Dear Chairs Kidani and Green, Vice Chairs Kahele and Chang, and Committee Members:

As a Hilo resident and registered voter, I oppose SB 2323. My wife and I homeschool 2 of our children in connection with a public charter school and plan to continue homeschooling our third when she is of school age.

We live in a society where it is illegal to search vehicles or residence without just cause, in accordance with the Fourth Amendment. I appreciate these legal parameters, even though I am not concerned that if my vehicle or residence was searched, I would be found guilty of breaking any laws. Neither am I concerned that our family would not pass the proposed background and criminal checks in order to legally homeschool our children. However, I am highly concerned that any of these searches would be performed without probable cause because it violates my personal liberties and rights to privacy as a citizen of the United States.

Some of the language used in SB 2323 raises further concerns. Section 2, part 3, subsection d: "... authorized representative may approve a notification of intent..." subsection e: "may deny a notification of intent..." part 5: "any disqualifying information;" part 6: any background check information that the department finds may pose a risk..." Without strict guidelines of what will be considered "disqualifying" or posing a "risk" and without processes in place that clearly state that approval will be given, there are too many loopholes giving the superintendent arbitrary control over whether a family will be allowed to homeschool.

It is also not specified who would be responsible for the time and cost involved in background and criminal checks. Considering the already overloaded CWS workers, would you be taking them away from actual cases of abuse to try and ferret out potential cases in a population that has no correlation with a higher risk of child abuse? If you are prepared to use taxpayer money to further fund CWS and DOE in order to support these checks, wouldn't it make more sense to use those funds to fix an already broken system that let confirmed abuse cases like Peter Kema Jr. and Shaelynn Lehano slip through the cracks?

Child abuse and neglect are important issues to address, but let's put our resources and time into solutions, not witch hunts against law abiding citizens who are making legal educational choices.

Thank you for your time and for the opportunity to provide testimony.

Sincerely,

Daniel E. Olson

TESTIMONY REGARDING SB2323

FEB. 12, 2018

Raymond Gagner

Pox 49

Laupahoehoe, HI 96764

I am writing in opposition to SB2323, a Bill that will stigmatize and impede home schooling while doing little or nothing to prevent the abuse of children. I am a grand-father in an extended home schooling family.

We hear horrific stories of children being systematically abused and even killed by their parents. In a very small, vanishingly small, number of cases the perpetrators of abuse are parents either home schooling or claiming to home school the victims of their abuse.

Each of these cases is a tragedy. Unfortunately, SB2323 will do little to prevent similar tragedies in the future. There are three reasons for this.

First, the co-occurrence of severe child abuse and home schooling is extremely rare.

Second, the children at greatest risk for serious/fatal abuse are too young to attend school.

Third, and most important, far from being “invisible children,” the victims of serious/fatal abuse (whether home schooled or not) are often known to child welfare officials yet still suffer and die due to inadequate intervention.

A RARE PHENOMENON

How many home schooling parents abuse their children? The Coalition for Responsible Home Education, which is cited in SB2323, has built an anecdotal data base of cases of abuse by alleged home schoolers. The Coalition states that its data, which is derived through ongoing surveillance of news stories on the internet, is neither exhaustive nor statistically significant.

In the eighteen year period 2000 through 2017, the Coalition has documented 323 cases of abuse by alleged home school parents, an average of 17.9 cases per year. The Coalition documented 123 child fatalities in this period, an average of 6.8 deaths per year.

A review of federal data on child abuse for the latest available year (2016) gives an idea of the relative scale of incidence of home school child abuse. In 2016, there were an estimated 57,932,234 children under 18 in the US. Of these, 631,564 were victims of child abuse and 1,447 children died at the hands of their abusers in 2016. According to the Coalition, there were 4 home school fatalities in its data base in 2016. *That is four out of 1,447.*

By way of comparison, in 2016, there were 24 child daycare providers identified as perpetrators in child abuse fatalities, as well as five foster parents, 1 legal guardian, and one other professional. All of these killers were presumably screened and approved by state agencies. *To put it bluntly, in 2016 a child was 7.8 times more likely to die at the hands of a day care worker, foster parent, legal guardian, or professional than a home school parent.*

PRE-SCHOOLERS AT RISK

The federal data illustrates another reason why SB2323 is largely irrelevant to the problem of serious/fatal child abuse. Of the 1,447 child fatalities identified in 2016, 1,222 or 84.5% were children age five or younger. These poor children were neither in school nor home schooled and the procedures called for in SB2323 would, alas, have done them no good.

THE NOT INVISIBLE CHILDREN

The Coalition for Responsible Home Education data base cited above is called Homeschoolings Invisible Children and it purports to document a condition where children at risk for abuse are in greater danger because they are outside the surveillance provided by the public schools and therefore “invisible” to protective services. Is this actually the case?

Nationally, in 29.7% of cases of child fatalities there was prior CPS intervention or investigation. In addition to formal CPS investigations, victims of abuse often have a variety of contacts with the child welfare system. The grim stories of the eight fatalities in the Coalition’s “Invisible Children” data base for 2016 and 2017 illustrate these complex interactions.

Natalie, age 16, was a special needs adopted child which means that her family must have had a *home study*. Neighbors called the police five months before her death. *Police state that they contacted CPS but it is not certain that contact was made or followed up.* A state senator stated in the press that there had been “*numerous*” *abuse reports concerning the family.*

Shaelyn, age 9, from Hilo was *removed from her parent’s custody in 2007.* Her Grandmother was made legal guardian. Press reports state *that CPS was tracking her since she was a toddler.*

Jeffrey, age sixteen, was a special needs adoptive child. His family must have had a *home study before placement.*

Sabrina, age 16, was *adopted from foster care which requires home study and monitoring.* Her family ran a *licensed child care center which was the subject of three separate complaint investigations.*

Savanah, age 16, was *adopted by an out of state family* who returned her to her birth mother by some ill defined “power of attorney.” *Child welfare officials were or should have been aware of this situation.*

Liam, age 6, was investigated by CPS in 2016. He was examined by an MD who found that his malnutrition was due to a medical condition.

Two other children, Kyle 17 and Emily, 12 died in a murder/suicide at the hands of their mother. There was, apparently no history of CPS or other child welfare involvement.

With the exception of Kyle and Emily, the 2016-2017 victims’ families were all known to child welfare authorities through CPS investigations, placement studies or licensing investigations.

They were not invisible.

A NOTE ON THE COALITION FOR RESPONSIBLE HOME EDUCATION

The Coalition should be commended for its work in documenting child abuse and its advocacy on behalf of young victims. There are, however, significant problems with the accuracy of its data base and with the conclusions that the Coalition’ staff are drawing from their data.

Regarding accuracy, I would note that the Coalition includes young Peter Kema among its cases although I have seen no evidence that Peter was ever home schooled. I have also identified three cases, including one fatality, from Canada. These errors suggest caution when using the Coalition’s data base.

Caution is also warranted in viewing the Coalition’s data analysis and conclusions. In its webpage, *Some Preliminary Data on Homeschool Child Fatalities* the Coalition begins its data analysis with a bold statement.

Our preliminary research suggests that homeschooled children are at a greater risk of dying from child abuse than are traditionally schooled children.

This is simply not the case and the same report acknowledges the fact.

The Coalition looked at data for a thirteen year period (2000 through 2012) and calculated the expected number of fatalities among home schooled children ages 6 through 17 by multiplying the number of all child fatalities by the percentage of all children who were home schooled. They then compared these expected numbers with actual numbers from their data base and found that actual deaths exceeded expected deaths by 11 fatalities (84 versus 73). This is a difference of less than one death per year in a home schooled population of between one and two million children.

The Coalition website presents a bar chart comparing expected and actual deaths for the thirteen year period. Given the minuscule differences overall, the year by year picture is what you would expect. In five of the thirteen years known deaths plainly exceed expected. In five other years, expected deaths plainly exceed known. In three years the numbers differ only slightly.

Statistically, this is like flipping a coin thirteen times and getting five heads, five tails, and three coins rolling under the sofa. Even figuring in the close calls, there are seven years where known fatalities exceeded expected and six years where they did not. This tells us precisely nothing.

Eventually the Coalition's report admits that:

This finding does not yet reach the threshold for statistical significance, so at this point *we cannot say conclusively that homeschooled students die from child abuse and neglect at a higher rate as other students.* For the time being, we can say for certain that homeschooled students are *not less likely* to die from child abuse or neglect than other students. (Emphasis mine.)

The Coalition for Responsible Home Education puts itself forth as the lead organization researching abuse among home schoolers. Its findings are widely cited on the internet and in the media and in the legislative purposes of SB2323. *Its findings are, by its own admission, statistically meaningless and it admits that its data analysis fails to prove its contention that home schooled children are at greater risk for fatal abuse than children attending school*

CONCLUSION

The willful death and mistreatment of any child is a tragedy and an outrage and lawmakers should be commended for trying to craft laws that will combat these horrors. Although well intentioned, I do not believe that SB2323 will have a positive effect.

Home schooled children account for the tiniest fraction of the hundreds of thousands of abused and neglected children in our country. Most home schooling parents are loving and dedicated to their children's education. The homeschooled "invisible child" victim is theoretically possible, but it is more likely that the dysfunctional parents seeking to wall their families off from prying eyes become known to authorities whether or not their children are in school.

Rather than involve the schools in an already complex and over burdened system, it seems more useful to address the inadequacies of the existing CPS system.

SB2323 mentions little Peter Kema, although he was not home schooled and apparently did not survive long enough to attend school. Poor Peter and little Shaelyn mentioned above, take us to the heart of the problem. They were not "invisible." They were known all their lives to the CPS system and yet they died. If we need new laws, let them address why the system has failed Peter and Shaelyn and what can be done to make sure that the system does not fail again.

NOTE ON SOURCES

Federal data on child abuse is taken from *Child Maltreatment 2016*, a publication of the Children's Bureau, US Department of Health and Human Services. (Available online.)

The Coalition's data is found online at *Homeschoolings Invisible Children*.

SB-2323

Submitted on: 2/12/2018 2:09:08 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Heather Gilbert		Oppose	No

Comments:

As a homeschooling parent, I understand the value of being connected instead of isolated. That's why I've joined East Hawaii Homeschool Hui where my children and I regularly meet with multiple other homeschooling families to learn, grow, and connect with each other. Our family is also involved in church services at Puna Covenant.

As a homeschooling parent who loves my children and wants what's best for them, I strongly oppose SB 2323. For more than thirty years, Hawaii has recognized the constitutional right of parents to teach their children at home. Hawaii's current homeschool law strikes a healthy balance by respecting the right of parents to homeschool without obtaining approval from the state, while also ensuring that regular contact exists between parents and school officials through the filing of a notice of intent and an annual report on each child's progress, to which we adhere.

Even though I strongly condemn child abuse and neglect, I oppose SB 2323's changes to Hawaii's homeschool law. In March 2016, Congress's national Commission to Eliminate Child Abuse and Neglect Fatalities published a report calling on state legislatures to take a broad and holistic approach to preventing child abuse. The Commission identified several key risk factors for abuse - which did not include homeschooling - and encouraged state legislatures to carefully study the causes of child abuse locally to identify real solutions. The Senate should pause and consider the Commission's recommendation before it dramatically reshapes Hawaii's homeschool law.

I oppose SB 2323, which would automatically treat all homeschooling parents as suspected criminals and child abusers. Department of Education regulations already instruct school officials to contact social services if they believe a homeschooled child is suffering from abuse or neglect. Rather than presuming that homeschooling families are guilty until proven innocent and saddling social workers with the task of conducting routine records checks on thousands of homeschooling parents and children, the Senate should pursue policy changes that will give social workers the staffing, training, and resources they need to respond to allegations of abuse and neglect.

Thank you for your time,

Heather Gilbert

(Hawaii Island)

SB-2323

Submitted on: 2/12/2018 1:21:24 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Megan Ko		Oppose	No

Comments:

As an Oahu parent who has been home-schooling for seven years now, I strongly oppose the proposed bill SB2323. While I appreciate lawmakers concern for the welfare and safety of the children of Hawaii, I believe that the responsibility and need for change needs to be directed at the Department of Health and CPS, not the Department of Education and thriving home-school families. The two unfortunate incidents that prompted this bill both had CPS involved before the individuals were "home-schooled". Instead of using taxpayer's hard-earned money to fund unnecessary background checks into lawfully abiding home-school parents, why not devote more funds into developing a more proactive approach to preventing child abuse in KNOWN dangerous homes. Thank you for your thoughtful consideration.

SB-2323

Submitted on: 2/12/2018 1:11:41 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Brandi Adams		Oppose	No

Comments:

I lived in Hawaii for 5 years as a military spouse. In that time I decided to homeschool my child for many reasons. I decided to homeschool in Hawaii because the Hawaii schools are already overcrowded and rank one of the lowest in the United States. I did not plan to continue homeschooling but we ended up loving homeschooling so much that we have continued to homeschool and are in our 5th year of homeschooling. My child has thrived and has the freedom to move ahead in subjects that she does well in or we can slow down progress if she is struggling. Many military families have decided to homeschool because of how often we move and being able to work the school schedule around the military member being home. We also chose to homeschool because we wanted to give our daughter a Christian faith based education.

Making all homeschoolers audited by CPS and background checks is absurd. The vast majority of homeschoolers do so in order to better their children's education not to abuse them. Public school children are abused as well, so do all parents get background checks and CPS visits?

Furthermore children are being bullied in schools by other children as well as teachers. Are all public school teachers going to be put under the same scrutiny?

Yes there are people out there that have done terrible things to children but that does not mean that every homeschool is out to abuse their children. Also parents of children with disabilities are not automatically abusing their children by homeschooling them. They are most likely trying to find the best possible way to educate that child so that they do not fall between the cracks of the public school system.

This bill is discriminatory and violates our rights as American Citizens.

SB-2323

Submitted on: 2/12/2018 12:34:44 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Aine Nakasone Hintz		Oppose	No

Comments:

Aloha,

Although I do see that the initial concern prompting Senate Bill 2274 and 2323 as well as House Bill 2244 is one of simply protecting children these bills are detrimental, invasive, and unwarranted. The arguments for these bills are a third-cause fallacy and completely invalid.

The issue of child abuse is not one I take lightly. I believe that those who hurt children should be brought to justice and that children should have a consistent place to go to for love, safety, and acceptance.

Homeschool does not cause child abuse nor does each family that abuses their children end up homeschooling. It is in fact a third cause that is not being addressed. The inability of government to legislate morals.

There are safety measures in place to protect children but these systems are failing.

The idea that homeschooling the best way to hide child abuse, therefore we must prove that we are not homeschooling with the intent to abuse and/or kill our children, is ludicrous.

Sure, we can submit and pass the scrutinizing, invasive searches and background checks, but why do we have to?

I have done nothing wrong and there is no reason to assume my guilt. As soon as we say it's ok to allow undue searches of homes everyone will be subject to the precedent that will be set in place by such an invasion.

In the two cases referenced in these bills public schools caught the abuse. These people were investigated by CWS and the cases were prematurely and erroneously closed. The abusers were then allowed to pull their children out of public school under the guise of homeschooling them.

If they want to look at potentially abusive homeschool families they do not need to dragnet and instead should start investigating and denying only the families, with proven

abuse. In both the cases that I have researched the state allowed these criminals to outwit the system and falsely claim that they were homeschooling.

I am a homeschooling mom of two very bright children. I have filled out more than my share of paperwork and have willingly sacrificed in order to educate my children at home.

My choice to homeschool is guaranteed to me by law and is a religious one as well as a pure desire to give them the very best education possible.

I have spent countless hours driving my children to activities, researching classes and events, seeking out only the best educational opportunities for them, teaching them, raising them, and encouraging them daily.

I have poured over the sea of curriculum choices available. My husband has bought and paid for all of their books and supplies every year. We have scrimped and saved in order to have them attend extra curricular activities and events.

I have sacrificed my career as well as my time because they are precious to me and their education is mine and my husbands number one priority.

Each year, as required by law, I write a thorough and complete progress report for each of them.

In it I outline the scope and sequence of the education that I tirelessly make available to them. Our home and life style are a culture of learning.

What you won't see in the report are the countless aha moments that we homeschooling parents live for.

The moment they read their first book. The moment they write their first book.

When they read a plaque on a boat and realized that this is the very ship they have been reading about at home.

When they shout out all the names of the houses in the Hawaiian star compass while staring at the night sky.

The real life moments when reverence and manners are so needed and our children can and do rise to the occasion.

Then there is the instant you realize that you are helping them on a journey of discovering the world and who they are as people.

You won't find those moments in textbooks or online academies.

I am blessed to be able to grow with my children and to teach them as individuals instead of just another face in a room of 23 children.

In my career as a homeschool teacher I have taught preschool, 1st, 2nd, 3rd, and currently 4th grade concurrently.

I teach hula, archery, dance, physical education, the arts, and music whenever the occasion calls for it. I have planned and executed countless field trips, events, and programs to enhance not only my children's education but others as well.

We are out and about socializing on a daily basis. My kids have outside teachers as well as skilled educators that spend time with them weekly.

My children do life with me. They shop with me, create art, struggle with new concepts in math, read exciting and sometimes boring accounts of historical events, they go and see and touch and experience museums, plantation houses, submarines, they have tea in authentic tea houses, and learn through travel and adventure.

My children work hard. They enjoy the fruits of their labor and have the opportunity to be children. They have the time to focus on things that they have a passion for all while having the benefit of a private tutor.

My right to raise my children according to my personal and religious beliefs is guaranteed to me by the laws that govern our country.

The current homeschooling laws in effect in Hawaii are working. Those of us who are legitimately homeschooling are complying with the filing of end of year reports as well as submitting letters of intent and standardized testing scores.

We are also aware of the dangers which laws that force us to prove our innocence and to submit to illegal searches of our home without cause will create.

Homeschooling is legal in all 50 states and we will do what it takes to protect our rights as parents and educators.

I stand in opposition to [Senate Bill 2274](#) and [2323](#), and [House Bill 2244](#).

Please vote against all three bills.

Mahalo,

Aine Hintz

SB-2323

Submitted on: 2/12/2018 1:01:41 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Margarite		Oppose	No

Comments:

The Hawaii state senate is having a knee-jerk reaction to recent events involving one exceptional instance of horrible abuse of the freedom to home school. The proposed legislature severely interferes with our right to educate our children and goes against the 4th amendment which covers unlawful search and seizure.

I home school my son in Hawaii to protect him from bullying I've been made aware of at our assigned public high school which is largely directed at non-local students and which goes largely unchecked. Furthermore, I am able to provide a much greater selection of courses via our online high school than are available at the local public school. My son does home school through an online accredited high school with well-educated and certified instructors.

Furthermore, by home schooling, our family unit has been strengthened as we have more time together. I am getting much more quality time with my son than I ever had with my parents growing up going to public school. My son is focused and thoroughly enjoys his courses while in a safe and loving environment free of bullying or abuse. SB2323 would only hinder my ability to provide such a nurturing environment for education.

I firmly believe that SB 2323 is severe government over-reach and is in direct violation of the 4th Amendment. As such, it should be firmly opposed and hastily voted down.

SB-2323

Submitted on: 2/12/2018 12:03:54 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Charlene Dachelet		Oppose	No

Comments:

Dear Senators,

I live in California. I am also a concerned parent of 4 children who teaches them at home. I find this attempt to undermine parental authority and guidance regarding their children's education disturbing, overreaching, and flat out wrong.

Your bill states that homeschooling will not be allowed by the government until after a background check and a visit by welfare services is completed and submitted to the Department of Human Services. What about a parent who wishes to pull their child out of a school where concerns of bullying aren't addressed to their satisfaction? Should the child remain in the school environment until all the red tape is gone through? What about a child who has a learning disability which can be accommodated much more easily at home than at a school? I am personally very familiar with this scenario as two of my children have autism and one of them also has dyslexia and, although they had IEP's at their respective schools (after years of meetings I might add,) neither of them were given the opportunity to succeed to the best of their abilities. Now, all my children are doing well in their schoolwork and involved members of their community.

Yes, there are a small number of unfortunate cases (and even one is too many) where parents have abused their children, also while homeschooling them. There are a great many other cases of parental abuse which have gone on while the children were in the public school system. The abuse has often been seen by others outside the family (in cases where the child was homeschooled and in cases when they've been in public school) and for the lack of wanting to get involved, did nothing. Sometimes the suspected abuse was reported, but welfare services was not able to make a case or they allowed the case to fall through the cracks. Neighbors, family members, members of the community – they are the ones who should be, and are in the proper position to be, the whistle blowers when abuse is suspected. Child Protective Services is supposed to be there to protect children who have been potentially been abused and rightly protect them. But what you are considering actually puts the parents in a predetermined position that assumes the parent is an abuser, guilty at the start, and they will have to prove they are not actually abusing their children instead of our country's laws that assumes innocence. This is harassment and discrimination and I am deeply offended by this. Being concerned about not wanting any child to be abused is rightly laudable, but targeting all parents who want to teach their own children is not the way to do it. We

live in a world full of examples of evil. Assuming the worst about parents by having them go through a screening process just to educate their children is not the way to go about righting this.

SB-2323

Submitted on: 2/12/2018 10:32:35 AM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jennifer Raasch		Oppose	No

Comments:

I'm disappointed to have to take time away from schooling my children to plead for that right, which currently already exists. But here we are.

As the Hawaiian State Legislature prepares to discuss and vote on SB2323 I struggle to comprehend how a legislative body inside the United States thinks that putting our 4th Amendment rights into question is an appropriate call. With nothing to hide, I look around my home and consider the anxiety I would feel if I was forced to open my home for a check by social workers to see if I am fit to homeschool my own children. Not to mention the anxiety placed on my children! Not only is this a question of our 4th ammendment rights (what cause or right do social workers have to come into my home?) but an issue of government mandated oversight for parenting.

Considering the abuse that goes on in schools every day - both student to student and sadly, teachers, employees of the school and adults meant to help and guide children abusing them, I am continually astounded that the state government of Hawaii would want to take on homeschoolers, basing their concern on 2, TWO, cases in 20 years. It is also important to note that the state had knowledge of the abuse that led to the tragic deaths of both of those children and dropped the ball in terms of protecting those children. After taking one of those children out of an abusive home the state returned the child, sentencing them to death. Why should I look to a state that makes such damaging and terrible choices to approve my parenting choices?

Also important to note is the dier state of education in Hawaii. Schools are not meeting the needs of the students they have yet this bill runs the risk of pumping thousands of students into the system that are currently homeschooled. This concerns me and makes me wonder what the true motive is behind this bill. Based on all the facts, it certainly isn't the welfare of children.

I passionately implore you to consider the overreach proposed in this bill. Where will it end? How will this affect society as a whole? This level of overreach is beyond anything that should be introduced in a free country. If schools were producing success and students that are prepared for the world and they were safe in these schools, maybe we would have a differnet situation but it would still be overreach. Either way, the state of Hawaii should consider cleaning up it's own

backyard before demanding to see mine. I live in a free nation and this law is not representative of the United States of America and all the freedoms for which it stands.

Sincerely,

Jennifer Raasch

808-269-9700

jmraasch@gmail.com

SB-2323

Submitted on: 2/12/2018 3:23:34 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Laura Baker		Oppose	No

Comments:

As a homeschooling family with 4 children, we strongly oppose SB2323. It appears that the legislation is geared to target child abuse, but it unfairly changes homeschooling laws in the process. Child abuse and neglect should certainly be dealt with, but on an individual basis. This bill has wide-sweeping implications for all homeschooling families, putting a huge amount of power in the hands of local officials to decide whether families are suitable to homeschool based on nothing more than their own opinions and observations. There are numerous studies to show that the majority of homeschooling parents put more time, energy, love, and resources into schooling their children than non-homeschooling parents. Although there are certainly exceptions, homeschoolers should not be targeted as a separate group for the possibility of abuse. At this point, it seems obvious that Hawaii schools don't even have the time and resources to follow up on their own students, much less homeschooled students in their districts. My personal testimony is that my four children, ages 7, 9, 13, 15 receive excellent individualized teaching from a caring, responsible parent. It just happens to be at home. Please do not allow this bill to proceed any further on behalf of your constituents.

SB-2323

Submitted on: 2/12/2018 10:13:17 AM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jennifer L Smith		Oppose	No

Comments:

Aloha mai,

As a former DOE teacher, current board member of a public charter school and homeschool mom I ask that you consider my thoughts on SB2323. While I strongly condemn child abuse and neglect, I oppose SB2323's changes to Hawaii's homeschool law. There is no evidence that homeschooling = abuse or neglect. In fact, as an educator myself I see quite the opposite. Having had a background check and being a mandatory reporter all of my adult life, I have never, ever met a single homeschool family where abuse has been suspected. Ever.

Please consider this snapshot of some of my personal observations over the last 12 years:

Public School Observations:

- Large numbers of children would come to school dirty
- Large numbers of children would come to school wearing the same clothes for an entire week
- Large numbers of children would come to school unbathed
- Large numbers of children would only eat at school
- One of my students wore diapers in first grade
- One of my students got bit on the finger by a rat
- Large numbers of students were being raised by their grandparents
- A large number of students were very behind academically

Homeschooling Observations

- Hawaii homeschoolers have access to a plethora of activities such as: Chess Club (state champions), Olelo No'eau Speech and Debate Club, Archery, Music, Art, various PE opportunities, an abundant amount of hands-on field trips,
- Hawaii homeschoolers I have met are typically very respectful, well mannered children
- I know of Hawaii homeschoolers that have gotten full ride Air Force ROTC scholarships
- I know of Hawaii homeschoolers that have finished their schooling requirements early

- I know many Hawaii homeschoolers that are far above grade level
- I have never met a single homeschool family where abuse has been suspected
- Hawaii homeschoolers are typically diligent workers
- Homeschoolers with special needs get much-needed one on one attention

I strongly recommend taking this opportunity to bolster Child Welfare Services versus infringing upon Hawaii families and their right to educate and enrich their children.
Mahalo nui loa for your time and attention to this matter.

Sincerely,
Jennifer Smith

B.S., Elementary Education, Penn State University

MEd, Learnign Design and Technology, University of Hawaii

Hawaii public charter school board member

Homeschool family

SB-2323

Submitted on: 2/12/2018 10:01:33 AM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
christopher lee		Oppose	No

Comments:

Our homeschool family is wearing green and blue. To show all our support for homeschooling freedom. We are a homeschooling family and love the freedom to homeschool.

We shouldn't be punished because of this very disturbed couple said they homeschooled.

This HOMESCHOOL LAW is wrong and should not be passed. To treat and stereotype all homeschool families as UNFIT AND CHILD ABUSERS is not right. We as parents have the right to homeschool our kids without being stereotyped as unfit and child abusers. Our most important job as parents is to make sure our families are taken care of. Our child(ren)'s Education is the most important to us. To take that right and freedom to homeschool away from us because of this disturbed couple is not right.

To punish all homeschool families for this one disturbed couple isn't right and against our rights as US CITIZENS. I'm sorry what happened to these 7 adults and 6 kids but their parents are the only ones responsible for that situation. Not because they homeschooled. To say they did this because they homeschooled is wrong. They made the decision to treat their kids like this because they are sick and disturbed couple.

SB-2323

Submitted on: 2/12/2018 9:55:58 AM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
crystal lee		Oppose	No

Comments:

Our homeschool family is wearing green and blue. To show all our support for homeschooling freedom. We are a homeschooling family and love the freedom to homeschool.

We shouldn't be punished because of this very disturbed couple said they homeschooled.

This HOMESCHOOL LAW is wrong and should not be passed. To treat and stereotype all homeschool families as UNFIT AND CHILD ABUSERS is not right. We as parents have the right to homeschool our kids without being stereotyped as unfit and child abusers. Our most important job as parents is to make sure our families are taken care of. Our child(ren)'s Education is the most important to us. To take that right and freedom to homeschool away from us because of this disturbed couple is not right.

To punish all homeschool families for this one disturbed couple isn't right and against our rights as US CITIZENS. I'm sorry what happened to these 7 adults and 6 kids but their parents are the only ones responsible for that situation. Not because they homeschooled. To say they did this because they homeschooled is wrong. They made the decision to treat their kids like this because they are sick and disturbed couple.

SB-2323

Submitted on: 2/12/2018 9:28:27 AM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Chester Witczak		Oppose	No

Comments:

As a citizen in Hawaii who homeschools, I am very disappointed that SB 2323 is attempting to make major changes to Hawaii's homeschool law without first discussing those changes with the homeschooling community. In addition to being parents, homeschooling parents are also taxpayers, voters, and teachers. We care deeply about the education of our children - so deeply that we have given up careers, overcome financial hardships, and devoted hours each day to provide them with an education, all without receiving benefits or pay.

Hawaii's current homeschool law strikes a healthy balance between respecting the constitutional right of parents to homeschool and having regular contact between parents and school officials through the filing of a notice of intent and an annual report on each child's progress.

This proposed legislation creates too much intrusion into the lives of innocent families, turning "innocent until proven guilty" on its head. It is an unfair and unfounded attack on an entire group of people based solely on our educational choices and no known risk factors or suspicion of abuse. In fact, there are identified risk factors associated with child abuse, but homeschooling is not one of them.

If this Bill is truly concerned with stopping child abuse, it is looking in the wrong place and it is shameful for our elected representatives to be treating an entire group of people like criminals with no evidence.

Furthermore, I believe this would create too much burden in its implementation for Child Protective Services and Superintendents alike, not to mention the cost to the taxpayer to devote so many hours to conducting background checks and approving homeschoolers YEARLY. I can only imagine the unintended consequences of

overburdening our already-taxed systems with these tasks and the unintentional delays in granting approval to homeschool families. What happens to families as we await approval? Do we continue homeschooling “illegally” as we languish in the process? Or do we flood our already overfull schools with thousands of children currently being educated at home while we wait weeks or months for Child welfare and the Superintendent to catch up to the backlog?

Please consider drafting legislation that addresses the real issues of child abuse and leave the homeschool law as it currently stands!

Sincerely,

Chester Wiczak

Kailua-Kona, HI

Senate Education and Human Services Committee Members:

My name is Kara MacPherson. I have a BA and MA in Education, am a certified kindergarten-12th grade teacher with years of public and private classroom teaching experience, and am a homeschooling mother of four.

I oppose Hawaii Senate Bill 2323.

While I support the goal of eliminating child abuse and neglect, this bill fails to efficiently work toward that end. The final report of the Commission to Eliminate Child Abuse and Neglect Fatalities published in March of 2016, for example, does not even identify homeschooled children as a population in need of special attention. Additionally, the State of Hawaii Department of Human Services Audit, Quality Control, and Research Office statistical report on Child Abuse and Neglect in Hawaii for 2015 (most recent available) indicates that social isolation was a precipitating factor in the abuse only 0.7% of the time - 11 incidences out of 1,546.

This bill is excessive in its requirements for approval to homeschool. Child Welfare Services workers are already overtaxed, with approximately 50 cases per worker. Attention in the bill has not been paid to the needs of the children whose cases are already in the system and how they would be affected by the large influx of work required to provide adequate checks on homeschooling families. Will the children already identified as being at risk be serviced well enough to identify abusive situations?

This bill is lacking in clarity for what would occur during the time the background check is in progress. Would students be required to attend public school while the background check is in progress? Are schools able to accommodate that influx of students, reportedly 7000 state-wide?

One of our biggest reasons for homeschooling is to provide consistency in education for our children. That would be completely disrupted by this requirement. We had lived in nine houses across five mainland states, two foreign countries on two different continents, and in Hawaii before we had been married thirteen years. To have to enroll our children and then pull them out of schools in all of those places would have been extremely disruptive to their educations. By homeschooling, we were able to provide them with continuity in their studies and take advantage of local cultural opportunities. Our children are fluent in German, are advanced in their studies after learning in a tutorial environment for the entirety of their schooling, and have traveled extensively. Forcing them to sit in classes that are not studying material on their levels would be detrimental to their emotional and educational health. It has taken months for us to receive back our acknowledged Letter of Intent at each of the schools we have submitted them. They do not even require any checks by any other entities. How long is this proposed approval process realistically going to take?

While the intent of this bill to reduce child abuse and neglect is admirable, the targeting of homeschoolers at the expense of their education is counterproductive and impractical. I urge you to reconsider this bill.

Respectfully,
Kara MacPherson, Kaneohe, HI

SB-2323

Submitted on: 2/11/2018 9:47:17 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jessie Eskaran		Oppose	No

Comments:

As a mother on the big island I know how limited our options for education are. As one who has worked at public schools in laie, Kajiki, Kealakehe as well as Waikoloa, I know that I am looking for more for my children, and after much discussion (3 years to be exact) we have decided hat homeschooling our children would be the best fit for our family and now that option is being put in jeopardy. I have taught many classes to homeschool groups in our area over the past few years as well, from Japanese language to hula and Hawaiian history and I have found the children that are homeschooled eager to learn and very capable which has definitely had a positive impact on my own children and our decision to home educate. There are many bad people in the world, but the general people shouldn't be punished for those decisions made by people who are bad. I believe in agency and freedom to make decisions that are thoughtful and purposeful for my own family and children. Let us keep that power to choose.

SB-2323

Submitted on: 2/11/2018 8:42:09 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Quinton Wilson		Oppose	No

Comments:

As a homeschooling constituent, I feel it important that my position be heard as the proposed legislation directly affects my family. I oppose this legislation as I do not feel it effectively addresses the issue at hand. The choice to homeschool my children is a heavy burden in itself. It places an extra burden on our underfunded public assistance program is not going to make effective changes to the current situation. If the aim of this bill is to establish intervention into home schooling households for the purpose of identifying and preventing abuse, then the same has to apply to our public systems as well. The premise of argument is that public schooled children have the oversight of teachers and administrators to identify abusive characteristics. If this bill passes and I am submitted to a review process before being allowed to school my own children, then it is plausible that under the same premise, the school administrators should carry the same consequences.

If CPS reviews my house, approves it for schooling, and then abusive behavior is later identified, they have failed. The CPS counterpart in the public school system (teachers) should also be held as liable for failure to identify abusive households. The teachers' unions would never allow this to happen. We have to protective representation and require the common sense and practicality of our representatives in government (yourselves) to protect our households. This is precisely why we vote our representatives both into, and out of, their positions.

As your constituent, I urge you to oppose this bill.

Dear Respectable Members of,

COMMITTEE ON EDUCATION

Senator Michelle N. Kidani, Chair

Senator Kaiali'i Kahele, Vice Chair

COMMITTEE ON HUMAN SERVICES

Senator Josh Green, Chair

Senator Stanley Chang, Vice Chair

I oppose SB 2323. As a Homeschooler and concerned parent I believe that Hawai'i's current Homeschool laws are adequate and fair. I know that domestic abuse is a serious issue and any measures that would reduce it should be taken, however I firmly believe that SB 2323 does not do that. Child abuse will happen whether a child is in public, charter, private, or homeschool. Abuse is about power and control, therefore the abuser will find a way to have power and control any possible way.

Another concern is how will this be funded, and will social services be able handle this in addition to their already strained case load in a timely manner? Too many times bills with well meaning have not been thought through in a practical way.

Finally, I believe there should be education available to all members of the community about the signs of abuse and prevention, and current laws upheld on domestic abuse along with possibly adding to them that are for all members of the community. SB 2323 signals out Homeschool families and is a slippery slope of discrimination. Majority of homeschool families are law abiding citizens. SB 2323 will single them out as if they are not.

As a homeschooling parent who loves my children and wants what's best for them, I strongly oppose SB 2323. While I understand the need to protect vulnerable children and am horrified at the abuse that has occurred, I do not believe the evidence shows that this bill will solve the problem. SB 2323 represents a gross intrusion into the rights of parents. For more than thirty years, Hawaii has recognized the constitutional right of parents to teach their children at home. Hawaii's current homeschool law strikes a healthy balance by respecting the right of parents to homeschool without obtaining approval from the state, while also ensuring that regular contact exists between parents and school officials through the filing of a notice of intent and an annual report on each child's progress. If SB 2323 passed, it would essentially require parents to pass criminal background checks in order to spend more time with their children. There are many cases of abuse that happen every year in the lives of publicly educated children. If the parents of every publicly schooled child are not required to have background checks to "approve" them for the afternoons, nights, and weekends they spend with their children, then why should homeschooling parents have to submit to such a background check to spend a few extra hours with their children each day? I think there are other ways to protect at-risk children without treating all homeschooling parents as potential criminals and depriving them of the freedom to educate their children.

DATE: February 11, 2018

COMMITTEE ON EDUCATION

Senator Michelle N. Kidani, Chair
Senator Kaiali'i Kahele, Vice Chair

COMMITTEE ON HUMAN SERVICES

Senator Josh Green, Chair
Senator Stanley Chang, Vice Chair

RE: SB 2323

Position: Oppose

Dear Chairs Kidani and Green, Vice Chairs Kahele and Chang, and Committee Members:

My name is Sammie Olson. I was born in Hilo, attended public school K-6, then was homeschooled 7-12. I attended college in the mainland, earning my BA in Sociology, then returned to Hilo with my husband to raise our family. When our oldest child was nearing Kindergarten age, we explored our education choices. Private school was not an option for our single-income family, and the public school in our district is currently ranked 149 out of 205 Hawaii elementary schools. We decided to homeschool for her first year, and now, 3 years later, homeschool two of our children in connection with a public charter school. I appreciate the family time, flexibility, and opportunity to customize my children's curriculum that homeschooling offers our family.

As a mother, former preschool teacher, and former Child Welfare Service employee, I place a high value on the safety and well-being of each child in our community. I believe that SB 2323 does not increase the efficacy of CWS or DOE in protecting our vulnerable keiki. Instead, it puts an additional burden on the already overloaded DOE and CWS while also drawing an unfounded correlation between homeschooling and abuse. I am concerned that our right to direct our children's education, established by the Supreme Court case *Pierce v. Holy Sisters* 268 U.S. 510 (1925), is being infringed upon without due cause.

In the heartbreaking cases of Peter Kema Jr., and Shaelynn Lehano, both families had histories of confirmed child abuse, but still had access to the children. In addition, the mandated reporters in Shaelynn Lehano's school did not follow through on established procedures to protect her. These were not homeschooling families, they were abusive families who withdrew their child from school with the intent of isolating and continuing their abuse. Even if SB 2323's proposed regulations had been in place, and these families were not allowed to withdraw from public school, Peter and Shaelynn would have been sent home every day to abusers. The only real solution in these cases would have been to remove them from their home situation.

Considering that 84.8% (US Dept of Health and Human Services *Child Maltreatment* 2012) of nationwide child maltreatment fatalities occurred among preschool-age children and that 44% (Hawaii DHS CAN 2015) of Hawaii child abuse victims are 4 and under, I believe focusing CWS efforts to provide more intervention, prevention and support for early ages would better serve the goal of protecting Hawaii's children. Peter and Shaelynn had case files far before they were of age to attend school.

Unfortunately, abuse exists in all education venues. Despite this fact, we choose not to treat all public or private school parents, educators, personnel, and administrators as suspect. Singling out homeschooling families as guilty until proven innocent is an unwarranted attack on a legal educational choice.

Thank you for your time and for the opportunity to provide testimony.

Sincerely,

Sammie H. Olson

SB-2323

Submitted on: 2/11/2018 2:46:04 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jonelle Santa		Oppose	No

Comments:

My husband and I live in Wahiawa, we are permanent residents in Hawaii, and have lived here 22 (me) and 27 (my husband) years. We homeschool our 3 school-age children (7, 9, 12), and have two active little ones as well (ages 2, 4), we have been homeschooling for 8 years.

We homeschool within community: our weekly community homeschool group, community with our neighbors riding bikes and playing basketball, and in the seasonal community of several sports/athletics leagues . We see our pediatrician (one of Oahu's best) at least every other month, and have a wonderful, rich relationship with her and her staff. We are in community in order to make sure other people are speaking into our lives, and into the lives of our children. These communities alert us to our blind spots and encourage us to grow in ways we wouldn't without them.

We do NOT abuse our children, and our desire to homeschool is NOT a desire to hide or withdraw from the world. Rather, we feel passionately about how children learn best, and about what education is and should be.

Our eldest daughter came to us when she was 2 1/2 years old. She had meth-exposure in the womb, and came out of a home of domestic violence, abuse, neglect, drugs, and active sex industry. There was no CPS file for her, because my sister - her mother - knew how to avoid getting flagged and how to hide what was happening in their home around and to this little girl - who was my niece, and is now our daughter.

She has been with us for over 10 years, and all of her doctors are continuously struck by how deeply and well she has 'attached.' She does not have an attachment disorder, and she does not struggle with the learning and behavioral disabilities that are so so typical of children with her background. She has unique struggles, but we are able to deal with and address these struggles in a safe, natural way within our home. Our doctors and her child psychologist all agree that this is largely because of homeschooling, because of both the stability and flexibility of her daily environment after entering our family.

Homeschool is not abuse, or even an indicator of abuse. I know several bills recently have cited studies, but please - take the time to research this thoroughly - the

studies cited are old, out of date, and very limited in scope. The preponderance of evidence is that homeschooling is NOT an indicator of abuse.

In our family, homeschooling has been a healing experience for an abused little girl who is growing to be a strong, brilliant, and courageous young woman. We have been able to homeschool because you - our state - has supported and not hindered us in this. So, from the bottom of my heart, thank you for that.

I know the effects of abuse and neglect personally and through raising my daughter, and I most strongly condemn child abuse and neglect, but I equally strongly oppose SB 2323's changes to Hawaii's homeschool law. Frankly, SB 2323 is not a solution - it is limited, it is weak, and it is a distraction. PLEASE research abuse and neglect, please protect Hawaii's children. But please do not think that this bill does that.

In March 2016, Congress's national Commission to Eliminate Child Abuse and Neglect Fatalities published a report calling on state legislatures to take a broad and holistic approach to preventing child abuse. The Commission identified several key risk factors for abuse - which did not include homeschooling - and encouraged state legislatures to carefully study the causes of child abuse locally to identify real solutions. The Senate should pause and consider the Commission's recommendation before it dramatically reshapes Hawaii's homeschool law.

As a longtime homeschooler I oppose this bill because its premise is fundamentally flawed and the remedies proposed would be costly and administratively burdensome.

Our family has homeschooled for fifteen years in several states. Like most homeschooling families, we make our educational choices based on a variety of factors, including a desire to view each student as an individual with their own strengths and weaknesses, an interest in providing academic continuity as we move, and a goal of integrating academic lessons with hands on experiences through travel and field trips. Our overarching goal is to provide the best education we can to each of our children.

We have encountered hundreds of other homeschooling families over the years. It should not be surprising that they are usually just like families who use public, charter and private schools for education. The overwhelming majority of homeschoolers are not socially isolated, are not trying to hide from public view, and would often prefer more access to public accommodations like sports teams, extracurricular activities, Advanced Placement testing, and partial enrollment. I hold a master's degree in education and have been an adult leader for scouts, Model United Nations, and Science Olympiad. Many of the homeschooling families I know are similarly engaged.

