



The Judiciary, State of Hawai‘i

Testimony to the House Committee on Judiciary
Representative Chris Lee, Chair
Representative Joy A. San Buenaventura, Vice Chair

Wednesday, February 13, 2019 2:01 p.m.
State Capitol, Conference Room 325

by

Christine E. Kuriyama
Deputy Chief Judge, Senior Family Judge
Family Court of the First Circuit

WRITTEN TESTIMONY ONLY

Bill No. and Title: House Bill No. 506, H.D.1, Relating to Alternative Schools for Juveniles.

Purpose: Appropriates funds to the Department of Education for an alternative school to provide ongoing education to juveniles involved in the justice system or at risk of involvement in the justice system.

Judiciary's Position:

The Judiciary submits this testimony in strong support of this bill authorizing and funding an alternative school in the Honolulu areas, to be developed by the Department of Education (DOE).

For many and varied reasons, many of which are outside the control of the students, at-risk youth and youth in the juvenile justice system are not well equipped to succeed in the traditional school setting. Often their younger years have been shaped by traumatic life experiences, dysfunctional family systems, continuing neglect and abuse, and lack of school readiness skills. Much of these early experiences result in short attention spans, impulsive behaviors, difficulty managing anger and frustration, and dissociative coping behaviors. Many are also laboring under undiagnosed or misdiagnosed psychological or educational disabilities. As a result, the youth are unable to succeed and experience repeated failures, despite their best efforts and the best efforts of their teachers in traditional settings.



House Bill No. 506, H.D.1, Relating to Alternative Schools for Juveniles
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In the past, alternative schools have been developed and were successful. The Family Court worked closely with such schools to refer appropriate students and then to support those students by augmenting their court orders with individual and/or family counseling. We also worked closely with the alternative schools to ensure student accountability through probation incentives and court reviews and appropriate court sanctions.

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

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

Thank you for the opportunity to testify on this measure.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
THIRTIETH LEGISLATURE, 2019**

ON THE FOLLOWING MEASURE:

H.B. NO. 506, H.D. 1, RELATING TO ALTERNATIVE SCHOOLS FOR JUVENILES.

BEFORE THE:

HOUSE COMMITTEE ON JUDICIARY

DATE: Wednesday, February 13, 2019 **TIME:** 2:01 p.m.

LOCATION: State Capitol, Room 325

TESTIFIER(S): Clare E. Connors, Attorney General, or
Melissa J. Kolonie, Deputy Attorney General

Chair Lee and Members of the Committee:

The Department of the Attorney General provides the following comments.

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

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

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

Thank you for the opportunity to provide comments.



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

Date: 02/13/2019
Time: 02:01 PM
Location: 325
Committee: House Judiciary

Department: Education

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

Title of Bill: HB 0506, HD1 RELATING TO ALTERNATIVE SCHOOLS FOR JUVENILES.

Purpose of Bill: Appropriates funds to the Department of Education for an alternative school to provide ongoing education to juveniles involved in the justice system or at risk of involvement in the justice system. (HB506 HD1)

Department's Position:

The Department of Education (Department) supports the intent of HB 506 HD1 and offers comments.

The purpose of HB 506 HD1 is consistent with the Department's ongoing efforts to improve the educational outcomes for at-risk students by utilizing an expanded platform of services and resources in an Alternative Learning Center (ALC). Currently, the Department has three established ALCs on Oahu: High Core (or Storefront) in the Central District, Olomana Youth Center in the Windward District, and the newly established Nanakuli-Waianae ALC on the Leeward coast. These models share the same core components while addressing the unique needs of their vulnerable at-risk populations. Students are provided an opportunity to thrive in a smaller learning environment with the necessary resources and supports to address academic, behavioral, and social-emotional needs.

The Department is appreciative of the additional ALC resources provided by the 2018 Legislature. In response, the Department established an ALC Director who is responsible for leading the strategic planning and design efforts statewide to identify the unique needs of each district's at-risk population. Further, HB 506 HD1 aligns with the Department's work to coordinate resources and identify a landscape of needs to ensure each and every student reaches their fullest potential and graduates.

