

Date: 03/29/19

Time: 2:30 PM, Conference Room 308

Committee: Finance

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\_HD2 with its approved amendments and I respectfully ask that the Committee on Finance also support the legislation with the following new amendment.**

Kinai 'Eha and the Department of Education have jointly crafted the following approved amendment which establishes 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). This amendment was approved by the House Judiciary Committee on March 20, 2019.

As a result of the newly agreed upon amendment we, Kinai 'Eha and the Department of Education would like to ensure clarity by further amending the bill to remove the following original language:

The purpose of this Act is to require the department of education to:

- (1) Evaluate and assess certain vulnerable children and children exhibiting emergent or persistent behavioral issues;
- (2) Assess suspended students at the request of the student's parent or guardian to identify factors contributing to the student's suspension and provide services to the student for any social disorder, emotional disorder, or learning difference; and

SECTION 2. Chapter 302A, Hawaii Revised Statutes, is amended by adding two new sections to part II, subpart C, to be appropriately designated and to read as follows:

"§302A- Evaluations of vulnerable children and children exhibiting emergent or persistent behavioral issues.

(a) Upon request by a parent or guardian of a vulnerable child or a child who has exhibited emergent or persistent behavioral issues, the department shall provide the child with the following assessments and evaluations:

- (1) An adverse childhood experience survey;
- (2) A clinical assessment and, if needed, mental health services and follow-up counseling; and
- (3) A comprehensive psychoeducational evaluation that includes:
  - (A) A cognitive assessment using the latest edition of the Wechsler Intelligence Scale for Children, the Universal Nonverbal Intelligence Test, or another test approved by the director of health;
  - (B) An academic assessment using the latest edition of the Woodcock Johnson Tests of Achievement, Wechsler Individual Assessment Tests, or another test approved by the director of health;

(C) A social work assessment based upon the child's background, developmental, academic, legal, medical, and family history;

(D) A behavioral and emotional assessment using diagnostic interview and assessment measures for emotional, behavioral, cognitive, and social functioning that identifies strengths, interests, and motivators to support rapport building and interventions;

(E) A speech and language assessment; and

(F) An occupational therapy assessment.

(b) For purposes of this section:

"Child" means a person not younger than eleven years of age and not older than nineteen years of age.

"Vulnerable child" means any child who has:

(1) Been homeless within the past five years;

(2) One or more parents who have been incarcerated within the past ten years;

(3) Been in the foster care system;

(4) Used illegal drugs;

(5) A family history of alcohol or drug abuse;

(6) Been a victim of bullying or has bullied others; or

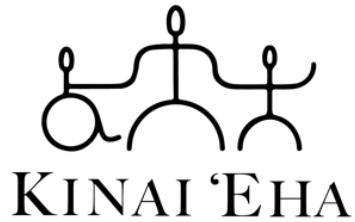
7) A gang affiliation.

Mahalo nui,

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

Josiah Akau

Founder & Executive Director, Kinai 'Eha



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 Akau".

Josiah Akau

Founder & Executive Director, Kinai 'Eha

**SB-388-HD-2**

Submitted on: 3/28/2019 12:19:53 PM

Testimony for FIN on 3/29/2019 2:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Gina Samala	Mililani Psychology Group	Support	No

Comments:

March 28, 2019

Committee: Committee on Finance

Rep. Sylvia Luke, Chair

Rep. Ty Cullen, Vice Chair

Person Testifying: Gina Ann Leong Samala, PsyD, Clinical Psychologist, Mililani Psychology Group

Type of Bill: SB 0388 RELATING TO EDUCATION.

I am in full support of SB388 and respectfully ask that the Committee on Lower and Higher Education also support the legislation ~~strongly support SB388 which would require the department of education to evaluate and assess certain vulnerable children. This population includes children exhibiting emergent or persistent behavioral and educational issues as well as suspended students. The purpose is to identify and provide services needed for social or emotional disorders as well as learning differences.~~ Early identification and services for vulnerable youth and providing support is critical given the pervasive impact of social, emotional, behavioral, and learning challenges. Given early intervention with built in community supports, the likelihood of diverting youth from the “pathway to prison” to a “pathway to success” becomes more promising.

I have had the privilege of conducting comprehensive neuro-psycho-educational assessments and providing services with diverse populations in Hawai'i for over 20 years in school, clinic, hospital, and community settings.

Role of Strength and Weakness Identification - Balance

Evaluating the students at the Kinai 'Eha program, we found that most students demonstrated adequate or higher potential in some areas than their same-aged peers, despite years of missed formal education (some only completed 9th grade).

While learning challenges were loud and clear to students, their strengths were overlooked for the most part. These strengths could have supported, or help off-set, the pervasive impact of negative experiences during developmental years in the school setting. A missed opportunity at the time, which often fostered a feeling of generalized failure and hopelessness for their future in the work place, community, and in their homes.

With early identification, students' strength and weakness can be addressed through alternative curriculum, approaches to learning, or simply being educated about their personal profiles with a collaborative plan. It is amazing to see the motivation in their current program, and the consistent surprised reaction when learned about their profile.

#### Lifelong Negative Self-Concept in Productivity Among Peers: Learned Early In Life

During testing, the students were initially apprehensive, but quickly became engaged and eager to learn how they performed. Majority of examinees did not expect to do well and were surprised with their results. It was not what they were been accustomed to. True learning differences were identified and explained. It finally all seemed to all make sense for some. Almost all examinees mentioned the they felt "dumb" their whole lives, a role ingrained during developmental years. Instead, they often successfully made their mark in the school setting by taking on negative roles modeled from dysfunctional experiences. Hence, the perpetuation of negative self-concept and cycles through generations, despite adequate or better cognitive potential.

#### Shift to Hope, Goal-Orientation, Persistence, Productivity, and Connectedness/Belonging

I have seen immense progress with practical supports and a shift in self-perception. Assessments can be powerful as the process is structured, relatively "safe" (rather than focusing on emotion/behaviors), and provides objective information that may otherwise have been missed throughout earlier years, overshadowed by behavioral challenges. This new focus on one's own cognitive potential and sense of competence often leads to tremendous personal growth, as they shift from relying solely on the resolution of dysfunctional systems beyond their control (i.e. family, codependence, abuse) to planning for growth.

1. comprehensive assessment can help to identify strengths, particularly among the "vulnerable population." information can be used to collaboratively generate clear needs, goals, and strategies to become not only responsible, productive citizens, but meet their full potential as well-rounded people. I highly support this bill and have no doubt that it will benefit countless individuals and the community as a whole if executed effectively.

Sincerely,

Gina AL Samala, PsyD

Licensed Clinical Psychologist, Mililani Psychology Group

**SB-388-HD-2**

Submitted on: 3/28/2019 9:03:06 AM

Testimony for FIN on 3/29/2019 2:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ian Kitajima	Individual	Support	No

Comments:

Rep, Sylvia Luke, Finance Committee Chair  
Rep, Ty Cullen Vice-Chair Finance Committee

---

Friday, March 29, 2019, 2:30 PM,  
Conf. Room 308 Support for SB 388 SD2,

Relating to DOE Special Education Disability and Student Rights;

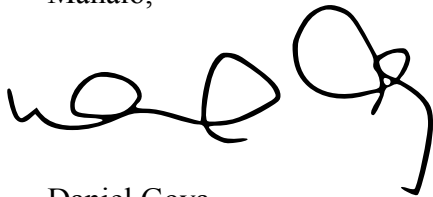
Aloha, my name is Daniel Goya. I am the Director of Project Development for the Partners in Development Foundation. I am also the founder of the Ka Pa'alana Homeless Family Education Program and the Ke Kama Pono Safe House- an adjudicated 12-bed residential facility and a Community Resilient Initiative 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-2**

Submitted on: 3/28/2019 12:14:13 PM

Testimony for FIN on 3/29/2019 2:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Omar Sultan	Individual	Support	No

Comments:

SB388 SD2 HD2

Dear Chairperson Representative Luke and members of the House Finance Committee,

I am writing in strong support of SB388. I am a psychologist and family therapist and treat many children that this bill addresses. Childhood Adverse Experiences have shown to impinge on health and shorten one's life span as well. I am in particular concerned about children with fetal alcohol spectrum disorders (FASD). Children exposed to alcohol during their mother's pregnancy these children are born brain damaged. Many of these children experience adverse events in their young lives further complicating their journey in life. FASD is a lifelong condition and is recognized as the most prevalent developmental disability. The assessment outlined in this bill is a great first step in identifying the proper help these children need.

Children are often brought to my clinical attention for behavioral problems. Yet, may have brain damage and need different treatment. They are not "behavioral problems." The behavior is a result of brain damage and hence the treatment is to modify the environment so the individual can function. Much like giving a wheelchair to one who cannot walk, we need to understand that the child may hear only every third word and is expected to respond or that what they remember one day could be easily forgotten the next. These children are often viewed as willfully disobedient or lazy; they have difficulty adjusting to a fast-paced world, one in which they have difficulty understanding.

Please help by passing this bill.

Mahalo nui loa,

Ann S. Yabusaki, Ph.D., MFT

Representative Sylvia Luke and Representative Ty Cullen  
Committee on Finances

SB388, Relating to Education

Friday, March 29, 2019

2:30pm in House Conference Room 308

My name is May Roque and I am a Bachelor's of Social Work student at the University of Hawaii at Manoa and I am here in support of the Senate Bill 388, relating to education. Though there were some reasons in the bill itself that stated benefits of the following bills, but I also want to give some comments about my own reasoning.

The reason I am in support of this bill is because I think it is important for the school authority or whoever they concern to look thoroughly and evaluate those children who are showing any behavior of any behavioral issue. Children of all ages should be looked at and be understood by others. I am in full support of assessing suspended students or any kind of students who are exhibiting any rough behavior to be assessed, so that we may also be able to provide resources and offer services for them due to their own social disorder or any learning differences.

Truthfully, I have known a lot of students that I attended school with that were suspended. There were no questions raised as to why these children are showing this kind of behavior, only that they were in the wrong and became suspended or expelled as the result. I believe that any student should receive second chances in the hand of their own education. Education is the epitome of one's future investment, and as an aspiring social worker, we need to continue to investigate the problems that commonly occur in a child's life.

I want to thank everyone for taking their time to hear my comments and concerns about this bill that I am fully engaged in. I hope this bill continues to thrive and be passed one day.

May Roque



**LATE**

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

**Date:** 03/29/2019  
**Time:** 02:30 PM  
**Location:** 308  
**Committee:** House Finance

**Department:** Education

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

**Title of Bill:** SB 0388, SD2, HD2 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. Requires DOE to establish a task force. (SB388 HD2)

**Department's Position:**

The Department of Education (Department) supports the intent of SB 388, SD2, HD2 and offers the following comments:

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 among Kamehameha Schools Strategy and Innovation Division, Kinai 'Eha, and the Department, we are jointly in favor of establishing the proposed 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, who are in need of appropriate supports, and interventions accessible within the continuum of (MTSS).

However, the Department continues to have concerns regarding the proposed language in this measure, as follows, and:

- requests the language to be stricken from SB 388, SD2, HD2: page 3, (a)(2)(3) lines

13 to 20; page 4, (a)(B)-(F) lines 1 to 15; page 5, (a), (b), lines 8 to 21; and page 6, (b), (c), (d)lines 1 to 16. 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.

- questions the proposed age change from age 16 to 14 (page 8, lines 11-12) that seeks to amend the current §302A-1132 Attendance compulsory; exceptions.  
(a)(6)(A) The child has attained the age of sixteen years.

Lastly, the Department would like to offer an equal opportunity to other interested stakeholders in the community to be part of the task force.

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](http://www.hawaiipublicschools.org).

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](http://www.hawaiipublicschools.org).

**SB-388-HD-2**

Submitted on: 3/29/2019 11:13:03 AM

Testimony for FIN on 3/29/2019 2:30:00 PM

**LATE**

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jenivy Teruo	Individual	Support	No

Comments:

Representative Sylvia Luke and Representative Ty Cullen

Committee on Finances

SB388 HD2 SD2, Relating to Education

Friday, March 29, 2019

2:30pm in House Conference Room 308

My name is Jenivy Teruo and I am a Bachelor's of Social Work student at the University of Hawaii at Manoa and I am here in support of the Senate Bill 388, relating to education. In the description of this bill it stated that this requires DOE to provide specified assessments and evaluation UPON parent or guardian request to vulnerable students.

I have many reasons why I am in support of this bill, I personally needed this bill to help my younger brother in school. First hand, my little brother have been suspended continuously because of his "behavioral issues". My little brother almost failed 8th grade because he was suspended continuously through out the semesters. When a student gets suspended for something it is more likely they will get suspended for it the next time, without actual evidence, but assumption. This bill will help my family to communicate with the school and the staff. Something that really stood out for me is one of the evaluation that allows parents to do a follow up counseling and a social works assessment based upon the child's background, developmental, academic, legal,

medical and family history. Another part of the bill that is really important is the protections for students.

This bill will not only help my family but it will also help many families that deals with this situation. It will provide for not only the parents but also the students resources that is beneficial. Social workers can play a huge role out of this bill. They will help investigate into a student's life, the problems they are facing and provide the right resources they need. These children and youths are our future, therefore we should give them the right attention they need and make sure that our future are in the right hands.

I want to thank everyone for taking their time to hear my comments and concerns about this bill that I am fully engaged in. I hope this bill continues to thrive and be passed one day.

Jenivy Teruo