This bill presumes that homeschoolers are more prone to child abuse than public school families. It treats homeschoolers as a suspect class because of a few. It uses the horrific and criminal actions of a few individuals to justify wholesale change in how the fundamental parental right to direct a child's education is recognized in the state of Hawaii.

A major principle of good governance is to use the least invasive method to achieve goals. In this case the goal should be to protect children who are at risk. If anything, this bill will serve to draw resources away from at risk families by requiring background checks on thousands of more people. The cost in money and work-hours to investigate and respond to each homeschool notice of intent would be at the expense of existing programs that safeguard children who are actually at risk. Rather than helping children in at risk situations, it is likely to endanger them by creating extraneous work for already overburdened social services workers.

I encourage you to oppose this legislation and instead seek avenues of protecting at risk children that do not unjustly profile an entire class of people as potential abusers.

Respectfully,

Lisa Rielage

TO: Senate Education Committee
Committee Chair: Senator Michelle Kidani
Hearing: Feb 14, 2018 @ 2:55 p.m. in Conference Room 229

RE: SB 2323

My name is Iris Yap. I have homeschooled my two children for the past 11 years on the island of Hawaii. I live in State Senate District 4. I oppose SB 2323.

While I appreciate this bill's attempt to protect our children, I believe that this bill, were it to become law, would be ineffective, unenforceable, and unrealistic because it focuses on the wrong thing. It is trying to keep tabs on families who homeschool, when it should be keeping tabs on children who are abused.

INEFFECTIVE: SB 2323 assumes that parents who have a record of child abuse/neglect would voluntarily fill out forms leading to background checks. If you were such a parent, would you complete these forms? Doubtful. Instead, you would ignore the paperwork, keep your child at home, tell people that you are homeschooling, and then continue to abuse/neglect your child.

UNENFORCEABLE: In order for this law to be enforced, an updated list of all school-age children in the state would need to be kept and matched against private and public school rosters to find the discrepancies. Or police officers would need to approach every child and accompanying adult who are out in public during school hours, and ask them for appropriate documentation.

UNREALISTIC: This bill puts the burden of investigating the student, his/her parents, and the other children/adults in the same household on the shoulders of the Complex Area Superintendent and Child Welfare Services. These already overtaxed departments must now complete this investigative work for 7,000+ students within 5 days of receipt of notification of intent to homeschool. In my experience, Hawaii's current law, requiring the school to return an approved copy of the intent to homeschool form to the parent and to collect annual reports from homeschoolers, is already inadequately enforced.

THE WRONG FOCUS: In SB 2323, the case of Peter Boy Kema is cited as an example of why this bill was created. It states the following:

"... Peter Boy... and his siblings were removed from their parents' care after authorities discovered signs of abuse. After living with their grandparents for four years, *Peter Boy and his siblings were returned to their parents* and the physical abuse resumed... Although Peter Boy's parents had a history of child abuse and neglect, they were allowed to home school Peter Boy. As a result, Peter Boy was isolated and his marks of abuse and neglect were hidden from those who are required by law to report suspicions of child abuse and neglect, such as teachers."

This bill argues that if Peter Boy was not homeschooled, this tragedy could have been prevented. I would argue that if Peter Boy was not RETURNED (by court order¹) to a home which the court knew to be abusive in the past, or if there was adequate follow-up by social services for Peter Boy, his death could have been prevented. The problem is not with homeschooling, the problem is with the system of following up with children who are known to be at risk. We already have records on them, I propose that we make sure that they are enrolled in a public or private school, and alert the school administration so that they can keep better tabs on them.

¹<http://www.hawaiinewsnow.com/story/4845754/wheres-peter-boy>

Dear Hawaii State Senators and Representatives,

I have recently become aware of the homeschool bills being proposed this legislative session. My husband and I have chosen to homeschool our four children, and we are very concerned about the ramifications this bill would have on the State of Hawaii. As reported recently in a Hawaii News Now report, over 7,000 children are currently being homeschooled in our state. If the bill were to pass, those children and any newcomers would be added to the domain of the already overburdened Human Services Department. The invasion of privacy laid out by these bills is not only unnecessary, but dangerous for the community.

We have been teaching our children at home for 6 years. In that amount of time, we have met many families whose children are homeschooled and who are also very active in their communities and in various co-op groups. I am not a static analyst, but in my humble experience, most homeschooling families already have several forms of accountability in place. The education of our children is not something we take lightly, so support groups and subject-based learning co-ops are actively sought for. At the end of every school year, homeschooling children's standardized test scores are required to be sent in to their appropriate schools. This is one of the many ways the family has accountability. Homeschooling is not the common denominator in child neglect and abuse cases, but, I would argue, rather the exception.

The tragic abuses in Hilo were already known about by authorities, before the children were taken out of school. In the case of Peter Boy Kema, he and his siblings had already been removed from the home multiple times, yet the DHS allowed them to return to a dangerous environment. The failure to follow through on children with abuse histories seems to be the core of the issue, regardless of what type of education the children are receiving.

I applaud the legislature for taking action to prevent such atrocities as seen in the past. However, I believe targeting the homeschooling community will not obtain nor prevent such evils from happening. As a mother, my heart breaks for any child who is not being loved and cared for as they should, much less harmed and neglected.

That is why I ask that you vote no to SB 2323, SB 2274, and HB 2244. The extra strain it will place on the DHS and other important government services will only serve as a detriment to our community in the long run.

Thank you for your consideration and service,

Melissa Scott

Honorable Chair and committee members:

As a homeschooling parent who loves my children and wants what is best for them, I oppose SB 2323, which would automatically treat all homeschooling parents as suspected criminals and child abusers. While I strongly condemn child abuse and neglect, I am concerned that this bill violates homeschoolers rights to due process under the Fifth and Fourteenth Amendments of the United States Constitution, particularly the procedural due process rights provided under this clause pertaining to: notice of the proposed action and the grounds asserted for it; and a decision based exclusively on the evidence presented. In March 2016, Congress's national Commission to Eliminate Child Abuse and Neglect Fatalities published a report calling on state legislatures to take a broad and holistic approach to preventing child abuse. The Commission identified several key risk factors for abuse –which did not include homeschooling –and encouraged state legislatures to carefully study the causes of child abuse locally to identify real solutions. For more than thirty years, Hawaii has recognized the constitutional right of parents to teach their children at home. Hawaii's current homeschool law strikes a healthy balance by respecting the right of parents to homeschool without obtaining approval from the state, while also ensuring regular contact exists between parents and school officials through the filing of a notice of intent and an annual report on each child's progress. Department of Education regulations already instruct school officials to contact social services if they believe a homeschooled child is suffering from abuse or neglect. Rather than presuming that homeschooling families are guilty until proven innocent and saddling social workers with the task of conducting routing records checks on thousands of homeschooling parents and children, policy changes should be pursued that will give social workers the staffing, training, and resources they need to respond to allegations of abuse and neglect.

Mahalo for the opportunity to testify in opposition of this bill.

Sincerely,

Diana Jensen
Kau District, Big Island

SB-2323

Submitted on: 2/9/2018 7:12:08 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kilia Purdy-Avelino		Oppose	No

Comments:

I am a homeschool mother of 4. And I am also an educator with my Masters in Indigenous Language and Culture Education. I am currently seeking my PhD in Indigenous Education. My oldest daughter was the first and the youngest on Molokai at the age of 17 to earn 2 Associates degrees in Hawaiian Studies and Liberal Arts - an accomplishment that even many adults have not been able to do in 2 years of college. My second daughter will be attending Kamehameha Schools next year, her 9th grade year, passing the test, grades, interview, and being involved in her community.

I oppose this bill as it hinders the process in which I have chosen to educate my children. In our culture and many cultures, parents have always been their keiki (child's) first kumu (teacher). The state and school systems have taken this right away from us for too long. Homeschooling is a way for us to continue this right as our child's parent and teacher. Where many parents are choosing to send their child(ren) away; we choose to keep them. There are values that my family lives by that we want our children to know and do before they leave us and this is the way that we assure that that they do.

The state is becoming the wicked step-parent, trying to dictate everything we do. Yet, we have witnessed many times the state failing us. Families are now more than ever disconnected. Schools are failing our students, making them to feel inadequate due to test scores??!! Do the research - those kids whom you failed, many of them develop low self-esteem, and continue their lives thinking that they are failures. They don't ever want to think about college because of the way they were made to feel in high school; jobs are hard to come by; they turn to drugs or even worse, commit suicide!! We have witnessed this on our small island and I believe it starts in the school system because they're in school most of the day! Furthermore, we have seen many times, abuse (sexual and other type) happening in schools by school staff. What are you doing to be proactive in preventing this??

I urge you legislators to kill this bill!! For those of us who are acutally doing this because we want not just a better education for our children, but the BEST of life!

Mahalo,

Kilia Purdy-Avelino

SB-2323

Submitted on: 2/9/2018 7:02:59 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Andrea Smith		Oppose	No

Comments:

As a parent who is homeschooling my child because it is the best way to care for her body, mind, and soul, I oppose SB 2323. This bill would require that my child and I undergo a rigorous vetting process and be approved before I can homeschool. If I disagree with the superintendent's decision, my only way to appeal is by filing a petition in family court, where I would bear the burden of proving that homeschooling is appropriate for my child. Hawaii's current homeschool law strikes a healthy balance between respecting the constitutional right of parents to homeschool and having regular contact between parents and school officials through the filing of a notice of intent and an annual report on each child's progress. That balance shouldn't be scuttled in the hope of creating a dragnet.

My daughter attended a Hawaii Public School and she became a number, not part of the Ohana. She continued to regress month after month and even after trying to work with administration, guidance, and various programs, she was not given the education she deserved. Switching to homeschooling has been fantastic for our family and a blessing to see our daughter thrive once again. It took 4 months to receive any sort of copied intent form for our records. If that same administration is any more involved in homeschooling education, NOTHING will be completed in a timely manner. And who will suffer? The children. Not just homeschoolers. By pulling individuals away from their current duties to investigate every single homeschool family, the public school children will suffer more too due to lack of focus. The current balance is beautiful. It's an invasion to burden us with unnecessary laws and restrict our way of life.

Thank you for your time.

February 13, 2018

COMMITTEE ON EDUCATION

Senator Michelle N. Kidani, Chair
Senator Kaiali'i Kahele, Vice Chair

COMMITTEE ON HUMAN SERVICES

Senator Josh Green, Chair
Senator Stanley Chang, Vice Chair

RE: **SB 2323** Position: **Strongly Oppose**

I have three children and have been home schooling in Hawai'i for six years. I would like to express my opposition to SB 2323. While I am concerned about child abuse and neglect in our state and can understand an intent to address the problem, **I believe this bill is flawed and misguided in its approach.**

I don't believe the state's efforts to better address child abuse and neglect should include the investigation of each adult and child residing in the households of the approximately 7,000 children home schooled in Hawai'i. Not only would this overreaching bill place an additional burden of logistics, deadlines, and red tape on every home schooling family, administrator, and CPS worker involved, but **it would effectively strip all parents of a constitutional right to a legal and legitimate educational choice for their children**, with the stigma of being "presumed guilty until proven innocent" if they opt to apply for permission to home school, which would be delayed by the process even when granted.

For me personally, the decision to home school our children was made partially with their safety in mind. Because we home school, my children are not subjected to the incidents of bullying, verbal abuse, violence, or sexual misconduct on the part of other students or even staff that have become too common in a public school setting.

If the state wishes to better address the plight of abused and neglected children, it could do so more efficiently and effectively by working to improve the system that allowed "Peter Boy" and his siblings to be returned to an abusive situation, rather than embarking on a process of eroding the right to home school statewide.

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

Sincerely,

Michelle Pressey

Pahoa, Hawai'i

SB-2323

Submitted on: 2/12/2018 12:15:24 AM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Amber Seber	Mrs.	Oppose	No

Comments:

Aloha,

I am a homeschooling mother of two children in Hawaii. I plead that you oppose SB2323 in regards to homeschoolers in Hawaii.

This bill is a cruel insult to the homeschooling families of Hawaii. It treats all of us as if we may already be criminals and child abusers and that we must prove our innocence and then submit to in-home surveillance by social workers in order to be allowed to continue to parent and educate our own children. It is a violation of our privacy and subjects us to the will of the school system, stripping us of our legal rights.

We have a right to educate our children as we feel is best. We have the right to parent our children as we see fit. We are not deviants. We are not criminals. We have done nothing wrong. It is unjust to treat us all as if we are already guilty until we can prove our innocence.

While the abuse of children has horrifically (in very, very rare cases) been hidden by parents claiming to homeschool, this in no way reflects upon actual homeschoolers and these crimes should in no way prevent us from continuing to educate our children as we always have.

Forcing homeschooling families to prove our innocence and ability to teach our own children is akin to forcing all gardeners to undergo regular property searches by police to ensure they are not growing marijuana. It is like requiring every person to submit to regular drug testing. The state has no right to take away these rights or to subject us to searches, social checks, or the personal feelings of the school superintendent.

Why are homeschooling families being singled out? We are not strange, only regular people who wish to have a better education for our children than public schooling is able to provide. It is unfair that we are considered already guilty when other parents are not. Why are only homeschoolers required to undergo background checks and constant surveillance? Why not ALL families? What right do you have to suggest that homeschoolers are more likely to abuse their children than any other family? Would you force every person to have a background check before being allowed to have children? Must every parent receive authorization from the state to have children? Are not all

families equally as able to harm their children despite where their education is taking place? The implications of this bill are both frightening and sickening.

There are many other reasons why this bill should be struck down.

Firstly, the organization influencing the type of wording used in this bill is very clearly slanted against homeschoolers and the constitutional right of parents to make informed decisions regarding their children's education.

Second, the bill was introduced under the guise of helping abused children citing various cases in which children that were abused for years were failed by an incomplete and inconsistent welfare system. As in, these children WERE SEEN by the state and the state failed to follow through and protect said children. Child abuse should absolutely be prevented when possible but targeting homeschoolers with child abuse laws is a grossly misled way to do so. Clearly this issue of the abuse lies completely within the fault of child protective services who have repeatedly failed to protect the children that needed them. If there is to be a bill, it should be to overhaul the poorly run welfare system that we already have in place.

Third, statistically speaking, homeschooled children are actually the "most safe" from child abuse when compared to public schooled, private schooled, charter schooled, adopted, and foster care children. Might I add that fostered children, the only group seen by the state regularly, are by and large the most abused.

Fourth, those supporting this bill are citing child abuse numbers to bolster their position. The problem is that the majority of the abuse is actually children 4 and under which are not even school aged children. Again, a bill targeting homeschoolers would not help this abused demographic whatsoever.

Fifth, there is ALREADY A LAW in place for Hawaii homeschooling families' accountability. Each family must submit a letter of intent when attending a new school and then submit an end of year progress report for each student. Most homeschoolers follow this law to a T and rarely get a response. We have a system in place that is too taxed to deal with up to two pieces of paper per year per homeschooled student and this bill is suggesting placing a significantly larger load on this system's shoulders. In short, there is no personnel at any level to handle this type of paperwork influx.

Sixth, the burden for child welfare services would also be exponentially more difficult. CPS workers here are disgustingly overwhelmed with cases of ACTUAL abuse and they would be required to add many of the approximately 7,000 homeschoolers to their case load. Why are we proposing to take away their precious minimal time with each real abuse case to target homeschoolers?

Seventh, there is no recourse mentioned if the superintendent is delayed in their decision making progress. In Hawaii it takes MONTHS for them to respond to a letter of

intent (again, if they respond at all) so what do we do in the meantime? Flood public schools with 7,000 more students?

Eighth, and probably most important: if this bill passes we will have entered the slippery slope era of the government choosing how we raise and educate our children. This is dangerous territory. This is a catastrophic downhill slide into being approved to parent your own children.

These are just a few of the reasons my research has led me to believe SB 2323 would not be beneficial to anyone.

Please refuse to support this bill.

Thank you for your time.

Sincerely,

Amber Seber

SB-2323

Submitted on: 2/12/2018 8:07:13 AM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Desiree Stayman	homeschool	Oppose	No

Comments:

Attached is my opposition to SB2323.

As a parent and Social worker who strongly condemns child abuse and neglect, I oppose SB 2323, which will change Hawaii's homeschool law. In March 2016, Congress's national Commission to Eliminate Child Abuse and Neglect Fatalities published a report calling on state legislatures to take a broad and holistic approach to preventing child abuse. The Commission identified several key risk factors for abuse - which did not include homeschooling - and encouraged state legislatures to carefully study the causes of child abuse locally to identify real solutions. The Senate should pause and consider the Commission's recommendation before it dramatically reshapes Hawaii's homeschool law.

As a military family, we have to be ready to pick up our lives at the the toss of a coin to move from state to state and homeschooling my children is the best way to care for their body, mind, and soul. I care deeply about the education of my children-so deeply that I have given up my career as a social worker, overcome financial hardships, and devote hours each day to provide them with an education, all without receiving benefits or pay. We attend home school classes with other kids, take music lessons, and attend field trips. This bill would require that my children and I undergo a rigorous vetting process before I can homeschool.

Hawaii's current homeschool law strikes a healthy balance between respecting the constitutional right of parents to homeschool and having regular contact between parents and school officials through the filing of a notice of intent and an annual report on each child's progress. Rather than presuming that homeschooling families are guilty until proven innocent and saddling social workers with the task of conducting routine records checks on thousands of homeschooling parents and children, the senate and house should pursue policy changes that

will give social workers the staffing, training, and resources they need to respond to allegations of abuse and neglect.

SB-2323

Submitted on: 2/13/2018 9:18:03 AM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Trevor Ko	Individual	Oppose	Yes

Comments:

Hi my name is Trevor Ko and I am 11 years old. I have been home-schooled all my life, and my family and I would like to keep it that way. I am home-schooled because my parents believe that is the best way for me to learn, and they always try their hardest to give me the best life possible.

I understand sadly that not all parents are like mine, and we should protect the children who are being abused. But when you home-school, a parent is giving up lots of money and worldly accolades to stay home and teach their children instead, because they believe it's best for their children. True home-schoolers teach their children, not abuse them. Please don't punish us for doing what we think is right. Please focus your thoughts and energy on the children you know are being abused. Thank you.

SB-2323

Submitted on: 2/13/2018 11:17:10 AM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Josuna Kinsey	Individual	Oppose	No

Comments:

To whom it may concern,

I am Josuna Kinsey, a homeschooled eleven year old girl. I enjoy homeschooling because I am not held back by other students, I can work on things I need extra help on, I can learn at my own pace and many other things. I am afraid that if this bill is passed, our home and privacy will be interrupted by the authorities just to be able to homeschool. I oppose this bill. Please preserve my homeschooling rights.

Mahalo for your time,

Josuna Kinsey

SB-2323

Submitted on: 2/13/2018 9:31:47 AM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Logan Jeppson	Individual	Oppose	No

Comments:

Dear Senators,

My name is Logan Jeppson, I'm ten years old, I'm also in 5th grade. I have been homeschooled for the last five years of my life. I'm writing to tell you why I love doing my school work at home.

One of the best parts of being homeschooled for me is that it allows me more time to play the sports I love. Soccer and karate are my favorite sports to play. I have enough time to play both sports because I finish my work earlier in the day.

I am a fast learner, it's nice being able to progress at my own speed. I also love being around my family more often and getting to help my mom with chores around the house and in the community. Sometimes we have busy days, so it's important for me to learn time management in order to get everything done in time.

I'm glad I get to be with my family and help my mom around the house. I love going to soccer and karate, all my friends are there too! I'm proud to be ahead of my grade level, thanks to homeschool, I am learning quickly!

From,

Logan Jeppson

SB-2323

Submitted on: 2/12/2018 12:21:06 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Ziven Witczak		Oppose	No

Comments:

My name is Ziven Witczak, and I am a 14 year old homeschooled student. I have been homeschooled my entire life. It is my desire that my, and other, families are allowed to continue homeschooling without being treated as suspected criminals.

This new bill that you are imposing is unlawful profiling. You are claiming that homeschooling families are more likely to abuse their children than families who send their children to public or private schools. It is unconstitutional to charge homeschooling parents as criminals, and order them to prove their innocence before they are legally allowed to continue home schooling.

If another group of people was targeted based on race, religion or income, etc, etc, it would be seen as intolerance or racist. Yet somehow, targeting the homeschooling society, that has no heightened risk factors attached, is somehow not seen as intolerance.

I think that child abuse is horrific, and I think that something should be done about it, but this is not the way to deal with it. It is completely unfair to make the entire homeschooling community take the blame for child abuse. The focus should instead shift to improving Child Protective Services, and not background checking homeschooling parents.

With all due respect,

Ziven witczak.

Dear Legislators,

I am Samuel Barber and I am against SB 2323.

Home schooling has helped me because it provides a quiet, safe environment. I know that when I'm at home, I'm safe from bullying and teasing. Homeschooling helps me because I can work at my own pace. Sometimes, there are math problems that take me a long time to work out. My mom is there to help me and we work through them together. I also feel more comfortable asking my teacher questions, because she's my mother. I have heard about bomb, gun, and kidnapping threats on the news, but I know I am safe at home. Homeschooling has introduced me to many great friends in my homeschool group. Homeschooling also gives me a chance to spend quality time with my family, and study the Bible for AWANA Club. I have been homeschooled since I was 4 years old. Please protect our freedom to homeschool.

Sincerely,

Samuel Barber
Grade 8
Age 13

My name is Matthew Murai. I am a junior in high school, and I am from the Nuuanu area. Our family has been homeschooling for almost 11 years. I OPPOSE SB2323.

Because in my experiences, I have found homeschoolers to be well-connected not only to other homeschoolers but also non-homeschoolers via extracurricular groups (including sports, music, church, etc.). My 3 siblings and I, ages 9-17, have participated in all the above and are currently participating in co-ops, Taekwondo, piano lessons, golf lessons, and we are active members of our church. I believe homeschoolers have many opportunities for social interaction. Being homeschooled has allowed me the flexibility to be more involved in my areas of interest. This bill would hinder and discourage parents to homeschool and take away the right of privacy and freedom. The bill is a gateway to more government intrusion and is extremely vague on what it requires. In the words of Ronald Reagan, "The nine most terrifying words in the English language are, 'I'm from the government, and I'm here to help.'"

February 13, 2018

To the Senators of Hawaii,

My name is Gabrielle and I'm 9 years old and in the 4th grade and I am against SB2323. I've been homeschooled all my life and I believe as a homeschooled child that my parents should have the right of choosing if I should go to a public, private, or homeschool because it might feel like you are treating us like criminals coming into our homes. I also say that it is against the 1st Amendment of the Constitution of the United States of America for the government to choose for us if we can homeschool or not.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercises thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble and to petition the government for a redress of grievances.

I'm not saying that it's alright for parents to treat their kids badly but that the government should find another way to find who's treating their kids kindly and who's not because I don't think this is the solution.

My name is Robyn Chinaka. I am a resident of the state of Hawaii, a registered voter, and I strongly oppose SB 2323.

I and my three siblings were all homeschooled by our parents from kindergarten through the twelfth grade. Most of our friends were also homeschooled. I know of no instances in which any child in our acquaintance was abused, either physically or emotionally.

The cases presented in SB 2323 as examples of homeschool abuse are, in fact, not representative of how SB 2323 could prevent abuse from occurring. In both cases, the families were already being monitored by CPS. The tragic deaths of these children were not prevented by CPS. There is no reason to think that requiring CPS to monitor all homeschooling families will prevent these families from abusing their children. SB 2323 would prevent hundreds of law-abiding families from homeschooling their children while overburdening CPS with hundreds of families to investigate.

Most families choose to homeschool, not out of a desire to practice abuse or other harmful actions under the cover of the home, but rather out of a deep concern for their children's educational, spiritual, and physical well-being. The individual attention shown by parents to their homeschooled children allows these children to grow to be responsible, well-rounded adults.

A homeschool education has allowed me the time and opportunity to read widely, helped me become a leader in my workplace, and formed my sense of civic responsibility, including driving me to give testimony, such as this one, about legislative matters of concern.

Again, I stand opposed to SB 2323. Thank you for your time and attention.

Robyn N. Chinaka
940 Sixth Avenue
Honolulu, HI 96816-1635
(808) 352-2864

SB-2323

Submitted on: 2/13/2018 11:27:58 AM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Callie Cayaban	Individual	Oppose	Yes

Comments:

Even though I strongly condemn child abuse and neglect, I oppose SB 2323's changes to Hawaii's homeschool law. In March 2016, Congress's national Commission to Eliminate Child Abuse and Neglect Fatalities published a report calling on state legislatures to take a broad and holistic approach to preventing child abuse. The Commission identified several key risk factors for abuse - which did not include homeschooling - and encouraged state legislatures to carefully study the causes of child abuse locally to identify real solutions. The Senate should pause and consider the Commission's recommendation before it dramatically reshapes Hawaii's homeschool law.

I am a homeschooled student and I strongly oppose SB 2323. I would like to continue homeschooling with the freedom that we currently have.

Thank you,

Callie Cayaban

Rowan Lee Black
2/13/2018
Resident of Senate District 15

Opposition to SB 2323

Hello, my name is Rowan Black and I am seven years old. Thank you for letting me speak. I want to say that I oppose SB 2323. I thought the story in your bill about Peter Boy was very sad. I don't think that people who would do that to their child should be allowed to homeschool. But my parents don't hurt me, and I like homeschool a lot. I'd much rather do homeschool than public school. I think it's good to make a good law that people who hurt their children can not homeschool. But I don't think it is fair to make it harder for good parents to homeschool their kids. Maybe if the government knows that people hurt their children and lets them live together anyway, the government could check on those families to make sure they aren't homeschooling and they aren't hurting their kids anymore. Thank you.

SB-2323

Submitted on: 2/13/2018 2:04:09 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Lance Deuel	Individual	Oppose	Yes

Comments:

My name is Lance Deuel. I am 14 years old. My mom and dad have homeschooled me for the past five years.

I used to be 3 years behind in math. Now I am one year ahead in math. I thought I was bad at math. It turns out that I just needed math instruction that was tailored to my needs. Now I'm good at math.

Another subject that my parents and I study together is logic. We looked at the text of SB2323 and found a lot of logical fallacies and erroneous thinking. I thought it might be helpful in my testimony today to bring those to your attention.

When forming an opinion on an issue, it is wise to start by collecting opposing viewpoints. The more viewpoints you collect, the better you understand the issue. This bill contains little information about the activity of homeschooling. Who does it? What are the characteristics of homeschoolers? How is it done? Why do families homeschool? What are their successes and challenges? What kinds of support are current homeschooling families getting? What kinds of support could they use? This bill demonstrates little understanding regarding the diversity of the homeschool population.

Similarly, when we want to formulate an opinion on something, it is wise to seek advice from many counselors. The authors of this bill have sought advice from one mainland-based, anti-homeschooling, lobbying organization. The authors of the bill should have consulted current homeschoolers to ask them for ideas on how to keep all of Hawaii's children safe. Other sources to consult include: peer-reviewed scientific journals, the American Psychological Association and the CDC.

When someone is avoiding the issue and asserting something irrelevant into an argument, we say that they are introducing a red herring into the argument. The bill's authors are concerned about reducing child abuse in Hawaii. However, the bill's authors do not provide any data from the State of Hawaii on current abuse statistics (incidence is the number of new cases every year, prevalence is the number of existing/ongoing cases), the average age of children who are abused (national data show that preschool aged children are at highest risk), or the established risk categories for perpetrators and victims of child abuse. The red herring that is introduced by the bill's authors is the notion that homeschooling has ANYTHING to do with child abuse. The bill states (and I quote), "existing law provides little to prevent abusive parents from using home school as a means to isolate their children and hide evidence of maltreatment." Suggesting that the act of homeschooling either leads to abuse or hides abuse is a red herring argument.

Another logical fallacy is a faulty appeal to authority. A faulty appeal to authority is an appeal to someone who has no special knowledge in the area being addressed. The Coalition for Responsible Home Education is a lobbying organization, not a reputable research organization. Some of its officers are students. It has the appearance of authority, but the database that it maintains is a result of confirmation bias and cherry-picking. Confirmation bias is when someone has an agenda and then only seeks information to support that agenda. Cherry-picking is when someone ignores contrary information and only provides information that supports their position. The "themes that may contribute to child abuse" as quoted in SB2323 are pseudoscience. This research isn't scientific. It isn't done by experts. It isn't peer-reviewed. It isn't published in scientific journals. The pseudoscience cited as the rationale for this bill is simply opinion posted on a lobbying organization's website.

A better approach would be to review real scientific research. Fortunately, the CDC has already done this for you. They have published a summary of risk factors for child abuse. There is no evidence in the scientific literature that homeschooling is a risk factor for child abuse.

Another logical fallacy in SB2323 is the generalization that one extreme case of child abuse of a preschool child is indicative of the potential child abuse tendencies among a whole class of people—those who homeschool their school-age children. You are taking a small sample, in fact just one instance—and then generalizing that characteristic to the entire class. It is unfair and illogical to suggest that homeschoolers, as a class of people, abuse their children—and they certainly shouldn't be considered guilty until proven innocent.

Another logical fallacy of this bill is the either-or-fallacy. This means that you have created a false choice. Either we assume all homeschooling families are potential child abusers or we do nothing and children in Hawaii will continue to be abused. You have other alternatives that don't involve changing the law. Child welfare can just do a better job of managing child abuse cases. All of their cases. For children already involved in the child welfare system, better oversight will keep them safe.

Thank you for letting me share my logical analysis of SB2323. In conclusion, I encourage you to vote NO on SB2323 because it is based on a number of logical fallacies.

SB-2323

Submitted on: 2/13/2018 1:43:14 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Destiny Look	Individual	Oppose	Yes

Comments:

Hi My name is Destiny Look and I am 9 years old. I should be in 4th grade but instead I am in 5th grade and almost going into 6th because I am homeschooled and can learn as fast as I want to. I've been homeschooled my whole life. I am here today to show that homeschooling kids are not hidden. We are just like everyone else. I love school and learning and I also love sports. I play on both a girls and boys soccer team. My girls soccer team is currently ranked 16th in the whole nation in our age group and my boys soccer team is undefeated in futsal, which is indoor soccer if you don't know. I practice or play soccer games every day of the week and I have tons of friends and tons of coaches from all my activities. I am also part of a homeschool co-op where I go to classes with other homeschooled kids three times a week. This semester I am taking ukulele, sewing, woodworking, clay, art and Spanish in addition to my regular school at home. It is so awesome. We also take lots of field trips like last week we went to China Town and learned about Chinese New Year, ate traditional Chinese New Year foods and saw all the shops that sell Chinese New Year things. Next week we have a Chinese New Year Lion Dance with our group. But the best part of being homeschooled is getting to be with my mom and little brother. I love that she teaches me and helps me, and I love that my little brother actually knows me and gets to see me during the day and not just at night. Just so you know, math is my favorite subject. I also love being homeschooled because I get one-on-one attention. I hope you understand from this letter that homeschooling is the most important thing to me.

PS I wrote this letter and will be giving it as my testimony tomorrow in front of everyone.

Sincerely,

Destiny Look

My name is Alice Hu, and my husband and I homeschooled our children for seven years, at various stages of their schooling. I believe child abuse to be a reprehensible crime, as it targets the most vulnerable in our community. While I understand the intent of SB 2323 is to prevent abusive parents from hurting and hiding their child through homeschooling, I oppose this bill on the grounds that it unfairly targets a minority group of homeschoolers, impinges on parents' rights to determine how to educate their children, and ties up an already burdened Child Protective Service from protect currently abused children. Therefore, I oppose SB 2323.

The example of Peter Boy's case, while horrific, only provides an anecdotal example of why parents need to be cleared to homeschool. There are no studies to indicate that the homeschool population poses a greater risk of abuse than the general public. In fact, a study by Rodger Williams indicate quite the opposite that "legally homeschooled students are 40% less likely to die by child abuse or neglect than the average student nationally." (2017). In light of this study, it's not hard to see that homeschooling families are being unfairly targeted by this bill.

Second, this bill encroaches on the rights of parents from choosing homeschool for their child. The language of the bill is too vague, giving the school superintendent any method and reason to deny homeschool as an alternative to public school. Homeschoolers in Hawaii are already given a provision under State law to homeschool without additional approval from the school superintendent. Allowing the school superintendent to make a case by case determination based on unknown standards will infringe upon the rights of parents.

Third, if you look closely at the Peter Boy case as well as the 9 year Big Island who was starved to death, Child Protective Services failed these two children. For whatever reason, whether CPS had too many cases or neglect, their duties were not carried out well and two children died under their watch. Focus your legislative efforts in funding CPS and giving them more resources to handle their current cases so kids like Peter Boy may be saved.

For these reason, I ask that you vote no on SB2323.

SB-2323

Submitted on: 2/13/2018 1:56:26 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Susan Fuchikami	Individual	Oppose	No

Comments:

TO THE SENATE COMMITTEES ON
EDUCATION AND HUMAN SERVICES

TWENTY-NINTH LEGISLATURE

Regular Session of 2018

Wednesday, February 14, 2018

2:55 p.m.

TESTIMONY ON SENATE BILL 2323 – RELATING TO EDUCATION.

TO THE HONORABLE MICHELLE N. KIDANI, THE HONORABLE DR. JOSH GREEN,
CHAIRS, AND COMMITTEE MEMBERS:

My name is Susan Fuchikami. I oppose SB2323 for two reasons.

As a former Child Welfare System (CWS) worker, I am urging you to not support
Sb2323

because it will add more work for an already overworked CWS staff. Their caseloads are

already so high that they can't keep up with all their cases.

As a former homeschool mother and teacher, I am insulted that this bill will cause homeschoolers to be treated or viewed as criminals until proven innocent. Why should only homeschoolers need background checks in order to educate their children? It is infringing

on our parental rights.

Thank you for your consideration on this matter.

As a homeschooling parent of four children I strongly oppose SB 2323.

This legislation proposes authoritarian government intrusion into the lives of homeschooling families. Homeschooling parents are to be treated like criminals; their homes invaded without evidence or warrant by government officials who, with the stroke of a pen, can take away their right to raise their keiki the way they feel is best. In every large group it is possible to find examples of people who don't live up to standards. Of course there are cases of abuse by parents who homeschool, but the vast majority of homeschooling families care very deeply for their keiki, and raise them to levels of citizenship that meet or exceed those produced by the public education system. When considering the various aspects of this bill I immediately wonder where such legislation ends. When will we see laws that mandate Child Welfare visits to families of children who are too young to attend Kindergarten? Will CPS eventually be required to check in on children over summer break? Someday perhaps we will require background checks on pregnant moms. All three examples are draconian, and just as ridiculous as this proposed bill!

Instead of debating all these points, I'm going to tell my story.

After spending 20 years as an Airforce fighter pilot, my father retired and decided to spend his life exploring the world by sailboat. He met my mother, and two years later I was born in Gibraltar. As a child I spent my life living on a sailboat. Out of necessity we were homeschooled. In those days there was no homeschool community. Extended family strongly disagreed with my parents choice to homeschool, citing their unsubstantiated feeling that we would turn out unable to socialize. Friends and acquaintances frowned and asked probing questions. Meanwhile I was able to read difficult books at a young age, explored deserted islands on foot, learned to navigate by the stars, climbed mountains in Europe, and sailed through hurricane force winds on the Atlantic. The entire time I dreamed of flying jets like my dad had. My drawings almost all involved sleek fighter jets carving through the skies!

My father made it clear that I should go to college, but financing that would be my responsibility. When the time came I decided to apply for a very competitive four-year Navy ROTC scholarship, and when I was awarded that I chose to attend Maine Maritime Academy. I was awarded a flight school spot, and went on to fly Navy jets. I've landed on aircraft carriers, and flown combat missions over Iraq and Afghanistan. The entire way I've chosen my own road.

A few years ago I was told that I could have a spot flying a fancy corporate type jet for Commander Pacific Fleet, but that if I chose that instead of a staff tour I wouldn't be eligible to promote. Five years ago my family chose Hawaii! Although I've moved on from that assignment, I'm currently the head instructor pilot in my squadron, and fly missions all over the world. Every trip is a learning experience! I will reach 20 years of service this May, but the adventure will continue. It's my dream to be hired by, and fly for Hawaiian airlines!

Lessons learned as a homeschooled child have served me in good stead throughout my life personally and professionally. I continue to seek learning and adventure, and love watching my keiki learn that from me and my beautiful wife! I could talk for hours about running mountain trails, or battling on the mats at my Brazilian Jiu Jitsu school. That's outside the scope of this testimony, but suffice it to say that my family is on a journey of constant learning.

It's possible that if I'd been schooled publicly that I would have exceeded my current academic accomplishment. I'm certainly not a genius, and I've made plenty of mistakes in my life. But it's also possible that I would've led a life of mediocrity. It's possible I would have wasted years experimenting with drugs. It's likely, that I never would have experienced the thrill of that first catapult shot off the USS Theodore Roosevelt, and so many adventures before and after that. Let's just say I never tried drugs!

I'm a success story, but among home the homeschooling community stories like mine are not unusual.

My wife and I have chosen to homeschool our children. As homeschoolers in Hawaii our children have the benefit of a strong support network. Any day of the week, in addition to regular classroom type work, we have options that include field trips, science co-ops, art classes, or family outings that often include educational elements such as oceanography. They attend Brazilian Jiu Jitsu classes, in Kailua, contemporary dance classes in Kaneohe, and Gymnastics in Honolulu, and summer theatre programs. Our dream is to raise our keiki in Hawaii and to educate them in the way we see fit. I am confident that the result will be good citizens who know right from wrong, care for their others, care for the environment, and choose lifelong education.

If this legislation passes into law we will leave the state, and will fight similar legislation in any state that we reside.

Thank you for your time!

SB-2323

Submitted on: 2/13/2018 9:27:00 AM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jacob Armstrong	Individual	Oppose	No

Comments:

Dear Legislators,

I stand in strong opposition of SB 2323, which will restrict the rights of homeschool families. I am a successful product of a homeschool background and I plan to homeschool my children as well.

My childhood education was unorthodox and it might not have seemed suitable to an outside party. Both my brother and my mother suffered from debilitating illnesses during my childhood and much of my time was spent sitting in hospital rooms or doctor's offices when I would have normally been in a public school. To an outside person, such as a superintendent or child welfare services worker this might not have appeared to be what was best for me. It might have been determined that I needed to be placed in a public school rather than spending these critical moments with my family, who would later pass away. However, this proximity to my family was exactly what both my parents and I needed.

In spite of the challenges I faced with my family's health during my childhood, I have gone on to great success in my future educational endeavors and my career. Homeschool prepared me to balance life and education at the same time. I was able to work 40 hours a week while taking on 15 credits or more per semester in college. I graduated near the top of my college class and was invited to speak at my graduation. I have quickly climbed the ranks in my career and I have been able to become an executive at a large hotel. All of these accomplishments owe some credit to the skills I learned in homeschool.

Homeschool shaped who I am as a person, and allowed me to have valuable time with my family members prior to their deaths. I would not be the same person if my parents were not allowed the freedom to craft an educational plan that fit our needs. There should not be greater restrictions on homeschool families than what the State of Hawaii currently has in place. I truly hope you will not pass SB2323 because I believe it takes away critical decision making ability away from parents and leaves it up to the State. I firmly believe the decision to homeschool should not require the intervention of a children's welfare services worker, and this decision should be left solely up to the parents of a child.

Sincerely,

Jacob Armstrong

SB-2323

Submitted on: 2/13/2018 8:42:48 AM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Joshua Hu	Individual	Oppose	No

Comments:

SB 2323

RELATING TO EDUCATION

Senate Committee on Education

Senate Committee on Human Services

Joint Public Hearing – February 14, 2018

2:55pm, State Capitol, conference room 229

My name is Joshua Hu and I am a Freshman Regents Scholar attending the University of Hawaii at Mānoa, pursuing a B.B.A. in Accounting, a B.A. in Economics, and a minor in Philosophy with the intent of attending law school after undergraduate studies. In addition to being heavily involved in UH Manoa's debate team, Residence Hall Association, and the Community Council at my dorm, Hale Aloha Lokelani, I work as a debate coach and policy researcher for Ethos Debate Publications, LLC, which caters to homeschooled students. I believe that the three years I spent homeschooling through elementary and middle school enabled me to succeed academically and in extracurricular activities, provided me with strong relationships with my family and others in my community, and allowed me to pursue my interests and religious faith more deeply than I could in a public school.

SB 2323 “requires the complex area superintendent or the complex area superintendent’s authorized representative to request child welfare services to conduct a child abuse and neglect history inquiry and provide information to the department of education to conduct a background check before approving or denying a notification of intent to home school.”^[1] The intent of the bill is to prevent abusive parents from harming their child(ren), using the anecdotal example of the death of Peter Boy Kema.

However, such a requirement creates a scenario in which the state reserves the right to refuse any family to homeschool. I stand in firm opposition to SB 2323 for the following reasons:

First, SB 2323 will not produce a benefit to children and thus is unjustified. The justification for the bill lacks any substantive empirical research substantiating the claim that homeschoolers are more likely to be subject to abuse by parents. On the contrary, research by Rodger Williams, who analyzed the relationship between abuse by parents and various education systems (public, private, homeschool), found that “legally homeschooled students are 40% less likely to die by child abuse or neglect than the average student nationally” (2017).

Second, SB 2323, as a result of this statistic, places an unjustified and improper restriction on a fundamental right of parents. The court has affirmed, in *Wisconsin v. Yoder*, 406 U.S. 205, the right of Amish parents to choose not to enter their children in public schools due to religious justifications (1972). It has also stated, in *Meyer v. State of Nebraska*, 262 U.S. 390 that the fundamental rights protected in the Due Process Clause of the Fourteenth Amendment include the ability “to acquire useful knowledge, to marry, establish a home and bring up children, to worship God according to the dictates of his own conscience” (1923). Restrictions of fundamental rights such as determining the education of a family, must be held to a standard of strict scrutiny, the highest standard of scrutiny by the courts, where the state must compellingly prove 1) a compelling government interest, 2) the law is narrowly tailored to address that goal, and 3) be the least restrictive means for achieving that goal. However, as noted in the empirical research by Williams which ought to carry greater weight than any hypothetical analysis, homeschooled children are 40% less likely to suffer death due to abuse as compared to the national average. If a compelling government interest existed for homeschoolers to be subject to mandatory checks (it does not as per the statistic), it would exist to an even greater extent for every single parent who is not homeschooling their children. Such a standard would never hold up to strict scrutiny, and neither would SB 2323. Therefore it is an improper overreach by the legislature.

Third, SB 2323 will make it more difficult for CPS to curb abuse. The bill’s main support draws from the case of Peter Boy Kema. However, this instance shows how current structural problems in Child Protection Services (CPS) will make it more difficult to curb abuse. Note that in the example of Peter Boy, it was the failure of CPS to meet then-existing standards which allowed the death of Peter Boy. Howard Dashefsky, writing for KHON2, noted that “Peter Boy should have never been returned to his parents after his birth, and that ‘it is probable that had CPS complied with their own standards and protocols and acted on this complaint as the law required, Peter Boy would be alive today’” (2017). If CPS failed in its responsibilities to use data to stop abuse, flooding the CPS system with increased data will only decrease the effectiveness and accuracy with which it can actually curb real abuse. The problem lies with fixing CPS rather than expanding the target group.

Finally, SB 2323 tramples upon the classical liberal ideals of freedom that America was founded upon. Paramount in these ideals is the liberty of the individual from the state and that individuals are presumed innocent until proven guilty. As Bryan D. Ray, PhD (2018) notes, “trying to create schooling laws and regulations as an a priori dragnet to try to ferret out evil parents or guardians – whether their children attend public schools,

private schools, or are homeschooled – is a bad idea in a free nation.” Officers cannot randomly search homes for illicit substances or randomly screen individuals coming into a supermarket to prevent crime (Ray, 2018). To subject homeschoolers to increasing scrutiny based on a premise that turns innocence until proven guilty on its head, and whose corollary scenarios (concerning the officers) seem unthinkable is unjust and goes against the key concepts of liberalism and freedom our country was founded upon.

SB 2323 may have good intentions, but I oppose the bill as 1) it will not provide benefit to children, 2) imposes an unjust restriction on a fundamental right of parents, 3) makes it more difficult for CPS to curb abuse, and 4) tramples on the essential classical liberal ideals integral to the founding of and preservation today of American society. I thank you for your consideration on this matter.

References

Dashefsky, H. (2017, April 26). *Court-appointed expert outlines years of abuse in Peter Boy case, missteps by Child Protective Services*. Retrieved from KHON2 News: <http://khon2.com/2017/04/26/court-appointed-expert-outlines-years-of-abuse-in-peter-boy-case-missteps-by-child-protective-services/>

Meyer v. State of Nebraska, 262 U.S. 390 (1923).

Ray, B. D. (2018, January 23). *Child Abuse of Public School, Private School, and Homeschool Students*. Retrieved from National Home Education Research Institute: <https://www.nheri.org/child-abuse-of-public-school-private-school-and-homeschool-students-evidence-philosophy-and-reason/>

Williams, R. (2017, July 28). *Homeschool child fatalities fewer than the national average*. Retrieved from The Homeschool Effect: <http://thehomeschooleffect.com/child-fatalities-regulation.html>

Wisconsin v. Yoder, 406 U.S. 205 (1972).

[1] Description, https://www.capitol.hawaii.gov/measure_indiv.aspx?billtype=SB&billnumber=2323&year=2018.

DATE: February 13, 2018

COMMITTEE ON EDUCATION

Senator Michelle N. Kidani, Chair

Senator Kaiali'i Kahele, Vice Chair

COMMITTEE ON HUMAN SERVICES

Senator Josh Green, Chair

Senator Stanley Chang, Vice Chair

RE: SB2323

Position: Oppose

Dear Chairs Kidani and Green, Vice Chairs Kahele and Chang, and Committee Members:

I received my B.A. in Mathematics with a minor in Computer Science from University of Hawaii at Hilo in 2015, and my M.S. in Mathematics from University of Illinois at Urbana-Champaign in 2017. Currently I am a PhD student in the Mathematics department at University of Illinois at Urbana-Champaign. I was homeschooled from preschool through high school.

As a child, I often wrote letters backwards (sometimes entire sentences as mirror images). I struggled to sound words out. I had trouble learning to tie my shoes and read the hands on a clock. These were a few of ways that dyslexia affected me. My mom, who was my primary educator, was aware of my dyslexia. She spent an enormous amount of time and energy working with me individually on my reading skills. She selected curriculum specifically tailored to my needs. It is unlikely that I would have received comparable education in a public or even private school setting. As a graduate student I was further diagnosed with ADHD. However, thanks to my mom's dedication and effort, neither dyslexia nor ADHD have interfered with my academic success. As a graduate of homeschooling, I went on to excel at UHHilo. I was awarded the underclassman math award, the most promising freshman in computer science award, the graduating senior award in mathematics, and the presidential scholarship, as well as selected to deliver the student commencement speech. Subsequently, I was accepted to University of Illinois at Urbana-Champaign as a graduate student and awarded the Sloan Scholarship on admission to the PhD program. Many of these opportunities can be traced back to the excellence of my home education.

This is just one example of how home education can be the best option for a child's needs. It illustrates that homeschooling is not just a choice that parents should be free to make, but when they make that choice it is often because they are aware that the public school system could not adequately accommodate their child. For a significant portion of dyslexic children or children with learning differences, parents may rightly anticipate that the public system will fail to prepare them as well as their peers.

People homeschool for a variety of reasons but the vast majority (91%) of them cite concern about the environment of other schools as an important reason, according to the National Center for Educational Statistics. For homeschooling parents, public school or even private school can present a genuine threat to their child's academic, social, or even physical well-being. The bullying, the lack of individualized attention, and the relative scarcity of resources are all real problems in our public school system in Hawaii. Parents who recognize these problems and chose to respond by shouldering the responsibility of home education, especially parents of children

who may be disproportionately affected due to special needs, should be commended not singled out for scrutiny.

The pretense of this bill is the protection of children, but it's outcome would be the opposite. The proposed bill would create barriers for underserved children by making it more difficult for their parents to accommodate their needs. This bill will siphon precious time and energy away from vulnerable populations of homeschooled students by discriminating against the parents who are dedicated to educating them. This bill is, in fact, discrimination against home educators because it presumes that there is a greater risk of home educators perpetrating abuse against their children. This presumption is predicated on the notion that the cases mentioned in connection with this bill were examples of home education in the first place. Children whose parents are already failing to comply with the current standards, such as the tragic cases referred to, will no more be protected by this bill than those children were protected by the current regulations. This bill, in its current form, is failing to target abusive individuals, instead it is putting an undue burden on responsible and concerned parents who are already extending themselves to better their children's education. At the same time this bill will be a drain on the resources of the CPS, to the detriment of the very children that organization is supposed to protect.

While I appreciate the goal of this bill, I respectfully ask that you reconsider whether it could ever serve its purpose.

Furthermore, since its purpose, namely the protection of children is one that the great majority, if not all, home educators would whole heartedly endorse, please consider soliciting the homeschooling community's input in endeavors of this nature.

Thank you for your time and for the opportunity to provide testimony.

Sincerely,

A handwritten signature in cursive script that reads "Alyssa Kealohi Loving". The signature is written in black ink and is positioned above the printed name.

Alyssa Kealohi Loving

SB-2323

Submitted on: 2/12/2018 5:38:08 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jamie Shimabukuro	Individual	Oppose	No

Comments:

As a future homeschooling parent, I understand the value of being connected instead of isolated. We plan to join different active organizations, a homeschool group, and sports organizations, where my children and I will regularly meet with other homeschooling and non-homeschooling families to learn, grow, and connect with each other. Our family is very big and we regularly attend family functions with no less than 30 people. My husband is very involved in the community and we are fortunate to be able to accompany him whenever possible. In my experience, the homeschooling community in Hawaii is extremely connected, which results in a more dynamic and rewarding experience for all of us.

I oppose SB 2323.

DAVID Y. IGE
GOVERNOR



CATHERINE PAYNE
CHAIRPERSON

STATE OF HAWAII
STATE PUBLIC CHARTER SCHOOL COMMISSION
(‘AHA KULA HO‘ĀMANA)

<http://CharterCommission.Hawaii.Gov>
1111 Bishop Street, Suite 516, Honolulu, Hawaii 96813
Tel: (808) 586-3775 Fax: (808) 586-3776

FOR: SB 2323 Relating to Education
DATE: February 14, 2018
TIME: 2:55 P.M.
COMMITTEE: Senate Committee on Education and Committee on Human Services
ROOM: Room 229
FROM: Sione Thompson, Executive Director
State Public Charter School Commission

Chair Kidani, Chair Green, and members of the Committees:

The State Public Charter School Commission (“Commission”) appreciates the opportunity to submit this testimony in **SUPPORT OF THE INTENT of SB 2323**, which establishes procedures to obtain authorization to home school a child, authorize the complex area superintendent to conduct a child abuse and neglect inquiry, authorize the complex area superintendent to approve or deny a notification of intent to home school, and authorize a parent or legal guardian to petition family court if the notification of intent to home school is denied.

The Commission supports the Legislature’s efforts to provide protections for vulnerable and abused children through this measure, which honors and memorializes Peter Kema, Jr., better known as “Peter Boy.” The Commission is available to provide any assistance to the Legislature, the Department of Education, the Department of Human Services, and other affected stakeholders in moving this legislation forward.

Thank you for the opportunity to provide this testimony.

SB-2323

Submitted on: 2/10/2018 8:11:06 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
sharon walsh		Oppose	Yes

Comments:

As a former Hawaii state CWS social worker, I strongly condemn child abuse and neglect and understand the negative impact upon our state and families. Although there are key risk factors for child abuse, none of them include homeschooling and almost half of all abuse cases in our state involve children under the age of 5 according to a DHS Child abuse and neglect report of 2014. Before hastily and dramatically altering the legal requirements for homeschooling in our state, our state legislature should carefully study the causes of child abuse and identify real solutions rather than further penalizing homeschooling families. The recent abuse cases on the Big island did not involve legitimate homeschooling families who by state law are already required to participate in annual testing and/or submit progress reports to local school for review. Instead, these were families who simply removed their children from school likely because of CWS oversight. As a current homeschool mom, I oppose SB 2323's changes to Hawaii's homeschool law and strongly urge you to introduce more appropriate legislation designed to address child abuse and neglect instead of punishing legitimate homeschool families in the process. Sincerely, Sharon Walsh

SB-2323

Submitted on: 2/12/2018 12:13:47 AM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Beth A. Brown		Oppose	Yes

Comments:

SB-2323

Submitted on: 2/12/2018 2:13:00 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Lisa Poulos		Oppose	Yes

Comments:

February 12, 2018

Senators;

Thank you for the opportunity to express my views concerning SB2323. I am strongly opposed to this bill.

While I believe the intentions behind this bill are good– protecting children from abuse, singling out home school families infringes on our rights and will not achieve the desired goal.

First, this bill is modifying the basic right of parents to home educate their children to an act of asking permission to home school with the area principal and school superintendent becoming grantors. Presently, we are obligated to notify the principal of our local school of our intent to home school and they, along with the area superintendent, simply acknowledge receiving the information. We are not asking their permission nor are they in authority to grant it.

SB2323 will change this and states “The purpose of this Act is to:

1. Establish procedures for a parent or legal guardian to **obtain authorization** to home school a child.
1. Authorize the complex area superintendent...to **approve or deny** a notification of intent to home school based upon certain conditions.

Second, this bill treats Hawaii home school families as if we are all guilty of child abuse or negligence, and we must prove our innocence. Unless there is probable cause that we have done something wrong why are we being forced to prove our innocence. Additionally, if we don't submit to a background check we will be denied our right to home school our children. This is an overreach of power.

SB2323 states, "Without appropriate safeguards to protect abused children who are home schooled, the consequences can be fatal, such as Peter Kema, Jr. also known as "Peter Boy".

According to Fox News April 27, 2017:

The Kemas retained parental rights, despite 2,000 pages of Child Protective Services records documenting the abuse and warnings from other family members about the safety and well-being of Peter Boy and his three siblings... Peter Boy's three living siblings agree that although they were all abused by their parents, Peter Boy bore the brunt of the abuse. It was first documented when he was just 3- months old and brought into Hilo Hospital with new and old fractures.... In the wake of Peter Boy Jr.'s disappearance, records surfaced showing how time and again, Child Protective Service officials missed or ignored signs the boys was being abused. At one point the agency intervened, placing the Kema children with Jaylin's parents, where they began to thrive. But the agency and courts later returned the kids to their parents.

Please do not shift the blame of Peter Boy's terrible death on home schooling when it was due to the incompetence of CPS. Also notice that being in public school did not protect his siblings from continued abuse.

Besides feeling that I am being treated like a criminal, with required background checks, required disclosure of all children and adults residing in my home and their background checks, some sections of the bill are just too vague.

SECTION 2, (3), (b),(7) states that “Prior to the start of home schooling, a parent or legal guardian shall submit...” various data listed, “but not limited to ‘Any other information that the department deems necessary’”

And SECTIONS 2, (3), (c), (5) & (6) “The complex area superintendent may deny” the intent to home school if “The parent or legal guardian, or any other adult residing in the home of the child intended to be home schooled has any disqualifying information” or “has any background check information that the department finds may pose a risk to the health, safety, or welfare of the child intended to be home schooled.”

There is too much room for interpretation on what is further “necessary” information, what is “disqualifying information” and what “poses a risk”.

Regarding obtaining records of past abuse, the child’s case and information are already with CPS and should be easily researched. If something shows up, then those families can be further investigated and if necessary denied the right to home school at that time, based on evidence without infringing on other home school family’s rights.

If we followed the logic of this bill, doing background checks on the parents of children that we think are at the greatest risk for abuse because of potential isolation, then we should research all parents before they leave the hospital with a newborn child. According the “Report on Child Abuse and Neglect in Hawaii 2015” by the State of Hawaii DHS, statistics show that of confirmed victims of abuse and neglect in 2015, 48% of the children were between the ages of less than 1 to 5 years old. Although, if this seems impractical you could narrow the background checks to infants of parents whose ethnicity shows up the highest in the data.

Lastly, SB2323 cites The Coalition for Responsible Home Education and their database on “Homeschooling’s Invisible Children”. I would like to point out another portion of their data. According to their 2016 survey on “Why Parents Gave for Homeschooling”, 80% said “They were concerned about the environment of other schools.” And 61% “Were dissatisfied with the academic instruction” Home school parents are concerned for the health, safety and welfare of their children and do not believe that public and other schools are the best places for them. For many home schooled children, the public school setting does them more harm than good.

I truly appreciate and agree with you over the concern for our keiki and those who live in abusive homes. I also want to protect these children, but I do not believe that SB2323 will achieve the goal, and in the meantime will disrupt and infringe upon the rights of innocent home school families. Therefore, I oppose SB2323 and ask you to do the same.

Mahalo for your time,

Lisa Poulos

SB-2323

Submitted on: 2/12/2018 1:40:33 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jenny LaFond		Oppose	Yes

Comments:

I oppose SB 2323's changes to Hawaii's homeschool law. This bill does not address the very real and serious issue of abuse instead it inaccurately singles out and targets a demographic which when studied has not been found to be the demographic which commits these atrocities. The study shows the highest numbers of abuse occur on infants to 3 year olds. That is your target. The recent cases in Hawaii which have been in the news over the last year have been ones where CPS has been involved and utterly failed at their jobs. In March 2016, Congress's national Commission to Eliminate Child Abuse and Neglect Fatalities published a report calling on state legislatures to take a broad and holistic approach to preventing child abuse. The Commission identified several key risk factors for abuse - which **did not include homeschooling** - and encouraged state legislatures to carefully study the causes of child abuse locally to identify real solutions. The Senate should pause and consider the Commission's recommendation before it dramatically reshapes Hawaii's homeschool law with a knee jerk Bill. I am very disappointed that SB 2323 is attempting to make major changes to Hawaii's homeschool law without first discussing those changes with the homeschooling community. In addition to being parents, homeschooling parents are also taxpayers, voters, and most importantly teachers. We care deeply about the education of our children - so deeply that we have given up careers, overcome financial hardships, and devoted hours each day to provide them with an education, all without receiving benefits or pay. If this bill affected any other Hawaii teachers, they would have been consulted. I'm very disappointed that homeschool teachers were not afforded the same courtesy by their elected legislators.

SB-2323

Submitted on: 2/9/2018 2:38:29 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jaime Brooks	Domestic Engineer	Oppose	No

Comments:

I chose to start homeschooling my children when we moved to Hawaii due to the public school system being ranked so low. My son was also feeling very uncomfortable at school at our previous duty station. It is not fair to force parents to put their children in a school where they do not feel safe (many children have died at school due to weapons or at home due to bullying) and with an education system that is so poor. The Charter schools on the island are so overly priced it is not even an option for most families. Thank you for your time and I pray that the outcome will bring glory to God.

SB-2323

Submitted on: 2/10/2018 9:38:51 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Dawn	West Hawaii Homeschool	Oppose	No

Comments:

I am writing to you as a parent who has homeschooled my kids through till college and someone that has worked with the very populatio you are wanting to address. I have spent 20+ years working with kids at risk. Those living on the streets or in foster care. During this time I have seen many bad things that happen to kids. To date I have not seen the homeschooling community as the culprit. In fact it is generally the opposite and parents that choose to take the time to school their kids are the most caring and giving of families. While we recently had an extremely sad and difficult situation it was by no means the normal, and the cause was not the homeschooling. In my years of experience it is not the homeschool community that we need to be concerned with. The calls over the years that I have gotten are from kids in school not those in home situations.

My oldest was in kindergarden and he struggled. The teachers and school said he needed to be held back or in special ed. Why because they were overworked and limited in their scope of what they could do for him. When taking him for testing it was found out he had a photographic memory. He could not learn the only way the school was teaching him. When I brought him home to be homeschooled he flourished. He passed all testing for college and entered full time college at 16. My daughter entered at 14. As a parent I knew what was right for my children. However this bill is allowing someone who has no knowledge of my children and has a financial incentive to deny my rights as a parent to make that decision.

While I appreciate the desire to curb an issue and find a solution, this is not a response that solves the problems. This bill is overstepping and infringing on every parents rights. Each and every parent should have the right to decide how to school their children. A school board, an over worked and understaffed CPS should not be the ones approving how parents school their children.

A better solution would be to provide funding for those that do choose to homeschool. Most parents will take advantage of the funding and this will give accountability. Many states have provided financial incentives for families to homeschool. With the funding comes a requirement to provide proof of how the funds were used.

Another solution is to allow us as homeschoolers to create coops and courses that could be taught in community settings. This generates accountability and incentives to do well.

I believe it would be to everyone's advantage if you scrap this bill and enter into conversations with the very people this bill would impact.

I would like to see our representatives come and meet with us. Find out what works for us and how we can help solve some of these problems. Not creating a bill that will start an uproar and more legal action than the state wants to take on.

Thank you,

Dawn

SB-2323

Submitted on: 2/12/2018 10:37:36 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kelsey Poaha	Testifying on behalf of Kamahale Homeschoolers	Oppose	No

Comments:

SB 2323 affects homeschoolers in a VERY unfair way.

We IMPLORE you to NOT support this bill.

This bill states that families may or may not be “approved” to homeschool after a series of welfare checks, background checks, and superintendent involvement.

The reasons listed is credited to Brandy Florio who is a homeschool parent who opposes this bill.

Firstly, the organization influencing the type of wording used in this bill is very clearly slanted against homeschoolers and the constitutional right of parents to make informed decisions regarding their children’s education.

Second, the bill was introduced under the guise of helping abused children citing various cases in which children that were abused for years were failed by an incomplete and inconsistent welfare system. These children were seen by the state and the state failed to follow through and protect said children. Child abuse should absolutely be prevented when possible but targeting homeschoolers with child abuse laws is a grossly misled way to do so.

Third, statistically speaking, homeschooled children are actually the “most safe” from child abuse when compared to public schooled, private schooled, charter schooled, adopted, and foster care children. Fostered children, the only group seen by the stated regularly, are by in large, the most abused.

Fourth, there is ALREADY A LAW in place for Hawaii homeschooling families' accountability. Each family must submit a letter of intent into the child's elementary, intermediate and high school year and then submit an end of year progress report to the school principal. Most homeschoolers follow this law and rarely get a response from the school. We have a system in place that is too taxed to deal with two pieces of paper per year per homeschooled student and this bill is suggesting placing a significantly larger load on this system's shoulders. In short, there is no personnel at any level to handle this type of paperwork influx.

Sixth, the burden for child welfare services would also be exponentially more difficult. CPS workers are overwhelmed with cases of ACTUAL abuse and they would be required to add many of the approximately 7,000 homeschoolers to their case load.

Seventh, there is no recourse mentioned if the superintendent is delayed in their decision making progress. With this delay, what is expected of the homeschoolers? Flood the public schools who are shorthanded on teachers?

Eighth, and probably the most important: if this bill passes we will have entered the slippery slope era of the government choosing how we raise and educate our children. This is dangerous. This is a catastrophic downhill slide into being approved on how to parent your own children.

We strongly OPPOSE this bill!

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
Sen. Will Espero
Sen. Donna Mercado Kim

Senate Committee on Human Services:

Josh Green, Chair
Stanley Chang, Vice Chair
Breene Harimoto
Jill N. Tokuda
Glenn Wakai

Senate Committee on Judiciary: Brian T. Taniguchi – Chair, Karl Rhoads – Vice Chair, Mike Gabbard, Donna Mercado Kim, Laura H. Thielen

Dear Senators:

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(E)

Is unnecessary given the provisions and requirements of existing Hawaii Home School Laws. Safeguards and accountability already exist.
<http://www.homeschoolinginhawaii.com/gettingstarted/legal/statelaws.aspx>

(E)

Is logistically unsound. Child Welfare Services are already overburdened, unable to adequately monitor known abuse cases and return abused children to abusive environments, none of which have been homeschools.

(E)

Will create a hardship and unnecessary delay for parents/legal guardians seeking to homeschool their child(ren) due to bullying, health reasons, or special needs.

I urge you to vote NO on SB2323. Thank you.

IZADU HIGUA AL-FH FI WEDER HA BWA DROST HI Q6706
Signature Date
Print Name, address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
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I urge you to vote NO on SB2323. Thank you

Hazel A Y Higa 91-771 Ft Weaver Rd * A Ewa Beach HI
Signature: Hazel A Y Higa Date: 2/11/18
Print Name, address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

96706

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

Sen. Michelle Kidani, Chair
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AB

Will create a hardship and unnecessary delay for parents/legal guardians seeking to homeschool their child(ren) due to bullying, health reasons, or special needs.

I urge you to vote NO on SB2323. Thank you.

AWB

2-11-18

Signature

Date

ANTHONY BONILLA 91-1032 WAIHUNA ST. EWA BEACH 96706

Print Name, address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
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✓
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I urge you to vote NO on SB2323. Thank you.

Robert W Partridge _____ 2-11-18
Signature Date

Robert W Partridge _____
Print Name, address, and zip code

46-020 Alalua St. STE M3, Kaneohe HI 96744
Mailing Address

Submit at www.capitol.hawaii.gov or directly to Committee Members

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✓ Will create a hardship and unnecessary delay for parents/legal guardians seeking to homeschool their child(ren) due to bullying, health reasons, or special needs.

I urge you to vote **NO** on SB2323. Thank you.

Joseph A. Warne
Signature

2-11-18
Date

JOSEPH WARNE 92-725 KUHONO ST. KAPOLEI, HI 96707
Print Name, address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

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Sen. Kaiali'i Kahele, Vice Chair
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I urge you to vote NO on SB2323. Thank you.


Signature

02/11/18
Date

KERRY TAYLOR 550 KAMA'AHA AVE UNIT 306 96707
Print Name, address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

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Senate Committee on Education:

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Jovita Ikon 2/11/18
Signature Date

Jovita Ikon 960 W 94-1227 Kahuanaui St
Print Name, address, and zip code

Waipahu HI. 96797

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
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JCS

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I urge you to vote NO on SB2323. Thank you.

Joanne Styger
Signature

11 Feb 18
Date

STYGER, JOANNE 732 SIBLEY ST. HON, HI 96818

Print Name, address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

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I urge you to vote **NO** on SB2323. Thank you.

JS
Signature

2-11-18
Date

Kecen Stonebraker 41-899 Kalamianole Hwy Waimanalo
Print Name, address, and zip code

96795

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
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Sen. Will Espero
Sen. Donna Mercado Kim

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Healani K.R. UESATO
Print Name, address, and zip code

91-211

Healani K.R. UESATO 2.11.18
Signature Date

HOANAWU PL KAPOKI 96707

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
Sen. Will Espero
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I urge you to vote **NO** on SB2323. Thank you.

Bill Stonebraker 7/11/18
Signature Date

BILL STONEBRAKER 893 MANINIHOLO ST, 916825
Print Name, address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
Sen. Will Espero
Sen. Donna Mercado Kim

Senate Committee on Human Services:

Josh Green, Chair
Stanley Chang, Vice Chair
Breene Harimoto
Jill N. Tokuda
Glenn Wakai

Senate Committee on Judiciary: Brian T. Taniguchi – Chair, Karl Rhoads – Vice Chair, Mike Gabbard, Donna Mercado Kim, Laura H. Thielen

Dear Senators:

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KNO

Is government overreach and intrusion. It is in reaction to an anomaly and heinous case of abuse in California and is not based on a single incident of abuse among Hawaii homeschoolers in over 25 years. The law should not penalize the majority in response to a freak occurrence elsewhere.

KNO

Is unnecessary given the provisions and requirements of existing Hawaii Home School Laws. Safeguards and accountability already exist.
<http://www.homeschoolinginohawaii.com/gettingstarted/legal/statelaws.aspx>

KNO

Is logistically unsound. Child Welfare Services are already overburdened, unable to adequately monitor known abuse cases and return abused children to abusive environments, none of which have been homeschools.

KNO

Will create a hardship and unnecessary delay for parents/legal guardians seeking to homeschool their child(ren) due to bullying, health reasons, or special needs.

I urge you to vote NO on SB2323. Thank you.

Kara M. O'Neill

2.11.18

Signature

Date

KARA M. O'NEILL, 94-1128 AKEU PL. WAIKOHU, HI 96797

Print Name, address, and zip code

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I urge you to vote NO on SB2323. Thank you.

Denny Serala 02/11/2018
Signature Date

DENNY SERALA 91-1697 BURKE ST, EWA BEACH HI. 96706

Print Name, address, and zip code

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TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
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Jill N. Tokuda
Glenn Wakai

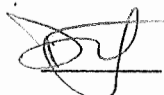
Senate Committee on Judiciary: Brian T. Taniguchi – Chair, Karl Rhoads – Vice Chair,
Mike Gabbard, Donna Mercado Kim, Laura H. Thielen

Dear Senators:

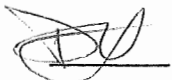
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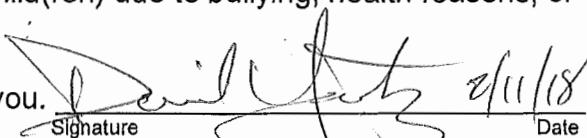


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I urge you to vote **NO** on **SB2323**. Thank you.


Signature Date 2/11/18

David Youtz 2671 Ipaui Pl. Honolulu HI 96816
Print Name, address, and zip code

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Sen. Donna Mercado Kim

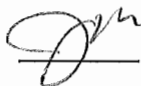
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Josh Green, Chair
Stanley Chang, Vice Chair
Breene Harimoto
Jill N. Tokuda
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I urge you to vote NO on SB2323. Thank you.

Signature

Date

3326 Mooheau Ave. Honolulu, HI 96816

Print Name, address, and zip code

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TESTIMONY IN STRONG OPPOSITION TO **SB2323**

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Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
Sen. Will Espero
Sen. Donna Mercado Kim

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Stanley Chang, Vice Chair
Breene Harimoto
Jill N. Tokuda
Glenn Wakai

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I urge you to vote **NO** on **SB2323**. Thank you.

Robin M. Sepulveda

91-1697 Burke St Ewa, HI 96706

Print Name, address, and zip code

Robin M. Sepulveda 2/11/18
Signature Date

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TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

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Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
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Stanley Chang, Vice Chair
Breene Harimoto
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Glenn Wakai

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I urge you to vote NO on SB2323. Thank you.

Joanna Wu PA-1381 Hahaione Pl. Pearl City 96762
Signature Date
2/11/18

Print Name, address, and zip code

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Signature

Date

Pamela Chmielawski - Usack

116 Julian Ave Honolulu HI 96818

Print Name, address, and zip code

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TESTIMONY IN STRONG OPPOSITION TO SB2323

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I urge you to vote NO on SB2323. Thank you

Barbara Cho
Signature: *Barbara Cho* Date: *2/11/18*
Print Name, address, and zip code: *BARBARA Cho 94440 MAIKOIKO ST #100, WAIKAPU, HI 96797*

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

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I urge you to vote NO on SB2323. Thank you.

William E Talley 2-11-18
Signature Date

William E. Talley 2509 Aha wai Bldg 405 Hon 96815
Print Name, address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

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I urge you to vote NO on SB2323. Thank you.

 2/11/18
Signature Date
Ryan Moriyama / 1636 Hoadley St, P.O. 96782
Print Name, address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

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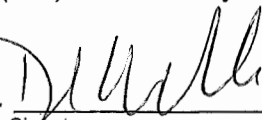
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I urge you to vote NO on SB2323. Thank you.


Signature
2-11-18
Date

DALE RADOMSK, 475 ATKINSON 1506 HONOLULU HI 96814
Print Name, address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

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I urge you to vote **NO** on SB2323. Thank you. Kevin M. O'Neill 2/11/18
Signature Date

Kevin M. O'Neill, 94-1128 Aken Place, Waipahu, Hawaii 96797
Print Name, address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

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I urge you to vote NO on SB2323. Thank you.

 2/11/18
Signature Date

STEPHAN KARICHKOWSKY 94-440 WAIKOIKO ST #100
Print Name, address, and zip code
WAIIPAHU, HI 96797

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I urge you to vote **NO** on **SB2323**. Thank you. *Wilma Youtz* 2/11/18
Signature Date

WILMA YOUTZ, P.O. Box 10273, HONOLULU, HI 96816
Print Name, address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

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Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
Sen. Will Espero
Sen. Donna Mercado Kim

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Signature

2-11-18
Date

ANUILA'I AITAOTO, 98-114 Lipoa Pl. #101, Aiea, HI 96701.

Print Name, address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
Sen. Will Espero
Sen. Donna Mercado Kim

Senate Committee on Human Services:

Josh Green, Chair
Stanley Chang, Vice Chair
Breene Harimoto
Jill N. Tokuda
Glenn Wakai

Senate Committee on Judiciary: Brian T. Taniguchi – Chair, Karl Rhoads – Vice Chair, Mike Gabbard, Donna Mercado Kim, Laura H. Thielen

Dear Senators:

I submit this testimony in strong OPPOSITION to the requirement that authorization be obtained prior to a parent or legal guardian homeschooling a child; that a complex area superintendent or authorized representative be required to request child welfare services to conduct a child abuse and neglect history and background check before approving or denying a notification of intent to homeschool because **SB2323**:

MS Is government overreach and intrusion. It is in reaction to an anomaly and heinous case of abuse in California and is not based on a single incident of abuse among Hawaii homeschoolers in over 25 years. The law should not penalize the majority in response to a freak occurrence elsewhere.

MS Is unnecessary given the provisions and requirements of existing Hawaii Home School Laws. Safeguards and accountability already exist. <http://www.homeschoolinginohawaii.com/gettingstarted/legal/statelaws.aspx>

MO Is logistically unsound. Child Welfare Services are already overburdened, unable to adequately monitor known abuse cases and return abused children to abusive environments, none of which have been homeschools.

MO Will create a hardship and unnecessary delay for parents/legal guardians seeking to homeschool their child(ren) due to bullying, health reasons, or special needs.

I urge you to vote NO on SB2323. Thank you. Mary Scarborough 2/11/2018
Signature Date

Mary Scarborough 1015 Luehu Street P.O. 90782
Print Name, address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
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Will create a hardship and unnecessary delay for parents/legal guardians seeking to homeschool their child(ren) due to bullying, health reasons, or special needs.

I urge you to vote NO on SB2323. Thank you.

Andrew Farnas 98-1522 Hoomaheue Way Pearl City 96702
Signature Date 02/11/18

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TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

Sen. Michelle Kidani, Chair
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Sen. Donovan M. Dela Cruz
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Sen. Donna Mercado Kim

Senate Committee on Human Services:

Josh Green, Chair
Stanley Chang, Vice Chair
Breene Harimoto
Jill N. Tokuda
Glenn Wakai

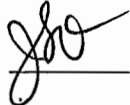
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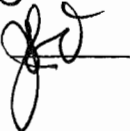
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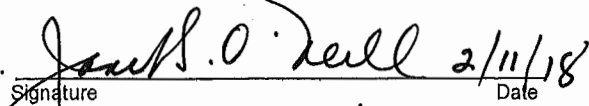


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I urge you to vote NO on SB2323. Thank you.

 2/11/18

Signature

Date

Janet S. O'Neill, 94-1128 Akeu Place, Waipahu, Hawaii 96797

Print Name, address, and zip code

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TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

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Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
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Sen. Donna Mercado Kim

Senate Committee on Human Services:

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Breene Harimoto
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✓ Will create a hardship and unnecessary delay for parents/legal guardians seeking to homeschool their child(ren) due to bullying, health reasons, or special needs.

I urge you to vote NO on SB2323. Thank you. Guy Tokunaga 2-11-18
Signature Date

GUY TOKUNAGA 98-1038 Moanalua Rd 7-200
Print Name, address, and zip code

AIEA, HI 96701

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TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
Sen. Will Espero
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Breene Harimoto
Jill N. Tokuda
Glenn Wakai

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✓ Will create a hardship and unnecessary delay for parents/legal guardians seeking to homeschool their child(ren) due to bullying, health reasons, or special needs.

I urge you to vote NO on SB2323. Thank you. Linda Warne 2-11-18
Signature Date

Linda Warne 92-725 Kuhoho St., Kapolei, HI 96707
Print Name, address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
Sen. Will Espero
Sen. Donna Mercado Kim

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Josh Green, Chair
Stanley Chang, Vice Chair
Breene Harimoto
Jill N. Tokuda
Glenn Wakai

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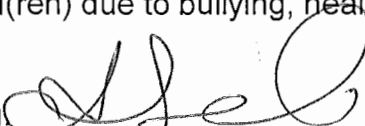
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Will create a hardship and unnecessary delay for parents/legal guardians seeking to homeschool their child(ren) due to bullying, health reasons, or special needs.

I urge you to vote NO on SB2323. Thank you

 2/11/18
Signature Date

Angelica M Cox 987 Ohana Nui Cir. Honolulu
Print Name, address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

9/6/18

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
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Sen. Will Espero
Sen. Donna Mercado Kim

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Stanley Chang, Vice Chair
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Q.B.

Is government overreach and intrusion. It is in reaction to an anomaly and heinous case of abuse in California and is not based on a single incident of abuse among Hawaii homeschoolers in over 25 years. The law should not penalize the majority in response to a freak occurrence elsewhere.

Q.B.

Is unnecessary given the provisions and requirements of existing Hawaii Home School Laws. Safeguards and accountability already exist. <http://www.homeschoolinginohawaii.com/gettingstarted/legal/statelaws.aspx>

Q.B.

Is logistically unsound. Child Welfare Services are already overburdened, unable to adequately monitor known abuse cases and return abused children to abusive environments, none of which have been homeschools.

Q.B.

Will create a hardship and unnecessary delay for parents/legal guardians seeking to homeschool their child(ren) due to bullying, health reasons, or special needs.

I urge you to vote NO on SB2323. Thank you.

Arkiko Gauer

Signature

Date

Print Name, address, and zip code

Arkiko Gauer 98 928 Noelani St. Pearl City 96782

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
Sen. Will Espero
Sen. Donna Mercado Kim

Senate Committee on Human Services:

Josh Green, Chair
Stanley Chang, Vice Chair
Breene Harimoto
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I urge you to vote **NO** on SB2323. Thank you.

 2/11/18
Signature Date

Chauncy K. Bermudez 91-1155 G Hamana St. Ewa Beach, HI
Print Name, address, and zip code 96706

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
Sen. Will Espero
Sen. Donna Mercado Kim

Senate Committee on Human Services:

Josh Green, Chair
Stanley Chang, Vice Chair
Breene Harimoto
Jill N. Tokuda
Glenn Wakai

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WAE

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WAE

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<http://www.homeschoolinginohawaii.com/gettingstarted/legal/statelaws.aspx>

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WAE

Will create a hardship and unnecessary delay for parents/legal guardians seeking to homeschool their child(ren) due to bullying, health reasons, or special needs.

I urge you to vote NO on SB2323. Thank you.

William Peter Cox
Signature

2-11-18
Date

William Peter Cox 987 Ohana NOJ Cir 96818
Print Name, address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
Sen. Will Espero
Sen. Donna Mercado Kim

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Josh Green, Chair
Stanley Chang, Vice Chair
Breene Harimoto
Jill N. Tokuda
Glenn Wakai

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<http://www.homeschoolinginohawaii.com/gettingstarted/legal/statelaws.aspx>

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I urge you to vote NO on SB2323. Thank you.

Norbert Kitashima 2/11/2018
Signature Date

Norbert Kitashima 94-1001 Punono Place, Mililani
Print Name, address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

HI 96789

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
Sen. Will Espero
Sen. Donna Mercado Kim

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Stanley Chang, Vice Chair
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SS

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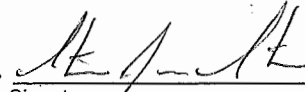
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SS

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I urge you to vote NO on SB2323. Thank you.


Signature

11 FEB 17
Date

STEVEN JAMES STYGER, 732 SIBLEY ST., HONOLULU HI 96818
Print Name, address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
Sen. Will Espero
Sen. Donna Mercado Kim

Senate Committee on Human Services:

Josh Green, Chair
Stanley Chang, Vice Chair
Breene Harimoto
Jill N. Tokuda
Glenn Wakai

Senate Committee on Judiciary: Brian T. Taniguchi – Chair, Karl Rhoads – Vice Chair, Mike Gabbard, Donna Mercado Kim, Laura H. Thielen

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(FL)

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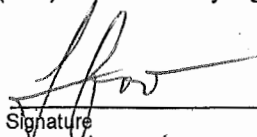
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(FL)

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Signature

2-11-18
Date

FABIAN LOO / 94-283 AIAAHI ST, MILIKANI, HI 96789
Print Name, address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO **SB2323**

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Sen. Donovan M. Dela Cruz
Sen. Will Espero
Sen. Donna Mercado Kim

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I urge you to vote **NO** on **SB2323**. Thank you.

Signature

2/11/18
Date

Alana Sooriyakumar 1965 Umalu Pl. 96819
Print Name, address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
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I urge you to vote **NO** on SB2323. Thank you.

Debbie Kitashima 2/11/18
Signature Date

Debbie Kitashima 94-1001 Punahoa Pl. Mililani, HI 96789
Print Name, address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

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Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
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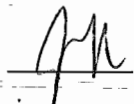
Senate Committee on Judiciary: Brian T. Taniguchi – Chair, Karl Rhoads – Vice Chair, Mike Gabbard, Donna Mercado Kim, Laura H. Thielen

Dear Senators:

I submit this testimony in strong OPPOSITION to the requirement that authorization be obtained prior to a parent or legal guardian homeschooling a child; that a complex area superintendent or authorized representative be required to request child welfare services to conduct a child abuse and neglect history and background check before approving or denying a notification of intent to homeschool because **SB2323**:



Is government overreach and intrusion. It is in reaction to an anomaly and heinous case of abuse in California and is not based on a single incident of abuse among Hawaii homeschoolers in over 25 years. The law should not penalize the majority in response to a freak occurrence elsewhere.



Is unnecessary given the provisions and requirements of existing Hawaii Home School Laws. Safeguards and accountability already exist.
<http://www.homeschoolinginohawaii.com/gettingstarted/legal/statelaws.aspx>



Is logistically unsound. Child Welfare Services are already overburdened, unable to adequately monitor known abuse cases and return abused children to abusive environments, none of which have been homeschools.



Will create a hardship and unnecessary delay for parents/legal guardians seeking to homeschool their child(ren) due to bullying, health reasons, or special needs.

I urge you to vote NO on SB2323. Thank you.

 2/11/18
Signature Date

Janis Kaulukukui 98-874 Aiea, HI 96701
Print Name, address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
Sen. Will Espero
Sen. Donna Mercado Kim

Senate Committee on Human Services:

Josh Green, Chair
Stanley Chang, Vice Chair
Breene Harimoto
Jill N. Tokuda
Glenn Wakai

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I urge you to vote NO on SB2323. Thank you.

Ramona Woo 94-283 AAAM ST. MILILANI, HI 96789 2-11-18
Signature Date

Print Name, address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

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Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
Sen. Will Espero
Sen. Donna Mercado Kim

Senate Committee on Human Services:

Josh Green, Chair
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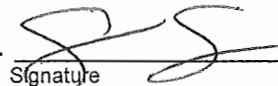
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I urge you to vote NO on SB2323. Thank you.


Signature

2/11/18
Date

SAT SOORIYAKUMAR 1965 UMALU PL. 96819

Print Name, address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
Sen. Will Espero
Sen. Donna Mercado Kim

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I urge you to vote NO on SB2323. Thank you

Jelmon Kaukukubeni
Signature

2/11/18
Date

Jelmon Kaukukubeni 98-874 Aiananui Ln Area 96701
Print Name, address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
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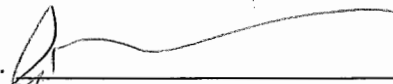
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I urge you to vote NO on SB2323. Thank you.


Signature

2/12/15
Date

Print Name, address, and zip code
Davy M. Nagoshi, (323) 474-1111, Car d... Cr - 90219

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
Sen. Will Espero
Sen. Donna Mercado Kim

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Breene Harimoto
Jill N. Tokuda
Glenn Wakai

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RM

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DM

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I urge you to vote NO on SB2323. Thank you.

Randall T. Nakamoto
Signature

2/11/18
Date

Randall T. Nakamoto 2456 Parker Place Hon. HI 96822
Print Name, address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:
Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
Sen. Will Espero
Sen. Donna Mercado Kim

Senate Committee on Human Services:
Josh Green, Chair
Stanley Chang, Vice Chair
Breene Harimoto
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Glenn Wakai

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I urge you to vote NO on SB2323. Thank you.


Signature

4/11/18
Date

Donna Mercado Kim 2456 Parker Pl Honolulu HI 96822
Print Name, address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
Sen. Will Espero
Sen. Donna Mercado Kim

Senate Committee on Human Services:

Josh Green, Chair
Stanley Chang, Vice Chair
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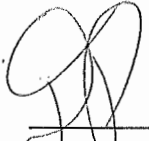
Senate Committee on Judiciary: Brian T. Taniguchi – Chair, Karl Rhoads – Vice Chair, Mike Gabbard, Donna Mercado Kim, Laura H. Thielen

Dear Senators:

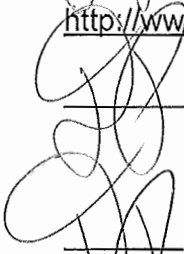
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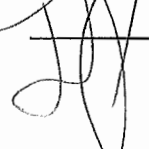
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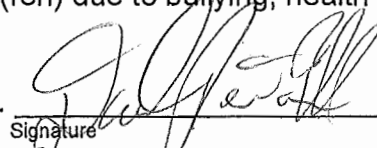


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I urge you to vote NO on SB2323. Thank you.

 2/11/19
Signature Date

105 Beard Ave 96919 Daniel Serra
Print Name, address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO **SB2323**

Senate Committee on Education:

Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
Sen. Will Espero
Sen. Donna Mercado Kim

Senate Committee on Human Services:

Josh Green, Chair
Stanley Chang, Vice Chair
Breene Harimoto
Jill N. Tokuda
Glenn Wakai

Senate Committee on Judiciary: Brian T. Taniguchi – Chair, Karl Rhoads – Vice Chair, Mike Gabbard, Donna Mercado Kim, Laura H. Thielen

Dear Senators:

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MP

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I urge you to vote **NO** on **SB2323**. Thank you. Marisol Peña Feb 11, 2018
Signature Date

Marisol Peña 205 Beard Ave, Honolulu, HI 96818
Print Name, address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
Sen. Will Espero
Sen. Donna Mercado Kim

Senate Committee on Human Services:

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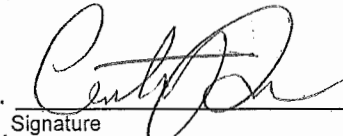
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I urge you to vote NO on SB2323. Thank you.


Signature

2/11/18
Date

Cristina Peña 205 Beard Ave 96818

Print Name, address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
Sen. Will Espero
Sen. Donna Mercado Kim

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Josh Green, Chair
Stanley Chang, Vice Chair
Breene Harimoto
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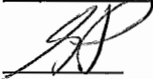


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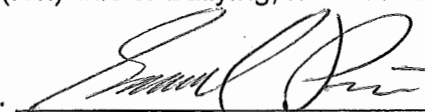


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I urge you to vote NO on SB2323. Thank you.



Signature

Date

SAMUEL PENA 205 Beard Ave Honolulu HI 96818

Print Name, address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
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I urge you to vote NO on SB2323. Thank you.

W H Choi - 2/10/18
Signature Date

Woo Hyunck Choi Po Box 1402 Pearl City, HI 96782
Print Name, address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

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Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
Sen. Will Espero
Sen. Donna Mercado Kim

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Josh Green, Chair
Stanley Chang, Vice Chair
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I urge you to vote NO on SB2323. Thank you. Kyeonga Kang 7/11/2018
Signature Date

KYEONGA KANG P. O. Box 1402 Pearl City, HI 96782.
Print Name, address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
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I urge you to vote NO on SB2323. Thank you.

Nelly Paekukui
Signature

2/11/18
Date

Nelly Paekukui, 2949 Ala Flima St, #203, Hon, HI 96818

Print Name, address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:
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J.M

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J.M

Is unnecessary given the provisions and requirements of existing Hawaii Home School Laws. Safeguards and accountability already exist.
<http://www.homeschoolinginhawaii.com/gettingstarted/legal/statelaws.aspx>

J.M

Is logistically unsound. Child Welfare Services are already overburdened, unable to adequately monitor known abuse cases and return abused children to abusive environments, none of which have been homeschools.

J.M

Will create a hardship and unnecessary delay for parents/legal guardians seeking to homeschool their child(ren) due to bullying, health reasons, or special needs.

I urge you to vote NO on SB2323. Thank you.

Joey L. Marquez 2/11/18
Signature Date

JOEY MARQUEZ 1099 Ala Napunani St. #103 Honolulu, HI. 96818
Print Name, address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:
Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
Sen. Will Espero
Sen. Donna Mercado Kim

Senate Committee on Human Services:
Josh Green, Chair
Stanley Chang, Vice Chair
Breene Harimoto
Jill N. Tokuda
Glenn Wakai

Senate Committee on Judiciary: Brian T. Taniguchi – Chair, Karl Rhoads – Vice Chair, Mike Gabbard, Donna Mercado Kim, Laura H. Thielen

Dear Senators:

I submit this testimony in strong OPPOSITION to the requirement that authorization be obtained prior to a parent or legal guardian homeschooling a child; that a complex area superintendent or authorized representative be required to request child welfare services to conduct a child abuse and neglect history and background check before approving or denying a notification of intent to homeschool because **SB2323**:

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cf Is unnecessary given the provisions and requirements of existing Hawaii Home School Laws. Safeguards and accountability already exist. <http://www.homeschoolinginhawaii.com/gettingstarted/legal/statelaws.aspx>

cf Is logistically unsound. Child Welfare Services are already overburdened, unable to adequately monitor known abuse cases and return abused children to abusive environments, none of which have been homeschools.

cf Will create a hardship and unnecessary delay for parents/legal guardians seeking to homeschool their child(ren) due to bullying, health reasons, or special needs.

I urge you to vote NO on SB2323. Thank you.

Signature

2/11/18
Date

LAWRENCE PELAYO 91-1191 KEOTEUA BLVD 2B4 EWA BEACH, HI 96706

Print Name, address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
Sen. Will Espero
Sen. Donna Mercado Kim

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Josh Green, Chair
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Breene Harimoto
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Glenn Wakai

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PLP

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PLP

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Is logistically unsound. Child Welfare Services are already overburdened, unable to adequately monitor known abuse cases and return abused children to abusive environments, none of which have been homeschools.

PLP

Will create a hardship and unnecessary delay for parents/legal guardians seeking to homeschool their child(ren) due to bullying, health reasons, or special needs.

I urge you to vote **NO** on SB2323. Thank you.

Perdame L. Pelayo 2/11/15
Signature Date

Perdame L. Pelayo 91-1191 Keoneula Blvd Apt 2B4
Print Name, address, and zip code

Ewa Beach HI 96706

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
Sen. Will Espero
Sen. Donna Mercado Kim

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Glenn Wakai

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Will create a hardship and unnecessary delay for parents/legal guardians seeking to homeschool their child(ren) due to bullying, health reasons, or special needs.

I urge you to vote NO on SB2323. Thank you.

Signature

Date

Raymond Lloyd
Print Name, address, and zip code

91-876 / Malatia St Kona Beach
96706

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
Sen. Will Espero
Sen. Donna Mercado Kim

Senate Committee on Human Services:

Josh Green, Chair
Stanley Chang, Vice Chair
Breene Harimoto
Jill N. Tokuda
Glenn Wakai

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✓
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✓
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<http://www.homeschoolinginohawaii.com/gettingstarted/legal/statelaws.aspx>

✓
_____ Is logistically unsound. Child Welfare Services are already overburdened, unable to adequately monitor known abuse cases and return abused children to abusive environments, none of which have been homeschools.

✓
_____ Will create a hardship and unnecessary delay for parents/legal guardians seeking to homeschool their child(ren) due to bullying, health reasons, or special needs.

I urge you to vote NO on SB2323. Thank you.

Byron Chilton 2.11.18
Signature Date

Byron Chilton 2703 Nako'oko'o St. 96826
Print Name, address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
Sen. Will Espero
Sen. Donna Mercado Kim

Senate Committee on Human Services:

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Stanley Chang, Vice Chair
Breene Harimoto
Jill N. Tokuda
Glenn Wakai

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X Is unnecessary given the provisions and requirements of existing Hawaii Home School Laws. Safeguards and accountability already exist. <http://www.homeschoolinginhawaii.com/gettingstarted/legal/statelaws.aspx>

X Is logistically unsound. Child Welfare Services are already overburdened, unable to adequately monitor known abuse cases and return abused children to abusive environments, none of which have been homeschools.

X Will create a hardship and unnecessary delay for parents/legal guardians seeking to homeschool their child(ren) due to bullying, health reasons, or special needs.

I urge you to vote NO on SB2323. Thank you.

Rodney Lau 2/11/18
Signature Date

RODNEY LAU 1200 QUEEN EMMA ST 2810 HONOLULU HI 96804
Print Name, address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
Sen. Will Espero
Sen. Donna Mercado Kim

Senate Committee on Human Services:

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Stanley Chang, Vice Chair
Breene Harimoto
Jill N. Tokuda
Glenn Wakai

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<http://www.homeschoolinginohawaii.com/gettingstarted/legal/statelaws.aspx>

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X Will create a hardship and unnecessary delay for parents/legal guardians seeking to homeschool their child(ren) due to bullying, health reasons, or special needs.

I urge you to vote NO on SB2323. Thank you.

Cassandra Joy Kamakawa 2/11/18
Signature Date

Cassandra Joy Kamakawa 94-325 Aiea PI
Print Name, address, and zip code Milkihi HI

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
Sen. Will Espero
Sen. Donna Mercado Kim

Senate Committee on Human Services:

Josh Green, Chair
Stanley Chang, Vice Chair
Breene Harimoto
Jill N. Tokuda
Glenn Wakai

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✓ Will create a hardship and unnecessary delay for parents/legal guardians seeking to homeschool their child(ren) due to bullying, health reasons, or special needs.

I urge you to vote NO on SB2323. Thank you. K. Russell Ho 2/11/18
Signature Date

K. RUSSELL HO 2522 DATE ST, #1601 HONOLULU
Print Name, address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

96826

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
Sen. Will Espero
Sen. Donna Mercado Kim

Senate Committee on Human Services:

Josh Green, Chair
Stanley Chang, Vice Chair
Breene Harimoto
Jill N. Tokuda
Glenn Wakai

Senate Committee on Judiciary: Brian T. Taniguchi – Chair, Karl Rhoads – Vice Chair, Mike Gabbard, Donna Mercado Kim, Laura H. Thielen

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X

Is logistically unsound. Child Welfare Services are already overburdened, unable to adequately monitor known abuse cases and return abused children to abusive environments, none of which have been homeschools.

X

Will create a hardship and unnecessary delay for parents/legal guardians seeking to homeschool their child(ren) due to bullying, health reasons, or special needs.

I urge you to vote NO on SB2323. Thank you.

Deborah Lau
Signature

Deborah Lau 1200 Queen Emma St Hono. HI 96813
Date

Print Name, address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
Sen. Will Espero
Sen. Donna Mercado Kim

Senate Committee on Human Services:

Josh Green, Chair
Stanley Chang, Vice Chair
Breene Harimoto
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SB

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SB

Will create a hardship and unnecessary delay for parents/legal guardians seeking to homeschool their child(ren) due to bullying, health reasons, or special needs.

I urge you to vote NO on SB2323. Thank you.

Stephanie Batula 2/1/18
Signature Date

STEPHANIE BATULA 1652 HOOKULU ST. 96982

Print Name, address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
Sen. Will Espero
Sen. Donna Mercado Kim

Senate Committee on Human Services:

Josh Green, Chair
Stanley Chang, Vice Chair
Breene Harimoto
Jill N. Tokuda
Glenn Wakai

Senate Committee on Judiciary: Brian T. Taniguchi – Chair, Karl Rhoads – Vice Chair,
Mike Gabbard, Donna Mercado Kim, Laura H. Thielen

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<http://www.homeschoolinginohawaii.com/gettingstarted/legal/statelaws.aspx>

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ZK Will create a hardship and unnecessary delay for parents/legal guardians seeking to homeschool their child(ren) due to bullying, health reasons, or special needs.

I urge you to vote **NO** on SB2323. Thank you. Lillian P. Keever 2-11-18
Signature Date

Lillian P. Keever 3139 Ala Hina St. #404 96818
Print Name, address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
Sen. Will Espero
Sen. Donna Mercado Kim

Senate Committee on Human Services:

Josh Green, Chair
Stanley Chang, Vice Chair
Breene Harimoto
Jill N. Tokuda
Glenn Wakai

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NAP ✓

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NAP ✓

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<http://www.homeschoolinginhawaii.com/gettingstarted/legal/statelaws.aspx>

NAP ✓

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NAP ✓

Will create a hardship and unnecessary delay for parents/legal guardians seeking to homeschool their child(ren) due to bullying, health reasons, or special needs.

I urge you to vote NO on SB2323. Thank you.


Signature Date

NOAH POE 101 12th St. 96818

Print Name, address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
Sen. Will Espero
Sen. Donna Mercado Kim

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Stanley Chang, Vice Chair
Breene Harimoto
Jill N. Tokuda
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MP

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MP

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<http://www.homeschoolinginhawaii.com/gettingstarted/legal/statelaws.aspx>

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MP

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I urge you to vote NO on SB2323. Thank you.

Mary Poe
Signature

02/11/2018
Date

MARY POE, 101 12th St, Honolulu, HI 96818
Print Name, address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:
Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
Sen. Will Espero
Sen. Donna Mercado Kim

Senate Committee on Human Services:
Josh Green, Chair
Stanley Chang, Vice Chair
Breene Harimoto
Jill N. Tokuda
Glenn Wakai

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NO ✓ Is unnecessary given the provisions and requirements of existing Hawaii Home School Laws. Safeguards and accountability already exist.
<http://www.homeschoolinginhawaii.com/gettingstarted/legal/statelaws.aspx>

NO ✓ Is logistically unsound. Child Welfare Services are already overburdened, unable to adequately monitor known abuse cases and return abused children to abusive environments, none of which have been homeschools.

NO ✓ Will create a hardship and unnecessary delay for parents/legal guardians seeking to homeschool their child(ren) due to bullying, health reasons, or special needs.

I urge you to vote **NO** on SB2323. Thank you.

Danielle G. Olvera 2/11/18
Signature Date

DANIELLE G. OLVERA 92-1411 HOALII ST, KAPOLEI, HI 96707
Print Name, address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
Sen. Will Espero
Sen. Donna Mercado Kim

Senate Committee on Human Services:

Josh Green, Chair
Stanley Chang, Vice Chair
Breene Harimoto
Jill N. Tokuda
Glenn Wakai

Senate Committee on Judiciary: Brian T. Taniguchi – Chair, Karl Rhoads – Vice Chair, Mike Gabbard, Donna Mercado Kim, Laura H. Thielen

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gwb Is government overreach and intrusion. It is in reaction to an anomaly and heinous case of abuse in California and is not based on a single incident of abuse among Hawaii homeschoolers in over 25 years. The law should not penalize the majority in response to a freak occurrence elsewhere.

gwb Is unnecessary given the provisions and requirements of existing Hawaii Home School Laws. Safeguards and accountability already exist. <http://www.homeschoolinginhawaii.com/gettingstarted/legal/statelaws.aspx>

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gwb Will create a hardship and unnecessary delay for parents/legal guardians seeking to homeschool their child(ren) due to bullying, health reasons, or special needs.

I urge you to vote NO on SB2323. Thank you.

Scott Byers Signature 11 Feb 18 Date

Scott Byers 87-1021 Naakawelola St. 96792
Print Name, address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
Sen. Will Espero
Sen. Donna Mercado Kim

Senate Committee on Human Services:

Josh Green, Chair
Stanley Chang, Vice Chair
Breene Harimoto
Jill N. Tokuda
Glenn Wakai

Senate Committee on Judiciary: Brian T. Taniguchi – Chair, Karl Rhoads – Vice Chair, Mike Gabbard, Donna Mercado Kim, Laura H. Thielen

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<http://www.homeschoolinginhawaii.com/gettingstarted/legal/statelaws.aspx>

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✓
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I urge you to vote NO on SB2323. Thank you.

Donna Mercado Kim
Signature Date 2-4-18

Doreen A. G. Sokolowski 84-681 Ala Mahikupa, HIA
Print Name, address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

*Wakai
26792*

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
Sen. Will Espero
Sen. Donna Mercado Kim

Senate Committee on Human Services:

Josh Green, Chair
Stanley Chang, Vice Chair
Breene Harimoto
Jill N. Tokuda
Glenn Wakai

Senate Committee on Judiciary: Brian T. Taniguchi – Chair, Karl Rhoads – Vice Chair, Mike Gabbard, Donna Mercado Kim, Laura H. Thielen

Dear Senators:

I submit this testimony in strong OPPOSITION to the requirement that authorization be obtained prior to a parent or legal guardian homeschooling a child; that a complex area superintendent or authorized representative be required to request child welfare services to conduct a child abuse and neglect history and background check before approving or denying a notification of intent to homeschool because **SB2323**:

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Is unnecessary given the provisions and requirements of existing Hawaii Home School Laws. Safeguards and accountability already exist. <http://www.homeschoolinginhawaii.com/gettingstarted/legal/statelaws.aspx>

Is logistically unsound. Child Welfare Services are already overburdened, unable to adequately monitor known abuse cases and return abused children to abusive environments, none of which have been homeschools.

Will create a hardship and unnecessary delay for parents/legal guardians seeking to homeschool their child(ren) due to bullying, health reasons, or special needs.

I urge you to vote NO on SB2323. Thank you.

Greg Skolowski
Signature

2/4/18
Date

Greg Skolowski 84-687 Ala Maliku St Waiānāe HI 96792
Print Name, address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
Sen. Will Espero
Sen. Donna Mercado Kim

Senate Committee on Human Services:

Josh Green, Chair
Stanley Chang, Vice Chair
Breene Harimoto
Jill N. Tokuda
Glenn Wakai

Senate Committee on Judiciary: Brian T. Taniguchi – Chair, Karl Rhoads – Vice Chair, Mike Gabbard, Donna Mercado Kim, Laura H. Thielen

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Will create a hardship and unnecessary delay for parents/legal guardians seeking to homeschool their child(ren) due to bullying, health reasons, or special needs.

I urge you to vote NO on SB2323. Thank you.

CherryAnn Wana
Signature

2/1/2018
Date

CherryAnn Wana 98-811 A Noleau St 2E, HI 96789
Print Name, address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
Sen. Will Espero
Sen. Donna Mercado Kim

Senate Committee on Human Services:

Josh Green, Chair
Stanley Chang, Vice Chair
Breene Harimoto
Jill N. Tokuda
Glenn Wakai

Senate Committee on Judiciary: Brian T. Taniguchi – Chair, Karl Rhoads – Vice Chair, Mike Gabbard, Donna Mercado Kim, Laura H. Thielen

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I urge you to vote **NO** on SB2323. Thank you.

Wendy Pabbs
Signature Date

2569 Jasmine St Honolulu,
HI 96816

Print Name, address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
Sen. Will Espero
Sen. Donna Mercado Kim

Senate Committee on Human Services:

Josh Green, Chair
Stanley Chang, Vice Chair
Breene Harimoto
Jill N. Tokuda
Glenn Wakai

Senate Committee on Judiciary: Brian T. Taniguchi – Chair, Karl Rhoads – Vice Chair, Mike Gabbard, Donna Mercado Kim, Laura H. Thielen

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EC Will create a hardship and unnecessary delay for parents/legal guardians seeking to homeschool their child(ren) due to bullying, health reasons, or special needs.

I urge you to vote NO on SB2323. Thank you.

Ebelia Copeland 2/11/18
Signature Date

Ebelia Copeland 91-1035 Waikei Street Ewa Beach HI 96706
Print Name, address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
Sen. Will Espero
Sen. Donna Mercado Kim

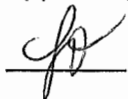
Senate Committee on Human Services:

Josh Green, Chair
Stanley Chang, Vice Chair
Breene Harimoto
Jill N. Tokuda
Glenn Wakai

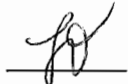
Senate Committee on Judiciary: Brian T. Taniguchi – Chair, Karl Rhoads – Vice Chair, Mike Gabbard, Donna Mercado Kim, Laura H. Thielen

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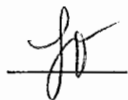


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<http://www.homeschoolinginhawaii.com/gettingstarted/legal/statelaws.aspx>

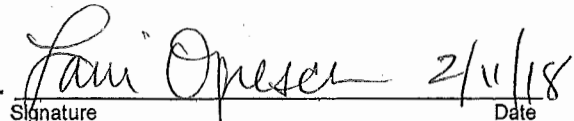


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I urge you to vote **NO** on SB2323. Thank you.


Signature

2/11/18
Date

Lani Oprescu, 354 Opihikao Pl., Honolulu, HI 96825
Print Name, address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
Sen. Will Espero
Sen. Donna Mercado Kim

Senate Committee on Human Services:

Josh Green, Chair
Stanley Chang, Vice Chair
Breene Harimoto
Jill N. Tokuda
Glenn Wakai

Senate Committee on Judiciary: Brian T. Taniguchi – Chair, Karl Rhoads – Vice Chair, Mike Gabbard, Donna Mercado Kim, Laura H. Thielen

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JK Will create a hardship and unnecessary delay for parents/legal guardians seeking to homeschool their child(ren) due to bullying, health reasons, or special needs.

I urge you to vote NO on SB2323. Thank you.

Janet Lee 2/11/2018
Signature Date

Janet Lee 95-1047 Kamalino St. Mililani HI 96789
Print Name, address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
Sen. Will Espero
Sen. Donna Mercado Kim

Senate Committee on Human Services:

Josh Green, Chair
Stanley Chang, Vice Chair
Breene Harimoto
Jill N. Tokuda
Glenn Wakai

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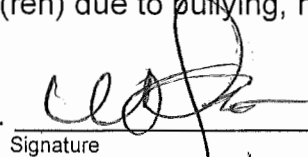
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I urge you to vote NO on SB2323. Thank you.



Signature

2/11/18
Date

WILLIAM DAVID PABLO 2569 Jasmine St Hon, HI 96846

Print Name, address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
Sen. Will Espero
Sen. Donna Mercado Kim

Senate Committee on Human Services:

Josh Green, Chair
Stanley Chang, Vice Chair
Breene Harimoto
Jill N. Tokuda
Glenn Wakai

Senate Committee on Judiciary: Brian T. Taniguchi – Chair, Karl Rhoads – Vice Chair, Mike Gabbard, Donna Mercado Kim, Laura H. Thielen

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I urge you to vote NO on SB2323. Thank you. Michal Straskraba 2/11/18
Signature Date

Michal Straskraba, 94-1405 Polani St Apt W, Waipahu HI
Print Name, address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
Sen. Will Espero
Sen. Donna Mercado Kim

Senate Committee on Human Services:

Josh Green, Chair
Stanley Chang, Vice Chair
Breene Harimoto
Jill N. Tokuda
Glenn Wakai

Senate Committee on Judiciary: Brian T. Taniguchi – Chair, Karl Rhoads – Vice Chair, Mike Gabbard, Donna Mercado Kim, Laura H. Thielen

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I urge you to vote NO on SB2323. Thank you.

Leigh W. Yanagisako
Signature
2-11-2013
Date

LEIGH W. YANAGISAKO 725 KALANAN K. HONOLULU, HI 96821
Print Name, address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
Sen. Will Espero
Sen. Donna Mercado Kim

Senate Committee on Human Services:

Josh Green, Chair
Stanley Chang, Vice Chair
Breene Harimoto
Jill N. Tokuda
Glenn Wakai

Senate Committee on Judiciary: Brian T. Taniguchi – Chair, Karl Rhoads – Vice Chair, Mike Gabbard, Donna Mercado Kim, Laura H. Thielen

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✓
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I urge you to vote **NO** on SB2323. Thank you. Gary S. Kawamura 2-11-18
Signature Date

Gary Kawamura 98-1426A Koahalahoe St PC, HI 96782
Print Name, address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
Sen. Will Espero
Sen. Donna Mercado Kim

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Josh Green, Chair
Stanley Chang, Vice Chair
Breene Harimoto
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Glenn Wakai

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I urge you to vote NO on SB2323. Thank you.

Jana S. Kimata
Signature Date

Jana S. Kimata, 94-1470 Kulewa Ln #1C, Waipahu, HI
Print Name, address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

96797

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:
Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
Sen. Will Espero
Sen. Donna Mercado Kim

Senate Committee on Human Services:
Josh Green, Chair
Stanley Chang, Vice Chair
Breene Harimoto
Jill N. Tokuda
Glenn Wakai

Senate Committee on Judiciary: Brian T. Taniguchi – Chair, Karl Rhoads – Vice Chair, Mike Gabbard, Donna Mercado Kim, Laura H. Thielen

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SB Will create a hardship and unnecessary delay for parents/legal guardians seeking to homeschool their child(ren) due to bullying, health reasons, or special needs.

I urge you to vote NO on SB2323. Thank you.

Signature

Date

95-308 HAKU POKANO COOP MILI LANE HI 96788

Print Name, address, and zip code

TRAVIS LINGE

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
Sen. Will Espero
Sen. Donna Mercado Kim

Senate Committee on Human Services:

Josh Green, Chair
Stanley Chang, Vice Chair
Breene Harimoto
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Glenn Wakai

Senate Committee on Judiciary: Brian T. Taniguchi – Chair, Karl Rhoads – Vice Chair, Mike Gabbard, Donna Mercado Kim, Laura H. Thielen

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I urge you to vote NO on SB2323. Thank you.


Signature

2/11/18
Date

DORINDA O'NEILL 95-196 HOKUULA PL. MILILANI, HI 96789
Print Name, address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
Sen. Will Espero
Sen. Donna Mercado Kim

Senate Committee on Human Services:

Josh Green, Chair
Stanley Chang, Vice Chair
Breene Harimoto
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I urge you to vote NO on SB2323. Thank you,


Signature

2/11/18
Date

JEFFREY TAGAMI, 3163 FOELUA PL HONOLULU 96822
Print Name, address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
Sen. Will Espero
Sen. Donna Mercado Kim

Senate Committee on Human Services:

Josh Green, Chair
Stanley Chang, Vice Chair
Breene Harimoto
Jill N. Tokuda
Glenn Wakai

Senate Committee on Judiciary: Brian T. Taniguchi – Chair, Karl Rhoads – Vice Chair, Mike Gabbard, Donna Mercado Kim, Laura H. Thielen

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B97 Will create a hardship and unnecessary delay for parents/legal guardians seeking to homeschool their child(ren) due to bullying, health reasons, or special needs.

I urge you to vote NO on SB2323. Thank you. Brenda J. Trice 2/11/18
Signature Date

Brenda J. Trice 94-418 Hokahele Pt Mililani HI

Print Name, address, and zip code

96789

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
Sen. Will Espero
Sen. Donna Mercado Kim

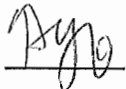
Senate Committee on Human Services:

Josh Green, Chair
Stanley Chang, Vice Chair
Breene Harimoto
Jill N. Tokuda
Glenn Wakai

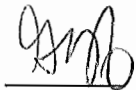
Senate Committee on Judiciary: Brian T. Taniguchi – Chair, Karl Rhoads – Vice Chair,
Mike Gabbard, Donna Mercado Kim, Laura H. Thielen

Dear Senators:

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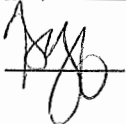


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Is unnecessary given the provisions and requirements of existing Hawaii Home School Laws. Safeguards and accountability already exist.

<http://www.homeschoolinginohawaii.com/gettingstarted/legal/statelaws.aspx>

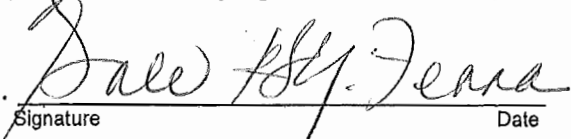


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Will create a hardship and unnecessary delay for parents/legal guardians seeking to homeschool their child(ren) due to bullying, health reasons, or special needs.

I urge you to vote **NO** on **SB2323**. Thank you.


Signature

Date



Print Name, address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
Sen. Will Espero
Sen. Donna Mercado Kim

Senate Committee on Human Services:

Josh Green, Chair
Stanley Chang, Vice Chair
Breene Harimoto
Jill N. Tokuda
Glenn Wakai

Senate Committee on Judiciary: Brian T. Taniguchi – Chair, Karl Rhoads – Vice Chair, Mike Gabbard, Donna Mercado Kim, Laura H. Thielen

Dear Senators:

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Will

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I urge you to vote NO on SB2323. Thank you.

Danita Stonebraker
Signature

Date

DANITA STONEBRAKER 893 MANINIHOLO ST, HON 96825
Print Name, address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
Sen. Will Espero
Sen. Donna Mercado Kim

Senate Committee on Human Services:

Josh Green, Chair
Stanley Chang, Vice Chair
Breene Harimoto
Jill N. Tokuda
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Senate Committee on Judiciary: Brian T. Taniguchi – Chair, Karl Rhoads – Vice Chair, Mike Gabbard, Donna Mercado Kim, Laura H. Thielen

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I urge you to vote NO on SB2323. Thank you.


Signature
Date 2/11/18
Jeannie H. Sabau 1519 Nuhane Ave #34 96817

Print Name, address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
Sen. Will Espero
Sen. Donna Mercado Kim

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Stanley Chang, Vice Chair
Breene Harimoto
Jill N. Tokuda
Glenn Wakai

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I urge you to vote **NO** on SB2323. Thank you.

MaryAnn Goodson PO Box 1052 Honolulu HI 96808
Signature Date

Print Name, address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
Sen. Will Espero
Sen. Donna Mercado Kim

Senate Committee on Human Services:

Josh Green, Chair
Stanley Chang, Vice Chair
Breene Harimoto
Jill N. Tokuda
Glenn Wakai

Senate Committee on Judiciary: Brian T. Taniguchi – Chair, Karl Rhoads – Vice Chair, Mike Gabbard, Donna Mercado Kim, Laura H. Thielen

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I urge you to vote NO on SB2323. Thank you. Baron T. Mizusawa 2/10/18
Signature Date

Baron T. Mizusawa 98-1365 Hoohele St
Print Name, address, and zip code Pearl City, HI 96782

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
Sen. Will Espero
Sen. Donna Mercado Kim

Senate Committee on Human Services:

Josh Green, Chair
Stanley Chang, Vice Chair
Breene Harimoto
Jill N. Tokuda
Glenn Wakai

Senate Committee on Judiciary: Brian T. Taniguchi – Chair, Karl Rhoads – Vice Chair, Mike Gabbard, Donna Mercado Kim, Laura H. Thielen

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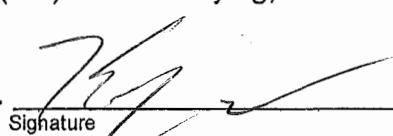
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I urge you to vote NO on SB2323. Thank you.


Signature

2-11-2018
Date

Kendrick T. Tom 1742 Hooheke St. Pearl City, HI 96782
Print Name, address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
Sen. Will Espero
Sen. Donna Mercado Kim

Senate Committee on Human Services:

Josh Green, Chair
Stanley Chang, Vice Chair
Breene Harimoto
Jill N. Tokuda
Glenn Wakai

Senate Committee on Judiciary: Brian T. Taniguchi – Chair, Karl Rhoads – Vice Chair, Mike Gabbard, Donna Mercado Kim, Laura H. Thielen

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I urge you to vote NO on SB2323. Thank you.


Signature

2/11/2018
Date

John Lafferty, 98-1711 Keahehuanu St #30C, Aiea, HI 96701
Print Name, address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
Sen. Will Espero
Sen. Donna Mercado Kim

Senate Committee on Human Services:

Josh Green, Chair
Stanley Chang, Vice Chair
Breene Harimoto
Jill N. Tokuda
Glenn Wakai

Senate Committee on Judiciary: Brian T. Taniguchi – Chair, Karl Rhoads – Vice Chair, Mike Gabbard, Donna Mercado Kim, Laura H. Thielen

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I urge you to vote NO on SB2323. Thank you. Robyn Uehara-Tom 02/11/2018
Signature Date

Robyn Uehara-Tom 1742 Hooehulu Street Pearl City, HI 96782
Print Name, address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:
Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
Sen. Will Espero
Sen. Donna Mercado Kim

Senate Committee on Human Services:
Josh Green, Chair
Stanley Chang, Vice Chair
Breene Harimoto
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I urge you to vote NO on SB2323. Thank you. Kelsey Erich 2/11/18
Signature Date

Kelsey Erich 95-1035 Koolani Dr. #71 Mililani, HI 96789
Print Name, address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
Sen. Will Espero
Sen. Donna Mercado Kim


Senate Committee on Human Services:

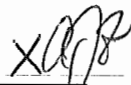
Josh Green, Chair
Stanley Chang, Vice Chair
Breene Harimoto
Jill N. Tokuda
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Senate Committee on Judiciary: Brian T. Taniguchi – Chair, Karl Rhoads – Vice Chair, Mike Gabbard, Donna Mercado Kim, Laura H. Thielen


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I urge you to vote NO on SB2323. Thank you.

Signature

2-11-18

Date

ANTHONY J. FULLER 94-769 Kaiuo St., Waipahu, HI. 96797
Print Name, address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
Sen. Will Espero
Sen. Donna Mercado Kim

Senate Committee on Human Services:

Josh Green, Chair
Stanley Chang, Vice Chair
Breene Harimoto
Jill N. Tokuda
Glenn Wakai

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I urge you to vote NO on SB2323. Thank you.

Placidus Val Arreola 2/11/18
Signature Date

PLACIDUS VAL ARREOLA 94-1022 MAWAAHO ST WAIKAPU HONOLULU HI 96791
Print Name, address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
Sen. Will Espero
Sen. Donna Mercado Kim

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Josh Green, Chair
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I urge you to vote NO on SB2323. Thank you. Preston Makishi 2/11/18
Signature Date

Preston Makishi 1255 Nuuanu Ave #E1608 Honolulu, HI 96817
Print Name, address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
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SM

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I urge you to vote NO on SB2323. Thank you.

Suzanne T. Watanabe
Signature

Date

Suzanne T. Watanabe 85-329 Imipono Pl. Waianae 96792
Print Name, address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

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Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
Sen. Will Espero
Sen. Donna Mercado Kim

Senate Committee on Human Services:

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Stanley Chang, Vice Chair
Breene Harimoto
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I urge you to vote NO on SB2323. Thank you.

Joyce M. Sakai 2/11/18
Signature Date

Joyce M. Sakai 85-329 Imipono Pl. 96792
Print Name address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:
Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
Sen. Will Espero
Sen. Donna Mercado Kim

Senate Committee on Human Services:
Josh Green, Chair
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Breene Harimoto
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JOHN J. MULLEN 98-1532 HOOMANIE LP P.O. 96782
Signature Date 2/11/18

Print Name, address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
Sen. Will Espero
Sen. Donna Mercado Kim

Senate Committee on Human Services:

Josh Green, Chair
Stanley Chang, Vice Chair
Breene Harimoto
Jill N. Tokuda
Glenn Wakai

Senate Committee on Judiciary: Brian T. Taniguchi – Chair, Karl Rhoads – Vice Chair, Mike Gabbard, Donna Mercado Kim, Laura H. Thielen

Dear Senators:


I submit this testimony in strong OPPOSITION to the requirement that authorization be obtained prior to a parent or legal guardian homeschooling a child; that a complex area superintendent or authorized representative be required to request child welfare services to conduct a child abuse and neglect history and background check before approving or denying a notification of intent to homeschool because **SB2323**:

Is government overreach and intrusion. It is in reaction to an anomaly and heinous case of abuse in California and is not based on a single incident of abuse among Hawaii homeschoolers in over 25 years. The law should not penalize the majority in response to a freak occurrence elsewhere.

Is unnecessary given the provisions and requirements of existing Hawaii Home School Laws. Safeguards and accountability already exist.
<http://www.homeschoolinginhawaii.com/gettingstarted/legal/statelaws.aspx>

Is logistically unsound. Child Welfare Services are already overburdened, unable to adequately monitor known abuse cases and return abused children to abusive environments, none of which have been homeschools.

Will create a hardship and unnecessary delay for parents/legal guardians seeking to homeschool their child(ren) due to bullying, health reasons, or special needs.

I urge you to vote NO on SB2323. Thank you.  2/11/18
Signature Date

Ken Kahuna Jr. 1140 Kalavapo Pl Pearl City 96782
Print Name, address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
Sen. Will Espero
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Josh Green, Chair
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✓ Will create a hardship and unnecessary delay for parents/legal guardians seeking to homeschool their child(ren) due to bullying, health reasons, or special needs.

I urge you to vote NO on SB2323. Thank you.

Rachel Coen
Signature

2-11-18
Date

Rachel Coen 91-1242 Alanui Mauka St. Ewa, HI 96706

Print Name, address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:
Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
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Will create a hardship and unnecessary delay for parents/legal guardians seeking to homeschool their child(ren) due to bullying, health reasons, or special needs.

I urge you to vote NO on SB2323. Thank you. Bella Kahunahana 4/11/18
Signature Date

Bella Kahunahana, 1140 Kalaupapa Pl PL 96782
Print Name, address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

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Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
Sen. Will Espero
Sen. Donna Mercado Kim

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Josh Green, Chair
Stanley Chang, Vice Chair
Breene Harimoto
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Glenn Wakai

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I urge you to vote NO on SB2323. Thank you.

Jane Yamada 2/11/2018
Signature Date

2112 POHN ST #1 HON. HI 96826
Print Name, address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
Sen. Will Espero
Sen. Donna Mercado Kim

Senate Committee on Human Services:

Josh Green, Chair
Stanley Chang, Vice Chair
Breene Harimoto
Jill N. Tokuda
Glenn Wakai

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✓ Will create a hardship and unnecessary delay for parents/legal guardians seeking to homeschool their child(ren) due to bullying, health reasons, or special needs.

I urge you to vote NO on SB2323. Thank you.

Regan Yamada 95-1072 Inona St. 96789
Signature Date 2/11/18
Print Name, address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
Sen. Will Espero
Sen. Donna Mercado Kim

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Stanley Chang, Vice Chair
Breene Harimoto
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I urge you to vote NO on SB2323. Thank you, Nicole Kahunahana 2/11/18
Signature Date

Nicole Kahunahana 1140 Kalaupō Pk. 96782
Print Name, address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
Sen. Will Espero
Sen. Donna Mercado Kim

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Stanley Chang, Vice Chair
Breene Harimoto
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I urge you to vote NO on SB2323. Thank you.

Phillip Murray 938 2nd St Pearl City HI 96782
Signature Date 2/11/18

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
Sen. Will Espero
Sen. Donna Mercado Kim

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Josh Green, Chair
Stanley Chang, Vice Chair
Breene Harimoto
Jill N. Tokuda
Glenn Wakai

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I urge you to vote NO on SB2323. Thank you.

Linda Yamada 95-1072
Print Name, address, and zip code

Signature

Date

Linda Yamada 2/11/2018
Ihala St. Mililani HI
96789

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
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I urge you to vote NO on SB2323. Thank you.

Ken Kallman 2/11/18
Signature Date

KEN KAHUNAWANA 1140 KALAUPO PL. PEARL CITY, HI 96782
Print Name, address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
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Breene Harimoto
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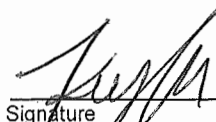
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I urge you to vote NO on SB2323. Thank you.


Signature

2/11/18
Date

Keyla Hernandez 724 Kakala St. Unit 1405 Kapolei HI 96707
Print Name, address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
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I urge you to vote NO on SB2323. Thank you. Stacey Nakasone 7/11/18
Signature Date

Stacey Nakasone 1495 Oili Loop 96816
Print Name, address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
Sen. Will Espero
Sen. Donna Mercado Kim

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Josh Green, Chair
Stanley Chang, Vice Chair
Breene Harimoto
Jill N. Tokuda
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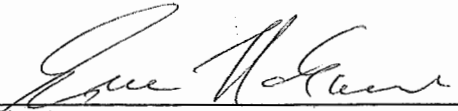
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I urge you to vote **NO** on SB2323. Thank you.


Signature _____ Date 02/11/18

Eric Nakasone 1495 Ouli Ln Hon HI 96816
Print Name, address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
Sen. Will Espero
Sen. Donna Mercado Kim

Senate Committee on Human Services:

Josh Green, Chair
Stanley Chang, Vice Chair
Breene Harimoto
Jill N. Tokuda
Glenn Wakai

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GV

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I urge you to vote NO on SB2323. Thank you.

Gabriel Vergara
Signature

2/11/18
Date

GABRIEL VERGARA 724 KAKALA ST. UNIT 1405 KAPOLEI HI 96707

Print Name, address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
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I urge you to vote NO on SB2323. Thank you. Diane Ferreira 2.11.2018
Signature Date

Diane Ferreira 91.698 Kilinaha St, Ewa Beach HI 96706
Print Name, address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO **SB2323**

Senate Committee on Education:

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Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
Sen. Will Espero
Sen. Donna Mercado Kim

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Josh Green, Chair
Stanley Chang, Vice Chair
Breene Harimoto
Jill N. Tokuda
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I urge you to vote NO on SB2323. Thank you.

WARREN HIGASHI 98-2001 Kikala St Aiea HI 96701

Signature

Date

Print Name, address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

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<http://www.homeschoolinginhawaii.com/gettingstarted/legal/statelaws.aspx>

✓ Is logistically unsound. Child Welfare Services are already overburdened, unable to adequately monitor known abuse cases and return abused children to abusive environments, none of which have been homeschools.

✓ Will create a hardship and unnecessary delay for parents/legal guardians seeking to homeschool their child(ren) due to bullying, health reasons, or special needs.

I urge you to vote NO on SB2323. Thank you.

 2/11/18
Signature Date

Nicole Quides-Nihipali, 1060 Kamehameha Hwy. Ste 1103A Pearl City HI 96782
Print Name, address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
Sen. Will Espero
Sen. Donna Mercado Kim

Senate Committee on Human Services:

Josh Green, Chair
Stanley Chang, Vice Chair
Breene Harimoto
Jill N. Tokuda
Glenn Wakai

Senate Committee on Judiciary: Brian T. Taniguchi – Chair, Karl Rhoads – Vice Chair, Mike Gabbard, Donna Mercado Kim, Laura H. Thielen

Dear Senators:

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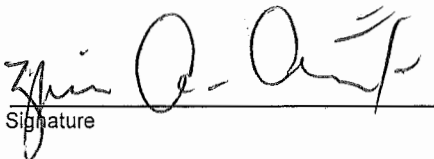
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Will create a hardship and unnecessary delay for parents/legal guardians seeking to homeschool their child(ren) due to bullying, health reasons, or special needs.

I urge you to vote NO on SB2323. Thank you.

 2/11/19
Signature Date

Zano A. Arussa
Print Name, address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
Sen. Will Espero
Sen. Donna Mercado Kim

Senate Committee on Human Services:

Josh Green, Chair
Stanley Chang, Vice Chair
Breene Harimoto
Jill N. Tokuda
Glenn Wakai

Senate Committee on Judiciary: Brian T. Taniguchi – Chair, Karl Rhoads – Vice Chair, Mike Gabbard, Donna Mercado Kim, Laura H. Thielen

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✓
Will create a hardship and unnecessary delay for parents/legal guardians seeking to homeschool their child(ren) due to bullying, health reasons, or special needs.

I urge you to vote NO on SB2323. Thank you.

Gayle Kim
Signature

2/11/18
Date

Gayle Kim 98-1757 Hanalei Street Aiea HI 96701
Print Name, address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
Sen. Will Espero
Sen. Donna Mercado Kim

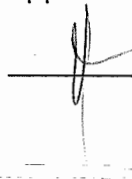
Senate Committee on Human Services:

Josh Green, Chair
Stanley Chang, Vice Chair
Breene Harimoto
Jill N. Tokuda
Glenn Wakai

Senate Committee on Judiciary: Brian T. Taniguchi – Chair, Karl Rhoads – Vice Chair, Mike Gabbard, Donna Mercado Kim, Laura H. Thielen

Dear Senators:

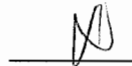
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I urge you to vote NO on SB2323. Thank you.

 7/11/18
Signature Date

1534 Lehia St Honolulu 96818
Print Name, address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
Sen. Will Espero
Sen. Donna Mercado Kim

Senate Committee on Human Services:

Josh Green, Chair
Stanley Chang, Vice Chair
Breene Harimoto
Jill N. Tokuda
Glenn Wakai

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I urge you to vote NO on SB2323. Thank you.


Signature

2/8/10
Date

MICHAEL CAHINHINAN 94-1095 MAUHEE ST. WAIPAE, HI 96797
Print Name, address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
Sen. Will Espero
Sen. Donna Mercado Kim

Senate Committee on Human Services:

Josh Green, Chair
Stanley Chang, Vice Chair
Breene Harimoto
Jill N. Tokuda
Glenn Wakai

Senate Committee on Judiciary: Brian T. Taniguchi – Chair, Karl Rhoads – Vice Chair, Mike Gabbard, Donna Mercado Kim, Laura H. Thielen

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Will create a hardship and unnecessary delay for parents/legal guardians seeking to homeschool their child(ren) due to bullying, health reasons, or special needs.

I urge you to vote NO on SB2323. Thank you.


Signature

Cynthia

Lou

60 W. Wimitz Hwy #2004

Date
11/01/17
96817

Print Name, address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
Sen. Will Espero
Sen. Donna Mercado Kim

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Josh Green, Chair
Stanley Chang, Vice Chair
Breene Harimoto
Jill N. Tokuda
Glenn Wakai

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X

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X

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<http://www.homeschoolinginohawaii.com/gettingstarted/legal/statelaws.aspx>

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X

Will create a hardship and unnecessary delay for parents/legal guardians seeking to homeschool their child(ren) due to bullying, health reasons, or special needs.

I urge you to vote NO on SB2323. Thank you.

Michelle Nelson
Signature

02/11/2018
Date

MICHELLE NELSON, 950 PAAAINA ST, PEARL CITY, HI 96782

Print Name, address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
Sen. Will Espero
Sen. Donna Mercado Kim

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Josh Green, Chair
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✓ Will create a hardship and unnecessary delay for parents/legal guardians seeking to homeschool their child(ren) due to bullying, health reasons, or special needs.

I urge you to vote NO on SB2323. Thank you. Aleta F. Dunssett 2/11/2018
Signature Date

Aleta Dunssett 91-1005 Pololia St Ewa Beach, HI 96720
Print Name, address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
Sen. Will Espero
Sen. Donna Mercado Kim

Senate Committee on Human Services:

Josh Green, Chair
Stanley Chang, Vice Chair
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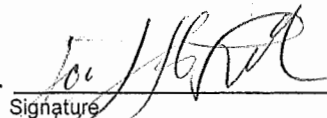
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I urge you to vote NO on SB2323. Thank you.


Signature

2/12/17
Date

JOAN LAND 98-1138A Moanalua Rd. Aiea HI 96761
Print Name, address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
Sen. Will Espero
Sen. Donna Mercado Kim

Senate Committee on Human Services:

Josh Green, Chair
Stanley Chang, Vice Chair
Breene Harimoto
Jill N. Tokuda
Glenn Wakai

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I urge you to vote NO on SB2323. Thank you.


Signature

Feb. 12, 2017
Date

Maria Dowsett 91-1065 Pololia St. Ewa Beach HI 96706

Print Name, address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
Sen. Will Espero
Sen. Donna Mercado Kim

Senate Committee on Human Services:

Josh Green, Chair
Stanley Chang, Vice Chair
Breene Harimoto
Jill N. Tokuda
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I urge you to vote NO on SB2323. Thank you.

Wayne Thomas 2/11/18
Signature Date

WAYNE THOMAS 910 AHANA 805 HON. HI 96804

Print Name, address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
Sen. Will Espero
Sen. Donna Mercado Kim

Senate Committee on Human Services:

Josh Green, Chair
Stanley Chang, Vice Chair
Breene Harimoto
Jill N. Tokuda
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SYU Is unnecessary given the provisions and requirements of existing Hawaii Home School Laws. Safeguards and accountability already exist. <http://www.homeschoolinginhawaii.com/gettingstarted/legal/statelaws.aspx>

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SYU Will create a hardship and unnecessary delay for parents/legal guardians seeking to homeschool their child(ren) due to bullying, health reasons, or special needs.

Sonok Upchurch

I urge you to vote NO on SB2323. Thank you.

Sonok Upchurch 2/11/2018
Signature Date

1352 Alama moe st Honolulu HI 96819
Print Name, address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:
Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
Sen. Will Espero
Sen. Donna Mercado Kim

Senate Committee on Human Services:
Josh Green, Chair
Stanley Chang, Vice Chair
Breene Harimoto
Jill N. Tokuda
Glenn Wakai

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A.O.F.

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<http://www.homeschoolinginhawaii.com/gettingstarted/legal/statelaws.aspx>

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A.O.F.

Will create a hardship and unnecessary delay for parents/legal guardians seeking to homeschool their child(ren) due to bullying, health reasons, or special needs.

I urge you to vote **NO** on SB2323. Thank you.

Alan O. Farias - 02-11-18
Signature Date

ALAN O. FARIAS 98-1532 - Hoomahie Loop Pearl City HI 96782
Print Name, address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
Sen. Will Espero
Sen. Donna Mercado Kim

Senate Committee on Human Services:

Josh Green, Chair
Stanley Chang, Vice Chair
Breene Harimoto
Jill N. Tokuda
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<http://www.homeschoolinginhawaii.com/gettingstarted/legal/statelaws.aspx>

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Will create a hardship and unnecessary delay for parents/legal guardians seeking to homeschool their child(ren) due to bullying, health reasons, or special needs.

I urge you to vote NO on SB2323. Thank you.


Signature

2/11/18
Date

Johnath Quiocho 5180 Likini St Hon. HI 96818
Print Name, address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
Sen. Will Espero
Sen. Donna Mercado Kim

Senate Committee on Human Services:

Josh Green, Chair
Stanley Chang, Vice Chair
Breene Harimoto
Jill N. Tokuda
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JK

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<http://www.homeschoolinginhawaii.com/gettingstarted/legal/statelaws.aspx>

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I urge you to vote NO on SB2323. Thank you.

Jacob Kanakamai Kai / 85-345 Imipono Pl.

Print Name, address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

Signature

Date

Wai'anac, HI.

96792

Jacob Kanakamai Kai 2/11/18

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
Sen. Will Espero
Sen. Donna Mercado Kim

Senate Committee on Human Services:

Josh Green, Chair
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Is unnecessary given the provisions and requirements of existing Hawaii Home School Laws. Safeguards and accountability already exist.

<http://www.homeschoolinginhawaii.com/gettingstarted/legal/statelaws.aspx>

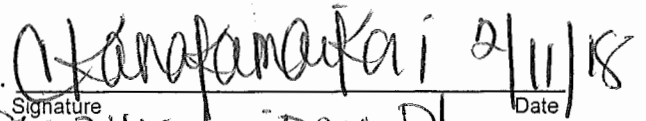


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Will create a hardship and unnecessary delay for parents/legal guardians seeking to homeschool their child(ren) due to bullying, health reasons, or special needs.

I urge you to vote NO on SB2323. Thank you.

 2/11/18
Date

Chanann Kanakamai Kai / 85-345 Mipono Pl
Print Name, address, and zip code

Waianae, HI
90792

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
Sen. Will Espero
Sen. Donna Mercado Kim

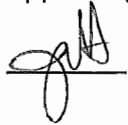
Senate Committee on Human Services:

Josh Green, Chair
Stanley Chang, Vice Chair
Breene Harimoto
Jill N. Tokuda
Glenn Wakai

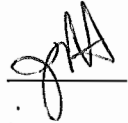
Senate Committee on Judiciary: Brian T. Taniguchi – Chair, Karl Rhoads – Vice Chair, Mike Gabbard, Donna Mercado Kim, Laura H. Thielen

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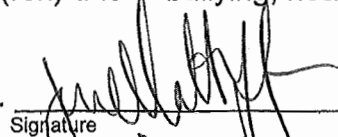


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I urge you to vote NO on SB2323. Thank you.



2/10/18

Signature

Date

Jenelle Hoffman 94-1009 Kaiāu St A Waipahu, HI
96797

Print Name, address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

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Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
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Josh Green, Chair
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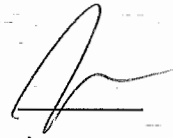
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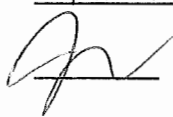
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I urge you to vote NO on SB2323. Thank you.

 4/10/18
Signature Date

JASON HUBBARD 94-1009 A MAIAU ST. WAIKALO A HI 96787
Print Name, address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

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Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
Sen. Will Espero
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I urge you to vote NO on SB2323. Thank you.


Signature

2018 FEB 11
Date

Chris Pope, 91-540 Puamaeole St. #49R EWA BEACH, HI 96706
Print Name, address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
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Will create a hardship and unnecessary delay for parents/legal guardians seeking to homeschool their child(ren) due to bullying, health reasons, or special needs.

I urge you to vote NO on SB2323. Thank you.

Charla Weaver 89-1019 Waianae, HI. 96797
Signature: Charles K. Weaver
Date: 2/11/18

Print Name, address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

TESTIMONY IN STRONG OPPOSITION TO SB2323

Senate Committee on Education:

Sen. Michelle Kidani, Chair
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VPB Is logistically unsound. Child Welfare Services are already overburdened, unable to adequately monitor known abuse cases and return abused children to abusive environments, none of which have been homeschools.

VPB Will create a hardship and unnecessary delay for parents/legal guardians seeking to homeschool their child(ren) due to bullying, health reasons, or special needs.

I urge you to vote NO on SB2323. Thank you.



Signature

Date

Rebekah Sokolowski 84-687 Ala Manika Dr. Apt. 122A
Waianae, HI 96792

Print Name, address, and zip code

Submit at www.capitol.hawaii.gov or directly to Committee Members

SB-2323

Submitted on: 2/13/2018 9:32:45 AM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Tracy Tobias	Testifying on behalf of Concerned Women for America (CWA of Hawaii)	Oppose	No

Comments:

SB 2323 Testimony

I submit this testimony in strong **OPPOSITION** to the requirement that authorization be obtained prior to a parent or legal guardian homeschooling a child; that a complex area superintendent or authorized representative be required to request child welfare services to conduct a child abuse and neglect history and background check before approving or denying a notification of intent to homeschool because **SB2323**:

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-Will create a hardship and unnecessary delay for parents/legal guardians seeking to homeschool their child(ren) due to bullying, health reasons, or special needs.

We need to seek and ask WHY does child abuse and neglect occur? Do not blame, burden, or punish innocent parents who are trying to educate their children in the home. Adding more laws and government intervention to every aspect of our lives is wrong.

I urge you to **vote NO** on **SB2323**.

Thank you and God Bless you,

Member: Concerned Women for America (CWA of Hawaii)

Mrs. Tracy M. Tobias

427 Keaniani Street

Kailua HI 96734

SB-2323

Submitted on: 2/10/2018 3:47:23 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kellen Smith	Wai'anae Coast Neighborhood Board	Oppose	No

Comments:

My wife and I homeschool our kids, and our family belongs to the Wai'anae Homeschool Ohana organization. Several members of the group have expressed opposition to these bills due to their nature infringing upon our civil liberties and increasing an unnecessary burden to our already difficult work load in offering our kids homeschooling. The state does not own our kids. The reasoning used to promote this bill that the state is protecting kids from potential abuse or neglect is faulty logic. Parents that abuse or neglect their children prefer NOT to have their kids at home because they consider them a burden to care for. I've spoken with teachers who say they know parents who want their kids in school and after school programs for this very reason. The educational organization I am employed for works with just about every school here on the Wai'anae Coast, so I am very familiar with the climate of parents, teachers, and students in each area of our coast. We should be encouraging families to home school their own kids rather than creating more bureaucracy for parents. I strongly oppose this bill and any other bills that increase burden or bureaucracy for parents that homeschool their children.

Oppose Senate Bill 2323

Thank you for the priority you place on the safety of our keiki and your efforts to support educational opportunities that ensure our children can thrive academically, socially and emotionally.

SB 2323 attempts to prevent abusive and dangerous adults from misusing the right to homeschool as a cover for isolation and abuse of school age children. I agree; we don't want the right to homeschool to be abused to hide abuse. However, as written, this bill will unwittingly create a permission gridlock for Hawaii families who legitimately wish to continue or begin homeschooling. It will also subject hundreds of thriving families to significant oversight, overburdening an already overtaxed child welfare system. I oppose SB 2323.

As a family with three homeschooled students (currently: a dually enrolled at KCC high school junior, academic based full tuition room/board scholarship VA college junior, and scholarship recipient, JABSOM 2nd yr med student), we understand the value of being connected to other homeschooling families and with our broader community. We have tailored our children's education to meet their academic needs and interests as well as focusing on their social and emotional development. Along with our home based academic studies we met with other families/students for science/art/foreign language co-op, PE, competitive forensics and Eta Sigma Alpha (a national honor society). Our children played club soccer, swam competitively and regularly enjoyed activities at our place of worship, International Church. All three of our students dually enrolled at the local community college in high school. Our homeschool family is not unique in its extensive community involvement.

Hawaii homeschoolers already have very specific annual communication and academic requirements which are monitored by our local public school principals and counselors. Is the current system of monitoring failing to protect the children of Hawaii?

The bill's proposed system seems to operate on a principle of presumed guilt rather than innocence. This bill would require that a household undergo a rigorous vetting process and be approved **before** families can homeschool. There is no deadline for when DOE officials must issue a decision, and if a family disagrees with the decision, the appeals process is onerous and potentially costly. While we all hope that the officials will quickly request the necessary background/criminal checks and then quickly communicate the decision with the family, without any defined timeline for permission, families are left in planning and curriculum purchasing limbo. Some families begin homeschooling to prevent or in response to a student's educational or emotional crisis—how will these families legally initiate an emergency homeschooling plan? Already homeschooled students who move to the islands mid-year may be unable to legally continue their education until DOE officials are able to obtain information from other state jurisdictions. This will be particularly troublesome to our military homeschool community. Will families who determine at the end of a school year that they will begin to homeschool at the beginning of the next year receive permission in time to order costly curriculum? Homeschooling is a logistical as well as academic endeavor. Leaving families in homeschool permission limbo is unnecessary and harmful.

Hawaii's current homeschool law strikes a healthy balance between respecting the constitutional right of parents to homeschool and having regular contact between parents and school officials through the filing of a notice of intent and an annual report on each child's progress. That balance shouldn't be scuttled in the hope of creating a dragnet.

Before making the drastic and invasive changes suggested in this bill, please thoroughly evaluate the state of homeschooling in Hawaii rather than focusing on the tragic but isolated case information noted in the bill and the news. If it is determined that changes are needed for greater protections of Hawaii's keiki, please work cooperatively with the legitimate Hawaii homeschool community to craft protections that safeguard our children AND our homeschooling opportunities.

Thank you for your consideration.

Beth Brown

SB 2323

I strongly oppose SB 2323. I was a former DOE employee and I also have my degree in Elementary Education from the University of Hawaii. I'm very thankful that the Senators who have proposed this bill see the positive impact that homeschooling has on children. Unfortunately this bill, in many ways, really doesn't solve the problem of child abuse in Hawaii. President Obama created a national commission that spent two years traveling around the country collecting information to try to reduce abuse. The 2016 report identified common risk factors- none of which included homeschoolers. Once these risk factors were identified in their two year long study, the Commission identified several promising solutions and encouraged state legislators to be similar in their strategies. (None of which included background checking homeschooling families)

Regarding Peter Boy's case, which is the reasoning in the bill of why more law is needed to prevent abuse from occurring in homeschooled families, and according to the lawsuit filed by the Kema family, DHS already had knowledge that Peter Boy was being forced to eat dog feces and that his arm had been broken by his father. This was not hidden knowledge. According to the lawsuit, "Defendant State of Hawaii, through its department and agency employees, including DHS and CPS employees, had a duty under Hawaii law to Plaintiffs and Peter Boy to protect them from physical and emotional/mental harm." The State of Hawaii already had knowledge and information concerning the ongoing severe physical abuse of Peter boy by his parents. Despite DHS and CPS having this knowledge, which the bill claims was hidden because he was "home schooled" (which he was not and the knowledge was not hidden), the State of Hawaii returned him back to his parents. Peter Boy's family is suing the State of Hawaii not because of their lack of existing law (which this bill states) which provided little to prevent abusive parents from using home school as a means to isolate their children and hide evidence of maltreatment. Peter Boy's family is suing the state of Hawaii because "the employees of its departments and agencies fell below the applicable standard of care and was negligent".

The bill claims that "Peter Boy was isolated and his marks of abuse and neglect were hidden from those who were required by law to report suspicions of child abuse and neglect, such as teachers". According to the lawsuit filed by the Kema Family against the State of Hawaii, Kona CPS office knew that he had severe injury to his arm and that CPS workers did not accept the report or forward it to the Hilo CPS office. The therapist of the Kemas also reported the bandage on his arm to DHS. DHS logged the report but the matter was not assigned to a CPS case worker for investigation until June and was not reported to police until June. Teachers could not have stopped this particular case, because the fact is that Peter Boys family was already alerting the state about the abuse and they did nothing.

I hope that you see that the intentions of this bill and the basis they are founded on show both nationally (in President Obama's commission and report) and locally (Peter Boy's case) that home schooling is not a risk and should not require us to be targeted as an abusive group.

Respectfully,

Kristie Duarte

SB-2323

Submitted on: 2/13/2018 9:55:08 AM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Erin Hernandez	Individual	Oppose	Yes

Comments:

Aloha,

I am writing to you today to strongly oppose SB2323.

No one opposes protecting children, or finding new and better ways to do so, but this bill does not accomplish that.

What this bill requires is already being done. If a child abuse case is on file with CPS, it's followed up with the home and the child's school, and the child would not be allowed to be homeschooled for that reason.

Because of this fact, SB2323 is nothing more than a defamation suit that is hostile to ultimately millions of homeschooled children across America.

What is not happening here is genuine concern for our homeschooled children. Most, if not all homeschooling parents would pass this investigation. We chose this path because we want to provide our children with a higher education in a safer environment than offered in public schools.

What you're suggesting is stripping us of our rights to choose to homeschool our children, and immediately enforce a system that is not even possible to implement in any effective way. CPS is too understaffed and overloaded to take on 7000 cases overnight. The public school system can't even handle our requirements during an entire school year, let alone take in 7000 new students immediately.

Neither the DOE or CPS is prepared, trained or even staffed for this workload, especially without clear instructions or direction. This bill is written to cripple the DOE and CPS personnel required to implement the new rules, while simultaneously destroying homeschooling.

In the meantime, while our files pile up on someone's desk, we would be forced to immediately enroll and endanger our children in a public school subjecting them to oversized classrooms, possibly traumatic socialization integration for many, risk of exposure to unvetted predators, incompetent education and supervision, detrimental

stress levels and anxiety, and disruption in their curriculums to just name a few - any and all of which will change who they are as people.

This bill will change who they are. You will change who they are.

If your concern is truly to save children from child abuse, then ALL parents should have to prove their worth and be investigated and judged. Subject ALL teachers on a yearly basis to have background checks and home visits to make sure that they are up to the same standards. Subject ALL staff, contractors, part-time and substitute teachers to a yearly investigation of the same accord.

Per your SB2323, everyone else involved in our children's lives are granted the presumption that they are acting in good faith. For a reason I cannot fathom, I am not extended that right.

Should this bill pass, I will follow it with fascination. If you have truly found the answer to preventing and stopping child abuse by doing background checks on parents who want to give their children a better advantage in life, then the same theory should work for other problems.

For example, spousal abuse. Following your model, I will form a committee and introduce a bill that requires anyone willing to commit to marriage to have to first be subjected to a variety of background checks and the marriage will have to be approved by a stranger of a department, or their designated agent. But not all unions will require this, just marriages. Those who choose to live in a common-law relationship or co-habitate in any other way will not be subjected to this system because I really just want to hinge it all on the word "marriage" for extra emphasis in the media and gain public support with minimal explanation.

That sounds rather ridiculous, doesn't it? It sounds as ridiculous is this SB2323.

There is no basis for this type of discrimination. Homeschooling does not cause nor contribute to child abuse, no more than marrying someone contributes to verbal, mental or physical abuse of a partner.

I request that this bill be removed.

Mahalo,
Erin Hernandez

I oppose SB2323. This is why.

Is it better to try to save one homeschooled, abused child, or to save 100 public and privately schooled children? Parents **might** abuse their children when they're homeschooled, but more commonly, kids get abused even when they are in schools. A study by Roger Williams in 2017 showed that, "Legally homeschooled students have 40% fewer fatalities than the national average". In addition, when children go to school, there is still the danger of bullies and sexually abusive teachers.

If you want to help homeschoolers, there are two options, the first one being to use all the time, people, and money to check on all seven thousand homeschooled families to find the few parents who have **already** been reported. OR you could use the papers **you already have** that say which parents were abusive, and make a law that abusive parents can't homeschool their children.

But just because they can't homeschool their children doesn't mean they won't commit truancy. They might just pull their children out of school and not enroll them to homeschool either. To reinforce this law, then, the parent(s) must yearly give reports from the child's school to the case worker who is **already** checking on the family. Give your time, money, and people to improving CPS!

And if you check all the homeschooling families when you already know who's abusive, it will be intrusive into people's rights. In the book "1984" it visualizes a future where the government is in complete control. There are cameras all over every house, and when the guy in the book gets up, he has to do his exercises because the voice from the camera tells him to, and he has to eat what he's told to.

If you think this is "extreme" then think about this: if every family has to get permission to homeschool, it's taking away just a little chunk of people's rights. Then citizens think "this makes sense", but the problem is that once authorities have a little power, they want more, and more, and more. If they get this power in little bits, however, the people don't notice. They think that, every time, it's just making something "safer", but, really, it's giving the government more and more control. And why was America founded? Because we wanted freedom!

In conclusion, children are more likely to be abused in school than in a homeschool environment, so improve CPS instead of putting all your efforts to something that won't work. And don't intrude into loving families' rights, just check the abusive parents! Would you rather save one, or a hundred?

Bibliography:

Williams, Rodger. (2017, July 28). Homeschool child fatalities fewer than the national average. Retrieved January 23, 2018 from <http://thehomeschooleffect.com/child-fatalities-regulation.html>

SB-2323

Submitted on: 2/13/2018 1:38:07 AM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Elisa Nakamura	Individual	Oppose	Yes

Comments:

According to britannica.com, McCarthyism ..has become a byname for defamation of character or reputation by means of widely publicized indiscriminate allegations, especially on the basis of unsubstantiated charges. Senate Bill 2323 proposes to bring McCarthyism into present day Hawaii. While everyone agrees that child abuse should be fought and eradicated, some believe this bill will help reduce incidents of child abuse and others believe it will not . Senator, SB 2323 should not advance for three reasons: Instead of helping prevent child abuse, it loads more work on state employees whose mission is to protect and help children, It assumes guilt of parents until they are proven innocent, and it violates the constitution of the State of Hawaii.

SB 2323 should not advance firstly because it loads work on school officials and Child Welfare Services, taking valuable time and resources away from their main job of educating and protecting children. The bill “requires the complex superintendent ...or authorized representative to request child welfare services to conduct a child abuse and neglect inquiry.” “Child welfare services and the department shall have no more than 5 business days to complete a child abuse of neglect history inquiry.” With an estimated 7,000 homeschooling families in Hawaii this would be entirely untenable. In my own experience, without the need for approval, just getting the department to sign off on the current “Exceptions To Compulsory Education” form 4140 can take over 2 years!

The second reason SB 2323 should not advance is that it pronounces a parent who wishes to homeschool his/her own child guilty of child abuse until proven innocent. The sole fact that an adult seeks to educate and nurture his/her own child at home brings unsubstantiated suspicion and in effect allegations of wrong doing. The bill allows agents to enter and investigate not only the parents but all the children and adults within the home of anyone daring to legally homeschool his own child. Regardless of the quality and caring of the home, this is a humiliating proposal. It rings of the reactionary measures our country has come to regret, like the Japanese internments during WWII and the raids in the McCarthy era.

Thirdly, SB 2323 should die because it violates the constitution of the State of Hawaii. The bill grants the complex superintendents authority over the children of our state. This in direct opposition to the Hawaii State Constitution which reads, “We reserve the right to control our destiny, to nurture the integrity of our people and culture, and to preserve the quality of life that we desire.” If the people of this state choose to

nurture the integrity of our children and perpetuate our values by homeschooling, this bill unduly restricts that choice.

There are surely proponents for this bill who believe that it would prevent child abuse, neglect and trafficking by mandating background checks and investigations for applicants of homeschooling. However, the perpetrators of these crimes will not be effected by this bill because they will not be the ones applying to legally homeschool. The Coalition for Responsible Home Education, Homeschooling's Invisible Children FAQ acknowledges that their data of abused children includes cases where parents are not actually educating their children. These guardians or captors were included in their statistics by simply claiming they were homeschooling at the time of an abuse incident, regardless of any level of state oversight in homeschooling. Even in the case cited of "Peter boy" it was parents who had already been investigated and had their children taken away that were given those same children back! The flaw in the system was not that these parents were allowed to homeschool, it was that they were given their children back when they were known to be abusive. In short, this law would not prevent what it sets out to prevent.

SB 2323 should die in committee because though its aim is to help abused children, it only serves to load more work on those responsible to help them, it assumes parents guilty until proven innocent, and it violates the Hawaii State Constitution. Targeting parents who choose to homeschool their children to be indiscriminately investigated with unsubstantiated cause would be inviting in an era we have already regretted once.

Respectfully Submitted,

Mrs. Elisa Nakamura

Wahiawa, Hawaii

(808)551-3423

SB-2323

Submitted on: 2/13/2018 12:43:40 AM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Ronald Verderame	Individual	Oppose	Yes

Comments:

While I agreed with the intent of this Bill, to protect children from abuse, I feel the Bill is poorly written and does not protect the parents right to homeschool their children.

The bill as written says that parents must submit a notification of intent to home school and no child shall be home schooled unless they have been approved to do so. It also says the Child Welfare Services and Education Dept have 5 business days to complete the required checks.

However, the main problem with the bill as written, it does not say anything about what happens if the depts do not complete the required checks withing the required 5 days.

If the depts do not complete the required checks within 5 days it leaves the parents in limbo. They have no approval and no disapproval, and they have no recourse for further action. They would simply have to wait until the depts got around to processing their background checks.

Therefore this Bill puts parents who intend to homeschool their children in the position of being assumed to be guilty of abuse until they are cleared by a records check and denies them their right to homeschool their children while they wait for the State to clear them. This is the opposite of the basic tenet of the United States Justice System, that a person is presumed innocent until proven guilty.

This Bill can not be allowed to pass as it is currently written, because it does not protect the rights of law abiding citizens.

Ron Verderame

TO THE SENATE COMMITTEES ON
EDUCATION AND HUMAN SERVICES

TWENTY-NINTH LEGISLATURE
Regular Session of 2018

Wednesday, February 14, 2018
2:55 p.m.

TESTIMONY ON SENATE BILL 2323 – RELATING TO EDUCATION.

TO THE HONORABLE MICHELLE N. KIDANI, THE HONORABLE DR. JOSH GREEN,
CHAIRS, AND COMMITTEE MEMBERS:

My name is Jen Fuchikami and I am a lifelong Oahu resident. I recently graduated from UH Mānoa with a Masters in Library and Information Science and as an aspiring children’s librarian, I’ve worked with keiki from a variety of educational backgrounds, including home-schoolers. I strongly oppose SB 2323, which while being well-intentioned, has problematic wording, unclear enforcement, and ambiguous consequences.

While I deplore child abuse, like many others that have spoken here today, and admire the intent to protect the young and vulnerable, this bill will have little effect in stopping actual abuse and will instead cause undue strain on the already overwhelmed local Child Welfare Services (to be referred to as CWS), Family Court, and DOE superintendents. If the current home-school, truancy, and child abuse laws were properly followed up on, the cited cases of Peter Kema Jr. and Shaelynn Lehano-Stone (both who were previously removed from their parents by CWS and should have been on their radar) may have had different conclusions. Department of Education regulations already instruct school officials (as mandatory reporters) to contact social services if they believe a home-schooled child is suffering from abuse or neglect. Meanwhile, law-abiding families that wish to homeschool their children will be considered suspected criminals and child abusers until proven otherwise.

The current wording of SB 2323 also raises concerns: On page 7, section 6 requires that besides parents or legal guardians, “all other adults residing in the home of the child” (b6) shall be subject and consent to a background check. Failure to do so, according to lines 11-15 on page

9, means your petition can be rejected (e3). What if you are renting a room in your home and that person (as within their right) refuses to consent? It's not their child, they have no obligation or reason to participate if they don't want to. Then what will happen?

Another concern is that while page 7 states that "upon receipt" of the notification to homeschool, the complex area superintendent is to request CWS to complete a child abuse and neglect history inquiry, and page 8 gives CWS five business days to complete these inquiries, however, there are no clear consequences for these authorities if these conditions aren't met. (Granted, there is the vague section "h" on page 12 which says "The department shall adopt rules ... to carry out the purposes of this section ..."). I've had home-school families share it would sometimes take months for schools to acknowledge their intent to homeschool letter/4140 form (if the school bothered to send anything at all), so I question how much of a priority will be given to these cases, especially when school funding is involved. There are many reasons why a family may choose to home-school and some of them are time-sensitive in nature –how will the State ensure that prospective home-schoolers receive a timely response (and who will define what is a "timely response")?

Besides the time and effort taken away from more plausible child abuse cases that CWS is currently dealing with, where will the funding come from for these extra background checks and inquiries? I believe the funds, time, and personnel required for these proposed regulations would be better served if granted to CWS instead, so they can prevent child abuse in other, more common communities.

Finally, the State Department of Human Services' most recent report on Child Abuse & Neglect in Hawaii states that in 2015, only 11.5% cases were reported by education personnel. Legal, law enforcement, and criminal justice personnel (24.6%), medical personnel (21.7%), and social services (18.1%) had higher report rates (18). Just because a child isn't enrolled in a traditional school, doesn't mean that they won't be able to get help if need be. I believe current state child abuse, truancy, and home-school regulations provide enough accountability if properly enforced.

I thank both committees for the opportunity to present testimony on this matter and respectfully urge that SB 2323 be held.

SB-2323

Submitted on: 2/12/2018 10:53:52 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Davis Benjamin Reeder	Individual	Oppose	Yes

Comments:

This bill proposes an unjustified change to long-standing state law. Data should always inform public policy. The text mentions themes which *may* be associated with child abuse, but does not provide any data to support the supposed associations. In fact, research contradicts the very intent of this legislation. Dr. Brian Ray (National Home Education Research Institute) has recently published a paper addressing this issue. He finds that the rate of abuse of children in homeschool families is lower than in the general public. He also finds that there is no empirical evidence that increasing government control or regulations over homeschooling will significantly reduce the abuse of home-educated children. The United States Commission to Eliminate Child Abuse and Neglect Fatalities (2016) never recommended regulating or controlling any type of educational or school environment. The problem you're trying to address is not in homeschooling families; the problem lies elsewhere. I respectfully urge you to oppose this unwarranted legislation.

TO THE SENATE COMMITTEES ON
EDUCATION AND HUMAN SERVICES

TWENTY-NINTH LEGISLATURE

Regular Session of 2018

Wednesday, February 14, 2018

2:55 p.m.

TESTIMONY ON SENATE BILL 2323 – RELATING TO EDUCATION.

TO THE HONORABLE MICHELLE N. KIDANI, THE HONORABLE JOSH GREEN,
CHAIRS, AND COMMITTEE MEMBERS:

My name is Laura Fuchikami and I am a full-time community college student and caregiver from Ewa Beach. I am in strong opposition of SB2323, which would label parents with criminal suspicion solely because they express a desire to home school their child.

It is my understanding by this bill's wording that the intent is to uncover the records of parents who already hold a criminal history of child abuse and prevent those individuals from home schooling. However, while I think this bill was created out of good intentions, I do not think these additional protocols would execute those goals effectively. Instead of focusing on known offenders, this bill seems to be fishing around the large pool of all parents who want to home school their child. I think a more effective idea would be to provide Child Welfare Services with the staffing and resources needed to address the issue of child abuse and neglect.

I would like to thank the committees for this opportunity to present testimony on this bill and respectfully ask you to vote that SB2323 be held.

SB-2323

Submitted on: 2/12/2018 10:23:21 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Deborah Ishiyama	Individual	Oppose	Yes

Comments:

I oppose Senate Bill 2323. I feel this bill would legalize an unconstitutional form of profiling against a particular people group. According to the National Institute for Justice, an agency of the U.S. Department of Justice:

Racial profiling by law enforcement is commonly defined as a practice that targets people for suspicion of crime based on their race, ethnicity, religion or national origin. Creating a profile about the kinds of people who commit certain types of crimes may lead officers to generalize about a particular group and act according to the generalization rather than specific behavior.

SB2323 will, instead, target individuals and families who desire to school their own children at home, and hold them in *suspicion of crime* without reasonable cause. Based on a few isolated cases of abuse that have occurred in homes that also had home school children, the State of Hawaii is proposing to generalize this behavior over an entire group of individuals. SB2323 would require the conducting of a child abuse and neglect history by child welfare services and criminal background screening for parents desiring to home school their children, requirements not demanded of any other parent choosing a different mode of education for their children. This is clearly *a practice that targets a people for suspicion of crime based on their* decision to home school their children, a form of education completely legal in all 50 states, including Hawaii. It is also an invasion of privacy without due cause.

If we replace some of the descriptive wording in SB 2323, and everywhere that “the child intended to be home schooled” occurs we use instead “the child of a particular ethnicity,” or “the child intended to be schooled in Islam,” or “the child of a same-sex couple,” I think the potential for civil rights violations would be glaringly obvious. This kind of profiling of a people group would be completely discriminatory and illegal. The same civil rights protection should be extended to families who choose to home school their children.

I urge you to vote against SB2323. This unconstitutional form of discrimination against home school families has no place in this great state of Hawaii.

SB-2323

Submitted on: 2/12/2018 9:15:38 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Lauren Mell	Individual	Oppose	Yes

Comments:

SB-2323

Submitted on: 2/12/2018 4:45:52 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Lois-Lynn Deuel	Individual	Oppose	Yes

Comments:

My name is Dr. Lois-Lynn Deuel. I am a psychologist and epidemiologist. I am on the faculty of Leeward Community College. I own a home in Foster Village. I am a homeschool mom.

I am writing this testimony to tell you to vote NO on SB2323. This proposed legislation unfairly targets homeschooling families as potential child abusers.

The bill states that (in addition to five other requirements) a homeschooling parent (and all other adults residing in the home) must:

- Agree to be “subject to a background check conducted by the department or its designee and consent to the background check”
- Agree to provide “any other information that the department deems necessary”

This bill demonizes those who choose to homeschool and criminalizes their refusal to be subjected to government scrutiny and a criminal background check. This bill grants the government permission to ask homeschooling families for ANY INFORMATION DEEMED NECESSARY. The government can ask for ANYTHING, and this bill states that the right to homeschool can be denied FOR ANY REASON. This is government overreach.

Forcing homeschoolers to submit to fingerprinting and background checks like common criminals is not going to prevent child abuse in Hawaii. School administrators should not determine whether parents are qualified to teach their own children. If a school superintendent (or designee) doesn't like a parent's attitude or curriculum for math, s/he could be denied the right to homeschool in Hawaii. What if the school superintendent (or designee) doesn't like a homeschool parent's sexual

orientation (e.g., gay), religion (e.g., Mormon), history of mental illness (e.g., depression), history of criminal conviction (e.g., shoplifting), physical fitness (e.g., obese), or health/disability (e.g., deaf)? Are those characteristics that can result in a suspension of a parent's right to homeschool their child? How will you ensure protected classes are not facing discrimination in the execution of this law? What if a child lives with an extended ohana and family members are not US citizens? How will you investigate these individuals? The state is overstepping here.

SB2323 may be a disguised "money-grab" by the Hawaii DOE. By requiring parents to register their children as public school students, schools will qualify for funding that they do not currently receive when homeschool families simply send a notice of intent to homeschool. Requiring registration and then **possibly** allowing them to withdraw (upon the whims of school district administrators, as no firm guidelines/rules have been proposed) AFTER receiving approval (and likely after the census day for attendance), the DOE stands to benefit from a windfall of cash (about \$12000 per child). Go here for more information on how the Hawaii DOE uses a weighted formula to distribute money to schools:

<http://www.hawaiipublicschools.org/VisionForSuccess/SchoolDataAndReports/StateReports/Pages/Weighted-Student-Formula.aspx#COW>

In a similar vein, the DOE will also be able to apply for federal IMPACT funds (about \$2000 per child) for children from military families. Go here for more information about IMPACT aid:

<http://www.hawaiipublicschools.org/ParentsAndStudents/MilitaryFamilies/Pages/About-Impact-Aid.aspx>

It is already difficult for Hawaii-based military commands to attract the best and brightest military officers to Hawaii because of the abysmal state of the schools. Families are reticent to come to Hawaii because the schools are not as rigorous and may detrimentally impact future educational opportunities for their children. Officers can turn down assignments (at risk to their own careers), move to Hawaii as geographical bachelors (while their families remain in a state with higher quality schools), or homeschool. There are a myriad of support services and support groups available to military homeschooling families; just one Facebook group on Oahu, Military Homeschoolers of Oahu had 426 member families (as of 12-FEB-2018). However, in addition to family separations due to deployments, this proposed law would put an additional undue burden on military homeschool families and result in fewer families accompanying their military members to Hawaii. For more information, here is a report on how military families view schools in Hawaii:

https://www.jhsph.edu/research/centers-and-institutes/military-child-initiative/hawaii/PACOM_Final_1-13-13.pdf

I have a PhD and Masters in Psychology and a Masters degree in Epidemiology and Public Health. Based on peer-reviewed research, psychologists and educators around the world are trying to empower parents to be their children's first and best teacher. Schools across the nation are trying to **get parents to become more involved in their children's education**—not less involved. Instead of assuming parents are unqualified and potentially dangerous to their offspring, you should **encourage the Hawaii DOE to reach out to homeschooling families**. While some neighborhood schools welcome homeschooling families on testing days (because they benefit from our high scores), most school administrators exercise their discretion to deny any and all services to homeschool families. Clubs, teams, sports, extra-curricular activities, elective classes or advanced classes offered by our neighborhood schools to the community are denied to the homeschool community. We have been told “you're either IN or OUT.” If you really wanted to provide support to homeschooling families, you would require neighborhood schools to permit the participation of homeschoolers in such activities (like most other states). **Given the current attitude and the purposeful lack of support towards homeschool families of many neighborhood schools, SB2323 comes across as disingenuous in its suggestion that “home schooling can have a positive impact on a child's social, emotional, and psychological development, including peer interaction, self-esteem, and leadership skills.”**

SB2323 cites one case of a child on Big Island who was abused and murdered by his parents as rationale for this proposed legislation. They weren't “hiding behind homeschooling” as the text of the bill claims. This child and family was known to Social Services for many years—beginning when this child was a preschooler. Social Services failed this child when he was alive and 20 years later, the criminal justice system continues to fail him after he's dead. **This case has nothing to do with homeschooling.**

There is no peer-reviewed research that links homeschooling with child abuse. Let me repeat:

There is no peer-reviewed research that links homeschooling with child abuse.

According to the Centers for Disease Control and Prevention (CDC), there are over two dozen known risk factors for victims of child abuse and perpetrators of child abuse. <https://www.cdc.gov/violenceprevention/childmaltreatment/riskprotectivefactors.html>

Homeschooling is not a risk factor for child abuse.

Indeed, the CDC cites a number of protective factors that serve to buffer children from abuse and neglect, including: nurturing parents, stable family relationships, supportive family environment and social networks, household rules/structure, parental employment, and adequate housing. **I encourage you to meet the outstanding citizens of your community who are homeschooling families and who epitomize the research findings published by the CDC.**

This proposed legislation wrongly assumes that homeschooling families are potential child abusers. It presumes homeschooling parents as guilty of abusing their children until proven innocent. **Totalitarian regimes** like North Korea and Cuba (who have already made homeschooling illegal) enact laws like this **that restrict our civil liberties, violate parental rights and restrict our freedoms.** Do not go down this slippery slope.

The Coalition for Responsible Home Education that is cited in the legislation is a tiny, recently -formed, fringe group of young adults/college students who appear to be estranged from their homeschooling families and whose sole purpose is to lobby against our constitutional rights to homeschool. How did you even find this group? Here is there website. <https://www.responsiblehomeschooling.org/about-crhe/our-story/>

Check out the profiles of the officers. These individuals are not “supporters” of homeschooling. They had a bad experience. All of their advocacy activities center around reducing parental rights and increasing state oversight.

Here are some organizations that **actually provide help and support to homeschooling families:**

<https://hsllda.org> and here are links to dozens of homeschooling support services provided by HSLDA: <https://hsllda.org/orgs/>

<http://www.christianhomeschoolersofhawaii.org/w/>

<http://www.hawaiihomeschoolassociation.org>

<https://www.hawaiihomeschoolnetwork.com>

<https://www.classicalconversations.com>

<https://www.nheri.org>

<http://www.grandparentsofhomeschoolers.org>

<http://www.secularhomeschool.com/content/>

<http://www.hsamf.org>

<http://www.nathhan.com>

<http://www.nbhe.net>

I limited my list of web links to a dozen, but there are hundreds of organizations (local, state, and national) that **you should consult (to learn more about homeschoolin) that actually SUPPORT and LOBBY FOR homeschooling**. You should contact these valid homeschooling organizations that are genuinely concerned about academic excellence, superior social skills, civic responsibility, child safety and the education of the whole child for more information

Parents have the constitutional right to educate their children in customized ways that best suit their needs. Through this proposed bill you are demonizing and criminalizing this positive activity.

My fellow homeschoolers and I live here in Hawaii. We pay sales tax, property tax and state income tax. We vote. We work hard to improve the quality of life for everyone in this beautiful state.

Look at us. Study us. We are doing a fantastic job educating our children at home. Come along side us and support us. Don't presume homeschooling parents are child abusers. Don't assume that we are guilty until proven innocent. Don't put an undue burden on our families or state employees to conduct such unconstitutional inquiries.

Don't criminalize homeschooling. **Homeschooling is something that makes Hawaii smarter, stronger, healthier and safer.**

Vote NO on SB2323. Legislation should be based on sound, peer-reviewed research. **Homeschooling laws in the state of Hawaii should remain unchanged.**

SB-2323

Submitted on: 2/13/2018 2:06:33 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Sharon Nagasako	Individual	Oppose	Yes

Comments:

SB-2323

Submitted on: 2/13/2018 2:06:18 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Rosemary Sumajit	Individual	Oppose	Yes

Comments:

Thank you for acknowledging the positive impact that homeschooling can have on children's lives. Parents are to be the greatest advocates for their children.

I strongly oppose SB2323 because it treats all homeschooling parents as suspected criminals and child abusers. This bill presumes that homeschooling families are guilty until proven innocent and burdens child welfare services with the task of conducting records checks on thousands of homeschooling parents and children. The problem is not with homeschooling. It is with child abuse. In those cases, I agree, those parents should not homeschool their kids. The bill mentions that these families choose to homeschool after their case has closed. Perhaps those cases should never be closed.

I don't understand why you seek to change Hawaii's homeschool law without consulting the homeschooling community first. We are also taxpayers, voters, and teachers.

The problem does not lie in homeschooling; the problem is child abuse and neglect. Please apply resources where the problem lies. Thank you for your time. Praise the LORD!

TESTIMONY IN OPPOSITION TO SB2323

Submitted by: Wilma Youtz
P.O. Box 10232
Honolulu, HI 96816-0232

Date: 2/12/18

To: The Chairs, Vice Chairs, and Members of the Senate Committees on Education and on Human Services:

Dear Senators,

SB2323 assumes that all homeschoolers are “guilty until proven innocent” with regards to the requirement of background checks for the approval to home school. This bill cites the tragic case of Peter Boy Kema, Jr. who “was withdrawn from preschool to be homeschooled” until his untimely death in 1997 at the age of approximately six years old. Preschool is not mandated in Hawaii; school (public, private, or home school) is not mandated until a child is 5 years old. (Hawaii Revised Statutes Section 302A-411 and 302A-1132). He was under the care of his grandparents from 1991 – 1995 before he was returned to his abusive parents. What is not evident is that the abusive parents had any intention of “homeschooling” Peter Boy and complying with existing home school laws in Hawaii. Born on May 8, 1991, Peter Boy would have been required to enroll in kindergarten for the 1996 – 1997 school year. Peter Boy went missing in 1997. Did his parents, arrested for welfare fraud and multiple drug and weapons offenses, actually have the knowledge, desire, and initiative to complete the administrative requirement of filing a Notice of Intent to Homeschool with their district school? Failing to enroll a child in mandatory kindergarten and keeping him home is not the same as deliberately seeking to “home school” him. Dysfunctional parents keeping a child at home, away from school, does not equate to the child being “homeschooled.” The harm Peter Boy Kema, Jr. suffered was delivered by his parents, not by the practice of true homeschooling.

SB2323 seeks to use home school as a scape goat when, in fact, the tragic death of Peter Boy Kema, Jr. is a direct result of failure on the part of the Department of Human Services and Child Welfare Services (CWS). This child was deliberately returned to his violent and abusive parents by authorities and his death was due to the State’s gross negligence, not because of “home school.” To subject all homeschoolers to the oversight of these same authorities would be a travesty and injustice to homeschoolers.

Bonafide homeschoolers in Hawaii are dedicated, hard-working individuals who sacrifice their time and after-tax dollars, without any refund or tax credit from the State, to educate their own children. SB2323 is a Pandora's Box that would mark the beginning of government intrusion and over-reach into the homes and lives of Hawaii homeschoolers.

Logistically speaking, SB2323 cannot possibly produce the results desired. What abusive parents would draw attention to themselves by willfully identifying themselves as homeschoolers, thereby subjecting themselves to CWS checks? Legitimate homeschoolers would find their home schools completely upended by the unintended consequences of abiding by such a law requiring background checks. While approvals for Notices of Intent to Homeschool remain "pending" as an overburdened CWS processes thousands of applications, home schools across the state would come to a standstill. Interim enrollment in public schools while approvals are pending would be an administrative and academic nightmare, disrupting the education of thousands of students who homeschool on different schedules year-round. It is the students who will ultimately suffer.

Homeschoolers are currently required by law to provide progress reports or standardized test scores to show a student's yearly progress. If the public schools corresponding to the school districts of homeschoolers enforce this requirement, homeschooled students are not "invisible." Moreover, it behooves Child Protective Services to continue to monitor children with a history of abuse regardless of where they attend school, whether it be in a home school, charter school, public school, or private school. It is discriminatory to single-out homeschoolers alone for background checks.

Being homeschooled, if in fact he was, did not lead to the death of Peter Boy Kema, Jr. The blame needs to be accurately placed. Efforts should be made to legislate needed reform of the agencies that were responsible for his death, not to add more requirements to the state laws homeschoolers have been upholding for decades. SB2323 will not provide a safeguard for Hawaii's keiki; it will simply cause needless problems for a conscientious, law-abiding group of citizens that consistently produces students that track, if not outperform, their peers who attend public and private schools.

For these reasons, **please VOTE NO on SB2323.**

SB-2323

Submitted on: 2/13/2018 2:04:47 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Rebekah Botello	Individual	Oppose	Yes

Comments:

To Hawaii State Senators and all concerned:

HEARING ON SB2323

FEBRUARY 14, 2018

I have read SB2323 as proposed. Even though I strongly condemn child abuse and neglect, I OPPOSE SB 2323 for many reasons.

I am a registered, active voter.

The premise of abuse referenced in this bill is twisted and inaccurate at best. Fraudulent is another way of stating it. The death of Peter Boy Kema was a tragedy, but it was not an issue of homeschooling. It was a result of the State of Hawaii placing him back in his family's custody after known abuses.

No evidence is given or referenced that indicates there is a significantly greater risk for child abuse in the home school environment than for children attending public or private schools.

It is fiscally irresponsible for the State of Hawaii to take on this burden based upon anecdotal evidence when no actual studies of the topic have been published.

In short, let me point out what fiscally responsible things CAN be done.

1. Address the already under-funded, under-staffed, and under-productive CWS system in Hawaii. Funnel resources to CWS so they can do their job better and close countless open cases of documented child neglect and abuse.

2. Address already under-funded schools whose teachers are over-burdened with over crowded classrooms, lack of resources, and lack of time to do a better job. Hire more teachers. Pay them better. Make our school facilities better. Give teachers the necessary means to bring our State Education statistics to a level that isn't so deplorable.

2. Address the findings that have already been documented by the CDC, the World Health Organization, and the President Obama's 2016 Coalition to end child neglect and abuse. Address what are already known factors to higher incidents of child neglect and abuse: Teen parents, those with substance abuse issues, specific ethnic groups, those with low incomes and more. While this is even profiling, in my opinion, its a better place to start than attacking homeschool families.

3. Address the high homeless population here in Hawaii. Make sure those kids are taken care of and given adequate access to educational opportunities.

4. Address bullying and abuses in school by students and staff. Yes. Staff. As a former DOE educator both in the State of Hawaii and in Oregon, I can attest to horrific treatment of students by mean, bigoted, angry, hateful teachers. Abuse can happen IN SCHOOLS, and it does! Often! One of the many reasons I will never send my children to public school here in Hawaii.

5. Address the money issues! Who benefits financially from SB2323. Because I can guarantee it is NOT the homeschooling families of Hawaii. We already spend hundreds of thousands of dollars each year to homeschool. Why do I say this? Because many of us, like myself, give up major earning potentials for our household in order to sacrifice to stay home and educate our children well. Hear me. To educate our children well.

IN CONCLUSION -

SB2323 is about criminal profiling homeschool families and not about cracking down on known and suspected child abusers. It seeks to trample parental rights and institute

forced intrusions on our homes, our privacies, and our sanctity of choice in regards to our children's education and welfare.

Do not pass SB2323.

Sincerely -

Rebekah Botello

SB-2323

Submitted on: 2/13/2018 1:30:23 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
David Heldt	Individual	Oppose	Yes

Comments:

My Name is David Heldt. I have been a public high school teacher on Oahu for over sixteen years. I am a father of seven children. Most of my kids are enrolled in a public charter school, but I have strong ties to the homeschool community and I believe strongly in the right of parents to make the best choices for their child, not the government. It is for this reason that I want to voice my strong opposition to SB2323 and I humbly ask you to vote no on this bill.

The most significant concern I have with regard to this bill is the abridgement of civil liberties. While well intentioned, this bill infringes on parental rights to a significant degree. Additionally, this bill assumes all homeschool parents guilty until proven innocent. This is antithetical to the Constitution, the Bill of Rights, and to what we hold dear as American citizens.

Everyone here is deeply concerned about the welfare of children, and I respect the objective of the bill and the motivations of the author of the bill. We all weep when we hear the horrors of the story of Peter Boy Kema or These goals can be achieved without the violation of civil rights by simply prohibiting anyone who has been found guilty of abuse to children from homeschooling, rather than requiring everyone to prove they are not guilty to be eligible to homeschool their children.

I strongly object to the notion that the government knows how to raise my kids better than me, as the parent. This is frightening prospect. Tyranny is built on principles like these. This great nation was founded on the principle of limiting the intrusion of government into the lives of people. This bill is a direct affront to limited government.

It is factually incorrect to assume that children are safer in a school than they are in there homes. Statistically speaking, children are far more likely to face abuse in a

school setting than they are in their homes. There are two primary cases that have been cited as the impetus for this legislation. It is ludicrous to radically overhaul and abridge a fundamental parental right because of two cases in approximately 30 years. This is two too many, but the proposed solution is not a solution. The incident rate of parents abusing their homeschooled children is miniscule. To propose such sweeping legislation for something that occurs at a rate of a fraction of a percent is absurd.

Please hear the concerns of all of those who are impacted by this proposed legislation and vote no on SB2323.

Lucy R Black

2/13/2018

Resident: Senate District 15

Opposition to SB 2323

Hello my name is Lucy Black and I oppose Senate Bill 2323.

If our family did not break the law, it's not fair for a principal to get to say that we can or can't homeschool anymore. It's sad and sickening to use people like Peter Boy as a cover up for what this bill is really trying to do. Good people should not have to give up their rights because some people broke the law.

Thank you.

Nora L Black
2/13/2018
Resident of Senate District 15

Opposition to S.B. NO. 2323

Hello my name is Nora Black and I oppose SB 2323. The wording in this bill concerns me as a homeschooler. It says it is a bill to protect children from being abused. But it seems to give the government too much power over our lives. If our parents do not abuse us, than why should a principal get to tell us whether or not I can homeschool? I especially do not like the part in the proposed law that says that my parents can only homeschool me “in accordance with rules adopted by the department.” Who knows what kind of unfair rules the department might make? And section 7 where we have to provide “any other information that the department deems necessary.” That could be anything. I also don't think it would be fair to give someone who doesn't know us the power to say we can't homeschool.

If it turns out they were wrong to deny our right to homeschool, it sounds like it will be very complicated to get our rights back, even though we did nothing wrong. And the Superintendent who denied our rights wrongly can't even get in trouble for making a bad decision.

This law will hurt more families than it helps. Thank you for reading.

SB-2323

Submitted on: 2/13/2018 12:19:18 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Wilma Youtz	Individual	Oppose	Yes

Comments:

It is clear that SB2323 does not debate the validity, effectiveness, or right to home school in Hawaii. However, the requirements proposed by this bill will not serve to protect Hawaii's keiki but represents government intrusion and overreach in reaction to tragic, aberrant incidents caused by the failure of state agencies. This bill will cause unintended problems for bonafide homeschoolers: while background checks and approval to homeschool are pending, homeschools across the state will come to a standstill, causing disruption to the education of thousands of students. It will burden an already overburdened Child Welfare Services that is remiss in monitoring known abuse victims already identified and in its system, as were Peter Boy Kema, Jr. and Shaelynn Lehano Stone. SB2323 will not improve child abuse detection; it will merely cause abusers to go "off-grid" while penalizing bonafide homeschoolers. This bill, while well-intentioned, does not address the true cause behind tragedies such as Peter Boy and Shaelynn. Committee Members, please use your considerable influence and authority to bring needed change and rehabilitation to Child Welfare and Protective Services that are supposed to serve and protect abused children who cannot protect themselves. The home school system is not the problem. Please vote NO on SB2323. Thank you.

SB-2323

Submitted on: 2/13/2018 11:34:55 AM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Crystale Cayaban	Individual	Oppose	Yes

Comments:

I oppose SB 2323, which would automatically treat all homeschooling parents as suspected criminals and child abusers. Department of Education regulations already instruct school officials to contact social services if they believe a homeschooled child is suffering from abuse or neglect. Rather than presuming that homeschooling families are guilty until proven innocent and saddling social workers with the task of conducting routine records checks on thousands of homeschooling parents and children, the Senate should pursue policy changes that will give social workers the staffing, training, and resources they need to respond to allegations of abuse and neglect.

I believe that funds, resources, and time can be used more effectively if homeschooling families are not forced to go through these background checks. Homeschooling parents are already very involved in the daily education of their children of multiple ages, organizing and planning and teaching curriculum, field trips, and extra curricular activities.

I agree that something should be done to decrease and prevent child abuse in Hawai'i. The funds can go toward other, more effective efforts to accomplish this.

Mahalo,

Crystale Cayaban

Please Vote **NO** TO **SB2323**

Senate Committee on Education:

Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
Sen. Will Espero
Sen. Donna Mercado Kim

Senate Committee on Human Services:

Sen. Josh Green, Chair
Sen. Stanley Chang, Vice Chair
Sen. Breene Harimoto
Sen. Jill N. Tokuda
Sen. Glenn Wakai

Senate Committee on Judiciary: Sen. Brian T. Taniguchi – Chair, Sen. Karl Rhoads – Vice Chair, Sen. Mike Gabbard, Sen. Donna Mercado Kim, Sen. Laura H. Thielen

Aloha, Senators:

I submit this testimony in strong OPPOSITION to SB2323 that would require:

- parents or legal guardians desiring to homeschool a child to obtain prior authorization before commencing homeschooling.
- a complex area superintendent or authorized representative to request child welfare services to conduct a child abuse and neglect history inquiry on all the children residing in the household along with a background check of parents and/or legal guardians and all other adults residing in the home.

Though I and the good people of Hawaii are repulsed by every incidence of child abuse and neglect, I oppose SB2323 because it would fail in its stated intent to meaningfully mitigate the problem of child abuse, while its misguided premise and proposals would surely introduce harms and burdens on not just the homeschooling community, but upon the public at large and upon our already scarce government resources.

Here are some of the salient reasons for opposing SB2323:

- Perhaps the most egregious of all the issues with SB2323 is that it is careless in its protection of our cherished civil liberties as a people, including the right to parent our children and to privacy. The bill is built on a false premise of “guilt before innocence” when it requires child abuse and neglect histories along with background checks to be conducted for all the household’s children and adults without any just cause for suspecting misconduct or negligence.

- The bill in its preface subjectively implies that private homes occupied by families and loved ones are somehow more dangerous for children than those attending public or private schools. In the *Community Profile* conducted by UH's *Center on the Family* for my Farrington district, over 60% of the responding public school 8th graders did not feel safe at school. Of those that homeschool, you would find that an overwhelming motivation for us to make this choice is out of a deep love for our keiki and devotion to the best for their future.
- The bill's preface also recounts at length the tragic story of Peter Jr. for whom we all grieve. May I simply say, homeschooling had nothing to do with Peter's murder. To disparage the entire homeschooling community and to implicate it even indirectly for the outcome of his life is disappointing, to say the least. There will always be anecdotal accounts of colleagues in our respective professions who commit extraordinary, heinous crimes. Current in the news is the account of Dr. Larry Nassar, team physician for USA Gymnastics, and his unconscionable sexual crimes against girls and women. It would be horribly wrong if we would introduce legislation to require all physicians in our state who have any possibility of contact with women or minors to undergo invasive background checks without cause because of the repulsive behavior of this one physician.

Though I have many other issues with this bill, may these examples suffice.

For these reasons and many more, **I urge you to vote NO on SB2323.** Mahalo nui loa.



Signature

February 13, 2018

Date

Kahu Owen Tanoue

pastorowen808@gmail.com

(808) 425-8016

Print Name, address, and zip code

SB-2323

Submitted on: 2/11/2018 6:23:11 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
William K. Chang	Citizen	Support	No

Comments:

SB-2323

Submitted on: 2/12/2018 10:11:05 AM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
M. Ling	Cordova	Oppose	No

Comments:

Aloha Everyone,

I live in Kaimuki and have a daughter who attends a public elementary school. I'm also a Girl Scout troop leader who has a homeschooler on our troop.

I am very concerned about SB2323 the homeschooling bill. Very concerned about this. I know quite a few people who homeschool and they all do it well with the older ones going on to college and being productive members of our society. I have concerns about the logistics of what you propose. What happens to the thousands of kids who are homeschooled now if this passes? The public school system cannot support the high influx of kids all at once. Further, the superintendent can not approve that many applications at once. Nor does CPS have the manpower to inspect every homeschooler home. I personally know at least 17 children who are homeschooled now and are not abused or neglected. I see your concerns for the keiki, but what about legitimate homeschooled kids who are currently in a Curriculum where this bill will disrupt their learning? I see your concerns for the few who slip through the cracks but this bill raises a LOT of other issues.

If this bill passes. I foresee this costing our state a lot of time and money to enforce and carry out.

Mahalo,
Ling Cordova

SB-2323

Submitted on: 2/13/2018 2:20:39 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Joseph Nelson	Individual	Oppose	Yes

Comments:

Shaelynn Lehano-Stone, homeschooler who died, CPS knew about since she was a toddler. Dies in 2017.

Child of Melvin Wright Jr. and Denise Wright, died in 2007. CPS knew about girl since 2000. Parents were homschooling, but never informed sachool district.

10 year-old Girl by Hyacinth Poouahi, abused by homesschool educator. Local school prinicpal knew about abuse, but she failed to alert authorites. Abused in 2004.

Peter Kema, Jr., and 3 siblings. CPS knew of abuse in 1991, but children were returned to parents eventually. Peter died in 1997.

All of these children were known of by CPS. This is a failure on the part of the system. Rather than implement processes on the parents, it would be better if the systems in place were reveiwed for their effectiveness.

SB-2323

Submitted on: 2/9/2018 9:58:10 AM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Micah Chee		Oppose	No

Comments:

I oppose this bill!!!

SB-2323

Submitted on: 2/9/2018 9:59:17 AM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Dyson Chee		Oppose	No

Comments:

I oppose.

SB-2323

Submitted on: 2/9/2018 9:58:46 AM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Mio Chee		Oppose	No

Comments:

Opposing this bill.

SB-2323

Submitted on: 2/9/2018 11:34:55 AM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
L. Sotelo		Oppose	No

Comments:

First, thank you for supporting our local parents' rights to find the educational path that best suits each individual child. I also fully support and appreciate efforts to identify and address abusive situations.

However, I feel the Committee may not be appreciating the potential that homeschool is a solution to neglect and even abuse IN the schools, and that this bill would inhibit and delay guardians' ability to address that. My son is an example of two of those situations: He was a victim of on-going bullying from a classmate. Meetings with the teacher, vice-principal, and principal had failed to address the problem. At the same time my son is a gifted learner and is able to progress faster than average. Again, teachers and principals were not able to accommodate his abilities as they had to focus on the needs and pace of the majority. Fortunately, under our current homeschool guidelines, I was able to remove my son from the bullying situation, and provide him a specialized curriculum at home that is allowing him to excel at his full academic potential.

I am concerned that, as written, SB 2323 is not a realistic and practical proposal and could potentially do more harm than good to the many children who are in similar situations to my son. Under Section 2 it states, "...the child welfare services and department shall have no more than 5 business days to complete a child abuse or neglect history inquiry..". Is the child welfare services department currently equipped to uphold this standard?? If not, what increases in staff and budget would be needed to meet this standard successfully and consistently? Where would the additional funding come from?

In contrast, the school Superintendent is tasked with receiving the homeschooling requests and information, then providing the information and investigation request to child welfare services, following up to insure a timely response is received, rendering a decision, and then communicating that decision to the guardians. However, this bill does NOT contain any language stipulating how long the Superintendent has to complete this process. Under the current Superintendent job description, is it realistic to expect him/her to process investigations for 7000 homeschooled children in a timely fashion???

Again, the DOE is notoriously under-funded, so where is the money going to come from to support this additional financial burden to their department??

I request the committee not to rush such an important piece of legislation. Please make sure all due diligence is executed in making sure a new bill like this one is practically and financially responsible. Also, please consider allowing homeschooling to commence on a probationary status pending results of investigations, rather than disallowing it until results are received; this will allow the guardians, the substantive majority of whom are qualified and well-intentioned, to be prompt and proactive in finding the best solutions to their child's individual, and often time-sensitive, needs.

Finally, I would encourage you to meet and discuss these matters with as many local homeschool guardians as possible, so that you may be sure to have fully considered their perspectives in drafting this important and valuable legislation.

Thank you for your efforts and consideration.

L. Sotelo

SB-2323

Submitted on: 2/9/2018 11:46:05 AM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jacob Wilson		Oppose	No

Comments:

Honorable Senators,

I providing my testimony in opposition to this perposed bill. This bill would directly impact my family by mandating me to obtain permission in order to raise my family in the way my wife and I have determined best. Child abuse and neglect is a serious problem and one that needs real solutions. This bill does not provide those solutions. Instead this bill opens up my family to the whims of government bureaucrat that may be hostile to the choices that my family have made. The case of the Turpins is a true horror and no child should have to go through that. The abuse, like all abuse, was not facilitated by homeschooling but was rather made possible by the lying and deceitful nature of the parents. My family and the families of all homeschoolers in Hawaii should not have to be subjected to the fickle nature of government when no wrong doing has been evidenced.

Thank you for your time, Jacob Wilson

SB-2323

Submitted on: 2/9/2018 3:55:49 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jolie Stewart		Oppose	No

Comments:

I strongly oppose SB 2323. I understand that SB 2323 is intended to deal with the problem of child abuse and neglect. This is a very real and serious problem, and it deserves a real and serious solution. Unfortunately, SB 2323 does not offer those solutions, and threatens to create even more difficulties for homeschooling families, school officials, and social workers.

I think SB 2323 infringes on our parental rights by declaring that we cannot legally homeschool our children until after our notice to homeschool them has been approved. If the superintendent denies approval, our family's only recourse is to file a petition in family court, where we bear the burden of proving by clear and convincing evidence that homeschooling is appropriate for our children. This will add unnecessary financial strain to the families who wish to homeschool, as well as add unnecessary costs to the DOE and the social services doing the background checks.

SB-2323

Submitted on: 2/9/2018 8:42:10 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Holly Miller		Oppose	No

Comments:

I strongly condemn child abuse and neglect, but I oppose SB 2323's changes to Hawaii's homeschool law.

In March 2016, Congress's national Commission to Eliminate Child Abuse and Neglect Fatalities published a report calling on state legislatures to take a broad and holistic approach to preventing child abuse. The Commission identified several key risk factors for abuse - which did not include homeschooling - and encouraged state legislatures to carefully study the causes of child abuse locally to identify real solutions.

The Senate should pause and consider the Commission's recommendation before it dramatically reshapes Hawaii's homeschool law. Hawaii's current homeschool law strikes a healthy balance between respecting the constitutional right of parents to homeschool and having regular contact between parents and school officials through the filing of a notice of intent and an annual report on each child's progress.

Child abuse is a heinous crime and should certainly be monitored for. However, having a superintendent approve a family to homeschool will not end child abuse. It happens in public school families as well but such families are not required to be background checked or get approval for their children.

Respectfully,

Holly Miller

'A'ohe pau ka 'ike i ka hĀ• lau ho'okahi. All knowledge is not learned in just one school.

SB-2323

Submitted on: 2/10/2018 12:15:32 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Amelia Ensign		Oppose	No

Comments:

SB-2323

Submitted on: 2/10/2018 12:19:25 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
brendan donnelly		Oppose	No

Comments:

SB-2323

Submitted on: 2/10/2018 1:31:40 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Christine Snoke		Oppose	No

Comments:

There is already a system in place that works for both homeschooling families and the respective public school. An annual notice of intent to homeschool, as well as an end of year progress report is already in place. I am concerned with the wording of this bill. There is no "must approve" after successful background/social services check language guarantee. Should the administrator of the public be against homeschooling personally, or have a problem with the requesting family, this leaves room for the administrator to deny the notice of intent to homeschool, leading the family to have to go to court. Also, I am concerned that Hawaii would not have the funds or structure in place to get these checks for "approval" done in a timely manner. How long would our children have to wait before beginning their education? How far would they be falling behind while waiting for approval? Would not social services time and these funds be better spent checking on families and children that truly have the need? If there were cases of domestic abuse- wouldn't these children and families already have been checked and have a case worker? This bill SB2323 will needlessly complicate the system already in place that many of us are using to make sure our children are educated. If there are to be checks on parents and guardians wanting to make sure their child gets an education, then there should be background and social welfare checks on ALL families enrolling in public school. Please stop discriminating against homeschool families. Please do not pass this bill. Thank you to the committees for considering these comments.

SB-2323

Submitted on: 2/10/2018 12:31:41 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
liliuokalani taliulu		Oppose	No

Comments:

ALOHA

I OPPOSE THIS MEASURE SB2323.

"Establishes procedures for a parent or legal guardian to obtain authorization to home school a child. Requires the complex area superintendent or the complex area superintendent's authorized representative to request child welfare services to conduct a child abuse and neglect history inquiry and provide information to the department of education to conduct a background check before approving or denying a notification of intent to home school. Authorizes a parent or legal guardian to petition the family court if the notification of intent to home school is denied."

Hawaii is seeking to treat homeschool families as likely child abusers by requiring parents to prove that indeed the parent is not abusive, if they choose to exercise a legally protected and valid option for school choice. This measure would shift the burden to the parent to prove to the government's satisfaction his or her parental fitness. This is unconstitutional and therefore I OPPOSE THIS MEASURE.

The Constitution requires the government to have probable cause before any test, and the burden is always on the government to prove their case, not for an individual to waive the presumption of innocence simply because they choose to homeschool. Parents who choose to homeschool constitutionally must have all the same rights and protections as parents who choose traditional public school.

The law recognizes the fundamental right of the parent to make choices about their child's education and upbringing, and homeschooling is a valid legal option in all 50 states. For lawmakers to correlate instances like "Peter Boy," where child abusers are also homeschoolers, is to manufacture a problem looking for a solution. The data is insufficient to make that correlation a legitimate argument that homeschooling is the causal factor precipitating abuse.

Child abuse does happen, and it is a terrible thing. But we have to be very careful not to overreact and presume all parents are child abusers. We aren't. We must preserve the presumption of innocence and constitutional protections for every family and parent in the context of school choice and in all areas of parental rights.

MAHALO

Liliuokalani Taliulu

SB-2323

Submitted on: 2/10/2018 1:41:20 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Dr. Chadron S. Araki		Oppose	No

Comments:

Dear Senators,,

I would dare say most if not all responsible parents put a high priority on their child's education. This is also true for parents who have chosen to homeschool.

Safety and education go hand in hand and is paramount to all student learning. I would gladly support more funding to CPS or other solutions that would help the whole state and not focus on one small sector.

In my opinion, the Hawaii Senate and House have introduced three bills that target one minority sector unnecessarily (SB 2274, SB 2323, HB 2244).

Please oppose SB 2323.

Thank you for your time and attention.

Aloha & Blessings,
Chad

To: Senator Michelle N. Kidani, Chair
Senate District 18
Hawaii State Capitol, Room 228
415 S. Beretania Street
Honolulu, HI. 96813

Senator Kaiali'i Kahele
Senate District 1
Hawaii State Capitol, Room 213
415 S. Beretania Street
Honolulu, HI. 96813

CC: Peter Kamakawiwaole, HSLDA Attorney

From: Malia Opfer

Date: February 12, 2018

RE: ***Senate Bill 2323 - Relating To Homeschooling***

Aloha, Senator Kidani and Senator Kahele!

Senate Bill 2323 is almost a step in the right direction.

As you know, Peter Boy Kema and Shaelyn Lehano, who were victims of abuse while being homeschooled, were also victims of abuse while attending public school. While we cannot afford to put a camera or a Behavioral Analyst in every home in Hawai'i, as in *George Orwell, 1984*, we may try to open up communications between the Department of Human Services and the Department of Education; creating a link to determine homeschool eligibility based on **current** information that is already known and in the system.

SB 2323 groups all homeschoolers with child abusers; therefore, the legislation needs to clarify their terms, and rewrite it to clearly give due process of law to all persons involved. As an example, even with a history of known abuse for **more than 5 years**, both of these children were able to be pulled out of public school by their legal guardians. Shaelyn Lehano's history of abuse was known since 2007, and Peter Boy Kema's abuse history was known since he was a few months old in August of 1991. If these histories were known, then it would seem wise for the Department of Human Services to automatically communicate & share this information with the Department of Education where histories of known abuse will then be 'red flagged' in the public school files. When a file is 'red flagged', then determination of eligibility to homeschool can now viably be questioned and determined. The legislation ought to be rewritten addressing specific cases with known histories of abuse - 'red flags', and not for **all** homeschool parents.

Instead with SB 2323, you are asking **all** homeschool parents in Hawai'i to participate in a background check while being stripped of their freedom because of someone else's negligence in the Department of Human Services and the in the Department of Education. The definition of negligence is: *failure to use reasonable care, resulting in damage or injury to another*. The State of Hawai'i knew Peter Boy Kema's parents were abusive yet still returned them to their parents

in 1995. The Department of Education & and the Department of Human Services knew Shaelyn Lehano's parents were abusive yet allowed her to live in the same complex with her abusive parents and be pulled out of public school - within 8 months, she was starved to death. Instead of penalizing homeschoolers for a fault that is clearly not theirs, try to determine a fair and educated route where 'red-flagged' families with known histories of abuse who want to homeschool are questioned by the Complex Area Superintendent and the family's assigned social worker via a family group conference - that way you are not presuming **all** homeschool parents to be guilty of child abuse and neglect until proven innocent with a background check.

Mahalo for the opportunity to testify. I hope the outcome of these hearings provide a fair, safe, and justifiable future for all of the children and all of the homeschooling families in Hawai'i.

Sincerely,

Malia Opfer

Burnett, John. "Hilo Girl Allegedly Starved to Death Was Once Ward of State." *Hawaii Tribune Herald*, 18 July 2017.

Staff, Web. "Siblings File Lawsuit against Kemas, State for Death of 'Peter Boy'." KHON2, 11 Jan. 2018, khon2.com/2018/01/10/siblings-file-lawsuit-against-kemas-state-for-death-of-peter-boy/.

SB-2323

Submitted on: 2/10/2018 5:22:46 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Rachel L. Curnel Struempf DEM		Oppose	No

Comments:

In OPPOSITION

Aloha Honorable Chair and Committee Members,

This is a terrible bill. It infringes on my constitutional rights as a parent. Please oppose this bill!

mahalo,

Rachel Curnel Struempf

SB-2323

Submitted on: 2/10/2018 5:25:21 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Paolo Morgan		Oppose	No

Comments:

In OPPOSITION

Aloha Honorable Chail and Committee Members,

I strongly oppose this Bill. It infringes on my constitutional rights as a parent. Please oppose this Bill.

Paolo Morgan

SB-2323

Submitted on: 2/10/2018 5:27:45 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Nicole Struempf		Oppose	No

Comments:

In OPPOSITION

Aloha Honorable Chair and Committee Members,

I strongly oppose this Bill! I feel it is an infringement on my rights as a parent. Please oppose this Bill.

Mahalo,

Nicole Struempf

SB-2323

Submitted on: 2/10/2018 8:44:49 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Lindsey Nehring		Oppose	No

Comments:

As a family that relocated to Hawaii to provide pediatric services to underprivileged children in Hawaii I was to add my testimony to oppose SB 2323. Even though I strongly condemn child abuse and neglect, I oppose SB 2323's changes to Hawaii's homeschool law. In March 2016, Congress's national Commission to Eliminate Child Abuse and Neglect Fatalities published a report calling on state legislatures to take a broad and holistic approach to preventing child abuse. The Commission identified several key risk factors for abuse - which did not include homeschooling - and encouraged state legislatures to carefully study the causes of child abuse locally to identify real solutions. The Senate should pause and consider the Commission's recommendation before it dramatically reshapes Hawaii's homeschool law.

I am in agreement with initiatives that will root out child abuse and neglect, but giving the state power to 'approve' parents to home educate their families will do no such thing. How will a woefully understaffed Child Welfare Services be able to track an additional 7000 homeschooled children? What will happen when an overwhelmed superintendant does not respond to a family's request to homeschool? What are parents to do in these cases? Parents are already in contact with school officials on a yearly basis to track progress and address concerns.

I hope you will come to the conclusion that this bill will only place an unnecessary burden on families, superintendants, and Child Welfare Services. This is not a realistic or effective solution.

SB-2323

Submitted on: 2/10/2018 9:12:42 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Princess Haverly		Oppose	No

Comments:

Using the Peter Boy Kema case as a platform for this bill is a disgrace. Do not allow the failure of the Hawaii State Department of Human Services to interfere with the regulation(s) concerning Home Schooling. This is a waste of Tax Payer time and money; it creates a solution to a non-problem.

SB-2323

Submitted on: 2/11/2018 12:35:33 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Shaleza Rouse		Oppose	No

Comments:

Even though I strongly condemn child abuse and neglect, I oppose SB 2323's changes to Hawaii's homeschool law. In March 2016, Congress's national Commission to Eliminate Child Abuse and Neglect Fatalities published a report calling on state legislatures to take a broad and holistic approach to preventing child abuse. The Commission identified several key risk factors for abuse - which DID NOT include homeschooling - and encouraged state legislatures to carefully study the causes of child abuse locally to identify real solutions. The Senate should pause and consider the Commission's recommendation before it dramatically reshapes Hawaii's homeschool law.

Hawaii's current homeschool law strikes a healthy balance between respecting the constitutional right of parents to homeschool and having regular contact between parents and school officials through the filing of a notice of intent and an annual report on each child's progress.

As a homeschooling parent, I understand the value of being connected instead of isolated. That's why I've joined Christian Homeschool Co-op of Kihei , where my children and I meet weekly with 50+ other homeschooling families to learn, grow, and connect with each other. We study literature, writing, science and fine arts together. We've only lived on Maui for 4 months but our family is also very actively involved in Waipuna Chapel Youth groups, Giggle Hill Soccer League and the Kula Ohana Homeschool play group. In my experience, the homeschooling community in Hawaii is extremely connected, which results in a more dynamic and rewarding experience for all of us.

I STRONGLY oppose SB 2323.

SB-2323

Submitted on: 2/11/2018 7:42:03 AM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Mitsuko Hayakawa		Oppose	No

Comments:

Aloha Members of the Education and Human Service Committees,

I am strongly opposed to SB2323 to require background checks on people who would like to home school their children. It is my understanding that government should exist to protect the liberties of Americans. This bill would add another layer of bureaucracy on parents and their rights to decide what is best for their keiki. There have been numerous Supreme Court cases that support parental rights under the Due Process Clause of the 14th Amendment. Please protect this right and our liberties. Do not support this bill.

Respectfully,

Mitsuko Hayakawa

DATE: February 11, 2018

COMMITTEE ON EDUCATION

Senator Michelle N. Kidani, Chair

Senator Kaiali'i Kahele, Vice Chair

COMMITTEE ON HUMAN SERVICES

Senator Josh Green, Chair

Senator Stanley Chang, Vice Chair

RE: SB 2323

Position: Oppose

Dear Chairs Kidani and Green, Vice Chairs Kahele and Chang, and Committee Members:

I strongly oppose SB 2323. While I understand the intention behind the bill, I believe that it is not the right solution to prevent child abuse and will ultimately create more hardship for law-abiding homeschool families.

First, in Section 2 of the bill, it states that a student may not be homeschooled unless "*the applicable complex area superintendent or complex area superintendent's authorized representative **has approved** the notification of intent to home school.*" The wording of this statement infringes upon my right as a parent to homeschool my child. Furthermore, by waiting for such approval to homeschool, some children may be forced to remain in unsafe situations at school (e.g., bullying or sexual harassment).

Second, in Section 2, subsection (e), item 6, it states that background checks will be performed of all adults living in the household of the homeschooled child and that the right to homeschool may be denied if "*The parent or legal guardian, or any other adult residing in the home of the child intended to be home schooled has any background check information that **the department finds may pose a risk** to the health, safety, or welfare of the child intended to be home schooled.*" The subjective nature of this statement is very worrisome. What in a person's background would constitute a "risk" to a homeschooled child? Who exactly in the Department of Education will make the judgment call as to what constitutes a "risk?" With no objective measurement, this opens the door for a total lack of consistency depending on who makes the decision and under what criteria it is made.

Third, by trying to mandate more government control over homeschooling, this bill could inadvertently lead to more people not registering their children for homeschooling at all. Thus, by making it harder for the vast majority of homeschooling families who are following the law, it will fail to target the very population behind its intent.

In closing, I have a B.S. in Mathematics and an M.S. in Computer Science, I taught for six years in public high schools in California, and I currently homeschool my two children ages 7 and 5. I believe that the current homeschool laws in Hawaii strike the right balance between accountability and individual freedom. Perhaps more resources and a lighter caseload for CWS workers (as suggested in SB 2276) would provide a better solution.

Thank you for your time and for the opportunity to provide testimony.

Sincerely,

Jennifer Tresham

tresham@gmail.com

Senate District 1

SB-2323

Submitted on: 2/11/2018 6:55:04 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
JOHN BREUKER		Oppose	No

Comments:

February 11, 2018

To Whom It May Concern:

I am firmly opposed to the passage of SB2323. I applaud the intent of the legislators to protect children from abuse and I share the same morals. However, the bill as written has 2 major flaws.

First, this bill in a sense presumes all homeschool parents to be child abusers and requires them to prove their innocence before being allowed to homeschool their children. This goes against every grain in the American justice system. Even mass murderers are presumed innocent until proven guilty. The first paragraph of the new proposed Chapter 302A verbiage states, "No child shall be home schooled unless:..." This verbiage presumes guilt and should be changed to allow homeschooling unless said other procedures in the bill prove that a child may be at risk.

Second, the bill gives subjective authority to the superintendent with the verbiage: "The complex area superintendent or the complex area superintendent's authorized representative may approve a notification of intent to home school if none of the conditions under subsection (e) exist..." This authority should NOT be subjective. The verbiage implies the superintendent is not required to approve even if all conditions are met satisfactorily. We as humans all have flaws and biases and a superintendent with a bias against homeschooling can have a dire effect on so many innocent homeschool families if they choose to disapprove for reasons other than what this bill intends to prevent. This verbiage should be changed from "may approve" to "shall approve."

Additionally, I'm concerned about the focus of this bill and where our state government is choosing to spend its resources. According to Project Hawaii, Inc. Hawaii is #1 in the nation for the number of homeless children. Statewide, 12-15,000 people are homeless at some point of the year and 33% of those are children which equates to approximately 4000-5000 homeless children. Not counting homeless, 40% of our children statewide go hungry on a daily basis. Nationwide, more students (per capita) are at risk for sexual and physical abuse in public schools. Children who attend public school are 40% more likely than homeschooled children to experience some form of abuse. Hawaii Child

Protective Services is already overwhelmed and understaffed which has led to many cases falling through the cracks.

I'm happy that the legislature is concerned about our keiki, however, I feel the efforts are misdirected. Please spend our precious resources on those who really need it.

Thank you,

John Breuker

Kapolei, HI

SB-2323

Submitted on: 2/11/2018 6:57:07 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Stephanie Breuker		Oppose	No

Comments:

February 11, 2018

To Whom It May Concern:

I am strongly opposed to SB2323. I am a firm believer in protecting all children from abuse, and the intent of this bill is admirable. However, the execution as written has several flaws.

This bill puts unnecessary burdens on innocent homeschool families who would now be presumed 'guilty' and would be required to 'prove' they are fit to homeschool. I am also concerned with the verbiage that states that once requirements are met, the superintendent 'may' allow homeschooling to occur. That is too subjective. If someone is biased toward homeschoolers, that seems to imply that the request can be denied, even if requirements are fulfilled. If the bill must be passed, I also feel it should specifically state that homeschooling may occur while all paperwork, etc., is being completed and processed.

This bill does not consider the impact to families, and will put undue burden on state resources that are already stretched thin. There are thousands of homeschooled children in the state. How will CPS be able to assess all of the families in a timely manner? Where will the funding come from?

To better protect children from abuse, work on better funding for CPS and the school system, so that suspected and confirmed cases can be more closely followed. The State's limited resources should be better spent in other ways. According to a paper written by Brian Ray, Ph.D., for the National Home Education Research Institute, "Child Abuse of Public School, Private School, and Homeschool Students: Evidence, Philosophy, and Reason" (2018), studies show "that an estimated 10% (or more) of public and private schoolchildren experience sexual maltreatment at the hands of school personnel, and in addition some schoolchildren are abused by their parents. The limited evidence available shows that homeschooled children are abused at a lower rate than are those in the general public, and no evidence shows that the home educated are at any higher risk of abuse".

Singling out the homeschooling population for increased scrutiny and requirements is unacceptable. Statistics show that almost 50% of confirmed abuse cases in Hawaii are from 0-5 years old. Should that group of parents also have these requirements? Where is the line drawn?

Ray also points out that:

The limited empirical evidence available to date shows that the rate of abuse of children in homeschool families is lower than in the general public. There is no evidence that it is higher in homeschool families. Williams (2017) appropriately asked the following: "Why impose regulations on families who already are prone to a lower fatality rate than the rest of the nation? There appears to be no good reason."

There is no empirical evidence that increasing government control or regulations over homeschooling will significantly reduce the abuse of home-educated children. There is evidence that certain proposals for increasing government control over homeschooling would infringe on the basic historical and classical liberal freedoms and U.S. constitutional rights of homeschooling families.

If certain proposals to control homeschooling families were to be fair and not an unwarranted profiling of those who choose home education rather than public or private schooling, then the same kinds of mandated home visits by government-approved agents would need to be imposed on all families with children of all ages and on all public and private school personnel.

My family chose to homeschool in the best interests of my children, and it is my basic right as a parent to determine what is best for my child. I do not feel that local schools can adequately assure the safety and well-being of my children. I will not expose my children to the possible bullying, violence, unhealthy habits, and abuses that are documented in public schools. Public schools also cannot adequately provide individualized instruction for all children. This is our 6th year homeschooling, and my children are well above grade level in most subjects and the average state test scores.

As a homeschooling parent who loves my children and wants what is best for them, I strongly oppose SB 2323. For more than thirty years, Hawaii has recognized the constitutional right of parents to teach their children at home. Hawaii's current homeschool law strikes a healthy balance by respecting the right of parents to homeschool without obtaining approval from the state, while also ensuring that regular contact exists between parents and school officials through the filing of a notice of intent and an annual report on each child's progress.

Thank you,

Stephanie Breuker

Kapolei, HI

SB-2323

Submitted on: 2/11/2018 7:50:23 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Audrey Alvarez		Oppose	No

Comments:

To members of the Senate Education Committee and Senate Human Services Committee,

Even though I strongly condemn child abuse and neglect, I oppose SB 2323's changes to Hawaii's homeschool law. In March 2016, Congress's national Commission to Eliminate Child Abuse and Neglect Fatalities published a report calling on state legislatures to take a broad and holistic approach to preventing child abuse. The Commission identified several key risk factors for abuse - which did not include homeschooling - and encouraged state legislatures to carefully study the causes of child abuse locally to identify real solutions. The Senate should pause and consider the Commission's recommendation before it dramatically reshapes Hawaii's homeschool law.

For this reason and more, I strongly oppose SB2323.

Audrey Alvarez

SB-2323

Submitted on: 2/11/2018 10:22:33 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jennifer Swearingen		Oppose	No

Comments:

We have read the bill as proposed and strongly oppose, we are registered, active voters. The premise of abuse referenced in this bill is based on the tragic Peter Boy death. This is a real tragedy but not one that would have been prevented by this bill. The State was well aware that the family was abusing their children and allowed continued custody. The death of Peter Boy could have been avoided had the State of Hawaii properly intervened and removed the children from a known dangerous environment.

From a practical standpoint, this bill will certainly result in unacceptable and unfair delays in approval to home school for the vast majority of families. Child Protective Services is already grossly understaffed in Hawaii and without increased staffing can not comply in a timely fashion. Similarly, no evidence is given to indicate that the Family Court System is capable of handling the additional caseload, further slowing the approval process.

Most importantly, no evidence is given or referenced that indicates there is a significantly greater risk for child abuse in the home school environment than for children attending public or private schools. In fact, hsinvisiblechildren.org (referenced in the bill) openly admits that there is no research to support their claims of equal or greater danger of abuse in the home school.

It is fiscally irresponsible for the State of Hawaii to take on this burden based upon anecdotal evidence when no actual studies of the topic have been published. All children deserve to be protected but these resources would be better spent preventing known abusers from hurting or killing more children like Peter Boy. His was not a home school death, but a tragic casualty of a broken CPS system failing to do their duty.

SB-2323

Submitted on: 2/11/2018 10:56:56 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kristen Pacheco		Oppose	No

Comments:

This bill is proposing that all parents who choose to provide care, nurturing, and education to meet the specific needs of each of their individual children are suspect if being criminal monsters. Furthermore the actions this bill is proposing would increase the strain on the already overburdened positions of superintendent and social workers.

SB-2323

Submitted on: 2/12/2018 2:10:40 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
jennifer altman		Oppose	No

Comments:

Child Abuse, sadly happens, in many homes and is not exclusive to homeschooling families. In my research has actually shown that abuse is more often in public school children and children under the age of 5. This new proposed bill greatly infringes on the constitutional rights of parents. Therefore, I oppose SB 2323, which would automatically treat all homeschooling parents as suspected criminals and child abusers. Department of Education regulations already instruct school officials to contact social services if they believe a homeschooled child is suffering from abuse or neglect. Rather than presuming that homeschooling families are guilty until proven innocent and saddling social workers with the task of conducting routine records checks on thousands of homeschooling parents and children, the Senate should pursue policy changes that will give social workers the staffing, training, and resources they need to respond to allegations of abuse and neglect.

If homeschool parents need to prove they are fit parents then all parents should have to prove they are fit parents. This bill discriminates against homeschoolers for a problem that is by far not specifically a homeschooling problem.

While I am not currently a Hawaii resident, I homeschooled in Hawaii for 3 years and we hope to return with our family some day again to live, a law such as this would greatly alter our decision to return.

SB-2323

Submitted on: 2/12/2018 2:16:39 AM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Victoria Hershman		Oppose	No

Comments:

My name is Victoria Hershman. We are a military family, currently stationed at Fort Campbell, Kentucky. My husband received orders for Schofield Barracks in December, 2017, and our report date is June, 2018. We are very excited to move to the island and be able to explore its rich culture and heritage with our homeschooled children. I greatly oppose SB 2323. This bill has the potential to be very damaging to our military homeschooled children. One of the main reasons that we homeschool is so our two children, ages 7 and 3, have stability and continuity in their education. As a military child myself, I implicitly understand the challenges these children face moving from school district to school district. In one school district my child may be ahead, but behind in another. There are large gaps in our education system that our military children fall through simply due to moving every three years. Homeschooling for us, and many of these families, is a way to ensure our children receive a non interrupted education, but also, it's one of the only constants in my children's ever changing lives. This bill would have significant impact on our military children and families. While I whole heartedly agree that action must be taken against child abuse, I fully believe this bill is not the answer to that problem, but will only create larger problems for our families. Forcing my child into a public school at the whim of a local superintendent leaves him open to bullying, sexual abuse that is rampant among school teachers, an inconsistent education, suicide, and school shootings and bombings, which unfortunately are becoming far too frequent in these years. Please listen to our pleas. Acting against homeschooling is not the answer you are searching for. I thank you for your time in reading this, and hope that you can all come together to find a better alternative to end child abuse that does not infringe on our rights as parents or on homeschooling freedom. Thank you.

SB-2323

Submitted on: 2/12/2018 5:31:13 AM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Lisa Velez		Oppose	No

Comments:

First, I fully support and appreciate efforts to identify and address abusive situations. However, I do not believe there is a correlation between abuse and/or neglect and homeschooling. Almost all homeschool families make sacrifices in order to do what they feel is best for their child's physical, emotional, and spiritual well-being. As with anything, there are a small percentage of people who abuse this freedom. I feel the Committee may not be appreciating the potential that homeschool is a solution to neglect and even abuse IN schools, and that this bill would inhibit and delay guardians' ability to address that.

I am also concerned that, as written, SB 2323 is not a realistic and practical proposal and could potentially do more harm than good to the many children. Under Section 2 it states, "...the child welfare services and department shall have no more than 5 business days to complete a child abuse or neglect history inquiry..". Is the child welfare services department currently equipped to uphold this standard? If not, what increases in staff and budget would be needed to meet this standard successfully and consistently? Where would the additional funding come from?

In contrast, the school Superintendent is tasked with receiving the homeschooling requests and information, then providing the information and investigation request to child welfare services, following up to insure a timely response is received, rendering a decision, and then communicating that decision to the guardians. However, this bill does NOT contain any language stipulating how long the Superintendent has to complete this process. Under the current Superintendent job description, is it realistic to expect him/her to process investigations for 7,000 homeschooled children in a timely fashion? The DOE is under-funded, so where is the money going to come from to support this additional financial burden to their department? I request the committee not to rush such an important piece of legislation. Please make sure all due diligence is executed in making sure a new bill like this one is practically and financially responsible.

Also, please consider allowing homeschooling to commence on a probationary status pending results of investigations, rather than disallowing it until results are received; this will allow the guardians, the substantive majority of whom are qualified and well-intentioned, to be prompt and proactive in finding the best solutions to their child's individual, and often time-sensitive, needs.

Finally, I would encourage you to meet and discuss these matters with as many local

homeschool guardians as possible, so that you may be sure to have fully considered their perspectives in drafting this important and valuable legislation.

Thank you for your efforts and consideration.

Lisa Velez

SB-2323

Submitted on: 2/12/2018 7:45:25 AM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Brandy Florio		Oppose	No

Comments:

I am opposed to SB2323. Homeschoolers should not be targeted as guilty of child abuse until proven innocent. While the intent of the bill appears to be to prevent child abuse, I strongly urge you to thoroughly read the SB 2323 bill and research the implications this would have on the community as a whole. This bill is an awful idea for many reasons but I will only touch on a few here for highlighting purposes.

Firstly, the organization influencing the type of wording used in this bill is very clearly slanted against homeschoolers and the constitutional right of parents to make informed decisions regarding their children's education.

Second, the bill was introduced under the guise of helping abused children citing various cases in which children that were abused for years were failed by an incomplete and inconsistent welfare system. As in, these children WERE SEEN by the state and the state failed to follow through and protect said children. Child abuse should absolutely be prevented when possible but targeting homeschoolers with child abuse laws is a grossly misled way to do so.

Third, statistically speaking, homeschooled children are actually the "most safe" from child abuse when compared to public schooled, private schooled, charter schooled, adopted, and foster care children. Might I add that fostered children, the only group seen by the state regularly, are by and large the most abused.

Fourth, those supporting this bill are citing child abuse numbers to bolster their position. The problem is that the majority of the abuse is actually children 4 and under which are not even school aged children. Again, a bill targeting homeschoolers would not help this abused demographic whatsoever.

Fifth, there is ALREADY A LAW in place for Hawaii homeschooling families' accountability. Each family must submit a letter of intent when attending a new school and then submit an end of year progress report for each student. There are also mandatory state tests for certain grades. Most homeschoolers follow this law to a T and rarely get a response. We have a system in place that is too taxed to deal with up to two pieces of paper per year per homeschooled student and this bill is suggesting placing a significantly larger load on this system's shoulders. In short, there is no personnel at any level to handle this type of paperwork influx.

Sixth, the burden for child welfare services would also be exponentially more difficult. CPS workers here are already disgustingly overwhelmed with cases of ACTUAL abuse and they would be required to add many of the approximately 7,000 homeschoolers to their case load. Human trafficking, homeless keiki, and children in the homes of convicted abusers should be taking precedence. Why are we proposing to take away case workers' precious minimal time with each real abuse case to target homeschoolers?

Seventh, there is no recourse mentioned if the superintendent is delayed in their decision making progress. In Hawaii it takes MONTHS for them to respond to a letter of intent (again, if they respond at all) so what do we do in the meantime? Flood public schools with 7,000 more students?

Eighth, and probably most important: if this bill passes we will have entered the slippery slope era of the government choosing how we raise and educate our children. This is dangerous territory. This is a catastrophic downhill slide into being approved to parent your own children.

These are just a few of the reasons my research has led me to believe SB 2323 would not be beneficial to anyone.

Aloha Committee Members

I am writing in opposition to SB2323. This bill was introduced in response to a tragedy involving a boy not yet of homeschooling age. This introducers of this bill are now presuming that all homeschooling families are likely to be abusive to their children unless proven otherwise. There is no research, studies or other evidence presented to support this presumption. There is no evidence presented to show that homeschooling families are more likely to abuse their children than the general population. Putting 7000+ families through the proposed procedures will put enormous burdens on an already overtaxed education and child welfare system. This is an impractical use of limited resources. Hawaii already has legislation put in place for homeschooling families to be accountable to their local schools. Helping local schools support homeschooling families in their district is a much more prudent use of state funds and stands to benefit children and families in a much more meaningful way.

Sincerely,
Holli Shiro
Volcano, HI

SB-2323

Submitted on: 2/12/2018 9:18:58 AM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Ashley Tucker		Oppose	No

Comments:

I strongly oppose bill SB2323 and ask that you all not pass it, so that we the parents, will continue to make the best choice for our children regarding education. Thank you for your consideration.

SB-2323

Submitted on: 2/12/2018 9:58:46 AM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Georgina Failautusi		Oppose	No

Comments:

I oppose this bill.

SB-2323

Submitted on: 2/12/2018 10:31:23 AM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Andrea Warsh		Oppose	No

Comments:

I am a Family Nurse Practitioner in Hilo with two school age children. I believe that SB 2323 will create further obstacles for parents who wish to teach at home and is a violation of the basic rights set forth in our constitution. I myself am going to become a homeschooling parent this year and will already be required to have my children participate in mandatory, periodic testing and submit annual progress reports.

Rather than being a practical measure to prevent child abuse and neglect, these bills would burden the already overloaded CPS investigators and school officials. Parents would not be able to promptly remove their children from school due to health and mental health issues, bullying, or learning difficulties. This bill insidiously strips parents of their rights to be the primary influence in their children.

By opening up a CPS case on all homeschooling parents, those parents are painted guilty until proven innocent. According to the National Incidence Study of Child Abuse and Neglect (2004-2009) done by the U.S. Department of Health and Human Services' Administration for Children and Families, there is a significantly higher risk for child abuse and neglect among families with low socioeconomic status. Should investigations be opened on all parents making less than \$15,000 a year? Or how about on parents who have not achieved a high school diploma, or who participate in a poverty-related program? The data would support this decision and yet it is unethical. If we see the folly in this decision, how can we enforce a bill that will burden and regulate homeschooling families based on a few isolated incidents spread over several decades? I strongly oppose these bills and feel they will only serve to further slowly strip parents of their rights to be the primary influence for their children.

Respectfully,

Andrea Warsh FNP

SB-2323

Submitted on: 2/12/2018 10:55:41 AM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jessica McCormick		Oppose	No

Comments:

1. The type of wording used in this bill is clearly slanted against homeschoolers and the constitutional right of parents to make informed decisions regarding their children's education.

2. The bill was introduced under the guise of helping abused children citing various cases in which children that were abused for years were failed by an incomplete and inconsistent welfare system. As in, these children WERE SEEN by the state and the state failed to follow through and protect said children. Child abuse should absolutely be prevented when possible but targeting homeschoolers with child abuse laws is a grossly misled way to do so.

3. Statistically speaking, homeschooled children are actually the "most safe" from child abuse when compared to public schooled, private schooled, charter schooled, adopted, and foster care children. Fostered children, the only group seen by the state regularly, are by and large the most abused.

4. There is ALREADY A LAW in place for Hawaii homeschooling families' accountability. Each family must submit a letter of intent when attending a new school and then submit an end of year progress report for each student. Most homeschoolers follow this law to a T and rarely get a response. We have a system in place that is too taxed to deal with up to two pieces of paper per year per homeschooled student, and this bill is suggesting placing a significantly larger load on this system's shoulders. In short, there is no personnel at any level to handle this type of paperwork influx. The burden for child welfare services would also be exponentially more difficult. CPS workers here are already overwhelmed with cases of ACTUAL abuse and they would be required to add many of the approximately 7,000 homeschoolers to their case load. Why are we proposing to take away their precious minimal time with each real abuse case to target homeschoolers?

5. There is no recourse mentioned if the superintendent is delayed in their decision making progress. In Hawaii it takes MONTHS for them to respond to a letter of intent (again, if they respond at all) so what do we do in the meantime? Flood public schools with 7,000 more students?

These are just a few of the reasons I believe SB 2323 would not be beneficial to anyone.

SB-2323

Submitted on: 2/12/2018 11:42:19 AM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Angelina Domalik		Oppose	No

Comments:

I strongly oppose SB 2323, which would automatically treat all homeschooling parents as suspected criminals and child abusers! The Department of Education regulations already instruct school officials to contact social services if they believe a homeschooled child is suffering from abuse or neglect. Rather than presuming that homeschooling families are guilty until proven innocent and saddling social workers with the task of conducting routine records checks on thousands of homeschooling parents and children, the Senate should pursue policy changes that will give social workers the staffing, training, and resources they need to respond to allegations of abuse and neglect. We are instructed as to how the State of Hawaii would like for us to involve them in our homeschooling journey. When those of us that do so willingly, in a timely manner and completely; that along with the testing scores should be enough! When dealing with the principal, the administrators receiving our testing results and the in-person drop off of our letter of intent; this should show our willingness to not only provide the required information but that we're wholly invested in our child's education! It is a travesty that so many children are abused, mistreated and robbed of their education! However, this is The United States of America and under the constitution we have the right to educate our children from home and as we see fit. If the facts were just that, facts instead of an agenda to end homeschooling then this would be a much different fight! Unfortunately the children that were failed, were in all actuality already under the supervision of the State of Hawaii!!!! This not an homeschooling issue but rather a policing issue of an overwhelmed child welfare system. As you're well aware, Hawaii's public schools are of the lowest rankings!! How about addressing and fixing that? How many children are abused and show up for public school daily? How many of those cases are taken care of successfully? What about the violence, horrid testing scores, cleanliness, bullying, sexual assaults, teacher deficiencies and more that plague Hawaii's public school system? Let's put the effort trying to hurt successful students into helping those that need it! As a homeschooling parent, my children and their education come first! My sole intent is to give them the best one on one, highest education possible and do so with love. I am able to expose my children to real world situations, experiences as well as higher learning opportunities. Our religion is a cornerstone of this family and as such it is a pertinent part of our homeschooling curriculum. That would never be possible in a public school setting. We choose as Americans, to have our children fully educated and do so in the manner that works best for this military family. I appreciate your attention to this

heartfelt letter opposing measure SB2323; to disrupt, irritate, condemn and vilify our children's homeschool education.

SB-2323

Submitted on: 2/12/2018 1:21:44 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jean Reiziss		Oppose	No

Comments:

I oppose SB2323 and SB2274

These bills label all Hawaii homeschooling parents as possible criminals until proved otherwise. It unfairly burdens and singles out home-schooling families without including ALL parents of school-age children. Parents have the fundamental right to direct the education of their children.

I've watched my own two homeschooled grandchildren happily grow and thrive educationally, creatively and with a fine confidence of self worth due to the combination of home teaching and the outside connection of classes, activities, and testing, all coordinated with other homeschooling families on Oahu and organizations by my daughter in law. It works wonderfully.

Please Reject SB2323 and SB2274

Thank you for considering this testimony,

Jean S. Reiziss

SB-2323

Submitted on: 2/12/2018 1:48:27 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Clair Weichhaus		Oppose	No

Comments:

This bill is unfairly targeting the homeschool community as prone to concealing cases of child abuse. It provides no solution beyond allowing an official to determine whether or not they would allow a family to homeschool. The cases stated show that the fault if continued abuse does not lie with unregulated homeschool families, but rather with the already under pressure child welfare service. The bill fails to determine what constitutes grounds to deny authorisation to families wishing to homeschool. The bill would be very overreaching into the lives of families who children usually fair better educationally than those in already under pressure state schools in Hawaii. There have been more cases of harassment if children from teachers in schools in Hawaii than cases of children harassed at home. We strongly oppose this bill.

SB-2323

Submitted on: 2/12/2018 1:53:44 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Rita Kama-Kimura		Oppose	No

Comments:

Please note that I strongly oppose this bill.

This does not appear to be based on any cases here in Hawaii. But more as an overreaction to the now infamous Turbin case in California.

(13) children ages 13 – 29 yrs. ... it is hard to believe there were absolutely no indication, nothing out of the ordinary in 29 yrs. to alert officials to investigate. I find that hard to believe and feel it was more of an oversight, a failure on the states part.

In truth there is more abuse of children in our public schools, both by parents and sadly by some school officials.

Why not propose bills to monitor these areas.

Again, I strongly oppose this bill.

Respectfully, Rita Kama-Kimura

SB-2323

Submitted on: 2/12/2018 2:00:14 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Allyson Okamoto		Oppose	No

Comments:

Dear Senators:

I submit this testimony in strong OPPOSITION to the requirement that authorization be obtained prior to a parent or legal guardian homeschooling a child; that a complex area superintendent or authorized representative be required to request child welfare services to conduct a child abuse and neglect history and background check before approving or denying a notification of intent to homeschool because SB2323:

_____ Is government overreach and intrusion. It is in reaction to an anomaly and heinous case of abuse in California and is not based on a single incident of abuse among Hawaii homeschoolers in over 25 years. The law should not penalize the majority in response to a freak occurrence elsewhere.

_____ Is unnecessary given the provisions and requirements of existing Hawaii Home School Laws. Safeguards and accountability already exist.
<http://www.homeschoolinginhawaii.com/gettingstarted/legal/statelaws.aspx>

_____ Is logistically unsound. Child Welfare Services are already overburdened, unable to adequately monitor known abuse cases and return abused children to abusive environments, none of which have been homeschools.

_____ Will create a hardship and unnecessary delay for parents/legal guardians seeking to homeschool their child(ren) due to bullying, health reasons, or special needs.

I urge you to vote NO on SB2323.

SB-2323

Submitted on: 2/12/2018 2:32:01 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Foster Ampong		Oppose	No

Comments:

SB-2323

Submitted on: 2/12/2018 3:13:49 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jennifer McMullen		Oppose	No

Comments:

I oppose SB 2274 and SB 2323, which would automatically treat all homeschooling parents as suspected criminals and child abusers. Department of Education regulations already instruct school officials to contact social services if they believe a homeschooled child is suffering from abuse or neglect. Rather than presuming that homeschooling families are guilty until proven innocent and saddling social workers with the task of conducting routine records checks on thousands of homeschooling parents and children, the Senate should pursue policy changes that will give social workers the staffing, training, and resources they need to respond to allegations of abuse and neglect.

SB-2323

Submitted on: 2/12/2018 4:20:10 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
James Hohne	Individual	Oppose	No

Comments:

SB-2323

Submitted on: 2/12/2018 8:27:03 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
AMANDA LIGGINS	Individual	Oppose	No

Comments:

Even though I strongly condemn child abuse and neglect, I oppose SB 2323's changes to Hawaii's homeschool law. In March 2016, Congress's national Commission to Eliminate Child Abuse and Neglect Fatalities published a report calling on state legislatures to take a broad and holistic approach to preventing child abuse. The Commission identified several key risk factors for abuse - which did not include homeschooling - and encouraged state legislatures to carefully study the causes of child abuse locally to identify real solutions. The Senate should pause and consider the Commission's recommendation before it dramatically reshapes Hawaii's homeschool law.

There are many reasons a family might to choose to homeschool their child i.e. military moves, physical restrictions, intellectual restrictions, emotional restrictions. Taking just these few I would like the committee to realize what an impact of having Child Protective Services would have on the family and more importantly the student. For military dependents, stability is practically non-existent. Most parents find some way to keep normalcy to their child's life. Homeschooling is one way. Requiring visitation to prove a family's fitness could be confusing to the child. This is all they know and to thrust them into a system they don't understand can have debilitating affects. Imagine a child with a physical disability being forced to attend a school. While the building itself provides the required facilities, do they also provide the labor from the school teacher who has 30 other children to be concerned with? We all want to believe our children are bright and above average, I know I do. I also know that there are a few things that could be worked on. With one on one interaction with my child, I feel that I am better equipped to deal with and answer her questions. Like teachers in schools, I have the ability to look up the answer. Some children develop emotionally slower then other children and require "easier" care. Allowing that child to thrive on their own terms can help with their emotional maturation. Now let's throw in Child Protective Service and their required visitation. There will be interviews of the children, parents, and siblings. There will be invasion of their comfort zone, their learning space. How much can you expect a child to learn after being questioned and interrupted during their normal school day? Child abuse is an ugly thing and nothing to be scoffed at. However, the proposed legislation is a knee-jerk reaction to an inexcusable situation. I am requesting that this entire bill be withdrawn with prejudice. Please don't allow horrible cases be the downfall of proven alternative education.

SB-2323

Submitted on: 2/13/2018 11:35:50 AM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kera Wong-Miyasato	Individual	Oppose	No

Comments:

SB-2323

Submitted on: 2/12/2018 4:57:33 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Erin Anderson	Individual	Oppose	No

Comments:

If something like this is passed, it should require the same of ALL FAMILIES, not just one, specific group. I would also like to know where the money will come from to fund these procedures? The money this bill will require should be used to better the current public education system and offer support to the families of Hawaii. Make it hard to purchase guns, not educate our keiki.

SB-2323

Submitted on: 2/12/2018 5:27:36 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
David Jackson	Individual	Oppose	No

Comments:

Hawaii SB2323 unfairly targets the homeschooling community as particularly prone to concealing cases of child abuse. Yet, it offers no solutions beyond allowing financial stakeholders -- district principals and area superintendents – to decide whether a family may homeschool. The cases cited in the bill as evidence of the danger of unregulated homeschooling families instead show that the fault of continued abuse did not lie with a lack of regulation of homeschooling families, but with an already engaged child welfare service which failed to act in a timely manner to prevent known abuse from continuing. Thus, to argue that forcing homeschooling families to be subject to social services reviews and background checks as means of preventing abuse seems disingenuous. If the intent is to prevent abuse, then all families of school aged children should be targeted, not only those choosing to homeschool. This bill fails to specify what constitutes grounds to deny authorization, thus leaving too much room for authorities to abuse their power. There is much wrong with the language in this bill which is full of fallacious argument to inflame the passions of the reader. As written, SB2323 is a playground for official overreach and therefore must be opposed.

SB-2323

Submitted on: 2/12/2018 5:41:45 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Lisa Dickerson	Individual	Oppose	No

Comments:

My name is Lisa Dickerson

I am writing this testimony to tell you to vote NO on SB2323. This proposed legislation unfairly targets homeschooling families as potential child abusers.

The bill states that (in addition to five other requirements) a homeschooling parent (and all other adults residing in the home) must:

" Agree to be "subject to a background check conducted by the department or its designee and consent to the background check"

" Agree to provide "any other information that the department deems necessary"

This bill demonizes those who choose to homeschool and criminalizes their refusal to be subjected to government scrutiny and a criminal background check. This bill grants the government permission to ask homeschooling families for ANY INFORMATION DEEMED NECESSARY. The government can ask for ANYTHING, and this bill states that the right to homeschool can be denied FOR ANY REASON. This is government overreach.

Forcing homeschoolers to submit to fingerprinting and background checks like common criminals is not going to prevent child abuse in Hawaii. School administrators should not determine whether parents are qualified to teach their own children. If a school superintendent (or designee) doesn't like a parent's attitude or curriculum for math, s/he could be denied the right to homeschool in Hawaii. What if the school superintendent (or designee) doesn't like a homeschool parent's sexual orientation (e.g., gay), religion (e.g., Mormon), history of mental illness (e.g., depression), history of criminal conviction

(e.g., shoplifting), physical fitness (e.g., obese), or health/disability (e.g., deaf)? Are those characteristics that can result in a suspension of a parent's right to homeschool their child? How will you ensure protected classes are not facing discrimination in the execution of this law? What if a child lives with an extended ohana and family members are not US citizens? How will you investigate these individuals? The state is overstepping here.

SB2323 may be a disguised "money-grab" by the Hawaii DOE. By requiring parents to register their children as public school students, schools will qualify for funding that they do not currently receive when homeschool families simply send a notice of intent to homeschool. Requiring registration and then possibly allowing them to withdraw (upon the whims of school district administrators, as no firm guidelines/rules have been proposed) AFTER receiving approval (and likely after the census day for attendance), the DOE stands to benefit from a windfall of cash (about \$12000 per child). Go here for more information on how the Hawaii DOE uses a weighted formula to distribute money to schools:

<http://www.hawaiipublicschools.org/VisionForSuccess/SchoolDataAndReports/StateReports/Pages/Weighted-Student-Formula.aspx#COW>

In a similar vein, the DOE will also be able to apply for federal IMPACT funds (about \$2000 per child) for children from military families. Go here for more information about IMPACT aid:

<http://www.hawaiipublicschools.org/ParentsAndStudents/MilitaryFamilies/Pages/About-Impact-Aid.aspx>

It is already difficult for Hawaii-based military commands to attract the best and brightest military officers to Hawaii because of the abysmal state of the schools. Families are reticent to come to Hawaii because the schools are not as rigorous and may detrimentally impact future educational opportunities for their children. Officers can turn down assignments (at risk to their own careers), move to Hawaii as geographical bachelors (while their families remain in a state with higher quality schools), or homeschool. There are a myriad of support services and support groups available to military homeschooling families; just one Facebook group on Oahu, Military Homeschoolers of Oahu had 426 member families (as of 12-FEB-2018). However, in addition to family separations due to deployments, this proposed law would put an additional undue burden on military homeschool families and result in fewer families accompanying their military members to Hawaii. For more information, here is a report on how military families view schools in Hawaii:

https://www.jhsph.edu/research/centers-and-institutes/military-child-initiative/hawaii/PACOM_Final_1-13-13.pdf

SB-2323

Submitted on: 2/12/2018 6:35:13 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kevin J. Cole	Individual	Oppose	No

Comments:

Aloha,

I believe that SB2323 is an example of Government overreaction and overreach. Parents should be final authority on their children's education and wellbeing.

I grew up in Northwest and remember well the endless Witch Hunts affecting home schools, church schools, and day care centers. This is an area in which the state should be reticent pry into. More often than not, the parents and staffers are innocent and state was guilty of overzealous prosecution.

SB2323 will place needless burdens on parents whose only desire is to see to the ultimate quality of their children's edification and upbringing.

V/R

Kevin J. Cole, Col. USAF ret.

Mililani

SB-2323

Submitted on: 2/12/2018 6:36:40 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Theodora Akau Gaspar	Individual	Oppose	No

Comments:

SB-2323

Submitted on: 2/12/2018 8:19:11 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Charlene Mersburgh	Individual	Oppose	No

Comments:

I do not support SB2323. Targeting a group of homeschooling families with CPS background checks is unfair. The only way that this could be fair is if all parents are background checked. These checks would back log CPS further and probably produce a further lack of CPS services that are needed to prevent situations like what happen to Peter Boy Kema. We can come up with a better solution than SB2323.

SB-2323

Submitted on: 2/12/2018 8:27:50 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Laurie West	Individual	Oppose	No

Comments:

I **STRONGLY OPPOSE** this encroachment by the State into the lives and privacy of homeschooling families.

I have heard of various cases of abuse by legislators and statesmen [not necessarily in Hawaii] against children. Shall we institute background checks for ALL legislative candidates and political appointees to determine their fitness for office? Why don't we start with such a bill and see how well it works out first?

Where will the money come from to pay for background checks? Perhaps that money could be better spent providing services for those in dire need, such as indigent medical care, homeless shelters, meals, special needs services...?

As a parent of two children (grade 2 and 9) in a blended learning Charter School, I strongly oppose the three bills proposed regarding homeschooling in Hawaii, especially SB2323. My children follow the rules laid out by the school, as do most other homeschooling families. There are already procedures in place for homeschooling families that are working. The new bills requiring back ground checks, home visits and superintendent approval are discriminating to families that homeschool.

This is simply a measure by School Unions to discourage parents from using this option to educate their children. The reason is, they are losing federal dollars by not having military kids in their district.

Why not use these measures if the homeschool family is not following procedures already in place, or are children of confirmed child abusers? Perhaps prohibit homeschooling to confirmed child abusers in the first place. These new bills impinge on our right to freedom of choice in how we raise our children. The proposed home visits are an invasion of privacy. These bills will be costly and unnecessary for the organizations involved, who are already overworked to say the least. I strongly oppose SB2323, SB2274 and HB2244.

SB-2323

Submitted on: 2/12/2018 8:36:14 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
natasha sky	Individual	Oppose	No

Comments:

Dear Education Committee Members,

This bill is shocking. It's an outright attack on homeschoolers, and the procedures of involving CPS makes homeschoolers out to be criminal like. It's a terrible infringement on parental rights. A law like this would also overtax the Child Protective Services. I implore you to OPPOSE this bill. Thankyou

SB-2323

Submitted on: 2/12/2018 10:15:50 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Rachel Justice	Individual	Oppose	No

Comments:

I have had the privilege to meet many homeschoolers and homeschooling families over my lifetime, and have found them to be some of the most thoughtful, self-motivated, and ambitious people that I know. Families that I've met choose to homeschool for a variety of reasons, including religious convictions and a desire to pursue a more classical education. In each instance, the parents exercise their right to homeschool, much like other homeschool families do across the nation. Hawaii's current homeschool law strikes a healthy balance between respecting the constitutional right of parents to homeschool and having regular contact between parents and school officials through the filing of a notice of intent and an annual report on each child's progress. That balance shouldn't be derailed or disturbed by enacting SB2323, which will make homeschooling very difficult for many families. Families that choose private schools or attend charter schools are not forced to undergo background checks when they choose those alternative options, and neither should homeschool families need to undergo these processes just so that they may provide an good education for their children. Enacting this bill would jeopardize the future of hundreds or even thousands of future contributors to society, future doctors, future leaders. Such jeopardy is unnecessary. It will not solve the perceived problem of abuse, but will instead create more social problems for those children and families affected by the change.

SB-2323

Submitted on: 2/12/2018 10:49:59 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Denise Baligad	Individual	Oppose	No

Comments:

We have read the bill as proposed and strongly oppose, we are registered, active voters. The premise of abuse referenced in this bill is based on the tragic Peter Boy death. This is a real tragedy but not one that would have been prevented by this bill. The State was well aware that the family was abusing their children and allowed continued custody. The death of Peter Boy could have been avoided had the State of Hawaii properly intervened and removed the children from a known dangerous environment.

From a practical standpoint, this bill will certainly result in unacceptable and unfair delays in approval to home school for the vast majority of families. Child Protective Services is already grossly understaffed in Hawaii and without increased staffing can not comply in a timely fashion. Similarly, no evidence is given to indicate that the Family Court System is capable of handling the additional caseload, further slowing the approval process.

Most importantly, no evidence is given or referenced that indicates there is a significantly greater risk for child abuse in the home school environment than for children attending public or private schools. In fact, hsinvisiblechildren.org (referenced in the bill) openly admits that there is no research to support their claims of equal or greater danger of abuse in the home school.

It is fiscally irresponsible for the State of Hawaii to take on this burden based upon anecdotal evidence when no actual studies of the topic have been published. All children deserve to be protected but these resources would be better spent preventing known abusers from hurting or killing more children like Peter Boy. His was not a home school death, but a tragic casualty of a broken CPS system failing to do their duty.

This bill unfairly targets the homeschooling community as particularly prone to concealing cases of child abuse. Yet, it offers no solutions beyond allowing financial stakeholders -- district principals and area superintendents -- to decide whether a family may homeschool. The cases cited in the bill as evidence of the danger of unregulated homeschooling families instead show that the fault of continued abuse did not lie with a lack of regulation of homeschooling families, but with an already engaged child welfare service which failed to act in a timely manner to prevent known abuse from continuing. Thus, to argue that forcing homeschooling families to be subject to social

services reviews and background checks as means of preventing abuse seems disingenuous. If the intent is to prevent abuse, then all families of school aged children should be targeted, not only those choosing to homeschool. This bill fails to specify what constitutes grounds to deny authorization, thus leaving too much room for authorities to abuse their power. There is much wrong with the language in this bill which is full of fallacious argument to inflame the passions of the reader. It is a playground for official overreach and therefore must be opposed.

Respectfully,

Mrs. Denise Baligad

SB-2323

Submitted on: 2/12/2018 10:58:17 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
carla favata	Individual	Oppose	No

Comments:

This bill unfairly targets homeschool families.

SB-2323

Submitted on: 2/12/2018 11:02:43 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Emma Reeder	Individual	Oppose	No

Comments:

Even though I strongly condemn child abuse and neglect, I oppose SB 2323's changes to Hawaii's homeschool law. In March 2016, Congress's national Commission to Eliminate Child Abuse and Neglect Fatalities published a report calling on state legislatures to take a broad and holistic approach to preventing child abuse. The Commission identified several key risk factors for abuse - which did not include homeschooling - and encouraged state legislatures to carefully study the causes of child abuse locally to identify real solutions. The Senate should pause and consider the Commission's recommendation before it dramatically reshapes Hawaii's homeschool law.

TO THE SENATE COMMITTEES ON
EDUCATION AND HUMAN SERVICES

TWENTY-NINTH LEGISLATURE

Regular Session of 2018

Wednesday, February 14, 2018

2:55 p.m.

TESTIMONY ON SENATE BILL 2323 – RELATING TO EDUCATION.

TO THE HONORABLE MICHELLE N. KIDANI, THE HONORABLE JOSH GREEN,
CHAIRS, AND COMMITTEE MEMBERS:

My name is Kristi Fuchikami and I am a Maui resident who works in education. As a private citizen, I am strongly opposed to SB 2323 which would require families who wish to homeschool be subjected to welfare and background checks, including all children and any adults living in the residence.

While I appreciate the effort to prevent tragic cases such as Shaelynn Lehano-Stone, this bill would unjustly label and treat all homeschooling parents as suspected criminals and child abusers. Basically, this bill states that all homeschooling parents are guilty until they are proven innocent. However, Department of Education employees are mandated reporters and as such are required to contact social services if they suspect a child is being abused or neglected regardless of their educational background.

Requiring Child Welfare Services workers to conduct these record checks on potentially thousands of homeschooling families will continue to tax an already overworked organization. For example, CWS workers in East Hawaii are overburdened with as many as forty-five to fifty cases when the recommended caseload is fifteen (as stated in SB 2276). The Senate should pursue policy changes that will give social workers the staffing, training, and resources they need to respond to allegations of abuse and neglect (such as the pilot program in SB 2276).

I thank the committees for the opportunity to present testimony on this matter and strongly encourage that this bill be held in committee.

The Senate Committee on Education/Human Services
Conference Room 229, 2:55pm
February 12, 2018

I STRONGLY OPPOSE SB2323

This bill is entirely wrong on so many fronts. First, citing homeschooling as a reason why Peter Boy is DEAD is completely erroneous. This child's death was at the hands of the incompetent Hawaii State's Child and Protective Services and not because he was home schooled. The issues with CPS involving child abuse are entirely separate from parents who want to homeschool their children. This bill represents a complete violation of privacy and personal freedoms. If the State had done its job properly, Peter Boy would still be alive today, and not a horrible statistic.

Second, it is ironic that this bill seeks to have the DOE "protect" a child from abuse in his own home while the DOE itself has had a morbid history of child abusers who have worked in the school. For example,

1. 2014 -Kipapa Elementary school where in 2016, the Hearings officer, Haunani Alm found in favor of the special education children who were physically and emotionally abused while under the care of several school staffers. Hawaii News Now reported that a 9 year old autistic girl was force-fed at school, another child was held down by the back of the neck, and a girl was tied to her desk and forced to watch TV at her desk. Worse, then Superintendent Kathryn Matayoshi was quoted as saying "there was no finding against these employees" and they were allowed to return to work. To make matters worse, the AG's office did not conduct much of an investigation if at all. Protecting your own when you are clearly wrong is typical of how the government has been run.
2. 2011 -Deaf and Blind School – Hawaii News Now reported that there were instances of sexual misconduct, rape, bullying, robbery and other incidents that occurred at this public school over a period of 10 years. Worse, the staff, including the principal were aware of these incidents but did nothing. There were over 35 abused students and a class action lawsuit was filed on behalf on one of the abused students. The school counselor was involved and the principal did nothing to stop it. There was a \$5.75 million dollar settlement which was a bargain compared to what the DOE employees did to those helpless children.

Although I presented only 2 cases of DOE abusers who were minimally punished, these emotional scars on the children will last a lifetime.

Until the DOE can guarantee that its OWN employees have clean background checks and are not child abusers themselves, I find that this particular bill is hypocritical for the purposes stated and would be a gross violation of individual freedoms. The issues of child abuse and homeschooling are entirely separate and are not solved in this manner. Shame on you for maligning Peter Boy's memory in this way.

For these reasons, I oppose SB2323.

T. Ocampo

SB-2323

Submitted on: 2/12/2018 11:23:36 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Ben Kinsey	Individual	Oppose	No

Comments:

I oppose SB2323 because the burden of proof should not fall on parents to prove that homeschooling is appropriate for their child and that they are not monstrous abusers. The current law already strikes a good balance between the rights of parents and the protection of youth.

SB-2323

Submitted on: 2/10/2018 5:48:18 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Michael	Eller	Oppose	No

Comments:

SB-2323

Submitted on: 2/13/2018 9:49:49 AM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Fair Jenkins	Individual	Support	No

Comments:

I support SB 2323 and hope the measures to fund the necessary implements to our current system in support of this bill are taken swiftly. Thank you.

SB-2323

Submitted on: 2/8/2018 5:21:37 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kaulana Dameg		Support	No

Comments:

SB-2323

Submitted on: 2/8/2018 9:45:33 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Leandra Velasco		Oppose	No

Comments:

SB-2323

Submitted on: 2/8/2018 10:28:00 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Donna		Oppose	No

Comments:

I oppose SB 2323, which would automatically treat all homeschooling parents as suspected criminals and child abusers! I have homeschooled my children for 17 years and 99.9999% of homeschoolers I have met all over the world go above and beyond in regards to educating and caring for their student's needs 24/7. The Department of Education regulations already instruct school officials and physicians to contact social services if they believe a homeschooled child is suffering from abuse or neglect. Rather than presuming that all homeschooling families are guilty until proven innocent and need approval to educate their own children, discriminating against the family, and saddling social workers with the task of conducting routine records checks on thousands of homeschooling parents and children, the Senate SHOULD pursue policy changes that will give social workers the staffing, training, and resources they need to respond to allegations of abuse and neglect. Where is the same legislation regarding the parent's of publically or privately educated students? This is simple discrimination based on a tragic situation that occurred within a family recently who were supposedly homeschooling. No system is perfect and there are cases that fall between the cracks so to speak. As parents, we are responsible for our own children. If we choose to enroll them in public or private schools, that is our right. Likewise, if we choose to educate them ourselves, that is also our right without needing an approval process; they are our children. Homeschooling is not the problem. All over the country colleges desire applications from homeschooled students because they are self motivated, typically score higher, work well independently and are very well prepared for college. Why is this the case? Because 99.9999% of the students come from homes that make sure they have the tools needed to succeed in college and assure they are a good productive citizens who are responsible and give back to society. You have proposed a bill targeting a group of highly driven, passionate life long learners who are motivated and outstanding individuals. They truly have so much to offer the world. You are barking up the wrong tree. What you have proposed will not stop bad parenting from occurring in any group in society. SB2323 is not the answer.

SB-2323

Submitted on: 2/8/2018 10:33:33 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jonagustine Lim		Oppose	No

Comments:

I oppose this bill. The issue on the news is not a homeschool issue but is a child abuse issue.

SB-2323

Submitted on: 2/12/2018 11:30:46 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Dawn Poiani	Individual	Oppose	No

Comments:

Dear Senators,

Please Oppose bill SB2323.

- There is no real proof that abusive parents are able to abuse their children more easily than if they were in public school. Sadly, there are children in public schools who are abused every day. The majority of cases across the nation and in Hawaii occur when children, who were already under CPS' auspices, are taken out of a school and never followed up by the authorities.
- Even the story used within the bill about Peter Boy Kema, is a stretch! Authorities were aware of the abuse and in fact returned the child to the abusive home. **This has nothing to do with homeschooling.** In little Peter's case, he was not of compulsory age, and therefore not homeschooled. The other case referred to in the bill, the girl who died in 2017 on the Big Island, was already under CPS before her mother took her out to be homeschooled. The principal of that school had not reported suspicion of abuse by 3 educators in the school.
- This law would most certainly have horrific effects on homeschoolers freedom by allowing a superintendent (who are normally pro-public school) to decide whether a person could homeschool. It is horrifying to think these sorts of things are happening to students, however, **there is no evidence that says that these things happened solely because the parents homeschooled or that giving certain figures veto power over who could homeschool would actually solve the problem.**

Even if you are not a homeschooling parent, you understand the authority this gives the government. Even though we all strongly condemn child abuse and neglect, we need to oppose changes to Hawaii's homeschool law.

In March 2016, Congress's national Commission to Eliminate Child Abuse and Neglect Fatalities published a report calling on state legislatures to take a broad and holistic approach to preventing child abuse. The Commission identified several key risk factors for abuse-which did not include homeschooling-and encouraged state legislatures to

carefully study the causes of child abuse locally to identify real solutions.

Mahalo for taking the time to raise your voice to protect parental rights in homeschooling.

SB-2323

Submitted on: 2/12/2018 11:32:42 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Diana De Stefano	Individual	Oppose	No

Comments:

SB-2323

Submitted on: 2/12/2018 11:50:42 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Lori Meeker	Individual	Oppose	No

Comments:

I am writing this testimony to tell you to vote NO on SB2323. This proposed legislation unfairly targets homeschooling families as potential child abusers.

Parents have the constitutional right to educate their children in customized ways that best suit their needs. Through this proposed bill you are demonizing and criminalizing this positive activity.

This proposed legislation wrongly assumes that homeschooling families are potential child abusers. It presumes homeschooling parents as guilty of abusing their children until proven innocent. Totalitarian regimes like North Korea and Cuba (who have already made homeschooling illegal) enact laws like this that restrict our civil liberties, violate parental rights and restrict our freedoms. Do not go down this slippery slope.

SB-2323

Submitted on: 2/13/2018 12:33:37 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Katie Acpal	Individual	Oppose	No

Comments:

This bill appears to have good intentions, but it is inherently flawed. It will not achieved the intended outcome as proposed. It does not solve the root problem of protecting children from abusive parents. Abuse does not begin at 8 am with the school bell and end at 2 pm when children end the school day. If a child is not safe at home being homeschooled by their parents, then they are not safe in that household after school hours, on the weekends and over school holidays. The real problem lies within the CPS agency who failed these poor children who tragically lost their lives to begin with! Both families were enrolled in CPS and CPS failed. Assigning CPS with an even greater task of monitoring all homeschooling families only taxes this agency even more which prevents them from doing their intended job, which they can clearly not even do hence these two cases which are being promoted as failures of homeschooling! Consider solving the problem by proposing a bill that would ban any person with a history of abuse or sexual misconduct with homeschooling any child. That would be the logical solution. Asking CPS, the agency who failed these families, to monitor all homeschooling families is set just ludicrous, expensive, and doesn't even come close to fixing the problem.

SB-2323

Submitted on: 2/13/2018 5:09:04 AM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Maly Nakoia	Individual	Oppose	No

Comments:

I strongly oppose SN 2323. This bill while may appear to be well intentioned is putting parents of homeschoolers under unwarranted scrutiny. As a maternity nurse of 21 years I have watched as our overburdened system will send newborns home to situations that blatantly seem unsafe. We do not need new laws to prevent child abuse, we need to make sure that the laws and agencies overlooking the safety of our children are adequately funded so they can do their job to the best of their ability. Homeschooling parents do not need to be discriminated against by a system that may not agree that they are making the right choice for their child.

SB-2323

Submitted on: 2/13/2018 7:11:46 AM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Loreene	Individual	Oppose	No

Comments:

Most parents who homeschool have their child's best interest at heart. Few actually try to hide any type of abuse. The bill seems to focus on the premises of Peter Boy Kema who was abused by his own parents. The CPS should have been aware of the abuse issues prior to starting to homeschool but it seems that the state failed to act properly on behalf of Peter Boy Kema. This should have been enough to get the children removed into foster care and became wards of the state. This has nothing to do with homeschooling. Please withdraw this bill.

SB-2323

Submitted on: 2/13/2018 8:43:34 AM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kent Duffy	Individual	Oppose	No

Comments:

SB-2323

Submitted on: 2/13/2018 8:56:00 AM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
caryn mcalister	Individual	Oppose	No

Comments:

SB-2323

Submitted on: 2/13/2018 8:48:17 AM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Leah Williams	Individual	Oppose	No

Comments:

Even though I strongly condemn child abuse and neglect, I oppose SB 2323's changes to Hawaii's homeschool law. In March 2016, Congress's national Commission to Eliminate Child Abuse and Neglect Fatalities published a report calling on state legislatures to take a broad and holistic approach to preventing child abuse. The Commission identified several key risk factors for abuse - which did not include homeschooling - and encouraged state legislatures to carefully study the causes of child abuse locally to identify real solutions. The Senate should pause and consider the Commission's recommendation before it dramatically reshapes Hawaii's homeschool law.

SB-2323

Submitted on: 2/13/2018 9:21:23 AM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Sherie McMillan	Individual	Oppose	No

Comments:

I oppose SB 2323, which would automatically treat all homeschooling parents as suspected criminals and child abusers. Department of Education regulations already instruct school officials to contact social services if they believe a homeschooled child is suffering from abuse or neglect. Rather than presuming that homeschooling families are guilty until proven innocent and saddling social workers with the task of conducting routine records checks on thousands of homeschooling parents and children, the Senate should pursue policy changes that will give social workers the staffing, training, and resources they need to respond to allegations of abuse and neglect.

SB-2323

Submitted on: 2/13/2018 9:45:13 AM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Katey Pearson	Individual	Oppose	No

Comments:

Those children died because an overtaxed Child Protective Services (CPS) organization failed them. So now we are going to further burden CPS by requiring them to investigate ALL homeschoolers even without evidence or complaint of child abuse. Really? This sounds like a knee jerk reaction that will prove ineffective at solving the desired problem with a load of terrible unintended consequences. Has anyone considered how the homeschooled children are going to react to an invasive investigation of their homes by CPS workers when there is nothing wrong? Who is going to pay for the extra caseworkers needed to perform these inspections? What about military children already under the stress of many moves now being subjected to this when homeschooling is becoming more and more of a viable option for this transient lifestyle? Other states have far more effective ways of "managing" homeschoolers if the government truly feels it necessary, but I have little reason to understand why they do. Many homeschoolers I know, including my own son, were pulled out of the school system due to bullying, poor fit for learning, mental or physical health issues difficult to manage in the public school environment, or the school outright failing them. Please reconsider and say no to this bill.

SB-2323

Submitted on: 2/13/2018 10:06:15 AM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Keola	Individual	Oppose	No

Comments:

SB-2323

Submitted on: 2/13/2018 11:04:03 AM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Elizabeth Cannon	Individual	Oppose	No

Comments:

While it's true that child abuse is horrendous and should NEVER be tolerated, enacting mandatory CPS inspections of every homeschooling household in Hawaii would NOT have prevented either of the two heart-breaking cases cited in SB2323. CPS already knew both those sad situations were happening and failed to act in time; that's on CPS - it has nothing to do with homeschooling. (Those poor keiki were obviously not being homeschooled anyway, by any stretch of the imagination.)

As a previous crisis line volunteer AND a long-time homeschooler, I suggest much more care needs to be taken before enacting such a misguided bill as this current version, however well-intentioned. Please do not scapegoat an entire community.

There's more I object to in this too-far-reaching bill:

It would become the whim of one's local public school principal or administrator to decide whether or not one will be allowed to homeschool one's own children. A definite conflict of interest there, and one that will over-burden both parents and school administrators.

Please take the time to write a better bill to protect our keiki.

TESTIMONY IN STRONG OPPOSITION TO **SB2323**

Senate Committee on Education:

Sen. Michelle Kidani, Chair
Sen. Kaiali'i Kahele, Vice Chair
Sen. Donovan M. Dela Cruz
Sen. Will Espero
Sen. Donna Mercado Kim

Senate Committee on Human Services:

Josh Green, Chair
Stanley Chang, Vice Chair
Breene Harimoto
Jill N. Tokuda
Glenn Wakai

Senate Committee on Judiciary: Brian T. Taniguchi – Chair, Karl Rhoads – Vice Chair, Mike Gabbard, Donna Mercado Kim, Laura H. Thielen

Dear Senators:

I submit this testimony in strong OPPOSITION to the requirement that authorization be obtained prior to a parent or legal guardian homeschooling a child; that a complex area superintendent or authorized representative be required to request child welfare services to conduct a child abuse and neglect history and background check before approving or denying a notification of intent to homeschool because **SB2323**:

_____ Is government overreach and intrusion. It is in reaction to an anomaly and heinous case of abuse in California and is not based on a single incident of abuse among Hawaii homeschoolers in over 25 years. The law should not penalize the majority in response to a freak occurrence elsewhere.

_____ Is unnecessary given the provisions and requirements of existing Hawaii Home School Laws. Safeguards and accountability already exist. <http://www.homeschoolinginhawaii.com/gettingstarted/legal/statelaws.aspx>

_____ Is logistically unsound. Child Welfare Services are already overburdened, unable to adequately monitor known abuse cases and return abused children to abusive environments, none of which have been homeschools.

_____ Will create a hardship and unnecessary delay for parents/legal guardians seeking to homeschool their child(ren) due to bullying, health reasons, or special needs.

I urge you to vote NO on SB2323. Thank you. _____ Ana SChaetzle _____ 02/12/2018
Signature Date

SB-2323

Submitted on: 2/13/2018 11:19:58 AM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kim Simpson	Individual	Oppose	No

Comments:

As a social worker and human being, I want to protect kids from abuse and neglect. There are better ways to do that than those proposed in this bill. Please read and consider the recommendations by the Commission to Eliminate Child Abuse and Neglect Fatalities as seen in their final report from 2016. That can be found here: https://www.acf.hhs.gov/sites/default/files/cb/cecanf_final_report.pdf. Thank you for caring for all keiki.

SB-2323

Submitted on: 2/13/2018 11:30:17 AM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Alec Wong-Miyasato	Individual	Oppose	No

Comments:

It is an overreach of the power of the DOE to restrict the rights of parents to homeschool their children.

SB-2323

Submitted on: 2/13/2018 11:53:18 AM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Michele Endo	Individual	Oppose	No

Comments:

Even though I strongly condemn child abuse and neglect, I oppose HB 2323 because it does not help solve the problem of child abuse. In the case referenced in the bill the abuse started before the child was of school age and the family already in the CPS system.

This bill unfairly targets homeschool families and presumes us guilty until we prove otherwise-unconstitutional.

This bill has vague verbiage and gives authority to the district principle and area superintendent to decide whether a family may homeschool. It also fails to specify what are the grounds for denial of authorization.

REVISED

To: Senator Michelle N. Kidani, Chair
Senate District 18
Hawaii State Capitol, Room 228
415 S. Beretania Street
Honolulu, HI. 96813

Senator Kaiulani Kahale
Senate District 1
Hawaii State Capitol, Room 213
415 S. Beretania Street
Honolulu, HI. 96813

CC: Peter Kamakawiwaole, HSLDA Attorney

From: Malia Opfer

Date: February 12, 2018

RE: *Senate Bill 2323 - Relating To Homeschooling*

Aloha, Senator Kidani and Senator Kahele!

Senator Kahele recently answered a reporter: "If a parent that has a history of abuse and neglect wants to pull the child out of school and remove them from that layer of protection this piece of legislation would close that loophole."

Senate Bill 2323 is almost a step in the right direction.

As you know, Peter Boy "Pepe" Kema and Shaelynn Lehano-Stone, who were victims of abuse while being homeschooled, were also victims of abuse while attending school (school defined in this testimony: private or public school) in Hawai'i. While we cannot afford to put a camera or a Behavioral Analyst in every home in Hawai'i to inspect all parents everyday of the year, we may try to open up communications between the Department of Human Services (DHS) and the Department of Education (DOE); creating a link to determine homeschool eligibility based on **current** information that is already known and in the system.

SB 2323 groups all homeschool parents with child abusers; therefore, the legislation needs to clarify their terms, and rewrite it to clearly give due process of law to all persons involved. As an example, even with a *known history* (*known history* defined as: prior knowledge of a child/ children being a ward/wards of the state) for **more than 5 years**, both of these children were able to be pulled out of school by their parent/legal guardians. Peter Boy Kema's *known history* was when he was a few months old in August of 1991, and Shaelynn Lehano-Stone's *known history* was since 2007. If these histories were known, then it would seem common sense for the DHS to automatically communicate & share this information with the the DOE and/or the school they attended. *Known histories* must be 'red flagged' in the child's school records from the very beginning. When a file is 'red flagged', then determination of eligibility to homeschool can now

viably be questioned and determined. **The legislation ought to be rewritten addressing specific cases with known histories - 'red flags', and not for all homeschool parents.**

Instead with SB 2323, you are asking **all** homeschool parents in Hawai'i to participate in a background check - being stripped of their freedom because of a lack of internal communication between the DOE and the DHS. The State of Hawai'i knew Peter Boy Kema's parents were abusive, yet still returned the children to their parents in 1995. DHS knew Shaelynn Lehano-Stone's parents were abusive, yet allowed her to live in the same complex with her abusive parents and to be pulled out of public school - within 8 months, she was starved to death.

Rather than penalize homeschoolers for a fault that is clearly not theirs, try to determine a fair and educated route where 'red-flagged' families with *known histories* who want to homeschool are questioned by the Complex Area Superintendent and the family's assigned social worker via a family group conference - that way you are not presuming **all** homeschool parents to be guilty of child abuse and neglect until proven innocent with a background check.

Mahalo for the opportunity to testify. I hope the outcome of these hearings provide a fair, safe, and justifiable future for all of the children *and* for all of the homeschooling families in Hawai'i.

Sincerely,

Malia Opfer

Mendoza, Jim. "In Wake of High-Profile Child Deaths, Lawmakers Eye Greater Home Schooling Oversight." *Home - Hawaii News Now - KGMB and KHNL*, 5 Feb. 2018, www.hawaiinewsnow.com/story/37432386/state-senator-wants-background-checks-of-home-school-families.

Dashefsky, Howard. "Court-Appointed Expert Outlines Years of Abuse in Peter Boy Case, Missteps by Child Protective Services." *KHON2*, 27 Apr. 2017, khon2.com/2017/04/26/court-appointed-expert-outlines-years-of-abuse-in-peter-boy-case-missteps-by-child-protective-services/.

Tuesday, July 18, 2017, 7:54 pm. "Hilo Girl Allegedly Starved to Death Was Once Ward of State." *Hawaii Tribune-Herald*, 19 July 2017, www.hawaiitribune-herald.com/2017/07/18/hawaii-news/hilo-girl-allegedly-starved-to-death-was-once-ward-of-state/.

Staff, Web. "Siblings File Lawsuit against Kemas, State for Death of 'Peter Boy'." *KHON2*, 11 Jan. 2018, khon2.com/2018/01/10/siblings-file-lawsuit-against-kemas-state-for-death-of-peter-boy/.

"Shaelynn Lehano-Stone." *Homeschooling's Invisible Children*, 31 July 2017, hsinvisiblechildren.org/2017/07/30/shaelynn-lehano-stone/.

SB-2323

Submitted on: 2/13/2018 12:06:42 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Stephanie K.A.K Jaramillo	Individual	Oppose	No

Comments:

Aloha,

My 'Ohana and I respectfully ask you VOTE NO on SB 2323!!!!

I am a member of CONCERNED WOMEN FOR AMERICA OF HAWAII.

This bill would set a **"GUILTY UNTIL PROVEN INNOCENT"** basis for the law. Until parents can prove they are FIT to parent their own children, they will not be allowed to educate their children(as well as delay our school year begin date, while awaiting the so called approval)!

This violates our parental rights to educate our children. A HUMAN TRAFFICKING bill should be made sepreately! Parents have the right to educate and care for their children, and requiring them to GET APPROVAL is OUTRAGIOUS!!!

The bill will not slow, prevent or end child abuse in Hawaii. The American ideal of presumed innocence will be trampled on for a law that will not stop child abuse in the state.

This BILL(SB2323) is another excuse to restrict homeschool freedoms. Here are a few examples of cases that FAILED to protect the children you are entrusting them to protect!!!

The deaths of Shaelynn Lehano and Peter Boy Kema were a direct result of the failures of Hawaii Child Protective Services and had nothing to do with the fact that they were supposedly "homeschooled". Both died because Hawaii Child Protective Services failed to protect them. HCPS knew of Shaelynn Lehano's abuse for 8 or 9 years and knew of Peter Boy Kema's abuse for 6 years! Efforts to prevent and stop child abuse should be focused elsewhere, not on law-abiding homeschool parents. Homeschooling is not a risk factor for child abuse.

Hawaii "Child Protective Services had been in contact with the family of a 9-year-old girl (Shaelynn Lehano) who starved to death on the Big Island since she was a toddler." "The girl had been in the CPS system since she was a toddler".

<http://www.hawaiinewsnow.com/.../big-island-police-arrest-3-w...>

<http://www.hawaiinewsnow.com/.../experts-lenient-homeschoolin...>

“A court-appointed expert who investigated his disappearance and death said if Child Protective Services had followed the law, Peter Boy would be alive today. The expert said Peter Boy’s abuse started when he just a newborn.” “In conclusion, the report says Peter Boy should have never been returned to his parents after his birth, and that 'It is probable that had CPS complied with their own standards and protocols and acted on this complaint as the law required, Peter Boy would be alive today.’”

<http://khon2.com/.../court-appointed-expert-outlines-years-o.../>

This bill will negatively impact the lives of innocent homeschoolers and create mass confusion within homeschools, as well as defamation of parents character because of the alleged abuse UNTIL PROVEN INNOCENT! Parenting is hard enough, maybe EVERYONE should pass an inquiry of being FIT to ADULT, or GIVE BIRTH, or WORK IN CUSTOMER SERVICE, or TO BE A CUSTODIAN, or TO BE A PARENT BEFORE BUYING A SAW, A KNIFE, OR A VEHICLE. Do you see how ridiculous this sounds?

This is just like you can make laws on gun ownership as well but BAD GUYS WILL ALWAYS HAVE THEM!

THE PROBLEM IS WITHIN PEOPLES HEART.

ITS NOT FAMILIES WANTING TO HOMESCHOOL THIER CHILDREN.

THE PROBLEM IS NOT TEACHING CHILDREN ABOUT EVIL WITHIN THE HEART FROM A YOUNG AGE. EVERY VILE, UGLY, WICKED AND PERVERSE THING COMES FROM ONES HEART!!!

WORK ON REACHING AND TEACHING OTHERS ABOUT THE ISSUES OF THE HEART, AND HOW TO BE PURE AND LOVING, KIND AND CARING, SELFLESS AND FORGIVING, GIVING AND HELPFUL. INSTEAD OF THE THINKING "ME, ME, ME, WHAT CAN I GET OUT OF THIS" etc.

THIS WORLD IS LACKING LOVE, AND MAKING THE INNOCENT PROVE THEMSELVES WORTHY IS BACKWARDS.

OPPOSE SB 2323

Sincerely

A CONCERNED WOMAN, WIFE AND MOTHER!

SB-2323

Submitted on: 2/13/2018 12:44:04 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Markesha Chance	Individual	Oppose	No

Comments:

Thank you for giving thoughtful consideration to the concerns of local citizens in regard to Hawaii SB 2323.

My biggest concerns are that SB2323:

Is singling out homeschool parents. Many of which are military. President Obama's Commission to Eliminate Child Abuse and Neglect Fatalities found common risk factors for child abuse. Homeschooling is not one of those risk factors.
(https://www.acf.hhs.gov/sites/default/files/cb/cecanf_final_report.pdf).

Gives the superintendents and some unspecified department and its designee unrestricted authority to request any information from homeschool parents. Section 2 §302A(3)(b)(6)and(7) indicates that the complex area superintendent, the complex area superintendent's authorized representative, the 'department', and/or the department's designee, can request "any other information that it deems necessary."

Is eroding parental rights despite the fact that the bill will not slow, prevent or end child abuse in Hawaii. The American ideal of presumed innocence will be trampled for a law that will not stop child abuse in the state.

is really being used as a thinly-veiled excuse to restrict homeschool freedoms. The deaths of Shaelynn Lehano and Peter Boy Kema were a direct result of the failures of Hawaii Child Protective Services and had nothing to do with the fact that they were supposedly "homeschooled".

Both died because Hawaii Child Protective Services failed to protect them. HCPS knew of Shaelynn Lehano's abuse for 8 or 9 years and knew of Peter Boy Kema's abuse for 6 years! Efforts to prevent and stop child abuse should be focused elsewhere, not on law-abiding homeschool parents. Homeschooling is not a risk factor for child abuse.

Hawaii "Child Protective Services had been in contact with the family of a 9-year-old girl (Shaelynn Lehano) who starved to death on the Big Island since she was a toddler."

“The girl had been in the CPS system since she was a toddler”.

(<http://www.hawaiinewsnow.com/story/35891003/big-island-police-arrest-3-who-allegedly-starved-girl-to-death>)

(<http://www.hawaiinewsnow.com/story/35992407/experts-lenient-homeschooling-rules-allow-abused-children-to-slip-through-the-cracks>)

“A court-appointed expert who investigated his disappearance and death said if Child Protective Services had followed the law, Peter Boy would be alive today. The expert said Peter Boy’s abuse started when he just a newborn.” “In conclusion, the report says Peter Boy should have never been returned to his parents after his birth, and that 'It is probable that had CPS complied with their own standards and protocols and acted on this complaint as the law required, Peter Boy would be alive today.'”

(<http://khon2.com/2017/04/26/court-appointed-expert-outlines-years-of-abuse-in-peter-boy-case-missteps-by-child-protective-services/>)

Child abuse is a tragic and serious issue that must be tackled. This should be done by getting to the root of the problem and addressing issues at HCPS. Passing legislation that further strains the resources at HCPS and HDOE and infringes on parental rights and homeschool freedoms without solving the problem of child abuse in the state is irresponsible at best.

Please do not allow this measure to become law.

Thank you,

Markesha Chance

SB-2323

Submitted on: 2/13/2018 12:50:36 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
gretchen	Individual	Oppose	No

Comments:

SB-2323

Submitted on: 2/13/2018 1:02:59 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Sara Goff	Individual	Oppose	No

Comments:

Committee Members, thank you for taking the time to read my testimony. I oppose SB 2323, which would automatically treat all homeschooling parents as suspected criminals and child abusers. Department of Education regulations already instruct school officials to contact social services if they believe a homeschooled child is suffering from abuse or neglect. Rather than presuming that homeschooling families are guilty until proven innocent and saddling social workers with the task of conducting routine records checks on thousands of homeschooling parents and children, the Senate should pursue policy changes that will give social workers the staffing, training, and resources they need to respond to allegations of abuse and neglect.

Sara Goff

SB-2323

Submitted on: 2/13/2018 1:08:50 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Camille Adams	Individual	Oppose	No

Comments:

I submit this testimony in strong OPPOSITION to the requirement that authorization be obtained prior to a parent or legal guardian homeschooling a child; that a complex area superintendent or authorized representative be required to request child welfare services to conduct a child abuse and neglect history and background check before approving or denying a notification of intent to homeschool because **SB2323**:

Is government overreach and intrusion. It is in reaction to an anomaly and heinous case of abuse in California and is not based on a single incident of abuse among Hawaii homeschoolers in over 25 years. The law should not penalize the majority in response to a freak occurrence elsewhere.

Is unnecessary given the provisions and requirements of existing Hawaii Home School Laws. Safeguards and accountability already exist.

<http://www.homeschoolinginhawaii.com/gettingstarted/legal/statelaws.aspx>

Is logistically unsound. Child Welfare Services are already overburdened, unable to adequately monitor known abuse cases and return abused children to abusive environments, none of which have been homeschools.

Will create a hardship and unnecessary delay for parents/legal guardians seeking to homeschool their child(ren) due to bullying, health reasons, or special needs.

I urge you to vote NO on SB2323. Thank you. Kirk & Camille Adams

SB-2323

Submitted on: 2/13/2018 1:30:40 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Katrina Hovanski	Individual	Oppose	No

Comments:

SB-2323

Submitted on: 2/13/2018 1:32:20 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Aubrey Aea	Individual	Oppose	No

Comments:

Aloha,

Even though I strongly condemn child abuse and neglect, I oppose SB 2323's changes to Hawaii's homeschool law. In March 2016, Congress's national Commission to Eliminate Child Abuse and Neglect Fatalities published a report calling on state legislatures to take a broad and holistic approach to preventing child abuse. The Commission identified several key risk factors for abuse-which did not include homeschooling-and encouraged state legislatures to carefully study the causes of child abuse locally to identify real solutions. The Senate should pause and consider the Commission's recommendation before it dramatically reshapes Hawaii's homeschool law.

SB-2323

Submitted on: 2/13/2018 1:33:32 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Auston Stewart	Individual	Oppose	No

Comments:

I strongly oppose SB2323. While we are all touched by the plight of abused children in Hawaii, I cannot see how the measures proposed in this bill will aid them. In lieu of addressing broader abuse prevention and CWS enforcement issues, the bill institutes a discriminatory, ineffectual curtailment of residents' legal right to educate their own children. Well-intentioned homeschool parents in this state already face various bureaucratic hurdles in exercising this right and bringing in CWS, which is known to be overburdened, will hardly improve the situation. Furthermore, I am confused by the anecdotal justifications for the measure and the implication that the intent to homeschool implies a greater chance for abuse. Published, national studies show that homeschoolers are not more likely to receive abuse than those in other educational environment (see https://www.nheri.org/child-abuse-of-public-school-private-school-and-homeschool-students-evidence-philosophy-and-reason/#_edn11). Indeed, 47% of all deaths at the hands of abusive parents occur long before school age and are therefore outside the province of this bill (see <https://www.acf.hhs.gov/sites/default/files/cb/cm2012.pdf>). That "Peter Boy" Kema's tragic death is brought up as justification for this wrong-headed legislation is troubling, given that Section 1 of the bill acknowledges that his abuse was known to authorities when he was "only a few months old."

I urge you to withdraw your support for SB2323 and tackle the problem of abuse in ways that do not needlessly discriminate against homeschool parents such as myself who simply want to offer their children a healthy learning environment.

SB-2323

Submitted on: 2/13/2018 1:34:15 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Sheila Gage	Individual	Oppose	No

Comments:

I do not agree with this measure as not only will it cost every home schooled child's parents to get a background check which will cost the parents 50. At their own expense. It's not right. If you do something like this you should drug test all state educational employees...and make all of them do background checks as well...

SB-2323

Submitted on: 2/13/2018 1:49:24 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
edward fuller	Individual	Oppose	No

Comments:

A compulsory press would rightly be considered an invasion of the basic freedom of the press; is not scholastic freedom at least as important as press freedom? Aren't both vital media for public information and education, for free inquiry and search for truth? In fact, the suppression of free schooling should be regarded with even greater horror than the suppression of a free press, since here the tender and unformed minds of children are more directly involved.

SB-2323

Submitted on: 2/13/2018 1:44:08 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Michael Bergin	Individual	Oppose	No

Comments:

SB-2323

Submitted on: 2/13/2018 1:48:35 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
KRISTINA KITAOKA	Individual	Oppose	No

Comments:

While SB2323 is well-intentioned in order to prevent cases like “Peter Boy” Kema and Shaelynn Lehano from reoccurring, these families are the exception, not the norm, of homeschooling families. I assume that the families of these two children were already on Child Welfare Services’ radar **before** they were pulled out to be homeschooled. If Child Welfare Services is overwhelmed because they are understaffed and underfunded, then provide the money for more resources in the budget.

There is no data out there that says that homeschooled children are more likely to be abused than children attending public schools. If you are going to single out homeschooling families as “child abusers,” make it a point to do background checks on **all** families that send their children to public and charter schools as well. If you are not going to do that, you are unfairly singling out and discriminating against homeschooling families. So, what kind of bill will you propose when a child that attends a public school or private institution dies at the hand of abuse or neglect? Will you then require **all** parents to submit to background checks?

SB-2323

Submitted on: 2/13/2018 1:49:19 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
nancy	Individual	Oppose	No

Comments:

This proposed bill will not solve the issue. Fix CPS, they need to do their job appropriately before we give them more work to do.

SB-2323

Submitted on: 2/13/2018 1:54:24 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
aaron	Individual	Oppose	No

Comments:

As a person who is genuinely concerned about the health and welfare of all children everywhere, I find the vague wording and singling out of homeschoolers in bill SB2323 to be unjust.

We have laws in place that simply need to be followed. If we do not have the manpower to handle this case load now, there is no reason to believe that this bill would protect any more children. However, it would subject a parent's right to raise their child the way they see fit, to the scrutiny of a largely ignorant and potentially biased group of people.

The tragic deaths of "Peter Boy" Kema and Shaelynn Lehano are examples of how easy it is to drop the ball. These children were already flagged as being in an abusive situation at home prior to being removed from school and put into a "homeschool" situation...this should have gotten someone's attention.

In "Peter Boy" Kema's case,

"When he was just three months old, Peter Boy suffered fractured ribs and legs.

He was raised by his grandparents and foster parents. But later, a court order returned him to his biological parents, Jaylin and Peter Kema Senior.

Peter Boy disappeared months later." KHNL Hawaii News Now

In the Shaelynn Lehano case,

"Shaelynn and her brother were removed from their parents' custody in 2007 after Lehano assaulted Tiffany Stone. Later, Henrietta Stone became Shaelynn's legal guardian, although her parents lived in the same apartment complex and were allowed to have daily contact with her. Shaelynn attended Hilo Union Elementary School until November 2015, when her family pulled her from school to homeschool her. She was forbidden from leaving her home, starved, and deprived of water and medical attention for about eight months until her death."

Homeschooling's Invisible Children

There is a difference between a true homeschooler and someone that abuses the system to hide their abusive tendencies. In both of these cases there was more than sufficient evidence prior to "homeschooling" to send up red flags. Don't blame systematic errors on the homeschool community at large. The true homeschool community is active and involved. Check out our FB pages and witness the amazing accomplishments of the majority.

Singling out homeschool parents for background checks is unfair. Abuse occurs in families where children are still sent to public or private schools. For that matter, a child's chances of being abused or bullied goes up in a brick & mortar school. The government has not been able to save all those children either. If you are going to run background checks on homeschool parents then you should be doing this to ALL parents and for that matter, teachers, janitors, administration and all the children that attend public & private schools. What information can you provide that proves homeschoolers require being singled out as more likely to abuse their children?

SB-2323

Submitted on: 2/13/2018 2:02:55 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jennifer Bryant	Individual	Oppose	No

Comments:

To Whom It May Concern,

As a former public school teacher, private preschool director, and now stay-at home mother, I strongly oppose this bill.

Even though I strongly condemn child abuse and neglect, I oppose SB 2323's changes to Hawaii's homeschool law. In March 2016, Congress's national Commission to Eliminate Child Abuse and Neglect Fatalities published a report calling on state legislatures to take a broad and holistic approach to preventing child abuse. The Commission identified several key risk factors for abuse - which did not include homeschooling - and encouraged state legislatures to carefully study the causes of child abuse locally to identify real solutions. The Senate should pause and consider the Commission's recommendation before it dramatically reshapes Hawaii's homeschool law.

Sincerely,

Jennifer Bryant

SB-2323

Submitted on: 2/13/2018 2:09:09 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Trisha Gadson-Petrillo	Individual	Oppose	No

Comments:

As your constituent I want to voice my concerns about SB2323. First off, there is no real proof that abusive parents are able to abuse their children more easily than if they were in public school. Sadly, there are children in public schools who are abused every day. The majority of cases across the nation and in HI occur when children, who were already under CPS' auspices, were taken out of a school and never followed up by the authorities. This situation occurred in both cases being referred to as the basis for this bill. In the case of Peter Kema, authorities were aware of the abuse and returned the child to the abusive home. Furthermore, Peter was not of compulsory age, therefore not homeschooled. In the case of Shaelynn Lehano, she was already being dealt with by Child Protective Services before her family decided to homeschool her. It has also come to light that administrators were aware of Shaelynn's abuse and failed to report it. This law, while well-intended, would most certainly have horrific effects on parental freedom by allowing a superintendent to decide whether a family is permitted to homeschool. It is horrifying to think these sorts of things are happening to students, however, there is no evidence that says that these things happened solely because the parents homeschooled. Nor is there proof that giving other persons veto power over who is allowed to homeschool would actually solve the problem.

The Constitution of the United States grants a specific right to its citizens under the Fourth Amendment: "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized." The State of Hawai'i reasserted this right in its own Constitution in Article One Section 7: "The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches, seizures and invasions of privacy shall not be violated; and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized or the communications sought to be intercepted. [Am Const Con 1968 and election Nov 5, 1968; ren and am Const Con 1978 and election Nov 7, 1978]"

A constitutional right to privacy gives citizens the liberty to make certain crucial decisions regarding their well-being without government coercion, intimidation, or interference. Parents make decisions about the safety and privacy of their children

under this right. Hawai'i extends the right to privacy to its citizens in its constitution under Article One Section Six: "The right of the people to privacy is recognized and shall not be infringed without the showing of a compelling state interest. The legislature shall take affirmative steps to implement this right. [Add Const Con 1978 and election Nov 7, 1978]" While the aforementioned cases are heartbreaking, they do not demonstrate a compelling interest for the State of Hawai'i to infringe upon its citizens right to privacy.

As a constituent in your district, I firmly believe that the number of good homeschooling parents outweigh the bad. It is in no person's best interest to legislate oversight that will pose a major problem for the majority of homeschoolers in Hawai'i. I fear that passage of this law will put Hawai'i on the map as a state that has no compunction about trampling on the rights of its own citizens.

Mahalo for listening!

SB-2323

Submitted on: 2/13/2018 2:09:47 PM

Testimony for EDU on 2/14/2018 2:55:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
J. Bonifacio	Individual	Oppose	No

Comments:

I STRONGLY oppose SB2323.

I believe child abuse is a reprehensible crime against the most vulnerable in our society. I commend the legislature for their efforts to stop child abuse and neglect in Hawaii. However, I oppose Senate Bill 2323 because it does not help to solve the problem of child abuse in Hawaii.

An abusive parent can abuse their child any time -on the week-ends, after school, during school breaks. The law can prevent abusive parents from homeschooling their child but it won't stop them from abusing their child.

An abusive parent could choose to not file a letter of intent and would therefore not be identified by the law. This is the case with Melvin and Denise Wright, cited by the Coalition for Responsible Home Education's Homeschooling's Invisible Children web site. It seems the Wrights never filed a letter of intent and would therefore not have been detected if this bill were the law.

In the case of Peter Boy, it is obviously the failure of CPS that he lost his life. It states within the bill itself that he was removed by authorities from his parents when he was only a few months old. Why then was he allowed to be back in that environment? This is a very poor example to be used for this bill as the problem was caught before hand.

There is no data to support any link between homeschooling and child abuse and neglect. The World Health Organization, The U.S. Commission to Eliminate Child Abuse and Neglect Fatalities, and the American Psychological Association do not list homeschooling as one of the risk factors for child abuse. And yet this bill, in targeting homeschoolers, would place additional burdens and cost on child welfare services.

This proposed legislation unfairly targets homeschooling families as potential child abusers.

The bill states that (in addition to five other requirements) a homeschooling parent (and all other adults residing in the home) must:

" Agree to be "subject to a background check conducted by the department or its designee and consent to the background check"

" Agree to provide "any other information that the department deems necessary"

This bill demonizes those who choose to homeschool and criminalizes their refusal to be subjected to government scrutiny and a criminal background check. This bill grants the government permission to ask homeschooling families for ANY INFORMATION DEEMED NECESSARY. The government can ask for ANYTHING, and this bill states that the right to homeschool can be denied FOR ANY REASON. This is government overreach.

Forcing homeschoolers to submit to fingerprinting and background checks like common criminals is not going to prevent child abuse in Hawaii. School administrators should not determine whether parents are qualified to teach their own children. If a school superintendent (or designee) doesn't like a parent's attitude or curriculum for math, s/he could be denied the right to homeschool in Hawaii. What if the school superintendent (or designee) doesn't like a homeschool parent's sexual orientation (e.g., gay), religion (e.g., Mormon), history of mental illness (e.g., depression), history of criminal conviction (e.g., shoplifting), physical fitness (e.g., obese), or health/disability (e.g., deaf)? What about their choice to vaccinate or not? Are those characteristics that can result in a suspension of a parent's right to homeschool their child? How will you ensure protected classes are not facing discrimination in the execution of this law? What if a child lives with an extended ohana and family members are not US citizens? How will you investigate these individuals? The state is overstepping here.

I stand with you to stop child abuse but lets find a more reasonable and efficient way to stop the abuse of our precious keiki in Hawaii.

I strongly oppose SB2323

EDU Testimony

From: Joseph Nelson <joseph.sterling.nelson@gmail.com>
Sent: Tuesday, February 13, 2018 2:31 PM
To: EDU Testimony; HMS Testimony
Subject: Testimony for SB 2323

Good afternoon,

Unfortunately due to technical difficulties, my testimony for SB 2323 was improperly submitted. Per the guidance from the legislature's website, I am e-mailing you with the correct testimony.

I want to express my opposition to SB 2323.

While I commend the Senate for desiring the safeguarding of home school children, this bill does not solve or address the problem.

Reaching back 21 years, The bill details the account of Peter Kema, Jr., and rightfully identifies that despite a history of abuse, his parents were allowed to home school, abuse, and ultimately murder Peter. In the end, the purpose of this bill is to prevent abusive parents from using home school as a means to isolate their children and hide evidence of maltreatment. However, what this bill does is create a time intensive and money intensive dragnet that will punish more parents than prevent any child abuse.

This bill will subject parents and family members to an invasion of privacy, and strip parents of the right to home school. It will effectively treat parents who choose to home school as child abusers.

Despite the reference to the Coalition for Responsible Home Education and their Homeschooling's Invisible Children database, there is no database or report that shows a homeschooled child is more likely to be abused. In fact, of the four cases listed for Hawaii in the Homeschooling's Invisible Children database, either child welfare services or a school employee knew about the abuse, but either failed to report or failed to follow up with the abused child's situation. If CWS sees fit to return a child to the home, that should be a clear sign that they are in a safe environment to be home schooled. That there were cases where children died after they were returned home is a failure of those parents and of CWS; law-abiding home schoolers should not be punished for others' mistakes. In my opinion, regardless of the educational status of a child, if there has been a history of abuse, then CWS should conduct multiple follow-up visits to ensure the child is safe. The fact that CWS returned Peter Kema, Jr. to his parents is horrific, and I would hope that CWS has since adopted better policies to follow-up in cases of known abuse. And if they have adopted better policies, that only further shows that this bill is unnecessary.

Instead of relying on a homeschool blog, the State should turn to CWS, and implement a change in how they gather their data on child abuse to include the educational status of the child. When that happens, and legislators

and citizens can see the data, then and only then can we see if there is a link between homeschooling and child abuse. Until then, we should not create legislation in a knee jerk reaction to horrific events. We should create legislation that actually addresses a problem.

I request that you vote against SB 2323

Very Respectfully,
Joseph Nelson

Written Testimony on SB2323 by Katherine Lau of Hilo

Senators, I strongly oppose SB2323. As the parent of a young child, I applaud your desire to protect Hawaii's children from abuse and abuse fatalities. However, violating the civil liberties of homeschool families will not help to protect Hawaii's children from child abuse for four reasons:

1. **It focuses on the wrong children.** 70% of national child abuse fatalities were younger than 3 years old. SB2323 does nothing to protect children before school age.
2. It would **divert Child Welfare Services' limited resources** away from actually protecting abused children.
3. Homeschool students have **40% fewer abuse fatalities** than the national average. Imposing regulations on a group with a lower than national abuse rate is discriminatory and ineffective.
4. **Homeschooling regulation is adequate as it now stands.** Education laws should not be used in an attempt to correct a failure in child welfare enforcement.

1) 70% of national child abuse fatalities occur before a child reaches school age.

According to the U.S. Department of Health and Human Services publication *Child Maltreatment 2012*, page xii:

“Child fatalities are the most tragic consequence of maltreatment. [...] Analyses were performed on the number of child fatalities for whom case-level data were obtained: [...] (70.3%) of all child fatalities were younger than 3 years old. “

Legislation of school-age children (regardless of school type) will not protect children who die before Kindergarten. SB2323 relates Peter Boy's tragic story as an example, but it is very important to note that his abuse was identified by authorities when he was a few months old, long before school-age. Hawaii would protect more abused children by legislating to improve child welfare enforcement or increase resources for Child Welfare Services so that they could more actively protect children who have been identified as abused.

2) SB2323 will overburden Child Welfare Services. Adding 7,000 homeschool students (cases with no evidence of abuse) to the workload of CWS will divert valuable resources from CWS's mission to protect the children it has already identified as abused. Hawaii needs more resources for protecting the children who have been abused, not fewer resources.

3) Two studies conclude that homeschool children are abused less than school children.

Study #1 looked at the rate of child abuse fatalities of homeschoolers compared to the national average and found that legally homeschooled students have 40% fewer fatalities than the national average. The study concludes:

There is no evidence that existing homeschool regulations caused the low fatality rate among legally homeschooled students. Public schools are highly regulated. Yet public school child fatality rates are higher than the rate for those legally homeschooling. [...] There is no reason to impose "protective" regulations on families who already [have] a lower fatality rate than the rest of the nation.

Source: *Homeschool Child Fatalities Fewer than the National Average*, Rodger Williams (2017). Retrieved February 12, 2018 from <http://thehomeschooleffect.com/child-fatalities-regulation.html>

Study #2 reviewed data from 9,369 adults and found that children who were homeschooled were significantly less likely to have been sexually abused as minors than those who attended public school or those who attended private Christian schools.

Source: *Academic Achievement and Demographic Traits of Homeschool Students: A Nationwide Study*, Ray, Brian D. (2010). *Academic Leadership Journal*, 8(1). Retrieved January 23, 2018 from <https://www.nheri.org/academic-leadership-journal/>

4) Homeschooling regulation is adequate as it now stands. Education laws were designed to ensure children learn. Education laws were not designed to serve as child abuse monitoring systems. Hawaii already has child welfare laws. Education laws should not be used in an attempt to correct a failure in child welfare enforcement.

I urge you to withdraw support for SB2323. This bill will not protect abused children in Hawaii. In addition, the bill will negatively affect 7,000 of Hawaii's children. I was homeschooled in Hawaii for 12 years. My homeschooling was a valuable experience, which led to graduating with honors from an Ivy League college. Next year, I plan to homeschool my child. This bill would cause our family needless stress, cut into the time I have to provide my child with a quality education, and violate the civil liberties of myself and other parents who exercise their legal right to educate their child.