Existing appropriated funds are allocated to the Complex Areas. Complex Area Superintendents and Principals collaborate and identify how to best serve their target juvenile population in their school community.

We appreciate that the bill recognizes the need for an additional general fund appropriation to assist with the effective implementation of this measure. Respectfully, the Department requests that the implementation of HB 506 HD1 does not replace or adversely impact priorities as indicated in our BOE approved budget.

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

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.

DEPARTMENT OF THE PROSECUTING ATTORNEY
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**THE HONORABLE CHRIS LEE, CHAIR
HOUSE COMMITTEE ON JUDICIARY
Thirtieth State Legislature
Regular Session of 2019
State of Hawai'i**

February 13, 2019

RE: H.B. 506, H.D. 1; RELATING TO ALTERNATIVE SCHOOLS FOR JUVENILES.

Chair Lee, Vice-Chair San Buenaventura and members of the House Committee on Judiciary, the Department of the Prosecuting Attorney of the City and County of Honolulu ("Department") **strongly supports** H.B. 506, H.D. 1. This bill is part of the Department's 2019 legislative package.

The purpose of H.B. 506, H.D. 1, is consistent with this Department's ongoing concern for Hawai'i's at-risk youth, as reflected in our efforts to submit and support similar bills in the past [S.B. 419 (2013), H.B. 237 (2013), H.B. 1461(2015) and S.B. 2110 (2016)]. It is our understanding that Honolulu is currently the only school district on Oahu that does not have an alternative school (or plans underway to open one, as Leeward began this past year).

Over the years, increases in juvenile crime have prompted various business groups to request assistance in curbing crime against their establishments, and the Department has seen increasing incidents where the juvenile offenders are as young as 12 years old. Many of these juvenile offenders are excluded (primarily through their own doing) from the traditional public education system, which only worsens the problem and may increase the chances of future involvement in the criminal justice system. At the same time, the Family Court has implemented a program called Juvenile Detention Alternative Initiative, in which juveniles are (ideally) diverted from detention to attend alternative programs. Yet there continue to be very few programs available to juvenile offenders in Hawaii, often leaving them with little or no meaningful alternatives.

H.B. 506, H.D. 1, seeks to establish an "alternative school" program in the Honolulu School District, for juveniles involved or at-risk of becoming involved in the justice system, similar to the DOE's "High Core Program"—formerly known as Storefront School—located in

Wahiawa (Central District). It is our understanding that the DOE currently maintains numerous, smaller, “alternative learning centers” throughout the Honolulu District, that serve this general purpose. However, the Department strongly believes that the specialized facilities, curriculum and staffing model seen at High Core present a heightened opportunity for these at-risk youth to be temporarily away from the environment that likely serves to perpetuate their difficulties, then reintegrates the youth immediately thereafter, so the youth can utilize the new skills, understanding and confidence that they gained at the alternative school.

Alternative schools such as High Core provide a non-traditional education that addresses each individual student. Students who are identified by their home-schools as severely alienated or at-risk are enrolled in the alternative school, with a goal to reduce or prevent student dropout in the school district. In addition to academics, High Core provides its students with a learning environment that is better-suited to their needs, and helps them to develop appropriate socio-emotional competencies and other self-development through guidance and counseling activities.

In 2013, our Department worked closely with the Department of Education (“DOE”) to develop language that would meet the DOE’s needs in this regard; H.B. 506, H.D. 1, contains that same language (with relevant dates updated). Although Oahu is the primary concern for our Department, we also believe that alternative schools could be of great benefit statewide, in places where there are currently no alternative schools.

Although our Department's primary role is to prosecute juvenile and criminal cases within the justice system, our overarching focus is on public safety for the community, and that starts with prevention and education. If a sufficient number of programs like High Core were developed and implemented, the Department strongly believes that many more at-risk youth could be “diverted” before they ever become part of the juvenile justice system, or the criminal justice system. There can be no doubt that more programs are desperately needed, and we strongly believe that the additional “alternative school” would help to adequately service our at-risk youth.

For all the reasons above, the Department of the Prosecuting Attorney of the City and County of Honolulu strongly supports H.B. 506, H.D. 1. Thank you for the opportunity to testify on this matter.

COMMUNITY ALLIANCE ON PRISONS

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COMMITTEE ON JUDICIARY

Rep. Chris Lee, Chair

Rep. Joy SanBuenaventura, Vice Chair

Wednesday, February 13, 2019

2:01 pm

Room 325

OPPOSITION to HB 506 HD1 - ALTERNATIVE SCHOOLS FOR JUSTICE-INVOLVED YOUTH

Aloha Chair Lee, Vice Chair SanBuenaventura and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative promoting smart justice policies in Hawai'i for more than two decades. This testimony is respectfully offered on behalf of the families of **ASHLEY GREY, DAISY KASITATI, JOEY O'MALLEY, JESSICA FORTSON AND ALL THE PEOPLE WHO HAVE DIED UNDER THE "CARE AND CUSTODY" OF THE STATE** as well as the approximately 5,400 Hawai'i individuals living behind bars or under the "care and custody" of the Department of Public Safety on any given day. We are always mindful that more than 1,600 of Hawai'i's imprisoned people are serving their sentences abroad thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Kanaka Maoli, far, far from their ancestral lands.

Community Alliance on Prisons is in **OPPOSITION** to HB 506 HD1 that appropriates funds to the Department of Education for an alternative school to provide ongoing education to juveniles involved in the justice system or at risk of involvement in the justice system.

This bill makes us sad as it basically says, "Oh, well, we've tried everything. Let's put all these young folks who constantly misbehave together so we don't have to think about them being part of the larger community." Many times these young people are trying to be seen. They are trying to be heard. Let's see them, Let's hear them and value their voices.

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

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

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

THE RESEARCH

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

“Recommendations

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

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

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

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

Conclusions and Implications

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

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

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

HIGHLIGHTS:

- *Recent research indicates that youth experience protracted maturation, into their mid-twenties, of brain systems responsible for self-regulation. This has stimulated interest in measuring young offenders' psychosocial maturity into early adulthood.*

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

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

- Youth whose antisocial behavior persisted into early adulthood were found to have lower levels of psychosocial maturity in adolescence and deficits in their development of maturity (i.e., arrested development) compared with other antisocial youth.
- The vast majority of juvenile offenders, even those who commit serious crimes, grow out of antisocial activity as they transition to adulthood. Most juvenile offending is, in fact, limited to adolescence.
- This study suggests that the process of maturing out of crime is linked to the process of maturing more generally, including the development of impulse control and future orientation.

Segregating and grouping together youth who have violated the law, have high-risk of violating the law, and youth who are at-risk generally, can increase delinquency and criminality. Youth have excellent rehabilitation prospects between the ages of 14 to 25. Research confirms: *“The vast majority of juvenile offenders, even those who commit serious crimes, grow out of antisocial activity as they transition to adulthood. Most juvenile offending is, in fact, limited to adolescence”*²

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

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

As Marian Wright Edelman put it so eloquently:

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

Please hold this measure. Mahalo for this opportunity to testify.

³ **Psychosocial Maturity and Desistance from Crime in a Sample of Serious Juvenile Offenders**, OJJDP Bulletin, March 2015, p.1 <http://www.ojjdp.gov/pubs/248391.pdf>

HAWAII YOUTH SERVICES NETWORK

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Rick Collins, President

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Bay Clinic

Big Brothers Big Sisters of Hawaii

Bobby Benson Center

Child and Family Service

Coalition for a Drug Free Hawaii

Collins Consulting, LLC

Domestic Violence Action Center

EPIC, Inc.

Family Programs Hawaii

Family Support Hawaii

Friends of the Children of West Hawaii

Hale Kipa, Inc.

Hale 'Opio Kauai, Inc.

Hawaii Children's Action Network

Hawaii Health & Harm

Reduction Center

Hawaii Student Television

Ho'ola Na Pua

Kahi Mohala

Kokua Kalihi Valley

Maui Youth and Family Services

Na Pu'uwai Molokai Native Hawaiian Health Care

Systems

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

Parents and Children Together (PACT)

PHOCUSED

PFLAG – Kona Big Island

Planned Parenthood of the

Great Northwest and

Hawaiian Islands

Residential Youth Services

& Empowerment (RYSE)

Salvation Army Family

Intervention Services

Sex Abuse Treatment Center

Susannah Wesley Community Center

The Catalyst Group

February 12, 2019

Representative Chris Lee, Chair
And members of the Committee on Judiciary

TESTIMONY IN OPPOSITION TO HB 506 RELATING TO ALTERNATIVE SCHOOLS FOR JUVENILES

Hawaii Youth Services Network (HYSN), a statewide coalition of youth-serving organizations, opposes HB 506 Relating to Alternative Schools for Juveniles.

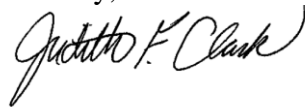
Nearly half of the youth in the juvenile justice system have been arrested for status offenses such as running away from home or being truant from school. Serious family problems and untreated mental health or substance abuse problems are most often the cause of behavioral issues.

These youth are already stigmatized and traumatized by their involvement with the law enforcement and court systems. They should not be stigmatized further by removal from their home school and friends into an alternative school placement. The youth come to believe that they are not “good enough” to be in a regular school..

Keeping students in their home schools while providing tutoring, mental health and substance abuse treatment, and family support services are more likely to meet the needs of the youth and family. It allows the youth to maintain his or her natural support systems at school, home and community.

Thank you for this opportunity to testify.

Sincerely,



Judith F. Clark, MPH
Executive Director



HAWAI'I LODGING & TOURISM
ASSOCIATION

LATE

Testimony of
Mufi Hannemann
President & CEO
Hawai'i Lodging & Tourism Association

Committee on Judiciary
February 13, 2019

House Bill 506 HD1: RELATING TO ALTERNATIVE SCHOOLS FOR JUVENILES

Chair Lee and members of the House Committee on Judiciary, mahalo for the opportunity to submit testimony on behalf of the Hawai'i Lodging & Tourism Association, the state's largest private sector visitor industry organization.

The Hawai'i Lodging & Tourism Association—nearly 700 members strong, representing more than 50,000 hotel rooms and nearly 40,000 lodging workers — **supports** House Bill 506 HD1 which seeks to appropriate funds to the DOE to establish and maintain an alternative school in the Honolulu school district.

Last year, the Hawai'i Lodging & Tourism Association, along with a spectrum of public safety partners, came together to host the first-ever Visitor Public Safety Conference. Our meeting attracted 200 stakeholders from government, the visitor industry, law enforcement, business, armed services, and the community, and was prompted by concern over crime and public safety in Waikiki and other tourist destinations in the islands. We are planning our second iteration of this conference for late March of this year.

The conference revealed the many challenges facing our community, but the exchange of perspectives and ideas also produced many meaningful recommendations which the stakeholders will be pursuing in the months ahead. One of the panel discussions focused on youth and juvenile reform because many young people are gathering in Waikiki, where they have been involved with drugs, petty crime, and, in a few cases, felonies. The experts, including Colette Kajiwara, lead coordinator from the alternative learning center Storefront School in Wahiawa, called for more support for organized youth activities, expanded mental health services for at-risk youth, addressing the problems of young people individually rather than in groups to avoid gang and peer pressure, and combating drug use. I have had the good fortune of working with Colette through the years and have been able to witness her progress and accomplishments up close. Our plans call for more collaboration with government agencies on key legislation and funding requests—including this call for expanded alternative learning centers—and seeking to encourage more private and public funding support for nonprofit youth groups and government agencies in their quest to steer our young people to more productive lifestyles.

We believe House Bill 506 HD1, represents a significant step forward in this regard and we urge your support for its passage.

Mahalo.

HB-506-HD-1

Submitted on: 2/11/2019 7:43:00 PM

Testimony for JUD on 2/13/2019 2:01:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Mike Golojuch	Individual	Support	No

Comments: