



LATE

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

Date: 03/19/2019
Time: 02:05 PM
Location: 325
Committee: House Judiciary

Department: Education

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

Title of Bill: SB 0388, SD2, HD1 RELATING TO EDUCATION.

Purpose of Bill: Requires DOE to provide specified assessments and evaluations, upon parent or guardian request, to vulnerable students exhibiting behavioral issues and to students who have been suspended for the purpose of providing appropriate services that allow the child to complete education. Lowers the threshold age for alternative or vocational schools from 16 to 14. (SB388 HD1)

Department's Position:

The Department of Education (Department) provides the following comments on SB 388 SD2 HD1:

The Department is committed to ensuring the early identification of children who exhibit emergent or persistent behaviors, academic challenges, or chronic absenteeism and are in need of appropriate supports and interventions accessible within the continuum of a Multi-tiered System of Supports (MTSS).

Through a collaborative effort with Kamehameha Schools Strategy & Innovation Division and Kinai 'Eha, the Department is proposing to establish a task force of vested stakeholders to create a system for evaluating and assessing vulnerable children. This coordinated effort will ensure accurate identification of children who exhibit emergent or persistent behaviors, academic challenges, or chronic absenteeism and are in need of appropriate supports and interventions accessible within the continuum of MTSS.

The task force would be entrusted with the following responsibilities:

- Convene no less than four times a year with the initial meeting of the task force being held no later than September 12, 2019.
- Consider best practices and evidence based strategies when reviewing current policies, programs, and assessments and making recommendations for the establishment of protocol to identify students in need of appropriate supports and interventions due to the experience of trauma.
- Identify essential components and promote the use of MTSS innovative evidence-based

strategies, research-based approaches, and practices; and to review the use of assessments to identify students of trauma.

- Utilize the Adverse Childhood Experiences(ACE) assessment protocol. Coordinate and assemble the strongest components of these resources to include the Department and community networks as well, to effectively respond to the challenge of reducing and preventing adverse childhood experiences while providing flexibility for all related agencies to design response that are appropriate for the children.
- Establish a 7th and 9th grade pilot program for the ACE assessment and identify a complex area pursuant to complex area superintendent's approval of middle school participation. Collect and analyze the data from participating pilot schools and make recommendations regarding the implementation of the ACE assessment statewide.
- Develop a system of data collection and implementation framework for statewide use.
- Aggregate the data within and across the agencies to inform treatment interventions, systems responses to trauma, and public policies to address childhood trauma and prevent it for future generations.
- Submit a preliminary report of findings and recommendations, including any proposed legislation by July 19, 2020.

Further, the task force is requested to address the Department's strong concerns regarding the proposed language in SB 388 SD2 HD1, noting the following:

- The evaluation of suspended students to identify and provide services for any social disorder, emotional disorder, or learning difference is unnecessary because federal and state laws provide protections for students suspected of a disability, where a parent can request an evaluation. The Department is legally obligated to follow the requirements of the federal Individuals with Disabilities Education Act (IDEA) and Hawaii Administrative Rules (HAR), Title 8, Chapter 60, Provision of a Free Appropriate Public Education for a Student with a Disability. (Section 2)
- The request to amend §302A-1132 Attendance compulsory; exceptions (a)(6)(A). (Section 3) The Department questions the proposed age change from 16 to 14.

Thank you for this opportunity to provide testimony on this matter.

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.



Date: 03/19/19

Time: 2:05 PM Conference Room 325

Committee on Judiciary

Person Testifying: Josiah 'Ākau, Founder & Executive Director – Kinai 'Eha

Title of Bill: SB 0388 RELATING TO EDUCATION.

The Kinai 'Eha program is in full support of SB388 and respectfully asks that the Committee on Judiciary also support the legislation. Kinai 'Eha is an alternative education training program teaching at-risk youth 16-24 the construction trades. We train teens and young adults who are on work furlough from the Hawai'i Youth Correctional Facility and come to us from many of the vulnerable populations listed in the bill. We have found extreme value in having our students provided with comprehensive social/emotional and learning differences assessments that have uncovered a multitude of social/emotional disorders and learning differences which had never been diagnosed. All of our students, many who are Native Hawaiian have experienced or continue to experience trauma due to their past and current life situations.

Most of our students in Kinai 'Eha are DOE dropout's and have never received a comprehensive clinical and learning differences assessment, thus they have not benefited from the critical mental health and educational services required for successful education and employment attainment and overall quality of life and well-being. The assessments have provided our team and the students with valuable insights into their social/emotional well-being. Many of our students suffer from anxiety and depression or both, which is compounded by a myriad of learning differences. The information we have garnered from the assessments have allowed us to craft individual service plans (ISP) for each student. These ISP's ensure that our students receive the appropriate mental health care and educational assistance they need to complete their GED's/HISET diplomas, develop workforce readiness skills and live an overall healthier and productive life – essentially disrupting the "Pathway to Prison" and cycles of poverty within their families.

While in the DOE, many of our students were considered the trouble makers, delinquents, stupid and good-for-nothing kids. Their assessment results tell a different story...half of the students tested were gifted. In order for Hawai'i to disrupt the "Pathway to Prison" we need to address root causes of why our most vulnerable students are being disenfranchised and dropping out of our public school system. Toxic stress is real and it affects how our brains are wired and function. Our at-risk kids are immersed in toxic stress on a daily basis and we cannot ignore any longer the effects this has on their social/emotional well-being and cognitive development. Comprehensive assessments for this special population is critical and a key to unlocking what we cannot see occurring in the brain. We need to conduct these assessments as an early intervention strategy to help uncover the root causes of academic underperformance and negative social behaviors in order to provide the students with the critical care they need to be successful in school, work, home and their communities.

Mahalo nui,

A handwritten signature in black ink that reads "Josiah 'Ākau". The signature is written in a cursive style with a large initial 'J'.

Founder & Executive Director, Kinai 'Eha

A BILL FOR AN ACT

RELATING TO EDUCATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. The legislature finds that children living in poverty who have one or more parents incarcerated, are the victims of abuse or neglect, or are homeless often experience a range of traumatic and toxic stress. This stress can harm the child's brain development and physical, social, mental, emotional, and behavioral health and well-being.

The legislature further finds that in 2013, the Healthcare Association of Hawaii conducted a comprehensive study on Kauai to, among other things, uncover the needs of vulnerable populations, many of which have individuals of native Hawaiian ancestry. The study revealed that teens who drop out of school have a diminished ability to advocate for their own health and wellness compared to their peers still enrolled in school.

Compounding this problem is that in 2017, 14.2 per cent of the

students in department of education schools dropped out, amounting to 25,546 students.

The legislature finds that since high school dropouts are more likely to experience incarceration and poverty, it is imperative that the department of education identify students who are likely to drop out, assess their needs, and provide them with the services they need to succeed.

The purpose of this Act is to establish a task force of vested stakeholders to create a system for evaluating and assessing all children. This coordinated effort will ensure accurate identification of children who exhibit emergent or persistent behaviors, academic challenges, or chronic absenteeism and are in need of appropriate supports and interventions accessible within the continuum of a Multi-tiered System of Supports (MTSS).

Section 2. The department of education shall establish a task force to create a system for evaluating and assessing all children and those who are exhibiting emergent or persistent behaviors, academic challenges or chronic absenteeism and are in need of appropriate supports and interventions accessible within the continuum of a Multi-

Tiered System of Supports (MTSS)

(a.) The following individuals shall serve as members of the task force:

- (1.) The superintendent of education or the superintendent's designee shall serve as the chairperson of the task force.
- (2.) The director of health, or the director's designee;
- (3.) The director of human services, or the director's designee;
- (4.) An elementary school principal, or the principal's designee, to be determined by the complex area superintendent;
- (5.) A secondary school principal, or the principal's designee, to be determined by the complex area superintendent;
- (6.) DOE director of alternative learning centers;
- (7.) DOE director office student support services or designee;
- (8.) DOE office of student support services Representatives; (ie, MTSS Educational Specialist, SBBH Educational Specialist)
- (9.) A school level personal to be determined by principal (ie, RTI, Coaches) and
- (10.) A DOE complex area district educational specialist from School Based Behavioral Health

In addition, the following community members and organizations will serve as part of the task force and provide constituent voice, technical and practitioner advisement

- (11.) Kinai 'Eha Executive Director
- (12.) Kinai 'Eha Representative
- (13.) Kinai 'Eha Representative
- (14.) Kamehameha Schools Strategy & Innovation Representative
- (15.) Hawai'i Youth Correctional Facility Representative

(16.) Lili'uokalani Trust Systems Change Representative

(17.) Partners In Development Representative

(18.) ASSETS School Representative

(b) Members of the task force shall serve without compensation but shall be reimbursed for reasonable expenses, including travel expenses, incurred in relation to the performance of duties required pursuant to this Act.

(c) The task force shall convene no less than four times a year with the initial meeting of the task force being held no later than September 12, 2019

(d) The task force shall consider the following concepts when reviewing current policies, programs, and assessments and making recommendations for the establishment of protocol to identify students in need of appropriate supports and interventions due to the experience of trauma.

1. Identify and promote the use of MTSS innovative evidence-based strategies, research-based approaches, and practices; and to review the use of assessments to identify students of trauma.
2. To establish the Adverse Childhood Experiences (ACE) assessment protocol. Coordinate and assemble the strongest components of these the department of education resources and community networks to effectively respond to the challenge of reducing and preventing adverse childhood experiences while providing flexibility for communities, all related agencies to design responses that are appropriate for the children.
3. For the Fall of 2019 establish a 7th and 9th grade pilot program for the ACEs assessment and identify a complex area per complex area superintendent's approval of middle school participation. Those schools participating will implement the ACEs assessment and the task force will collect and analysis the data.

4. Develop a system of data collection and implementation framework for state-wide use.
5. Cross agencies effort on obtaining an ACE score for each young person that helps agency personnel understand their trauma histories, and to connect those scores to well-being domains and outcomes that will change the trajectory of their lives
6. To aggregate the data within and across the agencies to inform treatment interventions, systems responses to trauma, and public policies to address childhood trauma and prevent it for future generations.
7. Submit a preliminary report of its findings and recommendations, including any proposed legislation by July 19, 2020.
8. (a) An assessment requested pursuant to subsection. If an assessment identifies a social disorder, emotional disorder, or learning difference, the student may choose to attend an alternative educational school or vocational education training program instead of the educational placement determined by school authorities.
(b) Proportionate special education per pupil funding shall follow the student; provided that if a student chooses to attend and complete an education in an alternative educational school or vocational education training program, funding for the school from which the student leaves shall not be reduced if the student attends a different school.(c) Attendance at an alternative educational school or vocational education training program alone shall not prohibit a student from participating in extramural activities, clubs, and sports of the school from which the student previously attended.

"SECTION 3. Section 302A-1132, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) Unless excluded from school or excepted from attendance, all children who will have arrived at the age of at least five years on or before July 31 of the school year, and who will not have arrived at the age of eighteen years, by January 1 of any school year, shall attend either a public or private school for, and during, the school year, and any parent, guardian, or other person having the responsibility for, or care of, a child whose attendance at school is obligatory shall send the child to either a public or private school. Attendance at a public or private school shall not be compulsory in the following cases:

(1) Where the child is physically or mentally unable to attend school (deafness and blindness excepted), of which fact the certificate of a duly licensed physician shall be sufficient evidence;

9. (2) Where the child, who has reached the fifteenth anniversary of birth, is suitably employed and has been excused from school attendance by the superintendent or the superintendent's authorized representative, or by a family court judge;

10. (3) Where, upon investigation by the family court, it has been shown that for any other reason the child may properly remain away from school;

11. (4) Where the child has graduated from high school;

12. (5) Where the child is enrolled in an appropriate alternative educational program as approved by the superintendent or the superintendent's authorized representative in accordance with the plans and policies of the department, or notification of intent to home school has been submitted to the principal of the public school that the child would otherwise be required to attend in accordance with department rules adopted to achieve this result; or

13. (6) Where:
14. (A) The child has attained the age of
[~~sixteen~~] fourteen years;
15. (B) The principal has determined that:
16. (i) The child has engaged in behavior which is
disruptive to other students, teachers, or staff; or
17. (ii) The child's non-attendance is chronic and has
become a significant factor that hinders the child's
learning; and
18. (C) The principal of the child's school, and the
child's teacher or counselor, in consultation with the
child and the child's parent, guardian, or other adult
having legal responsibility for or care of the child,
develops an alternative educational plan for the
child. The alternative educational plan shall include a
process that shall permit the child to resume school.
19. The principal of the child's school shall file the
plan made pursuant to subparagraph (C) with the child's
school record. If the adult having legal responsibility
for or care of the child disagrees with the plan, then the
adult shall be responsible for obtaining appropriate
educational services for the child."

SECTION 4. Statutory material to be repealed is bracketed and
stricken. New statutory material is underscored.

20. SECTION 5. This Act shall take effect on July 1, 2050.

21. **Report Title:**

22. DOE; Special Education; Disability; Expulsion; Student
Rights

23. **Description:**

24. Authorizes parents and guardians of vulnerable
students and students exhibiting behavioral issues to
request a clinical or psychoeducational
evaluation. Requires the Department of Education, after

expelling a student, to provide the suspended student's parents or guardians with the option to request an assessment of the student to uncover contributing factors that may have led to the suspension and that may mitigate future disciplinary issues or concerns, including receiving special education services. Effective 7/1/2050. (SD2)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect on July 1, 2050

Rep, Chris Lee, Committee Chair
Rep, Joy A. San Buenaventura Vice-Chair House Committee on Judiciary

Tuesday, March 19, 2019, 2:05 PM,
Conf. Room 325 Support for SB 388 SD2,

Relating to DOE Special Education Disability and Student Rights;

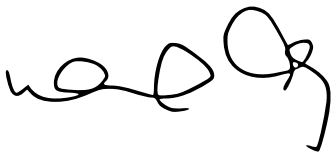
Aloha, my name is Daniel Goya. I am the Director of Project Development for the Partners in Development Foundation. I am also the founder of the Ka Pa'alana Homeless Family Education Program and the Ke Kama Pono Safe House- an adjudicated 12-bed residential facility and a Community Resilient Initiative Trauma Informed national trainer. I am submitting this testimony as a private citizen, to express my very strong support for SB 388 that would require the DOE to provide specified assessments and evaluations, upon parent or guardian request, to vulnerable students exhibiting behavioral issues and to students who have been suspended for the purpose of providing appropriate services that allow the child to complete his/her education. I am also in strong support for this bill as it lowers the threshold age for alternative or vocational schools from 16 to 14.

The research indicates that adverse childhood experiences and toxic home environments can affect brain development, particularly the prefrontal cortex. This is key, as this particular part of the brain (that does not fully develop till age 25) is responsible for abstract thought, executive function skills and reasoning. Early identification and supported services through the adolescent years can positively affect the behavior of a teenager.

This bill will allow critical services and a correct referral service process to take place. In trauma-informed care we preach about changing the paradigm from, "what is wrong with you?!" to "What happened to you?" This bill will be the first step in changing fixed mindsets in how we approach youth who have suffered from adverse childhood experiences.

Please support SB 388.

Mahalo,

A handwritten signature in black ink, appearing to read 'Daniel Goya', with a stylized flourish at the end.

Daniel Goya

SB-388-HD-1

Submitted on: 3/18/2019 6:07:35 PM

Testimony for JUD on 3/19/2019 2:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Omar Sultan	Individual	Support	No

Comments: